

## RESPONSE TO COUNCIL QUESTIONS RE: 4/23/2024 CITY COUNCIL AGENDA

**Agenda Item #: 1.H**

**Title:** Receive a Report of an Emergency Repair Project for the Water Pollution Control Plant Oxidation Pond Levees

1H.1 Council Question: What is the inspection schedule of the levee walls?

Staff Response: Our operations team does visual inspections of the pond levee system 2 times a day. This is how the breaches were identified. If there is anything out of the ordinary, it gets logged in the logbook. In addition, the operations staff does a quarterly inspection of the levee roads as part of preventative maintenance. Also, PW did a Bridge & Levee Evaluation back in 2017 with an outside contractor. No further evaluations are scheduled at this time.

1H.2 Council Question: For the October 12, 2023, break in the levee, did staff identify the large rodent that had caused the issue in the levee?

Staff Response: Staff saw multiple rodents during aforementioned inspections. However, they were not identified. Typically, the rodents go into their burrowing hole at the sight of people.

**Agenda Item #: 1.I**

**Title:** Adopt a Resolution to Identify the Terms and Conditions for Mutual Aid Response to Emergency Incidents Outside of the Jurisdiction and to Rescind and Replace Resolution No. 696-15

1I.1 Council Question: Can staff be more specific on the “language” that Cal OES notified DPS that does not adhere to their current guidelines?

Staff Response: Staff is working to answer this question.

1I.2 Council Question: Can staff provide an overview of Mutual Aid we have provided over the last 5 years and the costs re-imbursed?

Staff Response: Staff is working to answer this question.

**Agenda Item #: 2**

**Title:** Discussion and Possible Action Regarding Funding for the Expansion of the Sunnyvale Heritage Museum

2.1 Council Question: The existing museum and the potential addition are built on City owned property. If the Historical Society stopped operations, would the building revert to the City? Is that covered in the first agreement?

Staff Response: Under the agreement, the Historical Society has a 50-year lease. The museum is owned by the City. If the Historical Society ceased operations, they would be in breach of the agreement, which requires them to operate the building exclusively for a museum and related activities (Section 7(b)) that is open to the public a minimum of 3 days per week, 3 hours per day, including at least one weekend day (Section 7(f)). The City has a right to terminate in the event of a breach, in which case the building would revert to the City.

2.2 Council Question: Can staff send Council the first agreement between the historical society and City?

Staff Response: Agreement is attached.

2.3 Council Question: How many people typically visit the Sunnyvale Heritage Museum in a year?

Staff Response: According to the SHSMA website, the museum serves “over 6,000 guests per year and 1,500 third graders.”

2.4 Council Question: What is the source of the Park Dedication Funds and what is the typical increase in revenue of the funds per year?

Staff Response: Park Dedication Funds are remitted by townhome, condominium, and multi-family residential developers and intended to fund new or improved park and recreation spaces. As they are development impact fees, and therefore dependent on development activity, they are volatile year over year. The current budget anticipates receiving \$12.9 million in the current year.

2.5 Council Question: The report to council indicates that “highly unlikely case revenues were to cease in this fund”, so why is it unlikely?

Staff Response: The residential development projects that remit these fees would have to completely stop, which is unlikely given the statewide demand for housing.

2.6 Council Question: On page 2/4, the paragraph before Exiting Policy says that Page & Turnbull is performing an analysis of the Study Issue DPW 17-05. This study issue is for the expansion of the SHPM site. Is this duplicating?

Staff Response: The scope of the study includes providing a broader analysis of the long-term operations and maintenance of the whole site, which includes the potential expansion of the museum and/or locations for outdoor exhibits. More details about the work being conducted under Study Issue DPW 17-05 are provided in the attached Study Issue paper.

2.7 Council Question: Why is the study issue DPW 17-05 at almost six years to get a resolution?

Staff Response: While initiated in 2017, the Study Issue didn't get funded and placed above the line until 2018. The study was also delayed to allow time for SHSMA to conduct the CEQA review. The current anticipated completion is March of 2025.

**Agenda Item #: 3**

**Title:** Receive Real Property Transfer Tax Polling Results for Consideration of Placing a Ballot Measure on the November 2024 General Election

3.1 Council Question: Staff is suggesting to wait until both polls are complete before making a decision. When will the New Library Polling be complete?

Staff Response: Staff is currently working with FM3 (the consultant who conducted the RPTT polling) to finalize the polling questions for the Library Bond Measure, and plan to bring the results of that polling back to Council in the late May to Early June timeframe.

3.2 Council Question: Since staff is suggesting that both polls be complete before making a decision, would the "next" RTC consider the polling both items and direction from Council for both potential ballot measures (or just receive the Library Polling)?

Staff Response: Yes. While the RTC following the completion of the Library Bond Measure polling would focus primarily on the Library Bond Measure, the results of that polling would likely dictate whether Council has sufficient information to provide direction on which measure to move forward to the November ballot, or if further polling that surveys both measures in conjunction is warranted.

3.3 Council Question: What percentage of Sunnyvale properties are single-family home properties valued at over \$4,000,000?

Staff Response: Property value is difficult to determine as the data available is limited to assessed valuation or actual sales data, and the market value of homes is not determined until it is sold. Furthermore, the data, which is provided from the County through a consultant, does not consistently provide the subcategories for residential sales (for example, Single Family, duplex, condominium, etc.). Of the 3,229 properties sold in the data set we are using (2017 to 2023) which are labeled as "Single Family," only 3 were sold for over \$4,000,000.

3.4 Council Question: What percentage of Sunnyvale properties are duplexes properties valued at over \$4,000,000?

Staff Response: Staying within the same caveats used in the preceding question, of the 118 residential properties sold from 2017 to 2023 with the label "Two Units" or "Single Family, Two Units", one (1) of those sold for over \$4,000,000.

3.5 Council Question: What percentage of Sunnyvale properties are commercial and apartment buildings properties valued at over \$4,000,000?

Staff Response: 62% (164 of 261) of commercial properties were sold for \$4,000,000 or above from 2017 to 2023. 27% (52 of 195) of sales labeled “Three or more Units” or “Five or more Units” sold for \$4,000,000 or above in the same time frame. However, it is possible that some of the sales of lower amounts were individual units of larger complexes that were improperly labeled.

3.6 Council Question: How does this proposed transfer tax (for assessed when a property is sold valued at over \$4,000,000) compare in the rate and the assessed when a property threshold with other cities locally that have transfer taxes?

Staff Response: In Santa Clara County, only three Cities levy their own Transfer Tax. In Mountain View and Palo Alto, the tax is \$3.30/\$1,000 of sales price (or 0.33%) on all sales. San Jose has a tiered rate that starts at \$7.50/\$1,000 (0.75%) of sales price and exempts sales under \$2,000,000, and goes up to \$15/\$1,000 (1.5%) for properties over \$10,000,000.

3.7 Council Question: What fraction of the sale price would this proposed transfer tax (for assessed when a property is sold valued at over \$4,000,000) be for assessed property when a home or property is sold valued at \$4,000,001?

Staff Response: The current proposed property transfer tax rate being considered by Council is \$7.50/\$1,000 of sales price, or 0.75%. For a property sold at \$4,000,000 the real property transfer tax owed would be \$30,000.

3.8 Council Question: Is there currently extra ongoing funding based past city budgets that would allow for the City to invest in projects that address homelessness in partnership with County and local nonprofit agencies?

Staff Response: The current budget appropriates all available ongoing funding to the services provided by the City. Funding for adding new services, or increasing the level of existing services, depends on future revenue growth and the cost of providing those services.

3.9 Council Question: Is there currently extra ongoing funding based past city budgets that would allow for the city to invest in more public safety officers for neighborhood patrols and officers on the street to maintain low crime rates in Sunnyvale?

Staff Response: Consistent with the response to the previous question, the current budget appropriates all available ongoing funding to the services provided by the City. Funding for adding new services, or increasing the level of existing services, depends on future revenue growth and the cost of providing those services.



3.10 Council Question: There was another polling done previously which was similarly worded presented to the council which was statistically tied. What was different in this polling?

Staff Response: The primary difference in the measure language that was polled was to change the exemption threshold from \$3,000,000 in 2022 to \$4,000,000 in 2024.

3.11 Council Question: Attachment 1, page 5 of 14, 8.g does it consider single-family homes also? 8.f asks for exemption of single-family homes?

Staff Response: Questions 8(f) and 8(g) were designed to gauge voters support on two separate provisions of a potential bond measure. Question 8(f) was designed to ascertain the popularity of exempting single-family homes and duplexes, and 8(g) to determine whether the \$4,000,000 exemption was a supported provision.

**Agenda Item #: 4**

**Title:** Consider Hosting a 2024 Fourth of July Drone Show and Approval of Budget Modification No. 20

4.1 Council Question: Has staff contacted Twin Creeks Sports Complex to see if they will be having events for July 4 (and into the evening)? They also have a large parking area that could be utilized.

Staff Response: We have an email and voicemail in with Twin Creeks Sports Complex regarding any events/tournaments scheduled for the 4th of July (2024). However, as the 4th of July falls on a Thursday this year, it is more than likely they will not have any events beyond the regularly scheduled weekday field use/rentals. A majority of events/tournaments held at Twin Creeks Sports Complex occur during the weekends.

Once we are in touch with Twin Creeks Sports Complex, we can discuss their events/tournaments/rentals anticipated for the 4th of July, and whether their parking area(s) or complex would/could be made available for the City's drone show – and what, if any associated fees would be involved for such use.

4.2 Council Question: Has any portion of the Council set-aside been utilized this fiscal year to-date?

Staff Response: None of the FY 2023/24 Funding in the Council Set Aside has been utilized year to date, with the total of \$100,000 still available.

4.3 Council Question: What will be the visibility of the drone show in the areas other than the Baylands park? For example, will it be visible from surrounding areas?

Staff Response: It depends. The visibility of the drone show will depend on the number of drones in the show and height of show. Generally speaking, the greater the number of drones, the further away it can be viewed. Having said that, newer drones are more visible that allow for viewing from further distances. Some drone companies estimate that in good weather conditions, drone shows can be seen from as far away as 2-3 miles. Once a drone operator is on board, they can provide a more specific response as to viewing distance.

4.4 Council Question: Is it required for viewers to be in the Baylands park to see the show?

Staff Response: No. Viewers do not need to be at Baylands. If Council approves this drone show, City Staff will consult with the drone operator to provide an expert opinion on viewing options aside from Baylands.

4.5 Council Question: How many vehicles can be parked on the other side of Caribbean?

Staff Response: Baylands has approximately 400 parking spaces available for park and event goers. Parking on Caribbean is either marked no stopping anytime or private. Additionally, staff has contacted Twin Creeks Sports Complex about the possibility of partnering for parking on the 4th of July and will have more information prior to the event.

4.6 Council Question: Will attendees be told not to park in the Baylands park (there is a parking fee)? There is only one parking attendant at the entrance and it will be a bottleneck?

Staff Response: Parking fees can be waived for the evening (or all day) on July 4, which could remove any potential bottlenecks.

**AGREEMENT BETWEEN CITY OF SUNNYVALE AND SUNNYVALE  
HISTORICAL SOCIETY AND MUSEUM ASSOCIATION FOR THE DESIGN,  
DEVELOPMENT, CONSTRUCTION AND LEASE, OF A HERITAGE MUSEUM AT  
SUNNYVALE HERITAGE CENTER AT THE SUNNYVALE COMMUNITY CENTER**

THIS LEASE AGREEMENT dated September 12, 2006, is by and  
between CITY OF SUNNYVALE, a municipal corporation of the State of California ("CITY"), and  
SUNNYVALE HISTORICAL SOCIETY AND MUSEUM ASSOCIATION ("SOCIETY"), a  
California not for profit corporation;

WHEREAS, on December 15, 1992, pursuant to the Open Space Sub-Element of the  
General Plan of CITY, the City Council of CITY designated a ten (10) acre orchard at CITY's  
Community Center as a special use site to be known as Orchard Heritage Park; and

WHEREAS, on May 14, 2002, the City Council approved the concept of establishing a  
historical museum at Orchard Heritage Park as outlined in Report to Mayor and Council No. 02-  
151, and

WHEREAS, on May 14, 2002, the City Council committed to contributing the sum of  
\$500,000 to the SOCIETY for the development and construction of a historical museum at Orchard  
Heritage Park ("the Project"), and

WHEREAS, on May 14, 2002, the City Council committed to replacing the CITY and  
SOCIETY'S "co-sponsorship" arrangement with a comprehensive agreement for the development,  
operation and maintenance of a Sunnyvale Historical Museum at Orchard Heritage Park and for all  
aspects of SOCIETY'S relationship with CITY, and

WHEREAS, on September 24, 2002, the City Council approved a Master Plan for Orchard Heritage Park depicting a conceptual plan for a future museum as outlined in Report to Mayor and Council No. 02-369, and

WHEREAS, on November 12, 2002, the City Council approved a general site plan for the development of a historical museum at Orchard Heritage Park as outlined in Report to Mayor and Council No. 02-433, and

WHEREAS, on June 21, 2004, the City Council of the City of Sunnyvale approved a 50-year Agreement Between City of Sunnyvale and Sunnyvale Historical Society and Museum Association for the Design, Development, operation and Maintenance of a Heritage Museum ("2004 Agreement") which will now be amended by this Agreement to include the ability for the Society to have exclusive control of the premises to construct a museum in said premises, and

WHEREAS, the parties intend that this Lease Agreement, which restates and amends the 2004 Agreement, shall become operative upon its execution by the parties, and, subject to fulfillment of the conditions contained herein and providing there is no breach of performance, shall remain operative and continue in full force and effect for fifty (50) years from the execution of the 2004 Agreement, a date of June 20, 2054.

