

DATE: 11/28/23

TO: COUNCILMEMBERS

FROM: CITY MANAGER'S OFFICE

SUBJECT: COUNCIL Q&A FOR NOVEMBER 28, 2023 CITY COUNCIL REGULAR MEETING

Agenda Item 2 (41 Hawthorne Ave.):

- According to the Evans & De Shazo report (the “Evans Report”), since 2000 the property has been modified as follows:
 - Removed one layer of shake roof;
 - Added Celotex to the roof;
 - Added one half-foot of plywood to the 1926 house;
 - Added one half-foot of plywood to the 1950 garage;
 - Added a second-floor bathroom;
 - Added a furnace to the attic;
 - Replaced the existing pipes in the house with copper pipes;
 - Replaced the water heater; and
 - installed an electronic pump and panels

Despite all of the above, Evans Report concludes that the property is historic – solely because it meets the third CRHR criteria (construction / architecture). Had the property been considered historic in 2000, would the property owners have been able to make all of the changes described above?

Answer: In 2000, had the project been recognized as historic, the city might have approved Celotex for the roof if it met the Secretary of the Interior's Standards for Rehabilitation in design, color, and texture, which Celotex seems to meet. However, plywood usage likely wouldn't have been approved due to its inconsistency with the original materials' visual qualities. Despite this, the historian noted that these modifications didn't compromise the building's overall architectural integrity, as they didn't affect its key character defining features of the house.

The Historic Preservation Ordinance focuses only on exterior changes. Interior modifications, such as bathroom remodeling, furnace installation, pipe and water heater replacement, don't impact the building's fundamental architectural character or its style-defining features, and therefore would typically be permitted.

- On page 48 of the Evans Report, the expert concludes that “[a]lthough the house had an extensive rear addition in 1976, the addition is not visible from the public right-of-way. . . .” What statutory or regulatory authority supports the conclusion that an extensive addition does not affect the historic value of a property simply because it is not visible from the public right away?

Answer: As a Certified Local Government, the City of Los Altos adheres to the Secretary of the Interior's Standards for Rehabilitation. These Standards guide the city's approval of additions

to historic properties, balancing the need for modern functionality with the preservation of historical character. The proposed rear addition aligns with these principles by minimizing visual impact, preserving the original layout and character, and ensuring compatibility and reversibility. This approach allows for necessary modernization and use while protecting the elements that contribute to the building's historical significance. Therefore, the proposed addition along the rear of the house would be consistent with the Secretary of the Interior's Standards for Rehabilitation, which the City of Los Altos follows due to being a Certified Local Government participating agency.

Agenda Item 3 (Addendum No. 12 to RWQCP Basic Agreement):

- How will the proposed amendment affect our budget?
Answer: The City of Los Altos' share for addendum no. 12 will be paid out of the approved sewer administration operating budget over the next two to three years.

Agenda Item 5 (Tree Protection Ordinance):

- § 11.08.020: How will the Development Services Department determine what is a "native species?" Is there a draft list? What are the criteria?
Answer: The list will be established based upon the information published by the Department of Fish and Wildlife.
- § 11.08.050: Sections A and B should both include the maximum circumference of a tree to be removed. (Circumference is easier to measure than diameter).
Answer: That is consistent with the majority of jurisdictions with Tree Protection regulations, is in opposition of what was advised by the independent Consulting Arborist and the recommendation of the Environmental Commission.
- § 11.08.120.C.: What is the typical cost to hire a certified arborist? Is it reasonable to expect a property owner to be able to find and hire a certified arborist? What alternatives are there for a property owner of moderate means?
Answer: Cost varies significantly depending on the company, and quickness of the need of the property owner. It was determined to be appropriate and necessary based on what other jurisdictions require and the recommendation of the Environmental Commission.
- § 10.08.130: What is an "interested party?"
Answer: Any person that is informed of the tree removal.
- Please address the issues raised and suggestions made by Jim Wing in his email to the Council on November 25. (Attached.)
Answer:
 - **Staff do not advise requiring a specific level of arborist.**
 - **Staff do not advise the incorporation of private property owners maintaining Street Trees in the Public right-of-way.**

