

385 Sherman – Public Correspondence after July 17th:**Attachment K**

Dates	Names
August 9	William Ross
August 10	Kerry Spear
August 10	Paul Machado
August 13	Dwight Clark
August 13	Noel Javillonar
August 13	Ann Steinle – MND issues: Hazardous Material, Traffic, Noise
August 13	Anne Steinle – Landscaping Concerns
August 13	Anne Steinle – Deck
August 14	Peter Holland
August 15	Shannon Rose
August 15	Pat Beatty
August 16	Kathleen Steinle
August 17	Mary Ryan
August 18	Jie Bai

11492.txt

From: William Ross <wross@lawross.com>
Sent: Saturday, August 09, 2014 8:41 PM
To: Reich, Russ; French, Amy
Cc: anne.steinle@gmail.com; plholland@aol.com
Subject: 385 Sherman: Revised Plans: Continued ARB Hearing August 21, 2014

I have just completed a review of the City of Palo Alto website for a posting of the revised plans for the 385 Sherman Project which were to be made available during the week of August 4, 2014 for the continued hearing of the ARB on the Project on August 21, 2014. The Plans (Revised) were to be posted during the week of August 4, 2014 so that a deadline of comments on the revised plans of August 13, 2014 for preparation of the Staff Report could be met. It is unreasonable to assume that the revised plans even posted on August 12, 2014 can be reviewed and commented on by public (many of whom work) within one day. I am informed that an incomplete set of the revised plans has been furnished to Ms. Steinle--this is not a public posting.

This untimely furnishing of Applicant documents is now occurring for the second time. Please recall that the Appendices to the Project Mitigated Negative Declaration were not timely furnished to Staff and were not posted until the Monday before the July 17, 2014 ARB Hearing.

A fair hearing in and adjudicatory hearing includes the timely availability of documents at issue so that all interested parties can comment appropriately.

This communication requests more time for review of the yet to be publically provided revised plans and a further continuance of the Project Hearing.

Please ensure that this communication is included in the record for the Project.

Tamale, Diana

From: Kerry <kerry.spear@gmail.com>
Sent: Sunday, August 10, 2014 9:12 PM
To: Architectural Review Board
Subject: Please update the 385 Sherman site

ARB,

You need to provide adequate time to review changes. I am especially unhappy with the assessment of trees- moving them, providing adequate screening, etc. I am completely against the 3-story proposition to 385 Sherman. It is preposterous.

Please be aware: it is because of the recent behavior of the ARB that I, a 23 year home owner in Evergreen Park, have finally been alarmed enough to speak out.

I vote. I know the ARB positions are NOT elected. But for whom I can vote determines your authority.

Sincerely yours,
Kerry Spear on Oxford Avenue and business owner, Cambridge Avenue

Sent from my iPhone

Tamale, Diana

From: Paul Machado <plmachado@gmail.com>
Sent: Sunday, August 10, 2014 8:28 PM
To: Architectural Review Board
Subject: 385 Sherman

I thank for your effort and service. However, after reading the definition of your function on the city web site and reviewing some of the recent additions to the city landscape, your function remains a mystery.

Before you is another proposal in a long series of plans, that FILLS the allowable space for a project . Unfortunately, according to neighbors, it does nothing to enhance the desirability of living in the adjacent area. This project would share a block with a RESIDENTIAL building and a park, but it does not promote the visual environment of the area. This is painfully obvious when the plans require large trees to be planted to give neighbors a semblance of privacy and to mask the projects SIZE. The blocking of sunlight nor destruction of views in this project apparently is not a concern.

The RESIDENTS in the adjacent building have voiced many concerns over the project and the comprehensive plan for the city clearly states the city should preserve the quality of life in the neighborhoods. Is the ARB not part of the City and therefore required to follow the comprehensive plan?

Paul Machado
Evergreen Park

August 13, 2014

Members of the Architectural Review Board:

I note that one of ARB's five goals is to "enhance the desirability of living conditions upon the immediate site or in adjacent areas".

I can speak as a homeowner immediately adjacent to 385 Sherman and can assure you that it is utterly impossible for the proposed new building to actually "enhance" living conditions here. The least the Board can do is to minimize the deleterious effects upon those of us who will be affected 24/7, 365 days a year. Let me offer several ways to lessen what still will be an obvious degrading of our quality of life:

- The 900 square foot open-to-the-air "amenity area" goes directly to our property line. This is the only gathering space for the building available to the building's 100+ employees, and thus can be counted upon to get a great deal of use. No glass partition or row of bamboo can be counted upon to truly control the noise and protect our privacy. This is especially important, given the "echo chamber" nature of our C-shaped building; the open part of the C directly faces the proposed "amenity area". Earlier iterations of the building plan offered an open, unpopulated area above the garage entrance, thus offering our residential building something of a buffer. *The plan should return to this earlier iteration.*
- The entrance to the two floors of underground parking also immediately abuts our building and the entrance to our carpark. Traffic in the California Avenue area is growing apace (just within the past few months, stop signs were added a block away at the corner of Birch and Grant while new on-street parking cut Birch Street from two lanes to one each way). Even at present, cars approaching Birch northward on Sherman often block the entrance to our carpark, which in turn means that, in trying to enter it across a line of stopped cars, we block traffic trying to turn from Birch southward onto Sherman. *With an immediately adjacent second entryway to a 103-space garage (compared to our 12-space carpark), this blockage is multiplied many times.*

