

**February 5, 2019**

**SB 343**

Senate Bill 343 mandates supplemental materials that have been received by the City Clerk's office that relate to an agenda item after the agenda packets have been distributed to the City Council be available to the public.

The attached documents were received in the City Clerk's office after distribution of the February 5, 2019, City Council meeting agenda packet.

**Item 6.1**

Law Offices of  
**Stuart M. Flashman**  
5626 Ocean View Drive  
Oakland, CA 94618-1533  
(510) 652-5373 (voice & FAX)  
e-mail: [stu@stufash.com](mailto:stu@stufash.com)

February 1, 2019

Dublin City Council  
Dublin City Hall  
100 Civic Plaza  
Dublin, CA 94568

Re: Amendments to Valley Christian Center Master Plan  
(PLPA-2014-00052)

Dear Mayor and Council Members:

I am writing on behalf of my client, the West Dublin Alliance, to comment once again on the proposed amendments to the Valley Christian Center Master Plan to allow construction of an athletic center and other improvements. My client is particularly concerned about the proposed athletic field, which would be located at the northeastern edge of the campus, overlooking a residentially developed area.

The City proposes to approve the development under a Mitigated Negative Declaration (“MND”). A Mitigated Negative Declaration is a form of environmental review that is considered appropriate if a proposed project might have the potential to result in significant environmental impacts, but mitigation measures proposed to accompany the project can be said *with certainty* to mitigate the potential impacts to the point where they become insignificant. If there is any question about whether the project’s impact might be significant in spite of the proposed mitigation measures, it is improper to approve the project under a mitigated negative declaration. Instead, an Environmental Impact Report (“EIR”) is required to study the potentially significant impacts in detail.

The master plan for Valley Christian Center (“VCC”) was initially approved in 2003. At that time, the City prepared a full EIR, which analyzed the potential impacts of that project as it was then proposed. While the project as originally proposed included a 15,000 square foot sports building, it did not include any expansion of existing outdoor sports areas. The proposed amendment would replace a current unlit softball diamond by a full-sized football field with surrounding running track with twelve Olympic-sized lanes. The amendment would also relocate some existing parking areas and add more parking to accommodate spectators at football and other sports events. In addition, the amendment would create an outside amphitheater with a 400 person capacity. The amendments would create no new access to the site, which would continue to be accessed from the two-lane section of Dublin Boulevard and two-lane Inspiration Drive.

The athletic field was originally proposed to have a 1,000-seat grandstand on the southwest side of the field. In response to comments from my client noting that even Division V North Coast Section football playoffs only required a field with a 600-spectator capacity, plans were revised to reduce the grandstand to a 600-seat capacity. The field will be lit by pole-mounted lights located around the field. While the loudspeaker system was originally proposed to be located on the lights standards, plans have been revised, again in response to suggestions from my client to show two loudspeakers, located at the two ends of the reduced-size grandstand.

The athletic field is proposed for use by a wide variety of sports and other events. A schedule of events prepared by VCC is attached. In addition to various sports team games and track meets, the schedule shows a number of other events, which may involve use of lights and the P.A. system, and may be held either at the sports field or at the outdoor amphitheater also proposed as part of the master plan revisions. VCC proposes that the City allow up to fifty events at the athletic center using lights and sound amplification. My client's strong preference would be to have non-sports events held at the amphitheater whenever possible, as it is located significantly further from neighboring residences, and is therefore less likely to have impacts on those residences. Especially considering the impacts to be described, my client feels that 50 events with amplification and lighting is excessive.

While the MND for the project addresses various potential impacts from the revisions to the master plan, my client believes it is deficient because it does not show, with certainty, that any potentially significant impacts will be reduced to a level of insignificance by the proposed mitigation measures. In my previous letter, I identified a number of those impacts and suggested that the City, at the very least, revise and recirculate the MND. The City has chosen, instead, to continue forward to consider approving the project under the current MND. The purpose of this letter is to further explicate why the current MND remains deficient and to point out that to approve the project under that MND is to invite litigation, litigation that the City will almost certainly lose.

To be sure, VCC has proposed changes to its project that may well reduce some of the project's potentially significant impacts. These include: 1) reducing the size of the grandstand from 1,000 to 600 seats, with proportionate decreases in the size of expected parking and traffic impacts from events at the athletic center; 2) specifying that the lighting for the athletic complex must meet stringent standards for unwanted spill-over and glare; 3) including in plans for the complex a wooden fence to the northeast of the field, with the intent of reducing noise impacts on residents located down the hill from the project. VCC has also said it intends to follow any standard set by the Regional Air Quality Control Board and the Regional Water Quality Control Board, as specified in the City's conditions of approval. However, these changes, while steps in the right direction, do not fully and *conclusively* address the project's potentially significant impacts. For that reason, they are insufficient to allow the project's approval under a MND.

Taking first the issue of noise impacts, letters submitted both by nearby residents with professional expertise in the physics of sound and from a sound consultant, Luke Saxby of Saxby Acoustics, have pointed out that the sound study that accompanied the MND failed to take into account peculiarities of the site, notably the strong prevailing winds flowing across the project site – directly towards residences located downhill from the project.

It is well established that winds will affect sound propagation. In particular, on the downwind side of a noise source, winds will refract the emitted sound waves downward. This can even result in a lensing effect where the sound is concentrated rather than dispersed in the downwind direction. An explanation of this and related effects from air temperature gradients is provided in the attached excerpts taken from the website NoiseNet.Org, a site sponsored by the British environmental consulting firm Martec, Ltd.

I would draw your attention particularly to the graph at the bottom of the sixth page of excerpts, entitled, "weather – Total Effect. That graph shows that for Category 5/6 – wind speeds of 8-14 m/sec, or 22 to 31 mph, the attenuation with distance actually becomes negative – meaning that the noise becomes louder rather than softer. Such wind speeds often occur at the project site on fall afternoons and early evenings, when sports events would occur.

As the articles explain, this is because wind speeds tend to increase with height above ground level. As a result, sound waves are refracted, or bent, in a downward direction. As wind speed increases at higher elevations, the amount of refraction increases, leading to a lens-like effect, actually concentrating the sound.

This effect can be expected to occur on the downwind – i.e., northeastern – side of the athletic field, where the sound would be focused and directed towards the neighboring residents located downwind and downhill from the project. As a consequence, even locating a sound-absorbing fence directly northeast of the field (as proposed by VCC) is unlikely to mitigate the noise impacts on neighbors on the commonly occurring windy afternoons and evenings.

Illingsworth & Rodkin, the sound consultant who helped in preparing the MND, submitted a supplemental letter intended to counter some of the comments on the MND's discussion of noise impacts. That letter provided more details of how the analysis was prepared. However, responding to concerns about wind effects, the letter merely cautioned that noise measurements should not be done when there is a significant wind. Unfortunately, nearby residents will not have the luxury of only listening to noise from the athletic facility at times when there is no significant wind. As explained above, it is at times when the wind is significant that noise impacts will be most severe. The supplemental letter utterly fails to address this issue. Even if it did, evidence supporting a MND will not rebut substantial evidence that supports a fair argument that the project will have a significant impact. The evidence supporting the project's significant noise impact satisfies that standard.

