



City of Sunnyvale

Agenda Item 4

16-0570

Agenda Date: 6/1/2016

REPORT TO HERITAGE PRESERVATION COMMISSION

SUBJECT

Consideration to Initiate the Heritage Resource Nomination Process for Six (6) Trees on 871 E. Fremont Avenue (Butcher's Corner)

BACKGROUND

On May 4, 2016, the Heritage Preservation Commission was asked to consider the nomination of six (6) oak trees to the heritage resource inventory by two members of the public who spoke during the public comment portion of the meeting. In order to discuss the non-agenda matter, the Commission voted 6-0 to put the item considering the potential initiation of the nomination process on the agenda of an upcoming meeting to discuss the trees and potential next steps in accordance with Sunnyvale Municipal Code Chapter 19.96 (**Attachment 1**).

The four parcels known as the Butcher's Corner site were recently annexed into the City of Sunnyvale from the County of Santa Clara, and the site has a pending development application associated with it. The development application has recently finished the 45-day public review for the associated Draft Environmental Impact Report (DEIR) which included an Arborist Report for the site and some information on the health of the six (6) trees discussed in this report (**Attachment 2**).

DISCUSSION

There are currently 15 trees on the Sunnyvale Heritage Resources Inventory citywide. The current request is to add six (6) trees to that inventory, which requires nomination by the City Council for inclusion. The following information on the trees is based on the information in the Butcher's Corner DEIR Arborist Report:

- Tree 106:
 - Fair/Good condition (3 out of 5), proposed to be **preserved**, 64" diameter.
 - "Largest most dominant tree at Butcher's Corner with a trunk diameter of 64".....large pruning wounds and branch failures resulted in decay. A cavity was present at the base,"
- Grove of 119-126:
 - All are protected trees per the Arborist Report and all are proposed for **removal** by the applicant based on the most current site plan.
 - Tree 119: Good condition (4 out of 5), 31" diameter
 - Tree 120: Fair/Good condition (3 out of 5), 18" diameter
 - Tree 121: Good condition (4 out of 5), multi-trunk tree
 - Tree 122: Fair/Good condition (3 out of 5), multi-trunk tree
 - Tree 123: Fair/Good condition (3 out of 5), 20" diameter
 - Tree 126: Good condition (4 out of 5), 26" diameter

The process and criteria for nomination of heritage resources by the Heritage Preservation

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Commission is described in detail in Section 19.96.050 and 19.96.060 (**Attachment 1**); however, before the Commission can nominate the resource(s) to the City Council they will need to evaluate the trees based on the nomination criteria and information provided by staff regarding the historical context of the trees.

Generally, if an application for nomination of a tree or structure to the Heritage Resources Inventory is received by the Community Development Department, it would be accompanied by a complete application including supplemental information. Aside from the fee and other material needed by staff (site plan, photos, etc.) the application would also include a cultural resources analysis that would be provided (and paid for) by the applicant, who is usually the property owner. In this case, the property owner has not asked for this nomination so the Commission must decide if they want to act as the “applicant” of this nomination process and direct staff to do the necessary research and analysis on the trees to complete the application. In order to make a formal decision, the Commission must vote to add this item to a future agenda.

The development application for the Butcher’s property is pending review by the Planning Commission and City Council. Although the current proposal includes removal of trees 119-126, it is possible the project could be required to redesign the corner at El Camino Real and Wolfe Road, which could protect those trees. Hearings for the development project have not yet been set.

POTENTIAL NEXT STEPS

If the Commission chooses to initiate the nomination process, the next steps in the process would be:

- Prior to the hearing on the Heritage Preservation Commission nomination:
 - Staff would conduct research on the history of the trees by:
 - Researching and discussing the subject with the Sunnyvale Historical Society; or,
 - If not enough information exists to satisfy the nomination criteria staff may need to hire a qualified professional to research the trees in relationship to the required criteria for nomination.
 - Please note that hiring a qualified professional may require budget allocation from the City Council.
 - Staff would notify the property owner and notice the public hearing as required.
 - Staff would provide the information to the Commission along with a recommendation and summary of what criteria could be met (if any).
- Prior to the City Council hearing on the nomination the Commission would need to:
 - Determine that the tree(s) meet the Criteria of the National Register of Historic Places or one of more of the criteria in Section 19.96.050 of the SMC (**Attachment 1**); and
 - Vote to recommend the nomination of the tree(s) to the Heritage Resources Inventory.

Prepared by: Amber Blizinski, Principal Planner

Approved by: Andrew Miner, Planning Officer

ATTACHMENTS

1. Sunnyvale Municipal Code Chapter 19.96 (Heritage Preservation)
2. Arborist Report from the Butcher’s Corner DEIR
3. Public Comment
4. Link to the Butcher’s Corner Project Webpage

Sunnyvale Municipal Code[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[Title 19. ZONING](#)[Article 6. DISCRETIONARY PERMITS AND PROCEDURES](#)**Chapter 19.96. HERITAGE PRESERVATION****19.96.010. Findings and purpose.**

(a) The city council finds that the character and history of the city are reflected in its cultural, historical, and architectural heritage, that these historical and cultural foundations should be preserved as living parts of community life and development to build an understanding of the city's past so that future generations may have a genuine opportunity to appreciate, enjoy, and understand the rich heritage of the city, that with ever increasing pressures of modernization and urbanization, city landmarks, neighborhoods, and other areas of historical and cultural interest are threatened with demolition, and that pursuant to the provisions of the National Historic Preservation Act of 1966, as amended, the city of Sunnyvale joins with private concerns, the state of California, and the United States Congress to develop preservation programs and activities to give maximum encouragement to agencies and individuals undertaking preservation of the city's unique architectural, historical, aesthetic, and cultural heritage. The provisions of this chapter identify and prescribe specific procedures and requirements for the filing, processing and consideration by the heritage preservation commission. These provisions shall be used in conjunction with the general requirements and procedures identified in Chapter [19.98](#) including requirements and procedures for applications, fees, notification, appeals, conditions of approval, modifications, expiration, extensions, revocation and infractions.

(b) The purpose of this chapter is to promote the public health, safety, and general welfare, and

(1) To safeguard the city's unique cultural heritage as embodied and reflected in the city's architectural history and patterns of cultural development;

(2) To encourage and facilitate public knowledge, understanding, and appreciation of the city's historic past and unique sense of place and to encourage public participation in identifying heritage resources;

(3) To promote the enjoyment, celebration, and use of heritage resources appropriate for the educational, cultural, recreational as well as material needs of people;

(4) To preserve diverse architectural styles, patterns of development, and design preferences reflecting phases of the city's history and to encourage complementary contemporary design and construction and inspire a more livable urban environment;

(5) To enhance property values and to increase economic and financial benefits to the city and its inhabitants through incentives for preservation;

(6) To protect and enhance the city's attraction to tourists and visitors thereby stimulating business and industry;

(7) To identify as early as possible and resolve conflicts between the preservation of heritage resources and alternative land uses by integrating the preservation of heritage resources into the comprehensive planning, management and development processes for both public and private property;

(8) To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment;

(9) To stabilize neighborhoods through the preservation of heritage resources and establishment of heritage resource districts; and

(10) To develop and maintain appropriate settings and environments for heritage resources. (Ord. 2623-99 § 1; prior zoning code § [19.80.005](#)).

19.96.020. Heritage preservation commission.

The heritage preservation commission is established and functions pursuant to Article X of the City Charter. The members of the heritage preservation commission shall have a demonstrated interest in the heritage of the city. Strong consideration shall be given applicants with a background in architecture, design, history, museums, urban preservation, planning, construction, real estate or structural engineering. (Ord. 2623-99 § 1; prior zoning code §§ [19.80.010](#), [19.80.020](#)).

