

Ms. Jennifer Roberson,

Thank-you for allowing us the time to discuss the problems surrounding the current Field Usage at Clairemont High School and the impacts that the operation of the field under the lights is having on the surrounding community which appear to concentrate on light trespass from the permanent and portable lighting systems and noise generated from the PA system.

Please refer to page 3 of the Clairemont High School Athletic Facilities Upgrade Project MND that was prepared by BRG, under the heading Athletic Events Schedule. I have copied the exact language below:

**Athletic Events Schedule**

Events conducted on the existing athletic facility were possible only during daylight hours or in the evening with the use of temporary lights. These events, which have included football, field hockey, boys and girls soccer, and track and field, could now occur in the evening. The District anticipates that approximately 15 evening events would occur with implementation of the proposed project. The District notes that due to routine practices and the potential for unforeseen events, such as playoff games, a few more events may occur. No lights are proposed on the baseball or softball fields.

This is the exact same language that was used in the MND, also developed by BRG, for the Hoover High School Athletic Facilities Upgrade Project. Taxpayers For Accountable School Bond Spending filed suit against SDUSD for various causes, one of which was conducting insufficient CEQA studies and performing an MND instead of an EIR. This case ended up being settled in the Court of Appeal of California, Fourth Appellate District, Division One. The published Appellate Court Opinion can be found at the following link:

[http://www.tfasbs.org/uploads/Decision\\_REPORTED\\_taxpayers\\_for\\_accountab.pdf](http://www.tfasbs.org/uploads/Decision_REPORTED_taxpayers_for_accountab.pdf)

Please review pages fifteen and sixteen of the published Appellate Court Opinion where the language of approx 15 evening events is discussed. The Opinion stated that a reasonable interpretation of that language is that approximately 15 evening events would be held each year but a few more events could be held. The Opinion further stated that it is common knowledge that a few consists of a small number (i.e. more than 1 but typically 3 or 4). Therefore the Initial CEQA Study in effect is that the District expected between 15 and 18 or 19 evening events per year. The published Appellate Court Opinion goes on to state that if the Project is completed and District thereafter proposes to increase the actual number of evening events held to a number substantially greater than the 15-to-19 range, the District may be required to conduct an additional CEQA review to determine whether the increased number of events may result in a significant effect on the environment.

Even though this Appellate case was about Hoover High School, the interpretation and actions should be the same. The determination of approx 15 evening events at Clairemont High School should mean the same, about 15 to 19 evening events. The District needs to perform an additional CEQA review if they want to increase the number of night events at Clairemont High School above 19 per year. Also keep in mind that the MND included practices and unforeseen events such as playoff games in the 15-to-19 evening events number. In addition, there is no authorization to operate portable telescoping lights with generators on the property in a temporary-permanent implementation as is currently taking place.

On July 29, 2014, the BoE adopted revised versions of Administrative Procedures 9205 and 9229 and also a Field Use Policy for PLHS. These procedures have been in effect since July 29, 2014.

Thank you for your time,

Ron Anderson