



REGULAR MEETING AGENDA

Date: 4/3/2019
Time: 6:30 p.m.
Arrillaga Family Recreation Center – Cypress Room
700 Alma St., Menlo Park, CA 94025

A. Call to Order

B. Roll Call

C. Public Comment

Under “Public Comment,” the public may address the Commission on any subject not listed on the agenda. Each speaker may address the Commission once under Public Comment for a limit of three minutes. The Commission cannot act on items not listed on the agenda and, therefore, the Commission cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

D. Regular Business

- D1. Approve minutes for the Housing Commission meeting of March 6, 2019 ([Attachment](#))
- D2. Recommendation of a Below Market Rate Housing Agreement Term Sheet with Charlie King for 250 Middlefield Road ([Staff Report #19-002-HC](#))
- D3. Prepare and approve quarterly Work Plan update for City Council
- D4. Review of the BMR (NOFA) proposal evaluation criteria
- D5. Update on the City Council Work Plan and CIP process
- D6. Recommend items for future agendas

E. Reports and Announcements

- E1. Subcommittee reports (10 minutes):
 - Below Market Rate Housing Guidelines Subcommittee (Dodick/Grove)
 - Housing Policy Subcommittee (Grove/Horst/Tate)
 - Marketing Subcommittee (McGraw-Scherer/Horst)
 - Notice of Funding Availability Subcommittee (McGraw-Scherer/Grove)
 - Secondary Dwelling Unit Subcommittee (McPherson/Merriman)
- E2. Commissioner reports
- E3. Staff updates and announcements

F. Adjournment

At every Regular Meeting of the Commission, in addition to the Public Comment period where the public shall have the right to address the Commission on any matters of public interest not listed on the agenda, members of the public have the right to directly address the Commission on any item listed on the agenda at a time designated by the Chair, either before or during the Commission's consideration of the item.

At every Special Meeting of the Commission, members of the public have the right to directly address the Commission on any item listed on the agenda at a time designated by the Chair, either before or during consideration of the item.

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REGULAR MEETING MINUTES - DRAFT

Date: 3/6/2019
Time: 6:30 p.m.
Arrillaga Family Recreation Center – Cypress Room
700 Alma St., Menlo Park, CA 94025

A. Chair McGraw-Scherer called the meeting to order at 6:30 p.m.

B. Roll Call

Present: Meg McGraw-Scherer, Julianna Dodick, Karen Grove, Rachel Horst, Nevada Merriman, Wendy McPherson,

Absent: Michele Tate

Staff: Community Development Director Mark Muenzer, Assistant Community Development Director Diana Chow, Deputy Community Development Director Rhonda Coffman, Assistant to the City Manager Clay Curtin, Management Analyst II Mike Noce

C. Public Comment

- Betsy Nash acknowledged the Housing Commission's efforts on their Tenant Relocation Assistance ordinance proposal.

D. Regular Business

D1. Introduction of Deputy Community Development Director Rhonda Coffman

Community Development Director Mark Muenzer introduced Deputy Community Development Director Rhonda Coffman to the Housing Commission. Coffman shared some of her work experiences with the commission and thanked everyone for the sincere welcome to Menlo Park.

D2. Approve minutes for the Housing Commission meeting of February 6, 2019

ACTION: Motion and second (McPherson/Horst) to approve the Housing Commission meeting minutes of February 6, 2018 with a change to item E2 from Horst to McPherson. The motion passed (6-0-1; Tate absent).

D3. Review and recommend City Council approval of the 2018 Housing Element Annual Progress Report (Staff Report #19-001-HC)

Assistant Community Development Director Diana Chow introduced the item.

The Housing Commission recommended that the staff move the report forward to the City Council. While the Commission was supportive of the work that has been completed, they acknowledged that more could be done and additional strategies should be explored to address the housing issues in

the City and the region. Specifically, the Commission highlighted the following accomplishments in 2018: 1) the City is exceeding its allocation of market rate units, 2) the City Council adopted an anti-discrimination ordinance 3) the City Council updated the below market rate guidelines, and 4) the City issued a notice of funding availability to foster affordable housing in the City. The Housing Commission also noted areas that should be the focus of additional work, including addressing rent conflicts, dispersing housing across the City, and developing strategies to meet the City's very low, low and moderate income housing unit allocations. To address these items, the Commission recommends that the City explore all city-owned land to identify if any parcels could be housing opportunity sites and if so that those parcels have priority for affordable housing. In addition, the Commission recommends prioritizing locating affordable housing near downtown and transit.

ACTION: Motion and second (Grove/McPherson) to recommend City Council approve the 2018 Housing Element Annual Progress Report. The motion passed (6-0-1; Tate absent).

D4. Review and discuss changes to the Housing Commission subcommittees and assignments

Assistant to the City Manager Clay Curtin introduced the item.

By acclamation, the Housing Commission requested the following changes to the subcommittees:

- a) ~~Anti-Displacement Subcommittee (Grove/Horst/Merriman)~~ – removed as a subcommittee
- b) Below Market Rate Housing Guidelines Subcommittee (Dodick/Grove)
- c) Housing Policy Subcommittee (~~McPherson/Merriman/Tate~~) – addition of commissioners Horst and Grove
- d) Marketing Subcommittee (McGraw-Scherer/Horst)
- e) Notice of Funding Availability Subcommittee (McGraw-Scherer) – addition of Grove
- f) Secondary Dwelling Unit Subcommittee – new subcommittee created; addition of Merriman and McPherson

D5. Discuss and recommend future agenda items

Assistant to the City Manager Clay Curtin introduced the item.

Items to be considered for future agenda items include:

- a) Joint meeting with the Planning Commission to discuss secondary dwelling units
- b) Missing middle and workforce housing
- c) Housing Commission work plan and priorities

E. Reports and Announcements

E1. Subcommittee reports (10 minutes):

No reports were shared during this meeting due to changes involving subcommittee positions.

E2. Commissioner reports

Commissioner Horst shared a handout (attached) that included California State Legislature bills related to housing. Commissioner Horst gave a brief description of the items listed on the handout and highlighted bills that could affect Menlo Park residents.

Commissioner Merriman shared that Shaun Donovan, former United States Secretary of Housing and Urban Development, would be speaking at MidPen Housing headquarters in San Mateo on March 5, 2019. Merriman additionally spoke about a CASA Compact discussion scheduled for March 26, 2019.

Commissioner Grove spoke about a CASA event on March 14, 2019, a Home For All event on March 28, 2019 and a meeting about Facebook's proposed Willow Village development. San Mateo County is also considering a Tenant Relocation Assistance ordinance.

E3. Staff updates and announcements

Assistant to the City Manager Clay Curtin provided the following updates:

- Option A of the draft tenant relocation assistance ordinance is scheduled to return to the City Council for a second reading on March 12, 2019. Councilmembers Taylor and Combs have been meeting with staff as part of the Community Housing Fund Subcommittee.
- Starla Jerome-Robinson has been named the permanent City Manager. She will assume her position at the end of March.
- The updated plans for Facebook's Willow Village are posted on the City's website.
- A first time homebuyer workshop will be held in partnership with HEART of San Mateo County on Thursday, March 7, 2019, from 6–7 p.m. in the City Council Chambers.

F. Adjournment

Chair McGraw-Scherer adjourned the meeting at 9:26 p.m.

Sacramento Housing Bills 2019-20 Session, with emphasis on those that deal with local control or could affect Menlo Park residents [updated 3.5.19]

In the Senate

SCA 1 (Allen, Wiener) *constitutional amendment so needs support of 2/3 of both houses and voter approval* Public housing projects

Repeals provisions prohibiting the development, construction, or acquisition of a “low-rent housing project” (public housing) in any manner by any state public body until a majority of the qualified electors of the jurisdiction in which the development, construction, or acquisition of the project is proposed approve the project by voting in favor at an election. **Specifically, it repeals Article XXXIV of the CA Constitution.**

SCA 3 (Hill) *constitutional amendment so needs support of 2/3 of both houses and voter approval* Property Taxation change in ownership: inheritance exclusion

Transfer of the principal residence of a parent or grandparent receives the Prop 13 tax benefit **only if the transferee uses the residence as his/her principal residence within 12 months after the transfer.** If the transferee does not use the residence as his/her principal residence, the residence will be assessed at its full cash value as of the date of the transfer.

SB 4 (McGuire, Beall) Housing **amended**

Would allow for streamlined, ministerial approval process of a “neighborhood multifamily project or eligible TOD project” on an eligible parcel in a jurisdiction that meets conditions related to (not meeting) RHNA targets. Neighborhood multifamily projects are defined in the bill as a multifamily unit of up to 2 residential dwelling units in a nonurban community or up to 4 units in an urban community. These ministerially approved projects would be exempted from CEQA approval process.

SB 5 (Beall/McGuire) Local-State Sustainable Investment Incentive Program

A new version of the old redevelopment agencies/tax increment financing called the Local-State Sustainable Investment Incentive Program. Under this program, some property tax revenue would be directed towards local projects that comply with certain state criteria (affordable housing, anti-poverty measures, transportation, etc.), with approval from the state. Cities, counties, and other districts must apply for funding for these projects.

SB 6 (Beall) Residential development: available land **amended**

This bill would require the Department of Housing and Community Development to furnish the Department of General Services with a list of local lands suitable and available for residential development as identified by a local government as part of the housing element of its general plan. The bill would require the Department of General Services to create a database of that information and information regarding state lands

determined or declared excess and to make this database available and searchable by the public by means of a link on its internet website.

SB 9 (Beall) Low-income housing tax credits: sale

Extends a restructuring provision to enable more housing to be built with low-income housing tax credits through the Tax Credit Allocation Committee (TCAC). Specifically, it removes the 2020 expiration date with respect to two provisions related to the allocation and sale of low-income housing tax credits.

SB 13 (Wieckowski) Accessory Dwelling Units (ADUs) (intent language only)

Intent language: **reduce impact fees and other existing barriers for homeowners seeking to create accessory dwelling units** for the purpose of creating additional residential housing within their neighborhoods.

SB 18 (Skinner et al) Keep Californians Housed Act amended

Modeled after Keep Oakland Housed, the bill would set aside state funds through Homelessness Prevention and Legal Aid Fund in the State Treasury to provide both direct assistance for households who have fallen behind on their rent, as well as legal assistance for tenants whose landlords may be trying to evict them illegally. Funds would be awarded as competitive grants to cities and counties for uses such as establishing their own tenant legal aid programs.

The bill would also fund the existing California Emergency Solutions and Housing Program, which allocates grants to provide rental assistance and relocation and stabilization services.

This bill would also require the Dept. of Housing and Community Development to survey cities to determine which, if any, provide resources or programs to inform landlords of their legal rights and obligations. It would require the Department to post online a guide to all state laws pertaining to landlords and the landlord-tenant relationship.

Finally, it would delete the repeal date for provisions regarding the noticing period and right to possession until end of the lease term for tenants in a unit where the property is sold in foreclosure.

SB 48 (Wiener) CA Right to Shelter (intent language only)

States the intent of the Legislature to enact legislation that creates a right to shelter for unhoused residents throughout the state, which would be required to include the navigation center model.

SB 50 (Wiener et al) Equitable Communities Initiative (yeah, it's that one from last year)

SB 827 last year. Requires a city or county to grant, upon request, an equitable communities incentive when a development proponent seeks and agrees to construct a residential development that satisfies specified criteria, including, among other things,

that the residential development is either a job-rich housing project or a transit-rich housing project.

SB 128 (Beall) Enhanced infrastructure financing districts: bonds: issuance

Simplifies the process of issuing bonds, with the intent of enabling the creation of more Enhanced Infrastructure Financing Districts (EFIDs). Cities and counties may establish an EFID, with a governing body referred to as a public financing authority, to finance public capital facilities or other specified projects of communitywide significance.

Existing law authorizes the public financing authority to issue bonds for these purposes upon approval by 55% of the voters. This bill would authorize the public financing authority to issue bonds for these purposes **without submitting a proposal to the voters.**

SB 196 (Beall) Property taxes: welfare exemption: community land trust.

Provides Community Land Trusts with a property tax exemption from the point of acquisition of property to the point of sale of affordable homes. Specifically, for lien dates occurring on and after January 1, 2020, this bill would provide that a property is within the “welfare exemption” if that property is owned by a community land trust, as defined, and specified conditions are met, including that the property is being or will be developed or rehabilitated as housing.

SB 294 (Hill) Property taxation: welfare exemption: low income housing NEW

This bill, for claims filed for fiscal years 2020–21 through 2030–31, would decrease the percentage of occupants that are lower income households required to qualify for property tax exemption (in existing law) from 90% to 50%, and require that the total exemption amount be prorated based on the percentage of lower income households that occupy the property. For lien dates occurring on and after January 1, 2020, would also increase the total exemption amount allowed from \$20,000,000 to \$250,000,000 in assessed value (with some limitations).

SB 330 (Skinner) Housing Crisis Act of 2019 NEW

Suspends some local rules and regulations for a 10-year period that may prevent construction of new housing, including: downzoning or otherwise reducing intensity of land use in a zoning district (as compared to the general plan in effect in 2018); instituting a moratorium on new housing; implementing design standards that are more costly than in 2019; establishing a maximum number of discretionary permits issued for housing or otherwise imposing a cap on the number of units or on population growth; imposing any new/increasing/enforcing existing parking requirement; or charging fees in excess of a certain amount.