19.96.030. Responsibilities.

The heritage preservation commission shall have the responsibility to:

- (a) Recommend criteria for and supervise a comprehensive survey of improvements, buildings, structures, signs, features, landscape, trees, sights, places, areas or other artifacts of architectural, artistic, cultural, engineering, aesthetic, political or social significance to the citizens of Sunnyvale;
- (b) Provide recommendations and other assistance concerning development and maintenance of a local inventory of the above described heritage resources of the city including the nomination of neighborhoods to be considered by the city council for HH heritage housing district consideration;
- (c) Recommend criteria for designation of heritage resources, landmark sites, and landmark districts;
- (d) Recommend heritage resources for landmark site or landmark district status;
- (e) Review and comment upon the conduct of matters undertaken by the city, county or state which have a bearing upon heritage resources including, but not limited to, land use, municipal improvement, and housing;
- (f) Assist in the preparation of standards for the commission to use in reviewing applications for permits which significantly affect any landmark or landmark district, including permits to construct, change, alter, modify, remodel, or demolish the foregoing;
- (g) Review all applications for permits regarding heritage resources, heritage resource districts, landmark site or landmark district designated structures that involve changing use, exterior alteration or demolition, and approve, disapprove, or approve as modified said applications. All related environmental documentation shall also be reviewed;
- (h) Participate in, promote, and conduct public information and explanatory programs pertaining to heritage resources;
- (i) Cooperate with other interests and programs that are developed by both public and private agencies in the fields of museums and the development of city archives;
- (j) Promote the restoration, maintenance and operation of heritage resources owned by the city;
- (k) Investigate and report to the city council on public or private fund sources and mechanisms available to promote preservation of heritage resources in the city;
- (l) Recommend to the city council the purchase of appropriate interests in property for purposes of preservation of heritage resources;
- (m) Make other recommendations, perform studies and make deliberations deemed desirable or necessary to the effective functioning of the commission;

- (n) Encourage citizen participation in support of heritage resources;
- (o) Make available to the public copies of all recommendations, studies, standards and criteria produced in the exercise of the above functions;
- (p) Approve demolitions and new construction of replacement structures in any HH heritage housing district. (Ord. 2780-05 § 1; Ord. 2623-99 § 1; prior zoning code § 19.80.040).

19.96.040. Definitions.

For the purpose of this chapter, the following definitions apply:

- (a) “Alteration” means any exterior change or modification to an improvement or site which affects the exterior architectural features of property.
- (b) “Designated heritage resource” means a heritage resource which has specific elements which are expressly found to meet one or more of the Criteria of the National Register of Historic Places as established by the Secretary of the Interior and incorporated by reference into this code and which has been designated and determined to be appropriate for preservation by the city council, and has been recognized by the state or the nation to be historically significant.
- (c) “Designated heritage resource district” means a heritage resources district which has specific elements which are expressly found to meet one or more of the Criteria of the National Register of Historic Places as established by the Secretary of the Interior and incorporated by reference into this code and which has been designated and determined to be appropriate for preservation by the city council, and has been recognized by the state or the nation to be historically significant.
- (d) “Exterior architectural feature” means the architectural elements embodying style, design, general arrangement and components of all of the outer surfaces of an improvement. This includes such visual characteristics as paint, color, surface texture, grading, surface paving, materials, accessory structures, trees and other natural features, and exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories.
- (e) “Heritage housing combining district” means a heritage resource district consisting of residential properties which has been zoned as a heritage housing combining district for the purposes of preserving, protecting, enhancing and perpetuating the appearance of the district which contributes to the cultural or aesthetic heritage of the city.
- (f) “Heritage resource” means improvements, buildings, portions of buildings, structures, signs, features, sites, scenic areas, views and vistas, places, areas, landscapes, trees, or other natural objects or objects of scientific, aesthetic, educational, political, social, cultural, architectural, or historical significance to the citizens of the city, the Santa Clara Valley region, the state, or the nation, which are designated and determined to be appropriate for preservation by the city council.
- (g) “Heritage resource district” means any geographically definable area containing a concentration or continuity of heritage resources which are thematically related, or which contribute to each other and are unified by a special character, historical interest, aesthetic value, or which represents one or more architectural periods or styles typical to the city, and that has been designated and determined to be appropriate for preservation by the city council, pursuant to provisions of this chapter.
- (h) “Improvement” means any building, structure, place, parking facility, fence, gate, wall, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.
- (i) “Local landmark” means a heritage resource which is significant in that the resource materially benefits the historical character of a neighborhood or area, or the resource in its location represents an

established and familiar visual feature of the community or city, and has been designated and determined to be appropriate for preservation by the city council.

(j) “Local landmark district” means a heritage resources district which demonstrates a higher collective integrity of location, design, setting, materials, workmanship, feeling, and association which is essential to the sustained value of the separate individual resources and which has been designated and determined to be appropriate for preservation by the city council. A local landmark district possesses a significant concentration or continuity of heritage resources unified by past events, or aesthetically by plan or physical development; or the collective value of the local landmark district as a whole may be greater than the value of each individual heritage resource within it.

(k) “Local register of heritage resources” means a list of heritage resources officially designated or recognized by the city.

(l) “Preservation” means the identification, protection, conservation, enhancement, perpetuation or rehabilitation of any heritage resource that prevents the deterioration, alteration, destruction or removal of such resource. (Ord. 2780-05 § 1; Ord. 2623-99 § 1; prior zoning code § [19.80.050](#)).

* **Editor’s Note:** The definitions in Section [19.96.040](#) also appear in Ch. 19.12.

19.96.050. Criteria for evaluation and nomination of heritage resources.

Any improvement, building, portion of buildings, structures, signs, features, sites, scenic areas, views, vistas, places, areas, landscapes, trees, or other natural objects or objects of scientific, aesthetic, educational, political, social, cultural, architectural, or historical significance can be designated a heritage resource by the city council and any area within the city may be designated a heritage resource district by the city council pursuant to provisions of this chapter if it meets the Criteria of the National Register of Historic Places, or one or more of the following:

(a) It exemplifies or reflects special elements of the city’s cultural, social, economic, political, aesthetic engineering, architectural, or natural history;

(b) It is identified with persons or events significant in local, state, or national history;

(c) It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;

(d) It is representative of the work of a notable builder, designer, or architect;

(e) It contributes to the significance of an historic area, being a geographically definable area possessing a concentration of historic or scenic properties or thematically related grouping of properties which contribute to each other and are unified aesthetically or by plan or physical development;

(f) It has a unique location or singular physical characteristic or is a view or vista representing an established and familiar visual feature of a neighborhood, community, or the city of Sunnyvale;

(g) It embodies elements of architectural design, detail, materials, or craftsmanship that represents a significant structural or architectural achievement or innovation;

(h) It is similar to other distinctive properties, sites, areas, or objects based on a historic, cultural, or architectural motif;

(i) It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning;

(j) It is one of the few remaining examples in the city, region, state, or nation possessing distinguishing characteristics of an architectural or historic type or specimen;

(k) With respect to a local landmark, it is significant in that the resource materially benefits the historical character of a neighborhood or area, or the resource in its location represents an established and familiar visual feature of the community or city;

(l) With respect to a local landmark district, a collective high integrity of the district is essential to the sustained value of the separate individual resources;

(m) With respect to a designated landmark and designated landmark district, the heritage resource shall meet Criteria of the National Register of Historical Places, which are incorporated by reference into this chapter. (Ord. 2623-99 § 1; prior zoning code § 19.80.060).

19.96.060. Heritage resources and heritage resource districts designation procedures.

Heritage resources and heritage resource districts shall be designated by the city council in the following manner:

(a) The heritage preservation commission, city council, or owners or the authorized agents of the owners of property for which designation is requested may request the designation of an improvement as a heritage resource or a heritage resource district, as the case may be, by submitting an application for such designation to the director of the department of community development.

(b) Each proposal shall be considered by the heritage preservation commission at a noticed public hearing. In addition to the requirements of Section 19.98.040 (Public notice), notice of the time and place of each public hearing by the heritage commission shall be provided by certified mail to the owners of property for which designation is requested.

(c) The commission may continue a hearing but not in excess of thirty days from the date originally established for such hearing provided that such thirty day period may be extended by mutual consent of the commission and the party submitting the application. A party's consent to an extension of such period shall be presumed unless timely objection is made thereto within the thirty day period by the party or at the time the matter is continued beyond such period. A record of pertinent information presented at the hearing shall be maintained and made available to the public as a public record.

(d) The heritage preservation commission shall recommend to the city council approval, disapproval or approval with modifications of the application for designation.

(e) Prior to recommending approval or approval with modifications, the heritage preservation commission shall find:

- (1) That the proposed heritage resource, or heritage resource district, has significance;
- (2) That the proposed designation may be made without imposing an undue hardship upon the owner(s) of the property; and
- (3) That approval or approval with modification(s) of the application is consistent with the purpose and criteria of this chapter.

(f) After receiving a recommendation from the commission, the city council shall hold a public hearing. In addition to the requirements of Section 19.98.040 (Public notice), notice of the time and place of the city council hearing shall be provided by certified mail to the owners of property for which designation is requested.

