

TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: COMMUNITY SERVICES

DATE: AUGUST 14, 2009 CMR: 351:09

SUBJECT: 2ND READING ADOPTION OF A PARK IMPROVEMENT ORDINANCE APPROVING AND ADOPTING A PLAN FOR IMPROVEMENTS TO LYTTON PLAZA (CIP PE-08004)

RECOMMENDATION

Staff recommends that Council approve and adopt the attached Park Improvement Ordinance for improvements to the Lytton Plaza, 202 University Avenue at Emerson Street (Attachment A) (Second Reading).

BACKGROUND

On August 3, 2009, Council approved the first reading of an ordinance for the improvement of Lytton Plaza through a public/private partnership between the Friends of Lytton Plaza, LLC and the City of Palo Alto (CMR:306:09).

The renovation of this public downtown park will include:

- demolition of the existing plaza and sidewalk surfaces
- demolition of existing stone wing walls along University Avenue and Emerson Street
- removal of existing trees
- removal of existing lighting
- re-pavement of the plaza and adjoining sidewalks
- repositioning of the art piece Digital DNA
- installation of new lights, tables and benches
- installation a new fountain

DISCUSSION

Palo Alto Municipal Code 22.08.005 requires that, prior to approving or commencing any substantial building, construction, reconstruction or development in any dedicated parkland, the Council shall approve and adopt by ordinance a plan showing the improvements. Such plans, schedule and budget, together with a partnership agreement with the Friends were approved by Council on August 3, 2009.

Although staff has been aware that the Friends were prepared to start the project in early August, and the construction schedule that was provided to Council as part of CMR:306:09 (attachment B) indicated a August 10th construction start date, staff neglected to factor the required 31-day enactment period into the construction schedule. In addition, that 31 day enactment period is not

triggered until the second reading of the ordinance. A second reading of an ordinance must take place at least ten days after the first reading.

Given the impact that this oversight will have on the project's schedule, this special meeting has been scheduled to allow for Council adoption of the second reading. Without this action, construction would be delayed until October 15, which would make completion of the project by the holiday shopping season impossible.



The Friends of Lytton Plaza, LLC, together with downtown merchants and business owners, hope that the renovation project can commence as soon as possible after the enactment period in order that the construction will be substantially complete by Thanksgiving and the holiday shopping season.

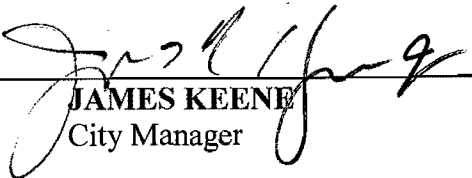
The Park Improvement Ordinance will become effective thirty days after the first and second reading. The Friends of Lytton Plaza, and their contractor, Devcon Construction, Inc., will be prepared to commence construction promptly when the ordinance takes effect (Tuesday, September 15, 2009). The contractor is confident that they can complete the project as originally scheduled on Wednesday, November 25, 2009, if they are able to perform work on some Saturdays.

Palo Alto Municipal Code 2.04.010 provides the authority for holding a special meeting during the Council's vacation period, stating in part: "The mayor or a majority of the council may call a special meeting during the scheduled vacation if necessary." Such action is deemed necessary in order to keep the renovation project on schedule and to avoid conflicts between construction and business during the holiday shopping period.

ATTACHMENTS

Attachment A: Park Improvement Ordinance

PREPARED BY:  _____ 
GREG BETTS
Interim Director Community Services

CITY MANAGER APPROVAL: _____ 
JAMES KEENE
City Manager

Attachment A

ORDINANCE NO. _____
ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO
APPROVING AND ADOPTING A PLAN FOR IMPROVEMENTS TO
LYTTON PLAZA

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

SECTION 1. Findings. The City Council finds and declares that:

(a) Article VIII of the Charter of the City of Palo Alto and Section 22.08.005 of the Palo Alto Municipal Code require that, before any substantial building, construction, reconstruction or development is commenced or approved, upon or with respect to any land held by the City for park purposes, the Council shall first cause to be prepared and by ordinance approve and adopt a plan therefor.

(b) Lytton Plaza is dedicated to park, playground, recreation or conservation purposes.

(c) The City intends to authorize the construction of certain plaza improvements within Lytton Plaza, as shown on the Lytton Plaza Plan (the "Plan"), attached as Exhibit "A":

- (1) Removal of existing concrete, stone walls, benches, paving materials, and lighting systems, and prepare the site for the construction and installation of new surface materials, benches, water fountain, landscaping and lighting.
- (2) Clearing of vegetation and trimming of existing shrubs and trees in accordance with City policies, as necessary.
- (3) Adjustment and restoration of existing planting and irrigation to accommodate the proposed improvement.
- (4) Construction and installation of sidewalks and retaining structures in accordance with the Plan.
- (5) Installation of site amenities, including, without limitation, benches, tables and planters, in accordance with the Plan.

(d) The improvements at Lytton Plaza will be limited to the approximately 8,500 square feet of land that is bounded by the street curbing fronting on University Avenue and Emerson Street, the City Parking Lot P, and the private property located at 220 University Avenue, all of which constitutes the entirety of the Plaza.

(e) The project improvements will avoid protected trees and other sensitive resources, if any. In addition, existing park uses will be restored following the completion of project construction.

(f) The project described above and as more specifically described in the Plan, attached hereto as Exhibit "A," is consistent with park and conservation purposes.

(g) The Council desires to approve the project described above and as more specifically described in the Plan, attached hereto as Exhibit "A."

SECTION 2. The Council hereby approves the Plan for the construction of the improvements at Lytton Plaza, and it hereby adopts the Plan, attached hereto as Exhibit "A," as part of the official plan for the construction of the park improvements at Lytton Plaza.

SECTION 3. The Council finds that the project to construct the facilities at Lytton Plaza is subject to review under the California Environmental Quality Act.

SECTION 4. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Senior Asst. City Attorney

City Manager

Director of Community Services

Director of Administrative Services