NOW, THEREFORE, the parties agree as follows:

#### SECTION 1. FUNDING AND RECOGNITION FOR DONORS

- (a) CITY shall contribute \$500,000 funding for this project from monies due the City under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, the City's General Fund, or another City funding source.
- (b) SOCIETY shall use the entire \$500,000 CITY contribution to fund architectural designs and museum exhibits. Exhibit costs include those related to professional design, services of an exhibit designer, research and documentation conducted by a professional historian, and costs related to exhibit displays.

- (c) Report to Council 03-295 regarding "Sunnyvale Heritage Museum Plaques and Recognition for Donors Contributing to Museum" is incorporated by reference in this Agreement, and SOCIETY shall comply with all related requirements and conditions contained therein based on City Council's action of August 26, 2003.

## SECTION 2. USE OF CITY PARK FACILITIES

SOCIETY shall be allowed at no charge the continued use of those areas of Murphy Park Building at Murphy Park depicted in Exhibit A as "museum" and "museum work center" for the purpose of maintaining a Sunnyvale Historical Museum until one year following the completion of construction of a Historical Museum at Sunnyvale Heritage Center. In addition, and until the completion of construction of a Historical Museum, SOCIETY will be allowed at no charge the opportunity to make first priority reservations for use of the Murphy Park Multipurpose Meeting room and the Heritage Center Building, after CITY scheduled activities and consistent with CITY policy on facility use. Use of the buildings shall be limited to regular activities of SOCIETY including meetings, exhibitions, and school education programs conducted by the SOCIETY.

SOCIETY shall provide CITY, by January 1 each year, a written request stating the specific dates and times park facilities are to be reserved for use by the SOCIETY. SOCIETY shall provide written notice to CITY as early as possible of the release of any permitted building times that will not be used by SOCIETY. SOCIETY shall comply with all CITY rental use policies and provide facility maintenance so that the facility is in the same condition or better than before they used it each day.

SOCIETY shall repair/replace or pay for damage to City facilities or equipment furnished by CITY, at the discretion of the CITY, if damage occurred during use by SOCIETY.

SOCIETY is specifically prohibited from re-permitting any City facility provided within this agreement to any other organization without first obtaining written approval from the CITY.

With the exception of items stored in that area depicted in Exhibit A as “garage,” upon that one-year anniversary, SOCIETY shall have removed all its belongings from the Murphy Park Building and shall relinquish further use of that structure. Use of the garage area may be used by SOCIETY until needed by CITY. Upon written notice that CITY needs the garage area, SOCIETY shall remove all items stored therein within 3 months of notice. Items not removed by that time may be disposed of by CITY.

SECTION 3. FULFILLMENT OF CONDITIONS OF SOCIETY REGARDING PREPARATION OF DESIGN AND CONSTRUCTION PLANS

SOCIETY shall fulfill the following conditions contained in Section 3 and Section 5.

- (a) The parties acknowledge that SOCIETY has exclusive control of said premises to oversee the planning, design and construction and maintenance of the project for the term specified in this lease, of the PROJECT and shall cause to be prepared at its expense and shall submit to CITY construction plans and specifications for a project (the “Project”) consisting of a historical museum to commemorate the history of the City of Sunnyvale and the local region. Plans and specifications shall include any signage proposed to be erected outside the museum on City property (e.g., directional signage, interpretive signage).
- (b) SOCIETY shall prepare such plans and specifications in consultation with CITY. SOCIETY shall receive approval of all plans and specifications by the Director of Parks and Recreation and/or his designee(s) prior to filing of final plans and specifications under section 3(e) below.
- (c) The Project site consists of an area located within that portion of Orchard Heritage Park named by City Council “The Sunnyvale Heritage Center.” The Project site is more precisely depicted in EXHIBIT B, attached and incorporated by this reference, and final plans and specifications submitted by the SOCIETY shall reflect a museum consistent with Exhibit B. The total square footage of the two-story museum shall not exceed 8,500 square feet with a first-story footprint not to exceed 4,700 square feet.
- (d) Final plans shall bear a resemblance to (but not necessarily be a replica of) the Murphy Bayview Ranch house.

- (e) SOCIETY shall file final plans and construction specifications for the PROJECT with the CITY's Department of Community Development under the miscellaneous plan permit process.

SECTION 4. OBLIGATIONS OF CITY REGARDING REVIEW OF DESIGN AND CONSTRUCTION PLANS

- (a) Upon filing of the final plans and specifications CITY shall review the Project through its staff under the miscellaneous plan permit process.
- (b) All fees that City would otherwise charge SOCIETY in connection with CITY's review and processing of the Project are hereby waived.

SECTION 5. OBLIGATIONS OF SOCIETY REGARDING CONSTRUCTION AND DEVELOPMENT PHASE

SOCIETY shall have exclusive control to conduct the construction of the Project.

- (a) Prior to construction, SOCIETY shall have secured the CITY's normal building site approval and plan check of the plans and specifications in accordance with Section 3 of this Agreement.
- (b) Prior to construction, SOCIETY shall have obtained all necessary permits authorizing construction of the Project from CITY and other public agencies having jurisdiction over the Project, in compliance with all applicable laws, regulations, codes, and the permitting process.
- (c) Prior to commencement of construction of the Project, SOCIETY shall provide CITY with access to the financial records of SOCIETY, with proof that SOCIETY has sufficient funds to undertake and complete such construction, and that SOCIETY has sufficient funds to maintain and operate the Museum in accordance with Section 7 of this Agreement.
- (d) SOCIETY shall commence construction of the Project not later than June 30, 2008, and complete construction not later than June 30, 2010. SOCIETY shall provide all labor

- and materials necessary for construction of the Project, and shall be responsible for making all related payments to contractors associated with the PROJECT.
- (e) SOCIETY shall work closely with CITY regarding access to work site and staging of equipment and materials associated with PROJECT.

#### SECTION 6. OBLIGATIONS OF CITY REGARDING CONSTRUCTION AND DEVELOPMENT PHASE

- (a) CITY shall use reasonable efforts to expedite planning, permits and approval for construction of the Project.
- (b) CITY shall conduct periodic inspections of the project to ensure compliance with Federal, State and local requirements.

#### SECTION 7. OPERATION AND MAINTENANCE

- (a) Financial Accounting—SOCIETY shall employ standard business accounting practices in managing the financial affairs of the museum.
- (b) Use of Museum—interior of the building is designated exclusively for the purpose of a museum and related activities. SOCIETY shall not use the museum interior for other purposes without the prior permission of CITY. CITY shall not use the museum interior for other purposes without the prior permission of SOCIETY.
- (c) Maintenance of Building—Society shall be solely responsible for the routine care and upkeep of the museum's interior and exterior, and shall maintain both in a condition consistent with the standards of care provided to City buildings by the Facilities Management Division. At least annually, staff from the Facilities Management Division shall accompany a Society representative on a tour of the museum and evaluate its condition using standard City forms used for this purpose. Deficiencies noted shall be addressed by SOCIETY within 1 month, with the exception of hazardous conditions, which shall be eliminated within 24 hours by SOCIETY.

= Public  
Purposes  
(vs. Private)



- (d) Landscaping—SOCIETY shall have no responsibility relative to exterior landscaping associated with the museum. If and when CITY re-designs the landscaping immediately adjacent to and associated with the museum, CITY shall provide SOCIETY the opportunity to provide input to the re-design prior to actual renovation, and SOCIETY'S responsibilities relative to maintenance of exterior landscaping shall be re-evaluated by both parties.
- (e) Signs—City shall permit SOCIETY to erect interpretive, informational and directional signage pertaining to Orchard Heritage Park and its various components (including, but not limited to, the pending museum, Orchard Heritage Interpretive Park Exhibit; Sunnyvale Heritage Center, Bianchi Barn and orchard). Specific language, location, materials and design shall be approved by the Director of Parks and Recreation prior to construction or installation. SOCIETY shall be responsible for meeting any and all signage requirements resulting from any use of Proposition 40 funds as required by the State of California. Signs may be approved for installation prior to approval of museum design or construction phases.
- (f) Hours of Operation—SOCIETY shall ensure museum is staffed and open to the general public a minimum of 3 days per week, 3 hours per day, including at least one weekend day each week. Museum shall close by no later than 10 p.m. each evening unless otherwise permitted by the Director of Parks and Recreation. Hours of operation shall be clearly posted and visible to the general public on the exterior of the museum.
- (g) Programming/Curating—SOCIETY shall have sole responsibility for curating and programming the museum, including decisions related to procurement of artifacts, display of materials, rotation of displays, etc. SOCIETY shall maintain two rooms with a combined minimum of 700 square feet of space devoted to the purpose of "rotating" displays, and shall change exhibits associated with "rotating displays" at least annually.

- ltd. use  
of exterior*
- (h) Use of Outdoor Area and Sunnyvale Heritage Center—CITY shall provide at no charge to SOCIETY general use of the outdoor area depicted by Exhibit C for up to ten (10) weeks (five consecutive weeks, twice yearly) during the school year for the purpose of providing educational experiences for local elementary school children. SOCIETY shall also have use of the outdoor area and Sunnyvale Heritage Center building for fund-raising purposes four times each year for a period of up to 48 hours per time. SOCIETY shall be allowed to request reservation of this area up to six (6) months in advance.
- (i) CITY shall have no obligations in association with SOCIETY'S use of either outdoor area beyond permitting said use. All work associated with the preparation, implementation, and clean-up of said use shall be the responsibility of SOCIETY.
- (j) Keys and Security—SOCIETY shall be responsible for the security of the museum, including keys, locks and security system. CITY shall be provided two keys and any security access codes to the museum (for Superintendent of Facilities and Superintendent of Parks).

SECTION 8. OBLIGATIONS OF CITY UPON COMPLETION AND ACCEPTANCE OF PROJECT

- (a) Upon completion of construction of the Project as defined in Section 3. above and acceptance of it by CITY, ownership in the Project shall vest in CITY. The SOCIETY shall thereupon have exclusive control of the Museum Project ("Leased Premises") for the remainder of the 50-year term of the 2004 Agreement, starting in 2004 until June 20, 2054.
- (b) For the first five years following completion of construction of the Project and acceptance of it by CITY, CITY shall pay all museum expenses billed by Pacific Gas and Electric Company (PG&E), up to a maximum of \$4,000 annually. SOCIETY shall be responsible for all utility costs in excess of this amount, and for the cost and expense of cable, computer, and/or telephone bills. Following these first five years, SOCIETY shall become responsible for furnishing all utilities (including, but not limited to, water, gas, electricity, sewer, and garbage) at no cost or expense to CITY.

- (c) CITY shall list the Sunnyvale Historical Society and Museum Association and the Sunnyvale Historical Museum's hours of operation in its Recreation Activity Guide for the purpose of promoting both the SOCIETY and the Museum at no charge to SOCIETY.

#### SECTION 9. FEES AND CHARGES

- (a) SOCIETY shall not charge the public for admittance to the Museum without prior consent of the CITY; CITY shall not charge the public for admittance to the Museum without prior consent of SOCIETY; the consent of either party shall not be unreasonably withheld. Donations to the museum shall be the responsibility and property of SOCIETY. CITY shall not charge SOCIETY any fees for its use of the Museum, provided that such use is first scheduled and approved by the Director of Parks and Recreation of CITY or his or her designee.

*Rentals?  
Gift shop  
needs Agmt.*

#### SECTION 10. INDEMNIFICATION AND INSURANCE.

- (a) SOCIETY shall defend, indemnify and hold harmless CITY, its officers, agents and employees from any claims, demands, actions, causes of action, losses, damages, liabilities, known or unknown, and all costs and expenses, including reasonable attorneys' fees, in connection with any death of or bodily injury to persons or loss of or damage to property arising out of or in any way connected with the act, omission, or negligence of SOCIETY, its officers, employees, agents, contractor, subcontractor or any officer, agent or employee thereof in relation to the performance by SOCIETY of its obligations under this Agreement.
- (b) SOCIETY shall obtain and keep in force a liability insurance policy in the amount of not less than \$1,000,000.00 insuring against the risks of personal and bodily injury and loss of or damage to property arising out of the performance by SOCIETY of its obligations under this Agreement. Such insurance policy shall designate CITY, its officials, employees, agents and volunteers as additional insureds with respect to liability arising out of activities performed on behalf of SOCIETY under this

- Agreement. For any claims related to such activities, SOCIETY's insurance shall be primary.
- (c) SOCIETY shall obtain from any contractors performing activities designated in this Agreement with regard to the Project, whether such persons are performing such activities for compensation or in kind, certificates of such liability insurance protecting against the risks described in Section 5(b) as such contractors may have in effect. Such certificates shall designate CITY, SOCIETY, and their officials, employees, agents and volunteers as additional insureds with respect to liability arising out of activities performed by the contractor on behalf of SOCIETY under this Agreement.
  - (d) CITY shall, at the expense of CITY, add the Museum Building to the City's Property Coverage insurance policy. SOCIETY shall provide insurance coverage, at SOCIETY's expense, for contents or any valuable or precious artifacts. Such insurance coverage requires written authentication and valuation of each item covered. CITY shall not be responsible for the replacement of any valuable artifact that is damaged or stolen from the museum.

