
Public Comment PC/HC 2/6/25 meeting Agenda item #2

From Alice Mansell <alice@mansell.com>

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To Public Comment - HC <HCpubliccomment@losaltosca.gov>; Public Comment - PC <PCpubliccomment@losaltosca.gov>

The Big Picture on the Library Courtyard

For the joint commissions' agenda item to discuss and decide a request by an architect hired by Los Altos Library Endowment and/or City Hall for a building permit on public lands

How did the City of Los Altos get to this evening when a private citizen can request a building permit for a project on public lands? How can it be only today that the first public historic review is done for any project impacting our historic orchard since 2011? This is a saga of long years of closed door "interesting" land use decisions at City Hall.

The City's Planning Administrator told me in mid-June 2024 his "expert" opinion that more than one new over 5' tall fence for the LAYC remodeling work encroaching into the orchard which started by May 2024 is "flat work." His opinion to permit that construction with no public review was then allowed thanks to the 1984 US Supreme Court's *Chevron* decision giving him for his entire professional life and all other City Hall employees and their paid hired-gun "experts" 100% discretion to interpret any laws which they could unilaterally declare to be "vague." Therefore, saying "2+2=5" was legally fine in that Orwellian scheme. A scheme which allowed government employees, their paid experts, and political bosses' biases to flourish for 40 years. A cozy bureaucratic system of plopping down ever thicker piles of paid "expert" reports which all say, "The Public Must Trust Us the Experts!" with no fear by any USA city hall - with the immense power of the taxpayers' purse - of losing any legal or evidentiary battle in any court of law or grand jury by anyone who objects to their "expert" opinions or decisions. He also told me the new construction plans to remodel LAYC and its nearby orchard lands were all "copyrighted" and thus neither I nor anyone else in the public including any City commissioners had any legal right to see those plans. I put on my attorney-at-law hat and got copies of the plans the next month after filing a Public Records request.

But, one week later in late-June 2024 the *Chevron* case was overturned by the *Loper Bright* decision ending our courts' 40 years of automatic court deference for any government-deemed experts' opinions. For example in the old days, City Hall by finagling a project's square footage calculation could have zero public review of the now under construction LAYC's gutting and expansion plans to create new private staff offices which have caused the removal of more than a dozen apricot trees and tree sites, and will impact even more trees sites by paving over many tree root areas. The same lack of any public notice or review for the new concrete bunker housing an EOC generator and fuel tank with a drainfield plopped down next to the Hillview grass sports field. There was also zero meaningful public input for a Civic Center zoning change giving the latest City Manager more discretionary control of all Civic Center lands to be able to do the LACY and EOC projects with zero public input.

For example, to avoid a CEQA and thus also a historic public review of the EOC generator project, a City Hall planning or management staffer and self-declared "tree expert" declared a wind damage "emergency" to remove with no public notice 2 heritage oak trees already noted on the City's real professional tree expert's report years beforehand stating some routine oak tree care needed be done but never was done. Guess who wanted those trees dead and gone by when? Due to the City's past gross negligence of care of those old oaks, our leaders at City Hall removed them quietly from the City's historic resources inventory, enacted a 2024 change in the City tree ordinance, and staff removed those oaks by "emergency" and did not replace them, despite their being on a then publically-undisclosed set of EOC generator building plans. The old oak trees were miraculously removed just in time for staff to pencil-whip a CEQA exemption stating "no trees" need be removed for that project. Thus, City "experts" avoided any risk of a public planning, CEQA, or historical review for the \$800k EOC project. An "expert" tap dance of paper shuffling behind closed doors to avoid a CEQA/Historical and land use change public review process. Hilarious to compare the wind emergency date with the draft and final EOC plans' dates. At least the permitted plans memorialize the oaks' exact locations and trunk circumferences.

This #2 agenda item's packet is a case study in the *Chevron* decision's "Trust the Experts" 40 year long mantra for which City Hall's paid staff was educated for and worked under which requires the public and our Planning and Historical Commissioners to turn off our brains and not use our eyes to see that City Hall "experts" have been destroying our orchard one tree at a time for decades and in the last 2 years at an alarming escalating pace. To be mere rubber stamps and do as the one-sided paid "experts" tell us to do.

About half of our Civic Center's historic orchard has been lost just in the last 7 years. Tonight, we will likely see Ashe and Milgram human subject experiments which proved 50+ years ago at Yale and Swarthmore that 60%+ of all people will go along with ****any**** self-proclaimed "expert" opinions or peer pressure ideas even if based on complete nonsense facts like insisting the LALE courtyard only needs 3 trees removed while the paid "experts" ignore the fact the City deliberately allowed the loss since October 2023 and the impact on way more than the dozen tree sites mentioned in the expert's report for the LALE plans while ignoring the legal requirement for the City's hired gun historian "experts" and all you commissioners to review the cumulative impacts of all the Historic Resource losses in each new project request by taking into account in your deliberations tonight the impacts of all past trees and tree sites removals projects. 2+2 does not equal 5 anymore thanks to *Loper Bright*.

For starters, in just the past 2 years the City has allowed by neglect or closed-door pocket-plans at least a third of the orchard to be destroyed or lands set-aside for future undisclosed plans with no historic review of any kind until tonight and then only asking you to think about 3 trees removed and maybe a dozen more impacted. Just another bunch of drops in the bucket of orchard trees and tree sites lost just since 2018.

Does anyone have a map showing and counting ***all*** the orchard trees and tree sites lost just in the past 10 or so years during which the City staff built its fenced private patio and the public bricked pad and picnic table with a new ornamental flower border, allowed the Friends of the Library to put "temporary" storage sheds on top of orchard roots and planting sites, and cleared away ever more trees, tree sites and roots for more underground utilities and new handicapped parking spaces in LAYC and EOC contract "add-ons" to their construction plans together now costing about \$7M with no public land use changes nor designs having any public review at any time. A curious map omission in your agenda packet!

How many City Planning; Historic; Parks, Rec, Arts & Culture; and Library commissioners or Los Altos History Museum and Friends of the Library board members have walked the entire orchard historic resource to see all the ongoing construction work done and notice all the other recent land use changes? Or had adequate time to read tonight's agenda packet of "expert" paperwork?

I urge the PC and HC commissioners to reject the library courtyard project's permit request until each one of you has had at least inspected the entire historic orchard resource. Please include a visit to the Police Department's backyard orchard cleared of all trees in 2024 before 9am the morning after an appeal was denied by City Council by appellants trying to stop that tree removal with no replacement tree plan and asking for an Historic Commission review of the City and orchard contractor Museum's desire to remove forever those orchard trees to make room for a "future" police department expansion and more utility lines and decline to deal with a local endemic pathogens nor provide any irrigation. City Hall ordered the use of quiet electric chain saws right after City Council denied the appeal. Funny, that super special break-of-dawn tree removal work order prevented any court injunction paperwork to be filed at a court of law but not other County and State legal and administrative appeal procedures which are ongoing.

Let's start at Step 1 tonight with public input on the new "expert" reports agendized at a future Historic Commission where we can have the first meaningful "battle of experts" from both the paid City and LALE ones to those from the public with reasonable time to get their expert reports and public comments. Step 2 if this courtyard project continues can be for public input at the Library Commission. Then, Step 3 at the Planning Commission.