Housing Commission



REGULAR MEETING AGENDA

Date: 5/5/2021 Time: 6:30 p.m.

Regular Meeting Location: Zoom.us/join - ID #997-7506-7654

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

On March 19, 2020, the Governor ordered a statewide stay-at-home order calling on all individuals living in the State of California to stay at home or at their place of residence to slow the spread of the COVID-19 virus. Additionally, the Governor has temporarily suspended certain requirements of the Brown Act. For the duration of the shelter in place order, the following public meeting protocols will apply.

<u>Teleconference meeting</u>: All members of the Housing Commission, city staff, applicants, and members of the public will be participating by teleconference. To promote social distancing while allowing essential governmental functions to continue, the Governor has temporarily waived portions of the open meetings act and rules pertaining to teleconference meetings. This meeting is conducted in compliance with the Governor's Executive Order N-25-20 issued March 12, 2020, and supplemental Executive Order N-29-20 issued March 17, 2020.

- How to participate in the meeting
 - Access the meeting real-time online at: Zoom.us/join – Regular Meeting ID #997-7506-7654
 - Access the regular meeting real-time via telephone at: (669) 900-6833
 Regular Meeting ID 997-7506-7654
 Press *9 to raise hand to speak

Subject to Change: Given the current public health emergency and the rapidly evolving federal, state, county and local orders, the format of this meeting may be altered or the meeting may be canceled. You may check on the status of the meeting by visiting the City's website www.menlopark.org. The instructions for logging on to the webinar and/or the access code is subject to change. If you have difficulty accessing the webinar, please check the latest online edition of the posted agenda for updated information (menlopark.org/agenda).

Regular Session (Zoom.us/join - ID# 997-7506-7654)

- 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

Housing Commission Regular Meeting Agenda May 5, 2021 Page 2 of 2

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 regular meeting on March 3, 2021 (Attachment)
- D2. Recommendation of a below market rate housing agreement term sheet with Greystar for the Menlo Portal project (Staff Report 21-007-HC) (Presentation)
- D3. Presentation by HouseKeys on below market rate housing program services
- D4. Update on tenant and landlord assistance programs
- D5. Formation of an ad hoc subcommittee to work on proposed edits to the below market rate housing program guidelines

E. Reports and Announcements

- E1. Ad hoc subcommittee reports
- E2. Commissioner updates
- E3. Recommend future agenda items
- E4. 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. For appeal hearings, appellant and applicant shall each have 10 minutes for presentations.

If you challenge any of the items listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or prior to, the public hearing.

Any writing that is distributed to a majority of the Commission by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available by request by emailing the city clerk at jaherren@menlopark.org. Persons with disabilities, who require auxiliary aids or services in attending or participating in Commission meetings, may call the City Clerk's Office at 650-330-6620.

Agendas are posted in accordance with Government Code §54954.2(a) or §54956. Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.org/agenda and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 4/29/2021)

Housing Commission



REGULAR MEETING MINUTES - DRAFT

Date: 3/3/2021 Time: 6:30 p.m.

Regular Meeting Location: Zoom.us/join – ID #997-7506-7654

A. Call To Order

Chair Grove called the meeting to order at 6:31 p.m.

B. Roll Call

Present: Bigelow, Conroy, Grove, Horst, McPherson, Merriman, Pimentel

Absent: None

Staff: Deputy Community Development Director Rhonda Coffman,

Management Analyst II Mike Noce, Associate Planner Matt Pruter,

Assistant Planner Chris Turner

C. Public Comment

Carol Collins spoke about overnight parking requirements and accessory dwelling units.

D. Regular Business

D1. Approve minutes for the Housing Commission regular meeting on February 3, 2021(Attachment)

ACTION: Motion and second (Merriman/ Conroy), to approve the Housing Commission regular meeting minutes on February 3, 2021 with edits to public comment, passed unanimously.

D2. Recommendation of a below market rate housing agreement term sheet with Richard Mielbye for 3723 Haven Avenue (Staff Report 21-004-HC)

Associate Planner Matt Pruter introduced the item.

ACTION: Motion and second (Bigelow/ Horst), to approve the below market rate term sheet with Richard Mielbye for 3723 Haven Avenue, passed unanimously.

D3. Recommend City Council accept the 2020 housing element annual progress report (APR) (Staff Report 21-005-HC)

Management Analyst II Mike Noce provided a presentation (Attachment).

ACTION: Motion and second (Bigelow/ Conroy) to recommend to the City Council to accept the 2020 housing element APR, passed unanimously.

Commissioner Merriman recused herself at 8:05pm.

Housing Commission Meeting Minutes – DRAFT March 3, 2021 Page 2 of 4

The Housing Commission took a short break from 8:05pm to 8:19pm, reconvening with Commissioner Merriman recused.

D4. Recommendation for the Housing Commission to recommend \$4.8 million from the Below Market Rate (BMR) housing fund to two Notice of Funding Availability (NOFA) 2020 applicants to support affordable housing activities (Staff Report 21-006-HC)

Deputy Community Development Director Rhonda Coffman introduced the item and applicant presentations (Attachment).

• Pam Jones spoke in favor of ownership units proposed in MidPen Housing's application.

ACTION: Motion and second (Bigelow/Conroy) to recommend an additional \$300,000 from the BMR housing fund be allocated to the 2020 BMR housing fund NOFA, to increase the total funds available from \$10 million to \$10.3 million to fully fund eligible applications received by the City, passed 6-0-1 (Merriman recused).

ACTION: Motion and second (McPherson/ Conroy) to recommend \$1.2 million from the BMR housing fund to Habitat for Humanity Greater San Francisco (HGSF) to support affordable housing preservation through rehabilitation of existing homeowner units, passed 6-0-1 (Merriman recused).

ACTION: Motion and second (Horst/Conroy) to recommend \$3.6 million from the BMR housing fund to MidPen Housing, Inc. to support development of new affordable ownership housing, passed 6-0-1 (Merriman recused).

E. Reports and Announcements

Commissioner Merriman returned to the Housing Commission meeting.

E1. Ad hoc subcommittee reports (10 minutes):

None.

E2. Commissioner updates

Commissioner Conroy reported out on the San Mateo County one day homeless count postponement.

Chair Grove shared information about a Menlo Together event related to health on March 7.

Merriman shared information on the extension of the California residential eviction moratorium and shared information on rental assistance programs.

E3. Recommended future agenda items.

The Commission suggested future agenda items:

- Community land trust programs and information
- Information about inclusionary unit rents

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- Regulation updates and information related to smoking in apartment buildings
- Commercial development fees and policies

E4. Staff updates and announcements

Deputy Community Development Director Rhonda Coffman shared information about the housing element interview panel and timeline for the selection of a contracted firm.

F. Adjournment

Chair Grove adjourned the meeting at 9:37 p.m.