(g) Upon the conclusion of the hearing, the city council may approve, disapprove, or approve with modifications the proposed designation as a heritage resource or heritage resource district.

(h) Following approval of the designation, the director of community development shall send to the owner of the property so designated a letter outlining the basis for such designation, and the regulations resulting from such designation. The director may also forward a copy of the letter to any other department or agency requesting it or that the director considers affected by the designation. (Ord. 3043-14 § 11; Ord. 2623-99 § 1; prior zoning code §§ [19.20.330](#), [19.80.070\(a\)](#)).

19.96.065. Ranking of heritage resources, alteration process.

(a) Within the overall category of historic resources, the city recognizes three levels of significance, ranked in descending from most significant as follows:

- (1) Local landmark resource/local landmark district;
- (2) Designated heritage resource/designated heritage resource district; and
- (3) Heritage resource/heritage resource district.

(b) Designated heritage resources and heritage resource districts are those resources that have been designated by both the city and the state or federal government as historically significant. Any person desiring to reconstruct, demolish, relocate or modify a designated heritage resource/district must first apply for a resource alteration permit, as described in Section [19.96.090](#), as well as comply with all state or federal requirements.

(c) No person shall carry out or cause to be carried out on a landmark or in a landmark district any material change in exterior appearance of such landmark or landmark district through alteration, construction, relocation, or demolition without a landmark alteration permit issued by the heritage preservation commission as described in Section [19.96.090](#).

(d) No person shall carry out or cause to be carried out on a heritage resource or in a heritage resource district any material change in exterior appearance of such resource or district through alteration, construction, relocation, or demolition without a resource alteration permit issued by the heritage preservation commission as described in Section [19.96.095](#). Minor modifications to heritage resources or heritage resource districts may be processed by city staff through the miscellaneous plan permit process set forth in Section [19.82.030\(a\)](#) of this code; provided, however, that appeal of such decision shall be made to the heritage preservation commission rather than the planning commission, and the decision of the heritage preservation commission shall be final. (Ord. 3050-14 § 10).

19.96.070. Change of use or multiple residential uses of landmark or landmark district.

The use of any landmark or landmark district shall not be changed, nor shall any multiple residential use be allowed of a landmark or of or in a landmark district unless a special development permit is first issued by the city. (Ord. 2623-99 § 1; prior zoning code § [19.80.080](#)).

19.96.080. Landmarks and landmark districts—Exceptions for reconstruction or additions.

Exceptions from dimensional requirements may be granted by the heritage preservation commission in conjunction with a landmark alteration permit filed in accordance with Section [19.96.090](#).

(a) Reconstruction of a landmark or a structure within a landmark district shall be exempt from setback and height requirements if rebuilt as originally constructed.

(b) Additions to landmarks or structures within landmark districts may be granted exceptions from dimensional requirements provided that the following findings can be made:

(1) The proposed work will not adversely affect the exterior architectural characteristics or other features of the landmark, nor adversely affect the character of historical, architectural or aesthetic interest or value of the landmark and its site; and

(2) In landmark districts, the proposed work will not adversely affect the exterior architectural characteristics, nor adversely affect its relationship in terms of harmony and appropriateness, with its surroundings, including neighboring structures, nor adversely affect the character, architectural or aesthetic interest or value of the district. (Ord. 2623-99 § 1; prior zoning code § 19.80.085).

19.96.090. Construction, demolition, relocation, or material change to landmark or landmark district.

(a) No person shall carry out or cause to be carried out on a landmark or in a landmark district any material change in exterior appearance of such landmark or landmark district through alteration, construction, relocation, or demolition without a landmark alteration permit issued by the heritage preservation commission.

(b) The department of community development shall maintain with the building inspection division a current record of designated landmarks and landmark districts. When an application for a permit which indicates possible material change to the exterior architectural features of the building, structure or landmark is received, an application for a landmark alteration permit shall be required.

(c) The director of community development shall forward all applications to the heritage preservation commission. Upon receipt of an application for a landmark alteration permit, the commission shall hold a public hearing. Notice of the time and place of each public hearing by the heritage preservation commission shall be provided in accordance with Section 19.98.040 (Public notice).

(d) The commission in considering the appropriateness of the landmark alteration application shall consider, among other things, the purposes of this chapter and the historic architectural value and significance of the landmark or landmark district, as well as present and prospective effects or hardships upon the owners and occupants of the affected properties. The commission shall take into consideration exterior architectural features of the building or structure in question, other buildings within a landmark district, and the position of such building or structure in relation to the street or public way and to other buildings and structures. The United States Secretary of the Interior's "Guidelines for Rehabilitation" shall provide base criteria for evaluating proposed alterations to a landmark structure.

(e) The commission may approve, approve with modifications, or disapprove the application.

(f) Prior to the approval, or approval with modifications, the commission shall find that:

(1) The action proposed is consistent with the purposes of this chapter; and

(2) The action proposed will not be detrimental to a structure or feature of significance as a heritage resource;

(3) The applicant has demonstrated that the action proposed is necessary to correct an unsafe or dangerous condition on the property pursuant to Section 19.96.110; or

(4) The applicant has demonstrated that denial of the application will result in immediate, undue, or substantial hardship pursuant to Section 19.96.120.

(5) If all of the findings in subsections (f)(2) through (f)(4) of this section are not made, the permit shall be denied.

(g) The commission may continue action on landmark alteration permits for two meetings, not to exceed fifty-five days from the date of the public hearing for purposes of reaching a mutually acceptable solution in keeping with the criteria of this chapter. If at the end of that time a mutually acceptable solution has not been achieved, the application shall be finally granted or denied.

(h) Within seven days following upon approval of an application, the commission shall issue a landmark alteration permit, one copy of which shall be forwarded to the applicant, one copy of which shall be retained in the files of the department of community development and one copy of which shall be forwarded to the building inspection division. In addition, a copy shall be forwarded to any other requesting department or agency which will be affected by the permit.

(i) The applicant may appeal the action of the commission to the city council. (Ord. 3043-14 § 12; Ord. 2623-99 § 1; prior zoning code §§ 19.80.090(a), 19.80.090(b), 19.80.090(d), 19.80.090(e)—(j)).

19.96.095. Construction, demolition, relocation, or material change to heritage resource or heritage resource district.

(a) No person shall carry out or cause to be carried out on a heritage resource or in a heritage resource district any material change in exterior appearance of such resource or district through alteration, construction, relocation, or demolition without a resource alteration permit issued by the heritage preservation commission.

(b) The department of community development shall maintain with the building inspection division a current record of heritage resources and districts. When an application for a permit which indicates possible material change to the exterior architectural features of the building, structure or district is received, an application for a resource alteration permit shall be required.

(c) The director of community development shall forward all applications to the heritage preservation commission. Upon receipt of an application for a resource alteration permit, the commission shall first consider whether the resource is historically or culturally significant, based upon evidence submitted by staff and the applicant to aid its determination. In the event the commission finds the resource is not culturally or historically significant, it shall return the application to the department of community development for processing in accordance with other relevant city procedures.

(d) If the commission finds the resource to be culturally or historically significant, it shall schedule a public hearing to be held on the matter in accordance with the procedures set forth in Section 19.96.090 for landmark alteration permits. (Ord. 2780-05 § 1).

19.96.100. Inventoried structures—Notice prior to demolition.

(a) Applicants for permits authorizing demolition of any structure listed within the latest edition of the city of Sunnyvale's Local Register of Heritage Resources shall show, prior to issuance of such a permit, that they have advertised such structure as being available for removal or relocation intact.

(b) A program of advertising shall be considered to meet the requirements of this section if it continues for sixty consecutive days, both: (1) as a display or classified advertisement of a character commensurate with the significance of the affected structure, published not less frequently than once each week during the sixty-day period within one or more Bay Area daily periodicals having substantial circulation within the South Peninsula area; and (2) as one or more signs on the affected premises, legible from the public right-of-way. Each such advertisement or sign shall indicate the Sunnyvale director of community development, or the director's designee, and the telephone number of such official, as a source of further information.

(c) The owner of any affected structure shall be entitled to make its availability contingent upon such reasonable conditions as are calculated to protect the owner, the city of Sunnyvale, and other interested parties from damage or loss of any nature, to protect the structure from excessive damage, and to permit the owner to select among competing relocation or removal proposals.

