



## Architectural Review Board

### Staff Report

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**Agenda Date:** October 17, 2013

**To:** Architectural Review Board

**From:** Jason Nortz, Sr. Planner

**Department:** Planning and  
Community Environment

**Subject:** **101 Lytton [11PLN-00045]**: Request by Ted Korth on behalf of Lytton Gateway LLC for Minor Architectural Review Board review for minor rooftop revisions to the previously approved Planned Community (PC) zone district project at 101 Lytton Avenue. Zone District: PC 5158. Environmental Assessment: Categorically exempt per section 15301.

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#### **RECOMMENDATION**

Staff recommends that the Architectural Review Board (ARB) recommend approval of the proposed project revisions to the Director of Planning and Community Environment (Director).

#### **BACKGROUND**

On June 11, 2012 the City Council adopted Ordinance No. 5158 (Ordinance) approving the new PC zone district at 335-355 Alma Street (also known as 101 Lytton Avenue) for a four-story, 50-foot tall (with a 70-foot corner tower feature) building containing office and retail uses at the corner of Alma Street and Lytton Avenue. The City Council further approved exceptions to Palo Alto Municipal Code Section 18.38.150 allowing height in excess of 35 feet within 150 feet of a residential zone and allowing encroachment into the daylight plane. The Ordinance also included the approval of common open space area on the roof of the building of approximately 4,500 square feet for the exclusive use of the office tenants of the building.

Per Section 4 (e) of the Ordinance "Modifications to the Development Plan and Site Development Regulations":

*"Subsequent to construction of the Project consistent with the approved Development Plan, any modifications to the exterior design of the Development Plan or any new construction not specifically permitted by the Development Plan or the site development regulations contained in Section 4(a) (c) of the Ordinance shall require an amendment to this Planned Community zone, unless the modification is a minor change as described in PAMC 18.76.020 (b) (3) (e), in which case the modification may be approved through the Minor Architectural Review process. Any use not specifically permitted by this Ordinance shall require an amendment to the PC Ordinance."*

Staff has determined the proposed rooftop revisions to be a minor change and therefore require review through the Minor ARB review process.

Additional background information is provided in the June 11, 2012 Ordinance and City's Managers staff report provided as Attachment C and available at:

<http://archive.cityofpaloalto.org/civica/filebank/blobdload.asp?BlobID=31646>

and meeting webcast at:

[http://www.communitymediacenter.net/watch/pacc\\_webcast/June/PACC\\_061112.html](http://www.communitymediacenter.net/watch/pacc_webcast/June/PACC_061112.html)

## **DISCUSSION**

### **Project Revisions**

The project plans (Attachment D) include details of the revised rooftop plan. The revisions include an updated roof deck layout to make the space more comfortable for the tenant (Survey Monkey). In addition, the revisions include planter pots in-lieu of built-in planter beds, the elimination of roof top pole lighting in exchange for shielded step lighting and uplighting (below the tower roof only) in combination with the originally proposed bollard lighting. A tentative furniture layout is shown including built-in seating at the corner tower. The planter bed in the center of the Lytton Avenue roof area would be replaced with more usable lounge seating including a small raised area, offset by the reduction of usable area towards the interior of the roof which is less desirable. The total occupied roof area remains unchanged.

## **ENVIRONMENTAL REVIEW**

An initial study and mitigated negative declaration were prepared under the provisions of the California Environmental Quality Act (CEQA) as part of the previously approved project, application # 11PLN-00045. No additional significant impacts have been identified and no additional mitigation measures are required as part of this.

## **ATTACHMENTS**

- A. ARB Findings
- B. Conditions of Approval
- C. June 11, 2012 City Manager's Staff Report
- D. Plans (ARB members only)\*
- E. Location Map

\* Submitted by applicant

## **COURTESY COPIES:**

Ted Korth, Applicant  
Lund Smith, Owner

PREPARED BY: Jason Nortz, Senior Planner

REVIEWED BY: Steven Turner, Acting Chief Planning Officer

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**ATTACHMENT A**  
**DRAFT FINDINGS FOR APPROVAL**

101 Lytton Avenue  
11PLN-00000-00045

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The design and architecture of the proposed improvements, as conditioned, complies with the Findings for Architectural Review as required in Chapter 18.76 of the PAMC.

