

# **APPENDIX D**

*Cultural and Paleo Assessment Palm Villas  
Saratoga Project*



April 5, 2019

Nicole Johnson  
City of Saratoga, Public Works Department  
13777 Fruitvale Avenue  
Saratoga, California 95070

***Subject: Cultural and Paleontological Resources Assessment for the Palm Villas Saratoga Project,  
City of Saratoga, California – Negative Findings***

Dear Ms. Johnson:

This memorandum documents the cultural and paleontological resources assessment conducted by Dudek for the Palm Villas Saratoga Project (Project). The Project is composed of the construction and operation of a residential care facility for the elderly consisting of two buildings with 38 parking spaces, landscaping (including removal of some trees), utility connections, and an extension of Saratoga Creek Drive on a 56,114 square foot area of land.

This cultural and paleontological resources assessment included a Northwest Information Center (NWIC) Records Search of the California Historical Resources Information System (CHRIS), a Native American Heritage Commission (NAHC) Sacred Lands File search, a paleontological search at the Natural History Museum of Los Angeles County (LACM), and an intensive pedestrian survey for cultural and paleontological resources. The cultural and paleontological resources assessment was conducted by Dudek in accordance with the standards and guidelines defined by the California Office of Historic Preservation (OHP), CEQA, and the *City of Saratoga General Plan* (City of Saratoga 2007). Dudek qualified paleontologist, Michael Williams, Ph.D., supervised the paleontological research on this project. No archaeological or paleontological resources were identified.

## Project Location and Description

The project area is located in the City of Saratoga (City), in the western portion of Santa Clara County (Figure 1). It is located in Section 31 of Township 7 South, Range 1 West, of the Cupertino, California 7.5' USGS Quadrangle map. Saratoga is a primarily residential community and is bounded by the jurisdictions of Cupertino, San Jose, Campbell, Los Gatos, and Monte Sereno.

The project area is located approximately 175 feet south of the intersection of Saratoga Creek Drive and Cox Ave. The project area is northeast of California State Route 85 and west of Saratoga Avenue (Figure

2). The Santa Clara County Assessor's Office identifies the project site as two adjacent parcels with Assessor Parcel Numbers (APN) 389-06-020 (Lot 1) and 389-06-021 (Lot 2).

The project area is an undeveloped, rectangular-shaped, 56,114 square foot area of land, made up of two adjacent lots. Lot 1 is 31,757 square feet and Lot 2 is 24,357 square feet. The project site is nearly level, with a slight slope to the northwest, with elevations ranging from approximately 300 feet above mean sea level (msl) at the southeastern corner of the site to 280 feet above msl at the northwestern corner. Saratoga Creek runs along the northwestern side of Lot 1. The undeveloped project area is currently vegetated with annual grassland, ornamental landscaping (shrubs and trees), and sycamore woodland. The entire 56,114 square foot project area comprises the Area of Potential Effect (APE) for this assessment.

Lot 1 would be developed with a two-story 15,214 square foot building (Building 1) and an 8,516 square foot underground parking level. The parking level would contain -14 parking spaces, storage space, electrical rooms, pantry, break room, and a laundry area. Three additional surface parking spaces would be included (1 designated as ADA). Building 1 would include 52 patient beds in 26 rooms; each room would contain restrooms, bathing facilities, and living space. In addition to patient living facilities, Building 1 would contain central administrative offices that oversee the function of both buildings. This includes all staffing for general management and resident care operations. An Alzheimer's/Dementia Resource Center open for public use would also be included in the building. The Resource Center would provide family support, consultation services to seniors and their families, community outreach, and group meetings/seminars.

Lot 2, on the eastern side of the project site, would develop a two-story 9,318 square foot building (Building 2) and a 5,415 square foot underground parking level. The parking level would contain 6 spaces, electrical rooms, laundry area, an activities office, and a break/storage room and 15 surface parking spaces. Building 2 would include 27 patient beds in 15 patient rooms; each room would contain restrooms, bathing facilities, and living space.

## Regulatory Framework

### National Register of Historic Places

While there is no federal nexus for this project, the National Register of Historic Places (NRHP) criteria was applied to the evaluation of historical resources within the Project.

The NRHP is the United States' official list of districts, sites, buildings, structures, and objects worthy of preservation. Overseen by the National Park Service (NPS), under the U.S. Department of the Interior, the NRHP was authorized under the NHPA, as amended. Its listings encompass all National Historic Landmarks.

NRHP guidelines for the evaluation of historic significance were developed to be flexible and to recognize the accomplishments of all who have made significant contributions to the nation's history and heritage. NRHP evaluation criteria are designed to guide state and local governments, federal agencies, and others in evaluating potential entries in the NRHP. For a property to be listed in or determined eligible for listing, it must be demonstrated to possess integrity and to meet at least one of the following criteria:

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded, or may be likely to yield, information important in prehistory or history.

Integrity is defined in NRHP guidance, *How to Apply the National Register Criteria*, as “the ability of a property to convey its significance. To be listed in the NRHP, a property must not only be shown to be significant under the NRHP criteria, but it also must have integrity” (NPS 1990). NRHP guidance further asserts that properties be completed at least 50 years ago to be considered for eligibility. Properties completed fewer than 50 years before evaluation must be proven to be “exceptionally important” (criteria consideration G) to be considered for listing.

## State Regulations

The California Register of Historical Resources (Public Resources Code Section 5020 et seq.)

In California, the term "historical resource" includes but is not limited to "any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California." (PRC Section 5020.1(j)). In 1992, the California legislature established the California Register of Historical Resources (CRHR) "to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change." (PRC section 5024.1(a).) The criteria for listing resources on the CRHR were expressly developed to be in accordance with previously established criteria developed for listing in the National Register of Historic Places (NRHP), enumerated below. According to PRC Section 5024.1(c)(1–4), a resource is considered historically significant if it (i) retains “substantial integrity,” and (ii) meets at least one of the following criteria:

- (1) Is associated with events that have made a significant contribution to the broad patterns 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.
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.

In order to understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than fifty years old may be considered for listing in the CRHR if it can be demonstrated that sufficient time has passed to understand its historical importance (see Cal. Code Regs., tit. 14, Section 4852(d)(2)).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP and properties listed or formally designated as eligible for listing in the NRHP are automatically listed in the CRHR, as are the state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys.

#### California Environmental Quality Act

As described further below, the following CEQA statutes and CEQA Guidelines are of relevance to the analysis of archaeological, historic, and tribal cultural resources:

- PRC Section 21083.2(g) defines “unique archaeological resource.”
- PRC Section 21084.1 and CEQA Guidelines Section 15064.5(a) defines “historical resources.” In addition, CEQA Guidelines Section 15064.5(b) defines the phrase “substantial adverse change in the significance of an historical resource;” it also defines the circumstances when a project would materially impair the significance of an historical resource.
- PRC Section 21074(a) defines “tribal cultural resources.”
- PRC Section 5097.98 and CEQA Guidelines Section 15064.5(e): Set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.
- PRC Sections 21083.2(b)-(c) and CEQA Guidelines Section 15126.4: Provide information regarding the mitigation framework for archaeological and historic resources, including examples of preservation-in-place mitigation measures; preservation-in-place is the preferred manner of mitigating impacts to significant archaeological sites because it maintains the relationship between

artifacts and the archaeological context, and may also help avoid conflict with religious or cultural values of groups associated with the archaeological site(s).

More specifically, under CEQA, a project may have a significant effect on the environment if it may cause "a substantial adverse change in the significance of an historical resource." (PRC Section 21084.1; CEQA Guidelines Section 15064.5(b)). If a site is either listed or eligible for listing in the CRHR, or if it is included in a local register of historic resources, or identified as significant in a historical resources survey (meeting the requirements of PRC Section 5024.1(q)), it is a "historical resource" and is presumed to be historically or culturally significant for purposes of CEQA. (PRC Section 21084.1; CEQA Guidelines Section 15064.5(a)). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption. (PRC Section 21084.1; CEQA Guidelines Section 15064.5(a)).

A "substantial adverse change in the significance of an historical resource" reflecting a significant effect under CEQA means "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" (CEQA Guidelines Section 15064.5(b)(1); PRC Section 5020.1(q)). In turn, the significance of an historical resource is materially impaired when a project:

- (1) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register; or
- (2) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the PRC or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the PRC, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- (3) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a lead agency for purposes of CEQA (CEQA Guidelines Section 15064.5(b)(2)).

Pursuant to these sections, the CEQA inquiry begins with evaluating whether a project site contains any "historical resources," then evaluates whether that project will cause a substantial adverse change in the significance of a historical resource such that the resource's historical significance is materially impaired.

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in

place or left in an undisturbed state. To the extent that they cannot be left undisturbed, mitigation measures are required (PRC Section 21083.2[a], [b], and [c]).

PRC Section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
- (2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Impacts to non-unique archaeological resources are generally not considered a significant environmental impact (PRC Section 21083.2(a); CEQA Guidelines Section 15064.5(c)(4)). However, if a non-unique archaeological resource qualifies as tribal cultural resource (PRC Sections 21074(c); 21083.2(h)), further consideration of significant impacts is required.

CEQA Guidelines Section 15064.5 assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. As described below, these procedures are detailed in PRC Section 5097.98.

Native American Historic Cultural Sites (PRC Section 5097 et seq.)

State law addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the Heritage Commission to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resource Protection Act makes it a misdemeanor punishable by up to 1 year in jail to deface or destroy an Indian historic or cultural site that is listed or may be eligible for listing in the CRHR.