(d) At least sixty days prior to issuance of a permit authorizing demolition or relocation of any structure described in this section, the owner thereof shall provide written notice of proposed demolition or relocation

plans to the Sunnyvale heritage preservation commission, in care of the director of community development. (Ord. 2623-99 § 1; prior zoning code § [19.80.095](#)).

19.96.110. Unsafe or dangerous conditions.

None of the provisions of this chapter shall be construed to prevent any measures of construction, alteration, removal, demolition or relocation necessary to correct the unsafe or dangerous condition of any structure, other feature, or part thereof, where such condition has been declared unsafe or dangerous by the building official or the chief of the department of public safety; provided, however, that when the structure is a landmark or is in a landmark district, and where the proposed measures have been declared necessary by such official to correct the condition, only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. The commission shall be informed of such work in advance whenever practicable. (Ord. 2623-99 § 1; prior zoning code § [19.80.100](#)).

19.96.120. Showing of hardship.

The commission may approve a landmark alteration permit or resource alteration permit to carry out construction, demolition, material change or relocation of a landmark or in a landmark district, or heritage resource, or in a heritage resource district, if the applicant presents facts clearly demonstrating to the satisfaction of the heritage preservation commission at a public hearing that failure to receive such approval will cause an immediate undue and substantial hardship. If hardship is found to exist under this section, the commission shall make a written finding to that effect, and shall also specify in writing the facts relied upon in making such finding. (Ord. 2780-05 § 1; Ord. 2623-99 § 1; prior zoning code § [19.80.110](#)).

19.96.130. Ordinary maintenance and repair.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material or external appearance thereof, nor does this chapter prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the building official certifies to the commission that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the uses of the State Historical Building Code, as set forth in Section 18950 et seq., of the California [Health and Safety Code](#) as the same exists or may hereafter be amended. (Ord. 2623-99 § 1; prior zoning code § [19.80.120](#)).

19.96.140. Duty to keep in good repair.

The owner, occupant, or other person in actual charge of a landmark or an improvement, building or structure in a landmark district shall keep in good repair all of the exterior portions of such improvement, building or structure; all of the interior portions thereof when subject to control by reason of designation or permit; and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature. It shall be the duty of the director of community development to enforce this section. (Ord. 2623-99 § 1; prior zoning code § [19.80.130](#)).

19.96.150. Actions.

Following the filing of an appeal of an action by the heritage preservation commission, the city council shall schedule a public hearing to be held no later than thirty days after the notice of appeal is filed, and shall render its decision within thirty days of the hearing date. (Ord. 2623-99 § 1; prior zoning code § 19.80.140).

19.96.160. Enforcement and penalties.

In addition to the regulations of this chapter, other chapters of the code and other provisions of law which govern the approval or disapproval of applications for permits or licenses covered by this chapter, the director of community development shall have the authority to implement the enforcement thereof by any of the following means:

- (a) Serving notice requiring the removal of any violation of this chapter upon the owner, agent, occupant or tenant of the improvement, building, structure or land.
- (b) Calling upon the city attorney to institute any necessary legal proceedings to enforce the provisions of this chapter, and the city attorney is hereby authorized to institute any legal actions toward that end.
- (c) Calling upon the director of public safety and authorized agents to assist in the enforcement of this chapter.
- (d) In addition to any of the foregoing remedies, the city attorney may maintain an action for injunctive relief to restrain or enjoin or to cause the correction or removal of any violation of this chapter, or for an injunction in appropriate cases. (Ord. 2623-99 § 1; prior zoning code § 19.80.150).

View the [mobile version](#).

Preliminary Tree Report

Butcher's Corner

Prepared for:
PlaceWorks
1625 Shattuck Avenue, Suite 300
Berkeley, California 94709

Prepared by:
HortScience, Inc.
325 Ray Street
Pleasanton CA 94566

October 21, 2015



Preliminary Tree Report

Butcher's Corner
East Fremont Avenue
Sunnyvale CA

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Attachments

Tree Assessment Form

Tree Assessment Plan

Tree Pruning Specifications

Introduction and Overview

PlaceWorks is assisting in reviewing the environmental impacts of the proposed redevelopment of Butcher's Corner, located on E. Fremont Avenue in Sunnyvale CA. Current site use consists of two homes, accessory structures, abandoned orchard and associated landscape features. PlaceWorks requested that HortScience, Inc. prepare a **Preliminary Tree Report** for the site. This report provides the following information:

1. A survey of trees currently growing on the site and trees along the site periphery that have the potential of being impacted due to construction.
2. An assessment of the impacts of constructing the proposed project on the trees.
3. Recommendations for tree removal and replacement.
4. Guidelines for tree preservation during the design, construction, and maintenance phases of development.

Assessment Methods

Trees were assessed in September 2015. Trees were evaluated through a visual assessment from the ground and consisted of the following steps:

1. Tagging each tree with an identifying number and record its location on a map.
2. Identifying the tree as to species.
3. Measuring the trunk diameter at 54" above grade.
4. Evaluating the health and structural condition using a scale of 0 – 5:
 - 5 - A healthy, vigorous tree, reasonably free of signs and symptoms of disease, with good structure and form typical of the species.*
 - 4 - Tree with slight decline in vigor, small amount of twig dieback, minor structural defects that could be corrected.*
 - 3 - Tree with moderate vigor, moderate twig and small branch dieback, thinning of crown, poor leaf color, moderate structural defects that might be mitigated with regular care.*
 - 2 - Tree in decline, epicormic growth, extensive dieback of medium to large branches, significant structural defects that cannot be abated.*
 - 1 - Tree in severe decline, dieback of scaffold branches and/or trunk; most of foliage from epicormics; extensive structural defects that cannot be abated.*
 - 0 – Tree is dead.*
5. Noting any significant structural characteristics including decay, poor crown conformation, dieback and a history of failure.
6. Rating the suitability for preservation as "high", "moderate" or "low".
Suitability for preservation considers the health, age and structural condition of the tree, invasive potential, and its potential to remain an asset to the site for years to come.

Each tree is described in the attached **Tree Assessment Form** and its approximate location plotted in the **Tree Assessment Map** located in the Attachments.

Description of Trees

Eighty-four (84) landscape trees were evaluated, representing 29 species (Table 1). Trees were a mix of native and non-native species. Species native to the Sunnyvale area include coast live oak, valley oak, Calif. bay, and Calif. buckeye. Some of these appear to be indigenous to the site. Among non-native species, all were typical of landscape plants used in the Sunnyvale area.

Table 1. Species present and tree condition. Butcher's Corner. Sunnyvale CA.

Common name	Scientific name	Condition				No. of Trees	
		Poor	Fair	Good	Excell.	Protected	Total
Bailey acacia	<i>Acacia baileyana</i>	--	1	--	--	1	1
Calif. buckeye	<i>Aesculus californica</i>	--	--	1	--	1	1
African fern pine	<i>Afrocarpus gracilior</i>	--	--	1	--	1	1
Strawberry tree	<i>Arbutus unedo</i>	1	--	--	--	--	1
European birch	<i>Betula pendula</i>	--	1	--	--	--	1
Carob	<i>Ceratonia siliqua</i>	--	1	--	--	1	1
Euonymus	<i>Euonymus</i> sp.	1	--	--	--	--	1
Hollywood juniper	<i>Juniperus chinensis</i> 'Torulosa'	--	1	--	--	--	1
Glossy privet	<i>Ligustrum lucidum</i>	2	1	--	--	--	3
Sweetgum	<i>Liquidambar styraciflua</i>	--	1	1	--	--	2
Catalina ironwood	<i>Lyonothamnus floribundus</i>	--	2	--	--	2	2
Olive	<i>Olea europaea</i>	--	1	--	--	--	1
Canary Island date palm	<i>Phoenix canariensis</i>	--	2	1	4	7	7
Afghan pine	<i>Pinus eldarica</i>	--	1	--	--	1	1
Monterey pine	<i>Pinus radiata</i>	--	1	--	--	1	1
Chinese pistache	<i>Pistachia chinensis</i>	1	1	1	--	1	3
Tawahiwi	<i>Pittosporum</i> sp.	1	--	--	--	--	1
Victorian box	<i>Pittosporum undulatum</i>	1	--	--	--	1	1
Catalina cherry	<i>Prunus caroliniana</i>	2	7	--	--	2	9
Coast live oak	<i>Quercus agrifolia</i>	2	8	10	--	13	20
Holly oak	<i>Quercus ilex</i>	--	1	--	--	1	1
Valley oak	<i>Quercus lobata</i>	1	2	1	--	3	4
Chinese tallow	<i>Sapium sebiferum</i>	1	--	--	--	--	1
Calif. pepper	<i>Schinus molle</i>	2	5	--	2	7	9
Coast redwood	<i>Sequoia sempervirens</i>	1	3	1	--	5	5
Queen palm	<i>Sygarus romanzoffiana</i>	1	--	--	--	1	1
Chinese elm	<i>Ulmus parvifolia</i>	--	1	--	--	--	1
Calif. bay	<i>Umbellularia californica</i>	--	--	1	--	--	1
Xylosma	<i>Xylosma congestum</i>	1	--	1	--	1	2
Total, all trees assessed		18	41	19	6	50	84

The City of Sunnyvale defines "Protected" tree as having a circumference of 38" or more (equivalent to a diameter of 12") (Municipal Code 19.94. Fifty (50) of the 84 landscape trees met this criterion. Protected Trees are identified on the ***Tree Assessment Form***.

