Brookline Zoning Board of Appeals Hearing
420 Harvard Street Comprehensive Permit Application
420 Harvard Associates, LLC
July 25, 2016 at 7:00 p.m.
Brookline Town Hall
333 Washington Street, 6th Floor
Brookline, Massachusetts 02445

Reporter: Jennifer A. Doherty, CSR
APPEARANCES

BOARD MEMBERS:

Jesse Geller, Chairman
Lark Palermo
Kate Poverman
Johanna Schneider

TOWN STAFF:

Alison Steinfeld, Planning Director
Maria Morelli, Senior Planner

40B CONSULTANT:

Judi Barrett, Director of Municipal Services

APPLICANT:

Victor Sheen, 420 Harvard Associates, LLC
Dartagnan Brown, Principal, EMBARC Studio, LLC
Geoff Engler, Vice President SEB
MR. GELLER: Good evening everyone.

We're calling the continued hearing on 420 Harvard Street, this 40B application. My name, for the record, is Jesse Geller. To my immediate left is Kate Poverman. To her left is Johanna Schneider and to my right is Lark Palermo.

Tonight's hearing will be for the purpose of hearing testimony from Town boards and departments, not that I want to foreclose their ability in the future to be able to submit testimony either in the form of appearance or in the form of written communications. And it will also be an opportunity for the public to offer their testimony on the project.

In particular, I want to thank the many folks who submitted written materials in advance. We've gotten quite a number and we do appreciate it. It is helpful to us to see these in advance and would be able to read them and review them.

Copies of all of these materials whether they came in from Town boards and departments or whether they came in from the public
are available online. They're available now. So they are available on the online website under the -- I assume it has a separate listing for this 40B, and you can find them all in there and you can review them.

I want to be very clear. There will be additional opportunities for the public to offer testimony down the road as we get further into this project. As people who attended the last hearing are aware, we are taking this in -- I don't know if I'd call them "bite size," but we will be taking them in milestones.

The next hearing which is scheduled for August 30 will actually be dedicated to urban design. And then as we get further down, we will also be reviewing via peer reviewers, traffic, parking, drainage, so that there will be an opportunity, if not, at those specific points in time, there will be an opportunity down the road after we heard from those various parties for the public to revisit comments.

Tonight's hearing, again, is focused on testimony from Town boards and from the public. I would just give a few guidelines to people.
One is to make for an efficient evening that I would ask that people listen carefully to what other people have to say. If what you have to say is in agreement with somebody else, we're happy to hear you say, I'm in agreement with them, but please don't simply repeat what somebody else has said because then we'll be here for a very long time.

I would also ask that you focus on the things that the ZBA is allowed to review. For example, we don't have our consultant here yet, but if she were here, she would say to you issues that pertain, for instance, to the school system are not things that the ZBA are allowed under 40B to consider. Okay?

So, again, I would ask you to focus on the specifics of this project and try and keep focus on it.

Let me also raise with you two additional things that are irrelevant to this project; and, therefore, I would ask you to refrain from speaking to them.

One is I understand that there were some issues raised with respect to the lamented
recent fire at the butchery. I haven't been able to
go shopping lately, but that's not relevant to this
40B proceeding and the things that we as ZBA members
look at. So I would ask not to raise it. Again, it
doesn't have relevance to us.

Secondarily, what interest this owner
or partners of his or anybody else may have on
properties that are not included in this project are
not relevant to this project. They are not
something that we can look at.

So I would simply ask you to keep in
mind and focus on what are legitimate issues that
are before the Board.

I understand Maria wants to kick off
first. You want to take up again the application
and its completeness, and then I think you want to
roll into the Planning Board. Is that what you
would like to do?

MS. MORELLI: I recommend that.

Good evening. Maria Morelli,
Planning Department. In regard to our review
application completeness, we have received the
outstanding elements from the project team. We also
received today about mid-afternoon some revised
At the Planning Board meeting, there were some issues regarding, maybe, addressing rubbish and other issues regarding bike storage. So the applicants got ahead of the game in just revising ground floor plans. I have not reviewed those plans. I'm not actually addressing them in my presentation because I haven't had time to. I want to make them available to the ZBA and to the community; and if you so wish, the applicant can speak to those changes that were made.

I also want to say that the director of engineering and transportation is not here this evening, but he has actually met with the applicant's traffic consultant to examine the scope of the traffic study which is par for the course, so some of those issues pertaining to other developments that need to be considered. So there are prospective 40Bs.

There is going to be a 200,000 square foot expansion of the Devotion School. That increased square footage has to be factored into the traffic study. Those are some of the points Mr. Ditto has brought up and there's also a need for
a specialized parking consultant, as we don't have a lot of experience in Brookline with the car stacking system. Those are two things that he has brought up regarding issues that I know of so far, and he will be available for testimony when there is time reserved for the traffic peer review or traffic in general.

Dan Bennett, he's the building commissioner, and he's going to be sending a memo to all ZBA members because there is an issue with many or several of these 40Bs that are very close. The buildings are very close to an abutting building and he's going to address some building code issues that may have some bearing.

If there's a working group or for your discussion, he'll just outline some of the building code issues, what kind of fenestration you can and cannot have; how much separation between the buildings. So I think when you get that memo, it will probably answer a lot of questions and it certainly will be in enough time before you provide any directive, if you do, to a working group. I just wanted to get those two things out of the way.

The comments I'm going to make
tonight are on behalf of the Planning Board. So as you know, this is the corner of Harvard and Fuller Street, the site of this prospective development. Currently, the ground level isn't an office space. It's a realty office, and there is residential on the site.

As you can see, it's about -- very strongly as one story with one and a half stories for the residential. There is surface parking about six spaces on the rear. It's a 10,800 square foot lot and it is in an local business district.

Just to orient us, just to show where we are, because there are really several zoning districts that come into play here. Along Harvard Street, as you know, is a retail center and that's the local business district, but there are several expansive blocks of two-family, actually zoned for T5 in these blocks, Coolidge to Thorndike and onward on both sides of Harvard Street. It then does gradually blend into some pockets where there are multi-family district of increasing density towards Center Street.

While we're here, just as I alluded to, this is the Temple of Israel which is the site
of a prospective 40B. There is also the Devotion School expansion, and further down on Center Street there's is a 45 unit proposal.

Further down in the intersection of Harvard and Beacon is another. At 1299 Beacon is another 40B that is coming down the pike. It's before the state right now. That's just to give you a perspective of how much is going on in the Coolidge Corner area.

I'm just going to quickly give you an overview of the proposal. Just to give you an idea of some of the concerns, we're putting into context some of the concerns the Planning Board has.

At the onset, I want to acknowledge, from the time the plans were submitted, an application was submitted to the state for site approval to the time that this ZBA received an application, the project team has made some changes to the project.

Namely, there was some stepping back of that top sixth floor, and then as we'll see when I show you some elevations, incremental step-backs from the ground floor up to that sixth floor as well as some open space on the other side closer to the
residential district. We acknowledge that those are changes in the right direction, but the Planning board felt that the building itself still takes up over 90 percent of the site.

We talk about lot coverage. We often talk about footprint and page areas. This is largely the building itself is taking up 90 percent of the site. When we look at some of those setbacks, we'll see why the Planning Board felt that this needs to be addressed further.

These are some of the key metrics here. I spoke to the lot coverage. The height actually was reduced a little bit and is now almost 64 feet and the gross area. That's both residential and retail. So they would be retaining a ground floor retail, two tenants there, which amounts to about 40,000 square feet. And the proposed FARs are about 3.75. This is in a district zone for 1.0.

The setbacks themselves, and we'll look at a site plan so you can get a visual of this, but just to give you a quick overview, this is a corner lot. It has two front yards. The Harvard Street front yard, there's a three-and-a-half foot setback.
The front yard setback at Fuller, it is slightly under two feet. Keep in mind too that we're also looking at those upper floors as well when we look at setback. This is what is happening at the ground floor. So the depths that you'll see on the facade do project about a foot into those setbacks.

Again, you might recall this 36 units of residential, 54 bedrooms, and the parking is a combination of six surface and 23 that would be structured with the means of a stacking system.

As for the basement area, the project team is still working out how they would use part of that basement area to accommodate the stacking system. As of yet, we fully don't understand how it works, and so we'll need to hear from the applicant or his consultant how that actually works, but they are looking at some basement areas space to accommodate some of that machinery.

This is the elevation, as you can see it on Harvard Street, and this posting shows how that building would jog out, so that is really the fullest stance of the massing.

There's going to be ground floor
retail, and that ground floor retail is going to be delineated through materials or coloration and not necessarily stepping back to upper floors. So the Planning Board felt because there was such a strong one, one-and-a-half story read on Harvard Street; really from Allston to basically Brookline Village. That was an important consideration that would need more articulation, not just delineation through materials. This is going to give you some perspective of existing conditions along with the elevations.

Now, this building here is actually a two-family home, 44 Fuller. This is one of the more impacted properties here. You can see it here as the green house. Currently, there is a surface parking lot that separates the two buildings. What you see with the stepping back is that ground floor level is going to come about -- I think there's going to be a five-foot setback, a three-foot setback actually to the parking area and that is from the lot line to the parking area, the five-foot setback from the lot line to that ground level -- I'm sorry, not ground level -- second story. It's supported over the parking area.
To give you just another idea of really how much space there is between the side walls, there would be about 12 feet of space between the side walls. And the Planning Board felt very strongly that that is oppressive considering how much of the lot is taking up with the building. That just is really too oppressive for the single-family home.