- (1) The design is consistent and compatible with applicable elements of the City's Comprehensive Plan in that the associated Comprehensive Plan Land Use designations are Neighborhood Commercial and Regional/Community Commercial. The previously approved Planned Community (PC) zone district #5158 resulted in Comprehensive Plan amendment for a land use designation of Regional/Community Commercial for the entire site. The PC district is intended to accommodate developments for residential, commercial, professional, research, administrative, industrial, or other activities, including combinations of uses appropriately requiring flexibility under controlled conditions not otherwise attainable under other districts. The proposed project is a minor rooftop revision to the previously approved PC zone #5158 for a new mixed office and retail building. The mixed use project is compatible with the land use designation and revision to the roof deck does not conflict with goals of the Regional/Community Commercial designation. The project is also consistent with The Palo Alto Comprehensive Plan policies related to business and economics. The Comprehensive Plan encourages owners to upgrade or replace existing commercial properties so that these commercial areas are more competitive and better serve the community. The rooftop revision allows for the roof deck to be more usable by the office tenants;
- (2) The design is compatible with the immediate environment of the site in that the mixed office and retail building is located within an area of downtown that is identified along the Alma St. frontage, adjacent to similar commercial uses and zoning. The proposed rooftop revision is consistent with the previously approved project that included usable open space on the roof of the building. The revision creates a more functional/usable common area for the office tenants of the building;
- (3) The design is appropriate to the function of the project in that the project makes a minor rooftop revision to the previously approved mixed use project that included common open space area on the roof deck. The proposed plan provides an updated roof deck layout that creates a more functional/inviting open space area for the office tenants;
- (4) In areas considered by the board as having a unified design character or historical character, the design is compatible with such character. The overall design is consistent with the Downtown Urban Design Guide guidelines in the following ways:

- Encourage roof gardens and use of roof space, where feasible, so that they are attractive when viewed from above and below, and provide added outdoor use opportunities and amenities;
- (5) The design promotes harmonious transitions in scale and character in areas between different designated land uses. The proposed rooftop revision is consistent with the previously approved mixed office and retail project that is located in an area of the City that is within a ¼ of fixed transit station adds to the goal of creating a more dynamic and attractive mixed use environment that is compatible with the goals of the City's Comprehensive Plan and Downtown Urban Design Guide;
  - (6) The design is compatible with approved improvements both on and off the site in that the proposed building, as conditioned, includes improvements necessary for the new mixed office and retail development;
  - (7) The planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community in that the proposed design is compatible with the applicable design guidelines, development standards and performance criteria and Comprehensive Plan;
  - (8) The amount and arrangement of open space are appropriate to the design and the function of the structures in that the revised roof deck layout provides the exact same amount of open space area that the previously approved PC zone project (#5158) provided but with a redesigned, more functional/usable area for the building tenants;
  - (9) Sufficient ancillary functions are provided to support the main functions of the project in that the proposal includes a redesigned rooftop deck that provides sufficient outdoor seating and activity areas for the tenants of the building;
  - (10) Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles. This finding is not applicable;
  - (11) Natural features are appropriately preserved and integrated with the project. This finding is not applicable. The project was previously occupied by an automobile service station;
  - (12) The materials, textures, colors and details of construction and plant material are appropriate expressions of the design and function in that the proposed design concept creates an effective open space area located on the roof of the building that is consistent with the context based design criteria, Downtown Urban Design Guide and green buildings guidelines;
  - (13) The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a

desirable and functional environment in that the rooftop landscaping helps softens the appearance of the building and creates an effective outdoor activity area for the tenants of the office space;

- (14) Plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which would tend to be drought-resistant and to reduce consumption of water in its installation and maintenance in that appropriate plant materials are proposed;
- (15) The project exhibits green building and sustainable design that is energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be utilized in determining sustainable site and building design:
  - (A) Optimize building orientation for heat gain, shading, day lighting, and natural ventilation;
  - (B) Design of landscaping to create comfortable micro-climates and reduce heat island effects;
  - (C) Design for easy pedestrian, bicycle and transit access;
  - (D) Maximize on site stormwater management through landscaping and permeable paving;
  - (E) Use sustainable building materials;
  - (F) Design lighting, plumbing and equipment for efficient energy and water use;
  - (G) Create healthy indoor environments; and
  - (H) Use creativity and innovation to build more sustainable environments.

