

# Garden Conservancy News

SAVING AND SHARING OUTSTANDING AMERICAN GARDENS

SEPTEMBER 2019



Andrew Galvan leads a "Prayer in Four Directions" during the Gardens at Palmdale dedication ceremony on May 10, 2019. PHOTO BY DAVID BALL.

## The Gardens at Palmdale: A Model for Preservation Partnerships

**A unique collaboration between a religious order, a real estate developer, and a nonprofit preservation organization (the Garden Conservancy) has ensured that the Gardens at Palmdale will continue to be open to the public and is preserved for future generations.**

The preservation of the Gardens at Palmdale in Fremont, CA, serves as an important model for communities across the country managing urban growth that threatens public green space such as parks, gardens, and historic landscapes. The Gardens at Palmdale collaboration brought together community stakeholders, government agencies, nonprofit organizations, and businesses—a full spectrum of community members—in an innovative partnership to preserve vital green space. Led by the Sisters of the Holy Family, the owners of the property since 1948, the team used creative land use planning and a garden conservation easement (a garden preservation tool pioneered by the Garden Conservancy) to preserve the Gardens at Palmdale. It is a story of commitment, partnership, and a vision for the future.

### A snapshot of history

The Gardens at Palmdale is nestled in the heart of Mission San Jose and in the shadow of Silicon Valley. Historical and cultural stories of the gardens represent a snapshot of California's rich and multi-faceted history, from the Ohlone era (pre-1700s), to the Mission days and agricultural development, to the recent growth and expansion of technology firms in Silicon Valley.

The former Palmdale Estates was a working garden during the Mission San Jose era and boasts a magnificent, 300-year-old Monterey cypress that dates back to the time of the original Californians: the indigenous Ohlone people. The five-acre naturalistic garden that we see today was laid out at the beginning of the last century and includes winding paths, creek-fed fountains, historic trees, and grottoes.

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## Partnership, Vision, Persistence

In late August, we signed the final documents creating a conservation easement to protect the Gardens at Palmdale in perpetuity, preserving a much-loved green oasis in the fast-developing city of Fremont, CA. The gardens provide a place for current and future community members to connect with nature, create an important and healthful refuge in our increasingly virtual world, and preserve elements of California's rich history dating back to the pre-Mission era. The Garden Conservancy is honored to be one of many partners collaborating to preserve this garden.

The importance of **partnership** in preserving gardens is a key lesson from the saga of what it took to preserve the Gardens at Palmdale. It was the unlikely collaboration of an order of Catholic nuns, a real estate developer, and a nonprofit preservation organization (the Garden Conservancy), all guided by legal counsel and buoyed by the support of city and state government officials and, especially, by members of an engaged and diverse local community.

Another lesson from the Gardens of Palmdale project is the importance of a clear **vision**. Without the Sisters of the Holy Family's admirable and longstanding commitment to the welfare of the community, in accordance with the principles of the Earth Charter (which the Sisters firmly embrace), and their dedication to preserving the gardens as an amenity for community members, this project would never have come to pass. Their philanthropic vision provided purpose and direction, galvanizing all the partners. In May, I attended the ceremony that celebrated the transfer of the gardens to a nonprofit organization, the Gardens at Palmdale, Inc., and the dedication of the gardens to open to the public. The energy generated from the Sisters' vision was palpable and contagious.

The Gardens of Palmdale project also highlights the importance of **persistence**. No preservation project is simple; no preservation project happens overnight. They are all complex undertakings, often taking many years to reach fruition, involving many parties and requiring the overcoming of many hurdles. Such projects demand creative thinking about the ongoing role and purpose of a garden in a community, about its maintenance and programming, about its financing and other support. It took the Sisters of the Holy Family

many years and patient determination to achieve their vision of preserving the gardens.

