

Melissa Thurman

From: roger heyder <mrheyderus@yahoo.com>
Sent: Friday, March 1, 2024 7:07 AM
To: Public Comment; City Council
Subject: City Council Meeting 3/12/2024 - Public comment, Item not on agenda

Hello,

Please enter this comment into the public record for the meeting.

Library Courtyard Project

The proposed incremental 4,000 sq ft of library courtyard space will be on Historic Orchard protected space. The city is legally obligated to preserve and maintain the historic orchard. Encroaching into that space for a hardscape library patio clearly violates that legal obligation.

It is remarkable that there is any doubt as to the boundaries of the historic orchard. A common sense and obvious approach would be to take all space between the paved walkways, building foundations, and sidewalks where there are, or were, apricot trees. The History Museum hopefully has pictures of the orchard in times past, which would also indicate the boundaries of the orchard. The appropriate, and required, EIR would have defined and documented the historic orchard boundaries.

Activities associated with maintaining the orchard should have been identified and discussed in an EIR. This would include the use of large mechanical devices to mow, till, and spray, and the effects on people on the patio,

City Council has full responsibility for the EIR, and it cannot be delegated to a Commission or outside party.

<https://www.californialandusedevelopmentlaw.com/2013/11/01/does-an-eir-have-to-be-certified-by-a-citys-decision-making-body/>

As opposed to building new functionality, it would be more sensible to use equivalent city functionality. Immediately adjacent to the library is the Community Center and the History Museum. Both have large, hardscape areas, particularly the Community Center. Given the highly under-utilized nature of the Community Center, lots of patio space should be available for whatever purposes the Library Commission has in mind.

It is unfortunate that the city invested in the library patio plans prior to doing an EIR, and evaluating alternatives. It is putting the cart before the horse, and a potential waste of taxpayer money.

Please immediately put this project on hold, do a proper EIR, determine if the project is illegally encroaching on protected historic orchard land, and evaluate alternate options that would put to use currently idle city capability. It is your responsibility.

regards -- Roger Heyder



PRESERVATION ACTION
COUNCIL OF SAN JOSE

42A South First Street
San Jose, CA 95113

Phone: 408-998-8105

www.preservation.org

March 8, 2024

Los Altos City Council
1 N San Antonio Road
Los Altos, CA 94022

VIA EMAIL (council@losaltosca.gov, PublicComment@losaltosca.gov)

Public Comment for Item Not on City Council Agenda 3/12/2024

Dear Councilmembers,

The Preservation Action Council of San Jose (PAC* SJ) is a membership-driven non-profit organization dedicated to preserving San Jose and the Santa Clara Valley region's unique and diverse architectural and cultural heritage through advocacy, education, and civic engagement. We write today concerning an issue in Los Altos that a number of our members have recently brought to our attention: a proposed library expansion project within or adjacent to the Los Altos Heritage Orchard, a certified historic resource and a significant cultural landscape positioned both literally and figuratively within the civic heart of the City of Los Altos.

We understand that the project has been initially determined exempt from CEQA (California Environmental Quality Act) review and is proceeding without a proper analysis of its potential impacts to the environment, which include, per CEQA standards and definitions, historic and cultural resources like the Los Altos Heritage Orchard. With our organization's 30+ years of experience monitoring and participating in environmental reviews and project entitlements in San Jose and the surrounding region, we strongly encourage the City of Los Altos to initiate a more robust, transparent, and legally defensible determination of findings relative to this project's potential impacts to the historic integrity, physical configuration, and operational viability of the Orchard. At a minimum, this analysis should include a Historic Resources Evaluation (HRE) by a qualified cultural resources professional meeting the SOI (Secretary of the Interior) Standards for preservation planning. Such an HRE would include a clearly delineated boundary of the historic resource, as well as a defined Area of Potential Effect (APE), recognizing the potential impacts of adjacent undertakings. It would also define the resource's character-defining features and identify both tangible and intangible elements of its unique historic, agricultural, and cultural significance.

