

# Holland & Knight

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November 8, 2023

Palo Alto Planning Department  
250 Hamilton Avenue - 5th Floor  
Palo Alto, CA 94301

**Re: Submission of SB 330 Preliminary Application Under the “Builder’s Remedy”  
Provisions of the Housing Accountability Act – 156 N. California Avenue**

Dear All:

This firm represents Midar Investment Co. LLC (the “Applicant”), on behalf of whom we are pleased to provide the enclosed preliminary application pursuant to the Housing Crisis Act of 2019 (“SB 330”). The development consists of a mixed-use project that includes commercial use and 382 multifamily residential units (the “Project”), at 156 N. California Avenue (the “Project Site”).

Under the Housing Accountability Act (the “HAA”), a local agency cannot deny a housing development project “for very low, low-, or moderate-income households,” unless it makes one of five findings in Govt. Code Section 65589.5, subd. (d). Ordinarily, a jurisdiction is permitted to disapprove a project for being noncompliant with local General Plan or zoning requirements.<sup>1</sup> However “[i]f a locality has not adopted a housing element in substantial compliance with state law, developers may propose eligible housing development projects that do not comply with either the zoning or the general plan.”<sup>2</sup> This is informally known as the “Builder’s Remedy.”<sup>3</sup>

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<sup>1</sup> See Gov. Code Section 65589.5(d)(5).

<sup>2</sup> Association of Bay Area Governments, The “Builder’s Remedy” and Housing Elements (Nov. 2022), at 2. Available at <https://abag.ca.gov/sites/default/files/documents/2022-11/Builders-Remedy-and-Housing-Elements-Nov-2022.pdf>.

<sup>3</sup> The other four potential findings under Gov. Code Section 65589.5, subd. (d) do not apply either. Subd. (d)(1), like (d)(5), cannot be invoked if a jurisdiction lacks a compliant housing element. Subds. (d)(3) and (d)(4) do not apply because denial of the Project is not required to comply with state or federal law, and the Project is not “proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.” Subd. (d)(2) only applies if a city can make findings based on a preponderance of the evidence that a project will cause “significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete,” and further find there are no feasible measures available to mitigate such an “impact.” The Legislature has

Housing projects “for very low, low-, or moderate-income households” are eligible for use of the Builder’s Remedy. These include projects in which at least 20% of the units are sold or rented at affordable rents to lower-income households, and projects in which 100% of units are sold or rented to “middle-income” households.<sup>4</sup> Here, the Project will reserve 20% of its units to low income households. Accordingly, the Project qualifies as a housing development project “for very low, low-, or moderate-income households,” and since the City lacks a substantially compliant Housing Element, the Builder’s Remedy applies.

With the submission of the enclosed SB 330 preliminary application, the Applicant obtains a vested right to develop the Project in accordance with the ordinances, policies, and standards in effect as of the date of submission and fee payment.<sup>5</sup> As confirmed by the California Department of Housing and Community Development (“HCD”), the state agency delegated by the Legislature with “primary responsibility for development and implementation of housing policy,”<sup>6</sup> these vested rights include a right to proceed under the Housing Element compliance status at the time of preliminary application submittal.<sup>7</sup> When a preliminary application “submittal occurs at a time when the jurisdiction does not have a compliant housing element, any potential benefits afforded to the applicant as a result of the jurisdiction’s noncompliant status . . . remain throughout the entitlement process even if the jurisdiction subsequently achieves compliance during the entitlement process.”<sup>8</sup>

We understand that the City’s current position is that it is no longer subject to the Builder’s Remedy because the City Council adopted a Housing Element that substantially complies with Housing Element Law on May 8, 2023.

However, the City has *not* yet adopted a 6th Cycle Housing Element that is substantially compliant with Housing Element law. The City submitted its first draft housing element to HCD on December 23, 2022. HCD responded on March 23, 2023, outlining significant revisions the City must undertake before HCD will find the Housing Element substantially compliant. The City purported to adopt a revised Housing Element on May 8, which it then submitted to HCD for review. However on August 3, 2023, HCD issued a letter rejecting Palo Alto’s Housing Element and finding that “additional revisions will be necessary to comply with State Housing Element Law.”<sup>9</sup> HCD’s requested revisions are not insubstantial; the Department provided six pages of substantive critique. HCD has specifically determined that a jurisdiction is *not* in substantial compliance with Housing Element law until HCD finds it to be so: “a jurisdiction does not have the authority to

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emphasized that these circumstances will “arise infrequently,” Gov. Code § 65589.5(a)(3), and that General Plan and zoning inconsistency does not qualify. Gov. Code Section 65589.5(d)(2)(A).

<sup>4</sup> Gov. Code Section 65589.5(h)(3).

<sup>5</sup> Govt. Code Section 65589.5(o)(1).

<sup>6</sup> Health & Saf. Code Section 50152.

<sup>7</sup> See HCD, “3030 Nebraska Avenue, Santa Monica – Letter of Technical Assistance” (Oct. 5, 2022). *Available at* <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/santa-monica-TA-100522.pdf> [hereinafter 3030 Nebraska Avenue – Letter of Technical Assistance].

<sup>8</sup> 3030 Nebraska Avenue – Letter of Technical Assistance, at 2.

<sup>9</sup> See <https://paloaltohousingelement.com/wp-content/uploads/2023/08/scIPaloAltoadoptout080323.pdf>.

determine that its adopted element is in substantial compliance but may provide reasoning why HCD should making a finding of substantial compliance.”<sup>10</sup> HCD has since provided technical assistance determinations to several individual jurisdictions as well.

