



## HISTORICAL COMMISSION AGENDA REPORT

**Meeting Date:** January 27, 2025

**Subject:** Historic Alteration Permit at 1 North San Antonio Road

**Prepared by:** Sean Gallegos, Senior Planner

**Initiated by:** City of Los Altos

**Attachment:**

1. Arborist Report

**Recommendation**

Approve a Historic Alteration Permit (H24-0009) for the removal and replacement of twenty-two (22) apricot trees in the Civic Center Orchard per the recommended findings and conditions of approval; and find the project is categorically exempt from environmental review pursuant to Section 15331 (“Historical Resource Restoration/Rehabilitation”) of the California Environmental Quality Act (CEQA).

**Background**

Property Description

The project site is located on the Civic Center complex, which is located on a block bound by Angela Drive to the north, Cielito Drive and Eleanor Avenue to the east, Hillview Avenue to the south, and San Antonio Road to the west. The civic center complex consists of City Hall, Los Altos Police Department, Los Altos Community Center, Los Altos Library, J. Gilbert Smith House, Los Altos History Museum, Hillview Baseball Field, Hillview Park, Bus Barn Theater, historic Civic Center Orchard, a playground, and parking and landscaping areas. The surrounding area is a mix of residential and commercial buildings.



**Figure 1: Civic Center Site**

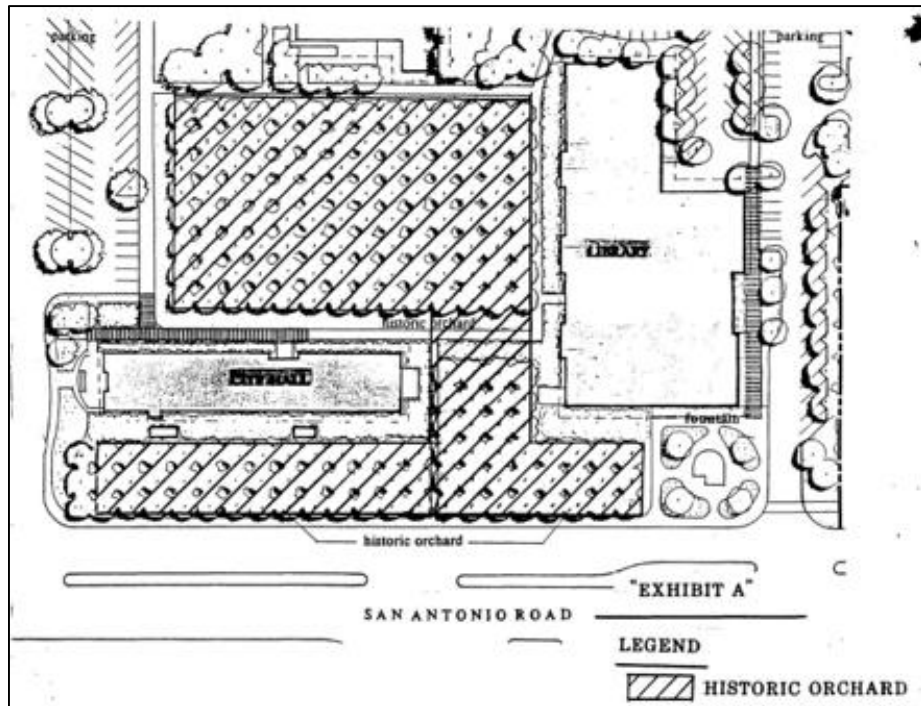
Historic Landmark Status

In approximately 1901, J. Gilbert Smith purchased 10 acres of farmland in Los Altos to cultivate apricots and establish a homestead. After marrying Margaret Hill Smith, the couple developed a thriving apricot orchard on the land, contributing significantly to the area’s agricultural heritage.

In 1954, two years after Los Altos incorporated as a city, the Smiths sold the property to the City of Los Altos for the development of the Civic Center complex. Upon Margaret Smith’s death in 1973, the property fully reverted to the city, which has since taken responsibility for maintaining the orchard and replacing trees as necessary to preserve its historical significance.

The Civic Center Orchard was designated as a historical landmark in 1981 through Resolution No. 81-23, which included a legal description of the property boundaries. The resolution specified that “all other structures on the land, as well as a presently undefined portion of the orchard necessary to accommodate the future Council Chambers, are specifically excluded.” However, the resolution did not define the exact boundaries of the "undefined portion of the orchard," leaving certain areas outside the historic designation unclear.

On September 8, 1991, the City Council unanimously passed Resolution No. 91-31 modifying the orchard’s designated boundaries to clarify its historic landmark status. The Civic Center Orchard surrounds City Hall and is divided into two main areas: (1) a strip of land located east of San Antonio Road and west of City Hall, and (2) a larger area extending east of City Hall and west of the Lacey Building, encompassing land south of the surface parking lot and north of the Los Altos Library.