Public hearings: For a 10-year period, this bill would prohibit a city or county from conducting more than 3 de novo public hearings on an application for a variance, conditional use permit or equivalent development permit, modification of a permit, or an

appeal. The city or county would have to either approve or disapprove the permit within 12 months from when the date on which the application is deemed complete.

Tenant protections: The bill would also prohibit the approval of new housing (for 10 years) if that project would require the demolition of certain types of existing housing (rent-controlled or Section 8 housing). It also would prohibit the demolition of affordable housing units, unless tenants are offered relocation assistance and the first right of refusal to units in the new housing development at commensurate rents to what the tenants had been paying.

Streamlining: For a 10-year period, the bill would require a city or county to make available to the applicant and to the public online a list that specifies the information that will be required from any applicant for a housing development project. It would prohibit the enforcement of new or amended zoning ordinances on a site after the date that a housing development application is deemed complete, as well as any fees in excess of those applied to the development at the time of application. It would also require that a city or county make the determination as to whether a proposed development is on a historic site at the time the application is deemed complete.

Substandard buildings: The bill would require the Dept. of Housing and Community Development to develop statewide health and safety building standards and rules for substandard residential buildings (or those being used as such).

SB 329 (Mitchell) Discrimination: housing: source of income NEW

In the CA Fair Employment and Housing Act, redefines “source of income” from “verifiable income paid directly to a tenant” to: “verifiable income paid directly to a tenant, or paid to a housing owner or landlord on behalf of a tenant, including federal, state, or local public assistance and housing subsidies including, but not limited to, federal housing assistance vouchers issued under Section 8.”

SB 384 (Morell) Housing: omnibus NEW

Does a lot of things:

- Extends provisions of the Housing Accountability Act that prohibit a local agency from disapproving, or conditioning approval in a manner that renders a housing development project for very low, low-, or moderate-income households or an emergency shelter infeasible to **also include above moderate-income households.**
- Requires Dept. of Housing and Community Development to survey in 2020 (and every 5 years thereafter) cities and counties to determine the total amount of fees and charges imposed on new home construction by local jurisdictions and report to the Legislature.
- CEQA: Establishes procedures for administrative and judicial review of environmental review process for residential developments of 50 or more units. In the case of an alleged CEQA violation, the court may not stay or enjoin the siting, construction, or operation of a residential development project except under specific circumstances.

SB 529 (Durazo) Tenant associations: eviction for cause: withholding payment of rent
NEW

This bill would declare that tenants have the right to form a tenant association, subject to any restrictions as may be imposed by law, or to refuse to join or participate in the activities of a tenant association. The bill would prohibit a landlord from terminating or refusing to renew a residential tenancy in a rental unit occupied by a member of a tenant association subject to these provisions, except for cause. It would authorize members of a tenant association, by a majority vote, to withhold rent payments for up to 30 days in response to grievances or complaints with the landlord.

SB 621 (Glazer and Caballero) CEQA: affordable housing **NEW**

This bill would require any action or proceeding brought to attack, review, set aside, void, or annul the certification of an environmental impact report for an affordable housing project or the granting of an approval of an affordable housing project, to require the action or proceeding, including any potential appeals therefrom, to be resolved within 270 days of the filing of the certified record of proceeding with the court. The bill would prohibit a court from staying or enjoining the construction or operation of an affordable housing project unless it makes certain findings.

In the Assembly

ACA 1 *Constitutional amendment so requires 2/3 majority in both houses and voter approval* (Aguiar-Curry) Local government financing: affordable housing and public infrastructure: voter approval.

Reduces the local vote threshold for approval of bond and special tax measures from a **two-thirds vote to a 55 percent majority** (the vote threshold that currently applies to all local school district measures) **so that local governments can fund critical infrastructure projects, including broadband expansion, local roads, and affordable housing projects.**

AB 10 (Chiu et al) Tax credits for low-income housing

Increases the state low-income housing tax credit administered by CTAC by \$500 million each year, starting in 2020, and would allocate to farmworker housing projects \$25,000,000 per year of that amount. It would also modify the definition of “applicable percentage” (which determines the amount of the credit), which depends on certain characteristics of the qualified building.

AB 11 (Chiu et al) Community Redevelopment Law of 2019

Brings back redevelopment funds/agencies.

AB 36 (Bloom) Affordable housing: rental prices (intent language only)

Intent language: to enact legislation **in order to stabilize rental prices and increase the availability of affordable rental housing.**

AB 53 (Jones-Sawyer) Rental housing discrimination: applications: criminal records.

This bill would prohibit the owner of a rental housing accommodation from inquiring about, or requiring an applicant for rental housing accommodation to disclose, **a criminal record during the initial application assessment phase.** After the successful completion of the initial application assessment phase, the owner may request a criminal background check of the applicant and consider an applicant's criminal record in deciding whether to rent or lease to the applicant.

AB 68 (Ting) Accessory Dwelling Units

This bill would prohibit a local ordinance from imposing requirements on **minimum lot size, lot coverage, or floor area ratio of an ADU**, and from establishing size requirements **for accessory dwelling units that do not permit at least an 800 square feet unit of at least 16 feet in height to be constructed.** It would also require a local agency to ministerially approve or deny an application for a junior accessory dwelling unit within **60 days** of submission of the application, not 120 (the current timeframe). And it would require a local agency that has not adopted an ordinance for the creation of junior accessory dwelling units **to apply the same standards established by this bill for local agencies with ordinances.**

AB 69 (Ting) ADUs - ordinances

This bill would authorize the department (HCD) **to submit written findings to a local agency as to whether a local ordinance complies with state law**, and to notify the Attorney General if the ordinance violates state law. The bill would require a local agency to consider the department's findings and would authorize the local agency to amend its ordinance to comply with state law or adopt a resolution with findings explaining why the ordinance complies with state law, and addressing the department's findings. **This bill would also require the department to propose small home building standards governing accessory dwelling units and homes smaller than 800 square feet by January 2021.**

AB 723 (Wicks) Property taxation: exemption: leased rental housing **NEW**

This bill would extend the welfare exemption to property used for rental housing [and that otherwise meet criteria for property tax exemption] that is rented at "no more than 30% of the income level of persons of low income." The exemption is based on the level of rent, rather than the income of the initial tenants [future tenants must be low-income, however].

AB 724 (Wicks) Rental data **NEW**

Intent language: to enact legislation that would create a rental registry that would serve as a repository for data collected by cities and counties about their stock of housing and other data on evictions, displacements, and other tenancy information.

AB 725 (Wicks) Housing element: above moderate income housing NEW

This bill would prohibit more than 20% of a jurisdiction's share of regional housing need for above moderate-income housing from being allocated to sites with zoning restricted to single-family development.

AB 847 (Grayson) Transportation finance: priorities: housing NEW

See AB 1568 (McCarty).

AB 881 (Bloom) ADUs NEW

This bill would make changes to existing Planning and Zoning law regarding accessory dwelling units, including requiring ministerial approval for ADUs built within an existing structure. It would delete provision authorizing a local agency to require owner occupancy as a condition of issuing a permit.

AB 1244 (Fong) CEQA: housing NEW

This bill would, in an action or proceeding seeking judicial review under the act, prohibit a court from staying or enjoining a housing project for which an environmental impact report has been certified, unless the court makes specified findings. See also SB 384 and SB 621.

AB 1239 (Cunningham) Local government: housing NEW

Intent language: to enact legislation that would ensure regional housing needs are being met.

AB 1255 (Robert Rivas) Surplus public land: database NEW

See SB 6.

AB 1279 (Bloom) Planning and zoning: housing development: high-resource areas NEW

In any area designated as a "high-resource area" by the Dept. of Housing and Community Development, the bill would require that a housing development project be a use by right, if those projects meet the requirements, including affordability requirements. A development is ineligible as a use by right under these provisions if it would require the demolition of rental housing that is currently occupied by tenants, or has been occupied by tenants within the past 10 years, or is located in certain areas.

AB 1484 (Grayson) Mitigation Fee Act: housing developments NEW

This bill would prohibit a local agency from imposing a fee on a housing development project, unless the type and amount are specifically identified on the local agency's

internet website at the time the application for the development project is submitted to the local agency.

AB 1486 (Ting) Local agencies: surplus land NEW

Regarding the disposal of surplus land process in existing law: this bill would expand the definition of “local agency” (beyond a city, county, or school district) and redefine “surplus land.” It would also require the local agency disposing of surplus land to send a written notice of availability before disposing of the property or engaging in formal or informal negotiations to do so. It would further specify that priority be given to the entity that agrees to provide the highest number of affordable units and at the deepest average level of affordability for the units. (See AB 265 from 2018)

AB 1568 (McCarty) General plans: housing element: production report: withholding of transportation funds NEW

For each city and county that has not met its minimum housing goals (as determined by Dept. of Housing and Community Development) for the reporting period, the apportionment of transportation funds that would otherwise be apportioned and distributed to the city or county for the fiscal year will be withheld and deposited in a separate escrow account.

AB 1483 (Grayson) Housing development project applications: reporting NEW

This bill would require a city or county to compile a list (and post it online) that provides zoning and planning standards, fees imposed under the Mitigation Fee Act, special taxes, and assessments applicable to housing development projects in the jurisdiction. It would also require the city or county to annually submit information to the Department of Housing and Economic Development (and metropolitan planning organization) on pending housing development projects with completed applications; the number of applications deemed complete; and the number of discretionary permits, building permits, and certificates of occupancy issued. The information would also have to be posted online by January 1, 2021, and each year thereafter.

AB 1706 (Quirk) Streamlining NEW

Intent language: to provide streamlined approval, tax incentives, and other benefits to developers of middle-income housing projects that meet specified requirements.

AB 1734 (Chiu): Property taxation: welfare exemption: rental housing: moderate income housing NEW

Extends the property tax welfare exemption for qualified properties to those with moderate-income units. See SB 384.



STAFF REPORT

Housing Commission

Meeting Date:

4/3/2019

Staff Report Number:

19-002-HC

Regular Business:

Recommendation of a Below Market Rate Housing Agreement Term Sheet with Charlie King for 250 Middlefield Road

Recommendation

Staff recommends that the Housing Commission recommend approval of the draft Below Market Rate (BMR) Housing Agreement Term Sheet ("Term Sheet") (Attachment A) to the Planning Commission for proposed expansion of an existing office building at 250 Middlefield Road. The project would expand an existing two-story office building to create additional office space of approximately 3,853 square feet on the first floor. As part of the proposal the applicant is requesting a use permit for the reduction in parking space from the required 150 spaces to 83 spaces; and the removal of one heritage-sized Japanese maple tree.

Policy Issues

Each BMR Housing Agreement is considered individually. The Housing Commission should consider whether the proposal would be in compliance with the BMR Housing Program requirements and the BMR Housing Ordinance.

Background

Site location

The approximately two acre subject site is located at 250 Middlefield Road and is zoned as C-1 (Administrative and Professional District, Restrictive). For the purposes of this staff report, Middlefield Road is considered to have an east-west orientation, and all compass directions referenced will use this orientation. The parcel is located north of Middlefield Road between Santa Monica and Santa Margarita Avenues; adjacent to Menlo Park Fire Protection District on the left. Properties directly opposite to the parcel and right-side are also zoned C-1, properties north of Middlefield are zoned R-1-U, and parcels to the south are zoned R-3. A location map is included as Attachment B.

Analysis

Project description

The existing building is approximately 22,623 square feet of gross floor area, including a second floor and two covered entrance porches with columns greater than 12 inches in width (which count as GFA toward the overall development). Since its construction in the 1950s, the building has been used as office space. The applicant, is requesting architectural control review to expand an existing office building to create

additional office space on the first floor and a use permit to reduce the number of parking spaces from the required 150 spaces to 83 spaces. Additionally, the project is also proposing the removal of a heritage-sized Japanese maple tree. Select sheets from the project plans are included for reference as Attachment C. The Housing Commission should note that the proposal is still under staff review, and aspects of the design are subject to change before final project actions. Regardless, as long as the project scope stays consistent, the draft Term Sheet and the Housing Commission's recommendation would remain applicable to the project.

BMR housing program requirement

The applicant is required to comply with Chapter 16.96 of City's Municipal Code, ("BMR Ordinance"), and with the BMR Housing Program Guidelines adopted by the City Council to implement the BMR Ordinance ("Guidelines"). At this time, the Housing Commission should review the draft Term Sheet and provide guidance to staff, the applicant, and the Planning Commission. The draft Term Sheet would be used to inform the BMR Agreement, which would subsequently be reviewed by the Planning Commission.

For this specific project, the residential unit equivalent is 0.19 units. However, residential use of the property is not allowed in the C-1 zoning district and consequently would not be consistent with the Commercial General Plan Land Use Designation. The subject site is located the southeast corner of Middlefield Road and Santa Monica Avenue, and adjacent buildings are occupied by a combination of commercial and residential uses. Further, the property owner does not own any sites zoned for residential uses. Based on the project zoning and land use, and the small residential unit equivalent, staff has found that development of such units on-site in accordance with the requirements of the BMR Ordinance and Guidelines is not feasible.

The applicant would be required to pay the applicable in-lieu fee prior to final sign-off of the building permit for this project. The in lieu fee would be calculated as set forth in the table below. The applicable fee for the project would be based upon the per square foot fee in effect at the time of payment and the proposed square footages within Group A and Group B at the time of payment.

