MEMORANDUM

To: Marlon Quiambao P.E., Senior Engineer

City of Sunnyvale Department of Public Works

From: Brad Stoneman

Project Manager, Kimley-Horn

Date: June 11, 2021

Subject: Agricultural Resources Technical Memorandum

PROJECT UNDERSTANDING

Kimley-Horn and Associates, Inc (Kimley-Horn) was requested by the City of Sunnyvale to prepare an Agricultural Resources Technical Memorandum to assess the potential environmental effects of the Sunnyvale Heritage Park Museum Expansion (proposed project). The proposed project would occur at 570 East Remington Drive in the City of Sunnyvale (City), County of Santa Clara, California. The proposed project includes a 1,600-square foot (sf) expansion of the existing museum and would occur within an approximate 10-acre apricot orchard.

PURPOSE

The purpose of this memorandum is to evaluate the potential environmental effects on agricultural resources from the proposed expansion. This analysis has been undertaken to provide needed background information and determine the future environmental documentation that would be needed to comply with the California Environmental Quality Act (CEQA). Preparation of this document is intended to provide contextual information, and a preliminary evaluation of potential impacts from use of 1,600 sf of the orchard. This memorandum is anticipated to be used to support the preparation of either a Categorical Exemption (NOE), Negative Declaration (ND), or Mitigated Negative Declaration (MND).

This memorandum describes the existing agricultural resources on the project site, evaluates changes to the existing environment, discusses continued operation of orchard, and provides the context and provisions under which the orchard operates. This memorandum also highlights the intent of the City to continue support for the continued operations of the orchard.

BACKGROUND

Historically, the Santa Clara Valley was one of the nation's most productive agricultural areas, known as the "Valley of Heart's Delight" because of its abundant fruit orchards. The region experienced rapid urban growth after the end of World War II, especially in the northern half of the county. Today, the county's remaining agricultural uses are concentrated in the southern half of the valley surrounding the towns of Gilroy and Morgan Hill.

According to the Santa Clara Valley Agricultural Plan (County of Santa Clara, Jan. 2018) ("SCVAP"), there are 447,821 acres of working farmland and rangeland in Santa Clara County, which support 8,100 jobs and contribute \$830 million annually to the local economy. The SCVAP recognizes the importance of preserving the region's remaining viable farmland to support the rural economy and produce food for human consumption. The report also identifies the ecological benefits of growing crops and preserving rural spaces, such as carbon capture and habitat preservation. To that end, the SCVAP creates an "Agricultural Resources Area" ("ARA") extending from the southern edge of San Jose to the southern Santa Clara County boundary. The urbanized cities in northern Santa Clara County, including Sunnyvale, are designated as "developed area" outside of the ARA. A primary goal of the SCVAP is to preserve viable agricultural uses within the ARA. The SCVAP defines "highly viable farmland" as tracts at least 40 acres in size that have "prime" or "important farmland" soil characteristics as designated by the U.S. Department of Agriculture, and are adjacent to a farming operation that has been active in the previous four years.

Orchard Heritage Park Property

In 1994, the City of Sunnyvale preserved 10 acres of Blenheim apricot trees as part of the Orchard Heritage Park. This was done to celebrate the contribution orchards made to the early development of the local economy and to highlight the overall history of the development of the community. The orchard was designated as Heritage Orchard Park (orchard park) by the Sunnyvale Historical Society in 1997. The 10-acre orchard has approximately 752 apricot trees for an average of approximately 75 trees per acre. The balance of the parcel contains other community use buildings that includes the Sunnyvale Community Center, Performing Arts Center, Creative Arts Center, Recreation Center, Sunnyvale Indoor Sports Center, Sunnyvale Senior Center, the Heritage Park Museum, parking lot, landscaped areas, and ancillary uses. Other uses immediately adjacent to the Heritage Park Museum include the Orchard Heritage Park Interpretive Exhibit (OHPIE) and the Bianchi Barn, which is listed on the Sunnyvale Heritage Resources List. The project does not propose changes to any of these other areas.

In 2001, the OHPIE was constructed next to the orchard. The OHPIE is an open barn-like structure that houses interpretive displays and highlights the lives of the orchard workers and the processes involved in cultivating and canning fruit in the first half of the 20th Century. In 2008, the Sunnyvale Heritage Park Museum was constructed to showcase the history of Sunnyvale and the Murphy family. The Sunnyvale Heritage Park Museum is housed in a reconstruction of the Murphy House and is located next to the existing orchard. The Murphy family were landowners with vast territories in the San Francisco Bay Area, including the former Town of Murphy. The Town of Murphy was later renamed to Sunnyvale.