Further, the City has indicated that in response to HCD’s rejection, it is “exploring changes to the Sites Inventory, including adding sites to the inventory and increasing densities.” The City further explained that the “next version of the Housing Element will formalize updates to the Sites Inventory, Program 1.1, and additional analysis to demonstrate the viability of these sites.”<sup>11</sup> Alterations to the City’s Sites Inventory are a significant, substantive change, and the City’s plan to submit a further revised version of the Housing Element to HCD effectively acknowledges that the version adopted on May 8th is not in substantial compliance with Housing Element Law.

The City also already made substantial revisions to the Housing Element at the staff level after its May 8th adoption without a noticed public hearing by the City Council, which procedure raises a number of legal issues:

- The resolution that City Council adopted directed staff to make necessary “non-substantive changes” to the Housing Element before submitting it to HCD. However, staff made substantive changes. Changes subsequently made by staff include some specific revisions that were recommended by staff in its May 8th staff report. Two of the revisions staff recommended were provided to City Council with exact language in the Staff Report (see pages 10-11). However, a third revision was simply to “authorize staff to refine the objectives timelines to meet the State’s interests to advance meaningful change early in the 6th Cycle to available staff resources, including reasonable expectations for Council-supported consultants resources.” Council did not see the substantive language that would be added, and therefore did not appropriately consider this substantive legislative change before the Housing Element was submitted to HCD. More troublingly, staff also implemented “text changes made in response to Councilmember and community member comments,” as well as “updates to the sites inventory and realistic capacity estimates, which affected the total unit yield estimated to meet RHNA projections.” These are clearly substantive changes that Council did not (and could not appropriately) authorize staff to make, without Council voting again on the Housing Element.
- Housing element law is clear that the “legislative body” shall adopt the Housing Element. (Gov. Code Section 65585 (f).) Staff making substantive changes after adoption violates this requirement. By the same token, planning and zoning law makes clear that all

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<sup>10</sup> See <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/memos/HousingElementComplianceMemo03162023.pdf>.

<sup>11</sup> October 11, 2023 Planning and Transportation Commission Staff Report re: Recommendation on a Resolution Amending the Land Use Element of the Palo Alto Comprehensive Plan and an Ordinance Amending the Palo Alto Municipal Code Title 18 (Zoning) to Implement Housing Element Programs 1.1A and 1.1B, available at: <https://www.cityofpaloalto.org/files/assets/public/v/1/agendas-minutes-reports/agendas-minutes/planning-and-transportation-commission/2023/ptc-10.11-title-18-amendments.pdf>.

amendments to the general plan must be made by the “legislative body.” First, the “legislative body” must hold a public hearing prior to amending the general plan. (Gov. Code Section 65355.) Second, if a city has a planning commission, the planning commission must similarly hold a public hearing before recommending an amendment to the general plan. (Gov. Code Section 65353.) Third, statute specifies that all amendments to a general plan must be adopted “by the affirmative vote of not less than a majority of the total membership of the legislative body.” (Gov. Code Section 65356.) And finally, statute specifies that the amendment of a general plan element is appropriate when the “legislative body” “deems it to be in the public interest.” These provisions make it plain that all amendments to the general plan, including housing element amendments, must be made by a “legislative body” rather than by staff.

Emerging case law is continuing the trend of the Legislature in finding that housing laws should be interpreted liberally in favor of the production of housing. New cases have specifically reinforced deference to HCD in most instances. (See *Clover v. City of Martinez* (2023) 90 Cal.App.5th 193 (stating that courts generally will not depart from the HCD’s determination unless “it is clearly erroneous or unauthorized” and citing *Hoffmaster v. City of San Diego* (1997) 55 Cal.App.4th 1098, 1113, fn. 13; *Kern v. County of Imperial* (1990) 226 Cal.App.3d 391, 398.) Additionally, in *Californians for Homeownership, Inc. v. City of La Cañada Flintridge*, Los Angeles County Superior Court Case No. 23STCP00699, the court agreed with HCD’s prior determination that La Canada Flintridge did not have a substantially compliant Housing Element despite the city’s purported “self-certification.” We also reserve the right to submit supplemental analysis of the reasons that the Palo Alto Housing Element is not in substantial compliance with Housing Element law.

For all of the above reasons, the City remains subject to the provision of the HAA known as the “Builder’s Remedy,” and the enclosed SB 330 preliminary application vests the applicants’ rights relative to the City’s Housing Element compliance status as of this date.

Thank you for your attention to this matter.

Sincerely yours,

HOLLAND & KNIGHT LLP

/s/ Daniel R. Golub

Daniel Golub

Genna Yarkin



# Planning Review Application

Department of Planning & Development Services 250  
Hamilton Avenue, Palo Alto, CA 94301

Appointments are required for all application submittals,  
please call (650) 329-2441 x0 to schedule

For File Number, Date Received, Fees,  
and Project Status please see Accela  
(City Database)

[bit.ly/PaloAltoACA](http://bit.ly/PaloAltoACA)

For general questions, please email  
[planner@cityofpaloalto.org](mailto:planner@cityofpaloalto.org)

## 1 Application Request

- |                                                             |                                                           |                                                                          |
|-------------------------------------------------------------|-----------------------------------------------------------|--------------------------------------------------------------------------|
| <input type="checkbox"/> Architectural Review               | <input type="checkbox"/> Individual Review                | <input type="checkbox"/> Temporary Use Permit                            |
| <input type="checkbox"/> Conditional Use Permit / Amendment | <input type="checkbox"/> Preliminary AR Review            | <input type="checkbox"/> Transfer of Development Rights                  |
| <input type="checkbox"/> Design Enhancement Exception       | <input type="checkbox"/> Council Prescreening             | <input type="checkbox"/> Variance                                        |
| <input type="checkbox"/> Historic Review                    | <input type="checkbox"/> Coordinated Development (SOFA 1) | <input type="checkbox"/> Zone Change                                     |
| <input type="checkbox"/> Home Improvement Exception         | <input type="checkbox"/> Site and Design Review           | <input type="checkbox"/> Planned Community or Amendment                  |
|                                                             | <input type="checkbox"/> Subdivision                      | <input checked="" type="checkbox"/> Other: SB330 Preliminary Application |

## 2 Property Location

Address of Subject Property: 156 N California Avenue, 2250 Park Blvd

Zone District: Community Commercial Assessor's Parcel Number: 124-28-003, 124-28-045 Historic Category (if applicable): \_\_\_\_\_

## 3 Project Description

Housing Development Project as Defined by the State:  Yes  No

The future use of this site will be a mixed use podium building and two mixed use towers, totaling 382 units.