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COUNCIL OF SAN JOSE**

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Not only would this analysis better inform and guide you as decision-makers, but would also provide the general public a better opportunity to understand both the benefits and potential impacts not only of this current library expansion project, but of any future projects or decisions that could impact, either negatively *or* positively, the integrity and stewardship of the Los Altos Heritage Orchard, one of Los Altos's most important historic and cultural resources.

Sincerely,

Ben Leech
Executive Director
Preservation Action Council of San Jose

cc: Gabriel Engeland, Los Altos City Manager (gengeland@losaltosca.gov)

Melissa Thurman

From: Gabriel Engeland
Sent: Friday, March 8, 2024 4:29 PM
To: Ben Leech; Public Comment
Cc: Jolie Houston; Nick Zornes
Subject: RE: Los Altos Heritage Orchard environmental review

Thank you for the email, Mr. Leech. It appears that your membership has misinformed you with regards to this project.

The project you are referring to is being brought forward by the Los Altos Library Endowment (LALE), which is a private organization and is not associated with the City. No project has been approved as no application has been submitted or received by the City.

The City Council has received two presentations from LALE on the concept of a library patio project. The City Council did not approve a project, but they did provide feedback to LALE that should be incorporated into any application that may be submitted. Because the proposed project would take place on City property it was important for the Council and the public to receive and discuss potential concepts. As you know, the City is required by State law to complete a CEQA analysis, but the City Council also explicitly included that a full, transparent CEQA process would take place as part of their direction to Staff in analyzing any potential application that may come forward.

As I am sure you understand, the City cannot make an analysis of any potential impacts to the environment, including CEQA standards and definitions, until a project application is received. The project location, size, scope, etc. have changed from the initial proposal to the last concept discussed in public and presented to the City Council. It is my understanding that LALE does intend to submit an application for a project, but the project will look different than the last one discussed in public at the City Council meeting. In order to complete a CEQA analysis the City needs to see a complete and final proposed project as part of an application. And as I have stated, this has not taken place.

The City has ensured the process has been both public and transparent to date and will continue to do so. Once an application is submitted by the applicant the City will be able to complete a full analysis, including CEQA review, as you request in your letter. The application will be processed in accordance with the City Code and all applicable State laws. I am sorry that your membership did not provide you with accurate information.

If you would like to discuss further, please let me know.

Thanks,

Gabe

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Gabriel Engeland
City Manager, City of Los Altos

(650) 947-2740 | www.losaltosca.gov

1 N. San Antonio Road | Los Altos, CA 94022

From: Ben Leech <ben@preservation.org>

Sent: Friday, March 8, 2024 3:32 PM

To: City Council <council@losaltosca.gov>; Public Comment <publiccomment@losaltosca.gov>

Cc: Gabriel Engeland <gengeland@losaltosca.gov>

Subject: Re: Los Altos Heritage Orchard environmental review

To the Los Altos City Council:

I am submitting the attached letter for public comment on an item not on the agenda for the Los Altos City Council meeting of 3/12/2024. Please enter and comment into the public record for the City Council meeting packet.

Thank you,

Ben Leech
Executive Director
Preservation Action Council of San Jose
408-998-8105 (office)

Melissa Thurman

From: carol little <morrist03@yahoo.com>
Sent: Monday, March 11, 2024 10:30 AM
To: Public Comment; City Council
Subject: Library Patio Project
Attachments: Google Map - Los Altos Orchard Boundary Map Resolution 91-31 to Google Overlay Map at Scale.pdf; Los Altos 1991 Landmark Orchard Resolution 91-31.pdf; 7-31-23 Updated Orchard Maintenance Service Agreement with Insurance Documents Executed.pdf

Dear Council Members,

After attending the LALE library patio meeting, I feel there are ongoing concerning actions being taken regarding the Los Altos Historic Apricot Orchard. The Los Altos Historic Orchard has been a City landmark since 1981. It was planted in 1901 and has been a centerpiece ever since. My concerns are specifically, with regard to the proposed, and seemingly approved library patio. I understand there is donated money for the library patio project. However, let us not forget that this is a historic, working orchard that has boundaries, agreements and obligations as to how it is to be preserved in perpetuity.