On March 2018, the Sunnyvale Historical Society and Museum Association submitted a proposal to the City for consideration to expand the Sunnyvale Heritage Museum. The proposal was for the construction of a 1,600-sf addition to the current museum. The expansion was intended to be used to accommodate historical items (i.e. Lockheed Navy Exhibits) from the closed "Blue Cube" that was located at the Onizuka Air Force Station and to provide space for a library. The 2018 proposal evaluated three on-site locations for the museum expansion. The other sites included an existing building that was already in use and needed for storage of other materials, and an adjacent site which would not provide adequate connectivity to the existing structure. After a preliminary analysis and evaluation of the feasibility of each site, the 1,600-sf expansion area was determined to be preferable.

Project Location

The proposed project is located in the Orchard Heritage Park adjacent to the Sunnyvale Heritage Park Museum at 570 East Remington Drive in the City of Sunnyvale, Santa Clara County. The orchard is located on a 31-acre parcel, assessor parcel (APN) 211-24-042, that is owned by the City. The site is bounded by Michelangelo Drive to the east, Crescent Avenue to the south, Manet Drive to the west, and the Sunnyvale Community Center to the north. See **Figure 1 – Project Vicinity**.

Existing Site Condition

As discussed above, The orchard is currently planted with approximately 752 apricot trees (75 trees per acre). The trees are of varying ages from saplings to mature fruit bearing trees (some nearly 25 years of age). Trees are staggered in ages to ensure year to year fruit production and as older trees die or require removal, they are replaced with saplings. Currently, there are three mature apricot trees located where the proposed addition would be located and 3 to 5 additional trees in proximity to what would be the northwest, southwest, and southeasterly sides of the new structure. No existing structures or any improvements are located within the 1,600-sf project area and no other disturbances or changes to any other areas within the orchard would be required.

The area surrounding the Heritage Park Museum and 31-acre parcel are characteristic of a highly urbanized land use pattern. To the east of Michelangelo Drive, south of Crescent Avenue, and west of Manet Drive, land uses are dominated by residential communities. The Sunnyvale Community Center is located directly north of the project site, and there are commercial and retail developments at the northeast of the intersection of Remington Drive and Michelangelo Drive.

Project Characteristics

Proposed Structure

The proposed construction of the approximate 1,600-sf addition would occur and be connected to the southwesterly side of the existing Heritage Park Museum. Approximately 444 sf would be used as a research library and 708 sf would be used to house the Blue Cube Lockheed Navy Exhibits. The balance of the site is needed for building access via sidewalks and Americans with Disabilities Act (ADA) compliant ramps. See **Figure 2 – Site Plan**. The proposed expansion would be a single-story extension to the existing museum, which is a two-story building. The proposed structures would be consistent with the existing hardscape, landscaping, and historical architectural theme of the existing on-site structures. The proposed project would be developed in a similar design that would closely resemble the form of the existing Heritage Park Museum.

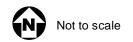
Site Access and Parking

Currently, two driveways provide access to the project site, one from Manet Drive and one from Michelangelo Drive. No improvements to the existing driveways would be made as part of the proposed project. Vehicle access to the project site would be provided from these driveways in the same location as the existing Heritage Park Museum. Pedestrian access to the 1,600-sf addition would be available through the existing main gallery within the Heritage Park Museum and also through the proposed exterior Americans with Disabilities (ADA) ramp attached to the 1,600-sf addition.

