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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

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.

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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

