

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

Permit # 18 -07

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

Project Address/Location: 40 Moin STreet
Project Proposal/Use: OF F. Ce / Residental Current Use of Property: OFF. Ce
Assessor Parcel Number(s): 167-38-032 Site Area: 6,995
New Sq. Ft.: 29,566 SF Altered/Rebuilt Sq. Ft.: ( Existing Sq. Ft. to Remain: O
Total Existing Sq. Ft.: 2, 127 Total Proposed Sq. Ft. (including basement): 42,418 5 F
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: Fed & Gannmanagement. Com
Mailing Address: 40 Main Street  City/State/Zip Code: 605 A 1+05, CA. 94022
Property Owner's Name: 40 Main STreet OFFices LLC
Telephone No.: 650.949.4900 Email Address: 700 GUIN Management, com
Mailing Address: 40 Main STreet
City/State/Zip Code: Los A 1705, CA. 94072
Architect/Designer's Name: William J. Maston Architect & Assoc.
Telephone No.: 650.968.7900 Email Address: 6:11 M@ Mostonarch tect. Com
Mailing Address: 384 Castro Street

(continued on back)

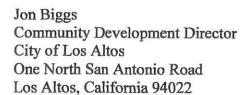
<sup>\*</sup> If your project includes complete or partial demolition of an existing residence or commercial building, a demolition permit must be issued and finaled prior to obtaining your building permit. Please contact the Building Division for a demolition package. \*

## Holland & Knight

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February 21, 2019



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 resubmitted with the accompanying appeal), the City's decision to deny the SB 35 permit was unlawful.

Sincerely,

**HOLLAND & KNIGHT LLP** 

By: Daniel R. Golub