

Little League Ballpark: Historical Evaluation Due Process (ARB Criterion #4)

ARB 9/18/14 Presentation re: Little
League Ballpark Celltower Proposal at
3672 Middlefield Road, Palo Alto

Multimonth Ballpark historical research by team of founders, neighbors

- Palo Alto Historical Association historian Steve Staiger
- Cubberley historical files, old newspaper articles
- Founders' personal historic archives
- A dozen+ personal interviews with Ballpark founders' families, old coaches, players, community members over the course of many months

Little League Ballpark holds historic relevance locally, at state and perhaps federal level

- Appears to be the oldest privately owned dedicated Little League field in the nation created by one of the first two Little League organizations in California (separated with San Bernardino by a few months)
- Designed by Morgan Stedman (AIA fellowship status) in 1952 as exact replica of Stanford Sunken Diamond, down to the light falling on the first base line at the end of the day (tower would represent the ugly backdrop to this)...in what appears to be the first Little League sunken diamond design in the nation.
- Two story clubhouse unique to its era noted in Dames & Moore study in 1998 as being potentially eligible for California Register for its architecture and the same is noted in the property's GIS record and the County's parcel report system.
- Hall of Fame pro ballplayer Ty Cobb (recognized as one of greatest players of all time) was the Ballpark's first President and Commissioner at the opening event on June 29, 1952 and his children and grandchildren spoke and threw out the first ball at the 50th anniversary. Pop Warner (creator of children's Pop Warner football) was also in attendance at the auspicious event.

Multimonth Ballpark historical research process by founders, neighbors

- Founders of the property include Bill Alhouse (Palo Alto Tall Tree Honoree, American Baseball Coaches Hall of Fame, and National Little League Hall of Fame inductee), John Hurlbut, (Vice President of the NCAA and reknown Stanford Law professor), famed developer Joe Eichler, with even real estate mogul John Arrillaga Sr. supporting in later years
- Numerous pro baseball players and coaches learned baseball on this field as youth
- Today remains Northern California's flagship ballpark at which the regional championships are played every year
- The site has remained since its founding in continuous use as a ballpark for over 62 years and has maintained significant integrity
- Representative of post-war baseball popularity moving west
- Commemorative property which preceded and anchored Mitchell Park '56 and Library '58, Wilbur School (JLS) and Fairmeadow '53
- Its rich cultural landscape was the focal point for youth sport in the 50s and 60s in this area

City's Ballpark historic evaluation process

- Palo Alto has no remaining historical officers with the departure of Dennis Backlund. Amy French is currently de-facto Historic Officer for City of Palo Alto
- 8/20 At the request of HRB Boardmember and Steve Staiger, Founder team member emails Planning asking for the process and application form to submit to HRB
- 9/5 Founder's wife submitted request to the Historic Resources Board to sponsor and submit an application for the Ballpark to enter the Palo Alto Historic Inventory and is told that Planning defines the HRB agendas
- 9/6 Founder's wife submits to Planning request for application to be heard by HRB.
9/7 Neighbor discusses topic with Planning, with 10/1 as target hearing date.
- 9/15 Founder's wife emails again, this time copying Chair of HRB
- 9/15 Founder's wife hears back, saying that a full application is required to be submitted in a particular format.
- 9/16 Application is submitted and applicant is notified that by a few hours she missed the window to get a notification in the newspaper for 4 days later (tomorrow) and the first hearing of the application would no longer be 10/1. The application is currently scheduled for HRB hearing on 10/15.
- 16.49.040 in the City's Municipal Code #2: "In any case where an application for a planning or building permit affecting the exterior of a building is pending concurrently with a proposal for designation, the recommendation of the historic resources board shall be made within 20 days of receipt of the proposal."

