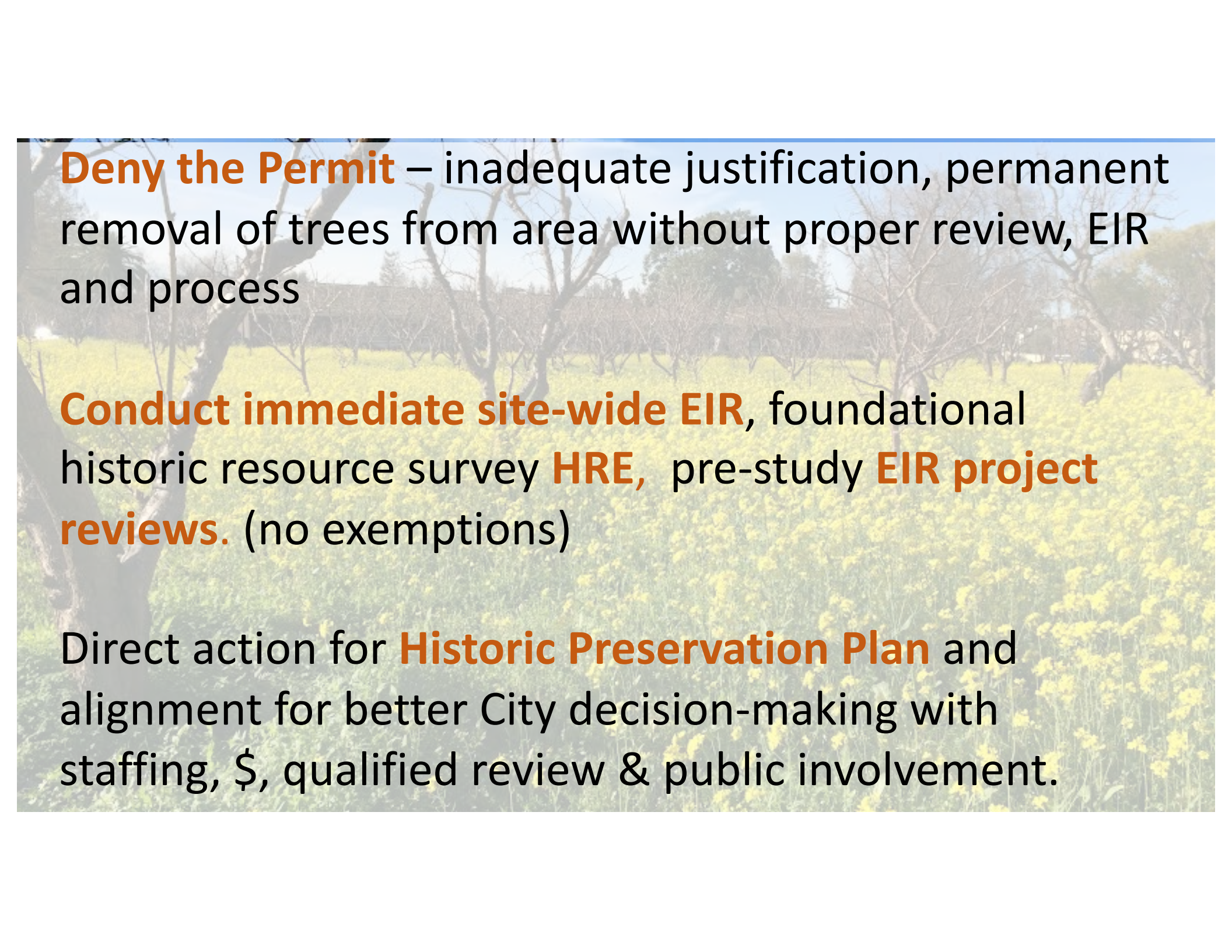




Path to Preservation
Los Altos Heritage Orchard

OUR APPEAL

September 10, 2022– Catherine Nunes, representing Residents for the Preservation Action League Los Altos (PALLA)



Deny the Permit – inadequate justification, permanent removal of trees from area without proper review, EIR and process

Conduct immediate site-wide EIR, foundational historic resource survey **HRE**, pre-study **EIR project reviews**. (no exemptions)

Direct action for **Historic Preservation Plan** and alignment for better City decision-making with staffing, \$, qualified review & public involvement.

