



City of Los Altos
1 North San Antonio Road
Los Altos, CA 94022

APPEAL APPLICATION

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FEB 14 2025

City of Los Altos

Type of Appeal:

- Appeal of Administrative Decision
Appeal of Zoning Administrator Decision
[X] Appeal of Planning Commission Decision Historical Commission Decision

Project Information: (about the project for which the appeal is being submitted):

Decision/Meeting Date: February 6, 2025
Planning Division File #: Historical Commission File #HR24-0003
Property Address: 13 South San Antonio Road

Appellant Contact Information:

Name: Preservation Action League Los Altos, Alice Mansell
Mailing Address: 171 Main Street, #142
Email Address: Pallalosalto@gmail.com
Phone Number: (650)766-2564

Appellant Signature: [Signature] Date: February 14, 2025

Submittal Requirements: The following shall accompany the appeal application:

- 1. Letter of Appeal: Written letter stating the grounds for the appeal.
2. Application Fee: Current appeal fee as listed on the City's current adopted fee schedule.

Appeal Instructions:

- 1. Submit a completed appeal application form, letter of appeal, and application fee to the City Clerk.
2. The appeal may be filed with the City Clerk at City Hall during normal business hours.
3. The appeal must be filed within the appeal time frame specified in the Los Altos Municipal Code.
4. Any decision rendered under regulations contained within Title 14 of the Los Altos Municipal Code may be appealed.
5. The date of the appeal hearing will be determined after submittal of the appeal.

Attachments: Letter of Appeal, Rachel Mansfield Howlett Letter, Copy of Draft Resolution

Letter of Appeal

February 14, 2025

Preservation Action League Los Altos
PALLA
171 Main Street, #142
Los Altos, CA 94022

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RE: Appeal of the Historical Commission's actions to adopt a Historical Alteration Permit HR24-0003 and Categorical Exemption on February 6, 2025 to the City Council

Los Altos City Clerk:

The community group Preservation Action League Los Altos, PALLA, is appealing the Historical Alteration Permit, its findings, and conditions of approval, along with the categorical exemption and its findings, adopted by the Historical Commission at a Joint Meeting of the Planning Commission and the Historical Commission on Thursday, February 6, 2025, to the City Council.

The reasons for PALLA's appeal include, but are not limited to the following:

The environmental analysis underlying the Historical Alteration Permit and the Design Review Permit is inadequate and incomplete and cannot serve as a basis for approving permit. The project does not qualify for a CEQA categorical exemption due to historic and cumulative impacts and the project improperly proposes mitigation measures, disallowed in categorical exemption situations. The characterization of the setting of the environmental analysis is inaccurate and misleading.

A new project site plan was submitted and presented at the start of the Public Hearing that had not been made available to the public.

Please see the attached letter from the Law Offices of Rachel Mansfield Howlett submitted for the joint hearing that details further cause for appeal.

Neither the final resolution nor the revised site plan was available at the time of this filing. The draft resolution is attached.

Law Office of Rachel Mansfield-Howlett
Rhowlettlaw@gmail.com
707-291-6585

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City of Los Altos
Planning Commission
Historical Commission

Sent via email:

PublicComment@losaltosca.gov;
HCPublicComment@losaltosca.gov;
PCPublicComment@losaltosca.gov;
Council@losaltosca.gov

February 5, 2025

Re: Request for Historic Alteration Permit, Design Review, and Categorical Exemption for the Library Courtyard Project at 13 South Antonio Road

Dear Senior Planner Sean Gallegos and members of the Los Altos Planning Commission and Historical Commission:

I'm writing to you on behalf of Catherine Nunes and the unincorporated association, Preservation Action League of Los Altos (PALLA) regarding the Library Courtyard project's request for a Historic Alteration permit, Design Review approval and a Categorical Exemption that will be considered at the upcoming joint Planning Commission and Historical Commission hearing.

The proposed Library Courtyard project involves constructing a new courtyard north of the Los Altos Public Library, a portion of which overlaps the defined Historic Orchard boundaries. The project also proposes the permanent removal of seven planting sites from the Historic Orchard but summarily concludes that the loss "does not affect the orchard's historic significance or integrity." (Page 6, Agenda Report for the Feb. 6, 2025, joint Planning Commission/Historical Commission hearing.) The removal of seven planting sites cannot be dismissed so easily for the following reasons.

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February 5, 2025 Letter to Los Altos Planning Commission and Historic Commission re Library Courtyard Project

As a preliminary matter, prior to consideration of the issuance of a Historic Alteration Permit, the adequacy of the updated DPR for an established historic resource must first be determined by the Historic Commission and the City Council prior to the consideration of any further development or alteration of the historic site that relies on the updated DPR.

The new historic study prepared by Treanor confirms the importance of the historic Orchard and states that the resource also retains its historic integrity, therefore, any alteration to the historic resource via changes made to the DPR or the Library Courtyard Project that may result in direct or cumulatively significant historic impacts must be independently scrutinized by the Historic Commission and the Council and be accompanied by CEQA review.

A “project” under CEQA is any activity by a public agency that may cause either a direct or indirect change to the environment. (Pub. Res. Code 21065.) Here, any proposed change to the DPR that may result in a change to the boundaries of the historic site or development that is permitted on the historic site is subject to CEQA.