One thought is really to just set this back further. You see there would be like one row of parking here. A row of parking depth is about 18 and a half feet for a standard lot. I think they're proposing 16 feet. These would be compact spaces, if I'm looking at the plans correctly. So a 18-foot setback which brings you to the rear bumper of any car parked here, and that is a good starting place to consider.

It would also help -- you can see there are two-family homes, single-family homes on Coolidge which is the block that's parallel to Fuller, and there are rear yards here. This is the south spacing here, so that increased setback will actually be helpful to alleviate some of the oppressiveness of the massing.
I just want to give you some different perspectives. This is Coolidge and this gives you another view of why that setback, actually increasing it to 18 feet, can really alleviate and just improve the view sheds, access to light and air, and, importantly, privacy.

So this is a very dense residential district, and certainly density is appropriate, and increased density is appropriate in this area, but what we still want to see reinforced is people's right to privacy. So having buildings that are really close, looming over other properties, especially with these decks, actually really imposes. It's just an imposition on abutters' privacy.

This is just another view from the perspective. This is Fuller and Harvard. This Fuller. So you see how close this building and all of that massing is really basically impacting the expanse of that property.

I'm just going to quickly show you the floor plans just to give you an idea of lot coverage. This area here is actually open space about 1,200 square feet that the project can
introduce into the ZBA application that wasn't in
the plans submitted to the state. This is a
positive thing.

The Planning Board actually liked to see that enhanced further, certainly with the plantings, perhaps they strongly felt an increased setback here along with this vegetative buffering. That certainly would work. It would also work to provide some screen for the occupants of this site.

That's just another view. So we're going to be going up. This is Floor 2. I'm just showing you these floor plans to give you an idea of what these balconies, what these decks look like. It is a nice amenity, but the Planning Board wasn't entirely convinced they will be introduced here and not actually exacerbating the impact.

They don't do anything to articulate the building and provide some relief from the massing. What they're essentially doing is they're going into -- so they're overhanging into the setbacks that you can see in the front, the side, and along Fuller Street. They certainly don't go over the sidewalk, but they are certainly about 13 feet above the ground level.
They are only five feet deep, and the Planning Board was concerned that this wasn't enough depth to actually be useful to the occupants of the site.

So here we are really essentially expanding that massing and imposing on abutters' privacy where that's really articulating the building to provide some relief. So there is going to be some more examination of how these are actually, if they are actually effectively used.

What we're looking at a floor plan. The Planning Board in general has some concerns with how the units, the sizes of the units in conjunction with the number of bedrooms. Some of them -- it's hard to read here, but some of the combinations didn't readily make sense.

So I don't know if it's a typo, but there might have been one unit that was under 1,000 square feet and designated as a three-bedroom. The Planning Board felt it was unrealistic, and the reason why they're bringing it up, even though these are preliminary plans, is that this gives you some idea of how the program works or doesn't work.

So if there is some concern about
that in this combination, then it really has a lot to do with how intensively the site is being used. There really does need to be some thought into realistic unit sizes for the bedrooms designated. Again, we're just going up floor by floor just to show you in conjunction with the site plan, the lot lines, how many balconies or how many decks that you have on each floor.

Then going up, fourth floor, fifth floor, and then finally the sixth floor. This is just another view just to show you how this is being stepped back. Again, the Planning Board didn't really feel that this stepback, although it was admirable that this was attempted, just really wasn't -- the footprint itself was actually too great.

This is just another look. This is actually a really nice amenity for the occupants of the site as well as to provide some buffering to the abutters. We would suggest that it actually be enhanced so if there is actually more vegetative buffering to a significant height.

And furthermore, I'm not sure if the applicant already addressed it in the revised plans.
that we have, but there are two tenant spaces designated at the ground level for office. I think they had alluded to perhaps treating that smaller place as a common area for the occupants of the development.

The Planning Board actually was encouraged by that and instead of having two tenants, maybe thinking of having that space as an amenity for future tenants.

Again, this is just to help you visualize how much of Harvard Street. And this is going from Allston all the way to Brookline Village. It reads very strongly as one, one and a half stories. And this concept that's being introduced, this six-story concept, 64 feet, not denying that the site actually sustained increased density is actually how it's arranged on the site.

The Planning Board did feel strongly that they would like to re-enforce that motif of one-story retail on Harvard Street. I know it kind of competes a little bit with the increased setback that they're asking for on the residential side, but that really is the nature of this site. It's kind of a transition property. It's in three zoning
We do recognize that; however, we do need to have some elements. Even in the state guidelines would suggest there has to be some elements that help integrate a project of increased density.

Just to speak a little, just to give this aerial view, this is the site and this is Harvard. You get to see how this strongly reads as two-and single-family neighborhoods here, not denying that there are some really tall buildings that are maybe just a block away.

There is 30 Fuller Street, which is here, which is about four stories. There is no affordable housing here at this rental apartment building, but it has deeper setbacks.

Along Fuller street, I'll actually show you some visuals. One thing that's really consistent about that street, no matter what kind of building you have, whether it's two-family or apartment buildings, you do have some vegetative landscaping on those front yards.

And, again, no matter what the building typology is, that is a common thread. We
see reinforcing that motif for this site.

Again, these are tall buildings on Center Street that are probably like eight stories. They do have deeper setbacks. They were built in the '60s. They don't comply with zoning, but, again, we don't want to look at just heights of buildings. We want to look at that metric in combination with other metrics; namely, what are the setbacks in relation to the height to accommodate or compensate for that increase or excessive height.

So these are some snapshots of what's going on in the district. Coolidge is the street that is parallel to Fuller. This is 45-49 Coolidge here. This is 40 Center, which is maybe a block away.

If you go further down Fuller Street, this is actually two lots down. This is 30 Fuller. Again, you see that's sensing is an apartment building, completely different building typography from the two-families.

You are seeing that front yard setback with vegetative screening pretty consistent along Fuller. Then you get to the end of the block and you see this is Fuller. Winchester, again, more
apartment buildings, increased density, that common motif of just having a consistent streetscape.

Again, this is just another snapshot of the building itself. Again, it is an unusual concept for Harvard Street.

So the Planning Board does want to reiterate some factors that need to be addressed to better inegrate the project. These are some site sections that we asked for. And the project team, they provided them pretty quickly. We're looking at a section that is -- this is Harvard Street and we're going to look at the site of the building, which is where the building would be in this place.

We don't really see the sidewalk marked here or human scale, but just to give you an idea, there would be a sidewalk along here. This is really just showing you the relative height of the streetscape of the buildings along Harvard.

Again, just keep in mind there is really not much of a setback here, so it's not being set back when you look at this site section.

This is just another view. We're going to be looking at Fuller Street. This will be a cross section going to 30 Fuller, which is a
four-story apartment building. The two-family homes here, and then this would be the -- this is the 420 proposal. You can see at this point with the second floor, there's 12 feet. There is about 20 feet, if you look at the top floor. So this is five-foot incremental stepbacks.

Keep in mind that the driveway is here with the garage entrance. So any ambient noise, any activity pertaining to the garage is really facing that single-family neighbor, in particular the abutter with not much screening.

This is just another view looking if you were on the property, 44 Fuller, looking at the site. That's basically going to give you an idea of your perspective of the massing.

Again, this building does jog. You can see it over here. I don't have the right -- but it does jog. You can see the expanse. So the width I believe is about 75 feet, the lot itself. It does pretty much take up most of the lot with minimal setbacks.

Now, the Planning Board, they're not traffic experts, but they are addressing some issues that they would like to see better spoken to.
Let's just start with access. So keep in mind, this is the driveway off Fuller, and there would be right hand into -- I believe are either these lifts or elevators. I don't fully understand how it works, so I would have to defer to the project team to describe that.

The Planning Board was a little concerned about having these lifts so close to the entrance of the building and the driveway. Why is that? There is a possibility of cueing on Fuller Street. So if they could understand a little bit better about how this circulation, how this would work, what the wait period would be. But unless they have that information, they strongly suspect there could be some cueing on Fuller Street, which is already not a very wide street.

The other issue really conversely is coming out here and visibility. So keep in mind this is a sidewalk here, and we'll be concerned about traffic visibility, driver visibility of any pedestrians that are going to be on the sidewalk.

The other issue that really kind of concerned the Planning Board was really they didn't understand how 23 spaces could be accommodated here.
They needed to understand that.

As you can see, there seems to be ten, and then if they have two levels that would be 20 spaces and didn't really know where the other three might be. That, perhaps, would be better addressed by that basement level and we don't have plans of.

The other issues really is the sizes of the stalls. I'm actually reading them to be closer to what we would allot for compact cars. And to have the majority of the parking spaces really measure and define for compact spaces is something that we, in general, outside of the 40B would not approve. I think right now we would have no more than maybe 20 percent of the parking spaces on the site actually allotted to compact cars. We just want to have this revisited as well.

There is also a concern about the parking for retail and/or office and the parking for residential. So keep in mind there are actually 23 in the structure area largely for the residential of 36 units, so that brings the overall ratio down to about .6 which the Planning Board thought was a little low.
The Transportation Board hasn't weighed in on this project, but, in general, for 40Bs in this area, they're proposing a one-to-one ratio for the units and parking.

Again, we want to separate the ratio for retail and the ratio for residential. It's not really the .8 that's in the application. It's more like .6. Then there is the concern of really how feasible this would be. So there needs to be a little more discussion about how this would work, turn the radii here, the intensity of what is really being asked for of the site.