Green building features will be incorporated to achieve CalGreen Tier 2 standards for the commercial portion and Green Point Rated standards for the residential portion. In addition to this the project would be required to submit a checklist for Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND);

- (16) The design is consistent and compatible with the purpose of architectural review, which is to:
  - (1) Promote orderly and harmonious development in the city;
  - (2) Enhance the desirability of residence or investment in the city;
  - (3) Encourage the attainment of the most desirable use of land and improvements;
  - (4) Enhance the desirability of living conditions upon the immediate site or in adjacent areas; and
  - (5) Promote visual environments which are of high aesthetic quality and variety and which, at the same time, are considerate of each other.

The design is consistent for all of the reasons and findings enumerated above.

**ATTACHMENT B**  
**DRAFT CONDITIONS OF APPROVAL**  
101 Lytton.  
11PLN-00000-00045

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**PLANNING DIVISION**

1. The plans submitted for Building Permit shall be in substantial conformance with plans received and date stamped September 15, 2013, except as modified to incorporate these conditions of approval.
2. **All conditions of approval associated with previously approved *Planned Community (PC)* zone #5158 are still applicable.**
3. The ARB approval letter including all Department conditions of approval for the project shall be printed on the plans submitted for building permit.
4. Any exterior changes to the building such as size, location and exterior materials are subject to ARB review.
5. The project is subject to meeting all the requirements of Palo Alto Municipal Code Chapter 18.44, the City's Green Building Ordinance.
6. An Affordable Housing agreement must be executed prior to City Council Action on the PC Zone Change and Comprehensive Plan Amendment.

**FIRE**

7. A valid Use & Occupancy Permit is required for the new office tenant.



## City of Palo Alto City Council Staff Report

(ID # 2896)

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**Report Type:** Meeting Date: 6/11/2012

**Summary Title:** Second Reading for Lytton Gateway PC Zone Request

**Title:** 2nd Reading: Adoption of an Ordinance of the Council of the City of Palo Alto Amending Section 18.08.040 of the Palo Alto Municipal Code (The Zoning Map) to Change the Classification of Property Located at 335 and 355 Alma Street from CD-C(P) and CN-N(P) to PC Planned Community Zone (PC \_\_\_\_\_) for a Mixed Office and Retail, Four-Story, 50 Foot Tall Building (and a 70 Foot Tall Corner Tower Feature) on the Former Shell Station Site. The Project Includes Exceptions to the Daylight Plane and 35 Foot Height Limit Within 150 Feet of Residential Property. (First Reading May 14, 2012 - Passed 7-2) (Continued from June 4, 2012)

**From:** City Manager

**Lead Department:** Planning and Community Environment

Attached is the Planned Community Ordinance for the Lytton Gateway project, reflecting the changes made by Council on May 14, 2012. The Council also approved the Initial Study and Mitigated Negative Declaration for the development and adopted a Resolution amending the Comprehensive Plan designation for a portion of the site (335 Alma) from Neighborhood Commercial to Regional/Community Commercial on March 12, 2012.

The Council action on May 14, 2012, included the following changes to the PC Ordinance (PC Ordinance 5150):

1. Under Section 4 (f) Public Benefits (1) Financial contribution of \$625,000 to the City of Palo Alto's Affordable Housing Program (in addition to the required \$850,000 commercial housing in-lieu fee).
2. Under Section 4 (f) Public Benefits (2) Financial contribution of \$625,000 to the City's Parking Fund and payment of \$1,476,200 to cover the cost of 22

in-lieu parking spaces (at \$67,100 per space).

3. Under Section 4(f) Public Benefits (3) Inclusion of 3,807 square feet of ground floor retail and eating and drinking service area proximate to the train station (deleting allowances for "personal services" and "financial services).
4. Under Section 4(f) Public Benefits (5) Provision of two Electrical Vehicle Charging Stations available to the public, installed by the Applicant on Alma Street adjacent to the Project subject to standards, to be developed by the City to the satisfaction of the Director of Planning and Community Environment. There will be no charge to members of the public making use of the Alma Street EV Charging Stations. At least one of the EV Charging Stations on Alma Street shall be a Level 3 Charger and the remaining charging stations will be Level 2 Chargers.
5. Under Section 4(f) Public Benefits (14) Provision of CalTrain Go-Passes, Eco Passes or the equivalent, as part of the Transportation Demand Management Program, for all employees of the commercial spaces for the life of the project.

