

CITY OF PALO ALTO
Memorandum

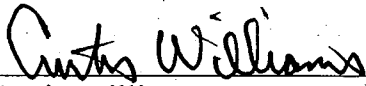
October 6, 2008

TO: City Council Members

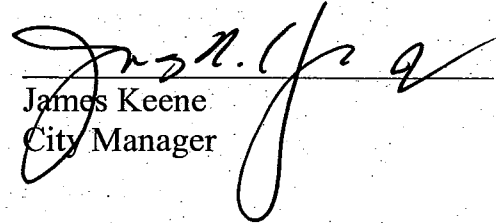
SUBJECT: 310 University Avenue: Appeal of Director's Approval of a major Architectural Review application for a three story commercial mixed use retail/office building.

The appeal has been withdrawn therefore the Director's approval stands. No Council action is necessary.

Respectfully submitted,



Curtis Williams
Interim Director of Planning and
Community Environment



James Keene
City Manager

September 29, 2008

Lynn Chiapella
631 Colorado Avenue
Palo Alto, CA 94306

Curtis Williams, Interim Director of Planning
250 Hamilton Avenue
Palo Alto, CA 94306

Dear Mr. Williams:

I hereby withdraw my appeal of 310 University Avenue. The appeal was based on design issues when construction occurred in the Special Setback of 7 feet.

The City Council has determined that the 7' Special Setback does NOT need to be honored as required by Chapter 20 in the case of 278 University. The basis for City Council's decision would most likely apply to 310 University which conforms to all zoning ordinances in Chapter 18. The circumstances at 310 University are far less egregious than at 278 University.

During discussion of the Special Setback one Councilman was uncomfortable upholding this Palo Alto Municipal Code requirement when staff was unable to find a basis for the requirement. The basis is likely recorded in the 1964 Palo Alto General Plan Including Transportation and Circulation.

Interestingly, this document has gone missing at the Palo Alto libraries, City Clerk's office, Transportation Division, Public Works, City Attorney, and Planning and Transportation Departments.

The City council spent part of 1962, 1963, and 1964 working on this plan. Chapter 20 of PAMC, PRECISE PLANS, was a major part of this process which required each map to be recommended by both the Planning Commission and the City Council in a public hearing.

Also each map had to be certified by the City Engineer and the City Clerk. The only exceptions allowed to Chapter 20 maps and plans was through a variance process.

Mr. Williams, please do all you can to provide information as to the difference between a Variance and a DEE to the Planning Commission and the City Council. During their discussions of the Special Setback of 7' some members of both groups expressed confusion about the distinction between a DEE and a Variance.

Sincerely,


Lynn Chiapella

CC: City Council
Planning and Transportation Commission

SEP 29 2008