California Health and Safety Code Section 7050.5

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains shall occur until the County coroner has examined the remains (Section 7050.5b). PRC Section 5097.98 also outlines the process to be followed in the event that remains are

discovered. If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the California Native American Heritage Commission (NAHC) within 24 hours (Section 7050.5c). The NAHC will notify the Most Likely Descendant. With the permission of the landowner, the Most Likely Descendant may inspect the site of discovery. The inspection must be completed within 48 hours of notification of the Most Likely Descendant by the NAHC. The Most Likely Descendant may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

## Paleontological Resources

Paleontological resources are limited, nonrenewable resources of scientific, cultural, and educational value and are afforded protection under state laws and regulations (CEQA). This report satisfies Project requirements in accordance with CEQA (California Public Resources Code Section 21000 et seq.) and Public Resources Code, Section 5097.5. This analysis also complies with guidelines and significance criteria specified by the Society of Vertebrate Paleontology (2010).

Paleontological resources are explicitly afforded protection by CEQA, specifically in Section VII(f) of CEQA Guidelines Appendix G, the Environmental Checklist Form, which addresses the potential for adverse impacts to “unique paleontological resource[s] or site[s] or . . . unique geological feature[s]” (14 CCR 15000 et seq.). This provision covers fossils of signal importance—remains of species or genera new to science, for example, or fossils exhibiting features not previously recognized for a given animal group—as well as localities that yield fossils significant in their abundance, diversity, preservation, and so forth. Further, CEQA provides that, generally, a resource shall be considered “historically significant” if it has yielded or may be likely to yield information important in prehistory (14 CCR 15064.5 [a][3][D]). Paleontological resources would fall within this category. The California Public Resources Code, Chapter 1.7, Sections 5097.5 and 30244, also regulates removal of paleontological resources from state lands, defines unauthorized removal of fossil resources as a misdemeanor, and requires mitigation of disturbed sites.

## Local Regulations

The *City of Saratoga General Plan* (City of Saratoga 2007) defines goals, objectives, and policies regarding development within the City of Saratoga. The General Plan provides the following goal and policies required actions aimed at preserving and protecting cultural resources (City of Saratoga 2007):

**GOAL LU 12:** Recognize the heritage of the City by seeking to protect historic and cultural resources, where feasible.

- **Policy LU 12.1:** Enhance the visual character of the City by encouraging compatibility of architectural styles that reflect established architectural traditions.

- **Policy LU 12.2:** Develop zoning and other incentives for property owners to preserve historic resources and seek out historic designations for their respective properties.
- **Policy LU 12.3:** In order to create an incentive for the protection of historic structures, modify the Zoning Ordinance to allow the Planning Commission to have the authority to modify any of the development regulations in the Ordinance, if the subject of the application is a structure which has been designated as an historic landmark.
- **Policy LU 12.4:** The City shall continue to participate in the Mills Act program which allows property owners of historic residences a reduction of their property tax.
- **Policy LU 12.5:** Encourage public knowledge, understanding and appreciation of the City’s past and foster civic and neighborhood pride and sense of identity based upon the recognition and use of the City’s heritage resources.
- **Policy LU 12.6:** The Heritage Preservation Commission shall regularly update the City’s Historic Resource Inventory.
- **Policy LU 12.7:** Development proposals impacting any of the City’s heritage land and/or any historic resources listed on any local or state inventory shall be reviewed by Heritage Preservation Commission and Planning Commission, as required.
- **Policy LU 12.8:** For any project development affecting structures that are 50 years of age or older, conduct a historic review.
- **Policy LU 12.9:** Conduct reconnaissance level analyses of new development projects to ensure that no significant archaeological, prehistoric, paleontological, Native American resources would be disturbed. If such resources are found, appropriate steps shall be taken consistent with CEQA requirements to protect these resources.

Execution of these policies is outlined in the following Implementations:

- **Implementation LU 12.a:** Continue to utilize the design review process and Historic Preservation Ordinance to ensure preservation of significant cultural resources.
- **Implementation LU 12.b:** Continue to allow owners of designated historic landmarks to participate in the Mills Act.
- **Implementation LU 12.c:** Update Historic Resources Inventory and Landmark List, and publish on the City Website information regarding incentives for preservation of heritage properties.

## Cultural Setting

The Project Area lies within the territory prehistorically occupied by a group of people the early explorers called “Costaños,” or “Coastanoan,” meaning “coastal people.” Many modern-day descendants prefer the

term “Ohlone.” Prehistoric Ohlone were speakers of eight separate Penutian-stock language tribelets situated roughly from modern-day Richmond in the north to Big Sur in the south. The Tamyen tribelet occupied the Saratoga area (Levy 1978).

Glimpses into the ways of life for prehistoric Californians continue to be pieced together through studies of ethnography and archaeology. Early European explorers from the 16th and 18th centuries provided the first written descriptions about the native Californians they encountered, although details are sparse. One common observation from these early explorers were the mobility of the native people in relation to the resources (Fages 1937). Attempts at systematic ethnographies did not occur until the early 20th century, generations after the effects of missionization and integration had altered Ohlone lifestyles drastically. Much of these studies focused on recording Native languages before they fell into disuse (Levy 1978).

Information from the archaeological record continues to fill in the gaps of what life was like in prehistoric California. Archaeologists not only locate and describe archaeological sites by way of site records, but also extrapolate trends in tool use, trade, diet and migration from data acquired from excavations. The cultural chronology outlined below follows the framework outlined in Byrd et al. (2017).

#### Terminal Pleistocene (13,500 – 11,700 cal BP)

The terminal Pleistocene is the time when humans initially began to migrate into the Americas. This likely occurred over multiple migrations both terrestrially and by sea (Erlandson et al. 2007, Goebel et al. 2008). The traditional interpretation of the terrestrial migration is that people of this time were highly mobile hunters who focused subsistence efforts on large mammals, as evidenced through isolated fluted points and sparse lithic scatters. To date, no such artifacts or sites representing terrestrial migrations within the Terminal Pleistocene have been located in the San Francisco Bay Area. Fluted points have been found north in Lake County (CA-LAK-36), to the east in the Sacramento Delta and to the south along the San Joaquin River and in the San Luis Obispo area, near the towns of Nipomo and Santa Margarita (Byrd et al. 2017, Gibson 1996, Mills et al. 2005).

Proponents of the “kelp highway” model argue that some of the earliest inhabitants of the region migrated by sea and focused on maritime and coastal resources (Erlandson et al. 2007). Archaeological sites in the Santa Barbara Channel Islands of Southern California support this hypothesis, but so far, there is no evidence of maritime migrations dating to the Terminal Pleistocene within the San Francisco Bay Area. Some scholars hypothesize that sites dating to the Terminal Pleistocene may exist on the central coast of California, but are inundated due to rising ocean levels experienced throughout the Holocene (Jones and Jones 1992).

#### Early Holocene (11,700-8200 cal BP)

Early Holocene sites, characterized by highly mobile hunter-gatherers subsisting on a wide variety of plant, meat and seafood resources, have sparse representation in the San Francisco Bay Area. Sites of this age have found in buried terrestrial contexts and share characteristics similar to material found in the Great Basin and North Coast Ranges (crescents, stemmed points, etc.) indicating they were likely a result of an inland terrestrial migration rather than a maritime migration. The high level of milling tools, however, distinguish the Californian assemblages from those of the Great Basin (Byrd et al. 2017). Early Holocene sites representing maritime migrations have not been identified, but the quick rate of sea-level rise due to the rapidly melting glaciers would have likely inundated coastal sites of this time period if they existed (Jones and Jones 1992). Sites that date to the Early Holocene have been identified in the East Bay at the Los Vaqueros Reservoir (CA-CCO-696 and CA-CCO-637), on the western edge of the Northern Sacramento Delta (P-48-000897), to the south in Santa Clara Valley (CA-SCL-178) and in Scott's Valley (CA-SCR-177) (Cartier 1993).

#### Middle Holocene (8200-4200 cal BP)

The Middle Holocene sees a growth in prehistoric occupation of the Bay Area; more than 60 archaeological sites within the Bay and Delta Area have produced radiocarbon dates within this time period. The sites are found in both buried and surface contexts and include both temporary and residential settlements (Byrd et al. 2017). The artifact assemblage of Middle Holocene sites is more diverse than previously and includes various types of groundstone (both handstone/millingslab types and mortar/pestle types), side-notched projectile points, cobble tools and Type N (grooved rectangular) *Olivella* beads. The Type N *Olivella* beads are found from the Great Basin to the Channel Islands, indicating an extensive trade network by ~5200 cal BP (Byrd and Raab 2007). Obsidian exchange networks are also indicated by material sourced from Napa Valley to the Eastern Sierra (Byrd et al. 2017). Mortar and pestle technology was in use by 6000 cal BP in the East Bay, and became the preferred milling tools in both the East Bay and South Bay from that point forward (Byrd et al. 2017). The growth of the bay's mud flats and tidal marshes during this era gave way to extensive oyster and mussel resources, which were widely collected by prehistoric inhabitants. Waterfowl and fish resources were also used as food sources, as well as plant resources such as acorn, and other seeds and nuts (Byrd et al. 2017).

#### Late Holocene (4200-180 cal BP)

The Late Holocene exhibits an extensive growth in both population and complexity within the Bay Area. This period is well documented, with over 240 sites represented by radiocarbon dates (Byrd et al. 2017). The most up to date cultural sequence comes from a recalibrated bead sequencing called Scheme D (Groza et al. 2011). Five distinct time periods have been identified, with additional subcategories in the Middle and Late Periods based on shell bead seriation within the region (Table 1).

**Table 1**  
**Late Holocene Chronological Framework Scheme D**

Period	Cal BP
Early	4200-2550
Early/Middle Transition	2550-2150
Middle 1-4	2150-930
Middle/Late Transition	930-685
Late 1-2	685-180
Historic/Mission	180-115

During the Early Period of the Late Holocene (~4200 to 2550 cal BP), many of the large shell mounds start to appear along the bay, consisting of predominantly oyster, mussel and horn snail (Nelson 1909). These mounds represent an intensification of marine resources and a trend toward more sedentary lifestyles, and contain artifact assemblages of leaf-shaped projectile points, square lithic blades, crescents, mortars and pestles, perforated charmstones, bone artifacts such as awls, net sinkers, rectangular and spire-lopped *Olivella* beads and rectangular *Haliotis* pendants (Byrd et al. 2017). Inland sites show a different subsistence pattern with more emphasis on freshwater fish and shellfish, terrestrial animals, and plant resources such as nuts, berries and seeds (Byrd et al. 2017). Large cemeteries appear during this time period, with the majority of burials interred in a tightly flexed position, although many burials in the watersheds connecting to the San Joaquin Valley exhibit an extended burial mortuary practice, which may indicate multiple cultural groups co-existing in the area at the same time (Byrd et al. 2017). Extensive trade networks show the exchange of obsidian from both Napa County to the north and the Sierra Nevada to the east as well as *Olivella* and *Haliotis* beads and pendants from the south (Byrd et al. 2017).

