

[External Sender]Public Comment 8/26/24 Historical Commission meeting at 6:00PM

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Mon 8/26/2024 3:57 PM

To:Public Comment - HC <HCpubliccomment@losaltosca.gov>

To: Public Comment, Historic Commission for 6PM [sic] meeting 8/26/24

The Los Altos Historical Commission's 2024/25 Work Plan goals include:

- "3. Review Ongoing Efforts to preserve the Historic Landmark Apricot Orchard
- "4. Provide a venue for public engagement regarding the city's heritage by safeguarding historic resources"

Attached are City plans and documents for active construction projects on Civic Center land that directly, indirectly, and cumulatively impact the historic resource of the Heritage Orchard resource. And as such, are changing, altering and damaging the integrity of this historic resource.

In June 2024, when I requested a copy of the approved \$4.5 M plans for the LACY to City Office conversion and the EOC plans, City staff informed me the plans were both exempt from administrative review including any reviews with any commissioners or Council, or the public, and were "copyrighted" and thus not available for any public review.

Staff also stated the City decisions for these plans were all "exempt" from all public-facing environmental and City design review, not even needing one public discussion for the "best use" of public facility buildings and public lands. Then, with plans complete, the City staff determined that the site improvements (interior and exterior) were not larger than 1000 square feet, and thus did not require any expanded design review required by City ordinance 14.078 for public facilities. This is inconceivable as the LACY project is gutting a 6,000-square-foot building, tearing out the back patio, and adding fencing and walkways over the orchard. The City then filed a CEQA exemption notice (March 2024, NOE) to keep the plans from environmental review, including historical resource impact study which would have involved the Historical Commission (even in an oversight capacity to outside historian landscape experts) as well as the Planning Commission, as the plans clearly extended into Heritage Orchard lands and operations, cutting down trees and paving over unirrigated tree sites to build fenced private patios for City staff and concrete walkways.

The claim was the LACY project and its construction were outside of "boundaries" of the historic resource this time, all at the same time the City started questioning all or any boundaries to the Heritage Orchard, and continued shrinking the Orchard acreage and altering the integrity of the resource.

By exemption of CEQA review and unqualified exemption of a City design review process using staff discretion on what square footage was considered "site improvements", the City Council in March 2024 issued a blank check for \$4.5 million for the LAYC office project without any plans review at all and damaged the Orchard as well as skirted municipal code and historical preservation ordinances. In May 2024, demolition and construction began without public permits or review, including cutting down healthy orchard trees and with planned paving over two rows of "unirrigated" tree sites to build private patios and walkways, utility yard, with extensions 20 feet into the orchard lands.

I obtained these LACY plans through a public records request in July 2024. None of those plans were presented by staff to Council or any commissioners–Planning, Historic, Park & Rec, Environmental– for review before rows of trees were removed or left unirrigated in 2023 to die by neglect in the apricot orchard.

Although City projects specific to the Heritage Orchard are noted below, today I'd like to highlight three active City projects that help clarify the need for your involvement. The January 2023 building plans for the LACY (\$4.5M) and EOC (\$800K) projects, and the Library Patio Project.

Among the documents for the EOC, is the newly found February 2023 negative CEQA document stating "no trees would be removed" for the EOC project despite the two scenic, mature heritage oaks next to the Bus Barn, both larger 50" diameter were removed claiming a sudden "emergency", with a contradictory arborist report and no permit, all noted in the documentation as the placement for new EOC generator and its drainage field, and later the June 2024 proposed Dog Park (\$1M). There was no public discussion of the historic nature of these trees, which at one time were part of the now stripped Historic Tree inventory. Is this something the Historic Commission is looking into, as it appears management of this historic inventory asset and list has been overlooked in your immediate work plans?

In August 2024, a new potentially damaging project for the Heritage Orchard of undergrounding new utility lines across the Civic site started on the east side LACY, without public plans or review. After two public requests, it was confirmed that this was "an add-on project" and includes the boring of many underground utility lines to LAYC, the Police Station, and the Library underneath the Heritage Orchard. Signs and handouts in the orchard from the Museum say "*nothing will be harmed*", but the visual piles of dirt say something different. Boring holes are not deep enough to avoid roots and thick root pieces appeared from apricot orchard trees on the dirt next to the digging. The add-on LAYC plans also reveal the addition of a newly paved parking area, once again paving over unirrigated tree sites in the historic Orchard lands despite no study of the impacts of that new pavement on growing conditions on the area by the playground and lawn sculpture.