Another related impact is the dispersion of dust during project construction. While the Bay Area Air Quality Management Agency encourages suspending excavation and grading activities when average wind speed exceeds 20 mph (BAAQMD CEQA Air Quality Guidelines, May 2017, p. 8-5 Table 8.3), it does not appear that the City intends to implement this requirement. Even if it does, significant quantities of dust and fine particulates will be blown from the site down into the neighboring residential area when winds exceed 10-15 mph, a common occurrence. The current MND fails to address this significant impact.

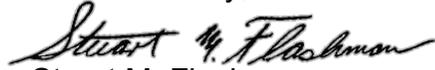
The Regional Water Quality Control Board sent a letter to the City pointing out that the project could have significant impacts in terms of effects on surface flows through hydromodification – i.e., increased amounts of impervious surface. In response, the City stated that, "city requirements will be imposed on each phase of development." It should be noted that hydromodification includes both storm water effects and other factors affecting project run-off (e.g., irrigation of landscaping).

CEQA requires that a mitigated negative declaration identify specific mitigation for each identified potentially significant impact. The mere promise to mitigate in the future, without demonstration that the mitigation can be assured to eliminate potentially significant impacts, is insufficient. By that standard, the City's promise to impose requirements at each construction phase, without explanation of what those requirements will be and how they will mitigate potential impacts, is inadequate.

Finally, the IS/MND indicates that the project will have no impact on any adopted emergency evacuation plan. VCC's current adopted emergency evacuation plan addresses evacuation of VCC personnel and school children in the event of an emergency. It makes no provision for the evacuation of hundreds of spectators and players attending athletic events at the proposed athletic center, nor of those attending the proposed outdoor amphitheater. Without any provision for evacuation of these new facilities, VCC is putting the public at risk in the event evacuation is needed. The project should not be considered for approval until VCC provides the City with an amendment to its emergency evacuation plan that addresses the safe evacuation of all new proposed facilities.

The West Dublin Alliance is not *per se* opposed to VCC adding additional facilities, but such additions should only be approved after the City has taken a “hard look” at the potential environmental impacts of the facilities, including both their construction and operation. The current MND fails to meet that standard. The Council should remand VCC’s application back to the Planning Commission with direction to reconsider the MND and determine whether the project’s potentially significant impacts have been, *with certainty*, adequately mitigated. As it stands, approving the project under the current MND would be a violation of CEQA.

Most Sincerely,

A handwritten signature in cursive script that reads "Stuart M. Flashman".

Stuart M. Flashman  
Attorney for West Dublin Alliance

# VALLEY CHRISTIAN SCHOOLS: Field Usage Projections

September 2019

Game / Sport Information	# of Events	8:00am - 3:00pm	3:00pm - 5:30pm	5:30pm - 9:00pm	9:00pm-10:00pm	
		School Day no lights/sound	Afternoon Practices/Games no lights/some sound (game)	Evening Games lights / sound	Visitors Exit lights / sound	
Practices would be in mid-July and be done by 5:30pm without any needs for LIGHTS or AMPLIFIED SOUND	<b>SUMMER</b>					
	Soccer	20	PRACTICE ONLY			
	Event	4	Could be on the field or in the Amphitheater			
	<i>Future: (HS Enrollment reaches 200, VCS would look at beginning Football. Current Enrollment: 107)</i>					
	Football	25	PRACTICE ONLY			
PE Sports will do both inside and outside classes during the day - NO LIGHTS or AMPHLIFIED SOUND. Sports practices and games would happen after school and into the early evening hours.	<b>FALL</b>					
	PE Classes	50				
	HS Soccer	12	Games complete by 6:30			
	Flag Football	8				
	Event	4	Could be on the field or in the Amphitheater			
<i>Future: (HS Enrollment reaches 200, VCS would look at beginning Football. Current Enrollment: 107)</i>						
	Football	9				
Limited outdoor use due to weather	<b>WINTER</b>					
	Event	2	Could be on the field or in the Amphitheater			
PE Sports will do both inside and outside classes during the day - NO LIGHTS or AMPHLIFIED SOUND. Sports practices and games would happen after school and into the early evening hours.	<b>SPRING</b>					
	PE Classes	50				
	HS/MS Soccer	24	Games complete by 6:30			
	Track	5	Meets complete by 7:00			
	Event	5	Could be on the field or in the Amphitheater			

 Search

Friday, February 1, 2019

[home](#)[directory](#)[ProInfo](#)[noise](#)[vibration](#)[contact](#)

## Fast Noise and Vibration Information

[-- Pull Down Site Guide --](#)

This site is sponsored by **Martec**  
for a **Sound Test**

- **noise** - section explaining basic terms, Environmental, and Occupational noise, Building Acoustics, Sound Insulation, detailed review of Statutory Noise Nuisance case law, also ideas for quietening homes & factories.
- **vibration** - basic terms are explained, and building damage, disturbance to residents, hand arm and whole body vibration are all considered.
- **directory** - 973 organisations with the acoustics products & services you need - fully searchable by name, region and product/service category.
- **ProInfo** - acoustics jobs news, newsgroups, UK & Worldwide weather forecasts, route planning, on-line noise and vibration bookshops.

We have noise and vibration information, relevant to both UK and Worldwide, from basic explanations to detailed information for more experienced users, such as the **weather** for your area and advice on selection of **sound level meters** and **vibration monitors**. All the information on the site can be found via the **Search** page which also has a site map. Please feel free to browse our directory.

**Look here** for information on **building acoustics**, **hand arm & whole body** vibration, occupational **hearing loss**, **BS.4142** for industrial noise, **MPG11** (MPS2) for quarries, landfill and other open sites, **PPG24** for planning, **BS.6472** for human response to vibration in buildings, **BS.7385** for building damage vibration assessment, noise abatement **notices**, **statutory/noise nuisance**, links to government **sites** for further information. The **IoA Talk** is also here.

Something not here, that should be? Have we got something wrong? please **contact** and tell us - we value your response!

[home](#)[directory](#)[ProInfo](#)[noise](#)[vibration](#)[contact](#)

©NoiseNet.org Ltd 2000-2008 [Terms & Conditions of Use](#)



# NoiseNet.Org

[site search](#)
[members area](#)
[home](#)
[directory](#)
[ProInfo](#)
[noise](#)
[vibration](#)
[contact](#)

## Noise - Environmental - Weather - Wind Strength

For environmental noise, the weather plays an important role; the greater the separation distance, the greater the influence of the weather conditions; so, from day to day, a motorway some half a mile away can sound very loud, or can be completely inaudible. This very large variation in daily noise levels means that it is not unusual for residents not to notice the effects of a **Noise Control** programme; for example if "before noise control" noise levels varied from say 40 to 60 dBA, and "after" from 32 to 52 dBA, many residents would not notice any change; perhaps after time a proportion would appreciate that in general noise levels had fallen, but probably many residents would still not have noticed the change.

