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PREFACE

This document, together with the July 2010 Draft Environmental Impact Report (Draft EIR), December 2010 Amendment to the Draft EIR, and January 2012 Draft Recirculated Environmental Impact Report (Draft REIR) for the Monta Vista High School Sports Fields Improvements and Lighting, constitutes the Final Environmental Impact Report (Final EIR) for the proposed project. Under the California Environmental Quality Act (CEQA), the Final EIR is an informational document prepared by the Lead Agency that must be considered by the decision-makers before approving the proposed project. CEQA Guidelines Section 15132 specifies that a Final EIR shall consist of the following:

- The Draft EIR or a revision of the draft (in this case the Draft REIR);
- Comments and recommendations received on the Draft (R)EIR either verbatim or in summary;
- A list of persons, organizations, and public agencies commenting on the Draft (R)EIR;
- The responses of the Lead Agency to the significant environmental points raised in the review and consultation process; and
- Any other information added by the Lead Agency.

This Final EIR will be used by the Fremont Union High School District (District) and other Responsible Agencies in making decisions regarding the project. The CEQA Guidelines require that, while the information in the Final EIR does not control the District’s ultimate discretion on the project, the District must respond to each significant effect identified in the Final EIR by making written findings for each of those significant effects before it approves a project.

According to Section 21081 of the California Public Resources Code, no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects on the environment would occur if the project is approved or carried out unless both of the following occur:

(A) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
(3) Specific economic, legal, social, technological, or other considerations, including
considerations for the provision of employment opportunities for highly trained
workers, make infeasible the mitigation measures or alternatives identified in the
EIR.

(B) With respect to significant effects which were subject to a finding under paragraph (3) of
subdivision (A), the public agency finds that specific overriding economic, legal, social,
technological, or other benefits of the project outweigh the significant effects on the
environment.

This Final EIR will be made available to the public 10 days prior to the EIR certification hearing.

The Draft REIR and technical appendices referenced in the Draft REIR are available for download
from the Fremont Union High School District website: www.fuhsd.org and are also available for
review at the Fremont Union High School District (589 West Fremont Avenue, Sunnyvale, CA)
during regular business hours.
SECTION 1 LIST OF AGENCIES RECEIVING THE DRAFT REIR

State of California

- Resources Agency
- Office of Historic Preservation
- Department of Fish and Game (Region 3)
- Department of Parks and Recreation
- Department of Water Resources
- California Highway Patrol
- Caltrans (District 4)
- Regional Water Quality Control Board (Region 2)
- Department of Toxic Substances Control
- Native American Heritage Commission

County Agencies

- Santa Clara County Planning Department

Local Governments

- City of Cupertino

The Draft REIR was also available for review at the District office, Cupertino Library, Sunnyvale Library, West Valley Branch Library, and on the District web site at www.fuhsd.org.
# SECTION 2  LIST OF AGENCIES AND INDIVIDUALS COMMENTING ON THE DRAFT REIR

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SECTION 3  RESPONSES TO COMMENTS RECEIVED ON THE DRAFT REIR

The following section includes all of the comments requiring responses contained in letters received by the Fremont Union High School District during the noticed 45-day review period for the Draft REIR. The comments are organized under headings containing the source of the letter and its date. The specific comments have been excerpted from the letters and are presented as “comment” with each response directly following. The original comment letters are included as Appendix A to this Amendment to the Draft REIR.

A. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM THE CITY OF CUPERTINO DATED MARCH 1, 2012

COMMENT A-1:

Thank you for providing the City of Cupertino with a copy of the Draft Recirculated Environmental Impact Report (REIR) for the proposed Monta Vista High School Sports Fields Improvements and Lighting project in accordance with the recent Court decision on November 30, 2011, voiding the District's previously adopted Final Environmental Impact Report (FEIR) for this project. Upon review of the District's Draft REIR, the City would like to reiterate the following concerns and issues as stated in the City's previous letters in response to the Notice of Preparation, Draft EIR and FEIR to this project, since we still believe that the project, even with a reduced use alternative, will create impacts to residents living in the neighborhood surrounding the high school.

RESPONSE A-1:

The comment does not raise any issues regarding the analysis in the Draft REIR. As stated on page 19 of the Draft REIR, “while the Reduced Use and Light Levels alternative would reduce the noise impact, compared to the original project evaluated in the Draft EIR, it would still result in a significant unavoidable noise impact.” The comment will be considered by the Board during their deliberation on the project. No further response is required.

COMMENT A-2:

Reduced Use and Light Levels Alternative

Although the City of Cupertino finds this alternative more preferable to the original project since it reduces the number of hours the main field and track lights could be used by approximately 66% as compared to the original project, the City would still like to reiterate its concerns outlined in our previous letter dated December 13, 2010 regarding the potential impacts from the lighting, noise, and location of bleachers. These concerns are stated below.
**Lighting**

The City appreciates the District's clarifications on the reduced lighting schedule regarding the reduction of time the lights would be used and reduction of footcandles as proposed in the Reduced Use and Light Levels Alternative. Upon the District's review and determination of the project, the City is suggesting the following:

- Keeping proposed night time activities to those indicated in the Reduced Use and Light Levels Alternative with additional consideration to restrict band practices to daytime use only.
- Moving lighting fixtures further away from residential backyards to further reduce lighting impacts to surrounding residential neighbors.

**RESPONSE A-2:**

As stated in *Section 1.2 Contents and Format of the Document* of the Draft REIR, the Draft REIR contains only the additional information that is needed to make the previously prepared EIR complete. As described in the Court’s November 30, 2011 Order, the Court found that the previously prepared EIR adequately addressed the remaining issues raised in the Petition. The Draft REIR and this Amendment to the Draft REIR is, therefore, limited to the following: the significance of impacts resulting from the Reduced Use and Light Levels alternative, identified mitigation measures for the significant noise impact, and a discussion of whether any alternatives to the project feasibly attain most of the basic objectives of the project and would avoid or substantially lessen the significant noise impact. The Draft EIR and Amendment to the Draft EIR adequately address all other issues, including visual impacts resulting from the proposed sports lighting. Please refer to the Monta Vista High School Sports Fields and Lighting Draft EIR and Amendment to the Draft EIR for all other project-related issues.

**COMMENT A-3:**

**Noise**

As per the ruling of the Courts, both the original project and the reduced alternative have the same frequency and length of the single largest project-generated noise impact (the home football games) and do not incorporate measures other than controlling of the public address system to partially mitigate the noise impacts to the surrounding residential neighborhood. Therefore, the City recommends the following:

- Relocate the visitor bleachers further away from the residential fence lines to a distance that will mitigate the noise impacts to the adjacent residents to the west and south.

**RESPONSE A-3:**

Relocating the visitor bleachers would not mitigate the noise impacts of the proposed project to a less than significant level. As stated on page 138 of the Draft EIR, the
significant unavoidable noise impact would occur regardless of the field location, orientation, or design of the project.

COMMENT A-4:

- Reduce/control the volume of the noise from the PA system as recommended in the DEIR.

RESPONSE A-4:

As stated in the Draft EIR, the proposed project includes controlling the noise generated by the PA systems, as described below.

- Control noise generated by PA systems to be as low as feasible and in no case exceeding 60 dBA \( L_{\text{max}} \) at the nearest residences. This can be accomplished by increasing the number of speakers such that each speaker would output to a smaller area, orienting the speakers away from residential receivers, and using noise barriers or baffles to shield the speakers from adjacent receivers.

COMMENT A-5:

- Restrict band practices to day time use.

RESPONSE A-5:

Monta Vista High School’s band does not currently participate in activities that would require regular evening practice. If, in the future, the band’s activities require evening practice, the band could practice up to two nights per week, at which time instrument playing will end at 8:00 PM, but lights will remain on until 8:30 PM while the band instruments and equipment are put away. As stated on page 24 of the Draft EIR, extending the student school day by allowing evening band and sport practices is one of the project objectives. Restricting band practices to day time use would not reduce the project’s noise impact to a less than significant level. The suggestion in this comment will be considered by the Board during their deliberation on the proposed project.

COMMENT A-6:

- Ensure that the bands playing in the bleachers during football games be located away from the residential property lines to the west.

RESPONSE A-6:

The home bleachers were moved as part of the project to the east side of the field, so that they would be farther away from the property line to the west. School bands are typically seated at the bottom of the bleachers facing the field during football games.
COMMENT A-7:

Location and Proximity of Bleachers/Visibility
The City continues to be concerned about the visibility of the bleachers and spectators from the adjacent and surrounding residential properties, particularly since the proposed new bleachers will be taller than the existing bleachers and no additional physical barriers are proposed. As mentioned previously, there needs to be appropriate landscaping proposed to create an adequate visual buffer.

RESPONSE A-7:

Please refer to Response A-2.

COMMENT A-8:

Traffic, Parking, Construction Mitigation Measures, Artificial Turf
The City has reviewed the responses to traffic, parking, construction mitigation measures and artificial turf, and finds that the City's concerns and comments have been adequately addressed in the previous Final EIR.

RESPONSE A-8:

The comment does not raise any issues regarding the analysis in the Draft REIR. The comment will be considered by the Board during their deliberation on the project.

COMMENT A-9:

Surrounding Resident Concerns

The City of Cupertino has received comments from a residential neighbor on behalf of the Lynbrook-Monta Vista United neighborhood group who is contesting the statement on Page 6, second paragraph, that states "City land use policies support the concept that schools are inherently compatible with residential uses and, therefore, locate high schools within residential neighborhoods, as is evidenced by the City of Cupertino General Plan. This could lead one to presume that school activity noise is also considered compatible with residential neighborhoods."

The City of Cupertino would like to clarify that there is no specific statement in the General Plan that states schools are "inherently compatible with residential uses". While schools are typically found in residential areas and the associated activities may be compatible with the residential neighborhoods, the impacts associated with these activities should be mitigated as outlined in this letter. Therefore, please either remove or modify the statement in the REIR accordingly.

RESPONSE A-9:

The text on page 6 of the Draft REIR has been modified. Please refer to Section 4 Revisions to the Text of the Draft REIR.
COMMENT A-10:

Additionally, the City recommends that the District continue to work with the adjacent neighbors to consider creative solutions that were not discussed in previous letters to come to a collaborative resolution.

Should you have any questions regarding the above-referenced comments or need additional information, please feel free to contact Aki Honda Snelling, AICP in the City of Cupertino Planning Department at (408) 777-3313. Please provide this department with any further notices with respect to this environmental review process and the District's decision-making process on this project to my attention at the above address so the City may continue to work with you to address the concerns of the community both our agencies serve.

RESPONSE A-10:

The District will continue to work with the adjacent neighbors. The City will continue to be included on the distribution list of all future notices on the environmental review process and the District’s decision-making process on the proposed project.

B. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM SHUTE MIHALY & WEINBERGER, LLP, DATED MARCH 2, 2012

COMMENT B-1:

This firm represents Lynbrook-Monta Vista United on matters related to the environmental review for the Lynbrook and Monta Vista High School field lighting and improvement projects (the "Projects"). I have reviewed the draft Recirculated Environmental Impact Reports ("REIR") for each of the Projects and the draft REIRs have been reviewed by a noise expert.

RESPONSE B-1:

It should be noted that the noise expert whose review of the subject Draft REIR is referenced included a curriculum vitae that describes 35 years of acoustic experience designing and operating performance and other building spaces. There is no mention of experience conducting, preparing, or reviewing CEQA noise impact analyses.

COMMENT B-2:

I do not believe that the REIRs comply with the requirements of the California Environmental Quality Act ("CEQA") for a full analysis, disclosure, and identification of alternatives mitigations of the Projects' significant environmental impacts. Moreover, the draft REIRs reveal for the first time that the Projects will have significant environmental impacts. Therefore, the District should have evaluated project alternatives that would avoid these impacts as required by CEQA. Because the draft
REIRs do not comply with CEQA, Lynbrook-Monta Vista United requests that the documents be revised to include a complete analysis and disclosure of the Projects’ significant noise impacts and a full discussion of mitigation measures and alternatives that would reduce these impacts.

**RESPONSE B-2:**

The Draft REIRs, together with the previously circulated EIRs comply with the requirements of the CEQA for a full analysis and disclosure of significant effects on the environment of the project, the manner in which those significant effects can be mitigated or avoided, and identification of alternatives to the project. As described in the Draft Recirculated EIRs (Draft REIRs), Section 1.1, the Draft REIRs recirculate only those sections of the EIRs that require reconsideration under the Court’s findings. The previously circulated EIRs, together with the Draft REIRs, constitute the EIRs for consideration of the Reduced Use and Light Levels alternative. This approach is specifically described in Section 15088.5(c) of the CEQA Guidelines.

In conformance with the Court’s ruling of November 30, 2011, Draft REIRs were circulated that conclude that the Reduced Use and Light Levels alternative would result in a significant unavoidable noise impact. The noise impact results primarily from the up to six football games (the same football game noise impact that was identified in the Draft EIRs for the originally proposed projects). The originally circulated Draft and Final EIRs include detailed evaluations of six alternatives to the project (seven for Lynbrook HS project) for their ability to avoid or reduce the identified significant noise impact. The previously circulated EIRs described four additional alternatives that were considered but rejected, because they either did not reduce the impact or resulted in indirect impacts that were not impacts of the project. The alternatives described include:

- No Project Alternative
- Reduced Use Alternative
- No Sports Light Alternative
- Practice Lights Alternative
- Practice Lights and Homecoming Alternative
- Existing Field Configuration Alternative (Lynbrook HS Project only)
- Reduced Use and Light Levels Alternative (selected as the project in the Draft REIRs)

Additional Alternatives Considered but Rejected Include:

- Field Layout Alternative
- Bleacher Location Alternative
- No Synthetic Turf Alternative
- Retractable Portable Lights Alternative
Given the threshold of significance described in the EIRs, there are no alternatives to either the original project or the Reduced Use and Light Levels alternative that meet the objective of holding evening football games at the high school campuses and avoid the significant noise impact. For this reason, additional alternatives were not addressed in the Draft REIRs. The Draft REIRs included detailed discussions of mitigation measures to reduce the identified significant noise impact, including several measures raised in comments received on the Draft EIRs:

- Public Address System Controls
- Noise Barrier Along Property Line
- Noise Barrier Behind Bleachers
- Sound Insulation
- Lowering Field and Track Elevation
- Lowered Elevation Combined with Noise Barrier
- Dome over Track and Field

The Draft REIRs, together with the previously circulated Draft and Final EIRs provides a full disclosure of the significant impact of the project and discussion of mitigation measures and alternatives that have been identified and considered to avoid and reduce the significant impact. Therefore, the Draft REIRs comply with CEQA.

COMMENT B-3:

I. The Draft REIR Improperly Downplays the Project's Significant Noise Impacts and Fails To Identify An Environmentally Superior Alternative.

In the draft REIR the District acknowledges for the first time that the Projects will have significant noise impacts from Friday night football games. However, the REIR continues to downplay the identified significant impacts of the Project. For example, the REIR continues to compare the impacts of the "Reduced Use and Light Levels Alternative" to the original project when discussing the impacts of the Project the District apparently intends to approve. See e.g., Lynbrook REIR at 5-7; MV REIR at 5-7 (relying on 66% reduction in noise as compared to the original proposal and claiming that the RULL is "environmentally superior to the original project evaluated in the Draft EIR.").

RESPONSE B-3:

The purpose of the Draft REIRs is to disclose that the Reduced Use and Light Levels alternative would result in the same significant unavoidable noise impact that was identified in the previously circulated EIRs. The Draft REIRs state that the Reduced Use and Light Levels alternative would result in a significant unavoidable noise impact (Draft REIRs, page 5). With that said, it is appropriate for the EIRs to compare the Reduced Use and Light Levels alternative with the originally proposed project. The CEQA Guidelines description of Consideration and Discussion of
Alternatives to the Proposed Project [§15126.6(d)] states, “Evaluation of Alternatives. The EIR should include sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project.” Compared to the original project evaluated in the Draft EIRs, the Reduced Use and Light Levels alternative would result in a 66% reduction in the hours of potential evening noise-generating activity. While it is acknowledged the Reduced Use and Light Levels alternative would result in a significant unavoidable noise impact, it is accurately described as environmentally superior to the original project, for this reason.

COMMENT B-4:

Conclusions about the significance of a project's impacts should be based on a comparison to the existing physical environment, not a comparison to a hypothetical project that has not even been approved. (Communities For A Better Env't v. S. Coast Air Quality Mgmt. Dist. ("CBE II") (2010) 48 Cal.4th 310, 320-21; see also Sunnyvale W Neighborhood Assn. v. City of Sunnyvale City Council (2010) 190 Cal.App. 4th 1351, 1373 ["Case law makes clear that '[a]n EIR must focus on impacts to the existing environment, not hypothetical situations.'" (internal citations omitted)].)

RESPONSE B-4:

The Draft REIRs conclusions of project impact significance were based on the project’s effects on the existing environment; they were not based on a comparison to a hypothetical project or a situation. The Draft REIRs state that evening activity noise under the proposed field lights would result in a significant unavoidable impact, because the increased noise levels would exceed the Cities’ normally acceptable exterior noise level standards (Monta Vista project would exceed Cupertino’s nighttime exterior noise level standard of 50 dBA Leq and Lynbrook project would exceed San Jose’s normally acceptable exterior noise level standard of 55 dBA Leq).

COMMENT B-5:

Moreover, the Draft REIR continues to downplay what are clearly significant noise impacts from the Friday night football games. For example, the Draft REIR continues to take the unsupported position that "the noise impact may be considered less than significant using a qualitative standard based on infrequency, duration, time of day and community expectation ...." Lynbrook REIR at 2; MV REIR at 2. An EIR is a document of public disclosure designed to alert the public to the potentially significant impacts of a project. Laurel Heights Improvement Assn. v. Regents of Univ. ofCalifornia (1988) 47 Cal.3d 376,392 ("Laurel Heights F") (citations omitted.).) Under CEQA, an EIR must reflect a good-faith effort at full disclosure, including "detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." Id. at p. 405; CEQA Guidelines, § 15151.1 To accomplish CEQA's informational purpose, an "EIR must contain facts and analysis, not just the agency's bare conclusions." (Citizens

1 The CEQA Guidelines ("Guidelines") are found at California Code of Regulations, title 14, section 15000.
of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 568 ("Goleta IF") (citations omitted).

**RESPONSE B-5:**

The Draft REIRs do not downplay the significant noise impact from Friday night football games, or from any of the other events that are expected to be held under the proposed field lights. The Draft REIRs describe the noise levels projected to occur at the nearest residences during capacity football games, how much those project noise levels exceed the existing ambient noise levels, and the sources of the noise. The Draft REIRs also describe the noise from practices and non-football games and band practice (Draft REIRs pages 5-6). The discussion of noise impacts is based on the professional analysis and opinion of the project noise consultant; it is not the Districts bare conclusions.

**COMMENT B-6:**

By playing down the significant noise impacts of the Friday night football games, the REIRs improperly mislead the public as to the true consequences of the District's action. As detailed in the comments of Neil A. Shaw of Menlo Scientific, the noise analysis fails to disclose the full range of significant project impacts and the use of such words as "infrequent" or "non-threatening" are misleading. Exhibit A to this letter.

**RESPONSE B-6:**

Please refer to the previous response regarding the Draft REIRs disclosure of the full range of significant project noise impacts. The Draft REIRs use of the words “infrequent” and “non-threatening” are part of a discussion of the factors affecting a person’s typical response to noise and are not misleading. The noisiest events proposed to occur under the project field lights are five to six Friday evening football games per year. Five to six non-consecutive evenings over a 365 day year is infrequent. The Draft REIRs describe the noise generated by a high school football game – the sounds of athletes on the field, the band, the public address (PA) system, and the cheers and stomping of spectators as resulting from a “relatively non-threatening event hosted by, played by, and attended by the local neighborhood community… (Draft REIRs page 6).” Responses to specific comments raised by Neil A. Shaw of Menlo Scientific are provided immediately following the responses to this comment letter.

**COMMENT B-7:**

The REIRs also make the unsupported claim that the Projects are compatible with surrounding land uses because the cities of Cupertino and San Jose allow for the location of schools in residential areas, but they ignore the fact that the Projects will actually exceed noise standards established by the Cities. Thus, the REIRs' attempt to downplay noise from the Projects as the type of noise to be
expected in a residential community cannot be reconciled with their clear exceedences of the noise standards established by those same cities.

**RESPONSE B-7:**

The Draft REIRs do not claim the Projects are compatible with surrounding land uses because the cities of Cupertino and San Jose allow for the location of schools in residential areas. The comment refers to the Draft REIRs discussions of the factors affecting a person’s typical response to noise. In this case, the factor relates to the circumstances creating the noise. The type of noise resulting from the project would be sounds commonly associated with high school activities. The Draft REIRs state, “City land use policies support the concept that schools are inherently compatible with residential uses and, therefore, locate high schools within residential neighborhoods, as is evidenced by the City of Cupertino (and San Jose) General Plan. This could lead one to presume that school activity noise is also considered compatible with residential neighborhoods.”

As described in previous responses to comments, the Draft REIRs state that evening activity noise under the proposed field lights would result in a significant unavoidable impact, because the increased noise levels would exceed the Cities’ normally acceptable exterior noise level standards (Monta Vista project would exceed Cupertino’s nighttime exterior noise level standard of 50 dBA Leq and Lynbrook project would exceed San Jose’s normally acceptable exterior noise level standard of 55 dBA Leq). The Draft REIRs do not ignore the project’s noise impact.

**COMMENT B-8:**

A more accurate analysis of the full range of noise impacts would reveal that the Projects will result in the type of noise that people find quite disturbing, including low frequency noises such as bass drums and foot stomping, vibrations, and random, sharp, and non-regular sounds - such as crowd cheers, staccato drumming, and whistles. The draft REIRs fail to disclose any of these significant noise impacts, and therefore fail to disclose how significant the impacts of the Projects will actually be.

**RESPONSE B-8:**

The Draft REIRs provide a full disclosure of the sources of project noise and resulting noise levels generated by the sources, in conformance with standard CEQA noise impact analysis methodology and procedures. The Draft REIRs and previously circulated EIRs provide detailed information regarding the maximum measured noise levels of various football game noise sources, the worst (noisiest) hour noise levels at nearest residential receptors in three different locations for four different spectator levels, as well as projected hourly average noise levels for non-football game and practices. The threshold of significance of the Projects’ noise impact is based upon
the local city’s noise level standards, in conformance with standard CEQA noise impact analysis methodology and practice.

The comment does not provide any evidence that people find high school football game noise “quite disturbing.” As stated in the setting section of the EIR, the most common method of quantifying and assessing noise in California is the A-weighted sound level or dBA. The A-weighted scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Further, all regulatory criteria applicable to the proposed project establish noise limits that utilize the A-weighted scale.

Lower-frequency noises generated by proposed activities would primarily result from the marching band (e.g., drumming). The spectral content of drumming noise, and overall sound level, results primarily from sounds that are at frequencies of 250 Hz and above. Music played through the public address system may also have some lower-frequency content, but the overall sound level typically results from sounds at 250 Hz or above. Also, most public address systems do not have the power to output high sound pressures in the low-frequency range.

The spectral content of perceived “low-frequency” noises such as drumming and music played through the PA system would be similar to the spectral content of cheering. It is agreed that low-frequency sounds are more difficult to attenuate, may be audible at greater distances, and may be audible at times indoors. However, audibility in itself does not constitute a significant environmental noise impact.

The Draft REIRs correctly use local policies and standards and whether or not the project would cause a substantial increase in noise in the vicinity of the project as the thresholds of significance. The type of noise generated by the project does not warrant the use of a different threshold. The project is located at an existing high school. The noises that would be generated by the proposed project have occurred on the project site. Ongoing activities at the school, including band practice on the playfields, are a part of the existing environment. Audibility is not addressed in local policies or standards, and is not a measure of "substantial increase". Therefore, audibility is not an appropriate significance threshold.

COMMENT B-9:

The REIRs also improperly use an average noise analysis to determine significant project impacts. As a result noise levels will be much higher than actually disclosed.

RESPONSE B-9:

The Draft REIRs do not improperly use an average noise analysis to determine significant project impacts. The threshold of significance for project noise impacts is based upon the noise standards of the individual jurisdictions in which the high
schools are located. In accordance with the CEQA Guidelines Appendix G, Environmental Checklist Form, the first question under Noise – would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

For the Monta Vista HS project, located in the City of Cupertino, the EIR criteria for significant noise impacts reflects use of the City’s noise ordinance and Noise Element of the City of Cupertino General Plan. Section 6, Health and Safety, of the City of Cupertino General Plan includes the following policy:

Policy 6-50: Land Use Decision Evaluation - Use the Land Use Compatibility for Community Noise Environments chart and the City Municipal Code to evaluate land use decisions. Figure 6-L: Land Use Compatibility for Community Noise Environments shows Community Noise Exposure levels (described in time-averaged Ldn or CNEL, dB) of up to 60 dBA CNEL as acceptable for residential land uses.

For the Lynbrook HS Project, located in the City of San Jose, the San Jose 2020 General Plan noise policies serve as the CEQA noise threshold the City of San Jose has historically used in all of its noise analyses. This is supported in the August 26, 2010 Draft EIR comment letter from the City of San Jose (included in the Amendment to the Draft EIR). Noise Policy 1 states that the City's acceptable noise level objectives are 55 DNL as the long-range exterior noise quality level, 60 DNL as the short-range exterior noise quality level, 4) 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. Noise Policy 11 states that when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses, non-residential/and uses should mitigate noise generation to meet the 55 DNL guideline at the property line.

While the Draft REIRs used the time averaged noise levels for the significance thresholds, the noise impact discussion also included descriptions of the maximum measured noise levels resulting from the various noise sources and the technical noise studies in the Draft EIRs include measured maximum noise levels and time averaged noise levels over five minute increments during a football game. Through all of this information, a complete disclosure of the project noise impacts was provided in the Draft REIRs.

COMMENT B-10:

In addition, the noise analysis implies that noise impacts from practices will be significant, but fails to adequately disclose that fact. For example, the REIRs reject a number of mitigation measures because they will not reduce noise levels below the City's noise thresholds. See, e.g., Lynbrook REIR
at 12; MV REIR at 12 (rejecting combined noise barriers because noise from football games would still exceed City 55 Leq by 9 dBA and noise from practices would still exceed City's 55 dBA Leq by 4 dBA.)

These statements indicate that noise impacts from practices will be significant because they will exceed City noise thresholds, but they are buried in a discussion of the REIRs' view of why mitigation measures would not be feasible. Because the REIRs contain nothing more than this oblique reference to significant noise impacts from practices, it fails to adequately disclose these impacts and it fails to adequately consider mitigation measures to reduce this impact. For example, the REIRs include no discussion of earlier end times for practices even though that might limit the significance of the noise levels associated with practices.

1 In fact, the comments of Neil Shaw indicate that the city noise standards rely on an LMax measure, not Leq. By failing to measure noise levels using the LMax and comparing it to the cities' standards, the REIRs underestimate the impacts of Projects.

RESPONSE B-10:

The Draft REIRs state that evening activity allowed under the proposed field lights, including non-football games and practices, will result in a significant unavoidable noise impact. “Noise generated by evening games and practices at Monta Vista/Lynbrook High School under the Reduced Use and Light Levels alternative would substantially increase hourly average noise levels at sensitive receptors nearest the main field and track, compared to existing conditions.” (Draft REIRs page 5)

The Draft REIRs describe the times of use for the various activities (including non-football games and practices) proposed by the Reduced Use and Light Levels alternative (Draft REIRs page 5). They then state, “…the noise would still result in a significant unavoidable impact, because it exceeds the City’s normally acceptable nighttime exterior noise level standard of 50 dBA Leq (exterior noise level standard of 55 dBA Leq for Lynbrook Draft REIR).”

As described in the Draft REIRs (page 5), the Reduced Use and Light Levels alternative would reduce the total number of hours the lights and noise activity would occur by 66%, compared to the original project evaluated in the Draft EIRs. Since the Alternative retains the five to six evening football games per year, the entire reduction in hours results from earlier end times and fewer days for practices and non-football games. The purpose of this alternative is to reduce both the duration of non-football game noise and limit the noise to the earlier hours, thereby reducing the significance of the noise levels associated with practices and non-football games. In this respect, the Reduced Use and Light Levels alternative responds to the request in this comment for earlier practice end times.

The Environmental Noise Assessment report and Addendum Noise report use \( L_{max} \), Leq, CNEL, and DNL to compare to ambient conditions and to local standards.
Table 2.4-1 in the MVHS Draft EIR Environmental Noise Assessment refers to a table contained in the City of Cupertino Municipal Code Section 10.48.040, Daytime and Nighttime Maximum Noise Levels. This table establishes a maximum noise level at the complaint site of the receiving property. The term “maximum” as identified in the table is not intended to regulate the noise level of instantaneous events, but rather to establish the “maximum” allowable average noise level (Leq). The interpretation of the term “maximum” was provided by the City of Cupertino on a previous project, and is confirmed based on a comparison with similar standards in the State of California Model Noise Ordinance and that the fact that the following section in the Municipal Code allows brief exceedances of the “maximum” noise limits during the daytime period provided, that the sum of the noise duration in minutes plus the excess noise level does not exceed twenty in a two-hour period. This adjustment confirms that the intent of the limit is not to limit maximum instantaneous noise levels to 60 dBA Lmax during the day and 50 dBA Lmax at night, but rather to limit average noise levels to 60 dBA Leq during the day and 50 dBA Leq at night. The interpretation of the vague language in the Municipal Code, confirmed by City Staff on a previous project, as well as when compared to the State Model Noise Ordinance demonstrates that the intent of the Code is to not limit Lmax noise levels to 60 dBA Lmax during the day and 50 dBA Lmax at night.

The San Jose Noise Ordinance does not define what it means by maximum noise level. An Lmax limit of 55 dBA is inconsistent with the State of California Model Noise Ordinance, is not supported by research, and is an unreasonably restrictive standard. The project noise consultant has consistently interpreted this limit as an hourly average when used as a CEQA threshold; this interpretation has never been questioned by the City of San Jose.

COMMENT B-11:

This failure to adequately characterize the Project's significant noise impacts is particularly relevant to the consideration of mitigation measures and alternatives. Although the REIRs attempt to downplay the impacts, the Projects will have far more significant noise impacts than disclosed. As a result, the District should seriously consider alternatives that would avoid or substantially reduce these impacts as discussed in more detail below.

RESPONSE B-11:

The Draft REIRs accurately and fully characterize the Projects’ significant noise impacts, in conformance with standard methodology and practice for CEQA noise impact analyses and the thresholds of significance used by each of the jurisdictions in which the subject high schools are located. Please refer to the previous responses to Comments 1-10 for additional information in response to this comment.
COMMENT B-12:

Finally, the REIRs fail to identify an environmentally superior alternative. With its repeated statements that the RULL will be environmentally superior to the original proposal, the REIRs create the impression that the RULL is the environmentally superior alternative. Inasmuch as the RULL will continue to have significant environmental impacts that the District does not intend to mitigate, this impression cannot be correct. The result is a document that is misleading and fails to convey the full scale of the noise impacts associated the Project. Accordingly, the REIRs fail to comply with its obligation for public disclosure under CEQA and must be revised and recirculated.

RESPONSE B-12:

The Lynbrook and Monta Vista Draft REIR, together with the previously circulated EIR and this amendment to the Draft REIR, each comprise the respective EIR for the Lynbrook and Monta Vista Sports Field Improvements and Lighting projects. As noted in the Draft REIRs (MVHS page 19 and LHS page 18), the previously circulated EIRs found that there were no alternatives to the project that meet the objective of holding evening football games at the subject campus and avoid the significant noise impact. The Amendment to the Draft EIRs found that the No Sports Light alternative, where home football games were played during the day on the home field, would meet all but two of the project objectives. It would not meet the objective of extending the student school day by allowing band and sport practices to extend into the evening and it would not increase school spirit and pride through being able to hold more events (i.e., evening football games) on the home campus. As described in the Amendment to the Draft EIRs (MVHS page 254 and LHS page 275), “Compared to the Reduced Use, Practice Lights, Practice Lights and Homecoming, and the Reduced Use and Light Levels alternatives, the No Sports Lights alternative will result in fewer environmental impacts and, therefore, is the Environmentally Superior alternative.”

COMMENT B-13:

II. The Revised EIRs Fail To Address the Health Impacts Associated with Significant Noise Levels.

Again, this document is the first to disclose that the Projects will result in significant noise impacts from both practices and Friday night football games. The health impacts of noise are one of the most serious public health issues in modern society, yet the REIRs fail completely to discuss what Projects' significant noise impacts mean in terms of their impacts of on human health. Exposure to increase noise levels has been associated with increased stress, cardiovascular impacts, and mental health impacts. See Exhibit B (Journal of Occupational and Environmental Medicine, 200259:380-386); Exhibit C (Wikipedia); Exhibit D. ("Noise Pollution: A Modern Plague"). Having identified substantial increases in noise associated with the Projects, the REIRs must also discuss the health effects of those noise impacts on affected members of the public.
RESPONSE B-13:

The evening activities allowed under the proposed project will not result in noise levels causing significant impacts on human health; therefore, the Draft REIRs do not describe the health impacts of the project. The environmental noise assessment contained in the Draft EIRs describes the adverse effects of noise, including sleep and speech interference and annoyance; it does not describe more serious health impacts of noise, because the project would not cause noise levels reaching those thresholds. While it is acknowledged that exposure to high noise levels can cause physical and mental health impacts, the noise levels associated with the project would not be loud enough or of long enough duration to cause a significant health impact.

For Monta Vista, during a bleacher-capacity football game, the noisiest hour outdoor noise level at the nearest residences are calculated to be 74 dBA Leq. For the 24-hour period containing a bleacher-capacity football game, the CNEL for the nearest residence would be 70 dBA (Existing CNEL ranges from 52-56 dBA). During a typical Monta Vista attendance game (700 spectators), the noisiest hour noise level outside the nearest residence is calculated to be 69 dBA Leq. The resulting 24-hour CNEL would be 65 dBA. During practices and non-football games, worst-hour hourly average outdoor noise levels at the nearest residences to the Monta Vista track and field are calculated to range between 50 and 69 dBA Leq. The 24-hour CNEL for non-football games and practices would be below 60 dBA.

For Lynbrook, during a bleacher-capacity football game, the noisiest hour outdoor noise level at the nearest residences are calculated to be 71 dBA Leq. For the 24-hour period containing a bleacher-capacity football game, the DNL for the nearest residence would be 64 dBA (Existing DNL ranges from 52-57 dBA). During a typical Lynbrook attendance game (600 spectators), the noisiest hour noise level outside the nearest residence is calculated to be 65 dBA Leq. The resulting 24-hour DNL would be 58 dBA. During practices and non-football games, worst-hour hourly average noise levels outside the nearest residences to the Lynbrook track and field are calculated to range between 53 and 65 dBA Leq. The 24-hour DNL for non-football games and practices would be below 55 dBA. The existing and project noise levels are summarized in the table below.

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2 The City of San Jose General Plan utilizes the Day-Night Average Sound Level, or DNL, while the City of Cupertino General Plan utilizes the Community Noise Equivalent Level, or CNEL.
Existing and Project Noise Levels
(Noisiest Hour Leq)

<table>
<thead>
<tr>
<th>High School</th>
<th>Existing Noise Levels Fridays 4-11pm</th>
<th>Bleacher Capacity Football Game outside nearest residence</th>
<th>Typical Attendance Football Game outside nearest residence</th>
<th>Non-Football Games &amp; Practices outside nearest residence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monta Vista HS</td>
<td>45-55 dBA Leq</td>
<td>74 dBA Leq</td>
<td>69 dBA Leq (700 spectators)</td>
<td>50-69</td>
</tr>
<tr>
<td>Lynbrook HS</td>
<td>45-50 dBA Leq</td>
<td>71 dBA Leq</td>
<td>65 dBA Leq (600 spectators)</td>
<td>53-65</td>
</tr>
</tbody>
</table>

The EIR noise analysis based its evaluation of project noise levels on noise measurements taken at several similar high school football games. Highest measured noise from cheering crowds resulted in maximum instantaneous noise levels ranging from 70-80 dBA $L_{max}$. These maximum noise levels contributed to the noisiest hour levels described in the above text.

As described in the City of San Jose General Plan, Noise Policy 1 states that the City's acceptable noise level objectives are 55 DNL as the long-range exterior noise quality level, 60 DNL as the short-range exterior noise quality level, 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. For the 24-hour period containing a bleacher-capacity football game, the 24-hour noise level at the nearest residence to either the Monta Vista or Lynbrook field would be below 76 DNL. For the typical attendance games or non-football games, the 24-hour time averaged noise levels would be far less. Furthermore, as described in the Draft REIR, the oldest and poorest condition windows and doors provide at least 20 decibels of noise reduction, while newer windows and doors typically provide at least 25 to 30 decibels of noise reduction. Therefore, interior noise levels during the noisiest hour bleacher-capacity football game would be 51-54 dBA Leq for nearest homes with the poorest condition windows and 44-49 dBA Leq for newer, more typical windows.

The Exhibits referenced in the comment provide highly detailed statistical studies and more general discussions of the adverse health effects of high and long-term noise exposure. The exhibits do not provide any information specifically regarding significant health impacts resulting from the noise levels and exposure duration periods projected to occur under the originally proposed project, the Reduced Use and Light Levels alternative, or any of the other identified EIR project alternatives. While the exterior noise levels generated by the project will result in a significant unavoidable impact, they are not expected to result in significant health or safety impacts.
COMMENT B-14:

III. The Revised EIRs Fail to Adequately Analyze Project Alternatives and Mitigation Measures.

The REIRs are also deficient for failure to adequately address alternatives and mitigation measure that would reduce the noise impacts that the REIRs show will occur. First, the REIRs fail entirely to evaluate any alternatives that would reduce the now identified significant noise impacts from the Projects. CEQA requires an agency to evaluate both mitigation measures and alternatives that will reduce a project's significant impacts. Pub. Res. Code §21002; Kings County Farm Bureau v. City of Hanford (1990) 221 Cal. App. 3d 692, 731.

RESPONSE B-14:

The Draft REIRs, together with the previously circulated EIRs, constitute the EIRs for the projects. The previously circulated Draft EIRs and Amendment to the Draft EIRs evaluate a range of alternatives to the project and their ability to avoid or reduce the project’s significant noise impact. Refer to the previous response to Comment 2.

COMMENT B-15:

The REIRs, however, focus exclusively on only a few mitigation measures, and ignore a number of alternatives discussed in the original EIRs that could substantially reduce or avoid significant noise impacts from the football games and that would substantially limit practice noise. In fact, with the disclosure that the Projects will result in significant impacts both from practices and from Friday night football games, the District must evaluate alternatives that would reduce both these impacts. However, currently, the District has only evaluated one alternative - the No Sports Lights alternative - that would address these impacts. This does not constitute a reasonable range of alternatives. In addition to the No Sports Lights alternative, the District should evaluate other alternatives that might reduce practice noise, including limits on the timing of band practice, elimination of evening band practice altogether, or reducing the size of the bleachers and redesigning them to provide greater opportunities for noise mitigation.

RESPONSE B-15:

The Draft REIRs, together with the previously circulated EIRs, constitutes the EIRs for the project; therefore, the Draft REIRs do not ignore the alternatives discussed in the original EIRs.

As described in the Draft REIRs (page 5), the Reduced Use and Light Levels alternative would reduce the total number of hours the lights and noise activity would occur by 66%, compared to the original project evaluated in the Draft EIR. Since the Alternative retains the five to six evening football games per year, the entire reduction in hours results from earlier end times and fewer days for practices and non-football games. The purpose of this alternative is to reduce both the duration of
non-football game noise and limit the noise to the earlier hours, thereby reducing the
significance of the noise levels associated with practices and non-football games.

One of the stated objectives of the project is to extend the student school day by
allowing sports and band practices to extend into the evening. Therefore, eliminating
band practice would not meet a stated objective of the project. As part of the Monta
Vista High School project, the visitor bleachers, which are smaller than the home
bleachers and typically have lower attendance are located closest to the nearest
residence. In this way, the proposed bleacher placement is intended to reduce the
significant noise impact. As described in the DEIRs (MVHS DEIR page 66, LHS
DEIR page 65) the projected worst-hour noise levels for football attendance ranging
from 300 spectators up to 2,364 spectators all exceed the City’s normally acceptable
outdoor noise standard and result in a significant unavoidable noise impact.
Therefore, reducing the bleacher size of the project would not avoid the impact and
would not meet the spectator needs of the District for large-draw events, such as
graduation.

Mitigation measures, including the placement of noise barriers behind the bleachers,
are described in the Draft REIRs. Constructing the bleachers on a berm would
change the character of the sound made by stomping feet, as the stomping would
occur on concrete rather than metal, but would not substantially affect overall
measured noise levels. The noise levels generated by stomping are well below
maximum noise levels from the predominant noise sources that contribute to hourly
average noise levels (i.e., cheering). The brief periods of foot stomping do not
substantially affect the hourly average noise level and do not result in the maximum
instantaneous noise level.

The project environmental noise consultant evaluated the noise reduction benefits of
constructing the bleachers on a berm. Constructing the bleachers on a berm would
not reduce the noise impact to a less than significant level. Unless the berm is six
feet above the uppermost bench, the noise attenuation provided by the berm would be
less than the attenuation provided by the mitigation identified in the REIR (i.e.,
constructing a soundwall behind the bleachers that extends six feet above the top row
of the bleachers).

**COMMENT B-16:**

The District should also evaluate a combination of the No Sports Lighting and Practice Lights
alternative, which would substantially reduce noise impacts from night football games as compared
to the RULL. A combination of these two alternatives which would allow the District to meet all of
the identified objectives in the final EIRs: (1) to extend the student school day by having later sports
and band practices, (2) to reduce the burden on Cupertino High School, which currently hosts Monta
Vista and Lynbrook home football games, and (3) to increase student school spirit and pride by being
able to hold home football games. MV AR 851,281; Lynbrook AR 2:828.
RESPONSE B-16:

The comment is not clear. It is not evident from the comment how the No Sports Lighting and Practice Lights alternatives would be combined to meet all of the identified objectives of the project.

COMMENT B-17:

The District is already holding nighttime football games for Monta Vista High School at Fremont High School, which reduces the impact of such football games on Cupertino High School. It also has not increased the burden on Fremont High School because Homestead High, which formerly held night games at Fremont, now holds night games at its own fields. Thus, holding night football games at Monta Vista High School is not necessary to reduce the burden on Cupertino High School.

RESPONSE B-17:

The intent of the project is to allow Monta Vista and Lynbrook to hold school events, including football games and non-football games and practices, on their home field; thereby reducing the burden on the other District high schools. Since the circulation of the Draft EIRs, Monta Vista has held nighttime football games at Fremont High School instead of Cupertino High School. Lynbrook High School still plays home football games at Cupertino High School. Monta Vista and Lynbrook are still both unable to hold evening games and practices on their home fields.

COMMENT B-18:

The REIRs also improperly claim that the "primary" objective of the Projects is to allow for Friday night home football games. Lynbrook REIR at 18; MV REIR at 19. However, in responses to comments, the District took the position that none of the project objectives were "primary." Monta Vista FEIR Response to Comment BB5. Moreover, the District has repeatedly touted the purpose of the project as extending the school day; holding night football games is not necessary to extend the school day. Nor is there any evidence to support the District's assertion.

RESPONSE B-18:

The District has multiple objectives for the proposed field lighting projects at Lynbrook and Monta Vista High Schools, all of which were described in the previously circulated EIRs. The objectives of the proposed sports lights, as described in the Monta Vista HS DEIR are:

“Sports Lights – extend the student school day by allowing sport practices to extend into the evening; reduce the burden on the Cupertino High School track and fields facilities which are currently shared by Monta Vista; and increase students’ school
spirit and pride through being able to hold more Monta Vista events on their home campus.³”

The objectives of the proposed sports lights, as described in the Lynbrook HS DEIR are:

“Sports Lights – extend the student school day by allowing band and sport practices to extend into the evening; reduce the burden on the Cupertino High School track and fields facilities which are currently shared by Lynbrook; and increase students’ school spirit and pride through being able to hold more Lynbrook events on their home campus.”

The District has always maintained that allowing Friday evening football games to occur on the Monta Vista and Lynbrook home fields will promote school spirit and pride. This opinion is shared by many school parents and neighbors who wrote Draft REIR comment letters in support of the project that are included in the Amendment to the Draft REIR.

COMMENT B-19:

Given that the District can meet the objectives of the projects to increase the school day, hold home football games, and reduce the burden on Cupertino High School without night football games, the District cannot allow such an amorphous and factually unsupported assertion that only night football games will increase school spirit to dictate the ultimate decision regarding project alternatives. Indeed, even assuming that holding nighttime football games is itself a project objective, the District cannot define the Project's objectives so narrowly as to preclude a reasonable alternatives analysis. (See Nat 'I Parks & Conservation Assn. v. Bureau of Land Mgmt.(9th Cir. 2010) 606 F.3d 1058, 1072 [striking down a narrowly drawn statement of project objectives where it "necessarily and unreasonably constrain[ed] the possible range of alternatives" and "foreordain[ed] approval of the [proposed project]"] .) Watsonville Pilots Assn. v. City of Watsonville (2010) 183 Cal.AppAth 1059, 1089 (the "key to the selection of the range of alternatives is to identify alternatives that meet most of the project's objectives but have a reduced level of environmental impacts," not to identity alternatives that meet few of the project's objectives so that they can be "readily eliminated." )

RESPONSE B-19:

The District proposes Sports Field Improvement and Lighting projects at Lynbrook and Monta Vista High Schools. The objectives of the sports lighting element of the project are described in the above response to Comment 18 and include holding evening events at the home campus. Since sports lighting is a major component of the project, the project objectives are not narrowly drawn to include evening school activities under the lights.

³ Although not required under the Monta Vista band’s current program, if the band becomes a competitive marching band, then the proposed project would also allow members of the band to attend afternoon academic classes and practice in the evening should that need arise in the future.
COMMENT B-20:

Moreover, the REIRs fail to address alternatives that would reduce impacts from practices. Because the REIRs now indicate that practices will have significant noise impacts - an impact that was not disclosed in the final EIRs - the REIRs must evaluate alternatives that would reduce these impacts. In addition to the "No Sports Lights" alternative, the REIRs should look at alternatives that would reduce the schedule and number of evening practices thereby reducing the impacts associated with the practices.

RESPONSE B-20:

The previously circulated EIRs state the non-football games and practices will result in significant noise impact (MVHS Draft EIR page 68 and LHS Draft EIR page 67), as described in the following impact statement:

Impact NOI – 1: Noise from games and practices during the school year, Monday through Saturday until 9:00 p.m. and until 10:30 PM for up to six football games would substantially increase hourly and daily average noise levels at nearby residences. (Significant Impact)

As described in the Draft REIRs (page 5), the Reduced Use and Light Levels alternative would reduce the total number of hours the lights and noise activity would occur by 66%, compared to the original project evaluated in the Draft EIR. Since the Alternative retains the five to six evening football games per year, the entire reduction in hours results from earlier end times and fewer days for practices and non-football games. The purpose of this alternative is to reduce both the duration of non-football game noise and limit the noise to the earlier hours, thereby reducing the significance of the noise levels associated with practices and non-football games.

COMMENT B-21:

In addition to modification in practice schedules and a reduction or elimination of Friday night football games, the REIRs should have evaluated a number of other measures that could reduce the Projects' noise impacts. For example, the REIRs should have looked more closely at the option to reduce the number of bleachers and to place them in a berm that would act both as a sound barrier and that would help reduce noise from the use of metal bleachers. See Shaw Report at p. 5.

RESPONSE B-21:

As part of the Monta Vista High School project, the visitor bleachers, which are smaller than the home bleachers and typically have lower attendance, are located closest to the nearest residence. As described in the Draft EIR (MVHS DEIR page 66, LHS DEIR page 65) the projected worst-hour noise levels for football attendance ranging from 300 spectators up to 2,364 spectators all exceed the City’s normally
acceptable outdoor noise standard and result in a significant unavoidable noise impact. Therefore, reducing the bleacher size of the project would not avoid the impact and would not meet the spectator needs of the District for large-draw events, such as graduation.

Mitigation measures including the placement of noise barriers behind the bleachers are described in the Draft REIRs. Constructing the bleachers on a berm would change the character of the sound made by stomping feet, as the stomping would occur on concrete rather than metal, but would not substantially affect overall measured noise levels. The noise levels generated by stomping are well below maximum noise levels from the predominant noise sources that contribute to hourly average noise levels (i.e., cheering). The brief periods of foot stomping do not substantially affect the hourly average noise level and do not result in the maximum instantaneous noise level.

Constructing the bleachers on a berm would not reduce the noise impact to a less than significant level. Unless the berm is six feet above the uppermost bench, the noise attenuation provided by the berm would be less than the attenuation provided by the mitigation identified in the REIR (i.e., constructing a soundwall behind the bleachers that extends six feet above the top row of the bleachers).

COMMENT B-22:

IV. The Revised EIRs' Determination That Mitigation Would Be Infeasible Is Legally Improper and Unsupported by Substantial Evidence.

To the extent the REIRs address mitigation at all, they then go on to reject all but one measure - limits on the PA system - as infeasible. The REIRs' determination of infeasibility ignores the relevant legal standard and is not supported by the evidence.

First, the REIRs reject a number of mitigation measures on the ground that they would be too expensive. See e.g., MV REIR at 11 (rejecting soundwalls); Lynbrook REIR at 11 (same); Lynbrook REIR at 13 (rejecting bleacher barriers); MV REIR at 13 (same). However, the absolute cost of the improvements is not the relevant factor for determining the economic feasibility of mitigation or an alternative. "[T]he [feasibility] question is not whether [the City] can afford the proposed alternative, but whether the marginal costs of the alternative as compared to the cost of the proposed project are so great that a reasonably prudent property owner would not proceed with the [alternative]." Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 600.

Here, the cost of the noise barriers or sound insulation (or a combination of them) is minimal when compared to the overall cost of the Projects. As detailed in Exhibit E, the cost of each of the Projects is over $14,000,000. The cost of the mitigation measures is minimal in comparison and under the relevant standard is clearly feasible. The District also fails to support its assertion that sound insulation would not be accepted by the local community; the District has not even made such an inquiry.
Moreover, the fact that the mitigation measures might not completely eliminate the significant noise impacts of the Projects does not mean that they should be rejected. Instead, CEQA requires an agency to adopt all feasible measures that will reduce a project's impacts, even if they do not completely avoid a significant effect. Pub. Res. Code §21002; see also City of Marina v. Board of Trustees of the California State University (2006) 39 Cal.4th 341; 1 Stephen Kostka & Michael Zischke, Practice Under the California Environmental Quality Act § 14.6 (2d ed. 2011) ("A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely.").

RESPONSE B-22:

The Draft REIRs conclude that two mitigation measures are infeasible: 1) lowering the track and field 25 feet below the proposed grade; and 2) enclosing the track and field with a dome. No other mitigation measures are described in the Draft REIRs as infeasible. The feasibility of the measures, for their cost and the benefit they provide, will be determined by the District Board. With the exception of enclosing the track and field with a dome, there are no measures available that would meet all of the objectives of the project and avoid the project’s unavoidable noise impact. The mitigation measures that are described would reduce, but not avoid the impact. These measures include:

- Public Address System Controls
- Noise barrier along Property Line
- Noise barriers behind bleachers
- Sound Insulation
- Lower the Field and Track Elevation

Furthermore, as noted previously, the project has included additional design features, where possible, to reduce the project’s noise impact. As part of the Monta Vista High School project, the visitor bleachers, which are smaller than the home bleachers and typically have lower attendance, are located closest to the nearest residence.

COMMENT B-23:

Finally, the REIRs fail to adequately address the feasibility of alternative designs, in particular, a design that would set the bleachers into a berm and thereby greatly reduce noise impacts. As discussed in more detail in the comments of David Radtke, the REIRs inappropriately assume that such a design would require lowering of the fields and the presence of a hillside. However, setting the bleachers into a berm does not require either. The purpose of setting the bleachers in a berm is to substantially reduce the noise impacts associated with vibration and cheering from the bleachers and to act as an additional sound barrier. This can be accomplished with the construction of a berm, and could have easily been accomplished here with the dirt available on site during construction. The District's decision to remove this dirt during construction that continued after this court's ruling was taken at the District's own risk and the additional cost associated with re-importing dirt to support the
bleachers cannot be used as a factor to determine that such a mitigation measure would be infeasible. Pub. Res. Code §21167.3(b); Kings County Farm Bureau, 220 Cal. App. 3d at 737.

RESPONSE B-23:

Constructing the bleachers on a berm would change the character of the sound made by stomping feet, as the stomping would occur on concrete rather than metal, but would not substantially affect overall measured noise levels. As discussed in Response 9, the noise levels generated by stomping are well below maximum noise levels from the predominant noise sources that contribute to hourly average noise levels (i.e., cheering). The brief periods of foot stomping do not substantially affect the hourly average noise level and do not result in the maximum instantaneous noise level.

Constructing the bleachers on a berm would not reduce the noise impact to a less than significant level. Unless the berm is six feet above the uppermost bench, the noise attenuation provided by the berm would be less than the attenuation provided by the mitigation identified in the Draft REIRs (i.e., constructing a soundwall behind the bleachers that extends six feet above the top row of the bleachers).

COMMENT B-24:

In view of these deficiencies, the District must revise and recirculate the REIRs with a complete analysis of noise impacts, mitigation measures, and alternatives.

RESPONSE B-24:

The Draft REIR together with the previously circulated EIR, form a complete environmental review of the proposed project and include complete and adequate analysis of the project’s noise impacts, mitigation measures, and alternatives. Specific comments are addressed in the previous responses to Comments 1-23. The Draft REIR does not require recirculation.

EXHIBIT A - COMMENTS ON THE DRAFT REIR FROM MENLO ACOUSTICS

COMMENT B-25:

We have reviewed the Draft Recirculated Environmental Impact Reports (REIR) dated January 2012 for the Monte Vista High School Sports Fields Improvements and Lighting and the Lynwood High School Sports Fields Improvements projects.

For background we also reviewed the Monte Vista High School Sports Fields Improvements and Lighting Project Environmental Noise Assessment report and the Lynwood High School Sports Fields Improvements and Lighting Project Environmental Noise Assessment report, both dated 20 May 2010; the City of Cupertino Municipal Code Chapter 10.48. Community Noise Control; the City...
of San Jose Code of Ordinance Section 20.30.700 Residential Zoning Districts Performance Standards; the Noise section in Part IV. Goals and Policies, of the current City of San Jose General Plan; and the Noise Pollution section of the current City of Cupertino General Plan.

As set forth below, we do not believe that the REIRs adequately analyze or disclose the significant noise impacts from these Projects. Based on our review, the noise impacts of the Projects will be more significant than assumed by the REIRs and we recommend that the District closely evaluate measures that will reduce these impacts.

1. Our review found that the findings in the REIRs and EIRs do not identify some important assumptions including, but not limited to, the character of all noise sources present during a measurement, the spectral and time character of noises from the proposed events, and why a particular metric was chosen, and is appropriate, for a measurement. For example, the REIRs assume that increases in crowd size result in a linear increase in noise. However, as crowd size increases, noise increases exponentially as people in the crowd encourage each other and thus need to shout over each other to be heard and to be part of the general excitement of the moment.

RESPONSE B-25:

The Environmental Noise Assessments completed for the EIRs were prepared by a professional acoustic consultant, using the methodologies, procedures, and thresholds typical for CEQA noise impact analyses. While the commenter, according to his attached curriculum vitae, has 35 years of acoustic experience designing and operating performance and other building spaces, there is no mention of experience conducting, preparing, or reviewing CEQA noise impact analyses.

The Draft REIRs, together with the previously circulated EIRs provide a detailed discussion of the existing noise environment at adjacent residential land uses and include tables and figures that summarize the noise data collected as part of the noise monitoring survey. Noise metrics selected for monitoring purposes included the $L_{\text{max}}$, $L_1$, $L_{10}$, $L_{50}$, $L_{90}$, and $L_{\text{eq}}$. The CNEL and DNL levels were calculated from these data. Table 2.4-2 in the text of the Monta Vista Draft EIR and Table 2.4-1 in the text of the Lynbrook Draft EIR summarize ambient maximum instantaneous noise levels ($L_{\text{max}}$), hourly average noise levels ($L_{\text{eq}}$), and background noise levels ($L_{90}$). CNEL and DNL levels were calculated and reported to establish existing daily-average noise levels. Ambient noise data is also graphically displayed in the Draft EIRs; Figures 2 through 21 in Appendix D of the Lynbrook Draft EIR and Figures 2 through 17 of Appendix D of the Monta Vista Draft EIR. The data contained in the Draft EIR tables and figures show the varying time character of noises, from those that occur over brief instances ($L_{\text{max}}$), to background noise levels (the noise level exceeded 90 percent of the time - $L_{90}$), to hourly average noise levels ($L_{\text{eq}}$), and to daily average noise levels (CNEL or DNL). The Draft EIRs then describe the results of noise measurements made at three high schools during similar events. A complete description of the event, noise sources, measurement locations, and measurement results is provided and tabularized in Appendix D of the Draft EIRs.
The commenter is incorrect in stating that the noise analysis assumes that increases in crowd size would result in a linear increase in noise. This assertion is simply not the case as detailed in the noise assessment. All noise levels and calculations are presented in terms of decibels, which are logarithmic units that quantify the ratio of sound pressures. Crowd noise (i.e., cheering at maximum voice effort) increases proportionally based on the number of spectators. For example, Table 9 shows that hourly average noise levels from a football game, which are predominantly the results of cheering, will be 59 dBA Leq at a distance of 360 feet assuming 300 cheering spectators, and that noise levels from the cheering of 700 spectators will be 63 dBA Leq at the same distance. This increase in noise level is calculated logarithmically, which by definition is an exponential calculation.

COMMENT B-26:

2. In addition, the presentation depends on a prosaic description of measurements which does not adequately provide a complete understanding of the impact on the surrounding area. All measurements presented in the reports should include annotated drawings or photos that identify the location of any and all noise sources, the datum for any distances to receivers used in a calculation, as the location of the location of the receiver locations. Any measurement should and needs to be reproducible others. Data and calculations must be included to support claims made in the reports.

RESPONSE B-26:

The descriptions of the noise monitoring surveys were written in a manner that those unfamiliar with acoustical terminology and concepts could easily understand. The purpose of the CEQA document is to disclose impacts to the public and decision makers. Noise measurements locations are adequately described in the text and on the noise data summary figures, and are also depicted on the project’s site plan. These descriptions, in combination with the discussion provided in the text, are sufficient to replicate the measurements.

COMMENT B-27:

For data taken over a period of time, such as the Leq metric, the time history of the measurement should be presented as well as the Leq time period. The REIRs and the EIRs in many cases present just a range of values in a table and these values are average (Leq) noise levels over an hour, which does not adequately describe the intermittent, impulsive, nature of the noises produced by some of the proposed events for the projects as the longer the time for which an Leq is taken the more the noises are hidden. A more accurate way to present Leq data is to measure one-minute Leqs over a time period of interest and then determine the running logarithmically average of these one minute Leqs for 5, 10, or 15 minutes, and then present this data graphically along with the running one minute Lmax and L90 levels for the time period of interest. In some instances, such as for intermittent, impulsive sounds such as those from foot stomping on metal bleachers, marching bands, and drum lines, one second levels should be used to determine the running logarithmically average
and the three averages (Lmax, Leq, and L90) presented graphically for the time period of interest. For certain noises, such as those that are bass heavy, foot stomping on metal bleachers, marching bands, and drum lines, the octave band Leq and Lmax data for the 63 Hz to 8000 Hz octave bands, in addition to the overall level of data described above, should be presented to properly characterize the noise spectrum.

RESPONSE B-27:

Ambient noise data collected at Lynbrook High School are presented in one-hour intervals in Appendix D of the Lynbrook Draft EIR (Figures 2 through 21). Ambient noise data collected at Monta Vista High School are also presented in one-hour intervals in Appendix D of the Monta Vista Draft EIR (Figures 2 through 17). During each hour that a measurement occurred, the sound-level meter sampled noise levels in each second and a running logarithmic average noise level was calculated for each hour. The maximum instantaneous noise level during the hour (i.e., the loudest instantaneous sound occurring during the hour - Lmax) was also documented. Further, the noise levels exceeding 1%, 10%, 50%, and 90% of the hour (the L1, L10, L50, and L90, respectively) were also documented. This method of establishing ambient noise levels is the standard practice used to describe ambient noise conditions at receptors in the project vicinity.

The noise data gathered during a high school football game at Cupertino High School were collected in a slightly different manner in an effort to show how noise levels varied during the course of the football game. As shown in Appendix D (Figure 22 in the Lynbrook Draft EIR and Figure 18 for the Monta Vista Draft EIR), an averaging time of five-minutes was used. However, the sound-level meter continued to sample noise levels in each second and a running logarithmic average noise level was calculated for each five-minute period. The maximum instantaneous noise level during each five-minute interval was also documented to quantify noise levels from intermittent sounds such as cheering and the marching band. Further, the noise levels exceeding 1%, 10%, 50%, and 90% of the five-minute period were also documented. The noise levels exceeded 1%, 10%, and 50% of the measurement period were not displayed in order to keep the data legible on the figure. This method of establishing noise levels during the game showed the wide range in maximum instantaneous noise levels, the range in five-minute average noise levels, and the consistency of the L(90) noise levels during the game. Finally, the figure shows the ambient noise levels at the measurement location after the game ended to provide a direct comparison of noise levels with and without the game.

