

POINT LOMA HIGH SCHOOL WHOLE SITE MODERNIZATION AND ATHLETIC FACILITIES UPGRADE PROJECT

Appendix L

Point Loma High School Field Use Policy

Prepared by San Diego Unified School District

and subject to change according to the mutable priorities and the capricious whims of the

Revised July 30, 2014

The Field Use Policy (included as Appendix L of the Final Environmental Impact Report) predates the EIR by almost 2 years, evidence that the District intended to move forward with athletic field upgrades regardless of the findings of the EIR. In other words, the District viewed the EIR as just a formality, one last hurdle to get past. (i.e. The EIR was a sham EIR.)

This document, entitled "Field Use Policy - Deflated," includes the District's Field Use Policy (FUP) for Point Loma High School in its entirety. The FUP was created by San Diego Unified School District and was included as Appendix L of the District's Environmental Impact Review [EIR, available for download at <https://www.sandiegounified.org/point-loma-high-school-environmental-impact-report-eir>].

The District makes numerous references to the FUP throughout its EIR. The EIR relies heavily on the FUP to deflect the public's criticisms and to evade questions regarding the District's plans to "upgrade" and to commercialize (rent to third parties for profit) the PLHS athletic field.

The District wants the public to believe that this FUP will shield Loma Portal neighbors against the negative environmental impacts of the District's plans for PLHS. It will not. Herein we showcase, in detail, the many weaknesses of this FUP.

With the document opened in Two Page layout (i.e. like an open book), odd pages (on the left) show the original FUP text while even pages, like this one (on the right), show reader/reviewer comments.

- Yellow highlighting indicates FUP wording that obscures meaning, creates ambiguity, or yields enforcement loopholes.
- Red text is used to: 1) add comments; 2) cross reference commentary to corresponding FUP text passages (P = original Field Use Policy page number, C = comment number); 3) summarize criticisms; and 4) give simplified interpretations of corresponding FUP text passages.

Point Loma High School Field Use Policy

San Diego Unified School District

P1-C1

This Field Use Policy is intended to address the specific needs of Point Loma High School (PLHS), recognizing the proximity of the school to residences, the limited availability of on-site parking and the impact of school activities upon the surrounding community. The policies stated herein operate under the umbrella of Administrative Procedure 9229, pertaining to the use of District athletic fields and lighted stadiums; which establishes District-wide procedures applicable to all District sites. Use of Point Loma High School Facilities by non-district groups is also subject to District Administrative Procedure 9205, pertaining to use of District facilities under the Civic Center Act.

Field Use General Rules:

P1-C2

1. Point Loma High School facilities shall be used primarily for the benefit of PLHS students
2. PLHS facilities may be made available to other schools, outside persons or community groups only when and to the extent that it will not interfere with school programs or the orderly operation of the campus.
3. In considering whether to allow other schools, outside persons or community groups to use PLHS facilities, consideration shall be given to the likely number of attendees, whether there is adequate parking to support the proposed use and whether sufficient measures can be employed to minimize adverse impact to the campus and the surrounding community; including, but not limited to, custodial services, traffic control and security. Consideration shall also be given to the cumulative impact of successive events on the community.

P1-C3

P1-C4

P1-C5

P1-C1: The word "**policy**" is a flexible concept used in different ways on different occasions. Herein, "policy" appears to mean a framework of principles and a set of guidelines. Policy differs from rules or law. While law can compel or prohibit behaviors, policy merely guides actions toward those that are most likely to achieve a desired outcome. **In other words, by definition, a "policy" is not legally binding.**

P1-C2: The use of the adjective "**General**" in the phrase "**General Rules**" blurs the meaning of the word "**Rules**," suggesting that these "**General Rules**" are really just guidelines.

P1-C3: The word "**primarily**" means "mainly". Herein, "primarily" could refer to a measure of importance rather than a measure of usage frequency, for example. In this sense, the PLHS athletic field could be used infrequently by PLHS students and frequently by non-students, and still serve "**primarily for the benefit**" of PLHS students. "**Benefit**" is also a word subject to interpretation. (e.g. Does football "benefit" children? Perhaps in the view of fans, but not in the view of medical professionals.) **The combined use of the words "benefit" and "primarily" make Rule 1 open to highly subjective interpretation.**

P1-C4: The phrase "**may be made available**" opens the door to usage by "**other schools, outside persons or community groups**" (i.e. more or less, "anyone"). The constraint "**only when and to the extent that it will not interfere with school programs or the orderly operation of campus**" is subjective, open to interpretation and the judgment of whoever makes this determination. This person or persons will be employed by the District and will be beholden to the District. **In essence General Rule 2 says, "The PLHS athletic field is available to anyone as long as we (the District) say that it's ok."**

P1-C5: "**Consideration shall be given to**" is vague. How "consideration" will translate into restrictions on field usage is left to the imagination. For example, with regards to "**the likely number of attendees**," the District may "consider" a large number of attendees (and, presumably, a higher athletic field usage fee) a desirable feature. With regards to "**whether there is adequate parking to support the proposed use**," the District has already "considered" and thereafter made the blanket determination that parking is adequate. The District's EIR determined that the PLHS Project (Whole Site Modernization Project, including the athletic field upgrades and proposed athletic field rentals) would not have a significant impact on parking. This blanket determination presupposed that PLHS athletic field event attendees would park on residential streets surrounding PLHS, but the District did not "consider" this to be a significant "adverse impact" on the community. Similarly, all potential field use issues to which "consideration shall be given" in Rule 3 are inadequately addressed; it is unclear how these "considerations" will be used to restrict actual field usage. **In essence General Rule 3 says, "In deciding whether or not to let anyone use the PLHS athletic field, we (the District) will consider many factors and will then decide whether or not to let them use it."**