Public Support for Preservation Los Altos Heritage Orchard Love!!!

Should the city's apricot Heritage Orchard be preserved forever?

You voted: Yes – this precious land around City Hall has been designated a historical landmark.

82.4%

Yes – this precious land around City Hall has been designated a historical landmark.

13.2%

No – whatever any previous agreements, civic center land must be shared to accommodate a variety of public uses.

4.4%

Maybe – but more information needs to come out on the historic value of the land.

Town Crier Poll, snapshot Sept 4, 2024

What is the Heritage Orchard?

- “A working historic orchard 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

City's Commitments

- **Certified Local Government** 1991
- **General Plan:** Historical Preservation & Tree ELEMENTS
- Preservation **Ordinances**
- **CEQA** Integration into Actions and Planning
- **Historical Commission**
- Historical Resource Inventory on City owned lands
- Public process for input and review, transparency

City's Action 2023-24

- ✓ **ONE BIG STEP FORWARD** Fund **Maintenance** contract for main landmark orchard area, connect to the History Museum.
\$75,000 year/ 3 years

CITY remains the lead and primary planner (non maintenance) to provision for the Orchard.

CITY arbitrary application of boundaries, **Mar 2024 public restatement and change from 2.86 acres to < 2 acres for the Heritage Orchard..... AND**

2023-24 City Actions in the Orchard

New interpretation by City March 2024
2.84 acres to < 2 acres – 30% loss



1. LAYC Office Conversion (in construction)
2. City Hall Patio Extensions (complete)
3. City Patio (complete) +Landscape Remodel (?)
4. LALE private Patio Project (in review)
5. J Gilbert Smith Orchard Area and FOLA sheds (future parking?)
6. Northeast Orchard Sector (permanent tree + orchard removal)
7. Underground Utility Upgrade and parking?

The **Northeast** Grove and Trees in the Heritage Orchard (at Police Station)

- Are the trees, tree sites and land inside the “boundaries” of the Heritage Orchard? **YES**, one of the described orchard sections at Civic Center
- Is there Historic Primary Record for the Heritage Orchard? **YES**.
2011 State DPR HR#15, includes multiple orchard areas along with 1991 landmark area identified.
- Is there a map and land description in the Primary Record? **YES** with other character defining elements and features, may benefit from add'l survey
- Are there any identified restrictions? **YES**, and maybe others
- Are there any other subsequent City descriptions /maps useful to identify the land, trees or tree sites? **YES**, 2.86 acres and “Police Station” reference
- Are the trees and this part of Orchard maintained by LAHM/City? **NO**

APPEAL - Orchard Tree Removal Permit

1. Applicant without **authority** to issue permits on this property.
2. Permit failure to provide **adequate justification for removal of trees** and **permanent loss of tree sites in this location**.
3. Failure of permit and approval process to recognize the **historical standing** of the property, trees and tree sites.
4. **Failure in City action to properly study and review** the application under historical protection process and environmental law. (CEQA)
5. Permit and entitlement approval for removal of both trees and tree sites by the City constitutes "**demolition by neglect**"

What's in a Historical Resource? Is there a map?

State of California The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # _____
	HRI # _____
	Trinomial _____
	NRHP Status Code _____
Other Listings _____	
Review Code _____	Reviewer _____ Date _____

Page 1 of 2 *Resource Name or #: (Assigned by recorder) 1 N. San Antonio Road

P1. Other Identifier: HRI #:15; Civic Center Orchard

*P2. Location: Not for Publication Unrestricted

*a. County Santa Clara and (P2c, P2e, and P2b or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad _____ Date _____ T ____; R ____; ____ of ____ of Sec ____; _____ B.M.

c. Address 1 N. San Antonio Road City Los Altos Zip 94022

d. UTM: (Give more than one for large and/or linear resources) Zone __, _____ mE/ _____ mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)
170 42 029

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The Civic Center Orchard represents a portion of the apricot orchard planted by Mr. and Mrs. J. Gilbert Smith, early Los Altos settlers, and is related to the nearby Smith farm house. The residence, which currently serves the community as the History House, sits near the southeast corner of the Civic Center complex. Portions of the Smith orchard lands within the Civic Center remain along N. San Antonio Road, north of the Los Altos Library, and in the northeast sector of the complex. A number of trees dating to the period of Smith's residence appear to remain. As the City replaces dead or diseased trees as needed, a number of younger trees are also apparent within the orchard tracts.