Likewise, everything the Garden Conservancy does requires partnership, vision, and persistence. Our Open Days program, for example, relies on a network of hundreds of dedicated volunteers across the country. We are especially grateful for our tireless regional ambassadors and generous garden hosts. We also work with many local organizations as well as individuals in planning Open Days. Orchestrating that network into a cohesive national program is no simple matter, but it's a rewarding one, central to our mission of celebrating and sharing gardens as an important cultural resource for all. The enthusiastic feedback from our Open Days partners and garden visitors keeps us energized.

Our other educational programs—the National Speaker Series, our new and very popular Garden Masters Series, Digging Deeper programs, other lectures and symposia—all become a reality thanks to our partnerships with many like-minded organizations. They demonstrate what can be accomplished by unleashing the “power of the many”; none of these programs would be possible working alone.

A clear vision is also an important key, for organizations as well as for projects. To that end, the Garden Conservancy has been undertaking a strategic planning process this year, building on the illustrious accomplishments of our first thirty years and framing a roadmap for the next five years. This fall, we will finalize our strategic goals for the organization and, in fact, have already started to implement them and to make our diverse programs to preserve, share, and celebrate America's gardens and gardening traditions even more effective in reaching the public.

With the partnership and support of our members and partner organizations, we are confident that we, like the Sisters of the Holy Family, can achieve many things that make a meaningful difference and enrich the lives of people in communities across America.

James Brayton Hall, *President and CEO*



James Hall addresses the gathering at the May 10th dedication of the Gardens at Palmdale

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—Sister Gladys Guenther, Sisters of the Holy Family

The garden, which has been designated a Historic American Landscape by the National Parks Service, has long been a vibrant resource for the local community, including artists and photographers, school groups, and local groups celebrating birthdays, graduations, and other occasions, and those doing meditation or tai chi. It’s a destination for gardening groups and history walks connected with Old Mission San Jose.

**Putting the pieces together**

Preserving the Gardens at Palmdale began with the Sisters of the Holy Family, who purchased Palmdale Estates, a fifteen-acre property, to serve as their convent and grounds in 1948.

The congregation, founded in 1872, is dedicated to serving families and children, and was an early pioneer of affordable child care for working families and has a long history of a strong commitment to ecological issues and to sustainability. Creating a preservation plan for this garden was a challenging and complicated process. For the past twelve years, Sister Gladys Guenther has spearheaded a project to create a long-term home for members of their dwindling population while preserving the historic core of the property as a garden accessible to all. She says, “For the Sisters, preserving the garden was always the priority...the solution came out of a collaborative, creative process that depended on good advice and knowledgeable partners. We set out to preserve the park and we have learned a lot on the journey.”

**“Long term, as the world becomes more urban and more complicated, there is value in providing meditative green spaces for people.”**

—Mark Robson, president, Robson Homes, San Jose, CA

In the face of rapid development taking place around the region, the Sisters conceived a multi-faceted plan for the property that would protect the garden. The plan provided the needed financial resources and stewardship for the garden, as well as housing for the Sisters and a residential development that also supported affordable housing. After nearly nine years of planning, and four years of intensive discussions with many parties, their plan is finally a reality.

