

From: [Alice Mansell](#)
To: [Public Comment - LC](#)
Cc: bruceb@latc.com; [Friends of the Library President](#)
Subject: [External Sender]Public Comment for 8/1/24 Los Altos Library Commission Meeting
Date: Thursday, August 1, 2024 2:02:51 PM

TO: Los Altos Library Commissioners
CC: Friends of Library, (LALE has no email address online), Bruce Barton

Summary:

Attending the City Council meeting in November 2023 for LALE's first courtyard proposal, I listened to library and orchard supporters. I heard a lot of silo thinking with little listening to each other. A sense that LALE donating \$2M entitled it to do little to no public design review before presenting their first plan in public which they appeared to expect Council to endorse that evening. The result to avoid legal action for process issues with the proposal was a tolling agreement signed by the City Hall for its failure to follow all laws affecting our Historic Orchard. No more back room deals with public-private partnerships or failures by City Hall to follow all laws. We need no more echo chamber silos of different interest groups. We need to work better, more openly together, and by sharing all information and needs we each have, we can do much better for both the library and orchard.

Agenda Item #4 Receive disbursement letter from Los Altos Library Endowment

I asked for the LALE annual disbursements report several weeks ago from the County libraries authority after I couldn't find it online anywhere despite it being a publicly required annual report per the LALE/Los Altos/Los Altos Hills/Santa Clara County contract ending the legal dispute over the estate of Virginia Whipple (1926-2004), the largest source of donations to date to LALE.

Agenda Item #5 Update on Requests for Proposals for Design Services for Los Altos Main Library Improvements

The RFP on its face is only for interior work at the main library. How can the hired consultant's contracted design work not also involve the LALE-funded new exterior courtyard(s)? For example, might there be one courtyard for adults and another for children? Perhaps some occasional picnic or reading tables under orchard trees in suitable seasons? Make the Main Library and orchard extensions of each other?

Items not on the agenda

I became interested in Los Altos Hills resident Mrs. Virginia "Ginnie" Whipple herself and her estate after LALE made public for the first time over the Thanksgiving 2023 holidays its Los Altos Main Library patio proposal encroaching into Los Altos Historic Orchard lands. LALE speakers didn't then mention her by name, instead cited only a new LALE donor's fund of \$500k from the Chou Family for its courtyard project and topping up its latest donation to Los Altos libraries with other unnamed funds. As an orchard volunteer since harvest Summer season 2023, I watched irrigation lines not being installed in Summer and Fall 2023 in a very large area of Historic Orchard acreage next to the Main Library. When I observed wooden flags staked on that unirrigated land, I was informed by the orchard care contractor Los Altos History Museum (LAHM)'s Orchard Common Committee chair, she'd made an agreement with City staff about that particular orchard land as a condition to get City approval and funds released for installing Phase 1 of the new drip irrigation. That land was being "set aside" with no public review by City Hall for future use in a library expansion on that State Historic Resource land which is legally designated as a "working orchard" - not a garden or library courtyard - a specific land use the State designated by law in 2011.

There has been to date after nearly a year no public review for that library courtyard set-aside of historic land. Neither LAHM nor the City pulled any public permits to remove dead or dying trees in Fall 2023, permits required there as part of a State Historic Resource. LAHM's contractually obligated "Maintenance Plan" (due 1/1/24) is now overdue by 7 months and on its second draft. LAHM's contractual Annual Report for the orchard is due this month. The City's failure to do a State required historic professional survey and review of any change to the designated historic resource orchard lands is what resulted in that signed City Hall tolling agreement which delayed the LALE patio plan at least until May 2024. How much cash did LALE spend on its November 2023 patio plans not, it appears, knowing about those State historic laws?

City staffers repeatedly call any part of the Historic Orchard without perfectly thriving trees as mere "dirt." Insisting no trees can ever grow there despite lack of irrigation or any soil and tree care. Those deliberate acts are called "demolition by neglect" in historic resource law. Meanwhile, staff had City Council approve this year a \$4.5M conversion of the Los Altos

Youth Center (LACY) into new staff private offices with multiple tall, new privacy fences so the City Manager from his new office no longer needs to look at our Historic Orchard he's been actively reducing in size. Most recently, he tried by early July 2024 to bulldoze all the Historic Resource apricot trees in the State designated "NE Grove" by the police station which would reduce the acreage of the historic orchard by approximately 30%. Staff posted a tree removal permit notice on a July 4th holiday time. Appeal against that permit will be heard by City Council later this month. His staff's rationale for that is a need for more land for "future" police department expansion and new utilities lines, neither to date with any public discussion. Meanwhile, the Los Altos Police substation on Fremont Avenue remains mostly unused. Why it could not become a new EOC and Community Center is baffling.

