

Ordinance No. 5224

Ordinance of the Council of the City Of Palo Alto Amending Ordinance 5150 (amending Section 18.08.040 of the Palo Alto Municipal Code [The Zoning Map] to Change the Classification of Property Located at 2080 Channing Avenue [Edgewood Plaza] to PC Planned Community Zone (PC 5150)) to Allow the Reconstruction of Building #1 with All New Materials.

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1.

(a) On April 9, 2012, the City Council granted Planned Community (PC) Zoning Ordinance 5150 ("Project") to permit the redevelopment of the property commonly known as the Edgewood Shopping Center located at 2080 Channing Avenue (the "Subject Property"). A copy of Ordinance 5150 is attached as Exhibit C and incorporated by reference. As part of that PC, the applicant Sand Hill Property Company (Applicant) was required to rehabilitate Building 1, identified as a historic resource, in accordance with the Secretary of Interior Standards for Rehabilitation.

(b) In September 2012, the Applicant without permission of the City, demolished Building 1 rendering reconstruction infeasible. The City immediately put a Stop Work Order on the remaining portion of the Project. Subsequently, the City permitted certain aspects of the Project to move forward.

(c) On February 26, 2013, the Applicant applied to the City for an amendment to Planned Community Zoning (PC) 5150 to substitute the reconstruction of Building 1 for the rehabilitation of Building 1 to accommodate the uses set forth below.

(d) The Historic Resources Board, at its meeting of August 21, 2013, reviewed the Project and recommended the City Council approve the amendment with associated draft conditions of approval 'Exhibit B.'

(e) The Planning and Transportation Commission, after a duly noticed public hearing held September 11, 2013, reviewed, considered, and recommended certification of the Final Supplemental Environmental Impact Report, then reviewed the Planned Community, 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 for the proposed project depicted on 'Exhibit A,' (the "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 this ordinance. Draft conditions of project approval "Exhibit B" attached to this document and incorporated by reference were presented to the PTC for review and comments.

(f) The Palo Alto City Council, after due consideration of the proposed Project, the analysis of the City staff, and the conditions recommended by the Planning and Transportation Commission, certified the Final Supplemental Environmental Impact Report and Mitigation Monitoring Program, concurred with the recommendations from the PTC and the HRB, approved conditions of approval attached as Exhibit B hereto, and found that the proposed project and this Ordinance is in the public interest and will promote the public health, safety and welfare, as hereinafter set forth.

(g) The Council finds that the findings made in Ordinance 5150 justifying the granting of Planned Community 5150 still apply to the Subject Property in that the Project will incorporate the modified community benefits described in Section (3)(f) hereof.

SECTION 2.

Ordinance 5150 amending Section 18.08.040 of the Palo Alto Municipal Code, the "Zoning Map," is hereby amended as follows: The project is as depicted on the Development Plans dated February 2, 2012 and amended in Development Plans dated September 11, 2013, incorporated by reference, including the following new component:

(a) Reconstruction of Building #1 with all new materials in the originally approved location and configuration.

Except as herein modified, all other provisions of Ordinance 5150, including any exhibits and conditions, shall remain in full force and effect.

SECTION 3.

Section 4 of Ordinance 5150 is amended to additionally require compliance with (i) the February 29, 2012 Development Plans as amended on September 11, 2013, (ii) the conditions of project approval attached as Exhibit B, and (iii) any approved supplemental materials for the Subject Property, as submitted by the applicant pursuant to Palo Alto Municipal Code (PAMC §18.38.090). In addition, Sections (f) and (g) shall be amended as follows:

(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 inherent to the Project and in excess of those required by City zoning districts.