The Middle Period of the Late Holocene (2150-930 cal BP) shows a stronger trend toward sedentism and a greater representation of shell mound sites (Nelson 1909). Changes in artifact assemblage include the emergence of barbed and barbless fishing spears, large mortars and pestles, ear spools, and a greater variety of bead types (Byrd et al. 2017). Wealth or status is exhibited within mortuary practices as some individuals from this period are buried with thousands of shell beads (Byrd et al. 2017). A change in greater exploitation of terrestrial resources such as deer and acorn appears, with less emphasis on shellfish.

The Late Period (685-180 cal BP) shows a growth in population with even more sedentary villages. Artifact assemblages that represent this time period include clamshell disk beads, flanged steatite pipes, bone whistles with chevron shaped etchings, sharp awls, and bow and arrow technology with distinctive

square serrations called the Stockton Serrate type (Byrd et al. 2017). Subsistence trends continue to rely on small seeds as well as acorns and meat from sea otter, deer and rabbit, as well as clams and horn snails. A decrease of obsidian trade from the Sierra Nevada and an increase of trade from the north is evident (Byrd et al. 2017). The early Spanish explorers noted large population densities within the Bay Area, rivaled only by the Chumash in Southern California in number (Byrd et al. 2017).

## Historic Context

### Spanish Period (1542–1822)

The earliest known European visitor to the central Californian coast was Juan Rodríguez Cabrillo, a Portuguese explorer who was sent by the Viceroy of New Spain in 1542 to explore the Pacific coast north of Mexico, although he did not land specifically in San Francisco Bay (Kelsey 1998). In 1602, Sebastián Vizcaino did land in Drake's Bay, just north of San Francisco, as he led a Spanish envoy mission to survey the California coastline to locate feasible ports for shipping. (Chapman 1920). In 1769, in an effort to prevent the establishment of English and Russian colonies in northern Alta California, Don Gaspar de Portolá, the Governor of Baja, reached the San Francisco Bay when he mistakenly passed his desired destination of Monterey Bay (Priestly 1920). The following year and in 1772, Pedro Fagés, the successor to Portolá, explored the San Francisco Bay more extensively, and in 1775, the area was surveyed for Spanish colonization under Juan Manuel de Ayala (Scott 1985). In 1776, an overland party of settlers leaving from present day Tucson arrived under the guidance of Juan Bautista de Anza. At that time, Anza established the locations of the both the Presidio and the Mission Dolores in San Francisco (Scott 1985). The Spanish missions drastically altered the lifeways of the Native Americans. Spanish missionaries conscripted members of local Native American communities to move to the Mission, where they were indoctrinated as Catholic neophytes. Shortly after the Presidio and Mission Dolores were established, San Jose was founded as the first civic settlement in Alta California in 1777 by José Joaquin Moraga (Gilbert and Johnson 2004).

### Mexican Period (1822–1848)

After more than a decade of intermittent rebellion and warfare, New Spain (Mexico and the California territory) won independence from Spain in 1821. In 1822, the Mexican legislative body in California ended isolationist policies designed to protect the Spanish monopoly on trade, and decreed California ports open to foreign merchants. In 1834, the Mexican government secularized the mission lands releasing the Native Americans from control of the mission-system, but the massive decline in the original Native American population as a result of disease and abandonment meant that by the time of this decree, few eligible recipients remained alive and in the area. (Cleland 2005; Dallas 1955). Extensive land grants were established in the interior during the Mexican Period, in part to increase the population inland from the more settled coastal areas where the Spanish had first concentrated its colonization efforts.

#### American Period (1848–Present)

The Mexican–American War ended with the Treaty of Guadalupe Hidalgo in 1848. San Jose became the first chartered city California in 1850. The new state of California recognized the ownership of lands in the state distributed under the Mexican Land Grants of the previous several decades (Waugh 2003; Koch 1973). The Gold Rush saw a massive influx of people steadily flooding into California starting in 1849. With the creation of a railroad to San Francisco and the goldfields east, San Jose quickly became a hub of commerce and shipping. Facilitating shipping from the orchards in Santa Clara to San Francisco, San Jose became a center for food processing before, during, and after World War II (Gilbert and Johnson 2004). The city experienced a second massive boom in the 1990s as the anchor to Internet-related industries in Silicon Valley and remains a center to the technology industry (Gilbert and Johnson 2004).

## Background Research

### Cultural Records Search Results

In order to identify cultural resources potentially affected by the proposed undertaking, Dudek defined a Study Area, which includes the location of the Project APE and a ½-mile buffer. Dudek conducted a records search from to the NWIC of the California Historical Resources Information System (CHRIS) at Sonoma State University on March 26, 2019. The records search reviewed:

- Archaeological and non-archaeological resource records and reports on file at NWIC
- OHP Historic Properties Directory
- OHP Archaeological Determinations of Eligibility
- California Inventory of Historical Resources (1976)
- Historical Maps
- Local Inventories
- GLO and/or rancho Plat Maps

Results of this records search are discussed below and included in Appendix A.

### Previously Conducted Studies

NWIC records indicate that twenty-five (25) previous cultural resources technical investigations have been conducted within a ½ mile of the proposed project area (Table 2). Of these studies, none intersect the project area.

**Table 2**  
**Previous Technical Studies**

<b>Report Number</b>	<b>Date</b>	<b>Title</b>	<b>Author</b>
<i>Reports within the Project Area</i>			
No previously recorded reports			
<i>Reports within the ½ Mile Search Area</i>			
S-004719	1976	Historic investigations concerning the Sorosis Ranch building located at 12760 Saratoga Avenue in Saratoga, California (letter report)	Stephen A. Dietz
S-004719a	1976	1903 Structure - Saratoga Road, Santa Clara, California (letter report)	Dan L. Peterson
S-005991	1981	Archaeological Survey Report for Orchard Removal at Selected Locations on 04-SCL-85 Post Miles 12.9, 13.2, 13.5/13.7; 04-SCL-87 Post Mile 3.7, 04402-911036, Cities of Saratoga and San Jose, Santa Clara County	Mara Melandry
S-008506	1979	Archaeological reconnaissance of proposed Park and Ride site, Saratoga Avenue at Southern Pacific Right-of-Way (letter report)	William Roop
S-016730	1994	Cultural Resources Evaluation for the Summer Dams Project	Robert Cartier, Elena Reese, and Julie C. Wizorek
S-016730a	1994	Cultural Resource Evaluation Addendum for the Summer Dams Project	Robert Cartier, Elena Reese, and Julie C. Wizorek
S-023630	1998	Cultural Resources Assessment, Pacific Bell Mobile Services Facility SF-541-02, Saratoga, Santa Clara County, California (letter report)	Barry A. Price
S-023630	1984	Historic Properties Survey Report, 04-SCL-85, P.M. 0.0/17.9, Construction of West Valley Transportation Corridor from Cupertino to San Jose, Santa Clara County, EA 04142-485000	Mara Melandry, David B. Gardner, John W. Snyder, Gregory P. King, Robert L. Gross, and Margaret L. Buss
S-023630a	1984	Archaeological Survey Report for the Proposed Construction of Route 85/87 in Santa Clara County, 04-SCL-85, 0.0/17.9, 04142-485000	Lawrence E. Weigel
S-023630b	1984	Historic Architectural Survey Report for Proposed SCL-85, Post Miles 0.0/17.9, 04134-485000	
S-023630c	1984	Archaeological Survey Report for the Proposed Construction of Route 85/87 in Santa Clara County, 04-SCL-85, 0.0/17.9, 04142-485000	Lawrence E. Weigel
S-030868	2004	Cultural and Paleontological Resources Study for the De Anza/PG&E Trail Project, Saratoga, Santa Clara County, California (LSA #DSW430) (letter report)	Andrew Pulcheon

**Table 2**  
**Previous Technical Studies**

<b>Report Number</b>	<b>Date</b>	<b>Title</b>	<b>Author</b>
S-032616	2006	Collocation ("CO") Submission Packet, FCC Form 621, T-Mobile Prince of Peace Lutheran Church, SF-19200A	Lorna Billat
S-033056	2007	Historic Property and Archaeological Survey Report for the Saratoga De Anza Trail Project, Saratoga, Santa Clara County, California	Kate Shantry
S-033056a	2007	Archaeological Survey Report for the Saratoga de Anza Trail Project	Kate Shantry
S-043191	2013	Historic Property Survey Report, State Route 85 Express Lanes Project, Santa Clara County, California, EA 4A7900, EFIS 0400001163, US 101 PM 23.1-28.6, SR 85 PM 0.0-24.1, US 101 PM 47.9-52.0	Kathleen Kubal and Jay Rehor
S-043191a	2013	Archaeological Survey Report, State Route 85 Express Lanes Project, Santa Clara County, California: EA 4A7900; EFIS 0400001163, US 101 PM 23.1-28.6, SR 85 PM 0.0-24.1, US 101 PM 47.9-52.0	Kathleen Kubal
S-043191b	2013	Extended Phase I Study, State Route 85 Express Lanes Project, Santa Clara County, California: Project No. 0400001163; EA 4A7900, US 101 PM 23.1-28.6, SR 85 PM 0.0-24.1, US 101 PM 47.9-52.0	Jay Rehor and Kathleen Kubal
S-043191c	2013	Environmentally Sensitive Area Action Plan, State Route 85 Express Lanes Project, Santa Clara County, California: EA 4A7900; EFIS 0400001163, US 101 PM 23.1-28.6, SR 85 PM 0.0-24.1, US 101 PM 47.9-52.0	Kathleen Kubal
S-049311	1976	Draft Environmental Impact Report - Sorosis Ranch	Charles Bennett and Thomas Lindenmeyer
S-049311a	1976	1930 Structure-Saratoga Road, Santa Clara, California (letter report)	Dan L. Peterson
S-049311b	1976	Historic Investigations Concerning the Sorosis Ranch Building located at 12760 Saratoga Avenue in Saratoga, California (letter report)	Stephen A. Dietz
S-050638	2018	Cultural Resources Investigation for AT&T CCL0585 "Hwy 85 – Saratoga" 13000 Glen Brae Drive, Saratoga, Santa Clara County, California 95070 (Letter Report)	Carolyn Losee
S-050638a	2018	Collocation ("CO") Submission Packet, FCC Form 621, AT&T CCL00585, 13000 Glen Brae Drive, Saratoga, California	Carolyn Losee and Holly D. Moore
S-050638b	2018	FCC_2018_0507_011, AT&T CCL00585, 13000 Glen Brae Drive, Saratoga, Collocation	Julianne Polanco

## Previously Identified Cultural Resources

NWIC records indicate that no archaeological or built environment resources are within the APE or within the ½ mile Study Area.