City staff stopped by 2023 all public discussion of expanding the Library's exterior space towards LACY. Staff proposed their preference in July 2024 to the PRA&C commission new "reserved" City staff office parking spaces to replace the Police Department lawn and the three unirrigated deep rooted apricot trees surviving next to the Friends of the Library sheds, and also take for parking the Library's landscape space at its northeast corner as mitigation for the loss of Main Library parking spaces for the new \$1M dog park and new emergency generator with its fuel tank and new large drainage field.

The LACY plans were deemed "copyrighted" and thus not available for any public review when I asked for the plans in mid-June 2024 a month after a healthy large and old apricot tree was bulldozed next to LACY, a removal to make room for the new fenced utilities yard for LACY after I saw ground broken for that project. No public review to date anywhere of the LACY plans by any City commissions nor City Council until today (see three attachments obtained by a public documents request). Not even a public discussion anywhere before breaking ground for the "best use" of the LACY building, not even for the new landscape plans for the orchard lands on two sides where at least two rows of apricot trees were left unirrigated in 2023 and removed in May-June 2024 while nearby today at least 10 apricot trees are dead or dying from lack of irrigation and/or care.

Same course of back room City staff work in the plans for the new EOC generator, fuel tank, drainage field, the EOC interior work at the Los Altos Community Center, and new trenched utility lines running from LACY past the Bus Barn Theater and to the Los Altos Community Center. All "copyrighted" plans with no public review before ground was broken. Similar to the March 2024 heritage two old oaks trees removed by the Main Library citing a sudden "safety emergency" but in fact to make space for the generator and its drainage field with no updated arborist report while the last one stated the trees just needed some care which they never got. I have information those oaks may have been the burial site of the body of Mr. Gilbert Smith's mother as well as where his and his wife's ashes were buried. The City's records on the sales and deed of gift to the City from the Smiths' land for those oaks and surrounding lands are not now all available to the public. There is a reverter clause for failure to maintain a "working" orchard with fruit rights for those who take care of it as well as maintaining a work vehicle access road.

No public review until June 18, 2024 of the dog park plans until a PRA&C commissioners' meeting. They were allowed by staff to vote on a choice of dog park configurations but only to give "input" on the parking mitigation proposals for the lost Main Library parking spaces due to the EOC/dog park work. City Council last month was also not allowed by staff to vote on the staff's parking mitigation plans. Staff wants staff "discretion" for that.

Why the need for so much staff discretion on these \$5M+ projects before ground was broken? Not in the "purview" City Staff says for PRA&C, Planning, Library, Youth, Senior, Environmental, or Historic commissions, not even for discussing the State-required full historic survey and review to make such set-sides of any Historic Resource lands and trees. Not within the "behest" of City Council's delegations to its commissioners. Not in their "work plans."

Instead, City staff to date continues to act as if they alone as Certified Local Government employees are the sole arbiters of what land is or is not the State designated Historic Resource of both the orchard and its adjacent lands as defined by the State's 2011 paperwork. The same lack of public input for any need for a public EIR process, instead just staff "negative" declarations with no detailed staff reports not always timely filed with the County and State.

Meanwhile, City Hall continues to use outdated documents and its 100% staff "expert" discretion to interpret all laws and make math calculations for projects being "exempt" for public review - even if those interpretations and calculations are patently incorrect - by relying for over 40 years on the framework of the US Supreme Court's *Chevron* decision giving them as government or contracted consultant "experts" full deference in any court challenge. But, *Chevron* was overturned on June 28, 2024 by *Loper Bright*. That long abuse of staff's discretionary authority has been allowed by many Los Altos City Councils declining to insist all State historic and all environmental laws are to be followed by City Staff, their consultants, and their outside experts such as general counsel.

Many regards,
Alice Mansell

Employed in downtown Los Altos since 1974 [sic]
Attorney for historic and land use laws since 1994
Los Altos Resident since 2021



[Commission Hillview Dog Park PPT 24.06.18 red...](#)



[EOC Approved Plan Set \(1\).pdf](#)



[LAYC Approved Plan set.pdf](#)