

BRISBANE PLANNING COMMISSION
Summary Minutes of October 13, 2015
Special Meeting

A. CALL TO ORDER

Chairperson Do called the Special Meeting to order at 7:30 p.m.

B. ROLL CALL

Present: Commissioners Anderson, Munir, Parker, Vice Chairperson Reinhardt and Chairperson Do.

Absent: None.

Staff Present: Community Development Director John Swiecki and Associate Planner Julia Capasso.

C. ADOPTION OF AGENDA

Vice Chairperson Reinhardt moved and Commissioner Munir seconded to adopt the agenda. The motion carried 5-0.

D. NEW BUSINESS

1. PUBLIC HEARING: Brisbane Baylands Final Environmental Impact Report and related Planning Applications. Baylands Concept Plans, Brisbane Baylands Specific Plan, General Plan Amendment Case GP-01-06. Specific topics: Traffic and Circulation, and Noise. Universal Paragon Corporation: Applicant. Owners: Various. APN: Various.

Chairperson Do reminded the public of the framework established regarding how the public hearings will be conducted. She noted that adopted Planning Commission rules call for meetings to end at 10:30 p.m. unless otherwise extended by a majority vote of the Commissioners present.

Lloyd Zola of Metis Environmental Group, consultant to the City for preparation of the Baylands Environmental Impact Report (EIR), presented the staff report. Andy Kosinski of Fehr and Peers discussed the traffic analysis methodology.

Chairperson Do invited public comment from the audience.

Anja Miller read from her written comment letter [attached to these minutes as an addendum]. Regarding Noise, she said that CNEL (Community Noise Equivalent level) is an algorithm including ambient noise over a 24-hour period.

Susan Sullivan-Maynard stated she is a member of the Complete Streets Advisory Committee to the City Council and had participated in the Geneva-Harney Feasibility Study with the San Francisco MTA, which recently concluded. The MTA hosted a workshop recently to discuss the

location of the Intermodal Station and looked at two timeframes- 2020 and 2040. She stated the process is still in a study phase and no decisions have been made. She mentioned with regard to BRT, the problem area is how BRT is going to run between Bayshore and Highway 101. She mentioned a second issue is the amount of bicycle transportation that runs north-south through the edge of Brisbane.

Tony Verreos was concerned with hearing truck back-up beepers at night. He was also concerned about automobile traffic noise and airplane noise. He said the noise levels shown in the EIR are unacceptable. Mr. Verreos requested the Planning Commission look at noise levels that are acceptable in the City of Brisbane and consider the whole city, not just downtown, and to look at reducing truck noise.

Barbara Ebel read Coleen Mackin's written comments [attached to these minutes as an addendum]. Ms. Ebel stated her own concern with noise and vibration resulting from densification and site preparation, particularly pile driving. She mentioned the Bayshore crossing of 101 is not addressed anywhere in the chapter, an impossible omission since a large portion of bike commuters are expected to travel north to Super District 3. She was concerned with bicyclists making the trip over 101 safely at Bayshore.

Jonathan Scharfman of UPC, project applicant, mentioned in the Staff Report that the council-approved CPP and CPPV scenarios project over 16,000 jobs. He stated the DSP lists a marginal number above that and ask Mr. Zola to verify that number and whether it should be 17,000. The CPP and the CPPV have almost twice the greenhouse gas emissions resulting from additional trips compared with the DSP. He suggested the Planning Commission take the numbers for what they are as the best science to follow and speak to various employers regarding projected number of jobs.

Barbara Ebel said withholding occupancy permits was the only tool that the city has if significant impacts are not remediated to agreed-upon levels. She was concerned that fear of litigation might dissuade the City from doing this.

Clara Johnson referenced Mr. Scharfman's comment that the City of Brisbane had already made a decision and that they were in favor of eight million square feet of commercial space and stated her belief that this is not a true statement. Ms. Johnson agreed with the comment regarding pile driving and Mrs. Miller's comment about the need for additional studies due to increased traffic. 15,000 housing units are proposed between Candlestick and Hunters Point, 3250 are located either at Schlage or Candlestick. She read additional comments into the record [attached to these minutes as an addendum].

