

REPORT TO THE HERITAGE PRESERVATION COMMISSION

Heritage Resource Nomination for six trees on the former Butcher Property (871 E. Fremont Avenue)

BACKGROUND

On June 1, 2016, the Heritage Preservation Commission held a public hearing and voted to initiate the Heritage Resource nomination process for six oak trees on the (former) Butcher Property (also known as Butcher's Corner), located at 871 E. Fremont Avenue. The site is approximately 5 acres and has frontage on Fremont Avenue (on the south), Wolfe Road (on the west) and El Camino Real (on the north). The Heritage Preservation Commission initiated the process to determine if the trees meet one or more of the criteria for nomination of a Heritage Resource contained in Sunnyvale Municipal Code (SMC) Section 19.96.050. The Heritage Preservation Commission's recommendation will be forwarded to the City Council for consideration at a public hearing scheduled for December 13, 2016.

A related project application and Environmental Impact Report (EIR) for the redevelopment of the Butcher Property and adjacent office property (located at 895 E. Fremont Avenue) has been pending for over two years (2014-7373). The project and EIR are also scheduled for City Council on December 13, 2016. While the redevelopment application and environmental analysis are separate from the nomination under consideration, a Heritage Resource designation of the trees could affect the development potential of the site, including location of buildings and infrastructure.

EXISTING GOALS AND POLICIES

Chapter 4 of the Sunnyvale General Plan contains the following related goals and policies:

- CC-5** To enhance, preserve and protect Sunnyvale's heritage including natural features, the built environment and significant artifacts.
- CC-5.4** Seek out, catalog and evaluate Heritage Resources which may be significant.
- CC-6.2** Promote the understanding that heritage preservation enhances property values and provides financial and economic benefits to property owners, neighbors and the City.

DISCUSSION

Existing Heritage Resource Trees in Sunnyvale: There are currently 15 locations that contain trees on the Sunnyvale Heritage Resources Inventory citywide. These trees range in size, species, and local historic significance. For example, the Sunnyvale Town Center contains six Coast Redwoods and one Atlas Cedar just south of Macy's. All seven trees are more than 50 years old and were planted by several community leaders to commemorate different events in Sunnyvale's history,

such as the completion of the former City Hall building constructed in 1929. Another example is a more than 300-year old Coast Live Oak tree located in the back yard of a single-family property at 1748 Calgary Drive. The tree was added to the Inventory because it is one of the largest Oaks in Sunnyvale and is a “magnificent specimen”.

Process: In the past, consideration of a Heritage Resource designation has been initiated by a property owner/applicant or part of a larger heritage study conducted by the City. During the early years of the Heritage Resources program staff and community members evaluated potential heritage resources. The application to consider nomination has more recently been accompanied by a cultural resource analysis prepared by a professional consultant, paid for by the property owner/applicant or through a budget adjustment approved by the City Council.

In this case, the process was initiated by the Heritage Preservation Commission for a specific property that is not part of a larger heritage study. The owner of the Butcher property did not initiate the process and has expressed concerns about the study (see staff report to the Heritage Preservation Commission (HPC) and HPC meeting minutes of June 1, 2016 in Attachments 4 and 5).

Criteria: SMC 19.96.050 contains criteria for nomination of buildings, structures, scenic views, landscapes, trees, or other natural objects to the Inventory (see Sunnyvale Municipal code section in Attachment 2). Several criteria address buildings or structures. The specific criteria related to trees include:

- (b) Identified with persons or events significant in local, state, or national history.
- (f) 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.

Six Trees Nominated for Heritage Resource Designation: The following information for each of the trees is based on the Butcher property redevelopment project arborist report. The city arborist concurs with these findings. The arborist report also contains photographs of the trees and tree preservation measures that could be utilized to preserve the trees (see also, tree location map in Attachment 4).

Tree Number	Species	Location	Size - Diameter at 4½ ft.	Condition/Notes
106	Valley Oak	Middle of site	64 inches	• Fair to good • Signs of pruning wounds, branch failure and a cavity at the base of the tree
119	Coast Live Oak	Corner of El Camino Real and Wolfe Road	31 inches	• Fair to good • Signs of pruning wounds

120	Coast Live Oak	Corner	18 inches	• Fair to good
121	Coast Live Oak	Corner	94 inches Several trunks	• Good
123	Coast Live Oak	Corner	20 inches	• Fair to good • Asymmetric form
126	Coast Live Oak	Corner	26 inches	• Good

Analysis: In order to conduct the study, staff contacted the Sunnyvale Historical Society, reviewed materials provided by members of the public, reviewed the Butcher property redevelopment project arborist report and cultural study, and visited the Sunnyvale Public Library.

