



CITY OF LOS ALTOS
GENERAL APPLICATION

CITY OF LOS ALTOS
PLANNING

Type of Review Requested: (Check all boxes that apply)

Permit # 18-5-07
18-UP-10

<input type="checkbox"/> One-Story Design Review	<input type="checkbox"/> Commercial/Multi-Family	<input type="checkbox"/> Environmental Review
<input type="checkbox"/> Two-Story Design Review	<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Rezoning
<input type="checkbox"/> Variance	<input type="checkbox"/> Use Permit	<input type="checkbox"/> R1-S Overlay
<input type="checkbox"/> Lot Line Adjustment	<input type="checkbox"/> Tenant Improvement	<input type="checkbox"/> General Plan/Code Amendment
<input type="checkbox"/> Tentative Map/Division of Land	<input type="checkbox"/> Sidewalk Display Permit	<input checked="" type="checkbox"/> Appeal
<input type="checkbox"/> Historical Review	<input type="checkbox"/> Preliminary Project Review	<input type="checkbox"/> Other:

Project Address/Location: 40 Main Street

Project Proposal/Use: Office/Residential Current Use of Property: Office

Assessor Parcel Number(s): 167-38-032 Site Area: 6,995

New Sq. Ft.: 29,566 SF Altered/Rebuilt Sq. Ft.: 0 Existing Sq. Ft. to Remain: 0

Total Existing Sq. Ft.: 2,127 Total Proposed Sq. Ft. (including basement): 42,418 SF

Is the site fully accessible for City Staff inspection? Yes

Applicant's Name: 40 Main Street OFFICES LLC

Telephone No.: 650.949.4900 Email Address: Ted@Gunnmanagement.com

Mailing Address: 40 Main Street

City/State/Zip Code: Los Altos, CA. 94022

Property Owner's Name: 40 Main Street OFFICES LLC

Telephone No.: 650.949.4900 Email Address: Ted@Gunnmanagement.com

Mailing Address: 40 Main Street

City/State/Zip Code: Los Altos, CA. 94022

Architect/Designer's Name: William J. Meston Architect & Assoc.

Telephone No.: 650.968.7900 Email Address: billm@mestonarchitect.com

Mailing Address: 384 Castro Street

City/State/Zip Code: Mountain View, CA. 94041

* If your project includes complete or partial demolition of an existing residence or commercial building, a demolition permit must be issued and finalized prior to obtaining your building permit. Please contact the Building Division for a demolition package. *

(continued on back)

Holland & Knight

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February 21, 2019



Jon Biggs
Community Development Director
City of Los Altos
One North San Antonio Road
Los Altos, California 94022

Jon Maginot
Deputy City Manager/City Clerk
City of Los Altos
One North San Antonio Road
Los Altos, California 94022

Re: Appeal regarding 40 Main Street, Applications 18-D-07 and 18-UP-10

Dear Mr. Biggs and Mr. Maginot:

We are in receipt of Mr. Biggs' February 21, 2019 letter contending that the City of Los Altos has an established appeal procedure that applies to the above-referenced ministerial project. It does not appear to us that the City's appeal procedures apply to this project. *See* City of Los Altos Municipal Code § 1.12.020 (providing that there is no right to appeal to the City Council for ministerial acts). Indeed, such a requirement would defeat the purpose of the staff-level ministerial approval process provided for by Senate Bill 35 ("SB 35"), by subjecting SB 35 applications to review by a city's discretionary decision-making body.

However, for the purpose of avoiding dispute, we hereby submit the accompanying appeal form and will tender the appeal fee.

For the reasons set forth in our January and February letters (on file with the City and re-submitted with the accompanying appeal), the City's decision to deny the SB 35 permit was unlawful.

Sincerely,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "Daniel R. Golub", written over a horizontal line.

By: Daniel R. Golub