- **Staff do not advise additional language into tree circumference.**
 - **Staff do not advise changing the language provided by the Consulting Certified Arborist.**
 - **Staff do not advise including language around public utilities as this would also require an arborist to find all utilities and identify them on a plan.**
 - **Staff strongly advises not to require 36-inch box trees as the cost is over double for most species and are not readily available as commonly with 24-inch.**
 - **Staff and consulting arborist looked at the root system of all street trees and will modify the list as appropriate to assist in reducing sidewalk damage.**
 - **Staff do not advise adding additional provisions to the fine structure for the lack of planting.**
- Do we have any maintenance requirements to keep trees healthy and safe in our urban environment?
Answer: Maintenance requirements of trees is not included within the draft ordinance.
 - How is “healthy and sustainable tree canopy” defined in the CAAP?
Answer: This is not defined in the CAAP.
 - In Page 1 of the ordinance, the third Whereas needs to be corrected to show that the first duly noticed public meeting was Nov 28 and the second one will be ‘TBD’. The same correction needs to be made in the last paragraph of the ordinance.
Answer: Noted for the final ordinance and is edited by the City Clerk prior to signature of the Mayor.
 - Page 286 of the PDF, the Appendix A title page, should say "AMENDMENTS TO CHAPTER 11.08" rather than "AMENDMENTS TO CHAPTER 11.14".
Answer: Noted. Will be changed.
 - In the Definitions in Appendix A, page 1 of the amended chapter, the definitions should be correctly alphabetized based on the new additions.
Answer: Noted.
 - Please share the list of undesirable species as defined by "list on file with the Development Services Department" that is referenced. Are people not allowed to plant these species or is this list just a recommendation?
Answer: The list will be established based upon the information published by the Department of Fish and Wildlife. The list would prohibit the planting of undesirable/invasive plant species.
 - There seems to be no acknowledgement that the existing tree canopy on a property may be overly dense and at the existing density may impair the health and safety of trees on that property and/or adjoining properties. The revised guidelines require matching existing canopies, either by in kind replacements or multiple smaller replacements, as though the existing canopy is “correct”. There also seems to be no acknowledgement that some trees are

not good trees for our environment (e.g. birch trees are “thirsty” and so not drought tolerant, redwoods are not native to Los Altos, etc.). How, if at all, do the proposed changes encourage smart and appropriate replacements to enable a more sustainable, natural canopy?

Answer: That was not included into the ordinance. The arborist report would provide recommendation if the planting is appropriate which includes species and placement/location. If the recommendation is that replacement onsite is not appropriate the applicant will have the option to leave the tree in place or pay an in-lieu fee to have the tree planted elsewhere.

- Did the guidelines for tree replacement and planting take into consideration height and diameter at maturity? Are the guidelines recommending good neighbor planting practices so for example, massive trees should not be planted at property lines if they will seriously impinge on other properties when they’ve grown or interfere with utility lines, etc.?

Answer: This is something that will be provided in the Arborist Report for each removal and replacement.

- How do these changes incorporate our learnings from the storms earlier this year when we lost so many trees around the city which also contributed to power outages and property damage because property owners didn't maintain them?

Answer: The root issue is that all plant life has an end of life, and the removal and replacement of trees should not be prohibited. The previous winter storm event caused damage to several trees that were already towards the end of their useful life.

- Please provide the list of Native Tree Species.

Answer: The list will be established based upon the information published by the Department of Fish and Wildlife.

- Will a property owner have to replace a diseased, dead, or dying tree, is a homeowner required to hire an arborist to replace a tree?

Answer: Unless the tree is visually dead or has significant decay all trees will require an arborist report. All removed trees will be required to replace onsite or pay the in-lieu fee.

- How much will an arborist plan be estimated to cost?

Answer: Cost varies significantly depending on the company, and quickness of the need of the property owner.

- Are we now requiring two costs (plan and permit) to individuals who have to remove trees?

Answer: we currently require an arborist report, and a simple replanting notation, this will now require the removal to include a simple plan providing arborist recommendation on where to replant.

- Under which circumstance can a homeowner replace a tree themselves?

Answer: If the tree is of a protected size then all trees removed and replaced require a permit.

- Shouldn't a chart with the fees be included in the ordinance?

Answer: See Attachment #3 of the Agenda Report.

- Who verifies that the arborist plan has been properly completed and the trees have been planted?

Answer: Development Services Department, Planning Division.

- Do we have a program to assist low-income residents or have a waiver for permit costs?

Answer: No.

Agenda Item 6 (Report Out on Shared Police Services Study with LAH):

- In the event that there is an employment issue (an open leadership position needing to be filled; discipline, etc.), the Los Altos City Manager has discretion in most circumstances. Does the LAH Town Council understand and concur that the LA City Manager (and Council) will continue this oversight of the police department, or does LAH insist on having a role in these matters?