Tony Verreos mentioned the EIR recommends limiting standard construction activities between 7:00 am – 7:00pm, Monday – Friday and 9:00 am – 7:00 pm on weekends and holidays. Mr. Verreos stated the weekends should be excluded. He feels traffic will be negatively impacted regardless of what we do. It doesn't seem that Bayshore will be widened any time soon, so traffic will continue to get worse. He feels that even with the hazardous waste, developers can build safely, and it is our job to be sure they build safely. He would not like to see the same

event happen that occurred in San Bruno with PG&E. He is not impressed with UPC's original plan, but that plan may change between now and when they build, so he would like to see a well laid out plan and what is best for Brisbane.

Joel Diaz discussed high speed rail (HSR). He said the HSR Authority has proposed a maintenance yard at the Baylands and this should be analyzed in more depth in the Final EIR as recommended by the California State Lands Commission, California HSR Authority, San Francisco Mayor's Office, San Francisco Planning Commission, CREBL, and the citizens of Brisbane. He said it could be analyzed in conjunction with the renewable energy alternative. He noted on June 22, 2009 Council decided not to include HSR in the renewable energy alternative because the City Attorney advised that if HSR was included, it would imply that it may be a desirable use. However, if it is included and the State would purchase the land for HSR, then they would allow us to have renewable energy on the property. He submitted the minutes from the 2009 City Council meeting. Mr. Diaz questioned whether the EIR analyzed traffic impact at each phase of build out. He feels the Planning Commission should deny the EIR based on the public's inability to fully understand the traffic impact, especially if it is based on a 2010 standard for 2035 project.

Tony Verreos mentioned that before Brisbane was incorporated as a city there were a host of problems. He suggests that we should not be afraid of change and afraid of development, but be careful of how it is done.

Joel Diaz also mentioned that the Phase 1 component is proposing 4,500 homes. He asked what if homes are not approved, especially if there is a rush to approve the EIR.

Chairperson Do made a motion to continue Traffic/Circulation and Noise to the next meeting. After discussion, the Commission agreed to continue the hearing to November 12, 2015.

Mr. Zola suggested in preparation of the continued hearing on November 12 that the Commissioners review the comment letters discussed today from Daly City, San Francisco, and the California HSR Authority [located in Chapter 5 of the Final EIR] as well as the responses to their comments [located in Chapter 2 of the Final EIR]. Mr. Zola clarified that the EIR's statements regarding HSR are that the design, operation and location of a maintenance and storage facility on the Baylands is speculative as no specific proposal has been made by the HSR Authority. Mr. Zola mentioned that if at the end of the Planning Commission's hearings and deliberations the Commission believes that a HSR maintenance yard ought to be included in the Baylands, there is an option to say exactly that.

Ms. Zola said the EIR may identify housing projections and identify issues related to housing in the Bay Area, but the Commission is not obligated because of that analysis to approve or disapprove of anything within the Baylands. The City has already met its housing obligation for the current Housing Element planning cycle in adopting the 2015 Housing Element.

Mr. Zola said the EIR and the project proposals are based on the Geneva Avenue extension and improvements to the Candlestick interchange being completed. The improvements to Geneva,

the Geneva extension, and the interchange will provide for bicycle access to the Bayshore Caltrain station as well as over the Highway 101. In all alternatives, except no development, the Bay Trail would be connected to all extensions.

Mr. Zola said the Mitigation Measures are enforceable. The EIR addresses buildout of the entirety of the Baylands in the DSP scenario. Phases 1 and 2 come into play in the Air Quality section in regards to construction impacts. The mitigation measures require that all facilities that are needed at that intersection be in place, paid for, operational and functional prior to any of the development.

Mr. Zola said the Commission has discretion when reviewing any project as to what significant unavoidable impacts are acceptable, whether to reduce the buildout of the development to one of the reduced intensity alternatives such as the renewable energy plan.

Chairperson Do asked Mr. Zola to clarify the CNEL versus the DBA distinction. Mr. Zola explained a single event noise level (e.g., a plane flying overhead) is measured in decibels (DBA). CNEL is a mathematical way of averaging noise over a 24 hour period.

Chairperson Do requested that Mr. Zola address the comments regarding occupancy permits. Mr. Zola stated that the city has full control over a site specific development and has every legal right to withhold or deny occupancy until all required conditions have been satisfied.

Allison Krumbein, special legal counsel to the City, explained that CEQA goes beyond the geographic boundaries of individual municipalities and CEQA requires impacts to be analyzed. Unfortunately you cannot enforce mitigation measures that are beyond the limits of Brisbane. When mitigation measures would rely on approval of other agencies, the EIR has concluded that those impacts would remain significant and unavoidable because we cannot guarantee that the measures would be implemented. When that occurs, it is up to the City Council to decide whether it believes that the value of the project outweighs those significant unavoidable impacts. If so, they would by approving a statement of overriding considerations.