## Archival and Building Development Research

Dudek consulted historic maps and aerial photographs to understand development of the project area and surrounding properties. Historic aerial photographs were available for 1948, 1956, 1960, 1968, 1980 1987, 1991, 1993, 1998, 1999, 2002, 2005, 2009, 2010, 2012, and 2014 (NETR 2019). All aerial images display only agricultural use of the project. Historic maps from 1897, 1899, 1901, 1906, 1909, 1911, 1920, 1923, 1930, 1937, 1943, 1944, 1955, 1956, 1962, 1963, 1965, 1966, 1969, 1975, 1980, 1995, 2012, and 2015 were inspected to observe previous development in the project area. These maps indicate the project area has only been previously used for agriculture; no structures are displayed on the maps. Aerial images indicate the two adjacent structures to the north of the project area were constructed after 1980. The building directly east of the project area was constructed between 1960 and 1968.

## Paleontological Records Search and Sensitivity Assessment (with Michael Williams)

The project is located within the central Coastal Ranges Geomorphic Province, which lies between the Pacific Ocean to the west and the Great Valley Geomorphic Province to the east (Norris and Webb 1990; California Geological Survey 2002). This province extends from just north of Point Conception to the California-Oregon border, and consists of relatively low-lying (~ 2,000 – 6,000 feet above sea level) mountains and intervening valleys that trend to the northwest, almost parallel to the San Andreas Fault System (Norris and Webb 1990; California Geological Survey 2002).

According to surficial geological mapping by Dibblee and Minch (2007) at a scale of 1:24,000 and the paleontological records search through the Natural History Museum of Los Angeles County (LACM) (McLeod 2019 – Appendix C), the project site is underlain by the Holocene (< 11,700 years ago) alluvium (map unit Qa.2). This geological unit is described as gravel, sand, silt, and clay derived from younger stream alluvium (along the Saratoga Creek) within fan deposits (Dibblee and Minch 2007; McLeod 2019 – Appendix C). The Pleistocene (~ 2.6 million years ago [mya] – 11,700 years ago) to late Pliocene (~ 3.6 mya – 2.6 mya) Santa Clara Formation (map unit Qts) is mapped on the surface less than a quarter-mile to the southwest of the project site (Dibblee and Minch 2007). As a result, the Santa Clara Formation or Pleistocene-age alluvium likely underlies the project site at a relatively shallow depth. The LACM recommended paleontological monitoring of substantial excavations within the project site.

The LACM records search request, including the project site and a one-half mile radius buffer, was submitted on March 18, 2019 and the results were received on April 01, 2019. The LACM reported no localities within the project site or the one-half mile radius buffer; however, they do have vertebrate fossil

localities from similar deposits that underlie the project at depth (McLeod 2019 – Appendix C). The nearest LACM locality, LACM 4626, approximately 50 miles north-northeast of the project produced a new species of horse (*Equus pacificus*) from an unspecified depth below the ground surface (bgs) (McLeod 2019 – Appendix C). In addition to this locality, the LACM reported a closer vertebrate fossil locality from the University of California at Berkeley Museum of Paleontology (UCMP 1107) that yielded fossil specimens of horse (*Equus*) and bison (*Bison antiquus*) from an unspecified depth west of Livermore.

In addition to the LACM paleontological records search, the UCMP online locality database was searched for vertebrate fossil localities within Santa Clara County. The online database listed the following Pleistocene mammalian taxa from the county: peccary (*Platygonus*), bison (*Bison latifrons*), horse (*Equus*), mammoth (*Mammuthus columbi*), ground sloth (*Paramylodon harlani*), dwarf pronghorn (*Capromeryx*), and camel (*Camelops*) (UCMP 2019).

## NAHC and Tribal Correspondence

Dudek requested a NAHC search of their Sacred Lands File (SLF) on March 18, 2019 for the project area and ½ mile buffer. The NAHC results (Appendix B), received March 20, 2019, indicated the Sacred Lands File search did not identify any cultural resources within the records search area and provided a list of Native American tribes culturally affiliated with the location of the project area. The City sent letters to each of the contacts to request information on resources in the area on March 29, 2019.

The Project is subject to compliance with AB 52 (California Public Resources Code, Section 21074), which requires consideration of impacts to “tribal cultural resources” as part of the CEQA process and requires the CEQA lead agency to notify any groups (who have requested notification) of the Project who are traditionally or culturally affiliated with the geographic area of the Project. Because AB 52 is a government-to-government process, all records of correspondence related to AB 52 notification and any subsequent consultation are on file with the City.

## Intensive Pedestrian Survey

Dudek archaeologist/paleontologist William Burns, MS, RPA, inspected all portions of the APE on March 29, 2019, using standard archaeological and paleontological procedures and techniques that meet the Secretary of Interior’s Standards and Guidelines for cultural and paleontological resources inventory. The entire APE appears to have been graded or levelled from years of agricultural use. All areas of the APE were inspected for surface artifacts, undisturbed areas, archaeological deposits or geological exposures. Subsurface exposures and rodent burrows were opportunistically inspected for indications of soils with the potential to contain deposits. Ground visibility was poor (0% - 20%) throughout the entire APE due to thick grass and asphalted surfaces. The entirety of the APE has been subject to substantial disturbances related to agricultural use. Exposed soil appeared to be a dark yellow brown sandy

loam and gravel. No archaeological or paleontological resources were identified within the APE during the field survey.

## Summary and Management Recommendations

### Paleontological Resources

No paleontological resources were identified within the project area as a result of the institutional records search or desktop geological review and is not anticipated to be underlain by unique geologic features. While this area is underlain by Holocene sediments that are generally too young to contain significant paleontological resources, intact paleontological resources may be present below the Holocene alluvial sediments where older, Pliocene and Pleistocene, sediments are anticipated. If intact paleontological resources are located onsite, ground-disturbing activities associated with construction of the project, such as grading during site preparation, have the potential to destroy a unique paleontological resource or site. As such, the project area is considered to be potentially sensitive for paleontological resources and without mitigation, the potential damage to paleontological resources during construction associated with the project is considered a potentially significant impact. Given the proximity of past fossil discoveries in Pliocene and Pleistocene sediments within Santa Clara County and the potential for underlying, Pliocene- and Pleistocene-age older alluvial deposits, the project area is highly sensitive for supporting paleontological resources below the depth of fill and recent Quaternary alluvium. However, upon implementation of **MM-GEO-1**, impacts would be reduced to below a level of significance. Impacts of the project are considered **less than significant with mitigation incorporated** during construction.

**MM-GEO-1** Prior to commencement of any grading activity on-site, the applicant shall retain a qualified paleontologist per the Society of Vertebrate Paleontology (SVP) (2010) guidelines. The paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the project. The PRIMP shall be consistent with the SVP (2010) guidelines and should outline requirements for preconstruction meeting attendance and worker environmental awareness training, where monitoring is required within the project area based on construction plans and/or geotechnical reports, procedures for adequate paleontological monitoring and discoveries treatment, and paleontological methods (including sediment sampling for microvertebrate fossils), reporting, and collections management. The qualified paleontologist shall attend the preconstruction meeting and a paleontological monitor shall be on-site during all rough grading and other significant ground-disturbing activities in previously undisturbed, fine-grained Pliocene and Pleistocene alluvial deposits. These deposits may be encountered at depths as shallow as 5-10 feet below ground surface. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot radius buffer. Once documentation and

collection of the find is completed, the monitor will remove the rope and allow grading to recommence in the area of the find.

## Archaeological Resources

Observation of the present conditions within the proposed project indicates that all areas have been subject to a substantial degree of past disturbances related to agricultural and development activities. No newly identified archaeological resources were recorded during the pedestrian survey of the project area. Further, a NWIC records search did not identify the presence of cultural resources within the proposed project area. An NAHC Sacred Lands File search and subsequent tribal outreach also failed to indicate the presence cultural resources. The project, as currently designed, appears to have a low potential for encountering intact cultural deposits during ground disturbing activities, and would have no impact to known cultural resources. Based on these negative findings and the observed conditions of the present project area, no additional cultural resources efforts, including archaeological monitoring, are recommended to be necessary beyond standard protection measures for unanticipated discoveries of cultural resources and human remains, outlined below.