**Figure 2: Historic Orchard Boundaries (91-31)**

While the orchard's boundaries have remained unchanged since their modification in 1991, many of the trees within it have been replaced over time, as some have died or were removed due to disease. The number of trees within the orchard has varied over the years, and neither the original designation in 1981 nor the modification in 1991 established a fixed number of trees or designated planting sites. The orchard is currently organized into rectangular sections with orthogonal rows of trees.

## **Analysis**

The project involves the removal of twenty-two (22) dead apricot trees and their replacement with 22 new Blenheim variety apricot trees in the same location. According to an arborist report (Attachment 1) prepared by Backyard Orchards/Orchardscapes, the existing trees succumbed to a combination of pre-existing fungal infections and stress caused by insufficient irrigation during the 2023 growing season. Additionally, the trees were affected by the disease *Pseudomonas syringae*, a virulent pathogen that can kill trees outright during winter. Due to the severity of the disease, there are no viable measures to control or mitigate its spread, leaving the removal of the affected trees as the only effective solution.

The replacement process aims to preserve the orchard's historical and cultural significance while supporting its continued vitality as a living resource. Special care will be taken during the removal and replanting process to minimize disruption to the existing landscape and maintain the orchard's traditional layout of orthogonal rows.

The proposed project was analyzed for conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Of the four prescribed treatments for historic properties outlined in the Standards, Rehabilitation provides the most appropriate set of standards for the project. Rehabilitation is the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values. The Secretary of the Interior's Standards for the Treatment of Historic Properties are designed to be applied to all historic resource types—buildings, sites, structures, landscapes, districts, and objects. The following is an analysis of the proposed project with the Standards.

*Standard 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*

The project complies with **Standard 1**, and the historic apricot orchard will maintain its agricultural use, with the proposed changes supporting its ongoing function as an apricot orchard.

*Standard 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*

The project complies with **Standard 2**, which requires that the historic character of a property be retained and preserved, and that the removal of historic materials or

alteration of features and spaces that define the property be avoided. The proposed project does not involve the removal of any character-defining features of the orchard as the dead trees will be replaced with new viable trees in the same locations.

This replacement approach ensures that the orchard's historic layout, species composition, and cultural significance are preserved. The replanting process is designed to maintain the visual and spatial integrity of the orchard. By replacing the dead trees with species true to the orchard's history and design, the project aligns with the intent of Standard 2 to retain and preserve the property's historic character while addressing necessary maintenance and sustainability.

*Standard 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*

The proposed project complies with **Standard 3**, ensuring that the Civic Center Orchard is preserved as an authentic representation of its historical period and agricultural use. The project does not propose adding conjectural features, architectural elements, or any modifications that could create a false sense of historical development. Instead, the removal of twenty-two (22) dead apricot trees and their replacement with Blenheim variety apricot trees is consistent with the orchard's historical purpose and character.

*Standard 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*

The proposed project complies with **Standard 4** as it does not involve changes that have acquired independent historic significance. The removal of dead apricot trees and their replacement with Blenheim variety trees preserves the orchard's historic character and agricultural purpose. No modifications with independent historic significance are being altered, and the project ensures the orchard maintains its historical integrity while supporting its continued vitality.

*Standard 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.*

The project complies with **Standard 5** as the Civic Center Orchard's historic significance is defined by its layout of apricot trees, not construction techniques or craftsmanship. The orchard's distinctive tree arrangement will be retained, and dead trees will be replaced with historically consistent Blenheim variety apricot trees. This approach preserves the orchard's historical integrity while maintaining its agricultural function and distinctive organization.

*Standard 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where*

*possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

The proposed project complies with **Standard 6** by addressing the removal and replacement of deteriorated historic features in the Civic Center Orchard. While the twenty-two (22) dead apricot trees are being removed, they will be replaced with Blenheim variety apricot trees, which are consistent with the original species planted in the orchard. Although the original trees are being removed due to their deteriorated condition, the new trees will preserve the orchard's historical character by matching the species, layout, and agricultural purpose of the original planting. This approach ensures that the orchard maintains its historical integrity while supporting its continued function as a living agricultural resource.

*Standard 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*

**Standard 7** is not applicable to the project. However, there are no proposed chemical or physical treatments to the historic resource.

*Standard 8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*

The project consists of the removal and replacement of twenty-two (22) trees. The proposed project complies with **Standard 8** because the chance to affect significant archeological resources is unlikely; however, if such archeological resources were found during construction, as conditioned in the staff report, a professional and qualified archaeologist shall assess further and provide mitigation measures accordingly.

*Standard 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

There are no additions, exterior alterations or relocated new construction proposed as part of the project. The proposed project complies with **Standard 9** by replacing the deteriorated apricot trees with Blenheim variety apricot trees, consistent with the orchard's original planting. The new trees will preserve the orchard's historic layout, scale, and agricultural function, ensuring the orchard's historical integrity is maintained. This approach protects the orchard's character while supporting its continued use as a living agricultural resource.