#### SECTION 11. REPRESENTATIVES OF THE PARTIES

- (a) The Director of Parks and Recreation or designee shall represent CITY in all matters pertaining to the administration of this Agreement. All requirements of CITY pertaining to the Project shall be coordinated through the CITY representative.
- (b) The President of SOCIETY or designee shall represent SOCIETY in all matters pertaining to the administration of this Agreement. All requirements of SOCIETY pertaining to the Project shall be coordinated through the SOCIETY representative.

#### SECTION 12. TIME OF THE ESSENCE.

Time is of the essence of this Agreement. If SOCIETY fails to perform its obligations set forth in Section 5 in a timely manner, CITY may terminate this Agreement, except to the extent that such obligations may be suspended pursuant to Section 6.

SECTION 13. FORCE MAJEURE.

If, due to act of God; fire; flood; storm; inclement weather; earthquake; drought; acute restrictions or riot; war or insurrection; plant or animal infestation or disease; sudden or severe energy shortage; strike; work stoppage; work slowdown or other concerted job action; or other condition of emergency or disaster beyond the control of either party which makes performance of any of its obligations under this Agreement impossible or extremely impracticable, such obligations shall be suspended during such time any such condition or conditions exist.

SECTION 14. DISCRIMINATION.

Neither CITY nor SOCIETY shall discriminate in the employment of persons engaged in the performance of this Agreement on account of race, color, national origin, ancestry, sex, disability, sexual orientation, or medical condition, in violation of state or federal laws, or any other basis otherwise prohibited by state or federal law.

SECTION 15. NOTICES.

All notices shall be given in writing and mailed, postage prepaid, by certified mail, addressed as follows:

To CITY:	Director of Parks and Recreation City of Sunnyvale P. O. Box 3707 Sunnyvale, CA 94088-3707
To SOCIETY:	President Sunnyvale Historical Society and Museum Association P. O. Box 61301 Sunnyvale, CA 94088

SECTION 16. EFFECT OF WAIVER OF BREACH OR VIOLATION.

The waiver by either party of any breach or violation of any term, covenant, or condition of this Agreement or of any provision of law shall not be deemed to be a waiver of any other term, covenant, or condition or law. The subsequent acceptance by either party of any money that may become due hereunder shall not be deemed a waiver of any preceding breach or violation by the other party of any term or condition of this Agreement, or of any applicable law.

SECTION 17. LEGAL ACTIONS; ATTORNEY FEES.

- (a) Any disputes regarding this Agreement shall be resolved according to the laws of the State of California. Any legal proceedings shall be instituted in the courts of the State of California and County of Santa Clara, irrespective of any claim of diversity of citizenship or other possible jurisdictional conditions.
- (b) The prevailing party in any action brought to enforce the terms of this Agreement or arising out of this Agreement may recover its reasonable costs and attorney's fees expended in connection with such an action from the other party, not to exceed \$ 5,000.00.

SECTION 18. INTEGRATED AGREEMENT.

This document represents the entire and integrated Agreement between CITY and SOCIETY and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement shall not be construed as nor deemed to be an agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action herein for any cause whatever.



SECTION 19. AMENDMENT OF AGREEMENT.

This Agreement may be amended only by written instrument, signed by both CITY and SOCIETY. Within six (6) months following the five (5) year anniversary of the execution of this Agreement, both parties shall meet to thoroughly review its terms and the condition of the museum building and shall consider mutually agreeable revisions to this Agreement. Similar actions shall be taken by both parties within six (6) months following the ten (10) year anniversary, fifteen (15) year anniversary, and twenty (20) year anniversary of the original execution of this Agreement.

SECTION 20. ALL PROVISIONS OF AGREEMENT ARE CONDITIONS.

All provisions of this Agreement are expressly made conditions.

SECTION 21. TERMINATION OF AGREEMENT; SURVIVAL OF OBLIGATIONS.

This Agreement shall become operative upon its execution by the parties and provided the conditions are fulfilled by SOCIETY, which shall remain operative and continue in full force and effect for fifty (50) years from the execution of this agreement, except that

- (a) SOCIETY may terminate this Agreement upon written notice to CITY and providing CITY the opportunity to cure any default, or commence to cure a default if the cure period will exceed 10 days, within 10 days from the date of receipt of the notice for any of the following reasons:
  - (1) The failure of CITY to comply with any and all terms of this agreement.
  - (2) The failure of CITY to approve the plans and specifications within a reasonable time.
  - (3) The failure of CITY to issue all permits necessary for construction of the Project within a reasonable time.
- (b) CITY may terminate this Agreement upon written notice to SOCIETY and providing SOCIETY the opportunity to cure any default, or commence to cure a default if the cure period will exceed 10 days, within 10 days from the date of receipt of the notice for any of the following reasons:

- (1) The failure of SOCIETY to comply with any and all terms of this agreement
  - (2) The failure of SOCIETY to commence construction of the Project by June 30, 2008.
  - (3) The failure of SOCIETY to complete construction of the Project by June 30, 2010.
- (c) This Agreement may be terminated at any time upon the mutual assent of the City Council of CITY and the Board of Directors of SOCIETY.
- (d) Upon termination of this Agreement the parties shall have no further responsibilities thereunder, except that the obligation of SOCIETY pursuant to Section 3(a) shall survive the termination of this Agreement.

#### SECTION 22. EFFECTIVE DATE


Upon approval of this Lease Agreement by the City Council ("Effective Date"), this Lease Agreement shall replace and supplant the 2004 Agreement except that the term of this Lease Agreement shall be the unexpired term of the 2004 Agreement and shall expire June 20, 2054.



IN WITNESS WHEREOF, CITY and SOCIETY have executed this Agreement on the day  
and year first above written.

ATTEST:

CITY OF SUNNYVALE ("CITY")


By:   
Amy Chan Date

City Manager

By   
City Clerk


APPROVED AS TO FORM:

SUNNYVALE HISTORICAL SOCIETY AND  
MUSEUM ASSOCIATION ("SOCIETY")

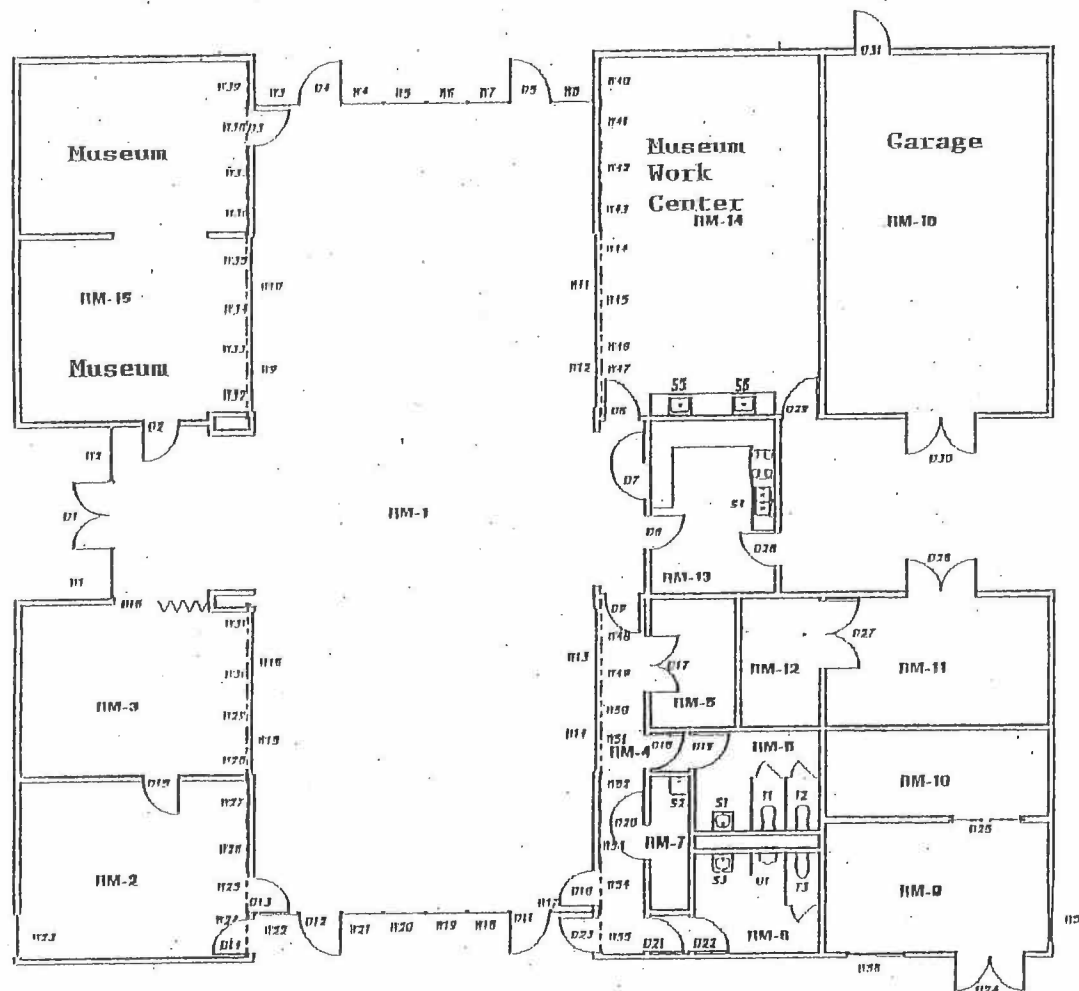
By  8-28-06

Rosa Romero Date  
President

By   
City Attorney

By  8-25-06

Laura Babcock Date  
Chairwoman, Museum Committee



**RSC INC.**  
Consulting Engineers  
**Roofing Services and Consultants, Inc.**  
1007 O'TOOLE AVE - SUITE C100 - SAN JOSE - CA 95131  
PHONE: (408)955-8050 • FAX: (408)955-8054

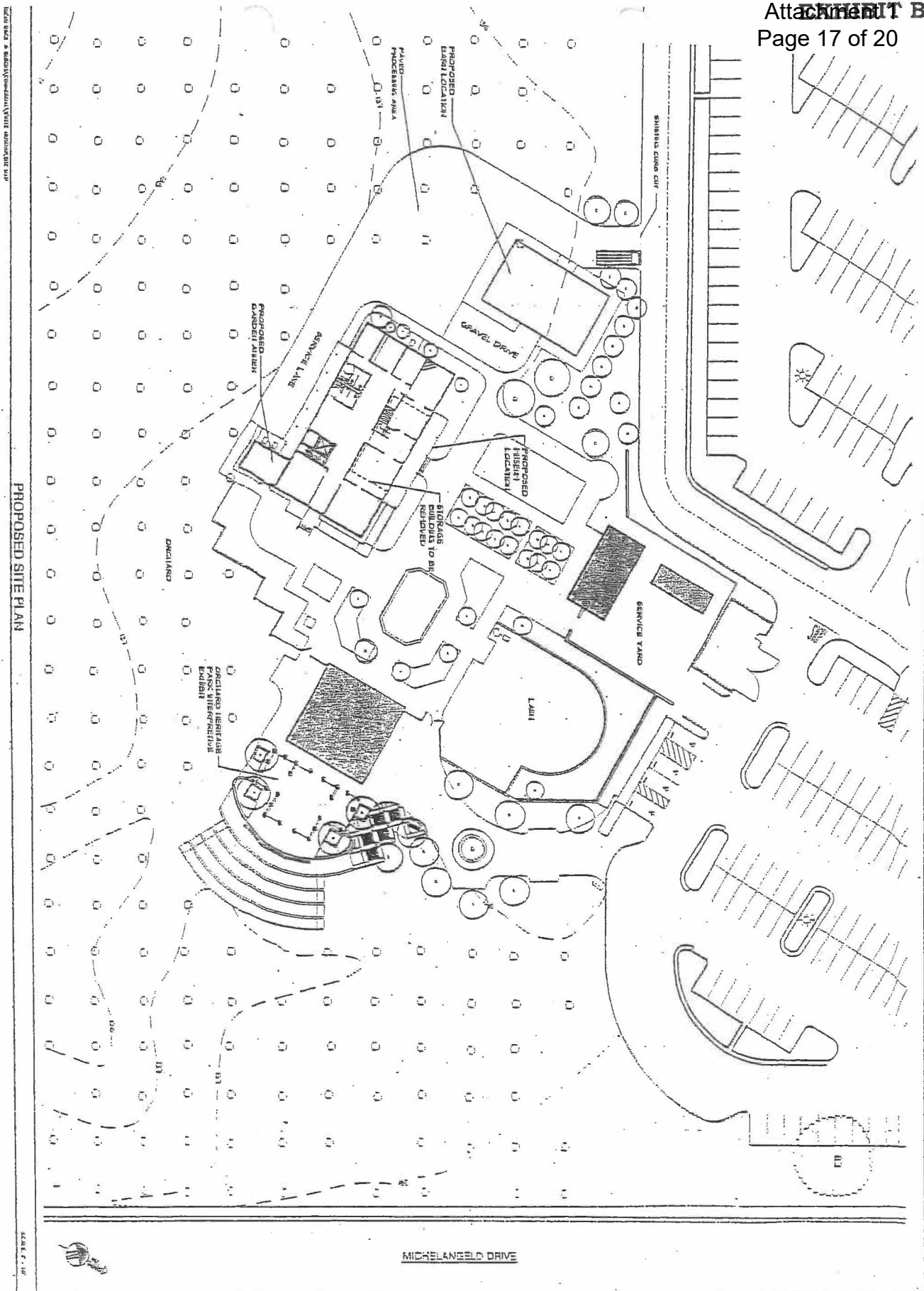
**MURPHY PARK**  
**FLOOR PLAN**  
**RECREATION**  
**BUILDING NO. 024-401**