There is a well used model for predicting weather effects - "The Propagation of Noise from Petroleum and Petrochemical Complexes to Neighbouring Communities"; this is report No.4/81 published by the Oil companies international group for CONservation of Clean Air and Water - Europe; this is simply known as the CONCAWE model and is used for many noise sources. The full report can be ordered from [www.concawe.be](http://www.concawe.be).

### Wind Strength and Direction

The most well known weather effect is wind strength and direction; naturally winds blowing from the noise source towards the noise sensitive location will increase levels, and the stronger the wind the greater the effect, until the wind itself becomes the dominant noise source or is so turbulent that it disperses the "problem" noise. Standards such as **BS.4142** and "Calculation of Road Traffic Noise" place limits on acceptable wind strength and, in some instances, on the wind speed in a particular direction - vector wind speed.

Wind speed is most commonly categorised by The Beaufort Scale the main categories relevant to noise measurements appear as follows

Force	Description	Limits @ 10m above ground [m/s]	Specification for use on land
0	Calm	0.0 - 0.2	Calm, smoke rises vertically
1	Light Air	0.3 - 1.5	Direction of wind shown by smoke drift, but not wind vanes, difficult to sense wind on face

2	Light Breeze	1.6 - 3.3	Wind felt on face; leaves rustle,; ordinary vane moved by wind
3	Gentle Breeze	3.4 - 5.4	Leaves and small twigs in constant motion; wind extends light flag
4	Moderate Breeze	5.5 - 7.9	Raises dust and loose paper; small braches moved
5	Fresh Breeze	8.0 - 10.7	Small trees in leaf begin to sway; crested wavelets form on inland waters.
6	Strong Breeze	10.8 - 13.8	Large braches in motion; whistling heard in telegraph wires; umbrellas used with difficulty

[On to Atmosphere >>>](#)

[home](#)

[directory](#)

[ProInfo](#)

[noise](#)

[vibration](#)

[contact](#)

©NoiseNet.org Ltd 2000 - 2008 [Terms & Conditions of Use](#)

Visit our new site [www.holidaycottage.ltd.uk](http://www.holidaycottage.ltd.uk)



# NoiseNet.Org

[site search](#)
[members area](#)
[home](#)
[directory](#)
[ProInfo](#)
[noise](#)
[vibration](#)
[contact](#)

## Noise - Environmental - Weather - Atmosphere

### Atmospheric Stability

The second weather condition to influence received noise levels is the stability of the atmosphere or the temperature gradient. Note that in this section wind speed is the speed irrespective of direction, i.e. **not** vector wind speed. For our purposes the stability of the atmosphere can be considered as having three main states or conditions as follows-

#### Unstable - U

When hot air rises, noise is also carried upwards and less of it reaches the noise sensitive location; the greater the incoming solar radiation the greater the likelihood of the atmosphere being unstable. This effect is more likely to happen, the less cloud cover there is, the closer to summer and the closer it is to the early afternoon. Naturally it only happens during the daytime.

It is a complex judgment as to how much incoming radiation there is. As a rough "rule of thumb" the following table can be used, for the period of late morning to mid-afternoon, where "cc" is the percentage of sky obscured by lower, denser cloud, as opposed to high thin cloud.

Percentage Cloud Cover "cc"	Incoming Solar Radiation mW/cm <sup>2</sup>		
	Summer	Spring/Autumn	Winter
cc=0	>60	>60	>60
0<cc<25	>60	>60	30-60
25<cc>50	>60	30-60	30-60
50<cc<75	30-60	30-60	<30
75<cc<100	30-60	<30	<30

Similarly for up to mid-morning and after mid-afternoon

Percentage Cloud Cover "cc"	Incoming Solar Radiation mW/cm <sup>2</sup>		
	Summer	Spring/Autumn	Winter
cc=0	>60	>60	30-60
0<cc<25	>60	30-60	30-60

25<cc>50	<b>30-60</b>	<b>30-60</b>	<b>&lt;30</b>
50<cc>75	<b>30-60</b>	<b>&lt;30</b>	<b>&lt;30</b>
75<cc>100	<b>&lt;30</b>	<b>&lt;30</b>	<b>&lt;30</b>

### Stable - S

When a layer of cold air is trapped close to the ground, under warmer air, this is the reverse of normal conditions, and this reversal is known as a temperature inversion; any noise generated in the cooler layer is also trapped within it and unusually high noise levels can be experienced. Inversions are more likely to occur at night when there is little cloud cover; the ground itself cools and this also cools the layer of air close to it. If there is significant cloud cover, this tends to radiate heat back towards the ground and inhibits an inversion; equally if the winds are significant the turbulence mixes the layers and again inhibits the formation of an inversion layer. Naturally it only happens at night.

### Normal - N

Finally normal conditions where the temperature slowly decreases with height such as overcast conditions and/or when the wind is high enough to cause mixing of any atmospheric layers. These conditions can occur day or night; they will always prevail when it is fairly windy, overcast or at the beginning or end of the day.

According to the CONCAWE model, these conditions occur as follows

Wind Speed m/s	Day Time Incoming Solar Radiation mW/cm <sup>2</sup>				1 hour before sunset or after Sunrise	Nighttime Cloud Cover (octas)		
	>60	30-60	<30	Overcast		0-3	4-7	8
1.5	U	U	U	N	N	S	S	N
2.0-2.5	U	U	N	N	N	S	N	N
3.0-4.5	U	N	N	N	N	N	N	N
5.0-6.0	N	N	N	N	N	N	N	N
>6.0	N	N	N	N	N	N	N	N

Note: It is important to stress that the wind speeds used are the general wind speeds between the source and receiver, e.g. Beaufort Scale speeds **NOT** the wind speed at the measurement position and **NOT** vector wind speeds.

### Summary to Atmospheric Stability

All the above can be reduced to the following

1. The Conditions are **Neutral** if any of the following statements are true

- the wind speed is greater than 5.0 m/s, or
- the sky is overcast, or
- it is within one hour after sunrise or one hour before sunset

If any of the above is correct, do not consider the following.

2. For **Daytime**, conditions are **Neutral**, unless any of the following is true

- the wind speed is 1.5 m/s or less, or
- there is > 60 mW/cm<sup>2</sup> of incoming solar radiation and a wind speed < 5 m/s
- the wind speed is < 3.0 m/s and there is >30 mW/cm<sup>2</sup> of incoming solar radiation

in which case, the **Daytime** conditions are **Unstable**.