### Unanticipated Discovery of Archaeological Resources

The project site is currently undeveloped and has historically been used for agricultural purposes. Observation of the present conditions within the proposed project indicates that all areas have been subject to a substantial degree of past disturbances related to agricultural activities. No newly identified archaeological resources were recorded during the pedestrian survey of the project site. Further, a NWIC records search did not identify the presence of cultural resources within the proposed project area. An NAHC SLF search and subsequent information outreach with NAHC-listed tribal representatives also failed to indicate the presence cultural resources. The project, as currently designed, appears to have a low potential for encountering intact cultural deposits during ground disturbing activities, and would have no impact to known cultural resources. However, the potential still exists to encounter previously undiscovered significant archaeological resources during project construction activities. To ensure that impacts to cultural resources remain less than significant, should any such resources be encountered during project grading and construction, the project would be required to implement Mitigation Measure (MM-) CUL-1. With implementation of MM-CUL-1, impacts to archaeological resources would be **less than significant with mitigation**.

**MM-CUL-1** In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the proposed project, all earth-disturbing work occurring in the vicinity (generally within 100 feet of the find) shall immediately stop, and a qualified professional archaeologist, meeting the Secretary of Interior's Professional Qualification Standards, shall be notified regarding the discovery. The archaeologist shall evaluate the significance of the find and determine whether or

not additional study is warranted. If the discovery proves significant under California Environmental Quality Act (14 CCR 15064.5(f); PRC Section 21082) or Section 106 of the National Historic Preservation Act (36 CFR 60.4), additional work such as preparation of an archaeological treatment plan, testing, or data recovery may be warranted.

### Unanticipated Discovery of Human Remains

No known human remains or burial sites were discovered through the NWIC records search, pedestrian survey of the project site, or NAHC SLF search and subsequent tribal outreach. However, the potential to encounter human remains during project construction still exists. Per Section 7050.5 of the California Health and Safety Code, if human remains are discovered during project construction, no further work shall occur in the immediate vicinity of the discovered remains until the County Coroner has made the necessary findings as to the origin of the remains. Furthermore, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until recommendations for treatment have been made. As such, Mitigation Measure MM-CUL-2 has been incorporated into the project to ensure that potential impacts are **less than significant with mitigation** by providing standard procedures in the event that human remains are encountered during project construction.

**MM-CUL-2** In accordance with Section 7050.5 of the California Health and Safety Code, if potential human remains are found, earth-disturbing work in the vicinity of the find (generally 100 feet is sufficient) should immediately halt, and the county coroner shall be notified of the discovery. The coroner will provide a determination within 48 hours of notification. No further excavation or disturbance of the identified material, or any area reasonably suspected to overlie additional remains, shall occur until a determination has been made. If the county coroner determines that the remains are, or are believed to be, Native American, they shall notify the Native American Heritage Commission (NAHC) within 24 hours. In accordance with California Public Resources Code Section 5097.98, the NAHC must immediately notify those persons believed to be the most likely descendant (MLD) from the deceased Native American. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work, the means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The MLDs shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

If you have any questions about this report, please contact me at [wburns@dudek.com](mailto:wburns@dudek.com).

Respectfully Submitted,



William Burns, MSc, RPA  
Archaeologist

cc: *Ryan Brady, Dudek*  
*Michael Williams, Ph.D, Dudek*  
*Kara Laurenson-Wright, Dudek*

Att: *NADB Information*  
*Figure 1. Project Location*  
*Figure 2. Project Site*  
*Appendix A: Confidential NWIC Records Search Results*  
*Appendix B: NAHC and Tribal Correspondence*  
*Appendix C: Museum Records Search Results*

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## National Archaeological Database (NADB) Information

**Authors:** William Burns, MS, RPA

**Firm:** Dudek

**Project Proponent:** City of Saratoga

**Report Date:** April 2019

**Report Title:** Cultural and Paleontological Resources Assessment for the Palm Villas Saratoga Project, City of Saratoga, California – Negative Findings

**Type of Study:** Archaeological Inventory, Paleontological Inventory, Intensive Pedestrian Survey

**Acreage:** 1.2 acres

**Resources:** None

**USGS Quads:** Section 31, Township 7 South, Range 1 West, Cupertino Quadrangle USGS map

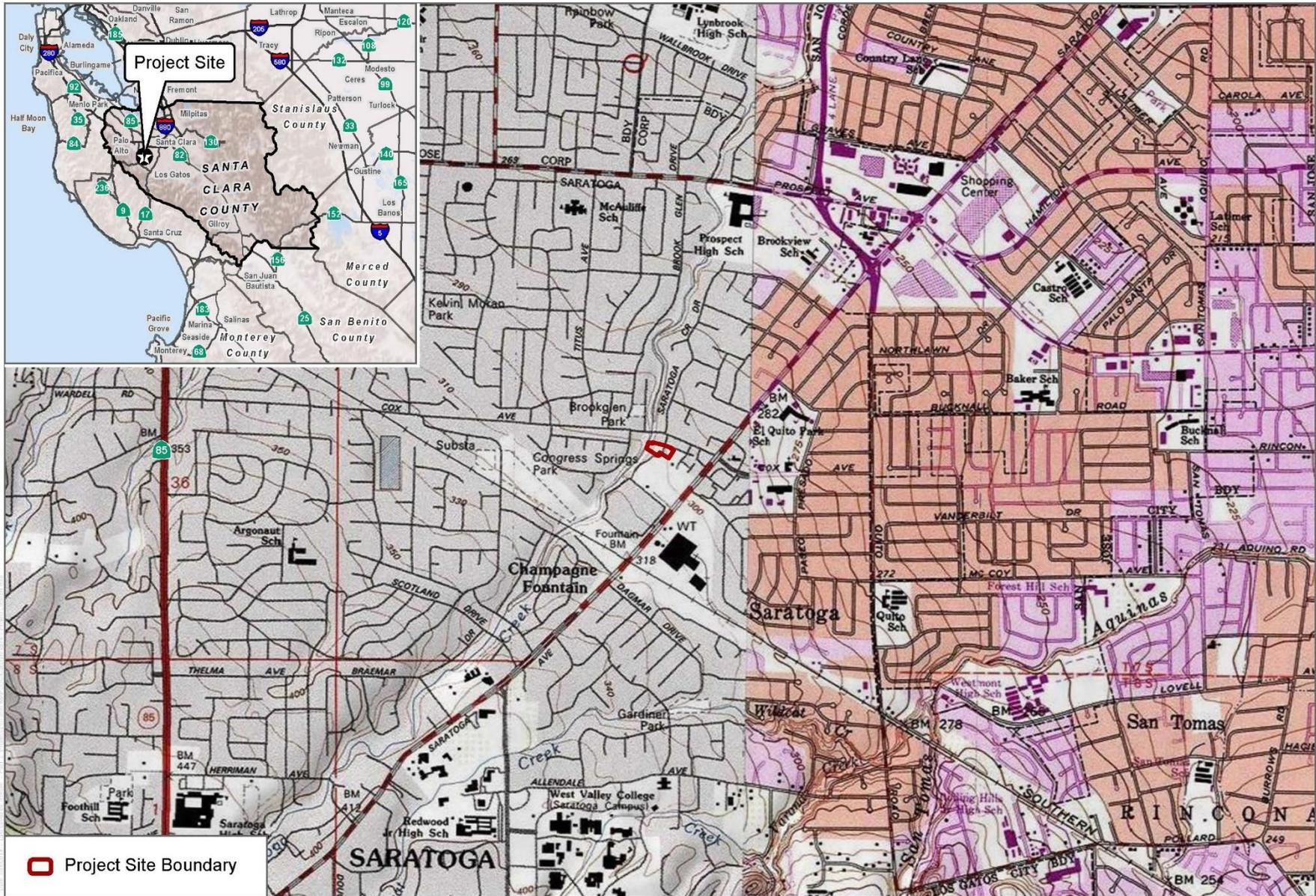
**Keywords:** Saratoga, Archaeological Inventory, Paleontological Inventory, Intensive Pedestrian Survey

*Subject: Cultural and Paleontological Resources Assessment for the Palm Villas Saratoga Project, City of Saratoga, California – Negative Findings*

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*Subject: Cultural and Paleontological Resources Assessment for the Palm Villas Saratoga Project, City of Saratoga, California – Negative Findings*



SOURCE: USGS Topo 7.5 Minute Series Cupertino/Quadrangle  
Township 7S / Range 1W / Sections 31



**FIGURE 1**  
Project Location  
Palm Villas Project

*Subject: Cultural and Paleontological Resources Assessment for the Palm Villas Saratoga Project, City of Saratoga, California – Negative Findings*

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SOURCE: NAIP 2019

**DUDEK**

0 100 200  
Feet

**FIGURE 2**  
Project Site  
Palm Villas Project

*Subject: Cultural and Paleontological Resources Assessment for the Palm Villas Saratoga Project, City of Saratoga, California – Negative Findings*

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# Appendix A

CONFIDENTIAL

## NWIC Records Search Results

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# Appendix A

CONFIDENTIAL

## NWIC Records Search Results

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# Appendix B

## NAHC and Tribal Correspondence

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# **Sacred Lands File & Native American Contacts List Request**

## **Native American Heritage Commission**

1550 Harbor Blvd, Suite 100

West Sacramento, CA 95691

916-373-3710

916-373-5471 – Fax

[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)

