

January 13, 2014

To Whom It May Concern:

My name is James Benya. I am a professional lighting designer and consultant with 40 years of experience. I am a registered Professional Engineer in California (E12078), a Fellow of the Illuminating Engineering Society, and a Fellow of the International Association of Lighting Designers. My work includes the design of outdoor sports lighting and serving as an expert in many types of outdoor lighting cases.

I studied the draft EIR, the MND, and the LISA (acronyms contained in the final EIR and my report) and observed the subject lighting installation during a night football game at Herbert Hoover High School. I prepared a report for the Taxpayers for Accountable School Bond Spending. The key findings of my report were:

- The EIR relies upon the wrong standards to determine whether the lighting impact is significant. The 10th Edition Lighting Handbook (pub. 2011) by the Illuminating Engineering Society of North America (IES, formerly IESNA) is the proper standard. The EIR uses the 9th Edition Lighting Handbook (pub. 2000).
- Per the 10th Edition Handbook, the proper lighting zone for the low density, urban neighborhoods to the west and north of the football field should be Lighting Zone 2. The EIR is based upon Lighting Zone 3 (formerly E3), which allows twice as much trespassing light.
- Even using Lighting Zone 3 standards, light levels measured on private properties adjacent to the school exceed the level of significance and the predicted light levels contained in the draft EIR, the final EIR, the MND, and the LISA.
- Trees planted to mitigate lighting impacts are completely ineffective and unlikely to have any significant impact for many years. The trees cannot mitigate the lighting impacts caused by the dome of light over the stadium, which can be seen from several thousand feet away including from within a protected habitat area. The EIR offers no proof that the trees will have any beneficial effect on light trespass, and the photographic evidence shows that trees provide no shading whatsoever.
- The disruption of the night environment of the neighborhoods immediately adjacent to the football field is significant, presently immitigable, and will remain immitigable for an indefinite number of years from now.
- The disruption of the night environment of the neighborhoods one or more streets beyond the football field and of the nearby environmentally sensitive habitat is significant and immitigable.

I reviewed the responses to my report contained in the Final EIR. The responses almost completely deny the findings in my report, adding mostly specious arguments to support the original EIR conclusions. There is no evidence that the EIR was based on field measurements of the outcome and the EIR does not offer any photographic evidence to support their findings and conclusions.

The EIR still proclaims that the lighting impacts are not significant despite measured impacts exceeding the level of significance established in the EIR, which are in my opinion already favorably lenient. If the EIR had used the proper measure of significance and had addressed the photographic evidence that I submitted with my report, the lighting could only be described as an immitigable and significant impact.

In the CEQA Findings of Fact and Statement of Overriding Considerations, it is admitted that trees presently provide no shading. The proposed mitigation measure is to offer shades for neighboring bedroom windows as an interim measure. There is no attempt in this document or the EIR explain the deterioration of the night character and aesthetics of the neighborhood clearly illustrated in my report.

In summary, I stand by the conclusions in my report.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Benya", followed by a horizontal line.

James R Benya, PE