3. For **Nighttime**, conditions are **Neutral**, unless any of the following is true

- the wind speed is 1.5 m/s or less and there is not full cloud cover
- the percentage cloud cover is less than 50% and the wind speed is less than 2.5 m/s.

in which case the **Nighttime** conditions are **Stable**.

[<<< Back to Wind Strength](#)

[On to Total Effect >>>](#)

[home](#)

[directory](#)

[ProInfo](#)

[noise](#)

[vibration](#)

[contact](#)

©NoiseNet.org Ltd 2000 - 2008 [Terms & Conditions of Use](#)



# NoiseNet.Org

[site search](#)
[members area](#)
[home](#)
[directory](#)
[ProInfo](#)
[noise](#)
[vibration](#)
[contact](#)

## Noise - Environmental - Weather - Total Effect

### Predicting the Effect of Meteorological Categories

The CONCAWE model combines the vector wind speed "v" (m/s) and the three atmospheric categories to produce six Meteorological Categories numbered one to six as follows-

Met Category	Atmospheric Category		
	Unstable	Normal	Stable
1	$v < -3.0$	—	—
2	$-3.0 < v < -0.5$	$v < -3.0$	—
3	$-0.5 < v < +0.5$	$-3.0 < v < -0.5$	—
4	$+0.5 < v < +3.0$	$-0.5 < v < +0.5$	$-3.0 < v < -0.5$
5	$v > 3.0$	$+0.5 < v < +3.0$	$-0.5 < v < +0.5$
6	—	$v > 3.0$	$+0.5 < v < +3.0$

**Note:** In the above table a negative vector wind speed denotes wind blowing from the receiver towards the source, i.e. reducing noise levels.

As the Met Categories increase, the received noise levels increase (attenuation decreases), and category No.4 is defined as having a zero meteorological influence. In other words categories 1 to 3 reduce noise levels, and categories 5 and 6 lead to higher noise levels. It can be seen that the highest likely noise levels occur either with Beaufort "Light air" winds under "stable" atmospheric conditions [temperature inversion] or with stronger winds (Beaufort "Light Breeze" or more) under normal atmospheric conditions.

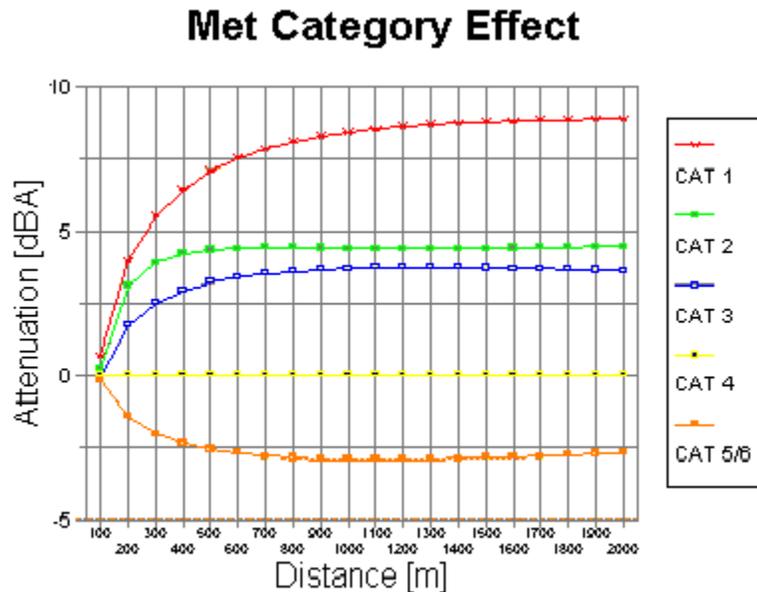
### Predicting Noise Levels

The main CONCAWE model predicts noise levels at a distance based on the weather conditions and a knowledge of the source spectrum in octave bands; however there is a simplified model simply based on the likely dBA effect as below.

When predictions using this model were compared against actual measurements of broad band noise, the measured level was within a 14 dBA range centred on the

predicted level [95% confidence limits]. This was only slightly worse than using the full octave band method. It just shows that predicting the effect of weather is not very reliable!! You should consult the full report available from [www.concawe.be](http://www.concawe.be) for full details.

Using the chart it is possible to estimate the likely noise levels under differing weather conditions; for example if a measurement of 50 LAeq was made 1000m from a source under category 1 conditions, the model indicates that under category 6 conditions, the level would have been around 10 dBA higher.



The [directory](#) contains details of suppliers of prediction software incorporating the full CONCAWE model and consultants experienced in allowing for the effects of weather conditions.

[<<< Back to Atmospheric Effect](#)

[home](#)

[directory](#)

[ProInfo](#)

[noise](#)

[vibration](#)

[contact](#)

©NoiseNet.org Ltd 2000 - 2008 [Terms & Conditions of Use](#)



01524 222 000

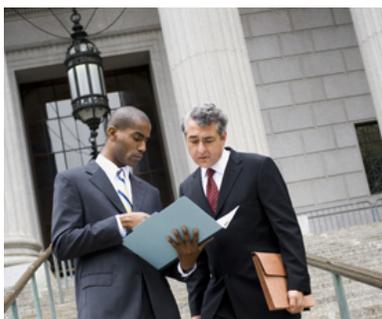
Home Sound Test Fan Noise Assessment Noise Expert Witness BB93 School Acoustics Noise & Vibration at Work Leisure Noise Planning & Noise Environmental Noise Contact T&Cs

# Professional noise surveys across the United Kingdom



### Sound Test »

Let our professional team help you today.



### Noise Expert Witness »

We can help act as your noise expert witness.



### BB93 School Acoustics »

Make sure your school meets noise requirements.



### Control of Noise & Vibration »

Let us help make your workplace safe and fulfill legal requirements.



### Leisure Noise »

If you need help keeping your leisure activities at the right noise level, we can help.



### Environmental Noise »

Our team can help assist you with your environmental project.



**ILLINGWORTH & RODKIN, INC.**  
Acoustics • Air Quality

429 East Cotati Avenue  
Cotati, California 94931

Tel: 707-794-0400  
www.illingworthrodkin.com

Fax: 707-794-0405  
illro@illingworthrodkin.com

---

February 4, 2019

Ms. Amy E. Million  
Principal Planner  
City of Dublin  
100 Civic Plaza  
Dublin, CA 94568

VIA E-MAIL: [amy.million@dublin.ca.gov](mailto:amy.million@dublin.ca.gov)

**SUBJECT: Valley Christian Center Sports Fields Improvement Project, Dublin, CA  
Responses to Comments – Law Offices of Stuart M. Flashman**

Dear Ms. Million:

The following responses are provided to address noise-related comments submitted by the Law Offices of Stuart M. Flashman on February 1, 2019. Please note that no new substantive comments were made by Mr. Flashman as his comments echoed earlier comments submitted in September 2018. Mr. Flashman's primary comment was that, "...the MND failed to take into account peculiarities of the site, notably the strong prevailing winds flowing across the project site – directly towards residences located downhill from the project." Technical excerpts from NoiseNet.Org were provided to support the position that noise levels could be increased under certain wind conditions as compared to the neutral weather conditions assumed in the MND noise analysis.