Having both the office and this amount of residential actually is not convincing to the Board. One thing that they did want to throw out there, the depth of this lot could accommodate below grade parking, which I know is a bit controversial. It is very expensive.

But in terms of how this is working, the Planning Board is not convinced this parking plan actually works with all that is being proposed in this program, certainly with the circulation and really the stacker issues which is not a known quantity here.
We would like to have some more thought given to the underground parking that will alleviate some of these problems. And this was just an overview, the ratio, which I'd just got into. Then a summary of some of the issues.

One thing I did want to say is that one of the reasons why the director of engineering would like to have a dedicated parking consultant to speak to the parking, that stacker systems. We really don't know the type of noise would be at grade, wouldn't be below grade. So that really does expose the residential neighborhood to more noise possibly. That just needs to be vetted much more directly.

This is just a summary. I'm not going to go into it. I will say here, because I didn't say it earlier, rubbish and lighting should be assessed earlier in the process. We have preliminary plans. Some of this gives you an insight into how the program works.

One of the issues, I think it was alluded to in the applicant's presentation, that there might be town rubbish services for the residential. We have been recommending for some of
these multi-families across the board, not singling out this project, not singling out a 40B which would be private trash removal, just to avoid having some of that on the public way especially where we have some -- we have a deli. We have food service. We have retail. That really would be impactful in the public way.

The last thing is this certainly will come up for the architectural peer review. We would ask for some more materials. We would like to see a 3D model -- sorry there's a typo there -- that shows the perspectives from the abutting properties. If you're on abutting properties at ground level and second story, what would those perspectives be. That helps you gauge how deep those setbacks really should be.

The turning radii, certainly the basement plan, what those mechanicals -- where they would be positioned, and certainly shadow study which gives you more insight over -- really more of a daytime period just to really assess what the shadow impacts would be.

So do you have any questions?

MR. GELLER: Questions? No. Thank
you. Just by a show of hands, how many people hope to speak tonight? I think what we'll wind up doing is if people want to -- it's kind hard because we have people seated back there, but as people want to speak, if they'd line up over to this side. And then when you do speak, speak into the microphone. Speak loudly, clearly. Speak slowly so we can hear you. Start by giving us your name and your address. No other departments are here, correct?

MS. MORELLI: Not that I can see, no.

MR. GELLER: Thank you.

MR. MCMAHON: The immediate abutters, including myself -- I'm Colm McMahon. I live at 45 Coolidge Street. I tried to organize our thoughts so you can easily see our concerns on how they relate to this project.

My wife Caroline Buckley also lives at 45 Coolidge who is going to start the discussions.

MS. BUCKLEY: My name is Caroline Buckley. I'm an architect. I'm the owner of 45 Coolidge Street with my husband and three children. We are direct abutters to the proposed development.

I think we're all in agreement that
there is a genuine need for affordable housing.

There is a need that has to be met and met with a good quality building that works in all aspects of its design, not as we see here, an ill-conceived project that doesn't work.

There are a number of issues with this project concerning building and site design that are perturbing. I'll start with massing.

This building is a monster. The proposal involves crowning a 40,850 square foot building onto a 10,800 square foot site, almost four times what would be allowed by zoning. This results in a very high number of units, 144 per acre.

The way that the building is designed results in a huge volume, six stories high with 90 percent site coverage and no effort to mitigate this. Instead, the volume is compounded by overhanging decks, and this reduces the already minimal setback.

Secondly, scale. The proposed building does not respect the scale at adjacent streets. There is a predominant single-story pattern on Harvard Street. There's a two-and-a-half story single-family home pattern on Fuller and
Coolidge Street abutting the site.

The building height ranges from 13 feet to 36 feet adjacent to the site. The scale of this building is totally out of proportion to surrounding buildings preventing its successful integration. The height and form of the building would have a negative impact in relationship to the streets and surrounding buildings as viewed from near and far.

This will destroy humanly scaled district which affords views to the residential neighborhood beyond. It will also cause an unacceptable overshadowing and loss of light and air to the abutting homes.

For example, this shadow study shows two shadows obscuring the homes on Coolidge Street and, in fact, extending beyond the provided graphic.

Here is a view from my house on a spring morning. Note the sun is just below the existing roof line of 420 Harvard Street. With the proposed development, not only would the sun be blocked but to a large extent the sky.

Thirdly, overall appearance. The architect aesthetic of the proposed design is not
compatible with the size, scale, or character of JFK Crossing. The important issue for integrating the proposed building into the area and its proximity to the historic site of the JFK home will be how it supports and enhances rather than to distract from the district.

In my opinion this design strongly detracts from the neighborhood. It's office type quality on Harvard Street and its resort hotel typology with its step elevation on Fuller Street convey a lack of understanding and respect for the neighborhood as its architecture. Thank you.

MR. GELLER: I would respectfully ask people not to cheer and applaud after each party speaks. Again, we would like to do it in an efficient manner.

MR. JACOBS: Good evening. My name is Michael Jacobs. I live at 41 Coolidge Street. I've lived there for 26 years. And while I'm a member of the Housing Advisory Board and the Housing Authority, I'm tonight speaking just as a member. And it's painful for me to come here to speak not as an advocate for affordable housing, but that tells you something about my feeling about this project.
The first slide I'm putting up is actually from the handbook on 40B design guidelines. Actually, the 40B regulations talk about how important it is to integrate project design into existing development patterns.

This project really fails miserably. When it fails miserably, you really hope to see how setbacks and buffer can help in that situation. This talks about some of the elements that a developer could use to mitigate impact; buffering, the parking areas, landscape, accessways.

But as you can see this really doesn't work in this project. We have a five-foot setback. We have really very, very little landscaping, although I see the new plan does have a tree in that five-foot setback. Good luck with that one. And the setbacks really are not really adequate.

Again, as was pointed out, as you go look into the neighborhood, almost all of the setbacks -- look at any building 40 foot or above in the neighborhood and you will see setbacks much, much greater than this building.

The result of that inadequate
buffering impacts on light, impacts on noise,
impacts on shadows, impacts on privacy, and those
steps are really unnecessary and just a tremendous
intrusion.

A mechanical garage, while there will be additional studies done on it, it is just a tremendous concern.

Maria pointed out the traffic cueing.

One of our major concerns, which actually comes from looking at the specifications of the TrendVario 4200, which is actually in the plan, points out some real concerns to us. It's only rated to 14 degrees, 14 ferenheit, which, in fact, New England winters can easily drop below that.

The specifications talk about wetness, cold, ice and snow which can cause problems when driving into and out of parking spaces. And we checked, there no installations of this equipment on the East Coast. Right now, all those installations are in the Bay Area and Seattle. So we have a real concern about how this is going to work on the East Coast.

Recently, in fact back in November of 2015, the New York Times did a major story on
robotic parking structures, and I would like to pull out some quotes from that article because it's really rather sobering.

This actually was in a building in Miami, so this really gives you even greater concern. "$16 million robotic garage plagued with delays leaving tenants paying $28 a day to park elsewhere. Police called to keep order in the building, and around the country other attempts at self-parking garage caused embarrassing software and hardware mishaps." I have that article which I would like to leave with the Board. And I will turn this over to Colm.

MR. MCMAHON: Thank you, Board, for the opportunity to be heard. I'm Colm McMahon. I live at 45 Coolidge Street. I'm a physician, so it makes sense I'll talk about health and safety concerns around this project.

So there are several potential concerns, some of which have been raised by Maria Morelli. And one concern we have is around fire safety. The building, because it occupies so much of the site, means it can only be accessed by firefighters on two sides now, which for such a huge
unit potentially raises a safety concern. While not relevant directly, the recent fire at the adjoining properties does show you how access is important. They had to break through the fence of the adjoining property at 45 Coolidge Street in order to access that fire. That would not be possible if the building as currently proposed was built.

So we've heard a lot of the salient points about pedestrian safety from Maria Morelli. We share the concern that there will be inadequate guidelines for exiting cars. Bearing in mind there are already a large group of children and elderly pedestrians in this region which will increase with the increase in senior housing nearby and also the extension of the Devotion School.

This can be compounded by cueing due to the parking system effectively obscuring exiting cars, particularly of small children as they may be trying to come around these cars that are stuck on the pavement waiting to park.

Also, with such a large building, including a retail component, there is no plan here for access for service vehicles. And with all these
residential units, there's no plan for moving vehicles. These will inevitably lead to illegal parking compounding this potential pedestrian safety concern.

The mechanical garage, apart from having operational concerns and how it moves within the site, also poses a potential independent safety concern. So looking through the TrendVario specifications, it speaks specifically of dangers when this site is at ground level, particularly when the doors are open, and this is quoting from the specification manual. This can present a danger, for example, children playing.

Now, if you look at this honed in version of the site map, you can see the small amount of open space, which is where these children might play, is in very close proximity to where these doors will be opening and closing to allow access to this mechanical system.

This tragic case from Japan shows how a child can get caught up in this. A four-year-old boy was crushed to death when left behind, lagging behind his parents leaving the parking system. Just to show you there is a real potential danger when
this is planned in this way.

Finally moving on to the local area at large. We heard about all of the potential increase in intensity and development in this area.