Mike Noce, Management Analyst II, Community Development

Housing Commission Meeting Minutes – DRAFT March 3, 2021 Page 4 of 4

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OUTLINE

- Summary of housing production



BACKGROUND

- Since 1969, California has required all local governments to adequately plan to meet housing needs of everyone in the community.
- 5th cycle housing element (2015-2023)
- Provides a blueprint for meeting housing needs
- Regional Housing Needs Allocation (RHNA)
- CA Department of Housing and Community Development (HCD)
 Association of Bay Area Governments
- Menlo Park's RHNA is 655 dwelling units
- Annual Progress Report (APR)

 - Due by April 1st every year
 Documents housing production amounts and housing-related activities



HOUSING PRODUCTION STATUS

- APR tracks lifecycle of an application
- 256 net new dwelling units in 2020
 - Based on building permits issued
- 500 El Camino Real/Middle Plaza 215 total units (8 BMR) - 1540 El Camino Real - 27 total units (5 BMR)
- SB 35 exemption
- One of only 30 jurisdictions in CA (5 counties, 25 cities)
- Maintaining RHNA production
- ADU creation
- 13 ADU units issued building permits (increase of 9 units from 2019)
- Increase likely to changes in state ADU laws that went into effect in 2020, which aimed to streamline ADU permitting





RHNA ALLOCATION PROGRESS

Permits Issued by Affordability									
Income level	RHNA 2015-2023	2015	2016	2017	2018	2019	2020	Total units to date	Total remaining RHNA
Very low	233	85	45	0	0	1	0	148	85
Low	129	22	4	6	6	16	26	80	49
Moderate	143	0	0	1	2	7	0	11	132
Above moderate	150	712	17	20	26	172	230	1177	Exceeded
Total	655	819	66	35	44	196	256	1416	266

Breakdown of deed/non-deed restricted units included in 2020 APR (Table B)



MILESTONES



- Housing Element APR program areas (Table D)
- BMR housing fund 2020 highlights
- September 2020
 - 1300 Willow Road \$6.7 million increased to \$9.331 million
 - 58 net new BMR units (140 total BMR units)
- November 2020
 - Notice of Funding Availability (NOFA) released for \$10 million
 - Three proposals received, all from nonprofit housing organizations
 - One proposal approved by City Council in February 2021
 - Acquisition of 6-8 Coleman Place 14 low income units to be included in 2021 APR



MILESTONES

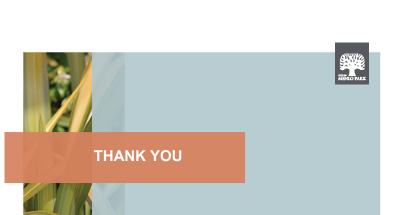




- Homeless Outreach Team
 - Coordinated outreach and referral of services
 - Housing Division, Police Department and LifeMoves meet weekly
 - Coordination of services for a homeless encampment with 60 individuals
- Grant funding awarded
 - Senate Bill 2 (SB 2) planning grant program
 - \$160,000 for programs that help accelerate housing production
 - Encourage ADU development (amend zoning, create user navigation tools)
 - Potential zoning amendments
 - Local Early Action Planning (LEAP) grant program
 - \$150,000 for activities related to preparing the 6th RHNA cycle (2024-2032)

LOOKING AHEAD

- 2023-2031 housing element
 - In March 2021, an interview panel will evaluate consultant firms
 - Panel comprised of two City Councilmembers, two Planning Commissioners, one Housing Commissioner and two staff members
 - Selected firm will lead the robust and complex housing element update process
- 6th cycle RHNA allocation
- 3,000 units expected for Menlo Park
 San Mateo County RHNA allocation estimated at 47,688







NEED

- ☐ Significant population of vulnerable homeowners in Belle Haven
- ☐ Serious repair needs place homeowners at risk of displacement

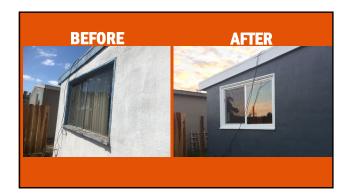




REHAB SCOPE

- ☐ Roof Repair or Replacement
- **☐** Window Replacement
- ☐ Plumbing & Electrical
- ☐ Insulation



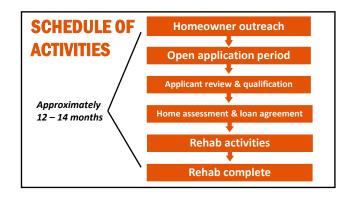


REHAB GOALS

20 rehabs over three years

- ☐ Year one 5 rehabs
- ☐ Year two 7 rehabs
- ☐ Year three 8 rehabs













SOURCES AND USES								
	FY22	FY23	FY24	Total				
Sources								
City of Menlo Park Housing Funds	\$300,000	\$420,000	\$480,000	\$1,200,000				
Private Philanthropy	\$8,000	\$10,000	\$10,000	\$28,000				
In-kind Labor (Volunteer)	\$13,500	\$16,500	\$17,000	\$47,000				
Corporate Sponsorships	\$6,000	\$12,000	\$17,000	\$35,000				
Total Sources	\$327,500	\$458,500	\$524,000	\$1,310,000				
Total homes repaired per year	5	7	8	20				
Uses								
Home Repair & Rehab Costs (Materials/Labor)	\$245,625	\$343,875	\$393,000	\$982,50				
Permits and Fees	\$13,100	\$18,340	\$20,960	\$52,40				
Outreach and marketing	\$14,738	\$20,633	\$23,580	\$58,95				
Eligibility, underwriting, and closing costs	\$21,288	\$29,803	\$34,060	\$85,150				
Habitat Greater SF Administrative Costs	\$32,750	\$45,850	\$52,400	\$131,00				
Total Uses	\$327,500	\$458,500	\$524,000	\$1.310.00				





335 PIERCE ROAD AFFORDABLE OWNERSHIP PROPOSAL MENLO PARK HOUSING COMMISSION FEBRUARY 3, 2021

PROPOSAL OVERVIEW

- 335 Pierce Road is an existing 4-plex and vacant lot
- Replaced by 12 two-bedroom for sale townhomes
- Affordable to Low Income Residents
- Community Control via Community Land Trust
- Replicable and scalable model
- Simple financing strategy





WHY NOW?

Timing is Right

- MidPen can relocate current residents to Gateway
- Housing Element Process

Policy Alignment

- •Y Plan
- •Jan 2020 Housing Inventory and Supply Study
- •2021 Housing Commission Work Plan
- •SB 196



HOW IT WORKS

Resources	Community Benefits
NOFA Funding of \$3.6MM	Turns 4 affordable homes in to 12 affordable homes Supports the formation of a Belle Haven CLT Proof of concept
Community Land Trust	Community self determination Community control of land = asset building A permanently affordable community asset Increased affordability via reduced property tax obligation Mitigates displacement
Homeownership	Purchase price can support development cost less land Wealth Building via: Principle over time Controlled equity return Mortgage Interest Tax Deduction Homeowners become community stewards

ZONING

	Current R-3 (DB)	Proposed R-4-S (AHO)
Density	13.1 du/ac	30 du/ac
Front Yard Setback	15%; 20 ft. min.	10 ft.
Side Setback	15 ft.	10 ft.
Rear Setback	15%; 15 ft. min.	10 ft.
Maximum Height	35 ft.	40 ft.
Maximum FAR	35% to 75%	60% to 90%
Parking	2 spaces per unit (1 covered)	2 spaces per unit
Number of Homes	8	12

NEXT STEPS

- Community outreach and coordination to stand up a Belle Haven CLT
- Coordinate with Menlo Park on rezoning via the Housing Element
- Entitlements, construction, and delivery of homes



THANK YOU

BUILDING COMMUNITIES. CHANGING LIVES.

MidPen has a well-established and successful working relationship with the City of Menlo Park. We look forward to continuing our partnership with the City to explore this innovative new model for scalable affordable homeownership.