Chairperson Do responded to a comment regarding applicants speaking at public hearings. She stated the applicants have a right, like the public, to participate and speak at public hearings. Consulting Attorney Allison Krumbein confirmed that statement citing the Brown Act.

Chairperson Do requested an update on the survey results. Mr. Swiecki responded the Council will be setting a special hearing for the following week for the survey consultant to make a presentation.

Joel Diaz reiterated his previous suggestion about including HSR within the EIR.

The Planning Commission requested that staff reach out to the HSR Authority to either present or give an update regarding their project.

Mrs. Miller reported that she had attended the HSR public forum in Burlingame last week, where HSR was encouraging the people and the cities to say what they want – the HSR's new "Bottoms

Up” planning philosophy. In the City of San Mateo a cooperative approach had already resulted in 2 grade crossings being upgraded to safer overpasses.

Chairperson Do called for a motion to extend the meeting. Commissioner Munir moved and Commissioner Anderson seconded. The motion carried 5-0.

Chairperson Do called for a motion to continue the discussion of Public Hearing #3 to November 12, 2015. Commissioner Parker moved and Commissioner Munir seconded. The motion carried 5-0.

E. CONSENT CALENDAR

None.

F. ORAL COMMUNICATIONS

None

G. WRITTEN COMMUNICATION

Chairperson Do noted the Commission received Clara Johnson’s written comments regarding Public Hearing #2 and reminded the public of the Parkside Plan Pop-Up Workshop on October 24th, 10:00 am -12:30 p.m.

H. ITEMS INITIATED BY STAFF

None

I. ITEMS INITIATED BY THE COMMISSION

None

I. ADJOURNMENT

Commissioner Munir motioned and Commissioner Anderson seconded to adjourn to the regular meeting of October 22, 2015 at 7:30 p.m. The motion carried 5-0 and the meeting adjourned at 11:15 pm.

Attest:

John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on DVD at City Hall and the City’s website at www.brisbaneca.org.

From: Anja Miller, Brisbane Resident

RECEIVED 10/13/15 at hearing
ATTACHMENT 1
RECEIVED
JSC

OCT 13 2015

FEIR Comments on Traffic and Transportation

Comm. Dev. Dept. Brisbane

Right now we who live in Brisbane don't have many traffic problems as long as we aren't trying to go to San Francisco or further down the Peninsula on 101.

The public transportation we had decades ago was better than today, with Greyhound running on Bayshore every 20 minutes and our local little bus connecting to it, Tanforan and BART. This was before SamTrans even existed. So now we have the SamTrans mainline and the commuter shuttle, but not as often and conveniently as before, so we need to do a lot more driving.

BUT this FEIR, which only a few of us are able to read or pay attention to the traffic impacts described in it, clearly reveals that we'll soon have major traffic problems to affect us even before anything is built on the Baylands.

Master Responses 22 and 23 make it clear that the regional and local traffic impacts that would be contributed both under the sections "Existing with Project" as well as "Cumulative with Project" by all proposed scenarios, when considered with the traffic from all the massive developments already approved and/or under way in San Francisco and Daly City, would be significant and unavoidable. What that means is that 101 will be a parking lot even more often than it is now and that we'll have great difficulty just getting out of town or back home. Except for letters from San Francisco and Daly City, it is very disappointing that there has been little concern expressed by other cities about these coming unavoidable impacts not only on Brisbane but all our neighboring bayside cities.

C/CAG has its Congestion Management Plan and associated Transportation Management programs, but it is highly questionable how that organization can "enforce" those mitigation measures and ensure their effectiveness, as stated in **Master Response 24**.

Master response 25 cites studies that predict a continuing jobs-vs-housing imbalance in our subregion and thus the need for housing in the Baylands. So the recommendation is that we Brisbane taxpayers should just shoulder the costs to our city for providing this "housing

mitigation” and still accept the unavoidable, tremendous coming congestion on our arterial streets.

And not only that, we are expected to willingly change our very good, workable current General Plan to allow a major reduction in the Levels of Service at our main intersections. Those reasonable levels are currently setting the limits to unreasonable development within our borders. Actually, to provide better understanding of what is meant in real life with the various Levels of Service, I hope your Commission will invite Carol Nelson, Brisbane’s former Planning Director, to present a fuller description and justification for that part of the General Plan, which she knows better than anyone.