Regarding parking: Why should exceptions granted decades ago for the present-standing building—built when California Avenue received far less traffic—be grandfathered in for a completely new building, when traffic is now much heavier and is expected to increase even more once the beautification project now underway makes California Avenue even more of a magnet? The practice of "grandfathering" here or elsewhere severely limits the City's ability to plan for present and future demands. *385 Sherman must be of a size which reflects its ability to answer all of its parking needs within its own underground facility.*

- The dangers of the toxic plume are in no way minimized by reliance on a five-year-old reading. Just one small example: test well 34A—less than a city block from 385 Sherman—has shown reading variations between 58 and 41 (the last known reading

taken in 2009). Experts tell us there is no reason to believe that levels necessarily diminish over time; factors such as annual rainfall are prime determinants. *A new test to determine the current reading, as well as ongoing readings during excavation, are required.* This is especially necessary when one adds the human element: for example, one Birch Court resident (a thirty-year homeowner here) has essentially no immune system to fall back upon. Also: The Birthing Center's clients use the public parking immediately across the street from 385 Sherman—and the most recent reports on the effects of TCE show that even minimal exposure to pregnant women leads to increased birth defects. *In addition to a current reading, readings taken during excavation—when exposure risk is at its height—is of far more public health relevance than any measure taken after the building is built.*

Plainly, the ARB cannot possibly achieve its goal of actually “enhancing the desirability of living conditions” of those most directly affected by approving a new building at 385 Sherman. At least there are reasonable means, such as those cited above, to limit somewhat the inevitable deterioration of those living conditions.

Sincerely,
Dwight Clark
2510 Birch Street

Tamale, Diana

Subject:

FW: Building Construction at 385 Sherman

From: Noel Javillonar [njavillonar@yahoo.com]

Sent: Wednesday, August 13, 2014 4:10 AM

To: French, Amy

Subject: Building Construction at 385 Sherman

To Palo Alto ARB,

I am writing because I own a unit and live in Building #3 of Birch Court whose deck and front door faces the proposed building construction at 385 Sherman. I have been a resident for 10 years in this residential condominium.

I learned that the owner of the building had put a deck in their plan directly across our decks and I'm afraid this will be a problem for the privacy of the residents in our building. Currently, we are enjoying a free flow of air (our source of natural air since we can't stall air-conditioning in our building and we open our doors to get some air flowing in from this side of the building). It is concerning that they will build a deck on that side where office people can directly look into our living areas not mentioning the apparent possibility of the noise and maybe smoke if they decide to make this their smoking area. Although the building owner will put some rules in their tenant agreement, we know for a fact that this can not be controlled when the business of the occupants start running. The fact that they are calling this their "amenity space," nothing will bar the tenants to use this space for gatherings, barbecues, space to chat - on their cellphones, etc. and looking directly into our homes.

They can certainly do this along the side of Sherman Ave. as it faces the street and public area, but not at the side where residents live. We will already be aggravated by the view and the airflow that we will be losing when they build these floors, but I hope they will be sensitive to the fact that we all live in a high rise community and the design of the buildings should consider utmost respect for privacy and maintaining a quiet environment. Some building owners are considerate enough in situations like this to make a blank wall and do murals in consideration for blocking the view of existing neighbors. I see a lot of these in Palo Alto and other cities. We have a few in California Ave.. The Stanford Inn along Stanford Ave. is an example where the hotel painted a nice design for aesthetics and consideration of its neighbors.

I hope that you consider reviewing the plan of 385 Sherman with utmost care - I support their cause for increasing business in the City, but they can do this with minimum effect on the privacy and noise level for its neighbors.

Thank you for listening. I'll be happy to talk need be.

Noel Javillonar
Resident
Birch Court Properties

August 13, 2014

To: Members of the Architectural Review Board

Re: Proposed 385 Sherman project--MND issues: Hazardous Materials, Traffic, Noise, etc.

I have previously written to you. I took this entire day off work to now share my further concerns, conclusions and recommendations. Although the issues are intertwined, I plan to write three separate letters, each dedicated to different topics. I want to express again my opposition to the scope and impact of the proposed building at 385 Sherman in its current form. The proposed project WILL have a significant impact on the surrounding environment and the quality of life for the entire community. I strongly disagree with some of the conclusions of the revised Mitigated Negative Declaration.

There are concerns that need to be addressed or re-addressed by the ARB, the City and the Developer and a revised MND developed and resubmitted for public comment.

H. HAZARDS AND HAZARDOUS MATERIALS

The concern of the current MND focuses on item "j": the potential hazardous impact on future occupants of the new building. I believe there are other "Potentially Significant Issues". Items "a" through "i" in this section of the MND are ALL listed as having "No impact"! The City and Developer must be held responsible for these neglected issues.

The following neglected issues will impact Birch Court and our other neighbors.

"a" The project WILL transport and dispose of vast amounts of contaminated building materials (asbestos, lead, mercury etc.) as well as soils known to contain TCE and other highly toxic volatile organic compounds.

A soil management plan should be developed in advance of project approval with evidence that this can be done 100% safely and responsibly not only for the immediate neighbors but for those who live near the disposal site. The mitigation should also specify that only a qualified specialist survey for asbestos in the current building. (Mitigation Measure HAZ-4). TCE is known to cause cancer and neurologic damage in humans and the EPA confirms that harm is done at ever-lower levels of exposure than first thought. In addition, research published in 2013 confirms high incidence of birth defects in the fetus when pregnant women have just 3 weeks exposure. We are not an industrial area. Residential exposure standards are set higher than office/commercial standards. Birch Court homes border 2 sides of the project. Pregnant women park across the street to attend classes at Blossom Baby Center.
Our health is at stake.

"c" The project WILL release hazardous materials into the environment.

