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Agenda Item # _____

AGENDA REPORT SUMMARY

Meeting Date: March 22, 2022

Subject: Story Pole Policy Exception Request for 330 Distel Circle

Prepared by: Radha Hayagreev, Consulting Senior Planner

Reviewed by: Laura Simpson, Interim Community Development Director

Approved by: Jon Maginot, City Manager

Attachments:

1. Approval Resolution No. 2022-__
2. Story Pole Policy Exemption Request Letter, February 17, 2022
3. Story Pole installation proposal cost estimate

Initiated by:

Applicant and Project Sponsor, Steve Pratt and Welton Jordan, EAH Housing. Affordable housing developer

Previous Council Consideration:

None

Fiscal Impact:

None

Environmental Review

The approval of the story pole exception is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that not erecting temporary structures would not result in a significant environmental effect, and none of the circumstances set forth in CEQA Guidelines Section 15300.2 applies. If the City Council directs the erection of story poles, such action would be exempt pursuant to CEQA Guidelines Section 15303 (New Construction of Small Structures) in that the erection of story poles involves the erection of minor, temporary structures within the size limitations set forth in Section 15303, and none of the circumstances set forth in CEQA Guidelines Section 15300.2 applies.

Policy Question(s) for Council Consideration:

- Does the request for an exception from the installation of story poles meet the criteria outlined in the City’s Story Pole Policy?

Reviewed By:

City Manager

City Attorney

Finance Director



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Summary:

- On January 11, 2022, the applicant presented the preliminary development proposal of a 5-story tall, 90-unit, 100% affordable housing project to the Planning Commission / City Council Joint study session to obtain detail feedback on the preliminary project proposal. The Applicant has received detailed comments and responses with an overwhelming majority of the community members requesting this project be expediated and approved as fast as possible.
- On February 3, 2022, the applicant has submitted a formal design review proposal of the project as an SB330 application which allows up to a maximum of five public hearings during the entitlement process, including this one. It also allows a 30day review period for staff to determine for completeness.
- Since the time of the preliminary planning application on October 18, 2021, the applicant has collaborated on a weekly basis with City staff and County Office of Supportive Housing to make sure they comply with the all the requirements of the City's entitlement process to ensure that they can be guided on the most efficient path towards entitlement to obtain timely funding for this affordable housing project.
- The Applicant has considered the City's Story Pole policy and their options with a story pole contractor to obtain estimates and to determine feasibility of its installation. They have requested an exemption, see Attachment-2 and 3 for the details.
- The Applicant has submitted a request to receive an exception from installing story poles per the City's Story Pole Policy due to:
 - 1) Public health and safety concerns related to potential damage to personal property, potential for personal injury to an individual attempting to access the site, and.
 - 2) Such an installation would impair the use of existing business in the currently occupied Mid-Peninsula Open Space District office with multiple employees operating under normal business operations.
 - 3) Streamlining and expediting entitlements for 100% affordable housing development as requested by several community members at the January 11 study session hearing.

Staff Recommendation:



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Staff recommends that the City Council review the submitted material and grant exemptions to the story pole installation for this 100% affordable housing project based on the findings presented in this report.

Purpose

Consider a request from the Applicant of the 5-story, 64 feet tall, 100% affordable development proposal at 330 Distel Circle (Project) for an exception from the City's Story Pole Policy due to public health and safety concerns, impairment of the use of the office structure on the site and expediting entitlements as expressed by community members.

Background

The City Council adopted an Open Government Policy on March 24, 2015, that included a requirement that all commercial, multiple-family, and mixed-use development projects subject to Planning Commission and City Council review must have story poles erected as part of the application process. On August 22, 2017, the City Council amended the Story Pole Policy to require that any exceptions to the Policy must be reviewed and approved by the Council. The criteria for reviewing and approving an exception is as follows:

1. The City Council may grant exceptions to the Story Pole Policy due to: a) a public health and/or safety concern; or b) that such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible. Some form of poles and netting and/or on-site physical representation of the project may be required, even if an exception is granted.
2. The Story Pole Plan may be limited in scope at the discretion of the City Council. In such cases such as where there are multiple detached structures proposed and where identifying the locations of key structures would suffice, the story poles may be limited to the outline(s) of key structures and/or showing a structure(s) greatest height and mass.
3. In granting an exception, the City Council may require additional digital imagery simulations, computer modeling, built to-scale models or other visual techniques in-Lieu of the story pole requirements.