COMMENT B-28:

The reports use Leq, CNEL, and DNL metrics for reference noise levels and community standards. The local noise codes specify a maximum noise level, Lmax, in decibels, at the residential property line. Several problems with the way the various metrics are used in the report include:
-The Lmax metric is not defined in Table 1 of the EIRs although it is used in the reports.

-Table 3 in the Monte Vista High School is captioned "Maximum Nighttime Noise Levels (Leq)." The maximum sound level is the highest RMS sound pressure level within the measuring period, it is not the Leq as defined in Table 1 of the EIRs or the Leq defined by international standards.

-The Lmax level is always greater than the Leq, CNEL or DNL, and depending on the time period for the Leq, such as one hour, much greater. Using the Leq, CNEL, or DNL for the sound level the projects need to meet, means that the actual code limit (maximum noise level in both the San Jose and Cupertino noise codes) will be exceeded in all cases, and the impact on on the surrounding area will be more than that reported in the noise analysis or the REIRS.

-The CNEL and the DNL (also called the Ldn) are calculations typically used to describe the impact of transportation noise. This is why these metrics are used in the General Plans, where the noise impact of transportation sources is the major concern. These metrics are a weighted average of the 1 hour Leqs measured over a twenty-four hour period while the time period of interest for the proposed projects is limited to dark until sometime later in the evening, depending on the event. These metrics do not characterize the intermittent, impulsive nature of the noise from the proposed activities that will be produced by the proposed project and they do not adequately predict how these activities may interfere with sleep, speech, and other activities in the affected neighborhoods. This type of noise is very disturbing and includes such noises the staccato drum beats from the band, the on and off cheering of the crowd, whistles, noise creating instruments and devices used by fans (such as Vuvuzelas).

-When noise levels are measured using an "A" weighting, as the Leq, CNEL, and DNL metrics in the report do, the contribution of low frequency sounds are greatly diminished as the A weighting subtracts the contribution of these sounds, and to a lesser extent the contribution of high frequency sound. The A weighting curve is the inverse of the equal loudness response of human hearing at 1000 Hz at 40 dB. As noise levels increase, the response to low frequency noise increases, as shown in Attachment A, Figure A1, Acoustic Weighting Curves and ISO Equal Loudness Curves. Note that Table 2 in the EIR shows 40 dBA to be slightly higher in level than a "suburban nighttime environment," which is much lower in level than the proposed events.

RESPONSE B-28:

The Draft EIRs use $L_{\text{max}}$, $L_{\text{eq}}$, CNEL, and DNL to compare to ambient conditions and to local standards.

The $L_{\text{max}}$ metric is defined in Table 1 of the environmental noise assessments completed for the Draft EIRs. As stated in Table 1, the $L_{\text{max}}$ is the maximum A-weighted noise level during the measurement period.

The San Jose Noise Ordinance does not define what it means by maximum noise level. An $L_{\text{max}}$ limit of 55 dBA is inconsistent with the State of California Model Noise Ordinance, is not supported by research, and is an unreasonably restrictive
standard. The project noise consultant has consistently interpreted this limit as an hourly average when used as a CEQA threshold; this interpretation has never been questioned by the City of San Jose.

Average and maximum noise levels are presented throughout the Draft EIRs to characterize the noise impacts of the field lighting project. In an effort to analyze the projects in a manner consistent with the requirements of the local General Plans, and to provide full disclosure of project impacts, the CNEL and DNL descriptors were also used. The analyses using the CNEL and DNL descriptors showed that the projects would generate noise levels in excess of the local CNEL and DNL noise thresholds.

Utilizing the A-weighting network is an industry-accepted approach to monitoring noise levels for environmental assessments. Both the City of Cupertino and the City of San Jose establish noise level limits in their respective General Plans and municipal codes in terms of A-weighted decibels.

The text of the REIR has been revised to reflect that noisemakers (e.g., whistles, horns, thundersticks, vuvuzelas, etc.) will not be allowed at evening games and practices, as part of the project. The revised text is included in Section 4 of this document.

COMMENT B-29:

The report uses the term Loudness. The term Loudness has a specific meaning that is not correct when presenting objective measurements, such as Leq, CNEL, and DNL. There is one way to objectively describe sound, the decibel, which is the unit of the sound pressure level, and it is calculated from sound pressure. The subjective human response to sound can be described using the phon, the unit for loudness level, which is defined by the equal loudness curves shown in Figure A.2. Loudness level is non-linear - you cannot add loudness levels arithmetically. A less common Metric is the sone, the unit for loudness, shown in Figure B1. In short: sound level is expressed in decibels, physiological loudness level is expressed in phons, and subjective loudness is expressed in sones. The REIRs fail to use appropriate terminology to describe loudness and fail to measure it appropriately. Instead, the REIRs appear to minimize noise impacts by using subjective terms such as "infrequently", "non-threatening" of "short duration" or consistent with "community expectations". These terms may be good word-smithing but they do not properly describe the noise from the proposed activities. General statements are misleading and do not describe the character of the noises from proposed events.

RESPONSE B-29:

Loudness level was not used in the EIRs or the Draft REIRs. The term “loudness” is defined in the setting section of the environmental noise assessments (refer to Appendix D of the Draft EIRs) completed for the projects as the intensity of sound waves combined with the reception characteristics of the ear. As stated in the setting
section of the environmental noise assessments, there is a relationship between the subjective noisiness or loudness of a sound and its intensity. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. The use of the term in the setting section of the report has no effect on the analysis or conclusion reached in the impact and mitigation sections.

The Draft REIRs’ use of the terms “infrequently”, “non-threatening”, and “short-duration” are part of a discussion of the factors affecting an individual’s typical reaction to noise.

**COMMENT B-30:**

Speech interference, deep disturbance and annoyance are discussed in the reports but the noise level for interference, disturbance, and annoyance used to calculate impact are higher than that reported in the literature or those recommended by governmental bodies.

- The reports state the noise level for interference and disturbance is greater for fluctuating noises than for steady noises. Humans have a physiological startle response that is very sensitive and sudden, intermittent, random, and/or impulsive sounds - such as those associated with the football games and band practices trigger this response.

The reports state that sleep disturbance continuous occurs when noise levels are greater than 35 dBA for continuous noise and 45 dBA for fluctuating noise. The reports should cite the reference for this statement. WHO Guidelines state 30 to 35 dBA as the onset level for sleep disturbance with a peak nighttime maximum of 45 dBA. See Attachment 3. United Nations World Health Organization Sleep Disturbance Guideline Summary. Sources with low frequency components are especially disturbing, and a disturbance may occur even though the sound pressure level during exposure is below 30 dBA. If negative effects on sleep are to be avoided the equivalent sound pressure level should not exceed 30 dBA indoor for continuous noise, if the noise is not continuous, sleep disturbance correlates best with Lmax and effects have been observed at 45 dB and less.

- The reports discuss annoyance but cite only statistics of transportation noise. The annoyance from noises that will be produced from the proposed projects are not discussed. Thresholds depend on the type of noise. The percentage of people annoyed depends on the type of noise. As previously mentioned, the type of noises caused by the projects are of a sort that is very disturbing and are not adequately captured by reference to statistics for transportation noise.

**RESPONSE B-30:**

The setting section of the environmental noise assessments provides background information on noise, describes acoustical terminology, and provides a discussion of the effects of noise including speech interference, sleep disturbance, and annoyance. The analysis of impacts, however, compared projected noise levels to local noise standards, as described in the regulatory background section of the report and the
section establishing significance criteria, in conformance with standard CEQA methodology for analyzing noise impacts. The CEQA checklist questions related to the assessment of environmental noise impacts do not address health risk. Local standards are designed to minimize annoyance resulting from activity or sleep disturbance. There is no evidence to suggest that there would be health risks associated with the project generated noise levels calculated at the receptor locations in the community.

COMMENT B-31:

The reports deal only with overall sound level, and these are modified by the A weighting. Low frequency noise from the proposed activities are not discussed. Low frequency sounds are pernicious since these sounds to travel much further than high frequency sounds and so these low frequency sounds will impact additional residences beyond those residences directly adjacent to the project sites. It will also be more difficult to mitigate the intrusion of low frequency noises into the residences adjacent to and near the proposed project sites without redesign of the project or a restriction on the number and type of events. The intermittent nature of these sounds adds to their impact, but is not disclosed in the REIRs,

RESPONSE B-31:

As stated in the setting section of the environmental noise assessment, the most common method of quantifying and assessing noise in California is the A-weighted sound level or dBA. The A-weighted scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Further, all regulatory criteria applicable to the proposed project establish noise limits that utilize the A-weighted scale.

Lower-frequency noises generated by proposed activities would primarily result from the marching band (e.g., drumming). The spectral content of drumming noise, and overall sound level, results primarily from sounds that are at frequencies of 250 Hz and above. Music played through the public address system may also have some lower-frequency content, but the overall sound level typically results from sounds at 250 Hz or above. Also, most public address systems do not have the power to output high sound pressures in the low-frequency range.

The spectral content of perceived “low-frequency” noises such as drumming and music played through the PA system would be similar to the spectral content of cheering. It is agreed that low-frequency sounds are more difficult to attenuate, may be audible at greater distances, and may be audible at times indoors. However, audibility in itself does not constitute a significant environmental noise impact.
COMMENT B-32:

The reports somewhat discuss noise from public address systems, spectator (crowd) noise, and band noise as well as noise from practice sessions. The sound level limit described for the public address system is not realistic as the noise level from the crowd in the bleachers will be greater in level than the proposed limits. Limiting the PA system to these limits, especially with the great increase in spectator seating for the home side of the field and the new bleachers (which will require additional loudspeakers serving the new seating) for the visitor seating which will be closer to residences, may not be practical.

RESPONSE B-32:

The environmental noise assessments completed for the projects present detailed descriptions of noise attributable to public address systems, spectator noise, band noise, and practices. The intent of the mitigation measure for public address systems is to minimize spillover into the community and the noise limit is achievable with the implementation of a distributed speaker system. The distributed system would localize the announcement to the bleachers. Experience attending and measuring noise from football games shows that the public address announcements are not intended to be audible above a cheering crowd, and are typically drowned out when spectators cheer. Announcements are normally limited to time period between plays when crowd noise is lower. Additionally, the Monta Vista High School project proposes to move the home bleachers, which would be larger and likely to draw more spectators, to the east side of the field, away from the closest residential property line west of the field.

COMMENT B-33:

The reports do not address the impact of spectator stomping in the metal bleachers nor do they discuss the character of sounds from the marching bands and drumlines, but are typical of the type of events proposed and which are very intrusive and disturbing.

RESPONSE B-33:

The stomping of feet on bleachers is an intermittent source of noise that is observed at sporting events. When this particular source of noise is observed, the duration of the event is brief, and the noise levels generated during the event is well below maximum noise levels from the predominant noise sources that contribute to hourly average noise levels (i.e., cheering). The brief periods of foot stomping do not substantially affect the hourly average noise level.

Marching band noise levels, documented at Cupertino High School on October 24, 2009 and at Mt. Pleasant High School on September 13, 2002, are presented in Tables 6 and 7 and Tables 4 and 5 of the environmental noise assessments completed for the Monta Vista and Lynbrook Draft EIRs, respectively.
COMMENT B-34:

The REIRs repeatedly states that the reduced use alternative will offer a 66% reduction in impact compared to the original submission. How this reduction was determined is not clear and no backup or calculations are included in the reports. A comparison is discussed, but only the alternative hours are listed. A side-by-side listing of the original and alternative hours should be provided.

RESPONSE B-34:

As described in the Draft REIRs, the Reduced Use and Light Levels alternative would reduce the total number of hours the lights and noise activity would occur by 66%, compared to the original project evaluated in the Draft EIRs. Since the Alternative retains the five to six evening football games per year, the entire reduction in hours results from earlier end times and fewer days for practices and non-football games. The spreadsheet used to calculate the hourly use of the lights is included as Appendix F to the Final EIRs.

COMMENT B-35:

The reports skirt around the significant impacts from the original and alternative proposals. The terms "infrequently, “non threatening,” short duration may be good word-smithing but they do not properly describe the noise events from the proposed activities. General statements are misleading. The character of the noises from proposed events is not described. What is meant by the phrase "community expectations"?

RESPONSE B-35:

The Draft REIRs, together with the previously circulated Draft and Final EIRs provide a full disclosure of the significant impact of the project and discussion of mitigation measures and alternatives that have been identified and considered to avoid and reduce the significant impact. The terms noted in the comment are part of a discussion of the factors affecting an individual’s typical response to noise. The term “infrequent” is used to describe the character of the sounds and the relative frequency of the events during a game. The term “non-threatening” is used to describe the character of the sound as well. This term describes the sound as a known source of noise, particularly in the vicinity of a high school, as opposed to an unknown or unusual sound such as an engine backfire, which may startle some people. The term “community expectation” is used in the documents to describe the fact that sound generated by activities at a high school are expected by residents that live in the vicinity of the high school.

COMMENT B-36:

In addition to the mitigation measures described in the REIRs, not all mitigation measures are discussed. These additional mitigation measures include:
-Reduce the number of band practices/limit the use of the band at night games. Bands produce some of the most disturbing noise from the Projects. A limit on the band practices and band playing at the games would help reduce this noise impact.

-Replace the metal bleacher with bleachers built on a berm. This does not necessarily mean lowering of the field but the construction of a berm into which the bleachers could be set. The berm would act as a sound barrier and would also reduce noise from the bleachers, such as vibration and foot stomping.

-Reduce the seating capacity of the bleachers. This measure would reduce crowd noise and would create more options for design alternatives that could reduce noise impacts.

-Reorient the fields and include the soccer field as part of the football field. This could provide options to reduce noise impacts to adjacent residents and could open up options for mitigation of noise from the bleachers and for the use of noise barriers that might be more visually acceptable.

-Include air-conditioning as part of sound insulation. This would ensure that sound insultation is effective even when it is hot outside.

**RESPONSE B-36:**

One of the stated objectives of the project is to extend the student school day by allowing sports and band practices to extend into the evening. Therefore, eliminating band practice would not meet a stated objective of the project. As described in the Draft REIRs (page 5), the Reduced Use and Light Levels Alternative would reduce the total number of hours the lights and noise activity would occur by 66%, compared to the original project evaluated in the Draft EIR. Since the Alternative retains the five to six evening football games per year, the entire reduction in hours results from earlier end times and fewer days for (band) practices and non-football games. The purpose of this alternative is to reduce both the duration of non-football game noise and limit the noise to the earlier hours, thereby reducing the significance of the noise levels associated with practices and non-football games.

Under the Reduced Use and Light Levels alternative, band practice would occur on up to 26 evenings per year until 8:30 PM at Lynbrook High School. Possible future band practices at Monta Vista High School were also assumed to occur on up to 26 evenings per year until 8:30 PM, if future band activities require evening band practice. Reducing the number of band practices and limiting the use of the band at football games would eliminate or reduce band noise levels on those specific days, however, the mitigation would not reduce the impact to less than significant, as there would still be some number of days/events where the band would generate noise levels that would substantially exceed ambient noise conditions.

Foot stomping by a crowd on metal bleachers generates a rumble that is distinguishable from other sounds in the stadium. Constructing the bleachers on a
berm would change the character of the sound made by stomping feet, as the stomping would occur on concrete rather than metal, but would not substantially affect overall measured noise levels. As discussed in Response 33, the noise levels generated by stomping are well below maximum noise levels from the predominant noise sources that contribute to hourly average noise levels (i.e., cheering). The brief periods of foot stomping do not substantially affect the hourly average noise level and foot stomping is not the source of the maximum instantaneous noise level during a football game. Mitigation measures to reduce the noise generated by foot stomping would not reduce the degree of the noise impact and, therefore, are not warranted.

Constructing the bleachers on a berm would not reduce the noise impact to a less than significant level. Unless the berm is six feet above the uppermost bench, the noise attenuation provided by the berm would be less than the attenuation provided by the mitigation identified in the Draft REIRs (i.e., constructing a soundwall behind the bleachers that extends six feet above the top row of the bleachers).

Reducing the seating capacity of the bleachers would reduce noise levels; however, the reduction in noise would be relatively small. For instance, if the seating capacity were reduced by half, the reduction in noise levels would only be three dBA. This reduction in noise would be just perceptible at adjacent residential land uses, however, worst-hour noise levels and maximum instantaneous noise levels would continue to substantially exceed ambient noise conditions and community noise standards.

Given the proximity of receptors surrounding the playfields, there would be no suitable location to move the lighted field to avoid a significant noise increase at some receptor in the vicinity.

High school football games are proposed on evenings during the fall (beginning at the end of August and continuing through early November). A review of the monthly temperatures recorded in San Jose during August 2011\(^4\), which would normally be characterized as the hottest month, shows that maximum daily temperatures ranged from 73° to 93° F, and mean daily temperatures ranged from 66° to 76° F. Similarly, monthly temperatures recorded in Cupertino during August 2011\(^5\) showed a range of 70° to 89° F for maximum daily temperatures, and mean daily temperatures ranged from 64° to 74° F. The ambient air temperature would not normally be characterized as hot on a fall evening in San Jose or Cupertino and it is not unreasonable to assume that residents could not close their windows during the evening football game to control noise.

C. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM LEEANN CONSTANT DATED FEBRUARY 13, 2012

COMMENT C-1:

As a member of the Monta Vista community, I believe the district has gone to great lengths to try to meet the demands and requests of the neighborhood. I hope that the district is allowed to move forward with the completion of this project to encourage the teens of Cupertino to be both academically and athletically participatory.

Life is a journey. Travel happily.

RESPONSE C-1:

The comment does not raise any issues regarding the analysis in the Draft REIR. The comment will be considered by the Board during their deliberation on the project.

D. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM SUSAN CAMILLERI DATED MARCH 2, 2012

COMMENT D-1:

Abstract

While the title of the Draft REIR (Recirculated Environmental Impact Report) is entitled, Monta Vista High School Sports Field Improvement and Lighting, please note that the Field Improvement is not at issue. However, I conclude from the evidence, the lack of evidence, and the ensuing common sense that the lighting portion, and therefore the noise cause by the Fremont Union High School District’s field improvement project be eradicated.

I will respond directly to quotes found in the Draft REIR.

RESPONSE D-1:

The comment will be considered by the Board during their deliberation on the project. Responses to specific comment are provided below.

COMMENT D-2:

Compared to the original project evaluated in the Draft EIR, this alternative would result in a 66% reduction in the hours of potential evening noise-generating activity. Page 7

Comparing the Reduced Use and Light Levels Alternative to the original draft’s proposed use of lights should show the disingenuousness of this REIR to all that read it. That is, Fremont Union High School Board members Hung Wei on January 31, 2010, Nancy Newton and Barbara Nunes on
February 25, 2010, and at the last negotiation meeting in 2011, I understood all to say the original hours and months presented were before “crunching the numbers” and “asking the teachers and coaches what they needed.” The fact the district uses this comparison 42 times as “the 66% reduction” or “compared to the original project” in the REIR is suspect.

RESPONSE D-2:

Per Section 15126.6 of the CEQA Guidelines, the impacts of the Reduced Use and Light Levels alternative are compared to those that would result from the originally proposed project.

COMMENT D-3:

The Reduced Use and Light Levels alternative would reduce the significant unavoidable noise impact that would occur under the original project evaluated in the Draft EIR, but not to a less than significant level. Page 7 The REIR further says, “. . . a strict interpretation of the CEQA noise thresholds would conclude the Reduced Use and Light Levels alternative results in a significant unavoidable noise impact.” Page 7 You supposedly prove your statement with, “Project-generated hourly average noise level increases exceeding the City’s normally acceptable nighttime exterior noise level standard (50 dBA Leq) are considered significant.” Page 5 And yet you also say, the “City land-use policies support the concept that schools are inherently compatible with residential uses and, therefore, locate high schools within residential neighborhoods, as is evidenced by the City of Cupertino General Plan. This could lead one to presume that school activity noise is also considered compatible with residential neighborhoods.” Page 6

The inconsistencies are obvious. The district recognizes they are breaking the city noise law and therefore the noise levels are significant . . . and yet they are also saying the city is supporting the noise caused by this project. It is simply not logical to break the laws of a city yet at the same time find support by the same city that made the laws.

RESPONSE D-3:

The Draft REIR does not state the City supports the noise cause by the project. Please refer to Response A-9.

COMMENT D-4:

The Reduced Use and Light Levels alternative would result in increases in ambient noise levels which would be infrequent, of relatively short duration, and similar to those commonly associated with high schools. Page 6

There are four objectionable speculations in this statement.

1) Ambient noise increases are unacceptable. The City does not allow me to increase the ambient noise for my neighbors – why does the district have the right to do that to neighbors?
RESPONSE D-4:

The City of Cupertino’s nighttime noise limit is 50 dBA Leq. The Draft REIR was prepared and circulated to state that the Reduced Use and Light Levels alternative would result in a significant unavoidable noise impact, because it causes noise level increases in excess of the City’s acceptable nighttime noise standard. It should be noted that Section of the City’s noise ordinance does allows for brief exceedances. For example, under Section 10.48.050, 57 dBA is allowed for up to 13 minutes in any two-hour time period. Therefore, the City’s noise ordinance does allow noise above ambient noise levels.

COMMENT D-5:

2) “Infrequent” is not factual. After all, we currently experience no more than 14 events a year at night from Monta Vista High School. (Back to School Night, dances, pool games, Senior All Night Party) Conservatively, the district is proposing using the lights and therefore causing, at least, ambient noise – if not significant noise - 152 nights in one year. (There are approximately 14 weeks between Aug and Nov, 4 times a week, + 5 games. From November to March there are approximately 17 weeks, 5 times a week, + 6 games.) I hope to live another 30 years. That is at minimum, 4,560 more supposedly “infrequent” and “significant” noise events for me to expect. While the assessment is ‘tongue in cheek,’ the word “infrequent” is inaccurate.

RESPONSE D-5:

The REIRs use of the word “infrequent” is part of a discussion of the factors affecting a person’s typical response to noise. In this case, it also characterizes the project noise as intermittent noise events, as compared to an on-going, permanent noise level increase. The District believes use of the word infrequent to describe the noise resulting from the proposed project is accurate. The comment will be considered by the Board during their deliberation on the project.

COMMENT D-6:

3) “Short duration” is “in the eyes of the beholder.” A crying baby in a store is usually for a short duration because you can move away, parents try to escape the store as quickly as possible, or the baby receives what he needs and stops crying. However, when there is a crying baby on an airplane for a “relatively short duration,” it is often intolerable and frustrating. In fact, some planes are asking parents to get off of flights if their babies can’t stop crying. (http://abcnews.go.com/GMA/AmericanFamily/Story?id=2815486&page=1) Furthermore, the district cannot argue that Friday night noise is of a short duration when the games start around 5:00 for Junior Varsity and ends at 10:30 for Varsity games. If stadium lights are installed that cause not only ambient but significant noise for the rest of my life – or the lives of every single person around Monta Vista for the rest of their lives – this is not a characterization of “short duration.”
RESPONSE D-6:

The REIRs use of the word “short duration” is part of a discussion of the factors affecting a person’s typical response to noise. In this case, it also characterizes the project noise as temporary noise events, as compared to an on-going, permanent noise level increase. The District believes the use of the term short duration to describe the noise resulting from the proposed project is accurate. The comment is noted. The comment will be considered by the Board during their deliberation on the project.

COMMENT D-7:

4) The district admitted some people find this project’s noise as irritating. Whether they are common high school sounds are not, there are some sounds only a mother can love – and one of those is a band practicing repetitively . . . . for perfection. How many of us have digital pianos or music keyboards or perhaps use Digital Piano Keyboard Headphones for Silent Practice? (http://www.know-your-keyboard-piano.com/piano-keyboard-headphones.html)
Furthermore, I chose a high school for our children and our home. I chose a home that 1) is not close to a stadium, 2) is not close to bands practicing at night, or 3) is not near a school with night activities. I don’t understand how the district has the power to change that condition of my home, change the living values I esteem, and the overall tranquility of my neighborhood.

RESPONSE D-7:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT D-8:

“. . . the circumstance under which a sound is generated also affects a person’s response to noise. The type of noise resulting from the project would be sounds commonly associated with high school activities, including the sound of athletes on the field, the band, the public address (PA) system, and the cheers and stomping of spectators.

It is appropriate to note that we chose to buy our home where “the sound of athletes on the field, the band, the public address (PA) system, and the cheers and stomping of spectators” did not exist. High school ambient noise or significant noises are not common from the high school that I chose to buy a house close to. We chose our home close to a school without a stadium. We made a choice. If there are those for whom “. . . these sounds are received positively . . . “and are living in my neighborhood, they made the mistake, not me. The district is forcing my neighborhood to change “significantly” despite both the law and common sense, and therefore the light and noise portion is “an intrusion into an otherwise quiet neighborhood.”
RESPONSE D-8:

The existing Monta Vista High School campus is developed with classrooms and ancillary uses such as administrative offices, parking lots, a theater, a gymnasium, tennis courts, swimming pool, baseball field, softball field and a main field and track with bleachers and a PA system. The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT D-9:

The evening home high school football games allowed under the original project evaluated in the Draft EIR and the Reduced Use and Light Levels alternative would be scheduled months in advance, with the schedule posted on the District’s website. For this reason, no neighboring sensitive receptor should be surprised or startled by the presence of activity and noise on the school field. Page 6

This argument is saying the neighbors not only have the burden of making sure their “sensitive receptors” will not be surprised or startled, but acknowledges our homes will not be peaceful. This district is not only admitting there is a disturbance factor with the football games that could cause surprise and startlement, but saying it is our fault if we are surprised and startled – in our own homes – if we don’t look up the annual schedule on your website. However, this is a repeated tactic. After all, Measure B’s ballot extolled “improving physical education and athletic facilities.” But if we had somehow known to go to http://www.smartvoter.org/2008/06/03/ca/scl/meas/B/, we would have found the “complete ballot” of 2,131 words where three very important words were excluded from the election ballot -- “stadiums, with lighting. . . ”

As a side note, every time you admonish us that this project is not producing a “stadium,” please remember --we are using your hidden words.

RESPONSE D-10:

The first sentence of the comment quotes the Draft REIR discussion of factors affecting a person’s typical response to noise (page 5). In this case, whether the noise is expected or not. The Draft REIR concludes that the proposed project would result in a significant unavoidable noise impact. The comment is noted. The comment will be considered by the Board during their deliberation on the project.

COMMENT D-11:

Either way, the noise generated during a football games and practices results from a relatively non-threatening event hosted by, played by, and attended by the local neighborhood community - the same neighborhood that is subject to the noise. City land use policies support the concept that schools are inherently compatible with residential uses and, therefore, locate high schools within residential neighborhoods, as is evidenced by the City of Cupertino General Plan. This could lead one to
presume that school activity noise is also considered compatible with residential neighborhoods. Page 6

Noises generated during a football games do arguably result in a threatening event. After all, football is a competitive sport. That is, strangers from another school and often another school district are in our neighborhood with competitive young adults. These students are adrenaline driven if they win and often disappointed and occasionally revengeful if they lose. While one side of a football stadium is attended by a neighborhood community, the other half is not! This statement is at best – half true. After all, there is crime, vandalism, drunkenness, and drug use at these games and among the students. A case in point, our daughter won an unexpected softball game and three out of the four cars from our school were vandalized – windows broken, tires slashed, and paint scratched. After eight years of our two sons playing high school football, we experienced an absolute difference in noise and behavior between day games and night games. During the night games there are drunken students at every single game that we ever attended. These students throw up on people’s yards, yell, throw their trash, honk their horns, peel their tires, and absolutely disrupt the neighborhood’s dogs, family, peace, and tranquility. During the day I saw much less of this behavior. These noises can not be what the City of Cupertino intended for their residential neighborhoods at night for the future lifetimes of residents after they chose a particular neighborhood in Cupertino, in part, for the absence of a lighted field.

RESPONSE D-11:

The first paragraph of the comment quotes the REIR discussion of factors affecting a person’s typical response to noise. The Draft REIR concludes that the proposed project would result in a significant unavoidable noise impact. Other issues related to Monta Vista evening events at the school, including nuisance behavior and safety, were addressed in the previously circulated EIR. The comment is noted. The comment will be considered by the Board during their deliberation on the project.

COMMENT D-12:

The Reduced Use and Light Levels alternative would meet the project objectives, except it would not extend the student school day to the extent of the original project evaluated in the Draft EIR, which allows practices and non-football games Monday through Saturday until 9:00 PM in the evening. The purpose of this objective is to allow students enrolled in classes that meet in the last period of the day to participate in after school athletics and activities without conflicts. This objective would only be partially met under the Reduced Use and Light Levels alternative. Page 7

This is the only section the district has defended the purpose of this project for students. I feel that, in fact, the installation of lights is unfair to your students. It allows for later activities which in turn limit their rest, their studies, thereby impeding their health. Furthermore, the conflicts of timing are only during games days and since no games, other than football, are played at night, the students still would have to leave 7th period early for games - but usually only for away-games. The school has worked out the sports and natural sunshine hours up to now. What has caused the new need? The objective to guarantee students who want a 7th period and sports is therefore to provide night lights.
for practices, and the district is asking even more of the students which will lead to less rest and study time with practices until 6:30, 7:30 and even 8:30? Monta Vista is ranked as high as they are, partly because of the number of AP classes offered and attended. The students are getting the classes they want and need. After all, Monta Vista also enjoys a tremendous college attending rate. “90% of our graduates enter college . . . .” http://www.fuhsd.org/success While United States wide, “Only 70% of all students in public high schools graduate, and only 32% of all students leave high school qualified to attend four-year colleges.” http://www.manhattan-institute.org/html/ewp_03.htm

Furthermore, while I have never heard one student complain about wanting a 7th period if they also have a sport. However, while I am immersed in high school students daily, I admit I don’t know every single student. Therefore, assuming this is true (may I see data), I know the district could arrange a solution if there was a will. Classes could be rearranged by both the student and, less frequently, by the school, less important classes, like electives, could be substituted, we have middle college and such programs the athletic student could also use as supplementation, etc. With a 90% college entrance rate compare to a 32% national rate, the call for a 7th period at the cost of significant noise to the neighbors is a distortion of the students’ needs.

RESPONSE D-12:

One of the project objectives is to extend the student school day by allowing sport practices to extend into the evening. The District believes the proposed project will benefit the students at Monta Vista High School. The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT D-13:

Although not a physical impact on the environment, it is estimated that the cost to install (materials and labor) the eight-foot noise barrier would be $140 per linear foot. As shown in Figure 2.2-1, the noise barrier would be approximately 1,460 feet in length. Therefore, the cost to install an eight-foot noise barrier along the residential property lines bordering the proposed main field and track at Monta Vista High School would be approximately $204,400.

I understand money constraints and support conservative spending. However, I suggest that installing no lights is an even more fiscally responsible action since this project has significant impact to the neighbors.

RESPONSE D-13:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.
COMMENT D-14:

Announcements using the public address (PA) system would be prominent during football games with maximum instantaneous noise levels ranging from about 60 to 70 dBA Lmax at the nearest residences. Use of the proposed PA system would contribute to the noise impacts described above for football games.

I would remind the district that softball and baseball games using PA systems will also now impact the neighborhood. I have personal experiences teaching on Friday afternoons on Johnson Avenue, in Cupertino, about one block away from Bollinger and about three blocks away from Cupertino High School. I taught during the JV game, and if we had the glass door open, the PA system was so loud we could hear the name, jersey number, and each and every play description. I had to stop talking every time the announcer talked. We had to shut the door which was triple-paned in order for us to talk, but this measure did not erase the noise or the irritation. You claim the PA system will be better. However, during one SANP, there was a band playing at 9:30 PM and residents from the Monte Bello community, several miles away in the hills, called the Sheriff’s department for mitigation. Measuring noise is not a perfect science and depending on the wind and atmospheric conditions, the number of home affected is not easily measured.

RESPONSE D-14:

As described on page 8 of the Draft REIR, the Reduced Use and Light Levels alternative includes the following mitigation measure to reduce the noise generated by the PA system:

- Control noise generated by PA system to be as low as feasible and in no case exceeding 60 dBA $L_{max}$ at the residences in the project area, measured at the school’s property line. This can be accomplished by increasing the number of speakers such that each speaker would output to a smaller area, orienting the speakers away from residential receivers, and using noise barriers or baffles to shield the speakers from adjacent receivers.

The Draft EIR acknowledges at the bottom of page 68 that distant receivers may be able to distinguish noise from evening games and practices. At times, atmospheric conditions may contribute to situations where distant receivers would be able to distinguish noise from evening games and practices that would otherwise not normally be audible. Audibility, however, does not constitute a significant noise impact. The comment is noted, and will be considered by the Board during their deliberation on the project.

COMMENT D-15:

Noise Barriers, Sound Insulation
While the noise barriers behind the bleachers will partially mitigate the noise impact, they will create a permanent negative visual impact for those neighbors. Noise from football games will be limited to a maximum of six days per year, while the noise barriers will be in place 365 days per year.

Noise mitigations are discussed on pages 7 – 9 and the district has deducted that the noise impact will be “partially” mitigated with walls around the closest neighbors. I would like to point out that it is misleading that “noise” is assigned to “a maximum of six evenings” in this quote. In fact, the district is purporting that the “better than the original plan,” will have at least 152 nights of noise a year. While I understand the lights are not on 365 days a year – the school is rarely empty because of the fields and other classes offered at the school. A noise barrier would not be worthy for only six days. Misrepresenting the number of days the neighbors would need a noise barrier is confusing. At the board meeting, Glenn Evans, Associate Superintendent, said on January 25, 2010, that if the use of the lights was only for six games, it would not be cost effective. However, the district is making a point that the noise barrier would only be useful for six times – for the football games. What about the minimum of 152 days after dark of use of the lights – thereby making noise. If the district has proof for the ineffectiveness of the barriers, then of course the light portion of the project needs to be eradicated.

**RESPONSE D-15:**

The REIR has been prepared and circulated to state that the Reduced Use and Light Levels alternative would result in a significant unavoidable noise impact. The REIR describes the attenuation that would be provided by the noise barrier walls and it would not reduce noise levels during the noisiest events to a less than significant level. A survey letter was sent to the homeowners and occupants of the homes adjacent to the Monta Vista High School athletic fields that would be most affected by the noise barriers along the property line and/or behind the bleachers. The survey letter asked for their opinion whether the noise barriers would be acceptable. A total of 22 survey letters were sent out to the Monta Vista High School neighbors. Eight responses were received. Six of the responses stated that the noise barriers would not be acceptable. Two responses did not clearly state whether the noise barriers were acceptable or unacceptable. Many of the responses gave reasons why the noise barriers would not be acceptable, which mostly included blocked views and a feeling of confinement. The Draft REIR evaluates the visual impact of both the property line and bleacher noise barriers. The survey letter and responses to the survey letter are included as Appendix B to the Amendment to the Draft REIR.

The comment is noted, and will be considered by the Board during their deliberation on the project.

**COMMENT D-16:**

This mitigation measure has no beneficial effect on the identified significant noise impact. Page 16

More proof the light portion of this project should be terminated.
RESPONSE D-16:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT D-17:

This mitigation measure does nothing to minimize the hourly average exterior noise level increase causing the significant noise impact. The measure provides no benefit to the outdoor use areas of the affected residences. Infrequent lighted field activities would continue to substantially increase hourly average noise levels and exceed the City’s exterior noise level limits. Page 16

More proof the light portion of this project should be terminated.

RESPONSE D-17:

The comment is noted. While the comment does not raise any specific issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT D-18:

The cost to install sound-rated windows and doors would be substantial, for the benefit provided. Page 16

The comparison of the cost vs. the benefit is noteworthy. I suggest that the converse perspective is that the detriment of a stadium to the neighbors in this particular close proximity is not worth any proposed benefits. That is, if the cost to take responsibility for the detriment this project is causing to homeowners is not feasible, my understanding is that the district not only has a legal responsibility to stop the noise producing part of the project, but a moral one.

RESPONSE D-18:

The comment is noted. While the comment does not raise any specific issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT D-19:

Short of enclosing the track and field within a dome, there are no mitigation measures to reduce the substantial increase in exterior noise levels during evening football games. Similarly, the previously circulated EIR found that there are no alternatives to the project that meet the primary objective of holding evening football games at the Monta Vista campus and avoid the significant noise impact. While the Reduced Use and Light Levels alternative would reduce the noise impact, compared to the
original project evaluated in the Draft EIR, it would still result in a significant unavoidable noise impact. Page 19

The district has convinced me. This project does not need lights because they cause noise in which there is no significant reduction that is cost effective.

**RESPONSE D-19:**

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

**COMMENT D-20:**

Conclusion:

I fear this REIR. It is clear the district now feels the noise is not only significant, but there is nothing they are able to do about it - as is shown from repeating this finding 35 times. With these REIR findings, it follows with common sense and the district’s evidence that there is, in fact, mitigation. That is, the stadium light portion of this project needs to be eliminated in order to comply with the significant finding. However, since the district has ignored common sense in regards to the neighbors’ perspective, I fear the district will again find a way to install the lights and expect the significance to be accepted.

**RESPONSE D-21:**

Eliminating the lights is an alternative to the project. The No Sports Lights alternative is evaluated in the Draft EIR, starting on page 141. The comment is noted, and will be considered by the Board during their deliberation on the project.

**COMMENT D-21:**

In anticipation to find the possible and continued deceitfulness of the District in this project and this REIR, I keep searching for reasons to support this stadium for the sake of the students. I find it discerning that the REIR does not mention the previously most frequent reason for the stadium – school spirit.

**RESPONSE D-21:**

Please refer to Response A-2.

**COMMENT D-22:**

Obviously, this is a subjective reason to spend millions and subject neighbors to significant noise for the rest of their lives. The 7th period guaranteed option during winter sports was always the second
reason purported to improve a student’s chance to get into the competitive colleges of today. The first is frivolous considering that Monta Vista’s school spirit has been strong for over 40 years. The second is simply erroneous since the number of classes is not a requirement of college entrances. However, the lifelong detriment of installing lights that cause significant noise to the neighbors AFTER they have purchased their homes is unacceptable. The lights should not be installed and night football games should not be played at Monta Vista High School stadium

RESPONSE D-22:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

E. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM DEEDEE DAYSE
DATED FEBRUARY 28, 2012

COMMENT E-1:

The report is nothing but Public Relations propaganda. My blood pressure sky rocketed as I read the report.

RESPONSE E-1:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

F. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM FRED AND PAT DENTINGER DATED MARCH 2, 2012

COMMENT F-1:

Re Monta vista high school lights

Some of us who moved here in the 1960s and 1970s remember that we were promised by Monta Vista High School that there would never be lights at the Football stadium. However, the Fremont Union High School Board Meeting Minutes from those years are not available to the public as per the FUHS District office. What might we find there? Don’t allow installation of night lighting at the Monta Vista Football field.
RESPONSE F-1:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT F-2:

Re MVHS Sound Systems:

The FUHS District is inconsiderate of MV neighbors! Some neighbors cannot even hear their television in their own living room when some activities are currently being held at the football field? Now they want to add 3 new sound systems on 3 new playing fields that will be even louder! Don’t allow the FUHSD to have these 3 loud sound systems.

RESPONSE F-2:

Please refer to Responses D-8 and D-14.

COMMENT F-3:

Re MVHS Fields
How considerate of neighbors is the FUHS District when it changes natural grass fields into six and one half acres of artificial turf that will potentially change our micro climate when it heats up to 125 degrees on very warm days. It is also possible that artificial turf runoff will flood the houses on the Ft. Baker St side and below. Don’t allow MVHS to cover this much ground with artificial turf. Limit the turf to just the football field

RESPONSE F-3:

As stated in Section 1.2 Contents and Format of the Document of the Draft REIR, the Draft REIR contains only the additional information that is needed to make the previously prepared EIR complete. As described in the Court’s November 30, 2011 Order, the Court found that the previously prepared EIR adequately addressed the remaining issues raised in the Petition. The Draft REIR and this Amendment to the Draft REIR is, therefore, limited to the following: the significance of impacts resulting from the Reduced Use and Light Levels alternative, identified mitigation measures for the significant noise impact, and a discussion of whether any alternatives to the project feasibly attain most of the basic objectives of the project and would avoid or substantially lessen the significant noise impact. The Draft EIR and Amendment to the Draft EIR adequately address all other issues, including impacts resulting from the proposed artificial turf. Please refer to the Monta Vista High School Sports Fields and Lighting Draft EIR and Amendment to the Draft EIR for all other project-related issues.
G. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM BILL AND PEGGY DON DATED MARCH 2, 2012

COMMENT G-1:

The Draft REIR concludes that after reviewing various mitigation measures, there is no feasible and cost effective mitigation measure to transform a significant, unavoidable noise impact to a less than significant one under the Reduced Use and Light Levels alternative. Then, why is the District pursuing this alternative? The Santa Clara County Superior Court ruled that the District must show how they will transform a significant unavoidable noise impact to a less than significant one for this alternative. The District has not done this and the project should be stopped!

RESPONSE G-1:

The Court did not rule that the District must show how the noise impact under the Reduced Use and Light Levels alternative is less than significant. The Court directed the District to declare void its Resolution 1011-12 certifying and adopting the FEIR and its Resolution 1011-15 adopting the MMRP and to reconsider those decisions after appropriate CEQA review. The REIR has been prepared and circulated to state that the Reduced Use and Light Levels alternative would result in a significant unavoidable noise impact.

The comment is noted, and will be considered by the Board during their deliberation on the project.

COMMENT G-2:

The District attempts to justify proceeding with the project by indicating that the Cupertino city General Plan provides for schools throughout the community. Monta Vista High School was built over 40 years ago in an area surrounded by residential homes. When the school was built, school officials decided to not install lights because it would be an intrusion on the surrounding neighborhood. This concern has not changed and the area now has many more homes. The school area is not large enough to accommodate a lighted football stadium. Review of various mitigation measures by the Draft REIR such as using 8 feet high sound walls jammed against neighboring homes and 6 feet high sound walls above the stadium (figure 2.2-1) and lowering the stadium 25 feet failed to reduce the unavoidable noise impact to less than significant. The lighted stadium is just too close to the surrounding homes. Why is the District trying to shoehorn a large lighted sports facility into a small area?

RESPONSE G-2:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.
COMMENT G-3:

One of the noise mitigation reviews (Sound Insulation, 2.2.1.4 - install sound-rated windows and doors with better sound insulating qualities than those that currently exist in the homes surrounding the field and track), should be considered by the District. There would be a higher level of noise and use that currently exist during daylight hours due to the expanded sports fields and with the elimination of noise from not installing a lighted sports field. The current construction noise is extremely bothersome. The estimated cost is minimal when compared to the cost of renovating the sport fields.

RESPONSE G-3:

The projected noise levels off the field and the selection of which homes could benefit from the installation of sound-rated windows were estimated by a professional environmental noise consultant. The noise generated by the use of the fields during the daylight hours would be similar to existing conditions and, therefore, does not warrant the installation of sound-rated windows/doors. The comment will be considered by the Board during their deliberation on the project.

COMMENT G-4:

As parents, we don't give our children everything they want. They are taught to do without for the beneficial welfare of others. Monta Vista High School is one of the top high schools in the nation. Lack of a lighted stadium will not prevent our children from continuing this accomplishment. The various activities under the Reduced Use and Light Levels alternative creates a significant, unavoidable noise impact exceeding Cupertino city acceptable nighttime exterior noise level standard of 50 dba Leq. The District is not obligated to comply with this law. They have chosen not to comply. The District is telling us that its OK to "break the law" and abuse the welfare of the community to get what they want. As our education leaders, it is their responsibility to teach our children to respect the law and welfare of the community.

RESPONSE G-4:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT G-5:

The District should be looking at realistic alternatives such as Friday and Saturday afternoon games. Many high schools and colleges across the nation do it. We are not Texas, Friday night football is not a tradition here. The District can be innovative and come up with scheduling changes to accomplish this or look at other alternatives. The degradation and reduced value of our neighborhood from the installation of a lighted stadium is beyond comprehension! Let's not abuse the physical and mental well being of our residents with significant and unavoidable noise impact!
RESPONSE G-5:

Please refer to Response B-2. The comment is noted, and will be considered by the Board during their deliberation on the project.

H. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM ED AND SUZANNE FORD DATED MARCH 2, 2012

COMMENT H-1:

The January 2012 Draft Recirculated Environmental Impact Reports for both Monta Vista and Lynbrook high schools have been read and will be discussed in the following text. Hereafter these documents will be referred to as DREIR’s.

The comments are intended to be constructive towards achieving a resolution that retains the existing quality of life in both communities. Since FUHSD provides an educational service to our communities we chose to use a report card measure with as straightforward comments as civility allows.

RESPONSE H-1:

The comment is noted. Responses to specific comments are provided below. The comment will be considered by the Board during their deliberation on the project.

COMMENT H-2:

Both documents are given a grade of A plus for consistency – consistently inaccurate and self-serving in terms of CEQA preparation and analysis. Grade F minus for communication, use of common sense and honesty, which are also required in proper CEQA compliance. Facts and fundamental questions relative to the DREIR’s and how these relate to communication, common sense and honesty are as follows.

RESPONSE H-2:

This document, together with the July 2010 Draft Environmental Impact Report (Draft EIR), December 2010 Amendment to the Draft EIR, and January 2012 Draft Recirculated Environmental Impact Report (Draft REIR) for the Monta Vista High School Sports Fields Improvements and Lighting, constitutes the Final Environmental Impact Report (Final EIR) for the proposed project. Together, these documents meet the requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines (Section 1500 of the California Code of Regulations). The comment is noted and will be considered by the Board during their deliberation on the project.
COMMENT H-3:

Facts and Questions:

- Measure B has a Bond Authorization of $198m, debt to the community. It has four primary items: 1) Energy, Technology & Infrastructure Improvements with eight sub bullets, 2) Renovation and Construction of Classrooms and School Facilities with nine sub bullets, 3) Exterior & Grounds Improvements with eleven sub bullets and 4) Additional Necessary and Incidental Projects with seven sub bullets. None of these had specific or approximate dollar allocations. If one now adds up the dollars being spent and allocated, it appears that more than 50% of our community debt is going to renovation and construction of fields and Administration facilities. Connectivity to education is not apparent by this allocation of our debt. A fully detailed “specific list” with dollars per sub item should have been in the Measure B disclosure to properly inform the public. Why was that detail not provided? It appears to have pushed FUHSD on a path of CEQA non-compliance.

RESPONSE H-3:

The comment is noted. While the comment does not raise any specific issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT H-4:

- Stadiums with lights to extend usage and with resulting noise was a sub sub item buried in bullet 14 of 24 bullet items in the “specific list” while a more clarified explanation was only uncovered after passage of Measure B. Stadiums with tall lights finally came out to the public. This is the primary source of your F minus grade in communication, common sense and honesty.

RESPONSE H-4:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT H-5:

- That failure to communicate resulted in an uproar from all surrounding neighborhood homes at both school sites and resulted in issue of Draft EIRS by FUHSD. Approximately 800 signatures were gathered to oppose lights for extended usage and resulting noise. FUHSD dismissed these concerns, which is an insult to the communities. These community concerns all centered on lights with accompanying noise, which severely exceed both municipal codes and common sense. Both High School sites were built as pedestrian access from nearby homes. School districts sold off open land and schools. We now have major traffic problems every school day with insufficient
help or communication from FUHSD. How does FUHSD intend to correct these failures and comply with CEQA? Actions to date on light, noise and traffic are inadequate.

RESPONSE H-5:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR. Please refer to Response A-2 regarding the focus of the Draft REIR.

COMMENT H-6:

- These neighborhoods are residential on 3 and 4 sides with no open end to freeway or Major Street as buffers. FUHSD has shoehorned these Sport fields directly adjacent to residential lots. These residences have taxpaying adults that care for ill family members and young children who nap in daytime and go to bed in early evening, some work from home, some must retire in the afternoon or early evening to get to their jobs, some work in high stress positions. Everyone needs to come home to peace and quiet. Everyone needs a place of refuge - home - that is peaceful and quiet free from outdoor noise. Noise standards along with many other laws, Ordinances and Municipal codes are to protect all taxpayers equally. FUHSD, in these DREIR’s, needs to comply with CEQA elements and noise standards. There are solutions but FUHSD has not included these. Why? Stop trying to achieve bragging rights and putting 6lbs of sand in 3 lb bags. These are not Universities or Community colleges. FUHSD needs to get a real oar in the water working in an integrated manner with the entire community. When will this happen?

RESPONSE H-6:

The comment is noted. The Draft REIR was prepared and circulated to disclose that the Reduced Use and Light Levels alternative would result in a significant unavoidable noise impact. The comment does not raise any issues regarding the analysis in the Draft REIR. The comment will be considered by the Board during their deliberation on the project.

COMMENT H-7:

- FUHSD was directed by the Court in the LMU lawsuit to partake in negotiations. FUHSD offered no compromise. LMU members wanted to stop after two meetings but were persuaded by several members of LMU to attempt a 3rd meeting. LMU made concessions while FUHSD made none and rejected offers. FUHSD truly fails communication – when and how will this be corrected?
RESPONSE H-7:

The Court Order does not direct the district to partake in negotiation. The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT H-8:

- FUHSD Superintendent stated in 3 separate meetings that FUHSD would comply with noise standards. FUHSD subsequently held a Board meeting voting not to honor those commitments. LMU is trying to help resolve these issues so please do not dismiss as in the past. Actions and statements from FUHSD to date cement that “These EIR’s and DREIR’s want to walk like ducks and quake like ducks- but they are not a ducks”. How will FUHSD change this pattern and help our community? Is this a common practice at FUHSD? Failures in communication, common sense and honesty trickle down to our children whom we entrust to educators. Are you trustworthy? Prove it by providing CEQA compliant documents and analyses.

RESPONSE H-8:

Please refer to Response H-2.

COMMENT H-9:

- FUHSD issued a FEIR, which attempted to override noise code standards, via subcontractor, Illingworth & Rodkin, Inc. advise using a “qualitative” approach to transform a “significant, unavoidable noise impact” to a “less than significant”. Court rejected FEIR – show analytic route. Subcontractors are hired to complete assignments successfully – FUHSD expected answers that allow project approval hence the qualitative approach and we should enjoy the noise. The DREIR’s now state that FUHSD cannot comply using court directed “analytic route” for the single option plan “Reduced Use and Light Levels Alternative”. Is it “cannot” or “will not”? No reasonable alternative plans were examined – WHY? It is important to know both because it places all statements in the new DREIR’s as self-serving and yet again on the path of deception.

RESPONSE H-9:

Please refer to Response G-1.

COMMENT H-10:

- DREIR’s cite Sections 15121(a), 15142 and 15147 from CEQA Guidelines as to how FUHSD is complying with required standards and adequacy. Section 15121 (a) is part of 13 elements in Article 9 of CEQA and when reading it the DREIR’s appear non compliant for more than one element in Article 9. Same problem exists in Section 10, which has 16 elements including 15142
and 15147. More elements in each article should have been used. Will FUHSD explain in detail why it chooses minimal CEQA elements and then goes non compliant on the selected elements?

RESPONSE H-10:

The District did not choose minimal elements. This document, together with the July 2010 Draft Environmental Impact Report (Draft EIR), December 2010 Amendment to the Draft EIR, and January 2012 Draft Recirculated Environmental Impact Report (Draft REIR) for the Monta Vista High School Sports Fields Improvements and Lighting, constitutes the Final Environmental Impact Report (Final EIR) for the proposed project. Together, these documents meet the requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines (Section 1500 of the California Code of Regulations).

COMMENT H-11:

- How did the noise level go up from 73% reduction to now 66%?

RESPONSE H-11:

The maximum number of hours of field lighting under the Draft EIR Reduced Use alternative is a 73 percent reduction in hours, compared to the maximum hours of field lighting under the originally proposed project. Under the Reduce Use and Light Levels alternative, the maximum hours of field lighting represent 66 percent reduction in hours, compared to the originally proposed project. The difference between the Reduced Use alternative and the Reduced Use and Light Levels alternative is that the lights would remain on an additional half hour after practices and games, to allow for cleanup, putting away equipment and instruments, and egress under the Reduced Use and Light Levels alternative. The additional half hour of light use to allow for cleanup and egress is the seven percent difference between the two alternatives.

COMMENT H-12:

- How many homes would need replacement windows to get down to 50dBA Leq at Monta Vista and 55dBA Leq at Lynbrook?

RESPONSE H-12:

As shown on Figure 2.2-2 of the Monta Vista High School Draft REIR, there are 23 affected residences. Assuming the existing windows and/or doors at these affected residences do not reduce interior noise levels to 45 dBA, all 23 affected residences would need replacement windows/doors.
As shown on Figure 2.2-1 of the Lynbrook High School Draft REIR, there are 25 affected residences. Assuming the existing windows and/or doors at these affected residences do not reduce interior noise levels to 45 dBA, all 25 affected residences would need replacement windows/doors.

COMMENT H-13:

Revise and reissue DEIR’s by removing all statements that tell us how well we should enjoy extended usage, lights and increased noise. We do not need to be bullied or fed self-serving erroneous statements in these DREIR’s. The “qualitative” sales approach does not sell and the Noise Addendum has apparent CEQA flaws. Annoying lights and excessive sound during any time of the day and particularly after 5 PM and later are unnecessary. If one wanted to hear loud noise from sporting events then it should be by choice. Noise is easy to get but hard to eliminate unless you can unplug the source. That is the purpose of noise standards. You do want to comply with CEQA and noise standards?

RESPONSE H-13:

The comment is noted. While the comment does not raise any specific issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT H-14:

We request a result-committed discussion to communicate, exercise common sense and honesty. Community acceptance at both schools is the product. FUHSD must have these same objectives to achieve acceptable solutions.

RESPONSE H-14:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

I. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM NORMAN GOORVITCH DATED JANUARY 1, 2012

COMMENT I-1:

I am resubmitting a question I sent in response to the original EIR, a question which was never addressed, namely, how does the District justify knowingly and repeatedly breaking the law (the City of Cupertino noise ordinance) in order to hold evening football games?
RESPONSE I-1:

By adopting Resolution #1011-17, the Board reaffirmed that city zoning ordinances are inapplicable to the District School Sites. Therefore, the City of Cupertino Noise Ordinance is not applicable to the project. The Draft REIR has been prepared and circulated to disclose that the Reduced Use and Light Levels alternative would result in a significant unavoidable noise impact.

COMMENT I-2:

The Draft Recirculated EIR concluded: short of enclosing the track and field within a dome, there are no mitigation measures to reduce the substantial increase in exterior noise levels during evening football games. Yet, by all appearances, the District intends to continue with the project and hold those games, regardless of the impact to the neighborhood.

RESPONSE I-2:

If the District chooses to approve a project that results in a significant unavoidable noise impact, then the District shall make written findings and a statement of overriding considerations that explain why the benefits of the project outweigh the environmental impacts. Sections 15091 through 15093 of the CEQA Guidelines outline the process that the District must follow to approve a project that results in a significant unavoidable impact.

COMMENT I-3:

As a neighbor of Monta Vista High School, I find the noise impact of holding five to six night football games unacceptable.

RESPONSE I-3:

The comment is noted. While the comment does not raise any specific issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT I-4:

More significantly, I am appalled by the way the District, which should be encouraging students to uphold the law, disregards it when it suits them. What do we communicate to CUHSD students when the institutions from which they should be learning citizenship set such a bad example?
RESPONSE I-4:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT I-5:

And how does the District plan to respond when the neighbors call the City Code Enforcement Officer each time a night game is played?

RESPONSE I-5:

Please refer to Response I-1.

J. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM PENNY GREENMAN DATED JANUARY 26, 2012

COMMENT J-1:

Regarding the Monta Vista High School Improvement and Lighting Projects, I would like to express my concern about the installation of the PA systems as well as the lights on the main field and track. Because of the unique geological formation of the area around Monta Vista High School, the area essentially serves as an acoustical lens, very similar to a Roman coliseum or a bowl in which sound is uniquely amplified. Sounds transmit remarkably from both Kennedy Junior High and Monta Vista to the areas around and above the schools, and on some days, depending on the weather, one can hear people talking or coughing at both schools from as far away as three or four blocks. On other days the sounds from highway 280 resonate acutely as does traffic noise from highway 85. In short, the acoustics in this area are astounding, and noise coming from the installation of a PA system at Monta Vista, as well as the sounds of cheering crowds, will cause the local neighbors to revolt, the dogs to bark, and coyotes to howl.

RESPONSE J-1:

The Draft EIR acknowledges at the bottom of page 68 that distant receivers may be able to distinguish noise from evening games and practices. At times, atmospheric conditions may contribute to situations where distant receivers would be able to distinguish noise from evening games and practices that would otherwise not normally be audible. Audibility, however, does not constitute a significant noise impact. Audible sounds from whistles, cheering, and PA systems will not substantially increase noise levels at distant, shielded receivers.
COMMENT J-2:

Please, please consider the unique area in which we live and cease the installation of the PA systems and lights at Monta Vista High School. Surely, a contractual agreement could be arranged with De Anza College to have all high school games played on their already established fields, complete with lights, PA systems, etc.

Sincerely, Penelope Greenman --a local neighbor of Monta Vista

RESPONSE J-2:

Holding night games off-campus does not meet the project objective of holding night games on Monta Vista’s home campus. Please refer to Response B-19. The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT J-3:

P.S.: Furthermore, how many studies have been done on the nature and severity of injuries sustained by athletes on sports fields covered by synthetic turf vs. natural grass turf? It is my understanding that injuries tend to be far more severe on synthetic turf, especially knee injuries. In short, Fremont Union School District could be ripe for future law suits if synthetic turf is installed at Monta Vista and other local high schools.

RESPONSE J-3:

As stated in Section 1.2 Contents and Format of the Document of the Draft REIR, the Draft REIR contains only the additional information that is needed to make the previously prepared EIR complete. As described in the Court’s November 30, 2011 Order, the Court found that the previously prepared EIR adequately addressed the remaining issues raised in the Petition. The Draft REIR and this Amendment to the Draft REIR is, therefore, limited to the following: the significance of impacts resulting from the Reduced Use and Light Levels alternative, identified mitigation measures for the significant noise impact, and a discussion of whether any alternatives to the project feasibly attain most of the basic objectives of the project and would avoid or substantially lessen the significant noise impact. The Draft EIR and Amendment to the Draft EIR adequately address all other issues, including impacts resulting from the proposed synthetic turf. Please refer to the Monta Vista High School Sports Fields and Lighting Draft EIR and Amendment to the Draft EIR for all other project-related issues.
K. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM ED IRVIN DATED MARCH 1, 2012

COMMENT K-1:

The District's attempt to come up with ways to mitigate the significant, unavoidable noise level impacts that would result from increased use of the sports fields at night with lights is appreciated, but I disagree with the conclusions in the Recirculated MVHS EIR.

RESPONSE K-1:

The comment is noted. The comment will be considered by the Board during their deliberation on the project. Responses to specific comments are provided below.

COMMENT K-2:

None of the mitigation measures fully mitigates the significant, unavoidable noise impact related to the use of lighted fields.

RESPONSE K-2:

As stated in Section 3 Conclusion of the Draft REIR, several mitigation measures were considered by the District to reduce the noise impact from lit evening games and practices. There are no feasible measures that reduce the noise impact to a less than significant level.

COMMENT K-3:

The proposed 8 foot "sound barrier" does not significantly reduce the sound levels that would be experienced by the neighboring residents and the physics behind this proposed solution have not been adequately and fully described and analyzed with respect to how this barrier would significantly reduce noise levels, especially considering the noise levels from elevated locations, such as the bleachers and related sound systems.

RESPONSE K-3:

The Draft REIR does not state the noise barrier mitigation along the property line would significantly reduce noise levels. The noise barrier mitigation along the property line is fully described and evaluated in Section 2.2.1.2 Noise Barrier along Property Line of the Draft REIR. The noise barrier mitigation was designed by a professional noise consultant. As stated in the Draft REIR, “the noise barrier would need to be at least eight feet tall (relative to the residential elevation at the property line), have a solid surface (i.e., no gaps), and a minimum density of three pounds per square foot.” The noise barrier would reduce noise levels during football games six and five dBA to the south and west of the field and track, respectively.
COMMENT K-4:

Nor does the REIR do an adequate job of describing secondary impacts of such "mitigation" efforts, such as sound barriers.

RESPONSE K-4:

    The impacts from implementing the noise barrier mitigation along the property line are fully evaluated in Section 2.2.1.2 Noise Barrier along Property Line of the Draft REIR, consistent with Section 15126.4 Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects of the CEQA Guidelines. The impacts discussed include visual, shading, and construction impacts.

COMMENT K-5:

In this REIR, the District fails to fully develop and analyze the impact of other mitigation efforts that would limit the significant, unavoidable noise impacts that exceed Cupertino City decibel level limits. Such operational mitigation efforts, such as Saturday day Football games and Band practices during the daylight hours and on Saturdays or use of local Jr College fields, have not been fully and completely analyzed and assessed as viable options to mitigate the noise impacts of potential lights. Hence, the RIER is incomplete and does not fully examine every reasonable, pragmatic solution that would result in acceptable noise levels. It fails to apply a "analytic route" that leads to their conclusions.

RESPONSE K-5:

    The operational mitigation efforts described in this comment are evaluated as alternatives to the proposed project. The Draft REIR, together with the previously circulated EIR, constitute the EIR for the project. The previously circulated Draft EIR and First Amendment to the Draft EIR evaluate a range of alternatives to the project and their ability to avoid or reduce the project’s significant noise impact, including the No Sports Light alternative. Refer to Response B-2 for a detailed discussion of the alternatives evaluated.