Master response 27 claims that trip generation studies in 2007 and 2010 are “appropriate” as a “baseline” for projections of future traffic impacts. We all know that there is an accelerating building boom especially in San Francisco and that 2015 traffic is already much heavier than that “baseline.” More studies are definitely needed before any certification of this FEIR. Those studies should also address the effects of the ever-increasing commuter demand on heavy and light-rail transit, including the combination of CalTrain and High Speed Rail.

Finally I have to bring to your attention that the most knowledgeable member of our ad hoc Citizens Committee is currently indisposed and unable to offer you her valuable comments. Beyond that we all feel that there needs to be much more public information about all the impacts not only from the proposed development of the Baylands but the unavoidable impacts of developments and recommended mitigations that we have no control over in the wider region. The least you can do right now is to schedule another hearing on tonight’s topic later on in your program. Thank you.

Anja Miller
Brisbane Resident
Chair, Citizens Committee to Review the Baylands DEIR

RECEIVED 10/13/15 at hearing JSC

From: Colleen Mackin, Brisbane Resident ATTACHMENT 2 RECEIVED

OCT 13 2015

Comm. Dev. Dept. Brisbane

Transportation and Circulation FEIR

Three letters, L-O-S, are the most important you need to know in any discussions about Traffic and the Baylands.

LOS stands for Level of Service and it's used to describe whether you are:
moving fast, at or above the speed limit (level A),
expeditiously, at the speed limit (level B),
moderately, near the speed limit (level C),
with declining speed, (level D),
at capacity, with maneuverability extremely limited (level E),
or a breakdown in flow, bottlenecks, or standstill (level F).

The 1994 Brisbane General Plan says that residents should be able to *comfortably* travel across town and gain access to Hwy 101.

It also says the level of service on all streets should not be below level "D".

And it purposefully states that on Bayshore at the Old County intersection and at the San Bruno intersection, the level shall not be less than "C".

The developer used a July 2007 study to show the service levels at various Brisbane intersections from the northern part of the Baylands down to San Bruno Avenue at the southernmost point. This is a study that the City and County of San Francisco deems "*conservative*" and "*unclear whether it takes into the post-recession 2010 or 2012 traffic counts, or Candlestick Point & Hunters Point Shipyard plans.*"

Does an eight-year-old study adequately reflect current conditions?

When you talk about activity at the Baylands and traffic, you can't forget the cumulative impact of more than 15,000 new housing units to our north in San Francisco and Daly City.

This doesn't even take into consideration additional housing and commercial developments to our south on the Peninsula. You can see the offices being built at Oyster Point and the future Centennial Tower 2 at Sister Cities.

So when the developer proposes any traffic mitigation plans, you have to stop to consider whether adding better timing to traffic lights, or another turn lane at Geneva and Bayshore, or even an additional lanes to existing roadways will mitigate the cumulative impacts of development around the Baylands and south of Brisbane.

Caltrans said, "...we find a significant under-estimation of AM (PM) generated trips, while comparing generated traffic of Table 4.N-15 versus that of Institute of Transportation Engineers...and recommend revising accordingly."

2

Caltrans further recommends studying “intersections from the south that inhibit traffic going to-and-from the project site.”

Daly City says that the developer’s analysis of traffic, “assumes transit and roadway improvements that have not been approved nor funded. Some mitigation measures assume that Daly City will pay for the improvements...instead of the project developer or government agency where the project is located.”

Daly City further writes: Mitigation Measure 4.N-1a states that it “would require action by the City of Daly City...but does not specify which entity would be required to finance these changes to ensure that the mitigation measure is undertaken.”

San Francisco’s Planning Department writes that, “We believe that there could be conflicts that would arise out of siting high intensity commercial, office, institutional, residential or open space uses in close proximity to the Recology site. Traffic increases from future Baylands activities could conflict with necessary truck and vehicular access to and from the Recology site on nearby streets. This could result in transportation impacts not only with respect to truck and vehicle traffic, but also to planned Bus Rapid Transit, pedestrian and bicycle routes through the area.”

San Francisco further asserts: “...transit mitigation measures 4.N-7 and 4.N-9 are too vague and lack the specificity or clarity necessary to understand what is being proposed, how the measures would be implemented or funded or how effective they would be in terms of mitigating identified impacts.”

The developer defers to “future study” without specific criteria or effectiveness.