The Council action on May 14, 2012, added the following changes to the PC Ordinance and the Conditions of Approval:

*Under Section 4(d) Parking and Loading Requirements and under Transportation Division Condition of Approval #3 include the additional language: **Additionally, an agreement for compliance with targeted reductions (minimum 20% parking reduction) shall be developed between the owners and the City specifying a penalty schedule for non-compliance, graduated over the initial five years of the project and then for every five years thereafter, and tied to equivalent fees for in-lieu parking. The agreement shall be in effect prior to building occupancy and shall be recorded to apply to subsequent owners as well.***

The approval conditions have been incorporated into Exhibit B (Conditions of Approval), attached to the PC Ordinance. Staff has assured that all other provisions of the PC ordinance and the conditions have been revised where necessary to be consistent with the Council's changes. The PC Ordinance, Exhibit

B (Conditions of Approval), and Exhibit A (Location Map) are attached to this report. Language revised since the ordinance introduction is shown in a redlined format. Staff requests that the Council approve the PC Ordinance, as amended, on second reading.

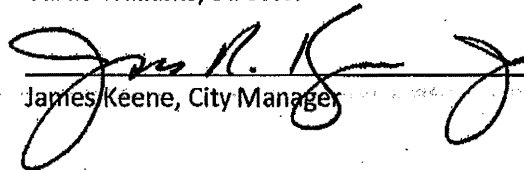
**Attachments:**

- Attachment A: Revised Ordinance (PDF)

Prepared By: Jason Nortz, Planner

Department Head: Curtis Williams, Director

City Manager Approval:

  
James Keene, City Manager

**Ordinance No. 5158**

**Ordinance of the Council of the City of Palo Alto Amending Section 18.08.040 of the Palo Alto Municipal Code (The Zoning Map) to Change the Classification of Property Located at 335 Alma Street from CD-N(P) Downtown Neighborhood Commercial and 355 Alma Street from CD-C(P) Downtown Community Commercial to PC Planned Community Zone (PC-5158) for a Four Story, 50 Foot Tall (and an 70 Foot Tall Corner Tower Feature). Mixed Office and Retail Project Containing 52,163 Square Feet of Floor Area**

The Council of the City of Palo Alto does ORDAIN as follows:

**SECTION 1.**

(a) Lytton Gateway LLC, ("the Applicant") applied on January 21, 2011 to the City for approval of a rezoning application (the "Project") for a new Planned Community (PC) district for a property located at 335 and 355 Alma Street (the "Subject Property") to accommodate the uses set forth below.

(b) The Planning and Transportation Commission, at its meeting of March 16, 2011, advanced the Project with an initiation to consider a Planned Community Zone process for the establishment of Planned Community Zone District.

(c) The Architectural Review Board, at its meeting of November 3, 2011, reviewed the Project design and recommended the City Council approve the project with associated draft conditions of approval 'Exhibit B.'

(d) The Planning and Transportation Commission, after a duly noticed public hearing held February 22, 2012, reviewed, considered, and recommended approval of the draft Mitigated Negative Declaration and an earlier draft ordinance, and recommended that Section 18.08.040 (the Zoning Map) of the Palo Alto Municipal Code be amended to rezone the Subject Property to a new Planned Community zone to permit construction of a five-story, mixed use project, consistent with conditions included in the Planned Community zone related to allowable land uses and required development standards, and subject to provision of the public benefits outlined in the draft ordinance to be considered by Council on March 12, 2012. The Commission also recommended approval of a Comprehensive Plan resolution to designate a portion of the site to Regional Commercial.

(e) The Palo Alto City Council, after a duly noticed public hearing held on March 12, 2012, adopted the Mitigated Negative Declaration and approved the resolution revising the Comprehensive Plan land use designation. The Council

continued its review of the project to allow for revisions by the applicant pursuant to Council direction.