COMMENT K-6:

Furthermore, by placing the Batting cages against the Southern border, immediately next to the residents of Hyannisport, the District clearly demonstrates its lack of sensitivity to the overall impacts of the Field design. It is recommended that these batting cages be put in a location that is not immediately adjacent to residential properties. Placing them on the Ft. Baker (East) side of the MVHS property would enable them to be co-located with the field while keeping them more than 25 feet from residential properties.
RESPONSE K-6:

The current plans show the batting cages located along Fort Baker Avenue. Please refer to the District website to view the current project plans (http://fuhsd.ca.schoolloop.com/projectupdates).

COMMENT K-7:

The current REIR does not address the "Analytic route" to demonstrate full compliance with the following Santa Clara County Superior Court Ruling: After the District decision, case number 1-11-CV-192050 was brought to the Santa Clara County Superior Court arguing that the EIR did not comply with the requirements of the California Environmental Quality Act (CEQA). On November 30, 2011, the Court ruled that:

“The District did not show the "analytic route" that leads to their conclusion that the variation on the reduced use alternative that was finally adopted somehow transforms a significant, unavoidable noise impact to a less than significant one. The "reduced use" alternative adopted did not change the frequency or length of the single largest project-generated noise impact—home football games, and they do not incorporate the only measures identified as partially mitigating the game noise—construction of sound barriers at the property line and behind the bleachers nearest to local residences. Nor did District issue a Statement of Overriding Considerations for the Project. Accordingly, the certification of Final EIR that found no significant noise impacts from the five to six home football games per year was not supported by substantial evidence in the administrative record and approval of the EIR constituted an abuse of discretion.”

RESPONSE K-7:

Please refer to Response B-2.

COMMENT K-8:

Furthermore, while describing, in principle, the application of sound barriers, the REIR does not rigorously and completely communicate the analysis that proves these sound barriers would fully mitigate the significant, unavoidable noise impacts of lighted fields.

RESPONSE K-8:

The Draft REIR does not state the noise barrier mitigation would fully mitigate the significant noise impact. Please refer to Response K-3.

COMMENT K-9:

On a more personal note, the noise barriers and batting cages would create a very disturbing visual environment for those residents with a barrier next to them.
RESPONSE K-9:

The comment regarding the secondary visual impact of the noise barrier supports the findings of the Draft REIR. While the noise barrier along the property line will partially mitigate the noise impact, it will create a permanent negative visual impact for those neighbors. Please refer to Responses K-6 and A-2 regarding the visual impacts of the batting cages.

COMMENT K-10:

Additionally, as a person who must often wake up at 4am to work, it is important to have a reasonably quiet [within city code] and typical ambient light levels conducive to natural evening lighting conditions, for restful evenings and sleep. Having lights and noise past the ~7pm timeframe creates an unpleasant, stressful and, certainly not a restful home environment to live in.

RESPONSE K-10:

The comment is noted. While the comment does not raise any specific issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT K-11:

Lastly, the REIR does not fully describe how the barriers and the previously planned green zone ("trees along the residential borders") would be designed.

RESPONSE K-11:

As stated in the REIR (page 9) the noise barrier would be at least eight (8) feet tall (relative to the residential elevation at the property line), have a solid surface, and a minimum density of three pounds per square foot. The noise barrier would be installed immediately outside of the residential property line. The construction of noise barriers along the residential property lines bordering the main field and track would not substantially impede implementation of the conceptual landscape plan included as Figure 1.1-5 of the Draft EIR.

COMMENT K-12:

Therefore, from my perspective, the current REIR does not contain any acceptable mitigation measures that would result in a less than significant, unavoidable noise impact related to potential use of lights. Nor does it fully address operational mitigation measures, such as Saturday games. Furthermore, while it described the use of "sound barriers", it does not provide adequate analysis to demonstrate how such barriers mitigate the noise to an acceptable level nor does it discuss the potential, secondary impacts on the residents related to such mitigation efforts. It fails to provide the complete and acceptable "analytic route" needed to be compliant to the above Court ruling.
Therefore, I strongly disagree with the content and conclusions of this REIR and do not believe it demonstrates or validates any overriding considerations that would drive the need for lighting (and the resultant noise associated with these lights).

RESPONSE K-12:

The REIR together with the previously circulated EIR, constitute a complete environmental review of the proposed project and include complete and adequate analysis of the project’s noise impacts, mitigation measures, and alternatives. The REIR (page 19) concluded that, short of enclosing the track and field within a dome, there are no mitigation measures to reduce the substantial increase in exterior noise levels during evening football games. Specific comments are addressed in the previous responses to Comments K1-11.

COMMENT K-13:

Thank you for your consideration of my comments. As a long time Cupertino resident and strong supporter of MVHS, I look forward to a continued dialogue on this important subject and a solution that balances the desires of the District with its Cupertino resident neighbors.

RESPONSE K-13:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

L. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM ROB KARR DATED FEBRUARY 22, 2012

COMMENT L-1:

Please accept my comments on Monta Vista's REIR report contained in the attached "Word" file. If you have any problem reading it, please contact me and I'll submit it in another form. After reading the EIR for Monta Vista’s field project I have a few comments; I understand the changes being made with the field modifications and my comments do not try to stop these modifications, but are offered to make the changes least offensive to the neighborhood, of which I am a subject.

RESPONSE L-1:

The comment is noted. Responses to specific comments are provided below. The comment will be considered by the Board during their deliberation on the project.
COMMENT L-2:

The EIR is detailed, but the data points are mostly for game events which are few in number. The day-to-day reality of the usage of the fields should be given greater weight, as they will be the most numerous.

RESPONSE L-2:

While the REIR focuses on the noisiest evening events, the Friday night football games, the Draft REIR states that evening activity allowed under the proposed field lights, including non-football games and practices, will result in a significant unavoidable noise impact. “Noise generated by evening games and practices at Monta Vista/Lynbrook High School under the Reduced Use and Light Levels alternative would substantially increase hourly average noise levels at sensitive receptors nearest the main field and track, compared to existing conditions.” (REIR page 5) The Draft REIR describes the days and times of use for the various activities (including non-football games and practices) proposed by the Reduced Use and Light Levels alternative (Draft REIR page 5). It then states, “…the noise would still result in a significant unavoidable impact, because it exceeds the City’s normally acceptable nighttime exterior noise level standard of 50 dBA Leq (exterior noise level standard of 55 dBA Leq for Lynbrook Draft REIR)

COMMENT L-3:

The design of the bleachers and sound system are the 2 most important aspects of sound bleed. The new Home bleachers appear to be twice as long as the previous ones, are they as high as the old ones, or lower?

RESPONSE L-3:

The proposed project would lower the finished grade of the main field and track approximately 1.5 feet below existing grades. Taking the lower grade into account, the top of the main seating area of the proposed new home bleachers will be lower than the existing bleachers by approximately two feet. Additionally, the proposed project moves the larger home bleachers to the east side of the field, away from the nearest residential neighbors.

COMMENT L-4:

As the EIR notes, lower bleachers on the Visitor side will be beneficial to lowering the noise levels—the same thing is true of the Home side, though that is not addressed in the EIR. Current bleacher designs are noisier than the old ones—they’re mostly aluminum now with no air gaps. They are VERY effective sound-reflectors and transducers when they are empty. People are good sound absorbers and dispersers, though people add to the total sound level, which is cumulative.
RESPONSE L-4:

Metal bleachers could reflect some sounds when empty. The diffused surface of the bleachers, however, would scatter reflected sounds in a variety of directions. The majority of reflected sounds would be directed skyward as the angle of incidence equals the angle of reflection. The reflected noise component would be negligible in terms of the noise traveling directly between the source and receiver.

COMMENT L-5:

The data in the EIR note the dBA Leq of full grandstands, which will be the overwhelming minority. Day-to-day non-game use, like rallies, band and sports team practices, gym classes, will reflect sound into the adjoining area. At my house, 1/2 mile away from the school, I can hear Monta Vista’s pool noise quite well on many occasions, in my house, because the shape and construction of the 3 hard walls around the pool reflect the local noise generated towards the only direction there is no wall. This is the effect massive aluminum bleachers will have- to broadcast the sound into the surrounding neighborhood.

RESPONSE L-5:

The proposed bleachers, when empty, would not substantially affect ambient noise levels in the project area. Audibility does not constitute a significant noise impact. Please refer to Responses L-2, L-4 and J-1.

COMMENT L-6:

The bleacher recommendation that the visitor side be low and wide is on target as the best noise attenuator. The same construction should be undertaken for the home side.

RESPONSE L-6:

Please refer to Response L-3

COMMENT L-7:

In addition, there should be some effort undertaken to identify methods of insulating both the front and undersides of the bleachers. This could have multiple forms, like direct coating of the surfaces, gaps in the bleachers, and structures underneath to interfere with the sound waves.

RESPONSE L-7:

Per the noise analysis completed for the proposed project by a professional environmental noise consultant, the EIR identifies the construction of noise barriers behind the proposed bleachers and along the property line adjacent to the main field and track. As discussed in Response B-33, the noise levels generated by stomping
are well below maximum noise levels from the predominant noise sources that contribute to hourly average noise levels (i.e., cheering). The brief periods of foot stomping do not substantially affect the hourly average noise level and do not result in the maximum instantaneous noise level. Mitigation measures to reduce the noise generated by foot stomping would not reduce the degree of the noise impact.

COMMENT L-8:

I’m not a bleacher expert, though I have experience with them because I –am- an audio expert in who has installed sound systems at many local high school football fields and in gyms. So this brings me to the sound system. There are aspects of the sound design that help keep the numbers low while insuring intelligibility for the events. The EIR notes that increasing the number of speakers allows an overall lower system volume. This is true, but more speakers also create more echoes, and of course, cost. The multiple sources could make performing to a recorded sound track difficult if the system is not designed with this in mind. Choosing the right product (speakers and amplifiers) and locating the speakers on the South side of the bleachers facing North will direct the sound across the tennis courts and parking lot minimizing direct volume to the South and East of the campus, and this will also minimize reflections. This sound system should be capable of being used for graduation, saving a large amount of money over its lifetime. Every parent will want to hear their child’s name clearly.

The sound system design should be done before the fields are finished to allow optimum speaker mounting locations to be prepped (install poles) with cable channels installed for cable to be run.

RESPONSE L-8:

As stated in the previously circulated Final EIR, the noise generated by the public address will be as low as feasible and in no case exceeding 60 dBA $L_{max}$ at the residences in the project area. The PA speaker system will be designed to maximize the audibility of the PA system to spectators in the bleachers, while not broadcasting PA sound beyond to the adjacent residential properties. The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

M. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM E.H. KAWASAKI DATED FEBRUARY 29, 2012

COMMENT M-1:

Thank you for having the contractor repair our fence that he broke that is located adjacent to MVHS. This happened during the clearing of the brush and trees along the property line.
RESPONSE M-1:

The comment is noted.

COMMENT M-2:

In reference to the DREIR, our first observation of the Site Plan (Option A) shows the location of the softball batting cages right behind the homes located on the Hyannisport Drive side. The batting cages before were located on the Fort Baker Drive side across the street from the homes. The noise level from the constant hitting of the balls were reduced by the cage distance away from the homes on Fort Baker Drive.

RESPONSE M-2:

The second to the last page of the Draft REIR is a site plan showing the noise barrier locations, which was originally prepared for and included in Appendix D of the Draft EIR. The site plan is dated September 2009. The current plans show the batting cages located along Fort Baker Avenue. Please refer to the District website to view the current project plans (http://fuhsd.ca.schoolloop.com/projectupdates).

COMMENT M-3:

Along with the constant noise from the softball, field hockey, soccer practice and games, the extension of the eight feet noise barrier should be included all the way to the corner of Fort Baker and Hyannisport Drive.

RESPONSE M-3:

The noise barrier along the property lines of the residences adjacent to the main field and track is identified in the EIR to reduce elevated noise levels during evening practices and games that would be facilitated by the proposed field lights. The noise from use of the existing playfields (e.g., softball, field hockey, soccer practice and games) is an existing condition. Noise from the use of the existing playfields will not substantially increase existing ambient noise levels. Therefore, extension of the noise barrier to Fort Baker Drive is not identified as a mitigation measure.

COMMENT M-4:

As we review the DREIR, there are many more conclusions that we greatly differ with and also very much differ in other areas, such as "chemical contaminants from the offgassing of the synthetic turf," "Landscape Drainage System," etc.

Unfortunately, we firmly believe that the FUHSD is out of touch with the local residences' plight. Did we vote for this measure? I don't think so.
RESPONSE M-4:

Please refer to Response F-3.

N. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM KEITH KREFT
DATED MARCH 2, 2012

COMMENT N-1:

I sent you an email (below) with an attachment a little over an hour ago. The attachment had a few grammatical errors which I have corrected in the attached document. If it’s not too late, could you use this corrected version instead?

The Fremont Union High School District has been deceiving us (the residents and voting citizens) right from the beginning when Measure B was promoted and appeared on the ballot as “a technology fund to upgrade classroom computers and technology; building science labs; improving energy efficiency; adding solar power; building classrooms to avoid overcrowding; improving physical education and athletic facilities; and replacing aging heating, lighting and electrical systems” Spending almost one third of the funds on athletic fields doesn’t sound like what a “technology fund” should be used for. If they were planning on spending the largest portion of the funding on the athletic field improvements shouldn’t it have been listed first, just as food manufacturers are required to list all ingredients of a food product on the label in the order of predominance by the Fair Packaging and Labeling Act, and shouldn’t it have been labeled a bit more truthfully?

The Argument in Favor of Measure B, as it appeared on the ballot, included this sentence; “As an investment in the quality of our high schools, Measure B will maintain and strengthen the value of all homes and businesses in the district. “ Squeezing a sports stadium with 80 foot, high intensity, night lighting into an already overcrowded parcel of land, by placing it along a lot line which borders homes closer to the lot line than the homes are to the lot line, is not going to maintain or improve the value of any of these homes, let along all of them. This published argument was endorsed and signed by five members of the Measure B campaign committee. All of the present Board of Trustees were members of that committee. It now appears to be just another broken promise.

RESPONSE N-1:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT N-2:

At a neighborhood meeting with Polly Bove, Superintendent of Schools, and April Scott, Principal at Monte Vista HS on April 5, 2010, at the residence of Keith Kreft (10843 Wilkinson Ave), Polly Bove stated that the board and the school district wanted to be good neighbors, and that they intended
to comply with both local municipal codes as well as with the EIR (when it comes out). Specifically
the local codes included Cupertino’s noise ordinances. I later attended the meeting in which the
board voted on the present lighting proposal. There was absolutely no discussion from any of the
board members to consider any of the other proposed lighting options. They all voted for the present
(original) lighting proposal. So while Polly Bove’s statement wasn’t a broken promise, as no
promise ever was made, I can only assume it was just an outright lie.

RESPONSE N-2:

On December 16, 2010, the Fremont Union High School District Board of Trustees
(District) certified the Final Environmental Impact Report (Final EIR) prepared for
the Monta Vista High School Sports Fields Improvements and Lighting project and
approved the Reduced Use and Light Levels alternative, which proposed a 66%
reduction in the maximum number of hours of lit field and potential noise-generating
activity, compared to the original project evaluated in the Draft EIR.

COMMENT N-3:

The board’s handling of the noise findings in the EIR, where noise levels generated from a night
football game were compared to the cities ordinances, can only be described as cunning. I could not
tell if they crafted an argument explaining that the noise when averaged over a longer period of time
was lower and therefore would have a negligible impact, or if they just didn’t care what impact the
noise was going to have on the neighbors and wrote them off. I believe they more recently referred
to the city’s 50 dBA Leq evening noise regulation as a “normally acceptable nighttime exterior noise
level standard” when in reality this is a maximum limit not to be exceeded. Their shrewd twisting of
the words might lead one to believe this is a normally acceptable nighttime exterior noise level. It is
not.

RESPONSE N-3:

The REIRs do not improperly use an average noise analysis to determine significant
project impacts. The threshold of significance for project noise impacts is based upon
the noise standards of the individual jurisdictions in which the high schools are
located. In accordance with the CEQA Guidelines Appendix G, Environmental
Checklist Form, the first question under Noise – would the project result in:
a) Exposure of persons to or generation of noise levels in excess of standards
   established in the local general plan or noise ordinance, or applicable standards of
   other agencies?

For the Monta Vista HS project, located in the City of Cupertino, the EIR criteria for
significant noise impacts reflects use of the City’s noise ordinance and Noise Element
of the City of Cupertino General Plan. Section 6, Health and Safety, of the City of
Cupertino General Plan includes the following policy:
Policy 6-50: Land Use Decision Evaluation - Use the Land Use Compatibility for Community Noise Environments chart and the City Municipal Code to evaluate land use decisions. Figure 6-L: Land Use Compatibility for Community Noise Environments shows Community Noise Exposure levels (described in time-averaged Ldn or CNE, dB) of up to 60 dBA CNE as acceptable for residential land uses.

Fifty dBA Leq is the City of Cupertino’s evening noise limit for residential properties, and is the threshold of significance for noise impacts used in the Draft REIR.

COMMENT N-4:

Somewhere the board stated “City land use policies support the concept that schools are inherently compatible with residential uses and, therefore, locate high schools within residential neighborhoods, as is evidenced by the City of Cupertino General Plan. This could lead one to presume that school activity noise is also considered compatible with residential neighborhoods.” One should not draw the seriously flawed conclusion that this would apply to night high school football games. One should instead consider and respect the City of Cupertino’s noise ordinances, especially when a school is squeezed into a residential neighborhood without an adequate buffer of land to dissipate some of the noise that the school generates before it reaches its neighbors. In my opinion, these should lead one to presume that the school board would act responsibly in respecting the city’s ordinances.

The board’s position that noise is commonly associated with high school activities, should not trump the fact that peace and quiet is commonly associated with residential neighborhoods, especially at night. And the peace and quiet was here first and should have precedence. I have many friends that retire by 9 pm on both Friday and Saturday nights. Please consider this.

RESPONSE N-4:

The comment is noted. While the comment does not raise any specific issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR. Please refer to Response A-9 for more information.

O. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM JACKIE KRITZER DATED FEBRUARY 29, 2012

COMMENT O-1:

I appreciate the attempt by the District to come up with ways to mitigate noise levels that would result from increased use of the sports fields. Below are my thoughts after reading the REIR.
I greatly support the reduced weekly field use hours, but do not see how they constitute a 66% reduction in noise. They new proposed hours of use under the reduced lights/noise plan are much better than the previous schedule but still result in noise into the evenings up to 5-6 days a week. Noise is noise, no matter when it occurs, and its annoyance is magnified with over-exposure, as in the new schedule(s).

**RESPONSE O-1:**

As described in the REIR (page 5), the Reduced Use and Light Levels alternative would reduce the maximum number of hours the lights and evening noise activity would occur by 66%, compared to the original project evaluated in the Draft EIR. Since the Alternative retains the five to six evening football games per year, the entire reduction in hours results from earlier end times and fewer days for practices and non-football games. The purpose of this alternative is to reduce both the duration of non-football game noise and limit the noise to the earlier hours, thereby reducing the significance of the noise levels associated with practices and non-football games. The spreadsheet used to calculate the hourly use of the lights is included as Appendix F to Final EIR. The comment will be considered by the Board in their consideration of the project.

**COMMENT O-2:**

- The District has not even tried to incorporate the idea of holding daytime football games on Saturdays so that noise levels could be further mitigated and not have to pass as stringent city noise code requirements. These numbers and hours of football games are the major offenders of Cupertino’s ordinances and neighbor sensitivities. The fact that 5-6 football games will still be held on Friday nights with only PA system modifications does not constitute an adequate attempt to mitigate noise impacts.

**RESPONSE O-2:**

Please refer to Response B-12 regarding the No Sports Lights alternative analyzed in the Draft EIR.

**COMMENT O-3:**

- The District did not incorporate the idea of having band practices at Monta Vista during the day, as was the practice in years past. At that time, the band routinely practiced on the football field during first and second periods, which afforded a decent amount of practice time. Students still were able to have full schedules and participate in competitions. Holding band practice during the school day would greatly diminish the need to practice and disturb the neighborhood at night. This is an idea for mitigating the noise impact and addresses the problem of breaking city noise ordinances.
RESPONSE O-3:

As stated in the project description of the Draft EIR, “although not required under the Monta Vista band’s current program, if the band becomes a competitive marching band, then the proposed project would also allow members of the band to attend afternoon academic classes and practice in the evening should that need arise in the future. Extending the student school day by allowing evening band and sport practices is one of the project objectives. Therefore, eliminating evening band practice would not meet this objective of the project. The comment is noted and will be considered by the Board in their deliberations on the project.

COMMENT O-4:

• The District did not incorporate the idea of using NO PA system during ALL weekly practices and games, except for football games, which is a reasonable option. Soccer, baseball, softball, field hockey and band practices can very successfully be conducted with NO PA system at all—as they have been to date. I have been home when small PA systems have been used during an afternoon soccer/field hockey game. It is VERY abrasive.

RESPONSE O-4:

As stated on page five of the Draft REIR, the following measures is included in the Reduced Use and Light Levels alternative:

• Control noise generated by PA systems as low as feasible and in no case exceeding 60 dBA $L_{\text{max}}$ at the nearest residences. This can be accomplished by increasing the number of speakers such that each speaker would output to a smaller area, orienting the speakers away from residential receivers, and using noise barriers or baffles to shield the speakers from adjacent receivers.

Eliminating the use of the PA system during all weekly practices and games, except for football games, is not proposed by the project. In addition to above measure, however, the following measures have been added:

• noisemakers (e.g., whistles, horns, thundersticks, vuvuzelas, etc.) will not be allowed at evening games and practices.
• the proposed PA systems will not be used for field practices.

Please refer to Section 4 Revisions to the Text of the Draft REIR.

COMMENT O-5:

• Baffling and distributing PA speakers during football games is a good idea but will still not solve the noise impact. The normal PA system of the school during daytime hours rings through the neighborhood daily. I can’t imagine it is as loud as a “football-game-adequate” PA system. And
the fact that the District says the PA levels can be tempered makes one wonder exactly what kind of noise was originally in the plans.

RESPONSE O-5:

Please refer to Response O-4.

COMMENT O-6:

- Building a sound wall/barrier at the school property line is admitted by the District to not be very effective, and is also not appealing to me as one of those residents who would likely spend the rest of my life in a home with a view of a wall. It would also probably not be effective, as local experience with highway 85 has proven. As with the 85 sound wall experience, the sound would ricochet in unexpected directions, and there is a great chance that an even larger group of homeowners would be affected by school noise.

RESPONSE O-6:

Noise barriers reduce noise levels immediately behind the barrier. Noise barriers are not effective for distant receptors. Many studies on the phenomenon of reflected noise recognize that residents may perceive a change in the sound they hear after a noise barrier is constructed, but none of the studies show a perceptible (three decibel) increase in loudness of noise due to reflection. A survey letter was sent to the homeowners and occupants of the homes adjacent to the Monta Vista High School athletic fields that would be most affected by the noise barriers along the property line and/or behind the bleachers. The survey letter asked for their opinion whether the noise barriers would be acceptable. A total of 22 survey letters were sent out to the Monta Vista High School neighbors. Eight responses were received. Six of the responses stated that the noise barriers would not be acceptable. Two responses did not clearly state whether the noise barriers were acceptable or unacceptable. Many of the responses gave reasons why the noise barriers would not be acceptable, which mostly included blocked views and a feeling of confinement. The Draft REIR evaluates the visual impact of both the property line and bleacher noise barriers. The survey letter and responses to the survey letter are included as Appendix B to the Amendment to the Draft REIR.

COMMENT O-7:

- The option of tall sound walls behind bleachers (which would allow sound to ricochet and magnify in one direction and still escape in general) does not make sense for a global solution. Check the science.

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6 Caltrans. South Stockton 6-Lane Reflected Noise Patterns. April 2008
RESPONSE O-7:

Please refer to Response O-6.

COMMENT O-8:

- Lowering the field levels and building a dome over the track/football area are outlandish ideas that would never be followed through by the District, and are a waste of argument and reader time.

RESPONSE O-8:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT O-9:

Offering to install noise-reducing windows and doors for neighboring homes is a generous thought by the District. Unfortunately, I am not convinced that only a few homes at designated distances from the football field will be affected most.

RESPONSE O-9:

The projected noise levels off the field and the selection of which homes could possibly warrant installation of sound-rated windows were estimated by a professional environmental noise consultant.

COMMENT O-10:

Along this same line of thought, another problem should also be addressed—the light pollution. Nearby homeowners will not only have to need sound insulation, they will have to install black-out blinds/window treatments because of the lights. Is the District willing to assist with this expense also? Light intrusion is just as offensive as noise and should be considered also.

RESPONSE O-10:

As stated in Section 1.2 Contents and Format of the Document of the Draft REIR, the Draft REIR contains only the additional information that is needed to make the previously prepared EIR complete. As described in the Court’s November 30, 2011 Order, the Court found that the previously prepared EIR adequately addressed the remaining issues raised in the Petition. The Draft REIR and this Amendment to the Draft REIR is, therefore, limited to the following: the significance of impacts resulting from the Reduced Use and Light Levels alternative, identified mitigation measures for the significant noise impact, and a discussion of whether any
alternatives to the project feasibly attain most of the basic objectives of the project and would avoid or substantially lessen the significant noise impact. The Draft EIR and Amendment to the Draft EIR adequately address all other issues, including visual impacts resulting from the proposed sports lighting. Please refer to the Monta Vista High School Sports Fields and Lighting Draft EIR and Amendment to the Draft EIR for all other project-related issues.

**COMMENT O-11:**

The proposed changes to mitigate noise by the District do not address the fact that noise levels will still be above Cupertino standards for after-hours practices and especially during football games. The District has tunnel vision as to solutions, and the ideas expressed in the REIR are sometimes illogical and weakly argued.

**RESPONSE O-11:**

Please refer to Response B-2

**COMMENT O-12:**

The following questions are about the site plan as shown on the last page of the REIR:

- Is it up-to-date? If so,
- Where are the landscaping trees that were promised all around the perimeter of the field property?
- Why is the batting cage for the girls’ softball field still located on a neighboring fence instead of the open fence on Ft. Baker?

**RESPONSE O-12:**

The last page of the Draft REIR is an aerial showing the residences exposed to football game noise levels exceeding 65 dBA Leq. The second to the last page of the Draft REIR is a site plan showing the noise barrier locations, which was originally prepared for and included in Appendix D of the Draft EIR. The site plan is dated September 2009. The current plans show the batting cages located along Fort Baker Avenue. Please refer to the District website to view the current project plans (http://fuhsd.ca.schoolloop.com/projectupdates). Please refer to Response K-6.

**P. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM TOM KRITZER DATED MARCH 1, 2012**

**COMMENT P-1:**

This latest version of the EIR appears to be a series of poorly thought out schemes to satisfy the court's order while maintaining the school board's original plan for the Monta Vista athletic field. It
does show that an “analytic route” results in the conclusion that there remains a significant impact under the current project plan.

RESPONSE P-1:

The comment is noted. While the comment does not raise any specific issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT P-2:

Further, the level of effort invested in coming up with alternatives to mitigate the noise level is very minimal. Very little technical expertise is required to see that building low walls will not solve the sound problem. Also, one can easily see that digging a deep trench to “recess” the field would cause an endless series of drainage problems, not to mention high cost. A dome is just a laughable idea. No serious thought was given to exploring ways to reduce noise while accomplishing the objectives of the project. Rather ineffective mitigation techniques are presented that would allow the project to proceed within the bounds of the current plan.

RESPONSE P-2:

Please refer to Response B-2 regarding the range of mitigation measures and alternatives analyzed in the previously circulated EIR and REIR. As stated in the Court order (pages 10-11) dated November 30, 2011,

“Here both EIRs adequately discussed ‘a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project…’ The location and basic layouts of both projects cannot be significantly changed simply because of their nature – to improve/renovate the track and field facilities at specific existing high school campuses. The EIRs address an adequate number of alternatives, and explain that the alternatives that would most lessen the environmental impacts – such as the No Sports Lights alternatives – fail to attain the basic objectives of the projects, extending the school day and allowing both schools to host athletic practices and games that take place after school hours and therefore are often in darkness during the fall and winter.”

COMMENT P-3:

No thought was given to playing football games during the daylight hours (Friday or Saturday afternoons) when the noise would be less disturbing to most neighbors. This accomplishes the objectives of 1) extending the school day by allowing student athletes to enroll in seventh period classes, 2) providing a “home field” for Monta Vista athletes, 3) providing a facility sufficiently large that the entire student body can meet in one place at one time, and 4) reducing operating maintenance costs via synthetic turf. I do not recall that there was ever any specific objective of allowing students
to play home football games on Friday nights. Granted, this would be a desirable outcome, but the physical limitations of the available area simply do not allow this without creating a significant adverse impact.

RESPONSE P-3:

The alternative described in this comment is a variation of the Practice Lights Only and the No Lights alternatives, both of which were evaluated in the Amendment to the Draft EIR. Playing football games during the daylight hours would not meet the project objective of holding evening football games on the Monta Vista High School home campus. Please refer to Response B-2.

COMMENT P-4:

Response to Specific Sections
Section 2.1.1 The section states that “the Reduced Use and Light Levels alternative would both reduce the duration of evening noise levels resulting from the project and limit most of the noise level increases to the early evening hours, when they have less potential to disturb the neighbors.” There is no basis for concluding that excessive noise levels during the early evening hours would be less likely to disturb the neighbors than at any other time of the night. Evening meals for many neighbors occur during the time of increased noise in the early evening hours. I would find that disturbing. With the widely varying schedules of neighbors near the high school, this claim has no basis.

RESPONSE P-4:

The Community Noise Equivalent Level (CNEL) noise descriptor, which is used by the City of Cupertino, is based on the premise that sensitivity to noise increases during the evening and at night. The CNEL is a measure of the cumulative noise exposure in a community, with a five dB penalty added to evening (7:00 pm - 10:00 pm) and a 10 dB penalty added to nighttime (10:00 pm - 7:00 am) noise levels. A greater penalty is added to nighttime noise because it is assumed to be the time when most people are sleeping and, therefore, more disturbing than evening noise.

COMMENT P-5:

At the top of page 6 of the Recirculated EIR, it is stated that “no neighboring sensitive receptor should be surprised or startled by the presence of activity and noise on the school field.” Surprise is not the issue for me or most neighbors, since even with the Reduced Use and Light Levels alternative, neighbors can expect a significant level of noise for some portion of virtually every evening (except Sunday). Paragraph 7 states that the sounds generated are “positive” sounds by most people's standards. By this argument, playing enjoyable music at loud levels (as is often associated with a party) would also be a “positive” sound for most people. Yet that is certainly not allowed under the City's ordinances/standard. The issue is not the nature of the excessive noise, but the noise itself and the fact that neighbors can “count” on it virtually every night for years to come.
RESPONSE P-5:

The comment refers to the REIR discussion (page 5) of the factors affecting a person’s typical response to noise. The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR. Please refer to Responses X-1 and Z-1 regarding light use under the Reduced Use and Light Level alternative.

COMMENT P-6:

The argument was made that because schools are in the City of Cupertino's General Plan, the school activity noise is also considered compatible with residential neighborhoods. By the same token, the ambient noise levels (that are already there) must be taken into account when the school proposes to add to that noise level. If 5-15 dBA pushed the overall noise level above the threshold, then the school must not willfully cause that threshold to be exceeded. I do not accept the argument that announcements from the PA system can be neglected.

RESPONSE P-6:

The announcements from the PA system were not neglected. Existing ambient noise level measurements were taken at the project site for seven consecutive days, 24 hours a day. Therefore, announcements from the existing PA system were captured and accounted for in the existing ambient noise level measurements. The existing PA announcements are not part of the project and are considered part of the baseline environmental conditions and ambient noise level.

COMMENT P-7:

Contrary to the statement in paragraph 9 of this section, predicted noise levels of the Reduced Use and Light Levels alternative are NOT infrequent or of relatively short duration. They are predicted to occur 8 months out of every 12 and for several nighttime hours 5 or more of the 7 nights a week every year. By what standard is this infrequent?

RESPONSE P-7:

Please refer to Response D-5 and D-6 regarding the REIR’s use of the terms infrequent and of relatively short duration.

COMMENT P-8:

The statement that follows suggests that “the reduced duration of evening activity would typically make the noise less annoying and less of an intrusion into the lives of neighboring sensitive receptors . . . .” This statement is insulting. The noises would be every bit as annoying and just as much of an intrusion as the previous plan; they would just be annoying but for a shorter time period.
RESPONSE P-8:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT P-9:

Section 2.1.2 This section states that The Reduced Use and Light Levels alternative only partially meets the project objectives. I argue that it fully meets the project objectives. It allows the students enrolled in classes that meet in the last period of the day to participate in after school athletics and activities. It does reduce practice time, but that has nothing to do with the project objectives. There is no football practice time objective associated with the project. In fact, I expect that most Monta Vista athletes could make good use of the extra half hour to do homework.

RESPONSE P-9:

As stated on page 7 of the Draft REIR, the Reduced Use and Light Levels alternative would meet the project objectives, except it would not extend the student school day to the extent of the original project evaluated in the Draft EIR, which allows practices and non-football games Monday through Saturday until 9:00 PM in the evening. The comment is noted and will be considered by the Board during their deliberations on the project.

COMMENT P-10:

Section 2.1.3 Contrary to the conclusion in the EIR, the Reduced Use and Light Levels alternative does nothing to reduce the significant unavoidable noise impact that would have occurred under the original project. It only reduces slightly the number of times and the duration of those still significant impacts.

RESPONSE P-10:

The Reduced Use and Light Levels alternative would reduce the significant unavoidable noise impact that would occur under the original project evaluated in the Draft EIR, but not to a less than significant level. Compared to the original project evaluated in the Draft EIR, this alternative would result in a 66% reduction in the hours of potential evening noise-generating activity.

COMMENT P-11:

Section 2.2.1.1 An expert cannot magically make the PA noise suddenly stop at a certain place. In the absence of a sound barrier, the sound level is attenuated at the square of the distance from speakers. If the sound level at the property line is set to 60 dBA maximum, the level at many neighbors homes will still be 57 dBA or above, which is still above the City statute threshold.
RESPONSE P-11:

The City of Cupertino’s nighttime noise limit is 50 dBA Leq. Chapter 10.48 of the City’s municipal code allows for brief exceedances of the acceptable noise level limit. For example, under Section 10.48.050, 57 dBA is allowed for up to 13 minutes in any two-hour time period.

COMMENT P-12:

Also, a proposed “mitigation” is to configure the system with the volume is as low as feasible. How is this a mitigation? Was the school district originally planning to set it higher than necessary? To suggest that this is a mitigation measure is an insult! The bottom line is that because of the proximity of “sensitive receptors”, if the spectators can hear the PA system, so can the neighbors.

RESPONSE P-12:

The District proposes to limit noise levels to 60 dBA Lmax using a distributed speaker system. The District was originally proposing a single-speaker PA system, which requires higher volumes. Distributed speaker systems allow for lower volumes. While the PA system may be audible from the surrounding residences, audibility does not constitute a significant noise impact.

COMMENT P-13:

Section 2.2.1.2 The noise barrier along the property line is a silly idea meant to appease the court without any real thought or substance.

RESPONSE P-13:

The noise barrier mitigation was designed by a professional noise consultant, and identified in the Draft EIR as a mitigation measure (i.e., prior to the court decision). During football games, an eight-foot noise barrier along the residential property lines bordering the main field and track would provide approximately five dBA of noise reduction from football games at residential receivers to the west and approximately six dBA of noise reduction at residential receivers to the south. A survey letter was sent to the homeowners and occupants of the homes adjacent to the Monta Vista High School athletic fields that would be most affected by the noise barriers along the property line and/or behind the bleachers. The survey letter asked for their opinion whether the noise barriers would be acceptable. A total of 22 survey letters were sent out to the Monta Vista High School neighbors. Eight responses were received. Six of the responses stated that the noise barriers would not be acceptable. Two responses did not clearly state whether the noise barriers were acceptable or unacceptable. Many of the responses gave reasons why the noise barriers would not be acceptable, which mostly included blocked views and a feeling of confinement. The Draft REIR evaluates the visual impact of both the property line and bleacher
noise barriers. The survey letter and responses to the survey letter are included as Appendix B to the Amendment to the Draft REIR.

COMMENT P-14:

The logic throughout the recirculated EIR is appalling. Many of the conclusions do not follow from the facts presented. The set of mitigation proposals offered in the recirculated EIR provide no solutions to the significant noise impact resulting from the proposed project. Any improvements are modest at best.

Most are both minimally effective and expensive, thus providing a sort of justification for maintaining the project in its current form, which, I suspect, was the intent of the School Board all along. There is no re-thinking of how the project objectives could be met while adhering to the City noise statute, such as playing football games during the daylight hours.

I request that this revision of the EIR be rejected and that the project plan be re-evaluated and reformulated to avoid significant adverse impacts to the community.

RESPONSE P-14:

Please refer to Response B-2. The comment is noted and will be considered by the Board during their deliberations on the project.

Q. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM SUSAN MILLAR DATED JANUARY 23, 2012

COMMENT Q-1:

I just wanted to put in a vote of support for the current construction project at Monta Vista. I am a Cupertino resident with 1 Lincoln Student and 1 Kennedy Student. I'm very excited by the work being done at the future high school of my two daughters.

I'm really saddened that there are community members (I'm assuming that's who's making you guys jump through extra, extra, extra, extra, extra, extra hoops to try and get this project done) that are willing to fight SO hard against what looks to be no more than SIX games that might go until 10:30pm at night.

It is ridiculous to me that people buy homes near schools and then they don't want school noise? Or they don't want parking issues or gosh forbid, children laughing and playing! :)

Anyhow, as a tax paying citizen of Cupertino, I say, "Let the games begin - with lights and sound!" Geez, for six (or even 20) games a year out 365 days!!!! we can all stand a little noise - especially when it is noise related to High School Sports!
RESPONSE Q-1:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

R. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM CAROL MILLER DATED MARCH 1, 2012

COMMENT R-1:

I recently attended the informational meeting at MVHS hosted by Polly Bove, as well as other meetings on the topic of MVHS and LHS field improvements. It is thrilling to watch the progress on the MVHS fields!

At the recent MVHS meeting, several ideas were suggested to help reduce the noise for the school-neighbors, including sending the neighboring home-owners to dinner and a movie on the evenings of school home games, and the installation of double-paned windows. While all these ideas are nice, they miss the fundamental fact: the people who live next to the schools CHOSE to purchase in that location.

When my husband attended Lynbrook HS during the 1970s, the majority of their home games were at Cupertino HS – as were the home games for the other high schools within our district. Apparently the noise from these night games was considered a normal by-product of a high school since the City has allowed this activity over these many years.

Our City is taking the same amount of noise that has been generated for many years and distributing it across a larger area. Since the noise from evening football games was considered acceptable in the past, having each high school host their own evening games should also be acceptable (and preferable!), and is a more equitable distribution of the same amount of noise.

Thank you for your detailed attention to this topic, and for your service to our community and our students.

RESPONSE R-1:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.
S. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM BERNIE NACHSHEN DATED MARCH 2, 2012

COMMENT S-1:

In your MVHS DREIR you state on page 6 that:

“City land use policies support the concept that schools are inherently compatible with residential uses and, therefore, locate high schools within residential neighborhoods, as is evidenced by the City of Cupertino General Plan. This could lead one to presume that school activity noise is also considered compatible with residential neighborhoods”.

Yes, you can presume that daytime noise is unavoidable and it is just part of daytime high school activities. But, we are not talking about daytime noise and in the 40 years I’ve lived here, I have never complained nor anyone I know living in my neighborhood.

We are talking about nighttime football games, PA systems, stomping feet and marching bands with 80’ stadium lights to facilitate all this. To say that this is somehow ‘compatible with residential uses’ because a high school is included in the city general plan, implies no control or code enforcement can ever be applied. So, football games at 3:00am would be permitted since the city welcomed the high school into the neighborhood?

RESPONSE S-1:

Football games at 3:00 AM are not typical high school activities and, therefore, would not be considered compatible with residential uses. Please refer to Response A-9.

COMMENT S-2:

After speaking with private and public attorneys about this issue, it is their understanding that local ordinances must be followed unless an exemption or variation is granted by the local government. I may be unaware of special considerations given to school districts. But, if a private institution came before the city and applied for permission to do what the FUHSD is proposing, I would think that they would be thrown out of city hall. Yet, the City of Cupertino chose not to enforce any ordinance and allowed all this to go forward.

RESPONSE S-2:

As stated on page 64 of the Draft EIR, activities on the Monta Vista campus are not subject to the discretionary approval of the City; nor are campus activities subject to City ordinances. Please refer to Response I-1.
COMMENT S-3:

Also on page 6 you comment on how noise is perceived by different members of the community. You state:

“Either way, the noise generated during a football games and practices results from a relatively non-threatening event hosted by, played by, and attended by the local neighborhood community - the same neighborhood that is subject to the noise.”

My question is ‘who asked for this to begin with’? Did the FUHSD go into the Monta Vista neighborhood per above and ask ‘this is what we are going to do in the middle of your quiet neighborhood, we think this is non-threatening, what do you think? We didn’t even know any of this was coming (review your own emails released per the Brown Act).

RESPONSE S-3:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT S-4:

I’ve been involved in this contentious issue for sometime now. All I can say is that if the district was completely upfront about these lights from the very beginning, we would have a different situation. If the stadium lights issue was clearly expressed in Measure B, I would have voted against it. But, if a majority voted for approval, I would not have liked it, but a majority is a majority and democracy is democracy.

It is the perceived deceptiveness and total disregard and disrespect for the community’s legitimate concerns that has fueled the tension and divisiveness that has descended upon our neighborhood.

RESPONSE S-4:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

T. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM DAVE PARKER
DATED FEBRUARY 28, 2012

COMMENT T-1:

The FUHSD needs to follow thru with the plans that they have for both high schools. The lights would really help the neighborhoods around Cupertino and Fremont High Schools by giving us
a break. The Cupertino and the Fremont neighborhoods have supported Lynbrook and Monta Vista High School for a long time. Why is it that Lynbrook and Monta Vista neighborhoods don’t mind coming over to Cupertino and Fremont neighborhoods to make noise and enjoy themselves but then they don’t want anyone coming into their neighborhood to do the same. That’s not right. Who do they think they are? I think it’s about time that the neighborhoods around Monta Vista and Lynbrook High School step up and share the responsibility that goes along with having a High School in your neighborhood.

Has the city of Cupertino or the Lynbrook and Monta Vista neighborhoods even considered what our neighborhoods go thru during the football season and band practice and numerous other events that the field and lights support. Think about it. Do what’s right. It won’t kill you. Why wouldn’t you want to support your school’s sports activities? You sure don’t mind having our neighborhoods doing it for you. If you don’t want light’s then play all of you games and other activities during the day.

I have lived across the street from the fields and the light’s at Cupertino High School for 55 years. As a matter of fact Cupertino High School did not exist when I moved here. I have played under those lights and have supported the lights for a long time. I think it’s time for your neighborhoods to step and do the same.

RESPONSE T-1:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

U. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM DAVE RADTKE
DATED FEBRUARY 10, 2012

COMMENT U-1:

Glenn and others at the district,
FYI - I will be forwarding this to the LMU attorney and some of my neighbors.

I will be sending complete comments on the RDEIR later, but this is notification that work currently being done at Monta Vista appears to be an attempt by the district to thwart a possible method of mitigation of the noise. This is an example of why work on the Project should have stopped when the district lost the lawsuit on the basis of noise.

RESPONSE U-1:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.
COMMENT U-2:

The removal of the large pile of dirt will prevent the use of that dirt to make the design more like Gunn without the expense of hauling that dirt back. The district may well be spending more to haul the dirt away that it would to use it at the site to create a better design in terms of noise and other impacts.

The comment below is from my full comments that are in work. Emphasis has been added for your benefit.

It appears that I will have to replace this statement to indicate that the dirt was on site but it was removed. I have pictures that I will submit.

Instead, much of the existing hillside soil has actually been removed; however, a huge mound of dirt is still on the site.

1. This claim is inaccurate: “Unlike Gunn High School, there is no existing hillside between residences and the field and track at Monta Vista High School or adequate space to construct a hill.”
   In fact the area to the west side of the track is lower than the residences because it was at least partially cut out of a hillside. There is a retaining wall between some of the residences and the school because the hill was cut away to make the area to that side of the field level with the track. On the northwest side of the football field a hill still exists.
   Perhaps the district completely misunderstood the suggestion to make the stadium more like the Gunn High School stadium. Statements in the DREIR seem to indicate that the district believed the local residents wanted the field lowered so it would be more like Gunn. In fact the suggestion to lower the field was completely separate from the suggestion to make the design more like Gunn.

   The Gunn design was considered more desirable than the Monta Vista design because the bleachers were supported by soil/dirt instead of being free standing. Seating supported by soil is preferable from a sound standpoint because foot stomping will not cause as much noise. There should be plenty of available dirt to be able to provide the support for the seating at least on the west side of the field. Instead, much of the existing hillside soil has actually been removed; however, a huge mound of dirt is still on the site.
   While it would be preferable to support the seating on all sides with dirt, it is certainly possible without much creativity to do that on the west side.

RESPONSE U-2:

As part of the responses to comments on the Draft REIR, the noise consultant evaluated the sound attenuating properties of constructing bleachers on an earthen berm. The Gunn bleachers are installed into concrete, atop an earthen berm.

Constructing the bleachers on a berm would change the character of the sound made by stomping feet, as the stomping would occur on concrete rather than metal, but would not substantially affect overall measured noise levels. The noise levels
generated by stomping are well below maximum noise levels from the predominant noise sources that contribute to hourly average noise levels (i.e., cheering). The brief periods of foot stomping do not substantially affect the hourly average noise level and do not result in the maximum instantaneous noise level.

Constructing the bleachers on a berm would not reduce the noise impact to a less than significant level. Unless the berm rises six feet above the uppermost bench, the noise attenuation provided by the berm would be less than the attenuation provided by the mitigation identified in the Draft REIR (i.e., constructing a soundwall behind the bleachers that extends six feet above the top row of the bleachers).

COMMENT U-3:

2. In addition the Gunn design is superior for reasons extending beyond noise. The Gunn design has a lower profile because it spreads out the seating more and it does not have a press box elevated as in the Monta Vista design thus making it more compatible with the neighborhood. The Gunn design should be considered as a separate mitigation measure from lowering the field. The Gunn design can provide noise mitigation and also provide benefits of a less intrusive design within the neighborhood.

RESPONSE U-3:

The proposed project moves the location of the home bleachers to the east side of the field, in order to locate the larger bleachers and press box away from the nearest neighbors’ property line. The visitor bleachers would be 13.5 feet tall or approximately 1.5 feet below the top of the fences separating the school from the neighboring properties. The current design of the field did not include a wide, low earthen berm like Gunn High School, because there is not enough room between the field and the property line to the west to create and structurally stable hill.

Please refer to the previous Response U-2 regarding the noise attenuating properties of constructing bleachers on an earthen berm.

COMMENT U-4:

As a further comment, I cannot for the life of me understand why you did not modify the design to be more like Gunn. The RDEIR does nothing to explain why you didn’t at least try to modify the design on the west side, except possibly you totally misunderstood what about the Gunn design makes it better. How in the world can you claim there is no room for a hill when the hill would be in the same location as the planned bleachers? Is there no room for bleachers?

It seems as though even when you could have made changes that would not at all diminish what you want to accomplish you have chosen not to do so with the only apparent explanation being you just want to punish the neighborhood for daring to stand up for their rights.
RESPONSE U-4:

Please refer to Responses U-1 through U-3, above, regarding the project and the Gunn High School bleacher design. The comment is noted and will be considered by the Board in their deliberations on the project.

V. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM DAVE RADTKE DATED MARCH 2, 2012

COMMENT V-1:

This is a revised version of comments that can replace the comments dated on March 1. The only changes are this paragraph, the paragraph that immediately follows and the date. I also plan to send an addendum to these comments.

RESPONSE V-1:

We have replaced the comment letter dated March 1 with this comment letter. Comments in an addendum will receive separate responses under the date they are received.

COMMENT V-2:

The comments below primarily address the Monta Vista Improvement Projects; however, many of the comments apply to the Lynbrook Improvement Projects as well.

RESPONSE V-2:

Responses will be provided as they relate to either the Monta Vista project, the Lynbrook project, or both projects.

COMMENT V-3:

The Draft Recirculated Environmental Impact Report (DREIR) is severely flawed. Instead of providing objective information to the decision makers and the general public, the DREIR misinforms the public. Instead of objectively presenting the significant noise impact of the "Reduced Use and Lighting" alternative, the DREIR portrays the impact as not at all significant except in a technical sense and goes so far as to claim that many people will enjoy the noise. The DREIR does in fact state that noise from the project is a significant impact because the District was forced to state that fact by a court in light of facts presented to the court, but it does so with a wink to the decision makers as it makes numerous assertions and statements of opinion, portrayed as facts, that imply that the noise impact is not at all significant.
RESPONSE V-3:

The purpose of the Draft REIRs is to disclose that the Reduced Use and Light Levels alternative would result in the same significant unavoidable noise impact that was identified in the previously circulated EIRs. TheDraft REIRsstate that the Reduced Use and Light Levels alternative would result in a significant unavoidable noise impact (Draft REIRs, page 5). The Draft REIRs state that evening activity noise under the proposed field lights would result in a significant unavoidable impact, because the increased noise levels would exceed the Cities’ normally acceptable exterior noise level standards (Monta Vista project would exceed Cupertino’s nighttime exterior noise level standard of 50 dBA Leq and Lynbrook project would exceed San Jose’s normally acceptable exterior noise level standard of 55 dBA Leq). The comment regarding the “claim that many people will enjoy the noise” refers to the Draft REIRs discussion of factors affecting a person’s typical response to noise. Draft REIRs page 6 states,

“The type of noise resulting from the project would be sounds commonly associated with high school activities, including the sounds of athletes on the field, the band, the public address (PA) system, and the cheers and stomping of spectators. For many people, these sounds are received positively and for others they are an intrusion into an otherwise quiet neighborhood.”

COMMENT V-4:

The Draft REIR also misrepresents the previously circulated EIR the District previously approved; or, since the previously circulated EIR, together with this Draft Recirculated EIR constitutes the new EIR, the DREIR contradicts other parts of the new EIR. Specifically, the DREIR misrepresents the previously Circulated EIR in the conclusion section with statement that "the previously circulated EIR found that there are no alternatives to the project that meet the primary objective of holding evening football games at the Monta Vista campus and avoid the significant noise impact." A complete explanation of how it misrepresents the previously circulated EIR is provided below.

In addition the Draft REIR has major omissions

RESPONSE V-4:

It is not clear what misrepresentations and/or omissions are raised by the Draft REIRs. Responses to specific comments are provided in the following responses.

COMMENT V-5:

The Draft REIR claims the Court required the District to reconsider only the sections of the previously circulated EIR that are included in the DREIR, but other sections of the previously circulated EIR are also deficient because of conclusions made concerning noise impacts. The court ordered the District to set aside certification of the Final Environmental Impact Report for the Monta Vista High School Sports Field Improvements and Lighting Project and the adoption of the
Mitigation Monitoring and Reporting Program for the Monta Vista High School Sports Field Improvements and Lighting Project. It also ordered the District "to reconsider those approvals after appropriate review under CEQA."

The District erroneously interprets "reconsider those approvals" to mean that only the project that they previously approved should be considered. The court did not state that only the project approved by the District suffered from incorrect conclusions on the impact of noise. However, from the court's decision it was a forgone conclusion that the project approved by the District had a significant noise impact.

**RESPONSE V-5:**

The Court order states that the previously circulated EIRs were deficient in that they did not show the analytic route leading to the conclusion that the Reduced Use and Light Levels alternative would result in a less than significant noise impact. The Court directed the District to declare void its resolution certifying and adopting the EIRs and adopting the Mitigation and Monitoring Program and to reconsider those decisions after appropriate CEQA review. In response, the Draft REIRs reevaluate the significance of the noise impact of the Reduced Use and Light Levels alternative (RULLA), and considers mitigation measures and alternatives to the RULLA to either avoid or reduce the significant impact of the RULLA.

**COMMENT V-6:**

That would seem to make it more important for the revised EIR to examine other alternatives in the previously circulated EIR to determine if their noise impacts were correctly stated. One would think that the District would not restrict itself to consider only an alternative that was known to have a significant noise impact. The previously circulated EIR also claimed that the Reduced Use Alternative, the Practice Lights Alternative, the Practice Lights and Homecoming Alternative did not have significant noise impacts. The REIR does not either correct that error or state why those alternatives do not have significant noise impacts.

Obviously, the Reduced Use Alternative suffers from the same significant noise impacts as the Reduced Use and Light level Alternative, and the DREIR should address that. Without that correction the previously circulated EIR, together with the Draft Recirculated EIR still does not correctly state the impact of noise.

**RESPONSE V-6:**

The Draft REIRs (pages 18 and 19 for Lynbrook and Monta Vista High School, respectively) state that there are no alternatives to the project that meet the primary objective of holding evening football games at the Monta Vista/Lynbrook campus and avoid the significant noise impact. The text of the Draft REIRs has been revised to clarify that the Reduced Use alternative, the Practice Lights alternative, and the
Practice Lights and Homecoming alternative all result in a significant noise impact. The revised text is presented in Section 4 of this Amendment to the Draft REIR.

COMMENTS V-7:

The previously circulated EIR does not state if band practices will be allowed for the Practice Lights Alternative and the Practice Lights and Homecoming Alternative. If band practices are allowed, then it is not obvious that those alternatives do not also have significant noise impacts because the DREIR states that band practices have the same noise levels as "typical" football games. The Reduced Use Alternative (RUA) and Reduced Use and Light level Alternative (RULLA) allow two band practices per week in the fall, but the Practice Lights Alternative (PLA) and the Practice Lights and Homecoming Alternative (PLHA) do not specify any limit on the number of band practices in a week or time of year.

In addition the Practice Lights and Homecoming Alternative does include one football game, and the EIR estimates that the crowd will be very large and the noise levels will be at their highest. It is not obvious that the noise impact from a single game is not significant even though the noise impact from the 5 or 6 games allowed under the Reduced Use Alternative and Reduced Use and Light level Alternative is much worse.

As a result, the District has failed to consider almost any alternatives - except the no sports lights alternative -that would eliminate significant noise impacts associated with practices. The District should consider alternatives that would reduce evening noise from practices, in addition to the No Sports Light Alternative, such as eliminating evening band practice, or redesigning and reducing the field to take advantage of opportunities for better sound insulation and noise reduction.

RESPONSE V-7:

As stated in the Amendment to the Draft EIR, “the Practice Lights alternatives would be identical to the proposed project, except the proposed sports lights would be used only for practices and would be turned off by 7:30 PM.” Not related to noise, the light levels of the Practice Lights alternative would be reduced from 50 footcandles to 30 footcandles. Practice means both sport and band practices. The Practice Lights and Homecoming alternative would add one evening football game, presumably Homecoming, and would bring in portable lighting to provide the 50 footcandles necessary to play football. The text of the Draft REIRs was revised to clarify the significant noise impact that would result from the Reduced Use, Practice Lights, and Practice Lights and Homecoming alternative, in addition to the significant unavoidable noise impact of the Reduced Use and Light Levels alternative. As stated in the Court order (page 10-11) dated November 30, 2011,

“Here both EIRs adequately discussed ‘a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project…’ The location and basic layouts of both projects
cannot be significantly changed simply because of their nature – to improve/renovate the track and field facilities at specific existing high school campuses. The EIRs address an adequate number of alternatives, and explain that the alternatives that would most lessen the environmental impacts – such as the No Sports Lights alternatives – fail to attain the basic objectives of the projects, extending the school day and allowing both schools to host athletic practices and games that take place after school hours and therefore are often in darkness during the fall and winter.”

The Draft REIRs includes an evaluation of mitigation measures to reduce the significant noise impact of the Reduced Use and Light Levels alternative. Additional information regarding the attenuation provided by measures identified in comments to the Draft REIRs is provided in Section 4, Revisions to the Text of the Draft REIR.

COMMENT V-8:

The flaws in the DREIR fall into these six major areas with considerable overlap:
1. Incorrect application of CEQA in evaluation of alternatives and objectives
2. Misleading information
3. Inadequacy of information supplied or glossing over important relevant facts
4. Treating opinions and conjecture as facts
5. Incorrect application of cost/benefit ratios and incorrect application of CEQA in evaluating mitigation measures
6. Use of nebulous and overly narrow objectives to limit alternate designs

Comments on specific sections of the DREIR are listed for each type of flaw.

RESPONSE V-8:

Responses to specific comments are provided below.

COMMENT V-9:

Incorrect application of CEQA standards
1. In paragraph nine of Section 2.1.1 when reporting the increase in noise levels above the current ambient levels, it is irrelevant whether or not the noises are commonly associated with high schools. The standard to be applied is how much increase in noise the project will produce above the current ambient noise conditions.

RESPONSE V-9:

The paragraph noted in the comment is a general discussion about the noise generated by the Reduced Use and Light Levels alternative. It does not specifically relate to any noise standards used as thresholds of significance for a noise impact. In the same section, paragraph five states, “….the noise would still result in a significant
COMMENT V-10:

2. In Section 3 Conclusions there are several problems with this statement "The previously circulated EIR found that there are no alternatives to the project that meet the primary objective of holding evening football games at the Monta Vista campus and avoid the significant noise impact."

a. The first is use of the term "primary objective." In response to Comment 88-5 to the previously circulated Draft EIR, the District stated "All references to the primary objective of the sports lighting have been deleted from the Draft EIR." The previously circulated EIR approved by the District makes no statements concerning the primary objective of the project as a whole, nor does it state that holding evening football games at the Monta Vista campus is a primary objective of the project or a primary objective of installing lights.

In the previously circulated EIR Section 1.13 Objectives lists Synthetic Turf and Track, Sports Lights, ADA Compliance, and Upgrade/Modernize as the objectives of the project and the Sports Light objective is shown as:

Sports Lights - extend the student school day by allowing sport practices to extend into the evening; reduce the burden on the Cupertino High School track and field facilities which are currently shared with Monta Vista; and increase student school spirit and pride through being able to hold more Monta Vista events on their home campus

"More Monta Vista events on their home campus" might or might not include night football games. And even "increase(ing) student school spirit and pride," which the District asserts would result from holding more events on their campus, is only one of three objectives within an objective that itself is only one of the four stated objectives of the project.

RESPONSE V-10:

The REIR used the word primary as a synonym for basic. The word was used in error and has been deleted from the text of the Draft REIRs. The revised text is presented in Section 4, Revisions to text of the Draft REIR.

COMMENT V-11:

b. Next, the District does not properly use the CEQA criteria for evaluating alternatives. It implies that any alternative that does not meet the objective of holding evening football games at the Monta Vista should be summarily dismissed. Furthermore, the "Practice Lights and Homecoming Alternative" does include an evening football game at the Monta Vista, but even that alternative is said not to meet the objective of holding evening football games on campus.

The proper criteria to evaluate alternatives are described in Section 8.1 of the previously circulated and approved EIR. "An EIR shall describe a range of reasonable alternatives to the project, or to the
location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects..." And "the alternatives should feasibly attain most of the project's basic objectives, but are to be considered even if they impede to 'some degree': the attainment of project objectives, or could be more costly than the proposed project. (Emphasis added.)

The Final EIR approved by the District never states that the No Lights Alternative (NLA), the Practice Lights Alternative (PLA), or the Practice Lights and Homecoming Alternative (PLHA) do not feasibly attain most of the project's basic objectives, perhaps because they do attain them even though they might impede attaining them to some degree.

RESPONSE V-11:

The text of the Draft REIRs has been revised to clarify the significant noise impact that would result from the Reduced Use, Practice Lights, and Practice Lights and Homecoming alternative, in addition to the significant unavoidable noise impact of the Reduced Use and Light Levels alternative. The previously circulated EIRs evaluate a range of reasonable alternatives, in conformance with CEQA. As stated in the Court order (pages 10-11) dated November 30, 2011,

“Here both EIRs adequately discussed ‘a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project…’ The location and basic layouts of both projects cannot be significantly changed simply because of their nature – to improve/renovate the track and field facilities at specific existing high school campuses. The EIRs address an adequate number of alternatives, and explain that the alternatives that would most lessen the environmental impacts – such as the No Sports Lights alternatives – fail to attain the basic objectives of the projects, extending the school day and allowing both schools to host athletic practices and games that take place after school hours and therefore are often in darkness during the fall and winter.”

COMMENT V-12:

It should be noted that Monta Vista High School did not play any of its home games at Cupertino High School last year and instead played them at Fremont High School. Monta Vista does not make any other use of the Cupertino High School fields. Therefore, the objective of reducing wear on the Cupertino High School fields has been met even with no project at all. And no matter what alternative is finally used there is no reason for the District to revert to playing Monta Vista games at Cupertino High School.

RESPONSE V-12:

It is acknowledged that last year Monta Vista played its home games at Fremont High School instead of Cupertino High School. Whether at Cupertino or Fremont, the
“home” games were not played on the Monta Vista campus and resulted in wear and tear on a District high school campus other than Monta Vista.

COMMENT V-13:

i. For the No Sports Lights Alternative the previously circulated EIR states that "Under the No Sports Lights alternative it is also possible that home football games could be played at home during the day." Later it states, "If under the No Sports Lights alternative home football games are played on the Monta Vista campus, the objective of reducing the burden on the Cupertino High School track and field facilities will be met. The objectives of extending the student school day by allowing band and sport practices to extend into the evening and increasing school spirit and pride through being able to hold more Monta Vista events (i.e., evening football games) on their home campus, however, would not be met." Strangely, holding home football games at Monta Vista is said not to meet the objective of holding more Monta Vista events on campus apparently because although more events will be on campus, day football games don't increase spirit and pride by the method the District prefers.

RESPONSE V-13:

Yes, day home football games are not considered by the District to increase spirit and pride as much as evening home football games.