## 4 Applicant/Primary Contact/ Entitlement Recipient

Name: Midar Investment Co. LLC

Address: \_\_\_\_\_  
150 SHORELINE HWY BLDG D STE 5

City: MILL VALLEY

Zip Code: 94941 State: CA

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Architect  Engineer

Name: Jeff Current

Address: 96 N 3rd Street  
Suite 110

City: Suite 110

Zip Code: 95112 State: CA

Phone: (408)-618-0876

Email: jeff@studiocurrent.com

## Primary Contact If Different From Applicant

Name: Chris Freise

Address: REDCO Development  
4 Embarcadero Center, Suite 1400

City: San Francisco

Zip Code: 94111 State: CA

Phone: (415) 450-1466

Email: cfreise@redcodevelopment.com

## 5 Property Owner

Name: Midar Investment Co. LLC Email: Mina.Molina@mpil.com

Address: 150 SHORELINE HWY BLDG D STE 5 Phone 1: (415) 942-7902

City: MILL VALLEY State: CA Zip: 94941 Phone 2: \_\_\_\_\_

I hereby certify that I am the owner of record of the property described in Box #2 above and that I approve of the requested action herein. If this application(s) is subject to 100% cost recovery of planning costs, I understand that charges for staff time spent processing this application(s) will be based on the Policy and

Procedures document provided to me. I understand that my initial deposit is an estimate of these charges and not a fee, and I agree to abide by the billing policy stated.

Signature of Owner: \_\_\_\_\_

Date: November 8, 2023

In accordance with Government Code 65103.5, in addition to architectural drawings, a design professional or the owner of a copyright may submit a site plan or a massing diagram for posting online or for distribution to the public. The City of Palo Alto requires that such site plan or massing diagram be provided as a separate electronic file. If the design professional or the owner of the copyright elects not to provide a separate electronic file containing a site plan or massing diagram upon submission of architectural diagrams, they will be deemed to have granted permission for the City to share architectural drawings online and for distribution to the public.

**DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES  
POLICY AND PROCEDURES FOR  
APPLICATIONS SUBJECT TO COST RECOVERY**

**EFFECTIVE JULY 1, 2023**

Planning and Development Services, in accordance with the Municipal Fee Schedule adopted by the City Council, has instituted a program of full and partial recovery fees for processing of the following types of applications. Each of these types of applications may also require review by the Attorneys' Office as well as the possible preparation of legal documents such as ordinances and/or resolutions, and either a deposit or fee for legal review will be collected:

Appeal Costs Exceeding Appeals Filing Fee	Mitigation Monitoring- EIR
Architectural Review, Major Project	Mitigation Monitoring – MND
Administrative Extensions and Zoning Letters	Mills Act or Williamson Act – Establish or Withdraw
Comprehensive Plan change	Planned Community
Development Agreement and Development Agreement Annual Review	Pre-Screening
Environmental Documents	Site and Design
Legal Review for Additional Hearings	Transfers of Development Rights
Major Architectural Review Projects	Williamson Act – Establish or Withdraw
Major Subdivision	Wireless Applications
– Tentative Map and Subdivision Final Map	Zone Change

Our policy and procedures for recovering processing costs are as follows:

- A deposit in the amount indicated in the Municipal Fee Schedule will be accepted at the time the application is filed. If a project requires multiple entitlements, and any one of those entitlements is subject to cost recovery, as listed above, and the entitlements are being processed concurrently, then the entire processing of the project will be subject to cost recovery.
- An accounting of staff time charged towards the deposit will be sent to the applicant or property owner. If the amount incurred exceeds the amount of the deposit, an invoice will be generated. **The bill will be sent by the City's Administrative Services Department and shall be paid within 30 days, or legal interest will accrue. The City reserves the right to suspend application processing or delay issuance of a building permit due to nonpayment. The applicant and property owner are legally responsible for payment of all fees, regardless of whether an entitlement is granted.**
- In the event there are significant anticipated costs for outside consultants in excess of the amount deposited, a deposit for the full cost of the consultant work will be required at the time the consultant agreement is signed plus 25% for contract administration costs. In the event changes to the project result in additional costs, an additional deposit will be required at the time the consultant agreement is amended.
- Following a final decision on the application and project file closure, a final accounting will be sent, along with either a bill if actual processing costs exceeding the amount on deposit, or a refund if the deposit amount exceeds actual processing costs.
- The applicant or property owner applicant will be billed for all time charged to the application. A current table of rates and explanation of charges is printed on the back of this form.