While our experience has shown that wind or temperature inversions could result in noise levels that are plus or minus 5 to 10 dBA relative to the noise levels during neutral weather conditions, it is common practice that neutral weather conditions are assumed when predicting noise levels for CEQA noise assessments. As noted in prior responses to similar comments in January 2019<sup>1</sup>, one example of a guidance document supporting this methodology is the Technical Noise Supplement (TeNS Manual) published by Caltrans<sup>2</sup>. In this document, Caltrans recommends that noise measurements should not be made when wind speeds are more than 11 mph and noise analyses are always made for zero-wind conditions.

It should be further noted that in our September 2018 responses to comments<sup>3</sup> that noise levels were

---

<sup>1</sup> Illingworth & Rodkin, Inc., 2019. *Valley Christian Center Sports Fields Improvement Project, Dublin, CA, Responses to Saxelby Acoustics Comments*, January.

<sup>2</sup> Caltrans, 2013. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. September.

<sup>3</sup> Illingworth & Rodkin, Inc., 2018. *Valley Christian Center Sports Fields Improvement Project, Dublin, CA, Responses to Comments*, September.

estimated at the nearest receptors when accounting for a +10 dBA adjustment for atmospheric effects. Even when considering these worst-case conditions (i.e., maximum crowd size of 1,600 spectators and the prevailing winds), the day-night average noise level ( $L_{dn}$ ) attributable to football is anticipated to reach 47 dBA at Bay Laurel residences and 46 dBA at Las Palmas residences. When added to the lowest ambient  $L_{dn}$  noise level measured during the noise survey (50 dBA  $L_{dn}$  at LT-2 on the weekend), the resultant increase in the daily average noise level is less than 2 dBA  $L_{dn}$ .

Where noise levels would remain at or below the normally acceptable noise level standard with the project, noise level increases of 5 dBA  $L_{dn}$ /CNEL or greater would be considered significant.  $L_{dn}$  noise level increases expected under neutral weather conditions, as well as when accounting for a conservative +10 dBA adjustment in noise levels because of atmospheric effects, would not be substantially increased at the most affected residences, nor exceed the City of Dublin's noise and land use compatibility thresholds.



This completes our response letter. Please feel free to contact us with any questions or concerns.

Sincerely yours,

Michael S. Thill  
Principal Consultant  
***ILLINGWORTH & RODKIN, INC.***  
(15-090)



**RECEIVED**

**FEB 04 2019**

**DUBLIN PLANNING**

February 4, 2019

Amy Million, Principal Planner  
City of Dublin Community Development Department  
100 Civic Plaza  
Dublin, CA 92568

RE: Valley Christian Center Updated Project Description – PLPA-2014-00052

Dear Amy,

In the interest of cooperating with our neighbors and ensuring good relations in the community, Valley Christian Center is incorporating the following items into our project and requesting that City Council also incorporate these items into our Conditions of Approval for the Site Development Review Permit for the project. These items are in addition to the existing draft Conditions of Approval and prior agreements between Valley Christian and the neighbors.

The variety of areas of discussion show how detailed the discussions have been. These items have been requested by the neighbors and Valley Christian is agreeable to incorporating them.

- 1. Noise.** Within 60 days of completion of the Athletic Complex, Valley Christian shall retain a noise consultant to prepare a report that measures the sound system at the easternmost Valley Christian property line (Parcel 3). If the report indicates that the noise level at the property line exceeds 65dBA Leq with the normal operation of the sound system, then a solid fence or wall made of wood or masonry on the east border of the Athletic Complex shall be installed as mitigation. Valley Christian may elect proactively to install said solid fence/wall as part of their construction drawings to serve as complete mitigation. The fence/wall is subject to Site Development Review Permit approval by the City of Dublin.
- 2. Traffic.** Prior to the first event at the Athletic Complex, Valley Christian Center will request permission from the City of Dublin to install a directional sign at the intersection of Dublin Blvd and Inspiration Drive informing drivers Left Turn for I580 freeway. If approved, the sign will be installed at Valley Christian's expense.

Valley Christian's Parking Management Plan required by Mitigation Measure TRA-2 shall require live traffic control for one hour prior and one hour after events associated with the Athletic Complex with expected auto count over 300 vehicles.

- 3. Construction Debris.** Within 30 days of completion of construction of the Athletic Complex, Valley Christian shall notify residents within 1000 linear feet east of Parcel 1's eastern property line. The notice shall include an offer to clean solar panels and pools of those property owners that may have been affected by construction. The effected neighbors shall be given 30 day in which to accept the offer.

In compliance with draft Condition of Approval No. 12, Valley Christian and their Contractors shall have a plan to minimize garbage and trash that would attract rodents and provide rodent mitigation if necessary.

In compliance with draft Mitigation Measure AIR-1 and Mitigation Measure 4.6-2, Valley Christian and its Contractors shall adhere to Bay Area Air Quality District and San Francisco Bay Regional Water Quality Control Board standards during construction of the Athletic Complex

- 4. Operations.** In compliance with draft Condition of Approval Nos. 100, 101, 102, the Athletic Complex shall have available containers for trash and recycling.

In compliance with draft Condition of Approval No. 12, the Athletic Complex shall have all debris removed after events.

Prior to the first event at the Athletic Complex, Valley Christian will update its Emergency Preparedness Plan to incorporate live activity at the Athletic Complex.

Valley Christian will limit its use of loudspeaker events to 50 per calendar year. Loudspeakers may not be used for practices or regular physical education classes.

The Athletic Complex/Amphitheater shall not be leased to outside groups for music or entertainment purposes.

Seating capacity shall be 600 versus the previously requested 1100.

Thank you for your consideration and work. Valley Christian has worked with the neighboring community members to bring a project that we can all be proud of. We ask for the support of the City Council to add these resources for Valley Christian and its mission as well as the benefit to the entire City of Dublin.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tawni Garcia', written over a large, faint, circular watermark or background graphic.