- (1) Rehabilitation of Building #2 and reconstruction of Building #1 in a design significantly closer to its original appearance with the inclusion of custom made windows in the original design, with narrow full height frames and projecting moldings. Rehabilitation of the original historic monument sign for the shopping center.
- (2) Redevelopment and rehabilitation of a high-quality shopping and commercial area on the Edgewood Plaza site that will serve the community, including the provision of a new grocery store for the local neighborhood, in a manner that reflects the mid-century aesthetic and design of the existing buildings and surrounding Duveneck/Saint Francis (Edgewood and Green Gables) neighborhood. Reconstruction of Building #1 will enable a complete restoration of the shopping center.
- (3) Provision of a grocery store in the 20,600 sq. ft. building. The commercial property owner shall ensure the continued use of the 20,600 sq. ft. building as a grocery store for the life of the Project;
- (4) Provision of 0.20 acre public park, via public access easements in perpetuity. The park would be maintained by the commercial property owner and shall not be used for seating/activities associated with the retail uses. The Applicant shall provide an on-site display highlighting Joseph Eichler's achievements in the Park.
- (5) Payment to the City of \$94,200 with respect to the improper demolition of Building #1.
- (6) Provision of two Level 2 Electric Vehicle chargers and one Level 2 Electric Vehicle charger.

(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 immediately following the adoption of the PC zone, 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 and only one such extension without a hearing, pursuant to PAMC §18.38.130. The total time for the

project construction and occupancy of tenant spaces is expected to be 12 months following adoption of the PC zone, or by October 2014, unless extended by the Director for up to one additional year.

SECTION 4.

A Supplemental Environmental Impact Report (SEIR) for this project was prepared in accordance with the California Environmental Quality Act. The City Council certified the EIR and Mitigation Monitoring Program and adopted a resolution at its meeting of October 7, 2013.

SECTION 5.

The plans referenced consist of plans titled "Edgewood Shopping Center" prepared by Kenneth Rodrigues & Partners, Burton Architecture, Sandis and the Guzzardo Partnership, dated February 29, 2012, including the Tentative Map for Edgewood Plaza, prepared by Sandis, dated September 11, 2013.

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SECTION 6.

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

INTRODUCED: October 7, 2013

PASSED: November 18, 2013

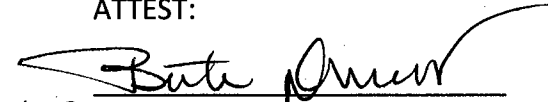
AYES: BERMAN, BURT, KLEIN, KNISS, PRICE, SCHARFF, SHEPHERD

NOES: HOLMAN, SCHMID

ABSTENTIONS:

ABSENT:

ATTEST:



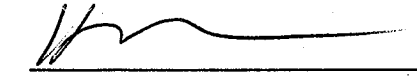
Julie
City Clerk

APPROVED AS TO FORM:




Senior Asst. City Attorney

APPROVED:



Mayor

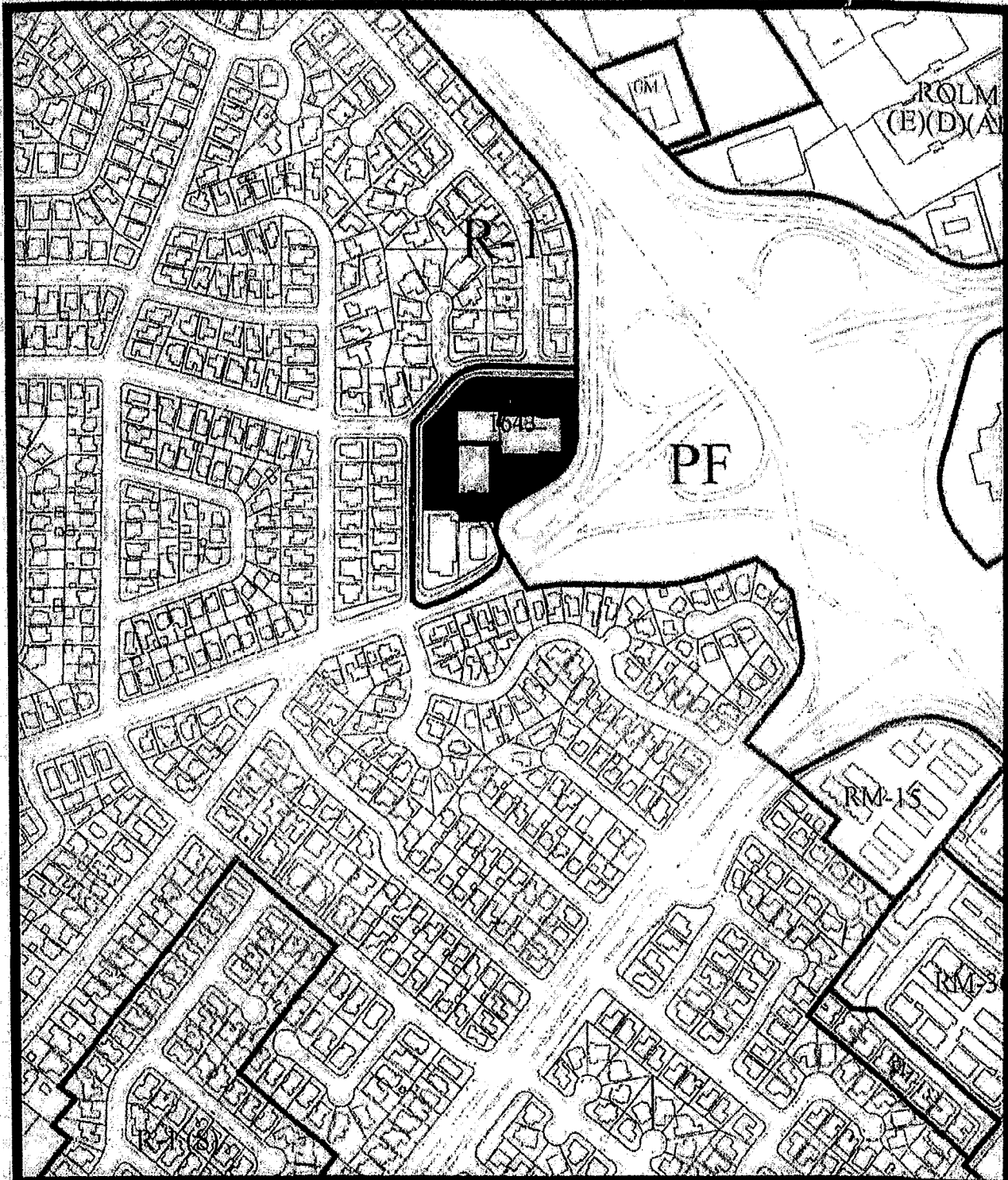


City Manager



Director of Planning and
Community Environment

Exhibit A



The City of
Palo Alto



Edgewood Plaza
Location Map

This map is a product of the
City of Palo Alto GIS



Exhibit B

CONDITIONS OF APPROVAL 2080 Channing Avenue – Edgewood Plaza/ File No. 13PLN-00197

DEPARTMENT OF PLANNING AND COMMUNITY ENVIRONMENT

Planning and Transportation Divisions

1. The plans submitted to obtain all permits through the Building Inspection Division shall be in substantial conformance with the revised plans, project details and materials received on March 22, 2012 and as modified in plans received on September 11, 2013, except as modified to incorporate these conditions of approval.
2. All conditions of approval shall be printed on the cover sheet of the plan set submitted to obtain any permit through the Building Inspection Division.
3. Construction details, colors, materials, and placement of the shopping center signs and roof mounted equipment shall be submitted to the Planning Division for review prior to submittal of the building permit.
4. All conditions required in PC-5150, including mitigation measures, are still applicable unless specifically amended by the document.
5. Prior to the submittal of a building permit application, a historic consultant shall be hired by the City and paid for the applicant to review the building permit submittal and construction of Building #1 to confirm compliance with this approval and mitigation requirements of the project's Supplement Environmental Impact Report.
6. Building #1 shall be constructed of materials that were approved for use in Building #2 to the satisfaction of the Director of the Planning and Community Environment Department.
7. A plaque identifying Building #1 as a reconstructed building shall be installed on Building #1 to the satisfaction of the Director of the Planning and Community Environment Department.
8. Storefront glass shall not be obstructed by shelves or storage and shall remain primarily open to permit public viewing of interior of store, except as allowed by the Sign Ordinance. The Director may permit display of store's merchandise or

other window display in his or her discretion provided it shall not impact the neighborhood serving retail environment.