Some people and cities consider that excavation for a 2 story underground parking lot over a known toxic plume is insane. The greatest danger to Birch Court and other neighbors is during demolition of the current building and excavation/construction of the new. We need the City/MND/Developer to focus on the neighbors and neighborhood and require responsible mitigation measures for the release of toxins as vapors, in soil gas and in dust in these earlier phases. What worker AND NEIGHBOR monitoring and protections will be used during

demolition? During excavation? Is there a certified industrial hygienist (CIH) or other competent professional managing the worker and resident particle release and vapor exposure issues in these phases, and who is that person? What are the emergency plans to control outdoor air vapors during excavation/construction if the vapor concentrations are higher than predicted? Workers can wear masks or evacuate the site if toxic spots are discovered. What is the plan for neighbors if this occurs? We ask that the residential areas have a baseline air test done prior to destruction of the existing building and air tests during destruction. We ask that residential areas have a baseline air test prior to excavation for the parking structure and during phases of excavation to detect TCE and other toxic substances. Suggested phases would be: around 8 feet down, when aquifer is encountered, and at the "bottom" presumably 26 feet (though deeper depending upon the support structures.) We ask that you require protection for neighbors during demolition, excavation and construction phases of this project. Our health is at stake.

"d" The project IS located on a site known to have TCEs and other volatile organic compounds.

The plan relies on testing data from 2009. What are the current levels of TCA, TCE, cis-1, 2-DCE, and vinyl chloride concentrations in soil, groundwater and soil gas at 385 Sherman? NO ONE KNOWS. "No new site data was collected" by Romig Engineers for their 2014 report on 385 Sherman. The latest figures from our nearest well F34-A (Birch and Grant) were published by HP 5 years ago. Their next 5-year report for 2010-2014 won't be published until 2015. Past data shows significant yearly variations in the nearby wells. The EPA is finding "hot spots" of TCE and other VOCs in unexpected places as the plume moves as well as discovering high levels caused by leaks in the sewer lines of Mt. View (lines which are supposed to carry contaminated water to the sewage treatment plants.) We still do not know the true footprint of the building underground because they have not revealed the support plans, but they will likely require even deeper excavation and more potential exposure to toxins. How deep are they allowed to dig for support structures? Nothing is specified. We ask that you require current environmental testing. One test is worth 10,000 expert opinions. Our health is as stake.

P. TRANSPORTATION AND TRAFFIC

THE ONLY "potentially significant hazard" noted in the MND is regarding the parking garage ramp corners and it is mitigated with mirrors. That's it??? Others can speak better to this issue but the MND fails to tackle the parking and congestion problems this project will create and it fails to look at the comprehensive impacts. The October 4, 2013 Palo Alto Online has the following quote: "Randy Popp, an architect with an office downtown, said at a November City Council meeting "... my clients and I often cannot park within blocks of my office," "I have clients asking to meet me elsewhere to avoid the frustration."

That parking nightmare is what is happening around California Avenue. Friends call me to see if I will be away and they can use my parking place before deciding whether to have dinner at Joanie's café. Why renovate California Avenue if we can't find parking? We all know that 103 parking spots will NOT accommodate the additional workers and WILL create a bigger nightmare. Either eliminate grandfathered parking exemptions for new Developers or delay projects that do not voluntarily build enough parking until rules change. Lowering the roof makes no difference on parking if 100% of office space is retained.

Regarding traffic flow: I watch cars circling the City parking lots hoping to find someone leaving.

Since parking on Birch Street was allowed during the daytime, cars are backing up along Birch Street for 2 reasons: Only one lane instead of two, and, less obvious, (except to those who drive here) cars back up because those wishing to turn west onto Sherman from Birch cannot turn because cars are backed up on Sherman, trying to turn into parking lots or, like me, trying to cross traffic into my Sherman driveway. Meanwhile cars in the City parking lots are backed up in the five driveways trying to get out of the lot or backed up along Sherman trying to get into the City parking. The proposed 385 Sherman Project will add yet another driveway, not far from my driveway and directly across from one of the City parking lot driveways. There IS going to be a negative impact at nearby intersections and long streets.

Require a Transportation Demand Management Plan NOW, which would outline parking and traffic measures to be taken before allowing the building to be built.

A. AESTHETICS

I disagree that "a" and "e" have a "less than significant impact"

The Discussion section states "retention of existing trees along the eastern portion of the site and the planting of new trees will soft views of the building". In a separate letter I explain how the parking garage wall along Building #2 (this eastern portion) makes survival of existing trees and survival of new trees impossible based upon careful application of the minimum setback requirements set forth in the Arborist Report. The Discussion section further states "the proposed building would be similar in scale and mass to the existing structures in the vicinity." Hmmm. The discussion includes the comment that since the ARB is responsible to assure the new structure "will be considerate of" existing structures, that after ARB deliberation and adjustments any "aesthetic impacts would be less than significant".

L. NOISE:

The Current MND determined Noise IS "potentially significant unless mitigation is incorporated" on items "a", "c", "d", "j", "k" and "l". The building is cited as causing on going noise from the roof top equipment.

"a", The project will create potentially significant "Exposure of persons to or generation of noise levels in excess of standards established..."

The mitigation NOI-3 only protects new residents of 385 Sherman with sound rated windows and doors and with an acoustical engineer confirming that these requirements are met. Mitigation NOI-4 provides for air conditioning when the windows must be closed due to noise. The impact on Birch Court residences is not mitigated!