Regarding approval of the proposed Categorical Exemption for the Library Courtyard project, CEQA disallows adoption of mitigation measures along with a categorical exemption. Here, the City is proposing the adoption of numerous conditions of approval that act as mitigation measures regarding, bird nesting, tree preservation, and numerous others. (Agenda Report pgs. 4-8.) An agency may not evade CEQA by adopting mitigation measures simply to qualify a project for a categorical exemption. (*Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1102 (*Salmon Protection*)). In *Salmon Protection*, a county acknowledged a residential construction project may have potential adverse impacts on adjacent stream habitat. It then adopted numerous conditions expressly to mitigate the impacts and thereby qualify the project for a categorical exemption. (*Id.* at p. 1104.) The court of appeal pointed out that mitigation measures, under CEQA, are only proper at later stages of the process, which the county evaded by prematurely adopting mitigation measures. (*Id.* at pp. 1107-1108; see also *Azusa, supra*, 52 Cal.App.4th at pp. 1200-1202.)

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Categorical Exemptions also do not apply when the cumulative impact of successive projects of the same type in the same place over time may be significant. (CEQA Guidelines §15300.2(b).) Here, the City has been approving projects and other activities that entail the removal of apricot trees and permanent removal of planting sites in the historic Orchard without environmental review. All projects that propose the removal of historic Orchard land and Apricot trees must be considered in a cumulative impacts analysis. This includes review of the updated DPR and the Library Courtyard project.

The Agenda Report mischaracterizes the seven planting sites proposed for permanent removal within the Historic Orchard as bare ground and fails to reflect the nature of the site as agricultural or historic. The site's agricultural use is well documented and cannot be characterized as bare ground. The Orchard and planting sites contribute to the context of the Gilbert Smith House and the Los Altos History House Museum as shown below.

The City's 2023 Maintenance agreement with the Los Altos Historical Museum for the operation of the Los Altos Heritage Orchard establishes that the Orchard contributes to the context of J. Gilbert Smith House/Los Altos History House Museum. It further states that "by means of public/private funding supporting contractual agreements, LAHM proposes to provide oversight services to the CITY with the goal of *maintaining, restoring and renovating the Heritage Orchard in a manner that provides an appealing working landscape facilitating a sense of place and civic pride in connecting the downtown, the Civic Center and the Community Center.*" The proposed removal of the planting sites cannot be characterized as bare ground and their removal triggers CEQA.

The City must prepare an EIR for the Library Courtyard project prior to adopting mitigation measures. An EIR must also be prepared because the project may result in cumulatively significant impacts regarding the permanent removal of historic Orchard land, together with other past, present, and future projects, via the removal of Orchard trees or planting sites that have the capacity to be restored or renovated.

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Thank you,



Rachel Mansfield-Howlett

On behalf of Catherine Nunes and PALLA

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February 5, 2025 Letter to Los Altos Planning Commission and Historic Commission re
Library Courtyard Project

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Item 2.

RESOLUTION NO. HC 2025-XX **City of Los Altos****A RESOLUTION OF THE HISTORICAL COMMISSION OF THE CITY OF LOS ALTOS APPROVING A HISTORICAL ALTERATION PERMIT FOR A NEW LIBRARY COURTYARD AT 13 SOUTH SAN ANTONIO ROAD**

WHEREAS, the applicant, SSA Landscape Architects, submitted an application for an Historical Alteration Permit (H24-0003) for an outdoor courtyard at 13 South San Antonio Road (Los Altos Library), referred to herein as the "Project"; and

WHEREAS, said Project is located in the PCF Zoning District, which allows all uses of facilities owned, leased, or operated by the City and the County; and

WHEREAS, said Project was processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

WHEREAS, the proposed Project complies with the Secretary of the Interior's Standards for Rehabilitation by preserving the historic orchard's defining characteristics, including its layout, species composition, and spatial organization, while the Project not compromise its integrity. The work avoids adverse impacts to character-defining features and maintains compatibility with the orchard's historic scale and function. The project ensures the orchard's long-term preservation and significance as a cultural resource, with no significant adverse impacts to historic resources; and

WHEREAS, the Historical Commission held a duly noticed public hearing to consider the Project on February 6, 2025 and considered the written record and all public comment and approved the Historical Alteration Permit subject to the recommended findings and conditions of approval; and

WHEREAS, all the requirements of the Public Resources Code, the State CEQA Guidelines, and the regulations and policies of the City of Los Altos have been satisfied or complied with by the City in connection with the Project; and

WHEREAS, the findings and conclusions made by the Historical Commission in this Resolution are based upon the oral and written evidence presented as well as the entirety of the administrative record for the proposed Project, which is incorporated herein by this reference. The findings are not based solely on the information provided in this Resolution; and

WHEREAS, approval of the Project would be categorically exempt from environmental review under Section 15301 ("Existing Facilities") and Section 15303 ("New Construction and Conversion of Small Structures") because it includes a minor alteration of an existing public facility consisting of the replacement of an existing patio with a new courtyard and the construction of an accessory courtyard for the existing Los Altos Library. Additionally, none of the circumstances under CEQA Guidelines Section 15300.2 apply.

NOW, THEREFORE, BE IT RESOLVED, that the Historical Commission of the City of Los Altos hereby approves Historical Alteration Permit No. H24-0003 for an outdoor courtyard at the Los Altos Library, based on the following findings attached hereto as (Exhibit A) and conditions of approval attached hereto as (Exhibit B) and incorporated by this reference.