Coast live oak (20 trees) was the most frequently occurring species. Tree maturity ranged from young to mature. Tree trunk diameters were between 6" and 36". About half of the coast live oaks were smaller than 18" in diameter. Several large trees were present. Coast live oak #116 was 36" and in good condition. Tree #118 was also 36" but in fair condition. Both trees #116 and 118 were located off-site, near Wolfe Road, with canopies that extended over the wall separating the two properties (Photo 1).



Photo 1. The canopy of coast live oak #118 extended over the property line and into the project area.

Several large coast live oaks were present in the east side of the property. Tree #121 had several stems that arose near ground level (Photo 2). It was in good condition. Other large oaks included #119 (31", good condition), 125 (27", poor condition), and #126 (26", good condition). Several smaller oaks were also present in this area.



Photo 2. Coast live oak #121.

Condition of coast live oaks ranged from poor (#125, 149) to fair (8 trees) to good (10 trees). Factors influencing condition of coast live oaks included crowded growing conditions (leading to asymmetric and otherwise poor form), the presence of codominant trunks and multiple attachments, and drought.

Nine (9) Calif. peppers were present (Photo 3). Several trees were located near the existing residence. Trees ranged from young (#151, 160) to semi-mature (#136, 140, 143) to mature (#128, 141, 169) to overmature (#115). Located near the entrance to the site, Calif. pepper #115 was 47" and in fair condition with several large stems. Tree condition varied by diameter with the small trees in excellent condition while larger trees were in fair and poor (#140, 141) condition.



Photo 3. Typical Calif. pepper.

Nine (9) Carolina cherries were present on the south side of the residence. Most trees were small (<10" diameter). Exceptions included cherry #107 (stems of 19", 19" and 8") and #114 (6 stems between 4" and 9"). Tree #107 was in poor condition with extensive decay and a history of branch failure. Tree #114 was in fair condition with a thin canopy of foliage.

Seven (7) Canary Island date palms were present. Palms #101, 103, 105, 124, 127 were mature trees with more than 25' of clear (brown) trunk. Palms #101, 124 and 127 were in excellent condition; #105 was good with penciling of the trunk, while #103 was in fair condition. Smaller palms were #137 (4' clear trunk) and #139 (12').

The remaining 25 species were represented by 5 or fewer trees. Included in this group were:

- Coast redwoods #152 – 156 were semi-mature and mature in development with trunk diameters between 15" and 28" (Photo 4). Trees were located off-site, along the north edge of the property. Tree canopies extended into the project area. Tree condition was poor (#154), fair (#152, 153, 155) and good (#156). The primary limitation to tree health was lack of irrigation. Tree canopies were thin with extensive dieback.



Photo 4. Coast redwoods #152 – 156.

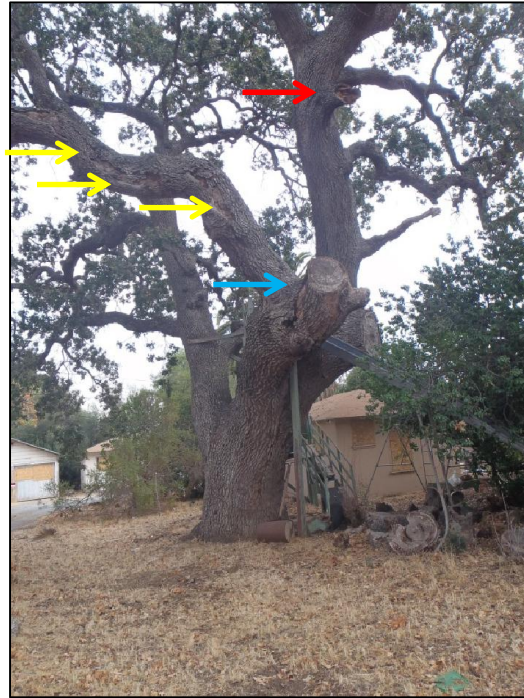
- Valley oaks #146, 147 and 148 were located near the northeast corner of the residence. Valley oak #146 was 21" and in good condition; #147 was 14" and poor; #148 was 8" and fair.

Valley oak #106 was the largest and most dominant tree at Butcher's Corner with a trunk diameter of 64" (Photo 5, following page). Overall tree structure was typical of valley oaks of this age and size. Several large scaffold limbs arose at 12'. Large pruning wounds and branch failures resulted in decay. A cavity was present at the base. The tree's canopy was thin.

- Chinese pistache #163 and 165 were located off-site, on the west side of the property. Pistache #150 was a mature tree with poor form and structure.
- Glossy privets #144, 164 and 181 were large shrubs.
- Sweetgums #157 and 158 were off-site to the north. Both were 8" in diameter. Tree #157 was in fair condition; #158 was good.
- Catalina ironwood #129 was a mature tree with several stems between 12" and 18". Tree condition was fair. Catalina ironwood #166 was located off-site. It was 14" and in fair condition.



Photo 4. Valley oak #106. Above: tree crown. Right: lower trunk and scaffold limbs. Note failed branch (red arrow), areas of dead bark (yellow arrow) and large stub (blue arrow).



- Xylosma #177 was 9" and dying while #178 was 14" and in good condition.
- Afghan pine #175 was 23" and in fair condition.
- African fern pine #162 was off-site, 15" and in good condition.
- Bailey acacia #173 was 14" and in fair condition, having been topped to clear overhead utility lines.
- Calif. bay #176 was a small tree (7, 6") in good condition.
- Calif. buckeye #104 was mature in development with multiple stems. It was in good condition.
- Carob #167 was located off-site. It was 16" and in fair condition.
- Chinese elm #172 was small (7, 4") and in fair condition.
- Chinese tallow #174 was a small tree (6, 6") in poor condition.
- Euonymus #102 was a large shrub in poor condition.
- European birch #159 was off-site, 8" and in fair condition.
- Holly oak #183 was mature in development, 18" in diameter and in fair condition.
- Hollywood juniper #8 was a large suppressed shrub.

- Monterey pine #180 was mature in size and development with a trunk diameter of 33". Condition was fair as the tree had been side-trimmed to clear nearby utility lines.
- Olive #117 was located off-site. It was 8" and in fair condition.
- Queen palm #134 was small and poor.
- Strawberry tree #145 was 8" and dying.
- Tawhiwi #179 was a large shrub in poor condition.
- Victorian box #184 was 13" in diameter and in poor condition.

Orchard species

In addition to the 84 landscape trees, a total of 161 orchard trees were present at Butcher's corner. Orchard trees were not tagged and individually assessed. Included in this group were:

- 15 small citrus (*Citrus* sp.) in declining condition.
- 42 olives (*Olea europaea*) in fair and good condition.
- 97 plums (*Prunus domestica*) were largely dead.
- 7 avocado (*Persea americana*) around the residence.

In general, orchard trees had been abandoned and left unmaintained. No irrigation appeared to be present which is why tree condition was declining.

Orchard trees are exempt from the City of Sunnyvale's tree protection requirements. (Municipal Code 19.94.050). No orchard trees are considered for Protected status.

Suitability for Preservation

Trees that are preserved on development sites must be carefully selected to make sure that they may survive development impacts, adapt to a new environment and perform well in the landscape. Our goal is to identify trees that have the potential for long-term health, structural stability and longevity. Evaluation of suitability for preservation considers several factors:

- **Tree health**
Healthy, vigorous trees are better able to tolerate impacts such as root injury, demolition of existing structures, changes in soil grade and moisture, and soil compaction than are non-vigorous trees.
- **Structural integrity**
Trees with significant amounts of wood decay and other structural defects that cannot be corrected are likely to fail. Such trees should not be preserved in areas where damage to people or property is likely.
- **Species response**
There is a wide variation in the response of individual species to construction impacts and changes in the environment. For example, coast redwood and coast live oak are relatively tolerant of construction impacts while Bailey acacia and carob are sensitive.