The digging, damaging construction, and tear out/cut down of the Heritage Orchard space is out of control, from all sides and air and underground, forever changing, altering, and damaging the Heritage Orchard historic resource you have been tasked to protect and preserve.

Please look closely at the LACY plans to see new fence heights, new hardscape, and new above-ground utility fenced yard as well as the planned 6-foot fenced, private patios for the new staff private office. All those exterior LACY additions and all underground lines are deemed by staff to be "flat" work which staff relies upon to claim the projects fall within for the City ordinances for what projects must have proper study, as well as environmental, commission/administrative review and public transparency and opportunity for input, and for which the Council has allowed its staff to have 100% discretion and operate by a arbitrary and manipulative use of "exemptions" to remove the need for following ordinances, involving commission review and properly handling environmental study.

Nevertheless, for historical resources the State of California CEQA laws for environmental review, City "shall not" use an exemption for review if a project "may" cause an impact a historical resource like the Heritage Orchard. And as a Certified Local Government, our city has a set of obligations and commitments to our historic resources that your commission is named in oversight of the preserving the integrity of historical resources.

There are at least 9 major City projects or administrative actions that are impacting the Heritage Orchard that need your immediate review.

1. LAYC to Private City Office Conversion with new Private Patios
2. Review of LALE Courtyard Project currently in review by internal City staff
3. Tree Removal Permit of Northeast Grove Near Police Station
4. Compliance on the Museum's Maintenance Contract which has not produced one report such as the required maintenance plan since its signing last summer. The Maintenance Plan due January 2024 is still not a public document available for public review after two drafting rounds between the Museum and City Hall nor the Annual Report due this month. Nor any public discussions of changing of the heritage orchard historic context and character-defining elements except one pay-to-participate Museum meeting last month.
5. "Add-On" Underground Utility Wiring Project for LACY
6. City Hall Private Patio and new ornamental flower bed extensions
7. Lack of Maintenance for other orchard areas and trees on Civic Center site, including Northeast Grove Police Station and next to J.Gilbert Smith House as well as the continued placement of Friends of the Library book sheds
8. Removal and replacement of historic signage and interpretative signage
9. Dog Park parking mitigation proposal for lost library parking spaces to remove apricot trees by the Friend's sheds and other orchard lands to have more paved parking spaces

What needs to be done? And what can you as Historic Commissioners do? The public, local preservationists and regional historic experts (like Preservation Action Council San Jose) continue to **call on the Council to fund and perform a foundational Historic Resource Evaluation (HRE)** on the Heritage Orchard resource, with an "intensive study and survey" as defined by the CA State Office of Historic Preservation with outside, qualified landscape historians and experts. Not the David J. Powers' administrative review firm called upon to justify CEQA exemptions.

As you know this survey and foundational evaluation goes way beyond clarifying the boundaries --it also includes in this space the elements that make up the resource including the acreage, trees, tree sites, restrictions, protections, character-defining features of a productive working orchard, AND make clear the context of the historic period it keeps with the design and function in tandem with the J.Gilbert Smith House. Our heritage orchard needs your help and preservation--this is NOT an orchard memorial, community garden or science project, ideas being floated now by the History Museum/Orchard Commons Committee. The Heritage Orchard is as the City Council in resolution 2021-477 codified it:

"a working historic orchard and city historic resource demonstrating and showcasing the City's and the region's historic agricultural roots and heritage that is maintained and kept productive."
2021 City of Los Altos Ordinance 2021-477

By all accounts, the Los Altos Historic Commission is the right governing group according to the City's Certified Local Government status to be responsible for the oversight and to request this foundational Historical Resource Evaluation (HRE) and study to ensure this City properly manages the integrity of this valuable historic asset-the Heritage (Civic Center) Orchard. The Commission also needs to get engaged in the review and oversight of the list of 9 projects endangering this historic resource identified in this letter. It's in your Work Plan.

Time is of the essence, this work for the Heritage Orchard needs your immediate attention, activates your goals on the work plan, and requires a special session. Then, collectively recommend to the City Council that this work should be done in haste.

Thank you for your immediate attention to this matter.

Alice Mansell
Los Altos

CEQA Exempt Los Altos for Emergency Ops Center ...

Commission Hillview Dog Park PPT 24.06.18 reduce...

EOC 50"+ trees Screenshot 2024-08-02 at 9.10.47 P...

EOC Approved Plan Set (1).pdf

LAYC Approved Plan set.pdf