Table 1: BMR Requirements and Applicant Proposal			
	Fee per square foot	Square feet	Component fees
Existing Building - Office	\$17.79	22,623	(\$402,463.17)
Existing Building - Non-Office	\$9.66	0	\$0.00
Proposed Building - Office	\$17.79	26,476	\$471,008.04
Proposed Building - Non-Office	\$9.66	0	\$0.00
BMR In-Lieu Fee Option			\$68,544.87

Correspondence

Staff has not received any correspondence regarding the draft BMR Housing Agreement Term Sheet.

Conclusion

Given that the residential unit equivalent for the project is 0.19 units and residential use of C-1-zoned properties is not permitted under current zoning regulations, staff recommends that the Housing Commission recommend approval of the terms stated in the draft BMR Housing Agreement Term Sheet to allow for the delivery of one off-site unit, a portion of an off-site unit, or the payment of the applicable in-lieu fees prior to final of the building permit for the project.

Impact on City Resources

The project sponsor is required to pay Planning, Building and Public Works permit fees, based on the City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the project.

Environmental Review

The proposed project is being evaluated with respect to compliance with the California Environmental Quality Act (CEQA) as part of the Planning Commission action. Direction on the draft BMR Housing Agreement Term Sheet is not an action under CEQA, so environmental review is not required by the Housing Commission.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Draft BMR Housing Agreement Term Sheet
- B. Location Map
- C. Project Plans (Select Sheets)

Report prepared by:

Fahteen Khan, Contract Assistant Planner

Report reviewed by:

Rhonda Coffman, Deputy Community Development Director - Housing

Mike Noce - Management Analyst II

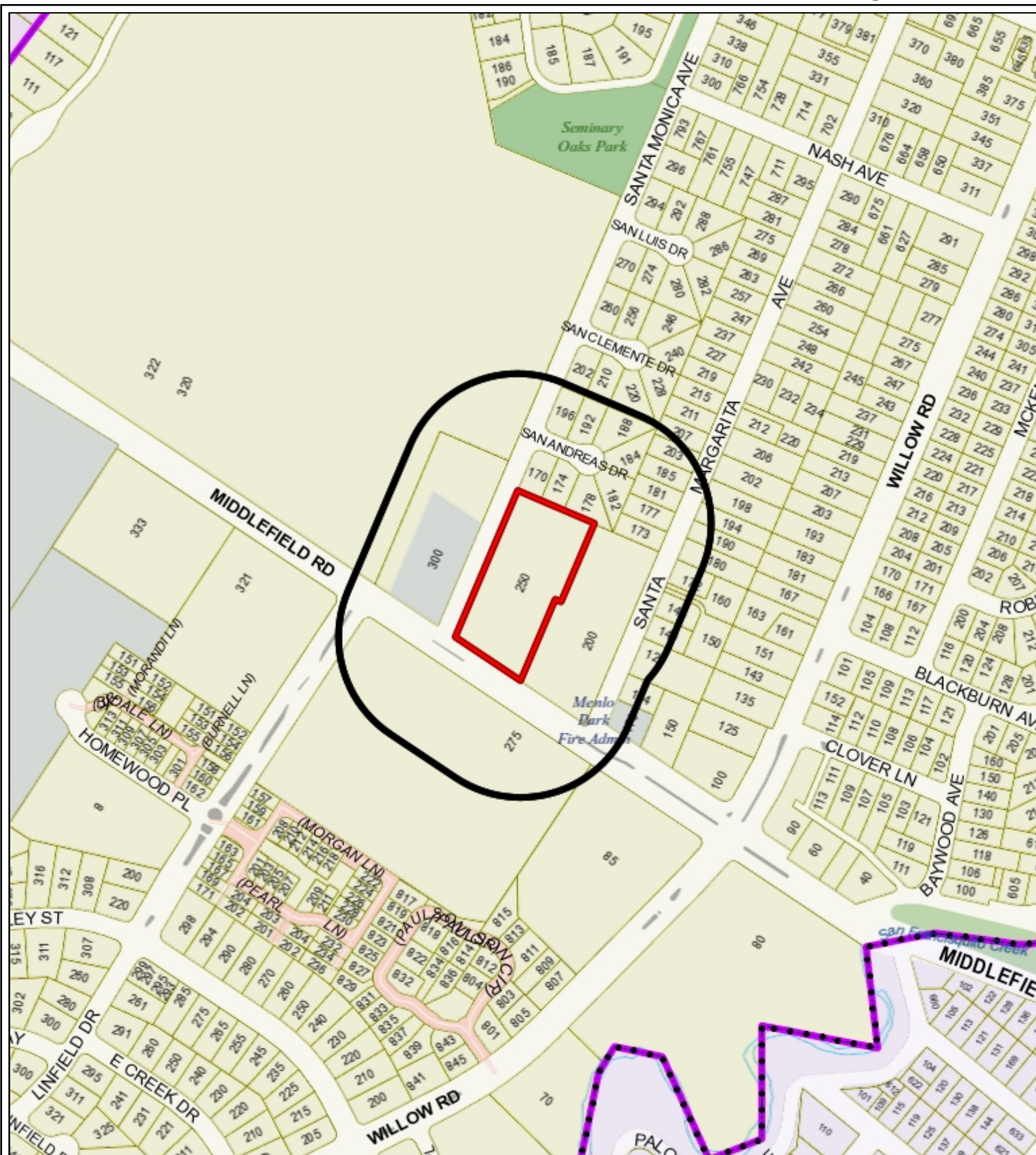
250 Middlefield Road

Draft Below Market Rate (BMR) Housing Agreement Term Sheet

1. Applicant owns property known as Assessor's Parcel Number 062-271-010 ("Property"), more commonly known as 250 Middlefield Road, Menlo Park;
2. Applicant is requesting architectural control to expand an existing office building to create additional office space on the first floor. The subject building is greater than 10,000 square feet in gross floor and therefore, Applicant is required to comply with Chapter 16.96 of City's Municipal Code ("BMR Ordinance") and with the Below Market Rate Housing Program Guidelines ("Guidelines") adopted by the City Council to implement the BMR Ordinance;
3. Property is located within the C1 (Administrative and Professional District, Restrictive) zoning district and the Commercial land use designation in the City of Menlo Park;
 - a. Property's General Plan land use and zoning designations do not permit residential uses;
4. Applicant does not own any other sites within the City that are zoned for residential land uses; and
5. Consistent with other recent BMR Housing Agreements, Applicant is permitted to satisfy the BMR housing requirement for the proposed project by delivering one off-site unit, combining resources with other applicants to deliver an off-site unit, or by payment of an in lieu fee;
 - a. The BMR in lieu fee is estimated at \$68,544.87;
 - b. The equivalent unit requirement is 0.19 units;
 - c. Therefore, prior to final sign-off of the building permit, the Applicant will need to pay the in lieu fee, which would be adjusted based on the existing and proposed square footages at the time of building permit issuance. The applicable fee per square foot is adjusted annually on July 1. The table in Item 6 below shows the proposed in lieu fee and its calculation.

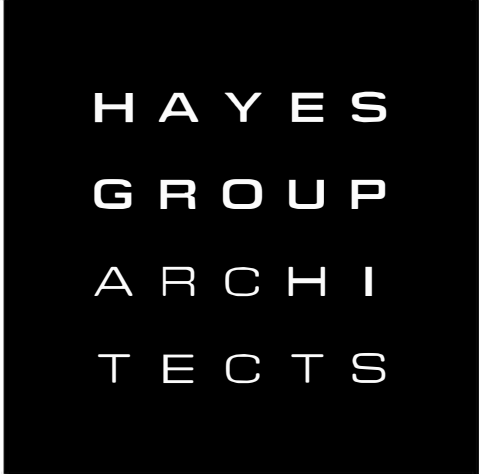
6. The table below provides the estimated in lieu fee:

BMR In Lieu Fee Calculation			
	Fee per square foot	Square feet	Component fees
Existing Building - Office	\$17.79	22,623	(\$402,463.17)
Existing Building - Non-Office	\$9.66	0	\$0.00
Proposed Building - Office	\$17.79	26,476	\$471,008.04
Proposed Building - Non-Office	\$9.66	0	\$0.00
BMR In-Lieu Fee Option			\$68,544.87



City of Menlo Park
Location Map
250 Middlefield Road





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MENLO PARK
CA 94025

ISSUANCE:
PLANNING SUBMISSION
05.15.18

SHEET REVISIONS

- 1

PLANNING RESPONSE
10.30.18
- 2

PLANNING RESPONSE
01.07.19



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250 MIDDLEFIELD ROAD

MENLO PARK, CA 94025



PLANNING RESPONSE
01.07.19



PROJECT CONSULTANTS

CLIENT	250 MIDDLEFIELD ASSOCIATES KING ASSET MANAGEMENT 265 LYTTON AVENUE #304 PALO ALTO, CA 94301 CONTACT: CHARLIE KING CKINGIII@CKAM.COM
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MEP	ALFATECH 1 POST STREET, SUITE 2200 SAN FRANCISCO, CA 94104 415.403.3040 PH CONTACT: TG DAVALLLOU TG.DAVALLLOU@ATCE.COM CONTACT: JAMES PESTANO JAMES.PESTANO@ATCE.COM
SURVEYOR	BGT LAND SURVEYING 1206 S. AMPHLETT BLVD., SUITE 3 SAN MATEO, CA 94402 650.212.1030 PH 688.732.9284 FAX CONTACT: BRYAN G TAYLOR BTAYLOR@BGTSURVEYING.COM
TDM	TDM SPECIALISTS, INC. 3609 BRADSHAW RD. SACRAMENTO, CA 95827 408.420.2411 PH CONTACT: ELIZABETH HUGHES ELIZABETH.HUGHES@TDMSPECIALISTS.COM

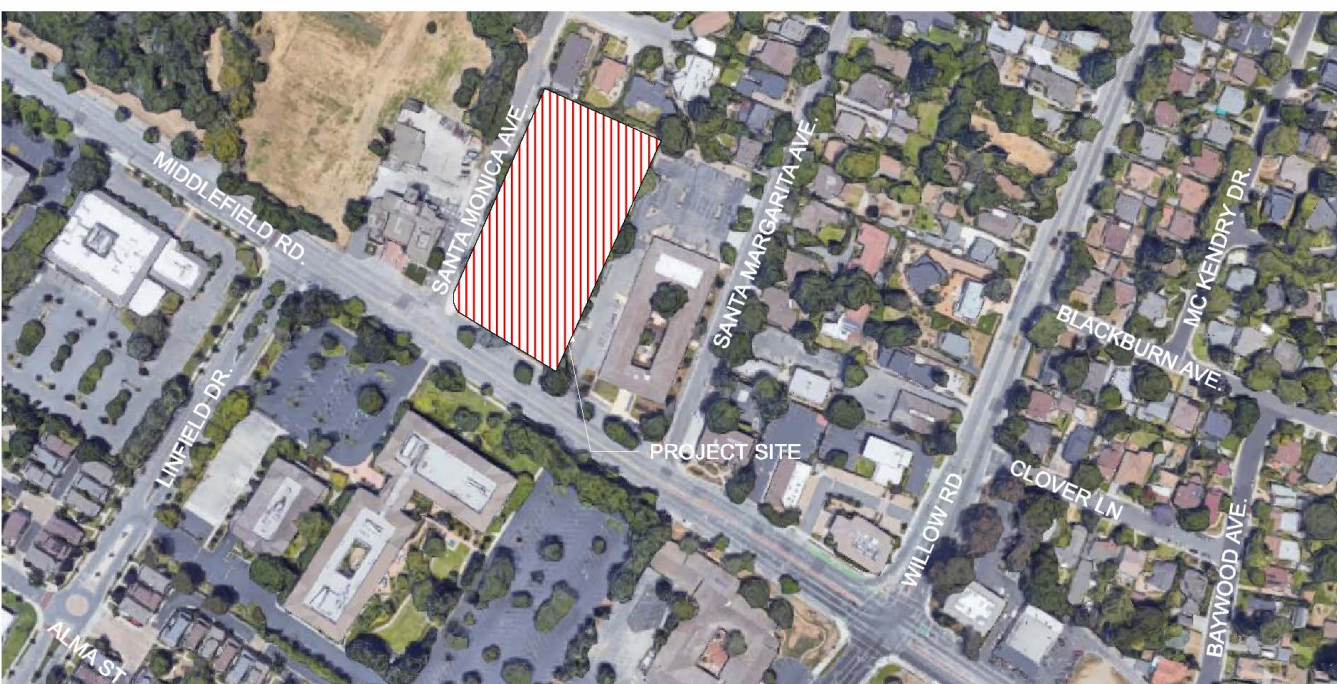
PROJECT INFORMATION

PROJECT DESCRIPTION:	ADDITION TO (E) TWO STORY OFFICE BUILDING.
APN:	062-271-010
ZONING:	C1
CONSTRUCTION TYPE:	V-B
OCCUPANCY:	B
BUILDING CODES:	2016 CALIFORNIA BUILDING CODE 2016 CALIFORNIA MECHANICAL CODE 2016 CALIFORNIA PLUMBING CODE 2016 CALIFORNIA ELECTRICAL CODE 2016 CALIFORNIA GREEN BUILDING CODE (CAL GREEN) 2016 CALIFORNIA FIRE CODE (WITH LOCAL AMENDMENTS) 2016 STATE OF CALIFORNIA TITLE 24 ENERGY REGULATIONS 2013 NFPA 13
FIRE SPRINKLERS:	(N) SPRINKLERS THROUGHOUT
TRASH/RECYCLE:	ON-SITE