COMMENT V-14:

ii. The Practice Lights Alternative can obviously meet all the objectives that the No Lights alternative can meet. The previously circulated EIR even states that it meets "all of the objectives related to installing the synthetic turf and track, ADA compliance, and upgrading and modernizing the outdoor athletic facilities" and "would extend the school day by allowing practices to extend into the evening." The previously circulated EIR claims that the Practice Lights Alternative would not reduce the burden on the Cupertino High School (CHS) track and field facilities or increase school spirit and pride through Monta Vista High School being able to hold more school events on their home campus." It has already been determined that reducing the burden on CHS facilities can be met with no project at all. Furthermore, just as with the No Sports Light Alternative, home games could be played on the Monta Vista campus. Therefore, the Practice Lights Alternative can also meet the objective of being able to hold more Monta Vista events on their home campus, but not by the method the District prefers. It would seem that the Practice Lights Alternative can feasibly attain most of the basic objectives of the project. Arguably it attains all of the basic objectives of the project; and even if the alternative impedes "to some degree" attaining project objectives, it passes the CEQA criteria for an alternative that should be considered. Since it also reduces, if not eliminates, the significant noise impact of the Reduced Use and Light Level Alternative, the alternative should be chosen over the Reduced Use and Light Level Alternative.
RESPONSE V-14:

The Practice Lights alternative will be considered by the District, as will all of the alternatives and mitigation measures identified in the Draft REIRs and previously circulated EIRs.

COMMENT V-15:

iii. The Practice Lights and Homecoming Alternative meets all the objectives that are met by the Practice Lights Alternative. In addition the Practice Lights and Homecoming Alternative allows for one night football game per year on the Monta Vista home campus.

The previously circulated EIR states that "holding the Homecoming game on the Monta Vista High School campus would increase school spirit and pride, but not to the extent of the proposed project, which allows for up to six evening football games per school year."

Thus the Practice Lights and Homecoming Alternative unquestionably passes the criteria set by CEQA in that it 1) "would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects..." And 2) it "should feasibly attain most of the project's basic objectives, but are to be considered even if they impede to "some degree", the attainment of project objectives." Since this alternative reduces the significant noise impact of the Reduced Use and Light Level Alternative, it should be chosen over the Reduced Use and Light Level Alternative. This alternative more fully attains of the objectives of the project than the Practice Lights alternative, but it does not reduce the significant noise impact as much as the Practice Lights alternative.

RESPONSE V-15:

The comment reflects the opinions of the commenter and will be considered by the District Board in their consideration and deliberation of the project.

COMMENT V-16:

Misleading information
(From Section 1.3)
1. Even the claim that "this Draft REIR provides objective information regarding the environmental consequences of the Reduced Use and Light Levels alternative..." is misleading. Although some objective information is in the Draft REIR, the Draft REIR contains many subjective statement and statements of what the District would like the facts to be.

RESPONSE V-16:

The comment reflects the opinions of the commenter. Responses to specific comments are provided below.
COMMENT V-17:

(From Section 2.11
2. As with the previously circulated EIR the Draft REIR continues to mislead the public and the decision makers by making it seem as though the amount of field use and the noise it will produce has been significantly reduced from the original project. While the Draft REIR makes a technically correct statement in comparing the field use of the alternative to what the original project could have used, rather than would have used, the District knows full well that they never planned to use the fields as much as the original plan allowed.

The public record shows that the planned field use, as provided by the principal of Monta Vista, was very close to that allowed by the Reduced Use and Light Levels alternative. The reason the use is so similar is because the Reduced Use alternative was based upon that planned use. Furthermore, comparisons with a theoretical or straw man project are irrelevant, and when treated as relevant they serve only to deceive. This misinformation is repeated four times in Section 2.1.1, quantitatively three times and qualitatively once, and twice in the conclusions in Section 2.1.3.

RESPONSE V-17:

The Draft REIRs do not include misinformation. The original project proposed various days and times that the field lights and resulting field activity and noise could occur. As is common practice in CEQA documents, the originally circulated EIRs evaluated the environmental impacts of the maximum number of hours of potential lit field activity, to provide a conservative estimate of potential impacts. While the immediate District needs may have been less than the maximum hours proposed, the original project, if approved, would have allowed the District to increase activity up to the maximum number without any further environmental review or District Board consideration. The Reduced Use and Light Levels alternative limited the number of hours of lit field activity, reducing the maximum hours of field lighting by 66%, compared to the originally proposed project.

COMMENT V-18:

(From Section 2.1.1)
3. Paragraph six states that neighbors will not be startled by the noise of football games because they will be aware of the schedule. Although the schedule may be known, a sudden eruption of noise could still be startling. However, one or two eruptions a game will be less of an impact than anticipation of the noise that will occur with each play. The nature of the noise is not a constant amplitude white noise. It will have peaks and valleys in both frequency content and amplitude making it more disruptive to thought, concentration, and sleep.

4. Paragraph seven makes the outrageously prejudicial and subjective statement that the "sounds" of the football games, not noise mind you, are "received positively" by many. One wonders how that was determined and what is meant by many? Have these "many people" actually been exposed to this
noise, except when they have been part of it, or are these many people just people who state they would positively receive the sound (or noise) even though they will never actually experience it?

5. Paragraph seven states that a football game is "a relatively non-threatening event hosted by, played by, and attended by the local neighborhood community: the same neighborhood that is subject to the noise." It is misleading to claim that the neighborhood that is subject to the noise is the same as the members of the larger community that may attend the football games. Those attending the games are normally the parents of the players, a small fraction of the student body and a few diehard high school sports fans with most living outside the neighborhood affected by the noise. In addition, a portion of those attending are fans of the opposing team.

6. The statement that "this could lead one to presume that school activity noise is also considered compatible with residential neighborhoods" is both conjecture and misleading. Although much of noise from school activities is compatible with residential neighborhoods, not all noise that a specific school wants to generate is compatible with the residential neighborhood in which it resides. The mere fact that the City of Cupertino includes schools in residential neighborhoods should not be considered carte blanche for a school to generate any noise it wishes and claim that it is compatible with the surrounding neighborhood. Lighted fields were not installed when Monta Vista was built. That would seem to indicate that lights were not considered compatible with the neighborhood when the school was built and there is no reason to believe they have become compatible in the 42+ years since the school was built.

RESPONSE V-18:

The comment refers to the Draft REIRs discussions of the factors affecting a person’s typical response to noise. In this case, the factor relates to the regularity of the noise and whether the noise is expected or not, and the circumstances creating the noise.

COMMENT V-19:

7. Paragraph 8 says the substantial increase over the ambient is from cheering spectators and other noise sources do not measurably affect hourly noise levels. Foot stomping by spectators is a contributor to the increase in noise. Referee whistles, even though of short duration, could also increase the hourly noise levels and they definitely cause annoying peaks in the noise with effects on people that are not adequately acknowledged by use of hourly averages.

There has been no consideration of what sorts of noise future spectators may make. Sports fans increasingly rely on objects such as thunder sticks to amplify the noise they make. Such objects are available and there is nothing in the EIR that would preclude their use.

RESPONSE V-19:

The text of the Draft REIRs was revised to reflect that noisemakers (e.g., whistles, horns, thundersticks, vuvuzelas, etc.) will not be allowed at evening games and
practices, as part of the project. The revised text is included in Section 4 of this Draft REIR.

COMMENT V-20:

8. Paragraph nine contains misleading statements about the significance of the noise impact. Stating that "a strict interpretation of the CEQA noise thresholds would conclude the Reduced Use and Light levels alternative results in a significant noise impact" leaves the impression that this alternative results in a significant noise impact only in a technical sense. Is there a loose interpretation of the CEQA noise thresholds that the District believes should be used?

The same noise thresholds applied when the uncirculated draft EIR concluded that the noise levels from the football games alone resulted in a significant impact and also that the noise from non-football activities would result in a significant noise impact, and there was no mention of those conclusions being based upon a strict interpretation of the CEQA. That draft was written by the consulting firm company hired by the District, and that consulting firm had a vested interest in providing their clients what they wanted. Even so, the consulting firm concluded the noise from the football games alone resulted in a significant impact and also that the noise from non-football activities would result in a significant noise impact. Only after the District applied pressure to them including a request to "push the envelope" did the consultants change their conclusions.

RESPONSE V-20:

Under CEQA, lead agencies do not always apply thresholds of significance to infrequent events. For example, vehicular traffic around a shopping mall during the holidays may exceed a City’s level of service standard, but a City usually does not consider this a significant environmental impact or implement roadway improvements to mitigate the intersection impacts caused by the infrequent traffic. In this case, the District has chosen to conclude in the Draft REIRs that increased noise levels resulting from lit field activity, especially evening football games, results in a significant noise impact.

The consulting firms preparing the noise impact analyses and EIRs used their professional judgment and experience in the impact evaluations contained in the EIRs. They were not pressured by the District to change their conclusions.

COMMENT V-21:

Inadequacy of information supplied or glossing over important relevant facts

(From Section 2.1.1)

9. Paragraph three of this section avoids or evades the issue of noise produced by bands using the field. It states "from late August to mid-November, two nights per week practice would last until 8:30 PM" without supplying very relevant information. The practices held at those late hours are band practices. Band use results in much louder noise than sport practices, as later stated in the same
section. Many people in the neighborhood are just as concerned about nighttime band practice as they are with football games because of the total number of practices that will occur.

The apparent purpose of this paragraph is to provide information on the hours of use for various activities. It seems like a major omission not to point out the fact that, other than football games, the activity that will use lights in the latest hours of the evening is band practice, the loudest non-football game activity and as loud as football games with what the District considers "typical" attendance.

10. Paragraph 8 of contains the seemingly innocuous statement that "the largest increase (i.e., 15 dBA) in noise would result from possible future band practice. During practices and non-football games, worst-hour hourly average noise levels at the nearest residences are calculated to range between 50 and 69 dBA Leq" deserves far more emphasis.

This is the first time that it has been stated that band use is in fact what will cause the greatest increase in noise besides football games. It would seem very relevant to bring out the fact that band practices will occur at the latest hours of any non-football game use. It would also seem relevant to point out that the amplitude of the noise during band practice is the same amplitude as that of a "typical" football game. In addition, it would seem relevant to point out that evening band practices will take place about 26 times each fall. This means that the neighborhood will be significantly impacted by noise over 30 times each fall even if only band practices and football games are considered to have significant impacts.

This is a major new disclosure.

**RESPONSE V-21:**

The Draft REIRs do not avoid or evade the issue of noise produced by band practice. Draft REIR page 4 describes the days and times band practice would occur, and Draft REIR page 6 describes the maximum noise level increases projected to occur during evening band practice. The previously circulated EIRs also describes the band practice.

It should be noted, Monta Vista High School’s band does not currently participate in activities that would require regular evening practice. If, in the future, the band’s activities require evening practice, the band could practice up to two nights per week, at which time instrument playing will end at 8:00 PM, but lights will remain on until 8:30 PM while the band instruments and equipment are put away.

**COMMENT V-22:**

Treating opinions and conjecture as facts

1. Paragraph nine of Section 2.1.1 states that increases in noise would be infrequent and of relatively short duration. Those statements are opinions and not facts. In addition, band practices will occur twice a week during the fall and the previous paragraph states that band practices will increase noise levels by 15 dBA, just as much as a typical football game. The residents will be subjected to two or
three noise events per week that generate significant noise for hours at a time. And there would be over 30 high noise producing events from football games and band practices alone.

**RESPONSE V-22:**

The approximately 30 high noise producing events per year that are noted in the comment, all but six of which last two hours, when compared to a permanent increase in noise levels, are considered by the District to be infrequent and of relatively short duration.

**COMMENT V-23:**

2. In Section 2.1.2 I question the accuracy of the claim that the objective of "allow[ing] students enrolled in classes that meet in the last period of the day to participate in after school athletics and activities without conflicts" is only partially met. The administration and board members have stated their goal is not to have students take classes in all seven class periods but to allow students to maximize course selection while taking six courses and to make scheduling easier. Monta Vista is a very large school with close to 2400 students and it has many sections of all the main courses and multiple sections of many other courses. More students and more course sections make scheduling easier. Of course as a large school Monta Vista offers a more variety of optional courses that smaller schools are unable to offer. Although not every student may be able to take every course he or she wants, Monta Vista students have a greater choice of classes than most schools. The school has accommodated athletes for many years by giving them priority in scheduling so they could avoid a 7th period class. It does not seem like a major problem to continue that policy even though some students might not get their first choice of an elective.

**RESPONSE V-23:**

The Reduced Use and Light Levels alternative limits the maximum number of hours the sports light can be used, thereby reducing the hours afterschool activity can be held. In this regard, it does not meet the stated objective of the District to the same extent as the originally proposed project.

**COMMENT V-24:**

3. Regarding the letter from the noise consultant: Very little new information is provided by the Noise consultant. However, he does bring to light one extremely important new piece of information that had previously been withheld. Band practices are the cause of the highest noise levels for non-football game events, and they will occur 26 times a year. These facts show the Reduced Use and light Level Alternative to be even more impactful than what might have been thought from the original EIR.
RESPONSE V-24:

Information about the proposed day and time of band practice and the noise levels caused by band practice was not previously withheld. The Draft EIRs (MVHS Draft EIR page 67 and LHS Draft EIR page 66) states, “Noise from practices and non-football games, including the infrequent use of the PA system, would substantially increase hourly average noise levels approximately five to 15 dBA above current conditions…” Additionally, the three sample noise measurements included in the noise impact analysis (which were the basis of the projected noise levels) included maximum and hourly average noise levels of the marching band.

COMMENT V-25:

Although the noise consultant may be able to measure noise and estimate the intensity of noise at various locations, there is no reason to believe his opinion regarding what frequency or duration of noise is significant is of any worth. His biography on LinkedIn gives no indication of expertise in the impact of noise on people. He reports that his expertise includes performing field research, analyzing data, and noise modeling. Similarly his biography on the Illingworth & Rodkin, Inc. website also gives no indication such expertise. Yet the entire argument being made that the Reduced Use and Light Level Alternative does not have a significant noise impact is based upon his opinion.

What is more the court has already rejected the arguments that this alternative does not have a significant noise impact based upon essentially the same information regurgitated in his letter and within the DREIR.

RESPONSE V-25:

The significance conclusion made by the noise consultant for the Reduced Use and Light Levels alternative is based upon the professional opinion of a senior acoustical consultant and Principal of Illingworth & Rodkin, a well-regarded acoustical engineering firm with 25 years experience preparing CEQA noise impact analyses.

COMMENT V-26:

One might ask the consultant, or for that matter a member of the Fremont Union High School District Board of Trustees, if a neighborhood resident held 5 or 6 evening parties each fall that had the noise levels of the Monta Vista football games and also had a band practice in his garage 26 evenings each fall if he would consider that to be insignificant. Is noise of equivalent amplitude, duration, and frequency of occurrence produced by his client less significant than what would be considered unacceptable if produced by a resident of the neighborhood?

RESPONSE V-26:

The Draft REIRs conclude that the noise levels generated by football games and non-football games and practices under the proposed sports lights would result in a
significant unavoidable noise impact. The comment does not raise any questions regarding the adequacy of the REIR.

COMMENT V-27:

Incorrect application of cost/benefit ratios and incorrect application of CEQA in evaluating mitigation measures
(From Section 2.2.1.4)
1. The conclusion that "this mitigation measure has no beneficial effect on the identified significant noise impact" is incorrect. Although this mitigation (sound insulating doors and windows) does not completely eliminate the impact, it does have a substantial beneficial effect on the interior noise impact. Although the noise produced at the property line determines whether the noise impact is significant, noise reduction indoors provides a clear benefit.

The conclusion correctly states that "the measure provides no benefit to the outdoor use areas of the affected residences" and although those living near the football field would like to be able to enjoy themselves outside their homes during football games and band practices, many will prefer to remain indoors while those night time noise activities are taking place. As a result they will receive a very worthwhile benefit. It seems as though this conclusion was reached by considering only the ability of the mitigation measure to bring the noise levels below the threshold of significance and without considering the benefit to the people who will be exposed to the noise, especially compared to what will result if no mitigation is performed.

RESPONSE V-27:

The Draft REIRs text evaluate the identified measures ability to avoid or reduce the significant noise impact, in this case exterior noise level exceeding the City’s exterior noise level limits. The comment states the opinion of the commenter regarding the mitigation measure of providing sound insulating windows and doors to the most affected residents. The comment does not relate to cost/benefit ratios.

COMMENT V-28:

2. The District should consider providing sound insulating doors and windows to more residents than those identified.

RESPONSE V-28:

The Draft REIRs (page 14) provides an explanation for determining the residences identified for the mitigation measure. The opinion of the commenter is noted and will be considered in the District’s deliberation of the project.
COMMENT V-29:

3. To further improve the benefits of installing sound insulating doors and windows for those residents most impacted, the District should also consider installing central air conditioning for those residents. That would at least partially provide mitigation when homeowners would like to open their windows in the evening to provide cooling.

RESPONSE V-29:

The opinion of the commenter is noted and will be considered in the District’s deliberation of the project.

COMMENT V-30:

4. The conclusion that "the cost to install sound-rated windows and doors would be substantial, for the benefit provided" is very subjective and not justified. The estimated cost is only $207,000 as compared with the projected $14.25 million cost of the entire Monta Vista project. (Reference: FUHSD 2010 Program Improvement Plan) And as stated in the previously circulated EIR the source of funding is a $198 million bond measure. This comment is not meant to imply that no consideration should be given to cost, only that in this case the cost seems to be very low and the benefit is really very high if the Reduced Use and light Level alternative is actually used. If cost is that much of a concern, lights could be eliminated from the project and the savings would be far more than the cost of this mitigation.

5. The cost to benefit ratio is relevant if applied to the entire project; however, the District has never considered how the cost of the project could have been reduced with minimal or no reduction in the benefits provided by the project. And it has never considered how much benefit is generated for the cost in terms of both money, impact on the neighborhood, and lost trust and goodwill.

RESPONSE V-30:

The opinion of the commenter is noted and will be considered in the District’s deliberation of the project.

COMMENT V-31:

6. While it is correct that "the District has no control over implementing the measure without permission from the homeowner," this does not seem to be a major impediment to making this mitigation available to those who want it. Of course if the District is able to eliminate the significant impact of the noise, e.g., by using a different alternative then there would be no need for the mitigation or to request permission of the homeowners.
RESPONSE V-31:

The opinion of the commenter is noted and will be considered in the District’s deliberation of the project. A survey letter was sent to the homeowners and occupants of the homes adjacent to the Monta Vista High School athletic fields that would be most affected by the noise barriers along the property line and/or behind the bleachers. The survey letter asked for their opinion whether the noise barriers would be acceptable. A total of 22 survey letters were sent out to the Monta Vista High School neighbors. Eight responses were received. Six of the responses stated that the noise barriers would not be acceptable. Two responses did not clearly state whether the noise barriers were acceptable or unacceptable. Many of the responses gave reasons why the noise barriers would not be acceptable, which mostly included blocked views and a feeling of confinement. The Draft REIRs evaluate the visual impact of both the property line and bleacher noise barriers. The survey letter and responses to the survey letter are included as Appendix B to the Amendment to the Draft REIR.

COMMENT V-32:

(From Section 2.2.1.5)
7. I question the accuracy of the statement "based on this input from the public, the bleacher heights and the elevation of the field and track were lowered during design of the original project." At the meeting at Monta Vista at the start of the EIR process the public was told the football field would be lowered by three feet from its then current elevation and District spokespersons suggested four feet might be possible until the designer choked and said the field was really only being lowered by 2½ feet. By the time the EIR was written the lowering was only 1½ feet. This is another example of the District taking credit for making a positive change when in fact the change from the project as initially presented was actually detrimental.

RESPONSE V-32:

The Monta Vista track and field layout first considered was at grade. Efforts were made to reduce the elevation of the track and field during the design process. The existing athletic fields are tiered. The lower tier contains the baseball and softball fields and the upper tier contains the football field and track. The elevation of the football field and track would be lowered under the proposed project approximately 1.5 feet on average and the elevation of the baseball and softball fields would be raised approximately 2.5 feet on average.

COMMENT V-33:

8. This claim is inaccurate: "Unlike Gunn High School, there is no existing hillside between residences and the field and track at Monta Vista High School or adequate space to construct a hill," In fact the area to the west side of the track is lower than the adjacent residences because it was at least partially cut out of a hillside. There is a retaining wall extending four foot above the school
grounds (prior to construction) because the hill was cut away to make the ground on the school side of the retaining wall level with the track. With the use of a Gunn-like design much of the dirt would be returned to the hillside and the retaining wall would not be required.

The Gunn design may be more difficult on the east side of the football field, but even there with additional spreading out of the seating and reduction in the capacity of the stadium a modified Gunn type design could work. (Despite what the District may claim, the current design has little in common with the Gunn design.)

Perhaps the District completely misunderstood the suggestion to make the stadium more like the Gunn High School stadium. Statements in the DREIR seem to indicate that the District believed the local residents wanted the field lowered so it would be more like Gunn. In fact the suggestion to lower the field was completely separate from the suggestion to make the design more like Gunn. The Gunn design was considered more desirable than the Monta Vista design because the bleachers were supported by soil/dirt instead of being free standing. Seating supported by soil is preferable from a sound standpoint because foot stomping will not cause as much noise. There should be plenty of available dirt to be able to provide the support for the seating at least on the west side of the field. Instead, even more of the existing hillside soil has actually been removed. A huge mound of dirt was on the site and it could have been used. However, the District paid to have the dirt hauled away. This was done even though I informed the District that dirt that could be used for support of the seats was being hauled away. In addition the Gunn design is superior for reasons extending beyond noise. The Gunn design has a lower profile because it spreads out the seating more than the Monta Vista design, and it does not have a press box elevated as in the Monta Vista design thus making it more compatible with the neighborhood.

The Gunn design should be considered as a separate mitigation measure from lowering the field. The Gunn design can provide noise mitigation and also provide benefits of a less intrusive design within the neighborhood.

RESPONSE V-33:

In response to the comment, the noise consultant evaluated the potential noise attenuation gained by constructing the bleachers over an earthen berm.

Constructing the bleachers on a berm would change the character of the sound made by stomping feet, as the stomping would occur on concrete (The Gunn High School bleachers are set on concrete over the berm) rather than metal, but would not substantially affect overall measured noise levels. The stomping of feet on bleachers is a source of noise that is intermittently observed at sporting events. When this particular source of noise is observed, the duration of the event is brief, and the noise levels generated during the event is well below maximum noise levels from the predominant noise sources that contribute to hourly average noise levels (i.e., cheering). The brief periods of foot stomping do not substantially affect the hourly average noise level. The brief periods of foot stomping do not substantially affect the hourly average noise level and do not result in the maximum instantaneous noise.
level. Constructing the bleachers on a berm would not reduce the noise impact to a less than significant level. Unless the berm is six feet above the uppermost bench, the noise attenuation provided by the berm would be less than the attenuation provided by the mitigation identified in the Draft REIRs (i.e., constructing a soundwall behind the bleachers that extends six feet above the top row of the bleachers).

The home bleachers and press box would be on the east side of the field, so they would not be adjacent or visually intrusive to the homes in the neighborhood.

**COMMENT V-34:**

Use of nebulous and overly narrow objectives to avoid alternatives

1. The District's stated objective of increasing student school spirit and pride through being able to hold more Monta Vista events on their home campus is both overly narrow and extremely nebulous. It is overly narrow because it overly restricts alternatives. School spirit and pride are nebulous concepts. What characteristics does the administration want students to exhibit and what do they find lacking? Is there something wrong with students who don't exhibit the characteristics that the school administration venerates, and will having a lighted football stadium on campus transform these students into the prototypical form they prefer?

The administration seems to be begging the question by assuming holding night football games on campus will increase school spirit and pride in students that don't exhibit the requisite level. Won't the students who already show the type of spirit and pride that the administration wants to instill be the ones who benefit from night games rather than those they find lacking?

It is a failure of the first order by the District administration if they look to night football games as the best or only method to engage students. In addition, pride is not always an admirable quality. What sort of pride do students acquire by knowing that their school has a lighted football field? Have they accomplished something of which to be proud? Apparently the District believes merely knowing Monta Vista has a lighted field will make them spirited and proud, since they don't expect many to actually attend most games. They have estimated that typical games will have an attendance of 700. Of those easily 200 could be from the opposition and likely another 100 parents, teachers, and other adults will attend. That leaves an estimate of only 400 students, including cheerleaders and pep band members, attending the games, only 1/6 of the student body. Either they don't expect many students to attain spirit and pride through football game attendance, or the estimates of attendance were low balled to lower the reported noise impact. The one game per year when attendance is expected to be high is Homecoming where the District expects about 2300 to attend. If that is accurate, there may well be 4 or 5 times as many students that attend homecoming as attend a typical game. It would seem that Homecoming is the only game of much benefit at all in creating school spirit.

**RESPONSE V-34:**

The previously circulated EIRs sufficiently described and supported the District’s stated project objectives and evaluated a range of project alternatives. No further
justification for the District’s objectives is required in response to the court order, as it concluded that a sufficient range of alternatives had already been addressed. As stated in the Court order (pages 10-11) dated November 30, 2011,

“Here both EIRs adequately discussed ‘a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project…” The location and basic layouts of both projects cannot be significantly changed simply because of their nature – to improve/renovate the track and field facilities at specific existing high school campuses. The EIRs address an adequate number of alternatives, and explain that the alternatives that would most lessen the environmental impacts – such as the No Sports Lights alternatives – fail to attain the basic objectives of the projects, extending the school day and allowing both schools to host athletic practices and games that take place after school hours and therefore are often in darkness during the fall and winter.”

W. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM DAVE RADTKE DATED MARCH 2, 2012

COMMENT W-1:

This is letter is an addendum to the comments I submitted by email at 12:20 PM today, March 2, 2012.

The Draft Recirculated Environmental Impact Report (DREIR) should have addressed additional alternatives because of the highly relevant new information disclosed in the DREIR and also new information that is not disclosed in the DREIR.

RESPONSE W-1:

The previously circulated EIRs evaluated a sufficient range of alternatives, as stated in the Court Order, (pages 10-11) dated November 30, 2011,

“Here both EIRs adequately discussed ‘a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project…” The location and basic layouts of both projects cannot be significantly changed simply because of their nature – to improve/renovate the track and field facilities at specific existing high school campuses. The EIRs address an adequate number of alternatives, and explain that the alternatives that would most lessen the environmental impacts – such as the No Sports Lights alternatives – fail to attain the basic objectives of the projects, extending the school day and allowing both schools to host athletic practices and games that take place after school hours and therefore are often in darkness during the fall and winter.”
COMMENT W-2:

The previously circulated EIR reported that “noise from practices and non-football games, Including the infrequent use of the PA system for games, would substantially increase hourly average noise levels approximately five to 15 dBA above current conditions between the hours of 5:00 PM and 9:00 PM.” However, it never disclosed at what hours the highest noise levels would occur or what would cause the highest noise levels. The DREIR reveals for the first time that band practices are the source of the highest increases in noise above ambient conditions of any of the non-football game events, and band practices are the latest of all field uses. Furthermore the noise produced by the band is the same noise levels produced from typical football games, and there will be 26 band practice each fall. These are a major new disclosures.

RESPONSE W-2:

The information about the band practice noise is not a new disclosure. The previously circulated EIRs describe the days and times band practice would be held and the noise levels that could be generated during band and sport practice. The Environmental Noise Assessment included in the circulated Draft EIRs included the hourly average and maximum noise levels generated by marching bands that were measured at three high schools; this information was used to project the band practice noise levels. It is unknown and speculative to project at what exact hours the highest noise levels would occur, or what would cause the highest noise levels, since it would likely depend upon the songs being played by the band and the specific circumstances of a given practice.

It should be noted, Monta Vista High School’s band does not currently participate in activities that would require regular evening practice. If, in the future, the band’s activities require evening practice, the band could practice up to two nights per week, at which time instrument playing will end at 8:00 PM, but lights will remain on until 8:30 PM while the band instruments and equipment are put away.

COMMENT W-3:

In addition, the DREIR never reveals that Monta Vista High School played all of its night football games at Fremont High School last season and played no football games at Cupertino High School. In doing so the District demonstrated that it can meet one of the objectives of Sports Light, that of reducing the burden on Cupertino High School fields, with all alternative designs including the No Project alternative.

RESPONSE W-3:

It is acknowledged that last year Monta Vista played its home games at Fremont High School instead of Cupertino High School. Whether at Cupertino or Fremont, the “home” games were not played on the Monta Vista campus and resulted in wear and tear on a District high school campus other than Monta Vista. Similarly, whether at
Cupertino or Fremont, Monta Vista was not able to hold the night football games at their home campus.

**COMMENT W-4:**

As a result of the new information alternatives should be considered that reduce band noise and include the use of Fremont High School fields, and Homestead High School fields if permitted, for Monta Vista High School home night games.

A highly attractive alternative could be a combination of the No Sports Lights alternative and the Practice Lights and Homecoming alternative. Installing no permanent lights and using portable lights for the Homecoming game would eliminate night band practices and the Homecoming game could be played on the Monta Vista campus at night. The remaining four games might be split between two games at Fremont or Homestead High Schools and two day games on the Monta Vista field. Monta Vista has historically played one day game, so this plan would increase that by one game which seems like a minor change. This plan would have three new events on the Monta Vista campus, and that would seem to attain most of the objective “increase(ing) student school spirit and pride through being able to hold more Monta Vista events on their home campus.” There are numerous possibilities with the number of night games and number of day games and the use of various fields that the District might consider even if every one of those alternatives is not explicitly examined in the DREIR. However, enough alternatives that don’t have significant noise impacts need to be evaluated. Currently except for the No Sports Light Alternative and the No Project Alternative there are no Alternatives that have properly been shown not to have a significant noise impact, although if they were examined some of them might meet that standard.

Concerning a possible Central Coast Section (CCS) playoff game, some playoff games are played on Saturday afternoons now so a day game at Monta Vista is possible; and an occasional night playoff game could be a topic of negotiations. Of course the Monta Vista field should be used for playoff games only if Monta Vista is actually playing in the game.

The Practice Lights Alternative and the Practice Lights and Homecoming Alternative are less attractive options for two reasons. First those options don’t preclude band practices although they would not run as late as other alternatives, and perhaps there may have been no intention of having band practices with those alternatives even though the description would not preclude them. Second, it would be too easy for the District to incrementally increase the times the light would be used. Third, even though the District refers to the lights that they would use as practice lights, those lights could easily become game lights very possibly without even increasing the number or illuminating power of the lights.

**RESPONSE W-4:**

The project alternative described in the above comment is hereby included in the environmental record and will be considered by the District in their deliberations on the project. The previously circulated EIRs evaluate alternatives of using portable lights and limiting games to the Homecoming game. There are an infinite number of
combinations and permutations of alternatives to the project. The previously circulated EIRs evaluated a sufficient range of alternatives, as stated in the Court Order, (pages 10-11) dated November 30, 2011,

“Here both EIRs adequately discussed ‘a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project…’ The location and basic layouts of both projects cannot be significantly changed simply because of their nature – to improve/renovate the track and field facilities at specific existing high school campuses. The EIRs address an adequate number of alternatives, and explain that the alternatives that would most lessen the environmental impacts – such as the No Sports Lights alternatives – fail to attain the basic objectives of the projects, extending the school day and allowing both schools to host athletic practices and games that take place after school hours and therefore are often in darkness during the fall and winter.”

**COMMENT W-5:**

With the planned noise increases that are allowed under these plans, and even more so for the Reduced Use and Light Level Alternative, the District will establish a new “existing” ambient noise level that future increases in noise production will be measured against, if the District would even go to the trouble of doing another EIR to change the usage. Only by agreeing that any additional noise producing use of the fields will use the ambient conditions prior to the start of the initial EIRs as the baseline for a new EIR could that be prevented, if it is possible to prevent at all.

**RESPONSE W-5:**

As projects are approved and development occurs, the existing conditions at a given location change, including the ambient noise level. The proposal described in the comment will be considered by the District in their deliberations on the project.

**COMMENT W-6:**

The need for practice lights at all is highly questionable and the district has been presented with information that it has thus far ignored showing the very limited benefit of extending sports Practices. The planned use of lights for band practice would be the only extended usage of practice lights if the lights were used only when they were really needed as opposed to the turn on times planned. From the new information provided in the DREIR, it would seem that the 26 scheduled band practices would be a significant noise impact that should not be allowed. As a result the installation of practice lights is not warranted.

**RESPONSE W-6:**

The District’s objectives for the projects, including the objective of holding evening band and sports practices, is documented in the EIRs.
COMMENT W-7:

In addition, it is questionable if the District is using the correct lighting standards for practice use or if there are any real standards at all as opposed to recommendations. Most of the recommended levels are set with the view of the spectator in mind and have little or nothing to do with safety. The reason being that much more light is required for spectators to easily see the action than is needed for safety. As a result the recommendation for illumination increases as the size of the stadium increases; however, crowd size or stadium size have no impact on the light needed for players to see. The next consideration is the capability of the players to be able to compete well and again more light is needed for that than for safety. Only sports like baseball where it is possible to be hit by a hard ball it not seen does safety become a factor.

The Illuminating Engineering Society of North America’s IESNA Lighting Handbook calls for 200 Lx or 20 Fc for Class IV use vs. the 30 Fc of the District’s practice lights, and it is questionable if practices require even that level of light. That same Handbook also lists 20 Fc for illumination in baseball outfields where there is a greater chance of losing the ball than in football because of the size of the ball and the height at which the balls reach, and getting hit by a baseball is more dangerous than getting hit by a football even if the football player was not wearing a helmet and padding.


RESPONSE W-7:

The light levels proposed by the projects were recommended by a consulting lighting engineer, for the location of the field and light standards, and the activities proposed by the District to occur on the field. It is acknowledged that lower light levels are acceptable for practices, when there are few spectators, and at the end of practices, when equipment is being put away. The Reduced Use and Light Levels alternatives includes the use of lower light levels during the last 30 minutes of sport and band practice for this reason. The opinions stated in the comment are hereby included in the record and will be considered by the District in their deliberations of the project.

COMMENT W-8:

The previously circulated EIR makes claims regarding the need for diesel generators to run portable lights and the neighbors could be more concerned with that noise. Those are just excuses and not reasons to eliminate portable lights. First it is certainly possible to provide power to portable lights through the regular grid especially if the district puts in the necessary outlets or wiring for that to occur as the project is built. Second, all the resident I know would much prefer a single game each year with a higher noise level than to have 5 or 6 games and 26 band practices.

Also the District claims that it has the interests of the neighboring residents in mind by using 80 foot high light structures; however, most neighbors would much prefer much shorter structures if the lights were not used for games and preferably also not for band practices and they were truly of only
of the illumination level actually necessary. When LMU was in discussions with the District, LMU pointed to this as a possible area of agreement, and members of LMU volunteered to help the District ask the neighbors what they would prefer; however, as yet the District has ignored the offers.

Finally, neighboring residents of both schools are more than willing to help design alternatives. That would avoid all the erroneous assumptions the District has made concerning what the neighbors would prefer.

RESPONSE W-8:

The opinions stated in the comment are hereby included in the record and will be considered by the District in their deliberations of the project.

COMMENT W-9:

Again some of these comments apply more to Monta Vista than Lynbrook but most are easily transferable. The fact that Monta Vista does not play football at Cupertino High School (CHS) lessens the need for Lynbrook to reduce its use of CHS. The concepts of one night Homecoming game with portable lights and No Sports Lights installed works for Lynbrook, and with the alternative defined above Lynbrook’s use of CHS would drop to two games.

RESPONSE W-9:

Please refer to previous response to Comment W-4 regarding the evaluation of additional alternatives to the project. The opinions stated in the comment are hereby included in the record and will be considered by the District in their deliberations of the project.

X. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM T.S. SRINIVASAN DATED MARCH 2, 2012

COMMENT X-1:

1. During August, September, October and November, for a period of 11 weeks there will be football practice and lights 4 times a week until 6PM and possibly band practice and lights until 8PM 2 times a week

2. During November, December, January, February and March, for a period of 17 weeks removing the holidays, there will be Soccer practice 5 times a week until 6PM under lights

This is a total of 28 weeks during which games and potentially band practice under light are played right behind our house on Linda Vista Place. We already have double pane windows and the sound level is quite high when there are activities on the play ground, in particular during band practice.
The sound is so high that it is difficult to hear the TV. As you can see, the quality of our life will be significantly affected if you were to go ahead with this plan.

RESPONSE X-1:

The athletic fields at Monta Vista high school are currently used for practices and games until sunset. During the months of August, September, and the first half of October, sunset is after 6:30 PM. Therefore, compared to existing conditions, the use of the fields for football practice during the months of August, September, and the first half of October would not change under the Reduced Use and Light Levels alternative. Soccer practice would not require the use of lights after daylight savings in March. Please refer to Response Z-1.

COMMENT X-2:

There is no buffer zone between the adjacent houses and the school playground. Any activity that produces noise above the city guidelines will significantly affect our livelihoods. We request you to please take this in to consideration.

RESPONSE X-2:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

Y. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM BILL ST. CLAIR DATED MARCH 2, 2012

COMMENT Y-1:

The EIR does not properly address the noise levels associated with night time events in my neighborhood. The current PA system at MV High is very loud as is; a stadium full of cheering fans will make night time events intolerable.

RESPONSE Y-1:

Please refer to Response B-8.
Z. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM MARCIA ST. CLAIR DATED MARCH 2, 2012

COMMENT Z-1:

Has anyone actually walked in the backyards of those neighbors who are adjacent to the field? I walked over to see the view from the backyard and I was horrified and saddened for my neighbors. I once lived 4 blocks from a sports facility and every time there was a cheer for a score, the windows rattled. Decibels of noise are one thing but the actual physical reality of the sounds of voices the screaming and feet stomping, horns blowing, and pa system creates a very different environment than what is printed on the page. The anger this has created and will create is more than any reasonable person should be asked to endure. The bedrooms of these houses are next to the field. No children of elementary age will be able to sleep by 8:30 on any school night.

RESPONSE Z-1:

The proposed schedule of lit games and practices under the Reduced Use and Light Levels alternative is shown on page four of the Draft REIR. As shown in the proposed schedule, practices would end by 6 PM and the lights would be turned off by 6:30 PM most days of the week. Please refer to Response X-1.

Noisemakers (e.g., whistles, horns, thundersticks, vuvuzelas, etc.) will not be allowed at evening games and practices. Please refer to Section 4 Revisions to the Text of the REIR.

COMMENT Z-2:

I am requesting a reduced use to weekends only, no lights whatsoever. The purpose is to create an environment of daylight for those adjacent homes. No more view of the stars for our neighborhood.

RESPONSE Z-2:

The No Lights alternative to the proposed project is evaluated in the Draft EIR.

COMMENT Z-3:

40% of our property taxes go to the schools and only 5% runs the whole city of Cupertino. This is why there is an unfair balance. The neighbors had to take up a collection to pay a lawyer whereas the schools district can afford to pay for a group of lawyers to show up to every meeting and none of it comes out of anybody's personal pocket. No wonder the City of Cupertino can't afford to support it's citizens and protect their lifetime investments. The disparity in the capital held by the school district verses the neighbors and the city is unconscionable. The scope of this project is too large for a city with no police force or fire department. There is no incentive for the school to respect the neighbors so why should the students care about their environment. This whole project should be looked at in the context of people trying to get along together in a small space.
RESPONSE Z-3:

Project demand upon police and fire services is evaluated in the Draft EIR, starting on page 115. The comment is noted. The comment will be considered by the Board during their deliberation on the project.

AA. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM LIZ STAPLETON
DATED MARCH 2, 2012

COMMENT AA-1:

My name is Liz Stapleton, my husband and I have been residents of Cupertino for over 22 years. We live on Hyannisport Drive, located on the back side of Monta Vista High School, closest to the sports field.

After reading the Draft Recirculated Environmental Impact Report, I felt it was necessary to provide my input and convey my disappointment with the School District’s failed attempt to address the environmental impact associated with the field project. I must say that I found this report to be utterly distributing. The bottom-line is the School District is basically not proposing anything substantial to reduce the per occurrence impact to the local residents. Evening football games will create a noise level that far exceeds the established city limit by an ambient by 20 to 29 dBA Leq.

RESPONSE AA-1:

During a capacity football game at the proposed field and track, hourly average noise levels at the nearest residences are calculated to be 74 dBA Leq, which would exceed the ambient by 20 to 29 dBA Leq. Worst hour average noise levels resulting from a typical football game would exceed ambient noise levels by 11 dBA to 24 dBA Leq at the nearest residences.

COMMENT AA-2:

Even though there will only be 5 – 6 games per season, the noise level per each occurrence will be at such disruptive levels, local residents will not be able to escape the environmental impact and will most likely will need to leave their homes during games.

RESPONSE AA-2:

The comment is noted. While the comment does not raise any specific issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.
COMMENT AA-3:

I ask this question, why does the city establish noise level limits if they are not enforced. Why are schools exempt from City ordinances? Aren’t city ordinances established to maintain an acceptable environment for all residents?

RESPONSE AA-3:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.

COMMENT AA-4:

If the School District would propose field use to be limited to football games and no other activities, then perhaps it would be tolerable for 5 -6 games per season. However, the proposed use for the field is every day of the week, including Sat. Each of the described activities will far exceed the acceptable city noise limit. So basically, residents will be exposed to an unacceptable environmental impact just about every day of the week. It’s for this reason that I urge the School District to take a serious look at the impact to the local community. Ask yourself, what would your position be if you lived next to the field of school that for 30 + years did not have lights or excessive noise after dark. Keep in mind, local residents have happily supported Monta Vista events since the school was first built, all night parties, graduations, dances, afternoon sports events, band, etc. We did so because we knew each event was on an occasional basis, not night after night after night.

30+ years later, expanding activities with a significant environmental impact into hours of the day where most residents look forward to a peaceful and relaxing time with their families. It’s just not acceptable to impose a disruption of this level and should be avoided at whatever cost, even if it requires the School District to reconsider the project in its entirety.

RESPONSE AA-4:

The proposed use of the field lights is not every night of the week. Please refer to Responses X-1 and Z-1. The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.
BB.  RESPONSES TO COMMENTS ON THE DRAFT REIR FROM SUSAN WILSON
DATED JANUARY 25, 2012

COMMENT BB-1:

I'd like to comment that I've been appalled at the neighborhood negativity towards the MV sports field and lighting improvements. For the past 20 years I've lived a few streets away from the high school and enjoy hearing the various noises of student activity -- the band rehearsing, swim and water polo meet loudspeaker, noise from dances, etc. It's a sign of vitality and positive involvement of our young people.

As an FUSHD teacher (I've taught at Cupertino High and currently teach at Homestead), I am dismayed by the rather snobbish, anti-community attitude of many Monta Vista parents not wanting to be personally impacted by school noise or traffic. Weren't MV neighbors aware when they purchased homes near the school that living near a large high school campus comes with noise, traffic and night-time lighting of football games? If stadium lights shine in one's window or noise is loud, why not purchase window coverings, use earplugs, go out for the evenings, or -- better yet -- attend the event and support one's neighborhood school.

The "not in my backyard" attitude unfairly impacts other schools and neighborhoods in the district. Less affluent neighborhoods with less aggressive parents have to absorb the noise and traffic of not only their neighborhood school, but students coming from other schools doing sports, music practices because their parents don't support outdoor activities at their children's own school!

I have been very proud of the Homestead, Cupertino and Fremont communities of unselfish, supportive parents and neighbors who don't block school activities with endless meetings or waste time being "up in arms" about allowing schools to offer healthy activities for our youth in the evenings.

If Monta Vista neighbors were a little less protective of their personal property rights and a little more civic-minded, our young people would see a good example of community spirit.

RESPONSE BB-1:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.
CC. **RESPONSES TO COMMENTS ON THE DRAFT REIR FROM DENNIS YAU**
**DATED MARCH 2, 2012**

**COMMENT CC-1:**

In my humble opinion, the District REIR is truly an REIR - RECYCLED EIR, The report is nothing but Public Relations propaganda.

**RESPONSE CC-1:**

Please refer to Response B-2.

**COMMENT CC-2:**

Here is what I would like to comment on:

1) The NOISE is way above the City's night time exterior noise standard (50 dBA Leq)

On the page 6 of the REIR report, it indicates that the Friday night football game could have the noise level 20 -29 dBA Leq above the normal evening ambient noise level. If we choose the low end, say 20dbA above the city level (50dBA Leq), this leads to the conclusion that the noise level of the game will be 1000% above what the city permits! if we use 29 dBA, the noise level will shoot to the roof! - ie. 2818% of what the city permits!

\[ A_1 = 10 \frac{L_{10}}{L_{10}} A_0 \]

Therefore the 66% reduction PR seems to mislead most of people. I believe that these reports should be done with total integrity and honesty, as good citizenship permits. The reports should be honest to people who are looking into them - we can't inflate or make them seem "nicer" than they actually are.

**RESPONSE CC-2:**

The City of Cupertino’s nighttime noise limit is 50 dBA Leq. The City’s noise ordinance allows for brief exceedances. For example, under Section 10.48.050, 57 dBA is allowed for up to 13 minutes in any two-hour time period. Therefore, the City’s noise ordinance does allow noise above ambient noise levels.

The 66 percent reduction is based on a simple calculation of the number of hours the proposed lights could be used under the proposed project compared to number of hours the proposed lights could be used under the Reduced Use and Light Levels alternative. Please refer to Response B-8.
COMMENT CC-3:

2) The NOISE level will not be significantly reduced just by those mitigation proposed in the REIR

Please see below quote then you know why the District are just wasting tax payer'ss money for something very impractical to start with.

Leq noise levels are logarithmic (dB) values and cannot be added directly. A doubling of sound level results in a measured increase of 3 dB, four identical sources in a room would increase the noise level by 6 dB and so on. This works both ways, say 10 similar machines in a room produce 100 dBA then removing one machine completely will only reduce the overall noise level to 99.5 dBA, you would need to silence or remove 50% of the machines to achieve a 3 dB reduction.

(source:http://www.gracey.com/basics/leq-b1.htm)

RESPONSE CC-3:

The Draft REIR provides a full disclosure of the sources of project noise and resulting noise levels generated by the sources, in conformance with standard CEQA noise impact analysis methodology and procedures. The noise discussion in the EIR is based upon an environmental noise assessment completed by a professional noise consultant. The analysis of the project’s noise impacts takes into account the logarithmic qualities of noise.

COMMENT CC-4:

3) Reducing the frequency of games only reduce the noise exposure level (dBA Lex) NOT the noise equivalent (dBA Leq) level this report used through out the REIR. Again, please do not mislead people with inaccurate terms

RESPONSE CC-4:

The Draft REIR accurately states that, compared to the proposed project, the Reduced Use and Light Levels alternative would both reduce the duration of increased evening noise levels resulting from the project and limit most of the noise level increases to the early evening hours, when they have less potential to disturb neighbors. As stated on page 5 of the Draft REIR, noise generated by evening games and practices at Monta Vista High School under the Reduced Use and Light Levels alternative would substantially increase hourly average noise levels at the sensitive receptors nearest the main field and track, compared to existing conditions. Please refer to Response B-8.

COMMENT CC-5:

3) Why there is no sounds walls starting from 21805 Hyannisport to the houses of Fort Baker (West of the field)? Do you think they don't need or the noise level will be much less than their neighbors?
RESPONSE CC-5:

Noise barriers were designed to reduce exterior noise levels from a typical game to 60 dBA Leq and to block the line-of-sight from residential rear yard areas to the football field. Property line noise barriers would work in conjunction with the solid noise barriers recommended at the rear of the bleachers to block the line of sight to the field. Noise barriers were not recommended at 21805 Hyannisport Drive or at receptors further east because attenuation due to distance alone would result in noise levels of 60 dBA Leq or less. The receivers would have a limited view of the field because of the shielding provided by the property line barrier and bleacher barrier.

COMMENT CC-6:

4) How do you decide the 65 dBA is the threshold as acceptable noise level? Again, it is 562% above the City level, not just 30% above the city level one might think!

RESPONSE CC-6:

Consistent with the City of Cupertino’s interior noise level goals for new construction, the intent of the sound-rated windows would be to reduce interior noise levels to 45 dBA Leq or less. The oldest and poorest condition windows and doors typically provide at least 20 decibels noise reduction (assuming they are fully functional). Therefore, only residences exposed to noise levels above 65 dBA Leq would need sound-rated windows and doors to meet the City’s interior noise level goal of 45 dBA Leq for new construction.

COMMENT CC-7:

5) The locations of the baseball cage seems out of date?

RESPONSE CC-7:

Please refer to Response O-13.

COMMENT CC-8:

Does the REIR address the noise level resulted from the baseball/softball game/practice use?

RESPONSE CC-8:

Please refer to Response A-2 and M-3.
DD. RESPONSES TO COMMENTS ON THE DRAFT REIR FROM JEANNE YONEMURA DATED FEBRUARY 29, 2012

COMMENT DD-1:

The FUHSD once again turns a deaf ear to the concerns of the neighborhood regarding the DREIR. But what can you expect from the Board whose attitude is consistent with their dismissive actions regarding the parking and traffic problems created by the three schools in the neighborhood?

RESPONSE DD-1:

The comment is noted. While the comment does not raise any issues regarding the analysis in the Draft REIR, it will be considered by the Board during their deliberation on the project. No further response is necessary in this REIR.
SECTION 4 REVISIONS TO THE TEXT OF THE DRAFT REIR

The following section contains revisions to the text of the Draft Recirculated Environmental Impact Report, Monta Vista High School Sports Fields Improvements and Lighting, dated January 2012. Text additions are underlined and text deletions are struck out.

Page 6   Section 2.1.1 Comparison of Environmental Impacts, add the following text:

Lastly, the circumstance under which a sound is generated also affects a person’s response to noise. The type of noise resulting from the project would be sounds commonly associated with high school activities, including the sound of athletes on the field, the band, the public address (PA) system, and the cheers and stomping of spectators. For many people, these sounds are received positively and for others they are an intrusion into an otherwise quiet neighborhood. Either way, the noise generated during a football games and practices results from a relatively non-threatening event hosted by, played by, and attended by the local neighborhood community - the same neighborhood that is subject to the noise. City land use policies support the concept that schools are inherently compatible with residential uses and, therefore, locate high schools within residential neighborhoods, as is evidenced by the City of Cupertino General Plan. This could lead one to presume that school activity noise is also considered compatible with residential neighborhoods.1

1 While schools are typically found in residential areas and the associated activities may be compatible with the residential neighborhoods, the impacts associated with these activities should be mitigated, to the extent feasible.

Page 19   Section 3 Conclusion, add the following text:

The Public Address System Controls mitigation measure is proposed by the District as part of the Reduced Use and Light Levels alternative. In addition, noisemakers (e.g., whistles, horns, thundersticks, vuvuzelas, etc.) will not be allowed at evening games and practices and the proposed PA systems will not be used for field practices. While these measures would reduce the PA systems and the cheering crowds contribution to the significant noise impact during evening football games, implementation of these measures would not reduce the noise impact during football games to a less than significant level. Cheering spectators would continue to be the main source of noise. The other identified mitigation measures would have the following effects:

Page 19   Section 3 Conclusion, the last paragraph is revised as shown below:

Short of enclosing the track and field within a dome, there are no mitigation measures to reduce the substantial increase in exterior noise levels during evening football games. Similarly, the previously circulated EIR found that there are no alternatives to the project that meet the primary basic objectives of holding evening football games at the Monta Vista campus and avoid the significant noise impact. In fact, even the project alternatives that reduce or delete evening football games, but include sports and band practice in the evening under sports lights would generate noise levels that
exceed the City’s normally acceptable exterior noise level standards (50 dBA Leq). The previously circulated EIR evaluated the following alternatives to the originally proposed project:

No Sports Lights Alternative

The No Sports Lights alternative would include the field improvements, but would not meet project objectives related to installation of the sports lighting. If, under this alternative, home football games are played on the Monta Vista campus during the day, the objective of reducing the burden on the Cupertino High School (or other District high school) track and field facilities would be met. The objectives of extending the student school day by allowing band and sport practices to extend into the evening and increasing school spirit and pride through being able to hold more Monta Vista events (i.e., evening football games) on their home campus would not be met. Without sports lights, there would be no evening activity on the field causing noise that would exceed the City’s normally acceptable nighttime exterior noise level standard of 50 dBA Leq. Daytime activity and noise levels would continue as they have under existing conditions.7 Compared to the Reduced Use, Practice Lights, Practice Lights and Homecoming, and the Reduced Use and Light Levels alternatives, the No Sports Lights alternative will result in fewer environmental impacts and, therefore, is the Environmentally Superior Alternative.

Reduced Use Alternative

The Reduced Use alternative would limit the evening hours the proposed sports lighting is used. Compared to the originally proposed project, the maximum number of hours the main field and track lights could be used under the Reduced Use alternative would be reduced approximately 73 percent. The Reduced Use alternative is the same as the Reduced Use and Light Levels alternative, except the Reduced Use and Light Levels alternative keeps the lights on 30 minutes later (at a reduced level) during weekday practice and non-football game time, while band instruments and equipment are put away, and for cleanup and egress after soccer games. The time period for noise-generating practices and games, including up to six football games, would be identical under the Reduced Use and Reduced Use and Light Levels alternative. The noise impacts of the Reduced Use alternative would be the same as the Reduced Use and Light Levels alternative; the Reduced Use alternative would result in a significant unavoidable noise impact.

The Reduced Use alternative would meet all of the objectives of the Reduced Use and Light Levels alternative, except it would not provide the last 30 minutes of lit field time needed after non-football games and practices for putting away instruments and equipment, and clean up and egress. The Reduced Use alternative is environmentally preferable to the originally proposed project, since it reduced the maximum number of hours the sports lights could be used and potential evening noise would be generated. It is not environmentally preferable to the Reduced Use and Light Levels alternative, because it would not reduce or avoid any impacts of that project.

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7 Existing daytime sports field activity may, at times, exceed the City’s normally acceptable daytime exterior noise level standard. That activity is part of the existing ambient noise environment and not part of the project.
Practice Lights Alternative

The Practice Lights alternative would extend the school day by allowing sport and band practices to extend until 7:30 PM in the evening. The Practice Lights alternative would include fewer light fixtures, to provide 30 footcandles of light on the field, instead of the 50 footcandles proposed by the original project. The Practice Lights alternative would reduce the significant unavoidable long-term noise impact that would occur under the originally proposed project and under the Reduced Use and Light Levels alternative, but not to a less than significant level. Lit evening sports and band practices at the main field and track would continue to substantially increase noise levels at nearby residences, but there would be no football games, which generate the highest noise levels. During practices, worst-hour hourly average noise levels at the nearest residences are calculated to range between 50 and 69 dBA Leq, exceeding the City’s normally acceptable nighttime exterior noise level standard of 50 dBA Leq. The Practice Lights alternative would both reduce the duration of increased evening noise levels and limit the noise level increases to the early evening hours. These two effects make the Practice Lights alternative environmentally superior to the original project and the Reduced Use and Light Levels alternative. In addition, compared to the proposed project, the Practice Lights alternative would reduce the visual, aesthetics, and lighting impacts and electricity use and associated greenhouse gas emissions and avoid the traffic congestion and parking issues associated with football games.

This alternative would not fully meet the project objectives related to installing sports lights. The Practice Lights alternative would not reduce the burden on the Cupertino High School (or other District) track and field facilities or increase school spirit and pride through Monta Vista High School being able to hold more school events on their home campus (i.e., evening football games). While the Practice Lights alternative would result in significant noise impacts, it is environmentally preferable to the Reduced Use and Light Levels alternative, because it would avoid the noisiest activity, football games, and the overall duration of lit field activity and noise.

Practice Lights and Homecoming Alternative

The Practice Lights and Homecoming alternative is a slight variation of the Practice Lights alternative in that it would also allow for one football game per year (presumably Homecoming). Portable lighting would be used during the football game in order to provide the 50 footcandles necessary to play football. Lit evening sports and band practices at the main field and track would continue to substantially increase noise levels at nearby residences; worst-hour hourly average noise levels during practices at the nearest residences are calculated to range between 50 and 69 dBA Leq, exceeding the City’s normally acceptable nighttime exterior noise level standard of 50 dBA Leq. One night a year, a football game would generate worst-hour average noise levels up to 74 dBA Leq (bleacher-capacity game). The Practice Lights and Homecoming alternative would both reduce the duration of increased evening noise levels and limit the noise level increases to the early evening hours, with the exception of the one football game per year. These effects make the Practice Lights and Homecoming alternative environmentally superior to the original project and the Reduced Use and Light Levels alternative.
While this alternative would also reduce the less than significant visual impact of the sports lights, on the night of the one football game there would be additional spill light and glare from the portable lights, which would need to be angled out across the field. Other impacts that were not identified as significant but would be reduced under the Practice Lights and Homecoming alternative include football game traffic and parking issues and electricity use and associated greenhouse gas emissions. The generator for the portable lights would cause air pollutant emissions, however, when in use.

This Practice Lights and Homecoming alternative would partially meet the project objectives related to installing sports lights. The Practice Lights and Homecoming alternative would reduce Monta Vista High School’s burden on the Cupertino High School (or other District school) track and field facilities by one game. The Practice Lights and Homecoming alternative would extend the school day by allowing practices to extend into the evening, but not to the extent of the proposed project, which allows non-football games and practices Monday through Saturday until 9:00 PM in the evening. These objectives would only be partially met under the Practice Lights and Homecoming alternative. While the Practice Lights and Homecoming alternative would result in significant noise impacts, it is environmentally preferable to the Reduced Use and Light Levels alternative, because it would avoid the five of the six football games, and the overall duration of lit field activity and noise.

Additionally, the following alternatives were initially considered in the previously circulated EIR, but were not evaluated further, because they either did not avoid or substantially reduce the identified impact, or resulted in indirect impacts that were either not a result of the project or were greater under the identified alternative than under the originally proposed project. These alternatives included the following:

- Field Layout Alternative
- Bleacher Location Alternative
- No Synthetic Turf Alternative
- Retractable Portable Lights Alternative

While the Reduced Use and Light Levels alternative would reduce the noise impact, compared to the original project evaluated in the Draft EIR, it would still result in a significant unavoidable noise impact.
Appendix A

Comment Letters
March 1, 2012

Fremont Union High School District
Attention: Ellie Johnson
589 West Fremont Avenue
Sunnyvale, California 94087

Re: Draft Recirculated Environmental Impact Report (REIR) for the proposed Monta Vista High School Sports Fields Improvements and Lighting project

Dear Ms. Johnson,

Thank you for providing the City of Cupertino with a copy of the Draft Recirculated Environmental Impact Report (REIR) for the proposed Monta Vista High School Sports Fields Improvements and Lighting project in accordance with the recent Court decision on November 30, 2011, voiding the District’s previously adopted Final Environmental Impact Report (FEIR) for this project. Upon review of the District’s Draft REIR, the City would like to reiterate the following concerns and issues as stated in the City’s previous letters in response to the Notice of Preparation, Draft EIR and FEIR to this project, since we still believe that the project, even with a reduced use alternative, will create impacts to residents living in the neighborhood surrounding the high school.

Reduced Use and Light Levels Alternative
Although the City of Cupertino finds this alternative more preferable to the original project since it reduces the number of hours the main field and track lights could be used by approximately 66% as compared to the original project, the City would still like to reiterate its concerns outlined in our previous letter dated December 13, 2010 regarding the potential impacts from the lighting, noise, and location of bleachers. These concerns are stated below.

Lighting
The City appreciates the District’s clarifications on the reduced lighting schedule regarding the reduction of time the lights would be used and reduction of footcandles as proposed in the Reduced Use and Light Levels Alternative. Upon the District’s review and determination of the project, the City is suggesting the following:
Draft REIR for the Monta Vista High School Sports Field Improvements

- Keeping proposed night time activities to those indicated in the Reduced Use and Light Levels Alternative with additional consideration to restrict band practices to daytime use only.
- Moving lighting fixtures further away from residential backyards to further reduce lighting impacts to surrounding residential neighbors.

Noise
As per the ruling of the Courts, both the original project and the reduced alternative have the same frequency and length of the single largest project-generated noise impact (the home football games) and do not incorporate measures other than controlling of the public address system to partially mitigate the noise impacts to the surrounding residential neighborhood. Therefore, the City recommends the following:

- Relocate the visitor bleachers further away from the residential fence lines to a distance that will mitigate the noise impacts to the adjacent residents to the west and south.
- Reduce/control the volume of the noise from the PA system as recommended in the DEIR.
- Restrict band practices to day time use.
- Ensure that the bands playing in the bleachers during football games be located away from the residential property lines to the west.

Location and Proximity of Bleachers/Visibility
The City continues to be concerned about the visibility of the bleachers and spectators from the adjacent and surrounding residential properties, particularly since the proposed new bleachers will be taller than the existing bleachers and no additional physical barriers are proposed. As mentioned previously, there needs to be appropriate landscaping proposed to create an adequate visual buffer.

Traffic, Parking, Construction Mitigation Measures, Artificial Turf
The City has reviewed the responses to traffic, parking, construction mitigation measures and artificial turf, and finds that the City’s concerns and comments have been adequately addressed in the previous Final EIR.

Surrounding Resident Concerns
The City of Cupertino has received comments from a residential neighbor on behalf of the Lynbrook-Monta Vista United neighborhood group who is contesting the statement on Page 6, second paragraph, that states “City land use policies support the concept that schools are inherently compatible with residential uses and, therefore, locate high schools within residential neighborhoods, as is evidenced by the City of Cupertino General Plan. This could lead one to presume that school activity noise is also considered compatible with residential neighborhoods.”
Draft REIR for the Monta Vista High School Sports Field Improvements

The City of Cupertino would like to clarify that there is no specific statement in the General Plan that states schools are "inherently compatible with residential uses". While schools are typically found in residential areas and the associated activities may be compatible with the residential neighborhoods, the impacts associated with these activities should be mitigated as outlined in this letter. Therefore, please either remove or modify the statement in the REIR accordingly.