Answer: In any shared services agreement, the City of Los Altos would retain oversight, make all personnel decisions, and adopt and apply Department policies. However, in a shared services model it would be expected that partner agencies would participate in the hiring process, including reviewing and contributing to the desired qualities in the job posting, as well as sitting in on selection panels and interviews.

- Does staff's answers to council's questions on this topic from two weeks ago remain the same?

Answer: Yes.

Agenda Item 7 (Library Patio Expansion):

- Please provide sketches of the design(s) currently under consideration.

Answer: The item under consideration was intended to be conducted as a Study Session where an Agenda Report, and pre-meeting items are not prepared. The conceptual designs were provided to Council, included in the Q/A, and have been posted on the website with the agenda.

- Please explain the lack of a study session to better understand how this impacts the surrounding historically and protected properties and lands?

Answer: The item under consideration was moved from a standalone Study Session prior to the regularly scheduled 7pm but was moved to Discussion on the City Council Agenda. The same level of discussion and general direction can occur at either.

- Has the Historical Commission reviewed this patio proposal and provided any input?

Answer: The Historical Commission was not consulted in the development of the conceptual plans before the City Council tonight. Depending on the City Council action the item will then be reviewed by the proper review body pursuant to the Los Altos Municipal Code, which may include the Planning Commission, Historical Commission, administrative design review or a combination thereof.

- Has the History Museum reviewed the proposal and plan and provided input?
Answer: The History Museum Board of Directors have reviewed and considered the proposed design and are in support of the Library Patio Project.
- Please provide design diagrams and other visual aids.
Answer: Noted.
- Will the patio proposal decrease the square footage of the historic orchard?
Answer: There is no square footage requirement or threshold that has ever been established for the Orchard.

If this question is referring to the number of trees as opposed to the size of the orchard, the only stipulation that was placed on the Orchard site with regard to Apricot Trees “was that the remaining apricot trees not be removed; the city maintains and replaces the trees as needed today” (State of California, The Resources Agency, Department of Parks and Recreation, Primary Record” .

As articulated in the Primary Record on file with the State of California, the City of Los Altos was only limited to the remaining trees not being removed from the orchard, and the City has done this. Furthermore, the City of Los Altos has contracted with the History Museum to maintain and replace trees as needed, however, no specific locations have ever been required, and the proposal meets the intent of the recorded documents and agreement with the J. Gilbert Smith Estate as the City will continue to maintain the orchard and replace trees on Civic Center property.

- Please provide additional clarification and justification for the CEQA Review Exemption for this project in detail specifically as it relates to the impact, and encroachment and alterations of the City Historic Landmark Orchards?
- **Answer: The staff report lists Environmental Review as “The City Council action authorizing the review of the proposed project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Subsequent action taken during the review of the proposed project will be analyzed separately under CEQA.”**

Because no project has been established, the CEQA language states “subsequent action taken during the review of the proposed project will be analyzed separately under CEQA.

The City Council is not being asked to make a decision on a project at the Council Meeting. The Council is being asked to provide direction on location. If the location is approved, CEQA will be considered as appropriate by the correct reviewing authority.

- Is there a separate planning and decision process for properties or lands with local, state, and historical significance, like the Landmark Heritage Orchard, as identified in Chapter 12.44 Los Altos City Historical Preservation Municipal Ordinance? Please provide the processes and requirements met under the City’s Historical Preservation Ordinance for the Landmark Heritage Orchard as it relates to this proposed Library patio project.

-

Answer: Pursuant to Section 12.44.100 (D), “D. For non-residential properties that are historic landmarks or historic resources, non-permanent improvements such as signage, awnings and landscaping that do not adversely affect the physical integrity or the historic significance of the resource may be exempted from historical commission review by the development services director.” The proposed patio concept includes fencing, concrete, pavers, plants, umbrellas, awnings, and outdoor rated furniture, all of which is classified non-permanent such as landscaping or awnings.

The proposed patio concept does not modify any historic structure, and although the proposed patio is sited adjacent to the Historic Orchard it does not demolish, remove or relocate any existing trees as there are no existing trees within the proposed area.