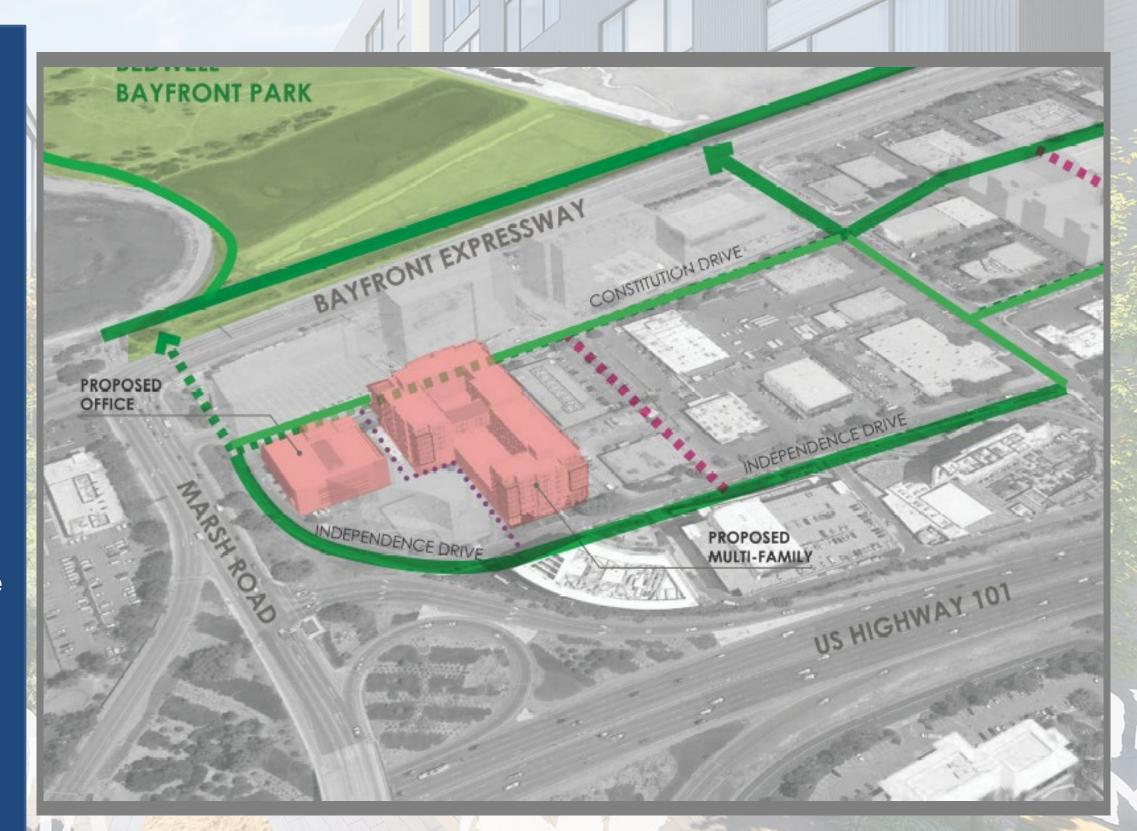
Menlo Portal Project Overview

General Info

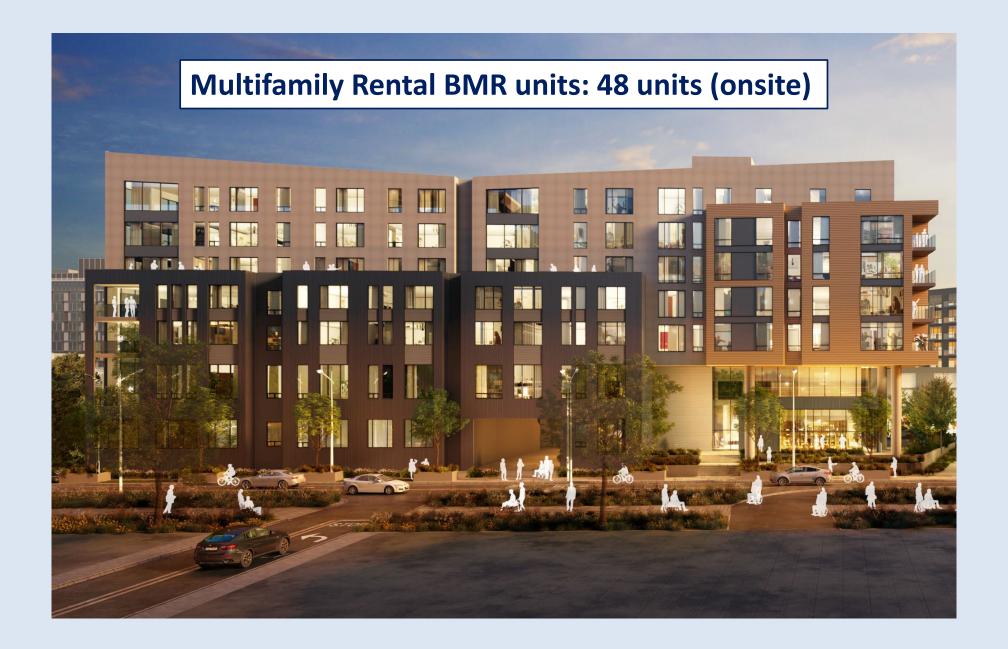
- > 335 rental apartment units
- > ~35K sq. ft. commercial office space

Entitlement Process

- Draft EIR released on 2/25 which started 45-day public review period which closed on 4/14
- Response to comments will be presented to Planning Commission for project approval



RHNA – Regional Housing Needs Allocation



MENLO PARK RHNA BMR ALLOCATION: 1,735 BMR HOUSING UNITS

Community Outreach Process

What kind of outreach have we done?

- Robust community outreach process since 2019
 - 3 community meetings at Menlo Park Senior Center in Belle Haven
 - 6,000+ postcards distributed (translated in Spanish)
 - Spanish translators present
 - > 50+ one-on-one phone calls with community members
 - > Greystar prepared BMR overview brochure to inform community about BMR program

How has this outreach shaped our project's BMR program?

- Community wants as much affordable housing as quickly as possible!
 - 48 onsite BMR units
 - Two BMR alternatives based on City feedback: (1) All low income BMR mix <u>and</u> (2) Equivalent Alternative mix of income levels (averaging to low)

BMR Proposal Overview

- Working with City staff and the community since 2019
- 48 units as onsite BMR units
 - City staff providing two BMR alternatives:
 - All low income level (80% AMI)
 - Equivalent Alternative mix of income levels (averaging to low)
 - Helps achieve Menlo Park's latest RHNA target of 1,735 total affordable units
- Project BMR units will be:
 - 100% compliant with the City's BMR guidelines
 - Same proportionate size as market-rate units
 - Distributed throughout the project
 - Indistinguishable from market-rate units
 - Inclusive and available to special needs populations (e.g. senior, veterans, etc.)
- Our team looks forward to cooperating with the City on an ongoing basis to occupy on-site BMR units

