

## **Destruction of a Neighborhood by the San Diego Unified School District**

On February 11, 2015, with only 24-hour notice, a single Clairemont resident was invited by the San Diego Unified School District (SDUSD) to discuss problems Clairemont residents were experiencing with extensive third-party use of the Clairemont High School (CHS) stadium at night. Others at the meeting included Andra Donovan (SDUSD General Counsel), Lee Dulgeroff (Executive Director, SDUSD Facilities Planning & Construction), Debra Beaver (SDUSD Rental Department), Felix Goodson (Vice-President of VAVi), and David Draizen (Sports Operations Manager, VAVi). Two additional concerned citizens also attended the meeting to prevent what looked like an “ambush” of the invited resident.

### **Problems residents are experiencing**

Before the stadium was built, the District processed a Mitigated Negative Declaration (MND) that stated that the lights would be used for approximately 15 night events per year. While processing the MND, the District conducted minimal to no outreach to the surrounding community to let them know what was being planned in their community. In comes VAVi. VAVi is a for-profit social and sports club and now rents the new CHS stadium with field lighting for pay-for-play adult sports activities some 200 evenings per year. As a result, the excessive use of the lights by VAVi for non-school related activities is causing immense disruption of the tranquility of the community around CHS. Bright lights are on until nearly 10:00 p.m. most nights and the noise from games and practices, whistles in particular, ruin peoples’ enjoyment of their homes and the neighborhood environment. Two families have moved out due to VAVi’s use of the field and a third family has planned to move out. Children cannot sleep when the lights are on and residents no longer use portions of their homes. The VAVi vice-president and the SDUSD executive director disputed the brightness of the lights and downplayed their impact on residents.

### **Reason for the meeting**

The purpose of the meeting was to pressure the Clairemont resident to agree to allow VAVi to continue using the field regularly with some proposed mitigation (additional light shields or nets) to curtail light spillage. The resident said such proposals were insufficient and would not confine the light to the field; it would still significantly trespass onto residences. He asked that the SDUSD follow the Mitigated Negative Declaration (MND) which permitted approximately 15 night events a year, including practice and playoff games. The SDUSD counsel did not propose reducing the number of games. Quite possibly because SDUSD has a lucrative contract with VAVi to rent the fields at Clairemont and other SDUSD properties paid for by taxpayer dollars.

### **What took place at the meeting**

Rather than focusing on the legitimacy of the resident’s concerns about the devastating impacts of the excessive noise and lights generated by third-party rental of SDUSD facilities, the

district's legal counsel began splitting hairs. She would not admit that the VAVi games and practices were "events" and would not talk about compliance with the MND or a published appellate court ruling regarding use of lights at Hoover High School (HHS). She said that the MND was not a legal document and the HHS-related court ruling had no bearing on CHS. Both claims are untrue and a demonstration of SDUSD's blatant disregard for settled case law and the residents near its schools. In the meeting, the SDUSD counsel, the executive director, and the vice-president of VAVi all tried their utmost to "rebrand" VAVi as a "member of the community" so it could be involved and have a role in the development of a field-use policy for CHS.

### **VAVi is not a "community member"**

VAVi is not a member of the Clairemont community. It is a for-profit private enterprise that solicits investors, accepts advertising revenue, and maximizes profits by renting taxpayer-funded public school properties to cut costs. Having its representatives on any group discussing field use at SDUSD facilities represents a conflict of interest since the company, its owner, employees, and its investors have a monetary stake in the outcome. VAVi profits from its use of SDUSD facilities.

On September 9, 2014, the San Diego Regional Economic Development Corporation declared on its Big Picture Blog's "Investor's Spotlight" that VAVi "is an entrepreneurial and innovative company that's helping organizations across the country rethink the way they produce large scale events." Interviewed for the story, the owner of VAVi said that "the sports business community is thriving" [in San Diego] and the VAVi website announced that "Felix Goodson has a passion for producing parties [and] large-scale events." None of this sounds like the activity of a neighborhood or community organization and Clairemont is experiencing the result of VAVi's passion for producing large-scale events and its lack of concern for the effects of its actions.

### **Arguments against for-profit use of stadiums**

Taxpayers did not approve Propositions S and Z school bond funding measures to produce infrastructure to subsidize for-profit sports enterprises at the expense of local families and neighborhoods. Additionally, the City of San Diego did not allow the SDUSD to exempt the Athletic Facilities Upgrade Project from municipal code so it could rent these facilities to third-party for-profit corporations. The exception to the City's zoning ordinances allowed by California Government Code section 53094 was to build athletic facilities related to the mission of the public schools. Renting the facilities to third parties does not qualify for an exemption under California Government Code section 53094. You can read the City Attorney's review and response regarding the SDUSD use of code 53094 at the following link: [http://www.tfasbs.org/uploads/City\\_Attorney\\_Response\\_MS-2011-8.pdf](http://www.tfasbs.org/uploads/City_Attorney_Response_MS-2011-8.pdf).