

**Baumb, Nelly**

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**From:** herb <herb\_borock@hotmail.com>  
**Sent:** Sunday, June 13, 2021 6:26 PM  
**To:** Council, City; Clerk, City  
**Subject:** June 14, 2021 Council Meeting, Item #8: 340 Portage/3200 Park

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Herb Borock  
P. O. Box 632  
Palo Alto, CA 94302

June 13, 2021

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

**JUNE 14, 2021 CITY COUNCIL MEETING, AGENDA ITEM #8  
340 PORTAGE AVENUE / 3200 PARK BOULEVARD**

Dear City Council:

I urge you to continue this agenda item until after your summer vacation to enable City staff to make available on the City's website the legislative history for the section of the Palo Alto Zoning Ordinance that is the subject of this agenda item.

One way to make the legislative history available is provide a link to the prior website that had all the documents from that are not accessible from the current website.

The public is entitled to have on a timely basis copies of the staff reports and minutes of the City Council meetings and Planning and Transportation Commission meetings that resulted in the language in the Zoning Ordinance that you are being asked to interpret

The applicant's consultant Steve Emslie is a former Director of Planning who has his copies of that legislative history.

The City staff have their own copies of that legislative history.

The City's website links to the relevant staff reports and minutes are broken and need to be fixed to permit the public the opportunity to participate in the hearing on this agenda item.

Simply fixing those links before your June 14, 2021 meeting upon receipt of this email letter is not a reasonable response to my request, because that does not provide me and other interested parties an adequate period of time to review the relevant documents.

You are being asked by staff in your quasi-judicial capacity to make an interpretation of language in the Zoning Ordinance.

If the language is unambiguous, then you are prohibited from changing the meaning of that unambiguous language under the guise of "interpretation", because you would be taking a legislative action that would be a Project as defined by the California Environmental Act (CEQA).

That Project would need to follow the Palo Alto Municipal Code sections for amending the language of the Zoning Ordinance.

An attempt to alter the unambiguous language of the Zoning Ordinance without abiding by the amendment process in the Zoning Code and without conducting an environmental assessment for a CEQA Project is a prejudicial abuse of discretion and a violation of the Zoning Ordinance and CEQA.

Thank you for your consideration of these comments.

Sincerely,

Herb Borock