Proposed BMR Unit Mix

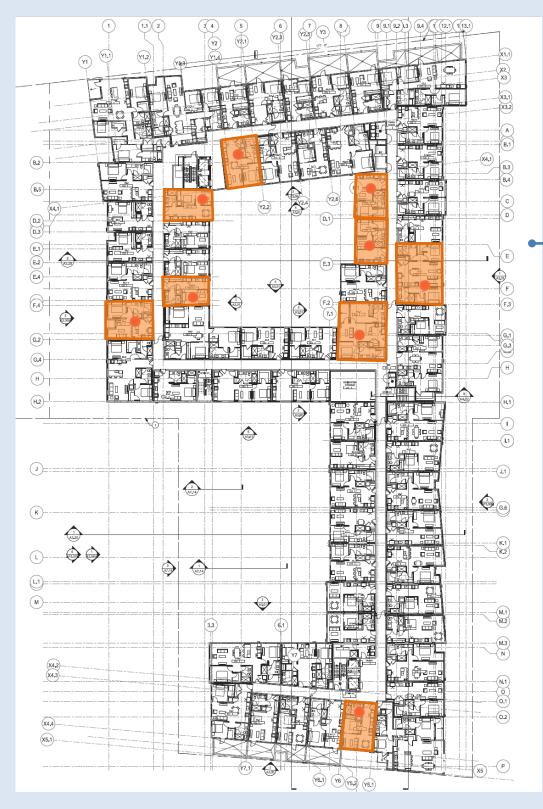
- The proposed BMR unit mix will mirror the overall unit breakdown for the project
- Based on request from Housing Commission on Menlo Uptown, we added an Equivalent Alternative with mix of affordability levels to BMR proposal

BMR Alternatives

- Alternative 1:
 - Low Income Units: 48
- Alternative 2 (Equivalent Alternative):
 - Very Low Income Units: 3
 - Low Income Units: 14
 - Moderate Income Units: 31

Sample Distribution of BMR Units

Indicates BMR location



Sample building floorplan shown

Units will be distributed throughout the project, indistinguishable from market-rate units

Proposed Community Amenity

Overview of proposal

Why early childhood education?

What community organization would be involved?

What type of early childhood education program would be run?

Commitment to Belle Haven

What are the proposed performance metrics for All Five?

- Education improvements in Belle Haven (early childhood education)
- \$8.6 million amenity value includes: 1) 3,790 sf space for education facility + 2)
 financial contribution for early childhood education
- Promotes economic growth
- Demand underserved in San Mateo County
- Existing programs are getting less affordable
- All Five a Belle Haven-based non-profit provider of early childhood education
- Preschool program (3 5 years old) for ~20 24 children
- Priority for the enrollment subsidy (applies to 75% of program) for Belle Haven families
- Priority for staff positions for qualified Belle Haven residents
- All Five proposes a set of performance metrics geared towards kindergarten readiness; more info available in amenity proposal

Proposed Community Amenity



Community amenity space will include 1,600 sf interior classroom space + 2,190 sf outdoor play area

Project Endorsements To-Date









Community Development



STAFF REPORT

Housing Commission Meeting Date:

Meeting Date: 5/5/2021 Staff Report Number: 21-007-HC

Regular Business: Recommendation of a Below Market Rate Housing

Agreement Term Sheet with Greystar for the Menlo

Portal Project

Recommendation

Staff recommends that the Housing Commission recommend approval of the draft Below Market Rate (BMR) Housing Agreement Term Sheet (Term Sheet) to the City Council for 48 on-site BMR for-rent units (15 percent or 48 of the 320 units - maximum density in the R-MU zoning district before accounting for any density bonus from the BMR Ordinance, as part of the proposed Menlo Portal Project (project) to redevelop three parcels with 335 multi-family dwelling units and approximately 34,868 square foot office space which includes approximately 1,600 square feet of community amenities space. The proposed project is comprised of demolishing existing buildings on the site and construction of a seven-story apartment building to house 335 rental units and three-story office building located at 115 Independence Drive and 104 and 110 Constitution Drive, as further described in the draft Term Sheet (Attachment A). Both buildings are proposed to have two-stories of above grade parking integrated into the buildings. The project proposes to consolidate two of three parcels and do a lot line adjustment to create one parcel to receive the office building and the other to receive the residential building with a central public plaza.

Policy Issues

Each BMR Housing Agreement is considered individually on a project by project basis. The Housing Commission should consider whether the proposal would be in compliance with the BMR Housing Program (Menlo Park Municipal Code Chapter 16.96, referred to as the BMR Ordinance) and the BMR Housing Program Guidelines (BMR Guidelines) that implement the BMR Ordinance.

Background

Site location

The project site consists of three contiguous R-MU-B (Residential Mixed Use-Bonus) zoned parcels with a total area of approximately 3.2 acres, and currently contains two single-story buildings and one warehouse/industrial building with a mix of office and industrial uses totaling approximately 64,832 square feet. The existing buildings would be demolished as part of the redevelopment of the project site. For purposes of this staff report, Bayfront Expressway (California State Route 84) is considered to have an east-west orientation, and all compass directions referenced will use this orientation. The project site is located south of Bayfront Expressway and east of Marsh Road. The project site is bounded by Independence Drive to the west and south and Constitution Drive to the north. The parcels to the north and south of the site are located in the M3(X) (Commercial Business Park) district and contain the second

phase of the Menlo Gateway project, which was entitled in 2010 and is nearing completion. The parcel to the east of the project site at 111 Independence Drive is zoned R-MU-B and currently contains an office building but is part of an active development proposal for 105 multifamily residential units, and an approximately 746-square-foot cafe, contained in an eight-story building. Parcels immediately adjacent to the west of the project site are zoned R-MU-B and contain a mix of office, light industrial, and R&D uses. A location map is provided as Attachment B.

Housing Crisis Act of 2019 (SB 330) application

The proposed project application was formally submitted in July 2019 under the City's typical review process. However, the proposed project qualifies as a housing development project pursuant to Senate Bill (SB) 330, the Housing Crisis Act of 2019, which became effective January 1, 2020. SB 330 was designed to remove barriers to the development of housing development projects. Some key features of SB 330 include shortening the timeframe for housing development project review under the Permit Streamlining Act and limiting the number of public hearings on a housing development project to five or fewer hearings. The project sponsor filed a preliminary application pursuant to the SB 330 procedures in January 2020. The preliminary application has the effect of freezing development standards and fees in place at the time of submission of the preliminary application. The City may only apply new development standards in certain limited circumstances, including if the new standards are necessary to prevent specific, adverse public health and safety impacts (as defined in Gov. Code § 65589.5(j)(1)(A)) or to mitigate significant environmental effects to comply with CEQA. Bonus level projects of this nature would typically include the following public hearings to adhere to the five-meeting limit and any increase in the number of hearings would require a waiver by the applicant:

- 1. Planning Commission EIR scoping meeting and study session
- 2. Planning Commission draft EIR public hearing and study session
- 3. Housing Commission public meeting (BMR proposal)
- 4. Planning Commission public hearing for recommendation to City Council on final EIR certification and land use entitlements
- 5. City Council public hearing for final action

In addition to the above-mentioned requirements, cities are prohibited from adding new fees or raising existing fees beyond automatic annual escalation. Furthermore, cities are prevented from requiring housing development projects to comply with an ordinance, policy, or standard, including subjective or objective development standards, not in effect when a preliminary application was submitted. While the City can apply subjective standards to a proposed housing development project, SB 330 contains provisions that limit the ability of a city to condition a project in a manner that would reduce the density of the proposed project. Specifically, the City may only deny a housing development project or reduce its density if the project is inconsistent with objective standards; "objective" means "involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.