EIR Mitigation Measures

9. **MM CR-2.2:** The applicant shall create a display illustrating the history of the Edgewood Plaza as built by Eichler Homes, prior to approval of final occupancy.
10. **MM CR-2.3:** Distinctive materials and defining architectural features, finishes, and construction techniques of Building 2 including windows, frames, and eaves will be retained to the extent possible to the satisfaction of the Director of the Planning and Community Environment Department, as the building elements will require some alterations due to ADA compliance, public safety, building code compliance, or deteriorated condition. The existing building components, to the satisfaction of the Planning Director, may be constructed out of new building materials that match the character and form of the existing, if reuse of existing building components is not feasible. Prior to the rehabilitation of Building 2, a qualified historic preservation architect shall review the plans for the remodeled buildings and verify that the work on these buildings is in keeping with the buildings' original design and applicable Secretary of the Interior's *Standards for Rehabilitation*, such as Standards #5, 6, 7, and 9.
11. A new Building 1 will be constructed of new building materials that match the character and one-story form of the commercial buildings of Edgewood Plaza as built by Eichler Homes, consistent with the previously approved building elevations. As a condition of approval, all facades of Building 1 will be wood-framed storefront systems that replicate the detail of the original 1957 window design.
12. The final design and materials to be used in the renovation of Building #2 and reconstruction of Building #1 will be reviewed and approved by the Director and the Historic Preservation Planner of the City of Palo Alto Planning and Community Environment Department.
13. Government Code Section 66020 provides that project applicant who desires to protest the fees, dedications, reservations, or other exactions imposed on a development project must initiate the protest at the time the development project is approved or conditionally approved or within ninety (90) days after the date that fees, dedications, reservations or exactions are imposed on the project. Additionally, procedural requirements for protesting these development fees, dedications, reservations and exactions are set forth in Government Code Section 66020. IF YOU FAIL TO INITIATE A PROTEST WITHIN THE 90-DAY PERIOD OR TO FOLLOW THE PROTEST PROCEDURES DESCRIBED IN GOVERNMENT CODE

SECTION 66020, YOU WILL BE BARRED FROM CHALLENGING THE VALIDITY OR REASONABLENESS OF THE FEES, DEDICATIONS, RESERVATIONS, AND EXACTIONS.

- 14. This matter is subject to the Code of Civil Procedures (CCP) Section 1094.5, and the time by which judicial review must be sought is governed by CCP Section 1094.6.**

Exhibit C

Ordinance No. 5150

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 2080 Channing Avenue (Edgewood Plaza) from Planned Community (PC-1643) to PC Planned Community Zone (PC-5150) for the Renovation of the Three Existing Eichler Retail Structures, On-Site Relocation of One of the Retail Structures, Construction of Ten New Single-Family Homes, and Creation of a 0.20 Acre Park

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

SECTION 1.

(a) Sand Hill Property Company, ("the Applicant") applied on June 1, 2010 to the City for approval of (1) a rezoning application (the "Project") for a new Planned Community (PC) district for a property located at 2080 Channing Avenue (the "Subject Property") to accommodate the uses set forth below and (2) a Tentative Map to subdivide the 3.58 site into one commercial lot, including a 0.20 acre park, dedicated to the City with public access easements and maintained by the commercial property owner, and ten single family residential lots.

(b) The Tentative Map plan set, dated February 15, 2012, and last revised on March 19, 2012 includes information on the existing parcels, onsite conditions, and the layout of the proposed new lots. These drawings are in compliance with the applicable provisions of the City's Subdivision Ordinance. These plans contain all information and notations required to be shown on a Tentative Map (per PAMC Sections 21.12 and 21.13), as well as the design requirements concerning the creation of lots, streets, walkways, and similar features (PAMC 21.20).

(c) The Planning and Transportation Commission, at its meeting of April 27, 2011, acted favorably on the applicant's request for initiation of the Planned Community Zone process for the establishment of Planned Community Zone District No. PC-5150.

(d) The Architectural Review Board, at its meeting of February 2, 2012, reviewed the Project design and recommended the City Council approve the project with associated draft conditions of approval 'Exhibit B.'

(e) The Planning and Transportation Commission, after a duly noticed public hearing held February 29, 2012, reviewed, considered, and recommended certification of the Final Environmental Impact Report, then reviewed the Planned Community and Tentative Map and this 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 for the proposed project depicted on 'Exhibit A,' (the "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 this ordinance and recommended approval of the Tentative Map. Draft conditions of project approval "Exhibit B" attached to this document and incorporated by reference were presented to the PTC for review and comments.