- **Tree age and longevity**
Old trees, while having significant emotional and aesthetic appeal, have limited physiological capacity to adjust to an altered environment. Young trees are better able to generate new tissue and respond to change.
- **Species invasiveness**
Species which spread across a site and displace desired vegetation are not always appropriate for retention. This is particularly true when indigenous species are displaced. The California Invasive Plant Inventory Database (<http://www.cal-ipc.org/paf/>) lists species identified as having being invasive. Sunnyvale is part of the Central West Floristic Province. Olive, Canary Island date palm, Chinese tallow, and Calif. pepper are noted as being invasive.

Each of the 84 landscape trees was rated for suitability for preservation based upon its age, health, structural condition and ability to safely coexist within a development environment (Table 2).

Table 2. Tree suitability for preservation. Butcher's Corner. Sunnyvale CA.

High	Trees with good health and structural stability that have the potential for longevity at the site. Eleven (11) trees were rated as having good suitability for preservation: Canary Island date palm #101, 105, 124, 127, 137; Calif. pepper #151, 160; coast live oak #110, 168, 171; and Chinese pistache #163.
Moderate	Trees in fair health and/or possessing structural defects that may be abated with treatment. Trees in this category require more intense management and monitoring, and may have shorter life-spans than those in the "high" category. Fifty (50) trees were rated as having moderate suitability for preservation including: 13 coast live oaks, Afghan pine #175, African fern pine #162, Calif. bay #176, Calif. buckeye #104, Calif. pepper #128, sweetgum #158, valley oak #146, and xylosma #178.
Low	Trees in poor health or possessing significant defects in structure that cannot be abated with treatment. These trees can be expected to decline regardless of management. The species or individual tree may possess either characteristics that are undesirable in landscape settings or be unsuited for use areas. Fifty (50) trees were rated as having poor suitability for preservation including: 8 Catalina cherry, 6 Calif. pepper, 5 coast redwood, 4 coast live oak, 3 glossy privet, and 2 valley oak.

We consider trees with high suitability for preservation to be the best candidates for preservation. We do not recommend retention of trees with low suitability for preservation near proposed homes or useable open space. Retention of trees with moderate suitability for preservation depends upon the intensity of proposed site changes.

Evaluation of Impacts and Recommendations for Action

Appropriate tree retention develops a practical match between the location and intensity of construction activities and the quality and health of trees. The **Tree Assessment** was the reference point for tree condition and quality. Potential impacts from the proposed project were assessed using two Illustrative Site Plans prepared by the Dahlin Group (both plans dated June 2015).

The site plans represented two development options. Option 1 comprised the existing Butcher's Corner site while Option 2 included the property at the northwest corner of the intersection of South Wolfe Road and East Fremont Avenue. Both plans include high density residential units as well as non-residential space along East El Camino Real. Both plans would entirely redevelop the Butcher's Corner site.

Impacts to trees could occur in a variety of ways. First, demolition of existing structures could directly damage tree roots and crowns. Second, grading, excavation, and other construction activities may also damage trees, through both direct mechanical injury and indirectly by altering drainage. The most significant impacts to the trees would occur as a result of demolition, grading and construction across the entire site.

Both site plan options depict retention of valley oak #106 (Table 3, following page). This is a large massive tree in fair condition with low suitability for preservation due to its age, health and structure. It can be expected to decline over many years by losing large branches. Decay is present in the scaffold limbs and at the base. Valley oaks of this size and maturity often drop branches without any warning. Because of the risk of branch or whole tree failure, no development activity should take place within the dripline of this tree. No use such as paths, benches or parking should be planned within the dripline.

The site plans depict the tree as having a 60' wide canopy. The actual canopy is 85' to 90' wide. In order to accommodate the tree, some re-design must occur to provide additional space for the tree. No details of construction activity near the tree are provided. But removal of structures and controls to disturbance under this tree as well as corrective work on past poorly cut limbs or failed branches, together with cabling and possibly major limb support should serve to improve conditions, and reduce risks associated with this tree. So long as the proposed **TREE PROTECTION ZONE** accommodates the entire canopy, impacts from construction should be within the tolerance of the tree.

In order to maintain tree health and limit the potential for someone to be injured by a failing branch, I recommend that no improvements and use areas be established beneath the tree. No activity should occur within the dripline subsequent to demolition: The area under the dripline should be mulched with 4" to 6" of wood chips. No grading, construction, landscaping, irrigation, lighting, or utilities should be installed within the dripline with the exception of removal of artificial fills placed under the tree, paving and other impervious surfaces, the existing treehouse built onto the tree, and the nearby garage structure, assuming this work is performed under the supervision of a Certified Arborist with careful controls as described further below under the recommended **Tree Preservation Guidelines**. Grading around the tree should ensure that storm water does not collect around the base of the tree.

Based on my review of the plans, there is limited opportunity to preserve any additional trees without significant re-design of the site plan.

Several mature coast live oaks (#119, 120, 121, 123, and 126) form a grove near the highly visible El Camino Real and Wolfe Road intersection. These trees have moderate and high suitability for preservation, and would complement the stand of coast live oaks on the east side of Wolfe Road. However, preservation would require substantial redesign of the Site Plan and possible reduction of the retail/office building on the southeast end. For design purposes, the **TREE PROTECTION ZONE** should be the existing dripline of trees to be retained.

Trees located off-site are noted for preservation and pruning to provide clearance for construction activity. Recommendations for preservation are predicated on adherence to the **Tree Preservation Guidelines** (following section).

Table 3. Proposed action. Butcher's Corner. Sunnyvale CA.

Tree No.	Species	Trunk Diameter (in.)	Protected Tree?	Condition 1=poor 5=excell.	Proposed Action	Notes
101	Canary Island date palm	35	Yes	5	Remove	Within project area
102	Euonymus	5,3,2	No	2	Remove	Within project area; low suitability for preservation
103	Canary Island date palm	47	Yes	3	Remove	Within project area; low suitability for preservation
104	Calif. buckeye	8,8,8,7,6,5	Yes	4	Remove	Within project area
105	Canary Island date palm	27	Yes	4	Remove	Within project area
106	Valley oak	64	Yes	3	Preserve	Low suitability for preservation
107	Catalina cherry	19,18,8	Yes	2	Remove	Within project area; low suitability for preservation
108	Catalina cherry	7	No	3	Remove	Within project area; low suitability for preservation
109	Catalina cherry	8	No	3	Remove	Within project area; low suitability for preservation
110	Coast live oak	7	No	4	Remove	Within project area
111	Catalina cherry	5	No	3	Remove	Within project area; low suitability for preservation
112	Catalina cherry	5	No	3	Remove	Within project area; low suitability for preservation
113	Catalina cherry	5	No	3	Remove	Within project area; low suitability for preservation
114	Catalina cherry	9,9,8,7,6,4	Yes	3	Remove	Within project area; low suitability for preservation
115	Calif. pepper	47	Yes	3	Remove	Within project area; low suitability for preservation

Table 3, continued. Proposed action. Butcher's Corner. Sunnyvale CA.

Tree No.	Species	Trunk Diameter (in.)	Protected Tree?	Condition 1=poor 5=excell.	Proposed Action	Notes
116	Coast live oak	36	Yes	4	Preserve	Off-site; prune for clearance
117	Olive	8	No	3	Preserve	Off-site; pruning for clearance will likely remove much of the tree's canopy
118	Coast live oak	36	Yes	3	Preserve	Off-site; prune for clearance
119	Coast live oak	31	Yes	4	Remove	Within project area
120	Coast live oak	18	Yes	3	Remove	Within project area
121	Coast live oak	24,22,20,14,14	Yes	4	Remove	Within project area
122	Coast live oak	17,12	Yes	3	Remove	Within project area; low suitability for preservation
123	Coast live oak	20	Yes	3	Remove	Within project area
124	Canary Island date palm	30	Yes	5	Remove	Within project area
125	Coast live oak	27	Yes	2	Remove	Within project area; low suitability for preservation
126	Coast live oak	26	Yes	4	Remove	Within project area
127	Canary Island date palm	30,30,30	Yes	5	Remove	Within project area
128	Calif. pepper	18,16	Yes	3	Remove	Within project area
129	Catalina ironwood	18,12,12,12,10,8	Yes	3	Remove	Within project area; low suitability for preservation
130	Catalina cherry	7,5,4,4	No	3	Remove	Within project area
131	Coast live oak	8	No	3	Remove	Within project area; low suitability for preservation

Table 3, continued. Proposed action. Butcher's Corner. Sunnyvale CA.

