



PLANNING & DEVELOPMENT SERVICES

CITY OF
**PALO
ALTO** 250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301
(650) 329-2441

May 3, 2023

Peggy C. Lee
PO Box 3183
Los Altos, CA 94024

Subject: 151 S. California Avenue Retail Preservation Waiver Determination 23PLN-00363

Dear Ms. Lee,

In accordance with Palo Alto Municipal Code Section 18.40.180(c), your request for a waiver from the City's retail preservation ordinance to allow an Alternative Viable Active Use (medical office use) for a 3,500 commercial space located within the interior courtyard (Building E) of Palo Alto Central at 151 S. California Avenue has been tentatively approved with conditions. The conditions of approval are provided in Attachment A. This determination will be placed on the City Council's May 15, 2023 consent calendar agenda. If three or more council members vote to pull the item from the consent agenda, you will be notified of a future public hearing regarding your request. If approved on the consent agenda, this decision will be final.

This determination is based on information provided to the City, including the site's 10-year history, documentation of the applicant's efforts to lease the tenant space, information regarding the former tenant and eviction notice information, the surrounding land uses, previous actions and determinations related to this tenant space in accordance with Ordinance 4848, the visibility of the space from the street, and a support letter from the properties' Home Owners Association. The proposed Medical Office use is consistent with the allowed uses within the Community Commercial Comprehensive Plan land use designation and is a permitted use within the CC[2] Zone District. The proposed use, as conditioned, would encourage active pedestrian-oriented activity and connections that are conducive to adjacent retail uses.

In accordance with PAMC 18.40.180(c)(1)(B), the Director may issue a tentative decision to approve a retail waiver for an Alternative Viable Use based on findings that the permitted retail or retail-like use is not viable; the proposed use will support the purposes of the zoning district and Comprehensive Plan land use designation; and the proposed use will encourage active pedestrian-oriented activity and connections. Based on the aforementioned information, the undersigned finds retail and retail-like uses are not viable within this tenant space at this time and that the proposed medical office use supports the purposes of the Zoning District and Comprehensive Plan land use designation and encourages pedestrian-oriented activity.

No modifications to the building are proposed as part of the proposed project. Any future physical modifications to the site would be required to comply with the other applicable provisions of the 151 S. California Avenue; Application #23PLN-00363

Municipal Code, be consistent with the City's Comprehensive Plan, and will likely require permits from the City's Planning and/or Building Division.

If you have any questions regarding this determination, please do not hesitate to contact me or your Project Planner, Claire Raybould at claire.raybould@cityofpaloalto.org or (650) 329-2116.

Sincerely,

DocuSigned by:

293CF322E1294F6...

Jonathan Lait
Director of Planning & Development Services

Attachment A: Conditions of Approval

**Attachment A:
Conditions of Approval (151 S. California; 23PLN-00363)**

1. **CONFORMANCE WITH APPROVED USE.** This approval allows for a waiver from the retail preservation ordinance for the proposed medical office use within a 3,500 sf existing tenant space, which has been determined to meet the City's criteria as an approved Alternative Active Viable Use and is an otherwise permitted use within the CC(2) zone district for spaces less than 5,000 sf and that do not front California Avenue. Any future use of this tenant space for a land use that does not meet the definition of retail, retail-like, or medical office use, as defined in Chapter 18.04 of the municipal code and that meets the conditions of approval of this waiver would require a subsequent retail preservation waiver.
2. **SITE MODIFICATIONS.** This project does not include approval of any changes to the building or site. Any future changes to the building or the site would be subject to applicable approvals and permits in conformance with all applicable regulations depending on the scope of the proposed work.
3. **SIGNAGE.** This approval does not include any signage or modifications to the approved signs on site. New signage or modifications to existing signage would be required to submit for a separate review and approval by the Planning Department.
4. **MEDICAL OFFICE USE REQUIREMENTS.** To ensure that site modifications and use for any future medical office tenants comply with the requirements in PAMC Section 18.40.180(c)(1)(B) to encourage pedestrian-oriented activity, any medical office use within this space shall include a storefront/entry lobby design that is a minimum 500 sf and that is consistent with a retail environment, such as a reception desk or retail displays and display window. Additionally, medical office uses operating between the hours of 10:00 p.m. and 6:00 a.m. are not permitted.
5. **INDEMNITY.** 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, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for 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 own choice.
6. **PERMIT EXPIRATION.** The project approval shall be valid for a period of one year from the original date of approval. In the event that the proposed use does not occupy the space within a period of one year within the time limit specified above, the approval shall expire and be of no further force or effect. A written request for a one-year extension shall be submitted prior to the expiration date in order to be considered by the Director of Planning and Development Services.

Certificate Of Completion

Envelope Id: 73E810701B3C4773BD8D17149885E7CA	Status: Completed
Subject: Complete with DocuSign: 2023-0503 Retail waiver Tentative Approval Letter 151 S California Fina...	
Source Envelope:	
Document Pages: 3	Signatures: 1
Certificate Pages: 2	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Jodie Gerhardt
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	250 Hamilton Ave
	Palo Alto , CA 94301
	Jodie.Gerhardt@CityofPaloAlto.org
	IP Address: 199.33.32.254

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5/3/2023 5:31:18 PM	Jodie.Gerhardt@CityofPaloAlto.org	
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Signer Events

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Jodie Gerhardt	Completed	Sent: 5/3/2023 5:34:04 PM
jodie.gerhardt@cityofpaloalto.org		Viewed: 5/3/2023 5:34:26 PM
Manager Planning		Signed: 5/3/2023 5:34:30 PM
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Security Level: Email, Account Authentication (None)		
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Jonathan Lait		Sent: 5/3/2023 5:34:31 PM
jonathan.lait@cityofpaloalto.org		Viewed: 5/4/2023 4:39:16 PM
Interim Director Planning and Community Environment		Signed: 5/4/2023 4:39:51 PM
City of Palo Alto	Signature Adoption: Uploaded Signature Image	
Security Level: Email, Account Authentication (None)	Using IP Address: 199.33.32.254	
Electronic Record and Signature Disclosure:	Signed using mobile	
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Claire Raybould	COPIED	Sent: 5/4/2023 4:39:52 PM
Claire.Raybould@CityofPaloAlto.org		
Senior Planner		
Security Level: Email, Account Authentication (None)		
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Certified Delivered	Security Checked	5/4/2023 4:39:16 PM
Signing Complete	Security Checked	5/4/2023 4:39:51 PM
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