What are the elements, features, boundaries?



CITY'S
PRIMARY RECORD
STATE OF CALIFORNIA
DEPT OF PARKS
RECORDED
HISTORIC RESOURCE
DPR HR#15, (2011)
org 1987, restated by Historic
Commission 2019

INCLUDES A CITY
DESIGNATED
LANDMARK ORCHARD
AROUND CITY HALL
resolution 91-31(1991)



- SECTIONS
A = library
B = middle
C = parking lot
D = San Antonio - City Hall
E = San Antonio - Library
F = Hydrant
G = Police compound ←

Is there a City map with more clear boundaries?

July 2024- provided with materials requested on Orchard and Tree Removal Application.

File Name:
Orchard Sections Map

Provided by City of Los Altos via
Public Records Request
PRR 24-27

State DPR – Historic Resource HR#15, 2011

Intensive Historical Survey, Prepared by Circa Historic Properties, SF for City of Los Altos, Historic Commission

P3a Description excerpt: Portions of Smith orchard lands within the Civic Center remain along N. San Antonio Road, north of the Los Altos Library, and in the northeast sector of the complex. A number of trees dating to the period of the Smith's residence remain. As the City replaces the dead or diseased trees, a number of younger trees are also apparent within the orchard tracts.

B10 Significance

- *excerpt 1* On September 8, 1991 the City Council unanimously passed and adopted a resolution adding the Civic Center's apricot orchard along San Antonio Road to the West, the Library to the South and the Youth Center to the East, the Civic Parking lot to the North as a Historical Landmark.
- *Excerpt 2* Another stipulation was that the remaining apricot trees not be removed; the city maintains and replaces the trees as needed today.

*2011 State DPR HR#15, prepared by Circa Properties SF, map updated by Historic Commission June 2019 Original DPR HR#15 recorded 1987.

. City of Los Altos Maintenance, Orchard Management Plan (2006)

Description of Orchard: The heritage orchard is located at 1 North San Antonio Road in the Civic Center grounds. It surrounds the City Hall building, and parts of the Library, Youth Center and Police Department. Acreage: 2.84 acres

. Historical Commission, 2019 City Center Apricot Orchard Staff Report

Historic Resource Background excerpt: The 2.84-acre heritage apricot orchard site is in the Civic Center Grounds. It surrounds the City Hall buildings, and parts of the Library, Youth Center and Police Department.

• June 24, 2019 Los Altos Historic Commission,

History Context for the Northeast Orchard area at Police Station

- **The Golden \$\$ Grove** - One of the most prime producing orchard areas and trees. (The orchardists' favorite!)
- Gilbert Smith also used the area for drying apricots – sunshine, soil and care.
- **45-55 apricot trees and tree sites appear in GIS maps** (1985-2007)
 - 2011 State DPR HR#15 map shows 38-42 mature trees
 - 2024 Physical Count shows 24 Trees, unmaintained and in need *.
- Served as **agricultural utility and equipment area** after Museum launch with barn in 2001



2011
DPR
HR#15
CIVIC
CENTER
ORCHARD

- Ties to gift parcel, fruit rights, tree replacement policy w/ additional restrictions.

History Context for the Northeast Orchard area at Police Station

PHOTO TAKEN **JUNE 20 2024**
5 days prior to Tree Removal Permit Posting

- **The Golden \$\$ Grove** - One of the most prime producing orchard areas and trees. (The orchardists' favorite!)
- Gilbert Smith also used the area for drying apricots – sunshine, soil and care.
- **45-50 apricot trees and tree sites appear in GIS maps** (1985-2007)
 - 2011 State DPR HR#15 map shows 35-40 mature trees
 - 2024 Physical Count shows 24 Trees*.
- Served as **agricultural utility and equipment area** after Museum launch with barn in 2001



- Ties to gift parcel, fruit rights, tree replacement policy w/ additional restrictions.