**City of Sunnyvale**  
456 WEST OLIVE AVE.  
SUNNYVALE, CA 94086

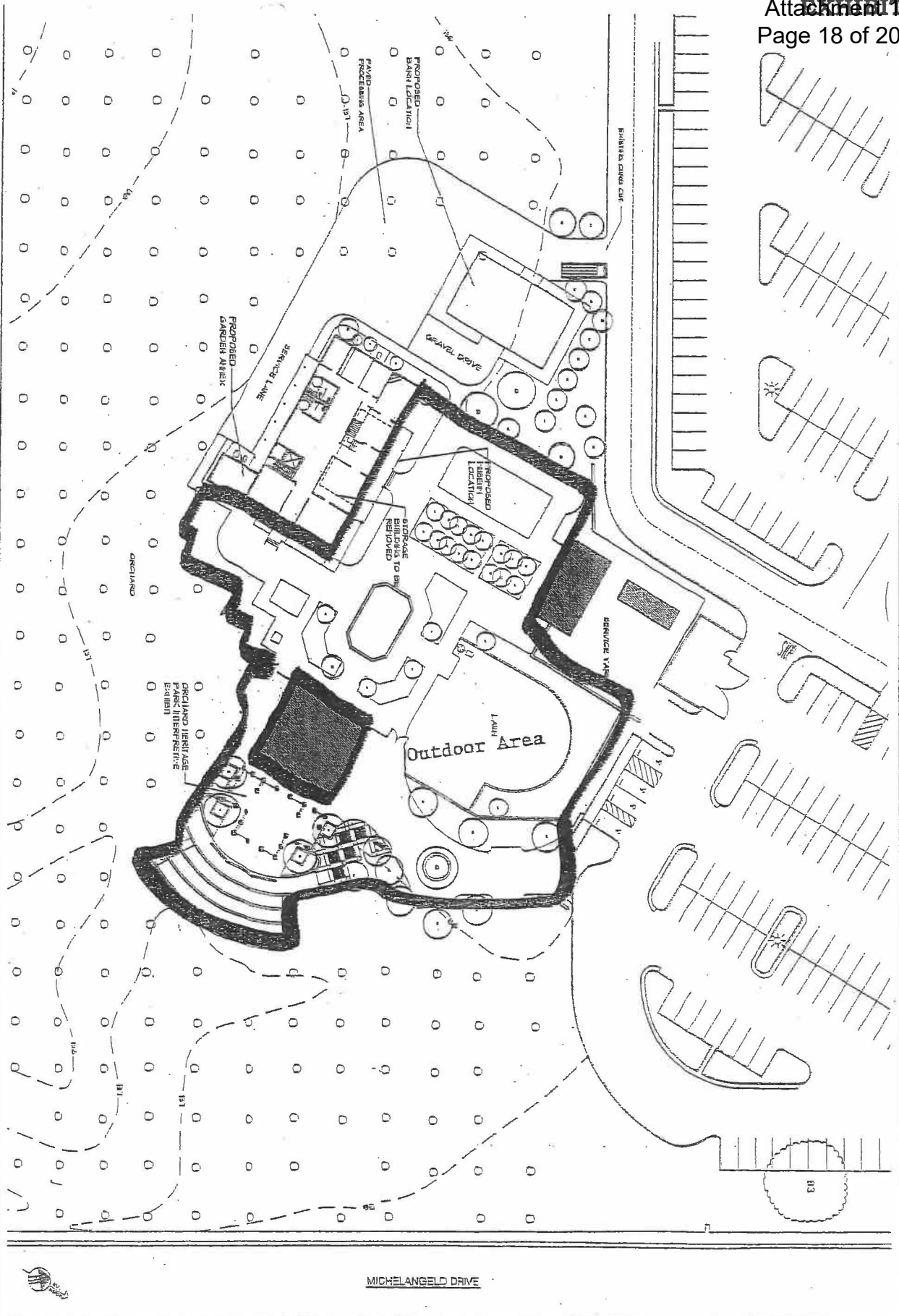
CHARTER:	DESIGNER:	ENGINEER:
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024-401	06/15/92	13:56
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SEE QUANT SCALE	A1	
PROJECT NO.	REV. JOH. HIL. 01-127	
024-401		

EXHIBIT A



UNION PAC & SERRA COMMUNITY CENTER INTERPRETIVE EXHIBIT

PROPOSED SITE PLAN



Sheet  
A-2

DATE: JUL 3, 2003  
DRAWN BY: JLV  
CHECKED BY: JLV

PROPOSED  
SITE PLAN

SUNNYVALE HERITAGE CENTER  
at the  
SUNNYVALE COMMUNITY CENTER  
550 REMINGTON DRIVE, SUNNYVALE CA 94086



**Architectural Alliance**  
Joseph H. Gutierrez • Architect • A.I.A.  
2241 Redwood Drive, San Jose, CA 95131  
(408) 233-4447 FAX: (408) 233-4471

**FIRST AMENDMENT TO AGREEMENT BETWEEN CITY OF SUNNYVALE AND  
SUNNYVALE HISTORICAL SOCIETY AND MUSEUM ASSOCIATION PERTAINING  
TO THE DESIGN, DEVELOPMENT, CONSTRUCTION AND LEASE OF A HERITAGE  
MUSEUM AT THE SUNNYVALE HERITAGE CENTER**

THIS FIRST AMENDMENT is entered into on October 22, 2007, by the CITY OF SUNNYVALE, a municipal corporation ("CITY"), and the SUNNYVALE HISTORICAL SOCIETY AND MUSEUM ASSOCIATION ("SOCIETY").

**RECITALS**

On September 12, 2006, CITY and SOCIETY entered a fifty (50) year agreement pertaining to the design, development, construction and lease of a Heritage Museum at Sunnyvale Heritage Center at the Sunnyvale Community Center ("the Agreement"). By this Agreement, the Society has exclusive control of the premises to construct a museum on said premises.

NOW THEREFORE, the parties agree that the Agreement dated September 12, 2006, will be amended by the addition of the following addendum:

**Paragraph 7(d) is replaced with the following amendment:**

**(d) Obligations of CITY**

CITY shall contribute \$140,000 funding for this project.

**Obligations of SOCIETY**

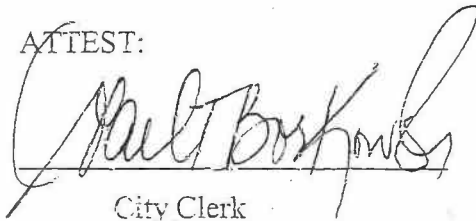
1. SOCIETY shall use the entire \$140,000 CITY contribution to fund the detailed landscape design, purchase landscaping materials and cover construction and installation costs for the landscaping. CITY shall have no further obligation to contribute funding if the cost of completion of the work exceeds the City's contribution of \$140,000.
2. Society has exclusive control of said premises to oversee the installation of the Landscaping Plan and shall cause to be prepared, at its expense, and shall submit to CITY

construction plans and specifications for the Landscaping Plan to include the area designated on Exhibit A and incorporated as part of this amendment.

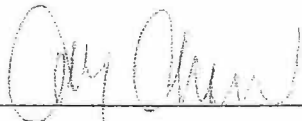
3. SOCIETY shall prepare such plans and specifications in consultation with CITY.
4. SOCIETY shall receive approval of all plans and specifications by the Director of Parks and Recreation and/or his designee(s) prior to filing of final plans and specifications under section 6 below.
5. Prior to construction, SOCIETY shall provide CITY with access to the financial records of SOCIETY, with proof that SOCIETY has sufficient funds to undertake and complete the installation of the Landscaping Plan should costs exceed \$140,000.
6. Prior to construction, SOCIETY shall have obtained all necessary permits authorizing construction of the Project from CITY and other public agencies having jurisdiction over the Project, in compliance with all applicable laws, regulations, codes, and the permitting process.
7. Following completion of construction and installation of landscaping, SOCIETY shall provide notice to CITY and CITY shall provide maintenance of the installed landscape improvements.

IN WITNESS WHEREOF, the parties have executed this First Amendment.


ATTEST:

  
City Clerk

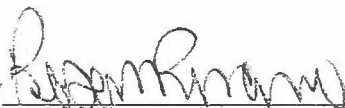
CITY OF SUNNYVALE ("CITY")

By   
City Manager

APPROVED AS TO FORM:

  
City Attorney

"SOCIETY"

By   
Rosa Romano  
SHSMA President



# City of Sunnyvale

## Agenda Item

17-0917

Agenda Date: 2/16/2018

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### 2018 COUNCIL STUDY ISSUE

#### **NUMBER**

DPW 17-05

**TITLE** Orchard Heritage Park and Heritage Park Museum - Analysis and Options for the Long-Term Operations and Maintenance of Orchard Heritage Park and Review of the Sunnyvale Historical Society and Museum Association Proposed Expansion of the Sunnyvale Heritage Park Museum Site

#### **BACKGROUND**

**Lead:** Public Works  
**Support Departments:** Office of the City Manager  
Office of the City Attorney  
**Sponsor(s):** City Manager  
**History:** 1 year ago: Ranked Below the Line  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this study?**

In 2015, Council approved Study Issue DPW 15-10, which analyzed the potential of relocating the Butcher House to Orchard Heritage Park. On April 5, 2016, staff presented Council with three alternatives which included locating the Butcher House within the orchard, locating the Butcher House to the lawn area across from the museum, or not relocating the Butcher House (RTC 16-0182 Attached). Council discussed the alternatives and members of the public spoke regarding the various options. Representatives of the museum also spoke and clarified that they would only proceed with moving the Butcher House if it was relocated to their preferred location in the orchard. A motion to relocate the Butcher House within the orchard (the location preferred by the Historical Society) failed on a 3-3 vote.

Since the Sunnyvale Historical Society and Museum Association (SHSMA) indicated they would not support moving the Butcher House to the lawn area across from the museum, Council requested staff to meet with them and see if any other options were available to relocate the Butcher House to Orchard Heritage Park without removing any apricot trees. Staff held a meeting with the SHSMA on May 3, 2016, and the SHSMA reiterated they did not support moving the Butcher House anywhere else except for in the orchard because it does not align with their vision of expanding the museum grounds to Michelangelo Drive. On July 26, 2016, the City Council rescinded its previous Council action and took action to not relocate the Butcher House.

On multiple occasions Council also expressed concern and interest regarding the long-term viability of the orchard, and the development of a plan for future operations and maintenance. It would be most appropriate to combine both these items into one study, as each decision would affect the other.

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### **What are the key elements of the study?**

#### Orchard Operations and Maintenance

The Council has expressed interest in analyzing options for the future operations and maintenance of the Orchard. The Orchard is currently maintained by volunteer work and no long-term operational plan has been developed.

#### Expansion of the Sunnyvale Heritage Park Museum Site

The SHSMA expressed interest in exploring the possibility of expanding the museum grounds at Orchard Heritage Park further east to Michelangelo Drive. The purpose of the expansion would be to accommodate additional items such as exhibits, historical structures, a windmill and ultimately creating one cohesive location including the orchard. The expansion will require the removal of trees in the orchard.

#### Study

If approved, this study would engage the community, stakeholders, and current operators and volunteers to:

1. Identify long-term options for operating and maintaining the orchard.
2. Review concepts to expand the current Museum facility, including the identification of boundary limits.

Staff would hire a consultant to develop multiple site plan concepts, identify utility needs, review CEQA, assess potential costs, and complete a community engagement process.

**Estimated years to complete study: 2 years**

### **FISCAL IMPACT**

#### **Cost to Conduct Study**

Level of staff effort required (opportunity cost)	Major
Funding Required for Non-Budgeted Costs	\$350,000
Funding Source	Will seek budget supplement

The cost is for consultant services that are necessary to complete the work effort. The consultant team will require many different levels of expertise including land use, engineering, environmental, economics, and community outreach. Staff would be responsible for managing the project, which includes developing a scope of work, hiring a consultant, managing the consultant, reviewing all work products, participating in all necessary public outreach as well as presentations to commissions and City Council. There has been significant public feedback with regards to the orchard and museum and staff anticipates that this effort will require a community engagement process beyond what is required for a typical Study Issue.

#### **Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs, including capital and operating, as well as revenue/savings.



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**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: Parks and Recreation Commission

**STAFF RECOMMENDATION**

Defer. This policy issue merits discussion at a future Study Issues Workshop.

In 2016, there was a significant amount of discussion regarding the orchard and museum. However, at this time the immediate improvements that the Council prioritized are underway and overall the orchard and museum are both functioning as envisioned. The orchard continues to be well maintained and is an asset to the City. The museum is also a City asset, and staff is moving forward with relocating the City maintenance facility and constructing permanent improvements to further enhance the site. The development of an overall vision and a plan for future operations and maintenance may provide benefits to guide future decisions and staff recommends considering this policy issue at a future Study Issues Workshop.

Prepared By: Craig Mobeck, Interim Director, Public Works

Reviewed by: Teri Silva, Interim Assistant City Manager

Approved by: Kent Steffens, Interim City Manager

**ATTACHMENT(S)**

Report to Council 16-0182



# City of Sunnyvale

## Agenda Item

16-0182

Agenda Date: 4/5/2016

### REPORT TO COUNCIL

#### SUBJECT

Discussion and Possible Action on the Relocation of the Butcher House and Update on the Design of the Orchard Heritage Park Improvement Project (Study Issue) and Find that the Action Is Exempt from CEQA Pursuant to CEQA Guidelines Section 15262 (Feasibility and Planning Studies)

#### REPORT IN BRIEF

This report provides an overview of the public input and conceptual design process for the 2015 Council Study Issue (Attachment 1 - DPW 15-10) to consider relocation of the Butcher House to Orchard Heritage Park and review the need for a retaining wall to address the drainage between the orchard and the museum grounds. In addition, the report provides an update on the Orchard Heritage Park Improvement Project. The study issue and project are considered as a single project since decisions on each item affect future opportunities at the park.