AGREED UPON BY: \_\_\_\_\_

Applicant/Owner Name: Chris Freise Signature: Chris Freise Digitally signed by Chris Freise  
Date: 2023.11.08 05:44:30 -0800 Date: November 8, 2023

<b>Hourly Rates for Deposit Based Fees/Contracts</b>	
<b>Effective 7/1/23</b>	
<b>Positions</b>	<b>Rate</b>
Administrative Assistant	\$ 189.85
Administrative Associate I	\$ 162.84
Administrative Associate II	\$ 179.43
Administrative Associate III	\$ 192.32
Arborist	\$ 219.76
Assistant Director Planning and Development Services	\$ 424.64
Associate Engineer	\$ 268.53
Associate Planner	\$ 234.88
Building/Planning Technician	\$ 188.87
Business Analyst	\$ 274.01
Chief Planning Official	\$ 377.59
Chief Transportation Official	\$ 329.71
City Legal Counsel	\$ 397.17
Code Enforcement Officer	\$ 230.10
Code Enforcement Lead	\$ 254.83
Coordinator Transit Management Systems	\$ 232.78
Director of Planning and Development Services	\$ 460.04
Engineer	\$ 218.52
Engineering Tech III	\$ 161.00
Landscape Architect/Park Planner	\$ 242.75
Management Analyst	\$ 244.55
Planning Manager	\$ 298.87
Planner	\$ 246.19
Principal Planner	\$ 291.39
Project Engineer	\$ 314.85
Senior Engineer	\$ 259.39
Senior Management Analyst	\$ 283.69
Senior Planner	\$ 283.93
Urban Forestry Manager	\$ 271.90
Building - Inspections and Investigations - Unclassified	\$ 338.41
Building - Additional Plan Review	\$ 262.40
Planning - Miscellaneous Plan Check & Inspection	\$ 264.80
Fire - Additional Hours Over Plan Review/Inspection	\$ 343.31
Public Works- Miscellaneous Plan Check	\$ 303.53

**POLYCHLORINATED BIPHENYLS (PCBs) IN PRIORITY BUILDING MATERIALS  
DECONSTRUCTION PROGRAM PLANNING APPLICABILITY FORM**

**ALL PROJECTS MUST COMPLETE THIS WORKSHEET**

**Part 1. PROJECT INFORMATION**

Property Address: 156 N California Avenue, 2250 Park Blv

APN: 124-28-003, 124-28-045

**Part 2. PCBs PROGRAM SCREENING CRITERIA**

All buildings to be deconstructed that meet **BOTH** criteria below must comply with Program requirements:

- A. The building to be deconstructed is NOT a wood-framed, single-family residential, or two-family residential (duplex).
- B. The building to be deconstructed was constructed or remodeled between January 1, 1950 and December 31, 1980.

**YES** If the answer to (a) AND (b) are both "YES," then the project must meet Program requirements. **CONTINUE TO PART 3.**

**NO** If the answer to either (a) OR (b) is "NO," then the project is exempt from PCB requirements. **STOP HERE and sign the certification statement (Part 4) and submit this form with planning application materials.**

**Part 3. PCBs PROGRAM COMPLIANCE**

The response is "YES" to both 2(a) AND to 2(b). The project must meet Program requirements.

- A. Sign and date the certification statement in Part 4 before submitting this application from.
- B. **The PCBs Applicant Package must be submitted with the Deconstruction Building Permit Application. Details may be found at [cityofpaloalto.org/pcbdeconprogram](http://cityofpaloalto.org/pcbdeconprogram).**

**NOTE:** Program requirements are considerable, and the required coordination with the Environmental Protection Agency and other agencies may take several months. It is recommended that projects conduct this step as early as possible prior to deconstruction (during the project planning process) to minimize delays.

**Part 4. CERTIFICATION STATEMENT**

I certify that the information provided in this form is, to the best of my knowledge and belief, true, accurate, and complete. I further certify that I understand my responsibility for knowing and complying with all relevant laws and regulations related to reporting, abating, handling, and disposing of PCBs material and waste. I understand there are significant penalties for submitting false information. I will retain a copy of this form and the supporting documentation for at least 5 years.

Signature: Chris Freise Digitally signed by Chris Freise Date: 2023.11.08 05:46:21 -08'00' Date: November 8, 2023  
(Property Owner/Agent/Legal Representative)

Print/Type: Chris Freise / REDCO Development / Applicant for Owner  
(Property Owner/Agent/Legal Representative Name)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Consultant Completing Application Form)

Print/Type: \_\_\_\_\_  
(Consultant Completing Application Form)

**Questions?**

Contact the City's Watershed Protection Group

Email: [cleanbay@cityofpaloalto.org](mailto:cleanbay@cityofpaloalto.org)

Phone: (650) 329-2122



## PURPOSE

This form serves as the preliminary application for housing development projects seeking vesting rights pursuant to SB 330, the Housing Crisis Act of 2019.

## GENERAL INFORMATION

An applicant for a housing development project that includes (1) residential units (2) a mix of commercial and residential uses with two-thirds of the project's square footage used for residential purposes; or (3) transitional or supportive housing, shall be deemed to have submitted a preliminary application upon provision of all of the information listed in this Preliminary Application form and payment of the permit processing fee to the agency from which approval for the project is being sought.

After submitting this Preliminary Application to the local agency, an applicant has 180 days to submit a full application or the Preliminary Application will expire.

### Submittal Date Stamp<sup>\*1,2:</sup>

<sup>\*1</sup>Submittal of all the information listed and payment of the permit processing fee freezes fees and development standards as of this date, unless exceptions per Government Code § 65889.5(o) are triggered.

<sup>\*2</sup>Note: Record keeping pertaining to which standards and fees apply at date of submittal is imperative, as **penalties may apply for imposing incorrect standards**

### Notes:

1. California Environmental Quality Act (CEQA) and Coastal Act standards apply.
2. After submittal of all of the information required, if the development proponent revises the project to change the number of residential units or square footage of construction changes by 20 percent or more, excluding any increase resulting from Density Bonus Law, the development proponent must resubmit the required information so that it reflects the revisions.