FIRE DEPARTMENT NOTES

1. FIRE ALARM SYSTEM TO COMPLY WITH **CBC16 907.2.2.**

VICINITY MAP

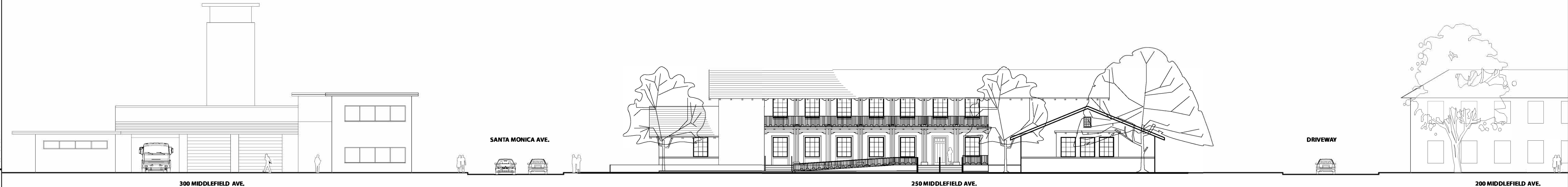


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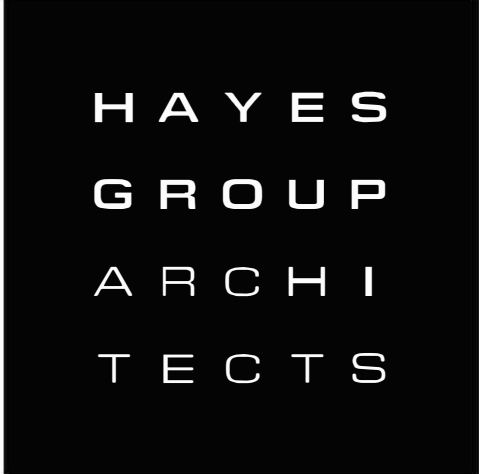
ARCHITECTURAL	LANDSCAPE
A0.1 DRAWING INDEX, VICINITY MAP, PROJECT INFORMATION, PROJECT CONSULTANTS	L1.1 GENERAL NOTES AND LEGEND
A0.2 STREETSCAPES, SITE PHOTOS	L1.2 PLANTING NOTES AND LEGEND
A0.3 AREA PLAN	L1.3 LANDSCAPE IMAGERY
A1.0 (E) SITE PLAN	L2.1 CONCEPTUAL LANDSCAPE LAYOUT PLAN
A1.1 (E) FIRST FLOOR PLAN	L3.1 TREE DISPOSITION PLAN
REF-1 FIRST FLOOR INTERIOR (FOR REFERENCE ONLY)	L4.1 CONCEPTUAL PLANTING PLAN
A1.2 (E) SECOND FLOOR PLAN AND FIRST FLOOR ROOF PLAN	L5.1 IRRIGATION ZONE DIAGRAM
REF-2 SECOND FLOOR INTERIOR (FOR REFERENCE ONLY)	L6.1 SCHEMATIC DESIGN DETAILS
A1.3 (E) UPPER ROOF PLAN	
A2.0 PROPOSED SITE PLAN	
A2.0a BUILDING / LOT COVERAGE CALCULATIONS	
A2.0b FIRST FLOOR AREA CALCULATIONS	
A2.0c SECOND FLOOR AREA CALCULATIONS	
A2.0d EXIT DIAGRAMS	
A2.1 PROPOSED FIRST FLOOR PLAN	
A2.2 PROPOSED SECOND FLOOR/ ROOF PLAN	
A2.3 PROPOSED UPPER ROOF PLAN	
A3.1 EXISTING ELEVATIONS	
A3.2 EXISTING ELEVATIONS	
A3.3 EXISTING ELEVATIONS	
A3.4 PROPOSED ELEVATIONS	
A3.4a PROPOSED COLORED ELEVATIONS	
A3.5 PROPOSED ELEVATIONS	
A3.6 PROPOSED SECTIONS	
A3.7 PROPOSED SECTIONS	
A4.1 PERSPECTIVES	
CIVIL	
SU-1 TOPOGRAPHIC SURVEY	
C1.0 EXISTING CONDITION PLAN	
C2.0 CIVIL SITE PLAN	
C3.0 PRELIMINARY GRADING & DRAINAGE PLAN	
C4.0 PRELIMINARY UTILITY PLAN	
C5.0 PRELIMINARY STORMWATER CONTROL PLAN	
C6.0 BEST MANAGEMENT PRACTICES	



WEST/ SANTA MONICA STREETSCAPE
SCALE: 1/16" = 1'-0" 2



SOUTH/ MIDDLEFIELD STREETSCAPE
SCALE: 1/16" = 1'-0" 1



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1	PLANNING RESPONSE 10.30.18
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AREA PLAN

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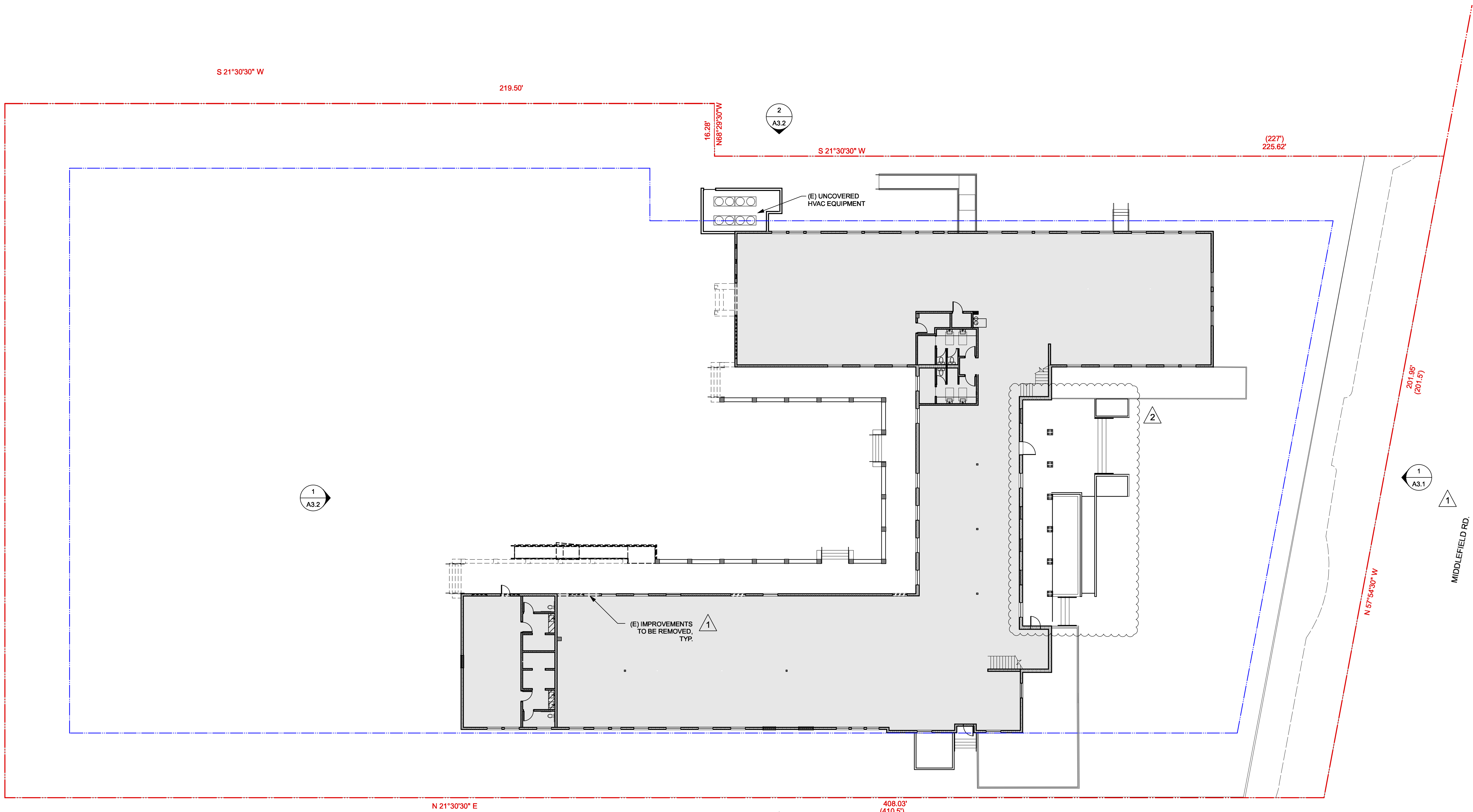
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EXISTING
FIRST FLOOR PLAN
SELECTIVE BUILDING
DEMOLITION

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EXISTING FIRST FLOOR PLAN
SCALE: 1/16" = 1'-0"

1

A1.1



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DRAWING CONTENT
EXISTING
SECOND FLOOR PLAN
& FIRST FLOOR
ROOF PLAN

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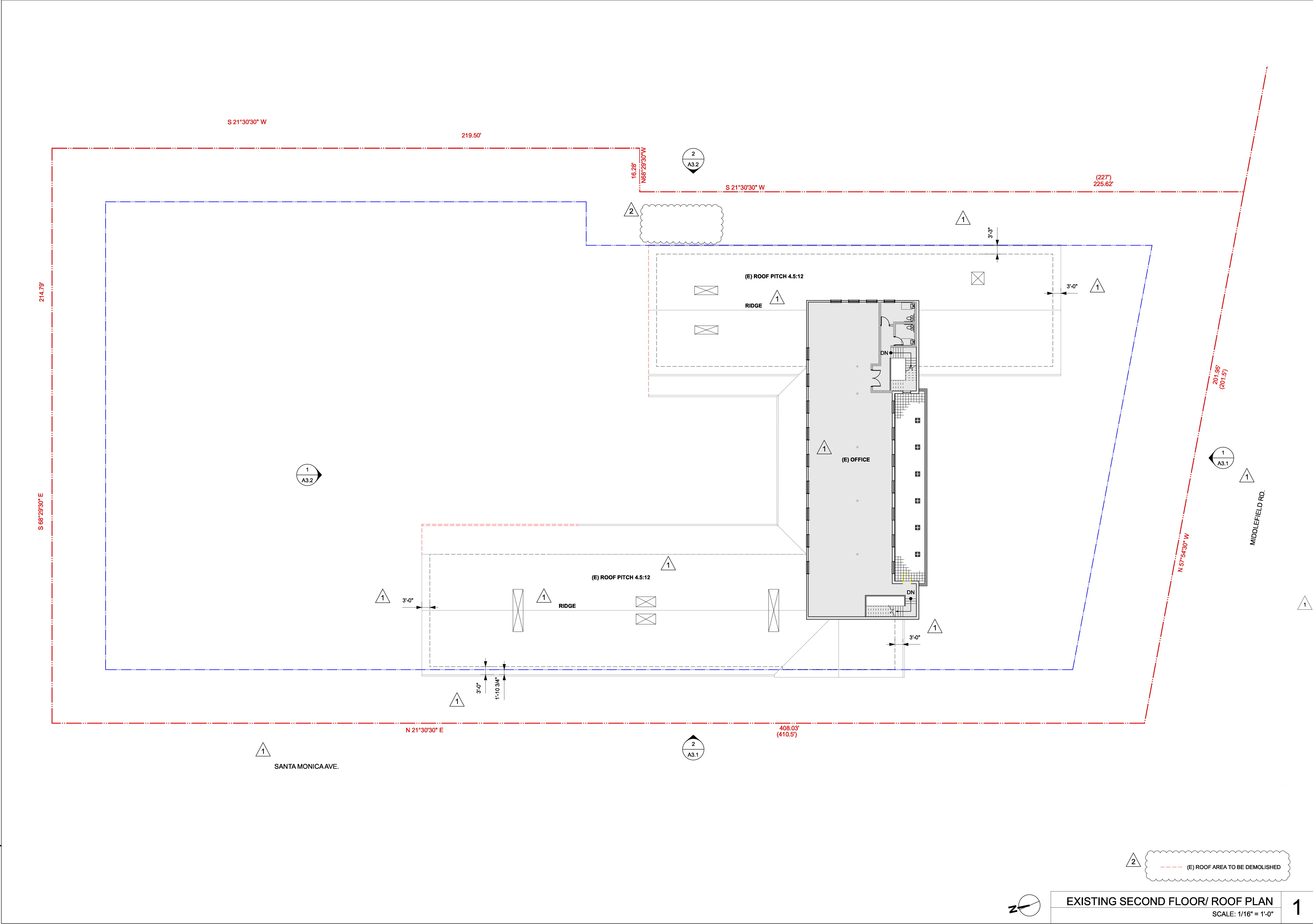
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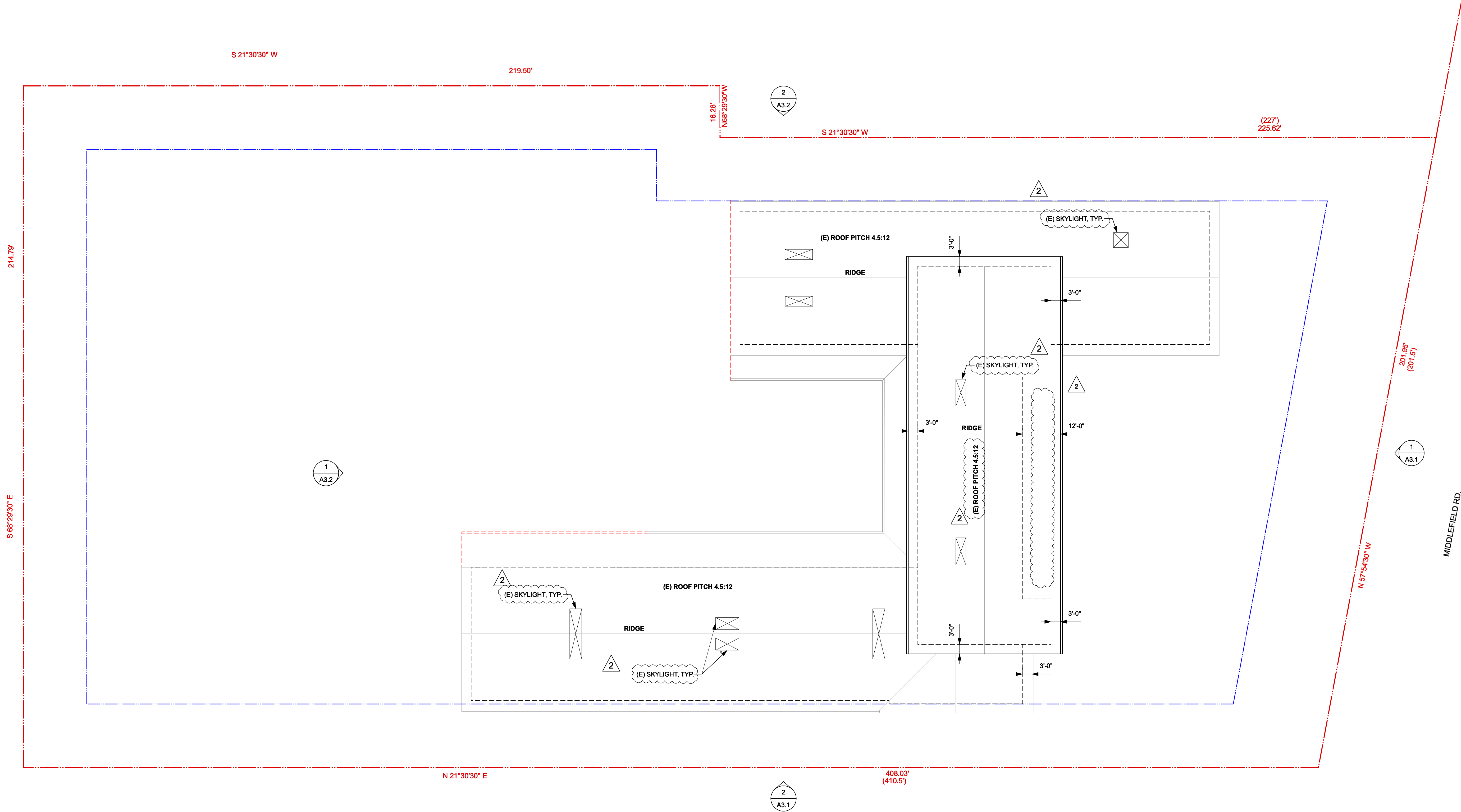
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DRAWING CONTENT
EXISTING UPPER
ROOF PLAN