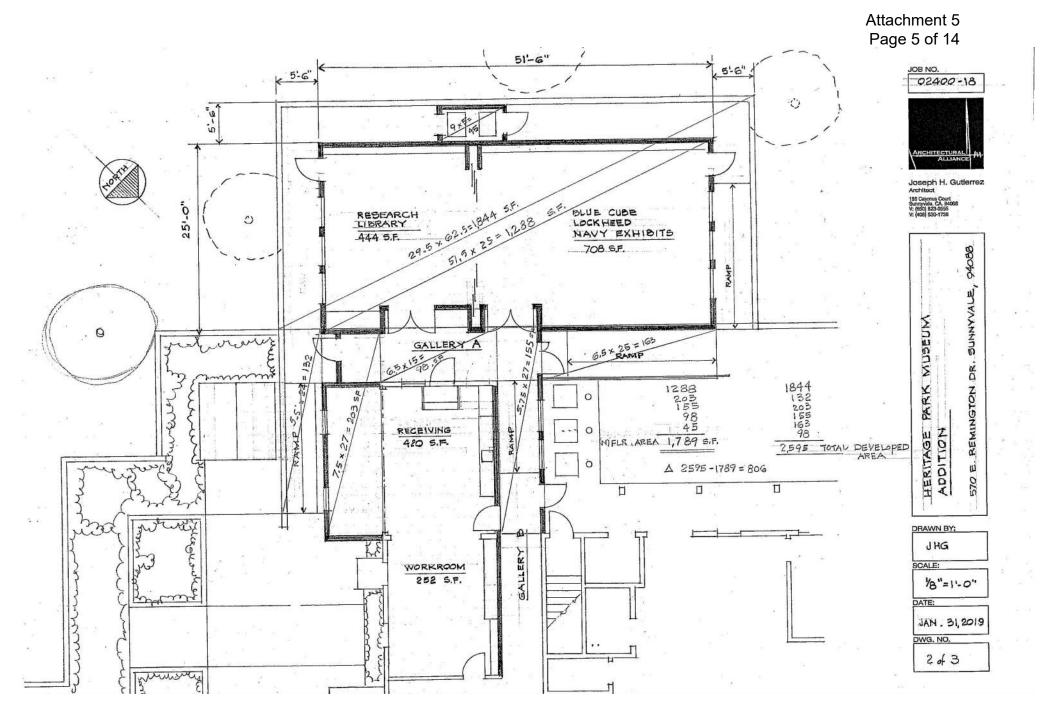


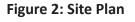
Figure 1: Project Vicinity













Infrastructure and Utilities

The proposed project would be connected to existing utility infrastructure within the project area. All work would occur within existing disturbed areas and would not extend outside the project footprint.

Project Construction

Construction of the project would require minor excavation of soils and removal of 4 to 5 apricot trees to enable installation of the foundation for the addition to the Heritage Park Museum. The approximate 1,600 sf area would be excavated to a maximum depth of approximately 3 feet below existing grade. The material to be excavated would be re-used to create the base for the footing, or spread on-site and used to fill existing low-lying areas, as topsoil, added to composting, and/or hauled off site and either landfilled or taken to an unrelated project location that is in need of fill material.

City Planning Efforts

General Plan

The City of Sunnyvale General Plan (GP) provides direction and policies intended to guide growth and operations within the City. The GP incorporates a Community Vision and supporting chapters to address the anticipated physical development of the City. The GP chapters are grouped into topics including Community Character, Safety and Noise, and Environmental Management. As part of the GP, areas within the City are designated for various uses such as residential, commercial, industrial, public facilities etc., and it provides goals and policies that guide growth and operations for these various uses.

The GP does not designate any areas within the City for use as agriculture. The GP notes that while portions of the City were historically used for agricultural, the City has since transitioned from such uses and is now dominated by an urbanized environment. Accordingly, the Land Use and Transportation Element (LUTE) of the Environmental Impact Report (EIR) that was written for the GP, notes that while the City has some small pockets of remaining orchards these areas are designated and zoned for nonagricultural uses. Consistent with this portion of the LUTE EIR, the project site is designated for use as a Public Facility (PF). The PF designation is described as follows:

Public Facilities

The project site is designated by the GP for use as *Public Facilities (PF)*. As discussed in the Land Use and Transportation Element (LUTE) of the GP, areas designated as PF allow for public and quasi-public services such as parks, schools, places of assembly, child-care facilities, civic facilities, and public works facilities such as solid waste, landfill, or other similar facilities. These areas are located throughout the City and are intended to provide services that are essential to the health, safety, and welfare of the community. The PF designation does not list agricultural as specified use.

The General Plan policies in the LUTE reflect the intent to maintain the orchard as long as feasible/possible and also provides general guidance regarding the use of public facilities and what public facility uses are intended to accomplish. The GP specifically discusses the orchard and goals and policies related to its operation in conjunction with the balance of the Heritage Park area. It should be noted the policies encourage maintenance of the orchard and ensuring public access for as long as is feasible.

