

ATTACHMENT D

Expanding the range of opportunities for all by developing, managing and promoting quality affordable housing and diverse communities.



Distel Circle Apartments Density Bonus Report – Planning Application July 74, 2022

Project:	90-Unit Multifamily Affordable Housing Community
Location:	330 Distel Circle, Los Altos (APN# 170-04-051)
Current Landowner:	Midpen Regional Open Space District
Applicant/Developer:	EAH Housing

As a permanently affordable rental community incorporating a mix of unit types and a range of rent tiers that supports a diversity of income-eligible tenants earning incomes from 30% to no more than 80% of Area Median Income (AMI), the 330 Distel Circle development is eligible for a density bonus in accordance with California Government Code Section 65915 et seq. (“Density Bonus Law”).

EAH as the applicant is requesting an increase in the density allowable at 330 Distel Circle and other incentives, waivers, concessions, and parking reductions allowed by the Density Bonus Law.

Requested Density Bonus

Density Bonus is considered in the LAMC section 14.28.040 (C) and contemplates density bonus up to 35% depending on both the affordability and the number of restricted units. The LAMC also has a provision that can provide a for additional density bonus 14.28.040 (E)(7) which states: Nothing in this section shall be construed to prohibit the city from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

The California Government Code Section 65915 also allows for unlimited density for 100% affordable developments that are within one-half mile from a major transit stop, section 65915 (f)(3)(D)(ii). 330 Distel Circle is within one-half mile from a major transit stop (please see Memorandum on Consistency with Density Bonus Provisions - Glaser Weil).

In alignment with the MOU between the City of Los Altos and the County of Santa Clara, that acknowledges the development to contain a minimum of 90 units at 330 Distel Circle, EAH is requesting a density bonus to allow for 103.45 units per acre.

The California Government Code Section 65915(d)(2)(D) allows for a height increase of an additional 3 stories or 33 feet for 100% affordable housing developments. The current zoning district (CT) allows for structures up to 45 feet in height and considering the additional 33 feet allowed by the Density Bonus Law, a building up to 78 feet would be consistent with the height allowed under the law. The proposed building height at 330 Distel Circle is 64 feet and consistent with Density Bonus Law.

Zoning	Commercial Thoroughfare District (CT)
General Plan	Thoroughfare Commercial
Maximum Density	38 dwelling units per net acre (dua)
Site Size	38,030 sf (0.87 acres)
Units Permitted	0.87 X 38 = 33.06 units
Total Units Proposed	90 units
Proposed Affordable Units	88 units (100% exclusive of managers units)
Proposed Bonus Percentage	90 ÷ 33 = 272%
Number of Density Bonus Units	90 – 33 = 57 units
Proposed Density Per Acre	90 ÷ 0.87 = 103.45 dua
Proposed Market Rate Bedrooms	0
Proposed Affordable Unit Bedrooms	155
Proposed Manager's Unit Bedrooms	4

Unit Mix – 330 Distel	AMI					Unit Total	Unit Mix
	SQFT PU	30%	50%	60%	80%		
SRO/Efficiency	465	14	3	7	-	24	27%
1-BR	645	9	3	7	1	20	22%
2-BR	965	12	3	4	2	21	23%
3-BR	1140	10	3	7	3	23	26%
4-BR	0	-	-	-	-	-	0%
MGR	965					2	2%
Unit Total		45	12	25	6	90	100%
Affordability Dist.		50%	13%	28%	7%	100%	
Average Affordability	44.66%						

The existing use of 330 Distel Circle is a single-story office building that is owned and occupied by Midpeninsula Regional Open Space District. There are currently no dwelling units on the site nor has there been in five years preceding the date of submittal of this application.

There are no recorded covenants, ordinances or laws applicable to the site that restrict rents.

Requested Incentives and Concessions

The applicant is requesting the following four (4) concessions:

- Reduced Front Yard Set Back
- Reduced Front Side Step-back
- Reduced Average-Per-Unit Open Space Provided
- Reduced EV Ready Parking Stalls

Reduced Front Yard Set Back

Los Altos Municipal Code (LAMC) section 14.50.090 has a standard of a 25-foot minimum depth of which 50% of the area should be landscaped. We are requesting a reduction in the minimum setback from 25 feet to 10 feet. LAMC Section 14.28.040 (F)(1)(e) allows for an On-Menu incentive to reduce the setback requirement by up to 20%. However, the reduction requested is greater than 20% and therefore is considered an **off-menu** request.

Reason for Request: The reason for this request is because a 25-foot setback would decrease the building area and thereby decrease the unit count.

Reduced Front Side Step-back

LAMC 14.50.170 (B)(1)(b) requires a minimum step-back of 10 feet from the ground floor façade for stories above 45 feet. EAH is requesting no step-back on the 4th and 5th levels. This is an **off-menu** request because step-back reductions are not an on-menu incentive.