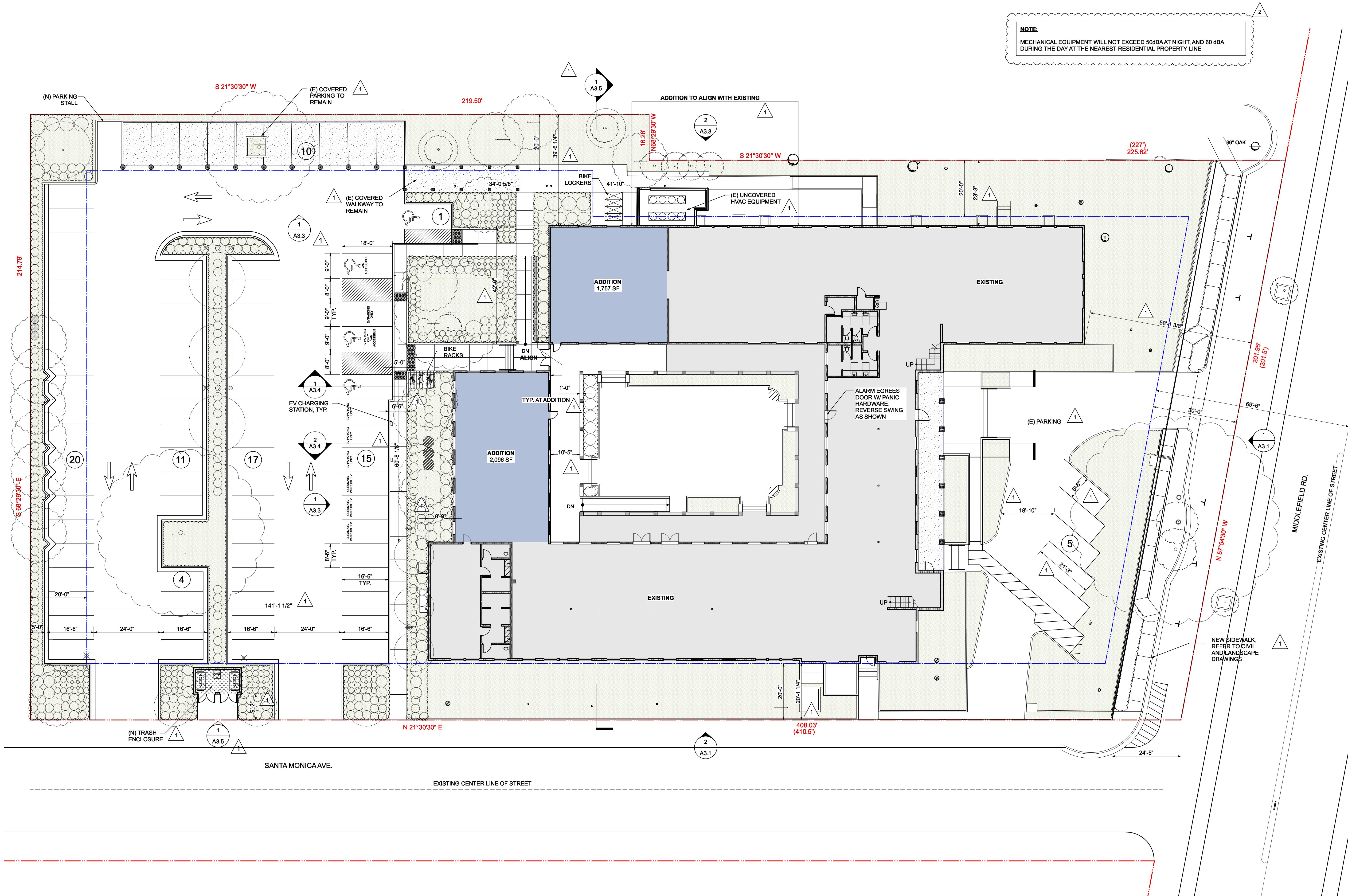
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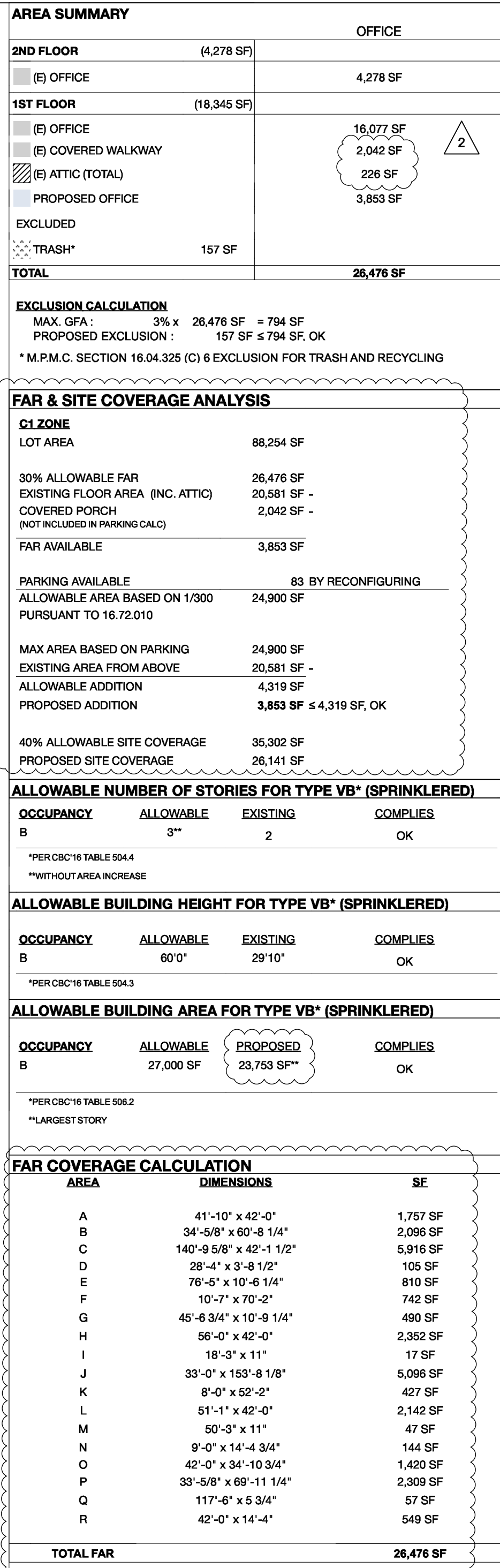
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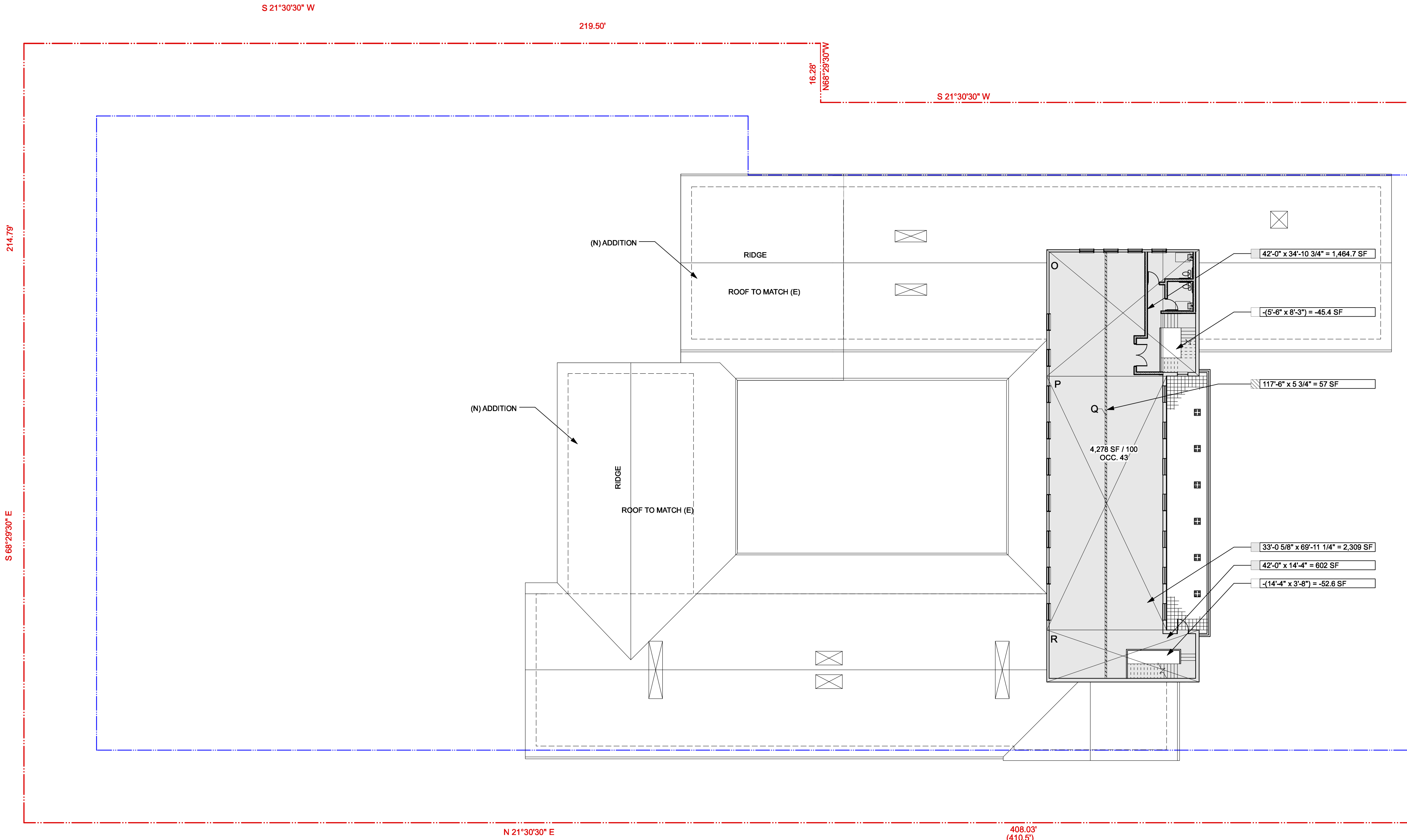
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AREA SUMMARY		OFFICE
2ND FLOOR	(4,278 SF)	
(E) OFFICE		4,278 SF
1ST FLOOR	(18,345 SF)	
(E) OFFICE		16,077 SF
(E) COVERED WALKWAY		2,042 SF
(E) ATTIC (TOTAL)		226 SF
PROPOSED OFFICE		3,853 SF
EXCLUDED		
TRASH*	157 SF	
TOTAL		26,476 SF