Now, as a physician, I can tell you that access for emergency vehicles is critical to preventing increased mortality and decreasing good outcome for patients when they have emergencies. So this potential project shows potential road obstruction to emergency vehicles by cueing, by the increased number of traffic posed by the project with 18 new vehicle trips per day in the proposal site traffic consultant's plan. Service vehicles, moving vehicles decrease access to immediate and surrounding areas for emergency vehicles.

So there are national standards about this. National standards say if a first responder with a defibrillator should arrive in four minutes to 90 percent of emergency incidents. Then advanced life support companies should arrive in eight minutes. We're already at a breaking point.

This is data from around the corner at a building on Center Street, data provided by the Brookline Police Department showing how we're...
already exceeding these levels in terms of our response time to emergencies. So increasing density and blocking this road further is going to put people's lives in danger.

MS. SEGE: Good evening. My name is Irene Sege. I live at 41 Coolidge Street, and I want to talk about a few more of our concerns. Like myself and like my neighbors, I fully support the use of this site for mixed income housing. I think it's really important to Brookline that this project is just too much for the site on the district posed.

So first, I would like to address a few environmental concerns. In addition, you've already heard several things about the concerns about the mechanical parking. One other area of concern is the noise level and potential noise pollution.

Here I would like to point out that my understanding of 40B is while we have an applicant can override local zoning and local bylaws, obviously with local concerns in mind when it comes to state law, that that's outside the purview for 40B and they are really obligated, and my understanding is to follow state law.
And the state law says the sound level cannot be more than ten decibels above the ambient level at any time, day or night, and is highly likely believed that this mechanical garage will exceed that. I think there's a huge problem.

In addition, the decks, in addition to all the issues that have already been raised about the decks, there is additional noise that comes from having potential conversations and stuff on those decks, which adds to noise as well as the other concerns that we've had. There is also noise that can come from the air conditioning and other equipment that will be sited, we think, on the roof of this project.

There are other environmental issues, specifically drainage. The water drainage system is planned for the rear of the property, and we have concern that this poses a threat to adjacent sites, particularly my neighbors at 45 Coolidge Street; that the grade differential that are more than two feet below the grade of the 420 project.

We think it's critical that any testing be done be done not on -- the water table is usually low, but at a season when the water
table is at its higher level to really get an accurate reading of what kind of potential impact this is going to have on the adjacent properties, particularly adjacent properties that are lower than this one.

Other environmental concerns. One of the existing buffers that already exist in the neighborhood is a lovely tree at 49-45 Coolidge Street. It provides in addition to just whatever beauty we get and enjoyment we get from the tree. It is a buffer. It is only three feet from the boundary of 420 Harvard. We are concerned. We're not sure how much massing there is proposed for the site, how that tree is going to survive the construction.

And we understand there's been some input now about where to put trash in this building, but we would like there be more consideration of trash management.

So the final thing I would like to address is open space. The proposal that you have before you has a mere 3 percent of open space. As you see here, 39 percent of the units are two and three bedrooms, which is likely to include families
with children.

And in the bigger context, we all know that North Brookline has one of the largest concentrations of children in Brookline. The fact that this is growing, which is lovely for the neighborhood, is evidenced by the construction of the Devotion School which has already begun and is expanding to more than a thousand students. And the only way that they're making room for that is they are decreasing open space, where that's one of the major spots of open space in a neighborhood where there is largely unmet open space needs.

That makes it even more imperative for there to be adequate private open space so that together there is enough open space for the residents, adults, and children to enjoy in our lovely neighborhood.

So to sum up, I think there is just too much that they're trying to do on this site.

MR. TALERMAN: My name is Jay Talerman. I'm representing these residents and some other residents in the area. I'm a partner with Blatman, Bobrowski, Mead, and Talerman. My law firm is mainly Town counsel to a little more than a dozen
towns and special counsel to dozens and dozens of
towns on a variety of issues including land issues
in particular and 40B issues really in particular.

We have probably done 40Bs in my firm
for more than half the towns in the Commonwealth. I
personally have worked on over a hundred 40Bs often
on behalf of cities and towns, and I've seen the
good and the bad and the ugly and all of the
strategies in between.

I'm not here to go over these facts.
I think it's well-presented. I think Maria did an
excellent job. I'm sure you're going to hear more
from other staff people on issues of emergency
access and otherwise. This is more of just kind of
a summary.

I know that Chairman heard me talk
about this before, about where you go and where you
can go and my own impressions on how to be
constructive in this process. I think it's never
too early for a board to highlight what their
thoughts are on a project. You have 180 days to go
through this.

The Chairman has outlined a very
deliberate process. He does a great job in the past
hearings I sat in on representing other people and
sticking to that and giving everyone a chance. I
want to caution, however, that that 180 days comes
up pretty quick. I think it's important that the
Board tell this applicant and inform this applicant
with staff's help and consultant's help what they
think about some of these things and start to shape
this project.

As you've heard from my client, we're
not opposed to housing on this site, to mixed
housing and commercial on this site even. What we
are opposed to is something that simply doesn't fit
in with the neighborhood.

I think long gone are the days when
boards have to capitulate to 40B projects that they
don't agree with. I've been down that road. I've
been doing this for nearly 20 years. You really
gain nothing that way.

The studies show -- and I sat in on a
study that MIT ran. The studies show that when
boards stick up for what they believe in, more often
than not they get very close to what they believe
in. I'm not suggesting that you head off unwisely
into litigation or otherwise, but my experience is
that when you negotiate early and you let an applicant know early what your expectations are and what you would like to see change about a project, I think there is a lot of room for changes here. You can start a dialogue and get what you want. And if you don't, you will gain the materials that you need to get a project that fits better for the town.

I'm really pleased in this project to be working with Mr. Jacobs. Mr. Jacobs and I have both been around. He wouldn't say it himself so I'll say it for him. He's been working on 40B projects for as long as I have, probably more. He knows about this stuff from a multitude of angles. We have looked at this project up and down. We analyzed whatever we can.

This applicant can do better. It can do a lot better. This project should be smaller. It should be more compact. It should look better. The architecture should fit better with the neighborhood. This haphazard parking garage should be scrapped and as the project hits more on the scale of something that's more feasible should result from that.
We really encourage the Board to engage this applicant early and to see what hay can be made in terms of this project. If that doesn't work, then Mr. Jacobs and I are comfortable that when you get into a latter phase of this project, with respect to fiscal analysis, that fiscal analysis would bear out and that this Board would be able to condition this project appropriately, if not outright deny it if it felt the need to.

A few issues were addressed here tonight that were deal breakers. The relationship of this project, the surrounding buildings to the good efforts of the planning department to make sure that projects fit in with neighborhood development patterns. It's abysmal right now.

Open space. There is that postage stamp size. Yes, it's kind of nice, but that's not adequate space for what the state is saying should be family based housing. That's not adequate for this neighborhood for this particular project.

Emergency access, one of the few issues that municipalities that have had good traction on were under 40B is woeful.

This delay -- and I don't want to
take any of Colm's thunder here, but delay in
emergency access means injury or death. I've been
through this before. One of the few areas where
towns have been successful out of the gate in
shaping projects under 40B is with respect to
emergency access. I think it's a vital issue and I
think you should follow through on it.

But more than that, I think you
should engage with this applicant early. I think
there's a project that can be done here. The
applicant is well represented by people with
experience with 40Bs. They know how this works.

I think it's important to speak out
for what you think is good for the neighborhood and
good for the site, and I'm sure you'll be hearing
more from us during the course of the hearing.

Thank you.

MR. GELLER: Thank you.

MR. PERRON: Good afternoon. I'm Jim
Perron, and my wife and I are 30-year residents of
Abbottsford Road in Brookline about not quite half a
mile from this site. And I just want to make very
quick comments.

I strongly support our Coolidge
1 Street neighbors and all the presentations they did.
2 I want to talk quickly about driving, walking, and
3 goal and to say that I'm concerned about the
4 increased traffic that will occur as a result of
5 this and the inadequate parking arrangements.
6 I do try to go to that area on my
7 bicycle when I can. I have to drive it sometimes.
8 It's not a problem already to make use of that. But
9 the second, I want to talk about is walking, which
10 is we've done a good job at Harvard Street of
11 improving the walking space around the street in the
12 retail areas recently, and this plan basically
13 narrows that walking spot at levels very seriously.
14 The third thing I want to talk about
15 is goal. I think it's remarkable that this proposal
16 goes beyond zoning requirements in so many areas;
17 the height of the building, the setbacks of the
18 building, the whole bunch of areas of building code.
19 I'm surprised that we would even consider a project
20 of this kind of scope that is so far out. Thank you
21 very much.
22 MR. HO: Good evening. My name is
23 Benjamin Ho. I happen to live at 84 Fuller Street.
24 I'm here representing ten members of my family who
live at five apartments on Fuller Street.

So my colleagues have done a phenomenal job of bringing to light a number of different issues, so I won't reiterate, but I do want to preemptively bring another particular issue up that I feel very strongly about. That's specifically the parking arrangement.

I'm in agreement that the particular -- as an engineer, I agree there is a concern around the liability and everything else that's been brought up. I personally am an advocate of below ground parking, but that brings another set of concerns.

This particular site was a funeral home for many, many, many years. I don't know if there's been an environmental study done, what kind of chemicals that are on the site. If there was an underground construction that's being done, there must be because some of the parking structure that's currently proposed has three levels.

What happens in that case? The particular site has lots and lots of people who walk by. There's lots and lots of families and children. And so I'm concerned around the health ramifications
around that. Thank you.

    MR. GELLER: Thank you.