Standard 10. *New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

The proposed project complies with **Standard 10** by ensuring that no new construction will alter or diminish the historic significance of the Civic Center Orchard. The project involves the removal of dead apricot trees and their replacement with Blenheim variety apricot trees, which are consistent with the orchard's original planting. No new structures or built features will be introduced to the orchard, and the landscape will remain focused on its agricultural purpose.

Based on this analysis, the project complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

### **Environmental Review**

The project is categorically exempt from environmental review under Section 15331 (Historical Resource Restoration/Rehabilitation) of the California Environmental Quality Act (CEQA) Guidelines because the project consists of the rehabilitation of a historical resource consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

### **Public Notification**

A public meeting notice was posted on the property, mailed to property owners within a 300' radius, and published in the newspaper.

## FINDINGS

With regard to the Historical Alteration Permit, the Historical Commission finds the following in accordance with Section 12.44.140 of the Municipal Code:

1. The project complies with all provisions of the Historic Preservation Ordinance (Chapter 12.44) due to the project not adversely affecting the physical integrity or the historic significance of the subject property, and the project being in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties; and
2. The project does not adversely affect the physical integrity or historic significance of the Civic Center Apricot Orchard, one of the last active orchards in Los Altos. It preserves the orchard's historical and cultural integrity, reflecting the city's agricultural roots and the legacy of J. Gilbert Smith. The orchard retains its historical significance through its location, design, setting, and association. While the twenty-two (22) dead apricot trees are being removed, they will be replaced with Blenheim variety apricot trees, consistent with the original species. This replacement preserves the orchard's historical character, layout, and agricultural purpose, ensuring its continued function as a living resource.
3. The project complies with Standards 1-4 of the Secretary of the Interior's Standards for the Treatment of Historic Properties. It preserves the historic apricot orchard with minimal alterations, ensuring the orchard's defining characteristics are maintained (Standard 1). The removal and replacement of twenty-two (22) apricot trees with Blenheim variety apricot trees aligns with the original species, preserving the orchard's layout, species composition, and cultural significance (Standard 2). No historically significant features are altered (Standard 3), and the project avoids introducing conjectural elements or modifications that could distort the orchard's historical development (Standard 4). This approach ensures the orchard retains its historical integrity while supporting its continued agricultural use.

The project complies with Standards 5-10 of the Secretary of the Interior's Standards for the Treatment of Historic Properties. The orchard's layout and species composition are preserved by replacing dead trees with Blenheim variety apricots, consistent with the original plantings (Standard 5). No historic features are irreversibly altered (Standard 6), and there is no chemical or physical treatment that would negatively impact the orchard's historic character (Standard 7). There is no new construction that affects the site's historical significance (Standard 8). The project avoids conjectural features, maintaining the orchard's integrity (Standard 9). Finally, it preserves the orchard's agricultural use and cultural value, with no alterations to its historic landscape (Standard 10).

4. The project is categorically exempt from environmental review under Section 15331 (Historical Resource Restoration/Rehabilitation) of the California Environmental Quality Act (CEQA) Guidelines because the project consists of the rehabilitation of a historical resource consistent with the Secretary of the Interior's Standards for Treatment of Historic Properties.

## CONDITIONS OF APPROVAL

1. **Expiration:** The approval will expire on January 27, 2027, unless prior to the date of expiration the project has been executed, or an extension is granted pursuant to the procedures and timeline for extensions in the Zoning Code.
2. **Approved Plans:** The approval is based on the plans and materials received on December 11, 2024, except as modified by these conditions as specified below.
3. **Revisions to the Approved Project:** Minor revisions to the approved plans which are found to be in substantial compliance with the approval may be approved by the Development Services Director.
4. **Indemnity and Hold Harmless:** The applicant/owner agrees to indemnify, defend, protect, and hold the City harmless from all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of the City in connection with the City's defense of its actions in any proceedings brought in any State or Federal Court, challenging any of the City's action with respect to the applicant's project. The City may withhold final maps and/or permits, including temporary or final occupancy permits, for failure to pay all costs and expenses, including attorney's fees, incurred by the City in connection with the City's defense of its actions.
5. **Notice of Right to Protest:** The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day period in which you may protest these fees, dedications, reservations, and other exactions pursuant to Government Code Section 66020(a) began on the date of approval of this project. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.
6. **Tree Removal Approved:** Trees Nos. Ac03, Be06, Be11, Bi11, Bg13, Bg12, Bh01, Bh10, Bh13, Bi06, Bi13, Cc01, Cc11, Cc12, Cd11, Cd13, Ce10, Cf10, Ch12, Ch14, Da22 and Db15 shown to be removed on the site plan of the arborist report prepared by Backyard Orchards/Orchardscapes are hereby approved for removal.
7. **Replacement Trees:** The applicant shall replace each tree being removed with one Blenheim apricot (*Prunus armeniaca*) tree, resulting in a total of 22 replacement trees in the same location as the tree being removed.