EXCLUSION CALCULATION
MAX GFA: 3% x 26,476 SF = 794 SF
PROPOSED EXCLUSION: 157 SF ≤ 794 SF, OK
*M.P.M.C. SECTION 16.04.325 (C) 8 EXCLUSION FOR TRASH AND RECYCLING

FAR & SITE COVERAGE ANALYSIS	
C1 ZONE	
LOT AREA	88,254 SF
30% ALLOWABLE FAR	26,476 SF
EXISTING FLOOR AREA (INC. ATTIC)	20,581 SF -
COVERED PORCH (NOT INCLUDED IN PARKING CALC)	2,042 SF -
FAR AVAILABLE	3,853 SF
PARKING AVAILABLE	83 BY RECONFIGURING
ALLOWABLE AREA BASED ON 1/300 PURSUANT TO 16.72.010	24,900 SF
MAX AREA BASED ON PARKING	24,900 SF
EXISTING AREA FROM ABOVE	20,581 SF -
ALLOWABLE ADDITION	4,319 SF
PROPOSED ADDITION	3,853 SF ≤ 4,319 SF, OK
40% ALLOWABLE SITE COVERAGE	35,302 SF
PROPOSED SITE COVERAGE	26,141 SF

FAR COVERAGE CALCULATION		
AREA	DIMENSIONS	SF
A	41'-10" x 42'-0"	1,757 SF
B	34'-5/8" x 60'-8 1/4"	2,096 SF
C	140'-9 5/8" x 42'-1 1/2"	5,916 SF
D	28'-4" x 3'-8 1/2"	105 SF
E	76'-5" x 10'-6 1/4"	810 SF
F	10'-7" x 70'-2"	742 SF
G	45'-6 3/4" x 10'-9 1/4"	490 SF
H	56'-0" x 42'-0"	2,352 SF
I	18'-3" x 11"	17 SF
J	33'-0" x 153'-8 1/8"	5,095 SF
K	8'-0" x 52'-2"	427 SF
L	51'-1" x 42'-0"	2,142 SF
M	50'-3" x 11"	47 SF
N	9'-0" x 14'-4 3/4"	144 SF
O	42'-0" x 34'-10 3/4"	1,420 SF
P	33'-5/8" x 69'-11 1/4"	2,309 SF
Q	117'-8" x 5 3/4"	57 SF
R	42'-0" x 14'-4"	549 SF
TOTAL FAR		26,476 SF



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SECOND FLOOR AREA
CALCULATIONS

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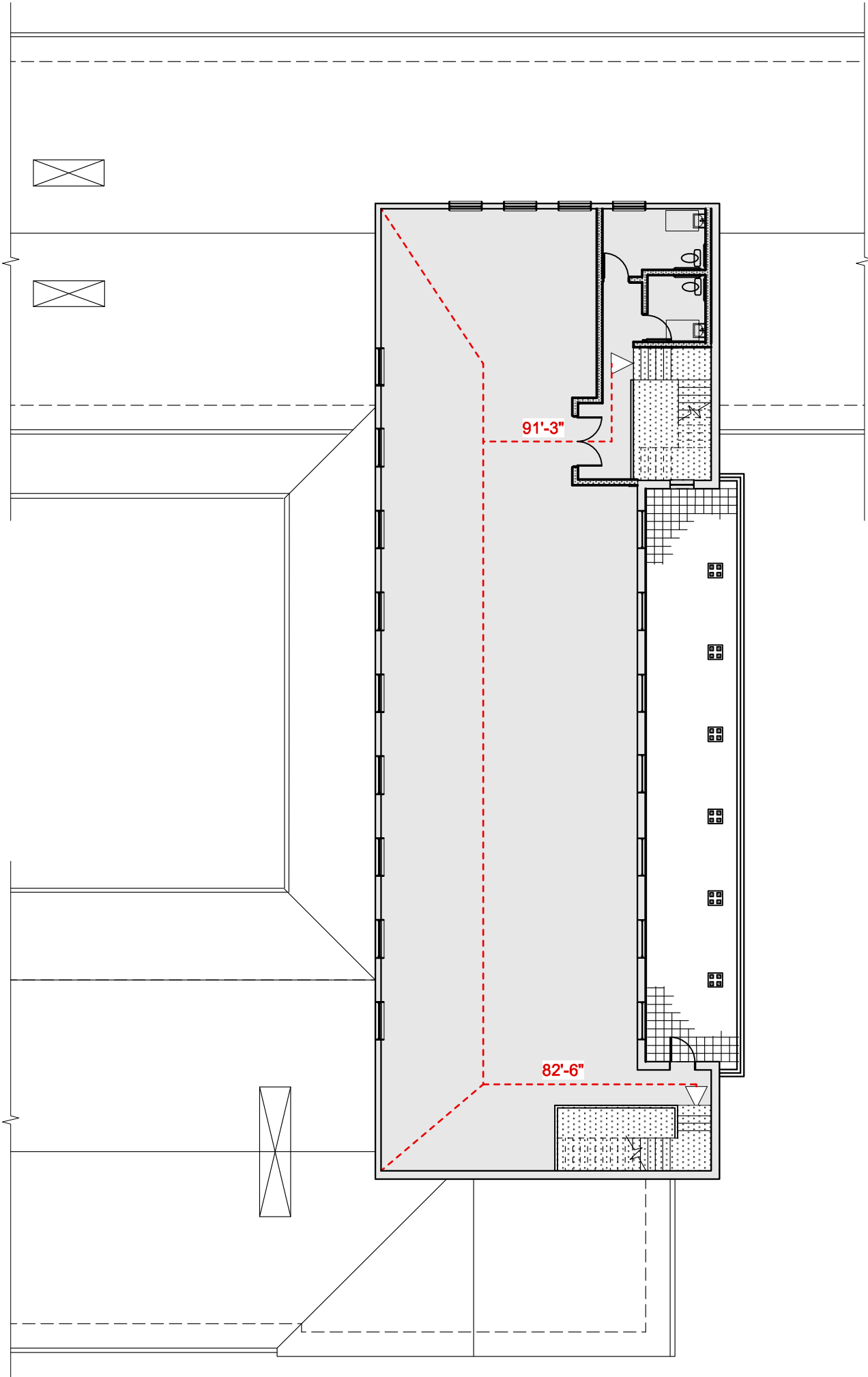
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SECOND FLOOR
SCALE: 1/16" = 1'-0"

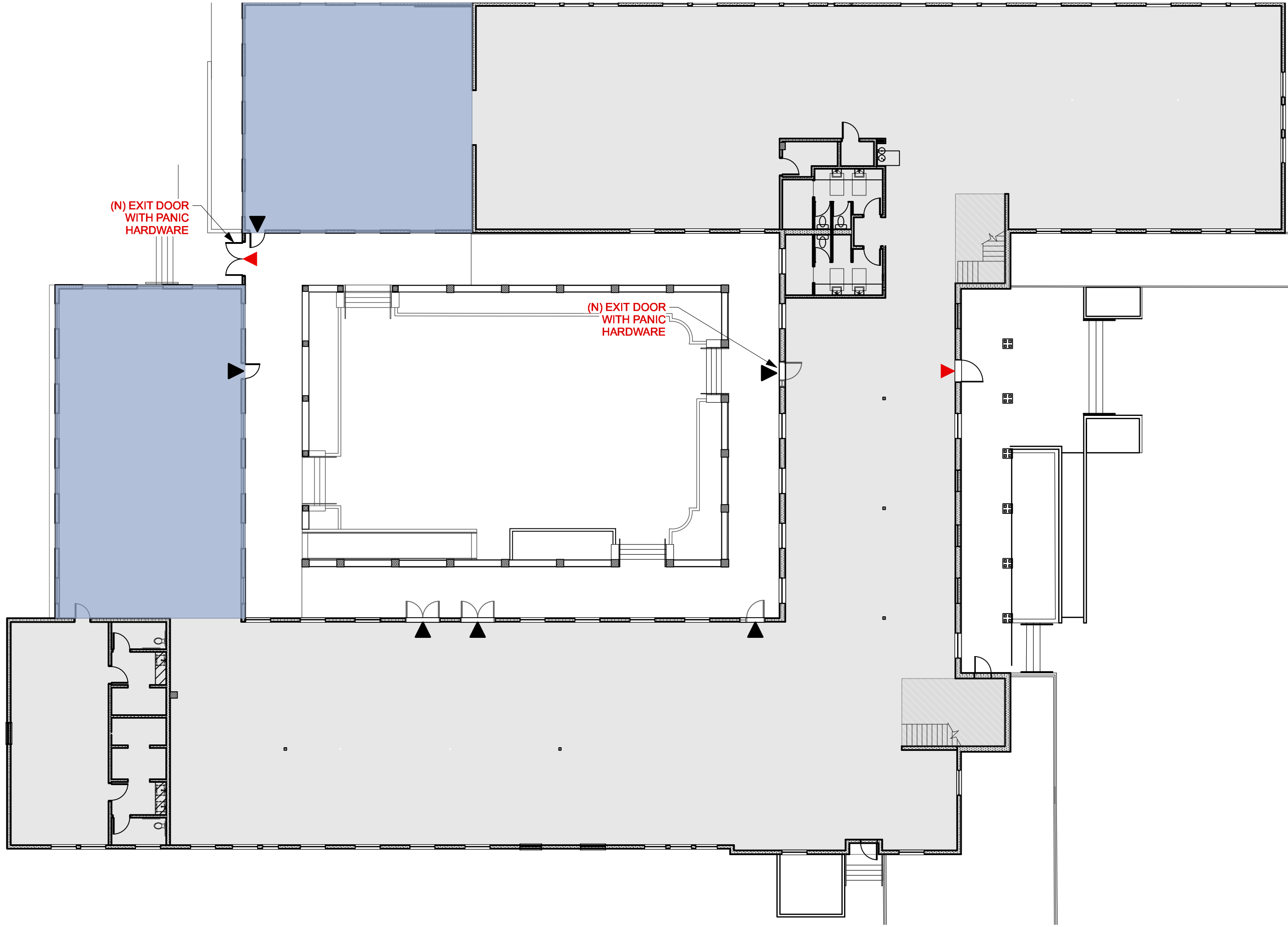
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SECOND FLOOR EXIT PLAN
SCALE: 1/16" = 1'-0"

2



FIRST FLOOR EXIT PLAN
SCALE: 1/16" = 1'-0"

1

LEGEND	
	EXIT
	EXIT ACCESS DOORWAY
	EXIT DISCHARGE
	EXIT ACCESS
	EXIT (INTERIOR EXIT STAIRWAY)
	EXIT ACCESS STAIRWAY
CONCLUSION	
MAXIMUM EXIT TRAVEL DISTANCE WITH SPRINKLED SYSTEM :	125' ALLOWED
PROPOSED PROJECT:	91'-3" (≤ 125' MAX., OK)



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DRAWING CONTENT
PROPOSED
FIRST FLOOR PLAN

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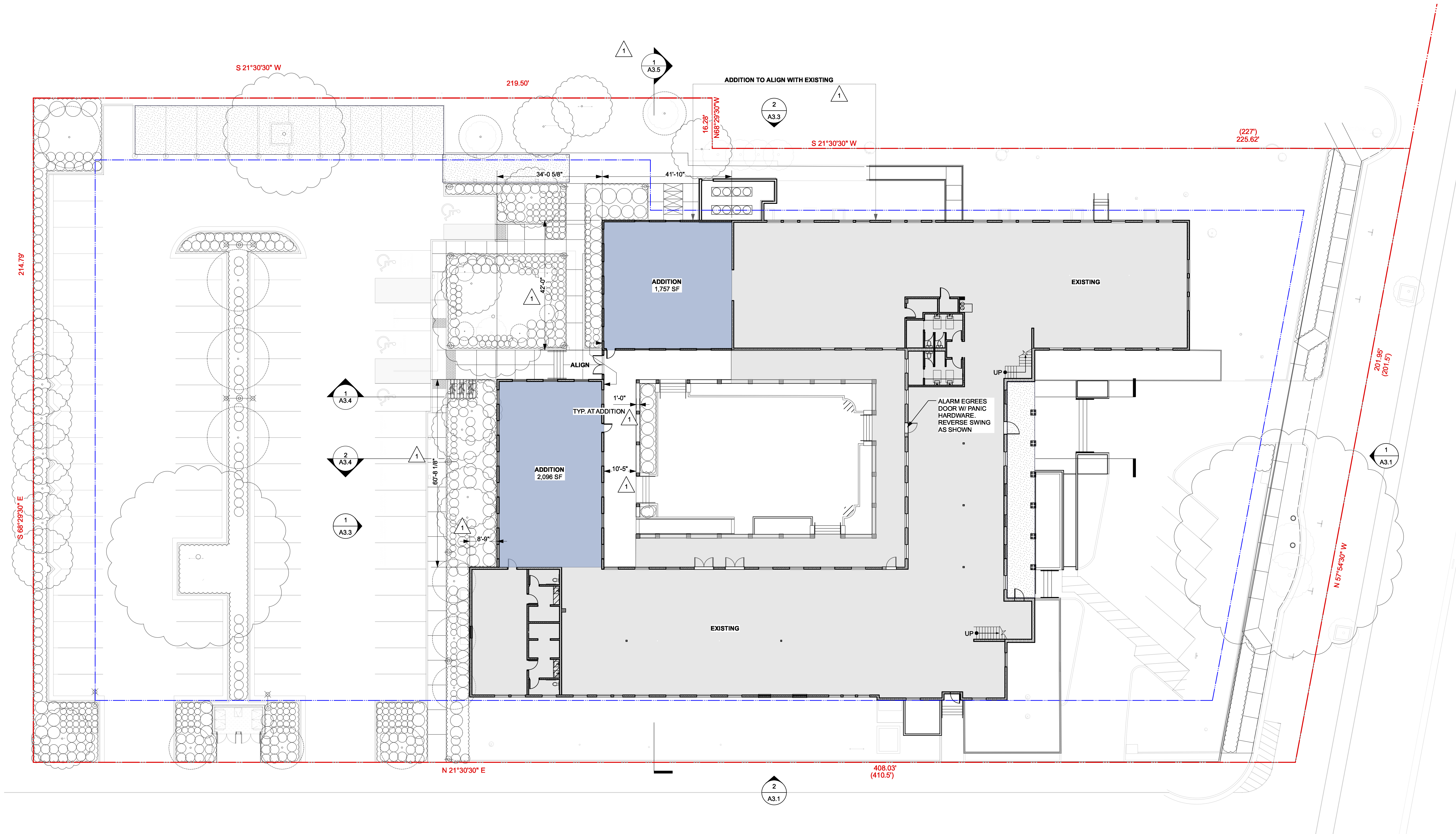
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PROPOSED FIRST FLOOR PLAN
SCALE: 1/16" = 1'-0"