    MS. KLINE: Good evening. I'm Joanna Kline. I'm also a physician, but I'm sort of here not in my position of a physician but just as a resident who has lived in Brookline for over 20 years.

    I live on Thorndike Street, 39. That's the block between Harvard and Winchester.

Over a time period, a lot of changes have happened in the neighborhood as you all know better than I. It's a neighborhood zoned mostly for single but also two families, multiple houses on Coolidge, Fuller Thorndike, and Columbia -- I can keep going -- that are getting turned over into two-families, which is great and fun; more people, more kids, more cars, more cars, more cars.

The intersection at Thorndike and Harvard is probably the most dangerous in Brookline. There are people almost hit there on cycles, pedestrians every single day, and to add more cars in the fray, more people, more vehicles, more construction, I think represents a significant danger above and beyond all the wonderful things
that have been said by the people who have spoken before me.

Another thing that hasn't been brought up yet is that my block, Thorndike, is a cut-through between Harvard and Winchester. They don't use Coolidge. They don't use Fuller. They use Thorndike. They go down there.

I saw a motorcycle going 50 miles an hour today and there is nothing to stop that. There has been no efforts despite requests by the Town for anything to happen there, and I think adding volume upon volume upon volume is a huge safety issue, and I would urge you take that into consideration.

Thank you.

MR. GELLER: Thank you.

MS. VANDER KAAY: Hello. I'm Judith Vander Kaay, 16 Columbia Street, town meeting member for Precinct 9, and I wrote you a letter. I won't go into all that detail, but I just want to reiterate my couldn't-be-stronger concern about safety issues.

One thing I didn't mention in the letter is that occasionally you'll see a resident of one of the senior places on Center Street walking
down the street with a walker in the street, not the sidewalk because the sidewalks are bumpy and getting up and down the curb is sometimes difficult. These very vulnerable people would be so much more at risk with the great increase in traffic that this project would entail, not just cars, not just people, cueing, but delivery vehicles parked on the sidewalk, double-parking where there is no parking on that part of Fuller. It's just a matter of when and how bad the first accident is going to be, not if. Thank you.

MR. GELLER: Thank you.

MR. MITCHELL: My name is Kent Mitchell from 62 Fuller Street. The last two speakers covered in general a lot of things that I'm concerned about. I did some math in the letter that I sent, which is that between garbage trucks pull-ins and pull-outs and service delivery trucks for restaurants, nine of them, in a 200-foot section of Harvard street, there were 170 pull-ins and pull-outs per week. That's 34 each day of massive vehicles, never mind the buses on Harvard Street.

So I'm talking about the emergency access point. This is a terrible issue on most
mornings on Fuller Street, on Harvard Street, and maybe on Coolidge, I'm not sure. But the quantity is staggering.

I suggested to someone at the last meeting that unless you're out there at 7 a.m. in the morning on a weekday morning, you have no idea. That's all I have to say.

MR. GELLER: Thank you.

MR. ROSEN: Good evening. I'm Mark Rosen. I live at 88 Thorndike, and thank you for allowing me an opportunity to address some of the issues.

I want to start off by saying I really do agree with Ms. Morelli. I thought her presentation was really on point, and she raised some excellent issues, and I do agree with just about everybody who has spoken, in fact, with everyone who has spoken before me.

And the reason I'm here is not just to say that, but I have 25 years as a professional sound engineer. I provide sound engineering services to the State Department of Transportation, Harvard University, MIT, Sports Illustrated, the Boston Marathon, and the list goes on. NCAA
football. You name it. I've done major news networks.

So I was looking over the specifications of this system by Klaus Parking, which is the stacking system which I've done some research, and there has been a lot of problems with the system. And it's true, you don't see very much of it on the East Coast at all, only in the warm climates, like down in Florida where they have had cars crushed and lots of delays as were mentioned in the previous slides.

But as I was looking over the specifications, one thing I wanted to note was that not only does the system not function below 14 degrees Fahrenheit -- and everyone knows Brookline gets colder than that in the wintertime -- but the function of the system, which if you look at their videos -- they have sales videos on the web -- it moves very, very slowly, very much like a freight elevator, and I guess that's to protect the person's car. You don't want to get a scratch on the car from the parking system.

But there's a disclaimer in the specifications from the manufacturer that below 50
degrees Fahrenheit, the parking system becomes extremely slow, and they will no longer stand by their touted speed specifications. And they have a disclaimer that says they will not stand by that as well as with the elements that were mentioned before of ice, snow, wetness and so forth. It's a very finicky system.

What I want to address tonight as a sound engineer is the fact that this system, according to their own specifications -- which I sent to you in a PDF. Unfortunately, I have to apologize. I sent you a five-page letter not because I'm loquacious, although you may think I am, but because there were so many issues that other people said that this project is just completely out of whack.

I do believe in affordable housing. I voted for it when it was on the referendum but not in this instance. It's just completely out of scale for the neighborhood, and if it were to be enacted, it would destroy the character of JFK Crossing.

I wanted to tell you, as I went through their specifications, they say that the
system would emit 35 decibels of noise and it
suppresses, if it's constructed correctly, 65
decibels of sound or noise. That means that the
system itself runs at about 100 decibels.

Now, 100 decibels, according to the
Brookline noise ordinance, is equivalent to that of
a rock band. That's within the space of the
building.

And if you look at other tables, such
as OSHA and other tables on sound and hearing
preservation, 100 decibels is equivalent to the
sound of factory machinery. So you're looking at a
machine that makes a lot of noise, in other words,
with the construction of this building proposed, the
back end of that structure that's concrete, I can
tell you as a sound engineer, the sound will
reverberate and be amplified in that structure.

And concrete can take the most
beautiful sound -- if you had the most beautiful
violin sound and ran that sound through concrete, it
would make you want to slash your wrist because it
would turn it into the most ugly sound you have ever
heard in your life.

So if you start off with an ugly
sound, metal on metal, steel against concrete, and
you run that through concrete, you're going to have
your neighbors probably call up the NRA and asking
them for advice. It's something that most decent
people would not put up with, and I wanted to point
that out. Those specifications are available. I'll
just send them to you.

So I think the project has potential.

I think the attorney who spoke earlier said it well,
that there are avenues that this thing can go
forward but it really has to be scaled back and it's
in violation of so many 40B regulations. One
wonders why it's here on the desk for discussion in
the first place, but that's not really the point
tonight.

The point I wanted to make is that
this is a very loud, noisy system that sends out a
lot of sound. It most certainly violates the state
noise ordinance, and beyond that, the structure and
plans do not include any kind of noise buffering,
plantings or shrubs and that type of thing that the
urban plan generally incorporates into their
landscaping. These function as ways of kind of
softening and deadening sound.
I did find a study by the World Health Organization that was done, and it was in Scientific America. I did send you all that information, but I would like to read just a few of the facts that they mentioned. That excess sound, such as proposed by the developer, can lead to a host of degenerative diseases such as heart conditions, cognitive impairment in children, sleep disturbances and, in general, fatigue and annoyances. So I think that there are some serious issues that need to be re-evaluated and looked at.

And as the project stands right now, it's totally unacceptable. And I'm very encouraged by Ms. Morelli's statements tonight. And thank you so much for letting me speak. I appreciate it.

MR. GELLER: Thank you.

MS. POVERMAN: Knowing absolutely nothing about the subject, I was looking at the materials you sent and I noticed that there are sound muffling packages that you can get with these. There is deluxe and then there's regular.

The developer can speak as to whether or not those are what they have included or if you did your analysis based on those be included.
MR. ROSEN: Yeah, exactly. It's an excellent question. They do have a sound deadening package. So if you use it, it will suppress 65 decibels of sound emitting 35, which is how I arrived at the 100 decibel figure. Because if you have 100 decibels sound source, you're suppressing 65, but what remains is 35. That's what you're looking at.

And the thing, if you look at it -- and I did send you all a link -- it's very, very noisy. There's a video. It's just unbelievable. If you think about fingernails on a chalkboard, it's kind of like that, except if you have metallic fingernails on a concrete chalkboard it's really awful sounding.

And so you would be having that 35 decibels of sound being emitted into a concrete resinating chamber, which is what that rear parking system would be, and that would just bounce around and verberate and resonate, essentially really gets amplified, as it was said before by Ms. Morelli, projects that sound outward onto the abutters much to their dismay.

And not only that, but because it's
at night, sound travels so well at night. I know that because I live on Thorndike, and, you know, when kids go down the street, I can hear them very well. And so I think that would be a problem, not just for the immediate abutters but for the general community that's surrounding this project. I hope that answered your question.

MR. SHEEN: Can we address the sound?

MR. GELLER: I'm going to give you an opportunity to speak after we hear public testimony.

MS. SCHNEIDER: We're going to be hearing dedicated to specific key issues?

MR. GELLER: Yes. Just to be clear, there will be -- it may not be the same here, but there will be hearings that will be dedicated to specific key issues, such as traffic, parking, urban design. And I think, as Maria touched on as part of the parking subtopic, there will also be a review of the specifics of this proposed mechanical parking system.

MS. POVERMAN: Would that include noise, Maria? Is that within the scope of this expert?
MS. MORELLI: Yes.

MR. ENGLER: I think a point of clarification on our design.

MS. POVERMAN: That would be great.

MR. ROSEN: I have one final point to make. If you look at their promotional videos, it shows drivers of very small compact cars driving down a very wide turn radius into a very long and deep sub turning chamber that's one to two stories beneath the street.