Analysis

Project description

The proposed project would result in the demolition of existing office and industrial buildings and redevelopment of the project site with residential buildings totaling approximately 326,581 square feet of gross floor area with a maximum of 335 multifamily rental units and approximately 34,868 square feet of office space, as well as associated open space, circulation and parking, and infrastructure improvements. The total proposed bonus level development on the site, inclusive of all major project components, would have a density of 100 dwelling units per acre (du/acre), where 100 du/acre is the maximum permitted residential density for bonus level development and 30 du/acre is the maximum permitted for base level development in the R-MU-B zoning district. The total project would have a residential FAR of approximately 234.2 percent and nonresidential FAR of 25 percent, where 225 percent is the maximum permitted for bonus level residential development (plus 25 percent for nonresidential uses) and 90 percent is the maximum permitted for base level residential development (plus 15 percent for nonresidential uses) in the R-MU-B zoning district.

The proposed apartment building would be located on the existing 115 Independence and 110 Constitution Drive parcels and would have frontages on both Independence and Constitution Drives. A central plaza, outdoor play area for the childcare center (proposed community amenity), dog walk, and fire access lane would run north to south between the apartment building and the proposed residential development at 111 Independence Drive and the proposed commercial building at 104 Constitution Drive (which is part of the project site). A fire and service access lane would also run north to south along the eastern edge of the apartment building.

The apartment building would have seven stories containing 335 dwelling units located above two levels of above-grade structured mechanical parking, lobbies, and ancillary spaces for tenants. To account for potential flooding and sea level rise (and comply with the City's Zoning Ordinance requirements), the main lobbies and resident ancillary spaces would be elevated approximately five feet above the existing grade of the street. Stairs and pedestrian ramps at the north and south of the building and along the central plaza are proposed to bring pedestrians from the sidewalk to the front doors of the lobbies on Constitution and Independence Drives. Driveways at the north and south of the building would provide access to the automated parking system within the building. Beginning at the second story, six levels of apartment units would wrap around the perimeter of the building surrounding a terrace with a pool and other private and communal open spaces for tenants located above the garage.

To the west of the apartment building and across the central plaza, the commercial building would be located on the 104 Constitution Drive parcel. The three-story building would have frontages on Independence and Constitution Drives. The office space would be located above two levels of above-grade structured parking, lobbies, and commercial space intended to serve the neighborhood. Pedestrian access would be provided from the sidewalk on Independence Drive and a driveway on Constitution Drive would provide access to the parking garage. The third floor would contain approximately 26,528 square feet of office and a roof terrace would provide an outdoor ancillary space for the office tenants.

Approximately 1,600 square foot of the office building is dedicated to community amenities space, currently proposed to be used as a child care center. Approximately 2,190 square feet of the central plaza is to be dedicated for outdoor play area for the proposed childcare use as part of the project's community amenity contribution. The community amenities space is located on the first floor. The applicant's BMR proposal letter and select sheets from the project plans are included as Attachments C and D,

Staff Report #: 21-007-HC Page 4

respectively.

The project BMR proposal is subject to additional review and refinement prior to a Planning Commission recommendation and City Council action on the overall project, including the BMR Housing Agreement. The Housing Commission should note that the project proposal is still under compliance review by City staff, and aspects of the design are subject to change before final project actions.

BMR Housing Program & related requirements

The applicant is required to comply with the BMR Ordinance and with the BMR Guidelines adopted by the City Council to implement the BMR Ordinance since the proposed project includes more than four residential units. Projects in the R-MU-B zoning district are required to design and construct inclusionary affordable housing on-site as part of the project. The City's BMR Ordinance requires 15 percent of the total number of proposed units to be provided at below market rates to very-low, low-, and moderate-income households in compliance with the BMR Guidelines. The BMR Guidelines specify that all required BMR rental units be provided at the low income level, however, it allows developers to submit equivalent alternatives for consideration. Neither the BMR Ordinance nor the BMR Guidelines specify what percentage of the BMR units must be provided at the various income categories for ownership housing projects.

The proposed project reduces the commercial square footage on the site by approximately 64,832 square feet, and based on the existing use of the building as offices and warehouse and replacing it with approximately 34,868 square feet of office space. However, based on the existing use of the buildings on the site as offices, the proposed commercial component of the project would not require the payment of a commercial in-lieu fee or the provision of additional BMR units as the credits of the existing office square footage would exceed the proposed office square footage.

The applicant proposes to provide 48 BMR housing units to comply with the City's BMR Ordinance. As previously mentioned, the proposed project is required to provide 15 percent of the total number of proposed units as BMR units, which for a project of 320 units (maximum density in the R-MU zoning district before accounting for any density bonus from the BMR Ordinance) equates to 48 units. The BMR Guidelines assess the project's BMR requirement on the entire project and not by housing product type (rental or for-sale), with the exception that the BMR units must be evenly distributed throughout the project and the unit sizes/bedroom counts must be based on similar percentages of the market rate unit sizes/bedroom counts within the proposed project.

The City's current Housing Element (2015-2023) identified the need for 655 units to be produced affordable to very low-, low-, moderate-, and above moderate-income households. The 655 units were comprised of 233 very-low, 129 low-, 143 moderate-, and 150 above moderate-income units. As of January 1, 2020, the City has produced 148 very-low, 80 low-, 11 moderate-, and 1,117 above moderate-income units. Providing 48 rental units at low-income would contribute towards 98 percent of the City's outstanding need. Generally, the City needs to increase production of very low-, low-, and moderate-income units, which are currently considered a high need in the community. Additionally, large family units are also identified as a high need for the City. This project proposes two scenarios in order to comply with City's BMR requirements:

<u>Scenario 1</u>- provides 48 units affordable to low income households. Table 1 below provides the breakdown of the BMR units.

Table 1: Scenario 1								
Unit Type	Average Sq. Ft.	Total Units	BMR units Low Income					
Studio	526	63	7					
Junior 1 Bedroom	621	56	11					
1 Bedroom	719	151	21					
2 Bedrooms	1,094	51	8					
3 Bedrooms	1,616	14	1					
Total / Average	761	335	48					

<u>Scenario 2</u> – provides a mix of units affordable to very low, low, and moderate income households. Table 2 below outlines the total number, type, and average size of units provided at each income level:

Unit Type	Average Sq. Ft.	Table Total Units	Table 2: Scenario 2 BMR units Income Levels			
			Very Low	Low	Moderate	
Studio	526	63	2	2	3	
Junior 1 Bedroom	621	56	1	8	2	
1 Bedroom	719	151	-	4	17	
2 Bedroom	1,094	51	-	-	8	
3 Bedroom	1,616	14	-	-	1	
Total / Average	761	335	3	14	31	

As previously mentioned, the City's preference is to encourage projects to provide units with a mix of affordability. However, the scenario 2 provides a proportionately high number of inclusionary units affordable to moderate income households (81% to 120% of AMI), whereas, the scenario 1 provides inclusionary units affordable to low income households (51% to 80% AMI) at various sizes including one large three-bedroom unit. Staff finds that providing inclusionary units at the low income level would provide sufficient units to comply with the low income housing need as identified in the City's current Housing Element (2015-2023) and meet the City's Regional Housing Needs Allocation (RHNA). Therefore, staff recommends that the Housing Commission support the applicant's proposal to provide BMR rental units affordable to low-income households.

Select plan sheets that include a site plan with project data illustrating the sizes of the units, and floor plans and elevation drawings of the proposed project are provided in Attachment D. As part of the project compliance review, the applicant is preparing diagrams indicating that the proposed BMR units would be equivalent in size and location within the buildings with the typical market-rate units. At this time, staff believes that the proposed BMR unit amounts and affordability levels strictly meet the requirements of the BMR Guidelines.

