

Subject: Appeal Update Regarding the Stadium Lighting Installation at Hoover High School

Dear Supporters,

We have recently been notified by our attorney that the Justices for the Court of Appeal will hear oral argument for our case on February 13, 2013 at 1:30pm. The justices assigned and who will be hearing Taxpayers' appeal are the Honorable Judith McConnell, Judith Haller and Alex McDonald. The Appeals Court hearing should be only 30-40 minutes. Please access the following link for directions to the Fourth District, Division One if you plan to attend:

<http://www.courts.ca.gov/2937.htm#tab7371>

While waiting for our time in Appeals court, we compiled post event reports from community input after each football game this season which were played at night. These reports were forwarded to the sub district Board of Education representative for Hoover High, the Board of Education as a whole, our City Council District Rep, and both the Principal and the Athletic Director of Hoover High School so that corrective action could be implemented where necessary. The reports also ensure the school district is aware that we were documenting how the school was managing their events. To date, the issues raised by community members from Talmadge and Kensington that still need to be addressed are:

- 1) **Field Lighting:** Adjustments still need to be made on many of the individual light fixtures atop the 90 and 100 foot lighting poles to coincide with the lighting study that was conducted and included in the Mitigated Negative Declaration (MND). There is plenty of glare from several of the light fixtures. So much so, that the glare of the lights are disturbing those living across the canyons East and West. No corrections have been made on the light fixtures to date. The following link is to the SDUSD lighting study:
http://www.sandi.net/cms/lib/CA01001235/Centricity/Domain/82/Environmental_Studies/HooverHS/Hoover_HS_DraftMND_TechApps_All.pdf
- 2) **Noise:** The Mitigated Negative Declaration (MND) only identified one significant impact which was noise. The districts' only mitigation that was included in the MND and put in place was the installation of a 4-channel PA system. There were no restrictions included in the MND on how the PA system would be used. Another common complaint was the noise levels of the crowds themselves along with the drums and horns. With the field located so close to the residential homes, the district would be hard pressed to come up with mitigation measures that would bring the excessive noise down to a less than significant level. The following is a link to the Mitigation Monitoring and Reporting Program (MMRP) put in place by the District and included in the MND package:
http://www.sandi.net/cms/lib/CA01001235/Centricity/Domain/82/Environmental_Studies/HooverHS/2_Hoover_HS_Final_MND_Att1_MMRP.pdf
- 3) **Parking:** So far the night events hosted by the school have not been overly attended and the bleachers have not been more than 50% full at the most (*the bleachers hold close to 4,000 seats*). Even with the low attendance, vehicle parking still spilled over onto surrounding residential streets. The school is severely under parked so with well attended events, the impact will be great with patrons parking in the surrounding land-locked residential community.

The lighting and noise impact is difficult to mitigate due to the close proximity of the field to the residential community. The lighting effect does not match the lighting study that was conducted by the district and it is also difficult to mitigate the noise generated from a spectator field event to a less than significant level when the field is directly adjacent to the residential community. We will continue to submit post-event reports based on community input following each significant night event or day event, for that matter, if those again get out of hand.

All of this would be unnecessary if the district had conducted a full Environmental Impact Report (EIR) from the beginning, as they stated publicly that they would do. All of the facts would have been brought forward at that time and if the officials wanted to go against what was present in the EIR then they would be held accountable for their action of ignoring CEQA.

In addition to the lighted football games, the school has held football and soccer practices under the lights approx twice per week since football season started until the holiday break. These lights are now being used for soccer practices and games which may or may not be school affiliated but the lights have usually been off by 8:00 PM. We still remember all too well the soccer game played at the Hoover field prior to the lights being installed and the impact that had on our residential community. This issue is even more of a concern when the events are not school affiliated. Read the following news story to get refreshed on the impact that well attended night games will have on our residential community: http://www.tfasbs.org/uploads/05.TalmadgevA_Place_to_Tailgate.pdf

Please remember that the evidence that is being reviewed by the Court of Appeal includes information up until the date the Mitigated Negative Declaration (MND) was approved by the Board of Education on January 11, 2011. Any additional data that is compiled after that date can not be used in the Appeal but still needs to be documented going forward to show compliance or noncompliance to the MND and CEQA.

On a side note, another group from Malibu, CA has contacted us where the Malibu School District recently installed field lighting at Malibu High School. The community organized into the Malibu-Community-Alliance and filed suit against the Malibu School District. The following is a link to their Facebook page which has many photos of the "before and after" field lighting was installed:

<https://www.facebook.com/pages/Malibu-Community-Alliance/127496454069076?fref=ts>

V/R,

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