

**Baumb, Nelly**

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**From:** herb <herb\_borock@hotmail.com>  
**Sent:** Sunday, November 29, 2020 4:35 PM  
**To:** Council, City; Clerk, City  
**Cc:** patburt11@gmail.com; Holman, Karen (external); Greg Schmid (external)  
**Subject:** November 30, 2020 Council Meeting, Item #11: Appeal of Staff Seismic Rehabilitation Interpretation

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Herb Borock  
P. O. Box 632  
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November 29, 2020

Palo Alto City Council  
250 Hamilton Avenue  
Palo Alto, CA 94301

**NOVEMBER 30, 2020 CITY COUNCIL MEETING, AGENDA ITEM #11  
APPEAL OF DECISION RELATED TO SEISMIC REHABILITATION**

Dear City Council:

I urge you to uphold the appeal of the staff's interpretation related to seismic retrofitting.

The staff's interpretation is not exempt from the California Environmental Quality Act (CEQA), because the staff's interpretation creates a Potentially Significant Effect related to Land Use and Planning, due to the fact that the interpretation conflicts with the plain language of the Zoning Ordinance.

You are prohibited from upholding the staff interpretation, because the proposed interpretation is a CEQA project that requires an environmental assessment, a statutory public review period of that assessment, and properly noticed public hearings before the Planning & Transportation Commission and the City Council.

Adopting the staff's interpretation without following the procedures for a CEQA project is a violation of CEQA and a prejudicial abuse of discretion.

You can reject staff's interpretation by upholding the appeal without having to act on an environmental assessment.

The staff report for this agenda item (ID # 11638) admits on Page 4 that "staff generally accepts the notion that rehabilitation is not demolition".

There is also substantial evidence that government agencies that are experts in seismic rehabilitation treat the two categories of demolition and rehabilitation differently.

For example, the August 2015 "Seismic Mitigation Program Handbook" prepared by the Office of Public School Construction in Section 3 at page 5, "Division of State Architect Approval Process", includes a flow chart with two decision points labeled "Replace or Rehabilitate?" that lead to different processes for funding approval for demolition projects and rehabilitation projects.

Also, the Oregon Infrastructure Finance Authority "Seismic Rehabilitation Grant Program" that "provides funding for the seismic rehabilitation of critical public buildings, particularly public schools and emergency services facilities" says projects with "Structural improvements" are eligible for the grant funding, but "Demolition/rebuild" projects are not eligible for the funding.

The program description goes on to say that "Buildings with a mix of eligible and ineligible uses can be considered if an entity pays for the ineligible portions of the building."

Thank you for your consideration of these comments.

Sincerely,

Herb Borock

cc: Pat Burt  
Karen Holman  
Greg Schmid