**SITE INFORMATION**

1. **PROJECT LOCATION** - The specific location, including parcel numbers, a legal description, and site address, if applicable.

Street Address 156 N California Avenue, 2250 Park Blvd Unit/Space Number \_\_\_\_\_

Legal Description (Lot, Block, Tract) \_\_\_\_\_ Attached? YES  NO

Please see Preliminary Title Report attached.

Assessor Parcel Number(s) 124-28-003, 124-28-045

2. **EXISTING USES** - The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.

The existing use includes a grocery store approximately 15,000 SF at 156 N California Ave and a Parking Lot at 2250 Park Blvd

The future use of the site will be a mixed use podium building and two mixed use towers with a 15,000SF grocery store and 382 units. Please see attached exhibit for reference.

3. **SITE PLAN** - A site plan showing the building(s) location on the property and approximate square footage of each building that is to be occupied.

Attached? YES  NO

4. **ELEVATIONS** - Elevations showing design, color, material, and the massing and height of each building that is to be occupied.

Attached? YES  NO

5. **PROPOSED USES** - The proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance.

Please see attached exhibit for reference.

a. **RESIDENTIAL DWELLING UNIT COUNT:**

Please indicate the number of dwelling units proposed, including a breakdown of levels by affordability, set by each income category.

	Number of Units
Market Rate	305
Managers Unit(s) – Market Rate	
Extremely Low Income	
Very Low Income	
Low Income	77
Moderate Income	
<b>Total No. of Units</b>	<b>382</b>
<b>Total No. of Affordable Units</b>	<b>77</b>
<b>Total No. of Density Bonus Units</b>	

Other notes on units:

6. **FLOOR AREA** - Provide the proposed floor area and square footage of residential and nonresidential development, by building (attach relevant information by building and totals here):

	Residential	Nonresidential	Total
<b>Floor Area (Zoning)</b>	334,077	18,399	352,476
<b>Square Footage of Construction</b>	<b>355,795</b>	<b>160,670</b>	<b>516,465</b>

7. **PARKING** - The proposed number of parking spaces:

341

8. **AFFORDABLE HOUSING INCENTIVES, WAIVERS, CONCESSIONS and PARKING REDUCTIONS** - Will the project proponent seek Density Bonus incentives, waivers, concessions, or parking reductions pursuant to California Government Code Section 65915?

YES  NO

If "YES," please describe:

As a builders remedy project per Gov Code 65589.5(d)(5), this project is not required to comply with general plan and zoning. however, under the Density Bonus Law (Gov Code 65915), the project is also independently entitled to a density bonus of 35%, an unlimited number of waivers of any development standards that would preclude the permitted density, reductions in required parking, and two further "incentives" that provide cost reductions to provide for affordable housing. The applicant reserves its right to such modifications to the extent necessary to permit the proposed project.

9. **SUBDIVISION** – Will the project proponent seek any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a vesting or tentative map, or a condominium map?

YES  NO

If "YES," please describe:

10. **POLLUTANTS** – Are there any proposed point sources of air or water pollutants?

YES  NO

If "YES," please describe:

11. **EXISTING SITE CONDITIONS** – Provide the number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied. Provide attachment, if needed.

	<b>Occupied Residential Units</b>	<b>Unoccupied Residential Units</b>	<b>Total Residential Units</b>
<b>Existing</b>	N/A	N/A	N/A
<b>To Be Demolished</b>	N/A	N/A	N/A

12. **ADDITIONAL SITE CONDITIONS** –

a. Whether a portion of the property is located within any of the following:

i. A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, pursuant to Section 51178?

YES  NO

ii. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)?

YES  NO

iii. A hazardous waste site that is listed pursuant to Section 65962.5, or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code?

YES  NO

iv. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by any official maps published by the Federal Emergency Management Agency?

YES  NO

v. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2?

YES  NO

vi. A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code?

YES  NO

If "YES" to any, please describe:

b. Does the project site contain historic and/or cultural resources?

YES  NO

If "YES," please describe:

c. Does the project site contain any species of special concern?

YES  NO

If "YES," please describe:

d. Does the project site contain any recorded public easement, such as easements for storm drains, water lines, and other public rights of way?

YES  NO

If "YES," please describe:

Please see Preliminary Title Report attached.

e. Does the project site contain a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code? Provide an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.

YES  NO

If "YES," please describe and depict in attached site map:

[Empty box for site map description]

13. **COASTAL ZONE** - For housing development projects proposed to be located within the coastal zone, whether any portion of the property contains any of the following:

a. Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations.

YES  NO

b. Environmentally sensitive habitat areas, as defined in Section 30240 of the Public Resources Code.

YES  NO

c. A tsunami run-up zone.

YES  NO

d. Use of the site for public access to or along the coast.

YES  NO

14. **PROJECT TEAM INFORMATION** - The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application.

Applicant's Name Midar Investment Co. LLC

Company/Firm \_\_\_\_\_

Address 150 SHORELINE HWY BLDG D STE 5

Unit/Space Number \_\_\_\_\_

City MILL VALLEY

State CA

Zip Code 94941

Telephone 415-942-7902

Email MICHE.MOLLIE@GMAIL.COM

Are you in escrow to purchase the property?