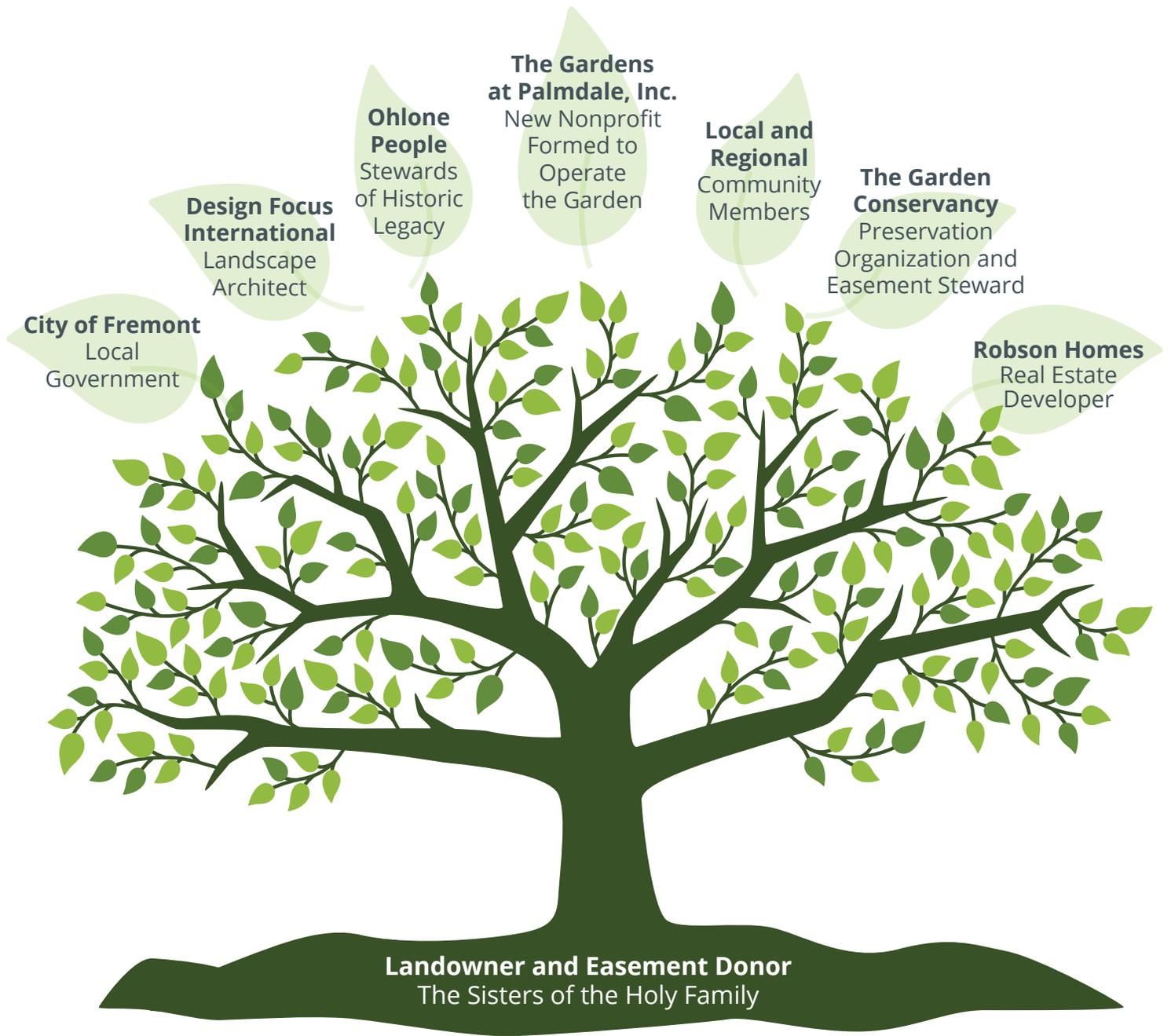
Because preserving the garden required providing for its future care and maintenance, the Sisters devised a plan to sell a portion of their 15-acre property to fund an endowment. They sought out a real estate partner who would be able to manage what they knew would be a complicated project. In 2010, they found Mark Robson, who understood their vision and had a track record of successful development projects in Fremont. A professional home-builder with experience in anticipating neighbors’ concerns and managing the city’s permitting process, he made a valuable partner. Robson says that what originally attracted him to the project were “the gardens themselves, and the historic structures which made it a very special property.” In California, where change is ubiquitous, it is indeed remarkable that the configuration of property had remained largely unchanged since the era of wine maker Juan Gallegos in the late nineteenth century.