*Information Below is Required for a Sacred Lands File Search*

**Project: Palm Villas EIR (Dudek #10738)**

**County: Santa Clara**

**USGS Quadrangle Name: Cupertino, CA**

**Township: 7 South; Range: 1 West; Section(s): 31**

**Company/Firm/Agency: Dudek**

**Street Address: 1630 San Pablo Avenue**

**City:Oakland Zip: 94612**

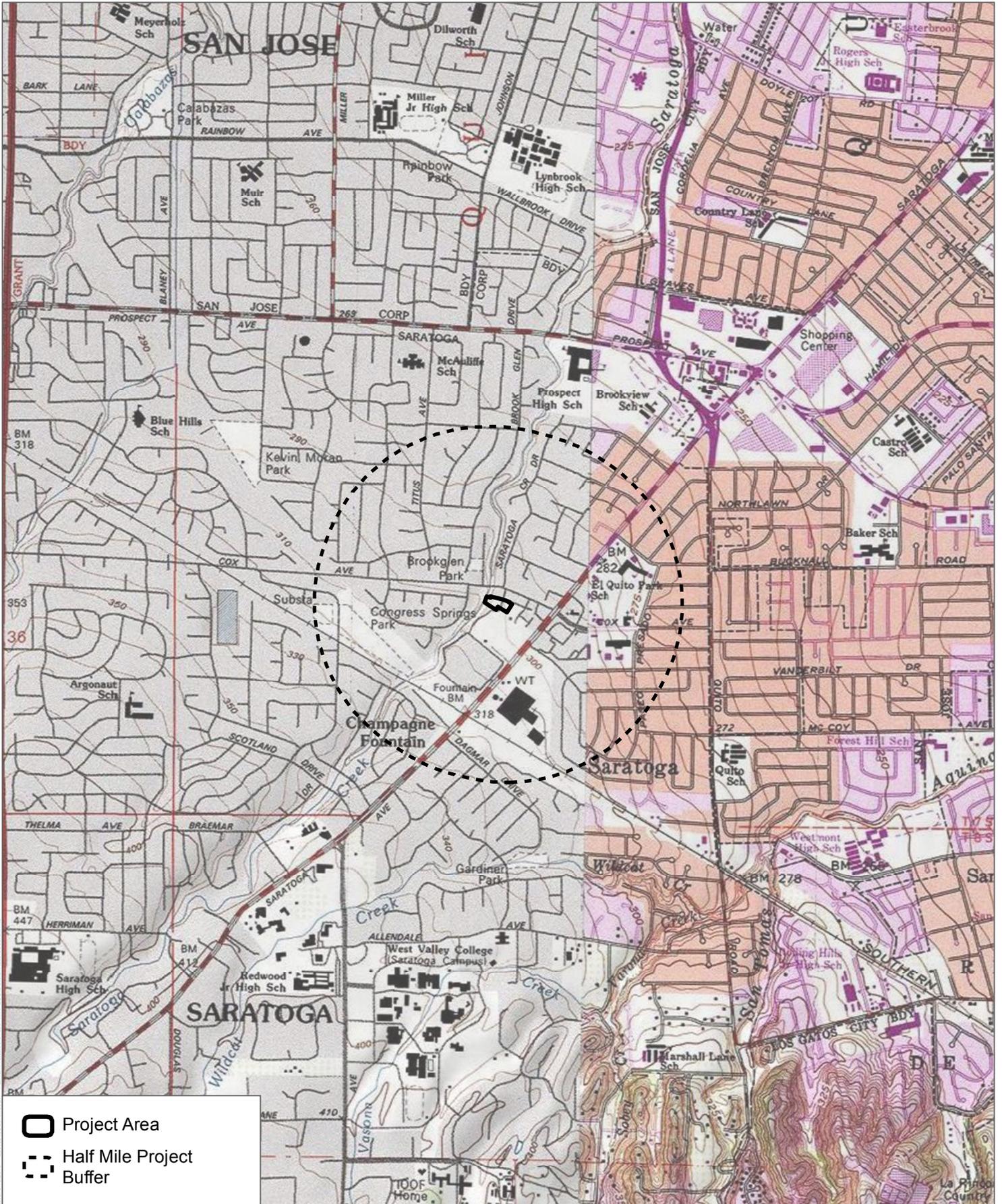
**Phone: 760-334-1156**

**Fax: N/A**

**Email: [wburns@dudek.com](mailto:wburns@dudek.com)**

### **Project Description:**

Two senior living facility buildings at the intersection of Cox Avenue and Saratoga Avenue would be constructed under this project. Building 1 would include 52 beds, 16 parking spaces, and a loading space waiver; Building 2 would include 30 beds, 27 parking spaces, and a loading space waiver. The two vacant lots are currently zoned Professional and Administrative Office. A Zoning Ordinance Amendment would add the Planning Combined District Overlay Zoning to allow for land use and design flexibility to encourage innovative design that achieves General Plan goals and policies. The project site is not located within a Specific Plan area.



**FIGURE 1**  
Records Search  
Palm Villas



Native American Heritage Commission  
Native American Contact List  
Santa Clara County  
3/20/2019

**Amah Mutsun Tribal Band**

Valentin Lopez, Chairperson  
P.O. Box 5272  
Galt, CA, 95632  
Phone: (916) 743 - 5833  
vlopez@amahmutsun.org

Costanoan  
Northern Valley  
Yokut

**The Ohlone Indian Tribe**

Andrew Galvan,  
P.O. Box 3388  
Fremont, CA, 94539  
Phone: (510) 882 - 0527  
Fax: (510) 687-9393  
chochenyo@AOL.com

Bay Miwok  
Ohlone  
Patwin  
Plains Miwok

**Amah Mutsun Tribal Band of  
Mission San Juan Bautista**

Irenne Zwielerlein, Chairperson  
789 Canada Road  
Woodside, CA, 94062  
Phone: (650) 851 - 7489  
Fax: (650) 332-1526  
amahmutsuntribal@gmail.com

Costanoan

**Costanoan Rumsen Carmel  
Tribe**

Tony Cerda, Chairperson  
244 E. 1st Street  
Pomona, CA, 91766  
Phone: (909) 629 - 6081  
Fax: (909) 524-8041  
rumsen@aol.com

Costanoan

**Indian Canyon Mutsun Band of  
Costanoan**

Ann Marie Sayers, Chairperson  
P.O. Box 28  
Hollister, CA, 95024  
Phone: (831) 637 - 4238  
ams@indiancanyon.org

Costanoan

**Muwekma Ohlone Indian Tribe  
of the SF Bay Area**

Charlene Nijmeh, Chairperson  
20885 Redwood Road, Suite 232  
Castro Valley, CA, 94546  
Phone: (408) 464 - 2892  
cnijmeh@muwekma.org

Costanoan

**North Valley Yokuts Tribe**

Katherine Erolinda Perez,  
Chairperson  
P.O. Box 717  
Linden, CA, 95236  
Phone: (209) 887 - 3415  
canutes@verizon.net

Costanoan  
Northern Valley  
Yokut

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Palm Villas Project, Santa Clara County.



## AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
  - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email  
address: [Gayle.Totton@nahc.ca.gov](mailto:Gayle.Totton@nahc.ca.gov)

Sincerely,



for  
Gayle Totton  
Associate Governmental Program Analyst

cc: State Clearinghouse



## **Community Development Department**

City of Saratoga  
13777 Fruitvale Avenue  
Saratoga, California 95070

March 29, 2019

Valentin Lopez, Chairperson  
Amah Mutsun Tribal Band  
P.O. Box 5272  
Galt, CA, 95632

**Re: Notification of the Proposed Palm Villas Saratoga Project Pursuant to Public Resources Code Section 21080.3 (AB 52)**

Dear Mr. Lopez:

Pursuant to California Public Resources Code 21080.3 (California Assembly Bill [AB] 52), the City of Saratoga (City) is providing you with notification of the Palm Villas Saratoga Project (proposed project), located in the City of Saratoga, Santa Clara County, California. The proposed project is to construct two buildings, which will serve as residential care facilities for elderly who suffer from early and late stage Alzheimer's/Dementia.

While the City has not yet received a request from your tribe to be notified of specific projects within the project's geographic area; however, we are reaching out to all groups listed by the California Native American Heritage Commission who may have knowledge of cultural resources in the project area. The City is sending this letter as a good faith effort to provide notification of the proposed project to groups who are traditionally or culturally affiliated with the geographic area of the proposed project.

### **Project Location and Description**

The proposed project is located in the City of Saratoga in the western portion of Santa Clara County. The proposed project site is approximately 175 feet south of the intersection of Saratoga Creek Drive and Cox Avenue, northeast of California State Route 85 (Figure 1). Figure 2 shows the specific proposed project location, which is located on two adjacent parcels (APNs 389-06-020 and 389-06-021).

The proposed project would consist of constructing two care facility structures will include a combined total of 79 beds. Additional development on the parcels would include, landscaping, parking (38 spaces), and utility connections. As the existing parcels are undeveloped, the proposed project will involve earth disturbance.

**Response**

If you have any comments or concerns regarding potential impacts to tribal cultural resources (as defined in Public Resources Code § 21074) in relation to the proposed project, please provide a written request for consultation to the address above or via email to [njohnson@saratoga.ca.us](mailto:njohnson@saratoga.ca.us) within 30 days of receipt of this notice and include the name of a designated contact person.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Johnson". The signature is fluid and cursive, with the first name "Nicole" and last name "Johnson" clearly distinguishable.

Nicole Johnson, Planner II



## **Community Development Department**

City of Saratoga  
13777 Fruitvale Avenue  
Saratoga, California 95070

March 29, 2019

Irenne Zwierlein, Chairperson  
Amah Mutsun Tribal Band of Mission San Juan Bautista  
789 Canada Road  
Woodside, CA 94062

**Re: Notification of the Proposed Palm Villas Saratoga Project Pursuant to Public Resources Code Section 21080.3 (AB 52)**

Dear Ms. Zwierlein:

Pursuant to California Public Resources Code 21080.3 (California Assembly Bill [AB] 52), the City of Saratoga (City) is providing you with notification of the Palm Villas Saratoga Project (proposed project), located in the City of Saratoga, Santa Clara County, California. The proposed project is to construct two buildings, which will serve as residential care facilities for elderly who suffer from early and late stage Alzheimer's/Dementia.

While the City has not yet received a request from your tribe to be notified of specific projects within the project's geographic area; however, we are reaching out to all groups listed by the California Native American Heritage Commission who may have knowledge of cultural resources in the project area. The City is sending this letter as a good faith effort to provide notification of the proposed project to groups who are traditionally or culturally affiliated with the geographic area of the proposed project.