A community input process was undertaken to review the objectives of the improvement project and the possible locations for the Butcher House. The City Council provided direction that multiple concepts should be reviewed for the Butcher House, including concepts that did not require any tree removals from the orchard. Staff presented three different concepts to the community, and based on the feedback received, developed the following three alternatives:

- **Alternative 1 - Locating the Butcher House within the Orchard:** The Butcher House is located near the museum within the orchard at the location preferred by the Historical Society. This location will require the permanent loss of at least 14 trees, and temporary loss of at least 12 trees for installation of a construction access road.
- **Alternative 2 - Locating the Butcher House within Heritage Park:** The Butcher House is located in the lawn area in front of the museum near the parking lot at the location favored by the public. This alternative does not impact the orchard.
- **Alternative 3 - No Butcher House:** This alternative does not provide a site for the Butcher House.

All three alternatives are feasible and meet the goal of the Capital Project, therefore staff does not make a specific recommendation.

#### BACKGROUND

The Orchard Heritage Park Improvement Project was created in response to the Orchard Heritage Park Master Plan Revisions, approved by City Council in 2011. Currently, the view to the front of the Heritage Museum is blocked from the surrounding parking lots by a trash enclosure and a

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maintenance building with associated storage. The goal of the improvement project is to make the front entry to the museum and surrounding areas more visible, attractive and accessible. This will be achieved by removing the cinder block wall separating the museum from the nearby parking lot, relocating the maintenance building and adjacent trash enclosure elsewhere on the Sunnyvale Community Center campus, and improving the area between the museum and the parking lot in accordance with the Orchard Heritage Park Master Plan.

After the Project had been approved by City Council, the Sunnyvale Historical Society requested to move the 1912 Butcher House to Orchard Heritage Park. In response to this, a 2015 Council Study Issue was approved to review potential locations for the house on the Orchard Heritage Park site and to identify impacted park features such as orchard trees. It is important to note the City's project does not include any funding for relocation of the Butcher House. This staff report assumes, per the approved Study Issue, that all costs associated with the relocation and necessary construction would be privately managed and funded.

In addition, the study issue included review of the existing drainage between the orchard and the museum grounds to determine what improvements (such as retaining walls), if any, should be constructed to address potential flooding and drainage issues.

The Parks and Recreation Commission considered this item at a noticed public hearing on February 10, 2016. Under the Public Contact section of this report, a summary of the Commission's action is included.

### **EXISTING POLICY**

#### **General Plan, Chapter 3, *Land Use and Transportation - Open Space*, Goal LT-8**

Adequate and Balanced Open Space: Provide and maintain adequate and balanced open space and recreation facilities for the benefit of maintaining a healthy community based on community needs and the ability of the City to finance, construct, maintain and operate these facilities now and in the future.

#### **From the Orchard Heritage Park Master Plan Action Statements:**

2. Maintain a working fruit orchard throughout the largest portion of Orchard Heritage Park for as long a time period as practical within the resources made available by the City. Provide public access to the greatest extent possible while meeting the goal of maintaining a working fruit orchard.
5. Assist the Sunnyvale Historical Society per written agreements, and to the greatest extent practical, in developing a Heritage Museum facility at Orchard Heritage Park consistent with City Council direction.

### **ENVIRONMENTAL REVIEW**

The actions being considered are exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15262 as the actions relate to the authorization of a feasibility and planning study for possible future actions that the City Council has not approved, adopted or funded.

If a conceptual design for the Orchard Heritage Park Improvements Project is approved, the full scope of the project and any potential impacts will need to be determined by the project architect. It is anticipated that the demolition and disposal of the various structures, construction of replacement

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structures, and construction of new landscaping and associated improvements will be categorically exempt from CEQA pursuant to CEQA Guidelines Section 15302(b) (replacement or reconstruction of existing facilities). The CEQA determination will be brought to the City Council for approval concurrent with the award of the construction contract for the project.

The relocation of the Butcher House and associated alterations to Orchard Heritage Park may have potential impacts on trees and historical resources that require further analysis under CEQA (CEQA Guidelines Sections 15300.2(c), (f), and 15304). Should City Council direct staff to move forward with the proposal to relocate the Butcher House to Orchard Heritage Park, the Historical Society will bear the costs of appropriate CEQA review. Compliance with CEQA is required before the relocation can be approved.

## **DISCUSSION**

As part of the Study Issue the City Council gave specific direction that the relocation of the Butcher House should consider multiple options, including an option that did not require any tree removals from the orchards. Staff engaged the community to review different concepts, and ultimately developed three alternatives for consideration. This Report to Council describes the community and alternatives development process.

### ***Community Meetings***

The architect and City staff hosted two public meetings at the community center campus to gather input on the locations of the new trash enclosure, maintenance building, and Butcher House as well as design features for the new park space (Attachment 2 - Summary of Meeting Notes). The first public meeting was held on Thursday September 17, 2015 at the Sunnyvale Community Center and was attended by at least 52 people. The goal of the meeting was to receive input regarding placement of the new structures (maintenance building, trash enclosure, and Butcher House) and to hear ideas about desired design elements for the new space. This was also an opportunity for the public to ask questions and receive information about the projects. Numerous community members commented that no orchard trees should be removed to accommodate project improvements such as the new maintenance building, trash enclosure or Butcher House. A number of community members stated that the Butcher House should be saved for future generations while others questioned the value of the house or requested that other City parks be considered as potential sites for the house.

Input collected at the first meeting was used to prepare three conceptual designs that were then presented at the second public meeting, held at the Sunnyvale Senior Center on Thursday October 29, 2015 and attended by at least 63 people. Each of the conceptual plans presented indicated a different location or position for the Butcher House as well as various design features requested during the first public meeting. The options presented at the meeting included one option of relocating the Butcher House to the orchard area and two options for relocating the Butcher House within the grounds of the Orchard Heritage Museum. In summary the concepts presented were:

- Concept A - This concept depicted the Butcher House in the existing lawn near the multi-purpose building. The maintenance building and trash enclosure were replaced by a new open turf area with pathways and shade structures on either side.
- Concept B - This concept placed the Butcher House in the orchard in the general area requested by the Historical Society, within the orchard area. Improvements to the current maintenance area include an extended walkway and entry plaza as well as shade trees.

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- Concept C - In this concept, the Butcher House was placed diagonally in the existing lawn area in a manner that preserved some of the open turf. Other improvements included a focal feature in the path in front of the museum and an expanded entry plaza near the parking lot.

Each concept was reviewed and at the end of the meeting, attendees were asked to submit a ranking of their order of preference for the three conceptual plans presented. The rankings are included as Attachment 3 and they show that the attendees are more in favor of placing the Butcher House in a location that does not remove any trees from the orchard.

### ***Alternative Plans***

From the data and information received from the public, the three concept plans presented at the public input meeting were refined by the consultant into the following three alternatives, included as Attachments 4 - 6. The three alternatives are intended to provide the full range of options. They include an option of the Butcher House within the Orchard, an option of the Butcher House within Heritage Park, and an option that does not include the Butcher House. Staff is requesting City Council to select one of the alternatives as the basis for moving forward with the project.

#### ***Alternative 1 - Butcher House in the Orchard Adjacent to the Museum (Attachment 4)***

Alternative 1 shows the Butcher House at the location requested by the Sunnyvale Historical Society. This was the least preferred concept based on the rankings received from the public input process. This concept plan shows the amount of orchard land necessary to install the house and related site improvements such as a porch and Americans with Disability Act (ADA) access ramps. This will require the permanent loss of at least 10 apricot trees from the orchard, 4 other non-orchard trees, and temporary loss of at least 12 apricot trees for installation of an access road to facilitate construction and restoration of the house.

Under this alternative a retaining wall will need to be constructed to accommodate the elevation differential between the proposed Butcher House location and the orchard.

#### ***Alternative 2 - Butcher House in Lawn Area (Attachment 5)***

Alternative 2 is the preferred alternative of the public meeting attendees, and locates the Butcher House on a diagonal within the grassy area adjacent to the parking lot. This concept accomplishes the objectives of the park improvement project and does not involve the removal of any apricot trees from the orchard. However, Alternative 2 is not the requested location of the Historical Society. The Historical Society has concerns about the distance the Butcher House will be from the museum and would prefer to have the house next to the museum to facilitate docent tours of both the museum and house utilizing the same number of volunteer staff. Attachment 7 is a letter from the Historical Society to the City Council.

Should the Butcher House be relocated to this location, other site improvements would need to be included as part of the relocation project. These improvements as shown on the concept plan consist of a new walkway to the house and landscaping changes to accommodate the structure.

#### ***Alternative 3 - Improvement Project Only Without Butcher House (Attachment 6)***

Alternative 3 does not provide a site for the Butcher House.

### ***Trash Enclosure and Maintenance Building***

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The location for the trash/maintenance facility was determined based on a site review as well as input received during the first meeting and was the same in all three conceptual plans presented at the second meeting. The general criteria established based on public comments were that the facility not be located in the orchard, not near community center driveway entrances, not in highly utilized parking areas such as the senior center or theater, not in the Orchard Heritage Park footprint, and that it be in an inefficiently used space. The location presented meets these criteria and minimizes the number of parking spaces that will be lost to accommodate the facility. Landscape screening will also be assessed during design and may be added to mitigate any visual impact from the street.

### ***Drainage Improvements***

Drainage along the orchard edge between the museum and the amphitheater was preliminarily evaluated by the consultant. Solutions anticipated include re-grading and a possible installation of a valley gutter. At this time it is anticipated that a retaining wall at the existing interface along the orchard is not necessary.

### **FISCAL IMPACT**

#### **Orchard Heritage Park Improvement Project**

City Council previously approved a budget of \$750,000 for the design and construction of the Orchard Heritage Park Improvements from the Park Dedication Fund. The project budget was developed and approved prior to any consideration of relocating the Butcher House to the site. City Council subsequently added \$50,000 for consideration of the Butcher House Study Issue. A design contract for \$123,363 was awarded to Callander Associates Landscape Architecture on August 11, 2015.

### **Drainage Improvements**

The drainage issue was not identified until well after the original project budget was developed. For any of the concept plans selected, City Council action requested is to approve a future budget modification at the award of construction contract to accommodate the drainage solution (re-grading and valley gutter) and the implementation of the selected concept plan. The increase in costs above the existing budget is estimated at approximately \$25,000, but actual costs will be determined upon bid opening.

### **Butcher House Relocation**

Per the Study issue, all costs associated with the Butcher House relocation . and construction of associated improvements will be privately managed and funded. The Historical Society has communicated to staff that they are willing to fund this work, but would prefer for the City to cover the costs of some related site work such as the construction of the access road, drainage improvements, landscaping and pathways surrounding the house; however there is no current City funding for those improvements.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

The first of two public meetings for the project was conducted by Sunnyvale staff and Callander Associates, the architectural consultant, at the Sunnyvale Community Center on Thursday,

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September 17, 2015. A second public meeting was held at the Sunnyvale Senior Center on Thursday, October 29, 2015. Notification of these meetings was provided through posting of informational fliers at Orchard Heritage Park and mail delivery to neighbors that live within 1,000 feet of the project. Those that attended any of the meetings and provided contact information received additional notification of scheduled meetings on this subject.

The Parks and Recreation Commission reviewed this item at their February 10, 2016 meeting (RTC 16-0024). The Park and Recreation Commission voted 2 yes, 1 no, and one 1 abstention to approve Alternative 2 - Direct staff to move forward with CEQA evaluation of the proposal to relocate the Butcher House to the lawn area and acknowledge that a future budget modification with the construction contract award will be required to provide funding for drainage improvements behind the existing multi-purpose building. The costs of the CEQA compliance to be borne by the Historical Society.

The vote was unusual in that there is one vacancy on the Commission and one commissioner abstained. In this case, the Commission had the authority to act because four members were present and a quorum of the board (three members) participated in the matter. Thus, based on the City's rule that motions are approved by a majority of votes cast, the motion carried.

Commissioners discussed the ramifications of the Historical Society's position to support only Alternative 1 and the possibility of working with the Historical Society to accept Alternative 2. Historical aspects of the house and costs associated with moving were also discussed. During the public comment period, comments were heard supporting each of the three Alternatives. The Director of the Sunnyvale Historical Society and Museum spoke in support of Alternative 1, which she indicated is the only Alternative in which the Historical Society would bear the cost of relocating the Butcher House. One other speaker supported Alternative 1. Twelve speakers were in opposition to removing any trees from the orchard and supported either Alternatives 2, 3 or 4. A number of people spoke requesting the orchard remain a working orchard that produces fruit (Attachment 8).

### **ALTERNATIVES**

1. Alternative Plan 1- Direct staff to move forward with the CEQA evaluation of the proposal to relocate the Butcher House to the location preferred by the Historical Society. The costs of CEQA compliance to be borne by the Historical Society.
2. Alternative Plan 2 - Direct staff to move forward with the CEQA evaluation of the proposal to relocate the Butcher House to the lawn area and acknowledge that a future budget modification with the construction contract award will be required to provide funding for drainage improvements (re-grading and valley gutter) behind the existing multi-purpose building. The costs of CEQA compliance to be borne by the Historical Society.
3. Alternative Plan 3- Do not relocate the Butcher House and acknowledge that a future budget modification with the construction contract award will be required to provide funding for drainage improvements (re-grading and valley gutter) behind the existing multi-purpose building.
4. Direct staff to proceed with a different alternative.

