

ATTACHMENT 4

#	Council Comments	City Attorney Comments	Staff Response	Applicant Response
1	Recommended the creation of a subcommittee of the Planning Commission and to work through the Commission's recommendation. After subcommittee work is done, it will be returned to Council.	This recommendation requires CC approval following an agenda meeting and would cut into the maximum five meetings for the project.	Refer to the comment from the City Attorney.	This was a City discussion only, and no response is provided.
2	Supports the waiver to allow for a building height to allow the elevator to be 17 feet six inches when the code prohibits roof top structures taller than 12 feet in height.	Cannot eliminate the amenity to deny the waiver. See Wollmer and Bankers Hill 150.	Refer to the comment from the City Attorney.	We believe the roof amenity is an important element. We took care and time to develop it in a tasteful and considerate manner. There is a dog play area, which will relieve the need for the residents to travel to other dog parks. The spaces that the residents will use are stepped far back from the roof edge to protect everyone's privacy. The greenery is purposely located for further privacy.
3	On the roof deck, the second density bonus request relies on the roof deck. Without the roof deck, we would not have the second waiver request for the elevator shaft. The Councilmember has not made a decision whether to support the granting of the waiver.	Cannot eliminate the amenity to deny the waiver. See Wollmer and Bankers Hill 150.	Refer to the comment from the City Attorney.	We believe the roof amenity is an important element. We took care and time to develop it in a tasteful and considerate manner. There is a dog play area, which will relieve the need for the residents to travel to other dog parks. The spaces that the residents will use are stepped far back from the roof edge to protect everyone's privacy. The greenery is purposely located for further privacy.

#	Council Comments	City Attorney Comments	Staff Response	Applicant Response
4	Concerns with second waiver for rooftop, if the building could have been setback more and create more area for open space.	Cannot eliminate the amenity to deny the waiver. See Wollmer and Bankers Hill 150.	Refer to the comment from the City Attorney.	We believe the roof amenity is an important element. We took care and time to develop it in a tasteful and considerate manner. There is a dog play area, which will relieve the need for the residents to travel to other dog parks. The spaces that the residents will use are stepped far back from the roof edge to protect everyone's privacy. The greenery is purposely located for further privacy.
5	A reevaluation of floor heights (I think meant plate height) should be considered.	The applicant is requesting a height increase as an on-menu concession, and applicant is allowed to build to the height authorized. Also, the CC cannot eliminate amenities to avoid the need for concessions or waivers.	Refer to the comment from the City Attorney.	The project meets the height requirements.
6	Supports a waiver for the off-street parking space width to be reduced from nine feet to 8.5 feet for twelve parking spaces. No Comment	Cannot deny waiver if denial would physically preclude a development applicant is otherwise entitled to construct	Refer to the comment from the City Attorney.	OK

#	Council Comments	City Attorney Comments	Staff Response	Applicant Response
7	<p>The applicant and architect advised the focal point of the building is first and Whitney, but the councilmember is not convinced it should be the focal point. This building is right at the crossroads of entry points into the city, if you're entering from San Antonio Road or First Street, the building is very drab and unappealing. The building should more attractive and welcoming, such as is the corner of Whitney Street and First Street is currently.</p>	<p>The CC can condition the design of the project in a manner that does not deny the project or reduce the density. The CC also cannot require amenities to be eliminated to deny waiver requests.</p>	<p>The elevations along First Street and Whitney Avenue were modified with new first and second floor wall planes stepping forward with wood siding to improve the cohesiveness of the two-story design feature for the building and deemphasize the focal point of the corner. The project proposes a more integrated design with greater articulation and segmentation of the façade, increased step back at the fourth floor that has improved the aesthetics of the building.</p>	<p>The building design has been modified so that all of the visible corners from First and Whitney have similar design treatments. See also the attached design narrative.</p>
8	<p>The overall mass and bulk needs to be addressed. When you look at the building and consider that First Street is not a wide street, we need to work on articulation and setback to make it more appealing. (NF). The building is bulky and massive, and it doesn't look like it belongs in Los Altos or on First Street (AE)</p>	<p>The CC can condition the design of the project in a manner that does not deny the project or reduce the density. The CC also cannot require amenities to be eliminated to deny waiver requests.</p>	<p>The building mass was reduced along the three visible elevations of the buildings, which included reducing large areas of mass and significant plane breaks to reduce the building from looking as one-block or a "Lego." At the corner of First Street and Whitney Avenue, the first through third floor walls planes were moved forward to improve the step-back of the fourth floor. Along the left elevation (Whitney Avenue), the building massing was reduced at the upper floors and a full wall plane setback was introduced with a wood siding element.</p>	<p>The building design has been modified see attached design narrative.</p>