Additionally, the City recommends that the District continue to work with the adjacent neighbors to consider creative solutions that were not discussed in previous letters to come to a collaborative resolution.

Should you have any questions regarding the above-referenced comments or need additional information, please feel free to contact Aki Honda Snelling, AICP in the City of Cupertino Planning Department at (408) 777-3313. Please provide this department with any further notices with respect to this environmental review process and the District’s decision-making process on this project to my attention at the above address so the City may continue to work with you to address the concerns of the community both our agencies serve.

Sincerely,

[Signature]
Gary Chao
City Planner
March 1, 2012

Via Federal Express Overnight Delivery
Ellie Johnson
Fremont Union High School District
589 W. Fremont Avenue
Sunnyvale, CA 94087

Re: Draft Recirculated Environmental Impact Reports for the Lynbrook and Monta Vista Sports Lighting and Improvement Projects

Dear Ms. Ellie Johnson:

This firm represents Lynbrook-Monta Vista United on matters related to the environmental review for the Lynbrook and Monta Vista High School field lighting and improvement projects (the “Projects”). I have reviewed the draft Recirculated Environmental Impact Reports (“REIR”) for each of the Projects and the draft REIRs have been reviewed by a noise expert. I do not believe that the REIRs comply with the requirements of the California Environmental Quality Act (“CEQA”) for a full analysis, disclosure, and mitigation of the Projects’ significant environmental impacts. Moreover, the draft REIRs reveal for the first time that the Projects will have significant environmental impacts. Therefore, the District should have evaluated project alternatives that would avoid these impacts as required by CEQA. Because the draft REIRs do not comply with CEQA, Lynbrook-Monta Vista United requests that the documents be revised to include a complete analysis and disclosure of the Projects’ significant noise impacts and a full discussion of mitigation measures and alternatives that would reduce these impacts.

I. The Draft REIR Improperly Downplays the Project’s Significant Noise Impacts and Fails To Identify An Environmentally Superior Alternative.

In the draft REIR the District acknowledges for the first time that the Projects will have significant noise impacts from Friday night football games. However, the REIR continues to downplay the identified significant impacts of the Project. For example, the REIR continues to compare the impacts of the “Reduced Use and Light Levels
Alternative” to the original project when discussing the impacts of the Project the District apparently intends to approve. See e.g., Lynbrook REIR at 5-7; MV REIR at 5-7 (relying on 66% reduction in noise as compared to the original proposal and claiming that the RULL is “environmentally superior to the original project evaluated in the Draft EIR.”)

Conclusions about the significance of a project’s impacts should be based on a comparison to the existing physical environment, not a comparison to a hypothetical project that has not even been approved. (Communities For A Better Env’t v. S. Coast Air Quality Mgmt. Dist. (“CBE II”) (2010) 48 Cal.4th 310, 320-21; see also Sunnyvale W. Neighborhood Assn. v. City of Sunnyvale City Council (2010) 190 Cal.App. 4th 1351, 1373 [“Case law makes clear that ‘[a]n EIR must focus on impacts to the existing environment, not hypothetical situations.’” (internal citations omitted)).

Moreover, the REIR continues to downplay what are clearly significant noise impacts from the Friday night football games. For example, the REIR continues to take the unsupported position that “the noise impact may be considered less than significant using a qualitative standard based on infrequency, duration, time of day and community expectation . . . .” Lynbrook REIR at 2; MV REIR at 2. An EIR is a document of public disclosure designed to alert the public to the potentially significant impacts of a project. Laurel Heights Improvement Assn. v. Regents of Univ. of California (1988) 47 Cal.3d 376, 392 (“Laurel Heights I”) (citations omitted.) Under CEQA, an EIR must reflect a good-faith effort at full disclosure, including “detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.” Id. at p. 405; CEQA Guidelines, § 15151.¹ To accomplish CEQA’s informational purpose, an “EIR must contain facts and analysis, not just the agency’s bare conclusions.” (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 568 (“Goleta II”) (citations omitted)).

By playing down the significant noise impacts of the Friday night football games, the REIRs improperly mislead the public as to the true consequences of the District’s action. As detailed in the comments of Neil A. Shaw of Menlo Scientific, the noise analysis fails to disclose the full range of significant project impacts and the use of such words as “infrequent” or “non-threatening” are misleading. Exhibit A to this letter. The REIRs also make the unsupported claim that the Projects are compatible with surrounding land uses because the cities of Cupertino and San Jose allow for the location of schools in residential areas, but they ignore the fact that the Projects will actually

¹ The CEQA Guidelines (“Guidelines”) are found at California Code of Regulations, title 14, section 15000.
exceed noise standards established by the Cities. Thus, the REIRs’ attempt to downplay noise from the Projects as the type of noise to be expected in a residential community cannot be reconciled with their clear exceedences of the noise standards established by those same cities.

A more accurate analysis of the full range of noise impacts would reveal that the Projects will result in the type of noise that people find quite disturbing, including low frequency noises such as bass drums and foot stomping, vibrations, and random, sharp, and non-regular sounds – such as crowd cheers, staccato drumming, and whistles. The draft REIRs fail to disclose any of these significant noise impacts, and therefore fail to disclose how significant the impacts of the Projects will actually be. The REIRs also improperly use an average noise analysis to determine significant project impacts. As a result noise levels will be much higher than actually disclosed.

In addition, the noise analysis implies that noise impacts from practices will be significant, but fails to adequately disclose that fact. For example, the REIRs reject a number of mitigation measures because they will not reduce noise levels below the City’s noise thresholds. See, e.g., Lynbrook REIR at 12; MV REIR at 12 (rejecting combined noise barriers because noise from football games would still exceed City 55 Leq by 9 dBA and noise from practices would still exceed City’s 55 dBA Leq by 4 dBA.)² These statements indicate that noise impacts from practices will be significant because they will exceed City noise thresholds, but they are buried in a discussion of the REIRs’ view of why mitigation measures would not be feasible. Because the REIRs contain nothing more than this oblique reference to significant noise impacts from practices, it fails to adequately disclose these impacts and it fails to adequately consider mitigation measures to reduce this impact. For example, the REIRs include no discussion of earlier end times for practices even though that might limit the significance of the noise levels associated with practices.

This failure to adequately characterize the Project’s significant noise impacts is particularly relevant to the consideration of mitigation measures and alternatives. Although the REIRs attempt to downplay the impacts, the Projects will have far more significant noise impacts than disclosed. As a result, the District should seriously

² In fact, the comments of Neil Shaw indicate that the city noise standards rely on an LMax measure, not Leq. By failing to measure noise levels using the LMax and comparing it to the cities’ standards, the REIRs underestimate the impacts of Projects.
consider alternatives that would avoid or substantially reduce these impacts as discussed in more detail below.

Finally, the REIRs fail to identify an environmentally superior alternative. With its repeated statements that the RULL will be environmentally superior to the original proposal, the REIRs create the impression that the RULL is the environmentally superior alternative. Inasmuch as the RULL will continue to have significant environmental impacts that the District does not intend to mitigate, this impression cannot be correct. The result is a document that is misleading and fails to convey the full scale of the noise impacts associated with the Project. Accordingly, the REIRs fail to comply with its obligation for public disclosure under CEQA and must be revised and recirculated.

II. The Revised EIRs Fail To Address the Health Impacts Associated with Significant Noise Levels.

Again, this document is the first to disclose that the Projects will result in significant noise impacts from both practices and Friday night football games. The health impacts of noise are one of the most serious public health issues in modern society, yet the REIRs fail completely to discuss what Projects’ significant noise impacts mean in terms of their impacts on human health. Exposure to increased noise levels has been associated with increased stress, cardiovascular impacts, and mental health impacts. See Exhibit B (Journal of Occupational and Environmental Medicine, 2002 59:380-386); Exhibit C (Wikipedia); Exhibit D. ("Noise Pollution: A Modern Plague"). Having identified substantial increases in noise associated with the Projects, the REIRs must also discuss the health effects of those noise impacts on affected members of the public.

III. The Revised EIRs Fail to Adequately Analyze Project Alternatives and Mitigation Measures.

The REIRs are also deficient for failure to adequately address alternatives and mitigation measure that would reduce the noise impacts that the REIRs show will occur. First, the REIRs fail entirely to evaluate any alternatives that would reduce the now identified significant noise impacts from the Projects. CEQA requires an agency to evaluate both mitigation measures and alternatives that will reduce a project’s significant impacts. Pub. Res. Code §21002; Kings County Farm Bureau v. City of Hanford (1990) 221 Cal. App. 3d 692, 731.

The REIRs, however, focus exclusively on only a few mitigation measures, and ignore a number of alternatives discussed in the original EIRs that could substantially reduce or avoid significant noise impacts from the football games and that would
substantially limit practice noise. In fact, with the disclosure that the Projects will result in significant impacts both from practices and from Friday night football games, the District must evaluate alternatives that would reduce both these impacts. However, currently, the District has only evaluated one alternative – the No Sports Lights alternative – that would address these impacts. This does not constitute a reasonable range of alternatives. In addition to the No Sports Lights alternative, the District should evaluate other alternatives that might reduce practice noise, including limits on the timing of band practice, elimination of evening band practice altogether, or reducing the size of the bleachers and redesigning them to provide greater opportunities for noise mitigation.

The District should also evaluate a combination of the No Sports Lighting and Practice Lights alternative, which would substantially reduce noise impacts from night football games as compared to the RULL. A combination of these two alternatives which would allow the District to meet all of the identified objectives in the final EIRs: (1) to extend the student school day by having later sports and band practices, (2) to reduce the burden on Cupertino High School, which currently hosts Monta Vista and Lynbrook home football games, and (3) to increase student school spirit and pride by being able to hold home football games. MV AR 851, 281; Lynbrook AR 2:828. The District is already holding nighttime football games for Monta Vista High School at Fremont High School, which reduces the impact of such football games on Cupertino High School. It also has not increased the burden on Fremont High School because Homestead High, which formerly held night games at Fremont, now holds night games at its own fields. Thus, holding night football games at Monta Vista High School is not necessary to reduce the burden on Cupertino High School.

The REIRs also improperly claim that the “primary” objective of the Projects is to allow for Friday night home football games. Lynbrook REIR at 18; MV REIR at 19. However, in responses to comments, the District took the position that none of the project objectives were “primary.” Monta Vista FEIR Response to Comment BB5. Moreover, the District has repeatedly touted the purpose of the project as extending the school day; holding night football games is not necessary to extend the school day. Nor is there any evidence to support the District’s assertion now that holding night football games is necessary to promote school spirit. Given that the District can meet the objectives of the projects to increase the school day, hold home football games, and reduce the burden on Cupertino High School without night football games, the District cannot allow such an amorphous and factually unsupported assertion that only night football games will increase school spirit to dictate the ultimate decision regarding project alternatives. Indeed, even assuming that holding nighttime football games is itself a project objective, the District cannot define the Project’s objectives so narrowly as to preclude a reasonable
Ellie Johnson  
March 1, 2012  
Page 6

alternatives analysis. (See Nat’l Parks & Conservation Assn. v. Bureau of Land Mgmt. (9th Cir. 2010) 606 F.3d 1058, 1072 [striking down a narrowly drawn statement of project objectives where it “necessarily and unreasonably constrain[ed] the possible range of alternatives” and “foreordain[ed] approval of the [proposed project]”].) Watsonville Pilots Assn. v. City of Watsonville (2010) 183 Cal.App.4th 1059, 1089 (the “key to the selection of the range of alternatives is to identify alternatives that meet most of the project’s objectives but have a reduced level of environmental impacts,” not to identity alternatives that meet few of the project’s objectives so that they can be “readily eliminated.”)

Moreover, the REIRs fail to address alternatives that would reduce impacts from practices. Because the REIRs now indicate that practices will have significant noise impacts – an impact that was not disclosed in the final EIRs – the REIRs must evaluate alternatives that would reduce these impacts. In addition to the “No Sports Lights” alternative, the REIRs should look at alternatives that would reduce the schedule and number of evening practices thereby reducing the impacts associated with the practices.

In addition to modification in practice schedules and a reduction or elimination of Friday night football games, the REIRs should have evaluated a number of other measures that could reduce the Projects’ noise impacts. For example, the REIRs should have looked more closely at the option to reduce the number of bleachers and to place them in a berm that would act both as a sound barrier and that would help reduce noise from the use of metal bleachers. See Shaw Report at p. 5.

IV. The Revised EIRs’ Determination That Mitigation Would Be Infeasible Is Legally Improper and Unsupported by Substantial Evidence.

To the extent the REIRs address mitigation at all, they then go on to reject all but one measure – limits on the PA system – as infeasible. The REIRs’ determination of infeasibility ignores the relevant legal standard and is not supported by the evidence.

First, the REIRs reject a number of mitigation measures on the ground that they would be too expensive. See e.g., MV REIR at 11 (rejecting soundwalls); Lynbrook REIR at 11 (same); Lynbrook REIR at 13 (rejecting bleacher barriers); MV REIR at 13 (same). However, the absolute cost of the improvements is not the relevant factor for determining the economic feasibility of mitigation or an alternative. “[T]he [feasibility] question is not whether [the City] can afford the proposed alternative, but whether the marginal costs of the alternative as compared to the cost of the proposed project are so great that a reasonably prudent property owner would not proceed with the

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& WEINBERGER LLP
Here, the cost of the noise barriers or sound insulation (or a combination of them) is minimal when compared to the overall cost of the Projects. As detailed in Exhibit E, the cost of each of the Projects is over $14,000,000. The cost of the mitigation measures is minimal in comparison and under the relevant standard is clearly feasible. The District also fails to support its assertion that sound insulation would not be accepted by the local community; the District has not even made such an inquiry.

Moreover, the fact that the mitigation measures might not completely eliminate the significant noise impacts of the Projects does not mean that they should be rejected. Instead, CEQA requires an agency to adopt all feasible measures that will reduce a project’s impacts, even if they do not completely avoid a significant effect. Pub. Res. Code §21002; see also City of Marina v. Board of Trustees of the California State University (2006) 39 Cal.4th 341; 1 Stephen Kostka & Michael Zischke, Practice Under the California Environmental Quality Act § 14.6 (2d ed. 2011) (“A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely.”).

Finally, the REIRs fail to adequately address the feasibility of alternative designs, in particular, a design that would set the bleachers into a berm and thereby greatly reduce noise impacts. As discussed in more detail in the comments of David Radtke, the REIRs inappropriately assume that such a design would require lowering of the fields and the presence of a hillside. However, setting the bleachers into a berm does not require either. The purpose of setting the bleachers in a berm is to substantially reduce the noise impacts associated with vibration and cheering from the bleachers and to act as an additional sound barrier. This can be accomplished with the construction of a berm, and could have easily been accomplished here with the dirt available on site during construction. The District’s decision to remove this dirt during construction that continued after this court’s ruling was taken at the District’s own risk and the additional cost associated with re-importing dirt to support the bleachers cannot be used as a factor to determine that such a mitigation measure would be infeasible. Pub. Res. Code §21167.3(b); Kings County Farm Bureau, 220 Cal. App. 3d at 737.
In view of these deficiencies, the District must revise and recirculate the REIRs with a complete analysis of noise impacts, mitigation measures, and alternatives.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Ellison Folk
EXHIBIT A
Menlo Scientific Acoustics, Inc.
Consultants in Acoustics and Communication Technologies

29 February 2012

Ms. Ellison Folk

SHUTE, MIHALY & WEINBERGER
396 Hayes Street
San Francisco, California 94102

Subject: Environmental Noise Assessment
Monte Vista High School and Lynwood High School
Sports Fields Improvements and Lighting

Dear Ms. Folk,

We have reviewed the Draft Recirculated Environmental Impact Reports (REIR) dated January 2012 for the Monte Vista High School Sports Fields Improvements and Lighting and the Lynwood High School Sports Fields Improvements projects.

For background we also reviewed the Monte Vista High School Sports Fields Improvements and Lighting Project Environmental Noise Assessment report and the Lynwood High School Sports Fields Improvements and Lighting Project Environmental Noise Assessment report, both dated 20 May 2010; the City of Cupertino Municipal Code Chapter 10.48, Community Noise Control; the City of San Jose Code of Ordinances Section 20.30.700 Residential Zoning Districts Performance Standards; the Noise section in Part IV, Goals and Policies, of the current City of San Jose General Plan; and the Noise Pollution section of the current City of Cupertino General Plan.

As set forth below, we do not believe that the REIRs adequately analyze or disclose the significant noise impacts from these Projects. Based on our review, the noise impacts of the Projects will be more significant than assumed by the REIRs and we recommend that the District closely evaluate measures that will reduce these impacts.

1. Our review found that the findings in the REIRs and EIRs do not identify some important assumptions including, but not limited to, the character of all noise sources present during a measurement, the spectral and time character of noises from the proposed events, and why a particular metric was chosen, and is appropriate, for a measurement. For example, the REIRs assume that increases in crowd size result in a linear increase in noise. However, as crowd size increases, noise increases exponentially as people in the crowd encourage each other and thus need to shout over each other to be heard and to be part of the general excitement of the moment.

2. In addition, the presentation depends on a prosaic description of measurements which does not adequately provide a complete understanding of the impact on the surrounding area. All measurements presented in the reports should include annotated drawings or photos that identify the location of any and all noise sources, the datum for any distances to receivers used in a calculation, as well as the location of the receiver locations. Any measurement should and needs to
be reproducible by others. Data and calculations must be included to support claims made in the reports.

3. For data taken over a period of time, such as the Leq metric, the time history of the measurement should be presented as well as the Leq time period. The REIRs and the EIRs in many cases present a just range of values in a table and these values are average (Leq) noise levels over an hour, which does not adequately describe the intermittent, impulsive nature of the noises produced by some of the proposed events for the projects as the longer the time for which an Leq is taken the more the impact of the intermittent, impulsive noises are hidden. A more accurate way to present Leq data is to measure one-minute Leqs over the time period of interest and then determine the running logarithmically average of these one minute Leqs for 5, 10, or 15 minutes, and then present this data graphically along with the running one-minute Lmax and L90 levels for the time period of interest. In some instances, such as for intermittent, impulsive sounds such as those from foot stomping on metal bleachers, marching bands, and drum lines, one-second levels should be used to determine the running logarithmically average and the three averages (Lmax, Leq, and L90) presented graphically for the time period of interest. For certain noises, such as that are bass heavy, foot stomping on metal bleachers, marching bands and drum lines, the octave band Leq and Lmax data for the 63 Hz to 8000 Hz octave bands, in addition to the overall level data described above, should be presented to properly characterize the noise spectrum.

4. The reports use Leq, CNEL, and DNL metrics for reference noise levels and community standards. The local noise codes specify a maximum noise level, Lmax, in decibels, at the residential property line. Several problems with the way the various metrics are used in the reports include:

- The Lmax metric is not defined in Table 1 of the EIRs although it is used in the reports.

- Table 3 in the Monte Vista High School is captioned “Maximum Nighttime Noise Levels (Leq).” The maximum sound level, Lmax, is the highest RMS sound pressure level within the measuring period. It is not the Leq as defined in Table 1 of the EIRs or the Leq as defined by international standards.

- The Lmax level is always greater than the Leq, CNEL, or DNL, and depending on the time period for the Leq, such as one hour, much greater. Using the Leq, CNEL, or DNL for the sound level the projects need to meet, means that the actual code limit (maximum noise level in both the San Jose and Cupertino noise codes) will be exceeded in all cases, and the impact on the surrounding area will be more than that reported in the noise analysis or the REIRs.

- The CNEL and the DNL (also called the Ldn) are calculations typically used to describe the impact of transportation noise. This is why these metrics were used in the General Plans, where the noise impact of transportation sources is the major concern. These metrics are a weighted average of the 1 hour Leqs measured over a twenty-four hour period while the time period of interest for the proposed projects is limited to dark until sometime later in the evening, depending on the event. These metrics do not characterize the intermittent, impulsive nature of the noise from the proposed activities that will be produced by the proposed project and they do not
adequately predict how these activities may interfere with sleep, speech, and other activities in the affected neighborhoods. This type of noise is very disturbing and includes such noises as the staccato drum beats from the band, the on and off cheering of the crowd, whistles, noise creating instruments and devices used by fans (such as Vuvuzelas).

When noise levels are measured using an "A" weighting, as the Leq, CNEL, and DNL metrics in the report do, the contribution of low frequency sounds are greatly diminished as the A weighting subtracts the contribution of these sounds, and to a lesser extent the contribution of high frequency sounds. The A weighting curve is the inverse of the equal loudness response of human hearing at 1000 Hz at 40 dB. As noise levels increase, the response to low frequency noises increases, as shown in Attachment A, Figure A1, Acoustic Weighting Curves and ISO Equal Loudness Curves. Note that Table 2 in the EIRs shows 40 dBA to be slightly higher in level than a "suburban nighttime environment," which is much lower in level than the proposed events.

5. The report uses the term Loudness. The term Loudness has a specific meaning that is not correct when presenting objective measurements, such as Leq, CNEL, and DNL. There is one way to objectively describe sound, the decibel, which is the unit for the sound pressure level, and it is calculated from sound pressure. The subjective human response to sound can be described using the phon, the unit for loudness level, which is defined by the equal loudness curves shown in Figure A2. Loudness level is non-linear — you cannot add loudness levels arithmetically. A less common metric is the sone, the unit for loudness, shown in Figure B1. In short: sound level is expressed in decibels, physiological loudness level is expressed in phon, and subjective loudness is expressed in sones. The REIRs fail to use appropriate terminology to describe loudness and fail to measure it appropriately. Instead, the REIRs appear to minimize noise impacts by using subjective terms such as "infrequently, "non-threatening," of "short duration" or consistent with "community expectations". These terms may be good word-smithing but they do not properly describe the noise events from the proposed activities. General statements are misleading and do not describe the character of the noises from proposed events.

6. Speech interference, sleep disturbance and annoyance are discussed in the reports but the noise level for interference, disturbance, and annoyance used to calculate impact are higher than that reported in the literature or those recommended by governmental bodies.

-The reports state the noise level for interference and disturbance is greater for fluctuating noises than for steady noises. Humans have a physiological startle response that is very sensitive and sudden, intermittent, random, and/or impulsive sounds — such as those associated with the football games and band practices — trigger this response.

-The reports state that sleep disturbance continuous occurs when noise levels are greater than 35 dBA for continuous noise and 45 dBA for fluctuating noise. The reports should cite the reference for this statement. WHO Guidelines state 30 to 35 dBA as the onset level for sleep disturbance with a peak nighttime maximum of 45 dBA. See Attachment 3, United Nations World Health Organization Sleep Disturbance Guideline Summary. Sources with low frequency components are especially disturbing, and a disturbance may occur even though the sound pressure
level during exposure is below 30 dBA. If negative effects on sleep are to be avoided the equivalent sound pressure level should not exceed 30 dBA indoors for continuous noise. If the noise is not continuous, sleep disturbance correlates best with Lmax and effects have been observed at 45 dB and less.

- The reports discuss annoyance but cite only statistics for transportation noise. The annoyance from noises that will be produced from the proposed projects are not discussed. Thresholds depend on the type of noise. The percentage of people annoyed depends on the type of noise. As previously mentioned, the type of noises caused by the projects are of a sort that is very disturbing and are not adequately captured by reference to statistics for transportation noise.

7. The reports deal only with overall sound levels, and these are modified by the A weighting. Low frequency noises from the proposed activities are not discussed. Low frequency sounds are pernicious since these sounds to travel much further than high frequency sounds and so these low frequency sounds will impact additional residences beyond those residences directly adjacent to the project sites. It will also be more difficult to mitigate the intrusion of low frequency noises into the residences adjacent to and near the proposed project sites without redesign of the project or a restriction on the number and type of events. The intermittent nature of these sounds adds to their impact, but is not disclosed in the REIRs.

8. The reports somewhat discuss noise from public address systems, spectator (crowd) noise, and band noise as well as noise from practice sessions. The sound level limit described for the public address system is not realistic as the noise levels from the crowd in the bleachers will be greater in level than the proposed limits. Limiting the PA system to these limits, especially with the great increase in spectator seating for the home side of the field and the new bleachers (which will require additional loudspeakers serving the new seating) for the visitor seating which will be closer to residences, may not be practical.

9. The reports do not address the impact of spectator stomping in the metal bleachers nor do they discuss the character of sounds from the marching bands and drumlines, but are typical of the type of events proposed and which are very intrusive and disturbing.

10. The REIRs repeatedly states that the reduced use alternative will offer a 66% reduction in impact compared to the original submission. How this reduction was determined is not clear and no backup or calculations are included in the reports. A comparison is discussed, but only the alternative hours are listed. A side-by-side listing of the original and alternative hours should be provided.

11. The reports skirt around the significant impacts from the original and alternative proposals. The terms “infrequently, “non-threatening,” short duration may be good word-smithing but they do not properly describe the noise events from the proposed activities. General statements are misleading. The character of the noises from proposed events is not described. What is meant by the phrase “community expectations”?

12. In addition to the mitigation measures described in the REIRs, not all mitigation measures are discussed. These additional mitigation measures include:
-Reduce the number of band practices/limit the use of the band at night games. Bands produce some of the most disturbing noise from the Projects. A limit on the band practices and band playing at the games would help reduce this noise impact.

-Replace the metal bleacher with bleachers built on a berm. This does not necessarily require lowering of the field, but the construction of a berm into which the bleachers could be set. The berm would act as a sound barrier and would also reduce noise from the bleachers, such as vibration and foot stomping.

-Reduce the seating capacity of the bleachers. This measure would reduce crowd noise and would create more options for design alternatives that could reduce noise impacts.

-Reorient the fields and include the soccer field as part of the football field. This could provide options to reduce noise impacts to adjacent residents, and could open up options for mitigation of noise from the bleachers and for the use of noise barriers that might be more visually acceptable.

-Include air-conditioning as part of sound insulation. This would ensure that sound insulation is effective even when it is hot outside.

Please contact me to discuss the foregoing if you have any questions.

Sincerely,

MENLO SCIENTIFIC ACOUSTICS, INC.

Neil A. Shaw

Neil A. Shaw, FASA, FAES

NAS:sk

Attachments
Attachment A

Acoustic Weighting Curves and ISO Equal Loudness Curves (after Fletcher-Munson)

Figure A1 – Acoustic Weighting Curves

Note: The C curve is mandated by standards for precision (Class one) sound level meters. The B and D curves are no longer used.
Figure A2 — Equal Loudness Contours/Fletcher Munson Curves
Attachment B

Sound Level, Loudness Level, and Loudness

Sound level, or sound pressure level, \( L_p \), is 20 times the logarithm of the sound pressure divided by the reference sound pressure, 20 micropascals. The unit of sound level is the decibel (dB). It is the objective measure of sound pressure. Decibels cannot be added arithmetically but must be added logarithmically.

Loudness level, \( L_N \), is the level of an equal loudness curve labeled by its LI at 1 kHz. See Figure A2, above. The unit of loudness level is the phon. Loudness levels cannot be added.

Loudness -- A loudness \( N=1 \) is equal by definition to \( L_N = 40 \) phon, independent of frequency. The unit of loudness is the sone. A loudness of 16 sones is twice as loud as one of 8 sones and four times as loud as one of 4 sones. The unit of loudness is the sone. The relationship between sound level in decibels and loudness in sones is shown in Figure B1.

![Figure B1 - Sound Level (dB) vs Loudness (Sone)](image)


Shute, Mihaly & Weinberger — EIR and REIR Review
Noise is increasingly omnipresent, yet underestimated, form of pollution. Long periods of exposure to relatively low levels of noise can have adverse effects on human health, such as raised blood pressure, hypertension, disrupted sleep and cognitive development in children (Kierman, 1997b), diminished working memory span, and psychiatric disorders (Bond, 1996).

An estimated 80 million people suffer unacceptable levels of continuous outdoor transport noise within the EU (New Scientist, 1998). In Amsterdam, 29% of the city's inhabitants complain of noisy neighbours, 28% are regularly disturbed by the jarring sounds of traffic, and 26% suffer the dissonance that comes from living under the airport flight paths. In Great Britain survey results showed that 7% of homes in Britain, noise levels outside the building were more than 68 db (Bond, 1996). Even in the American national parks, it is estimated that noise-free intervals rarely exceed several minutes (Geary, 1996).

The World Health Organisation's guidelines recommend a nighttime average level of noise suitable for undisturbed sleep of from 35 to 30 db, and include a peak nighttime maximum of 45 decibels. However, an OECD survey of traffic noise estimates that 16% of people in Europe suffer more than 40 db in their bedrooms at night (Bond, 1996). In the United States, a conservation initiative has been established with the goal of creating sites where human-caused noise pollution will not be tolerated (Geary, 1996).

Furthermore, every city in the European Union with more than 250,000 inhabitants will be required to draw up 'noise maps' of their streets by 2002 (New Scientist, 1998). In the Netherlands, it is illegal to build houses in areas where 24-hour average noise levels exceed 50db. And in Great Britain, the Noise Act gives local authorities powers to confiscate noisy equipment and to fine people who create excessive noise at night. Several countries are also investing in porous asphalt, which can cut traffic noise by up to 50db.

References


Neil A. Shaw, FASA, FAES, consultant in acoustics and communication technologies, has over 35 years of experience in the design and operation of performance, production, and academic spaces as well as corporate meeting and conference facilities, sacred spaces, and research laboratories.

He studied Electrical Engineering at the Cooper Union and received his BS Engineering and MS Engineering degrees in 1977 from the University of California, Los Angeles. He was the author of, and was the adjunct faculty for acoustics courses at the Southern California Institute of Architecture and a member of the adjunct faculty at the Thornton School of Music at University of Southern California and has presented invited papers for the Acoustical Society of America and the Audio Engineering Society. He is a Fellow of both the Acoustical Society of America and the Audio Engineering Society and is a Senior Member of the Institute of Electrical and Electronic Engineers.

His commissions include the renovation of Barnum Hall and the expansion of the Music Building at Santa Monica High School; the renovation of the auditorium at Malibu High School; Sobrato High School in Morgan Hill, California; and the new South Region High School No. 9 in Los Angeles. University projects include the College of Humanities, Arts, and Social Sciences building at the University of California, Riverside; the Arts Building at the University of California, Irvine; the South Lawn building at the University of Virginia, Charlottesville; and the Intimate Theater at California State University, Los Angeles. Performance and production venues include the Coral Sky Amphitheater in Palm Beach; the screening room and production spaces for Media Artists, Pty, in Chennai, India; the Getty Villa Amphitheater; the Getty Center Museum Auditorium; the screening room and edit facilities at MGM Constellation Headquarters in Century City, California; new edit and production rooms at Capitol Records in Hollywood; and performance spaces in the Legend of the Seas, Grandeur of the Seas, Disney Magic, and Crystal Harmony cruise ships. He was the acoustic designer for the Microsoft Audio Research Laboratory in Redmond, Washington, and a large 70 Hz cutoff anechoic chamber facility now under construction in Cupertino, California.

He is a patent reviewer for the Journal of the Acoustical Society of America, a book reviewer for the Journal of the Audio Engineering Society, and is the manager of the Society of Motion Picture and Television Engineers ST-SG Theatre B-Chain Study Group Theater Testing Subcommittee.

28 February 2012
EXHIBIT B
Ambient neighbourhood noise and children's mental health

P Lercher, G W Evans, M Meis, W W Kofler

Objectives: To investigate the relation between typical ambient noise levels (highway, rail, road) and multiple mental health indices of school children considering psychosocial and biological risk factors as potential moderators.

Methods: With a two stage design strategy (representative sample and extreme sample) two cross sectional samples (n=1280; n=123) of primary school children (age 8–11) were studied. Individual exposure to noise at home was linked with two indices of mental health (self reporting by the child on a standard scale and rating by the teacher of classroom adjustment on a standard scale). Noise exposure was modelled firstly according to Austrian guidelines with the aid of a geographical information system and then calibrated and corrected against measurements from 31 locations. Information on potential confounders and risk factors was collected by mothers and controlled in regression modelling through a hierarchical forward stepping procedure. Interaction terms were also analysed to examine subgroups of children at risk—for example, low birth weight and preterm birth.

Results: Noise exposure was significantly associated in both samples with classroom adjustment ratings. Child self reported mental health was significantly linked to ambient noise only in children with a history of early biological risk (low birth weight and preterm birth).

Conclusions: Exposure to ambient noise was associated with small decrements in children's mental health and poorer classroom behaviour. The correlation between mental health and ambient noise is larger in children with early biological risk.

The present study focuses on the relation between typical, everyday neighbourhood noise levels and children's mental health. Mental health in children is usually measured in one of three ways: psychiatric evaluation of anxiety, depression, conduct disorder, or psychoses; self reported questionnaire measures of clinical symptoms of anxiety, depression, and conduct disorders; or by either teacher or parent ratings of behavioural adjustment. Numerous studies in the child psychiatric and clinical literature indicate the reliability and validity of all three types of measurement for non-clinical populations, with psychiatric evaluation reserved for more serious, clinically relevant symptoms of serious disorders such as disassociation. In the present study we incorporated child self reported and teacher ratings of mental health. We judged that psychiatric evaluations were overly intrusive and unnecessary for the modest increases in the non-clinical range of mental health symptoms we expected to see in a sample of the general population.

There are several important gaps in the noise and mental health literature considered by the present study. Firstly, previous studies of noise and mental health all focused on major noise sources—such as airports or major highway traffic—and neglect typical neighbourhood noise as experienced by most of the population. Although it is obviously important to focus noise protection efforts on those most heavily impacted, we should not overlook the fact that nearly half of the World Health Organisation European region is exposed to daily community noise levels of between 55 and 65 adjusted noise levels (dB(A)). This ambient noise level exceeds recommended criteria for residential areas, schools, and hospitals.

A second gap we considered is that nearly all studies of noise and mental health have focused exclusively on adults. Only one study has examined noise and mental health in children. Bullinger et al studied 326 8–11 year olds attending primary schools in high noise impact zones and comparison groups around the Munich-Riem airport. A third shortcoming in the noise and mental health literature that we considered is the problem of the small sample sizes. This has precluded the incorporation of sufficient multivariate controls for other relevant mental health factors (biological, psychosocial, and environmental risks) and therefore not provided researchers with the opportunity of examining mental health within a multivariate risk model.

A common analytical strategy in environmental epidemiology is to examine the relation between an environmental agent and health, while statistically controlling for other variables. The application of general linear models depends upon the assumption that the slopes of the regression plots for the predictor are parallel across each statistical control (the regression plots all have the same slope). When this assumption is violated, there is an interaction between the predictor variable (noise) and the control variable as they affect the outcome of interest (mental health). Therefore, it is important to first test whether any control variables interact with the environmental risk factor of interest. The presence of a statistical interaction is also important for theoretical and practical reasons. Statistical interactions can help us better understand the nature of environment and health relations, pointing towards potential explanatory mechanisms and processes. From a policy perspective, interactions may uncover vulnerable population subgroups, hidden by weak or non-significant overall effects.

Thus the present study was designed to investigate whether a large representative sample of children living under typical neighbourhood noise levels in small, alpine towns and villages in Central Europe (Austria) would show

Abbreviations: Leq, noise exposure; dB(A), adjusted noise levels; dB(A, eq), equivalent sound pressure level; dB(A, day), equivalent sound pressure day-night level.
any relation between a broad range of exposures to noise and two indices of mental health. The sample was sufficiently large so that we could examine multiple biological and social risk factors and as already explained, investigate statistical interactions. We also employed an innovative variant of a classic two-stage study design. As well as obtaining a broad, representative sample of the population, we also oversampled a subset of children at the high and low ends of the range of exposure to noise in the community. We did this because extreme-group analysis, whereas not ecologically representative, has a distinct advantage—they provide substantially greater statistical power. This enables investigators in a new area to identify suspected environmental risk factors such as noise for children—where there is a paucity of knowledge. Such research designs on extreme exposure can uncover early warning signs of potential public health problems before they reach levels sufficient to be seen in the overall population. This research design also provides possible internal replication. Do the conclusions from the highly exposed population generalise to the dose-response analysis in the general population?

Methods

Subjects and procedures
In June 1998 all school children in grades 3–4 (mean 9.44 years) were approached in a demarcated area defined by the Austrian Government as an environmental health impact assessment. A total of 1280 children from 26 local schools participated (response 79.5%) after a letter was sent to their parents (population study). Children, their mothers, and their teachers were informed that this was a study of traffic, environment, and health required by law to supplement the environmental health impact assessment. The survey area (about 45 km long) is in the lower Inn Valley of Tyrol in Austria (fig 1). This mainly rural, alpine area consists of small towns and villages with a mix of industry, small business, and agricultural activities outside Innsbruck. A geographical information system was set up to enable multiple data linkages and to ease additional sampling.

After the geographical information system link of calculated noise exposure (equivalent sound pressure level, dB(A,Leq) with the child’s home address two new samples of children in grade 4 were drawn in September 1998 from the extremes of the available exposure information (< 50 dB(A,Ldn) or > 60 dB(A,Ldn) (day-night levels)). Fifty-three children inhabited low and 60 resided in moderate and higher noise exposure locations (fig 2). Participation rates in the extreme analysis was lower (64%) because the data were not collected at school and required more time. However, as table 1 shows, the two samples did not differ significantly on various social, lifestyle, and biological factors.

Background information
Sociodemographic data and biological risk information were collected from each child’s mother to assess standard risk factors and to check for possible statistical interactions. Prenatal and perinatal data were assessed from doctor’s entries in the “mother-child-passports”—every pregnant mother in
Austria receives one of these. Biological risk (0 or 1) was defined as low birth weight less than 2500 g or preterm birth less than 37 weeks gestation. Other biological variables recorded were maternal age, parity, and birth order. Further biological, social, and environmental data were collected with a self-administered, standardised questionnaire from the mother. Mother’s education was recorded. Information on the child’s mother was included in the analysis. In addition, the child’s teachers were asked to fill out a self-administered questionnaire assessing the child’s quality of life (KINDL). Each item in the questionnaire of the KINDL scale was dichotomised (yes or no) and used to create a sum score. The dichotomous sampling for the pilot study was based on this information. Afterwards a calibration study (31 measuring points) was conducted (day and night measurements) and linear corrections were applied to the modelled data when the difference to the measured data exceeded 2 dB. Based on both data sources approximate day-night levels (dB,A,Ldn) were calculated for each child’s home to enable comparison with available dose-response data. This calibrated noise exposure information (combined levels from all sources) was used in all the dose-response analyses. The noise range in the field study was between 31 and 81 dB,A,Ldn (95% within 40–65 dB,A,Ldn). The range in the pilot study was 31 to 72 dB,A,Ldn (95% within: 34–50 dB,A,Ldn) in the low exposure group, 52–71 dB,A,Ldn in the high exposure group.

Psychological health
A 22 item scale was formed from two subscales of the KINDL, a valid and reliable index of children’s quality of life and four items on a sleep disturbance scale. Analyses of the intercorrelations of the three scales showed the potential to combine the scales, which yielded one internally consistent index of psychological health (Cronbach’s α = 0.87). Children reported from 0 = never to 4 = very often, how often they experienced various symptoms indicative of anxiety and depression appropriate for a non-clinical population (I feel lonely; I have trouble falling asleep at night; everything I start turns out right). The psychological health scale was administered to children in their classroom by two graduate students who were blind to the child’s exposure to ambient noise.

Classroom adjustment
Each child’s teacher was asked to rate the child on a standard index of behaviour. This 11 item, dichotomous (yes or no)
scale was reliable (Cronbach's α = 0.80). Sample items included. In general is this child functioning as well as other children his or her own age? Is this child easily distracted during his or her work? The teacher was blind to each child's level of ambient noise exposure.

Statistical procedures
Exposure and survey data were linked through the geographical information system, and statistical analysis was conducted with SPSS 8.0 and S-Plus 4.5 including F Harrell's Hmisc and Design libraries. Multiple linear regression techniques were used and 95% confidence intervals (95% CIs) were calculated based on normal approximation. Based on existing knowledge, a hierarchical forward stepping procedure was applied.

We entered first a minimum set of standard risk factors (sex, maternal education, density, house type, biological risk) and noise exposure. Then further testing for the effects of other variables followed (breast feeding, lone parent, birth order, duration of residence). The most consistent and parsimonious set of variables across the four analyses was chosen to test; for three prespecified interactions with noise exposure (biological risk, sex, education). No higher order interactions were uncovered. Finally, sensitivity analyses were conducted to test the stability of the estimates.

Results

Psychological health
Table 2 describes the results for child self-reported psychological health. In the population study there are significant main effects due to education, house type, household density, and a borderline effect for sex. While higher education is associated with better psychological health, all the other variables (household crowding, apartment block housing versus single detached housing, male sex) show a negative impact. The main finding of interest, however, is the significant interaction of early biological risk and ambient noise exposure on psychological health. Figure 3 shows the effect of noise exposure (adjusted for maternal education, sex, number of persons in household, and house type) on those with early biological risk whereas children without this risk seem unaffected by noise exposure.

Although the main effects are less consistent in the extreme noise exposure sample, the interaction is replicated and shows

### Table 1
Main characteristics of both study samples

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Population study</th>
<th>Extreme exposure study</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sample size (n)</td>
<td>1280</td>
<td>123</td>
</tr>
<tr>
<td>Age child (y, mean (SD))</td>
<td>9.44 (0.70)</td>
<td>8.96 (0.45)</td>
</tr>
<tr>
<td>Age mother, mean (SD)</td>
<td>36.25 (4.90)</td>
<td>36.44 (4.63)</td>
</tr>
<tr>
<td>Sex (% male)</td>
<td>51</td>
<td>55</td>
</tr>
<tr>
<td>Body mass index (kg/m², mean (SD))</td>
<td>17.28 (2.61)</td>
<td>17.49 (2.79)</td>
</tr>
<tr>
<td>Birth order (%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First born</td>
<td>47</td>
<td>44</td>
</tr>
<tr>
<td>Second born</td>
<td>33</td>
<td>37</td>
</tr>
<tr>
<td>Maternal education (%)</td>
<td>Basic</td>
<td>27</td>
</tr>
<tr>
<td>Vocational</td>
<td>33</td>
<td>34</td>
</tr>
<tr>
<td>Technical trade</td>
<td>24</td>
<td>25</td>
</tr>
<tr>
<td>High school</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Graduate school</td>
<td>8</td>
<td>14</td>
</tr>
<tr>
<td>Single parent (%)</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Housing type (%)</td>
<td>Multiple dwelling</td>
<td>22</td>
</tr>
<tr>
<td>Raw house</td>
<td>18</td>
<td>21</td>
</tr>
<tr>
<td>Single family detached</td>
<td>60</td>
<td>53</td>
</tr>
<tr>
<td>Mother current smoking (%)</td>
<td>29</td>
<td>28</td>
</tr>
<tr>
<td>Density (people/room, mean (SD))</td>
<td>0.85 (0.28)</td>
<td>1.04 (0.34)</td>
</tr>
<tr>
<td>Duration of residence (y, mean (SD))</td>
<td>10.23 (7.63)</td>
<td>9.96 (6.33)</td>
</tr>
<tr>
<td>Breastfeeding (months, mean (SD))</td>
<td>3.65 (4.74)</td>
<td>3.72 (5.35)</td>
</tr>
<tr>
<td>Noise exposure (dB(A),ln, mean (SD))</td>
<td>51.67 (7.69)</td>
<td>33.04 (10.47)</td>
</tr>
<tr>
<td>Mental health (self report, mean (SD))</td>
<td>93.06 (13.63)</td>
<td>92.54 (12.57)</td>
</tr>
<tr>
<td>School behaviour (teacher, mean (SD))</td>
<td>19.60 (4.54)</td>
<td>20.64 (2.26)</td>
</tr>
</tbody>
</table>

*Representative sample; †sampling on exposure extremes (<50 dB(A),ln; >60 dB(A),ln).

### Table 2
Multiple regression model of children's psychological health (self reporting scale) (comparison of the effects (mean differences [95% confidence intervals]) in the two samples

<table>
<thead>
<tr>
<th>Coefficient</th>
<th>Population study</th>
<th>Extreme exposure study</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mean difference (95% CI)</td>
<td>p Value</td>
</tr>
<tr>
<td>Maternal education (1-5)</td>
<td>3.96 (1.88 to 6.04)</td>
<td>0.0022</td>
</tr>
<tr>
<td>Sex (male/female)</td>
<td>-1.47 (-3.09 to 0.15)</td>
<td>0.0752</td>
</tr>
<tr>
<td>People in household (1-9)</td>
<td>-2.47 (-4.59 to -0.35)</td>
<td>0.0227</td>
</tr>
<tr>
<td>House type (1-3)</td>
<td>-3.32 (-5.32 to -1.32)</td>
<td>0.0012</td>
</tr>
<tr>
<td>Biological risk (0-1)</td>
<td>-5.85 (-10.07 to -1.64)</td>
<td>0.0344</td>
</tr>
<tr>
<td>Noise exposure (30-73)</td>
<td>-2.77 (-5.46 to -0.08)</td>
<td>0.0470</td>
</tr>
</tbody>
</table>

R²=0.04

*Representative sample; †sampling on exposure extremes (<50 dB(A),ln; >60 dB(A),ln); ‡differences based on the following contrasts: maternal education (high school v basic); male v female; persons in household (6 v 9); house type (multiple dwelling v single family); interaction term: noise exposure x (65 dB(A),ln; >60 dB(A),ln) and biological risk x (birth weight <2500 g or <37 weeks of gestation).
large effects (table 3). Note, that the explained variance of the model increased to 23% in the extreme exposure group design.

**Classroom adjustment**

Table 4 presents the regression results for the second outcome measure—the teacher's rating of class room adjustment. In the population study no interaction was detected. However, significant main effects were evident for education, sex, house type, and exposure to noise, and biological risk was marginally significant. The direction of the effect was replicated for all factors, although household density did not reach significance. The total explained variance ($R^2 = 0.09$) was slightly higher than for psychological health as rated by the children ($R^2 = 0.04$). Figure 4 presents the adjusted dose-response pattern for the relation between noise and behaviour. A decrease in teacher ratings with increasing ambient noise was evident.

The model results for the extreme exposure analyses resemble the field findings, except that house type and household density reversed their significance. The model total $R^2$ increased to 0.21 from 0.09, again showing enhanced statistical power with the extreme exposure group design.

**Discussion**

Ambient levels of noise in the community are associated with decreased mental health in elementary school children. This association, a linear dose-response function in a large population study, holds with multiple statistical controls, replicates in two samples, and was robust across reliable and valid self-reported measures and teacher ratings. Furthermore, children with low birth weight and prematurity may be at greater risk of noise related mental health outcomes.

Data from the population survey indicate that variations in typical community noise levels were associated with psychological symptoms and quality of life reported by the child, but only in those with a pre-existing biological risk (low birth weight, fig 3). This significant interaction was replicated in the extreme exposure study as shown in table 3. It is also interesting to note the evidence of a dose-response function for the high risk subsample in the general population study. For

**Table 3  Children's psychological health**

<table>
<thead>
<tr>
<th>Biological risk $\dagger$</th>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise exposure $\leq 50$ dB, A, Ldn $\dagger$</td>
<td>n=50</td>
<td>n=7</td>
</tr>
<tr>
<td>Mean (95% CI)</td>
<td>96.2 (93.0 to 99.4)</td>
<td>94.6 (87.4 to 101.8)</td>
</tr>
<tr>
<td>Noise exposure $&gt; 50$ dB, A, Ldn $\dagger$</td>
<td>n=3</td>
<td>n=15</td>
</tr>
<tr>
<td>Mean (95% CI)</td>
<td>92.8 (89.4 to 96.1)</td>
<td>89.9 (70.3 to 91.5)</td>
</tr>
</tbody>
</table>

$\dagger$Self reporting scale; $\dagger$Adjusted for maternal education, sex, number of people in household, and house type; 2 Sampling on exposure extremes ($< 50$ dB, A, Ldn; $> 60$ dB, A, Ldn); §Birth weight $< 2500$ g or $< 37$ weeks of gestation.

**Table 4  Multiple regression model of children’s classroom adjustment (teacher-rating scale) [comparison of the effects of the differences (mean [95% CIs]) between the two samples]**

<table>
<thead>
<tr>
<th>Coefficient</th>
<th>Population study $\dagger$</th>
<th>Extreme exposure study $\dagger$</th>
<th>p Value</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mean difference (95% CI)</td>
<td>Mean difference (95% CI)</td>
<td></td>
</tr>
<tr>
<td>Material education [1-5]</td>
<td>1.20 [0.82 to 1.58]</td>
<td>0.88 [0.16 to 1.92]</td>
<td>0.1013</td>
</tr>
<tr>
<td>Sex (male/female)</td>
<td>-1.04 [-1.33 to -0.74]</td>
<td>-1.39 [-2.23 to -0.55]</td>
<td>0.0017</td>
</tr>
<tr>
<td>People in household [1-9]</td>
<td>-0.14 [-0.52 to 0.25]</td>
<td>0.49 [0.02 to 1.87]</td>
<td>0.0489</td>
</tr>
<tr>
<td>House type [1-3]</td>
<td>-0.48 [-0.85 to -0.11]</td>
<td>0.0112 [-0.04 to 1.07]</td>
<td>0.9472</td>
</tr>
<tr>
<td>Biocological risk [0-1]</td>
<td>-0.53 [-0.71 to -0.35]</td>
<td>-0.53 [-0.68 to -0.38]</td>
<td>0.3729</td>
</tr>
<tr>
<td>Noise exposure (30-75)</td>
<td>-0.58 [-1.06 to -0.09]</td>
<td>0.0195 [1.11 [0.28 to 1.93]</td>
<td>0.0105</td>
</tr>
</tbody>
</table>

$n=30$ samples.

*Representative sample; $\dagger$Sampling on exposure extremes ($< 50$ dB, A, Ldn; $> 60$ dB, A, Ldn); $\dagger$Differences based on the following contrasts: material education (high school v basic), male v female, people in household (6 v 3), house type (multiple dwelling v single family), biological risk [1] (birth weight $< 2500$ g or $< 37$ weeks of gestation) v 0 (normal birth weight/length of gestation), noise exposure (65 v 40 dB, A, Ldn; $> 60$ v $< 30$ dB, A, Ldn).
Ambient neighbourhood noise and children's mental health

Teacher ratings of children's behavioural adjustment, both in the general population and the extreme community noise exposure comparisons (table 4), show significant main effects of noise on behaviour. All these significant results incorporate multiple adjustments for individual and social factors.

Examining each of our objectives, we showed that typical fluctuations in ambient community noise are associated with mental health among children. This finding replicates the only previous study of noise and mental health among children which showed an association between exposure to ambient noise and psychological distress in 8-11 year old children.14 We extend this study by showing similar effects at lower, more typical levels of ambient noise, across two different measures of mental health in children, with a substantially larger array of statistical controls. We also provided the first evidence of a dose-response function between exposure to noise and mental health in children. Only two studies with adults have uncovered such dose-response functions between those with high levels of transportation noise and mental health.15,16 Thus the present study adds to the small amount of literature on noise and mental health in children and provides further evidence of a relation between noise and mental health.

As well as showing that everyday noise may have mental health consequences among children, we examined the potential mediating role of several biological and social risk factors. The data indicate that children who had a low birth weight or were born preterm may be more vulnerable to the adverse mental health consequences of exposure to ambient noise. These children could be more reactive to the harmful consequences of noise because of their known greater susceptibility to behavioural problems in early childhood,17,18 or because of physiological effects of "early programming".19 The evidence for greater vulnerability to noise among children with low birth weight is mixed, however. This interaction was restricted to the standardised self reported measure of mental health symptoms. We did not find a similar interaction between noise and biological risk for teacher ratings of behavioural adjustment in the classroom. One possible explanation for this are differences in the symptoms assessed by the two indices. The self reported symptom checklist focuses primarily on anxiety and depression, whereas the teacher ratings emphasise interpersonal social skills and emotional and attentional regulation in the classroom.

The data on psychological distress reported by the children also illustrate the potential value to public policy of examining moderator functions. In the overall population, there is little or no evidence of mental health sequelae of exposure to noise in the community. This could have led to the incorrect conclusion that therefore ambient levels of noise are irrelevant for mental health among children. As figure 3 and table 3 clearly show, such a conclusion would be incorrect. There is a subsample of children who are reliably at risk of poorer mental health relative to even the lower levels of ambient noise found in rural, central European communities. Furthermore as explained earlier, the uncovering of such an interaction prohibits use of the same variable (low birth weight) as a statistical control when examining the main effects of noise on mental health.

Another objective of our study was to show the potential use of a mixed research design, incorporating both a general population study and a smaller, more focused analysis of people exposed to extreme levels of the environmental risk factor. As a comparison of the results from the two samples shows, the evidence for adverse effects of noise is much stronger in the extreme level comparisons (compare the total R² in tables 2 and 4 for the two designs). Especially in the early stages of environmental risk investigations there is need for cost efficient designs18,19 with high sensitivity to detect potential adverse environmental risk factors. The extreme exposure research design does have some limitations: it is not representative of the general population, and, relative to dose response evidence, is more subject to plausible rival hypotheses. None the less enhanced sensitivity to detect potential health effects, coupled with reduced costs and effort, make this type of design worthy of greater consideration in the field of environmental health. Ideally, investigators could combine both research designs in the same study.

It is important to reiterate that the cross sectional design of this study precludes drawing causal inferences. However, our data are stronger than a simple correlational study because of several features: (a) dose response function; (b) the replication and predicted stronger associations in the extreme exposure groups; (c) the use of multiple individual and social controls; (d) the predicted interaction between biological risk and noise. Nevertheless, unmeasured confounders and measurement error could bias the results.12 Short of random assignment of children to different noise exposures, probably the best approach to strengthening the evidence for the causal effects of noise on children's mental health would be to conduct a prospective longitudinal study comparing the same child across different noise conditions. It is worth mentioning that the study by Bullinger et al of aircraft noise and children's mental health was prospective.13

This Journal and other sources document adverse physical health consequences of suboptimal environmental conditions, both in the workplace and at home.14,15 Similar exploration of the mental health consequences of unhealthy social and environmental conditions is just beginning.16 Population studies generating dose-response functions along with comparisons of groups with extreme environmental risk can assist us in this new area of environmental medicine and health. Due consideration of potential moderators is warranted for conceptual, statistical, and policy reasons, in physical and psychological morbidity studies of occupational and environmental health.17

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REFERENCES


Ambient neighbourhood noise and children's mental health
P Lercher, G W Evans, M Meis, et al.

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EXHIBIT C
Health effects from noise

From Wikipedia, the free encyclopedia

**Noise health effects** are the health consequences of elevated sound levels. Elevated workplace or other noise can cause hearing impairment, hypertension, ischemic heart disease, annoyance and sleep disturbance. Changes in the immune system and birth defects have been attributed to noise exposure.[1]

Although some presbycusis may occur naturally with age,[2] in many developed nations the cumulative impact of noise is sufficient to impair the hearing of a large fraction of the population over the course of a lifetime.[3][4] Noise exposure has also been known to induce tinnitus, hypertension, vasoconstriction and other cardiovascular impacts.[5]

Beyond these effects, elevated noise levels can create stress, increase workplace accident rates, and stimulate aggression and other anti-social behaviors.[6] The most significant causes are vehicle and aircraft noise, prolonged exposure to loud music, and industrial noise. Road traffic causes almost 80% of the noise annoyances in Norway.[7]

There may be psychological definitions of noise as well. Firecrackers may upset some animals or noise-traumatized individuals. The most common noise traumatized persons are those exposed to military conflicts, but often loud groups of people can trigger complaints and other behaviors about noise.

The social costs of traffic noise in EU22 are over €40 billion per year, and passenger cars and lorries (trucks) are responsible for bulk of costs.[8] Traffic noise alone is harming the health of almost every third person in the WHO European Region. One in five Europeans is regularly exposed to sound levels at night that could significantly damage health.[9]

Noise is also a threat to marine[10] and terrestrial ecosystems.

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  - 1.1 Age-related (Presbycusis)
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  - 5.1 Cognitive development
- 6 Regulations
Hearing loss

Main article: Noise-induced hearing loss

The mechanism of hearing loss arises from trauma to stereocilia of the cochlea, the principal fluid filled structure of the inner ear. The pinna combined with the middle ear amplifies sound pressure levels by a factor of twenty, so that extremely high sound pressure levels arrive in the cochlea, even from moderate atmospheric sound stimuli. Underlying pathology to the cochlea are reactive oxygen species, which play a significant role in noise-induced necrosis and apoptosis of the stereocilia. Exposure to high levels of noise have differing effects within a given population, and the involvement of reactive oxygen species suggests possible avenues to treat or prevent damage to hearing and related cellular structures.

The elevated sound levels cause trauma to cochlear structure in the inner ear, which gives rise to irreversible hearing loss. A very loud sound in a particular frequency range can damage the cochlea's hair cells that respond to that range thereby reducing the ear's ability to hear those frequencies in the future. However, loud noise in any frequency range has deleterious effects across the entire range of human hearing. The outer ear (visible portion of the human ear) combined with the middle ear amplifies sound levels by a factor of 20 when sound reaches the inner ear.

Age-related (Presbycusis)

Further information: Presbycusis

Hearing loss is somewhat inevitable with age. Though older males exposed to significant occupational noise demonstrate significantly reduced hearing sensitivity compared to non-exposed peers, differences in hearing sensitivity decrease with time and the two groups are indistinguishable by age 79.

Women exposed to occupational noise do not differ from their peers in hearing sensitivity, though they do hear better than their non-exposed male counterparts. Due to loud music and a generally noisy environment, young people in the United States have a rate of impaired hearing 2.5 times greater than their parents and grandparents, with an estimated 50 million individuals with impaired hearing estimated in 2050.

In Rosen's work on health effects and hearing loss, one of his findings derived from tracking Maaban tribesmen, who were insignificantly exposed to transportation or industrial noise. This population was systematically compared by cohort group to a typical U.S. population. The findings proved that aging is an almost insignificant cause of hearing loss, which instead is associated with chronic exposure to moderately high levels of environmental noise.

Cardiovascular effects
Noise has been associated with important cardiovascular health problems. In 1999, the World Health Organization concluded that the available evidence showed a weak association between long-term noise exposure above 67-70 dB(A) and hypertension. More recent studies have suggested that noise levels of 50 dB(A) at night may also increase the risk of myocardial infarction by chronically elevating cortisol production.

Fairly typical roadway noise levels are sufficient to constrict arterial blood flow and lead to elevated blood pressure; in this case, it appears that a certain fraction of the population is more susceptible to vasoconstriction. This may result because annoyance from the sound causes elevated adrenaline levels trigger a narrowing of the blood vessels (vasoconstriction), or independently through medical stress reactions. Other effects of high noise levels are increased frequency of headaches, fatigue, stomach ulcers and vertigo.

**Stress**

Research commissioned by Rockwool, a UK insulation manufacturer, reveals in the UK one third (33%) of victims of domestic disturbances claim loud parties have left them unable to sleep or made them stressed in the last two years. Around one in eleven (9%) of those affected by domestic disturbances claims it has left them continually disturbed and stressed. Over 1.8 million people claim noisy neighbours have made their life a misery and they cannot enjoy their own homes. The impact of noise on health is potentially a significant problem across the UK given over 17.5 million Britons (38%) have been disturbed by the inhabitants of neighbouring properties in the last two years. For almost one in ten (7%) Britons this is a regular occurrence.

The extent of the problem of noise pollution for public health is reinforced by figures collated by Rockwool from local authority responses to a Freedom of Information Act (FOI) request. This research reveals in the period April 2008 - 2009 UK councils received 315,838 complaints about noise pollution from private residences. This resulted in environmental health officers across the UK serving 8,069 noise abatement notices, or citations under the terms of the Anti-Social Behaviour (Scotland) Act.

Westminster City Council has received more complaints per head of population than any other district in the UK with 9,814 grievances about noise, which equates to 42.32 complaints per thousand residents. Eight of the top 10 councils ranked by complaints per 1,000 residents are located in London.

**Annoyance**

Because some stressful effects depend on qualities of the sound other than its absolute decibel value, the annoyance associated with sound may need to be considered in regard to health effects. For example, noise from airports is typically perceived as more bothersome than noise from traffic of equal volume. Annoyance effects of noise are minimally affected by demographics, but fear of the noise source and sensitivity to noise both strongly affect the 'annoyance' of a noise. Even sound levels as low as 40 dB(A) (about as loud as a refrigerator or library) can generate noise complaints and the lower threshold for noise producing sleep disturbance is 45 dB(A) or lower.

Other factors that affect the 'annoyance level' of sound include beliefs about noise prevention and the
importance of the noise source, and annoyance at the cause (i.e. non-noise related factors) of the noise.\[31]\] For instance, in an office setting, audible telephone conversations and discussions between co-workers were considered to be irritating, depending upon the contents of the conversations. Many of the interpretations of the level of annoyance and the relationship between noise levels and resulting health symptoms could be influenced by the quality of interpersonal relationships at the workplace, as well as the stress level generated by the work itself.\[32][33]\] Evidence regarding the impact of long-term noise versus recent changes in ongoing noise is equivocal on its impact on annoyance.\[31]\]

Estimates of sound annoyance typically rely on weighting filters, which consider some sound frequencies to be more important than others based on their presumed audibility to the human ear. The older dB(A) weighting filter described above is used widely in the U.S., but underestimates the impact of frequencies around 6000 Hz and at very low frequencies. The newer ITU-R 468 noise weighting filter is used more widely in Europe. The propagation of sound varies between environments; for example, low frequencies typically carry over longer distances. Therefore different filters, such as dB(B) and dB(C), may be recommended for specific situations.