If the house is included in the preferred alternative, the Historical Society will be requested to confirm their commitment to proceed with the relocation of the Butcher House within two weeks after City Council's action. This will require a commitment to fund the CEQA evaluation and to privately fund and manage all relocation costs. If a commitment is received, staff will proceed with the City project, include appropriate CEQA analysis for relocation (\$25,000-\$60,000 - funded by the Historical

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Society), and maintain the future Butcher House area unimproved for the relocation project. If the Historical Society does not confirm their commitment to proceed with the Butcher House relocation, then Staff would move forward with Alternative Plan 3.

### **STAFF RECOMMENDATION**

Staff makes no recommendation. All alternatives in the report achieve the goals for relocating the maintenance building and trash enclosure.

The City Council has already approved and funded a project for the project that relocates the maintenance building and trash enclosure. Recently, City staff was directed to develop site plan options for the City Council to consider with respect to relocating the Butcher house. Staff makes no recommendation because the construction/engineering issues for the Council directed, and funded, project to relocate the maintenance building and trash enclosures is accomplished in either of the scenarios presented in this report. This report provides the site plan options as City Council directed.

Prepared by: Nathan Scribner, Senior Civil Engineer

Reviewed by: Manuel Pineda, Director, Public Works

Reviewed by: Cynthia Bojorquez, Director, Library and Community Services

Reviewed by: Kent Steffens, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Study Issue
2. Summary of Meeting Notes
3. Community Rankings of Concept Plans
4. Alternative 1 - Butcher House at Historical Society Preferred Location
5. Alternative 2 - Butcher House in Grass Area
6. Alternative 3 - No Butcher House
7. Letter from the Sunnyvale Historical Society and Museum Association
8. Excerpt of Draft PRC Minutes of February 10, 2016







# City of Sunnyvale

## Agenda Item

15-0118

Agenda Date: 1/30/2015

### 2015 COUNCIL STUDY ISSUE

#### **NUMBER**

DPW 15-10

**TITLE** Relocation of the Butcher House to Heritage Garden Park and Review of the Need for a Retaining Wall

#### **BACKGROUND**

**Lead Department:** Public Works  
**Support Department(s):** N/A

#### **Sponsor(s):**

Councilmembers: Martin-Milius, Griffith

#### **History:**

1 year ago: N/A  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

**What are the key elements of the study?**

#### **Butcher House Relocation**

Staff previously reviewed the relocation of the Butcher House as a Budget Issue to determine all the costs associated with relocation. This Study Issue would only determine the appropriate location for the Butcher House within Heritage Garden Park and the conceptual elements that need to be included as part of the project that affects other park features. This would include tree removals/relocations, utilities, and access.

There are also two additional projects currently under consideration at Heritage Garden Park that affect the Butcher House relocation.

#### **Construction of a Retaining Wall**

The study would review the existing drainage (the Heritage Museum experienced flooding as part of the last major storm) and make a determination if drainage modifications are required. It would also analyze what type of improvements (such as retaining walls), if any, should be constructed to address any flooding and drainage issues.

#### **Project 830480 Orchard Heritage Park**

There is funded capital project to remove and construct a new maintenance building and dumpster enclosure within the park. The purpose of the project is to make the museum and surrounding area

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15-0118

Agenda Date: 1/30/2015

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more accessible, usable, and attractive. Staff is currently developing a design scope of work, which is scheduled for release in March.

### **Study Issue Approach**

The Study Issue contemplates additional modifications to the park. As such, it would be most effective to combine all projects into one single project. A piecemeal approach would not work, as each decision taken individually could affect future options and opportunities.

Staff will include the drainage concern as part of the current scope of work for project 830480. The drainage item contemplates specific engineering issues which staff believes should fit within the expertise of the designer that will be selected as part of the current project. However, the identification of a location of the Butcher house will require additional funding and time. This includes masterplan review, preliminary engineering concerns, and additional outreach. If relocation of the Butcher house proceeds as a selected Study Issue, staff will incorporate it within the same consultant contract, which will allow for a comprehensive plan for all the proposed improvements. It is important to highlight that this will delay the completion of the scope of work for project 830480 by approximately three months, and the additional work will add approximately another six months to the overall project.

### **What precipitated this study?**

Request by the Sunnyvale Historical Society and Museum Association

**Planned Completion Year:** 2015

### **FISCAL IMPACT**

#### **Cost to Conduct Study**

Level of staff effort required (opportunity cost): Moderate

Amount of funding above current budget required: \$50,000

Funding Source: Will seek budget supplement

Explanation of Cost:

The additional funds will be used to help masterplan and identify a possible location for the Butcher house. This will also include conceptual infrastructure needs and a discussion on possible impacts.

#### **Cost to Implement Study Results**

Butcher house - No cost to implement.

Retaining Wall/Drainage Issues - Will be determined as part of design

Explanation of Cost: The actual design, relocation, and construction of the Butcher house would be funded by private funds. This would also include any City fees for review and inspection.

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15-0118

Agenda Date: 1/30/2015

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**EXPECTED PARTICIPATION IN THE PROCESS**

Council-approved work plan: No

Council Study Session: No

Reviewed by Boards/Commissions: Parks and Recreation Commission

**STAFF RECOMMENDATION**

**Position:** Support

**Explanation:** If Orchard Heritage Park is a feasible location for the Butcher house, it would be beneficial to include it as part of the current project. Because of space constraints, understanding and planning all possible improvements would simplify future construction of improvements within the park.

Prepared By: Manuel Pineda, Director, Public Works

Reviewed By: Robert A. Walker, Assistant City Manager

Approved By: Deanna J. Santana, City Manager





## Via E-Mail Only

September 22, 2015

### Meeting Summary

### Orchard Heritage Park Project

#### RE: Community Meeting #1

Date of Meeting: Thursday September 17, 2015, 7:00 pm – 8:30 pm, Sunnyvale Community Center

Attendees:

*City of Sunnyvale:*

Nate Scribner (NS), [nscribner@sunnyvale.ca.gov](mailto:nscribner@sunnyvale.ca.gov)

Jim Stark (JS), [jstark@sunnyvale.ca.gov](mailto:jstark@sunnyvale.ca.gov)

*Callander Associates:*

Dave Rubin (DR), [drubin@callanderassociates.com](mailto:drubin@callanderassociates.com)

Brian Fletcher (BF), [bfletcher@callanderassociates.com](mailto:bfletcher@callanderassociates.com)

*Community:*

See Sign In Sheets (attached)

The following information was discussed during the meeting and/or received via comment cards or email correspondence directed to [pubworks@sunnyvale.ca.org](mailto:pubworks@sunnyvale.ca.org).

*item*

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### Orchard Heritage Park Community Comments

- Gardening advocate asked that team consider including plumbing inside garden shed.
- Numerous community members commented that no orchard trees should be removed to accommodate project improvements (i.e. maintenance building or trash enclosure should not encroach into orchard).
- Consider including playground to appeal to younger families. Play equipment should not be modern looking.
- Consider providing large shade trees and benches around museum.

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[www.callanderassociates.com](http://www.callanderassociates.com)

## Meeting Summary

### Orchard Heritage Park Project

RE: Community Meeting #1

Date of Meeting: Thursday September 17, 2015 7:00 pm – 8:30 pm

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- Community member requested that the design incorporate large specimen trees for immediate impact. Avoid small container planted trees.
  - Design should provide a more welcoming entry to the museum and offer a direct route to access new improvements. Any solution must include shade (preferably a structure). Weddings are very hot. Consider including grapevines on arbor.
  - Consider provisions to allow for rotating exhibit space at entry plaza.
  - Shade over lunch areas more interesting for kids/schools
  - Provide for more kid friendly amenities where possible.
  - Consider a design that has benefits to broader community and not just the museum.
- 
- When programming the space, consider limitations on loud music in entry area during events.
  - Provide multi-generational appeal in design of space.
  - Look at parking lots for opportunities to accommodate program as they're very underutilized. BF noted that expanding project limits also tends to expand project costs.
  - Consider how to discourage homeless from using new park amenities.
  - Location of future maintenance building should not encroach on existing features to the extent possible.
  - It was noted that the parking lot will be used more, if good amenities are available.
  - Consider placing maintenance building along entry drive from Manet side of the campus.
  - A community member inquired whether the maintenance building be same size. BF responded that the building will have a very similar footprint.
  - One community member suggested that the maintenance area be retained where it is, just hide it better.
  - Consider maintenance and trash area at curve on Michelangelo side of campus.

### Butcher House Community Comments

- It was clarified that the cost to move the Butcher House will be borne by Historical society.
- A number of community members stated that the Butcher house should be saved for future generations.
- Consider using the house as additional museum space.
- One community member inquired 'Why move and save Butcher

## Meeting Summary

### Orchard Heritage Park Project

RE: Community Meeting #1

Date of Meeting: Thursday September 17, 2015 7:00 pm – 8:30 pm

Page 3 of 4

House?’ Another made the statement that the Butcher House might not on the City’s heritage resource list. Where’s the City’s study saying to keep Butcher House? Consider adding Heritage Preservation Commission to the review process.

- Many participants noted that the Butcher House should only be placed within the confines of Orchard Heritage Park. No removal of orchard trees. If it’s valued by the community, it should not be tucked into the orchard.
- It was suggested that there’s value in showing what hard working class lived like. We should not just save and restore historic homes of the wealthy.
- A few community members expressed that the study issue is too narrowly defined. Another individual thought there should be a “no relocation” option.
- It was suggested that the design team be realistic about quantity of impacted orchard trees.
- It was suggested there may not be enough room to accommodate all programs.
- Butcher House is part of history. It belongs in Orchard Heritage Park.
- Orchard needs to be certain size to be economically viable. Removing trees pushes orchard closer towards not being viable.
- Locate Butcher House where maintenance building is currently located.
- Consider parking lot as location for the Butcher House.
- Can Butcher House go somewhere else in the City? Has that scenario been considered?
- A community member inquired how the Butcher house would be transported to each park location depicted on concepts. Would the act of transporting the house remove trees in certain locations where trees don’t otherwise seem impacted?
- One community member wanted to find out how to voice their concerns over placing the Butcher House at Orchard Heritage Park. BF responded that there will be future meetings including a Council meeting to provide input.
- Question was asked whether the maintenance area foot print can be reduced to save on space.
- Question was asked whether the City benefits from having Butcher House? Consider needs of broader community.
- Consider placing the house at Las Palmas Park for use as a recreation center.
- Butcher House redundant with museum. Have something to honor working class from that era instead.
- A few community members asked to see what the interior of the



**Meeting Summary**

**Orchard Heritage Park Project**

**RE: Community Meeting #1**

Date of Meeting: Thursday September 17, 2015 7:00 pm – 8:30 pm

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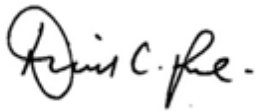
home looks like.

- Question was asked whether there's time pressure to resolve Butcher House issue.
- Restrooms at multi-purpose building are often vandalized and closed. Consider ways to solve that issue.
- Can maintenance area be broken up? Buildings broken up by use, smaller buildings spread around the site.

-END-

The information above is Callander Associates' understanding of items discussed and decisions reached at the meeting. Callander Associates is proceeding with the project based on this understanding. If you have any questions, additions, or corrections to this memo, please contact this office in writing within three days.

Submitted by:



Dave Rubin, Project Manager, Callander Associates

cc: All attendees

**Attachments:**

1. Sign-in sheets, dated September 17, four pages
2. Comment cards received at meeting (9/17/15)
3. Email correspondence received at [pubworks@sunnyvale.ca.gov](mailto:pubworks@sunnyvale.ca.gov) between 9/9/15 and 9/24/15



## Via E-Mail Only

November 12, 2015

### Meeting Summary

#### Orchard Heritage Park Project

##### RE: Community Meeting #2

Date of Meeting: Thursday October 29th, 2015, 7:00 pm – 8:30 pm, Sunnyvale Community Center

##### Attendees:

###### *City of Sunnyvale:*

Nate Scribner (NS), [nscribner@sunnyvale.ca.gov](mailto:nscribner@sunnyvale.ca.gov)

Jim Stark (JS), [jstark@sunnyvale.ca.gov](mailto:jstark@sunnyvale.ca.gov)

###### *Callander Associates:*

Brian Fletcher (BF), [bfletcher@callanderassociates.com](mailto:bfletcher@callanderassociates.com)

Tristan Williamson (TW), [twilliamson@callanderassociates.com](mailto:twilliamson@callanderassociates.com)

###### *Community:*

See Sign In Sheets (attached)

The following information was discussed during the meeting and/or received via comment cards or email correspondence directed to [pubworks@sunnyvale.ca.org](mailto:pubworks@sunnyvale.ca.org).

*item*

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#### Orchard Heritage Park Community Comments

- It was suggested that the maintenance building will be more of a landscape type of project, not a construction project. Examples such as a landscaped screening wall and exterior landscape of the building were given.
- It was inquired about the Butcher House being in a parking lot location.