1



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6	

DRAWING CONTENT
PROPOSED
SECOND FLOOR
/ ROOF PLAN

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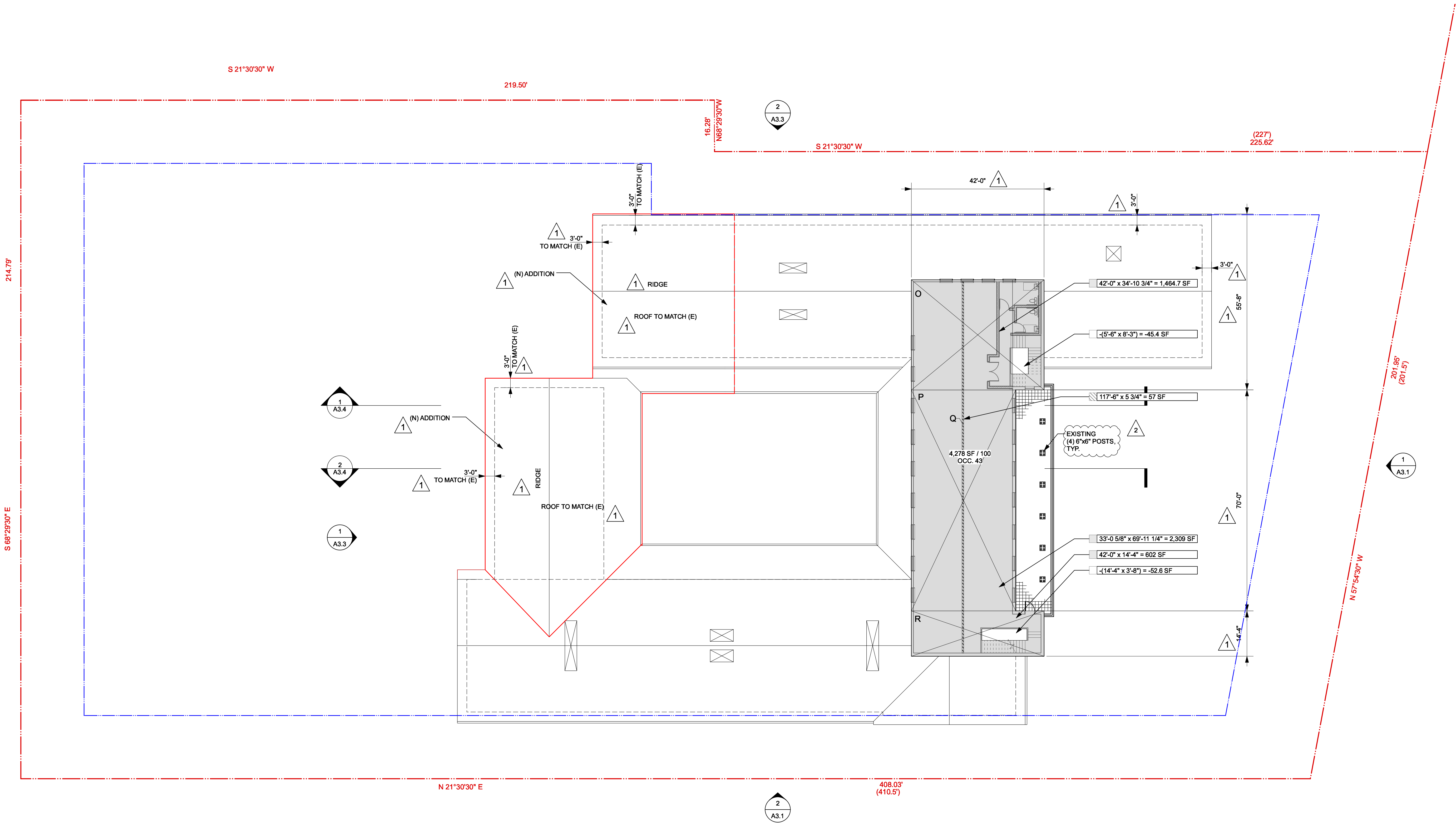
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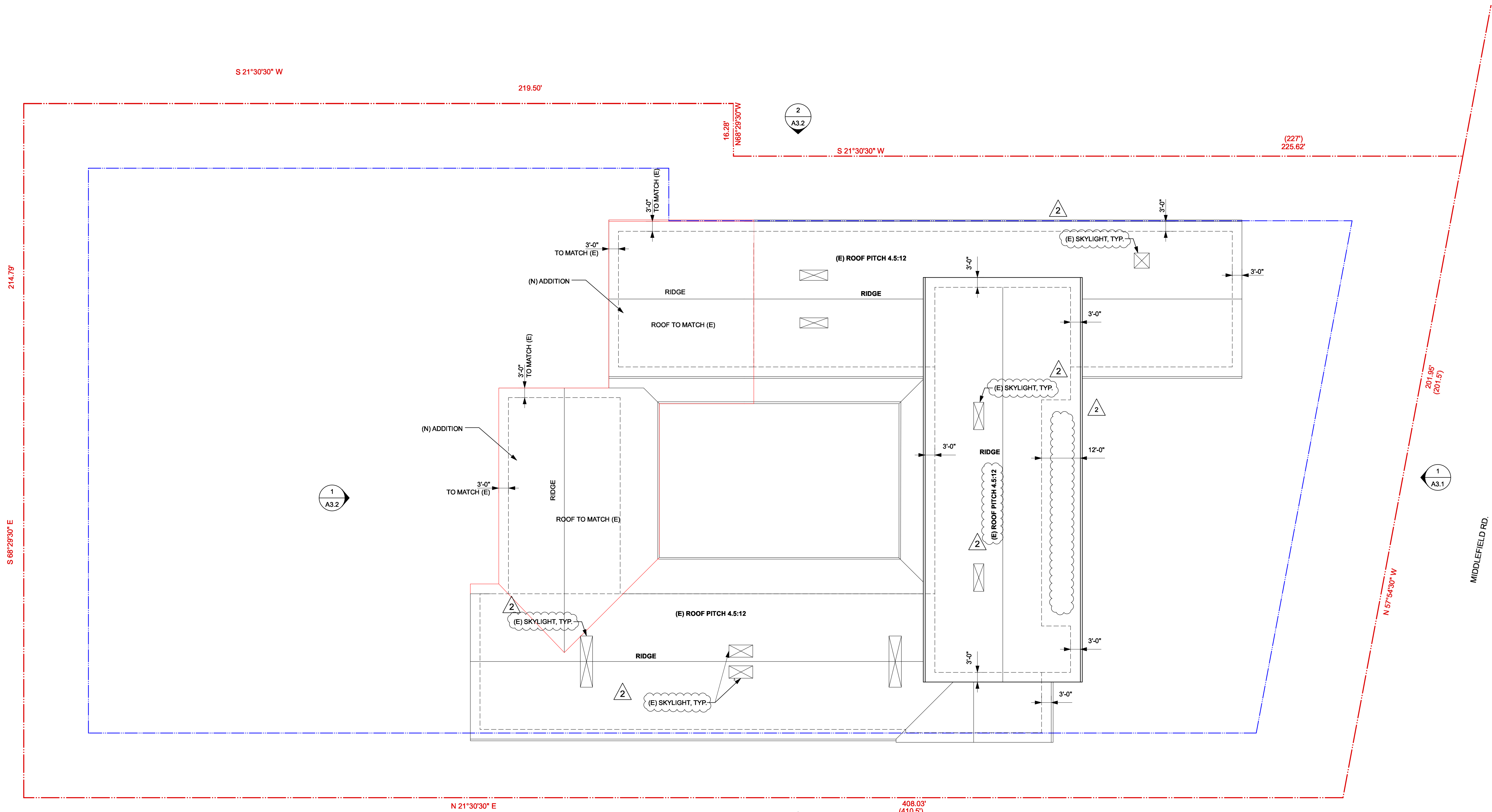
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PROPOSED SECOND FLOOR/ ROOF PLAN
SCALE: 1/16" = 1'-0"

1

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PROPOSED SECOND FLOOR/ ROOF PLAN
SCALE: 1/16" = 1'-0"

1



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DRAWING CONTENT
PROPOSED UPPER
UPPER/LOWER
ROOF PLAN

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DRAWING CONTENT
EXISTING ELEVATIONS

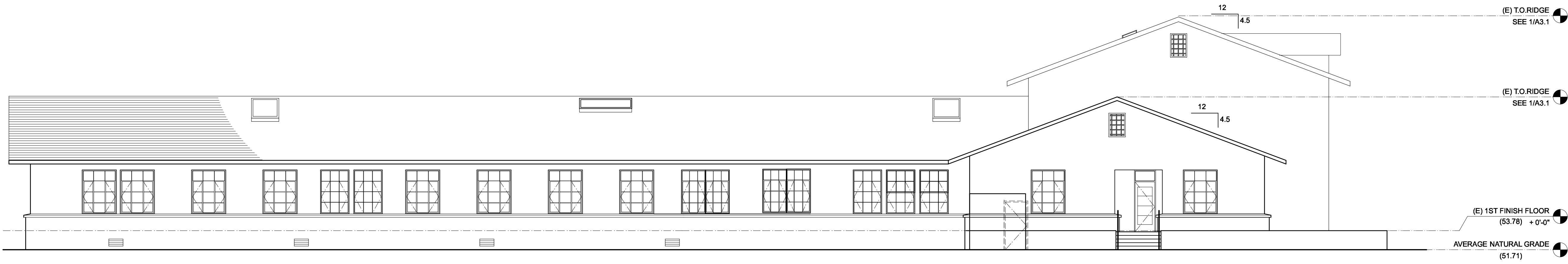
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EXISTING WEST ELEVATION (SIDE)
SCALE: 1/16" = 1'-0"

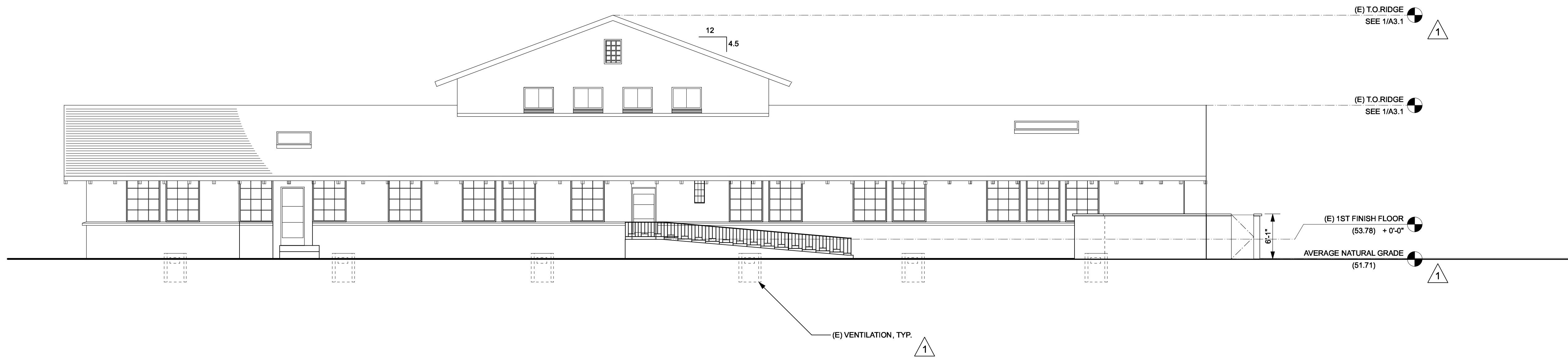
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EXISTING SOUTH ELEVATION (FRONT)
SCALE: 1/16" = 1'-0"

1

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EXISTING EAST ELEVATION (SIDE)

SCALE: 1/16" = 1'-0"

2



EXISTING NORTH ELEVATION (REAR)

SCALE: 1/16" = 1'-0"

1



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SHEET REVISIONS	
1	PLANNING RESPONSE 10.30.18
2	
3	
4	
5	
6	
7	