OTHER APPEAL ITEMS Unjustified Permit Approval

- Permit indicates “permanent” removal of apricot trees from this location without review.
 - Replacement and replanting new trees in this area is not indicated.
 - “City approved tree” replacement anywhere in the City, not apricot
- Permit indicates unsupported City Rationale added later, not part of Museum tree removal permit application
 - Indicates plans for area for future development, and claiming falling trees, utility interference.
- Inadequate and inaccurate Summary of Tree Health + Solution
 - Inadequate arbor summary by tree, health report does not call for all trees to be removed.
 - No consideration of maintenance to this area to mitigate issues.

The Permit



CITY OF LOS ALTOS
GENERAL PLANNING APPLICATION

Type of Review Requested: *(Check all boxes that apply)*

<input type="checkbox"/> Design Review - One-Story	<input type="checkbox"/> Lot-Line Adjustment	<input type="checkbox"/> Tentative Map/Division of Land
<input type="checkbox"/> Design Review - Two-Story	<input checked="" type="checkbox"/> Outdoor Display Permit	<input type="checkbox"/> Tree Removal Permit
<input type="checkbox"/> Design Review-Comm/Multi-Fam	<input type="checkbox"/> PC Study Session	<input type="checkbox"/> Use Permit
<input type="checkbox"/> Accessory Dwelling Unit	<input type="checkbox"/> Preliminary Project Review	<input type="checkbox"/> Variance/Extension
<input type="checkbox"/> General Plan/Code Amendment	<input type="checkbox"/> SB9	<input type="checkbox"/> Zoning Verification Letter
<input type="checkbox"/> Historic Review	<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Other:

Project Address/Location: Los Altos Police Department back lot

Assessor Parcel Number(s): Zoning District(s):

Project Description: Removal of distressed/diseased trees behind Los Altos Police Department that are a fungi reservoir that impacts the Heritage Orchard

Applicant's Name: Ken Buscho, Los Altos History Museum

Telephone No.: 408-728-6542 Email Address: kbuscho@losaltoshistory.org

Mailing Address: 51 S San Antonio Road

City/State/Zip Code: Los Altos, CA 94022

Property Owner's Name:

Telephone No.: Email Address:



TREE REMOVAL PERMIT

REMOVAL OF (25) APRICOT TREES IN THE REAR
YARD OF THE POLICE DEPARTMENT AT 1 SAN
ANTONIO RD

Date Approved: 6/25/2024 – Date Posted: 6/26/2024

Applicant: Ken Buscho, Los Altos History Museum

Permit #: TREE24-0062

Basis for Approval (Pursuant to Section 11.08.090 LAMC):

The condition of the tree with respect to disease, and the potential to cause further disease to other trees within the orchard and immediately adjacent; in general, poses a danger of falling; and proximity to existing or proposed structures and interference with utility services.

Replacement Tree(s) & Required Conditions (Pursuant to Section 11.08.090 LAMC):

Yes – 2 to 1 street tree (or other tree species as approved by the City Manager), each replacement tree shall be a minimum 24-inch box tree. The location of the replacement trees shall be approved by the City Manager.

Project Planner:

Xiomara Aguirre, (650) 947-2741, xaaguirre@losaltosca.gov

Appeals (Pursuant to Section 11.08.110 LAMC)

The findings or conditions of this tree removal permit may be appealed by the applicant or any interested party within 10 calendar days from the date posted.

DEVELOPMENT SERVICES DEPARTMENT
One North San Antonio Road • Los Altos, California 94022
Telephone: (650) 947-2750

Permit Review & Approval Inadequate & Discretionary Constitutes Permanent Removal

- **Applicant:** Ken Buscho, Los Altos History Museum

- **Basis for Approval**

The condition of the tree with respect to disease and potential to cause further disease with other trees within orchard and immediately adjacent.

City added?: Poses a danger of falling,

Proximity to existing or proposed structures

Interference with utility lines

- **Replacement Trees**

YES, but appears to be NOT in this location, not apricot trees.



TREE REMOVAL PERMIT

REMOVAL OF (25) APRICOT TREES IN THE REAR YARD OF THE POLICE DEPARTMENT AT 1 SAN ANTONIO RD

Date Approved: 6/25/2024 – **Date Posted:** 6/26/2024

Applicant: Ken Buscho, Los Altos History Museum

Permit #: TREE24-0062

Basis for Approval (Pursuant to Section 11.08.090 LAMC):

The condition of the tree with respect to disease, and the potential to cause further disease to other trees within the orchard and immediately adjacent; in general, poses a danger of falling; and proximity to existing or proposed structures and interference with utility services.