### **Project Location and Description**

The proposed project is located in the City of Saratoga in the western portion of Santa Clara County. The proposed project site is approximately 175 feet south of the intersection of Saratoga Creek Drive and Cox Avenue, northeast of California State Route 85 (Figure 1). Figure 2 shows the specific proposed project location, which is located on two adjacent parcels (APNs 389-06-020 and 389-06-021).

The proposed project would consist of constructing two care facility structures will include a combined total of 79 beds. Additional development on the parcels would include, landscaping, parking (38 spaces), and utility connections. As the existing parcels are undeveloped, the proposed project will involve earth disturbance.

**Response**

If you have any comments or concerns regarding potential impacts to tribal cultural resources (as defined in Public Resources Code § 21074) in relation to the proposed project, please provide a written request for consultation to the address above or via email to [njohnson@saratoga.ca.us](mailto:njohnson@saratoga.ca.us) within 30 days of receipt of this notice and include the name of a designated contact person.

Sincerely,

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Nicole Johnson, Planner II



## **Community Development Department**

City of Saratoga  
13777 Fruitvale Avenue  
Saratoga, California 95070

March 29, 2019

Tony Cerda, Chairperson  
Costanoan Rumsen Carmel Tribe  
244 E. 1st Street  
Pomona, CA, 91766

**Re: Notification of the Proposed Palm Villas Saratoga Project Pursuant to Public Resources Code Section 21080.3 (AB 52)**

Dear Mr. Cerda:

Pursuant to California Public Resources Code 21080.3 (California Assembly Bill [AB] 52), the City of Saratoga (City) is providing you with notification of the Palm Villas Saratoga Project (proposed project), located in the City of Saratoga, Santa Clara County, California. The proposed project is to construct two buildings, which will serve as residential care facilities for elderly who suffer from early and late stage Alzheimer's/Dementia.

While the City has not yet received a request from your tribe to be notified of specific projects within the project's geographic area; however, we are reaching out to all groups listed by the California Native American Heritage Commission who may have knowledge of cultural resources in the project area. The City is sending this letter as a good faith effort to provide notification of the proposed project to groups who are traditionally or culturally affiliated with the geographic area of the proposed project.

### **Project Location and Description**

The proposed project is located in the City of Saratoga in the western portion of Santa Clara County. The proposed project site is approximately 175 feet south of the intersection of Saratoga Creek Drive and Cox Avenue, northeast of California State Route 85 (Figure 1). Figure 2 shows the specific proposed project location, which is located on two adjacent parcels (APNs 389-06-020 and 389-06-021).

The proposed project would consist of constructing two care facility structures will include a combined total of 79 beds. Additional development on the parcels would include, landscaping, parking (38 spaces), and utility connections. As the existing parcels are undeveloped, the proposed project will involve earth disturbance.

**Response**

If you have any comments or concerns regarding potential impacts to tribal cultural resources (as defined in Public Resources Code § 21074) in relation to the proposed project, please provide a written request for consultation to the address above or via email to [njohnson@saratoga.ca.us](mailto:njohnson@saratoga.ca.us) within 30 days of receipt of this notice and include the name of a designated contact person.

Sincerely,

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Nicole Johnson, Planner II



## **Community Development Department**

City of Saratoga  
13777 Fruitvale Avenue  
Saratoga, California 95070

March 29, 2019

Ann Marie Sayers, Chairperson  
Indian Canyon Mutsun Band of Costanoan  
P.O. Box 28  
Hollister, CA, 95024

**Re: Notification of the Proposed Palm Villas Saratoga Project Pursuant to Public Resources Code Section 21080.3 (AB 52)**

Dear Ms. Sayers:

Pursuant to California Public Resources Code 21080.3 (California Assembly Bill [AB] 52), the City of Saratoga (City) is providing you with notification of the Palm Villas Saratoga Project (proposed project), located in the City of Saratoga, Santa Clara County, California. The proposed project is to construct two buildings, which will serve as residential care facilities for elderly who suffer from early and late stage Alzheimer's/Dementia.

While the City has not yet received a request from your tribe to be notified of specific projects within the project's geographic area; however, we are reaching out to all groups listed by the California Native American Heritage Commission who may have knowledge of cultural resources in the project area. The City is sending this letter as a good faith effort to provide notification of the proposed project to groups who are traditionally or culturally affiliated with the geographic area of the proposed project.

### **Project Location and Description**

The proposed project is located in the City of Saratoga in the western portion of Santa Clara County. The proposed project site is approximately 175 feet south of the intersection of Saratoga Creek Drive and Cox Avenue, northeast of California State Route 85 (Figure 1). Figure 2 shows the specific proposed project location, which is located on two adjacent parcels (APNs 389-06-020 and 389-06-021).

The proposed project would consist of constructing two care facility structures will include a combined total of 79 beds. Additional development on the parcels would include, landscaping, parking (38 spaces), and utility connections. As the existing parcels are undeveloped, the proposed project will involve earth disturbance.

**Response**

If you have any comments or concerns regarding potential impacts to tribal cultural resources (as defined in Public Resources Code § 21074) in relation to the proposed project, please provide a written request for consultation to the address above or via email to [njohnson@saratoga.ca.us](mailto:njohnson@saratoga.ca.us) within 30 days of receipt of this notice and include the name of a designated contact person.

Sincerely,

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Nicole Johnson, Planner II



## **Community Development Department**

City of Saratoga  
13777 Fruitvale Avenue  
Saratoga, California 95070

March 29, 2019

Charlene Nijmeh, Chairperson  
Muwekma Ohlone Indian Tribe of the SF Bay Area  
20885 Redwood Road, Suite 232  
Castro Valley, CA, 94546

**Re: Notification of the Proposed Palm Villas Saratoga Project Pursuant to Public Resources Code Section 21080.3 (AB 52)**

Dear Ms. Nijmeh:

Pursuant to California Public Resources Code 21080.3 (California Assembly Bill [AB] 52), the City of Saratoga (City) is providing you with notification of the Palm Villas Saratoga Project (proposed project), located in the City of Saratoga, Santa Clara County, California. The proposed project is to construct two buildings, which will serve as residential care facilities for elderly who suffer from early and late stage Alzheimer's/Dementia.

While the City has not yet received a request from your tribe to be notified of specific projects within the project's geographic area; however, we are reaching out to all groups listed by the California Native American Heritage Commission who may have knowledge of cultural resources in the project area. The City is sending this letter as a good faith effort to provide notification of the proposed project to groups who are traditionally or culturally affiliated with the geographic area of the proposed project.

### **Project Location and Description**

The proposed project is located in the City of Saratoga in the western portion of Santa Clara County. The proposed project site is approximately 175 feet south of the intersection of Saratoga Creek Drive and Cox Avenue, northeast of California State Route 85 (Figure 1). Figure 2 shows the specific proposed project location, which is located on two adjacent parcels (APNs 389-06-020 and 389-06-021).

The proposed project would consist of constructing two care facility structures will include a combined total of 79 beds. Additional development on the parcels would include, landscaping, parking (38 spaces), and utility connections. As the existing parcels are undeveloped, the proposed project will involve earth disturbance.

**Response**

If you have any comments or concerns regarding potential impacts to tribal cultural resources (as defined in Public Resources Code § 21074) in relation to the proposed project, please provide a written request for consultation to the address above or via email to [njohnson@saratoga.ca.us](mailto:njohnson@saratoga.ca.us) within 30 days of receipt of this notice and include the name of a designated contact person.

Sincerely,

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Nicole Johnson, Planner II



## **Community Development Department**

City of Saratoga  
13777 Fruitvale Avenue  
Saratoga, California 95070

March 29, 2019

Katherine Erolinda Perez, Chairperson  
North Valley Yokuts Tribe  
P.O. Box 717  
Linden, CA, 95236

**Re: Notification of the Proposed Palm Villas Saratoga Project Pursuant to Public Resources Code Section 21080.3 (AB 52)**

Dear Ms. Perez:

Pursuant to California Public Resources Code 21080.3 (California Assembly Bill [AB] 52), the City of Saratoga (City) is providing you with notification of the Palm Villas Saratoga Project (proposed project), located in the City of Saratoga, Santa Clara County, California. The proposed project is to construct two buildings, which will serve as residential care facilities for elderly who suffer from early and late stage Alzheimer's/Dementia.

While the City has not yet received a request from your tribe to be notified of specific projects within the project's geographic area; however, we are reaching out to all groups listed by the California Native American Heritage Commission who may have knowledge of cultural resources in the project area. The City is sending this letter as a good faith effort to provide notification of the proposed project to groups who are traditionally or culturally affiliated with the geographic area of the proposed project.

### **Project Location and Description**

The proposed project is located in the City of Saratoga in the western portion of Santa Clara County. The proposed project site is approximately 175 feet south of the intersection of Saratoga Creek Drive and Cox Avenue, northeast of California State Route 85 (Figure 1). Figure 2 shows the specific proposed project location, which is located on two adjacent parcels (APNs 389-06-020 and 389-06-021).

The proposed project would consist of constructing two care facility structures will include a combined total of 79 beds. Additional development on the parcels would include, landscaping, parking (38 spaces), and utility connections. As the existing parcels are undeveloped, the proposed project will involve earth disturbance.

**Response**

If you have any comments or concerns regarding potential impacts to tribal cultural resources (as defined in Public Resources Code § 21074) in relation to the proposed project, please provide a written request for consultation to the address above or via email to [njohnson@saratoga.ca.us](mailto:njohnson@saratoga.ca.us) within 30 days of receipt of this notice and include the name of a designated contact person.

Sincerely,

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Nicole Johnson, Planner II



## **Community Development Department**

City of Saratoga  
13777 Fruitvale Avenue  
Saratoga, California 95070

March 29, 2019

Andrew Galvan  
The Ohlone Indian Tribe  
P.O. Box 3388  
Fremont, CA, 94539

**Re: Notification of the Proposed Palm Villas Saratoga Project Pursuant to Public Resources Code Section 21080.3 (AB 52)**

Dear Mr. Galvan:

Pursuant to California Public Resources Code 21080.3 (California Assembly Bill [AB] 52), the City of Saratoga (City) is providing you with notification of the Palm Villas Saratoga Project (proposed project), located in the City of Saratoga, Santa Clara County, California. The proposed project is to construct two buildings, which will serve as residential care facilities for elderly who suffer from early and late stage Alzheimer's/Dementia.