General Plan Goals and Policies

General Plan – Land Use and Transportation Element

Policy LT-9.7 Maintain a working fruit orchard throughout the largest portion of Orchard Heritage Park for as long as practical. (Previously Open Space and Recreation Policy 2.2.A.6)

General Plan - Community Character Element

- Policy CC-12.6 Provide public access to Orchard Heritage Park to the greatest extent possible while meeting the goal of maintaining a working fruit orchard at the park. (Previously Policy 2.2.E.10).
- Goal CC-4 Accessible and Attractive Public Facilities—Provide public facilities which are accessible, attractive and add to the enjoyment of the physical environment.
- Policy CC-4.1 Ensure that Sunnyvale's public facilities are easily identified, accessible, attractive and representative of the community's values and aspirations.

Zoning Ordinance

The project site is zoned for Public Facilities (P-F). The P-F zoning district is reserved for the construction, use and occupancy of governmental, public utility and educational buildings and facilities, and other uses compatible with the public character of the district. The City zoning ordinance does not identify any areas in the City for agricultural uses and does not have an agricultural zoning designation.

City of Sunnyvale Municipal Code (Chapter 19.94 Tree Preservation)

Chapter 19.94 of the Sunnyvale Municipal Code regulates the protection, installation, removal and long-term management of significantly sized trees on private property within the City and City owned golf courses and parks. This chapter of the Code encourages the proper protection and maintenance of significantly sized trees which are located on such property; establish a review and permit procedure to assure the correct planting, maintenance, protection and removal of significant trees on such property; and establish penalties for violation of its provisions.

This chapter of the Code is not intended to regulate trees on public rights-of-way, which are regulated pursuant to Chapter 13.16. Specific procedures and requirements for the filing, processing and consideration of the removal and preservation of trees are listed in this chapter of the Code. These provisions are required to 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, as applicable. (Ord. 2623-99 § 1; prior zoning code § 19.81.020).

The proposed project would be required to adhere to these provisions for removal and preservation of impacted trees. Further, it should be noted that the City maintains the City of Sunnyvale Heritage Resources Inventory which list the inventory of heritage resources that was originally adopted in 1979.

The list includes Heritage Resources, Heritage Trees, and Sunnyvale local landmarks that recognizing properties and trees which are particularly important reminders of the community's heritage including

The orchard trees located at 570 East Remington Drive, however, are not listed on any of these City recognized heritage resources.

AGRICULTURAL RESOURCES

Existing Farmland

While the City does not designate the project site, or any areas within the City as agricultural land, the 2016 California Department of Conservation (CDOC) Farmland Mapping & Monitoring Program, Santa Clara County Important Farmland Map shows the 10-acre orchard as Unique Farmland. The State classifications of various kinds of farmland are described as follows and are shown in **Figure 3 – Existing Farmland on Project Site**, on the following page.

Prime Farmland. Prime Farmland has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

Farmland of Statewide Importance. Farmland of Statewide Importance is farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

<u>Unique Farmland</u>. Unique Farmland is farmland of lesser quality soils used for the production of the State's leading agricultural crops. This land is usually irrigated but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

Farmland of Local Importance. Farmland of Local Importance is land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

Grazing Land. Grazing land is land on which the existing vegetation is suited to the grazing of livestock.

<u>Urban and Built-Up Land</u>. Urban and built-up land is occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

Williamson Act Land

The California Land Conservation Act of 1965, also known as the Williamson Act, was adopted to encourage the preservation of the state's agricultural lands and to prevent their premature conversion to urban uses. The Act established an agricultural preserve contract procedure that incentivizes landowners to maintain land in agricultural use via lower tax rates.



Source: Department of Conservation GIS, 2020

Figure 3: Existing Farmland on Project Site

Not to scale



The Department of Conservation assists all levels of government, and landowners in the interpretation of the Williamson Act related government code. The Department also researches, publishes, and disseminates information regarding the policies, purposes, procedures, and administration of the Williamson Act according to government code. Participating counties and cities are required to establish their own rules and regulations regarding implementation of the Act within their jurisdiction. These rules include but are not limited to enrollment guidelines, acreage minimums, enforcement procedures, allowable uses, and compatible uses.

The project site is not under a Williamson Act contract and is not zoned as agricultural land.

Forest and Timberlands

Forest land is defined by Public Resources Code Section 12220(g) and includes "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits."