The partners put together a plan that laid out how different parts of the 15-acre property would be used. One portion would be developed as residential housing, another portion as residences for the Sisters, and the historic core was designated as passive open space, to be protected by a perpetual conservation easement. Together, they decided that the two historic homes adjacent to the garden, the Best and Starr houses (circa mid-1920s), would also be preserved and renovated for modern residential use. Once approved by the City of Fremont, part of the revenue from the sale of the 79 new residential units would be used to create an endowment for the future maintenance of the garden.



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Sister Caritas Foster, Sisters of the Holy Family; Yin T. Ho, Withers Bergman LLP; Sister Gladys Guenther, Sisters of the Holy Family; and Darren Holland, Robson Homes



## It takes more than a village: The partnership to preserve the Gardens at Palmdale

Preserving the garden as publicly accessible open space by means of a conservation easement was a critical part of receiving the city's approvals. This meant that the Sisters and Robson needed another partner—an organization that would hold the easement that would preserve the garden in perpetuity. As it turned out, this was not an easy sell. Sister Gladys remembers that it became clear that most of the agencies and organizations they approached were accustomed to holding easements for landscapes that required only minimal maintenance.

When the Sisters approached the Garden Conservancy about accepting a conservation easement on their garden, research confirmed that the Gardens at Palmdale, with its long and rich history, represents a real public benefit to the Fremont area. The Gardens at Palmdale property is one of the last remaining fragments of the famous Mission San Jose land grant, established by Spain during the late eighteenth century. In addition, the garden includes more than 250 mature and historic trees. The garden includes two fountains fed by water flowing down from Mission Creek.

**“A conservation easement is the best tool we have by which to ensure the survival of gardens or other designed landscapes. Through this important form of legal protection the Conservancy is helping to establish best preservation practices.”**

—James Brayton Hall, president of the Garden Conservancy

**“I sit on a bench and just enjoy being there. I see the same trees, hear the same woodpeckers and other wildlife that I have enjoyed all my life, and I have moments of serene reflection, remembrances. Preservation of the garden preserves the historic connection to the land for future generations.”**

—Andrew Galvan, member of the local Ohlone community



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The Design Focus International landscape design team: William Henry Helbush, Rebecca Dye, and Katie Herman

The Garden Conservancy accepted the conservation easement on the Gardens at Palmdale because of the garden’s many important physical and cultural attributes, and because there was a sustainable plan for the garden’s future maintenance, thanks to the Sisters’ meticulous foresight. By accepting the easement, the Garden Conservancy takes responsibility for regularly monitoring the condition of the property and ensuring that the conditions of the conservation easement are met, and that its conservation values (natural, ecological, horticultural, historic, and scenic) and physical characteristics are protected. The Conservancy is also responsible for providing advice on how the garden and the landscape are managed over time.

Garden Conservancy president James Hall observes that the Garden Conservancy is one of only a few organizations that accepts easements on gardens. “A conservation easement is still the best tool we have by which to ensure the survival of gardens or other designed landscapes,” he says. “By the use of this important form of legal protection the Conservancy is helping to establish best preservation practices.”

The Garden Conservancy pioneered the use of conservation easements to preserve significant American gardens. In 1992, the Garden Conservancy was granted a conservation easement—the first easement to protect a private garden—on the Ruth Bancroft Garden in Walnut Creek, CA. The conservation easement on the Gardens at Palmdale is one of seven that the Garden Conservancy holds and monitors.

The Gardens at Palmdale, Inc. (GAP) was created to own and operate the garden. GAP’s mission is to preserve and maintain the land as open space in perpetuity; to ensure its ecological and natural environment; to provide an oasis of natural beauty; and to adhere to the principles of the Earth Charter in “a new reverence and celebration of life.” GAP’s board of directors will oversee the day-to-day needs of the garden, which will be open to the public during daylight hours. The Garden Conservancy will monitor and provide guidance on decisions that affect the landscape.