Reason for Request: The reason for this request is because a step-back on the 4th and 5th level would decrease the building area and thereby decrease the unit count.

Reduced Average-Per-Unit Open Space Provided

LAMC 14.50.150(A) requires that an average of fifty (50) square feet of private open space shall be provided for the total number of dwelling units within the project. EAH is requesting a reduction in the average square feet of private open space from 50 to 25 square feet. LAMC Section 14.28.040 (F)(1)(f) allows for an On-Menu incentive to reduce the open-space requirement by up to 20%. However, the reduction requested is greater than 20% and therefore is considered an **off-menu** request.

Reason for Request: The site has a 10' foot public utility easement (PUE) running along the front of the property along Distel Drive. The PUE has to be clear to sky and therefore we are unable to provide cantilevering balconies along the Distel frontage. Providing decks within the units along Distel would require a decrease in unit size, a decrease in unit count or an increase in cost due to customization of modular units. We have mitigated the reduction in Private Open Space by providing more Common Open Space than required.

Reduced EV Ready Parking Stalls

LAMC 4.106.4.2 (Exceptions) requires all multifamily Affordable Housing, 10% of dwelling units with parking space(s) shall be provided with at least one Level 2 EV Ready Space. Calculations for the required minimum number of Level 2 EV Ready spaces shall be rounded up to the nearest whole number. The remaining dwelling units with parking space(s) shall each be provided with at least one Level 1 EV Ready Space. The required spaces with this calculation would be the following. We are requesting to provide the state minimum required by our current code (2019) which is 10% EV Ready spaces- 9 total- instead of the 90 required by Los Altos code.

Level 2 EV Ready Space = 9 spaces
Level 1 EV Ready Space = 81 spaces
Total = 90 spaces

Reason for Request: The additional costs related for infrastructure, transformer(s), and cost of pedestals for charging.

1. Meeting the requirement will increase the amount of costs of utility infrastructure required such as conduit/raceways and transformers. We are estimating the costs as \$1000/stall per Energy Solutions report (dated 2019 so costs are likely higher). For the additional stalls beyond the 10% required by CalGreen we estimate \$81,000 (81 stalls x \$1,000).

Table 1. Estimated Cost of Installing EV Infrastructure (price per spot)

Code Scenario:	Market Rate 25% Level 2 75% Level 1		Affordable Housing 10% Level 2 90% Level 1	
	New Construction	Retrofit ⁴	New Construction	Retrofit
60-Unit MUD	\$1,410	\$4,443	\$1,049	+\$3,982
150-Unit MUD	\$1,197	\$4,101	\$1,002	+\$3,854
60-Space Office Building	\$1,166	\$3,232	N/A	N/A

Table 1: Energy Solutions article dated November 5, 2019. EV Infrastructure Cost Analysis Report for Peninsula Clean Energy and Silicon Valley Clean Energy (page 1).

2. If/when the mechanized stalls go from EV Ready to having the capability to charge, Level 2 chargers will require ±\$2,500 per pedestal depending on the manufacturer. For Level 1 chargers, 110v receptacle can be added to the platform.
3. The project is required to have zero parking spaces as a result of being a 100% affordable housing project within ½ mile of major transit. As such, if we were to provide zero stalls, we would not be required to provide any EV Ready stalls per CA and City of Los Altos code and CA Cal Green code.

Cost Justification:

There are two areas of focus related to the cost containment of this affordable housing community and how it relates to the requested concessions: the total costs to build the units (hard costs) and the average cost per unit including all other soft costs.

Hard costs associated with the construction of the modular units include the material and labor expense it takes to create and build each unit. The modular factories are set up for standardization, not for customization, so any modification to the factory standards would lead to additional costs and additional waste. By way of a simple example, if the factory is set up to build units using wood in 20 foot lengths but we request shorter units that require 18 foot lengths, then the factory would need to customize the machinery to cut the shorter lengths. This customization would increase the labor costs and slow the process down adding more time. In addition, more waste is created because in this example, the two-foot section of wood is unlikely to be re-used and will be thrown away.

The second area of focus is the development cost per unit. This development has fixed costs including the land and other soft costs including design and environmental analysis. By way of a simple example, if the design fees are \$3 million and the design yields 90 units, the per-unit cost is \$33,333. However, if the same design fees were yielding only 60 units, the per-unit cost would be \$50,000. While this does not increase the total cost of development, a higher cost per unit makes this project less competitive when trying to leverage additional funding source at the State and Federal level. Therefore, a design or building standard that leads to a reduction of building area or total number of units is considered to increase costs and reduce competitiveness.