Tawni Garcia  
Executive Pastor  
Valley Christian Center

September 26, 2018

**VIA EMAIL and HAND DELIVERY**

Mayor and City Council Members  
City of Dublin  
100 Civic Plaza  
Dublin, CA 94568

Email: [david.haubert@dublin.ca.gov](mailto:david.haubert@dublin.ca.gov); [melissa.hernandez@dublin.ca.gov](mailto:melissa.hernandez@dublin.ca.gov);  
[abe.gupta@dublin.ca.gov](mailto:abe.gupta@dublin.ca.gov); [arun.goel@dublin.ca.gov](mailto:arun.goel@dublin.ca.gov); [janine.thalblum@dublin.ca.gov](mailto:janine.thalblum@dublin.ca.gov)

Martha Battaglia  
Associate Planner  
City of Dublin  
100 Civic Plaza  
Dublin, CA 94569

Email: [martha.battaglia@dublin.ca.gov](mailto:martha.battaglia@dublin.ca.gov)

**RE: Valley Christian Center Planned Development Zoning Amendment and Site Development Review Permit (PLPA-2014-00052) for the Project site located at 7500 Inspiration Drive ("Project") – CEQA Compliance**

Dear Mayor Haubert, Honorable Members of the City Council and Ms. Battaglia:

These comments are submitted on behalf of the Concerned Citizens of West Dublin regarding the above referenced Project. We are concerned about the environmental impacts of the proposed Project, particularly those associated with noise pollution. We object to Project on the grounds that the Initial Study/Supplemental Mitigated Negative Declaration ("IS/Supplemental MND") fails to meet the minimum legal requirements as set forth in the California Environmental Quality Act ("CEQA"), Public Resources Code, Section 21000 *et. seq.*

We reviewed the IS/Supplemental MND, City's Staff Report and other plans with the help of our technical consultants, including Saxelby Acoustics which we engaged for an initial expert opinion. Their attached technical comments are submitted in addition to the comments in this letter. We have identified a number of significant deficiencies in Illingworth & Rodkin, Inc.'s ("I&R") environmental noise assessment report ("I&R Report") prepared on behalf of the City of Dublin ("City"), as well as additional, more severe impacts that were neglected or otherwise not identified, included and/or assessed in the IS/Supplemental MND. Therefore, the City lacks substantial evidence to support the conclusions in the IS/Supplemental MND and an EIR is required.

**I. The IS/Supplemental MND Fails to Adequately Analyze and Mitigate Noise Impact**

As case law has shown, compliance with applicable regulations does not automatically obviate the need for further analysis of impacts at this pre-approval stage of the Project. In *Keep our Mountains Quiet v. County of Santa Clara*, (2015) 236 Cal.App.4<sup>th</sup> 714, neighbors of a wedding venue sued over the County's

failure to prepare an EIR due to significant noise impacts. The court concluded that “a fair argument [exists] that the Project may have a significant environmental noise impact” and reasoned that although the noise levels would likely comply with local noise standards, “compliance with the ordinance does not foreclose the possibility of significant noise impacts.” The court ordered the County to prepare an EIR.

The ruling demonstrates the possibility that a project may be in compliance with an applicable regulation and still have a significant impact. In *Communities for a Better Env't v. California Res. Agency*, (2002) 126 Cal.Rprt.2d 441, 453, the court struck down a CEQA Guideline because it “impermissibly allow[ed] an agency to find a cumulative effect insignificant based on a project's compliance with some generalized plan rather than on the project's actual environmental impacts.” The court concluded that “[i]f there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding that the project complies with the specified plan or mitigation program addressing the cumulative problem, an EIR must be prepared for the project.” Thus, the ruling supports the notion that despite assured compliance with applicable standard outside of the CEQA process, a lead agency still has an obligation to consider substantial evidence and analyze and mitigate potentially significant impacts.

In *Leonoff v. Monterey County Bd. of Supervisors*, (1990) 222 Cal.App.3d 1337, 1355, the court held that conditions requiring compliance with regulations are proper “where the public agency had meaningful information reasonably justifying an expectation of mitigation of environmental effects.” The ruling suggests that an agency that merely provides a bare assertion that the project will be in compliance with applicable regulations, without further explanation or enforceability, may not fulfill the requirements of CEQA.

In our case, the City failed to provide information explaining how compliance with the outside laws and regulations would reduce the risks posed to nearby residents from the elevated noise levels emanating from the Project's proposed site. The City may not rely solely on compliance with regulations or laws as reducing impacts without a full analysis of impacts or enforceable mitigation. Furthermore, reliance on the Environmental Impact Report (“EIR”) dating back to 2003 is improper because the referenced EIR did not include substantial changes made to the proposed development plan, substantial changes in circumstances, and/or new information, any of which would have resulted in a new EIR. CEQA requires that the City describe all components of the Project that may have a significant impact, and adequately analyze and require mitigation for all potentially significant impacts. Here, the City failed to do so in its IS/Supplemental MND.

## **II. Fair Argument Standard**

CEQA requires that an agency prepare an EIR for any project that may have a significant effect on the environment. (Pub. Resources Code § 21151(a).) An agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. (Pub. Resources Code, §§ 21080(a); 21151(a); see *Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.* (1993) 6 Cal.4<sup>th</sup> 1112, 1123.) “In reviewing an agency's decision to adopt a negative declaration, a trial court applies the ‘fair argument’ test.” (*City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4<sup>th</sup> 398, 405.) The fair argument test requires that an agency “prepare an EIR whenever substantial evidence in the record supports a fair argument that a proposed project may

have a significant effect on the environment.” (*City of Redlands, supra*, 96 Cal.App.4<sup>th</sup> at p. 405: quoting *Gentry v. City of Murrieta* (1995) 36 Cal.App.4<sup>th</sup> at pp. 1399-1400.) If such evidence exists, the court must set aside the agency’s decision to adopt a negative declaration as an abuse of discretion in failing to proceed in a manner as required by law. (*City of Redlands, supra*, 36 Cal. App.4<sup>th</sup> at p. 406).

The ‘fair argument’ standard is “a low threshold requirement for preparation of an EIR.” (*No Oil, Inc. v. City of Los Angeles* (1975) 13 Cal.3d 68, 84.) The fair argument standard reflects CEQA’s “preference for resolving doubt in favor of environmental review.” (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4<sup>th</sup> 1307, 1316-1317.) Thus, an EIR must be prepared “whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact” (*No Oil, Inc. v. City of Los Angeles, supra*, 13 Cal.3d at p. 75). CEQA defines “environment” as “the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, ...noise....” (Pub. Resources Code § 21060.5). “Significant effect upon the environment” is described as “a substantial or potentially substantial adverse change in the environment.” (Pub. Resources Code § 21068; CEQA Guidelines § 15382.) A project may have a significant effect on the environment if there is a reasonable probability that it will result in a significant impact. (*No Oil, Inc. v. City of Los Angeles, supra*, 13 Cal.3d at p.83.) Even if the overall effect of the project is beneficial, the lead agency must prepare an EIR if any part of the project “either individually or cumulatively, may cause a significant effect on the environment.” (CEQA Guidelines § 15063(b)(1).)