San Francisco Planning Department says that without including hi-speed rail as “a reasonably foreseeable rather than speculative” alternative, there is a hole in the EIR leaving decision-makers guessing what level of mixed-use development can avoid many of the significant transportation impacts.

The developer proposes mitigating transportation impact by encouraging usage of public transit such as Caltrain.

Caltrain says that adding 5900 to 10,000 trips to their system at Bayshore station will have a significant impact to their capacity and that assumptions about their ability to support this increased level of ridership should be documented.

San Francisco Municipal Transportation Agency supports Transit-Oriented Development but also says mitigation measures are often vague and not specific enough. They cite impacts to San Francisco transit operations from the Baylands and the necessity to contribute to capital costs for increased transit and also the years of lead time to procure additional vehicles and develop new plans.

3

So the final words I will leave you with are “significant and unavoidable”.

That is what you’re looking at with the Developer (DSP) and Community Sponsored Plans (CSP) at the Baylands.

Are you okay with Hwy 101 traffic *already* spilling onto Bayshore?

The 15,000 +housing projects in San Francisco’s Hunter’s Point and Candlestick and Daly City aren’t completed. Add significant development to the Baylands...and to the south.

Now imagine trying to get home to Brisbane.

We have limited entry and egress to our town and increased traffic will be significant and unavoidable.

The cumulative effects of what gets built around us need to be factored in because that’s what you’re going to end up with.

Mr. Scharfman told the Planning Commission recently that he’s ready to start development whenever he can. And no matter what he tells you, the transportation hasn’t caught up nor has it adequately been studied.

Clara Johnson Comments Pub Hrg #3 Traffic/ Circulation/Noise FEIR Plan Com Baylands

MMR Pg 4-63 MM 4.I-1

I don't agree that the General Plan roadway level of service standards should be changed and therefore I don't support a General Plan Amendment to do so.

Separate note: I have concluded that DSP, DSP-V, CPP & CPP-V are not appropriate for this site. The traffic of the project alternatives is so significant that it cannot be mitigated. The result is that the quality of life for the people of: Brisbane, Visitacion Valley, Bayshore Daly City is adversely impacted. We would be subjected to delays at all arterial intersection and on the freeway. Our air quality will be worsened. Our town's character will be lost. The political center will be changed if housing were built and community values would change.

I believe that any income from this project would be offset by the need of constant monitoring and oversight that is needed.

This land is a railyard that is contaminated, an Industrial Way with potentially more contamination. A unengineered Landfill on Bay mud. It has a rail line through it. It has upland contaminated land that drains through it. It has a contaminated site beside the Lagoon (VWR). It has a Regional Petroleum Distribution Facility within it. It has underground petroleum running under it.

It has a contaminated remediated Schlage site north of it which is not clean just less contaminated. It is next to the Bay and next to a 10 lane freeway providing primary auto and truck transportation southbound from San Francisco and a four lane arterial on its western border. It has numerous small contamination containing sites on the other side of that arterial.

This site should be lightly and carefully developed. The proposal for placing renewable energy in the form of 100 acres of solar panels and perhaps some wind generation in a small format might work. They also propose 1 Million sq ft of retail and research and development. It seems like a lot but something has to pay for the remediation, monitoring and oversight. The high speed rail repair facility could help pay for needed services. It must be screened and hidden. The noise from it has to be mitigated. Putting the solar panels on noise attenuated roofs over the tracks might help. State of the art recovery traps for escaping industrial chemicals should be required. Extensive wetlands could really help the quality of Bay water in this localized area. Recreation uses like a Velodrome for Bicycle racing or an entertainment venue would allow for limited exposure to potential health threats and that would be better than constant exposure. It could all fit including Recology and its anaerobic digesters, properly filtered for air pollutants and odor. Look out for the SFHHW facility, it may be coming.

MMR Pg 4-65 MM 4.J-1a

Noise and Vibration

An exterior level of noise within common areas of 64 DBA (a measure attuned to human hearing)CNEL of any use is very loud.

Clara Johnson Comments Pub Hrg #3 Traffic/ Circulation/Noise FEIR Plan Com Baylands Page 2

. A 65 DBA CNEL area is where the FAA requires an airport to pay for noise attenuation measures in residential, schools and public meeting buildings You can't hear someone speak close to you at that level.

The Brisbane noise ordinance requires that noise generated on a property be below 65 DBA when it reaches the property line but that is not a very restrictive standard but it is better than this. A study should be done to determine what is a non- stressful level of exterior noise for most people and that should determine the exterior standard.