Verizon's approach to Ballpark historic evaluation process

- At the request of Planning, Verizon hires a 2 year tenure historian from Arizona who conducts little to no primary research with founders and concludes on 7/9 that the property is not of National significance. 7/29 Files a 30 Day Request for Comments notice in the PA Daily Post
- Response from founder team on 8/26 identifies inadequacies of Verizon consultant's report. Receives no response, does not make it into ARB packet (see copies for ARB members)
- Verizon consultant subsequently amends report (no date noted) to say the property is not California level historical either
- Palo Alto Planning official states in 9/15 Daily Post that "the (ball) field has already been determined not to be a historic resource," which indeed seems premature
- Palo Alto Planning hires a consultant who determines that even if the property were historically relevant, it would have no impact on the cell tower application

Federal approach to historic evaluation process (which trumps all others)

- The State Historic Preservation Office governs a process called Section 106 in a Nationwide Programmatic Agreement with the FCC who issues the wireless licenses.
- Celltower applicants must abide by this process in the case of properties being eligible for national historic resource status
- SHPO received a Section 106 application from Verizon in 2009 which claimed that there was no historic relevance to the property. Despite the Dames & Moore study, in all prior applications Verizon used old (pre-Dames & Moore identification) GIS information in its applications
- This 106 letter is now 5 years old and outdated. Verizon, despite a number of re-proposals to the city, has never returned to SHPO to update this proposal, which causes SHPO concern
- SHPO consultation with both Verizon and “consulting parties” to Verizon’s 106 application is required: 1) to determine whether a property is potentially eligible for National Register (it is currently premature to make a determination) and 2) if there is an adverse affect. These decisions are exclusively the domain of SHPO in concert with the FCC.
- The FCC has been requested to re-open the case, given that the requisite process has not being followed by the applicant for the past 5 years, there is no current documentation from the applicant, and substantial documentation exists which indicates there have been factual gaps in the prior review and the property appears indeed to be historically eligible (ACHP and SHPO judgment)

Historic Process Relevance to the Celltower Proposal

- Determining historic eligibility is required to make ARB Finding #4
- An industrial tower may be fundamentally incompatible with the site's historic character
- If approved the construction of the tower could impair the Ballpark's ability to be formally recognized for California Register or National Register by virtue of
 - fundamentally altering the cultural landscape and view shed of the property
 - changing its exclusive 60 year use
 - diminishing the integrity of the visual element.
- Determination of this is one explicit purpose of an independent Section 106 Review by State Historic Preservation Officer and FCC
- So, rather than have Verizon preempt the City's Historic process with its hired external contractors, we should 1) follow our local process by having our own Historic Review Board assess the historic nature of the property concurrent with the ARB evaluation, with the ARB allowing the HRB to weigh in before making a recommendation to the Director of Planning, and 2) encourage the applicant to be compliant with the federal regulations and consult with SHPO

Summary- ARB Implications

- The onus is upon the ARB to follow due process with respect to finding #4. It is difficult to determine if an area's design is compatible with its historical character unless its historic character is first determined by the City, which has not been done. And there is ample evidence of information not previously considered and which needs to be.
- Determining the Ballpark's historic eligibility, at what level, and whether there is adverse effect with a celltower project is SHPO's responsibility in partnership with the FCC. The HRB concurrently determines local historical relevance.
- Verizon wants to push this through quickly perhaps before a new ARB or City Council is in place, in the name of expediting an application to fall within the federally mandated "shot clock" but we will not have its consultants determining our local cultural heritage
- Verizon is trying to do an end run around two processes: a local HRB process and a Federal process, both of which are being watched carefully
- I would request that Palo Alto follow its due process and would ask that the Architectural Review Board defer its recommendation until they hear from the HRB, requesting a continuance on this application until the HRB delivers its decision
- The Acting Historic Officer has the ability, as is done with construction projects, to deliver an HRB decision within a matter of weeks, and we should do that rather than let Verizon strong arm us and tell us what is culturally and historically relevant in our community and what is not
- Planning should outline for us the process for approval of this celltower application: does it plan to conduct the ARB and HRB proceedings concurrently? Does it plan to issue a CUP before the ARB and HRB weigh in?