Furthermore, studies have shown that neighborhood noise (consisting of noise from neighboring apartments, as well as noise within one's own apartment or home) can cause significant irritation and noise stress within people, due to the great deal of time people spend within their residences. This can result in an increased risk of depression and psychological disorders,\[34][35]\] migraines, and even emotional stress.\[35]\]

In the workplace, noise pollution is generally a problem once the noise level is greater than 55 dB(A). Selected studies show that approximately 35 to 40\% of workers in office settings find noise levels from 55 to 60 dB(A) to be extremely irritating.\[32]\] The noise standard in Germany for mentally stressful tasks is set at 55 dB(A).\[36]\] However, if the noise is source is continuous, the threshold level for tolerable noise levels amongst office workers actually becomes lower than 55 dB(A).\[32]\]

One important effect of noise is to make a person's speech less easy to hear. The human brain automatically compensates the production of speech for background noise in a process called the Lombard effect in which it becomes louder with more distinct syllables. But this cannot fully remove the problems of communication intelligibility made in noise.

**Child physical development**

The U.S. Environmental Protection Agency authored a pamphlet in 1978 that suggested a correlation between low-birthweight babies (using the World Health Organization definition of less than 2,500 g (~5.5 lb) and high sound levels, and also correlations in abnormally high rates of birth defects, where expectant mothers are exposed to elevated sound levels, such as typical airport environs. Specific birth abnormalities included harelip, cleft palate, and defects in the spine.\[37]\]

According to Lester W. Sontag of The Fels Research Institute (as presented in the same EPA study):

"There is ample evidence that environment has a role in shaping the physique, behavior and function of animals, including man, from conception and not merely from birth. The fetus is capable of perceiving sounds and responding to them by motor activity and cardiac rate change." Noise exposure is deemed to be particularly pernicious when it occurs between 15 and 60 days after conception, when major internal organs and the central nervous system are formed.\[38]\]
Later developmental effects occur as vasoconstriction in the mother reduces blood flow and hence oxygen and nutrition to the fetus. Low birth weights and noise were also associated with lower levels of certain hormones in the mother, these hormones being thought to affect fetal growth and to be a good indicator of protein production. The difference between the hormone levels of pregnant mothers in noisy versus quiet areas increased as birth approached.\[39\]

In a 2000 publication, a review of studies on birthweight and noise exposure note that while some older studies suggest that when women are exposed to >65 dB aircraft noise a small decrease in birthweight occurs, in a more recent study of 200 Taiwanese women including noise dosimetry measurements of individual noise exposure the authors found no significant association between noise exposure and birth weight after adjusting for relevant confounders, e.g. social class, maternal weight gain during pregnancy, etc.\[1\]

Cognitive development

When young children are exposed to speech interference levels of noise on a regular basis (the actual volume of which varies depending on distance and loudness of the speaker), they may develop speech or reading difficulties, because auditory processing functions are compromised. Children continue to develop their speech perception abilities until they reach their teenage years. Evidence has shown that when children learn in noisier classrooms, they have a more difficult time understanding speech than those who learn in quieter settings.\[40\]

In a study conducted by Cornell University in 1993, children exposed to noise in learning environments experienced trouble with word discrimination as well as various cognitive developmental delays.\[41\] In particular the writing learning impairment known as dysgraphia is commonly associated with environmental stressors in the classroom.\[citation needed\] The effect of high noise levels on small children has been known to cause physical health damages as well. Children from noisy residences often possess a heart rate that is significantly higher (by 2 beats/min on average) than in children from quieter residences.\[42\]

Regulations

Main article: Noise regulation

Environmental noise regulations usually specify a maximum outdoor noise level of 60 to 65 dB(A), while occupational safety organizations recommend that the maximum exposure to noise is 40 hours per week at 85 to 90 dB(A). For every additional 3 dB(A), the maximum exposure time is reduced by a factor 2, e.g. 20 hours per week at 88 dB(A). Sometimes, a factor of two per additional 5 dB(A) is used. However, these occupational regulations are acknowledged by the health literature as inadequate to protect against hearing loss and other health effects.

With regard to indoor noise pollution in residences, the U.S. EPA has not set any restrictions on limits to the level of noise. Rather, it has provided a list of recommended levels in its Model Community Noise Control Ordinance, which was published in 1975. For instance, the recommended noise level for indoor residences is less than or equal to 45 dB.\[43\]\[44\]

Noise pollution control in residences is not funded by the federal government in part because of the disagreements in establishing causal links between sounds and health risks, since the effect of noise is often
psychological and also because it leaves no singular tangible trace of damage on the human body. For instance, hearing loss could be attributed to a variety of factors including age, rather than solely due to excessive exposure to noise.\textsuperscript{45}\textsuperscript{46} However, a state or local government is able to regulate indoor residential noise, such as when excessive noise from within a home causes disturbances to nearby residences.\textsuperscript{45}\textsuperscript{47}

See also

- Aircraft noise
- Noise mitigation
- Noise pollution
- Tinnitus

References


12. ^a^b S. Rosen and P. Olin, Hearing Loss and Coronary Heart Disease, Archives of Otolaryngology, 82:236 (1965)
Health effects from noise - Wikipedia, the free encyclopedia


41. ^ Wakefield, Julie (June 2006). "Learning the Hard Way". Environmental Health Perspectives 110 (6).


External links

- Acoustical Society of America (http://asa.aip.org/)
- Noise and Health (http://www.noiseandhealth.org) International Journal devoted to research on all aspects of noise and its effects on human health
- ICBEN (http://www.icben.org/) International Commission on Biological Effects of Noise
EXHIBIT D
Adverse Health Effects of Noise

The WHO has documented seven categories of adverse health effects of noise pollution on humans. Much of the following comes from the WHO Guideline on Community Noise and follows its format. The guideline provides an excellent, reasonably up-to-date, and comprehensive overview of noise-related issues, as do the other recent reviews on this subject.

1. Hearing Impairment

Hearing is essential for well-being and safety. Hearing impairment is typically defined as an increase in the threshold of hearing as clinically assessed by audiometry. Impaired hearing may come from the workplace, from the community, and from a variety of other causes (eg, trauma, ototoxic drugs, infection, and heredity). There is general agreement that exposure to sound levels less than 70 dB does not produce hearing damage, regardless of the duration of exposure. There is also general agreement that exposure for more than 8 hours to sound levels in excess of 85 dB is potentially hazardous; to place this in context, 85 dB is roughly equivalent to the noise of heavy truck traffic on a busy road. With sound levels above 85 dB, damage is related to sound pressure (measured in dB) and to time of exposure. The major cause of hearing loss is occupational exposure, although other sources of noise, particularly recreational noise, may produce significant deficits. Studies suggest that children seem to be more vulnerable than adults to noise induced hearing impairment.

Noise induced hearing impairment may be accompanied by abnormal loudness perception (loudness recruitment), distortion (paracusis), and tinnitus. Tinnitus may be temporary or may become permanent after prolonged exposure. The eventual results of hearing losses are loneliness, depression, impaired speech discrimination, impaired school and job performance, limited job opportunities, and a sense of isolation.

In 2001, it was estimated that 12.5% of American children between the ages of 6 to 19 years had impaired hearing in one or both ears. As many as 80% of elementary school children use personal music players, many for extended periods of time and in potentially dangerous volume settings. There is little doubt that the use of consumer products, which produce increasingly high levels of noise and which are used with headsets or earphones, is growing and may well be responsible for the impaired hearing that is being seen with growing frequency in younger people. This form of noise is largely unregulated, despite warnings by the manufacturers.

In the young, hearing loss affects communication, cognition, behavior, social-emotional development, academic outcomes, and later vocational opportunities. These effects have been well documented in a number of large scale investigations in children.

Leisure-time exposure, which is generally unregulated, is increasing in other ways as well with resultant adverse effects. In a recent
survey, a majority of young adults reported having experienced tinnitus or impaired hearing after exposure to loud music at concerts or in clubs. Very few (8%) considered loss of hearing a significant problem. Many of the respondents said they would be motivated to use ear protection if they were aware of the potential of permanent hearing loss (66%) or if such protection were advised by a medical professional (49%).[22]

Those working in clubs, bars, and other places of entertainment are also at risk. It is well known that rock musicians frequently have noise-induced hearing loss. Apart from the musicians themselves, employees of music clubs, where noise frequently exceeds safe levels, are at risk.[24] Thus, nearly a third of students who worked part time (bar staff or security staff) in a university entertainment venue were found to have permanent hearing loss of more than 30 dB.[27]

The WHO recommends that unprotected exposure to sound levels greater than 100 dB (for example, the sound of a jackhammer or a snowmobile) should be limited in duration (4 h) and frequency (four times/year).[1] The threshold for pain is usually given at 140 dB, a level readily achieved in today’s boom-ears. Impulse noise exposure (gunfire and similar sources of intense noise of brief duration) should never exceed 140 dB in adults and 120 dB in children. Firecrackers, cap pistols, and other toys can generate sufficient sound levels to cause sudden and permanent hearing loss.[19] Levels greater than 165 dB, even for a few milliseconds, are likely to cause acute cochlear damage.[11] It is important to remember to counsel patients that ears do not get used to loud noise. As the League for the Hard of Hearing notes—they get deaf.

2. Interference with Spoken Communication

In 1974, in an attempt to protect public health and welfare against the adverse effects of noise, the EPA published so-called safe levels of environmental noise that would permit normal communication both in and out of doors.[17] Noise pollution interferes with the ability to comprehend normal speech and may lead to a number of personal disabilities, handicaps, and behavioral changes. These include problems with concentration, fatigue, uncertainty, lack of self-confidence, irritation, misunderstandings, decreased working capacity, disturbed interpersonal relationships, and stress reactions. Some of these effects may lead to increased accidents, disruption of communication in the classroom, and impaired academic performance.[1,5,10,11] Particularly vulnerable groups include children, the elderly, and those not familiar with the spoken language.[11]

3. Sleep Disturbances

Uninterrupted sleep is known to be a prerequisite for good physiologic and mental functioning in healthy individuals.[28] Environmental noise is one of the major causes of disturbed sleep.[1,10] When sleep disruption becomes chronic, the results are mood changes, decrements in performance, and other long-term effects on health and well-being.[9] Much recent research has focused on noise from aircraft, roadways, and trains. It is known, for example, that continuous noise in excess of 30 dB disturbs sleep. For intermittent noise, the probability of being awakened increases with the number of noise events per night.[11]

The primary sleep disturbances are difficulty falling asleep, frequent awakenings, waking too early, and alterations in sleep stages and depth, especially a reduction in REM sleep. Apart from various effects on sleep itself, noise during sleep causes increased blood pressure, increased heart rate, increased pulse amplitude, vasoconstriction, changes in respiration, cardiac arrhythmias, and increased body movement.[28] For each of these, the threshold and response relationships may be different. Some of these effects (waking, for example) diminish with repeated exposure; others, particularly cardiovascular responses, do not.[29] Secondary effects (so-called after effects) measured the following day include fatigue, depressed mood and well-being, and decreased performance.[30] Decreased alertness leading to accidents, injuries, and death has also been attributed to lack of sleep and disrupted circadian rhythms.[31]

Long-term psychosocial effects have been related to nocturnal noise. Noise annoyance during the night increases total noise annoyance for the following 24 hours. Particularly sensitive groups include the elderly, shift workers, persons vulnerable to physical or mental disorders, and those with sleep disorders.[11]

Other factors that influence the problem of night-time noise include its occurrence in residential areas with low background noise levels and combinations of noise and vibration such as produced by trains or heavy trucks. Low frequency sound is more disturbing, even at very low sound pressure levels; these low frequency components appear to have a significant detrimental effect on health.[32]

4. Cardiovascular Disturbances

A growing body of evidence confirms that noise pollution has both temporary and permanent effects on humans (and other mammals) by way of the endocrine and autonomic nervous systems. It has been postulated that noise acts as a nonspecific biologic stressor eliciting reactions that prepare the body for a fight or flight response.[1,2,6,4] For this reason, noise can trigger both endocrine and autonomic nervous system responses that affect the cardiovascular system and thus may be a risk factor for cardiovascular disease.[1,2,6,11,13-36] These effects begin to be seen with long-term daily exposure to noise levels above 65 dB or with acute exposure to noise levels above 80 to 85 dB.[13,31] Acute exposure to noise activates nervous and hormonal responses, leading to temporary increases in blood pressure, heart rate, and vasoconstriction. Studies of individuals exposed to occupational or environmental noise show that exposure of sufficient intensity and duration increases heart rate and peripheral resistance, increases blood pressure, increases blood viscosity, and levels of blood lipids, causes shifts in electrolytes, and increases levels of epinephrine, norepinephrine, and cortisol.[5] Sudden unexpected noise evokes reflex responses as well. Cardiovascular disturbances are independent of sleep disturbances; noise that does not interfere with the sleep of subjects may still provoke autonomic responses and secretion of epinephrine, norepinephrine, and cortisol.[29] These responses suggest that one can never completely get used to night-time noise.

Temporary noise exposure produces readily reversible physiologic changes. However, noise exposure of sufficient intensity, duration, and unpredictability provokes changes that may not be so readily reversible. The studies that have been done on the effects of environmental noise have shown an association between noise exposure and subsequent cardiovascular disease.[1,2,6,33-36] Even though the increased risk for noise-induced cardiovascular disease may be small, it assumes public health importance because both the number of people at risk and the noise to which they are exposed continue to increase.[1,34]

Children are at risk as well. Children who live in noisy environments have been shown to have elevated blood pressures and elevated levels of stress-induced hormones.[2,3,14]

5. Disturbances in Mental Health
Noise pollution is not believed to be a cause of mental illness, but it is assumed to accelerate and intensify the development of latent mental disorders. Noise pollution may cause or contribute to the following adverse effects: anxiety, stress, nervousness, nausea, headache, emotional instability, argumentativeness, sexual impotence, changes in mood, increase in social conflicts, neurasthenia, hysteria, and psychosis. Population studies have suggested associations between noise and mental-health indicators, such as rating of well-being, symptom profiles, the use of psychoactive drugs and sleeping pills, and mental-hospital admission rates. Children, the elderly, and those with underlying depression may be particularly vulnerable to these effects because they may lack adequate coping mechanisms.\[1\]

Children in noisy environments find the noise annoying and report a diminished quality of life.\[10,37\]

Noise levels above 80 dB are associated with both an increase in aggressive behavior and a decrease in behavior helpful to others\[38-40\]. The news media regularly report violent behavior arising out of disputes over noise; in many cases these disputes ended in injury or death. The aforementioned effects of noise may help explain some of the dehumanization seen in the modern, congested, and noisy urban environment.\[2\]

6. Impaired Task Performance

The effects of noise pollution on cognitive task performance have been well-studied. Noise pollution impairs task performance at school and at work, increases errors, and decreases motivation\[11,41\]. Reading attention, problem solving, and memory are most strongly affected by noise. Two types of memory deficits have been identified under experimental conditions: recall of subject content and recall of incidental details. Both are adversely influenced by noise. Deficits in performance can lead to errors and accidents, both of which have health and economic consequences.\[1\]

Cognitive and language development and reading achievement are diminished in noisy homes, even though the children’s schools may be no noisier than average.\[13\] Cognitive development is impaired when homes or schools are near sources of noise such as highways and airports.\[14,11\] Noise affects learning, reading, problem solving, motivation, school performance, and social and emotional development.\[5,10,16,41\] These findings suggest that more attention needs to be paid to the effects of noise on the ability of children to learn and on the nature of the learning environment, both in school and at home. Moreover, there is concern that high and continuous environmental noise may contribute to feelings of helplessness in children.\[11,14\]

Noise produces negative after-effects on performance, particularly in children. It appears that the longer the exposure, the greater the effect. Children from noisy areas have been found to have heightened sympathetic arousal indicated by increased levels of stress-related hormones and elevated resting blood pressure.\[14\] These changes were larger in children with lower academic achievement. As a whole, these findings suggest that schools and day-care centers should be located in areas that are as noise-free as possible.\[1\]

7. Negative Social Behavior and Annoyance Reactions

Annoyance is defined as a feeling of displeasure associated with any agent or condition believed by an individual to adversely affect him or her. Perhaps a better description of this response would be aversion or distress. Noise has been used as a noxious stimulus in a variety of studies because it produces the same kinds of effects as other stressors.\[3\] Annoyance increases significantly when noise is accompanied by vibration or by low frequency components.\[32\] The term annoyance does not begin to cover the wide range of negative reactions associated with noise pollution; these include anger, disappointment, dissatisfaction, withdrawal, helplessness, depression, anxiety, distraction, agitation, or exhaustion. Lack of perceived control over the noise intensifies these effects.\[1,10\]

Social and behavioral effects of noise exposure are complex, subtle, and indirect. These effects include changes in everyday behavior (e.g., closing windows and doors to eliminate outside noises; avoiding the use of balconies, patios and yards; and turning up the volume of radio and television sets); changes in social behavior (e.g., aggressiveness, unfriendliness, nonparticipation, or disengagement); and changes in social indicators (e.g., residential mobility, hospital admissions, drug consumption, and accident rates); and changes in mood (increased reports of depression).\[11\]

Noise exposure per se is not believed to produce aggressive behavior. However, in combination with provocation, preexisting anger or hostility, alcohol or other psychoactive agents, noise may trigger aggressive behavior.\[38\] Our news is filled with examples of this kind of behavior.

The degree of annoyance produced by noise may vary with the time of day, the unpleasant characteristics of the noise, the duration and intensity of the noise, the meaning associated with it, and the nature of the activity that the noise interrupted.\[1\] Annoyance may be influenced by a variety of nonacoustical factors including individual sensitivity to noise.\[43\] These include fear of the noise source, conviction that noise could be reduced by third parties, individual sensitivity, the degree to which an individual feels able to control the noise, and whether or not the noise originated from an important economic activity.\[1,10\] Other less direct effects of annoyance are disruption of one’s peace of mind, the enjoyment of one’s property, and the enjoyment of solitude.

Greater annoyance has been observed when noise is of low frequency, is accompanied by vibrations that contain low-frequency components, or when it contains impulses such as the noise of gunshot.\[1,32\] Annoyance is greater when noise progressively increases rather than remaining constant. Average outdoor residential day-night sound levels below 55 dB were defined as acceptable by the EPA; acceptable average indoor levels were less than 45 dB.\[17\] To put these levels into perspective, sound levels produced by the average refrigerator or the sounds in the typical quiet neighborhood measure about 45 dB.\[17\] Sound levels above this produce annoyance in significant numbers of people.

The results of annoyance are privately felt dissatisfaction, publicly expressed complaints to authorities (although underreporting is probably significant), and the adverse health effects already noted. Given that annoyance can escalate more than slight irritation, it describes a significant degradation in the quality of life, which corresponds to degradation in health and well-being. In this regard, it is important to note that annoyance does not abate over time despite continuing exposure to noise.\[12\]
EXHIBIT E
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Section I
Executive Summary

On June 3, 2008, District voters approved a Proposition 39 Bond - known as Measure B - in the amount of $198,000,000. In October of 2008, the District advertised for a construction management firm and an architectural firm to develop a Program Implementation Plan (PIP). These firms, along with the District Steering Committee, would make up the team to develop the plan. In December of 2008, Kitchell and HMC Architects were selected to work with the District to begin the process. The intent of this plan is to provide a road map for the implementation of identified projects developed after gathering information from throughout the District. This information included a detailed facility assessment conducted by Kitchell, HMC Architects, and the staff from each site. Many meetings were conducted over a period of months to ensure the team gathered all the information necessary to provide the comprehensive plan described in detail in the following sections of report. The process of the plan’s development is described in detail in Section 2A.

The passage of Measure B follows the April 1998 Measure H Facilities Modernization Program, which modernized Classrooms and added or expanded Libraries, Drama, and Music facilities at all five sites while also adding Field Houses on three campuses. Measure B is slated to complement the previously completed work. The program is defined by the bond language as summarized below:

- Create a dedicated Technology Fund to allow the District to upgrade computers and related technology
- Build new Science Labs
- Construct new Classrooms needed to avoid overcrowding
- Replace aging heating, lighting, plumbing and electrical systems
- Improve energy efficiency at each high school
- Create Classroom/Labs designed for career and technical education classes that supplement traditional college preparatory courses
- Upgrade and improve athletic facilities and fields
- Improve campus safety and security
- Upgrade and improve emergency communication systems
- Add solar power and make the dollars now spent on utility bills available for other programs¹

¹ District Website Measure B Bond Language
A. PROGRAM GOALS

- Goal 1: Correct facility system deficiencies (Heating, Ventilation, and Air Conditioning (HVAC), Electrical, Plumbing, Infrastructure)
- Goal 2: Increase number of classrooms, science labs, and collaboration spaces
- Goal 3: Improve energy efficiency with solar panels
- Goal 4: Upgrade athletic facilities
- Goal 5: Create a dedicated technology fund
- Goal 6: Renovate existing Kitchen and Cafeteria Facilities
- Goal 7: Modernize existing spaces and make required ADA upgrades

Scope of Work Priorities and Project Recommendations

The Measure B Bond Program began with renovations of the fields and sports facilities at each of the five high schools and extensive solar energy projects throughout the District. Included in the following list of work scopes and priorities are those items identified by the PIP team as a result of multiple District-level Steering Committee meetings, site meetings, and extensive physical site assessments conducted by Kitchell and HMC Architects. As the extent of work needed to accomplish the bond scope and site priorities were defined, cost estimates were prepared. This information became the basis for identification of the proposed scope of work at each school. This scope of work has been divided into discrete projects for implementation.

Typical site related projects include:

New Construction Capital Improvement Projects

- Build new two-story Library, Guidance and Support Services, and Kitchen/Cafeteria Building at Cupertino High School
- Build new Field House/Classroom Building at Homestead High School
- Build new PE Classroom, Weight Room, and Team Room Building at Cupertino High School
- Build new single-story classroom building at Monta Vista High School
- Build new single-story classroom building at Fremont High School
Modernization and Renovations

Cupertino High School
- Convert existing Guidance and Support Services Building to Classrooms
- Convert existing Library Building to Classrooms
- Upgrade Restrooms to meet current code and ADA requirements at Pioneer Park
- Create additional Restrooms in Wagon Wheel
- Replace identified HVAC units, provide exhaust hoods, and install dust removal system as well as service and replace fan coil units

Fremont High School
- Expand and renovate existing Kitchen and Cafeteria
- Replace identified fan coil and HVAC units

Homestead High School
- Expand and renovate existing Kitchen and Cafeteria and reconfigure Quad
- Improve Mechanical and Central Plant including replacement of cooling towers, chillers, and pumps; HVAC repair and rebalance
- Repair problematic issues within the Utility Tunnels
- Renovate existing Library
- Renovate the Guidance/Support Services Building

Lynbrook High School
- Expand and renovate existing Kitchen and Cafeteria
- Renovate and expand existing Guidance and Support Services Building
- Expand the Library to add a Global Learning Center component
- Upgrade Mechanical and Boiler Rooms; install exhaust systems in the Kitchen, and fans and louvers in Classrooms; and replace AC unit in Wing 00
- Install new automatic Gym Bleachers
- Formalize student and visitor entrances and improve wayfinding
- Enclose Auditorium Lobby Entrance
- Expand the Pool deck
Monta Vista High School
- Expand and renovate existing Kitchen and Cafeteria
- Upgrade Building B Restrooms for ADA compliance
- Repair/replace rafter tails and re-roof at various locations
- Repair HVAC in Buildings A, B, and C

Central Office and Educational Options Center
- Add a portable classroom and improve utilities to support the Young Parent Program (YPP)
- Reconfigure entrance to the Community School to reclaim needed parking spaces
- Renovate Education Options Center and Professional Learning Center Building Restroom for ADA compliance with upgrades including mechanical, electrical, plumbing, and finishes.
- Renovate Restrooms in the Main Building and in Adult and Community Education (ACE)

Infrastructure Projects
- Infrastructure projects have been identified at all five high school sites. The projects vary in extent from site to site but generally include:
  - a utility site and video survey of all underground utilities to determine existing conditions and the extent of needed repairs
  - replacement of water and irrigation lines as well as waste water and drainage systems
  - repair or replacement with new hardscape of roadways, parking, and paving areas as needed
- Identified above-ground utilities are addressed as well, including utilities on covered walkways

Campus Security
- In order to increase safety and security at each high school site, it was determined that security cameras were needed. The projects provide security cameras at all five sites within allocated budgets.
Priority 1, 2, 3, and 4 Budgeting Process

It is rare for a school district to have at its disposal sufficient funds to tackle all of the facility improvement projects it deems desirable. With that in mind, the Management team structured -- from the beginning -- a prioritization process for the Measure B Bond Program. The process coordinated the priorities of the sites, the Steering Committee, and the physical site assessment results.

- **Priority 1 Scopes of Work:** The identified scope of work in Priority 1 has four components:
  - It meets the requirements of the bond language
  - It includes the major priorities for each site
  - It addresses the needs identified in the Facility Assessments
  - It provides the Capital Improvement Projects selected to improve campus facilities for students.

- **Priority 2 & 3 Scopes of Work:** The scopes of work in Priorities 2 and 3 are those identified as meeting the intent of the bond language but not at the top of the priority lists and/or those items determined as not critical to the immediate and/or near term ongoing operations of the site facilities or otherwise needed for immediate support of FUHSD's educational program. Priority 3 scopes are primarily identified as those needed to support the District's future growth.

- **Priority 4 Scopes of Work:** Scopes included in Priority 4 are those meeting the criteria of the bond language but potentially able to be completed by District staff either through the typical work order processes or the District's Deferred Maintenance Program.

Detailed Scopes of Work can be found in Section 3C entitled Matrix of Proposed Upgrades and in Section 5 entitled Detailed Project Data.

**Budget**

Table 1 on the next page indicates all estimated costs for Priorities 1 through 4 as well as District-initiated projects which include technology, photovoltaics, and fields projects. Project recommendations are based on specific budgets which are prioritized in the estimate section of this report and detailed by site in Section 5 entitled Detailed Project Data.

The current projected cost for all of these projects is $393M approximately.
### Capital Improvement and Modernization Projects

<table>
<thead>
<tr>
<th></th>
<th>Priority 1</th>
<th>Priority 2</th>
<th>Priority 3</th>
<th>Priority 4</th>
<th>Totals</th>
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<td>Cupertino HS</td>
<td>$30,505,987</td>
<td>$6,472,629</td>
<td>$20,732,445</td>
<td>$359,521</td>
<td>$58,070,582</td>
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<td>Fremont HS</td>
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<td>$11,468,587</td>
<td>$3,848,326</td>
<td>$668,871</td>
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<td>Homestead HS</td>
<td>$20,416,629</td>
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<td>$75,168</td>
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<td>Lynbrook HS</td>
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<td>$7,375,396</td>
<td>$24,133,879</td>
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<td>Monta Vista HS</td>
<td>$13,125,817</td>
<td>$1,574,072</td>
<td>$1,455,605</td>
<td>$180,739</td>
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<td>Central Office</td>
<td>$3,302,501</td>
<td>$1,931,055</td>
<td>$291,020</td>
<td>-</td>
<td>$19,524,576</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$94,788,552</strong></td>
<td><strong>$76,077,663</strong></td>
<td><strong>$52,308,859</strong></td>
<td><strong>$1,320,597</strong></td>
<td><strong>$224,495,671</strong></td>
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</tbody>
</table>

- Interim Housing: $3,617,000
- Abatement: $2,000,000
- Program Management Costs: $16,433,189
- Program Contingency: $6,025,450
- Escalation: $29,570,123

#### Total, Priorities 1-4

**$282,141,433**

- Fields Projects: $70,000,000
- Photovoltaics: $33,000,000
- Technology: $8,000,000

#### Total Master Plan Summary of All Priorities and Projects

**$393,141,433**

Table 1

As noted above, not all projects identified as desirable are needed immediately so those projects identified as either Priority Two or Three have been deferred to the future, thereby reducing the total estimated cost of the projects included under the auspices of this plan to approximately $231.4M as outlined in Table 2 on the next page.
<table>
<thead>
<tr>
<th>School</th>
<th>Photovoltaics</th>
<th>Capital Improvement Projects - Priority One</th>
<th>Modernization Projects - Priority One</th>
<th>Total</th>
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<td>$22,833,654</td>
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<td>Homestead High School</td>
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<td>Monta Vista High School</td>
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<td>Central Office &amp; Educational Options</td>
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<td>$3,551,917</td>
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<td>Other Identified Projects</td>
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<td>Program Contingency</td>
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<tr>
<td>Technology</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Haz Mat Abatement</td>
<td>$2,000,000</td>
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<tr>
<td>Interim Housing</td>
<td>$3,617,000</td>
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<tr>
<td>Program Costs</td>
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<tr>
<td><strong>Total Measure B Program Costs</strong></td>
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<td></td>
<td><strong>$231,378,156</strong></td>
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Table 3 illustrates a breakdown of the budget by category.

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<th>Budget Categories</th>
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<td>Fields Projects</td>
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<tr>
<td>Photovoltaic Projects</td>
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<tr>
<td>Capital Improvement Projects</td>
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<tr>
<td>Modernization Projects</td>
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<tr>
<td>Technology</td>
<td>$8,000,000</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$231,378,156</strong></td>
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Table 4

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<th>Currently Identified Funding Sources</th>
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<td>Measure B Bond</td>
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<td>Projected Interest</td>
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<td>Solar Refund</td>
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<tr>
<td>State Funding - Modernization</td>
<td>$6,100,000</td>
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<tr>
<td>State Funding - New Construction</td>
<td>$5,000,000</td>
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<tr>
<td>Deferred Maintenance</td>
<td>$3,000,000</td>
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<tr>
<td>Developer Fees</td>
<td>$1,500,000</td>
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<tr>
<td>Other Funding Sources</td>
<td>$7,308,166</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$231,378,166</strong></td>
</tr>
</tbody>
</table>

While there is still a gap between projected revenue from the currently identified funding sources and the total estimated costs of the Priority 1 and District-initiated projects (noted as other funding sources), the District has identified a number of different possible funding sources to reduce the differential between the projected revenue and the currently identified budget. Those sources include:

- State matching money - new construction: The currently identified revenue of $5M is very conservative. FUHSD has greater eligibility for funding from this program than this. Current state bonds, however, are likely to be exhausted soon, and the ability of FUHSD to claim in a timely manner more of the funds it is eligible for will be dependent on the passage of a new state-wide school facilities bond. For a more detailed description of state matching money, see Section 3G.
- State matching money-modernization: Each year in January, the state reviews the grant amounts for modernization and may make adjustments to the grants - either up or down - based on changes in the cost of construction over the course of the past year. All adjustments in the recent years have been increases. While increases in grant amounts are likely, they cannot currently be estimated or even counted upon.

- Federal funding: The federal government periodically makes funds available for specific types of school facilities projects. FUHSD will monitor the availability of such funds and aggressively pursue any such programs for which our projects qualify. For a more detailed description of currently identified federal funding, see Section 3G.

- Lease revenue: FUHSD receives lease revenue from sites/facilities it leases to other organizations. Some revenues could be tapped into if need be to support this program.

- Bid/Project savings: Any bid savings and unused change order contingencies will be returned to the overall project budget for attribution to other identified projects as projects are completed.

Monitoring the overall budget is an ongoing process, one to which FUHSD will pay close attention. An, if need be, the project list and/or identified project scopes may need to be altered if anticipated additional funding does not become available.

Schedule Strategy

The schedule strategy for this plan has been developed taking four primary factors into account.

1. All funds from Measure B and other identified sources will not be available all at once.
2. Identifying and implementing the priority projects by the most immediate need at each site.
3. The time of year a project may be started, its duration, and the need for interim housing for students and staff.

See Section 3-E for the master schedule. The master plan of all identified needs can be found in Appendix A.
B. DISTRICT OVERVIEW

Description of Fremont Union High School District
Originally organized in 1921 as the West Side Union High School District, today's Fremont Union High School District has evolved from those early days. The District purchased the present Fremont High School Site with a temporary building in 1923 and added a new building in 1924.

From the 1924 base of 400 students, the District has grown to over 10,000 students. This growth led to the development of six high school sites - including the currently leased Sunnyvale High School site - serving students and the community from Cupertino, Sunnyvale, San Jose, Los Altos, Saratoga, and Santa Clara. The current District office was established in 1961.

Sunnyvale High School opened in 1956 with 9th and 10th grade classes. As a result of projected declining enrollment and Proposition 13-related budget cuts throughout the District, the high school was closed in 1981 and leased to Westinghouse until 1992. The site is currently leased to private schools, a church, and a daycare center.

Cupertino High School opened in 1958 with 700 9th and 10th graders. Enrollment peaked between 1964 and 1968 with over 2,500 students. In 1986 the science building burned down. It was rebuilt, and a new Field House was constructed with Measure H Bond funds between 2000 and 2006.

Homestead High School opened in the fall of 1962 with 9th and 10th grade classes. The students were housed temporarily at Fremont High School - attending half days due to severe winter weather while Fremont High School students also attended half days. Peak enrollment of 2,500 students occurred in 1968 to 1969.

Lynbrook High School opened in the fall of 1965 with 9th and 10th grade classes. The addition of the District's fourth high school relieved the overcrowding at Cupertino High School.

Monta Vista High School opened in the fall of 1969 with 9th and 10th grade classes easing the overcrowding at Homestead High School.
Response to Draft Recirculated
Environmental Impact Report

Fremont Union High School District
Monta Vista High School Sports Field Improvement and Lighting

Prepared by Susan Camilleri
March 2, 2012
Abstract

While the title of the Draft REIR (Recirculated Environmental Impact Report) is entitled, Monta Vista High School Sports Field Improvement and Lighting, please note that the Field Improvement is not at issue. However, I conclude from the evidence, the lack of evidence, and the ensuing common sense that the lighting portion, and therefore the noise cause by the Fremont Union High School District’s field improvement project be eradicated.

I will respond directly to quotes found in the Draft REIR.
Compared to the original project evaluated in the Draft EIR, this alternative would result in a 66% reduction in the hours of potential evening noise-generating activity. Page 7

Comparing the Reduced Use and Light Levels Alternative to the original draft’s proposed use of lights should show the disingenuousness of this REIR to all that read it. That is, Fremont Union High School Board members Hung Wei on January 31, 2010, Nancy Newton and Barbara Nunes on February 25, 2010, and at the last negotiation meeting in 2011, I understood all to say the original hours and months presented were before “crunching the numbers” and “asking the teachers and coaches what they needed.” The fact the district uses this comparison 42 times as “the 66% reduction” or “compared to the original project” in the REIR is suspect.

The Reduced Use and Light Levels alternative would reduce the significant unavoidable noise impact that would occur under the original project evaluated in the Draft EIR, but not to a less than significant level. Page 7 The REIR further says, “... a strict interpretation of the CEQA noise thresholds would conclude the Reduced Use and Light Levels alternative results in a significant unavoidable noise impact.” Page 7 You supposedly prove your statement with, “Project-generated hourly average noise level increases exceeding the City’s normally acceptable nighttime exterior noise level standard (50 dBA Leq) are considered significant.” Page 5 And yet you also say, the “City land-use policies support the concept that schools are inherently compatible with residential uses and, therefore, locate high schools within residential neighborhoods, as is evidenced by the City of Cupertino General Plan. This could lead one to presume that school activity noise is also considered compatible with residential neighborhoods.” Page 6

The inconsistencies are obvious. The district recognizes they are breaking the city noise law and therefore the noise levels are significant . . . and yet they are also saying the city is supporting the noise caused by this project. It is simply not logical to break the laws of a city yet at the same time find support by the same city that made the laws.
The Reduced Use and Light Levels alternative would result in increases in ambient noise levels which would be infrequent, of relatively short duration, and similar to those commonly associated with high schools. Page 6

There are four objectionable speculations in this statement.

1) Ambient noise increases are unacceptable. The City does not allow me to increase the ambient noise for my neighbors – why does the district have the right to do that to neighbors?

2) “Infrequent” is not factual. After all, we currently experience no more than 14 events a year at night from Monta Vista High School. (Back to School Night, dances, pool games, Senior All Night Party) Conservatively, the district is proposing using the lights and therefore causing, at least, ambient noise – if not significant noise - 152 nights in one year. (There are approximately 14 weeks between Aug and Nov, 4 times a week, + 5 games. From November to March there are approximately 17 weeks, 5 times a week, + 6 games.) I hope to live another 30 years. That is at minimum, 4,560 more supposedly “infrequent” and “significant” noise events for me to expect. While the assessment is ‘tongue in cheek,’ the word “infrequent” is inaccurate.

3) “Short duration” is “in the eyes of the beholder.” A crying baby in a store is usually for a short duration because you can move away, parents try to escape the store as quickly as possible, or the baby receives what he needs and stops crying. However, when there is a crying baby on an airplane for a “relatively short duration,” it is often
intolerable and frustrating. In fact, some planes are asking parents to get off of flights if their babies can’t stop crying.

Furthermore, the district can not argue that Friday night noise is of a short duration when the games start around 5:00 for Junior Varsity and ends at 10:30 for Varsity games. If stadium lights are installed that cause not only ambient but significant noise for the rest of my life – or the lives of every single person around Monta Vista for the rest of their lives – this is not a characterization of “short duration.”

4) The district admitted some people find this project’s noise as irritating. Whether they are common high school sounds are not, there are some sounds only a mother can love – and one of those is a band practicing repetitively . . . for perfection. How many of us have digital pianos or music keyboards or perhaps use Digital Piano Keyboard Headphones for Silent Practice? (http://www.know-your-keyboard-piano.com/piano-keyboard-headphones.html)

Furthermore, I chose a high school for our children and our home. I chose a home that 1) is not close to a stadium, 2) is not close to bands practicing at night, or 3) is not near a school with night activities. I don’t understand how the district has the power to change that condition of my home, change the living values I esteem, and the overall tranquility of my neighborhood.

“ . . . the circumstance under which a sound is generated also affects a person’s response to noise. The type of noise resulting from the project would be sounds commonly
associated with high school activities, including the sound of athletes on the field, the band, the public address (PA) system, and the cheers and stomping of spectators.

It is appropriate to note that we chose to buy our home where “the sound of athletes on the field, the band, the public address (PA) system, and the cheers and stomping of spectators” did not exist. High school ambient noise or significant noises are not common from the high school that I chose to buy a house close to. We chose our home close to a school without a stadium. We made a choice. If there are those for whom “... these sounds are received positively ... “and are living in my neighborhood, they made the mistake, not me. The district is forcing my neighborhood to change “significantly” despite both the law and common sense, and therefore the light and noise portion is “an intrusion into an otherwise quiet neighborhood.”

The evening home high school football games allowed under the original project evaluated in the Draft EIR and the Reduced Use and Light Levels alternative would be scheduled months in advance, with the schedule posted on the District’s website. For this reason, no neighboring sensitive receptor should be surprised or startled by the presence of activity and noise on the school field.

This argument is saying the neighbors not only have the burden of making sure their “sensitive receptors” will not be surprised or startled, but acknowledges our homes will not be peaceful. This district is not only admitting there is a disturbance factor with the football games that could cause surprise and startlement, but saying it is our fault if we are surprised and startled – in our own homes – if we don’t look up the annual schedule on your website. However, this is a repeated tactic. After all, Measure B’s ballot extolled “improving physical education and athletic facilities.” But if we had somehow known to go to http://www.smartvoter.org/2008/06/03/ca/scl/meas/B/, we would have found the
“complete ballot” of 2,131 words where three very important words were excluded from the election ballot -- “stadiums, with lighting. . .”

As a side note, every time you admonish us that this project is not producing a “stadium,” please remember --we are using your hidden words.

Either way, the noise generated during a football games and practices results from a relatively non-threatening event hosted by, played by, and attended by the local neighborhood community - the same neighborhood that is subject to the noise. City land use policies support the concept that schools are inherently compatible with residential uses and, therefore, locate high schools within residential neighborhoods, as is evidenced by the City of Cupertino General Plan. This could lead one to presume that school activity noise is also considered compatible with residential neighborhoods. Page 6

Noises generated during a football games do arguably result in a threatening event. After all, football is a competitive sport. That is, strangers from another school and often another school district are in our neighborhood with competitive young adults. These students are adrenaline driven if they win and often disappointed and occasionally revengeful if they lose. While one side of a football stadium is attended by a neighborhood community, the other half is not! This statement is at best – half true. After all, there is crime, vandalism, drunkenness, and drug use at these games and among the students. A case in point, our daughter won an unexpected softball game and three out of the four cars from our school were vandalized – windows broken, tires slashed, and paint scratched. After eight years of our two sons playing high school football, we experienced an absolute difference in noise and behavior between day games and night games. During the night games there are drunken students at every single game that we ever attended. These students throw up on people’s yards, yell, throw their trash, honk
their horns, peel their tires, and absolutely disrupt the neighborhood’s dogs, family, peace, and tranquility. During the day I saw much less of this behavior. These noises can not be what the City of Cupertino intended for their residential neighborhoods at night for the future life-times of residents after they chose a particular neighborhood in Cupertino, in part, for the absence of a lighted field.

The Reduced Use and Light Levels alternative would meet the project objectives, except it would not extend the student school day to the extent of the original project evaluated in the Draft EIR, which allows practices and non-football games Monday through Saturday until 9:00 PM in the evening. The purpose of this objective is to allow students enrolled in classes that meet in the last period of the day to participate in after school athletics and activities without conflicts. This objective would only be partially met under the Reduced Use and Light Levels alternative. Page 7

This is the only section the district has defended the purpose of this project for students. I feel that, in fact, the installation of lights is unfair to your students. It allows for later activities which in turn limit their rest, their studies, thereby impeding their health. Furthermore, the conflicts of timing are only during games days and since no games, other than football, are played at night, the students still would have to leave 7th period early for games - but usually only for away-games. The school has worked out the sports and natural sunshine hours up to now. What has caused the new need? The objective to guarantee students who want a 7th period and sports is therefore to provide night lights for practices, and the district is asking even more of the students which will lead to less rest and study time with practices until 6:30, 7:30 and even 8:30? Monta Vista is ranked as high as they are, partly because of the number of AP classes offered and attended. The students are getting the classes they want and need. After all, Monta Vista also enjoys a tremendous college attending rate. “90% of our graduates enter college . . .”
While United States wide, “Only 70% of all students in public high schools graduate, and only 32% of all students leave high school qualified to attend four-year colleges.” http://www.manhattan-institute.org/html/ewp_03.htm

Furthermore, while I have never heard one student complain about wanting a 7th period if they also have a sport. However, while I am immersed in high school students daily, I admit I don’t know every single student. Therefore, assuming this is true (may I see data), I know the district could arrange a solution if there was a will. Classes could be rearranged by both the student and, less frequently, by the school, less important classes, like electives, could be substituted, we have middle college and such programs the athletic student could also use as supplementation, etc. With a 90% college entrance rate compare to a 32% national rate, the call for a 7th period at the cost of significant noise to the neighbors is a distortion of the students’ needs.

Although not a physical impact on the environment, it is estimated that the cost to install (materials and labor) the eight-foot noise barrier would be $140 per linear foot. As shown in Figure 2.2-1, the noise barrier would be approximately 1,460 feet in length. Therefore, the cost to install an eight-foot noise barrier along the residential property lines bordering the proposed main field and track at Monta Vista High School would be approximately $204,400.

I understand money constraints and support conservative spending. However, I suggest that installing no lights is an even more fiscally responsible action since this project has significant impact to the neighbors.

Announcements using the public address (PA) system would be prominent during football games with maximum instantaneous noise levels ranging from about 60 to 70 dBA Lmax at the nearest residences. Use of the proposed PA system would contribute to the noise impacts described above for football games.
I would remind the district that softball and baseball games using PA systems will also now impact the neighborhood. I have personal experiences teaching on Friday afternoons on Johnson Avenue, in Cupertino, about one block away from Bollinger and about three blocks away from Cupertino High School. I taught during the JV game, and if we had the glass door open, the PA system was so loud we could hear the name, jersey number, and each and every play description. I had to stop talking every time the announcer talked. We had to shut the door which was triple-paned in order for us to talk, but this measure did not erase the noise or the irritation. You claim the PA system will be better. However, during one SANP, there was a band playing at 9:30 PM and residents from the Monte Bello community, several miles away in the hills, called the Sheriff’s department for mitigation. Measuring noise is not a perfect science and depending on the wind and atmospheric conditions, the number of home affected is not easily measured.

### Noise Barriers, Sound Insulation

While the noise barriers behind the bleachers will partially mitigate the noise impact, they will create a permanent negative visual impact for those neighbors. Noise from football games will be limited to a maximum of six days per year, while the noise barriers will be in place 365 days per year.

Noise mitigations are discussed on pages 7 – 9 and the district has deducted that the noise impact will be “partially” mitigated with walls around the closest neighbors. I would like to point out that it is misleading that “noise” is assigned to “a maximum of six evenings” in this quote. In fact, the district is purporting that the “better than the original plan,” will have at least 152 nights of noise a year. While I understand the lights are not on 365 days
a year – the school is rarely empty because of the fields and other classes offered at the school. A noise barrier would not be worthy for only six days. Misrepresenting the number of days the neighbors would need a noise barrier is confusing. At the board meeting, Glenn Evans, Associate Superintendent, said on January 25, 2010, that if the use of the lights was only for six games, it would not be cost effective. However, the district is making a point that the noise barrier would only be useful for six times – for the football games. What about the minimum of 152 days after dark of use of the lights – thereby making noise. If the district has proof for the ineffectiveness of the barriers, then of course the light portion of the project needs to be eradicated.

This mitigation measure has no beneficial effect on the identified significant noise impact. Page 16

More proof the light portion of this project should be terminated.

This mitigation measure does nothing to minimize the hourly average exterior noise level increase causing the significant noise impact. The measure provides no benefit to the outdoor use areas of the affected residences. Infrequent lighted field activities would continue to substantially increase hourly average noise levels and exceed the City’s exterior noise level limits. Page 16

More proof the light portion of this project should be terminated.

The cost to install sound-rated windows and doors would be substantial, for the benefit provided. Page 16

The comparison of the cost vs. the benefit is noteworthy. I suggest that the converse perspective is that the detriment of a stadium to the neighbors in this particular close proximity is not worth any proposed benefits. That is, if the cost to take responsibility for the detriment this project is causing to homeowners is not feasible, my understanding is
that the district not only has a legal responsibility to stop the noise producing part of the project, but a moral one.

Short of enclosing the track and field within a dome, there are no mitigation measures to reduce the substantial increase in exterior noise levels during evening football games. Similarly, the previously circulated EIR found that there are no alternatives to the project that meet the primary objective of holding evening football games at the Monta Vista campus and avoid the significant noise impact. While the Reduced Use and Light Levels alternative would reduce the noise impact, compared to the original project evaluated in the Draft EIR, it would still result in a significant unavoidable noise impact. Page 19

The district has convinced me. This project does not need lights because they cause noise in which there is no significant reduction that is cost effective.
Conclusion:

I fear this REIR. It is clear the district now feels the noise is not only significant, but there is nothing they are able to do about it - as is shown from repeating this finding 35 times. With these REIR findings, it follows with common sense and the district’s evidence that there is, in fact, mitigation. That is, the stadium light portion of this project needs to be eliminated in order to comply with the significant finding. However, since the district has ignored common sense in regards to the neighbors’ perspective, I fear the district will again find a way to install the lights and expect the significance to be accepted.

In anticipation to find the possible and continued deceitfulness of the District in this project and this REIR, I keep searching for reasons to support this stadium for the sake of the students. I find it discerning that the REIR does not mention the previously most frequent reason for the stadium – school spirit. Obviously, this is a subjective reason to spend millions and subject neighbors to significant noise for the rest of their lives. The 7th period guaranteed option during winter sports was always the second reason purported to improve a student’s chance to get into the competitive colleges of today. The first is frivolous considering that Monta Vista’s school spirit has been strong for over 40 years. The second is simply erroneous since the number of classes is not a requirement of college entrances. However, the lifelong detriment of installing lights that cause significant noise to the neighbors AFTER they have purchased their homes is unacceptable. The lights should not be installed and night football games should not be played at Monta Vista High School stadium.
As a member of the Monta Vista community, I believe the district has gone to great lengths to try to meet the demands and requests of the neighborhood. I hope that the district is allowed to move forward with the completion of this project to encourage the teens of Cupertino to be both academically and athletically participatory.

-lc

Life is a journey. Travel happily.

LeeAnn Constant
11097 Linda Vista Drive
Cupertino, CA 95014

Scanned by Barracuda Spam Firewall  --
• The report is nothing but Public Relations propaganda. My blood pressure sky rocketed as I read the report.

Regards,
Deedee
Wilkinson avenue resident

Scanned by Barracuda Spam Firewall --
Re Monta vista high school lights

Some of us who moved here in the 1960s and 1970s remember that we were promised by Monta Vista High School that there would never be lights at the Football stadium.

However, the Fremont Union High School Board Meeting Minutes from those years are not available to the public as per the FUHS District office. What might we find there?

Don’t allow installation of night lighting at the Monta Vista Football field.

Re MVHS Sound Systems:

the FUHS District is inconsiderate of MV neighbors! Some neighbors cannot even hear their television in their own living room when some activities are currently being held at the football field? Now they want to add 3 new sound systems on 3 new playing fields that will be even louder! Don’t allow the FUHSD to have these 3 loud sound systems.
Re MVHS Fields

How considerate of neighbors is the FUHS District when it changes natural grass fields into six and one half acres of artificial turf that will potentially change our micro climate when it heats up to 125 degrees on very warm days. It is also possible that artificial turf runoff will flood the houses on the Ft. Baker St side and below. Don’t allow MVHS to cover this much ground with artificial turf. Limit the turf to just the football field.

Pat & Fred Dentinger

New Haven Ct.

Cupertino

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The Draft REIR concludes that after reviewing various mitigation measures, there is no feasible and cost effective mitigation measure to transform a significant, unavoidable noise impact to a less than significant one under the Reduced Use and Light Levels alternative. **Then, why is the District pursuing this alternative?** The Santa Clara County Superior Court ruled that the District must show how they will transform a significant unavoidable noise impact to a less than significant one for this alternative. **The District has not done this and the project should be stopped!**

The District attempts to justify proceeding with the project by indicating that the Cupertino city General Plan provides for schools throughout the community. Monta Vista High School was built over 40 years ago in an area surrounded by residential homes. When the school was built, school officials decided not to install lights because it would be an intrusion on the surrounding neighborhood. This concern has not changed and the area now has many more homes. The school area is not large enough to accommodate a lighted football stadium. Review of various mitigation measures by the Draft REIR such as using 8 feet high sound walls jammed against neighboring homes and 6 feet high sound walls above the stadium (figure 2.2-1) and lowering the stadium 25 feet failed to reduce the unavoidable noise impact to less than significant. **The lighted stadium is just too close to the surrounding homes. Why is the District trying to shoehorn a large lighted sports facility into a small area?**

One of the noise mitigation reviews (Sound Insulation, 2.2.1.4 - install sound-rated windows and doors with better sound insulating qualities than those that currently exist in the homes surrounding the field and track), should be considered by the District. There would be a higher level of noise and use that currently exist during daylight hours due to the expanded sports fields and with the elimination of noise from not installing a lighted sports field. The current construction noise is extremely bothersome. The estimated cost is minimal when compared to the cost of renovating the sport fields.

As parents, we don’t give our children everything they want. They are taught to do without for the beneficial welfare of others. Monta Vista High School is one of the top high schools in the nation. Lack of a lighted stadium will not prevent our children from continuing this accomplishment. The various activities under the Reduced Use and Light Levels alternative creates a significant, unavoidable noise impact exceeding Cupertino city acceptable nighttime exterior noise level standard of 50 dba Leq. The District is not obligated to comply with this law. They have chosen not to comply. **The District is telling us that its OK to "break the**
law" and abuse the welfare of the community to get what they want. As our education leaders, it is their responsibility to teach our children to respect the law and welfare of the community.

The District should be looking at realistic alternatives such as Friday and Saturday afternoon games. Many high schools and colleges across the nation do it. We are not Texas, Friday night football is not a tradition here. The District can be innovative and come up with scheduling changes to accomplish this or look at other alternatives. **The degradation and reduced value of our neighborhood from the installation of a lighted stadium is beyond comprehension!** Let's not abuse the physical and mental well being of our residents with significant and unavoidable noise impact!

Bill and Peggy Don
Response and comments to FUHSD Draft Recirculated EIR’s

The January 2012 Draft Recirculated Environmental Impact Reports for both Monta Vista and Lynbrook high schools have been read and will be discussed in the following text. Hereafter these documents will be referred to as DREIR’s. The comments are intended to be constructive towards achieving a resolution that retains the existing quality of life in both communities. Since FUHSD provides an educational service to our communities we chose to use a report card measure with as straightforward comments as civility allows.

Both documents are given a grade of A plus for consistency – consistently inaccurate and self-serving in terms of CEQA preparation and analysis. Grade F minus for communication, use of common sense and honesty, which are also required in proper CEQA compliance. Facts and fundamental questions relative to the DREIR’s and how these relate to communication, common sense and honesty are as follows.

Facts and Questions:

- Measure B has a Bond Authorization of $198m, debt to the community. It has four primary items: 1) Energy, Technology & Infrastructure Improvements with eight sub bullets, 2) Renovation and Construction of Classrooms and School Facilities with nine sub bullets, 3) Exterior & Grounds Improvements with eleven sub bullets and 4) Additional Necessary and Incidental Projects with seven sub bullets. None of these had specific or approximate dollar allocations. If one now adds up the dollars being spent and allocated, it appears that more than 50% of our community debt is going to renovation and construction of fields and Administration facilities. Connectivity to education is not apparent by this allocation of our debt. A fully detailed “specific list” with dollars per sub item should have been in the Measure B disclosure to properly inform the public. Why was that detail not provided? It appears to have pushed FUHSD on a path of CEQA non-compliance.

- Stadiums with lights to extend usage and with resulting noise was a sub sub item buried in bullet 14 of 24 bullet items in the “specific list” while a more clarified explanation was only uncovered after passage of Measure B. Stadiums with tall lights finally came out to the public. This is the primary source of your F minus grade in communication, common sense and honesty.

- That failure to communicate resulted in an uproar from all surrounding neighborhood homes at both school sites and resulted in issue of Draft EIRS by FUHSD. Approximately 800 signatures were gathered to oppose lights for extended usage and resulting noise. FUHSD dismissed these concerns, which is an insult to the communities. These community concerns all centered on lights with accompanying noise, which severely exceed both municipal codes and common sense. Both High School sites were built as pedestrian access from nearby homes. School districts sold off open land and schools. We now have major traffic problems every school day with insufficient help or communication from FUHSD. How does FUHSD intend to correct these failures and comply with CEQA? Actions to date on light, noise and traffic are inadequate.
These neighborhoods are residential on 3 and 4 sides with no open end to freeway or Major Street as buffers. FUHSD has shoehorned these Sport fields directly adjacent to residential lots. These residences have taxpaying adults that care for ill family members and young children who nap in daytime and go to bed in early evening, some work from home, some must retire in the afternoon or early evening to get to their jobs, some work in high stress positions. Everyone needs to come home to peace and quiet. Everyone needs a place of refuge - home - that is peaceful and quiet free from outdoor noise. Noise standards along with many other laws, Ordnances and Municipal codes are to protect all taxpayers equally. FUHSD, in these DREIR’s, needs to comply with CEQA elements and noise standards. There are solutions but FUHSD has not included these. Why? Stop trying to achieve bragging rights and putting 6lbs of sand in 3 lb bags. These are not Universities or Community colleges. FUHSD needs to get a real oar in the water working in an integrated manner with the entire community. When will this happen?

FUHSD was directed by the Court in the LMU lawsuit to partake in negotiations. FUHSD offered no compromise. LMU members wanted to stop after two meetings but were persuaded by several members of LMU to attempt a 3rd meeting. LMU made concessions while FUHSD made none and rejected offers. FUHSD truly fails communication – when and how will this be corrected?

FUHSD Superintendent stated in 3 separate meetings that FUHSD would comply with noise standards. FUHSD subsequently held a Board meeting voting not to honor those commitments. LMU is trying to help resolve these issues so please do not dismiss as in the past. Actions and statements from FUHSD to date cement that “These EIR’s and DREIR’s want to walk like ducks and quake like ducks- but they are not a ducks”. How will FUHSD change this pattern and help our community? Is this a common practice at FUHSD? Failures in communication, common sense and honesty trickle down to our children whom we entrust to educators. Are you trustworthy? Prove it by providing CEQA compliant documents and analyses.

FUHSD issued a FEIR, which attempted to override noise code standards, via subcontractor, Illingworth & Rodkin, Inc. advise using a “qualitative” approach to transform a “significant, unavoidable noise impact” to a “less than significant”. Court rejected FEIR – show analytic route. Subcontractors are hired to complete assignments successfully – FUHSD expected answers that allow project approval hence the qualitative approach and we should enjoy the noise. The DREIR’s now state that FUHSD cannot comply using court directed “analytic route” for the single option plan “Reduced Use and Light Levels Alternative”. Is it “cannot” or “will not”? No reasonable alternative plans were examined – WHY? It is important to know both because it places all statements in the new DREIR’s as self-servings and yet again on the path of deception.

DREIR’s cite Sections 15121(a), 15142 and 15147 from CEQA Guidelines as to how FUHSD is complying with required standards and adequacy. Section 15121 (a) is part of 13 elements in Article 9 of CEQA and when reading it the DREIR’s appear non compliant for more than one element in Article 9. Same problem
exists in Section 10, which has 16 elements including 15142 and 15147. More elements in each article should have been used. Will FUHSD explain in detail why it chooses minimal CEQA elements and then goes non compliant on the selected elements?

- How did the noise level go up from 73% reduction to now 66%?
- How many homes would need replacement windows to get down to 50dBA Leq at Monta Vista and 55dBA Leq at Lynbrook?
- Revise and reissue DEIR’s by removing all statements that tell us how well we should enjoy extended usage, lights and increased noise. We do not need to be bullied or fed self-serving erroneous statements in these DREIR’s. The “qualitative” sales approach does not sell and the Noise Addendum has apparent CEQA flaws. Annoying lights and excessive sound during any time of the day and particularly after 5 PM and later are unnecessary. If one wanted to hear loud noise from sporting events then it should be by choice. Noise is easy to get but hard to eliminate unless you can unplug the source. That is the purpose of noise standards. You do want to comply with CEQA and noise standards?

We request a result-committed discussion to communicate, exercise common sense and honesty. Community acceptance at both schools is the product. FUHSD must have these same objectives to achieve acceptable solutions.

Expecting positive results
Ed and Suzanne Ford
I am resubmitting a question I sent in response to the original EIR, a question which was never addressed, namely, **how does the District justify knowingly and repeatedly breaking the law (the City of Cupertino noise ordinance) in order to hold evening football games?**

The Draft Recirculated EIR concluded: *short of enclosing the track and field within a dome, there are no mitigation measures to reduce the substantial increase in exterior noise levels during evening football games*. Yet, by all appearances, the District intends to continue with the project and hold those games, regardless of the impact to the neighborhood.

As a neighbor of Monta Vista High School, I find the noise impact of holding five to six night football games unacceptable. More significantly, I am appalled by the way the District, which should be encouraging students to uphold the law, disregards it when it suits them. What do we communicate to CUHSD students when the institutions from which they should be learning citizenship set such a bad example? And how does the District plan to respond when the neighbors call the City Code Enforcement Officer each time a night game is played?

Norma Goorvitch
Dear Ellie Johnson:

Regarding the Monta Vista High School Improvement and Lighting Projects, I would like to express my concern about the installation of the PA systems as well as the lights on the main field and track. Because of the unique geological formation of the area around Monta Vista High School, the area essentially serves as an acoustical lens, very similar to a Roman coliseum or a bowl in which sound is uniquely amplified. Sounds transmit remarkably from both Kennedy Junior High and Monta Vista to the areas around and above the schools, and on some days, depending on the weather, one can hear people talking or coughing at both schools from as far away as three or four blocks. On other days the sounds from highway 280 resonate acutely as does traffic noise from highway 85. In short, the acoustics in this area are astounding, and noise coming from the installation of a PA system at Monta Vista, as well as the sounds of cheering crowds, will cause the local neighbors to revolt, the dogs to bark, and coyotes to howl.

Please, please consider the unique area in which we live and cease the installation of the PA systems and lights at Monta Vista High School. Surely, a contractual agreement could be arranged with De Anza College to have all high school games played on their already established fields, complete with lights, PA systems, etc..

Sincerely, Penelope Greenman -- a local neighbor of Monta Vista

P.S.: Furthermore, how many studies have been done on the nature and severity of injuries sustained by athletes on sports fields covered by synthetic turf vs. natural grass turf? It is my understanding that injuries tend to be far more severe on synthetic turf, especially knee injuries. In short, Fremont Union School District could be ripe for future law suits if synthetic turf is installed at Monta Vista and other local high schools.
Response to Recirculated EIR (Section 2.x) regarding proposed sports field renovations at Monta Vista High School (1March2012)

From Ed Irvin, 21825 Hyannisport Drive, Cupertino, CA

The District's attempt to come up with ways to mitigate the significant, unavoidable noise level impacts that would result from increased use of the sports fields at night with lights is appreciated, but I disagree with the conclusions in the Recirculated MVHS EIR. None of the mitigation measures fully mitigates the significant, unavoidable noise impact related to the use of lighted fields. The proposed 8 foot "sound barrier" does not significantly reduce the sound levels that would be experienced by the neighboring residents and the physics behind this proposed solution have not been adequately and fully described and analyzed with respect to how this barrier would significantly reduce noise levels, especially considering the noise levels from elevated locations, such as the bleachers and related sound systems. Nor does the REIR do an adequate job of describing secondary impacts of such "mitigation" efforts, such as sound barriers.