- Can you clarify the following statement from the Proposed Project Staff Report in the context of the City's knowledge, funding and actions tied to the Restoration and Rehabilitation of the Landmark Heritage Orchard? (E.g site preparation, soil, irrigation setup and ordered plantings)

"The project proposes a new patio on the north side of the library immediately adjacent to the Apricot Orchard. Specifically, the project proposal does not remove any apricot trees as no trees exist today in the area which is proposed. The project design professionals have taken consideration of apricot tree locations and provided alternative locations in order to address the concerns of the History Museum. The project will include an enclosed patio area with multiple exterior entrances, perimeter fencing, umbrellas and shade features, new planting materials, hardscape and outdoor rated furnishings."

Answer: No existing trees are being removed to accommodate the proposed Library Patio. The trees that previously existed adjacent to the proposed patio have died off naturally.

Replacement trees were planted at some point in the last several years and the small remnants of a tree were removed by the History Museum Orchard Group earlier this year as the replacement trees had died.

- Does the staff report and findings need to be corrected to reflect the historic restoration project and status of tree sites.

Answer: No.

- Can you clarify the type of wall and the impact of the “WALLED DESIGN” of the wall around the Library Patio project, not only shade planes and impact on orchard growing conditions and surveyed boundaries?

Answer: This can be discussed and addressed by the Design Professional responsible for the proposed design.

- How will the wall impact the views of the seats with views and the large plate glass windows that was designed to integrate the buildings and the lands in the original civic center master plan.

Answer: The proposed fence material is not solid and allows onlookers to view both ways, from inside to outside and outside to inside. The fence proposed only creates a barrier for

safety when outdoor programming of the library is underway.

- No information about “general design, location, placement, and size of the Library Patio Project” is included, can we please see supporting materials to better understand the project?

Answer: Noted.

PUBLIC COMMENT AGENDA ITEM 05 MEETING DATE 11-28-2023

Jim Wing <jameswing@msn.com>

Sat 11/25/2023 12:17 PM

To:City Council <council@losaltosca.gov>

Los Altos Mayor Meadows and Distinguished Council Members,

Council 11-28-2023 meeting Agenda Item 5 Tree Protection Regulations

I would like to thank environmental Commission and Staff for their work on Draft Tree Protection Regulations. Having said that, draft needs changes to make it workable for we residents.

I recommend you continue this agenda item and recommend Staff revise Chapter 11.08 Draft Tree Protection Regulations to ensure it is **objective and addresses all common public questions**. Keep in mind, public will be reading this section of code to make tree removal decisions and you need to make it easy to understand. This will save Planning Staff time explaining process. As a 55-year resident, I have seen several major trees removed because Los Altos code was not objective and poor decisions were made. Objective code will help public and staff to make better decisions.

Following are my most important recommended changes to draft code:

- **Require “objective” International Society of Arboriculture Basic Tree Risk Form [rev. 2013 or later] be submitted with all Tree Removal Applications.**
- **Fines for delay in replacement tree planting, only if replacement tree is not ordered 30 days after application approval or 10 days after delivery.**
- **Replacement trees near street / sidewalk to be planted per Los Altos Tree Planting & Staking LI – 1 to protect street / sidewalk from tree root damage.**

I recommend following changes highlighted in red:

- **11.08.0120 “Certified Arborist” – who is certified to **minimum level 3** by the ---**
- **11.08.0230 Add- **Property owner is responsible for all trees within lot property lines, plus street trees between front property line and edge of street pavement****
- **11.08.0450 Revise “B” Any tree of native species that is **thirty-one [31] inches in circumference [10 inches in diameter]** measured at---**
- **11.08.0450 Add: **E. For trees with multiple tree trunks or split of main trunk below forty-eight [48] inches above grade, contact Development Services Director.****
- **11.08.0910: 1. The tree is dead, or in poor health as defined by risk rating of moderate, high, or extreme obtained using International Society of Arboriculture [ISA] Basic Tree Risk Assessment Form [rev. 2013 or later]. Completed Report to be included in permit application;**
- **11.08.090: The tree is interfering or will interfere **within two years, electrical power cable, natural gas, sewer, water, and fiber optic cable. Public Transportation as roads for cyclists, bus, cars, trucks. Waterway near ephemeral streams [Stevens, Adobe, Permanente, and Hale];****
- **11.08.120: A3. Replacement tree-----planting location. **Street trees shall be 36-inch box since they grow twice as fast as 24-inch box because of condition of tree root ball;****
- **11.08.120: add A4. Replacement trees near street/sidewalk to be planted per Los Altos Tree Planting and Staking LI-1 to protect street / sidewalk from tree root damage;**
- **11.08.120: C.2 Fines for delay in replacement tree planting, only if replacement tree is not ordered 30 days after application approval or 10 days after delivery, unless accepted -----
--seasonal factors;**

Many arborists may have a low-level license [3 or below] and no objective experience in tree removal. By specifying ISA Basic Tree Risk Assessment Form, Los Altos will insure well trained arborist and high-quality objective report. Also, it will allow staff with little experience to make good data based objective decisions.