(f) The Palo Alto City Council, after due consideration of the revised project, depicted on 'Exhibit A' (the Project), the analysis of the City Staff, and the conditions recommended by the Planning and Transportation Commission and the Architectural Review Board, finds that the proposed Ordinance is in the public interest and will promote the public, health, safety and welfare, as hereinafter set forth.

(g) The Council finds that (1) the Subject Property is so situated, and the use or uses proposed for the site are of such characteristics that the application of general districts or combining districts will not provide sufficient flexibility to allow for the Project; (2) development of the Subject Property under the provisions of the PC Planned Community District will result in public benefits not otherwise attainable by application of the regulations of general districts or combining districts, as set forth in Section (4)(c) hereof; and (3) the use or uses permitted, and the site development regulations applicable within the proposed district are consistent with the Palo Alto Comprehensive Plan (Goals, Policies, and proposed designation of Mixed Use for the Subject Property) and are compatible with existing and potential uses on adjoining sites or within the general vicinity.

(h) The Council further approves exceptions to Section 18.38.150 allowing height in excess of 35 feet within 150 feet of a residential zone and allowing encroachment into the daylight plane. The Council finds that these exceptions do not result in incompatibility with the adjacent residential uses and do not allow for floor area increases above 50 feet. These determinations are made consistent with the findings of (g) above.

## SECTION 2.

Section 18.08.040 of the Palo Alto Municipal Code, the "Zoning Map," is hereby amended by changing the zoning of Subject Property from CD-N(P) and CDC(P) to "PC Planned Community 5158".

## SECTION 3.

The City Council hereby finds with respect to the Subject Property that the Project comprises the following uses included in this ordinance for a mixed office and retail development, depicted on the Development Plans dated April 18, 2012, incorporated by reference, including the following components:

(a) A four-story Mixed Office and Retail Building at a height of 50 feet for the enclosed floor area and 70 feet for the unenclosed corner tower feature, with a total of approximately 52,163 total square feet of floor area.

(b) Floors 2-4 of approximately 43,341 square feet consisting of three floors of office use. Floor 2 will be approximately 13,511 square feet and floors 3 and 4 will be approximately 14,915 each. The height to the top of the fourth floor will be 50'.

(c) A Ground Floor of approximately 8,822 square feet consisting of 3,807 square feet of retail use and 3,375 square feet of lobby area and elevator and stairwells to upper floors. The Lytton Avenue side commercial use includes approximately 1,640 square feet of space for lease to a Palo Alto based non-profit organization at below market rent. The Alma Street fronting commercial use includes retail services and eating and drinking services only.

(d) Common Open Space area on the roof of the Building of approximately 4,500 square feet for the exclusive use of the office tenants of the building.

(e) A two and-one-half level underground garage with a minimum of 126 parking stalls, with an entrance from the surface parking area of the Subject Property.

#### SECTION 4.

Development Plan for the Subject Property dated December 8, 2011, and any approved supplemental materials for the Subject Property, as submitted by the applicant pursuant to Palo Alto Municipal Code Section (PAMC) 18.38.090, shall be subject to the following permitted and conditional land uses and special limitations on land uses, development standards, parking and loading requirements, modifications to the development plans and provisions of public benefits outlined below, and conditions of project approval attached and incorporated as "Exhibit B".

(a) Permitted, Conditionally Permitted land uses shall be allowed and limited as follows: Permitted Uses (subject to the limitations below under Section 4(b)):

(1) Professional and General Business Offices (excluding medical offices and administrative office uses)

(2) Retail Services (excluding liquor stores)

(3) Eating and Drinking Services (excluding drive-in and take-out services)

#### Conditionally Permitted Uses:

(1) Private Educational Facility

(2) Commercial Recreation

(3) Convalescent Facilities

(4) Private Clubs, Lodges, and Fraternal Organizations.

(b) Special limitations on land uses include the following:

(1) The office uses within the project on floors 2-4 shall not exceed a total floor area of 43,341 square feet;

(2) Approximately 1,640 square feet of floor area on the ground floor shall be leased to a Palo Alto-based non-profit for rents not to exceed 25% of market rates for the life of the project.

(3) No medical office use shall be permitted within the development;

(4) No administrative office use shall be permitted within the development;

(5) The "Retail" space along Alma Street as identified on the Development Plan shall be occupied by retail uses and eating and drinking services only.