A cultural study was prepared for the proposed Butcher redevelopment project, which evaluated the potential historic significance of the existing homes on the property (see Attachment 7). The study found that the property was once part of a 160-acre tract which was acquired by the Butcher family in 1881 and stayed in the family until the property was purchased by De Anza Properties in 2014. The study concluded that while the Butcher family has a long history on the property, there were many family orchards in Sunnyvale and the family was not associated with activities or events of historical significance. Therefore, staff's research did not reveal association with persons or events that are significant in history (Criterion b).

Valley Oak Tree (Tree 106): The tree is likely to be approximately 300 years old and predates City incorporation and development. While the tree is located near the center of the site, the tree canopy can be seen from the El Camino, Wolfe Road, and Fremont Avenue street frontages. The tree can also be seen from adjacent properties, and is one of the largest trees in Sunnyvale.

The Urban Forestry Ecosystem Institute notes that Valley Oak trees generally live more than 150 years, with evidence of some living up to 600 years old. Based on information contained in the arborist report, the tree appears to show signs of declining health and decay. While the arborist report provides recommendations to allow the tree to be preserved, staff finds that, given the health of the tree, it may be nearing the end of its life. This concern is consistent with staff's experience with a similar Valley Oak tree that was previously located at the Cala Center on El Camino Real. The 350-year old tree was saved during redevelopment of the shopping center and designated as a Heritage Resource in the mid-1980s but was removed 20 years later due to poor health and potential hazard.

Staff acknowledges that the physical characteristics of this Valley Oak tree may be considered an established and familiar visual feature (Criterion f); however, on balance staff does not recommend Heritage Resource designation due to the declining health of the tree. The development application retains the Valley Oak tree, which accomplishes the preservation goal of Heritage Resource designation.

Corner Live Oak Trees (Trees 119-121, 123, 126): The grove of Live Oak trees are a visible feature of the southwest corner of El Camino Real and Wolfe Road. The trees also mirror the oak trees on the southeast corner of El Camino Real and Wolfe Road, within the City right-of-way.

Based on a 2007 interview given by Audrey Butcher (part of the Sunnyvale Voices oral history video project by the Sunnyvale Public Library), she planted the corner oak trees approximately 50 years

ago. As a comparison, other Coast Live Oak trees currently designated as Heritage Resources due to its view or vista are at least 200 years old. While the trees have been an established feature at the corner for approximately 50 years, staff does not believe that they warrant a Heritage Resource designation, as there does not seem to be a distinction between the trees and other large trees in Sunnyvale that are of similar age and stature (Criterion f). The development proposal retains three of the five Coast Live Oak trees which accomplishes the preservation goal of Heritage Resource designation.

Summary of Conclusions: Staff finds that the Valley Oak tree (Tree 106) and Coast Live Oak trees (Trees 119-121, 123, 126) do not meet the criteria contained in SMC 19.96.050. Therefore, staff does not recommend that the City Council designate the trees as a Heritage Resource.

Impacts on Butcher Redevelopment Application: A Heritage Resource designation of the trees would restrict the property owner's ability to remove a designated tree. As currently proposed in the Butcher redevelopment application four of the six trees will remain, including the Valley Oak tree and three of the corner Live Oak trees. Requirements for preservation of these four trees will be incorporated in the project's Conditions of Approval and they will remain on the site regardless of the Heritage Resource designation.

If the Valley Oak tree is designated as a Heritage Resource, additional level of review would be required in the future to consider removal. If the corner oak trees are designated, the City Council could require the owner to redesign the project to save the additional two corner oaks that are currently proposed for removal.

Environmental Determination: The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment.

FISCAL IMPACT

No City-related fiscal impact is expected with designation of trees as Heritage Resources.

PUBLIC CONTACT

A total of 2,100 notices were mailed to property owners and tenants within 2,000 feet of the property. In addition, notices were sent to the Butcher redevelopment application interested parties list, as well as to several neighborhood associations, including SunnyArts, Braly Corners, Ponderosa, Stratford Gardens, Gavello Glen, Wisteria Terrace, Raynor Park, Birdland and Ortega Park. Staff also followed other standard noticing practices, including advertisement in the Sunnyvale Sun Newspaper and on-site posting along all three property street frontages. Staff received two letters supporting the designation of trees, which are contained in Attachment 8).

ALTERNATIVES

1. Nominate the valley oak tree (#106) as a Heritage Resource.
2. Nominate all or some of the coast live oak trees (#119, 120, 121, 123 and 126) as Heritage

Resources.

3. Do not nominate any of the trees as a Heritages Resource.
4. Direct staff to obtain additional information.

RECOMMENDATION

Alternative 3. Do not nominate any of the trees as a Heritages Resource.

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ATTACHMENTS

1. Vicinity and Noticing Maps
2. Criteria for Listing of Heritage Resources
3. Tree Location Map
4. Heritage Preservation Commission Report, dated June 1, 2016
5. Heritage Preservation Commission Meeting Minutes, dated June 1, 2016
6. Arborist Report
7. Cultural Study
8. Comment Letters