Staff stated at Environmental Commission that they will provide list of qualified Arborist list. That may be time consuming for Staff to keep list of active Arborist updated, since there are very few full-time qualified Arborist in south bay area. Many are only part time and are no longer available when they find a full-time job.

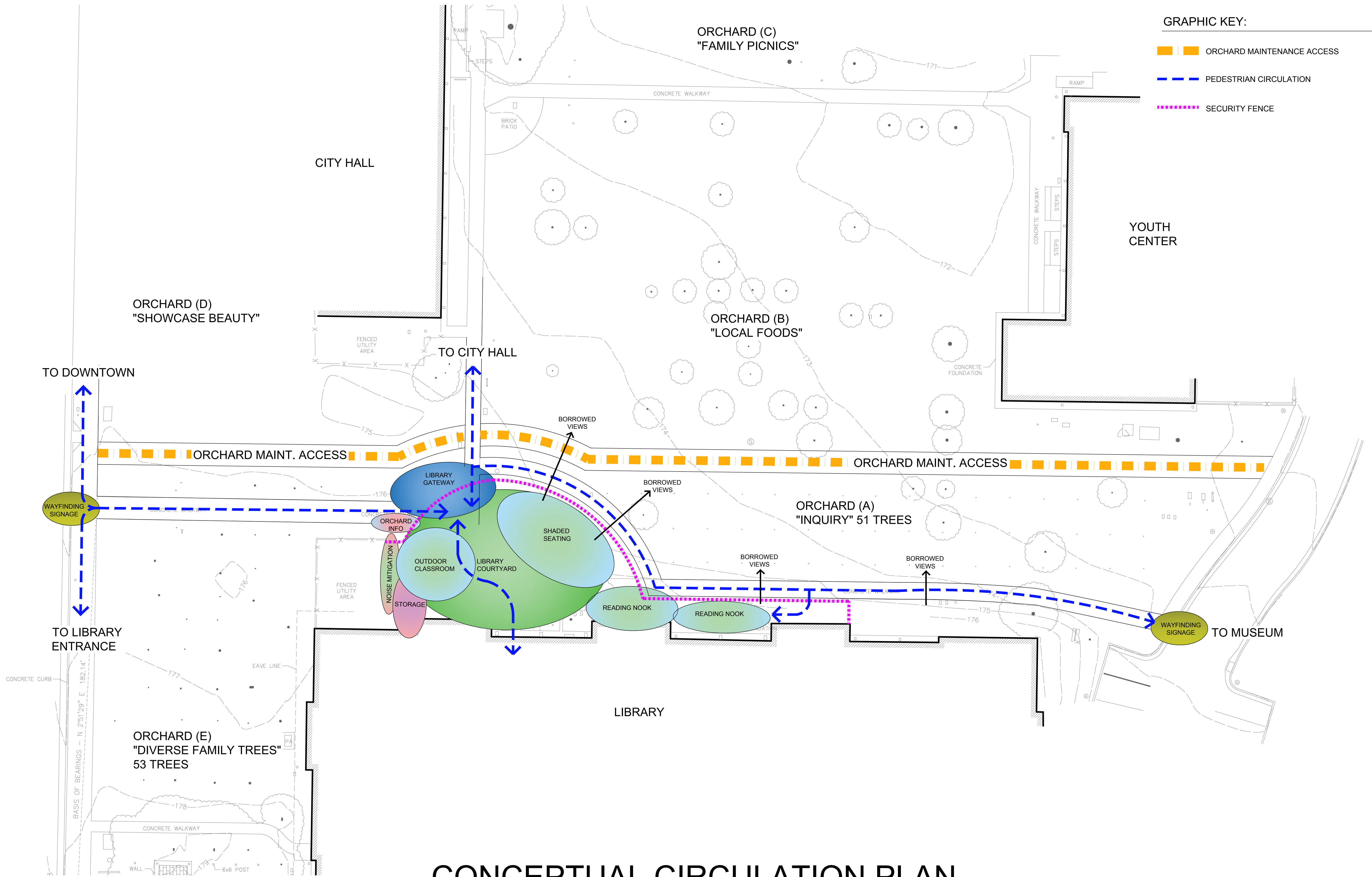
Federal Clean Water Act / EPA regulations define edge of payment “swale” on many Los Altos streets without curb and gutter as a waterway.