With this stacking system beneath this grade level, street level, most of that sound would be suppressed, but on a street level kind of situation that they're proposing, it really is going to leave a lot of that sound exposed and out in the open and most probably in violation of the state noise ordinance. Thank you very much. I appreciate it.

MR. GELLER: Thank you.

MR. LANZA: My name is Rick Lanza. I've been a resident of 57 Kenwood Street for more than 30 years. I must say, I don't know what else to say. Our neighbors really carried so many things.
I want to make one more point about the issue of the mechanical parking system. I was sort of curious about this because there is a really big difference between the average time and what you can get out at the peaks. So the point is if you neatly have traffic spread out uniformly over the whole day as, for example, you might have in a shopping area, large retail shopping area, then the average and the peak sort of stay about the same; but if you're in a situation where you have people commuting, people coming in during a peak period, the system collapses and there just isn't any way you can make it not collapse.

And I thought that was sort of a little bit strange. I found kind of like a technical report from a technical university in Delft. Students did a huge project there trying to examine costs and times and parking, mechanical parking, and the difficulty will be at 5:30 when a lot of people are either coming or going, then the parking situation and the delay time will climb.

So that's my only comment, really, is the difference between peak and average. My analogy to it, not quite that, but it's sort of saying on
the average if you have your head in the oven and your feet in the fridge, on average you're comfortable, but it's the extremes that kill us. Thank you.

MR. GELLER: Thank you.

MS. MORELL: My name is Rickie Morell. I live at 22 Thorndike. I'm not an expert in anything. I'm a homeowner and a pedestrian. I walk pass that walk most days, and I just want to address the elephant in the room, which is this project is ludicrous. It should have never been proposed and it should be stopped now. That's all.

MR. GELLER: Thank you.

MS. PALMER: Hi. I'm Julie Palmer. I live a 48 Coolidge Street. I've been there 17 years and I hope to be there a lot longer. So that's right across the street from 49, which is the closest abutter behind, and there is just one thing I haven't heard brought up.

I agree with all of my neighbors, but the other point I want to bring up is that grocery store, the butchery, which is a very active, busy grocery store is directly adjacent to that spot and
it places a huge demand on the neighborhood especially that end of Coolidge Street and it also goes right to the sidewalk with no sort of setbacks.

And the big problem is there's big, big delivery trucks there every day, except Saturdays, and they sit there and emitting pollution and making noise and mostly making it very dangerous for cars pulling in or out and for children walking around. So the idea of having that is going to be there forever and then to have another traffic situation on Fuller Street.

You know, I was so surprised to hear my friend Johanna say that Thorndike is the most dangerous because I was thought my corner was the most dangerous because I was just waiting for someone to get hit or for me to get hit by cars coming around. So it's really a bad section, and I don't know whether those things can be taken into account, you know, and siting these 40Bs, but it's especially a bad place, I think, and a burden on the neighborhood. Thank you.

MR. GELLER: Thank you.

MR. ROSENTHAL: My name is Marty Rosenthal. I waited awhile because I got here late.
I wanted to hear some people speak and I apologize to those I missed. I live at 62 Columbia which is three tiny blocks away. And I actually grew up on Fuller at the corner of Abbottsford, so I may be the longest member of this audience who lived in this neighborhood since 1947. Anyone one in here?

AUDIENCE MEMBER: 48.

MR. ROSENTHAL: And I've been a town meeting member since about 1978. I was a selectman. I'm now on CTOS, which most people don't know what it means; Committee On Town Organization Structure. I do not understand 40B. I've dealt with it quite a bit. I was yield to nobody and concerned for affordable housing when I was a selectman. It was one of my main so-called "platforms."

I don't know as much as Michael Jacobs. I'm sorry I missed his presentation, but I am an advocate for affordable housing. I actually have fought development in this neighborhood since coming back from law school in California and finding the Dexter Park site of the beautiful school that had been there when I left for law school, and since then I've seen the neighborhood basically getting more and more congested and less and less
I myself don't drive on Harvard Street. I'm sorry. I'm not going to mention the streets that are represented here that I do drive on to avoid Harvard Street. The place has changed and that's part of life. You can't turn back the clock. I understand that.

I'm not going to repeat the specific issues, and I didn't hear many of them and I know what they've been because there has been a lot of talk in the neighborhood and a lot of e-mails and so forth.

So I just want to talk about a couple of forest issues, not the trees. One is what I am somewhat knowledgeable about after 43 years is what do the laws mean? And I'm on committees -- I won't bore you with what they are -- that talk about laws all the time. Laws are not black and white all the time, and I don't think 40B is black and white from what I heard at least from experts including tonight.

There are gray areas in 40B and there are gray areas of what you folks can do. And I'm urging that you folks use those gray areas and work
with these people, the developers, to try to get
them to also take into account something that's very
important to me and to Brookline and that is the
word "community."

One reason I came back here from the
Bay Area -- beautiful place, lots of my classmates
stayed out there -- was I felt California had no
sense of community. They had no sense of
neighborhood. They didn't have citizen involvement,
and I had a glimmer and only a glimmer at that time
that Brookline had it, and now after 40 odd years,
odd in many senses of the word.

I'm well aware that I was right,
frankly, that Brookline is pretty unique in that
regard. And what's offensive about a proposal like
this is that we appear to have folks that want to
come in here and make every last nickel that they
can make at the expense of being fairly integrated
into the neighborhood and being good neighbors and
being a good part of this community.

As I was driving here late after a
meeting tonight, I actually had time to think what
does it mean for people to move into a building like
this where nobody wants you and to market it to
people that don't know that, and should we as
neighbors do something like picket in front of the
building and say, We don't want you here. We don't
want your building here, and will that change the
market value.

I'm not saying this is a threat, but
I did in another capacity -- I co-chaired a group
called Brookline Packs which has been around since
1962. We opposed what was called a focus picketing
bylaw a few years ago. It was proposed by abortion
providers that felt they were being threatened and
we opposed our First Amendment grounds.

The point is this, whether or not
that idea ever took place or not, I do believe that
you folks have a responsibility to this community,
to the people who are here and the people who are
not here, to try to do your best to work with these
people, get them to work with the community, to use
the gray areas in the law, to integrate this project
into the community in a way that isn't just coming
in as a bull in a china shop.

I've never been against development
on places like Beacon Street and Harvard street. I
have opposed development in the residential
neighborhoods to preserve green space, but this is a site that I have no problem with some development and I have no problem with some housing, but I do have a problem with coming in like this, disregarding the abutters and disregarding the neighborhood, and I hope that you can do whatever you can to look out for the neighbors and the neighborhood.

MR. GELLER: Thank you.

MS. FLEZACHA: My name is Alicia Flezacha. I live on Naples Road and I wanted to comment as many of my neighbors have before me on the impact of the proposed density of this project on traffic flow, which to me would seem to be a particularly sensitive issue for the location of this site because it is at an intersection with a light.

So looking at the plan, many people have talked about parking and an automated parking system, but what about access for all of the other vehicles that will be coming to that property? It seems like the proposal understates what the volume of activity would be and doesn't really reflect how modern urban dwellers live, which is we live in a
service economy and we live in a delivery economy. And I know my neighbors next door to me, all day long they get deliveries. They get groceries. They get a farm share. They get prepared meals. They get deliveries from restaurants. They have Amazon, UPS, Fed Ex. They get bottled water. Their dog walker comes three times a day. Housekeeper. The electrician comes from time to time. Plumbers. Painters. There are constantly people at their house. That's just one person.

And if you multiply that by 36, it's really hard for me to believe that with no place for them to pull off the road, pull in, turn around, that there isn't going to be a backup there that's going to lead to blocked traffic and the issues that Colm and others articulated in terms of the safety of everyone around us. Thank you.

MR. GELLER: Thank you.

MR. POPPER: Good evening. My name is Steven Popper. I live at 41 Fuller Street with my wife and four year old and nine year old who go to Devotion. I want to thank you for your time and effort.
I can't tell you how impressed I am by my neighbors. The community effort, the focus, the drive to share this information and share our feelings, and I appreciate you taking the time to listen to our words and hear how we're feeling about this.

I agree with all the comments that have been said. I want to give you from the perspective of someone who lives literally diagonal across the street and is trying to get out of a driveway that will literally be across from that driveway. I can't get out of the driveway today between 7:30 and 8:30 in the morning. It's backed up. My kids have to walk that way to get to school. I can only imagine what they're going through as the kids are walking down the street.

As we talk about the crossroads, one thing that I noticed with the advent of Waze and Uber and all this technology is that Center Street now is the pass-through. People don't take the right on Harvard. Taxis go up to Center and cut across and then come down Fuller.

So I can sit there on a Friday evening and see taxi, taxi, clearly and Uber,
clearly and Uber waiting to circumvent the delays.

So as you consider this from a zoning perspective, I agree with everybody's comments. I just wanted to let you know as someone who will be an abutter and will be living there as well like Colm and his family.

This is something that we are happy to see the development, that that building does need to be refreshed. I think the parking can be addressed, and I agree with the comments from counsel for 180 days. This is fast. Remember, it was Christmas just about 180 days ago or even less, or slightly more. Let me just share with you that 180-day period will happen very fast.

I am encouraged by counsel's comments to encourage you to negotiate with the developer. I think our community could use more residential housing and updates, as we described, but as someone who will go through living at that site and going through the construction, the noise does concern us, but I think three years from now when this is done, we will all feel much better about the work that you are about to do on our behalf to negotiate with planning to make this a property that will feel like
our community and add value especially as we expand with devo and the beauty that that's going to become and add value to our neighborhood.