In this REIR, the District fails to fully develop and analyze the impact of other mitigation efforts that would limit the significant, unavoidable noise impacts that exceed Cupertino City decibel level limits. Such operational mitigation efforts, such as Saturday day Football games and Band practices during the daylight hours and on Saturdays or use of local Jr College fields, have not been fully and completely analyzed and assessed as viable options to mitigate the noise impacts of potential lights. Hence, the RIER is incomplete and does not fully examine every reasonable, pragmatic solution that would result in acceptable noise levels. It fails to apply a "analytic route" that leads to their conclusions.
Furthermore, by placing the Batting cages against the Southern border, immediately next to the residents of Hyannisport, the District clearly demonstrates its lack of sensitivity to the overall impacts of the Field design. It is recommended that these batting cages be put in a location that is not immediately adjacent to residential properties. Placing them on the Ft. Baker (East) side of the MVHS property would enable them to be co-located with the field while keeping them more than 25 feet from residential properties.

The current REIR does not address the "Analytic route" to demonstrate full compliance with the following Santa Clara County Superior Court Ruling:

After the District decision, case number 1-11-CV-192050 was brought to the Santa Clara County Superior Court arguing that the EIR did not comply with the requirements of the California Environmental Quality Act (CEQA). On November 30, 2011, the Court ruled that:

"The District did not show the "analytic route" that leads to their conclusion that the variation on the reduced use alternative that was finally adopted somehow transforms a significant, unavoidable noise impact to a less than significant one. The "reduced use" alternative adopted did not change the frequency or length of the single largest project-generated noise
impact—home football games, and they do not incorporate the only measures identified as partially mitigating the game noise—construction of sound barriers at the property line and behind the bleachers nearest to local residences. Nor did District issue a Statement of Overriding Considerations for the Project. Accordingly, the certification of Final EIR that found no significant noise impacts from the five to six home football games per year was not supported by substantial evidence in the administrative record and approval of the EIR constituted an abuse of discretion.”

Furthermore, while describing, in principle, the application of sound barriers, the REIR does not rigorously and completely communicate the analysis that proves these sound barriers would fully mitigate the significant, unavoidable noise impacts of lighted fields.

On a more personal note, the noise barriers and batting cages would create a very disturbing visual environment for those residents with a barrier next to them. Additionally, as a person who must often wake up at 4am to work, it is important to have a reasonably quiet[within city code] and typical ambient light levels conducive to natural evening lighting conditions, for restful evenings and sleep. Having lights and noise past the ~7pm timeframe creates an unpleasant, stressful and, certainly not a restful home environment to live in. Lastly, the REIR does not fully describe how the barriers and the previously planned green zone ("trees along the residential borders") would be designed.
Therefore, from my perspective, the current REIR does not contain any acceptable mitigation measures that would result in a less than significant, unavoidable noise impact related to potential use of lights. Nor does it fully address operational mitigation measures, such as Saturday games. Furthermore, while it described the use of "sound barriers", it does not provide adequate analysis to demonstrate how such barriers mitigate the noise to an acceptable level nor does it discuss the potential, secondary impacts on the residents related to such mitigation efforts. It fails to provide the complete and acceptable "analytic route" needed to be compliant to the above Court ruling. Therefore, I strongly disagree with the content and conclusions of this REIR and do not believe it demonstrates or validates any overriding considerations that would drive the need for lighting (and the resultant noise associated with these lights).

Thank you for your consideration of my comments. As a long time Cupertino resident and strong supporter of MVHS, I look forward to a continued dialogue on this important subject and a solution that balances the desires of the District with its Cupertino resident neighbors.

Regards,

Ed Irvin

jirvin7@att.net

(408) 446-5676
To: FUHSD  
Date: 2/22/12  
Re: Monta Vista field renovation EIR comments

From: Robert Karr  
Linda Vista Dr.  
Cupertino, CA 95014  
408.252.2985

To whom it may concern;

After reading the EIR for Monta Vista’s field project I have a few comments;

I understand the changes being made with the field modifications and my comments do not try to stop these modifications, but are offered to make the changes least offensive to the neighborhood, of which I am a subject.

The EIR is detailed, but the data points are mostly for game events which are few in number. The day-to-day reality of the usage of the fields should be given greater weight, as they will be the most numerous.

The design of the bleachers and sound system are the 2 most important aspects of sound bleed.

The new Home bleachers appear to be twice as long as the previous ones, are they as high as the old ones, or lower? As the EIR notes, lower bleachers on the Visitor side will be beneficial to lowering the noise levels- the same thing is true of the Home side, though that is not addressed in the EIR. Current bleacher designs are noisier than the old ones- they’re mostly aluminum now with no air gaps. They are VERY effective sound-reflectors and transducers when they are empty. People are good sound absorbers and dispersers, though people add to the total sound level, which is cumulative.

The data in the EIR note the dBA Leq of full grandstands, which will be the overwhelming minority. Day-to-day non-game use, like rallies, band and sports team practices, gym classes, will reflect sound into the adjoining area. At my house, 1/2 mile away from the school, I can hear Monta Vista’s pool noise quite well on many occasions, in my house, because the shape and construction of the 3 hard walls around the pool reflect the local noise generated towards the only direction there is no wall. This is the effect massive aluminum bleachers will have- to broadcast the sound into the surrounding neighborhood.

The bleacher recommendation that the visitor side be low and wide is on target as the best noise attenuator. The same construction should be undertaken for the home side.

In addition, there should be some effort undertaken to identify methods of insulating both the front and undersides of the bleachers. This could have multiple forms, like direct
coating of the surfaces, gaps in the bleachers, and structures underneath to interfere with the sound waves.

I’m not a bleacher expert, though I have experience with them because I –am- an audio expert in who has installed sound systems at many local high school football fields and in gyms. So this brings me to the sound system.

There are aspects of the sound design that help keep the numbers low while insuring intelligibility for the events. The EIR notes that increasing the number of speakers allows an overall lower system volume. This is true, but more speakers also create more echoes, and of course, cost. The multiple sources could make performing to a recorded sound track difficult if the system is not designed with this in mind. Choosing the right product (speakers and amplifiers) and locating the speakers on the South side of the bleachers facing North will direct the sound across the tennis courts and parking lot minimizing direct volume to the South and East of the campus, and this will also minimize reflections. This sound system should be capable of being used for graduation, saving a large amount of money over its lifetime. Every parent will want to hear their child’s name clearly.

The sound system design should be done before the fields are finished to allow optimum speaker mounting locations to be prepped (install poles) with cable channels installed for cable to be run.

Respectfully,
Rob Karr
February 29, 2012

TO: FUHSD
    ATTENTION: Ellie Johnson

FROM: The E.H. Kawasaki Residence
       ehkawa@yahoo.com
       Per my Previous Telephone Request

Thank you for having the contractor repair our fence that he broke that is located adjacent to MVHS. This happened during the clearing of the brush and trees along the property line.

In reference to the DREIR, our first observation of the Site Plan (Option A) shows the location of the softball batting cages right behind the homes located on the Hyannisport Drive side. The batting cages before were located on the Fort Baker Drive side across the street from the homes. The noise level from the constant hitting of the balls were reduced by the cage distance away from the homes on Fort Baker Drive.

Along with the constant noise from the softball, field hockey, soccer practice and games, the extension of the eight feet noise barrier should be included all the way to the corner of Fort Baker and Hyannisport Drive.

As we review the DREIR, there are many more conclusions that we greatly differ with and also very much differ in other areas, such as "chemical contaminants from the offgassing of the synthetic turf," "Landscape Drainage System," etc.

Unfortunately, we firmly believe that the FUHSD is out of touch with the local residences' plight. Did we vote for this measure? I don't think so.
Response to Recirculated ERI Monta Vista High School
Athletic Field Upgrade

Tom Kritzer
1 March 2012

Summary
This latest version of the EIR appears to be a series of poorly thought out schemes to satisfy the court's order while maintaining the school board's original plan for the Monta Vista athletic field. It does show that an “analytic route” results in the conclusion that there remains a significant impact under the current project plan. Further, the level of effort invested in coming up with alternatives to mitigate the noise level is very minimal. Very little technical expertise is required to see that building low walls will not solve the sound problem. Also, one can easily see that digging a deep trench to “recess” the field would cause an endless series of drainage problems, not to mention high cost. A dome is just a laughable idea. No serious thought was given to exploring ways to reduce noise while accomplishing the objectives of the project. Rather ineffective mitigation techniques are presented that would allow the project to proceed within the bounds of the current plan. No thought was given to playing football games during the daylight hours (Friday or Saturday afternoons) when the noise would be less disturbing to most neighbors. This accomplishes the objectives of 1) extending the school day by allowing student athletes to enroll in seventh period classes, 2) providing a “home field” for Monta Vista athletes, 3) providing a facility sufficiently large that the entire student body can meet in one place at one time, and 4) reducing operating maintenance costs via synthetic turf. I do not recall that there was ever any specific objective of allowing students to play home football games on Friday nights. Granted, this would be a desirable outcome, but the physical limitations of the available area simply do not allow this without creating a significant adverse impact.

Response to Specific Sections
Section 2.1.1 The section states that “the Reduced Use and Light Levels alternative would both reduce the duration of evening noise levels resulting from the project and limit most of the noise level increases to the early evening hours, when they have less potential to disturb the neighbors.” There is no basis for concluding that excessive noise levels during the early evening hours would be less likely to disturb the neighbors than at any other time of the night. Evening meals for many neighbors occur during the time of increased noise in the early evening hours. I would find that disturbing. With the widely varying schedules of neighbors near the high school, this claim has no basis.

At the top of page 6 of the Recirculated EIR, it is stated that “no neighboring sensitive receptor should be surprised or startled by the presence of activity and noise on the school field.” Surprise is not the issue for me or most neighbors, since even with the Reduced Use and Light Levels alternative, neighbors can expect a significant level of noise for some portion of virtually every evening (except Sunday).

Paragraph 7 states that the sounds generated are “positive” sounds by most people's standards. By this argument, playing enjoyable music at loud levels (as is often associated with a party) would also be a “positive” sound for most people. Yet that is certainly not allowed under the City's ordinances/standard. The issue is not the nature of the excessive noise, but the noise itself and the fact that neighbors can “count” on it virtually every night for years to come.
Response to Recirculated EIR regarding proposed sports field renovations at Monta Vista High School
Jacqueline Kritzer

I appreciate the attempt by the District to come up with ways to mitigate noise levels that would result from increased use of the sports fields. Below are my thoughts after reading the REIR.

- I greatly support the reduced weekly field use hours, but do not see how they constitute a 66% reduction in noise. They new proposed hours of use under the reduced lights/noise plan are much better than the previous schedule but still result in noise into the evenings up to 5-6 days a week. Noise is noise, no matter when it occurs, and its annoyance is magnified with over-exposure, as in the new schedule(s).

- The District has not even tried to incorporate the idea of holding daytime football games on Saturdays so that noise levels could be further mitigated and not have to pass as stringent city noise code requirements. These numbers and hours of football games are the major offenders of Cupertino’s ordinances and neighbor sensitivities. The fact that 5-6 football games will still be held on Friday nights with only PA system modifications does not constitute an adequate attempt to mitigate noise impacts.

- The District did not incorporate the idea of having band practices at Monta Vista during the day, as was the practice in years past. At that time, the band routinely practiced on the football field during first and second periods, which afforded a decent amount of practice time. Students still were able to have full schedules and participate in competitions. Holding band practice during the school day would greatly diminish the need to practice and disturb the neighborhood at night. This is an idea for mitigating the noise impact and addresses the problem of breaking city noise ordinances.

- The District did not incorporate the idea of using NO PA system during ALL weekly practices and games, except for football games, which is a reasonable option. Soccer, baseball, softball, field hockey and band practices can very successfully be conducted with NO PA system at all—as they have been to date. I have been home when small PA systems have been used during an afternoon soccer/field hockey game. It is VERY abrasive.

- Baffling and distributing PA speakers during football games is a good idea but will still not solve the noise impact. The normal PA system of the school during daytime hours rings through the neighborhood daily. I can’t imagine it as loud as a “football-game-adequate” PA system. And the fact that the District says the PA levels can be tempered makes one wonder exactly what kind of noise was originally in the plans.

- Building a sound wall/barrier at the school property line is admitted by the District to not be very effective, and is also not appealing to me as one of those residents who would likely spend the rest of my life in a home with a view of a wall. It would also probably not be effective, as local experience with highway 85 has proven. As with the 85 sound wall experience, the sound would ricochet in unexpected directions, and there is a great chance that an even larger group of homeowners would be affected by school noise.

- The option of tall sound walls behind bleachers (which would allow sound to ricochet and magnify in one direction and still escape in general) does not make sense for a global solution. Check the science.

- Lowering the field levels and building a dome over the track/football area are outlandish ideas that would never be followed through by the District, and are a waste of argument and reader time.

- Offering to install noise-reducing windows and doors for neighboring homes is a generous thought by the District. Unfortunately, I am not convinced that only a few homes at designated distances from the football field will be affected most. Along this same line of thought, another problem should also be addressed—the light pollution. Nearby homeowners will not only have to need sound insulation, they will have to install black-out blinds/window treatments because of the lights. Is the District willing to assist with this expense also? Light intrusion is just as offensive as noise and should be considered also.

The proposed changes to mitigate noise by the District do not address the fact that noise levels will still be above Cupertino standards for after-hours practices and especially during football games. The District has tunnel vision as to solutions, and the ideas expressed in the REIR are sometimes illogical and weakly argued.

The following questions are about the site plan as shown on the last page of the REIR:
- Is it up-to-date? If so,
- Where are the landscaping trees that were promised all around the perimeter of the field property?
- Why is the batting cage for the girls’ softball field still located on a neighboring fence instead of the open fence on Ft. Baker?
Paragraph 8 states that noises from the PA system do not measurably affect average hourly noise levels because the increase in noise levels over ambient is only 5-15 dBA. However that 5-15 dBA is sufficient to push the overall noise level above the threshold of the City's standard. The argument was made that because schools are in the City of Cupertino's General Plan, the school activity noise is also considered compatible with residential neighborhoods. By the same token, the ambient noise levels (that are already there) must be taken into account when the school proposes to add to that noise level. If 5-15 dBA pushed the overall noise level above the threshold, then the school must not willfully cause that threshold to be exceeded. I do not accept the argument that announcements from the PA system can be neglected.

Contrary to the statement in paragraph 9 of this section, predicted noise levels of the Reduced Use and Light Levels alternative are NOT infrequent or of relatively short duration. They are predicted to occur 8 months out of every 12 and for several nighttime hours 5 or more of the 7 nights a week every year. By what standard is this infrequent? The statement that follows suggests that “the reduced duration of evening activity would typically make the noise less annoying and less of an intrusion into the lives of neighboring sensitive receptors . . . .” This statement is insulting. The noises would be every bit as annoying and just as much of an intrusion as the previous plan; they would just be annoying but for a shorter time period.

Section 2.1.2 This section states that The Reduced Use and Light Levels alternative only partially meets the project objectives. I argue that it fully meets the project objectives. It allows the students enrolled in classes that meet in the last period of the day to participate in after school athletics and activities. It does reduce practice time, but that has nothing to do with the project objectives. There is no football practice time objective associated with the project. In fact, I expect that most Monta Vista athletes could make good use of the extra half hour to do homework.

Section 2.1.3 Contrary to the conclusion in the EIR, the Reduced Use and Light Levels alternative does nothing to reduce the significant unavoidable noise impact that would have occurred under the original project. It only reduces slightly the number of times and the duration of those still significant impacts.

Section 2.2.1.1 An expert cannot magically make the PA noise suddenly stop at a certain place. In the absence of a sound barrier, the sound level is attenuated at the square of the distance from speakers. If the sound level at the property line is set to 60 dBA maximum, the level at many neighbors homes will still be 57 dBA or above, which is still above the City statute threshold. Also, a proposed “mitigation” is to configure the system with the volume is as low as feasible. How is this a mitigation? Was the school district originally planning to set it higher than necessary? To suggest that this is a mitigation measure is an insult! The bottom line is that because of the proximity of “sensitive receptors”, if the spectators can hear the PA system, so can the neighbors.

Section 2.2.1.2 The noise barrier along the property line is a silly idea meant to appease the court without any real thought or substance.

The logic throughout the recirculated EIR is appalling. Many of the conclusions do not follow from the facts presented. The set of mitigation proposals offered in the recirculated EIR provide no solutions to
the significant noise impact resulting from the proposed project. Any improvements are modest at best. Most are both minimally effective and expensive, thus providing a sort of justification for maintaining the project in its current form, which, I suspect, was the intent of the School Board all along. There is no re-thinking of how the project objectives could be met while adhering to the City noise statute, such as playing football games during the daylight hours.

I request that this revision of the EIR be rejected and that the project plan be re-evaluated and reformulated to avoid significant adverse impacts to the community.
I just wanted to put in a vote of support for the current construction project at Monta Vista. I am a Cupertino resident with 1 Lincoln Student and 1 Kennedy Student. I'm very excited by the work being done at the future high school of my two daughters.

I'm really saddened that there are community members (I'm assuming that's who's making you guys jump through extra, extra, extra, extra, extra, extra, extra hoops to try and get this project done) that are willing to fight SO hard against what looks to be no more than SIX games that might go until 10:30pm at night.

It is ridiculous to me that people buy homes near schools and then they don't want school noise? Or they don't want parking issues or gosh forbid, children laughing and playing! :)

Anyhow, as a tax paying citizen of Cupertino, I say, "Let the games begin - with lights and sound!" Geez, for six (or even 20) games a year out 365 days!!!! we can all stand a little noise - especially when it is noise related to High School Sports!

My two cents,
Susanne Millar

--

Susanne Millar
(408) 253-7963 hm
(408) 318-7991 cell
suzikeith@gmail.com

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Dear School Board Members,

I recently attended the informational meeting at MVHS hosted by Polly Bove, as well as other meetings on the topic of MVHS and LHS field improvements. It is thrilling to watch the progress on the MVHS fields!

At the recent MVHS meeting, several ideas were suggested to help reduce the noise for the school-neighbors, including sending the neighboring home-owners to dinner and a movie on the evenings of school home games, and the installation of double-paned windows. While all these ideas are nice, they miss the fundamental fact: the people who live next to the schools CHOSE to purchase in that location.

When my husband attended Lynbrook HS during the 1970s, the majority of their home games were at Cupertino HS – as were the home games for the other high schools within our district. Apparently the noise from these night games was considered a normal by-product of a high school since the City has allowed this activity over these many years.

Our City is taking the same amount of noise that has been generated for many years and distributing it across a larger area. Since the noise from evening football games was considered acceptable in the past, having each high school host their own evening games should also be acceptable (and preferable!), and is a more equitable distribution of the same amount of noise.

Thank you for your detailed attention to this topic, and for your service to our community and our students.

Carol Miller
21702 Columbus Ave.
Cupertino
(408) 255-1318
Response to Monta Vista High School DREIR:

In your MVHS DREIR you state on page 6 that:

“City land use policies support the concept that schools are inherently compatible with residential uses and, therefore, locate high schools within residential neighborhoods, as is evidenced by the City of Cupertino General Plan. This could lead one to presume that school activity noise is also considered compatible with residential neighborhoods”.

Yes, you can presume that daytime noise is unavoidable and it is just part of daytime high school activities. But, we are not talking about daytime noise and in the 40 years I’ve lived here, I have never complained nor anyone I know living in my neighborhood.

We are talking about nighttime football games, PA systems, stomping feet and marching bands with 80’ stadium lights to facilitate all this. To say that this is somehow ‘compatible with residential uses’ because a high school is included in the city general plan, implies no control or code enforcement can ever be applied. So, football games at 3:00am would be permitted since the city welcomed the high school into the neighborhood?

After speaking with private and public attorneys about this issue, it is their understanding that local ordinances must be followed unless an exemption or variation is granted by the local government. I may be unaware of special considerations given to school districts. But, if a private institution came before the city and applied for permission to do what the FUHSD is proposing, I would think that they would be thrown out of city hall. Yet, the City of Cupertino chose not to enforce any ordinance and allowed all this to go forward.

Also on page 6 you comment on how noise is perceived by different members of the community. You state:

“Either way, the noise generated during a football games and practices results from a relatively non-threatening event hosted by, played by, and attended by the local neighborhood community - the same neighborhood that is subject to the noise.”

My question is ‘who asked for this to begin with’? Did the FUHSD go into the
Monta Vista neighborhood per above and ask ‘this is what we are going to do in the middle of your quiet neighborhood, we think this is non-threatening, what do you think? We didn’t even know any of this was coming (review your own emails released per the Brown Act).

I’ve been involved in this contentious issue for sometime now. All I can say is that if the district was completely upfront about these lights from the very beginning, we would have a different situation. If the stadium lights issue was clearly expressed in Measure B, I would have voted against it. But, if a majority voted for approval, I would not have liked it, but a majority is a majority and democracy is democracy.

It is the perceived deceptiveness and total disregard and disrespect for the community’s legitimate concerns that has fueled the tension and divisiveness that has descended upon our neighborhood.

Bernie Nachshen, Linda Vista Drive, 408-472-8398
To the FUHSD and the Neighborhoods around Monta Vista and Lynbrook High School.

The FUHSD needs to follow thru with the plans that they have for both high schools. The lights would really help the neighborhoods around Cupertino and Fremont High Schools by giving us a break. The Cupertino and the Fremont neighborhoods have supported Lynbrook and Monta Vista High School for a long time. Why is it that Lynbrook and Monta Vista neighborhoods don¹t mind coming over to Cupertino and Fremont neighborhoods to make noise and enjoy themselves but then they don¹t want anyone coming into there neighborhood to do the same. That¹s not right. Who do they think they are? I think it¹s about time that the neighborhoods around Monta Vista and Lynbrook High School step up and share the responsibility that goes along with having a High School in your neighborhood.

Has the city of Cupertino or the Lynbrook and Monta Vista neighborhoods even consider what our neighborhoods go thru during the football season and band practice and numerous other events that the field and lights support. Think about it. Do what¹s right. It won¹t kill you. Why wouldn¹t you want to support your school¹s sports activities? You sure don¹t mind having our neighborhoods doing it for you. If you don¹t want light¹s then play all of you games and other activities during the day.

I have lived across the street from the fields and the light¹s at Cupertino High School for 55 years. As a matter of fact Cupertino High School did not exist when I moved here. I have played under those lights and have supported the lights for a long time. I think it¹s time for your neighborhoods to step and do the same.

David Parker
Glenn and others at the district,
FYI - I will be forwarding this to the LMU attorney and some of my neighbors.

I will be sending complete comments on the RDEIR later, but this is notification that work currently being done at Monta Vista appears to be an attempt by the district to thwart a possible method of mitigation of the noise. This is an example of why work on the Project should have stopped when the district lost the lawsuit on the basis of noise.

The removal of the large pile of dirt will prevent the use of that dirt to make the design more like Gunn without the expense of hauling that dirt back. The district may well be spending more to haul the dirt away that it would to use it at the site to create a better design in terms of noise and other impacts.

The comment below is from my full comments that are in work. Emphasis has been added for your benefit.

It appears that I will have to replace this statement to indicate that the dirt was on site but it was removed. I have pictures that I will submit.

Instead, much of the existing hillside soil has actually been removed; however, a huge mound of dirt is still on the site.

1. This claim is inaccurate: “Unlike Gunn High School, there is no existing hillside between residences and the field and track at Monta Vista High School or adequate space to construct a hill.”
In fact the area to the west side of the track is lower than the residences because it was at least partially cut out of a hillside. There is a retaining wall between some of the residences and the school because the hill was cut away to make the area to that side of the field level with the track. On the northwest side of the football field a hill still exists.
directly. A doubling of sound level results in a measured increase of 3 dB, four identical sources in a room would increase the noise level by 6 dB and so on. This works both ways, say 10 similar machines in a room produce 100 dBA then removing one machine completely will only reduce the overall noise level to 99.5 dBA, you would need to silence or remove 50% of the machines to achieve a 3 dB reduction. (source: http://www.gracey.com/basics/leq-b1.htm)

3) Reducing the frequency of games only reduce the noise exposure level (dBA L_{ex}) NOT the noise equivalent (dBA L_{eq}) level this report used throughout the REIR.

Again, please do not mislead people with inaccurate terms

3) Why there is no sounds walls starting from 21805 Hyannisport to the houses of Fort Baker (West of the field) ? Do you think they don’t need or the noise level will be much less than their neighbors?

4) How do you decide the 65 dBA is the threshold as acceptable noise level? Again, it is 562% above the City level, not just 30% above the city level one might think!

5) The locations of the baseball cage seems out of date? Does the REIR address the noise level resulted from the baseball/ softball game/ practice use?

I hope you guys will take a serious re-look at those issues, and not be out of touch with local community who again and again support the district/ schools with parcel taxes, but in return with those type of treatment!

Sincerely,

Dennis Yau,

21795 Hyannisport Dr.

Scanned by Barracuda Spam Firewall  --
Perhaps the district completely misunderstood the suggestion to make the stadium more like the Gunn High School stadium. Statements in the DREIR seem to indicate that the district believed the local residents wanted the field lowered so it would be more like Gunn. In fact the suggestion to lower the field was completely separate from the suggestion to make the design more like Gunn.

The Gunn design was considered more desirable than the Monta Vista design because the bleachers were supported by soil/dirt instead of being free standing. Seating supported by soil is preferable from a sound standpoint because foot stomping will not cause as much noise. **There should be plenty of available dirt to be able to provide the support for the seating at least on the west side of the field.** Instead, much of the existing hillside soil has actually been removed; however, a huge mound of dirt is still on the site.

While it would be preferable to support the seating on all sides with dirt, it is certainly possible without much creativity to do that on the west side. In addition the Gunn design is superior for reasons extending beyond noise. The Gunn design has a lower profile because it spreads out the seating more and it does not have a press box elevated as in the Monta Vista design thus making it more compatible with the neighborhood. The Gunn design should be considered as a separate mitigation measure from lowering the field. The Gunn design can provide noise mitigation and also provide benefits of a less intrusive design within the neighborhood.

As a further comment, I cannot for the life of me understand why you did not modify the design to be more like Gunn. The RDEIR does nothing to explain why you didn’t at least try to modify the design on the west side, except possibly you totally misunderstood what about the Gunn design makes it better. How in the world can you claim there is no room for a hill when the hill would be in the same location as the planned bleachers? Is there no room for bleachers?

It seems as though even when you could have made changes that would not at all diminish what you want to accomplish you have chosen not to do so with the only apparent explanation being you just want to punish the neighborhood for daring to stand up for their rights.
COMMENTS FROM DAVID RADTKE, MARCH 2, 2012

COMMENT 1

This is a revised version of comments that can replace the comments dated on March 1. The only changes are this paragraph, the paragraph that immediately follows and the date. I also plan to send an addendum to these comments.

RESPONSE 1

We have replaced the comment letter dated March 1 with this comment letter. Comments in an addendum will receive separate responses under the date they are received.

COMMENT 2

The comments below primarily address the Monta Vista Improvement Projects; however, many of the comments apply to the Lynbrook Improvement Projects as well.

RESPONSE 2

Responses will be provided as they relate to either the Monta Vista project, the Lynbrook project, or both projects.

COMMENT 3

The Draft Recirculated Environmental Impact Report (DREIR) is severely flawed. Instead of providing objective information to the decision makers and the general public, the DREIR misinforms the public. Instead of objectively presenting the significant noise impact of the "Reduced Use and Lighting" alternative, the DREIR portrays the impact as not at all significant except in a technical sense and goes so far as to claim that many people will enjoy the noise. The DREIR does in fact state that noise from the project is a significant impact because the District was forced to state that fact by a court in light of facts presented to the court, but it does so with a wink to the decision makers as it makes numerous assertions and statements of opinion, portrayed as facts, that imply that the noise impact is not at all significant.

RESPONSE 3

The purpose of the REIR is to disclose that the Reduced Use and Light Levels Alternative would result in the same significant unavoidable noise impact that was identified in the previously circulated EIR. The REIR clearly states that the Reduced Use and Light Levels Alternative would result in a significant unavoidable impact (REIR, pg. 5); it does not downplay the impact. The REIR clearly states that evening activity noise under the proposed field lights would result in a significant unavoidable impact, because the increased noise levels would exceed the Cities’ normally acceptable exterior noise level standards (Monta Vista project would exceed Cupertino’s nighttime exterior noise level standard of 50 dBA Leq and Lynbrook project would exceed San Jose’s normally acceptable exterior noise level standard of 55 dBA Leq). The comment regarding the “claim that many people will enjoy the noise” refers to the REIR discussion of factors affecting a person’s typical response to noise. REIR page 6 states,
“The type of noise resulting from the project would be sounds commonly associated with high school activities, including the sounds of athletes on the field, the band, the public address (PA) system, and the cheers and stomping of spectators. For many people, these sounds are received positively and for others they are an intrusion into an otherwise quiet neighborhood.”

**COMMENT 4**

The Draft REIR also misrepresents the previously circulated EIR the District previously approved; or, since the previously circulated EIR, together with this Draft Recirculated EIR constitutes the new EIR, the DREIR contradicts other parts of the new EIR. Specifically, the DREIR misrepresents the previously Circulated EIR in the conclusion section with statement that "the previously circulated EIR found that there are no alternatives to the project that meet the primary objective of holding evening football games at the Monta Vista campus and avoid the significant noise impact." A complete explanation of how it misrepresents the previously circulated EIR is provided below.

In addition the Draft REIR has major omissions

**RESPONSE 4**

It is not clear what misrepresentations and/or omissions are raised by the REIR. Responses to specific comments are provided in the following responses.

**COMMENT 5**

The Draft REIR claims the Court required the District to reconsider only the sections of the previously circulated EIR that are included in the DREIR, but other sections of the previously circulated EIR are also deficient because of conclusions made concerning noise impacts. The court ordered the District to set aside certification of the Final Environmental Impact Report for the Monta Vista High School Sports Field Improvements and Lighting Project and the adoption of the Mitigation Monitoring and Reporting Program for the Monta Vista High School Sports Field Improvements and Lighting Project. It also ordered the District "to reconsider those approvals after appropriate CEQA review."

The District erroneously interprets "reconsider those approvals" to mean that only the project that they previously approved should be considered. The court did not state that only the project approved by the District suffered from incorrect conclusions on the impact of noise. However, from the court's decision it was a forgone conclusion that the project approved by the District had a significant noise impact.

**RESPONSE 5**

The Court order states that the previously circulated EIR was deficient in that it did not show the analytic route leading to the conclusion that the Reduced Use and Light Levels Alternative would result in a less than significant noise impact. The Court directed the District to declare void its resolution certifying and adopting the EIR and adopting the Mitigation and Monitoring Program and to reconsider those decisions after appropriate CEQA review. In response, the REIR reevaluates the significance of the noise impact of the Reduced Use and Light Levels alternative (RULLA), and considers mitigation measures and alternatives to the RULLA to either avoid or reduce the significant impact of the RULLA.
COMMENT 6

That would seem to make it more important for the revised EIR to examine other alternatives in the previously circulated EIR to determine if their noise impacts were correctly stated. One would think that the District would not restrict itself to consider only an alternative that was known to have a significant noise impact. The previously circulated EIR also claimed that the Reduced Use Alternative, the Practice Lights Alternative, the Practice Lights and Homecoming Alternative did not have significant noise impacts. The REIR does not either correct that error or state why those alternatives do not have significant noise impacts.

Obviously, the Reduced Use Alternative suffers from the same significant noise impacts as the Reduced Use and Light level Alternative, and the DREIR should address that. Without that correction the previously circulated EIR, together with the Draft Recirculated EIR still does not correctly state the impact of noise.

RESPONSE 6

The REIR (pg 19) states that there are no alternatives to the project that meet the primary objective of holding evening football games at the Monta Vista/Lynbrook campus and avoid the significant noise impact. The text of the REIR has been revised to clarify that the Reduced Use Alternative, the Practice Lights Alternative, and the Practice Lights and Homecoming Alternative all result in a significant noise impact. The revised text is presented in Section XX of this Amendment to the REIR.

COMMENT 7

The previously circulated EIR does not state if band practices will be allowed for the Practice Lights Alternative and the Practice Lights and Homecoming Alternative. If band practices are allowed, then it is not obvious that those alternatives do not also have significant noise impacts because the DREIR states that band practices have the same noise levels as "typical" football games. The Reduced Use Alternative (RUA) and Reduced Use and Light level Alternative (RULLA) allow two band practices per week in the fall, but the Practice Lights Alternative (PLA) and the Practice Lights and Homecoming Alternative (PLHA) do not specify any limit on the number of band practices in a week or time of year.

In addition the Practice Lights and Homecoming Alternative does include one football game, and the EIR estimates that the crowd will be very large and the noise levels will be at their highest. It is not obvious that the noise impact from a single game is not significant even though the noise impact from the 5 or 6 games allowed under the Reduced Use Alternative and Reduced Use and Light level Alternative is much worse.

As a result, the District has failed to consider almost any alternatives - except the no sports lights alternative - that would eliminate significant noise impacts associated with practices. The District should consider alternatives that would reduce evening noise from practices, in addition to the No Sports Light Alternative, such as eliminating evening band practice, or redesigning and reducing the field to take advantage of opportunities for better sound insulation and noise reduction.
**RESPONSE 7**

As stated in the Amendment to the DEIR, “the Practice Lights alternatives would be identical to the proposed project, except the proposed sports lights would be used only for practices and would be turned off by 7:30 PM.” Not related to noise, the light levels of the Practice Lights Alternative would be reduced from 50 footcandles to 30 footcandles. Practice means both sport and band practices. The Practice Lights and Homecoming Alternative would add one evening football game, presumable Homecoming, and would bring in portable lighting to provide the 50 footcandles necessary to play football. The text of the REIR has been revised to clarify the significant noise impact that would result from the Reduced Use, Practice Lights, and Practice Lights and Homecoming Alternative, in addition to the significant unavoidable noise impact of the Reduced Use and Light Levels Alternative. As stated in the Court order (pgs 10-11) dated November 30, 2011,

“Here both EIRs adequately discussed “a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project…the location and basic layouts of both projects cannot be significantly changed simply because of their nature—to improve/renovate the track and field facilities at specific existing high school campuses. The EIRs address an adequate number of alternatives, and explain that the alternatives that would most lessen the environmental impacts—such as the No Sports Lights alternatives—fail to attain the basic objectives of the projects, extending the school day and allowing both schools to host athletic practices and games that take place after school hours and therefore are often in darkness during the fall and winter.”

The REIR includes an evaluation of mitigation measures to reduce the significant noise impact of the Reduced Use and Light Levels alternative. Additional information regarding the attenuation provided by measures identified in comments to the REIR is provided in Section XX, Revisions to the Text of the Draft REIR.

**COMMENT 8**

The flaws in the DREIR fall into these six major areas with considerable overlap:
1. Incorrect application of CEQA in evaluation of alternatives and objectives
2. Misleading information
3. Inadequacy of information supplied or glossing over important relevant facts
4. Treating opinions and conjecture as facts
5. Incorrect application of cost/benefit ratios and incorrect application of CEQA in evaluating mitigation measures
6. Use of nebulous and overly narrow objectives to limit alternate designs

Comments on specific sections of the DREIR are listed for each type of flaw.

**RESPONSE 8**

Responses to specific comments are provided below.

**COMMENT 9**

Incorrect application of CEQA standards
1. In paragraph nine of Section 2.1.1 when reporting the increase in noise levels above the current ambient levels, it is irrelevant whether or not the noises are commonly associated with high schools. The standard to be applied is how much increase in noise the project will produce above the current ambient the noise conditions.

**RESPONSE 9**

The paragraph noted in the comment is a general discussion about the noise generated by the Reduced Use and Light Levels Alternative. It does specifically relate to any noise standards used as thresholds of significance for a noise impact. In the same section, paragraph five states, “….the noise would still result in a significant unavoidable impact, because it exceeds the City’s normally acceptable exterior noise level standard of 50 dBA Leq.”

**COMMENT 10**

2. In Section 3 Conclusions there are several problems with this statement "The previously circulated EIR found that there are no alternatives to the project that meet the primary objective of holding evening football games at the Monta Vista campus and avoid the significant noise impact."

   a. The first is use of the term "primary objective." In response to Comment 88-5 to the previously circulated Draft EIR, the District stated "All references to the primary objective of the sports lighting have been deleted from the Draft EIR." The previously circulated EIR approved by the District makes no statements concerning the primary objective of the project as a whole, nor does it state that holding evening football games at the Monta Vista campus is a primary objective of the project or a primary objective of installing lights.

   In the previously circulated EIR Section 1.13 Objectives lists Synthetic Turf and Track, Sports Lights, ADA Compliance, and Upgrade/Modernize as the objectives of the project and the Sports Light objective is shown as:

   Sports Lights - extend the student school day by allowing sport practices to extend into the evening; reduce the burden on the Cupertino High School track and field facilities which are currently shared with Monta Vista; and increase student school spirit and pride through being able to hold more Monta Vista events on their home campus

   "More Monta Vista events on their home campus" might or might not include night football games. And even "increase(ing) student school spirit and pride," which the District asserts would result from holding more events on their campus, is only one of three objectives within an objective that itself is only one of the four stated objectives of the project.

**RESPONSE 10**

The REIR used the word primary as a synonym for basic. The word was used in error and has been deleted from the text of the REIR. The revised text is presented in Section XX, Revisions to text of the Draft REIR.

**COMMENT 11**

b. Next, the District does not properly use the CEQA criteria for evaluating alternatives. It implies that any alternative that does not meet the objective of holding evening football games at the Monta
Vista should be summarily dismissed. Furthermore, the "Practice Lights and Homecoming Alternative" does include an evening football game at the Monta Vista, but even that alternative is said not to meet the objective of holding evening football games on campus.

The proper criteria to evaluate alternatives are described in Section 8.1 of the previously circulated and approved EIR. "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects..." And "the alternatives should feasibly attain most of the project's basic objectives, but are to be considered even if they impede to 'some degree': the attainment of project objectives, or could be more costly than the proposed project. (Emphasis added.)

The Final EIR approved by the District never states that the No Lights Alternative (NLA), the Practice Lights Alternative (PLA), or the Practice Lights and Homecoming Alternative (PLHA) do not feasibly attain most of the project's basic objectives, perhaps because they do attain them even though they might impede attaining them to some degree.

**RESPONSE 11**

The text of the REIR has been revised to clarify the significant noise impact that would result from the Reduced Use, Practice Lights, and Practice Lights and Homecoming Alternative, in addition to the significant unavoidable noise impact of the Reduced Use and Light Levels Alternative. The previously circulated EIRs evaluate of a range of reasonable alternatives, in conformance with CEQA. As stated in the Court order (pgs 10-11) dated November 30, 2011,

"Here both EIRs adequately discussed “a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project…The location and basic layouts of both projects cannot be significantly changed simply because of their nature – to improve/renovate the track and field facilities at specific existing high school campuses. The EIRs address an adequate number of alternatives, and explain that the alternatives that would most lessen the environmental impacts – such as the No Sports Lights alternatives – fail to attain the basic objectives of the projects, extending the school day and allowing both schools to host athletic practices and games that take place after school hours and therefore are often in darkness during the fall and winter.”

**COMMENT 12**

It should be noted that Monta Vista High School did not play any of its home games at Cupertino High School last year and instead played them at Fremont High School. Monta Vista does not make any other use of the Cupertino High School fields. Therefore, the objective of reducing wear on the Cupertino High School fields has been met even with no project at all. And no matter what alternative is finally used there is no reason for the District to revert to playing Monta Vista games at Cupertino High School.

**RESPONSE 12**

It is acknowledged that last year Monta Vista played its home games at Fremont High School instead of Cupertino High School. Whether at Cupertino or Fremont, the “home” games were not played on
the Monta Vista campus and resulted in wear and tear on a District high school campus other than Monta Vista.

**COMMENT 13**

i. For the No Sports Lights Alternative the previously circulated EIR states that "Under the No Sports Lights alternative it is also possible that home football games could be played at home during the day." Later it states, "If under the No Sports Lights alternative home football games are played on the Monta Vista campus, the objective of reducing the burden on the Cupertino High School track and field facilities will be met. The objectives of extending the student school day by allowing band and sport practices to extend into the evening and increasing school spirit and pride through being able to hold more Monta Vista events (i.e., evening football games) on their home campus, however, would not be met." Strangely, holding home football games at Monta Vista is said not to meet the objective of holding more Monta Vista events on campus apparently because although more events will be on campus, day football games don't increase spirit and pride by the method the District prefers.

**RESPONSE 13**

Yes, day home football games are not considered by the District to increase spirit and pride as much as evening home football games.

**COMMENT 14**

ii. The Practice Lights Alternative can obviously meet all the objectives that the No Lights alternative can meet. The previously circulated EIR even states that it meets "all of the objectives related to installing the synthetic turf and track, ADA compliance, and upgrading and modernizing the outdoor athletic facilities" and "would extend the school day by allowing practices to extend into the evening." The previously circulated EIR claims that the Practice Lights Alternative would not reduce the burden on the Cupertino High School (CHS) track and field facilities or increase school spirit and pride through Monta Vista High School being able to hold more school events on their home campus." It has already been determined that reducing the burden on CHS facilities can be met with no project at all.

Furthermore, just as with the No Sports Light Alternative, home games could be played on the Monta Vista campus. Therefore, the Practice Lights Alternative can also meet the objective of being able to hold more Monta Vista events on their home campus, but not by the method the District prefers. It would seem that the Practice Lights Alternative can feasibly attain most of the basic objectives of the project. Arguably it attains all of the basic objectives of the project; and even if the alternative impedes "to some degree" attaining project objectives, it passes the CEQA criteria for an alternative that should be considered. Since it also reduces, if not eliminates, the significant noise impact of the Reduced Use and Light Level Alternative, the alternative should be chosen over the Reduced Use and Light Level Alternative.

**RESPONSE 14**

The Practice Lights Alternative will be considered by the District, as will all of the alternatives and mitigation measures identified in the REIR and previously circulated EIR.
COMMENT 15

iii. The Practice Lights and Homecoming Alternative meets all the objectives that are met by the Practice Lights Alternative. In addition the Practice Lights and Homecoming Alternative allows for one night football game per year on the Monta Vista home campus.

The previously circulated EIR states that "holding the Homecoming game on the Monta Vista High School campus would increase school spirit and pride, but not to the extent of the proposed project, which allows for up to six evening football games per school year."

Thus the Practice Lights and Homecoming Alternative unquestionably passes the criteria set by CEQA in that it 1) "would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects..." And 2) it "should feasibly attain most of the project's basic objectives, but are to be considered even if they impede to "same degree", the attainment of project objectives." Since this alternative reduces the significant noise impact of the Reduced Use and Light Level Alternative, it should be chosen over the Reduced Use and Light Level Alternative. This alternative more fully attains of the objectives of the project than the Practice Lights alternative, but it does not reduce the significant noise impact as much as the Practice Lights alternative.

RESPONSE 15

The comment reflects the opinions of the commenter and will be considered by the District Board in their consideration and deliberation of the project.

COMMENT 16

Misleading information
(From Section 1.3)
1. Even the claim that "this Draft REIR provides objective information regarding the environmental consequences of the Reduced Use and Light Levels alternative..." is misleading. Although some objective information is in the Draft REIR, the Draft REIR contains many subjective statement and statements of what the District would like the facts to be.

RESPONSE 16

The comment reflects the opinions of the commenter. Responses to specific comments are provided below.

COMMENT 17

{From Section 2.11
2. As with the previously circulated EIR the Draft REIR continues to mislead the public and the decision makers by making it seem as though the amount of field use and the noise it will produce has been significantly reduced from the original project. While the Draft REIR makes a technically correct statement in comparing the field use of the alternative to what the original project could have used, rather than would have used, the District knows full well that they never planned to use the fields as much as the original plan allowed.
The public record shows that the planned field use, as provided by the principal of Monta Vista, was very close to that allowed by the Reduced Use and Light Levels alternative. The reason the use is so similar is because the Reduced Use alternative was based upon that planned use. Furthermore, comparisons with a theoretical or straw man project are irrelevant, and when treated as relevant they serve only to deceive. This misinformation is repeated four times in Section 2.1.1, quantitatively three times and qualitatively once, and twice in the conclusions in Section 2.1.3.

**RESPONSE 17**

The REIR does not include misinformation. The originally project proposed various days and times that the field lights and resulting field activity and noise could occur. As is common practice in CEQA documents, the originally circulated EIRs evaluated the environmental impacts of the maximum number of hours of potential lit field activity, to provide a conservative estimate of potential impacts. While the immediate District needs may have been less than the maximum hours proposed, the original project, if approved, would have allowed the District to increase activity up to the maximum number without any further environmental review or District Board consideration. The Reduced Use and Light Levels Alternative limited the number of hours of lit field activity, reducing the maximum hours of field lighting by 66%, compared to the originally proposed project.

**COMMENT 18**

(From Section 2.1.1)

3. Paragraph six states that neighbors will not be startled by the noise of football games because they will be aware of the schedule. Although the schedule may be known, a sudden eruption of noise could still be startling. However, one or two eruptions a game will be less of an impact than anticipation of the noise that will occur with each play. The nature of the noise is not a constant amplitude white noise. It will have peaks and valleys in both frequency content and amplitude making it more disruptive to thought, concentration, and sleep.

4. Paragraph seven makes the outrageously prejudicial and subjective statement that the "sounds" of the football games, not noise mind you, are "received positively" by many. One wonders how that was determined and what is meant by many? Have these "many people" actually been exposed to this noise, except when they have been part of it, or are these many people just people who state they would positively receive the sound (or noise) even though they will never actually experience it?

5. Paragraph seven states that a football game is "a relatively non-threatening event hosted by, played by, and attended by the local neighborhood community - the same neighborhood that is subject to the noise." It is misleading to claim that the neighborhood that is subject to the noise is the same as the members of the larger community that may attend the football games. Those attending the games are normally the parents of the players, a small fraction of the student body and a few diehard high school sports fans with most living outside the neighborhood affected by the noise. In addition, a portion of those attending are fans of the opposing team.

6. The statement that "this could lead one to presume that school activity noise is also considered compatible with residential neighborhoods" is both conjecture and misleading. Although much of noise from school activities is compatible with residential neighborhoods, not all noise that a specific school wants to generate is compatible with the residential neighborhood in which it resides. The mere fact that the City of Cupertino includes schools in residential neighborhoods
should not be considered carte blanche for a school to generate any noise it wishes and claim that it is compatible with the surrounding neighborhood. Lighted fields were not installed when Monta Vista was built. That would seem to indicate that lights were not considered compatible with the neighborhood when the school was built and there is no reason to believe they have become compatible in the 42+ years since the school was built.

RESPONSE 18

The comment refers to the REIR discussion of the factors affecting a person’s typical response to noise. In this case, the factor relates to the regularity of the noise and whether the noise is expected or not, and the circumstances creating the noise.

COMMENT 19

7. Paragraph 8 says the substantial increase over the ambient is from cheering spectators and other noise sources do not measurably affect hourly noise levels. Foot stomping by spectators is a contributor to the increase in noise. Referee whistles, even though of short duration, could also increase the hourly noise levels and they definitely cause annoying peaks in the noise with effects on people that are not adequately acknowledged by use of hourly averages.

There has been no consideration of what sorts of noise future spectators may make. Sports fans increasingly rely on objects such as thunder sticks to amplify the noise they make. Such objects are available and there is nothing in the EIR that would preclude their use.

RESPONSE 19

The text of the REIR has been revised to reflect that noisemakers (e.g., whistles, horns, thundersticks, vuvuzelas, etc.) will not be allowed at evening games and practices, as part of the project. The revised text is included in Section XX of this REIR.

COMMENT 20

8. Paragraph nine contains misleading statements about the significance of the noise impact. Stating that "a strict interpretation of the CEQA noise thresholds would conclude the Reduced Use and Light levels alternative results in a significant noise impact" leaves the impression that this alternative results in a significant noise impact only in a technical sense. Is there a loose interpretation of the CEQA noise thresholds that the District believes should be used?

The same noise thresholds applied when the uncirculated draft EIR concluded that the noise levels from the football games alone resulted in a significant impact and also that the noise from non-football activities would result in a significant noise impact, and there was no mention of those conclusions being based upon a strict interpretation of the CEQA. That draft was written by the consulting firm company hired by the District, and that consulting firm had a vested interest in providing their clients what they wanted. Even so, the consulting firm concluded the noise from the football games alone resulted in a significant impact and also that the noise from non-football activities would result in a significant noise impact. Only after the District applied pressure to them including a request to "push the envelope" did the consultants change their conclusions.

RESPONSE 20
Under CEQA, lead agencies do not always apply thresholds of significance to infrequent events. For example, vehicular traffic around a shopping mall during the holidays may exceed a City’s level of service standard, but a City usually does not consider this a significant environmental impact or implement roadway improvements to mitigate the intersection impacts caused by the infrequent traffic. In this case, the District has chosen to conclude in the REIR that increased noise levels resulting from lit field activity, especially evening football games, results in a significant noise impact.

The consulting firms preparing the noise impact analyses and EIRs used their professional judgment and experience in the impact evaluations contained in the EIRs. They were not pressured by the District to change their conclusions.

**COMMENT 21**

Inadequacy of information supplied or glossing over important relevant facts

(From Section 2.1.1)

9. Paragraph three of this section avoids or evades the issue of noise produced by bands using the field. It states "from late August to mid-November, two nights per week practice would last until 8:30 PM" without supplying very relevant information. The practices held at those late hours are band practices. Band use results in much louder noise than sport practices, as later stated in the same section. Many people in the neighborhood are just as concerned about night-time band practice as they are with football games because of the total number of practices that will occur.

The apparent purpose of this paragraph is to provide information on the hours of use for various activities. It seems like a major omission not to point out the fact that, other than football games, the activity that will use lights in the latest hours of the evening is band practice, the loudest non-football game activity and as loud as football games with what the District considers "typical" attendance.

10. Paragraph 8 of contains the seemingly innocuous statement that "the largest increase (i.e., 15 dBA) in noise would result from possible future band practice. During practices and non-football games, worst-hour hourly average noise levels at the nearest residences are calculated to range between 50 and 69 dBA Leq" deserves far more emphasis.

This is the first time that it has been stated that band use is in fact what will cause the greatest increase in noise besides football games. It would seem very relevant to bring out the fact that band practices will occur at the latest hours of any non-football game use. It would also seem relevant to point out that the amplitude of the noise during band practice is the same amplitude as that of a "typical" football game. In addition, it would seem relevant to point out that evening band practices will take place about 26 times each fall. This means that the neighborhood will be significantly impacted by noise over 30 times each fall even if only band practices and football games are considered to have significant impacts.

This is a major new disclosure.

**RESPONSE 21**
The REIR does not avoid or evade the issue of noise produced by band practice. REIR page 4 describes the days and times band practice would occur, and REIR page 6 describes the maximum noise level increases projected to occur during evening band practice. The previously circulated EIRs also describes the band practice.

It should be noted, as described in the REIR, “Monta Vista’s High School’s band does not currently participate in activities that would require evening practice. If, in the future, the band’s activities require evening practice, instrument playing would end at 8:00 PM, but lights will remain on at a reduced level until 8:30 PM while the band instruments and equipment are put away.”

**COMMENT 22**

Treating opinions and conjecture as facts
1. Paragraph nine of Section 2.1.1 states that increases in noise would be infrequent and of relatively short duration. Those statements are opinions and not facts. In addition, band practices will occur twice a week during the fall and the previous paragraph states that band practices will increase noise levels by 15 dBA, just as much as a typical football game. The residents will be subjected to two or three noise events per week that generate significant noise for hours at a time. And there would be over 30 high noise producing events from football games and band practices alone.

**RESPONSE 22**

The approximately 30 high noise producing events per year that are noted in the comment, all but six of which last two hours, when compared to a permanent increase in noise levels, are considered by the District to be infrequent and of relatively short duration.

**COMMENT 23**

2. In Section 2.1.2 I question the accuracy of the claim that the objective of "allow[ing] students enrolled in classes that meet in the last period of the day to participate in after school athletics and activities without conflicts" is only partially met. The administration and board members have stated their goal is not to have students take classes in all seven class periods but to allow students to maximize course selection while taking six courses and to make scheduling easier. Manta Vista is a very large school with close to 2400 students and it has many sections of all the main courses and multiple sections of many other courses. More students and more course sections make scheduling easier. Of course as a large school Manta Vista offers a more variety of optional courses that smaller schools are unable to offer. Although not every student may be able to take every course he or she wants, Manta Vista students have a greater choice of classes than most schools. The school has accommodated athletes for many years by giving them priority in scheduling so they could avoid a 7th period class. It does not seem like a major problem to continue that policy even though some students might not get their first choice of an elective.

**RESPONSE 23**

The Reduced Use and Light Levels Alternative limits the maximum number of hours the sports light can be used, thereby reducing the hours afterschool activity can be held. In this regard, it does not meet the stated objective of the District to the same extent as the originally proposed project.
COMMENT 23

3. Regarding the letter from the noise consultant: Very little new information is provided by the Noise consultant. However, he does bring to light one extremely important new piece of information that had previously been withheld. Band practices are the cause of the highest noise levels for non-football game events, and they will occur 26 times a year. These facts show the Reduced Use and light Level Alternative to be even more impactful than what might have been thought from the original EIR.

RESPONSE 23

Information about the proposed day and time of band practice and the noise levels caused by band practice was not previously withheld. The Draft EIR (pg 67) states, “Noise from practices and non-football games, including the infrequent use of the PA system, would substantially increase hourly average noise levels approximately five to 15 dBA above current conditions…” Additionally, the three sample noise measurements included in the noise impact analysis (which were the basis of the projected noise levels) included maximum and hourly average noise levels of the marching band.

COMMENT 24

Although the noise consultant may be able to measure noise and estimate the intensity of noise at various locations, there is no reason to believe his opinion regarding what frequency or duration of noise is significant is of any worth. His biography on LinkedIn gives no indication of expertise in the impact of noise on people. He reports that his expertise includes performing field research, analyzing data, and noise modeling. Similarly his biography on the Illingworth & Rodkin, Inc. website also gives no indication such expertise. Yet the entire argument being made that the Reduced Use and Light Level Alternative does not have a significant noise impact is based upon his opinion.

What is more the court has already rejected the arguments that this alternative does not have a significant noise impact based upon essentially the same information regurgitated in his letter and within the DREIR.

RESPONSE 24

The significance conclusion made by the noise consultant for the Reduced Use and Light Levels Alternative is based upon the professional opinion of a senior acoustical consultant and Principal of Illingworth & Rodkin, a well-regarded acoustical engineering firm with 25 years experience preparing CEQA noise impact analyses.

COMMENT 25

One might ask the consultant, or for that matter a member of the Fremont Union High School District Board of Trustees, if a neighborhood resident held 5 or 6 evening parties each fall that had the noise levels of the Monta Vista football games and also had a band practice in his garage 26 evenings each fall if he would consider that to be insignificant. Is noise of equivalent amplitude, duration, and frequency of occurrence produced by his client less significant than what would be considered unacceptable if produced by a resident of the neighborhood?
**RESPONSE 25**

The REIR concludes that the noise levels generated by football games and non-football games and practices under the proposed sports lights would result in a significant unavoidable noise impact. The comment does not raise any questions regarding the adequacy of the REIR.

**COMMENT 26**

Incorrect application of cost/benefit ratios and incorrect application of CEQA in evaluating mitigation measures
(From Section 2.2.1.4)
1. The conclusion that "this mitigation measure has no beneficial effect on the identified significant noise impact" is incorrect. Although this mitigation (sound insulating doors and windows) does not completely eliminate the impact, it does have a substantial beneficial effect on the interior noise impact. Although the noise produced at the property line determines whether the noise impact is significant, noise reduction indoors provides a clear benefit.

The conclusion correctly states that "the measure provides no benefit to the outdoor use areas of the affected residences" and although those living near the football field would like to be able to enjoy themselves outside their homes during football games and band practices, many will prefer to remain indoors while those night time noise activities are taking place. As a result they will receive a very worthwhile benefit. It seems as though this conclusion was reached by considering only the ability of the mitigation measure to bring the noise levels below the threshold of significance and without considering the benefit to the people who will be exposed to the noise, especially compared to what will result if no mitigation is performed.

**RESPONSE 26**

The REIR text evaluates the identified measures ability to avoid or reduce the significant noise impact, in this case exterior noise level exceeding the City’s exterior noise level limits. The comment states the opinion of the commenter regarding the mitigation measure of providing sound insulating windows and doors to the most affected residents. The comment does not relate to cost/benefit ratios.

**COMMENT 27**

2. The District should consider providing sound insulating doors and windows to more residents than those identified.

**RESPONSE 27**

The REIR (pg 14) provides an explanation for determining the residences identified for the mitigation measure. The opinion of the commenter is noted and will be considered in the District’s deliberation of the project.

**COMMENT 28**

3. To further improve the benefits of installing sound insulating doors and windows for those residents most impacted, the District should also consider installing central air conditioning for those
residents. That would at least partially provide mitigation when homeowners would like to open their windows in the evening to provide cooling.

RESPONSE 29

The opinion of the commenter is noted and will be considered in the District’s deliberation of the project.

COMMENT 30

4. The conclusion that "the cost to install sound-rated windows and doors would be substantial, for the benefit provided" is very subjective and not justified. The estimated cost is only $207,000 as compared with the projected $14.25 million cost of the entire Monta Vista project. (Reference: FUHSD 2010 Program Improvement Plan) And as stated in the previously circulated EIR the source of funding is a $198 million bond measure. This comment is not meant to imply that no consideration should be given to cost, only that in this case the cost seems to be very low and the benefit is really very high if the Reduced Use and light Level alternative is actually used. If cost is that much of a concern, lights could be eliminated from the project and the savings would be far more than the cost of this mitigation.

5. The cost to benefit ratio is relevant if applied to the entire project; however, the District has never considered how the cost of the project could have been reduced with minimal or no reduction in the benefits provided by the project. And it has never considered how much benefit is generated for the cost in terms of both money, impact on the neighborhood, and lost trust and goodwill.

RESPONSE 30

The opinion of the commenter is noted and will be considered in the District’s deliberation of the project.

COMMENT 31

6. While it is correct that "the District has no control over implementing the measure without permission from the homeowner," this does not seem to be a major impediment to making this mitigation available to those who want it. Of course if the District is able to eliminate the significant impact of the noise, e.g., by using a different alternative then there would be no need for the mitigation or to request permission of the homeowners.

RESPONSE 31

The opinion of the commenter is noted and will be considered in the District’s deliberation of the project. Add info from surveyed residents

COMMENT 32

(From Section 2.2.1.5)

7. I question the accuracy of the statement "based on this input from the public, the bleacher heights and the elevation of the field and track were lowered during design of the original project." At the meeting at Monta Vista at the start of the EIR process the public was told the football field would be
lowered by three feet from its then current elevation and District spokespersons suggested four feet might be possible until the designer choked and said the field was really only being Lowered by 2½ feet. By the time the EIR was written the lowering was only 1½ feet. This is another example of the District taking credit for making a positive change when in fact the change from the project as initially presented was actually detrimental.

**RESPONSE 32**

*(Question to District – was the project ever proposed lower?)* The Monta Vista track and field layout first considered was at grade; it was lowered 1½ feet in an effort to reduce the noise and visual impact of the lights and bleachers.

**COMMENT 33**

8. This claim is inaccurate: "Unlike Gunn High School, there is no existing hillside between residences and the field and track at Monta Vista High School or adequate space to construct a hill," In fact the area to the west side of the track is lower than the adjacent residences because it was at least partially cut out of a hillside. There is a retaining wall extending four foot above the school grounds (prior to construction) because the hill was cut away to make the ground on the school side of the retaining wall level with the track. With the use of a Gunn-like design much of the dirt would be returned to the hillside and the retaining wall would not be required.

The Gunn design may be more difficult on the east side of the football field, but even there with additional spreading out of the seating and reduction in the capacity of the stadium a modified Gunn type design could work. (Despite what the District may claim, the current design has little in common with the Gunn design.)

Perhaps the District completely misunderstood the suggestion to make the stadium more like the Gunn High School stadium. Statements in the DREIR seem to indicate that the District believed the local residents wanted the field lowered so it would be more like Gunn. In fact the suggestion to lower the field was completely separate from the suggestion to make the design more like Gunn. The Gunn design was considered more desirable than the Monta Vista design because the bleachers were supported by soil/dirt instead of being free standing. Seating supported by soil is preferable from a sound standpoint because foot stomping will not cause as much noise. There should be plenty of available dirt to be able to provide the support for the seating at least on the west side of the field. Instead, even more of the existing hillside soil has actually been removed. A huge mound of dirt was on the site and it could have been used. However, the District paid to have the dirt hauled away. This was done even though I informed the District that dirt that could be used for support of the seats was being hauled away. In addition the Gunn design is superior for reasons extending beyond noise. The Gunn design has a lower profile because it spreads out the seating more than the Monta Vista design, and it does not have a press box elevated as in the Monta Vista design thus making it more compatible with the neighborhood.

The Gunn design should be considered as a separate mitigation measure from lowering the field. The Gunn design can provide noise mitigation and also provide benefits of a less intrusive design within the neighborhood.

**RESPONSE 33**
In response to the comment, the noise consultant evaluated the potential noise attenuation gained by constructing the bleachers over an earthen berm.

