

### REPORT TO COUNCIL

#### SUBJECT

Rescind Previous Council Action and Provide a Recommendation on the Relocation of the Butcher House and Improvements at Orchard Heritage Park

#### BACKGROUND

On April 5, 2016, staff presented Council with three alternatives for relocating the Butcher House to Orchard Heritage Park (RTC No. 16-0182). In general, the alternatives included locating the Butcher House within the orchard (Alternative 1), locating the Butcher House to the lawn area across from the museum (Alternative 2), or not relocating the Butcher House (Alternative 3). Council discussed the alternatives and members of the public spoke regarding the various options. Representatives of the museum also spoke and clarified that they would only support moving the Butcher House if it was relocated to their preferred location in the orchard. A motion for Alternative 1, to relocate the Butcher House within the orchard (the location preferred by the Historical Society), failed on a 3-3 vote. A second motion was proposed for Alternative 2, however that motion died due to lack of a second.

An alternative motion was then proposed to relocate the maintenance yard and trash enclosure from its current location to the proposed location in the report and that the vacated area be appropriately and minimally landscaped. Since the motion did not preclude relocating the Butcher house in the future, staff clarified and the Council agreed that minimizing work within the vacated area would assure that any new improvements that might require removal to accommodate the Butcher house would be minimal, temporary in nature, and low-cost.

This motion was approved 5-1 and staff was also requested to have additional discussions with the museum staff on alternatives that may exist that do not require any loss of orchard space (Attachment 1- Council meeting minutes).

On Tuesday May 3, 2016, City staff met with Ms. Laura Babcock and Ms. Leslie Lawton of the Sunnyvale Historical Society and Museum Association (SHSMA). This meeting was a follow-up to Council's direction on: moving forward with the relocation of the yard and trash enclosure; discussing the minimal, temporary nature of the low cost improvements; and, exploring other options for relocating the Butcher House that the SHSMA may be in favor and which do not require any loss of orchard space. Upon meeting, it quickly became apparent that there was confusion regarding the purpose of the meeting and, specifically, the Council direction. SHSMA representatives shared that they believed the intent of the meeting was to discuss next steps based on their understanding of Council's actions, their larger vision for the site (a master plan vision for additional amenities), and permanent improvements to the site. Staff clarified that the City Council did not provide the authority to pursue a master plan vision or permanent improvements to the site and, as a result, additional City Council review would be needed as part of a Study Issue. Through the discussion, the SHSMA made it clear that they still do not support any other options except for putting the Butcher House in the

orchard. In addition SHSMA had misunderstood the Council direction to only minimally landscape the area at this time and expressed concern regarding the approach. It is clear that confusion continues, as recent SHSMA publications continue to express Council or City Manager action incorrectly. Moving forward, City staff requires clarity in the motion in order to move forward in a timely manner and efficiently apply public resources.

On June 28, 2016, staff provided Council with an information report (RTC No. 16-0474), with an update on the discussions with SHSMA, a discussion on a draft Study Issue to explore future expansion of the Museum into the Orchard to accommodate SHSMA's ultimate vision, and acknowledgement that staff continued to proceed with project per the April 5 Council action to relocate the maintenance yard and trash enclosure and that the vacated area be appropriately and minimally landscaped.

### **EXISTING POLICY**

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

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

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

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

### **ENVIRONMENTAL REVIEW**

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

If a conceptual design for the Orchard Heritage Park Improvements Project is approved, the full scope of the project and any potential impacts will need to be determined by the appropriate environmental analysis. It is anticipated that the demolition and disposal of the various structures, construction of replacement structures, and construction of new landscaping and associated improvements will be categorically exempt from CEQA pursuant to CEQA Guidelines Section 15302 (b) (replacement or reconstruction of existing facilities). The CEQA determination will be brought to the City Council for approval concurrent with the award of the construction contract for the project.

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

appropriate CEQA review. Compliance with CEQA is required before the relocation can be approved.

## **DISCUSSION**

At the June 28, 2106 Council meeting, the City Council expressed interest in reconsidering the motion of April 5, 2016. The City Council discussed that they would prefer that permanent improvements be implemented within the Heritage Museum area, instead of providing minimal landscapes per the Council's earlier action. Through a community outreach process, staff had developed a permanent plan for the vacated area under Alternative 3 of RTC No. 16-1082 (Attachment 2 of this RTC), which assumed no Butcher House relocation. The improvements included an entry plaza, turf, landscape, historical gates, and ornamental perimeter fencing. If the Council would prefer to proceed with permanent improvements, staff recommends moving forward with the conceptual design that was completed through the community outreach process. Staff has already started design of the project, however the project design is not developed enough where a new Council action will have significant cost or schedule implications. However, any proposals outside of the already developed conceptual designs would have both budget and schedule considerations.

If at any point the Butcher House or any other uses are relocated within the Heritage Museum boundaries, these improvements might have to be removed. However, as previously discussed, SHSMA has communicated to the City staff that they have no interest in relocating the Butcher House within the existing museum boundaries. Their vision is to expand the museum area to Michelangelo Drive and add additional amenities/concepts that are historical to the City.

## **FISCAL IMPACT**

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

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

### **Drainage Improvements**

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

### **Butcher House Relocation**

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

## **PUBLIC CONTACT**

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

## **ALTERNATIVES**

1. Rescind the motion passed by the City Council at its April 5, 2016 meeting regarding this project.
2. Do not rescind the motion passed by the City Council at its April 5, 2016 meeting allowing the earlier action to stand.
3. Do not relocate the Butcher House, design improvements in the vacated area per Attachment 2, and acknowledge that a future budget modification with the construction contract award will be required to provide funding for drainage improvements (re-grading and valley gutter) behind the existing multi-purpose building.
4. Direct Staff to proceed with either Alternative 1 (Attachment 3) or 2 (Attachment 4) from the April 5, 2016 Report to Council (RTC No. 16-0182).
5. Direct staff to proceed with a different alternative.

## **STAFF RECOMMENDATION**

Alternatives 1 and 3: 1) Rescind the motion passed by the City Council at its April 5, 2016 meeting regarding this project and 3) Do not relocate the Butcher House, design Improvements in the vacated area per Attachment 2 in the report, and acknowledge that a future budget modification at the time of construction contract award will be required to provide funding for drainage improvements (re-grading and valley gutter) behind the existing multi-purpose building.

Prepared by: Manuel Pineda, Director, Public Works

Reviewed by: Kent Steffens, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

## **ATTACHMENTS**

1. Excerpt from Minutes of the April 5, 2016 Council Meeting
2. Alternative 3 (from RTC No. 16-1082)
3. Alternative 1 (from RTC No. 16-1082)
4. Alternative 2 (from RTC No. 16-1082)