Thank You for consideration! Jim Wing, Milverton Road, Los Altos

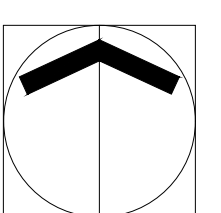
SAN ANTONIO ROAD

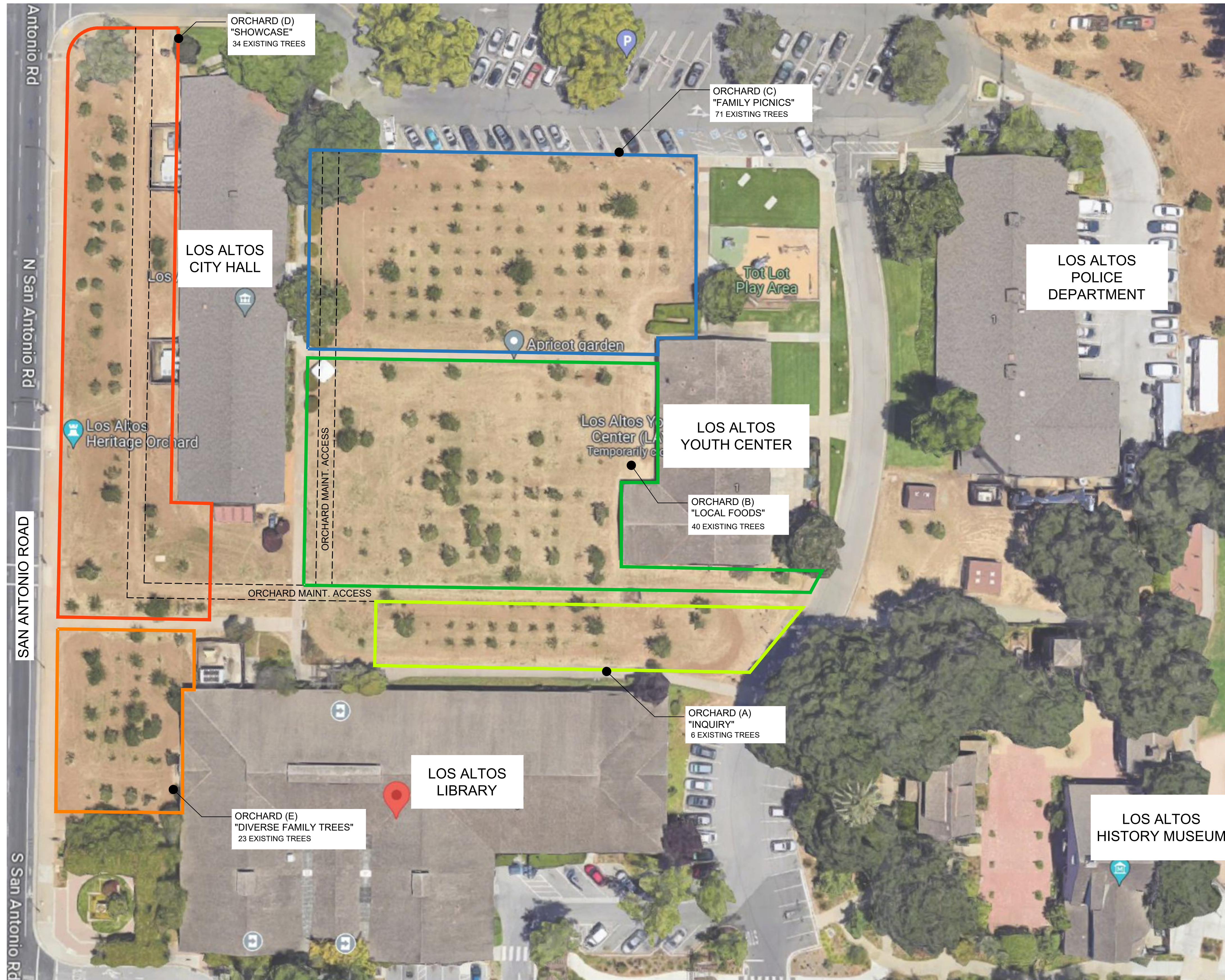
GRAPHIC KEY:

- ORCHARD MAINTENANCE ACCESS
- PEDESTRIAN CIRCULATION
- SECURITY FENCE



CONCEPTUAL CIRCULATION PLAN



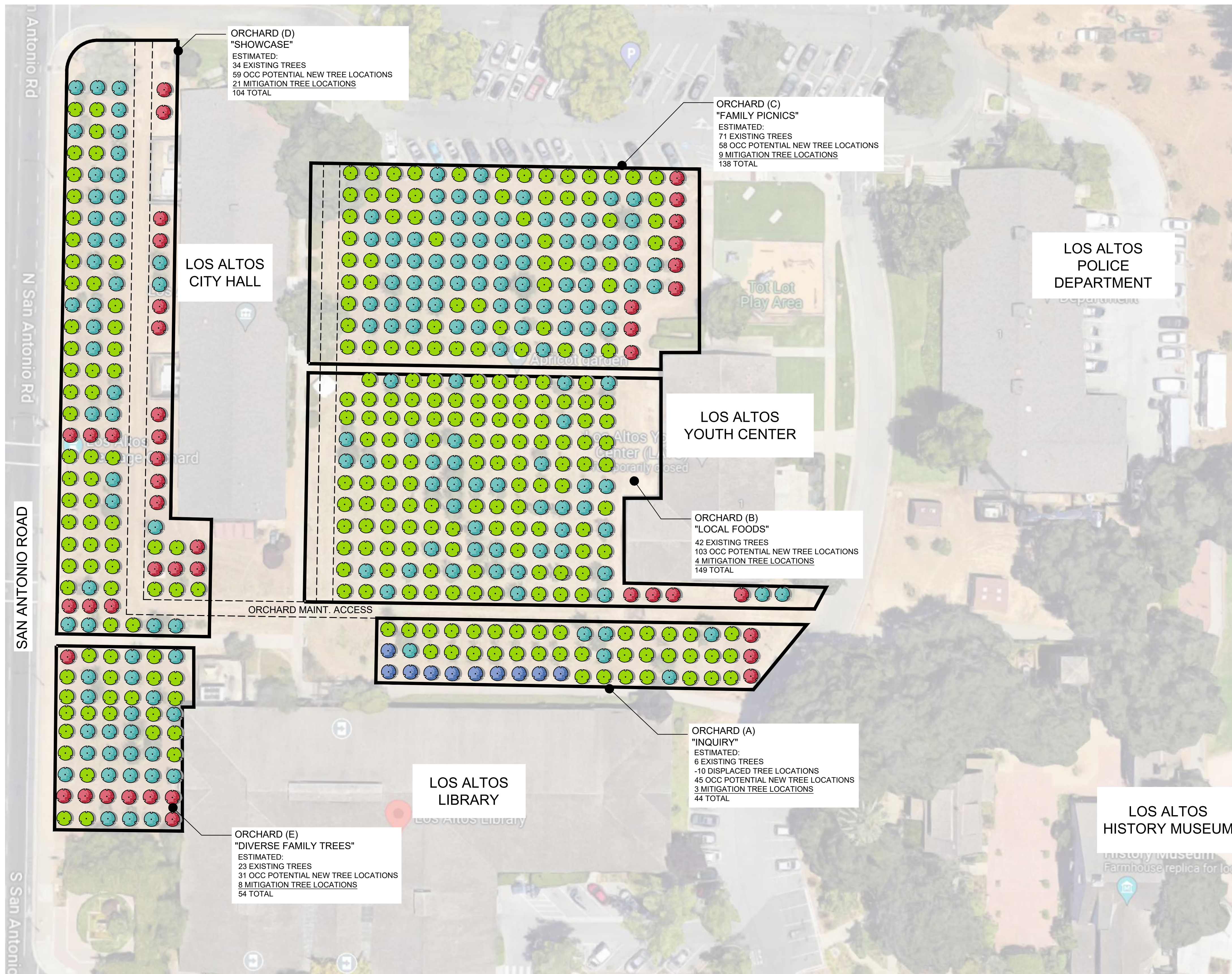


HERITAGE ORCHARD EXISTING CONDITIONS:

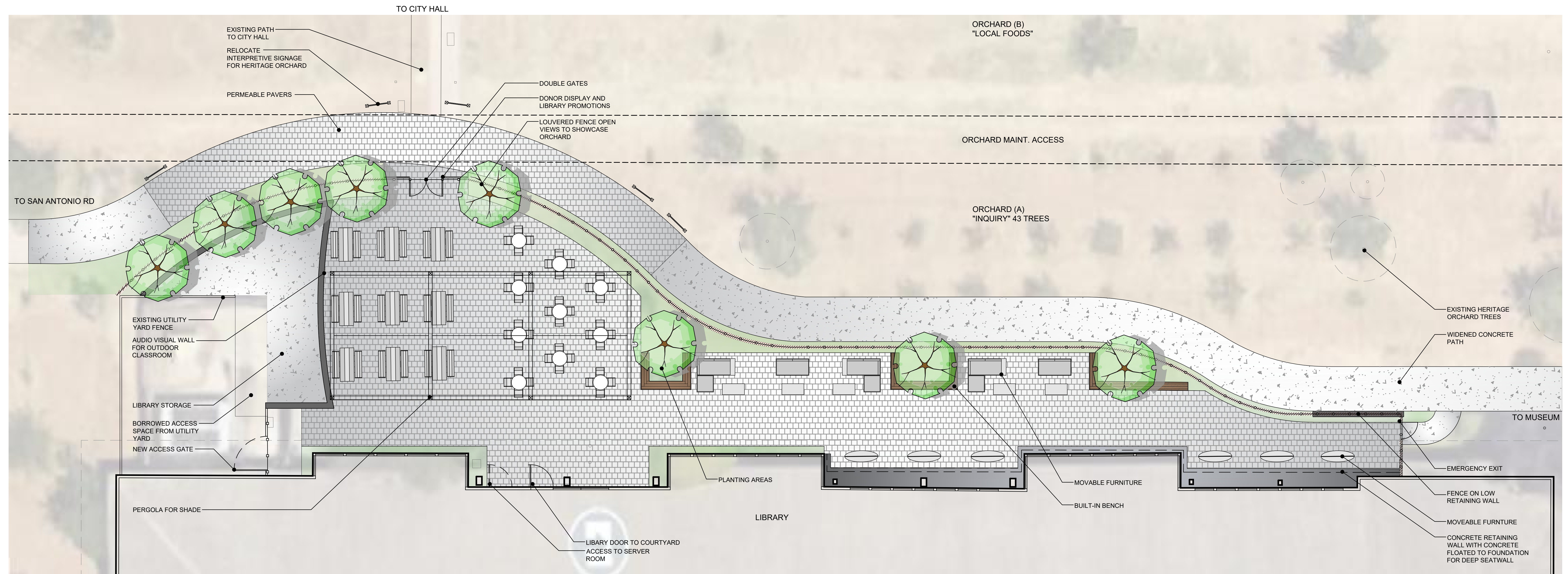
- 6 ORCHARD (A)
"INQUIRY"
- 40 ORCHARD (B)
"LOCAL FOODS"
- 71 ORCHARD (C)
"FAMILY PICNICS"
- 34 ORCHARD (D)
"SHOWCASE BEAUTY"
- 23 ORCHARD (E)
"DIVERSE FAMILY TREES"

CIVIC CENTER HERITAGE ORCHARD OVERVIEW

OVERALL TREE CAPACITY GOAL: 444 TREES

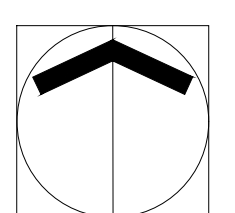


CIVIC CENTER HERITAGE ORCHARD OVERVIEW



CONCEPTUAL PLAN

LOS ALTOS LIBRARY
 13 S. SAN ANTONIO ROAD
 LOS ALTOS, CA 94022





PLAN VIEW



AXONOMETRIC VIEW FROM NORTH



AXONOMETRIC VIEW FROM NORTH EAST



AXONOMETRIC VIEW FROM NORTH WEST

CONCEPT 3D MODEL VIEWS



VIEW OF READING NOOKS FROM EAST



VIEW UNDER COVERED PERGOLA FROM WEST



VIEW OF COVERED PERGOLA AND READING NOOKS FROM WEST



AXONOMETRIC VIEW OF OUTDOOR CLASSROOM AND COVERED PERGOLA FROM WEST

CONCEPT 3D MODEL VIEWS