Replacement Tree(s) & Required Conditions (Pursuant to Section 11.08.090 LAMC):

Yes – 2 to 1 street tree (or other tree species as approved by the City Manager), each replacement tree shall be a minimum 24-inch box tree. The location of the replacement trees shall be approved by the City Manager.

Project Planner:

Xiomara Aguirre, (650) 947-2741, xaguirre@losaltosca.gov

Appeals (Pursuant to Section 11.08.110 LAMC)

The findings or conditions of this tree removal permit may be appealed by the applicant or any interested party within 10 calendar days from the date posted.

DEVELOPMENT SERVICES DEPARTMENT
One North San Antonio Road ♦ Los Altos, California 94022
Telephone: (650) 947-2750

June 6, 2024

Terence Welch
Backyard Orchards
P.O. Box 2
Aptos, CA 95001

ISA Certified Arborist WE-0153A

On May 31, 2024, I inspected the apricots behind the locked gate at the Los Altos Police Station. These apricots are beyond the age where they are commercially viable, and have had both major limbs and twigs killed by Brown Rot. They are not being pruned or maintained in any way.

The attached spreadsheet lists the trees, shows their size, and rates their both their health and structure (scale of 1-5, with 1 being the best). These old trees generally had plenty of Brown Rot killed twigs, and decayed wood down the middle of the trunks, which was the result of large diameter limbs dying and being pruned out of the tree.

These trees are a source of fungal spores of Brown Rot, *Monilinia laxa*. Spore masses form on twig cankers, and on flower parts which have become infected. Because they can spread through the air, they increase the chance that healthy, maintained trees nearby will become infected with Brown Rott. Symptoms of Brown Rot on stone fruit trees (apricot, plum, peach, cherry, etc) are dead twigs, dead flowers, mummified fruits, and often larger dead limbs and leaders. Blenheim apricot is particularly susceptible to Brown Rot.

There is no effective organic treatment for Brown Rot at this time. In an orchard in Portola Valley, I have tried different organic sprays purported to help reduce Brown Rot, with no apparent success. Conventional farmers utilize chemical sprays to control Brown Rot.

To reduce Brown Rot infections, Infected shoots and branches should be pruned out as soon as possible, infected fruits should be picked up from the ground, and should be removed from the tree. All this infected material should be removed from the orchard, as it can be a source of new airborne spores. Rain and insects can also move the fungal spores throughout the orchard. Wet weather during bloom creates the ideal conditions for Brown Rot infections

Removing these non-maintained trees would reduce the amount of airborne spores, and reduce the total amount of infections in nearby, maintained trees.

List of Blenheim Apricot Trees at Los Altos Police Station
5/31/2024

Tree Numbe	Diameter	Health	Structure	Comment
1	5	1	2	Newer tree
2	20	2	5	
3	18	2	5	
4	12	1	5	
5	15	4	4	
6	20	3	5	
7	2	5	5	Rootstock only
8	15	1	5	
9	6	5	5	
10	11	5	5	
11	18	5	5	
12	8	4	5	
13	6	5	5	
14	10	3	5	
15	12	3	5	
16	12	4	5	
17	12	2	5	
18	16	2	5	
19	18	4	5	
20	12	4	5	
21	21	4	3	
22	8	2	5	
23	7	3	5	
24	16	4	3	
25	13	5	5	

SEPARATE DOCUMENT

See
Satellite
Photo
Measured at Best=1,
approx 2' Worst=5
above grade.
DBH not
applicable
as the trees
were branched
low to the
ground