#	Council Comments	City Attorney Comments	Staff Response	Applicant Response
9	<p>In other buildings approved, where we had an all residential. We had a significant or different design difference or variation at third and fourth floor to bring down human or pedestrian scale. We do not have this with the proposed building design, instead, it is highly vertical and a uniform look. It has the appearance of a "Lego building," like its been built with Lego blocks.</p>	<p>The CC can condition the design of the project in a manner that does not deny the project or reduce the density. The CC also cannot require amenities to be eliminated to deny waiver requests.</p>	<p>The elevations along First Street and Whitney Avenue were modified with the first and second floor wall planes stepping forward with wood siding to deemphasize the focal point at the corner. The project proposes greater articulation and increased segmentation into smaller vertical elements with introduction of full height recesses to reduce the box-like appearance, increased step back at the fourth floor has improved the aesthetics of the building.</p>	<p>The building design has been modified see attached design narrative.</p>
10	<p>In regards to bulk and mass, some of the banding that is used and the composite wood siding that wraps around Whitney Street and First Street at the first and second story has the effect of making the entire building look like one block or mass, irrespective of the subtle differentiation in setback or articulation, it is undone by the material and mass.</p>	<p>Provided any changes to the façade do not affect density, the CC can impose appropriate conditions of approval.</p>	<p>The elevations along First Street and Whitney Avenue were modified with new first and second floor wall planes stepping forward with wood siding to improve the cohesiveness of the two-story design feature for the building and deemphasize the focal point of the corner. The project proposes a more integrated design with greater articulation and segmentation of the façade, increased step back at the fourth floor that has improved the aesthetics of the building.</p>	<p>The building design has been modified see attached design narrative</p>

#	Council Comments	City Attorney Comments	Staff Response	Applicant Response
11	The floors are all the same. While the building is built out at the upper stories to provide depth to create the perception of setting back the third and fourth floor, when in fact there isn't really any setback along the floors. That has to get better.	The CC can condition the project on reasonable design changes, but it cannot reduce the height or impose additional setbacks.	The proposal has eliminated the built-out forms at the upper stories. Instead, the building wall planes have been shifted forward to more accurately reflect the mass and volume of the building, which improves the perception of increase step back for the fourth floor.	The building design has been modified see attached design narrative
12	The building design should have vertical elements at the property line or at an easement.	Provided any changes to the façade do not affect density, the CC can impose appropriate conditions of approval.	The elevations along First Street and Whitney Avenue were modified with new first and second floor wall planes stepping forward with wood siding to improve the cohesiveness of the two-story design feature for the building. The project proposes a more integrated design with greater articulation and segmentation of the façade to reduce the massing and bulk of the building, increased step back at the fourth floor that has improved the aesthetics of the building.	The building design has been modified see attached design narrative.
13	The building appears to be least pleasant of all the buildings approved on First Street.	The CC can condition the design of the project in a manner that does not deny the project or reduce the density. The CC also cannot require amenities to be eliminated to deny waiver requests.	The applicant improved the overall building aesthetic by improving the integration of the first and second story wall planes with wood siding, by adding smaller scale two-story tall features along the front and left elevations, incorporating greater articulation and segmentation to break-up to avoid a box-like structure and increasing the depth landscaping planters to soften building façade.	The building design has been modified. See attached design narrative.

