



March 20, 2023

Amy French
Chief Planning Official
Planning and Development Services
City of Palo Alto

Dear Ms. French:

Thanks for the notice of the April 13th Study Session on the Memorial Flagpole.

Your letter indicates that details of the meeting's format will be included in the HRB packet. It states, however, that Stanford's representative "will provide a presentation" and that other parties "will be able to present".

It would appear that the property owner's role is primary, and that of all other parties, including Post 375, is secondary and accessory.

Post 375 maintains that any HRB study session must address both the property owner's enjoyment of its rights, and the property's historical integrity, a public good. This balance ought to be reflected in the presentation format, such that both the property owner and advocates for the public good enjoy equal standing.

To Post 375 it seems self-evident that a study session should include full presentations from both sides of an issue, but lest there be any doubt, we will expand upon the rationale in particular detail.

- The HRB's purpose is to promote the public good of historical integrity that dwells in private property.
- [27 University Avenue](#) features two separate historic structures, the Veterans Memorial Building and the [Memorial Flagpole](#). As both are [included on the VMB's](#)

[Historical Inventory Detail](#), both are afforded the HRB's Category 1, and [National Register of Historic Places](#)'s protections.

- The Memorial Flagpole was damaged around September 2020; the Study Session is its belated introduction to HRB proceedings.
- Stanford's office in both the Palo Alto [Historic Preservation Code](#) and the National Register is *Property Owner*.
 - The Palo Alto Historic Preservation Code makes no distinctions among classes of property owners.
 - E.g., The Code is blind to academic titles.
- The property owner's role in the session is to present the facts of the Memorial Flagpole's damage, and explain its subsequent treatment.
- What HRB must *study* is whether this treatment was in accordance with the Historic Preservation Code, and thus served the public good.
 - The property owner cannot evaluate its own Code accordance.
- The Study Session's presentations must therefore include advocates for the both the private property and the public good.
- Post 375 is supremely qualified to advocate for the Memorial Flagpole's historic integrity and public good.
 - [American Legion Palo Alto Post 375](#) is the sole surviving organization fulfilling the City of Palo Alto's to 1919 Community House dedication to public use. As such Post 375 is intrinsic to the property's historical integrity, as ours is its original, dedicatory and historic public use.
 - As the Memorial Flagpole commemorates Veterans, American Legion Post 375 regards its protection as central to its purpose.
- It was Post 375 who introduced the Memorial Flagpole issue to the HRB, and strongly advised Stanford to seek HRB oversight. Without Post 375's exertions, the Memorial Flagpole's dubitable treatment would remain the property owner's private affair.
 - The Study Session [was announced at the March 9th HRB](#), paraphrased as follows: "we have some interest from Stanford to come and talk about the flagpole and plaque at the Veterans building".
 - Post 375 first [inquired](#) to the HRB about the Memorial Flagpole's irregular treatment on March 18th, 2022. *A year ago*.
 - [Chair Willis replied](#) that the Memorial Flagpole's treatment was not in HRB's purview. Post 375 was undaunted.
 - The report we provided compiles Post 375's repeated communications with Stanford advising the Memorial Flagpole's treatment be brought to the HRB.
 - Stanford only contacted the HRB after Post 375 advised it would itself re-introduce the issue to the HRB.

If the upcoming HRB event is indeed a *study* session, it will review not only the bare facts of the Memorial Flagpole's damage and treatment, but assess these in relation to its historical integrity and public good. The property owner cannot address the public good, whereas Post 375 can. Moreover, that there is a Study Session at all owes entirely to Post 375's initiative. If this Study Session is to accomplish its objective of publicly settling this matter, Post 375's and the property owner's standing must be equal.

Sincerely,

William von Kaenel
Commander
American Legion Palo Alto Post 375