Timberland is defined by Public Resources Code Section 4526, and means "land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis."

The project site does not contain resources that are characterized as forest lands or timberlands using these definitions.

ANALYSIS

Museum Expansion

The project site has been identified by the City as a suitable location for expansion of the Sunnyvale Heritage Park Museum. As indicated above in Goal CC-5 of the City General Plan, the City encourages preservation and protection of the City's heritage including natural features, the built environment and significant artifacts. While the project would require removal of 4 or 5 apricot trees for expansion of the Sunnyvale Heritage Park Museum, the new addition would provide additional opportunities for the preservation of other elements of the City's history. While the value of the orchard is recognized by the City, the proposed project seeks to balance this and the value of preservation and display of historic interpretive materials for the benefit of the public. Overall, the proposed project would be consistent with the goals and policies identified above and recognize the value of preserving and protecting tree resources within the City.

The area on which the museum expansion would be located is designated as Unique Farmland based on the CDOC Farmland Mapping & Monitoring Program and would occupy a small part of the larger 10-acre apricot orchard. Within the area of the footprint of the proposed structure, approximately 4-5 mature apricot trees would require removal. An additional 3 to 5 apricot trees may require trimming depending on their proximity to the structure.

As discussed, the overall area of the orchard is approximately 10 acres. Within the site there are approximately 752 total apricot trees that vary in ages from non-fruit producing saplings to mature fruit bearing trees. Based on this value, the removal would represent the direct loss of approximately 4 to 5 trees, or 0.39 percent of the total trees. The project also may require trimming to an additional 3 to 5 trees. This is approximately 1.32 percent of the total number of trees. The proposed project would result in the conversion of approximately 0.36 percent of the on-site Unique Farmland to a non-agricultural use. The proposed project would not result in the conversion of any Prime Farmland or Farmland of Statewide importance to a non-agricultural use.

The remaining 99.61 to 98.68% of the trees and 99.64% of the orchard area would not be removed or taken out of production. *Table 1- Tree Removal Statistics*, provides this information in a tabular format.

Table 1 – Tree Removal and Trimming Statistics							
Total Acres	Total Trees	Project Area	Trees Removed/Trimmed		Percentage of Trees Removed/Trimmed		Percentage of Farmland Converted
			Min	Max	Min	Max	Converted
10	752	1,600 sf (0.36 acres)	4	10	0.39%	1.32%	0.36%

The orchard would continue to be operated and function as a working orchard. Because the removals are considered negligible in consideration of the orchard as a whole, the orchard is anticipated to continue to be viable. In addition, the City does not have any plans to remove any additional trees or cease operation of the orchard. The orchard would continue to be operated under the existing agreements and its intended use to highlight the cultural heritage of the City. Thus, because construction of the museum expansion would not convert a substantial percentage of the existing orchard, and because the balance of the orchard would remain in production, the proposed project would not substantially impair the future viability of the existing orchard. For these reasons, the proposed project would not result in a significant limitation on the orchard to continue in its current function

As discussed above, development of the project site would require the removal of 4 to 5 trees and could affect the production of up to 3 to 5 trees given the proximity to the proposed improvements. The potential indirect impacts to trees could include disturbances from grading and construction activities that may affect tree roots directly from mechanical damage, or indirectly from alterations in soil structure, drainage, microbiology, etc. Indirect impacts could also occur from tree removal for clearance of land for construction and grading. As such, it is estimated between 3 to 5 adjacent trees could be impacted through trimming and other construction activities and operation of the museum expansion.

Chapter 19.94 of the City Municipal Code require proper review and procedures when tree removal is necessary of significant sized trees. As part of the procedure, the applicant would be required to apply for a Tree Removal Permit for removal of any trees greater than 38 inches in circumference. While none of the exiting apricot trees meet this qualification and this code is not applicable, if feasible, and depending on available space within the orchard, replacement trees would be planted if there are any open areas that could support new trees.

Conflict with a Williamson Act Contract

While the project area is used for agricultural production, there are no portions of the orchard that are identified under a Williamson Act Contract. As noted in the 2016 City of Sunnyvale Land Use and Transportation Element Draft Environmental Impact Report (LUTE EIR), land in the City of Sunnyvale has historically been used for agricultural production, and has since transitioned to urban uses. The General Plan does not designate any land in Sunnyvale for agricultural uses. The LUTE notes that while the city has some small pockets of remaining orchards, such as the project site, these areas are zoned for nonagricultural uses. Thus, the project site, while used as a small portion of the larger orchard, is not under a Williamson Act Contract, and implementation of the project would not result in conflicts in this regard.