DRAWING CONTENT
EXISTING ELEVATIONS

NO CHANGES

STAMP

JOB NUMBER:
1722.00
SCALE:
As Noted
DRAWN BY:
SP

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A3.2



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MENLO PARK
CA 94025

ISSUANCE:
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05.15.18

SHEET REVISIONS	
1	PLANNING RESPONSE 10.30.18
2	PLANNING RESPONSE 01.07.19

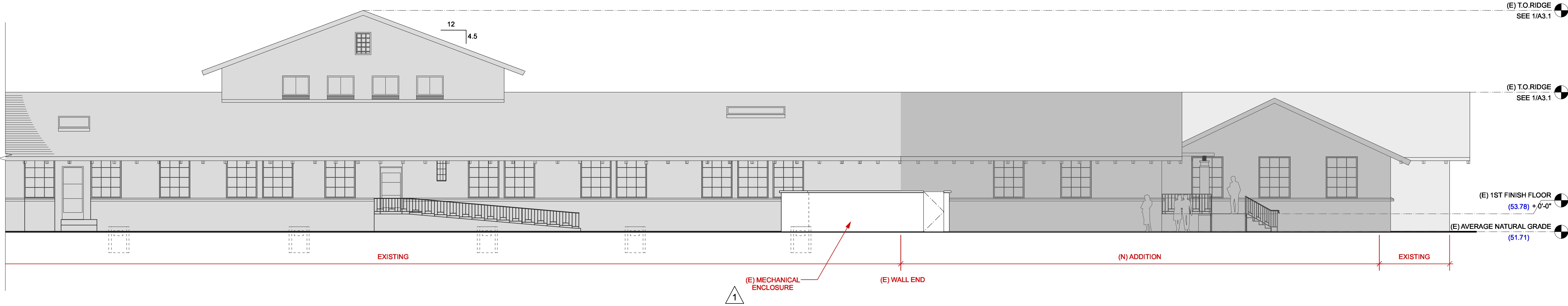
DRAWING CONTENT
PROPOSED
ELEVATIONS

STAMP

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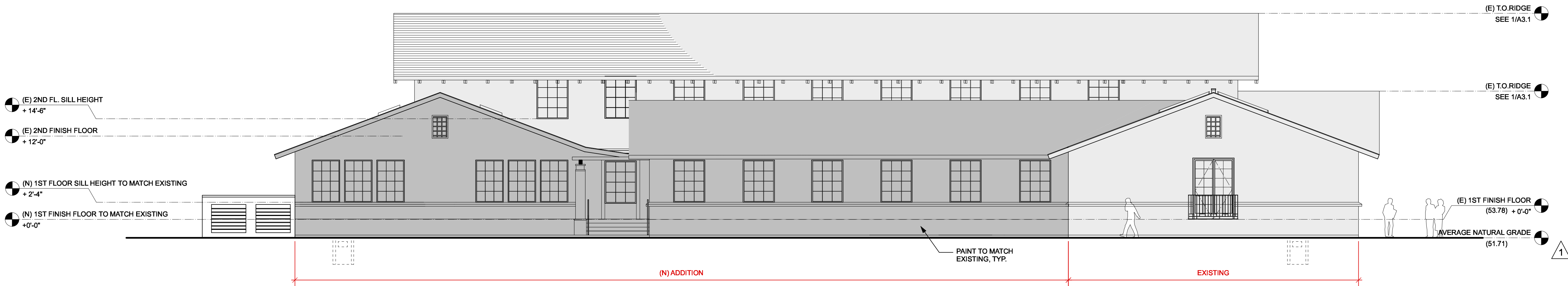
DRAWING NUMBER

A3.4



PROPOSED EAST ELEVATION (SIDE)
SCALE: 1/16" = 1'-0"

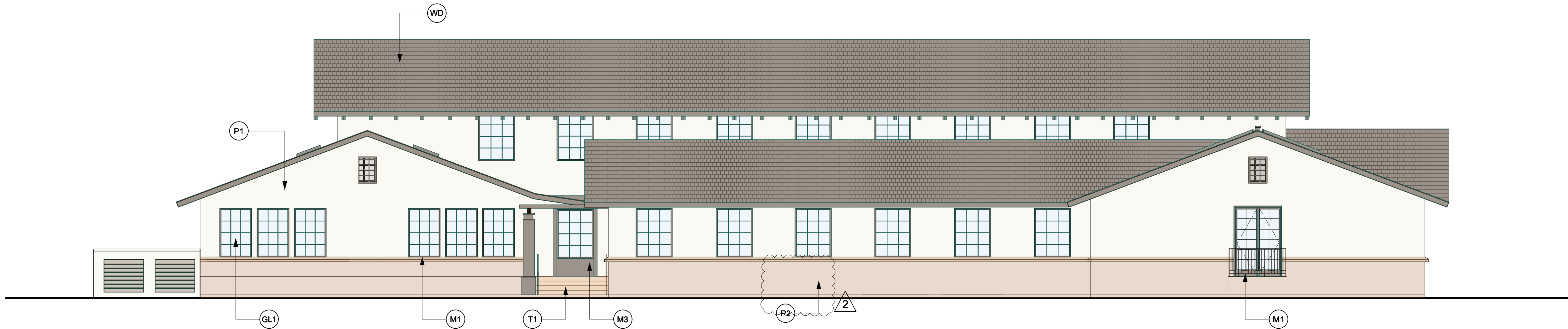
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PROPOSED NORTH ELEVATION (REAR)
SCALE: 1/16" = 1'-0"

1

Date: 1/14/19
File name: 1722.00 Baseplan.ywx



FINISH LEGEND	
GL1	GLAZING GLAZING AND FRAME TO MATCH EXISTING
M1	WROUGHT IRON RAILING MATCH EXISTING
M2	METAL TRASH ENCLOSURE DOOR EXISTING TO BE REUSED
M3	PAINTED HOLLOW METAL DOOR MATCH EXISTING
WD	WOOD SHAKE ROOF MATCH EXISTING
T1	TILE MATCH EXISTING
P1	CEMENT PLASTER TO MATCH EXISTING
P2	CEMENT PLASTER TO MATCH EXISTING



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SHEET REVISIONS	
1	PLANNING RESPONSE 10.30.18
2	PLANNING RESPONSE 01.07.19

DRAWING CONTENT
PROPOSED
COLORED
ELEVATION

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A3.4a

PROPOSED NORTH ELEVATION (REAR)
SCALE: 1/16" = 1'-0"

1

1



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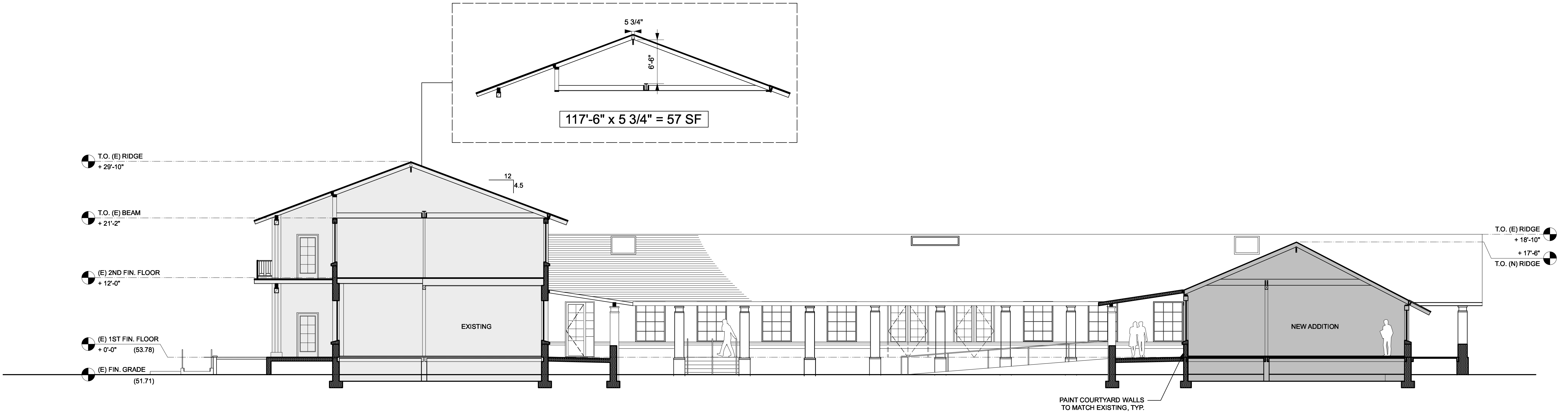
SHEET REVISIONS	
1	PLANNING RESPONSE 10.30.18
2	PLANNING RESPONSE 01.07.19
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DRAWING CONTENT
PROPOSED SECTIONS

STAMP

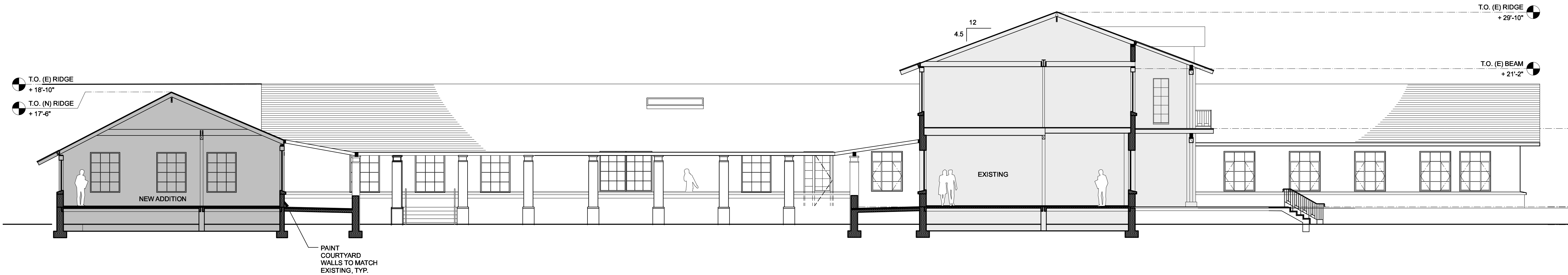
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SECTION B
SCALE: 1/16" = 1'-0"

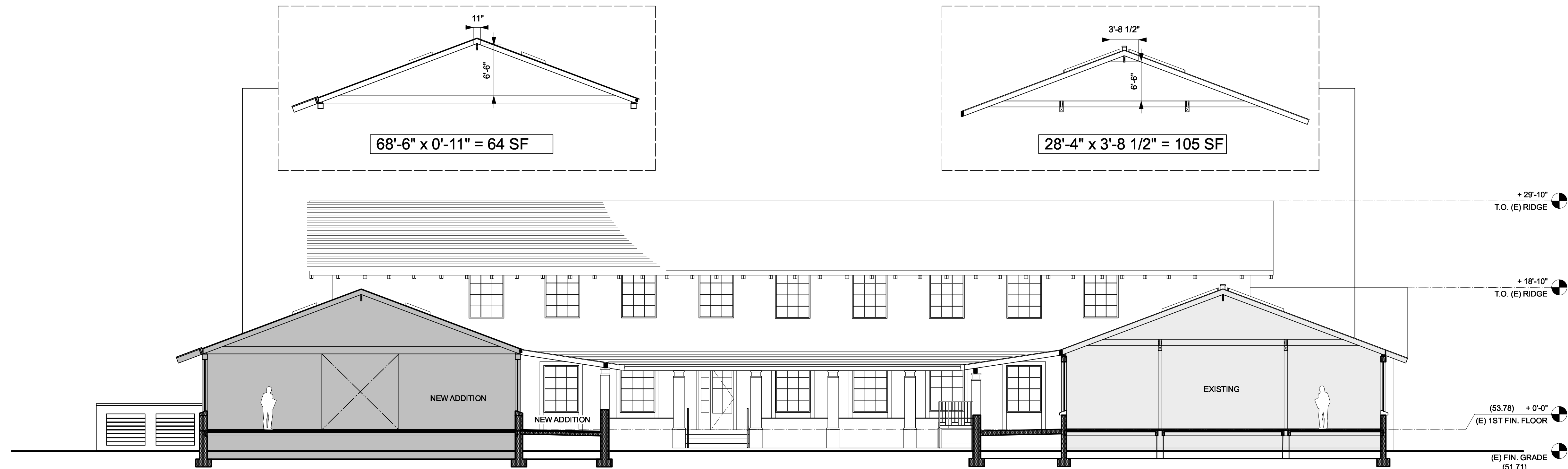
2



SECTION A
SCALE: 1/16" = 1'-0"

1

Date: 1/14/19
File name: 1722.00 Baseplan.ywx



SECTION C
SCALE: 1/16" = 1'-0"

1

1

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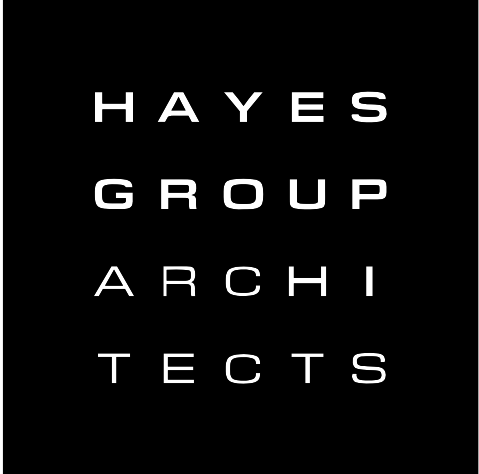
AERIAL VIEW

2



VIEW FROM PARKING LOT

1



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