Requested Waivers

The applicant is requesting the following waivers:

- Visibility of Interior Courtyard
- Exterior Materials
- Trash Staging Area

Visibility of Interior Courtyard

LAMC 14.50.170 (C)(5)(a) requires that an interior courtyard must be partially visible from the street and linked to the street by a clear accessible path of travel. EAH is requesting that this requirement be satisfied by allowing visibility from the parking lot behind the building. In addition, EAH is requesting that the interior courtyard not be required to be linked to the street by a clear accessible path of travel. This is an **off-menu** request.

Reason for Request: The courtyard has been raised to the second level to provide additional parking on the ground level. A second level courtyard also provides additional privacy to the residents and neighbors. Removing a portion of the building to make the courtyard visible from the street would decrease units and parking area.

Exterior Building Materials:

LAMC 14.66.280 (D)(4)(a) Base. For multistory buildings, the base of the building shall be defined by a distinct material selected from among the following: Stone, brick, concrete, CMU, or stucco ("base material"). EAH is requesting that wood be approved as a distinct material for the base.

Reason for Request: We believe that the intent of this design standard is being achieved because wood serves as a distinct material. We are proposing wood and storefront glazing at the base of the building.

Trash Staging Area:

LAMC 14.50.060 (C) (2) states that every development will be required to provide suitable space on-site for solid waste separation, collection, storage, and pick up and shall site these in locations that facilitate access, collection, and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way. EAH is requesting a waiver from the requirement so that the solid waste collection can take place in the public right of way (Distel Circle).

Reason for Request: The location of trash storage is on the ground floor in the garage but is not in a location that can be serviced by the collection company, Mission Trails. Mission Trails requests that the trash staging area be within a specific distance from the street so that the trucks can access the trash bins. Redesigning the ground floor to accommodate a staging area closer to the street is not desirable because it would require relocating the bicycle parking, resulting in the loss of amenity space on the ground floor. Our proposal is to have building staff stage the trash bins on Distel Circle on trash pick-up day and return the bins to the trash room after the trash has been collected.

Requested Parking Reductions

LAMC 14.28.040(G)(2)(b) - For low or very low income housing near major transit stop. Upon the request of the developer, the city shall not impose a parking requirement, inclusive of handicapped and guest parking, that exceeds one-half parking spaces per bedroom if the development includes the maximum percentage of low or very low income units; and the development is located within one-half mile of a major transit stop; and there is unobstructed access to the major transit stop to the development. EAH is requesting parking requirement alterations be applied to the proposed development because the development:

- Exceeds the percentage required of low or very low income units
- Is within one half-mile of a major transit stop
- Has unobstructed access to the major transit stop to the development This is an ***On-Menu*** request.

The proposed development at 330 Distel Circle will have a total of 159 bedrooms. Using the one-half parking space per bedroom outlined in the LAMC would require 80 parking spaces. As proposed, this community will have 90 parking spaces.

State Density Bonus Law does not require any parking for 100% affordable developments that are within one-half mile from a major transit stop, section 65915 (p)(3). 330 Distel Circle is within one-half mile from a major transit stop (please see Memorandum on Consistency with Density Bonus Provisions - Glaser Weil).

330 Distel: Density Bonus, Concessions, Waivers

Allowed by Density Bonus Law				
Density (DU/acre)	38du/acre	90 Units = 103 du/acre	Density Bonus Law	14.5.080 (LAMC)
Height	45ft + 33ft = 78ft permitted	64ft, 5 stories	Density Bonus Law	

Concession	Standard	Proposed	Reason	Code Section
Setback, Front Yard	25ft min. depth, 50% of which shall be landscaped	10ft setback	25ft setback would decrease building area and unit count	14.5.090 (LAMC)
Stepback	Street Side: Minimum 10 feet from ground floor façade above 45 feet in height	Requesting no stepback on 4th and 5th levels.	We need building area to get to 90 units.	14.50.170_1B. Obj. Standards
Open Space	50SF; An average of fifty (50) square feet of private open space shall be provided for the total number of dwelling units within a project.	Approximately 25 sf average / unit requested	10ft Public Utility Easement has to be clear to sky so we are unable to provide cantilevering balconies along the Distel frontage. Juliette balconies are provided on Distel. Providing decks within the units would require a decrease in unit area and impact unit count. Private open space provided on all decks except for those facing Distel.	14.50.150 (LAMC)
EV Ready Parking stalls	4.106.4.2 New multifamily dwellings. Exception: For all multifamily Affordable Housing, 10% of dwelling units with parking space(s) shall be provided with at least one Level 2 EV Ready Space. Calculations for the required minimum number of Level 2 EV Ready spaces shall be rounded up to the nearest whole number. The remaining dwelling units with parking space(s) shall each be provided with at least one Level 1 EV Ready Space. Calculation: (9) Level 2 EV ready spaces and (81) Level 1 EV ready spaces.	Requesting 10% (9 stalls) to be EV Ready stalls per Cal Green code.	1. Cost of utility infrastructure 2. Cost of pedestal costs if EV is installed in future 3. Parking required is zero, which means zero EV Ready stalls would be required.	4.106.4.2 (LAMC)