(f) The Palo Alto City Council, after due consideration of the proposed Project, the analysis of the City staff, and the conditions recommended by the Planning and Transportation Commission, certified the Final Environmental Impact Report and Mitigation Monitoring Program, concurred with the recommendations from the PTC and the ARB, and found that the proposed project and this 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.

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 Planned Community (PC-1643) to "PC Planned Community Zone 5150".

SECTION 3.

The City Council hereby finds with respect to the Subject Property that the project (the "Project") comprises the following uses included in this ordinance and a mixed use development, depicted on the Development Plans dated February 2, 2012, incorporated by reference, including the following components:

(a) Renovation of an existing 37,965 sq. ft. shopping center, including relocation and renovation of the 10,000 sq. ft. retail building, renovation of the 7,800 sq. ft. retail building in place, and renovation of the 20,600 sq. ft. building in place for use as a grocery store, deletion of the outer parking lots and expansion of the remaining parking lot, and associated site improvements

(b) Construction of ten detached residential units on fee simple lots along Channing Avenue, including five surface parking stalls and ten two-car garages.

(c) Construction of a 0.20 acre park at the corner of Channing Avenue and St. Francis Drive. The park shall include public access easement so that it would be a public

park to be maintained by the commercial property owner in perpetuity. There shall not be any use of the park for the purposes of the retail tenants.

(d) A Tentative Map to subdivide the 3.58 acre site into eleven parcels. The first parcel (2.73 acres) would contain the existing grocery building, the other two retail buildings ("Buildings 1 and 2") and the new 0.20 acre park. The park would include a public access easement allowing use as a public park, and would be maintained by the owner of the commercial parcel. The remaining ten parcels (ranging from 3,376 to 4,026 sq. ft.) would be created for the ten residences. Private easements would be provided for the driveways and walkways.

SECTION 4.

The Development Plan for the Subject Property dated February 29, 2012, and any approved supplemental materials for the Subject Property, as submitted by the applicant pursuant to Palo Alto Municipal Code (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) Ten residential units;
- (2) Retail Services (excluding liquor stores);
- (3) Eating and Drinking Services (excluding drive-in services);
- (4) Personal Services;
- (5) Neighborhood Business Services;
- (6) Financial Services (excluding drive-up services);
- (7) A 0.20 acre public park, via public access easements;
- (8) Accessory facilities and activities customarily associated with or essential to permitted uses, and operated incidental to the principal use.

Conditionally Permitted Uses:

- (1) Small tutoring center or afterschool program center;

(2) Limited commercial recreation;

(3) Farmer's Markets or similar.

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

(1) The 20,600 sq. ft. building shall be primarily used for grocery uses only;

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

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

(4) The "Retail" space as identified on the Development Plan shall be occupied by retail uses, personal service uses, eating and drinking services or customer serving financial services only, except where a conditional use permit is required in accordance with 4(a).

(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.

(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 include bicycle, pedestrian and public transportation functions. 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, offer for parking cash out, bike facilities, transportation information kiosks, and the designation of a transportation demand coordinator for the building.

The TDM program will 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.

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

Once the project has been constructed 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 inherent to the Project and in excess of those required by City zoning districts.

- (1) Preservation and renovation of an existing historically significant shopping center developed by Eichler Homes, eligible for federal, state and local historic registries;
- (2) Provision of a grocery store in the 20,600 sq. ft. building;
- (3) Provision of a 0.20 acre public park, via public access easements, in perpetuity. (Land is dedicated for the ten units, plus an additional 5,000 sq. ft., where an in-lieu fee could also be proposed. The park would be maintained by the commercial property owner.) The park shall not be used for seating/activities associated with the retail uses.
- (4) Provision of three (3) electrical vehicle (EV) charging stations installed onsite, subject to final City approval. The applicant shall incur all costs of the installation.

(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 immediately following the adoption of the PC zone, 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 and only one such extension without a hearing, pursuant to PAMC §18.38.130. The total time for the project construction and occupancy of tenant spaces is expected to be 24 months following adoption of the PC zone, or by March 2014, unless extended by the Director for up to one additional year.