While the City has not yet received a request from your tribe to be notified of specific projects within the project's geographic area; however, we are reaching out to all groups listed by the California Native American Heritage Commission who may have knowledge of cultural resources in the project area. The City is sending this letter as a good faith effort to provide notification of the proposed project to groups who are traditionally or culturally affiliated with the geographic area of the proposed project.

### **Project Location and Description**

The proposed project is located in the City of Saratoga in the western portion of Santa Clara County. The proposed project site is approximately 175 feet south of the intersection of Saratoga Creek Drive and Cox Avenue, northeast of California State Route 85 (Figure 1). Figure 2 shows the specific proposed project location, which is located on two adjacent parcels (APNs 389-06-020 and 389-06-021).

The proposed project would consist of constructing two care facility structures will include a combined total of 79 beds. Additional development on the parcels would include, landscaping, parking (38 spaces), and utility connections. As the existing parcels are undeveloped, the proposed project will involve earth disturbance.

**Response**

If you have any comments or concerns regarding potential impacts to tribal cultural resources (as defined in Public Resources Code § 21074) in relation to the proposed project, please provide a written request for consultation to the address above or via email to [njohnson@saratoga.ca.us](mailto:njohnson@saratoga.ca.us) within 30 days of receipt of this notice and include the name of a designated contact person.

Sincerely,

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Nicole Johnson, Planner II

# Appendix C

## Museum Records Search Results

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March 18, 2019

10738

Samuel A. McLeod, Ph.D.  
Natural History Museum of Los Angeles County

***Subject: Paleontological Record Search Request, Palm Villas EIR Project, City of  
Saratoga, Santa Clara County, California***

Dear Sam,

Dudek was retained by the City of Saratoga (Client) to conduct a cultural and paleontological resources study in support of the Palm Villas EIR Project (proposed project) to determine whether the proposed project will encroach on previously investigated fossil localities. The Client is requesting a review of the paleontological localities maintained by your office.

To facilitate the review, I have attached a map with the proposed project location and a one-half mile radius buffer (Base map: Cupertino 7.5' Topographic Quadrangle). Please conduct a review of the proposed project area and provide a list of fossil localities within or nearby the proposed project boundaries. An invoice may be sent to my attention, Mike Williams ([mwilliams@dudek.com](mailto:mwilliams@dudek.com)) or Sarah Siren ([ssiren@dudek.com](mailto:ssiren@dudek.com)), at your earliest convenience.

Thank you and if I can be of further assistance, please call or email me.

Sincerely,



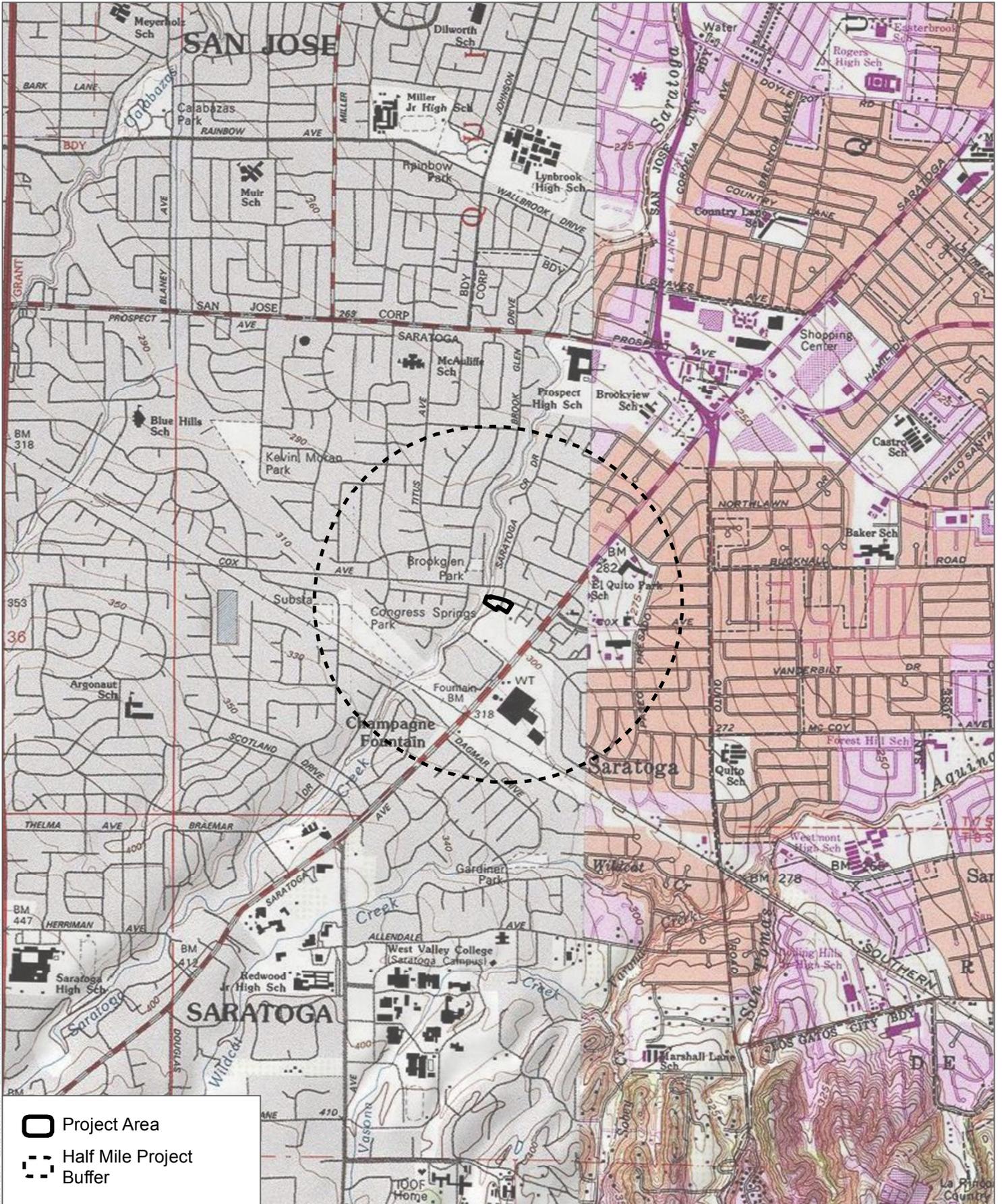
Michael Williams, Ph.D.

Paleontologist

Dudek

(225) 892-7622

[mwilliams@dudek.com](mailto:mwilliams@dudek.com)



**FIGURE 1**  
 Records Search  
 Palm Villas

Natural History Museum  
of Los Angeles County  
900 Exposition Boulevard  
Los Angeles, CA 90007

tel 213.763.DINO  
www.nhm.org



Vertebrate Paleontology Section  
Telephone: (213) 763-3325

e-mail: [smcleod@nhm.org](mailto:smcleod@nhm.org)

1 April 2019

Dudek  
605 Third Street  
Encinitas, CA 92024

Attn: Michael Williams, Ph.D., Senior Paleontologist

re: Vertebrate Paleontology Records Check for paleontological resources for the proposed Palm Villas EIR Project, Dudek Project # 10738, in the City of Saratoga, Santa Clara County, project area

Dear Michael:

I have conducted a thorough search of our paleontology collection records for the locality and specimen data for the proposed Palm Villas EIR Project, Dudek Project # 10738, in the City of Saratoga, Santa Clara County, project area as outlined on the portion of the Cupertino USGS topographic quadrangle map that you sent to me via e-mail on 18 March 2019. We do not have any vertebrate fossil localities that lie directly within the proposed project area boundaries, but we do have vertebrate fossil localities from sedimentary deposits similar to those that occur in the proposed project area, either at the surface or at depth, albeit at some distance.

The entire proposed project area has surficial deposits that consist of younger Quaternary Alluvium, derived as alluvial fan deposits from the Santa Cruz Mountains to the southwest via Saratoga Creek that currently flows through the western margin of the proposed project area. These younger Quaternary deposits typically do not contain significant vertebrate fossils in the uppermost layers, but older sedimentary deposits at modest depth may well contain significant fossil vertebrate remains. Our closest vertebrate fossil locality from somewhat similar older Quaternary deposits is LACM 4626, quite to the north-northeast of the proposed project area near Martinez, that produced a fossil specimen of horse described as a new species, *Equus pacificus*, by J. Leidy (1868). Notice of remains of some horses. Proceedings of the Academy of Natural

Sciences of Philadelphia, 20:195), that is housed in the Harvard University Museum of Comparative Zoology. The University of California Museum of Paleontology has a closer vertebrate fossil locality, 1107, north-northeast of the proposed project area west of Livermore, that produced fossil specimens of horse, *Equus*, and bison, *Bison antiquus*.

Shallow excavations in the younger Quaternary Alluvium exposed throughout the proposed project area are unlikely to uncover significant fossil vertebrate remains. Deeper excavations that extend down into older sedimentary deposits, however, may well encounter significant vertebrate fossil remains. Any substantial excavations in the proposed project area, therefore, should be monitored closely to quickly and professionally recover any fossil remains discovered while not impeding development. Also, sediment samples should be collected and processed to determine the small fossil potential in the proposed project area. Any fossil materials uncovered during mitigation activities should be deposited in an accredited and permanent scientific institution for the benefit of current and future generations.

This records search covers only the vertebrate paleontology records of the Natural History Museum of Los Angeles County. It is not intended to be a thorough paleontological survey of the proposed project area covering other institutional records, a literature survey, or any potential on-site survey.

Sincerely,

A handwritten signature in cursive script that reads "Samuel A. McLeod".

Samuel A. McLeod, Ph.D.  
Vertebrate Paleontology

enclosure: invoice