"c", The project creates a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

Since neighbors have no mitigation measure in "a" above and no sound rated windows and doors and no air conditioners, REQUIRE the use of quieter roof top equipment than assumed in the MND analysis, (referenced by the MND as available), and require the evaluation of a qualified acoustical consultant for Birch Court. (See Mitigation measure NOI-2)

"d", The project will create "a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project"

The mitigation allows noise levels up to 110 dBA outside the property. But outside the property is not "Commercial" it is "Residential". We therefore ask that Construction and delivery hours

be limited to 9 AM to 5 PM Monday through Friday and construction prohibited on Saturdays. Who will assure that construction complies with the Noise ordinance? To not comply would result in "significant impact".

In addition: The City and MND fail to evaluate and mitigate the noise generated by employees using the roof top deck or other outdoor areas. The recent addition of two more outdoor areas on the north side at the residential end of 385 Sherman was done with more evaluation for noise. The opinion that Bamboo and some glass will contain the noise of so many people and possible activities is without evidence. Our building is acoustically complex and troublesome. **Retain an acoustical engineer to evaluate noise from employee use of the roof deck and eliminate employee use of proposed deck and amenity space on the north end.**

J. LAND USE AND PLANNING

The MND shows "No impact" on a single aspect ("a" to "g") of this section of MND! I disagree.

"e" Would the project be incompatible with adjacent land uses or with the general character of the surrounding area, including density and building height?"

The MND response is "No impact"! The public comments, architect drawings, and ARB discussions have been precisely around density and building height. The building continues to have 100% of the maximum allowed office space, which in turn impacts the enjoyment of the park, the enjoyment of the neighbors and the presentation and even viability of the landscape. I want to express again my opposition to the scope and impact of the proposed building at 385 Sherman. It remains too massive.

ITEM #2 ENVIRONMENTAL CHECKLIST

The MND fails to take into consideration the CUMULATIVE EFFECTS of the many other construction projects in the California Avenue area (mandated to do so on page 5). This includes the above-mentioned issues: HAZARDS, NOISE, TRAFFIC FLOW, PARKING, AESTHETICS plus AIR QUALITY. Require that this study be done before approving the project.

These are concerns, which need to be addressed or re-addressed by the ARB, the City and the Developer and a revised MND developed and resubmitted for public comment.

Sincerely,
Anne Steinle

August 13, 2014

To: Members of the Architectural Review Board

Re: Proposed 385 Sherman project--Landscaping Concerns

I wish to bring to your attention what appears to me to be serious problems in the current proposed landscape plans. So serious that the only solution I see for tall trees is to require the wall of the underground parking lot on the eastern border be setback to 12 feet (the same as the building wall). Yes--I realize this means shrinking the parking which would be a concern for the developer. However, the City requires adequate landscaping which in this case is a single row of tall trees between the building and our homes. This is a major concern for Birch Court and we look to the City and ARB to assure that this landscaping plan is viable and meets City requirements. If the parking wall on the eastern side is set back from 6 to 12 feet it creates "minimal" room for trees not "ideal" room for trees based upon the Arborist report. I base my finding upon the Arborist Report, entitled Tree Survey Report, 385-399 Sherman Avenue, prepared by David L. Babby for this property. My calculations can be duplicated. **I ask that the City task Dave Docktor the arborist for the City of Palo Alto to review the Arborist recommendations and my application of those recommendations. The building plans should not to approved until the determination of setback on the eastern side is determined.**

I will briefly explain the process I used:

To recap:

Current landscape plans are to relocate two oaks to Ash Street and cut down all other trees except for three American Sweet gum trees (#15, #16 and #17) on the eastern edge of the 385 Sherman property. The plans also show "retaining" five trees on neighboring properties: a red oak in the park, a redwood tree on the eastern side belonging to Birch Court, 1 Fern Tree (Podocarpus) and 2 Birch trees along the northern end, belonging to Birch Court. It currently shows planting 60" boxed Lophostemon Confertus trees, 3 along the eastern side, one at the

corner and 2 along the northern side.

Three incidents set me on the path to understanding if there might be a serious problem. I love trees and I am the liaison to Birch Court's landscape crew. (My family background is arborists and nurserymen. I myself worked in this field for 12 years managing wholesale greenhouses and a landscape crew). I was initially delighted to think the 3 American Sweet Gum trees could be saved. However, I also knew they were older with above ground roots and the Arborist report rated them with Moderate chance of sustainability. I was also troubled by the proposed narrow (6 foot) swath of soil along the eastern side; it seemed impossibly restrictive for anything to thrive. Add to this the reduction of sunlight when the new and old tree can no longer soar above the building. Then I had a chance meeting with the City Arborist who expressed surprise that the 3 American Sweet Gum trees ended up "retained" in the plans.

So, I re-read the Arborist Report, entitled Tree Survey Report, 385-399 Sherman Avenue, prepared by David L. Babby and dated March 20, 2014. What I had not noticed in the first reading was that the report proposes the 2 oaks relocated but ALL trees "removed" on the 385 Sherman property. The proposal retained zero trees (Page 5 of 12). So I investigated.

I then re-read the Arborist's General Design Guideline (pages 8 to 10) presented as "guidelines to help mitigate or avoid impacts to trees being retained and achieve conformance with City requirements." On page 8 of 12 Mr. Babby states "I should be consulted in the event any {guidelines} cannot be feasibly implemented". I have found no evidence that he has been consulted since the March report. He could meet with Dave Docktor.

1. Based upon Mr Babby's specific guidelines for retaining existing trees I calculated the TPZ (Tree protection Zone) for saving each existing tree. My interests were retaining the three American Sweet Gum trees #15, #16, #17 along the eastern border and the two Birch trees along the north side on Birch Court property. (I thought the Red Oak, the Podocarpus and Redwood were OK).