Tree No.	Species	Trunk Diameter (in.)	Protected Tree?	Condition 1=poor 5=excell.	Proposed Action	Notes
132	Coast live oak	13,8	Yes	3	Remove	Within project area
133	Coast live oak	13	Yes	3	Remove	Within project area
134	Queen palm	12	Yes	2	Remove	Within project area; low suitability for preservation
135	Coast live oak	14	Yes	4	Remove	Within project area
136	Calif. pepper	13	Yes	3	Remove	Within project area; low suitability for preservation
137	Canary Island date palm	22	Yes	5	Remove	Within project area
138	Catalina cherry	5	No	2	Remove	Within project area; low suitability for preservation
139	Canary Island date palm	29	Yes	3	Remove	Within project area
140	Calif. pepper	13	Yes	2	Remove	Within project area; low suitability for preservation
141	Calif. pepper	30	Yes	1	Remove	Within project area; low suitability for preservation
142	Coast live oak	6	No	4	Remove	Within project area
143	Calif. pepper	14	Yes	3	Remove	Within project area; low suitability for preservation
144	Glossy privet	6,6	No	1	Remove	Within project area; low suitability for preservation
145	Strawberry tree	8	No	1	Remove	Within project area; low suitability for preservation
146	Valley oak	21	Yes	4	Remove	Within project area
147	Valley oak	14	Yes	1	Remove	Within project area; low suitability for preservation

Table 3, continued. Proposed action. Butcher's Corner. Sunnyvale CA.

Tree No.	Species	Trunk Diameter (in.)	Protected Tree?	Condition 1=poor 5=excell.	Proposed Action	Notes
148	Valley oak	8	No	3	Remove	Within project area; low suitability for preservation
149	Coast live oak	14	Yes	2	Remove	Within project area; low suitability for preservation
150	Chinese pistache	15	Yes	2	Remove	Within project area; low suitability for preservation
151	Calif. pepper	8,8,5	No	5	Remove	Within project area
152	Coast redwood	28	Yes	3	Preserve	Off-site; prune for clearance
153	Coast redwood	17	Yes	3	Preserve	Off-site; prune for clearance
154	Coast redwood	18	Yes	2	Preserve	Off-site; prune for clearance
155	Coast redwood	15	Yes	3	Preserve	Off-site; prune for clearance
156	Coast redwood	15	Yes	4	Preserve	Off-site; prune for clearance
157	Sweetgum	8	No	3	Preserve	Off-site; prune for clearance
158	Sweetgum	8	No	4	Preserve	Off-site; prune for clearance
159	European birch	7	No	3	Preserve	Off-site; prune for clearance
160	Calif. pepper	5,3,3	No	5	Remove	Within project area
161	Coast live oak	7	No	3	Remove	Within project area

Table 3, continued. Proposed action. Butcher's Corner. Sunnyvale CA.

Tree No.	Species	Trunk Diameter (in.)	Protected Tree?	Condition 1=poor 5=excell.	Proposed Action	Notes
162	African fern pine	15	Yes	4	Preserve	Off-site; prune for clearance
163	Chinese pistache	9	No	4	Preserve	Off-site; prune for clearance
164	Glossy privet	8,4	No	3	Remove	Within project area; low suitability for preservation
165	Chinese pistache	9	No	3	Preserve	Off-site; prune for clearance
166	Catalina ironwood	14	Yes	3	Preserve	Off-site; prune for clearance
167	Carob	16	Yes	3	Preserve	Off-site; prune for clearance
168	Coast live oak	7,5	No	4	Remove	Within project area
169	Calif. pepper	15,14,12,11,10	Yes	3	Remove	Within project area; low suitability for preservation
170	Coast live oak	4,3,2,2	No	4	Remove	Within project area
171	Coast live oak	6,5	No	4	Remove	Within project area
172	Chinese elm	7,4	No	3	Remove	Within project area; low suitability for preservation
173	Bailey acacia	14	Yes	3	Remove	Within project area; low suitability for preservation
174	Chinese tallow	6,6	No	1	Remove	Within project area; low suitability for preservation
175	Afghan pine	23	Yes	3	Remove	Within project area
176	Calif. bay	7,5	No	4	Remove	Within project area
177	Xylosma	9	No	2	Remove	Within project area; low suitability for preservation

Table 3, continued. Proposed action. Butcher's Corner. Sunnyvale CA.

Tree No.	Species	Trunk Diameter (in.)	Protected Tree?	Condition 1=poor 5=excell.	Proposed Action	Notes
178	Xylosma	14	Yes	4	Remove	Within project area
179	Tawhiwi	6,4	No	2	Remove	Within project area; low suitability for preservation
180	Monterey pine	33	Yes	3	Remove	Within project area; low suitability for preservation
181	Glossy privet	8,5,3	No	2	Remove	Within project area; low suitability for preservation
182	Hollywood juniper	8	No	3	Remove	Within project area; low suitability for preservation
183	Holly oak	18	Yes	3	Remove	Within project area; low suitability for preservation
184	Victorian box	13	Yes	1	Remove	Within project area; low suitability for preservation

Tree Preservation Guidelines

The following are recommendations for design and construction phases that will assist in successful tree preservation. The focus of tree preservation efforts are on valley oak #106 and all off-site trees.

Design recommendations

1. Establish the horizontal and vertical elevation of valley oak #106 and include on all plans.
2. Design improvements so that no grading or construction occurs within the dripline of valley oak #106. Demolition of the existing garage, tree house, impervious surfaces and artificial fills under the dripline of this tree shall be performed under the supervision of the Consulting Arborist. Equipment operation shall be restricted from the furthest point possible to the tree trunk, so minimize the potential for compaction and root zone disturbance.
3. Allow the Consulting Arborist to review all future project submittals including grading, utility, drainage, irrigation, and landscape plans.
4. Establish a **TREE PROTECTION ZONE** around valley oak #106. The **TREE PROTECTION ZONE** shall be at least 50' from the center of the trunk in all directions.
5. Route all underground services including utilities, sub-drains, water or sewer around the **TREE PROTECTION ZONE**.
6. Use only herbicides safe for use around trees and labeled for that use, even below pavement.
7. Design irrigation systems so that no trenching will occur within the **TREE PROTECTION ZONE**.

Pre-construction and demolition treatments and recommendations

1. The demolition contractor shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.
2. Install protection at the **TREE PROTECTION ZONE** prior to demolition, grubbing, or grading. Valley oak #106 may require installation of hay bales around the tree prior to the start of demolition of nearby improvements.
3. No entry is permitted into a **TREE PROTECTION ZONE** without permission of the project superintendent.
4. Trees to be preserved may require pruning to clean the crown and to provide clearance. All pruning shall be completed by an ISA Certified Arborist or Tree Worker and adhere to the latest editions of the American National Standards for tree work (Z133 and A300) and International Society of Arboriculture Best Management Practices, Pruning.

Tree protection during construction

1. Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
2. Trees to be removed shall be felled so as to fall away from **TREE PROTECTION ZONE** and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant may require first severing the major woody root mass before extracting the trees, or grinding the stump below ground.
3. Valley oak #106 must be irrigated during the construction period. The irrigation schedule to be determined by the Consulting Arborist. Each irrigation shall wet the soil within the **TREE PROTECTION ZONE** to a depth of 30". For planning purposes, expect to irrigate the tree twice per month during months with no or low rainfall.
4. Any grading, construction, demolition or other work that is expected to encounter roots of trees to be preserved should be monitored by the Consulting Arborist.
5. If injury occurs to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.
6. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the project superintendent.
7. Construction trailers, traffic and storage areas must remain outside fenced areas at all times.
8. No materials, equipment, soil, waste or wash-out water may be deposited, stored, or parked within the **TREE PROTECTION ZONE** (fenced area).
9. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel.
10. Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw.

Tree Preservation Guidelines (with coast live oaks)

The following are recommendations for design and construction phases that will assist in successful tree preservation. The focus of tree preservation efforts are on valley oak #106, several coast live oaks, and all off-site trees.