We do need to consider all pieces of property that are available for open space. So thank you very much for your time and the efforts of my colleagues.

MR. GELLER: Thank you. Since you made a comment on it, I do want to mention something, and I'm going to struggle with the right way to say this, so forgive me if I don't say it the right way.

We're not advocates in this process. We're not for this project and we're not against this project. What we're here to do is administer 40B to the best of our ability, to the best of our flawed ability, I would suggest, because we're human beings.

So while I appreciate your compliments and your comments, I just want to be clear what our role is. We're impartial. We look at 40B. That's what we look at, and that's what we try to administer to the best of our capability.

Thank you.
MS. SHAW: Hi. I'm Slud Shaw. I live at 88 Thorndike Street. I sent you a letter, and I'll just say a few of the points, which was that this an area that's a national historic site. It's JFK Crossing because JFK'S house is nearby and this property hasn't really changed since JFK'S time when he was growing up. And I think that's something important to think about, that this site is actually a historic preservation of where JFK was. And all those tourists that are going to JFK's house on Mill Street will see this and will see something that is squished into a space that really isn't appropriate.

And the other comment that I wanted to make that hasn't been made before is that when I look at the sizes of the apartments in the complex that were given at the Planning Board meeting and there were layers and they're tiny little 550 square foot apartments and much larger apartments around, and I think this is a 40B site.

The reason that this site is getting to be put in this space without Brookline variances and zoning is because it's 40B, but it seems to me that the little, tiny apartments are probably not
going to be the market rate apartments. And those are probably going to be designated as the low income apartments. That seems to be directly in competition for what a 40B is supposed to be, which is affordable mixed housing.

It seems like it should be uniform housing for people, not some people having luxurious penthouses and other people being squished into a really weird shaped apartment just because they don't have the money for it. So that's something I wanted to mention.

MR. GELLER: Thank you.

MS. POVERMAN: Can I ask a question of our consultant? Judi, what exactly is the requirement in terms of distribution of market rate versus affordable units in a 40B housing? My understanding generally is the 40B has to be equivalent basically to the market rate.

MS. BARRETT: It's supposed to be distributed proportionately. So if you have certain a number, three and two and one bedroom units, then 25 percent of each of those would be affordable. That's the way it's supposed to be.

Now, when you have a multi-story
building, if there is a particular premium and the value of height, sometimes the subsidizing agencies will agree not to require someone to put affordable units at the top level because there is a value to those units. So the subsidizing agencies are the ones going to make the determination. I want to make that very clear.

MS. POVERMAN: I think one comment that has been made is there have been three bedroom units in 900-plus square foot spots as opposed to larger square footage units with three bedrooms. I believe the planning department may have commented on that as well.

Now, would that be seen as equal handling if the smaller footage units were the ones devoted to affordable housing?

MS. BARRETT: The regulations and DHCD's guidelines calls for proportional distribution. I'm not going to justify. I'm not going to sit here and justify someone making that kind of variation in the size of three bedroom units. I'm not going to tell you that's right.

MS. POVERMAN: But it is not vivid.

MS. BARRETT: If the subsidizing
agency approves it, then it will be allowed.

MR. GELLER: I take it from the perspective of this EDA, this is not something that we hear and address.

MS. BARRETT: It is the subsidizing agency that determines the location of the affordable units.

MS. POVERMAN: This is something you can comment on --

MS. BARRETTE: Absolutely. I would. I definitely would. I would be pretty vocal about it. The point of the law is to provide affordable housing. Certainly, if the Board has a concern about the distribution of the units, it should say something. That would be my recommendation.

MR. GELLER: Thank you. Anybody else?

MR. MAURER: My name is Christopher Maurer. I live at 83 Coolidge. One thing that hasn't been mentioned is the nature of the retail establishment, and I would just guess that whether that's a Realtor or an actual retail establishment or whether it's office space, retail space, it tends to go back and forth. I haven't read all that
I attentively the proposal.

I heard at the last meeting both office and retail mentioned. That's a huge impact on traffic and on neighborhood density.

The other thing I just wanted to say is the building is too high. Stated plainly, it's monstrous and grotesque as well. And remember, I'm a newcomer to Brookline. I rolled into Brookline about 12 years ago never having seen it, and I was very, very impressed by the character of the neighborhood. I thought this is rather unique, this mix of commercial, residential, and low buildings.

I would just hope that we can make this a shorter building, one that doesn't overshadow, one that isn't a monument to sort of real estate money-making and make it a shorter building and preserve the character of the neighborhood. And this character contributes to all our well-being. That's it.

MR. GELLER: Thank you. Anybody else? No? Okay. First of all, I want to thank everyone for speaking and giving us all that information. And as I say, I also appreciate those who put it into writing as well. This certainly
isn't your last opportunity to speak.

I would also note that you certainly are welcome to continue to submit information in writing. Obviously, we hope it will be relevant to issues that arise in the course of these hearings and will supplement what you've already submitted. We don't need to see something that you submitted already again.

I'll turn to the applicant. Do you have either something to present in the form of supplemental information or in the form of rebuttal that you want to present?

MR. ENGLER: For the record, I'm Geffe Engler. I'm from the firm SEB. Other than that, Ms. Lincoln, how did you like the play?

Clearly, there is work to be done. I mean, I would have to echo the comments of one of the gentleman who spoke towards the end. It is an impressive group, a lot of thought. A lot of analysis has gone into this.

Also, I deal in my profession with sometimes people that are advocating against our project that I don't particularly like or respect. This is not the case. I have the utmost respect for
Mr. Talerman. I have the upmost respect for Mr. Jacobs, and I also happen to like them personally as well, not that that matters. And they have been through wars and they are very well-versed in this.

And as Mr. Talerman said, that I too am optimistic that we can arrive at a place that might not be make everybody happy. It might not make my client overjoyed but hopefully, and we endeavor to do that.

I will also say there is a difference, and I will put it to my two friends that I just mentioned, between people saying, Stop this project and maybe we should picket at future renters and other people saying let's have a constructive dialogue, and, you know, What can we do here? We're looking for the constructive dialogue.

And I will also say, you know, I have had the opportunity to go to many, many public hearings of all different kinds of projects, and if I had a nickel for every time I heard, We like affordable housing, just not this project, I would be well-retired.

Every project, it doesn't matter what
it is, everyone always says, I support affordable housing, just not this project.

So I understand Brookline, to its credit, is a little bit different, because I do sincerely believe there are a lot of people that believe in affordable housing. So I take those comments a little bit more legitimately because I do think people actually believe in that, unlike some municipalities, who will go nameless, that don't believe that.

With that said, clearly the garage, the lift system, requires more analysis. We're going to roll up our sleeves and look at that. We might abandon it. At the very least we need to explain it fully so that people are comfortable that can be an effective system. If it can't, then that's a marketing problem.

There's all sorts of issues. Clearly that's an issue. Setbacks, height, site planning, a lot of the things Maria talked about, those need to be looked at. I mean, Maria is extremely thoughtful and well-prepared. I would disagree. I mean, I think clearly as we, the developers typically do, the things that she shows in her presentation, the
context, the things that she focuses on are clearly
to further kind of the point she's trying to make.

From our perspective, this
neighborhood in this particular site, the context is
not just Coolidge and the one story on Harvard.
There are many, many big buildings including a four
story building right down the street that has no
affordable housing. I think the context of this
needs to be a little bit broader.

Some of the other things -- I mean,
clearly, I think the neighbors are well-versed in
health and safety is a way to stop a 40B. Response
time to this site from emergency vehicles, have fun
in trying to fight us on that one. That's a loser.
I can tell you that because there's a million
projects in Brookline that have much more -- or one
side access.

I mean, I'm not going to get into it,
but there were a lot of things that were mentioned	onight that when the dust settles, they're just not
showstoppers for us. And a lot of the health and
safety things, unlike site planning, from our
perspective I think were fabricated or positioned in
a way, and we'll show that over the course of the
I have no concerns based on all the projects. We are involved, pretty much, everyone in Brookline. We've been involved in ones that have been permitted. We're involved in many more large, dense, access on one side that have -- you know, emergency response time, traffic, safety access are not issues.

Also relevant to traffic and pedestrian safety, I don't mean to be dismissive of that, it's a real issue, but we're talking about a site that has a curb cut basically where we're at. You're talking about a Coolidge Corner location, but a lot of pedestrians and a lot of existing vehicles. You're talking about a site that right across, basically, from our access there's a huge municipal parking lot.

Under 40B, it's very clear. We are not expected to address existing conditions. We're expected to mitigate any incremental differences that we contribute.

Cueing onto the street is not good, and if that's happens, we have to address it, but some of these other things, and that will come out
in the traffic peer review and we look forward to that, but I'm quite confident at the end of the day that traffic, pedestrian safety, and those things are not going to be issues.

The long winded way of saying, clearly there are issues that we need to address, and we look forward to the architectural and -- or I think it was characterized as urban planning review. We would consider architectural, however you want to call it. They're going to be looking at a lot of the site planning things that were raised tonight, and we look forward to that. We have a lot of respect to that professional as well.

So this is part of the process, hearing this constructive criticism, hearing the concerns from the neighborhood, from the Town, from the peer review consultant, and then it's up to us to synthesize those comments and to make the changes that we believe will allow us to put forth the best possible project.

