

Sept. 6, 2016

Mayor Spencer, Vice Mayor Matarrese and City Council Members

My name is Pat Lamborn and I am opposed to building a Senior Assisted Living Facility on the 5 acre parcel located, next to the Bay , the Harbor Bay Ferry Terminal and within the 100 feet of jurisdiction of BCDC, The San Francisco Bay Conservation and Development Commission. The parcel is zoned Commercial- Manufacturing. The Westmont project proposes to house 127 seniors there, a residential use which I do not believe is legal or safe in that location. My concerns are the potential hazards to seniors and the legal liability to our city given the parcel's proximity to the airport and the environmental impacts which have not been addressed in over 35 years- in particular- sea level rise.

The Alameda Planning Staff Report before you says:

"Pursuant to CEQA (California Environmental Quality Act) Guidelines Section 15162 there have been no significant changes in circumstances that require revisions to the previously certified Environmental Impact Report. "

The Pacific Union Land Investors and Westmont are asking that you approve a project relying on information contained in the EIR, Environmental Impact Report, approved by a different City Council in March of 1977, and an addendum to it approved on April 4, 1989. Since 1977 and 1989 the scientific community and our community know that environmental issues have changed. Global warming has seriously changed the weather, local temperatures, rainfall, and predictions for sea level rise. Developing our bay front properties must include new information and impacts on habitats, residents and our own local budgets to prepare for sea level rise

In 2011 BCDC amended the San Francisco Bay Plan to address sea level rise. Bay Farm Island was selected as a focus area. Under a project and report titled "Adapting to Rising Tides Transportation Vulnerability and Risk Assessment Pilot Project", the inundation maps showed that an extensive portion of Bay Farm Island, including facilities associated with the Oakland International Airport, would be inundated- flooded- with as little as 12 inches of sea level rise. Scientists believe it is likely the San Francisco Bay will rise 10 to 17 inches by 2050.

It's irresponsible to build a project of this magnitude without a new Environmental Impact Report. In March of 2007, Harbor Bay Isle Associates prepared a draft Environmental Impact Report related to a proposed project, "Village 6" which would have built 104 homes on 12 acres on Bay Farm. Their EIR numbers over 500 pages, in anticipation of building residences for approximately 208 people, if you count two per residence. Why aren't we holding Pacific Union and Westmont to the same standard? Where is their EIR detailing the environmental impact of housing 127 seniors 35 feet from the Bay? Where is an analysis of the potential for flooding and the cost of building infrastructure -dams and sea walls -to protect residents with physical limitations and extremely limited mobility? I'm not trying to create an EIR in 3 minutes. I'm demanding that you demand that our Planning Board require one, before you risk huge legal and financial liability- approving residences for seniors at this location, at this point in time.

Submitted by Pat Lamborn
at the 9/6/16 meeting
Re: 6-A

WestlawNext California Code of Regulations

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§ 15162. Subsequent EIRs and Negative Declarations.

14 CA ADC § 15162

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations [Currentness](#)

Title 14. Natural Resources

Division 6. Resources Agency

Chapter 3. Guidelines for Implementation of the California Environmental Quality Act

Article 11. Types of EIRs

14 CCR § 15162

§ 15162. Subsequent EIRs and Negative Declarations.

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21166, Public Resources Code; *Bowman v. City of Petaluma* (1986) 185 Cal.App.3d 1065; *Benton v. Board of Supervisors* (1991) 226 Cal.App.3d 1467; and *Fort Mojave Indian Tribe v. California Department of Health Services et al.* (1995) 38 Cal.App.4th 1574.

HISTORY

ROBYN G. YOUNG, M. D.
A Professional Corporation
NEUROLOGY

985 ATLANTIC AVE., SUITE 300
ALAMEDA, CA. 94501
PHONE: (510) 748-5363
FAX: (510) 217-8869

EEG, EMG &
EVOKED POTENTIALS

8/30/2016

Dear Mayor Spencer and Council Members:

I am a neurologist living in Harbor Bay and I have concerns about the proposed location for an assisted senior/Alzheimer's residence next to the Harbor Bay ferry terminal. Because of the known adverse health effects of noise, I am submitting my comments regarding this proposed senior community. Numerous studies and papers have described potential adverse health effects of noise. Effects range from direct hearing loss from loud noise to adverse physiologic effects from chronic constant or intermittent background noise. Additionally, some people may be at increased risk for adverse effects because of age or underlying physical condition.

In the Westmont location, I understand that exterior noise from aircraft may reach an average 65 decibels which is considered an incompatible use by the FAA. However, my experience and knowledge indicates, that even where noise levels, interior or exterior, are 45 decibels and possibly below 30db, there are problems for sensitive people because chronic noise can interfere with sleep, which in turn has adverse health consequences. Chronic and episodic noise may affect ability to concentrate and to communicate. Interruption of conversation by the noise itself is even more problematic for someone with hearing impairment as hearing aids merely magnify sound without helping speech discrimination. The interruption in conversation increases social isolation and leads to emotional and psychological distress. Chronic effects of noise have been associated with higher blood pressure, hormonal and cardiovascular effects and possibly an increased risk of cardiovascular disease. It is also clear that some people are at increased risk of adverse effects of noise including children, older individuals and those with many underlying medical conditions. A number of neurological conditions may result in hypersensitivity to noise, including stroke, epilepsy, M.S., migraine, Parkinson's, and Alzheimer's to mention only a few. Of course, many of these conditions are relatively common in residents of a retirement community.

Therefore, in my opinion, it is not appropriate to place a community of compromised elderly individuals in a location with extreme noise, where residents would be subject to the effects of chronic recurrent noise at levels known to have adverse health consequences.

Robyn G. Young, M.D., FACP

Office: as on letterhead Home: 5 Sandpiper Place, Alameda, CA 94502

Email: rgyoungmd@comcast.net

California Neurology Society (CNS) BOD 2011 – [President 2013-14] Treas. 2016 -

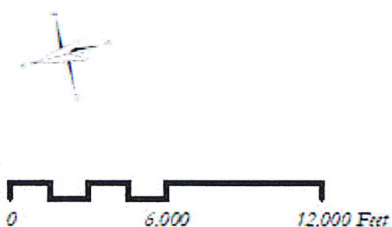
<http://www.CA-Neuro-Society.org/>

San Francisco Neurological Society [Pres. 2007-08; BOD '06 – '11; Ex. Officio '11 -]

<http://www.sfneurological.org>

National MS Society N. California - CAC (1984-)

Submitted by Marie Kane
at the 9/16/16 meeting
Re: 6-A



Oakland International Airport Oakland, California

Fourth Quarter 2010 Noise Contours

March 4, 2011

Figure 1 Noise Impact Boundary: 12-Month CNEL Contours for January 2010 – December 2010

*Shown by Regula Graber
at the 9/6/16 meeting
Re: 6-A*



0 6,000 12,000 Feet

Oakland International Airport Oakland, California

Annual 2015 Noise Contours

June, 2016

Figure 1 Noise Impact Boundary: 12-Month CNEL Contours for January 2015 – December 2015
Source: Port of Oakland ANOMSTTM January 1, 2015 through December 31, 2015



HARRIS MILLER MILLER & HANSON INC.

HMMH Report No. 302551.004.003-2.

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