My conclusions are that there is not enough room for the survival to be viable along the eastern border. The numbers predict that the three American Sweet Gum trees #15, #16, #17 currently "retained" will not survive the building excavation. There are additional concerns for them in Exhibit A: Tree Inventory Table page 3 of 4.

2. I then used the Arborist's guidelines for planting new trees. There is simply not enough space on the eastern side for any new tall trees. The 60" boxed Lophostemon Confertus trees will not thrive and grow tall.

Retaining trees

A Tree protection zone (TPZ) is required around every retained tree. No excavation, piling of soil or other disturbance can occur inside this TPZ. Quoting the Arborist: For general purposes, "The TPZ of a particular tree should be a minimum distance from its trunk of five to seven times the trunk's diameter (strive toward ten times the diameter, and/or, beyond the actual canopy)." (page 8 of 12). "As design progresses, I recommend continuing my involvement to identify appropriate TPZs for trees (as they may require setbacks greater or slightly less than the diameter guidelines)". (page 9 of 12). Trunk diameters are listed in the Tree Inventory Table on page 3 of 4. (The diameters may be bigger since last measured in October 2013)... "all referenced distances from trunks are intended to be from the closest edge (face of) of their outermost perimeter at soil grade. ... For onsite measurements, the distance should be obtained from where the trunk and grade meet." (page 8 of 12) "Shoring for the underground garage is critical to avoid any disturbance within the TPZs of retained and relocated trees." Page 10 of 12

Retaining the American Sweet Gum trees

These 3 trees show up in Arborist report as # 15, #16 and #17.

The current proposed line of excavation is 6 feet from the property line.

Calculating the distance from the fence to the tree and the diameter of the tree is straight forward. Calculating "where the trunk and grade meet." was not so straightforward because two trees sit on mounds of exposed roots. I chose conservative numbers. An arborist can say if even greater space is needed.

ONE EXAMPLE:

Tree# 15--- has a 16" diameter , is 10 inches from the fence, has an additional 6"

out to "where trunk meets grade"

*Minimum TPZ distance needed from "trunk meets grade" = 80 to 112 inches
Ideal TPZ distance = 160 inches

To get the distance needed from the property line I add the TPZ PLUS the distance from fence (10") plus diameter of tree (16") plus trunk meet grade (6"). Minimum distance needed from the fence line is 32" plus 80" = 112" , to 32" plus 112" = 144". Ideal ("Strive for") is 32" plus 160" = 192".

Excavation is 6 feet or 72" from fence.

(I completed this process for each American Sweet gum.)

We have a serious problem. The garage wall needs to be moved .

B. Retaining the Birch trees

23 Has a 15" diameter. (Arborist report)

Minimum TPZ is 5 to 7 x the diameter of trunk so = 75" to 105"

Ideal TPZ is 10 x diameter of trunk = 150"

The parking setback on the north side is 12 feet or 144 inches so we are hopeful that the Birch can live. Their roots are extensive since they were planted over 30 years ago. **We do Not have a problem and no further set back is needed.**

PLANTING NEW TREES

The Arborist report on page 10 of 12 specifies that the installation of new trees must be 10 to 15 feet from a wall, foundation etc.

On the Northern wall, two 60" box trees will be planted. The existing 12 foot setback is cutting it close but will probably be OK. (measuring truck to wall deducts 30"). (Also, the roots will have difficulty moving over the property line toward Birch Court due to existing heavy roots).

We do not have a problem and no further setback is needed.

On the eastern side there is only 6 feet of soil available. That is already 4 feet to 6 feet short of the needed space. If the measurement is from the trunk then the space needed is 6'6" too short to 8'6" too short. **WE HAVE A PROBLEM. A garage wall at 6 feet setback does NOT meet the minimal planting requirements for these trees. A 12 foot setback ought to work.**

I ask the City and ARB to bring in Dave Docktor to review this situation. If his findings confirm mine and the Arborist's guidelines, then I ask that the City require the parking lot boundaries on the eastern side be set back to 12 feet (conform to the building setbacks). Only this gives existing trees a chance and allows new trees to grow.

I also ask that Dave Docktor offer his expert opinion on whether to retain the existing Sweet gum trees or remove them and replace the entire fence line with new 60" boxed Lophostemon Confertus trees. The goal is a row of thriving trees.

Sincerely,
Anne Steinle

August 13, 2014

To: Members of the Architectural Review Board

Re: Proposed 385 Sherman project

As a resident of Birch Court Condominiums, I wish to express my opposition to the proposed 897 square foot outside "amenity space" on the second level of the proposed building's north side. This looks directly onto and into the residences of Birch Court. This is a violation of my privacy and my right to the quiet and enjoyment of my home and I ask you to require the elimination of this.

As far back as 2009 there was an understanding that outdoor spaces accessible to people would never be allowed on the north and east sides next to the residences. (Right now, the Birch Court residents of Building #2 suffer from the trapped noise and smells of the current tenants using the small backyard patio on the east side for BBQ, smoking and talking during breaks and lunch.)

This new proposed exterior space was never part of the plans until July 2014 when the City required the developers to "lose" the exempt interior amenity spaces for the July ARB presentation. They "lost" their second floor exempt 1,094 square foot employee break room. But not really; they moved it outside! Note that the roof deck is called a "deck" and the 3rd floor roof deck is called a "deck" but the area on the second floor is called "amenity space". It is NOT a small landscaped deck filled with containerized trees for quiet for a few people to quietly read. It is open space. It is HUGE--bigger than any of

our homes. It will hold A LOT of techies walking around talking on smart phones. There are no limits on its use. It will hold parties. Nothing to stop them from having BBQ's, preparing and serving food daily, having their own cafe.