As specified in the City's Story Pole Policy, story poles must be installed at least 20 days before the first public hearing before the Planning Commission and shall remain in place until final action has been taken by the City Council. Accordingly, the City Council must render its decision on the exception request before the Planning Commission can consider the project.



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Discussion / Analysis:

The Applicant has submitted a preliminary planning application, conditional use permit and subdivision applications for a five-story, 64ft tall, multiple-family 100% affordable residential building with 90 units located at 330 Distel Circle (Project) in the Commercial Thoroughfare District of the City on October 21, 2021.

Prior to the pre-application submittal, the Applicant conducted several community meetings, both virtually and in-person to share details of height, bulk, mass and design and receive feedback from community member which then informed their design prior to receiving formal feedback from a joint Planning Commission / City Council study session on January 11, 2022.

The details of the community meeting is available on the city's webpage - <https://www.losaltosca.gov/communitydevelopment/page/330-distel-circle>

The list of community meetings which provide details of the height, mass and design of the project to the public are as follows:

- January 27, 2021- Virtual community meeting-1
- February 11, 2021 – Virtual Community meeting-2
- May 13, 2021 – Affordable Housing Tour
- August 12, 2021 – Virtual Community meeting-3
- September 9, 2021 – Virtual Community meeting-4
- September 20, 2021 – Open House

January 11, 2021 – Planning commission / City council joint study session.

At the January 11th Joint Study Session with the Planning Commission / City Council meeting, majority of public comments requested the city to expediate the entitlement process for the project.

The Applicant is currently seeking an exception from the City's Story Pole Policy to meet the notification requirements established under the City Council's Open Government Policy as necessary to enable the application to proceed for consideration by the Planning Commission and the City Council. This exemption request will help the applicant save critical housing funding dollars and aid the fast-tracking of this entitlement since it conforms to design standards in the zone in addition to qualifying waivers and concessions.

The following points and those listed in Attachment-2 are listed to help frame the project context with respect to the Story Pole timeline and cost implication, safety, and welfare considerations as well as difficulty with its installation during this entitlement process.

- The main purpose of the Los Altos Story Pole Policy is to show how the height, bulk and building mass is perceived to assist the City Council to make the required design review findings per Chapter 14.78.060. Here, however, height, bulk and building mass will be controlled by



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applicable zoning and provisions of the State Density Bonus Law. The City will not have discretion over these matters.

- Furthermore, the additional cost to install story poles is a constraint on providing affordable housing. In reference to Attachment-3 of this report, the significant cost of installation and rentals for the Story Pole installation can be put to better use to build housing and thus saving time and resources during the entitlement phase to stay on track for federal funding timelines.
- The story pole installation is pending successful transfer of ownership from current owner to the County of Santa Clara, which is anticipated in June 2022, potentially pushing the project entitlement to the fourth quarter of 2022, and causing missed funding opportunities for this much needed affordable housing project. The other concern is the process to obtain necessary temporary permissions from the existing owner to access the structure during normal business hours, impeding the normal functioning and adding to additional permitting and coordinating timeline to enable a temporary installation.
- The applicant has conducted six community meetings to gather the input from various community members who have collectively informed this project's design and progress since early 2021. At these meetings, the applicant shared details of the height, mass, design, material, and articulation of the project proposal in a clear consistent manner using shadow studies, 3D rendering of the final project in the site context, scaled renderings and elevations, material boards etc. to give a clear picture of the proposal including.

Application Process

The tentative timeline for the project entitlement will be to present this project to the Planning Commission and City Council before the July/August recess in 2022 so the applicant can be on schedule to obtain required federal funding to make this project a success.

Based upon the record before the City, including the evidence provided and considered at the various community meetings and public proceedings on the item, the City Council needs to determine whether there is sufficient evidence to warrant the granting of a Story Pole exception for this 100% affordable housing project in the City.

Public Correspondence

Attachment-9 of this report contains the public correspondences that staff has received regarding the story pole exception request.

Recommendation

Review request and approve the Story Pole exemption request based upon the Council's review and deliberation of the evidence in the record.