Applicant outreach efforts

According to the applicant, three in-person community meetings were held at the Belle Haven Senior Community Center over the past two years. The applicant also states that they placed over 50 one-on-one phone calls with community members. Ahead of the in-person community meetings before the start of the pandemic, Greystar distributed over 6,000 printed postcards to individual homes throughout Belle Haven and other Menlo Park neighborhoods, and East Palo Alto. To specifically reach mono-lingual Spanish-speaking community members, the postcard included a Spanish translation. During the community outreach events, Greystar hired Spanish language interpreters to make sure they could engage in dialogue with all community members present at the meeting.

At the three open house meetings, applicant reports that attendance was varied and included residents of Belle Haven and other Menlo Park neighborhoods, and East Palo Alto. During the meetings, some of the topics the community was focused on included the BMR proposal, the community amenities proposal and the overall needs of the community. Greystar notes that the community members continued to emphasize on the significance of childhood education, and in response, the proposed project has included a child care center with outdoor play area as part of the project's community amenities proposal. Staff is currently working with the applicant to formalize details of the proposed community amenity.

Correspondence

At the time of the preparation of this staff report, staff has not received any correspondence regarding the draft BMR Housing Agreement Term Sheet. Any correspondence received prior to the Housing Commission meeting will be disclosed during the review of this proposed project at the meeting.

Term Sheet conclusion

The Housing Commission should review the draft Term Sheet and provide guidance to staff and the applicant and a recommendation to the City Council. The draft Term Sheet would be used to inform the preparation of the draft BMR Housing Agreement, which would be reviewed and acted on by the City Council along with other project actions.

Staff believes that the applicant's proposal of 48 on-site BMR rental units affordable to low-income households meets the minimum requirements of the BMR Ordinance and BMR Guidelines. The size and location of these BMR units supports the City's goal of providing additional housing and creating a live/work/play environment in the Bayfront Area of the city. Staff recommends that the Housing Commission recommend to the Planning Commission approval of the on-site BMR units under the terms stated in the draft BMR Agreement Term Sheet.

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

A draft EIR was prepared for the proposed project and released on February 25, 2021 with a public review period ending April 14, 2021. Prior to the draft EIR, an Initial Study (IS) was released on January 7, 2020, beginning a 30-day review and comment period ending on February 7, 2020, to evaluate the potential environmental impacts of the proposed project and determine what level of additional environmental review would be appropriate. In accordance with Section 15168 of the CEQA Guidelines, the project-level Initial Study was prepared to disclose the relevant impacts and mitigation measures addressed in the certified program-level ConnectMenlo EIR and discuss whether the proposed project is within the parameters of the ConnectMenlo EIR or if additional analysis would be necessary. Based on the findings of the IS and consistent with the settlement agreement between the City of Menlo Park and the City of East Palo Alto (Settlement Agreement), the draft EIR addresses potential physical environmental effects of the proposed project in the following areas: population and housing, transportation, air quality, greenhouse gas emissions, and noise (operation period traffic and stationary noise).

The draft EIR describes the existing conditions (including regulatory and environmental settings), and analyzes the potential environmental impacts (noting the thresholds of significance and applicable methods of analysis). Impacts are considered both for the project individually, as well as cumulatively for the proposed project in combination with other projects and cumulative growth. The draft EIR prepared for the proposed project identifies less than significant effects and effects that can be mitigated to a less-than-significant level in all five studied topic areas:

- Population and Housing
- Transportation
- Air Quality
- GHGs
- Noise (Operation Traffic and Stationary Noise)

The draft EIR does not identify any potentially significant environmental effects that are significant and unavoidable in any topic area. The draft EIR found that the proposed project is within the number of residential units and population contemplated in the certified ConnectMenlo EIR. Furthermore, the proposed project would not induce substantial unplanned population growth, directly or indirectly. Additionally, because the proposed project population growth was already anticipated in the ConnectMenlo EIR and the project contributes towards the City's current 2014-2022 RHNA for BMR units, the draft EIR found that the project is not anticipated to result in new cumulative impacts, making its cumulative impact less than significant. The Population and Housing chapter of the draft EIR provides further analysis to support these conclusions. The draft EIR is available on the City's development projects environmental documents website (https://www.menlopark.org/DocumentCenter/View/27508/Menlo-Portal-Project-Draft-EIR). A hyperlink is also included in Attachment E.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of courtesy notification by mail of owners and occupants within a 300-foot radius of the subject property.

Attachments

- A. Draft BMR Agreement Term Sheet
- B. Location Map
- C. Menlo Portal BMR Proposal
- D. Excerpts of Project Plans
- E. Hyperlink: Menlo Portal Project Draft EIR https://www.menlopark.org/DocumentCenter/View/27508/Menlo-Portal-Project-Draft-EIR
- F. Hyperlink: Housing Needs Assessment (HNA) https://www.menlopark.org/DocumentCenter/View/27500/Appendix-D---Housing-Needs-Assessment
- G. BMR Equivalent Calculator

Report prepared by:

Payal Bhagat, Contract Principal Planner

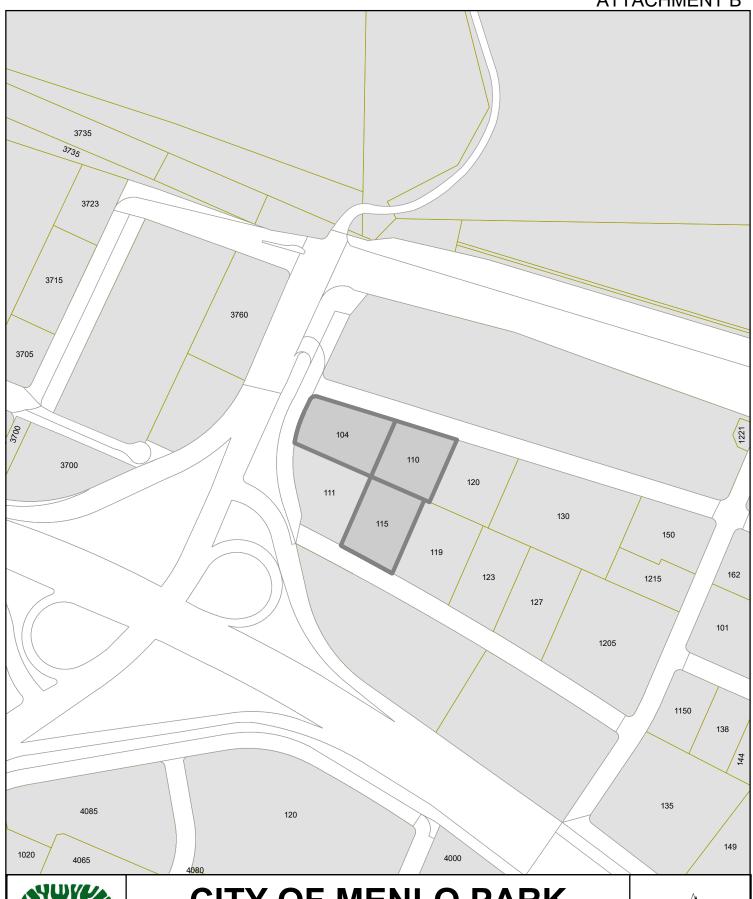
Report reviewed by:

Rhonda Coffman, Deputy Community Development Director, Housing

Menlo Portal Project Draft Below Market Rate Housing (BMR) Agreement Term Sheet

- 1. Applicant owns property known as Assessor's Parcel Numbers: 056-236-10, 055-236-020, and 055-236-190 ("Property"), more commonly known as Menlo Portal Project (115 Independence Drive, and 104-110 Constitution Drive), Menlo Park;
- 2. Applicant is proposing to demolish an existing approximately 64,832 square feet commercial building and constructing three hundred and thirty-five (335) multifamily apartment units and approximately 34,868 square feet commercial office space which includes approximately 1,600 square foot childcare center at 115 Independence Drive and 104-110 Constitution Drive. The Applicant is requesting Environmental Review, Use Permit, Architectural Control, Public Benefit Bonus, and Below Mark Rate (BMR) Housing Agreement approval for this project;
- 3. The proposed project consists of more than twenty (20) residential units; 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. The amount of commercial space in this project (approximately 34,868 sf) does not trigger any BMR requirement;
- 4. The maximum density under the R-MU zoning district would yield three hundred and twenty (320) dwelling units. To comply with the BMR Ordinance the applicant is required to provide minimum fifteen (15) percent or 0.15*320 = forty-eight (48) inclusionary units. Pursuant to the City's Below Market Rate Housing Program, the project can include up to forty-eight (48) additional market rate units. The project is proposing to include additional fifteen (15) market rate units resulting in a proposed development of three hundred and thirty-five (335) new residential units resulting in inclusionary housing units;
- 5. Applicant has proposed to satisfy the inclusionary BMR requirement for the proposed project by constructing forty-eight (48) on-site BMR units. The project proposes to provide all inclusionary units affordable to low-income households;
- 6. The size and location, design and materials, timing of establishing rental price, determination of the rental price, and legal characteristics such as first right of refusal and deed restrictions shall be consistent with requirements outlined in Section 5 of the BMR Guidelines;
- 7. The income and rent standards, determination of the BMR unit rent, tenant selection and certification procedures, BMR rental interest list, rental term, selection of tenants, maintenance obligations, monitoring and recordkeeping, vacation and rerenting of the BMR unit, annual recertification, annual reporting, and remedies for violation shall be set forth in the BMR Agreement referenced herein and shall be consistent with the BMR Guidelines and as more fully set forth in the BMR Agreement referenced herein;







CITY OF MENLO PARK

LOCATION MAP
MENLO PORTAL PROJECT

DRAWN: TAS CHECKED: KMM DATE: 06/24/19 SCALE: 1" = 300' SHEET: 1







Payal Bhagat
City of Menlo Park
Planning Division
701 Laurel Street
Menlo Park, CA 94025

April 9, 2021

Subject: Updated Below Market Rate Proposal

Project Name: Menlo Portal

Project Address: 104 – 110 Constitution Drive, 115 Independence Drive, Menlo Park, CA 94025

Dear Payal,

We are pleased to share the following description of the Below Market Rate Proposal for Greystar's proposed Menlo Portal project located at 104 Constitution Drive, 110 Constitution Drive and 115 Independence Drive in Menlo Park. In developing this proposal, we have referenced the "Below Market Rate Housing Program Summary of Residential Development Requirements" available on the City website. Menlo Portal intends to provide on-site BMR units as outlined below.

General Description

According to the City guidelines, residential development projects which include twenty or more units and intend to provide on-site BMR units are required to provide not less than fifteen (15) percent of these units at below market rates to very low, low and moderate-income households. Greystar outlines two alternative proposals in this document to satisfy this requirement.

Additionally, in order to comply with Section 16.96 of the Menlo Park City Code and the City's requirements as it relates to Menlo Portal, Greystar:

- Will prepare and submit a BMR Housing Agreement which further details plans for participation in the City's BMR Housing Program
- Confirms the following architectural attributes of the BMR units:
 - o BMR units will be of the same proportionate size as the market-rate units, distributed throughout the development and will be indistinguishable from the exterior (floor plan layouts will follow)
 - Design and materials to be used in construction of the BMR units will be of comparable quality to the other new units constructed in the development
- Intends to work with the City to set BMR rental prices before final building inspection and observe the City's guidelines concerning final inspection of market and BMR units
- Will cooperate with the City on an ongoing basis in its administration of the on-site BMR units
- Proposes establishing an inclusive BMR program which offers BMR housing units to all eligible persons, including those who are part of special needs populations (e.g. elderly/senior, veterans, etc.)

Finally, Greystar proposes that BMR units within Menlo Portal be offered on a pre-assigned basis (vs. floating).



Program Description

As currently designed, Menlo Portal consists of 335 residential units and ~34,868 square feet of commercial office. The breakdown of the project by unit type overall is as follows:

Menlo Portal Detailed BMR Unit Breakdown							
Multifamily							
Туре	Avg. SF	Total	%				
Studio	526	63	19%				
JR1BR	621	56	17%				
1BR	719	151	45%				
2BR	1,094	51	15%				
3BR	1,616	14	4%				
Tot/Avg.	761	335	100%				

In the following section, please find a detailed description of two proposed scenarios that are intended to satisfy the City's BMR requirements and also respond to discussions with members of the local community.

Scenario 1

In this scenario, Greystar proposes to meet the City's minimum requirement by offering 48 BMR rental units (15.0% of project baseline before BMR bonus) – this plan would include multifamily BMR units at low income level.

					Inco	me Level	
Туре	Avg. SF	Total	Market Rate	BMR	Very Low	Low	Moderate
Studio	526	63	56	7	0	7	0
JR1BR	621	56	45	11	0	11	0
1BR	719	151	130	21	0	21	0
2BR	1,094	51	43	8	0	8	0
3BR	1,616	14	13	1	0	1	0
Total /Avg.	761	335	287	48	0	48	0

Note: Based on 320 multifamily units, not including 15 BMR bonus density units $\,$



Scenario 2

In this scenario, Greystar proposes to meet the City's minimum requirement by offering 48 BMR rental units (15.0% of project baseline before BMR bonus) at a mixture of income levels. The proposed detailed breakdown of BMR units in this scenario may be found here:

					Inco	ome Level	
Туре	Avg. SF	Total	Market Rate	BMR	Very Low	Low	Moderate
Studio	526	63	56	7	2	2	3
JR1BR	621	56	45	11	1	8	2
1BR	719	151	130	21	0	4	17
2BR	1,094	51	43	8	0	0	8
3BR	1,616	14	13	1	0	0	1
Total /Avg.	761	335	287	48	3	14	31

Note: Based on 320 multifamily units, not including 15 BMR bonus density units

For scenario 2, the mixture of income levels is set such that the weighted average BMR rent is equivalent to the weighted average BMR rent for a scenario including all low-income level units per City requirements.

Thank you for the opportunity to present this preliminary BMR proposal and we look forward to continuing to work with you and City staff members to develop the BMR program for Menlo Portal.