MM 4.J-1b

Hotels, See last paragraph above in MM 4.J-1a

MM 4.J-2a

The distance from the tracks should be 400 ft. rather than 200 ft. for inhabited building included in this mitigation.

4.J-4a The temporary plywood noise barriers need to have noise attenuation treatment to be at all effective for buildings as close as 75 ft.

The City of San Francisco' comments on Traffic and Circulation included:

1. concern that Program EIR needed to be done . yes needed
2. There was no access for Bicycles to BRT/Caltrain hub must be fixed
3. Concern that high intensity use near the existing Recology site would result in conflicts. Reduce intensity
4. Mitigation Measures " 4.N7 and 4.N 9 are too vague and lack the specificity and clarity needed to understand what is being proposed, how the measures would be implemented or funded or how effective they would be in terms of mitigating identified impacts" I agree
5. "The Mitigation Measures are not specific enough" I agree

4.N-1a

This is inadequate. Project must be sized to not create un-mitigatable significant impacts. There are no overriding considerations

I strongly object to the provision that states the City Engineer will inform the Building Official that certificates of occupancy may be issued despite the fact that Daly City will not allow improvements to be constructed. This is not a mitigation. It is the removal of a mitigation It is a political presumption in an EIR document

Clara Johnson Comments Pub Hrg #3 Traffic/ Circulation/Noise FEIR Plan Com Baylands Page 3

4.N-1c

The same political statement is made saying the the City Engineer will direct the Building Official to issue occupancy permits despite the fact that the City of San Francisco does not agree to construct the mitigation in 4.N-1c. This destroys a mitigation.

4.N-1d

The same political statement is made about the City of San Francisco and issuing occupancy permits without required mitigation. This destroys a mitigation.

4.N-1e

The same political statement is made regarding mitigation measures and the City of San Francisco

4.N-1f

A review of the improvements including the length of rail platform needed and the overpass of the Geneva extension and all the access routes and connections required there because I believe there isn't enough space allotted to achieve all the goals required of an adequate circulation plan. The figure is misleading.

4.N-3a

Who pays for all the traffic count monitoring. A funding source needs to be established for all traffic counts in the whole project.

MMR 4-84

The mitigation measures should be available when certificates of occupancy are issued

Responsibility frequency column

This is a political statement. The idea that mitigation measures should be removed from an approved project is not acceptable. The certificates of occupancy should not be issued if the mitigation measures are not available

MMR Pg 4-87, MM 4.N-3e

There should be specific benchmarks that are met to determine when the requirements of this measure are met and that is true in every similar traffic mitigation measure

MMR pg.4-88-89 MM 4.N-3g

Clara Johnson Comments Pub Hrg #3 Traffic/ Circulation/Noise FEIR Plan Com Baylands Page 4

This is a political statement. The idea that mitigation measures should be removed from an approved project is not acceptable. The certificates of occupancy should not be issued if the mitigation measures are not available

MMR Pg 4-89, MM 4.N-3h

There should be specific benchmarks that are met to determine when the requirements of this measure are met and that is true in every similar traffic mitigation measure

MMR Pg 4-90, MM4.N-3

This is a political statement. The idea that mitigation measures should be removed from an approved project is not acceptable. The certificates of occupancy should not be issued if the mitigation measures are not available. This destroys the mitigation.

MMR Pg 4-90, MM 4.N-7

The decision as to what contribution is made by the developer to the SF municipal Transportation Agency is a decision that should be made by the City Council on advice from the City Engineer. It is a political decision.

The monitoring responsibility for this mitigation is too vague to allow implementation.

MMR pg 4-92 MM4.N-9

This is a decision that should be made by the City Council using advice from the Community Development Dir.

MMR Pg. 4-93, MM 4.N-10

Sidewalks – what about the requirements that materials and color should not add to the heat sink or the reflection of heat.

MMR Pg. 4-95, MM4.N-11

Why not separate bicycles from cars and pedestrians.

The responsibility section is too vague. How will it happen?

MMR Pg 4-97, MM 4.N-17

These loading areas should be screened by landscaping from other buildings and roadways or paths.

Clara Johnson Comments Pub Hrg #3 Traffic/ Circulation/Noise FEIR Plan Com Baylands Page 5

Noise

The noise attenuation and vibration attenuation state of the art methods should be employed when pile driving on this project. Homes and businesses are close to where the pile driving will be done. The noise and vibration will have a negative impact on human health in the adjacent neighborhoods.