(c) Development Standards:

Development Standards for the site shall comply with the standards prescribed for the Planned Community (PC) zone district (PAMC Chapter 18.38) and as described in Section Three and Section Four herein and in the Approved Development Plans. The Council further approves exceptions to Section 18.38.150 allowing height in excess of 35 feet within 150 feet of a residential zone and allowing encroachment into the daylight plane. These determinations are made consistent with the findings of Section (1)(g) above.

(d) Parking and Loading Requirements:

In addition to the parking and loading requirements specified in PAMC 18.52 and 18.54, a Transportation Demand Management Plan (TDM) Program shall be developed for the Project in accordance with PAMC 18.52.050(d) for employees of the Project. The TDM plan shall, at a minimum, include bicycle, pedestrian and public transportation functions and an attendant parking program. The TDM plan shall be approved by the Director of Planning and Community Environment prior to issuance of building permits for the site and shall include, at a minimum, transit passes or subsidies for all employees and tenants of the building, car sharing, bike facilities, transportation information kiosks, and the designation of a transportation demand coordinator for the building. The TDM program shall include monitoring reports, which shall be submitted to the Director not later than two years after building occupancy and again not later than five years after building occupancy, noting the effectiveness of the proposed measures as compared to the initial performance targets, and suggestions for modifications if necessary to enhance parking and/or trip reductions. Where the monitoring reports indicate that performance measures are not met, the director may require further program modifications.

Additionally, an agreement for compliance with targeted reductions (minimum 20% single occupant vehicle trip reduction) shall be developed between the owners and the City specifying a penalty schedule for non-compliance graduated over the initial five years of the project and then for every five years thereafter and tied to equivalent fees for in-lieu parking. The agreement shall be in effect prior to building occupancy and shall be recorded to apply to subsequent owners as well.

(e) Modifications to the Development Plan and Site Development Regulations:

Subsequent to construction of the Project consistent with the approved Development Plan, any modifications to the exterior design of the Development Plan or any new construction not specifically permitted by the Development Plan or the site development regulations contained in Section 4 (a) (c) above shall require an amendment to this Planned Community zone, unless the modification is a minor change as described in PAMC 18.76.050 (b) (3) (e), in which case the modification may be approved through the Minor Architectural Review process. Any use not specifically permitted by this ordinance shall require an amendment to the PC ordinance.

(f) Public Benefits:

Development of the site under the provisions of the PC Planned Community District will result in public benefits not otherwise attainable by application of the regulations of general districts or combining districts. The Project includes the following public benefits that are proposed for the Project and in excess of those required by City zoning districts.

(1) Financial contribution of \$625,000 to the City of Palo Alto's Affordable Housing Program (in addition to the required \$850,000 commercial in-lieu housing fee).

(2) Financial contribution of \$625,000 to the City's Parking In-Lieu Fund and payment of \$1,476,200 to cover the cost of 22 in-lieu fee parking spaces (at \$67,100 per space).

(3) Inclusion of 3,807 square feet of ground floor retail uses and eating and drinking service area proximate to the train station.

(4) Inclusion of 1,640 square feet of subsidized non-profit office space to be leased to a Palo Alto-based non-profit at rent not to exceed 25% of market rates for the life of the project.

(5) Provision of two (2) electric vehicle (EV) charging stations at off-site parking spaces directly adjacent to the site along Alma Street (one level 3 and one level 2 charging station), with the applicant responsible for all costs of installing the EV stations. There will be no charge to the members of the public for using the EV charging stations on Alma Street.

(6) Provision of two additional level 2 EV charging stations in the below-grade parking garage.

(7) Provision of one Zip Car rental unit to be located in a designated space within the surface parking lot behind the building that is open to the public

(8) Contribution of \$250,000 to the City for Neighborhood Parking Preservation Projects or Programs.

(9) Contribution of \$60,000 in funding to support City efforts to initiate a parking analysis for Downtown parking improvements.

(10) Provision of 8 surface parking spaces as available to the public at all hours daily (retail spaces), and 16 underground spaces available to the public on nights and weekends.

(11) Development of an extensive Alma Street tree canopy with the addition of 13 new street trees on the west side (Cal Train parking lot side) of Alma Street between Lytton and Everett.