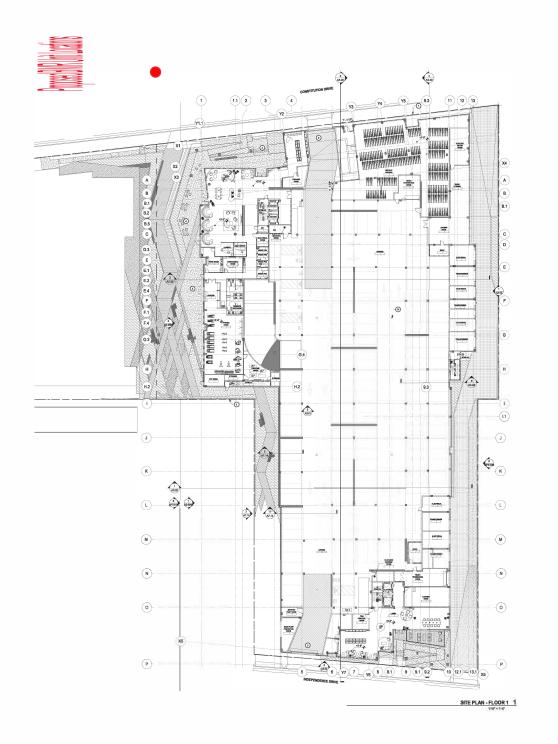
Kind regards,

Andrew Morcos

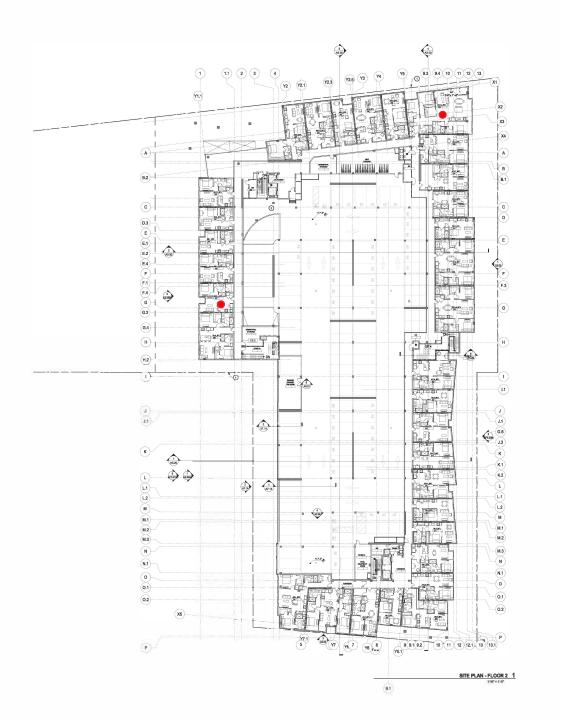
Senior Development Director

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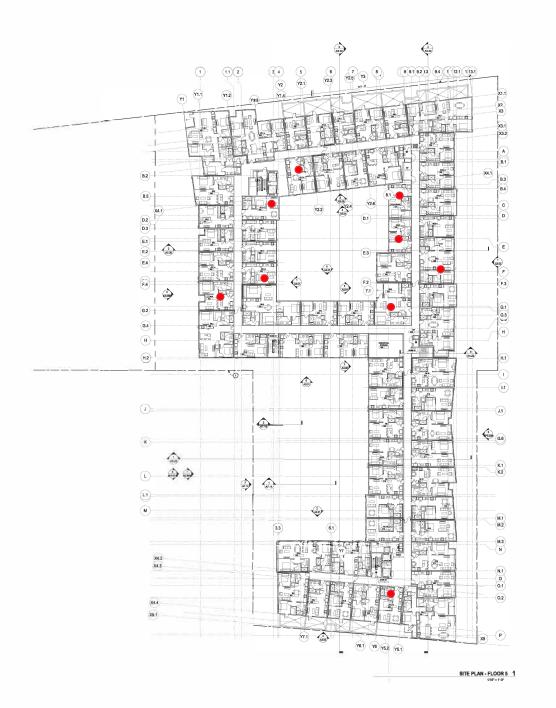
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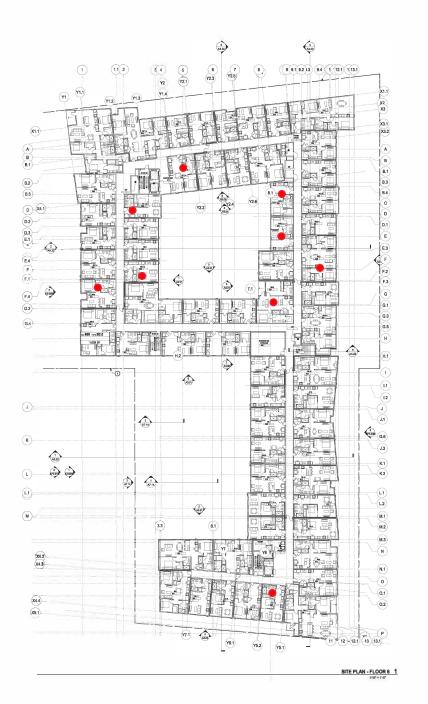
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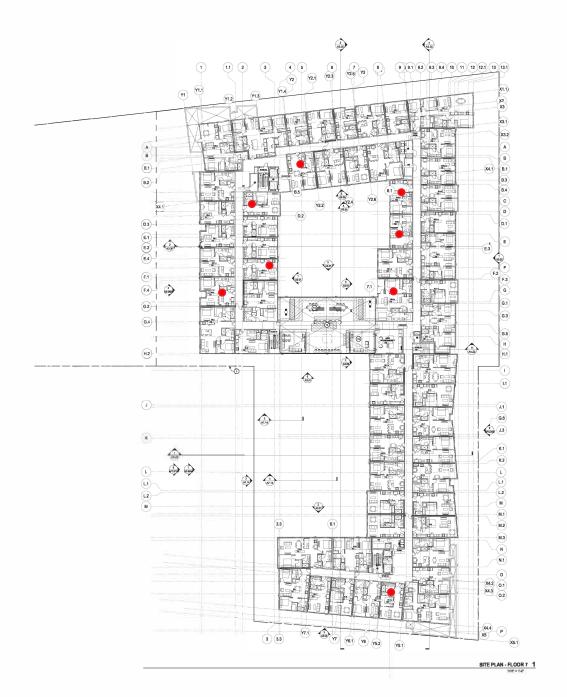
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SITE PLAN FLOOR 7

Comparison of low income inclusionary requirement to alternative mix proposed by developer Project: Menlo Portal - Scenario 1 and Alternative

Original (Per BMR ordinance requirement of 15% Low Income)

Unit size				Number		
(e.g 1		Market	Affordable	proposed	Subsidy per	
bedroom)	AMI	Rents	rents	units	unit	Total subsidy
Studio	LI	2975	2231	18	744	13392
1 BDRM	LI	3475	2606	21	869	18249
2 BDRM	LI	4250	3137	8	1113	8904
3 BDRM	LI	5000	3625	1	1375	1375
Total				48		41920

873.33 (AVG/UNIT)

NOTES:

Affordable rents based on 2020 San Mateo County Area Median Income

Affordable rent calculation assumes family size for each unit: Studio: 1 person; one-bedroom: 1.5 persons; two-bedroom: 3 persons; three-bedroom: 4.5 persons
Junior one bedrooms are included in the studio unit count

Maximum affordable rents were adjusted not to exceed 75% of market rent for unit size

Alternative Proposed

Unit size				Number		
(e.g 1		Market	Affordable	proposed	Subsidy per	
bedroom)	AMI	Rents	rents	units	unit	Total subsidy
Studio	VLI	2975	1522	3	1453	4359
Studio	LI	2975	2231	10	744	7440
Studio	MI	2975	2231	5	744	3720
1 BDRM	VLI	3475	1631	0	1844	0
1 BDRM	LI	3475	2606	4	869	3476
1 BDRM	MI	3475	2606	17	869	14773
2 BDRM	VLI	4250	1957	0	2293	0
2 BDRM	LI	4250	3137	0	1113	0
2 BDRM	MI	4250	3187	8	1063	8504
3 BDRM	MI	5000	3750	1	1250	1250
Total				48		43522

906.71 (AVG/UNIT)