Dispute of Health Conditions

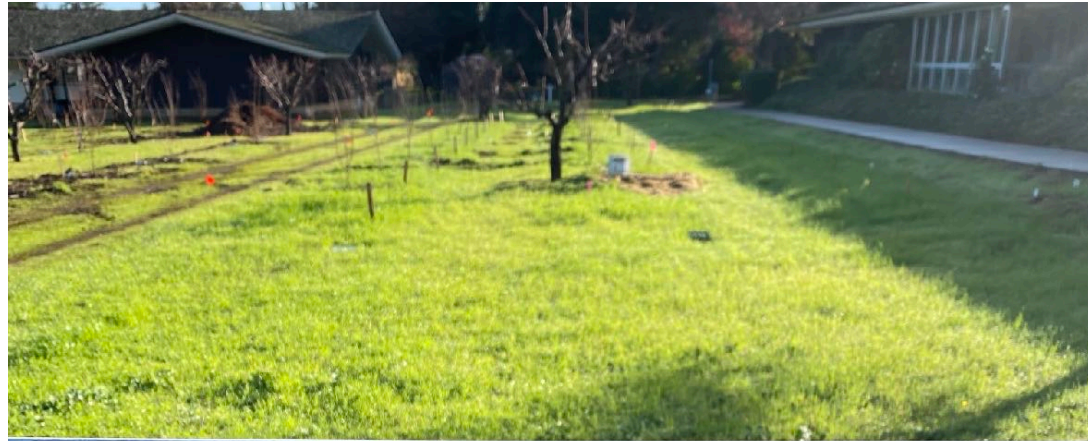
- Staff report states there are 24 trees in “poor” health. **Not supported.**
- Orchardist **best practices control for brown rot is maintenance**, not removal –irrigation, spraying, pruning, removal of mummy fruit.
- Orchardist letter suggests action for “unpruned trees” removal **IF the City will not replant trees or maintain trees and grove area.**
- Orchardist suggests some trees may have structural problems and be beyond commercial viability – **apricot trees should be replanted in tree sites.**

Photos NorthEast Grove – June 20, 2024



Asks for Appeal Today

- **Deny the Permanent Removal of ALL remaining Apricot Trees in the Northeast Sector (near Police Station) – Uphold the Appeal**
- **Reject the City Staff's new unofficial and unqualified reinterpretation** of historic resource– *including City alteration from 2.86 acres to < 2 acres.*
- Provide City direction for a qualified,
 - **Qualified site-wide historical EIR** on and
 - a full **Historic Resource Evaluation HRE** (study+survey),
 - **and conduct an immediate review** of all Civic Center projects– in progress, planned or contemplated with– project-specific EIRs, no exemptions.
- Take action to **reprioritize Historical Preservation and stewardship for the Orchard** in line with Certified Local Government , General Plan, and put a **Historic Preservation Plan** in place with public engagement, qualified staff and direct oversight.



A Historic Orchard

This apricot orchard was planted in 1901 by local grower J. Gilbert Smith, whose home is now part of the Los Altos History Museum. The site for the Los Altos Civic Center was selected after city leaders consulted with architect Frank Lloyd Wright in 1954, who said it was an ideal choice given the beauty and history of this orchard.



Stewardship of Public & Historic Lands

1. Meet Commitments + Local, State, CEQA and Certified Local Government Requirements
2. Follow Historic Preservation Rules & Best Practices
3. Provide Study & Thoughtful Review
4. Be Transparent and Open to Public
5. Plan, Policies, Align Resources & Oversight
6. Celebrate and Share in the Civic Pride







**SAVE
OUR
ORCHARD**

SAVE LOS ALTOS

BACKGROUND HISTORY DOCUMENT – NOT FOR PRESENTATION

The Heritage (Civic Center) Orchard

A Brief Timeline

July 2024

HERITAGE ORCHARD TIMELINE | The Golden 100 Years

1901 - 1952 J. Gilbert Smith Orchard Grows and Thrives

1954 - 1977 City Center Designed with J.Gilbert Smith's Orchard as the Centerpiece.

- 1954 J.Gilbert Smith sells property to the City, maintains fruit rights and Orchard.
- **1960 Design for Civic Center buildings to highlight the working Orchard architected by Ernest J. Kumpf Assoc in Palo Alto as an indoor/outdoor space connected by Orchard.**
- 1977 J. Gilbert Smith and wife Margaret Smith transfer FINAL gift 1.36- 1.86 acre of apricots and home and barn called "The Oaks" to City. The House becomes the City's first History Museum run by Parks Dept.