#	Council Comments	City Attorney Comments	Staff Response	Applicant Response
14	The building design is uninviting.	Provided any changes to the façade do not affect density, the CC can impose appropriate conditions of approval.	The applicant improved the overall building aesthetic by improving the integration of the first and second story wall planes with wood siding, by adding smaller scale two-story tall features along the front and left elevations, incorporating greater articulation and segmentation to break-up to avoid a box-like structure and increasing the depth landscaping planters to soften building façade.	The building design has been modified. See attached design narrative.
15	The entrance is not at the pedestrian scale with the entrance awning well up at the second story. It would be the only property on the street with such a high or tall entrance. Furthermore, the entrance is very sterile in appearance.	The CC can address this concern through appropriate conditions of approval.	The applicant revised the entry to improve the pedestrian scale of the entrance by modifying the size of the window system. However, the entry continues to have an out-scale appearance, which does not reinforce the pedestrian scale of the entry. The City Council can condition the design of the project in a manner that does not deny the project or reduce the density.	We have reviewed the entrance several times both before and after the City Council hearing and feel that this design is the most pleasing.

#	Council Comments	City Attorney Comments	Staff Response	Applicant Response
16	<p>Recommends staff look at all the examples that were in the downtown building committee report, which was adopted in total by the Council. The report provides examples for First Street, which stated "Do this, Not That". She encourages the applicant to review the examples in the report for the kinds of entrances that should occur on First Street that would make the entries warm, inviting, village-like, and make it Los Altos.</p>	n/a	<p>The applicant revised the entry to improve the pedestrian scale of the entrance by modifying the size of the window system. However, the entry continues to have an out-scale appearance, which does not reinforce the pedestrian scale of the entry. The City Council can condition the design of the project in a manner that does not deny the project or reduce the density.</p>	<p>We have reviewed the entrance several times both before and after the City Council hearing and feel that this design is the most pleasing.</p>
17	<p>The parapets add to the height and they call attention to the height of the building.</p>	<p>The CC cannot reduce the height of the structure, but it can condition the project on design changes to the parapets to reduce visual impact.</p>	<p>The applicant lowered the height of the parapets, and the parapet material varies to contributing to breaking up the building mass and accentuate facades with trespa meteon siding.</p>	<p>The building design has been modified see attached design narrative</p>
18	<p>The eave projections add to feelings of mass.</p>	<p>The CC can address this concern through appropriate conditions of approval.</p>	<p>The eave elements were reduced by more than half. In addition they were reduced in linear footage across the elevations and redesign to turn the corners.</p>	<p>The cornice has been modified and reduced in depth. See also the attached design narrative</p>

#	Council Comments	City Attorney Comments	Staff Response	Applicant Response
19	The courtyard is not an amenity, and it is not a Zen space. The space is going to be rather noisy and dark, and it appears very tomb-like.	The CC can condition the design of the project in a manner that does not deny the project or reduce the density. The CC also cannot require amenities to be eliminated to deny waiver requests.	The project plans do not show alterations to the courtyard by the applicant and architect to address the City Council comment. The City Council can condition the design of the project in a manner that does not deny the project or reduce the density.	We believe the court feature will enhance the building interior. We plan to work on renderings to showcase this to City Council.
20	Supports improving the courtyard and is puzzled by it. It didn't appear to be a useful space.	The CC can condition the design of the project in a manner that does not deny the project or reduce the density. The CC also cannot require amenities to be eliminated to deny waiver requests.	The project plans do not show alterations to the courtyard by the applicant and architect to address the City Council comment.	We believe the court feature will enhance the building interior. We plan to work on renderings to showcase this to City Council.
21	The windows appear industrial, and they should complement the residential (multi-family building)	The CC can address this concern through appropriate conditions of approval.	The windows were revised to be symmetrical and more residential as to address the City Council comment.	Windows have been modified. See also the attached design narrative. We went through multiple iterations and plan to show the iterations in our presentation to City Council.
22	The windows go in a column up, and the entire look of the building is uniform. It does not have the kind of articulation and differences as we envisioned with 50-foot/75-foot modules on First Street.	Provided any changes to the façade do not affect density, the CC can impose appropriate conditions of approval.	The windows were revised to be symmetrical and more residential. The elevations along street frontages were modified at the first and second floor wall planes stepping forward with trespas to deemphasize bulk. The building has greater articulation and increased segmentation into smaller elements to reduce the box-like appearance of the building.	Windows have been modified. See also the attached design narrative. We went through multiple iterations and plan to show the iterations in our presentation to City Council.