The only noise restriction is that use ends at 6 PM and no "amplified music". We expect a ROAR of noise all week. A piece of glass is a ridiculous sound barrier especially with the way noise is amplified in our complex. How would even these be enforced? With this outdoor space the City should have and must first be required to address this Noise as a new source for a "Potentially Significant Issue" in a new Negative Declaration. In the MND under "L. NOISE" sections "c)" and "d)" they must address "substantial increase in noise levels above the levels existing without the project". The City would need to hire an acoustical engineer.

In the existing MND, created before this proposed exterior space, they anticipate noise citing the roof deck as one source and required mitigation through noise reducing windows and doors as well as air conditioning for when it is too noisy to have the windows open to cool their homes. Birch Court does not have noise reducing windows and doors. We do not have air conditioning.

We now have privacy and quiet only on our south facing side where we sit to read and watch the weather. We are cooled by the breeze coming in our open doors in summer and warmed by the sunlight coming in our doors in Spring and Fall. The proposed out door amenity would destroy our privacy, our quiet, our peace, our enjoyment of our homes. We would be trapped

inside with our doors closed.

I have focused on the outdoor second floor amenity space. I also ask that you eliminate the 3rd floor north facing deck. Although smaller it is only partially hidden and it , too, will also generate noise that must be legally addressed in a new MND.

Insist a restriction be written that no deck may ever be built on the east and north sides because these violate our right to privacy and quiet. A desire for maximum private gain by the Developers should not be at the expense of our rights. This proposed project is next to a residence not a business. If they want additional fresh air, restore the walkways they designed on the 3rd floor along Sherman and Ash. They have the 2,075 square roof deck. If they want to be good neighbors fill the north set back with trees and no public access. Or give us back a wall.

This issue is a source of deep anguish to us and also dismay because we should not be in this position pleading for protection. The City should be protecting us. We ask you to protect us as part of your stated goal and purpose to "enhance the desirability of living conditions... in adjacent sites."

Sincerely,

Anne Steinle

Tamale, Diana

From: French, Amy
Sent: Thursday, August 14, 2014 3:09 PM
To: plholland@aol.com
Cc: Tamale, Diana
Subject: RE: 385 Sherman :: comments to City Council

Thank you for the email. We have received many comments. I am forwarding yours to Diana Tamale to include with the ARB packet.

From: plholland@aol.com [<mailto:plholland@aol.com>]
Sent: Thursday, August 14, 2014 11:05 AM
To: French, Amy
Subject: Re: 385 Sherman :: comments to City Council

Dear Ms. French,

Below are comments I delivered to the City Council during open communications on Monday, August 11th, 2014

Regards,

Peter Holland

Good Evening Council Members. My name is Peter Holland, and I live at 342 Grant Avenue, next to 385 Sherman, a property which is three-story project currently before Palo Alto's Architectural Review Board.

I want to comment on the lack of transparency and fairness in the ARB hearings regarding 385 Sherman.

- The ARB held a hearing on July 17, 2014 and the Project Architect for the Applicant said that it would file revised plans due to concerns raised by the ARB and by several neighboring owners.
- The Architect requested a continued hearing to early in August. ARB said that the hearing could only be held on August 21, 2014, and that the Applicant and the Applicant's architect should make any reviewed plans available by August 4, 2014 or the week of August 4th to the Staff and to interested members of the public.
- Those revised plans have not been made completely available, and were not posted on the City website until late on Friday, August 8, 2014, and continue to be updated as of today, the 11th of August.

- The ARB set a further deadline for submitting any written comments concerning the revised plans of August 13, 2014 in anticipation of completing a Staff Report for the ARB meeting on August 21, 2014. I and the neighborhood residents work and do not have the time, between today and Wednesday, to review the extensive details that are set forth in the revised plans.
- This is not the first time this has happened. Prior to the July 17, ARB hearing the Appendices to the Project Mitigated Negative Declaration, which total 1,715 pages, were not made available until late on the Friday before that hearing, July 11, 2014.
- The fairness and transparency, when the neighbors to a proposed project are forced to review 1,715 pages of extremely technical supporting documents to an environmental review of the project, and did not get the promised revised plans for a document in time for the continued hearing, is not present.
- I request that the City Council direct Staff to continue the ARB hearing of 385 Sherman, so that there can be sufficient time for all concerned to review the lengthy and technical documents to be evaluated at that hearing.

Tamale, Diana

From: Shannon Rose <shannonrmcentee@gmail.com>
Sent: Friday, August 15, 2014 8:14 PM
To: Architectural Review Board
Subject: 385 Sherman Project

Dear ARB members,

I'm concerned that a big 3-story office building at 385 Sherman will cause problems we aren't looking for. The City keeps crying about affordable housing and residents keep crying about parking and traffic congestion. The Sherman location is the perfect location for affordable housing -- close to transportation, groceries, shopping, and jobs. And it's next door to other multiple residential housing. Housing would fit right in and that's what the city needs. We don't need more offices here to clog up traffic. We need housing for the people who already work here and want to live where they work.

Sincerely,

Shannon McEntee

PS I understand that windows and decks for the proposed building will be very close to the housing on Birch Street and look right into their windows. That is awful! And it's bad design.