### **III. Substantial Evidence Supports a “Fair Argument” that the City Must Prepare an EIR**

CEQA and the CEQA Guidelines provide assistance in evaluating what constitutes substantial evidence to support a ‘fair argument.’ (See CEQA Guidelines § 15384(a) (“substantial evidence’ means enough relevant information and reasonable inferences ... that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.”).) Substantial evidence consists of “fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.” (Pub. Resources Code § 21080(e)(1); CEQA Guidelines § 15384(b).) Comments that present evidence of facts and reasonable assumptions from those facts may constitute substantial evidence to support fair argument that the project may have a significant effect on the environment. (*City of Redlands, supra*, 96 Cal.App.4<sup>th</sup> at p. 590; *Stanislaus Audubon Society, Inc. v. County of Stanislaus*, (1995) 33 Cal.App.4<sup>th</sup> 144, 152-153.)

The individual members of the Concerned Citizens of West Dublin live, work, and raise their families in the City of Dublin and most of them live in very close proximity to the Project’s proposed site. They will therefore be first in line to be exposed to any noise impact created on the Project site and would be directly affected by the Project’s various impacts. As area residents, their relevant personal observations on nontechnical subjects may qualify as substantial evidence for a fair argument. (See *Ocean View Estates Homeowner’s Assn., Inc. v. Montecito Water District* (2004) 116 Cal.App.4<sup>th</sup> 396, 402.) As for the relevant personal observations of area residents, see the attached letters.

Concerned Citizens of West Dublin submitted comments to the City on the Project and by declaration and letter. Their statements on noise impact constitute substantial evidence supporting a fair argument in numerous areas. The City must review and consider all such comments as “relevant personal

observations of area residents on nontechnical subjects may qualify as substantial evidence.” (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4<sup>th</sup> 903, 928.)

The I&R Report is faulty or otherwise inadequate as previously asserted by two PhD Physicists Dr. Rongfu Xiao (who has written 50 U.S. patents, one of which is about sound insulation) and Dr. Bruce Remington (who is a Senior Scientist and Distinguished Member of the Technical Staff at the Lawrence Livermore National Laboratory, a Fellow of the American Physical Society, and author/coauthor of over 400 papers published in the scientific literature) in their letters to the City, dated September 5, 2018 and September 3, 2018, respectively. The attached report prepared by Saxelby Acoustics dated September 17, 2018 (“Saxelby Report”) states that “Project-related noise levels are likely to be more than twice as loud as that concluded in the I&R Report.”

Based on the I&R Report, it appears that I&R performed a noise monitoring survey during a six (6) day period in May 2015. The I&R Report fails to take into consideration numerous material acoustical factors or completely ignores them as follows:

- 1) The strength of the wind in May (low wind season) is very different than the strength of the wind in September, October and November (strong and steady westerly winds blowing from the Project site towards neighboring areas), which are the months when the Project site will be heavily utilized with sound amplification. Hence if I&R were to do the noise assessment test during strong westerly wind season, the results would be substantially different.
- 2) The sound reaching the neighborhoods on the eastern side of the Project site will be enhanced by (a) the westerly winds, (b) refraction which bends the sound waves back towards the ground, and (c) reflections off the homes that bound the streets, the pavement, and the sidewalks, all of which could create a wind tunnel like effect directing the sound down the streets, as opposed to dispersing in all directions. The I&R Report accounts for sound attenuation due to distance and topography, based on measurements done on a flat, open, grassy field, (which is quite the opposite of the conditions in the affected neighborhoods) and concludes that the increased noise level from the project would be up to 1 dB. This analysis fails to consider the effects of wind, refraction, pavement (vs grassy field) and streets bounded by homes, which could result in sound traveling much further into the surrounding neighborhoods than was considered in the I&R Report. Neither a realistic analysis of these effects nor appropriate and representative measurements in the neighborhoods were made by I&R. Our initial estimates, based on the relevant published scientific literature (*copies of which are attached to the aforementioned Remington letter*), suggest that the noise level increase on the downwind side could be up to ~10 dB or more due only to the westerly winds. The aforementioned “wind tunnel effects” could increase this estimate even more. This could enhance by a factor of 10 or more the 1 dB noise estimate given in the I&R Report.
- 3) The noise test was done in a blind-spot chosen by I&R so that such blind-spot would fit the data into I&R’s model. The IS/Supplemental MND states “LT-1 represented the existing noise environment near the location of the proposed multi-purpose recreation field” and LT2 “represented the noise-sensitive receptors.” In other words, LT1 represents the noise source during a future football game and LT2 represents the noise level that would be heard in the surrounding neighborhood. Dr. Xiao recently made his own sound measurements near the Project

site and observed that some of the measurements done by I&R were in locations that corresponded to sound “blind spots,” meaning that the sound levels were unrepresentatively low. He subsequently re-did the measurements in neighborhood driveways and found an average baseline noise level of about 60 dB, which is higher than the 40-42 dB given in Table 7 in the I&R Report. Hence, I&R provided non-representative data to the City by putting (either intentionally or through lack of due diligence) a sound sensor in a quiet spot (i.e., “blind spot”) so that it can pass the City’s noise standard.

- 4) The I&R Report lacks consideration of the “hilltop effect” on sound propagation due to the source (i.e., the Project site) being on the top of the hill, overlooking the surrounding neighborhoods. The sound propagates further when it is less dissipated by interactions with the ground. Established scientific theory substantiates this ground dissipation effect. I&R made a noise level projection for the Project site by choosing Santa Teresa High School (“STH”) for its calibration measurement, which is located on flat land. I&R’s choice of a flat grassy venue to conduct a noise assessment test for a venue located on a hilltop overlooking the neighborhood is very non-representative, as the Project site (sitting 100-200 feet above the surrounding areas, enhancing the distance that noise produced at the Project site could propagate into such areas with the wind tunnel effect) has a very different micro-climate as compared with the STH (with still-air, and flat grassy field).

There is a possibility that the noise increase generated by the utilization of the Project site will exceed the City’s noise impact threshold of significance, hence it is entirely possible that a significant adverse noise impact could result from the Project, as set forth in the Saxelby Report. I&R’s failure to utilize an industry standard acoustic analysis which would take into consideration of the points listed above (among other factors) and instead choosing to do manual calculations for an environmental noise assessment test would inevitably produce flawed analysis. Alternatively, a thorough and complete set of experimental measurements in the affected neighborhoods should have been taken. The aforementioned measurements taken by Dr. Xaio experimentally show the level to which the results provided by I&R are flawed and deficient.

The Saxelby Report, Xiao and Remington comments, and other attached letters based on relevant personal observations of area residents, provide a reasonable basis to challenge the adequacy of the IS/Supplemental MND and include substantial evidence that supports a fair argument that the Project may result in a significant adverse noise impact. As discussed in the Saxelby Report, and in other comment letters submitted to the City, the IS/Supplemental MND fails to provide an adequate analysis of the Project’s noise impacts. To the extent that the IS/Supplemental MND discussed the Project’s noise impacts, the Saxelby Report, Xiao and Remington comments, and other nontechnical comment letters, constitute substantial evidence supporting a fair argument that the Project has significant adverse environmental impacts that have not been mitigated. Thus, CEQA mandates that the City prepare and certify a legally adequate EIR that addresses and mitigates the Project’s noise impacts.