Waiver	Standard	Proposed	Reason	Code Section
Interior Courtyard	Partially visible from the street and linked to the street by a clear accessible path of travel.	Requesting visibility from back parking lot, no access from exterior to courtyard	Raised courtyard on level 2 not visible from Distel, may be visible from El Camino. Raised courtyard to provide additional parking. Also creates privacy for single family neighbor and residents. Removing a leg of the building to make the courtyard visible would decrease unit and parking area.	14.50.170_5A. Obj. Standards
Materials	Base. For multistory elements, the base of the building shall be defined by a distinct material selected from among the following: Stone, brick, concrete, CMU, or stucco ("base material").	Requesting approval of wood as a distinct material.	Intent achieved. Wood serves as distinct material. Wood and storefront glazing proposed at the base.	14.66.280_DA Obj. Standards
Trash	Pickup not in right of way	Waiver from requirement	PUE Easement, no other location for trash	14.50.060_C2 Required Conditions



To: Radha Hayagreev
City of Los Altos- Senior Consulting Planner

Date: July 5, 2022
Project Name: 330 Distel Circle
Project No: 210042

Re: EV Capable Concession Request

From: Lily Ciammaichella, AIA, BD+C
KTGY Architecture + Planning

Dear Radha,

We are requesting to make the Los Altos EV capable charging requirement as a State Density Bonus Law incentive/concession. From section 4.106.4.2 of the Los Altos municipal code, we are required to provide the following:

4.106.4.2 New multifamily dwellings

Exception: For all multifamily Affordable Housing, 10% of dwelling units with parking space(s) shall be provided with at least one Level 2 EV Ready Space. Calculations for the required minimum number of Level 2 EV Ready spaces shall be rounded up to the nearest whole number. The remaining dwelling units with parking space(s) shall each be provided with at least one Level 1 EV Ready Space.

Required EV Ready stalls

EV2 ready = 9 spaces

EV1 ready = 81 spaces

Total = 90 spaces

We are requesting to provide less EV capable stalls to 10% of the total number of parking spaces (9 stalls) as Level 1 spaces.

The reasons are as follows:

1. Meeting the requirement will increase the amount of costs of utility infrastructure required such as conduit/raceways and transformer needs. We are estimating the costs as \$1000/stall per Energy Solutions report. For the additional stalls beyond the 10% required by CalGreen and proposed, or 81 stalls x\$1,000 = \$81,000. Cost was from 2019 report by Energy Solutions and costs are likely more than estimated below.

Table 1. Estimated Cost of Installing EV Infrastructure (price per spot)

Code Scenario:	Market Rate 25% Level 2 75% Level 1		Affordable Housing 10% Level 2 90% Level 1	
	New Construction	Retrofit ⁴	New Construction	Retrofit
60-Unit MUD	\$1,410	\$4,443	\$1,049	+\$3,982
150-Unit MUD	\$1,197	\$4,101	\$1,002	+\$3,854
60-Space Office Building	\$1,166	\$3,232	N/A	N/A

2. If/when the mechanized stalls will be ready to convert the mechanized stalls to have the capability to charge, at this time, Level 2 chargers will require ±\$2,500 per pedestal depending on the manufacturer. For Level 1 chargers, 110v receptacle cade be added to the platform.
3. The project is required to have zero parking spaces as a result of being a 100% affordable housing project within ½ mile of major transit. As such, if we were to provide zero stalls, we would not be required to provide any EV Ready stalls per CA and City of Los Altos code and CA Cal Green code.

Definitions:

Electric vehicle infrastructure Cost Analysis Report for Peninsula Clean Energy & Silicon Valley Clean energy. By Enegy Solutions. Page 4

EV Capable	Includes conduit / raceways
EV Ready (“Plug and play”)	Includes full circuit with a receptacle / outlet
EV Installed	Includes full charging capability with EVSE

Los Altos Municipal code Definitions:

“Level 1 EV Ready Space” means a parking space served by a complete electric circuit with a minimum of 110/120 volt, 20-ampere capacity including electrical panel capacity, overprotection device, a minimum 1” diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labelled “Electric Vehicle Outlet” with at least a ½” font adjacent to the parking space, or b) electric vehicle supply equipment (EVSE).

“Level 2 EV Ready Space” means a parking space served by a complete electric circuit with 208/240 volt, 40-ampere capacity including electrical panel capacity, overprotection device, a minimum 1” diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labelled “Electric Vehicle Outlet” with at least a ½” font adjacent to the parking space, or b) electric vehicle supply equipment (EVSE) with a minimum output of 30 amperes.