Tamale, Diana

From: French, Amy
Sent: Friday, August 15, 2014 10:19 PM
To: Tamale, Diana; Architectural Review Board
Cc: Reich, Russ
Subject: Fwd: Concerns regarding 385 Sherman project

Sent from my iPhone

Begin forwarded message:

From: Pat Beatty <patbeatty621@aol.com>
Date: August 15, 2014 at 4:53:11 PM PDT
To: <amy.french@cityofpaloalto.org>
Subject: Concerns regarding 385 Sherman project

Dear Amy French,

I am an owner and resident at the 40 unit Birch Court condominium complex and I wanted to express my concern regarding a large amenity area proposed for the second floor, North side of the 385 Sherman building project. Although the staggered floors on the building plans are better than severe walls, there is still a privacy factor that I am hoping can be better addressed.

A set back over the garage entrance without "people access" would afford the 9 residences of Bldg. 3 greater privacy.

The overall mass of the building seems to be out of proportion with the rest of the structures on the block. A smaller scale would blend more harmoniously with the park, the neighborhood and the nearby business district.

Safety in regard to the location of the underground parking ramp entrance near the busy Birch and Sherman streets intersection during construction as well as afterwards was another concern. The ramp will also be close to the condo garage entrance and across from the large busy Birch street parking lot.

Sincerely,
Pat Beatty
2516 Birch Street

Tamale, Diana

From: French, Amy
Sent: Saturday, August 16, 2014 10:38 AM
To: Kathleen Steinle
Cc: William Ross; Tamale, Diana
Subject: Re: Community letters presented in chaos

Thank you for alerting me to the problem. I am copying Diana who uploaded the letters via our minute trac system. I will review all correspondence received Monday to ensure orderly and send to the Board and have posted online.

Sent from my iPhone

On Aug 16, 2014, at 8:10 AM, "Kathleen Steinle" <anne.steinle@gmail.com> wrote:

Amy French and the Members of the ARB,

As Amy French knows, I submitted 3 separate letters this week to the ARB for the August 21 meeting regarding 385 Sherman.

One letter was about the amenity space on the north side of 385 Sherman, one was about the landscaping and one discussed concerns with the MND.

I put a great deal of thought into these letters and it is important to me to know the ARB has a chance to read these thoughtfully.

I took a day off work so that all letters would be received by the City well within the time constraints and received your email assuring me they were in the ARB packet.

I have just looked the ARB packet and am shocked and dismayed by the utter chaos of all the community letters and mine in particular! The pages of my letters are separated from one another and intermingled with other peoples letters. Letters from August are intermingled with old letters from July. Some are formatted differently than presented (pieces of one page now on 2 pages). Pieces of some letters are duplicated.

How can our letters as presented in the ARB packet be given a fair reading? They are in chaos or buried in the past!

I ask that you put the August letters back into order and resend the August letters to the ARB on Monday August 18 with a cover letter of explanation to the ARB.

I list below, in YOUR order, the letters as they appear in the ARB report.

Anne Steinle

Details of chronology in staff report:

(earlier letters from June and July also out of order but pages together,) THEN:

July 9	Steinle letter , page 1
August 13	Steinle letter regarding deck blank page

July 9	Steinle letter page 1 only of 2 (missing page 2 AND repeated)
July 9	Kiser letter page 1 only (missing pages 2- 4)
August 13	Dwight page 1 only (missing page 2)
July 14	david van Etta
August 13	Dwight (page 2 only, missing page 1)
July 9	Kiser, (the missing pages 2-4 from above)
July 8	letter from William Ross
July 7	Peter Holland
July 7	Missing page from Steinle
August 13	Letter from Noel Javiionar
Aug 10	Kerry Spear
Aug 10	Paul Machado
Aug 13	Steinle letter, page 1 only of MND--other pages missing
Aug 13	Steinle, page 1 only of landscape--other pages missing
Aug 9	William Ross
Aug 13	Steinle, -the missing pages from landscape and presented in broken segments
Aug 13	Steinle --the missing pages from MND-now separated from page 1 by
many pages	

I asked that you resend the community letters regarding 385 Sherman, prepared for the ARB review

Tamale, Diana

From: French, Amy
Sent: Monday, August 18, 2014 6:49 AM
To: Tamale, Diana
Subject: Fwd: Automatic reply: 13PLN-00528 385 Sherman Ave

Sent from my iPhone

Begin forwarded message:

From: Mary E Ryan <mryan7350@yahoo.com>
Date: August 17, 2014 at 3:49:16 PM PDT
To: Amy French <amy.french@cityofpaloalto.org>
Subject: Fw: Automatic reply: 13PLN-00528 385 Sherman Ave
Reply-To: Mary E Ryan <mryan7350@yahoo.com>

13PLN-00528 385 Sherman Ave.
August 13, 2014

Palo Alto ARB

The proposed building is too big for the site.

In December of 2013 the plans for 385 Sherman had 55,000 income generating square feet. The ARB thought it was too massive then. The response? The developers now propose a building that has 55,000 income generating square feet. And 1,000 square of noise-producing exterior space.

The ARB is charged with ensuring that new structures are consistent with existing structures. Allowing a 44 foot tall office building to come within a few feet of existing homes is wrong. This massive structure is jammed right up to the property line, giving 8 Birch Court families the view of massive wall.

This massive building is next to Sarah Wallis Park. Sarah Wallis Park is .3 acres. It is described by the city as a "gem of a park with its colorful plantings" that "provides a tranquil spot for workers, locals and passersby". It is the only park available to the seniors who live across the street and to the apartment dwellers on Grant. The proposed building is going to overwhelm this tiny gem. The four residential units in the proposed building will effectively have a lovely front lawn paid for and maintained by the citizens of Palo Alto, while the citizens of Palo Alto, the users of the park, will get to look at a massive 44 feet high building.