YES  NO

**Property Owner of Record**  Same as applicant  Different from applicant

Name (if different from applicant) \_\_\_\_\_

Address \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

**Optional: Agent/Representative Name** Chris Freise

Company/Firm REDCO Development

Address 715 Colorado Avenue Suite B Unit/Space Number \_\_\_\_\_

City Palo Alto State CA Zip Code 94303

Telephone (415) 450-1466 Email cfreise@redcodevelopment.com

**Optional: Other** (Specify Architect, Engineer, CEQA Consultant, etc.) Architect

Name Jeff Current

Company/Firm Studio Current

Address 96 N 3rd Street Unit/Space Number Suite 110

City San Jose State CA Zip Code 95112

Telephone (408)-618-0876 Email jeff@studiocurrent.com

Primary Contact for Project:  Owner  Applicant  Agent/Representative  Other

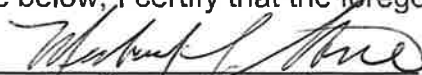
## PROPERTY OWNER AFFIDAVIT

Before the application can be accepted, the owner of each property involved must provide a signature to verify the Preliminary Application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts, the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service of process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25 percent interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the Preliminary Application form may be provided if the property is owned by a partnership, corporation, LLC or trust, or in rare circumstances when an individual property owner is unable to sign the Preliminary Application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized to file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items 1-3 below. In the case of partnerships, corporations, LLCs or trusts, the LOA must be signed by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide Copy of the Grant Deed if the ownership of the property does not match local records. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g., John and Jane Doe, or Mary Smith and Mark Jones) signatures are required of all owners.

1. I hereby certify that I am the owner of record of the herein previously described property located in \_\_\_\_\_ which is involved in this Preliminary Application, or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC, or trust as evidenced by the documents attached hereto.
2. I hereby consent to the filing of this Preliminary Application on my property for processing by the Department of \_\_\_\_\_ for the sole purpose of vesting the proposed housing project subject to the Planning and Zoning ordinances, policies, and standards adopted and in effect on the date that this Preliminary Application is deemed complete.
3. Further, I understand that this Preliminary Application will be terminated and vesting will be forfeited if the housing development project is revised such that the number of residential units or square footage of construction increases or decreases by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, and/or an application requesting approval of an entitlement is not filed with \_\_\_\_\_ within 180 days of the date that the Preliminary Application is deemed complete.
4. By my signature below, I certify that the foregoing statements are true and correct.

Signature



Signature

Printed Name

Michael Stone

Printed Name

Date

11/6/2023

Date



**Site Location: 156 California Avenue, Palo Alto, CA 94306**  
 Area: 1.144 acres APN #: 124-28-045

**Site Location: Park Boulevard, Palo Alto, CA 94306**  
 A: 0.292 acres APN #: 124-28-003

	Podium 5 over 2				TOTAL bedrooms	Tower A				TOTAL bedrooms	Tower B				TOTAL bedrooms	Parking								
	Studio 18'x31' 558sf	1 bedroom 24'x31' 744sf	2 bedrooms 950-1100sf	units per floor		Studio 18'x31' 558sf	1 bedroom 24'x31' 744sf	2 bedrooms 950-1100sf	units per floor		Studio 18'x31' 558sf	1 bedroom 24'x31' 744sf	2 bedrooms 950-1100sf	units per floor		Regular Stall	Tandem Stall	ADA Stall						
17th floor					TOTAL bedrooms	0	3	0	3	TOTAL bedrooms					TOTAL bedrooms	156 California Avenue  Park Boulevard								
16th floor						4	6	3	13															
15th floor						4	6	4	14															
14th floor						4	6	4	14															
13th floor						4	6	4	14															
12th floor						4	6	4	14															
11th floor						4	6	4	14															
10th floor						4	6	4	14				3	4						3	10			
9th floor						4	6	4	14				3	4						3	10			
8th floor						4	6	4	14				3	4						3	10			
7th floor	5	14	2	21		4	6	4	14				3	4		3	10							
6th floor	5	14	2	21		4	6	4	14				3	4		3	10							
5th floor	5	14	4	23		4	6	4	14				3	4		3	10							
4th floor	5	14	4	23		3	6	3	12				3	4		2	9							
3rd floor	5	13	4	22		4	5	3	12				3	4		2	9							
2nd floor																								
Groundfloor																								
Undergr. -1																								
Undergr. -2																								
TOTAL	25	69	16	110	126	55	86	53	194	247	24	32	22	78	100	54	12	3	7					
	22.7%	62.7%	14.5%			28.4%	44.3%	27.3%			30.8%	41.0%	28.2%			20	4	5	8					
	<b>110</b>					<b>194</b>						<b>78</b>												
																102	8	2	2					
																102	12	2	2					
																<b>278</b>	<b>36</b>	<b>12</b>	<b>15</b>					
																<b>81.5%</b>	<b>10.6%</b>	<b>3.5%</b>	<b>4.4%</b>					
																<b>341</b>								