I sincerely appreciate the Board's time. I appreciate the neighborhood's time. It was an impressive display of thoughtfulness and evaluation even if, obviously, we don't agree with
all of it. I think some of it has merit, and we will endeavor both to the neighborhood and to the Board to see what we can do.

180 days is not a long period of time, but we're not that deep into it. We do have some time to make some changes and to address some of the things that have been raised, and we look forward to that chance. Thanks a lot.

MR. GELLER: Thank you.

MS. PALERMO: Excuse me. I have a question for Mr. Engler. Thank you very much for your appreciation for the need to focus on some of the issues. Tonight and actually prior to tonight but certainly tonight, it became very clear to me that this parking system is experimental at best, and I'm going to ask a question lawyers are not supposed to ask. I'm going ask to it anyway.

Why would you have contemplated this? As far as I know, there is nothing -- we had testimony that it has not been used on the East Coast at all. In my knowledge, I don't think it's used in the Greater Boston area at all. It does seem to have some issues in climates like ours.

It is self-parking. If you were
going to do stacking, you could have valet parking, which does function. Obviously, it's more expensive. You've got to hire people to be valets, but what was it that prompted you to think at this point it would be a good idea?

MR. BROWN: Dartagnan Brown, architect. Part of this was working with the existing curb cut, is to get a parking ratio that would be headed towards the satisfactory balance between units of parking. From our understanding, we're happy to further study this, but maybe bring the Klaus engineers here. There are systems in New York that have been installed and there are at least a half dozen that we know that are getting programmed now for the Boston area.

I know we've been focused on the TrendVario 4200. We are looking at two other companies we recently came across that are also different than Klaus but also operate in the Boston climate. So that is, definitely, we understand, a major concern and we will be bringing that up.

MS. PALERMO: So the sole or the primary reason was to try to get a better ratio for parking. It has nothing to do with marketing units;
in other words, if I could waive my magic wand and say go ahead and build this but do not provide parking at all, could you make this project work?

MR. BROWN: I think at a minimum we could get the surface parking that we could fit on both sides, but I think there's definitely a balance between what the unit comes with, what the neighborhood wants and getting something in between.

MS. PALERMO: Do you understand my question?

MR. BROWN: I do.

MS. PALERMO: It's a financial one. In other words, is this project feasible if you don't provide parking at all?

MR. BROWN: As the architect, I would have to go back to the developer.

MS. PALERMO: That's my question.

MR. BROWN: We can follow up.

MS. PALERMO: As has been noted here, if you were to do underground parking, for example, that would probably run you about $50,000 a space.

MR. BROWN: Correct. I think we're looking at understanding the geotech to one man's
point just making sure that we can go down there.

There is an existing basement down there that may
get us to the same level elevation. That's
certainly stuff we are studying now, concerns around
the noise.

From what we understand, I think that
gentleman spoke to it, is with that 65 decibel
reducer down to 35 decibels for the noise -- a home
dishwasher is 44 decibels, the one I have at home,
so that's actually quieter, but those are all kinds
of items we're trying to figure out now.

MS. POVERMAN: And, Lark, I do want
to point out that not having any parking, parking
would itself create some problems.

MS. PALERMO: I'm not advocating for
it. I'm trying to get -- absolutely it was a
hypothetical. I'm trying to get at the reasoning
for the proposal to have stacked parking that is
self-parking and whether there's any economic reason
that they felt they needed to provide parking for
the market rate units. That's what I'm looking to
find out.

MR. ENGLER: I commend you. It's a
good question, but relative to -- it's a couple
different -- I mean, every developer is cutting
their own throat by providing inadequate parking for
the overall building. However, I would say at this
location, it's a pretty -- for lack of a better
word, it's a pretty urban location, not as urban as
some in Coolidge Corner but pretty urban.

And Brookline itself has set a
precedent relative to a very low parking ratio on
recently approved 40B. I think -- not to be coy,
but I think, yes, the answer to your question is a
stacker system was introduced to maximize the
parking ratio for all tenants as well as for the
commercial tenant, as opposed to just a traditional
surface parking, so yes.

MS. PALERMO: Thank you.
MR. GELLER: I will also say it has
to pass muster with the lender.

MS. PALERMO: True.
MR. GELLER: The lender is going to
have a say in this. Thank you. As I mentioned
before, our next hearing is August 30, same time, 7
p.m.

At the next hearing we are going to
focus on urban design. We will have the peer
reviewer in. We'll have the applicant's presentation information, and we'll have our peer reviewer available to offer their presentation.

And let me turn to the Board now.

This sort of touches on something that Mr. Talerman mentioned and also that Mr. Engler mentioned, which is not specifically the 180 days but the necessity that the Board, once it has sufficient information in its collective mind, to begin the discussion of the project.

In order to give feedback to the applicant, it is incumbent on us to start to do that. I would suggest that at the point in which we've at least had an opportunity to hear from urban design peer review, it's a good time for us at the end of that hearing to start our discussion to aid the process of directing these folks where we expect them to take this. Obviously, that will involve a broader discussion about the project, but I think that should be our goal, and I think everybody should think along those lines and prepare to have that discussion.

MS. SCHNEIDER: May I make a comment to the applicant in that regard?
MR. GELLER: You sure may, Johanna.

MS. SCHNEIDER: I appreciate the applicant's comments about your amenability to look at areas that were raised by members of the community tonight. Some of the comments we heard tonight and some of your responses have left me with the impression that some of the things that were submitted to the Board were sort of half-baked, that there wasn't sufficient studies yet of the impact on cueing on the street, that the parking system is still under investigation as to what is going to be selected or how it's going to work.

I think we've heard some questions. We're still not sure how the retail spaces are going to be programmed, and there were some changes with respect to whether or not there is going to be open space offered.

I guess I would ask the applicant to spend some very focused time, given the short amount of time we have and what the Chairman has outlined in terms our next steps, to please focus on these things and provide us with the detailed information that we need so we can start providing that feedback. Based on what we have now, I don't know
There are a lot of questions and I would ask you to start filling in those gaps sooner rather than later, please.

MR. GELLER: I don't necessarily agree with how you have articulated it, but I think the notion is that ambiguity or lack of information does not allow us to give you guidance. I think that is the point. So there is missing information where if there is ambiguity about specific aspects that are critical to this project, we're not going to able to direct you as well as we might otherwise, or, in fact, we might have to say that doesn't work and take it out. So I think that further definition will help us to help you.

MS. POVERMAN: Something I would like to say just setting out beforehand, there are a couple of areas where I know I need further information than just setting it out. Some of this is going to come from the Town on issues they raised, just fully understanding as, What in the world the confluence is going to be with the projects going on at KI Devotion on Center Street?

The only more manageable one or noble
one may be Devotion because that is actually ongoing. But I really have no idea how to take any of that into account. So it would be really helpful to -- I don't even know how to ask the question relating to that, but...

MR. ENGLER: You're asking about a full-build scenario. As part of any traffic analysis, the traffic engineer has the responsibility to not only look at the existing conditions but to look at everything before the Planning Board, to look at all the projects that are ongoing that are proposed so that when they do their future build conditions, that incorporates all those things.

Now, things that are speculative or rumored, those won't make it in, but projects that are under construction or have been submitted for permits, those absolutely would be factored into future traffic, towns, and whatnot when the traffic engineer does he or she's analysis.

MS. POVERMAN: Does that take into account like all the construction that's going to be going on for the next 5 million years?

MR. ENGLER: They do apply, yes,
They apply kind of like a CPI, if you will, as it relates to traffic in terms of anticipated rates of growth based on historical information. That's separate and distinct from specific projects that are on the board. So they don't look at all of that in terms of their analysis.

MS. POVERMAN: Is it anticipated -- I know we have a traffic analyst. Our analyst does peer review. And then does the developer respond to that and that's the way we will get a dialog going on that? So I need more information before I draw any conclusions, so in next four months, from the fire department. I don't know how we're going to get the fire department people in at some point, but I know I've been saying this, I would like to have them at the next meeting.

And also I know we've been talking about shadow studies. I would love to have a sophisticated, as Maria said, 3D animation thing of the shadow studies because I would find that really, really helpful. So if we can have that. It wouldn't be at the next meeting we have but as soon as possible.

MS. MORELLI: I think that's
something the urban design peer review would do.

MS. POVERMAN: That's fantastic.

Also, several people have referred to power failures that go on in the neighborhood. God knows I'm familiar with those. How would we get information about power failures that go on, just to factor those into any analysis if there is mechanized system going into place because it is something that happens with regularity, certainly in my neighborhood and probably even more? Who would have records of that? Who would be asked to produce records of that?

MS. MORELLI: Start with the DPW. Start there.

MS. POVERMAN: Could I request those to be produced?

MS. MORELLI: Sure.

MS. POVERMAN: I think I'm done.

Hold on one second. Yes, I'm done. Thank you.

MR. GELLER: Thank you. So we are adjourned for the evening. See everyone on the 30th at 7 p.m.

(Whereupon, the hearing was adjourned at 9 p.m.)
CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

I, Jennifer A. Doherty, Certified Shorthand Reporter and Notary in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing Pages 1 to 96 to be a true, complete and accurate transcript of the testimony of the aforementioned hearing held at the time and place hereinbefore set forth, to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS 3RD DAY OF AUGUST, 2016.

[Signature]

Certified Shorthand Reporter
CSR No. 1398F95

My Commission Expires:
November 4, 2016
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