## Meeting Summary

### Orchard Heritage Park Project

RE: Community Meeting #2

Date of Meeting: Thursday October 29, 2015 7:00 pm – 8:30 pm

Page 2 of 9

- Community member suggested consulting with the Historical Society on the 3 presented concepts and getting their feedback.
- Community member inquired about the treatment of the driveway in Concept B. Can the orchard be restored?
- Community member inquired about providing access to farm equipment.
- Inquiry on the historical significance of the Butcher House.
- Community member inquired about the number of trees that are to be lost with each concept.
- Community inquired about the possibility of a different location for the Butcher House and whether or not it will be open to the public.
- Community member inquired about alternatives to liquidambar for the Interpretive Pathway, is there another SPP?
- Community member was concerned about ability to voice their preferences and opinions on the project (see comment card).
- Community member inquired about the location of restrooms in the proposed play area.
- Community member suggested alternate location of play area of the Driveway by the Barn.
- Between the three concepts, what is the number of outdoor spaces in each? This is important, especially for accommodating events.
- Community member voiced their goals for the security fence. Must be secure, visually appealing, thematic, and open.
- Community member inquired about the danger of farm equipment on site, especially toward children.
- Community member said that the Gazebo has many benefits and they can foresee ability but can they see an equivalent idea in the other concepts?
- Can the proposed play structure be included in Concept C?
- Community member noted that Concept C contains a visual connection between the two structures. Creates an engagement between different environments.
- Community member asked about the need for a retaining wall. Is it to prevent flooding on site?
- Community member questioned proposed location of Gazebo in Concept C. They asked it be to the left of the fountain.
- How are the two decisions being made related and how will they be made?
- It was noted that the next step would be a parks and recreation

## Meeting Summary

### Orchard Heritage Park Project

RE: Community Meeting #2

Date of Meeting: Thursday October 29, 2015 7:00 pm – 8:30 pm

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meeting.

- Community member noted “big” need for proposed playground but inquired about the hours and the security measures, need for a fence?
- It was noted that the Museum Courtyard is currently used as an informal playground, if this is a continued use there is need for shade and a restroom.
- It was noted that residents and neighbors needs to be ensured and made aware of any drawings that show trash enclosures.
- A suggested alternative location for a trash enclosure would be across from the driveway at Michelangelo Drive.
- A community member inquired about the impacts on the trees from the fence around the Butcher House shown in Concept B.
- A community member asked if there are any restrictions on future site development of orchard land that are tied to the original development of the site.
- What is the budget of entrance and relocation project, how do the 3 concepts compare, and what is the existing budget?
- A community member asked how the 3 concepts stack up in regards to the Butcher House issue.
- It was noted that the 4<sup>th</sup> Concept’s improvements are free of the Butcher House.
- A community member requested an increased focus of “living heritage” at the site.
- It was noted that the home of the orchard workers is complicated by featuring the ranch home/Butcher House.
- A community member requested that the Butcher House remain at its existing site.
- It was noted by community that concepts A and C feature all desirable elements and are a “win/win” for the site.
- It was noted that in concept B, the Butcher House is hidden behind other existing elements.

### **BF Comments**

- Community likes the idea of a playground.
- Community did not respond to concept B.
- Noted that there is no shade at the amphitheater.
- Noted that there are no restrooms for play area.
- Concept C was also well received.
- Concepts A and C could be accessible.
- Community would like to see a concept without the Butcher House.
- A and C are most viable options.

## Meeting Summary

### Orchard Heritage Park Project

RE: Community Meeting #2

Date of Meeting: Thursday October 29, 2015 7:00 pm – 8:30 pm

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- The Orchard house would complement and highlight how they lived.

#### **Comment Cards:**

***Are there are any amenities or features from the other two concepts that you would like to see in your preferred concept?***

- Would there be room for a gazebo in Concept A.
- Bathroom for play area?
- Gazebo, open entry to museum.
- Walkways to be able to look at farm equipment.
- Playground either here or elsewhere on community center site. No loss of apricot trees, would rather have nice playground and not Butcher House.
- Small gazebo or other back drop for a wedding (other events) pictures.
- Like the Gazebo in C, would also like the play structure but less priority, would also like plum trees near Butcher House, keep lawn in C.
- Playground idea OK in existing location, except that it seems small for the number of children in the area. Perhaps place playground in another part of the Community Center lawn areas.
- Please do not move Butcher House in Orchard Park, it's pretty open space.
- Using the old historic crates somehow, stacking in an aesthetically pleasing way as part of a display is a nice idea. Can this be included in Option 3? Option 3 is the unified layout with a center area. Please camouflage the maintenance and garbage structures.
- Play structure.
- A – like the idea of having the house with some yard visible.
- B – having the house in the back area gives event planners more privacy depending when parties are allowed to start – so will the public still be allowed throughout the rest of the park?
- Play area should be added to C, in the area next to the purple shrubs.
- Like the idea of living exhibit to show and playground. Also shadow walkway is what residents want there, open area for concept C.
- Gazebo and play area in Concept C.
- Playground and Gazebo.
- I would like to see the maintenance building and trash enclosure placed in a landscaped berm. There is a way to design the building and landscape so that these elements are actually pleasant and interesting.

## Meeting Summary

### Orchard Heritage Park Project

RE: Community Meeting #2

Date of Meeting: Thursday October 29, 2015 7:00 pm – 8:30 pm

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- Multiple community members stated preference to have a way to vote against Concept B rather than having to give it a rank at all.
- Multiple community members state that a play area is needed in concept A.
- Preference for Concept B based on the turf area being continuous, not divided up as in other concepts.
- Preference for an option showing to Butcher House rotated 90 degrees clockwise with the front being roughly 20' from the multipurpose building.

#### ***Are there are any amenities and features in your preferred concept that you would like not to include?***

- Do not remove any trees.
- No play area in concept C.
- Option C is the best use of space, leaving half of the lawn area as open space.
- Not much interest in Butcher House.
- Keep Butcher House on Butcher property down near Wolfe
- Not sold on having a playground at this site. I'd rather see space for school groups, restrooms and lunch area.
- Play area to include present old equipment and restrooms
- Play area may be more of a problem, liability.
- Option B is not preferable: more expensive to move the Butcher House in this option; Butcher House appears "hidden away" behind other buildings.
- Play area not preferable because it does not include (accessible) bathroom facilities and would appear to be outside the fenced area and generally not in a visible area.
- Move proposed play area to near the Community Center, behind the Senior Center, as an alternative to the currently-proposed site.
- No Butcher House
- Vote against including a play area and/or freestanding bathrooms.
- Playground could be fine in proposed location if restrooms can be made available; if not, multiple community members stated preference for moving play area to a location in the Community Center.
- Support for the walkway, as it improves the sight line from the parking area to the museum, but multiple community members stated it is not preferable to create an obstacle to this sight line by locating the Butcher House as shown.

## Meeting Summary

### Orchard Heritage Park Project

RE: Community Meeting #2

Date of Meeting: Thursday October 29, 2015 7:00 pm – 8:30 pm

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- Preference to locate the Butcher House close to the Museum building for a number of reasons: proximity of 2 separate buildings for use in weddings and other events; multiple community members expressed concern over the increased staffing of docents potentially required by locating the Butcher House far from the Museum building.
- Playground not compatible with concepts put forth.

#### ***Do you have any other comments?***

- Keep the last remaining apricot orchard in the Santa Clara Valley completely intact.
- Apricots are an important part of City and County history. Very important to the preservation of community heritage that the orchard be preserved. Future generations should be able to see the orchard first-hand.
- Orchard maintenance becomes less cost-effective with removal of trees.
- This entire project appears to be an unnecessary expense for the City and its taxpayers.
- Effort is being driven by desire to move maintenance building; if this must happen, proposed location should not affect orchard or operations.
- Potential model for a period-correct park: Mission San Juan Bautista. Unadorned, emphasis on history.
- Potential improvements to maintenance building design:
- Keep current location, but new building could match orchard barn structure so that it adds on to the “current cloistered sanctuary feeling.” Maintenance building could be pulled back more into the parking area, opening up more space for amenities within the existing courtyard.
- Inquiry about organizing to prevent any development on the orchard land.
- Multiple community members recommend adding more parks in Sunnyvale.
- Feelings of sadness in seeing orchards disappear with buildings being put in their place.
- Preference to move the Butcher House to the old Murphy Park on N. Sunnyvale Ave.
- Multiple community members stated they do not want the trash enclosures to be located near the homes, where currently proposed, and one states they should not have to look at the back of trash enclosure and maintenance building from their home on Michelangelo Drive.

## Meeting Summary

### Orchard Heritage Park Project

RE: Community Meeting #2

Date of Meeting: Thursday October 29, 2015 7:00 pm – 8:30 pm

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- Suggested alternative location for trash enclosures: behind theatre or gym.
- Suggested alternative location for maintenance building: west of the Barn (where temporary tents are).
- Support for the Entry Plaza going straight into the museum entrance.
- Proposed open turf area should be moved to in front of the Butcher House, leaving the potential for a larger open turf area in case the Butcher House does not end up on this site.
- Additional benches needed to accommodate group visits to the museum/student field trips.
- The museum should be open more often, or else the potential play and garden areas should be open at all times so that it will be open to students at the community center classes and to the general public.
- A play area should be located close to the community center.
- Multiple community members expressed the desire to remove any intervention that would involve any change to the orchard's current state.
- Preference for the location of the Butcher House in Concept B due to: proximity to Museum buildings, orchard and walkway to Senior Center, effectively telling the "story" of Sunnyvale's history.
- The new entrance will be welcoming to all.
- The loss of "8 to 9" trees will not "destroy" the orchard, and is a sacrifice in order to preserve Sunnyvale history.
- Children's play area is not preferable as it does not tie into presenting history.
- Support for the wide entry through historic gates.
- Support for an exhibit with interpretive panels on the farm machinery.
- There is a need for a covered walkway between the Butcher House and the Museum (as noted by the Historical Society). Potential location: along the multi-use building.
- Suggest recreating the front porch the Butcher House historically had, which was "rounded out in front of the door, and extended to each side of the front of the house."
- Cutting down trees to make way for the Butcher House is unacceptable, as the apricot orchard is the last one left in the South Bay and is too small for proposed reduction.
- Replacement of trees is something that already happens in the orchard, and so the replacement of a swath of trees in the case of the driveway behind the museum building is acceptable. Potential



## Meeting Summary

### Orchard Heritage Park Project

RE: Community Meeting #2

Date of Meeting: Thursday October 29, 2015 7:00 pm – 8:30 pm

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to relocate trees from the proposed Butcher House location (Option B) to areas where farm equipment is currently stored.

- Staff and council ought to go back and look at original proposal.
- Continue to preserve orchard and as much our heritage as possible.
- Preference to leave the Butcher House where it is.
- Preference not to alter the orchard at all, or to buy it and convert it to a park.
- Try to preserve as much open space in front of museum and Butcher House for events.
- The more open space, the better. Need to provide the public with greater amount of time of notice before the date of the community meeting.
- I really love the orchard
- I'm still unconvinced about the value of the Butcher House. If we don't have to keep it, I like the layout of B-less the Butcher House.
- Butcher House's historic value is questionable.
- Disagreement with the removal of trees from the orchard for environmental reasons (mitigating air pollution caused by increased traffic).
- Support for the Museum and orchard the way they are now, no support for the addition of another building that will not add value to the site.
- Agree with the gentleman who implied that the Historical Society somehow has more influence on whether or not the Butcher House is appropriate for this property. There really has been little or no discussion about whether this relocation is not usable. It's sort of "Fait accompli"
- Many people enter the Community Center through Michelangelo from the South(walking). Need to keep a cut through.
- It would be nice to include play area. Shaded trellis and trees also good.
- Great job by the consultant and staff for running a great meeting.
- Put less emphasis on weddings, more on play structures.
- Wherever you put the house, will it have a covered open area for receptions; as I see nothing on the plans on any drawings? Like the Los Altos museum has an outside area ready to have any event out there.
- Great idea to show the farming equipment in a more informative way
- C might make the most sense in both the visual and the information
- Add play yard in concept C. Beside the Butcher House.

**Meeting Summary**

**Orchard Heritage Park Project**

**RE: Community Meeting #2**

Date of Meeting: Thursday October 29, 2015 7:00 pm – 8:30 pm

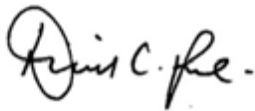
Page 9 of 9

- Great concepts! Pathway to senior center and community center is needed.
- Has any thought been considered to develop Butcher corner around the theme of the Butcher home?
- A gazebo is a distraction. I don't think this feature is needed.
- Excellent presentation. Listened well from meeting #1
- Did not like the option of not having a fourth option that did not relocate the Butcher House

-END-

The information above is Callander Associates' understanding of items discussed and decisions reached at the meeting. Callander Associates is proceeding with the project based on this understanding. If you have any questions, additions, or corrections to this memo, please contact this office in writing within three days.

