

August 19, 2024

Subject: Heritage (Civic Center) Orchard: Requests and Clarification

a. City Request for LALE Patio Project Historian and CEQA Review Information

-b. Council Request for Full Historic Resource Evaluation (HRE) and Study

Dear Mayor, Councilmembers, and City Staff,

“A historical resource evaluation and intensive historic resource survey for the heritage orchard by a qualified professional in public view would be a welcome and long-requested record update by the city.”

(Catherine Nunes, Aug 6, 2024, Town Crier, “Should heritage orchard be preserved forever? City to investigate.”)

As noted in my response to the recent *Town Crier* article, although encouraged by the City’s move to hire a historian to review the possible *direct indirect and cumulative impacts* required by CEQA of the proposed LALE patio project on the Heritage (Civic Center) Orchard, the scope of work, the historian’s qualifications, and the cost/source of funds for this historian remain unclear.

Article comments from City Staff about the historian and the role in conducting a “full” CEQA process were inadequate and vague, leading many people to believe the historic study being specific *only* to the LALE patio project, versus needed foundational work for official historical resource study of the Heritage Orchard across the City Center site. [Full article link.](#)

The lack of Council oversight as well as public review needs correction as “a full CEQA process” committed to by Gabe England for the LALE patio application review requires a CEQA review with public transparency by definition, even for “private development.” This is particularly relevant for projects involving historic resources on public lands bound by city ordinances and commitments to historic preservation.

The need is real and the time is now for a full, qualified and intensive **Historic Resource Evaluation (HRE), a foundational study** for the Heritage (Civic Center) Orchard across the entire Civic Center site and all its identified elements of this historical resource.

A growing group of residents urge the Council and City staff to act upon the public and expert recommendations from organizations like the Preservation Action Council (See March 2024 public comment letters clarifying this recommendation, attached), and take immediate steps to conduct a thorough, foundational historic resource evaluation study and survey critical for the future of the Heritage Orchard.

The City of Los Altos would find a HRE is considered a best practice, and also in line with the State of CA commitments made to historic preservation and management of the integrity of its historic resources as a Certified Local Government.

Intensive HRE evaluations are more than a project-specific impact study or a land boundary survey, they would identify all elements that make up this historic resource—in this case, study

would include acreage, trees, tree sites and restrictions, as well as character-defining features (agriculture and working orchard operations) and context-defining connections to historic time period, the region, environmentally-sensitive features and other structures like the J Gilbert Smith House. Meetings and conversations with both the State Office of Historic Preservation (OHP) and the California Preservation organization reveal a number of technical resources on how to conduct an intensive HRE, and the unique needs of CEQA without exemptions for historic property evaluations. These are available for City staff, commissioners and particularly for Certified Local Governments, and may be helpful guides.

For example, as noted in the Preservation Action Council recommendation letter #1, a foundational, part of an intensive HRE would specifically study and identify a map with **APOE's (Areas of Potential Effects)** that could inform construction and projects simultaneously impacting the Heritage Orchard–Library, LAYC, City Hall Patios, Library, Smith House/FOLA area for dog parking, Tree Removal permit of Northeast Grove, underground utility upgrades across the site. This mapped part of the evaluation can also better inform the Maintenance and funding needs for agricultural operations and restoration of this public land.

We urge participation of the Historic Commission, Environmental Commission, Parks and Recreation and Planning Commission with outside qualified historian experts and qualified agricultural land use experts, and even consideration of cross-discipline community and commission Task Force to oversee the foundational HRE work. With over 15 years of preservation work, research and knowledge of historic orchards and the region, I'd be happy to participate and look forward to speaking with you further.

To City Staff: Please provide public release of the name of the contracted historian, the scope of the review for the LALE project and Orchard, the oversight and source materials used, and details on the entire CEQA review process (what is being studied) for this LALE patio project, and if what costs (\$ and resources) are being funded by the City. If this is something requiring a public records request, please advise.

To City Council: Residents urge you take direct action to review reinstitute oversight for the review of the Library Patio Project, and all projects on the Civic Center site that sit in or adjacent to the Heritage Orchard, immediately fund a full, qualified Historic Resource Evaluation, and meet the City's commitments to historic preservation as a Certified Local Government.

Sincerely,

Catherine Nunes

35 year resident, and representative for the working group, Preservation Action League-Los Altos

Attachments: March 8, Public Comment and Recommendation, Preservation Action Council
March 11, Public Comment and Response to City Letter, Preservation Action Council



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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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)

*PAC*SJ Public Exchange and Response with City of Los Altos Following Inquiry re: Heritage Orchard and Proposed Encroachment of Library Patio Project*

Re: Los Altos Heritage Orchard environmental review

Ben Leech <ben@preservation.org>

Mon, Mar 11, 2024 at 10:18 PM

To: jolie.houston@berliner.com, publiccomment@losaltosca.gov

Cc: gengeland@losaltosca.gov, nzornes@losaltosca.gov

My apologies for not cc'ing all to my earlier response to Mr. Engeland's email below. Resending to all recipients. Thank you.

Begin forwarded message:

From: Ben Leech <ben@preservation.org>

Subject: Re: Los Altos Heritage Orchard environmental review

Date: March 11, 2024 at 7:53:57 PM PDT

To: Gabriel Engeland <gengeland@losaltosca.gov>

Cc: nzornes@losaltosca.gov

Mr. Engeland,

Thank you for your reply and for your additional background on the Heritage Orchard issue. I hope it was clear (and apologize if it was not) that our comments were in no way meant to be adversarial or express a position for or against the LALE proposal at this point in time, for as you rightly point out, we have not seen the proposal and do not know how (or even if) it would impact the Orchard as a historic resource. We are also aware that this is a private project, not a City-led project. But as you know, the City will play the role of Lead Agency in any environmental review, so I believe our comments were appropriately directed.

You are correct that we were not aware that the City Council had explicitly directed Staff to undertake all proper environmental review at the appropriate time in the planning application process. This is encouraging and appreciated. Our initial position, while perhaps not fully informed, was in response to the attached and excerpted Notice of Exemption, which I would still assert is not entirely clear in scope and could conceivably be interpreted as an exemption for the entire project through final design review.

Shortly after my email, I also received a call from Nick Zornes, who clarified that the NOE was only intended to exempt the decision to authorize acceptance of a development proposal from LALE. This is an entirely reasonable determination if that is indeed the limit of the NOE project scope.

Whether or not the project as submitted will ultimately merit a full CEQA review, PAC*SJ still strongly encourages the City of Los Altos as Lead Agency to require a full Historic Resource Evaluation as part of the project applicant's submission. This is both a best practice in California and a requirement in most Certified Local Government jurisdictions that we are familiar with.

I'm happy to discuss this further with you at your convenience.

Sincerely, **Ben Leech**

Executive Director

Preservation Action Council of San Jose 408-998-8105 (office)

On Fri, Mar 8, 2024 at 4:28 PM Gabriel Engeland <gengeland@losaltosca.gov> wrote:

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**

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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,