1977 - 2000 City Proudly Protects and Preserves the Orchard and its Legacy as a "historic working orchard" - Active Stewardship

- 1977 General Plan, Historical Resource Inventory Updated Annually, Historic Commission/Parks Rec
- 1981 - 1991 Landmark status, State Registration, County Registration and Awards
- 1997 CLG Certified Local Government Status, City Requirements
- Historical Commission, Public Works, Parks&Rec Commission engaged in this period
- 2000 20 Year General Plan: Historical Element and Ordinance, Tree Preservation & Ordinance
- **2011 State DPR HR#15 – Becomes City's Historic Resource Primary Record with description, disposition, significance and map. includes landmark and all orchard areas on the Civic Center land.**





Historic Record

Photo of J. Gilbert Smith Home (Los Altos) and active Orchard land, orchard trees and agricultural operations operations adjacent to the J. Gilbert Smith House.

Date mark: LA 2001.021.002.
Archival date or actual?

Undefined correlation with the 1.36 – 1.86 acre parcel Smith Family GIFT is part of this image and subject to any title restrictions.

City's Commitments

- **Certified Local Government** 1991
- **General Plan:** Historical Preservation & Tree ELEMENTS
- Preservation **Ordinances**
- **CEQA** Integration into Planning
- **Historical Commission**
- Historical Resource Inventory
- Public process for review

