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April 19, 2023

Rebecca Lind
Re: PLN 18532-ER01

Dear Ms. Lind:

This is a continuation of the letter that I submitted shortly after midnight last night.

B. The Noise Portion of the FEIR Is Inadequate Because It Relies on Conclusionary Statements Without Factual or Expert Support and Without Baselines

Mr. Pack, NSC's acoustics expert, responds to the FEIR in his letter, dated March 27, 2023, where he notes that to comply with CEQA the EIR needed to set the baseline to understand the difference between pre- and post-project conditions. (Pack, pp. 1-2, 5.) As explained in Section A of our letter submitted last night, baselines must be established and this comparison analyzed in the EIR. There is no evidence that it was impossible for the EIR preparer to have done so.

Instead, the preparer waited until after the comment period in response to the DEIR had closed and then obtained some noise measurements on March 10, 2022, a month before the Planning Commission hearing. It failed to report the noise measurements along Lincoln Avenue, making it impossible to know the pre- and post- project sound conditions. As a result of this new information, we now know that the "the new data indicate that the previous assumptions of the noise levels at the residences to the south and west were not correct and that there is a significant difference between the DEIR and the new data." As a result, the "basis for the for the CEQA evaluation results in stricter project-generated noise limits." (Pack, p. 2.)

With admittedly using the wrong data for its conclusions, the preparer was required to do more than just make conclusory statements that the project sound impacts will be reduced to less than significant. Those statements are unsupported by evidence and amount to no more than opinions by nonexperts. (Guidelines, § 15126.6, subds. (c), (f)(2)(B)), [unsupported conclusory statements do not suffice], (*Laurel Heights, supra*, 47 Cal.3d at p. 404.) The FEIR's assumptions, premised on ambiguous generalizations rather than analysis and evidence, "failed to serve the purpose of enabling informed decision-making and public discussion." (See *San Bernardino Valley Audubon Society, Inc. v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750-751. The EIR needs to be redrafted with the correct data and recirculated for public comment.

The problem of missing data or incorrect data to support the EIR conclusions also applied to the handing around of the acoustics issue amongst three parties, Illingsworth-Rodkin, RGD Acoustics, and the EIR preparer. However, the preparer did not have the expertise to opine about the interpretation of the acoustics data or realize that data was missing. (Pack, p. 3.) There is no evidence that the preparer had any expertise in acoustics, and this was a topic that required an expert's handling. (Evidence Code section 702.) Due to the admittedly missing or incorrect data to support the less than significant conclusion, the EIR is not supported by evidence.

The problem of using the wrong standards for the P.A. system and evaluating traffic noise also requires a revised EIR and recirculation. (Pack, p. 4.) NSC objects to the use of any outdoor amplification of sound on the South Campus. The housing is just too close and the neighbors would become part of the audience for graduations, outdoor events, class presentations, etc.

Mr. Pack brings to the City's attention that the proposed sound wall is not detailed adequately. (Pack, p. 4.) This exact same problem occurred with the sound wall at Ability Now. HRS agreed to construct a sound wall for the field there and then did not provide one. Mr. Pack had to contact the planner and explain that the wall HRS had decided upon was absolutely not a sound wall. Here, there is nothing to show what HRS plans to use for materials and whether the fence will in fact serve as mitigation or just a decorative wall facing the school.

Overall, the work on the DEIR and FEIR fell way below what one would expect of a competent acoustics expert. (Pack, pp. 7-10.) The City Council should require that the noise section be redone in a DEIR by a reputable acoustics company that is provided with sufficient funding to complete the task. The two main issues with any school are traffic and noise. The noise from the South Campus will increase exponentially from the prior use when only, at most, 100 students were allowed on the property during the day and 50 in residence at night. HRS is contemplating greatly increasing the use of this property, including having up to 1,250 students, event guests, graduation ceremonies, and entertainment guests potentially all at the same time. The noise from this much increased activity on the site is going to negatively impact the adjacent housing.

C. Removal of the Mini-Loop and Changing the Use of the Loop Road From Only Peak Hour Use to All Day and Potentially Well into the Night Use Increased the Impacts on the Neighborhood

In neighbor Mr. Rodney Thompson's letter, he fully demonstrates how removal of the mini-loop will increase impacts on adjacent neighbors. Under CEQA, the FEIR should have addressed the increased impacts from removal of the mini-loop and extending the hours of use of the Loop Road.

The NSC opposes the Loop Road because it is one more way, over a long history, that HRS has pushed its negative impacts off its properties or near its boundaries and onto the neighborhood. The City has assumed that HRS has no driveways on its own two sides of Lincoln Avenue for unloading and loading students into cars and busses, which is untrue. It has multiple access driveways on both sides. The main driveway for the North Campus was the original way that parents dropped off and picked up their children onsite, not in the street. The former Lincoln Child Center used its own driveway for the same purpose other than for small busses that parked in front where a group of counselors met the students. Over the years, HRS has steadily pushed its impacts away from its properties and onto the public infrastructure that residential neighbors rely upon. The purpose is obvious – HRS offers little to no parking or transportation facilities for its customers and preserves the central area of each campus for further, future development beyond what it

already plans. It has also bought up housing adjacent to its properties for the same reasons.

The City Council should not allow HRS to continue the practice of supplying both too little onsite parking and unrealistic parking options. If it wishes to expand, it should be required to construct a parking garage as was required of the Greek Church. Instead, it does things to mask the amount of street parking it will need by claiming to have parking spaces elsewhere. For example, HRS says it has 16 parking spaces in the Greek church garage, when it fully well knows that the students will not park there due to auto break-ins and so they insist on parking along Lincoln Avenue. There are about 20 cars parked right below the Greek church on Lincoln Avenue every school day with youngsters getting in or out of them. That row of parked cars takes up a lane that could be used for emergency access.

As stated well by neighbors, the City Council needs to look with a jaundiced eye at the proposed conditions of approval for this project. They are extremely loose, especially given the long history of use permit noncompliance and they do not address the South Campus neighborhood's needs. Instead, the conditions reflect an assumption that the City should treat the South Campus, cheek and jowl adjacent to housing as the North Campus, located at the bottom of a steep canyon with housing located far above it and away from noise and traffic impacts.

D. It Is Unclear What the EIR Proposes for the Drainage That May Negatively Impact the Boe and Claussen Properties

Please see the letter from Clearwater Hydrology. The expert hydrologist and the neighbors have been unable to find a final drainage plan showing the changes referenced in the FEIR. Clearwater needs to know how the drainage near these two properties will be handled under the new drainage plan. Please provide an answer to their question.

Thank you for considering our comments.

Sincerely,

Leila H. Moncharsh

Leila H. Moncharsh, J.D., M.U.P.

Attachments previously emailed

cc: Client