

NOT YET APPROVED

ORDINANCE _____

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 KNOWN AS 3401, 3415 AND 3445 ALMA STREET FROM PC PLANNED COMMUNITY 1362 TO PC PLANNED COMMUNITY _____ (McNELLIS PARTNERS, LLC AND GREENBRIAR HOMES COMMUNITIES, INC., APPLICANTS)

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

SECTION 1.

(a) McNellis Partners, LLC, a California limited liability corporation, and Greenbriar Homes Communities, Inc., a California corporation, ("the Applicant") formally applied on July 18, 2006 to the City for approval of a rezoning application to a Planned Community (PC) district for three properties located at 3401, 3415 and 3445 Alma Street.

(b) The Planning Commission, after duly noticed public hearings held March 8 and 28, 2007, reviewed, considered, and recommended approval of the draft Mitigated Negative Declaration and recommended that Section 18.08.040 (the Zoning Map) of the Palo Alto Municipal Code be amended to Planned Community to permit construction of the Project, as revised by conditions included in the Planned Community allowable land uses and required development standards, and subject to provision of the public benefits outlined below.

(c) The Council, after due consideration of the recommendations and the Mitigated Negative Declaration, finds that the proposed amendment is in the public interest and will promote the public health, safety and welfare, as hereinafter set forth.

SECTION 2. Section 18.08.040 of the Palo Alto Municipal Code, the "Zoning Map," is hereby amended by changing the zoning of certain properties known as 3401, 3415 and 3445 Alma Street (the "subject property") from "PC Planned Community 1362" to "PC Planned Community _____."

SECTION 3. The City Council hereby finds with respect to the subject property that the project comprises a mixed use development, including:

- (a) Ground floor retail space;
- (b) Basement office, storage and service area to support the retail space;
- (c) A community meeting room;
- (d) Below market rate (BMR) rental apartments above the ground floor retail;
- (e) Single-family attached and/or detached residences;

NOT YET APPROVED

- (f) Three driveways on Alma Street and access to Ramona Street for single-family units with frontage on that street.
- (g) Alma Street frontage improvements to reconfigure the frontage road between East Meadow and the project to one-way travel;
- (h) A pedestrian pathway along the southern perimeter of the site connecting Alma Street to Ramona Street;
- (i) A park area designated for passive type recreational uses; and
- (j) Privately owned and maintained streets internal to the site.

SECTION 4. A Development Plan for the subject property, pursuant to Palo Alto Municipal Code Section 18.68.120, shall be prepared and reviewed according to the Site and Design Review process outlined in Section 5 below. The Development Plan shall be subject to the following allowable and required uses, development standards, provisions of public benefits, and other conditions:

(a) Permitted, Conditional, and Required Uses shall be allowed and limited as follows:

(1) All permitted and conditional uses allowed in the Neighborhood Commercial (CN) zone district, including mixed commercial and residential use, are allowed as provided in Chapter 18.16 of the Zoning Ordinance; and

(2) A grocery store of a minimum size of 15,000 square feet is required.

(b) Development Standards for the site shall comply with the standards prescribed for the Neighborhood Commercial (CN) zone district (Chapter 18.16) and for the Planned Community (PC) zone district (Chapter 18.68). Additional criteria may be required as part of Site and Design (D) Combining District review.

(c) 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) Park land dedication and improvement to the standards of the City's parkland (Quimby Act) ordinance;

(2) Leadership in Energy and Environmental Design (LEED) Silver green building certification;

(3) Below Market Rate (BMR) housing provided as rental units; and

(4) Provision of a community meeting room

(d) Special Conditions

(1) Variances and DEEs. A Variance or Design Enhancement Exception (DEE) is required for all exceptions to the Planned Community (PC) zone standards prescribed in Section 18.68.150 of the Zoning Code.

NOT YET APPROVED

- (2) Below Market Rate (BMR) Housing Requirement. The Project shall provide rental housing units sufficient to satisfy the City's Below Market Rate ("BMR") program. The units shall be second floor units above commercial uses in the mixed use building. The units shall be in conformance with the City's BMR program requirements and shall be approved by the City prior to final map approval.
- (3) A grocery store shall be included in the project, with a minimum size of 15,000 sq. ft;
- (4) Parkland shall be provided to the level required by the City's Parkland Dedication (Quimby Act) ordinance and shall be located adjacent to the retail component of the development;
- (5) A minimum of 0.15 Floor Area Ratio (FAR) of ground floor retail space shall be maintained over the site as a whole in perpetuity;
- (6) The project design shall create a fluid transition between mixed use, housing and open space and shall provide a variety of housing types;
- (7) The mixed use portion of the development shall be one parcel (excluding areas dedicated as public open space);
- (8) Pedestrian access shall accommodate both pedestrian and bicycle access; and
- (9) Office space may be included in the vertical mixed use component of the project.

SECTION 5. Site and Design Review and Approval

Site and design review of the Development Plan for the project shall be required, pursuant to Chapter 18.82 (Site and Design Review Combining District Regulations) of the Zoning Ordinance.

//

//

//

//

//

//

//

NOT YET APPROVED

SECTION 6. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

APPROVED:

City Clerk

Mayor

APPROVED AS TO FORM:

City Manager

Assistant City Attorney

Director of Planning and
Community Environment