Needs clear City ownership and oversight

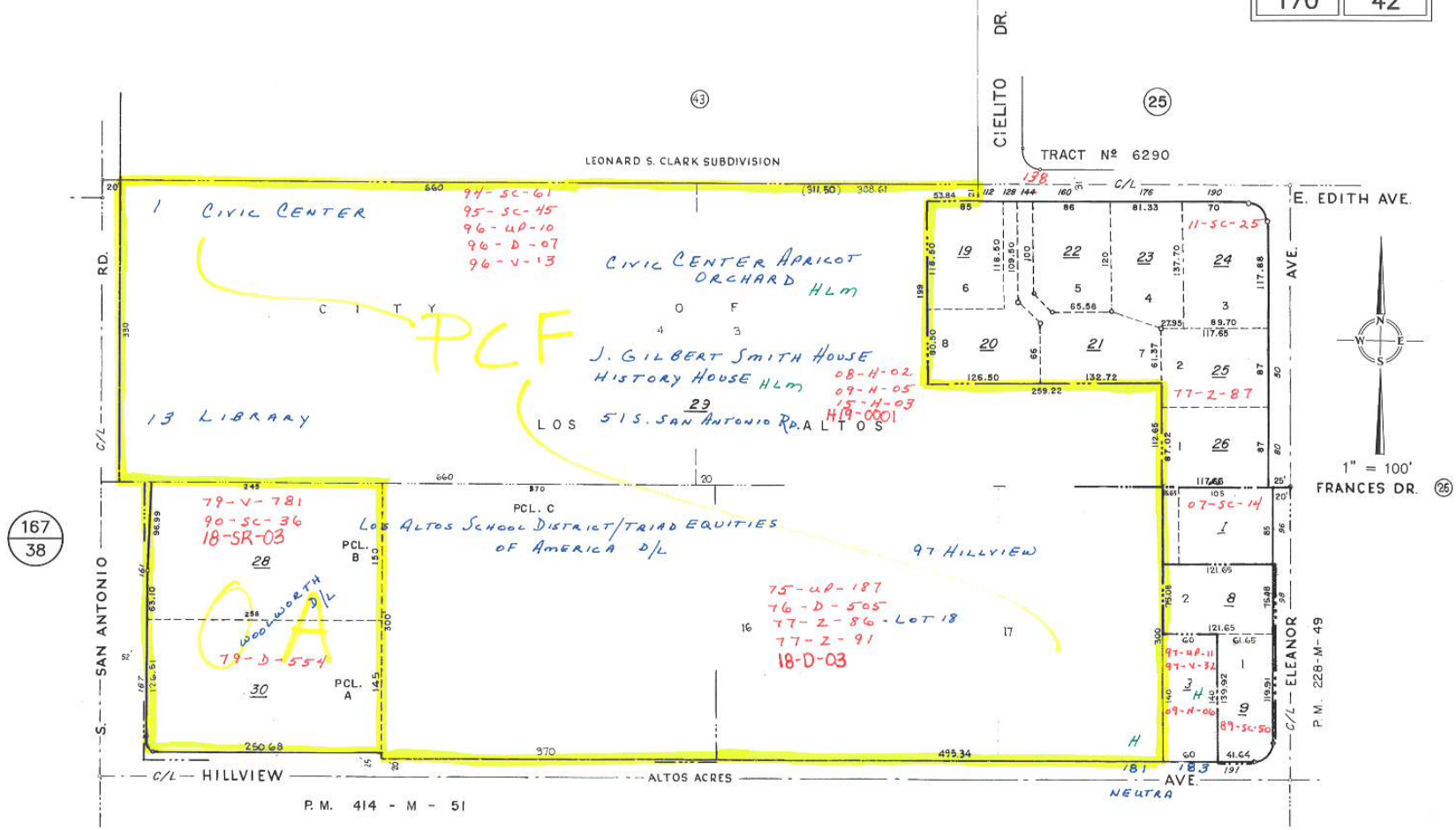
City's Action 2023-24

- ✓ **ONE BIG STEP FORWARD** Fund Maintenance contract for main landmark orchard area, connect to the History Museum.

\$75,000 year/ 3 years

CITY remains the lead and primary planner (non maintenance) to provision for the Orchard.

Needs a Historical Preservation Plan of Record for Orchard



HERITAGE ORCHARD TIMELINE | The Desolation of City Builders

- **2000 - 2010 New Master Civic Center Planning removes Landmark Orchard AND RECORDS**
 - 2001 Los Altos History Museum (opens) and formally joins with J. Gilbert Smith House
 - Landmark Orchard Records, Resources, Public Stewardship and Maintenance Dries Up.
 - 2010 Historic Commission approves Historic Review and Hires Circa Historic Properties to update the City's Historical Resource Record for HR#15
 - 2011 Historical Record State DPR Published 2011, After approval of
- **2010-2015 Orchard Orphaned, Dereliction by City**
 - **Stopped Water, Maintenance and Care of Property and Trees**
 - Negligence created perception of a vacant lot - No Signage, Trees Dying, Not Producing
 - (2012 Disappeared from City's Historical Resources Inventory & Historic Commission Work Plan.
- **2015 *Voter Defeat of Measure A Bond Civic Center Phase 1***
 - Resident Outcry to Defeat Sweeping Measure and Save Public Lands (inc Orchard)
 - City Revised Plan to Focus on Community Center and Pool Complex , Funded through Bond Measure
Vote: 72% **NO WAY**, MEASURE A. City Master Plan shelved.
 - Phase 2 Orchard Left without a home or any verified plan, City Entertains Other Development for the Property (School site, Parkland, Expansion of other Civic Center Buildings)



HERITAGE ORCHARD TIMELINE | Lost and Some Things Found – No City owner

- **2016 - 2019 . Citizen Preservationists Dig Up Orchard Documents, Grow Public Awareness, Call for Historic Preservation Attention**
 - Found City Records, Deeds, Ordinances, Maps, HRIs, CLG reports, Historic Plaques
 - Request Support & Attention from Historic Commission/History Museum
 - 2018-2019 led by Historic Commission (Horn) with Museum and Resident Support Signs (2 of 7 requested) added to the Heritage Orchard, 100 Trees Planted, died
 - Orchard Maintenance Plan (2006) Recovered and Requests for Enforcement – 2.86 acres and 444 active tree sites identified in record..
 - Maintenance lagged, water turned back on by City but selectively under “drought conditions” in 2016 City announcement
- **2019 - 2021 Historic Records and Increase in Historic Preservation Actions**
 - 2019 Historic Commission Staff Report and Review included:
 - Restatement of Historic Resource Record DPR#HR 15 2011 as the Primary Record. Including specific notations of all Civic Center orchard lands including Police Station, et.al, and 2.86 acres.
 - 2021 City Council declares Heritage Orchard historic relevance and disposition on Civic Center Land as a historic working orchard to remain productive. *Ordinance 2021-477*

August 2023 to present

- Contract Los Altos History Museum (contractor)
- Landmark Orchard Area Primary
- New Maintenance Plan (Missing, no review by public)
- Orchardist Hired (by History Museum)- Volunteer Engagement
- City maintains final authority for tree site usage, and and select tree sites and trees.
- No tree/health/maintenance monitoring support or plan
- City installs drip irrigation not to all trees
- City actions CEQA Exemptions on surrounding projects.