## Clearing the hurdles

There were a number of requirements to be met before the project received the necessary approvals from the City of Fremont. Fremont, the fourth largest city in the San Francisco Bay area, has seen considerable growth and demographic shifts over the past few years. Like many communities in the region, Fremont has developed regulations to protect its natural and cultural resources. Because the Palmdale property lies in the Mission San Jose Historical Overlay and is in the City of Fremont’s Register of Historic Resources, an archeological survey, historic landscape report for the California Department of Parks and Recreation, historical



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Raj Salwan, vice-mayor, and Lily Mei, mayor of the City of Fremont

**“The Garden Conservancy is helping to preserve over 300 years of old heritage and roots of history planted and cared for by the early Franciscan missionaries.”**

—Lily Mei, mayor of Fremont, CA



COURTESY OF ROBSON HOMES

resource review, environmental impact report, as well as design approval for the buildings by the city's architectural review board were required for the project.

When Robson Homes undertook the initial construction phase of the project in 2015, it was clear that special attention would need to be paid to integrating a modern real estate subdivision with the property's historic core.

The construction, demolition, and utility installation was carefully planned so that there were no negative impacts on the Sisters who were still living on the property. Robson's architect, Robert Hidey, and landscape architecture firm Design Focus International, created an aesthetic that blends the old with the new. Hidey used a thoughtful mix of styles and materials. Rebecca Dye, a principal of Design Focus International, designed organic shapes and chose a plant palette in keeping with the historic period of the garden to make the landscape harmonious and authentic. Agapanthus hedges, *Kerria japonica*, spirea, roses, and *Magnolia soulangiana* create a transition from the garden and traditional Tudor-style homes of the historic core to the newly constructed homes.

Sister Gladys was "exhilarated" when the project received approval and entitlement at the City Council meeting. In 2018, the Sisters were able to move into their new quarters. Many of them now take the "lemon walk" path to the garden for a daily stroll.

### Looking ahead

On May 10, 2019, a dedication ceremony was held to inaugurate the opening of the garden to the public. All of the partners that were instrumental in bringing the Sisters' vision to fruition were present, including Robson Homes, Withers Bergman (the Sisters' legal team), and the Garden Conservancy, as well as representatives from the City of Fremont and California state government, and local community members such as Andrew Galvan, who led a "Prayer in the Four Directions" at the garden's peace pole. It was a proud and emotional moment for all who had invested in preserving the future of the garden.

"On behalf of the Fremont City Council, I am delighted that the Garden Conservancy will be assisting as caretakers for generations to come of future residents that visit and admire the Mission District's oldest living things, its beautiful trees and ornamental horticulture, within the Gardens at Palmdale," says Fremont Mayor Lily Mei. "The Garden Conservancy's service will help preserve over 300 years of heritage and roots of history planted and cared for by the early Franciscan missionaries."

"The next chapter for the organization is about building positive relationships with stakeholders and the community, and building strong norms and traditions for preservation and stewardship," says Michael Massey, new president of the Gardens at Palmdale. "It's been a long road getting to the starting line, but now that we are here, it's important to respect the efforts of so many people leading up to this point. To me, the best way to respect all of their hard work is by doing a good job moving forward."



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Michael Massey, president, The Gardens at Palmdale, Inc.

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### How does a conservation easement preserve gardens?

Over the last few decades, nonprofit organizations, government agencies, and private individuals have used conservation easements to protect millions of acres of land. These properties may be scenic, contain significant habitats, or may have historic or cultural significance, like the Gardens at Palmdale.

- A conservation easement is a legal agreement between a landowner and a conservation organization or government agency. It permanently restricts a property's uses and prohibits certain activities in order to protect its conservation values in perpetuity.
- Current and all subsequent owners are prohibited from activities that might harm specific features and character-defining aspects of the property, such as putting up new buildings in the garden, removing trees, paving over landscaped areas, or exploiting the site's natural resources.
- Typically, conservation easements on gardens also include language that obligates the landowner to affirmatively maintain the property.