It is my assertion that we can do a better job of finding a better location for the patio. A location that connects better to the Orchard room in the Library and does not impact our Historic Orchard. That would be a win for everyone!

There seems to be a willingness to accept each proposal as it is brought forward. We need to find a solution that does not encroach on the Historic Orchard. Why? Because agreements made are agreements to be kept. Our City made an agreement regarding maintaining and preserving the Historic Orchard and we need to abide by that.

I request that the City Council reconsider the proposed patio location and take a look at alternatives than have been considered, and to do so in a more transparent process and one where residents are more involved.

Further, return to the original purpose of the proposed patio. Library staff said they were looking for more space for children's programming and they wanted it to be connected to the current children's room. The currently proposed location does not create that desired flow. The desire for that flow ought not to be dropped because someone had the idea to take space from the Historic Orchard. That orchard land comes with an agreement attached to it.

One option is the front of the library. The front and side of the library have plenty of room for a patio. Additionally, there is also the small parking area where the Go Go Biblio truck is often parked, that could easily house a lovely patio. Both options would protect the orchard and allow the City to abide by the agreement made.

I fully recognize that Roy Lave passed away and that there is now a desire to preserve his name where the fountain is currently located. However, it would be much more appropriate to move the

fountain, or even to work the bricks into a new patio, than it would be to cut into a Historic Working Orchard. That is precious open space that we would lose and then again, there are those agreements to abide by.

Imagine a lovely seating area near the fountain at the History Museum, or near the Community Center.

Moving the fountain and utilizing the fountain area, plus the front of the library, would yield a more practical and much larger patio space.

Incorporate the proposed and needed parking changes (past library commission meeting) and two problems could be solved at one time.

Finally, the other concern I have is the suddenly poorly defined orchard boundary statements. The boundaries seem to have become fluid. We have never encountered this issue previously. The boundaries have always been clear and accepted as the boundaries when making decisions about the Historic Orchard.

If there is real concern about the boundaries not being defined, then do a survey and define them. Moving ahead with a plan that does not include definite boundaries is perplexing, at best.

As recently as the December 5, 2023 City Council meeting the boundaries of the orchard were shown. They were on a map attached to a city resolution, with their position to the buildings identified. The attached Google overlay map shows they were drawn to scale.

Further, until the library patio proposal discussion, the boundaries for the Historic Orchard were accepted and relied upon for all discussions and decisions.

A few examples:

1. June 28, 2023 City Council Meeting QA - Library Project 1.0 Review. (includes resolution 91-31 map)

City staff validates the Resolutions (with map) that define the boundaries of the Orchard.

2. July 31, 2023 City Council approves Agreement for Heritage Orchard Maintenance with History Museum

Includes the map from resolution 91-31 as the boundaries for the maintenance agreement.

Finally, I have included documents showing the, until now, undisputed boundaries of the Historic Orchard.

Please consider the points I have made and the documents I have attached. I have serious concerns regarding the trajectory the proposed patio is on and feel strongly that we can and should do a better job.

If you continue on the path of review of the current proposal, I ask that you do so with more aggressive public input and publicly make transparent all of the direct, indirect and cumulative impacts to the historical and cultural integrity of this asset, and to the operations of agriculture in the Heritage Orchard. Additionally, I ask that you return to referring to this as a Historic Working Orchard and to stop referring to the project as a private project. As long as it is on public land, it is not private. Leaving such facts out of the discussion is harmful to public trust.

Respectfully Yours,

Teresa Morris