

July 14, 2009

Mr. Peter Mason, Mayor
Mr. Dave Burow, Mayor Pro Tem
Councilmembers:

Ms. Deborah C. Gordon
Ms. Susan Boynton
Ms. Carroll Ann Hodges
Mr. Dave Tanner
Mr. Ron Romines

Ms. Susan George, Town Manager
Ms. Jackie Young, Planning Director
Town of Woodside
2955 Woodside Road
P.O. Box 620005
Woodside, CA 94062

BY EMAIL

Re: Draft Agreement With Respect to Demolition of Historic Jackling House

To the Members of the Woodside Town Council,

Thank you for the opportunity to comment on the draft Agreement for the deconstruction and prospective relocation of 460 Mountain Home Road, the “Jackling House.” The National Trust for Historic Preservation has been actively involved in this issue and participated as *amicus curiae* to plaintiff Uphold Our Heritage when the original demolition permit was challenged at the Court of Appeals. We offered comments to the Council during its deliberations on the applicant’s most recent request for a demolition permit. As outlined in our previous comments, the Town violated CEQA when it approved this permit for failing to identify a legally adequate public benefit for the demolition of an historic resource, as is required in a Statement of Overriding Considerations.

The draft “Agreement With Respect to Demolition of Historic Residence” (“Agreement”) provides some hope that the historic Jackling House could be restored off-site at a yet unspecified location. The National Trust is not opposed to this outcome in concept, though it is not our preferred solution as an endeavor of this sort would be inordinately difficult. Moreover, as written, the Agreement would not constitute mitigation for the loss of the historic resource under CEQA because the Town would have no enforcement power to ensure that the restored house will retain some or all of the qualities that make it eligible for the California Register. A public agency must “provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.” (Pub. Resources Code, § 21081.6, subd.

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(b))(emphasis added). Thus, mitigation measures must be feasible and enforceable. *Lincoln Place Tenants Ass'n v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 445.

We would support an amended agreement that contains specific commitments that the Jackling House will be reconstructed in an historically appropriate manner. Specifically, the Town should retain the power to require that structure is rebuilt in a manner that would maximize adherence to the Secretary of the Interior Standards for the Treatment of Historic Properties. Without such a commitment the Agreement gives a prospective windfall to the Jackling House LLC by delivering salvaged historic materials without any guarantee that they will be used to complete an historically appropriate restoration.

We also note that the Town has already commissioned a report by the Architectural Resources Group (the "Judd Report") which identifies guidelines for dismantling, removing, and restoring the Jackling House. This document should be included in the Agreement as it offers specific instruction on how to best retain the historic integrity of key features of the Jackling House in the relocation.

As written, there is little public benefit in the Town signing the Agreement and therefore a statement of overriding considerations cannot be supported on this basis. We urge the Council to amend the document to offer the public some assurance that the significant qualities of this historic structure will be saved.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthea M. Hartig". The signature is fluid and cursive, with a long horizontal stroke at the end.

Anthea M. Hartig, Ph.D
Director

Cc: Doug Carstens, Esq.
Howard Ellman, Esq.