- (h) No building permit shall be approved (other than for model homes with no more than one model home per plan type) for residential development prior to submittal to the Director of a lease agreement or other legally binding commitment from a grocery operator to occupy 20,600 square feet in the Grocery Building. The Lease Agreement shall require that Occupancy of the grocery store shall occur not later than 15 months after the issuance of the first building permit for the Grocery Building or 15 months after issuance of the first building permit for the residential development (other than a model home). Final inspection and occupancy shall be allowed for not more than 5 homes (including model homes) prior to final inspection and occupancy approval for the grocery store. Bonding or other financial security may be considered in lieu of these requirements only upon review and approval by the City Council as an amendment to this PC ordinance.

SECTION 5.

Tentative Map Findings. A legislative body of a city shall deny approval of a Tentative Map, if it makes any of the following findings (California Government Code Section 66474):

1. *That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451:*

This finding can not be made in the affirmative. The site does not lie within a specific plan area and is consistent with the provisions of the Comprehensive Plan. The land use designation in the area of the subdivision is Neighborhood Commercial and the zoning designation is Planned Community (PC) District. The proposed development of the commercial and residential mixed use development is consistent with the land use and zoning designations of the site.

2. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans:*

This finding can not be made in the affirmative. The map is consistent with applicable Comprehensive Plan policies, particularly including: (1) Policy L-1 – Limiting future urban development to currently developed lands within the urban service area; (2) Policy L-4 – Maintain Palo Alto's varied residential neighborhoods while sustaining the vitality of its commercial areas and public facilities. Use the Zoning Ordinance as a tool to enhance Palo Alto's desirable qualities; (3) Policy L-9 – Enhance desirable characteristics in mixed use areas. Use the planning and zoning process to

create opportunities for new mixed use development; and (4) Policy B-27 - Support the upgrading and revitalization of Palo Alto's four Neighborhood Commercial Centers.

3. *That the site is not physically suitable for the type of development:*

This finding can not be made in the affirmative. The site can accommodate the proposed subdivision, as it is currently vacant, flat, and absent any significant vegetation. The lots conform to the width, depth, and area requirements of this Planned Community Zoning District. The design of the mixed use, commercial and residential buildings require Architectural Review approval. The proposed development was recommended for approval by the City Council from the Architectural Review Board on February 2, 2012.

4. *That the site is not physically suitable for the proposed density of development:*

This finding can not be made in the affirmative. The subdivision would be consistent with the site development regulations of this Planned Community Zoning District and would not affect the location of the existing property lines at the perimeter of the site.

5. *That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:*

This finding can not be made in the affirmative. The subdivision would not cause environmental damage or injure fish, wildlife, or their habitat, as the site is currently fully developed with a vacant commercial development. An Environmental Impact Report was adopted certifying that there will be no significant unmitigated environmental impacts.

6. *That the design of the subdivision or type of improvements is likely to cause serious public health problems:*

This finding can not be made in the affirmative. The subdivision of the existing parcel for a commercial and residential mixed use development will not cause serious public health problems.

7. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has*

acquired easements for access through or use of property within the proposed subdivision.

This finding can not be made in the affirmative. The subdivision of the existing parcel will not conflict with easements of any type, in that the subdivision is compatible with adequate emergency vehicle access and any utility easements that would be required to serve the proposed developments.

SECTION 6.

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 7.

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, the applicant 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 8.

An Environmental Impact Report (EIR) for this project was prepared in accordance with the California Environmental Quality Act. The City Council certified the EIR and Mitigation Monitoring Program and adopted a resolution at its meeting of March 19, 2012.

SECTION 9.

The plans referenced consist of plans titled "Edgewood Shopping Center" prepared by Kenneth Rodrigues & Partners, Burton Architecture, Sandis and the Guzzardo Partnership, dated February 29, 2012, including the Tentative Map for Edgewood Plaza, prepared by Sandis, dated February 15, 2012.

SECTION 10.

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

INTRODUCED: March 19, 2012

PASSED: April 9, 2012

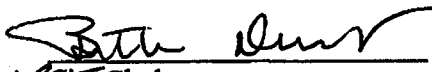
AYES: Burt, Espinosa, Klein, Price, Schmid, Shepherd, Yeh

NOES: Holman

ABSTENTIONS:

ABSENT: Scharff

ATTEST:



City Clerk

APPROVED AS TO FORM:



Assistant City Attorney


APPROVED:



Mayor



City Manager



Director of Planning and
Community Environment