Submitted by:

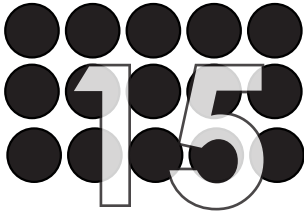
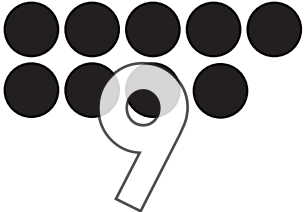

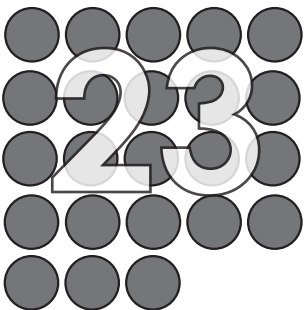

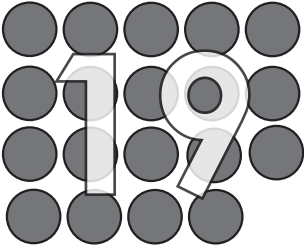
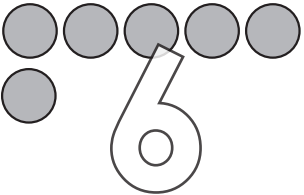
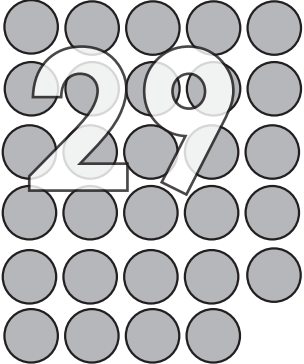


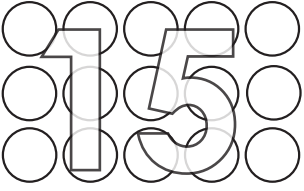



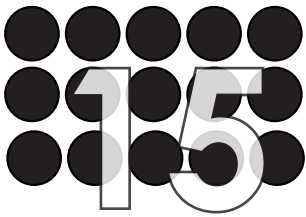
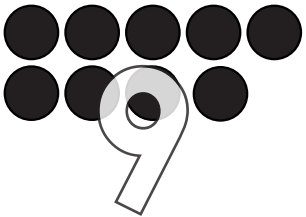

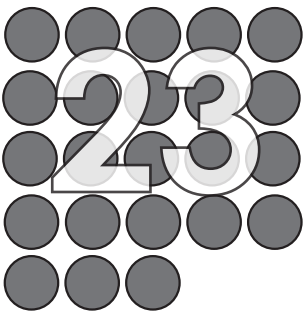

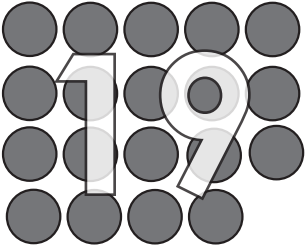
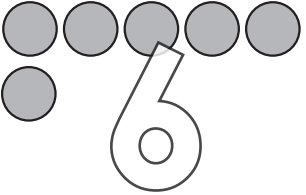
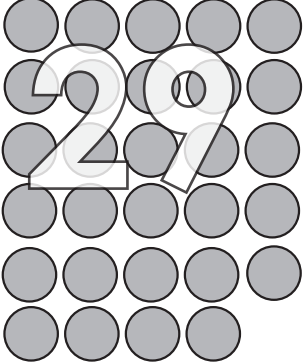
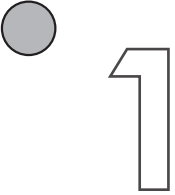
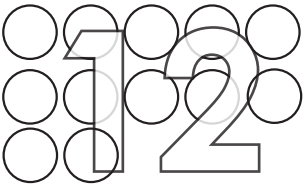

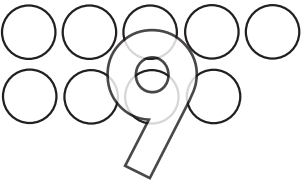
Dave Rubin, Project Manager, Callander Associates

cc: All attendees

Attachments:

1. Sign-in sheets, dated October 29, four pages
2. Comment cards received at meeting (10/29/15)

	CONCEPT A	CONCEPT B	CONCEPT C
first place votes			
second place votes			
third place votes			
did not include in rank			
total	56	56	56

	CONCEPT A House in Exist. Grass Area	CONCEPT B House adjacent to Museum	CONCEPT C House Diagonal in Grass
first place votes			
second place votes			
third place votes			
did not include in rank			
total	56	56	56





























## Sunnyvale Historical Society and Museum Association

P.O. Box 2187 Sunnyvale, California 94087-0187  
www.heritageparkmuseum.org • 408.749.0220

December 15, 2015

Honorable Mayor, Vice Mayor, and Council Members,

The Sunnyvale Historical Society is excited to reach this milestone with the City of Sunnyvale. Our 8-year dream of opening up the visual entrance to the museum by removing the maintenance building, shed and dumpsters is almost here. We will no longer be called the "hidden" museum. Our second dream has always been to move a historic house to this site to serve as an addition/annex to the museum. As part of this project, The Sunnyvale Historical Society has requested to move the 1912 Butcher's Family house, and therefore saving the first historic structure of its kind in Sunnyvale. In order to preserve this history, a retaining wall will also need to be built to protect our special collection from floodwaters draining from the orchard.

When we proposed the original museum project back in 2001, we planned on building a museum at Murphy Park, home of the original Murphy Bayview Ranch. Both Staff and Council requested us to build it at Heritage Park as OHPIE was already there, the Heritage Orchard was already there, Bianchi Barn was planned there, and most of all, it had lots of room for expansion as the years went on. Now we are 14 years later, four City Managers later, and eleven council members later and we find our growth is restricted to a fence line that was designed to contain an arboretum in 1971, not a Heritage Park. This entire site is Heritage Park, not a small fenced in portion, plus a publicly owned but privately run orchard. It is important that the house is sited as requested so visitors can easily be taken on a docent led tour of the museum and seamlessly continue through the house maintaining the same number of volunteer staff currently used. All tours will begin and end at the museum front door.

*The Historical Society has worked closely with the City to achieve a number of historical projects:*

- In 1994, we worked closely with the City of Sunnyvale to **save the City-owned Apricot Orchard property**, and preserve it as the last agricultural orchard in Sunnyvale. After much lobbying, the City finally designated the Sunnyvale Heritage Park Orchard as a City Park.
- In 2001, we worked to develop and build the **Orchard Heritage Park Interpretive Exhibit [OHPIE]** at Sunnyvale Heritage Park to celebrate and preserve the area's agricultural history.
- In 2003, we worked to **preserve the Bianchi Barn**. This public/private project is where the Historical Society orchestrated the moving of the historic barn to the Heritage Park site and preserving it.
- In 2006, the Society raised all funds to build the **Sunnyvale Heritage Park Museum** to preserve Sunnyvale History (**after not being able to save the Murphy House in the 1960s**). The museum opened in 2008. It remains open to the public free of charge and is solely maintained by the Society.
- In 2012, we raised all funding to **rehab the old park building** on the site and continue to maintain it as well. This aging building became the storage facility for preserving our vast collection of historic treasures that are currently not on display at the museum.

As many know, we are rapidly losing all of our old farmhouses. The Butcher house happens to be a classic orchard ranch house and a historical treasure to be saved. It was built on the Butcher Orchard in 1912, the year the City of Sunnyvale was incorporated, and was a very expensive house for its time.

*Please support our efforts to save this historic house and move it next to the Sunnyvale Heritage Park Museum.*

Leslie Lawton, President

Laura Babcock, Director



## **CONSENT CALENDAR**

- 1A**      [16-0152](#)      Approval of the Draft Minutes of December 9, 2015 Parks and Recreation Commission

Commissioner Alexander III moved and Vice Chair Kenton seconded the motion to approve the minutes of December 9, 2015. The motion carried by the following vote:

**Yes:** 3 -    Chair Pasqua  
                 Vice Chair Kenton  
                 Commissioner Alexander III

**No:** 0

**Abstain:** 1 -    Commissioner Pochowski

## **PUBLIC HEARINGS/GENERAL BUSINESS**

- 2**      [16-0024](#)      Recommendation on the Relocation of the Butcher House and Update on the Design of the Orchard Heritage Park Improvement Project (Study Issue)

Assistant Director of Public Works and City Engineer Craig Mobeck provided the staff report. Commissioner's questions were answered including: 1) how the Butcher House will be used by the Historical Society; 2) the definition of CEQA; 3) the number of trees that would be removed in each of the Alternatives; and 4) who would pay for the retaining wall in each Alternative.

Chair Pasqua opened the item for public comment.

Charlie Olson spoke about the orchard's history and his support for Alternative 2.

Laura Babcock, Director of the Sunnyvale Heritage Park Museum, spoke in support of Alternative 1 which she indicates is the only Alternative that will allow the Historical Society to operate the Butcher House effectively as an annex to the museum. She explained that the Society has the ability to raise funds to move the house. She answered Commissioner's questions related to the museum operations.

Leslie Lawton, President of the Sunnyvale Historical Society, spoke in support of Alternative 1 to preserve the 1912 Butcher House as a Sunnyvale working farm house. She stated the Society doesn't have the docent staff to support the Butcher House in any other location than proposed in Alternative 1.

Zachary Kaufman spoke in support of Alternative 3. He stated he had supported Alternative 2 as a reasonable compromise and changed to Alternative 3 because the Historical Society is opposed to Alternative 2. He prefers to not move the Butcher House and supports preserving the history of agriculture in this valley.

Michael Geribaldi spoke in support of Alternative 3 and felt removing one tree was too many. He stated if the City determined the house to be historical then the developers would be required to build it into their design.

Mary Egan spoke in support of protecting the trees in the Heritage Orchard.

Karen Ireland spoke in support of protecting the trees in the Heritage Orchard. She stated that she doesn't understand why the museum needs more docents if Alternative 2 was selected over Alternative 1.

Vladimir Preysman lives near the Butcher House and stated he was not aware of it and doesn't see its significance. He spoke in support of saving the orchards because the orchard and the fruit are what his children remember from growing up in this valley.

Ken Cook spoke against moving the maintenance facilities along Michelangelo Drive because it will obstruct the view from the street and take away land from the current park area. He stated he has concerns about the Historical Society's ability to fund the project. He supports Alternative 4 and suggested to redesign the shed so that it is more aesthetically pleasing without moving it.

Irene Preysman spoke in opposition of removing any trees.

Martin Landzant spoke in support of Alternative 3. He stated the Historic Preservation Commission should be involved in this review process and that the museum has already received significant benefit from the City. He expressed concern that additional historic houses could be moved to the orchard.

Steve Scandalis spoke in support of preserving the orchard. He attended the community meetings which discussed finding the best location for the Butcher House. He stated the jewel of the park is the operating orchard and considers the museum to be secondary. He suggested the Butcher House could be preserved at another location if needed.

Nan Mehan spoke in support of Alternative 2 or 3 and is opposed to removing any

trees. She stated the cost to put the house in the back of the property (Alternative 1) is much more expensive than Alternative 2.

Janet Hamma spoke in support of Alternative 2. She stated she has toured the Butcher House and her assessment is that it is not especially large or distinctive and it needs a lot of work. She stated the last remaining orchard has more significance and value than the Butcher House. She suggested if we want to commemorate the Butchers, we could name a street or park for them.

Joe Shane spoke against moving the Butcher House and supports Alternative 2 if the house is moved. He is opposed to removing any trees.

There were no further comments and Chair Pasqua closed the Public Hearing.

Vice Chair Kenton inquired if the Historical Society would consider modifying the size of the Butcher House to make it fit without removing trees. Chair Pasqua asked about the footprint size of the museum and the Butcher House.

Commissioner Alexander III moved, and Commissioner Pochowski seconded, the motion to approve Alternative 2 - Direct staff to move forward with CEQA evaluation of the proposal to relocate the Butcher House to the lawn area and acknowledge that a future budget modification with the construction contract award will be required to provide funding for drainage improvements (re-grading and valley gutter) behind the existing multi-purpose building. The costs of CEQA compliance will be borne by the Historical Society.

Commissioners discussed the ramifications of the Historical Society's position to support only Alternative 1, and the possibility of Council working with the Historical Society to accept Alternative 2. They discussed whether the City is interested in saving the Butcher House and the possibility of naming it as a historical landmark. Vice Chair Kenton and Chair Pasqua disclosed that they visited and toured the museum prior to the Commission meeting. They discussed the cost of moving the house; how long it will take the Historical Society to raise the funds; and if it might cause delays to the builder at Butcher's Corner. Commissioners discussed the need for the retaining wall and related costs.

Commissioner Pochowski proposed a friendly amendment to advise Council that the Commission strongly feels Alternative 2 is the best location, and to direct staff to make Alternative 2 work for the Historical Society. If unable to come to an agreement then accept Alternative 1 due to the orchard and the historical significance of the structure. Commissioner Alexander III declined the friendly



amendment.

The motion carried by the following vote:

**Yes:** 2 - Commissioner Alexander III  
Commissioner Pochowski

**No:** 1 - Chair Pasqua

**Abstain:** 1 - Vice Chair Kenton

Commissioners provided the rationale for their vote. Commissioner Alexander III stated he didn't see public support to move the Butcher House. While he supports the Heritage Society, he believes there is a possibility of permanently losing more trees than estimated. Commissioner Pochowski supports preserving the orchard and the architecture. He stated his opinion that Alternative 2 is the proper location to move the Butcher House, and he stated that he hopes Council can work with the related parties to find a solution. Chair Pasqua stated he has faith that the Historical Society can raise the funds, and while he understands the concern for the trees, he supported Alternative 1 because he understands how the Butcher House is part of our history and we are slowly losing that history. Vice Chair Kenton abstained because he is uncertain of the best solution as he supports saving the trees and also can appreciate saving the house.

Chair Pasqua agreed to represent the Commission at the Council meeting on March 15.

A question regarding the outcome of the vote was raised and Chair Pasqua called a recess to allow staff to verify the result of the vote.

Following the recess, Chair Pasqua reconvened the meeting with all Commissioners present and the Commission considered agenda item 3. Following action on agenda item 3, staff confirmed the vote on agenda item 2 passed.

**3**      [15-1095](#)      Agreement Renewal with Sustainable Community Gardens for  
Property Located at 433 Charles Street

Superintendent of Parks and Golf Jim Stark presented the staff report. He answered Commissioner's questions related to the term of the agreement.

Chair Pasqua opened the public hearing.

Eric Fulda, the Community Garden Coordinator, thanked the City for the privilege to