#	Council Comments	City Attorney Comments	Staff Response	Applicant Response
23	Does not support the glass railing (JW). Questions whether the material is appropriate (NF). The glass is a safety hazard for wildlife (LLE). The balconies, we need to lose the glass. It doesn't belong (AE).	The CC can address this concern through appropriate conditions of approval.	The balcony railings were revised to be horizontal metal rails with wood caps.	Railings have been modified. See also the attached design narrative. We went through several iterations and plan to show the iterations in our presentation to City Council.
24	In regard to the roof amenity, there are perspectives: 1) If we go back to our general plan, it states the FAR should be no greater than 2.0:1.0, but the proposed project is almost 3.0: 1.0. The reason there isn't a place for people to play is the applicant has packed and stacked the units as densely as possible. while the council person appreciates and agrees we need to add housing, the applicant has made a decision to add some two bedroom and three-bedroom units, which means the building is maxed out the space for the building. As a result, you are left with the light well.	Cannot eliminate the amenity to deny the waiver. See Wollmer and Bankers Hill 150.	There are no proposed alterations to the roof amenities. The proposed roof top includes four seating or activity areas, which include gas fire pits, electric barbeques with counters, and a dog play area.	We believe the roof amenity is an important element. We took care and time to develop it in a tasteful and considerate manner. There is a dog play area, which will relieve the need for the residents to travel to other dog parks. The spaces that the residents will use are stepped far back from the roof edge to protect everyone's privacy. The greenery is purposely located for further privacy.

#	Council Comments	City Attorney Comments	Staff Response	Applicant Response
25	<p>A lesson learned from 100 First Street, a planter wall proposed immediately adjacent to the sidewalk has the effect of reducing the size of the sidewalk and for that reason the Council has insisted that other buildings on First Street not have a vertical element immediately at the edge of the sidewalk, at the property line, or at an easement. There needs to be landscaping between a sidewalk and a planter to soften the appearance and create an inviting pedestrian appearance.</p>	<p>The CC can condition the project on reasonable design changes, but it cannot reduce the height or impose additional setbacks.</p>	<p>The sidewalk along this project has been widened. We feel that the risk of someone stepping off the sidewalk into a low planter is problematic.</p>	<p>We reviewed this comment along with the sidewalk at 100 First Street. The sidewalk along this project has been widened. We feel that the risk of someone stepping off the sidewalk into a low planter is problematic.</p>
26	<p>The City has a long standing practice to distribute the below market-rate units equitably, and the current proposal does not appear to equitably distribute the below market rate units throughout the building.</p>	<p>The CC can address this concern through appropriate conditions of approval.</p>	<p>The applicant did not modify the distribution of below market-rate units (BMR) to address the City Council comment. In order to ameliorate the inequity of the distribution of the units, the applicant has provided an additional seventh BMR unit.</p>	<p>Even though we still believe we are were meeting all the requirements by providing 6 BMR units with 3 at very low and 3 at moderate, we decided to provide an additional 7th BMR unit in a prime location.</p>