Constructing the bleachers on a berm would change the character of the sound made by stomping feet, as the stomping would occur on concrete (The Gunn High School bleachers are set on concrete over the berm) rather than metal, but would not substantially affect overall measured noise levels. The stomping of feet on bleachers is a source of noise that is occasionally observed at sporting events. When this particular source of noise is observed, the duration of the event is brief, and the noise levels generated during the event is well below maximum noise levels from the predominant noise sources that contribute to hourly average noise levels (i.e., cheering). The brief periods of foot stomping do not substantially affect the hourly average noise level. The brief periods of foot stomping do not substantially affect the hourly average noise level and do not result in the maximum instantaneous noise level. Constructing the bleachers on a berm would not reduce the noise impact to a less than significant level. Unless the berm is six feet above the uppermost bench, the noise attenuation provided by the berm would be less than the attenuation provided by the mitigation identified in the REIR (i.e., constructing a soundwall behind the bleachers that extends six feet above the top row of the bleachers).

The home bleachers and press box would be on the east side of the field, so they would not be adjacent or visually intrusive to the homes in the neighborhood.

COMMENT 34

Use of nebulous and overly narrow objectives to avoid alternatives

1. The District's stated objective of increasing student school spirit and pride through being able to hold more Monta Vista events on their home campus is both overly narrow and extremely nebulous. It is overly narrow because it overly restricts alternatives. School spirit and pride are nebulous concepts. What characteristics does the administration want students to exhibit and what do they find lacking? Is there something wrong with students who don't exhibit the characteristics that the school administration venerates, and will having a lighted football stadium on campus transform these students into the prototypical form they prefer?

The administration seems to be begging the question by assuming holding night football games on campus will increase school spirit and pride in students that don't exhibit the requisite level. Won't the students who already show the type of spirit and pride that the administration wants to instill be the ones who benefit from night games rather than those they find lacking?

It is a failure of the first order by the District administration if they look to night football games as the best or only method to engage students. In addition, pride is not always an admirable quality. What sort of pride do students acquire by knowing that their school has a lighted football field? Have they accomplished something of which to be proud? Apparently the District believes merely knowing Monta Vista has a lighted field will make them spirited and proud, since they don't expect many to actually attend most games. They have estimated that typical games will have an attendance of 700. Of those easily 200 could be from the opposition and likely another 100 parents, teachers, and other adults will attend. That leaves an estimate of only 400 students, including cheerleaders and pep band members, attending the games, only 1/6 of the student body. Either they don't expect many students to attain spirit and pride through football game attendance, or the estimates of attendance were low balled to lower the reported noise
The one game per year when attendance is expected to be high is Homecoming where the District expects about 2300 to attend. If that is accurate, there may well be 4 or 5 times as many students that attend homecoming as attend a typical game. It would seem that Homecoming is the only game of much benefit at all in creating school spirit.

RESPONSE 34

The previously circulated EIRs sufficiently described and supported the District’s stated project objectives and evaluated a range of project alternatives. No further justification for the District’s objectives is required in response to the court order, as it concluded that a sufficient range of alternatives had already been addressed. As stated in the Court order (pgs 10-11) dated November 30, 2011,

“Here both EIRs adequately discussed “a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project…The location and basic layouts of both projects cannot be significantly changed simply because of their nature – to improve/renovate the track and field facilities at specific existing high school campuses. The EIRs address an adequate number of alternatives, and explain that the alternatives that would most lessen the environmental impacts – such as the No Sports Lights alternatives – fail to attain the basic objectives of the projects, extending the school day and allowing both schools to host athletic practices and games that take place after school hours and therefore are often in darkness during the fall and winter.”
RESPONSES TO COMMENTS FROM DAVID RADKTE, DATED MARCH 2, 2012

This is letter is an addendum to the comments I submitted by email at 12:20 PM today, March 2, 2012.

COMMENT 1

The Draft Recirculated Environmental Impact Report (DREIR) should have addressed additional alternatives because of the highly relevant new information disclosed in the DREIR and also new information that is not disclosed in the DREIR.

RESPONSE 1

The previously circulated EIRs evaluated a sufficient range of alternatives, as stated in the Court Order, (pgs 10-11) dated November 30, 2011,

“Here both EIRs adequately discussed “a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project…The location and basic layouts of both projects cannot be significantly changed simply because of their nature – to improve/renovate the track and field facilities at specific existing high school campuses. The EIRs address an adequate number of alternatives, and explain that the alternatives that would most lessen the environmental impacts – such as the No Sports Lights alternatives – fail to attain the basic objectives of the projects, extending the school day and allowing both schools to host athletic practices and games that take place after school hours and therefore are often in darkness during the fall and winter.”

COMMENT 2

The previously circulated EIR reported that “noise from practices and non-football games, Including the infrequent use of the PA system for games, would substantially increase hourly average noise levels approximately five to 15 dBA above current conditions between the hours of 5:00 PM and 9:00 PM.” However, it never disclosed at what hours the highest noise levels would occur or what would cause the highest noise levels. The DREIR reveals for the first time that band practices are the source of the highest increases in noise above ambient conditions of any of the non-football game events, and band practices are the latest of all field uses. Furthermore the noise produced by the band is the same noise levels produced from typical football games, and there will be 26 band practice each fall. These are a major new disclosures.

RESPONSE 2

The information about the band practice noise is not a new disclosure. The previously circulated EIRs describe the days and times band practice would be held and the noise levels that could be generated during band and sport practice. The Environmental Noise Assessment included in the circulated Draft EIR included the hourly average and maximum noise levels generated by marching bands that were measured at three high schools; this information was used to project the band practice noise levels. It is unknown and speculative to project at what exact hours the highest noise levels would occur, or what would cause the highest noise levels, since it would likely depend upon the songs being played by the band and the specific circumstances of a given practice.
It should be noted, as described in the REIR, “Monta Vista’s High School’s band does not currently participate in activities that would require evening practice. If, in the future, the band’s activities require evening practice, instrument playing would end at 8:00 PM, but lights will remain on at a reduced level until 8:30 PM while the band instruments and equipment are put away.”

**COMMENT 3**

In addition, the DREIR never reveals that Monta Vista High School played all of its night football games at Fremont High School last season and played no football games at Cupertino High School. In doing so the District demonstrated that it can meet one of the objectives of Sports Light, that of reducing the burden on Cupertino High School fields, with all alternative designs including the No Project alternative.

**RESPONSE 3**

It is acknowledged that last year Monta Vista played its home games at Fremont High School instead of Cupertino High School. Whether at Cupertino or Fremont, the “home” games were not played on the Monta Vista campus and resulted in wear and tear on a District high school campus other than Monta Vista. Similarly, whether at Cupertino or Fremont, Monta Vista was not able to hold the night football games at their home campus.

**COMMENT 4**

As a result of the new information alternatives should be considered that reduce band noise and include the use of Fremont High School fields, and Homestead High School fields if permitted, for Monta Vista High School home night games.

A highly attractive alternative could be a combination of the No Sports Lights alternative and the Practice Lights and Homecoming alternative. Installing no permanent lights and using portable lights for the Homecoming game would eliminate night band practices and the Homecoming game could be played on the Monta Vista campus at night. The remaining four games might be split between two games at Fremont or Homestead High Schools and two day games on the Monta Vista field. Monta Vista has historically played one day game, so this plan would increase that by one game which seems like a minor change. This plan would have three new events on the Monta Vista campus, and that would seem to attain most of the objective “increase(ing) student school spirit and pride through being able to hold more Monta Vista events on their home campus.” There are numerous possibilities with the number of night games and number of day games and the use of various fields that the District might consider even if every one of those alternatives is not explicitly examined in the DREIR. However, enough alternatives that don’t have significant noise impacts need to be evaluated. Currently except for the No Sports Light Alternative and the No Project Alternative there are no Alternatives that have properly been shown not to have a significant noise impact, although if they were examined some of them might meet that standard.

Concerning a possible Central Coast Section (CCS) playoff game, some playoff games are played on Saturday afternoons now so a day game at Monta Vista is possible; and an occasional night playoff game could be a topic of negotiations. Of course the Monta Vista field should be used for playoff games only if Monta Vista is actually playing in the game.
The Practice Lights Alternative and the Practice Lights and Homecoming Alternative are less attractive options for two reasons. First those options don’t preclude band practices although they would not run as late as other alternatives, and perhaps there may have been no intention of having band practices with those alternatives even though the description would not preclude them. Second, it would be too easy for the District to incrementally increase the times the light would be used. Third, even though the District refers to the lights that they would use as practice lights, those lights could easily become game lights very possibly without even increasing the number or illuminating power of the lights.

**RESPONSE 4**

The project alternative described in the above comment is hereby included in the environmental record and will be considered by the District in their deliberations on the project. The previously circulated EIRs evaluate alternatives of using portable lights and limiting games to the Homecoming game. There are an infinite number of combinations and permutations of alternatives to the project. The previously circulated EIRs evaluated a sufficient range of alternatives, as stated in the Court Order, (pgs 10-11) dated November 30, 2011,

“Here both EIRs adequately discussed “a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project…The location and basic layouts of both projects cannot be significantly changed simply because of their nature – to improve/renovate the track and field facilities at specific existing high school campuses. The EIRs address an adequate number of alternatives, and explain that the alternatives that would most lessen the environmental impacts – such as the No Sports Lights alternatives – fail to attain the basic objectives of the projects, extending the school day and allowing both schools to host athletic practices and games that take place after school hours and therefore are often in darkness during the fall and winter.”

**COMMENT 5**

With the planned noise increases that are allowed under these plans, and even more so for the Reduced Use and Light Level Alternative, the District will establish a new “existing” ambient noise level that future increases in noise production will be measured against, if the District would even go to the trouble of doing another EIR to change the usage. Only by agreeing that any additional noise producing use of the fields will use the ambient conditions prior to the start of the initial EIRs as the baseline for a new EIR could that be prevented, if it is possible to prevent at all.

**RESPONSE 5**

As projects are approved and development occurs, the existing conditions at a given location change, including the ambient noise level. The proposal described in the comment will be considered by the District in their deliberations on the project.

**COMMENT 6**

The need for practice lights at all is highly questionable and the district has been presented with information that it has thus far ignored showing the very limited benefit of extending sports Practices. The planned use of lights for band practice would be the only extended usage of practice
lights if the lights were used only when they were really needed as opposed to the turn on times planned. From the new information provided in the DREIR, it would seem that the 26 scheduled band practices would be a significant noise impact that should not be allowed. As a result the installation of practice lights is not warranted.

**RESPONSE 6**

The District’s objectives for the project, including the objective of holding evening band and sports practice, has been clearly documented in the EIRs; it does not need to be further justified.

**COMMENT 7**

In addition, it is questionable if the District is using the correct lighting standards for practice use or if there are any real standards at all as opposed to recommendations. Most of the recommended levels are set with the view of the spectator in mind and have little or nothing to do with safety. The reason being that much more light is required for spectators to easily see the action than is needed for safety. As a result the recommendation for illumination increases as the size of the stadium increases; however, crowd size or stadium size have no impact on the light needed for players to see. The next consideration is the capability of the players to be able to compete well and again more light is needed for that than for safety. Only sports like baseball where it is possible to be hit be a hard ball it not seen does safety become a factor.

The Illuminating Engineering Society of North America’s IESNA Lighting Handbook calls for 200 Lx or 20 Fc for Class IV use vs. the 30 Fc of the District’s practice lights, and it is questionable if practices require even that level of light. That same Handbook also lists 20 Fc for illumination in baseball outfields where there is a greater chance of losing the ball than in football because of the size of the ball and the height at which the balls reach, and getting hit be a baseball is more dangerous than getting hit be a football even if the football player was not wearing a helmet and padding.


**RESPONSE 7**

The light levels proposed by the project were recommended by a consulting lighting engineer, for the location of the field and light standards, and the activities proposed by the District to occur on the field. It is acknowledged that lower light levels are acceptable for practices, when there are few spectators, and at the end of practices, when equipment is being put away. The Reduced Use and Light Levels Alternatives includes the use of lower light levels during the last 30 minutes of sport and band practice for this reason. The opinions stated in the comment are hereby included in the record and will be considered by the District in their deliberations of the project.

**COMMENT 8**

The previously circulated EIR makes claims regarding the need for diesel generators to run portable lights and the neighbors could be more concerned with that noise. Those are just excuses and not reasons to eliminate portable lights. First it is certainly possible to provide power to portable lights through the regular grid especially if the district puts in the necessary outlets or wiring for that to
occur as the project is built. Second, all the resident I know would much prefer a single game each year with a higher noise level than to have 5 or 6 games and 26 band practices.

Also the District claims that it has the interests of the neighboring residents in mind by using 80 foot high light structures; however, most neighbors would much prefer much shorter structures if the lights were not used for games and preferably also not for band practices and they were truly of only of the illumination level actually necessary. When LMU was in discussions with the District, LMU pointed to this as a possible area of agreement, and members of LMU volunteered to help the District ask the neighbors what they would prefer; however, as yet the District has ignored the offers.

Finally, neighboring residents of both schools are more than willing to help design alternatives. That would avoid all the erroneous assumptions the District has made concerning what the neighbors would prefer.

**RESPONSE 8**

The opinions stated in the comment are hereby included in the record and will be considered by the District in their deliberations of the project.

**COMMENT 9**

Again some of these comments apply more to Monta Vista than Lynbrook but most are easily transferable. The fact that Monta Vista does not play football at Cupertino High School (CHS) lessens the need for Lynbrook to reduce its use of CHS. The concepts of one night Homecoming game with portable lights and No Sports Lights installed works for Lynbrook, and with the alternative defined above Lynbrook’s use of CHS would drop to two games.

**RESPONSE 9**

Please refer to previous response to Comment 4 regarding the evaluation of additional alternatives to the project. The opinions stated in the comment are hereby included in the record and will be considered by the District in their deliberations of the project.
These pictures are submitted as exhibits to go along with comments on the Monta Vista Fields project Draft REIR submitted by David Radtke

Pictures taken as large mound of dirt was being moved away from Monta Vista fields on February 9, 2012. The District including the Superintendent was aware of this the following day.
Photos taken February 15, 2012. This was five days after the Superintendent was informed of the work being performed.

Today is March 2, 2012 and the dirt pile is long gone (no photo).
Response to “Draft Recirculated Environmental Impact Report”

As per the DEIR:

1. During August, September, October and November, for a period of 11 weeks there will be football practice and lights 4 times a week until 6PM and possibly band practice and lights until 8PM 2 times a week

2. During November, December, January, February and March, for a period of 17 weeks removing the holidays, there will be Soccer practice 5 times a week until 6PM under lights

This is a total of 28 weeks during which games and potentially band practice under light are played right behind our house on Linda Vista Place. We already have double pane windows and the sound level is quite high when there are activities on the play ground, in particular during band practice. The sound is so high that it is difficult to hear the TV. As you can see, the quality of our life will be significantly affected if you were to go ahead with this plan.

There is no buffer zone between the adjacent houses and the school playground. Any activity that produces noise above the city guidelines will significantly affect our livelihoods. We request you to please take this in to consideration.
Attention: Ellie Johnson:

The EIR does not properly address the noise levels associated with night time events in my neighborhood. The current PA system at MV High is very loud as is; a stadium full of cheering fans will make night time events intolerable.

Regards,
Bill StClair
10797 Linda Vista Dr
Cupertino, CA 95014
EIR Review Board and Honorable of Santa Clara County:

Has anyone actually walked in the backyards of those neighbors who are adjacent to the field? I walked over to see the view from the backyard and I was horrified and saddened for my neighbors. I once lived 4 blocks from a sports facility and every time there was a cheer for a score, the windows rattled. Decibels of noise are one thing but the actual physical reality of the sounds of voices the screaming and feet stomping, horns blowing, and pa system creates a very different environment than what is printed on the page. The anger this has created and will create is more than any reasonable person should be asked to endure. The bedrooms of these houses are next to the field. No children of elementary age will be able to sleep by 8:30 on any school night.

I am requesting a reduced use to weekends only, no lights whatsoever. The purpose is to create an environment of daylight for those adjacent homes. No more view of the stars for our neighborhood.

40% of our property taxes go to the schools and only 5% runs the whole city of Cupertino. This is why there is an unfair balance. The neighbors had to take up a collection to pay a lawyer whereas the schools district can afford to pay for a group of lawyers to show up to every meeting and none of it comes out of anybody's personal pocket. No wonder the City of Cupertino can't afford to support it's citizens and protect their lifetime investments. The disparity in the capital held by the school district verses the neighbors and the city is unconscionable. The scope of this project is too large for a city with no police force or fire department. There is no incentive for the school to respect the neighbors so why should the students care about their environment. This whole project should be looked at in the context of people trying to get along together in a small space.

Thank you,
Marcia St.Clair
Attention Ms. Ellie Johnson,

My name is Liz Stapleton, my husband and I have been residents of Cupertino for over 22 years. We live on Hyannisport Drive, located on the back side of Monta Vista High School, closest to the sports field.

After reading the Draft Recirculated Environmental Impact Report, I felt it was necessary to provide my input and convey my disappointment with the School District’s failed attempt to address the environmental impact associated with the field project. I must say that I found this report to be utterly distributing. The bottom-line is the School District is basically not proposing anything substantial to reduce the per occurrence impact to the local residents. Evening football games will create a noise level that far exceeds the established city limit by an ambient by 20 to 29 dBA Leq.

Even though there will only be 5 – 6 games per season, the noise level per each occurrence will be at such disruptive levels, local residents will not be able to escape the environmental impact and will most likely will need to leave their homes during games.

I ask this question, why does the city establish noise level limits if they are not enforced. Why are schools exempt from City ordinances? Aren’t city ordinances established to maintain an acceptable environment for all residents?

If the School District would propose field use to be limited to football games and no other activities, then perhaps it would be tolerable for 5 -6 games per season. However, the proposed use for the field is every day of the week, including Sat. Each of the described activities will far exceed the acceptable city noise limit. So basically, residents will be exposed to an unacceptable environmental impact just about every day of the week. It’s for this reason that I urge the School District to take a serious look at the impact to the local community. Ask yourself, what would your position be if you lived next to the field of school that for 30 + years did not have lights or excessive noise after dark. Keep in mind, local residents have happily supported Monta Vista events since the school was first built, all night parties, graduations, dances, afternoon sports events, band, etc. We did so because we knew each event was on an occasional basis, not night after night after night.
30+ years later, expanding activities with a significant environmental impact into hours of the day where most residents look forward to a peaceful and relaxing time with their families. It’s just not acceptable to impose a disruption of this level and should be avoided at whatever cost, even if it requires the School District to reconsider the project in its entirety.

Thank you for your consideration,

Liz
Dear Ms. Johnson,
I'd like to comment that I've been appalled at the neighborhood negativity towards the MV sports field and lighting improvements. For the past 20 years I've lived a few streets away from the high school and enjoy hearing the various noises of student activity -- the band rehearsing, swim and water polo meet loudspeaker, noise from dances, etc. It's a sign of vitality and positive involvement of our young people.

As an FUSHD teacher (I've taught at Cupertino High and currently teach at Homestead), I am dismayed by the rather snobbish, anti-community attitude of many Monta Vista parents not wanting to be personally impacted by school noise or traffic. Weren't MV neighbors aware when they purchased homes near the school that living near a large high school campus comes with noise, traffic and night-time lighting of football games? If stadium lights shine in one's window or noise is loud, why not purchase window coverings, use earplugs, go out for the evenings, or -- better yet -- attend the event and support one's neighborhood school.

The "not in my backyard" attitude unfairly impacts other schools and neighborhoods in the district. Less affluent neighborhoods with less aggressive parents have to absorb the noise and traffic of not only their neighborhood school, but students coming from other schools doing sports, music practices because their parents don't support outdoor activities at their children's own school!

I have been very proud of the Homestead, Cupertino and Fremont communities of unselfish, supportive parents and neighbors who don't block school activities with endless meetings or waste time being "up in arms" about allowing schools to offer healthy activities for our youth in the evenings.

If Monta Vista neighbors were a little less protective of their personal property rights and a little more civic-minded, our young people would see a good example of community spirit.
Sincerely,

Susan C. Wilson
10863 Leavesley Place
Cupertino

Scanned by Barracuda Spam Firewall   --
Dear Ellie Johnson

In my humble opinion, the District REIR is truly an REIR - RECYCLED EIR, The report is nothing but Public Relations propaganda.

Here is what I would like to comment on:

1) The NOISE is way above the City's night time exterior noise standard (50 dBA Leq)

On the page 6 of the REIR report, it indicates that the Friday night football game could have the noise level 20 - 29 dBA Leq above the normal evening ambient noise level. If we choose the low end, say 20dbA above the city level (50dBA Leq), this leads to the conclusion that the noise level of the game will be **1000% above what the city permits**! If we use 29 dBA, the noise level will shoot to the roof! - ie. **2818% of what the city permits**!

(Equation):

$$A_1 = 10^{\frac{L_{\text{dB}}}{20}} A_0$$

Therefore the 66% reduction PR seems to mislead most of people. I believe that these reports should be done with total integrity and honesty, as good citizenship permits. The reports should be honest to people who are looking into them - we can't inflate or make them seem "nicer" than they actually are.

2) The NOISE level will not be significantly reduced just by those mitigation proposed in the REIR

Please see below quote then you know why the District are just wasting tax payer'ss money for something very impractical to start with.

**Leq noise levels are logarithmic (dB) values and cannot be added**
February 29, 2012

From Yonemura Family
yonemura@earthlink.net

The FUHSD once again turns a deaf ear to the concerns of the neighborhood regarding the DREIR.  But what can you expect from the Board whose attitude is consistent with their dismissive actions regarding the parking and traffic problems created by the three schools in the neighborhood?
Appendix B

Noise Barrier Survey Letter and Responses
Homeowner
22086 Linda Vista Place
Cupertino, CA 95014

Subject: Monta Vista High School Sports Fields Improvements and Lighting – Noise Barrier Mitigation Survey

Dear Homeowner:

As you may know, the Fremont Union High School District (District) is considering installing sports lights at the Monta Vista High School track and field as part of the sports field improvements project. The sports lights would allow evening games and practices, including up to six evening football games, to occur at the field per year. The District has prepared and circulated an Environmental Impact Report (EIR) and a Draft Recirculated EIR for the project, which are available for review at the District’s website at: www.fuhsd.org.

The Draft Recirculated EIR identifies measures to reduce the significant noise impact resulting from games and practices held under the proposed sports field lights. As part of considering the feasibility of the measures, the District would like to hear your views regarding the potential installation of two of the identified mitigation measures: 1) property line noise barrier, and 2) bleacher noise barrier. The noise barriers would be located adjacent to or along your property line and your neighbors, adjacent to the sports fields, and behind the proposed home and visitor bleachers at the reconfigured sports fields. The noise barriers and their proposed location are described in further detail, below.

Property Line Noise Barrier

A precast concrete wall would be installed along the residential property lines bordering the west and south ends of the main field and track. The extent of the noise barrier is shown on the attached site plan. The noise barrier would be at least eight (8) feet tall (relative to the residential elevation at the property line) and would be installed immediately outside of your property line. A photo of a lower precast wall, aesthetically similar to the one that could be installed, is attached for reference purposes.

Bleacher Noise Barrier

A concrete block wall would be constructed behind each bleacher that extends from the ground up to a point that is a minimum of six (6) feet above the top row of the bleachers. The proposed location of the bleacher noise barriers is shown on the attached site plan. The noise barrier behind the home and visitor bleachers would be approximately 28 feet and 14 feet in height,
respectively. A photo of a lower concrete block wall, aesthetically similar to those that could be installed, is attached for reference purposes.

We wish to know your opinion whether either or both of these mitigation measures would be acceptable to you.

☐ A Property Line Noise Barrier Wall would be acceptable.
☐ A Property Line Noise Barrier Wall would be unacceptable.

☐ A Bleacher Noise Barrier Wall would be acceptable.
☐ A Bleacher Noise Barrier Wall would be unacceptable.

Please add any additional information, concerning the noise barrier walls only, that you wish the District to consider.

Please provide your contact information (name and address) and send your comments by March 27, 2012 to:

Fremont Union High School District
Attention: Ellie Johnson
589 West Fremont Avenue / Sunnyvale, California 94087
email: EIR_MVHS@fuhsd.org

We appreciate your time and response.

Sincerely,

Polly Bove
Superintendent
Example of concrete block wall.

Example of precast concrete wall.
Attention: Ellie Johnson

Sorry about the first e-mail. There was some extra lines at the beginning.

From: pbdon@hotmail.com
To: eir_mvhs@fuhsd.org
Subject: Noise Barrier Mitigation Survey
Date: Tue, 27 Mar 2012 16:19:02 -0700

Attention: Ellie Johnson

A property line noise barrier wall would be UNACCEPTABLE.

A bleacher noise barrier wall would be UNACCEPTABLE.

The REIR conclusions (pages 13 and 19) were that these mitigation measures would NOT reduce the noise impact to an acceptable level and would create a permanent negative visual impact. These walls would be UGLY and detract considerably from the ambiance of the surrounding area (we are NOT next to a freeway!) and could very well increase noise levels to the surrounding neighborhood because of noise reverberations off the walls. The walls will make us feel like we are in prison. Besides being totally offensive aesthetically the proposed walls will not lessen appreciably the negative impacts of the noise levels from the proposed band and sport activities on the field.

One of the noise mitigation reviews (Sound Insulation, 2.2.1.4 - install sound-rated windows and doors with better sound insulating qualities than those that currently exist in the homes surrounding the field and track) should be included by the District in any mitigation proposals. The current construction noise level is very high and we can feel the vibrations from the trucks throughout the day. The noise (screaming, yelling, stomping of feet, band playing, loud speakers, etc.) from the proposed future activities will be so much worse.

The FUHSD board and administration must consider other proposals to decrease the noise levels from field activities. They should not ignore the effect on the mental well-being of the neighbors. The City of Cupertino asked whether we had any objections to a neighbor's building an enclosed porch which did not meet the city's code. In retrospect that seems so ridiculous when the FUHSD has ignored Cupertino city codes. The City of Cupertino would not allow us to build such a wall
and exceed the noise levels as the FUHSD is proposing. The affects of post-traumatic stress disorder has been in the news lately. Post-traumatic stress disorder can happen also from constant exposure to noise. FUHSD should meet with the neighbors and sincerely consider our proposals. It is very easy for FUHSD to ignore the effects of noise and to make unsightly and insidious proposals when you do not live next to the fields.

Bill and Peggy Don
22076 Linda Vista Place
Cupertino, CA 95014-4022

Scanned by Barracuda Spam Firewall  --
Dear Ms. Johnson:

I am very pleased that the District is looking for ways to reduce the noise in the Monta Vista neighborhood.

Unfortunately, limiting the choices to either a yes or no on the two types of sound barriers as the only options for reducing noise is totally inadequate. I would hope that the District would offer to work directly with the nearby residents to explore all options instead of asking only if their neighbors would prefer to be subjected only to the noise that will be produced or being subjected to noise while also having their views blocked by ugly walls.

Because the noise analysis in the Draft REIR shows that the effectiveness of these types of noise barriers is very limited (5 or 6 dBA) relative to the level of noise produced by the night time events that will occur under the plans the Board previously approved, the barriers seem to be one of the least effective and most negatively impacting options that could be used. In addition, these barriers may be even less effective in reducing the noise impacts to an acceptable level from the types of noise that will be produced, especially the drum playing of the twice a week band practices and the stomping on the bleachers that can be expected at football games. The comments of LMU noise consultant made concerning the noise analysis in the draft REIR indicate that the noise produced by the band is one of the most disturbing forms of noise because of its nature including the staccato nature of the drums, and it is unlikely that the noise barriers will provide anything close to adequate noise reduction.

If noise barriers are to be considered, the method of blocking the noise should include installing extremely sound proof windows and doors on residents impacted, including far more than the specific residences identified in the draft REIR. While soundproof windows and doors do not reduce the noise levels at the property boundaries, I know that I personally do not intend to sit outside during night football games as the noise will be intolerable and conversation will be impossible. Therefore, if the District is
considering completely inadequate sound barriers, they might just as well consider barriers that are more effective at reducing indoor noise (soundproof windows and doors).

However, walls and soundproof windows are not the only options to noise reduction. Listen to what the neighbors have already told you. Listen to the City of Cupertino when it tells you that “there is no specific statement in the General Plan that states schools are ‘inherently compatible with residential uses’. While schools are typically found in residential areas and the associated activities may be compatible with the residential neighborhoods, the impacts associated with these activities should be mitigated...”

Furthermore, it would be most welcome is the District took the recommendation of the City of Cupertino “that the District continue to work with the adjacent neighbors to consider creative solutions...” However, I would replace the word “continue” with “start” in the City’s comment. I understand the District administrators and board members want to demonstrate their independence of other government bodies; never-the-less, the District, the cities in which the District resides, and the neighborhoods surrounding the schools are not separate islands. I would hope the District would at least consider the City of Cupertino’s extremely modest suggestion the the District try to work with their neighbors.

Sincerely,

Dave Radtke
22086 Linda Vista Place
Cupertino, CA

Cc: Attorneys for LMU
Bcc: Some of my neighbors

Scanned by Barracuda Spam Firewall   --
To whom it may concern,

This letter is in response to the Noise Barrier Mitigation Survey dated March 14, 2012. First of all, I am very concerned about the noise levels that will be present during the night time activities at the school (Football games, band practices, etc.). I believe that the property line noise barrier wall would be too obtrusive and ineffective for significantly reducing the noise. I also do not see the benefit of having a noise barrier wall behind the home bleachers. That seems like it would reflect noise back towards the homes on the western perimeter. So, I would not be in favor of either of the noise barrier walls. I believe that there are better alternatives that hopefully the District will consider.

Regards,

Kelvin Nelson
10796 Linda Vista Drive

Scanned by Barracuda Spam Firewall
respectively. A photo of a lower concrete block wall, aesthetically similar to those that could be installed, is attached for reference purposes.

We wish to know your opinion whether either or both of these mitigation measures would be acceptable to you.

☐ A Property Line Noise Barrier Wall would be acceptable.
☒ A Property Line Noise Barrier Wall would be unacceptable.

☐ A Bleacher Noise Barrier Wall would be acceptable.
☒ A Bleacher Noise Barrier Wall would be unacceptable.

Please add any additional information, concerning the noise barrier walls only, that you wish the District to consider.

Please provide your contact information (name and address) and send your comments by March 27, 2012 to:

Fremont Union High School District
Attention: Ellie Johnson
589 West Fremont Avenue / Sunnyvale, California 94087
email: EIR_MVHS@fuhsd.org

We appreciate your time and response.

Sincerely,

Polly Bove
Superintendent

Alice Chan and Robert Geva
10640 Madrid Rd
Cupertino, CA 95014
Attention Ms. Ellie Johnson
Fremont Union High School District
589 West Fremont Avenue
Sunnyvale, CA 94087

Given below is our response to the letter we received from FUHSD with subject: Monta Vista High School Sports Fields Improvements and Lighting – Noise Barrier Mitigation Survey

1. A property line Noise Barrier wall would be **UNACCEPTABLE**
2. A Bleacher Noise Barrier Wall would be **UNACCEPTABLE**

Thank you,

Tiruvali Srinivasan
Hema Srinivasan
Keshav Srinivasan

22096 Linda Vista Place
Cupertino, CA 95014
(408) 446 5273
March 26, 2012

Via Federal Express Overnight Delivery

Ellie Johnson
Fremont Union High School District
589 W. Fremont Avenue
Sunnyvale, CA 94087

Re: Draft Recirculated Environmental Impact Reports for the Lynbrook and Monta Vista Sports Field Improvements and Lighting Projects

Dear Ms. Johnson:

This firm represents Lynbrook-Monta Vista United on matters related to the environmental review for the Lynbrook and Monta Vista High School Sports Field Improvements and Lighting Projects (the “Projects”). On March 14, 2012, the District sent a letter to addresses near Monta Vista High School, attached as Exhibit A. It is my understanding that the District sent a similar letter to homes surrounding Lynbrook High School.

The District’s letter asks recipients to indicate whether two mitigation measures proposed in the Recirculated Environmental Impact Reports ("REIRs") for the Projects would be acceptable: a property line noise barrier and a bleacher noise barrier. The property line noise barrier, made of precast concrete, would be eight feet tall and would be installed immediately outside of residents’ property lines. The bleacher noise barriers, made of concrete blocks, would be 14 to 28 feet tall and would also be visible to the surrounding public. The letter includes photographs of both types of walls.

As the District’s photographs show, both types of walls would have significant aesthetic impacts. In particular, the concrete block wall, which would be up to 28 feet tall, is unacceptable in a residential neighborhood. Under CEQA, an EIR “is required to discuss the impacts of mitigation measures.” Save Our Peninsula Comm. v. Monterey County Bd. of Supervisors, 87 Cal. App. 4th 99, 130 (2001); see also Guidelines, § 15126.4(a)(1)(D) (“If a mitigation measure would cause one or more
significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed . . . ”). Therefore, the REIRs must evaluate the aesthetic impacts of these walls.

Furthermore, the designs the District chose for these walls were apparently intended to prompt neighbors, and thus the District, to reject the walls. The District failed to consider reconfiguring the fields to allow more space between the walls and the residences. The District’s proposal also fails to include any landscaping, such as covering the walls with vines or screening them with trees, that would make the walls more appealing to neighbors. For example, the Federal Highway Administration’s Noise Barrier Design Handbook contains a number of design features, including landscaping features, that reduce the aesthetic impacts of noise barriers. Exhibit B, Federal Highway Administration’s Noise Barrier Design Handbook at 6.2. The District should consider the methods in this handbook to address the visual impacts of these walls.

Indeed, the District’s survey presents neighbors with a false choice between noise mitigation with a significant visual impact or no noise mitigation at all. Notably, the District did not survey residents about whether they would prefer installation of double- or triple-paned windows or other soundproofing. The District’s proposal seems designed to invite neighbors to reject the noise barrier walls, thus violating CEQA’s direction to provide “good faith” analysis of mitigation measures. See Napa Citizens for Honest Gov’t v. Napa County Bd. of Supervisors, 91 Cal. App. 4th 342, 360 (2001).

In view of these deficiencies, the District must conduct a complete analysis of the aesthetic impacts of these mitigation measures and revise them to reduce those impacts.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Jaclyn H. Prange

321705.1
March 14, 2012

Homeowner
22086 Linda Vista Place
Cupertino, CA 95014

Subject: Monta Vista High School Sports Fields Improvements and Lighting – Noise Barrier Mitigation Survey

Dear Homeowner:

As you may know, the Fremont Union High School District (District) is considering installing sports lights at the Monta Vista High School track and field as part of the sports field improvements project. The sports lights would allow evening games and practices, including up to six evening football games, to occur at the field per year. The District has prepared and circulated an Environmental Impact Report (EIR) and a Draft Recirculated EIR for the project, which are available for review at the District’s website at: www.fuhsd.org.

The Draft Recirculated EIR identifies measures to reduce the significant noise impact resulting from games and practices held under the proposed sports field lights. As part of considering the feasibility of the measures, the District would like to hear your views regarding the potential installation of two of the identified mitigation measures: 1) property line noise barrier, and 2) bleacher noise barrier. The noise barriers would be located adjacent to or along your property line and your neighbors, adjacent to the sports fields, and behind the proposed home and visitor bleachers at the reconfigured sports fields. The noise barriers and their proposed location are described in further detail, below.

**Property Line Noise Barrier**

A precast concrete wall would be installed along the residential property lines bordering the west and south ends of the main field and track. The extent of the noise barrier is shown on the attached site plan. The noise barrier would be at least eight (8) feet tall (relative to the residential elevation at the property line) and would be installed immediately outside of your property line. A photo of a lower precast wall, aesthetically similar to the one that could be installed, is attached for reference purposes.

**Bleacher Noise Barrier**

A concrete block wall would be constructed behind each bleacher that extends from the ground up to a point that is a minimum of six (6) feet above the top row of the bleachers. The proposed location of the bleacher noise barriers is shown on the attached site plan. The noise barrier behind the home and visitor bleachers would be approximately 28 feet and 14 feet in height,
respectively. A photo of a lower concrete block wall, aesthetically similar to those that could be installed, is attached for reference purposes.

We wish to know your opinion whether either or both of these mitigation measures would be acceptable to you.

☐ A Property Line Noise Barrier Wall would be acceptable.
☐ A Property Line Noise Barrier Wall would be unacceptable.

☐ A Bleacher Noise Barrier Wall would be acceptable.
☐ A Bleacher Noise Barrier Wall would be unacceptable.

Please add any additional information, concerning the noise barrier walls only, that you wish the District to consider.

Please provide your contact information (name and address) and send your comments by March 27, 2012 to:

Fremont Union High School District
Attention: Ellie Johnson
589 West Fremont Avenue / Sunnyvale, California 94087
email: EIR_MVHS@fuhsd.org

We appreciate your time and response.

Sincerely,

Polly Bove
Superintendent
Example of concrete block wall.

Example of precast concrete wall.
Highway Traffic Noise

Noise Barrier Design Handbook

6. Noise Barrier Aesthetics

Aesthetics is an issue that should be of concern to all people involved in the ultimate selection and design of a noise barrier. It is often felt to be as important as the noise reduction provided by the barrier and is the most subjective of any aspect of noise barrier design, with the phrase "beauty is in the eye of the beholder" often used in discussing noise barrier aesthetic treatments. Whether a jagged, stepped, sloped, uniform, non-uniform, colored, plain, straight, curved, or textured barrier is desired at any given location is a decision left to the responsible organization based on its policies and procedures regarding design philosophies, community input, and any other factors which are considered in the decision making process related to barrier aesthetics. Public input should always be considered in the aesthetic design of noise barriers. The intent of this section is not to justify any particular philosophy related to any element of aesthetic design, but rather to discuss elements that should be considered regardless of the particular aesthetic philosophy chosen.

6.1 Relationship of Noise Barrier to Surroundings

In designing noise barriers, there are two general approaches or philosophies related to aesthetic treatments. One philosophy is to aesthetically design the noise wall in a manner that it blends into the surrounding environment and is as unintrusive as possible. The other philosophy is to have the noise barrier be a prominent feature in the surrounding environment. Neither should be considered right or wrong in a general sense. Both philosophies have been successfully employed and even combined on the same project. In certain instances, highway sides of noise barriers have incorporated a "blend in" philosophy while community sides of the same barriers have employed more prominent architectural treatments. Certain elements of aesthetic design should be evaluated and considered separately in the design process dependent upon whether the barrier surface is being seen from the highway or from its adjacent land uses.

Prior to discussing aesthetic design issues specific to the views of the motorist (see Section 6.1.6) and the community (see Section 6.1.7), a number of aesthetic design issues common to both barrier view points are described below.

While on occasion, a barrier can be constructed at a continuously uniform distance from the roadway and at a uniform height or elevation, it is rare that barriers can be built without some change in horizontal and vertical alignment. In attempting to make aesthetically pleasing barrier transitions and profiles, barrier designers incorporate shifts and transitions into the barrier's alignment. Such changes must be made within the restrictions and tolerances of the barrier system components. For example, angles of horizontal alignment shifts on post and panel systems are restricted to those which the particular post design can accommodate. Barrier systems with cable secured, linear ball and socket style panel connections can accommodate much greater angles.

Combined shifts in both horizontal and vertical alignment (see Figure 130) can create conditions which may not be obvious to the noise barrier designer unless the barrier can be viewed from various angles. Such conditions can occur in areas where a barrier transitions from a location on the edge of shoulder of a fill section to a point at the top of a cut section (see Figure 131). The horizontal angle of the back (community) side of the barrier's transition section can actually reflect flanking sound waves back into the community which the barrier is designed to protect (see Figure 132). While such a condition cannot always be avoided, its recognition during the design process can enable the adverse condition to be rectified by placing acoustically absorptive material on the normally reflective back side.
Depending upon the type of barrier system utilized, vertical transitions in noise barriers can be accomplished in a variety of manners. Such transitions in post and panel systems are often accomplished by stepping the panels. A uniform appearance can be provided by designing barriers with sections containing consistently spaced equal height steps (see Figure 133). An irregular appearance can be provided by providing random height steps at irregular intervals (see Figure 134). To avoid having to cast non-rectangular panels, and for aesthetic reasons, such steps normally are made at the location of the posts. Keep in mind that on radically changing terrain, consideration should be given to sloping the bottom of the panels to avoid burying a large portion of the panels in the ground (see Figure 135). This would avoid reducing panel lengths (to ensure structural stability) and decreasing the distance between posts which would increase the number of posts required and the costs for more posts and foundations. Barrier transitions can also be accomplished using a smooth sloped top of barrier profile (see Figure 136). This technique is common with cast-in-place noise barriers. If this technique is used in a post and panel system, irregularly shaped panels are required, and consideration should be given to also sloping the post tops at a consistent angle.
For the purpose of this discussion, caps are considered to be separate elements of the barrier system applied to either the top of noise walls or to the top of the noise wall posts. The "cap look" is accomplished as an integral part of the fabrication/construction of the noise barrier wall panels.

**6.1.3.1 Horizontal Caps.**

Caps have been placed on the top of noise barriers (panels, posts, or both) for both aesthetic and
acoustical reasons (see Figures 137 to 140). Caps can smooth a barrier's profile eliminating saw-toothed steps and gaps and provide a pleasing shading pattern. However, care should be taken to keep the size of the cap proportional to the scale of the noise wall. Too large of a cap can give the visual perception of the noise wall being "top heavy." A cap can also interfere with the natural "washing" of the top portion of the noise wall which occurs during rain events. With the noise wall not being uniformly washed, streaking becomes more apparent over time and can become very unsightly.

Attachment and caulking details need to be carefully considered at the panel-to-post attachment points and between cap sections. Particular concern should be taken regarding the visual appearance of capped barriers which follow a meandering vertical and horizontal alignment. These conditions tend to create the potential for awkward looking barriers unless the proper care is taken in the design process.

Figure 137. Noise wall horizontal cap
photo #271

Figure 138. Noise wall horizontal cap
photo #1325

Figure 139. Noise wall horizontal cap
photo #2434
6.1.3.2 Vertical Caps.

Capping of vertical posts can provide a more aesthetically pleasing barrier system but requires careful considerations in order to avoid adverse maintenance situations (see Figures 141 and 142). Capping of a steel post with a pre-manufactured cap can negate the need to provide a visually pleasing treatment on the steel post itself. However, sufficient treatment of the steel post should be provided to assure durability and reduce the likelihood of premature rusting. The design of the cap and post should be consistent with long-term maintenance anticipations. For instance, if it is necessary to remove the cap from time to time, the attachment details may be different than if the cap to post attachment is considered "permanent." In either case, drainage considerations are critical and should be considered in light of the respective cap and post materials to avoid trapping of water, resulting in premature rusting, warping, or other material degradation.
Several methods have been successfully used to create aesthetically pleasing treatments at the ends of noise barrier systems. Where topography permits, the barrier end can be buried into the existing ground (see Figure 143). Barriers can also be curved back away from the road at their end points. This technique may have an added advantage of providing some additional acoustical abatement of flanking noise while softening the end of the barrier (see Section 3.5.2). Ends of barriers can be reduced in height (using stepped rectangular panels as in Figure 144, or sloped panels as in Figure 145) from their acoustically required height to a height of approximately 1.5 m (5 ft), equal to right-of-way fence height. While such a treatment may provide the desired aesthetic treatment, it is likely to require construction of some area of barrier which is not absolutely necessary for acoustical reasons. Decisions related to such a treatment should weigh the added costs against the aesthetic benefits and any additional acoustical benefits provided. Ending the barrier at its required acoustical height and buffering its end points with plantings (see Figure 146) and/or berming (see Figure 147) are other techniques.
Special barrier aesthetic treatments may be required in areas of cultural and/or historic significance. Often such treatments have been incorporated via special inserts, castings, or designs which reflect the historic and/or cultural characteristics of the community (see Figures 148 and 149).

The view of noise barriers experienced by drivers and occupants of vehicles traveling on the highway is significantly different from the view experienced by adjacent land users. From a vehicle, a long expanse and wide viewing angle of a barrier can be seen in a very short time period. Small detail elements and textures are, therefore, less apparent from this perspective. The barrier is most often seen by the driver in a series of generally low angle views and its overall shape and patterns (the relationship of different barrier elements) becomes more apparent (see Figures 150 and 151). Issues related to the view of a noise barrier from the driver's perspective are complicated by the fact that the barrier is viewed from a different perspective by drivers traveling in one direction compared to those driving in the opposite direction.
6.1.6.1 Color.

The overall color of a barrier viewed from the driver's perspective becomes a major visual element. Depending upon the particular design philosophy, the chosen color can draw the eye towards the barrier (see Figure 152 and 153) or tend to blend it into the background of the surrounding terrain. In settings where trees and natural vegetation form the backdrop for the barrier, neutral to dark earthtone colors can make the barrier less obtrusive, while lighter and non-earthtone colors can make the barrier stand out. When viewed against an open backdrop such as the sky, lighter colored barriers may be less obtrusive.

6.1.6.2 Texture.

For texture treatments on barriers to be noticeable and meaningful from the driver's perspective, they need to have fairly deep patterns and generally should be capable of creating shadow
effects within the pattern itself. Aside from instances where textures are applied to create colors (such as exposed aggregate) or to deter graffiti, they provide little benefit if the design philosophy is to blend the wall into its surroundings. They can be a major element in helping to emphasizing a barrier's aesthetics if appropriately coordinated with color and pattern elements (see Figures 154 and 155).

6.1.6.3 Pattern.

The relationship of different barrier elements (posts, panels, adjacent panels, caps, etc.) is referred to as the barrier's pattern. With the blended barrier philosophy, pattern is often de-emphasized by keeping the color and texture consistent for all barrier elements. On the other hand, the barrier's presence can be emphasized by the use of different patterns. Some examples of the wide variety of techniques used to create patterns include varying the color and/or texture of adjacent panels; providing a different color/texture on posts and/or caps than on panels; and changing the color, relief, and/or texture within the panel itself. On a long stretch of barrier, pattern (such as the occasional introduction of a non-standard panel) can help to break up the monotony of the barrier (see Figures 156 to 162).
6.1.6.4 Shape.

The shape of a noise barrier is defined by its horizontal (plan view) and vertical (profile view) configurations. A change in either the horizontal geometry or vertical profile of a noise barrier can in itself have dramatic or subtle implications in terms of the aesthetics of the barrier (see Figures 163 and 164). Similarly, the manner (uniform, non-uniform, random) in which changes in plan and elevation occur will result in either a smooth, varied, or jagged barrier shape. Barriers can be designed to meander (in plan view) and follow existing ground contours, thus creating many visually interesting configurations. Such treatments can create shapes which cast shadows, thereby giving the overall barrier a different appearance at different times of the day. Such flexibility can also enable barriers to avoid obstacles (poles, inlets, trees, etc.) that would otherwise have to be relocated or removed.
The most visible portion of the noise barrier in terms of its shape is usually its top, especially when it is viewed against a uniform backdrop such as the sky or a uniform contrasting colored background. It is for this reason that particular attention needs to be paid to the top of a barrier. Due to the types of plans and profiles typically available to individuals developing the final acoustical top of a barrier profile and the final profile in the plans, specifications, and estimate (PS&E) drawings, top of barrier profiles are often developed on drawings viewed at a right angle to the barrier (and typically the highway), and with an exaggerated horizontal scale. While an apparent desired (uniform, jagged, etc.) top of barrier profile may be developed using such plans, the actual profile (as viewed by drivers on the highway) may not meet the intent of the designer. A true profile can only be assured if one can view the barrier from the true perspective of the drivers (traveling in both directions) and from various locations along the highway. Fortunately, computer aided drafting techniques and programs, such as the Federal Highway Administration's Traffic Noise Model (FHWA TNM®), enable the designer to evaluate the barrier from such a perspective. Even after such considerations result in an acceptable top of barrier profile, the profile should be reviewed in terms of its relationship to the ground profile along the base of the barrier to assure that no unplanned awkward relationships exist.

The view of noise barriers experienced by occupants of properties behind the noise barrier (community side) is most often influenced by a relatively small, specific portion of a noise barrier system. Because of the potential closeness of such barriers to their protected receptors, the relative height of the barrier in proportion to the distance from the receptor is a factor requiring consideration. The appearance of a barrier overpowering a protected receptor by creating unwanted shadows (see Figure 165), impeding natural air flows and/or blocking panoramic views needs to be weighed against the acoustical benefits in any decision making process. Small detail elements and textures in the barrier are more easily seen and therefore are more apparent from this perspective. Since a relatively small section of the barrier is most often seen by any one observer, its overall shape and patterns are less of a factor. In general, the visual dominance of a noise barrier near residences is reduced when the barrier is placed at a distance of at least two to four times the barrier's height. Additional landscaping on the residential side may also help to reduce a barrier's visual impact. 

6.1.7.1 Color.

The overall color of a barrier viewed from the community perspective is a major visual element and the discussions in Section 6.1.6.1 pertaining to color from the roadway perspective are applicable also to the community side of the barrier (see Figure 166 and 167).
6.1.7.2 Texture.

Detailed texture treatments on barriers are noticeable and meaningful when viewed from an observer in a stationary position on the community side of a noise barrier (see Figure 168). While deep textures can provide a desired look, textures of lesser relief can be successfully used in environments where the barrier is in relatively close proximity to the receptor. However, they can be a major element in helping to emphasize a barrier's aesthetics if appropriately coordinated with color and pattern elements.

6.1.7.3 Pattern.

As discussed in Section 6.1.6.3, pattern can play a major role in barrier aesthetics (see Figures 169 to 172). In the more confined and closely viewed community side environment, patterns need not be as bold or as large as those required along the highway side. Even if the desired philosophy tends toward uniformity of aesthetics, different community side patterns can be utilized in different areas since in many cases, only a small section of barrier is visible from any one location.
6.1.7.4 Shape.

While much of the discussion related to shape in Section 6.1.6.4 is also pertinent to the community side views, specific details regarding barrier plan and profile are important for the portion of the barrier seen from any particular view point. As such, horizontal shifts and top of barrier steps, slopes, and transitions, while possibly having a minor visual impact from a driver's view, can be significant from a community standpoint (see Figure 173). This is particularly noticeable where a transition (such as a step in the top of a barrier profile) or a horizontal shift occurs in the middle of a specific property. Planning such transitions to occur at property lines can in some cases minimize these types of adverse visual conditions. Since the community side of barriers is viewed from a stationary position and often from an angle perpendicular to the barrier, the need to view the barrier at shallow angles is not as critical as for the highway side.
6.2 Landscaping

Landscaping in the vicinity of noise barriers should be integrated with the landscaping theme chosen for the general highway environment as well as being compatible with the existing landscaping (if adequate and acceptable) of the adjacent land uses and surroundings (see Figures 174 and 175). This applies whether the noise barrier is a solid wall, a berm, a combination wall and berm, or a planted barrier. Wherever possible, consideration should be given to accommodating existing vegetation in the design process. It is suggested that a field review be conducted with a landscape architect or other knowledgeable tree expert to "flag" significant trees/vegetation to avoid/saved, if practical, before the final wall alignment is set. This dictates a commitment to consider integrating the horizontal alignment of the wall with the existing topography and can have a bearing on the type of noise barrier material, the footing type, and the size of noise barrier components utilized. The vertical profile of the barrier can also be influenced by these factors. A cooperative effort balancing good engineering practice with environmental sensitivity.

In areas where the existing landscaping is sparse or not of the type deemed desirable, consideration of supplementing or replacing such vegetation with new plantings should be given. Such plantings can be in the form of trees, bushes, shrubbery, and vines placed in the vicinity of the barrier (see Figures 176 and 177). Various methods have been utilized to plant vines, which ultimately climb the barrier (see Figure 178). One method of creating a vine-covered noise barrier involves drilling angled holes through the noise barrier wall, planting vines behind the walls, and training them to grow through the holes to the highway side (see Figure 179). This method is particularly applicable in areas where space on the highway side is not available for plantings.
Figure 176. Landscaping: supplementing vegetation
photo #1975

Figure 177. Landscaping: supplementing vegetation
photo #6530

Figure 178. Landscaping: supplementing vegetation
photo #470
In areas where space on the highway side is available between a protective barrier (such as a Jersey barrier or steel guard rail) and the noise barrier, this area can be used for planting of vegetation, including vines (see Figures 180 and 181). In the case of a Jersey barrier, a raised planter can be created in the space between the protective barrier and the noise barrier. The type of vegetation capable of being planted and maintained in this area is dependant upon its width, soil type, irrigation (natural or artificial), orientation (full sun, shade, etc.), and climatic conditions. Even a narrow space between the noise wall and the protective barrier may be adequate to support vine growth. Such a treatment can also soften the appearance of the barrier and reduce its apparent height.

Other specific applications where planting in the vicinity of noise barriers may be appropriate are discussed below along with other planting considerations:
• In the vicinity of steps in the top of a barrier profile. Vegetation, typically trees, can soften or hide such steps and can be particularly useful in areas where large steps are unavoidable;

• At the ends of noise barriers, particularly where barriers cannot be stepped down or curved back;

• In areas known to be susceptible to graffiti. It may be far more cost effective to increase plantings on or in the vicinity of a plain surface barrier than to try to deter graffiti by providing a textured treatment with an anti-graffiti coating; and

• In pockets created by meanders or jogs in the noise barrier.

While a continuous planting scheme along a barrier can be beneficial, it can also become monotonous. Occasionally breaking up this continuous planting scheme with denser plantings can add interest and create diversity. Such diversity can also be obtained by varying the species, colors, and sizes of vegetation.

It is essential that the landscape plan be coordinated with the engineering of the noise barrier and with its aesthetic design. If such coordination does not occur, situations such as the following can occur:

• Plantings screen or block aesthetic features of the noise barrier (see Figure 182). Trees, high scrubs, and vines could hide aesthetic inserts, designs cast in noise barriers, or other specifically designed aesthetic features of the noise barriers;

• Plantings interfere with drainage in the vicinity of the barrier. Drainage under, along, or through the noise barrier could be affected by landscaping placed in inappropriate locations.

• Plantings interfere with maintenance or emergency access features of a particular barrier design. Plantings could restrict access through barrier overlap areas, to access doors or fire hose openings/valves, or to the noise barrier itself. Vines could grow in or around such fire hose valves, interfering with their use. Plantings could also obscure the identification signs for these access features.

![Figure 182. Landscaping: blocking panel aesthetic features](photo #1212)

No matter how well designed a landscape plan may be from its aesthetic standpoint, it is only as good as the ability of the responsible organization to adequately maintain it. It is a waste of time and money to design an aesthetic treatment for which there is neither the commitment (in terms of manpower), the funding (long term) to adequately maintain or coordination with other maintenance considerations. Figure 183 shows a planted barrier that wasn't adequately watered. Figure 184 shows a barrier with a stain applied around the vine growth causing unstained patches on the wall; the landscapers should have coordinated the timing of their plantings with the maintenance personnel assigned to stain the wall. No matter what the desire from an aesthetic standpoint, the landscape plan needs to be responsive to these constraints. Such constraints may appropriately lead to the selection of vegetation that is native "maintenance free" and to a plan that will foster growth of natural vegetation.
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<tr>
<td>6-5 View from the Road</td>
<td>When considering a barrier end treatment, the decision should weigh costs against any acoustical and/or aesthetic reasons.</td>
<td>6.1.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-6 View from Adjacent Land Uses</td>
<td>Small detail elements and textures are less apparent from this perspective. The barrier is seen from low angle views, and its overall shape and patterns become more apparent. Also note the different perspective of drivers traveling in opposite directions.</td>
<td>6.1.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-7 Landscaping Aesthetic</td>
<td>Because of the potential closeness of barriers, the relative height of the barrier in proportion to the distance from the receptor is a factor requiring consideration. Horizontal shifts and top of barrier steps, slopes and transitions property boundaries require planning to minimize adverse visual conditions.</td>
<td>6.1.7</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Aesthetic</td>
<td>Trees, high scrubs, and vines could hide aesthetic inserts, designs cast in noise barriers, or other specifically designed aesthetic features of the noise barriers.</td>
<td>6.1.7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Drainage and Utility</td>
<td>Drainage under, along, or through the noise barrier could be affected by landscaping placed in inappropriate locations.</td>
<td>6.1.7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Safety</td>
<td>Plantings could restrict access through barrier overlap areas, to access doors or fire hose valves, or to the noise barrier itself. Plantings could also obscure the identification signs for these access features.</td>
<td>6.1.7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Litter</td>
<td>Landscaping in a high litter area should also consider what type of vegetation is best to use. A thorny type of bush may make litter cleanup more difficult than such litter removal from a grassy area.</td>
<td>12.7</td>
<td></td>
</tr>
</tbody>
</table>
Dear Ms Johnson - Enclosed, please find our response to the 14 March, 2012 MVHS Noise Barrier Survey. We also embedded the text in this email in case you are unable to read the attached PDF formatted file. Thank you for your consideration of our comments.

Sincerely,
Ed & Julie Irvin
21825 Hyannisport Drive,
Cupertino, CA 95014

Fremont Union High School District
25 March, 2012

Attention: Ellie Johnson
Page 1

of 2

589 west Fremont Avenue

Sunnyvale, CA 94087


Dear Ms. Johnson:
Thank you for the providing the 14 March, 2012 Noise Barrier Mitigation survey. As a long time neighbor of Monta Vista High School, we are very concerned about the many potential impacts, including the significant, unavoidable noise impacts, associated with use of lights during evening/nights. Hence, we remain very interested in better understanding any, and all potential, noise mitigation measures.

Based on the data and information provided to date, we do not see any physical solution that will mitigate the significant noise impacts to the residential area resulting from the kinds of noise associated with night field use. Hence, we continue to believe that the best mitigation plan is operational-consider using other existing fields for night games/band practice, consider Saturday day games, and/or consider use of the nearby De Anza college facility.

As far as the specific request for comments regarding the potential concrete wall solutions, none of the proposed configurations, including Property Line or Bleacher Noise Barrier Walls is currently acceptable, because not enough supporting analysis and evidence of effectiveness has been provided by the District. First, no evidence of how these barriers would reduce the type and source of the kind of noise that would be associated with sporting events. In particular, to be effective, a “receiver” barrier (e.g., property line wall) would need to interrupt the line of sight from the noise “source” and the “receiver” (residents in their home or backyard). Much of the noise would not be coming from the ground level, like with highways, but rather the noise will be coming from the Bleachers, sound system and crowd. Any reasonable sized wall will not break the line of sight from the bleachers/sound system to most of the neighboring homes, especially those with two stories. Please note, we can stand in my kitchen with direct line of sight to the bleachers over my fence and any potential 8 foot high barrier. No analysis of how these noise barriers, regardless of the type of material used, has been provided to enable a reasonable person to assess their acceptability. Second, there are many disadvantages of noise barriers including aesthetic
impacts for neighbors, restriction of view, feeling of confinement, loss of air circulation, loss of sunlight and lighting, and potential drainage impacts. Additionally, such barriers are costly to implement and maintain. Therefore, the proposed noise barriers do not appear to address the type, source and levels of expected noise and would also result in a number of further negative impacts on the neighbors. Further research and analysis would be needed before this noise mitigation approach could be properly and reasonably assessed.

We recommend the District fully define a set of potential noise mitigation measures, then obtain some outside consultants with the modeling, simulation and analytical capabilities to reasonably assess, with clear industry acceptable defined measures of merit, the effectiveness of each option in mitigating the specific type and source of noise related to use of sporting fields adjacent to residential homes. Noise barrier walls are one possible option. Another option should be Operational solutions, such as day-only games/practices or use of other existing fields. Still other options include reducing the size of the bleachers, placing them in a berm, and/or providing sound proofing, such as sound-proof windows, doors and walls for the homes with line of sight to the bleachers. A combination of the above mitigation measures may be needed to significantly reduce the unavoidable noise impacts of evening/night use of the fields.

As long-term neighbors and supporters of Monta Vista High School, we believe it is important that the issue of the significant, unavoidable noise impact related to night time field use be thoroughly addressed before implementing any potential mitigation measures. In proposing noise barrier walls, it appears the District has not undertaken the effort to properly define and assess noise mitigation measures. Noise barrier walls, while proven in many cases to be effective for traffic noise, may not be effective in
significantly reducing the type and source of noise from night use of the fields. Monta Vista High School has many homes directly adjacent to the fields and therefore, it is especially important that adequate site-specific analyses and associated measures be taken to ensure that the noise, associated with lighted fields, is mitigated.

As documented by professionals, the type and characteristics of the anticipated noise is very different and worse than typical traffic noise. It can be very disturbing, inducing significant discomfort and stress on those experiencing it. Neighbors have lived peacefully next to Monta Vista for many decades. Before permanently impacting this neighborhood environment, we sincerely request that the District take on the task of fully defining and assessing potential noise mitigation measures as a priority in defining the future of the neighborhood environment for the decades to come.

Therefore, we request that the District defines a more complete set of mitigation options and then provide a reasonable and site-specific analysis of the measure of effectiveness of each of these options before we can properly assess whether any specific proposed mitigation measure would be acceptable.

Thank you for your consideration of our recommendations.

Sincerely,

Ed & Julie Irvin

21825 Hyannisport Drive
respectively. A photo of a lower concrete block wall, aesthetically similar to those that could be installed, is attached for reference purposes.

We wish to know your opinion whether either or both of these mitigation measures would be acceptable to you.

☐ A Property Line Noise Barrier Wall would be acceptable.
☒ A Property Line Noise Barrier Wall would be unacceptable.

☐ A Bleacher Noise Barrier Wall would be acceptable.
☒ A Bleacher Noise Barrier Wall would be unacceptable.

Please add any additional information, concerning the noise barrier walls only, that you wish the District to consider.

Please provide your contact information (name and address) and send your comments by March 27, 2012 to:

Fremont Union High School District
Attention: Ellie Johnson
589 West Fremont Avenue / Sunnyvale, California 94087
email: EIR_MVHS@fuhsd.org

We appreciate your time and response.

Sincerely,

[Signature]

Polly Bove
Superintendent

[Signature]