(12) Installation of pedestrian and urban design features, including widened sidewalks and crosswalks, to enhance pedestrian safety and connectivity.

(13) Installation of street and vehicular improvements, including:

a. upgraded traffic signals at the intersection of Lytton and Alma, and high visibility crosswalk striping;

b. southbound left turn lane and associated striping and improvements at the Alma and University ramp (north ramp) to facilitate southbound left turns from Alma to westbound University;

c. striped median and improvements on Alma between University and Lytton;

d. upgraded bike lanes and markings: northbound bike lane on Alma between University and Lytton; westbound bike lane and "bike box" on Lytton at the Alma intersection, and southbound bike lane on Alma approaching Lytton;

e. pedestrian bulb-out along project frontage at the Lytton and Alma corner, to shorten pedestrian crossing distances and walk times while improving safety;

f. new left turn lane from southbound Alma onto eastbound Everett (no change to hours of permitted turns proposed);

g. expanded sidewalk and curb (four feet wider) along Lytton project frontage to enhance pedestrian environment;

h. relocated street trees along Alma from existing sidewalk planting strips to new planters (with new trees) located within parking lane, to increase the usable sidewalk width from 8'3" to approximately 10'3"; i. ten new post-top streetlights along Alma and Lytton at approximately 28-foot spacing, to provide safe and attractive lighting (replacing two existing streetlights);

j. street furnishings, including a bench for pedestrian seating on Alma and trash and recycling receptacles along entire project frontage.

(14) Provision of CalTrain Go-Passes, Eco Passes or the equivalent, as part of the Transportation Demand Management program, for all employees of the commercial spaces for the life of the project.

(g) Development Schedule:

The project is required to include a Development Schedule pursuant to PAMC 18.38.100. The approved Development Schedule is set forth below:

Construction of the Project shall commence on or before January 2013, unless a change in the development schedule is approved by the Director of Planning and Community Environment, not to exceed a one year extension in time, with only one such extension permitted without a hearing, pursuant to PAMC Section 18.38.130. The total time for the project construction and occupancy of tenant spaces is expected to be 16 months, or by April 2014, unless extended by the Director for up to one additional year.

SECTION 5.

**Indemnification.** To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void this ordinance or any permit or approval authorized hereby for the project, including (without limitation) reimbursing the City its actual attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

SECTION 6.

**Monitoring of Conditions and Public Benefits.** Not later than three (3) years following the approval of building occupancy by the City and every three (3) years thereafter (except where a shorter timeframe is required in the conditions of approval), the applicant or successor owner shall request that the City review the project to assure that conditions of approval and public benefits remain in effect as provided in the original approval. The applicant shall provide adequate funding to reimburse the City for these costs. If conditions or benefits are found deficient by staff, the applicant shall correct such conditions in not more than 90 days from notice by the City. If correction is not made within the prescribed timeframe, the Director of Planning and Community Environment will schedule review of the project before the Planning and Transportation Commission and Council to determine appropriate remedies, fines or other actions.

SECTION 7.

A mitigated negative declaration (MND) for this project was prepared in accordance with the California Environmental Quality Act and circulated for public

review for a 20-day period beginning October 17, 2011. The City Council approved the MND and Mitigation Monitoring Program at its meeting of March 12, 2012.

SECTION 8.

This ordinance shall be effective on the thirty-first day after the date of its adoption (second reading).

INTRODUCED: MAY 14, 2012

PASSED: JUNE 11, 2012

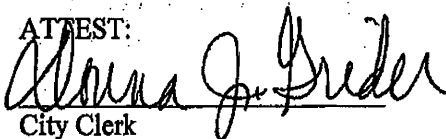
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NOES: HOLMAN

ABSTENTIONS:

ABSENT:

ATTEST:

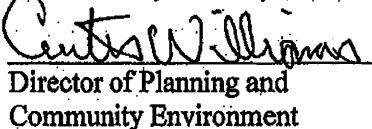
  
City Clerk

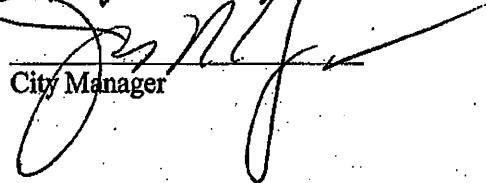
APPROVED:

  
Mayor

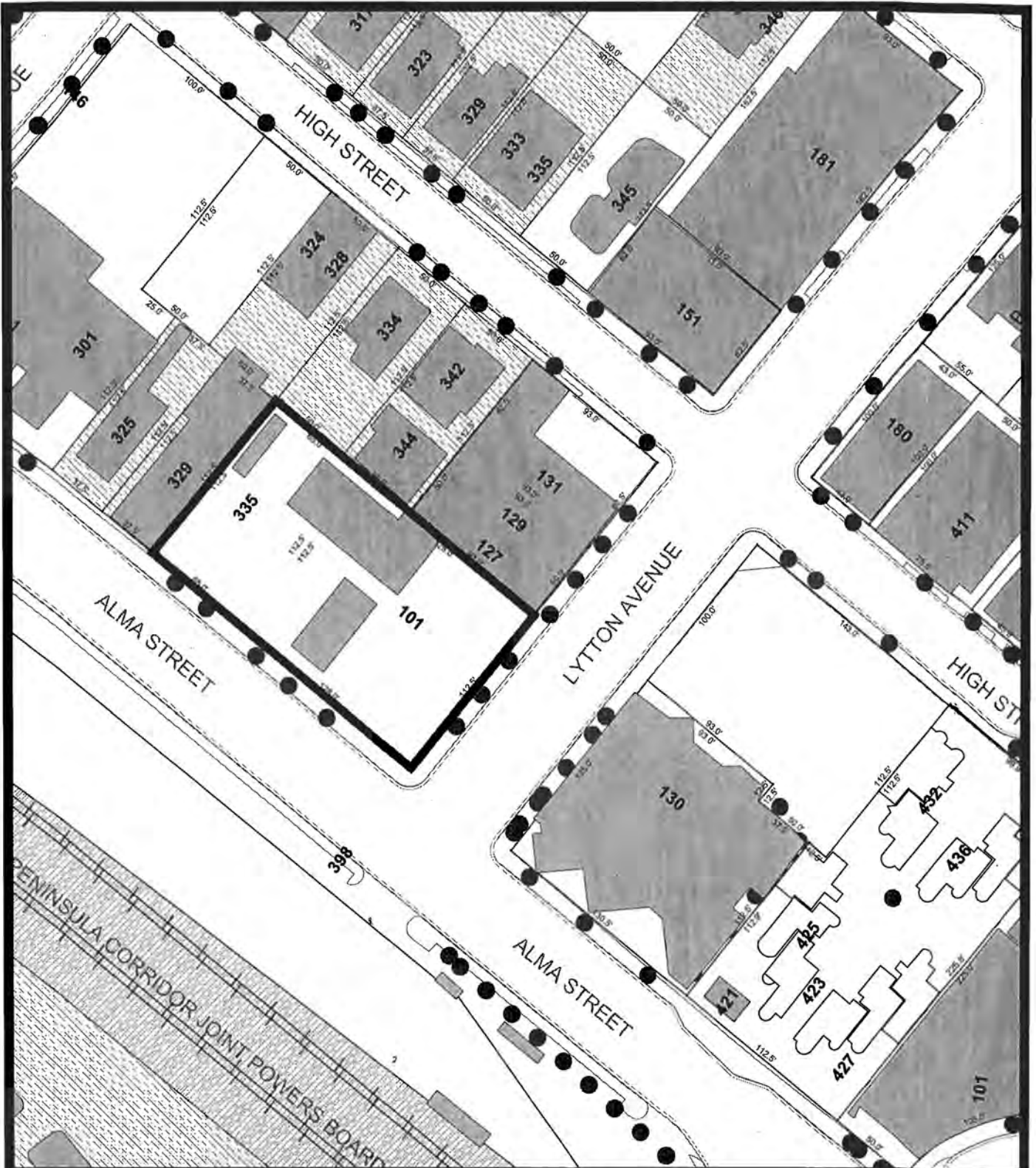
APPROVED AS TO FORM:

  
Assistant City Attorney

  
Director of Planning and  
Community Environment

  
City Manager

# ATTACHMENT E



The City of  
Palo Alto



101 Lytton Avenue

This map is a product of the  
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