#	Council Comments	City Attorney Comments	Staff Response	Applicant Response
27	The Below Market Rate Unit should not be adjacent to the designated trash pickup area.	The CC can address this concern through appropriate conditions of approval.	The applicant did not modify the distribution of BMR units to address the City Council comment. Chapter 14.28.030.C requires BMR units be dispersed throughout the project, and shall not be significantly distinguishable by size, design, construction or materials. The applicant has not equitably distributed market-rate or BMR units adjacent to the trash room inconsistent with Chapter 14.28.030.	Even though we still believe we are meeting all the requirements by providing 6 BMR units with 3 at very low and 3 at moderate, we decided to provide an additional 7th BMR unit in a prime location.
28	Supports increasing the number of below market rate units.	The CC cannot impose a requirement on this project in excess of its generally applicable inclusionary requirements.	The applicant has proposed to increase the number of BMR units from six to seven units. The new unit would be located on the second floor facing Whitney Street.	Even though we still believe we are meeting all the requirements by providing 6 BMR units with 3 at very low and 3 at moderate, we decided to provide an additional 7th BMR unit in a prime location.
29	Can we have a requirement for the below market rate units to be held in perpetuity, and have it revert to a certain number of years.	It is recommended that the maximum term be 99-years.	Refer to the comment from the City Attorney.	This was a City discussion only, and no response is provided.

#	Council Comments	City Attorney Comments	Staff Response	Applicant Response
30	In reviewing the law, it was found that the State Density Bonus law states that if a waiver will preclude the construction of the density proposed for the project. We need some very clear direction on when there is an optional amenity that does not otherwise impact the number of units or size of units being proposed. what are the parameters that allow us to deny, or if we must approve a waiver for the amenity.	The CC cannot impose a requirement on this project in excess of its generally applicable inclusionary requirements.	Refer to the comment from the City Attorney.	This was a City discussion only, and no response is provided.
31	Supports the incorporation of charging for electric bicycles at each bicycle locker. Electric bicycles are a key component of the Climate Action Adaption Plan.	The comment exceeds the otherwise generally applicable standard imposed by the City and/or the building code. The CC cannot impose this condition.	The Class I bicycle parking was relocated from the building's lower garage to the first floor. The secured bicycle room has direct access off the alley along the north side of the building and it has the capacity for 65 bicycles. The bicycle room has been expanded to provide a bicycle maintenance area, each bicycle spaces has a power outlet.	The bicycle parking has been completely reimaged. Bicycle parking is now in a secure bike room on the First Floor and each bike rack has power for e-bike charging.
32	Supports the addition of more electric vehicle charging stations. The project shall indicate the type of EV chargers for each space. Recommends level 2 electric vehicle charging stations for each unit.	The comment is consistent with the generally applicable standard imposed by the City and/or the building code. The City can impose the condition if it is not confiscatory.	The project exceeds the requirements of Section 4.106.4.2 (New Multiple-Family Dwellings) of the Municipal Code and complies with the Council comment by providing one Level 2 chargers, or their equivalent or better for each unit.	EV chargers have been indicated as Level 2 chargers. In case the technology improves by the time of construction, we will target Level 2 chargers, or their equivalent or better. The 50 (1 per unit) installed charging stations far exceed the requirements.

#	Council Comments	City Attorney Comments	Staff Response	Applicant Response
34	The BMR discussion regarding perpetuity by the Assistant City Attorney makes sense.	It is recommended that the maximum term be 99-years.	Refer to the comment from the City Attorney.	This was a City discussion only, and no response is provided.
35	Can we have a requirement for the below market rate units to be held in perpetuity, and have it revert to a certain number of years.	It is recommended that the maximum term be 99-years.	Refer to the comment from the City Attorney.	This was a City discussion only, and no response is provided.
36	A materials board with physical materials shall be provided for the project.	The applicant has agreed to provide this.	The applicant has agreed to provide the materials board.	We are in the process of preparing the physical materials board so that City Council will have ample of time to review before the City Council meeting.