Design recommendations

1. Establish the horizontal and vertical elevation of valley oak #106 and the coast live oaks to remain. Include trunk locations on all plans.
2. Design improvements so that no grading or construction occurs within the dripline of all trees to be preserved. Demolition of the existing structures, impervious surfaces and artificial fills under the dripline of any tree to be preserved shall be performed under the supervision of the Consulting Arborist. Equipment operation shall be restricted from the furthest point possible to the tree trunk, so minimize the potential for compaction and root zone disturbance.
3. Allow the Consulting Arborist to review all future project submittals including grading, utility, drainage, irrigation, and landscape plans.
4. Establish a **TREE PROTECTION ZONE** around tree to be retained. For valley oak #106, the **TREE PROTECTION ZONE** shall be at least 50' from the center of the trunk in all directions. For coast live oaks, the **TREE PROTECTION ZONE** shall be the dripline.
5. Route all underground services including utilities, sub-drains, water or sewer around the **TREE PROTECTION ZONE**.
6. Use only herbicides safe for use around trees and labeled for that use, even below pavement.
7. Design irrigation systems so that no trenching will occur within the **TREE PROTECTION ZONE**.

Pre-construction and demolition treatments and recommendations

1. The demolition contractor shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.
2. Install protection at the **TREE PROTECTION ZONE** prior to demolition, grubbing, or grading. Valley oak #106 may require installation of hay bales around the tree prior to the start of demolition of nearby improvements. For coast live oaks, install tree protective fencing at the dripline.
3. No entry is permitted into a **TREE PROTECTION ZONE** without permission of the project superintendent.
4. Prune trees to be preserved may require pruning to clean the crown. All pruning shall be completed by an ISA Certified Arborist or Tree Worker and adhere to the latest editions of the American National Standards for tree work (Z133 and A300) and International Society of Arboriculture Best Management Practices, Pruning.

Tree protection during construction

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3. Valley oak #106 must be irrigated during the construction period. Coast live oaks may require irrigation. The irrigation schedule to be determined by the Consulting Arborist. Each irrigation shall wet the soil within the **TREE PROTECTION ZONE** to a depth of 30". For planning purposes, expect to irrigate the tree twice per month during months with no or low rainfall.
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HortScience, Inc.



James R. Clark, Ph.D.
Certified Arborist WE-0846A
Registered Consulting Arborist #357



HeritagePreservation AP <heritagepreservation@sunnyvale.ca.gov>

Butcher's Corner 300 year old valley oak

Martin Landzaat

@

Wed, Apr 27, 2016 at 11:01 AM

To: "HeritagePreservation@sunnyvale.ca.gov" <HeritagePreservation@sunnyvale.ca.gov>

Cc: Martin Landzaat

Dear Heritage Preservation Commission (HPC) Members,

I asked the city council to add the 300 year old valley oak at Butcher's Corner to the heritage resource inventory at their meeting on Feb-09-2016. Council Member Whittum asked the Mayor to put my request on the city council agenda. According to Council Member Whittum, the Mayor would prefer that I ask the HPC to review my request. I am attaching the PowerPoint slides I used at the City Council meeting. A video of the City Council meeting is available at http://sunnyvaleca.granicus.com/MediaPlayer.php?view_id=4&clip_id=1857, my presentation starts at 00:27:30.

Here's a link to the section of the municipal code, [19.96.060](#) that explains how the process works. The HPC can initiate an application to add the valley oak to the heritage resource inventory. I urge you to start the process at your next meeting.

Regards,

Martin Landzaat

Sunnyvale, CA



M. Landzaat Feb-09 Public Comments-Version 1.pptx

1119K



HeritagePreservation AP <heritagepreservation@sunnyvale.ca.gov>

Agenda Item Request - May 4 Meeting

Wed, Apr 27, 2016 at 11:38 AM

To: HeritagePreservation@sunnyvale.ca.gov

Heritage Preservation Commissioners,

I would like to add an item to the May 4, 2016 agenda.

I am requesting that the commission begin the application process to designate the grove of oak trees at El Camino Real and Wolfe Road (Butcher's Corner) as heritage trees. An arborist report is available and these trees are healthy and are protected because of their age and size. They qualify as heritage trees because of their location.

The Sunnyvale Municipal Code 19.96.050 Criteria for evaluation and nomination of heritage resources, item (f), states that a tree may be designated a heritage resource if "It has a unique location or singular physical characteristic or is a view or vista representing an established and familiar visual feature of a neighborhood, community, or the city of Sunnyvale."

The group of trees on the corner is a familiar visual feature of the neighborhood and the city. Protection of the trees would maintain the established vista at this busy intersection. It would also preserve one of the few remaining areas along El Camino that have large trees.

I have been informed that the Heritage Preservation Commission can initiate the process with the goal of approval by the City Council.

Thank you,
Mary Brunkhorst



HeritagePreservation AP <heritagepreservation@sunnyvale.ca.gov>

Heritage Oaks at Butcher's Corner

Thu, May 5, 2016 at 9:29 AM

To: ael-hajj@sunnyvale.ca.gov, heritagepreservation@sunnyvale.ca.gov

Amber,

Here is some background on the oak trees at Butcher's Corner regarding condition and age. Hopefully this information will prove useful as you prepare your report.

First, two separate requests were made at the meeting and should be considered as two requests.

Martin requested that the one large oak tree (#106) be designated as a heritage tree.

I requested that the oak grove on the corner of Wolfe and El Camino be designated as heritage trees (#119, 120, 121, 122, 123, 126). I will discuss the oak grove.

I am referencing the Butcher's Corner DEIR, as they have numbered and evaluated the trees. The DEIR also provides a bit of background on the trees.

I want to point out that my initial questions to you date back to October 29, 2015, right after this property was annexed into the city (on October 13). It was the annexation that prompted my actions. The fact that the trees have been targeted for removal as part of the Butcher's Corner project simply adds urgency to the request. On the plus side, the DEIR and arborist report that were prepared for the project have provided supporting data.

History of the Trees - In the video listed below, Audrey Butcher explains how she planted a number of the oak trees near the corner fifty or more years ago. In the video from 2007, she said that she planted them over forty years earlier (which would make them over fifty today).

<https://www.youtube.com/watch?v=PrRhWVFLXJg>

DEIR - Appendix E - Arborist Report and Biological Resources Data -

The Tree Assessment Plan identifies the location and condition of the trees of interest. The grove of trees are listed as protected trees in good condition with a moderate suitability for preservation. The trees are healthy.

DEIR - Within the DEIR, Section 4.0 Biological Resources - Under the BIO-2 discussion (page 4.3-14), it is stated that "Of particular interest is a grove of mature native coast live oaks near the intersection of El Camino Real and Wolfe Road that contribute to the aesthetic and habitat values of the site. These consist of five mature coast live oaks (Trees #119, 120, 121, 123, and 126), all of which are of a protected tree size, are in good to excellent condition and have a moderate suitability for preservation according to the Preliminary Tree Report."

DEIR Project Info - The arborists report lists the trees as healthy and they are expected to live a long life. Despite the health of the trees, and the stated interest in the trees, the proposed project would basically raze the property and remove 245 trees, while saving only one tree.

Heritage Worthy -

The group of oak trees at the corner of Wolfe Road and El Camino Real qualify as heritage trees. The Sunnyvale Municipal Code 19.96.050 Criteria for evaluation and nomination of heritage resources, item (f), states that a tree may be designated a heritage resource if "It has a unique location or singular physical characteristic or is a view or vista representing an established and familiar visual feature of a neighborhood, community, or the city of Sunnyvale."

The group of trees on the corner is a familiar visual feature of the neighborhood and the city. Protection of the trees would maintain the established vista at this busy intersection. It would also preserve one of the few remaining areas along El Camino that have large trees.

As development encroaches on that area, preserving the trees is an important step to saving the visual feature

and will benefit both the neighbors and the city. Removal of these trees would greatly alter the look and feel of the area, and they should be protected. Adding a heritage tree status should add an extra layer of approvals required to receive a tree removal permit.

I am requesting that the oak grove be declared heritage trees on their own merit, not simply because of this project. This designation should move forward regardless of the project, as the project may change as it goes through the review process.

Please let me know if there is any other data you need. I might have something in the various documents I have accumulated.

Please pass this information on to the Heritage Preservation Commission members.

Thank you,
Mary Brunkhorst

Link to Butchers Corner Webpage:

www.ButchersCorner.InSunnyvale.com