Conflict with Forest Zones or Timberland Production

The project site is surrounded by areas characterized by urban development and all adjacent areas have been heavily disturbed and modified from their native habitat. Neither the proposed project site, nor surrounding areas contain any trees or forest that could be used for timber production. Thus, neither the proposed project or any future project in the vicinity have the potential to affect such resources.

The project site, and overall area of the orchard is designated by the Sunnyvale General Plan for use as Public Facilities (PF), and is zoned as Public Facilities (P-F). While the improvement site would remove 4 to 5 apricot trees, this area is not identified as forest land as defined in Public Resources Code (PRC) Section (§) 12220(g). In addition, none of these area or any adjacent areas are identified as timberland as defined in PRC § 4526, or timberland zones for timberland production defined by Government Code § 51104(g). The proposed project would not impact any forest or timberland. For these reasons, the project would not result in impacts in this regard.

CONCLUSION

The 1,600-sf site is within a P-F zone and land use designation and proposed to be improved with a structure for use as a research library and to house historical items from the Blue Cube Lockheed Navy Exhibits. This use is consistent with both the zoning and land use designation and would not conflict with the PF designation or zoning, or any goal, policy or threshold the City maintains related to the use or loss of agricultural land. This is consistent with the City's intent to preserve the area as a cultural and historical site that highlights the history and past uses in the City. The proposed project also would increase the area used to display and research library while preserving the remainder of the orchard and ensuring its continued operation for the foreseeable future.

The City's purpose in preserving a working apricot orchard was to celebrate the role of orchards in the history of Sunnyvale. There was no stated intent to maintain the orchard because of its economic benefits

to the city, to preserve the local agricultural economy, or to operate as a profitable business. The proposed project is not located on any land locally designated as farmland or in an area zoned or for use as farmland. The Santa Clara Valley Agricultural Plan identifies Sunnyvale and neighboring cities as developed areas. The orchard would not qualify as highly viable farmland in the SCVAP because it is smaller than 40 acres and does not have "prime" or "important farmland" soil characteristics.

The proposed project is consistent with the goal of increasing public access to public facilities that would preserve historic elements, while still ensuring continued operations of the overall 10-acre orchard for its social, educational, and cultural benefits. While the proposed project would convert 1,600 sf (approximate 0.36%) of unique farmland to a non-agricultural use, this is a negligible reduction on agricultural resources when compared to the total remaining farmland in Santa Clara County, and as discussed, the balance of the orchard would remain in production. Thus, implementation of the project would not substantially reduce the orchard area or result in loss of this agricultural resource.

The proposed project balances the needs of both maintaining a working orchard and enabling the site to expand its ability to preserve and display other historic elements of the City past. This is consistent with providing for diverse beneficial public uses within this existing public facility. It should be noted that no other areas of the approximate 10-acre orchard would be disturbed as part of this or any other proposed project. There are no other plans to develop any other portion of the Heritage Park Museum or area within the overall site to any other use.

The proposed project also would not indirectly affect any other agricultural lands and would not result in or encourage any off-site conversions. The proposed project also would not affect water supply or any other resource that would affect continued production within the existing orchard. Thus, the proposed project would not substantially affect the viability of continued agricultural uses on the site or any other area in the City. In addition, the City is not characterized as an agricultural community and it does not make a significant contribution to agricultural production at either the local or state level.

All future work within the project site also would be done working closely the City arborist. The City has voiced its intent to use the arborist to evaluate all trees to be removed and nearby trees. The Arborist would be available to provide guidance on the best ways to perform removals to minimize disturbance, advise on needed trimming efforts for other trees, and for on-going tree care. The arborist would be available for consultation and to advise during all project activities.

In conclusion, while the proposed project would result in the loss of apricot production, the City would continue to use the remainder of the orchard for production of this resource. It is important to note the project also would increase the availability, access, and study of historical resources consistent with the intended uses of the overall site. Therefore, the effects of the proposed project on agricultural production would be less than significant in consideration of all factors at hand. The proposed project would not result in significant project-level or cumulative impact to agricultural resources as defined by CEQA.

REFERENCES:

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