#### **IV. Conclusion**

Substantial evidence overwhelmingly supports a fair argument that the Project will have a significant impact on the environment. If there is substantial evidence that a project may result in such an impact, contrary evidence is not adequate to support a decision to dispense with an EIR (*Arviv Enterprises, Inc. v. South Valley Area Planning Com.* (2002) 101 Cal.App4th 1333, 1346). Indeed, if there is a disagreement

among experts over the significance of an effect, the agency is to treat the effect as significant and prepare an EIR. The 'fair argument' standard creates a low threshold requirement for preparation of an EIR and reflects a preference for resolving doubts in favor of environmental review. Thus, under the low threshold requirement of the 'fair argument' standard, CEQA mandates that the City prepare and certify a focused EIR prior to approving the Project that includes description and analysis of a reasonable range of Project alternatives pursuant to CEQA Guidelines § 15126.6 (including without limitation, alternative locations for the football stadium, or at a minimum, an alternative with a different orientation/size of the stadium facilities and thus directions/projection of the primary noise producing elements like the amplified speakers, a sound wall high and thick enough to prevent noise traveling beyond the football stadium).

Accordingly, we hereby demand the City Council direct the City's Planning Department to prepare an EIR covering the impacts identified in the IS/Supplemental MND as requiring supplemental environmental review and analyzing Project alternatives that avoid or reduce the Project's potentially significant noise impacts. The failure to prepare a legally adequate EIR would violate CEQA and constitute a prejudicial abuse of discretion.

Very truly yours,



Gigi Remington, Esq.  
On behalf of the Concerned Citizens of West Dublin

cc: Chris Foss, City Manager, City of Dublin, via email [chris.foss@dublin.ca.gov](mailto:chris.foss@dublin.ca.gov)  
Luke Sims, Community Development Director, via email [luke.sims@dublin.ca.gov](mailto:luke.sims@dublin.ca.gov)  
Caroline P. Soto, City Clerk, City of Dublin, via email [caroline.soto@dublin.ca.gov](mailto:caroline.soto@dublin.ca.gov)

Encl: Saxelby Acoustics Report, dated September 17, 2018

Remington Letter, dated September 5, 2018 (with attachments:  
Rasmussen\_J.Sound.Vibration\_1986, Pridmore-Brown\_J.Acoustical.Soc.America\_1962, and  
Wind Effect Slides)

Xiao Letter, dated September 25, 2018

Letters from Concerned Citizens of West Dublin: Fisher; Jung; N. Lewandowski; Lee; Zhang & To;  
Kantorov; J. Smith; L. Cablas; A. Cablas; Malvania; T. Smith; Jayaraman

## Amy Million

---

**From:** Chris Foss  
**Sent:** Tuesday, February 5, 2019 1:55 PM  
**To:** John Bakker; Linda Smith; Jeff Baker; Amy Million  
**Subject:** FW: VCC Project - REALLY !

FYI



**Chris Foss**  
**City Manager**  
City of Dublin  
100 Civic Plaza, Dublin, CA 94568  
(925) 833-6650 | (925) 833-6651 FAX  
[chris.foss@dublin.ca.gov](mailto:chris.foss@dublin.ca.gov) | [www.dublin.ca.gov](http://www.dublin.ca.gov)

**Mission Statement:** *The City of Dublin promotes and supports a high quality of life, ensures a safe and secure environment, and fosters new opportunities.*

---

**From:** Melissa Hernandez <Melissa.Hernandez@dublin.ca.gov>  
**Sent:** Tuesday, February 5, 2019 1:52 PM  
**To:** Chris Foss <Chris.Foss@dublin.ca.gov>  
**Subject:** Fwd: VCC Project - REALLY !

Begin forwarded message:

**From:** norbert lewandowski <[norm.lewandowski@att.net](mailto:norm.lewandowski@att.net)>  
**Date:** February 5, 2019 at 12:57:56 PM PST  
**To:** "[david.haubert@dublin.ca.gov](mailto:david.haubert@dublin.ca.gov)"  
<[david.haubert@dublin.ca.gov](mailto:david.haubert@dublin.ca.gov)>, "[melissa.hernandez@dublin.ca.gov](mailto:melissa.hernandez@dublin.ca.gov)"  
<[melissa.hernandez@dublin.ca.gov](mailto:melissa.hernandez@dublin.ca.gov)>, Arun Goel  
<[arun.goel@dublin.ca.gov](mailto:arun.goel@dublin.ca.gov)>, "[jean.josie@dublin.ca.gov](mailto:jean.josie@dublin.ca.gov)"  
<[jean.josie@dublin.ca.gov](mailto:jean.josie@dublin.ca.gov)>, "[shawn.kumagai@dublin.ca.gov](mailto:shawn.kumagai@dublin.ca.gov)" <[shawn.kumagai@dublin.ca.gov](mailto:shawn.kumagai@dublin.ca.gov)>  
**Subject:** VCC Project - REALLY !

Mayor and City Council Members,

Whoever is in charge of the City Planning Group should be questioned big time on the plan that they have put in front of you for tonight's meeting. West Dublin Alliance has provided 2 different independent Sound Acoustic Engineering Reports and technical data that was submitted by high level physicists, engineers, architects and lawyers that contradict the City reports and yet the City planning Group is telling you that all that information from numerous sources is not correct. Really ?

Regarding Noise, Who in there right mind would believe the City Noise Report concluding that a stadium with amplified sound & 1100 people built right over the roof tops of residents is only going to be 1(one) decibel higher in noise.

Norm Lewandowski  
Impacted Resident  
Member West Dublin Alliance

## Amy Million

---

**From:** Sean Cohen <naturchem@att.net>  
**Sent:** Tuesday, February 5, 2019 4:13 PM  
**To:** Amy Million  
**Cc:** City Council  
**Subject:** Re: Valley Christian amphitheater/expansion project-

Dear council members and Ms. Million;

Count me as one of many adjacent homeowners in emphatic opposition to this project.

I've read the noise remediation *rhetoric* on the proposed amphitheater, stadium & respective proposed improvements; however, given that my home is nearly one half mile away from Valley Christian campus, yet the **ROAR** from the school's PA system sounds like it's directly in my backyard, one can only imagine what additional noise and further negative traffic impacts an 1,100 seat amphitheater will bring to this once tranquil and serene neighborhood.

At minimum, **given the fact that** the Valley Christian project will have a significant impact on the environment and major changes in West Dublin have occurred over the last 15 years, when the now completely outdated EIR study was completed, it seems rather obvious that this project mandates a new, and updated EIR.

Sincerely,

Sean Cohen, a long-time -4+decades- Dublin resident.