In addition to massive size, the newly added exterior gathering areas on the 2nd and 3rd floor will create unending noise for the families at Birch Court. The impossibility of effectively imposing any restrictions on the use of the decks by the future owners and tenants at 385 Sherman was discussed at the July 17th ARB meeting. There will be no recourse for the families of Birch Court. Please don't pretend that open air glass wall will eliminate the problem. The only way to insure the quiet enjoyment of the Birch Court property is to eliminate the decks on the North side.

Do not recommend approval of this project, unless and until the develops significantly reduce the size.

Environmental Concerns

I have environmental concerns. I have attached the letter that I sent in preparation for the July 17th ARB meeting.

At the July 17th meeting those concerns were labeled "a distraction" by the developer's attorney, the City Attorney said basically that environmental concerns aren't her job, and the ARB staffer said that everything is fine environmentally because he had a *phone call* with the RWQCB the day before. There are 1700 pages of documentation for the project, but we are expected to be satisfied with second hand information from a phone call.

Attached also is a letter to my letter to Roger Pappler at the RWQCB. Mr. Pappler was interested in hearing our concerns and is sharing them with the EPA. I am asking for consideration of the unique conditions at this site:

- 1.) This site is within a few feet of the neighboring residential units. At least one resident has a **comprised immune** system that cannot tolerate exposure to toxins.
- 2.) This site is **adjacent to a city park** where workers from the nearby county building eat their lunches.
- 3.) This site is close to the Blossom Birth center, and **the pregnant women** who attend over 125 classes per month at the center **park in the lot directly across he street from the site.**
- 4.) There are 10 **outdoor restaurants** within a block of the site.

I am asking for a clear statement that there is 0% risk of harm to residents, park users, restaurant patrons, and the pregnant women who attend classes at Blossom Birth. I am asking that a soil management plan be required prior to the approval of the project, and that air monitoring be undertaken before and during excavation in the residential area, with a planned response if any anomalies are found.

I wonder why I had to ask for these protections and why the City of Palo Alto has not.

Thank you.

Mary Ryan
302 Grant Avenue
Palo Alto, CA 94306

On Saturday, August 16, 2014 2:54 PM, "French, Amy" <Amy.French@CityofPaloAlto.org> wrote:

Please email me your comments and I will send to the ARB today. Russ was on vacation for two weeks. He returns Monday and he will forward any other comments that were not already sent to the ARB first thing Monday.

Sent from my iPhone

On Aug 16, 2014, at 11:32 AM, "Mary E Ryan" <mryan7350@yahoo.com<<mailto:mryan7350@yahoo.com>>> wrote:

My email to Russ Reich at the ARB was not included in the packet of materials that were posted for this project. WHY?

He is our contact.

I assumed that his emails would automatically forward in his absence, especially when there are deadlines on continuing projects.

There is no excuse if they were not forwarded.

Mary Ryan

On Wednesday, August 13, 2014 4:12 PM, "Reich, Russ" <Russ.Reich@CityofPaloAlto.org<<mailto:Russ.Reich@CityofPaloAlto.org>>> wrote:

I will be away from the office on vacation through August 18th. I will return to the office on Tuesday August 19th. I will respond to your email when I return.

Russ Reich
Senior Planner

Tamale, Diana

From: French, Amy
Sent: Monday, August 18, 2014 6:48 AM
To: Tamale, Diana
Cc: Reich, Russ
Subject: Fwd: letter to ARB

Diana please package this today with Mary Ryan's letter and the packet's letters (unscrambled), and send as a single PDF to the Arb and work with Alicia to post on the development projects webpage as well as link to the Arb report somehow. I want to review the set prior to posting.

Sent from my iPhone

Begin forwarded message:

From: jie bai <baijiexiu@yahoo.com>
Date: August 17, 2014 at 11:21:33 PM PDT
To: "russ.reich@cityofpaloalto.org" <russ.reich@cityofpaloalto.org>, "amy.french@cityofpaloalto.org" <amy.french@cityofpaloalto.org>
Subject: letter to ARB
Reply-To: jie bai <baijiexiu@yahoo.com>

Dear Members of the ARB,

My name is Jie Bai and I live at Birch Court in building #2. So I live directly next door to the proposed 385 Sherman Project.
I recently returned from several months overseas and in reviewing the current plans I have several concerns.

The deck/amenity spaces on the north side of the building must be removed! They were never in the original plans because they would a terrible invasion of our privacy . We have the right to enjoy quiet in and around our homes. Decks filled with employees talking all day is NOT normal next to a residence. There are very few rules leaving open so many activities that could occur on the decks. You mention quiet conversations. But they are more likely to celebrate holidays and birthdays, roll out a TV and watch a sports game. Right now there are "rules" at 385 Sherman but no one enforces them. The workers talk loudly on their cells phones all day , their cigarette smoke drifts in to my home, they BBQ and I must smell their food. This has already been a very unhappy experience for me. Rules cannot be enforced. Constant noise with no way to control it, with no way to have quiet in my home is unacceptable. These decks are unacceptable next to Birch Court. You have taken away so much of my sunshine and view. You may not take my privacy and quiet as well.

I also read that there are ways to have more quiet from the roof equipment. Please require the Developer to use better quality equipment. We deserve to have our homes

be as quiet as they were before you add the equipment. We do not have special windows and airconditioners. You do not have the right to harm us. Constant noise that we have no control over would be terrible. You would harm us and create bad relationships between us and our neighbors. The Developer must meet his responsibilities to build respectfully of neighbors in this area as well.

Sincerely
Jie Bai
Unit # 354 Grant