**Total**

**382** units

**104** Studio

**187** 1 Bedroom

**91** 2 Bedrooms

**473** Bedrooms

**341** Parking Stalls

27.2% Studio

49.0% 1 Bedroom

23.8% 2 Bedrooms

0.893 ratio parking per unit

**265.7** DU/AC (site at 156 California Avenue)

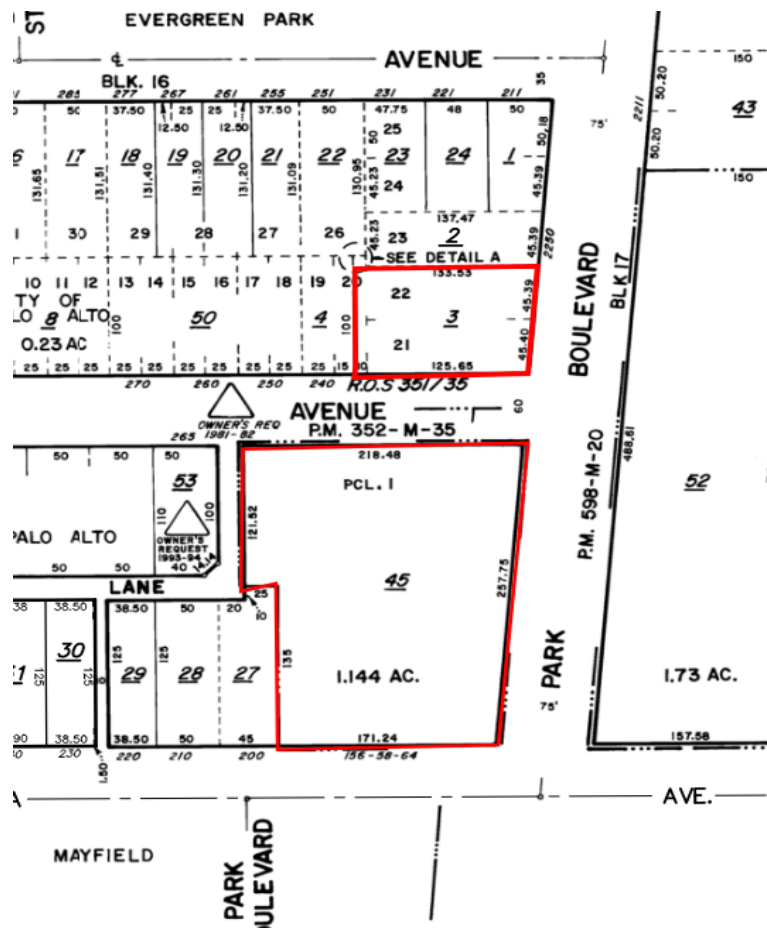
**267.1** DU/AC (site at Park Boulevard)

gross areas	Site Location: 156 California Avenue, Palo Alto, CA 94306									Site Location: Park Boulevard, Palo Alto, CA 94306				
	Area: 1.144 acres				APN #: 124-28-045					Area: 0.292 acres		APN #: 124-28-003		
	Residential Podium	Amenities Podium	Residential Tower A	Amenities Tower A	Parking & Utility	Retail	Retail	Residential common outdoor spaces	Retail outdoor spaces	Residential Tower B	Amenities Tower B	Parking & Utility	Retail	Residential common outdoor spaces
	including corridors, lobbies, leasing offices and private balconies		including corridors, lobbies, leasing offices and private balconies		parking, ramps, utilities, bike storage, loading, trash room	Grocery Store	Corner Retail facing POPOS		Grocery Store (2 outdoor spaces at entrances)	including corridors, lobbies, leasing offices and private balconies		parking, ramps, utilities, bike storage, loading, trash room	Corner Retail	
17th floor			2712	1387	158			2487						
16th floor			10439	966										
15th floor			11396											
14th floor			11396											
13th floor			11396											
12th floor			11396											
11th floor			11396							1809			1166	
10th floor			11396							8770				
9th floor			11396							8770				
8th floor			11396					3735		8770				
7th floor	16763	1394	11396					1486		8770				
6th floor	19642		11396							8770				
5th floor	19642		11396							8770				
4th floor	19642		9865							7733				
3rd floor	18846	796	9865	1292				11957		7726	783			887
2nd floor	284		429		24435			362						
Groundfloor	835		1376		22060	14168		1738	877	1875		6023	2131	
Underground level -1					42883									
Underground level -2					45835									
<b>TOTAL per use</b>	<b>95654</b>	<b>2190</b>	<b>160042</b>	<b>3645</b>	<b>135371</b>	<b>14168</b>	<b>2100</b>	<b>19665</b>	<b>877</b>	<b>69954</b>	<b>2592</b>	<b>6023</b>	<b>2131</b>	<b>2053</b>
	<b>261531</b>									<b>72546</b>				
<b>Building</b>	<b>413170</b>									<b>80700</b>				
<b>incl. outdoor spaces</b>	<b>433712</b>									<b>82753</b>				
<b>Residential</b>	<b>95654</b>	<b>2190</b>	<b>160042</b>	<b>3645</b>				<b>19665</b>		<b>69954</b>	<b>2592</b>			<b>2053</b>
Floor Area	<b>261531</b>									<b>72546</b>				
SF of construction	<b>281196</b>									<b>74599</b>				
<b>Nonresidential</b>					<b>135371</b>	<b>14168</b>	<b>2100</b>		<b>877</b>			<b>6023</b>	<b>2131</b>	
Floor Area														
SF of construction	<b>152516</b>									<b>8154</b>				

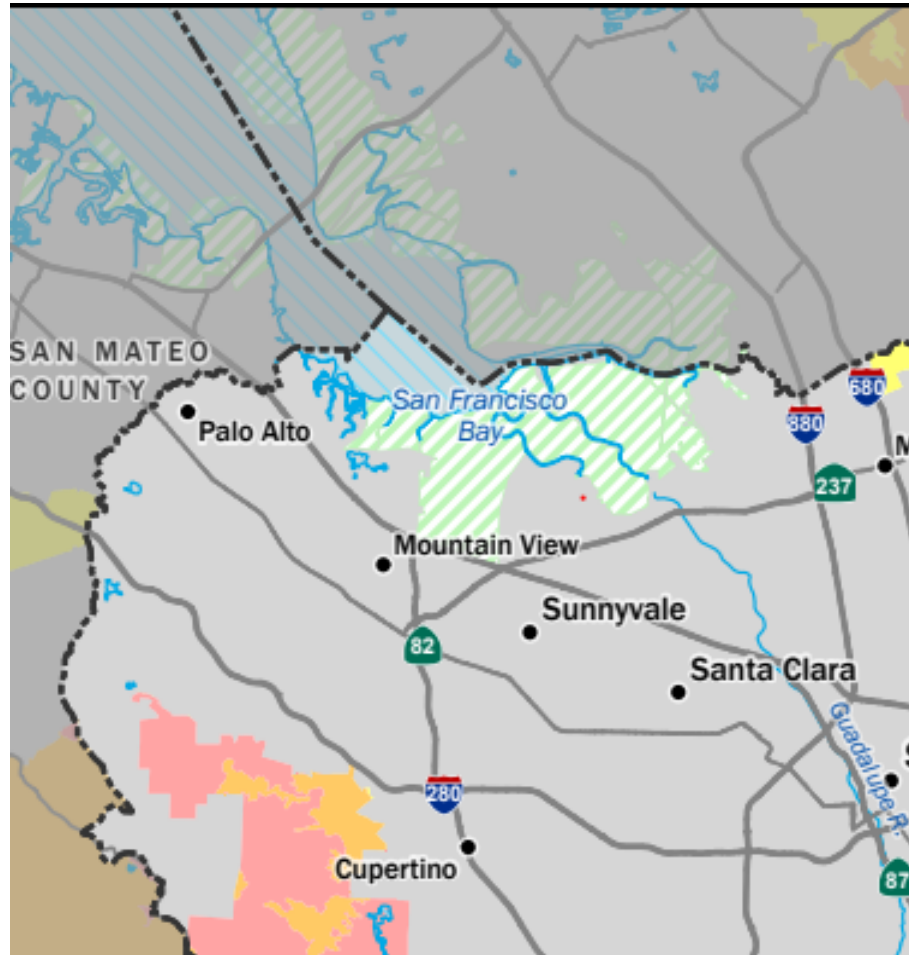
TOTAL (both sites):
<b>493870</b>
<b>516465</b>

Grocery Store
14168
877
<b>Total</b>
<b>15045</b>

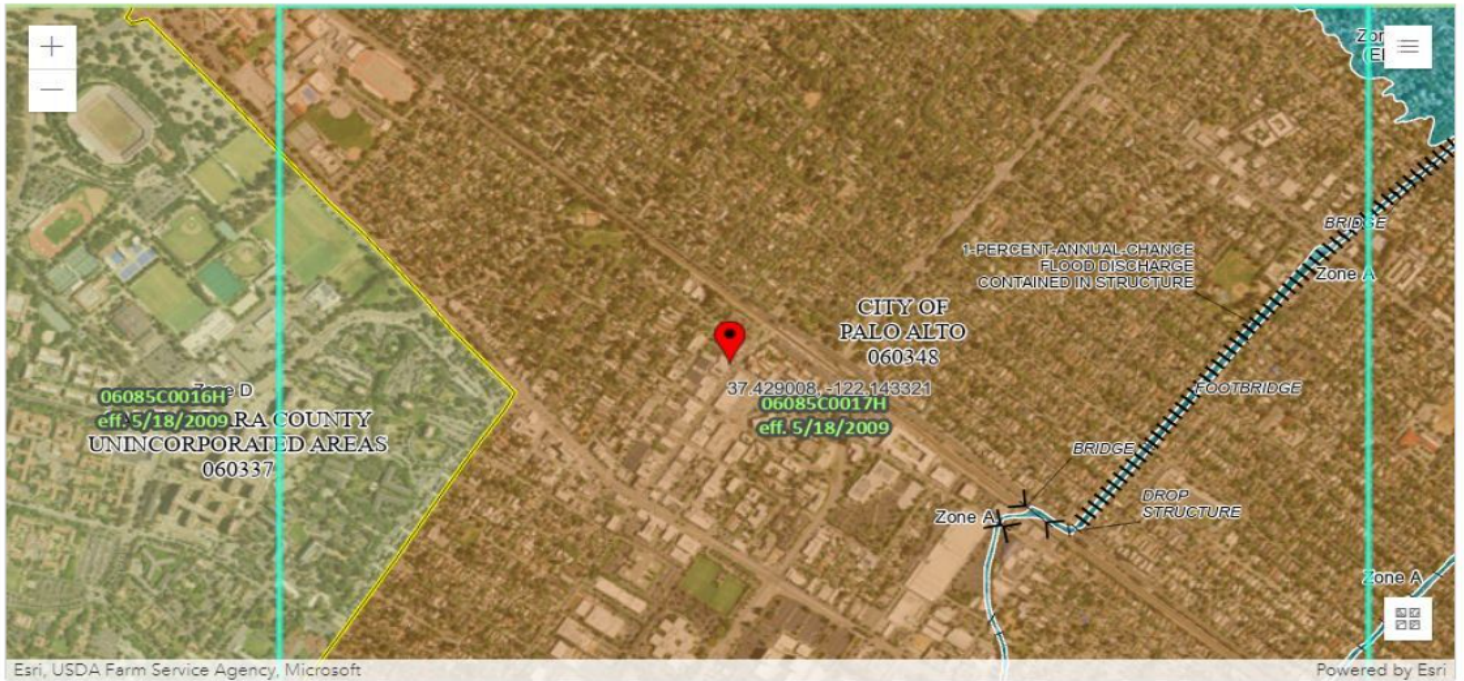
	Residential		Nonresidential		Total
Floor Area (Zoning)	261531	72546	16268	2131	<b>352476</b>
Square Footage of Construction	281196	74599	152516	8154	<b>516465</b>



Parcel Map



Fire Hazard Severity Zones in State Responsibility Area (SRA)		Fire Protection Responsibility Areas (non-SRA)	
	Very High 409,195 Acres		Federal Responsibility Area (FRA)
	High 123,744 Acres		Local Responsibility Area (LRA)
	Moderate 24,750 Acres		Waterbody



Flood Map



Earthquake Map