4. Outside groups, including community groups, who are authorized to use PLHS facilities, shall be required to do so in a manner which is respectful to the campus and the surrounding community and shall be required to provide security, custodial and traffic control as needed to ensure orderly and respectful operation of the Event or use. The site administrator and/or his or her designee, and/or the Rentals Office may impose specific requirements for security, custodial services, traffic control and/or other services or conditions deemed necessary in the District's sole discretion for proper management of the event. ← P1-C6
5. Unless specifically authorized by the Principal as an exception to this general rule, outside groups shall not be authorized to enter the campus prior to 8 a.m. Individuals seeking to use the track or fields prior to school hours shall be permitted to do so provided they do not interfere with school activities or the orderly operation of the campus. ← P1-C7
6. Restrictions on noisemakers shall be consistent with CIF rules, which provide as follows: No noisemakers (horns, bells, victory bells, sirens, chimes, musical instruments other than those in the band, etc.) will be permitted inside the gymnasium, stadium or playing fields at any CIF Southern Section contest (non-league, league, tournament or playoff). Cheering devices such as wooden blocks, or other similar objects, are prohibited. Megaphones shall be used only by uniformed cheerleaders for the purpose of directing and controlling rooting ← P1-C8

P1-C6: The phrase "**in a manner which is respectful to the campus and the surrounding community**" is vague and subjective. Who defines what constitutes a "manner which is respectful?" Who will police whether or not athletic field users demonstrate a "manner which is respectful?" What consequences will field users face, if they fail to show a "manner which is respectful?" And why does General Rule 4 only apply to "**outside groups**?"

Users are required to provide "**security, custodial and traffic control as needed to ensure orderly and respectful operation of the Event or use.**" Who defines "as needed?" Who defines "orderly and respectful?" And again, who will police this General Rule, and what will be the consequences of a failure to follow it?

The phrase "**The site administrator and/or his or her designee, and/or the Rentals Office**" is virtually all-inclusive with regards to who will be responsible for decision-making and/or enforcement. This unspecified person or persons "**may**" or, presumably, may not "**impose specific requirements.**" The "specific requirements" for "**security, custodial and traffic control and/or other services or conditions deemed necessary**" are ambiguous. What "other services or conditions" might be "deemed necessary" and by whom? Under what circumstances?

The aforementioned unidentified person or persons responsible for decision-making and/or enforcement is then made subject to "**the District's sole discretion**" and its determination of what constitutes "**proper management**" of an event. Will this unidentified person or persons have authority to question, much less to overrule, "the District's sole discretion?" What does General Rule 4 really mean? How would it translate into practice? All of this is unclear.

Notably, a requirement for mitigation of lighting impacts, noise impacts, and parking impacts is not mentioned under General Rule 4; the District's EIR concluded that lighting impacts and parking impacts on the Loma Portal neighborhood were insignificant. The District was forced to conclude that traffic impacts and noise impacts would be significant, yet these are not addressed under General Rule 4. Apparently, the District deems the frequent subjection of neighbors to close-range intrusions of intense light pollution, high-volume noise pollution, and high-density parking congestion to be a "manner which is respectful ... to the community."

In essence General Rule 4 says, "Third party users of the PLHS athletic field shall behave themselves. We (the District) will define good behavior, but we won't tell the public our definition of good behavior. We also won't tell the public who will enforce good behavior. Furthermore, we (the District) are the only ones who get to define good behavior, and it may mean different things in different situations."

P1-C7: General Rule 5 states that, "**outside groups shall not be authorized to enter the campus prior to 8 a.m.**" However, "**individuals**" may use the field prior to 8.a.m. "**provided they do not interfere with school activities or the orderly operation of the campus.**" This general rule does not address interference with the daily lives of immediate neighbors caused by field usage prior to 8 a.m. Furthermore, opening General Rule 5 with the phrase "**Unless specifically authorized by the Principal as an exception to this general rule**" alerts the reader that, once again, **the District's "Rules" were made to be broken.**

P1-C8: General Rule 6 states that, "**Restrictions on noisemakers shall be consistent with CIF rules ...**" General Rule 6 is the only mention of "CIF rules" in this document (Appendix L of FEIR). General Rule 6 states that CIF (California Interscholastic Federation) rules provide that "**No noisemakers ... will be permitted ... at any CIF Southern Section contest.**" **This general rule addressing the use of noisemakers applies only to interscholastic games; it does not address the use of noisemaking devices at third party "events."**

sections. The improper use of any of the above listed devices by supporters of a team would subject that team to possible forfeiture of the contest.

7. Outside persons or groups shall not be permitted to utilize the public address (PA) system **except when specifically authorized by the school and subject to time and manner restrictions deemed necessary to limit adverse impact on the residents of the surrounding community.** ← P2-C1

8. The gate at the Voltaire St. entrance to the campus shall be locked during non-school events whenever it appears to the site administrator or his/her designee that there is insufficient on-site parking to accommodate the anticipated attendees at a non-school event. This shall not apply to events or activities conducted by Point Loma High School. ← P2-C2

Rules Specific to Use of the Lighted Stadium

1. Stadium lights **shall be reserved for use by** Point Loma High School. ← P2-C3

P2-C1: The phrase **"except when specifically authorized by the school and subject to time and manner restrictions deemed necessary to limit adverse impact on the residents of the surrounding community"** is vague and its meaning obscure, effectively negating the opening phrase restricting usage of the public address system. Does "the school" mean the District, or does it mean the principal or some other person or persons? What are "time and manner restrictions?" Who determines if "time and manner" restrictions are "deemed necessary," whether there is an "adverse impact," or to what extent "to limit" said adverse impact? Do "residents of the surrounding community" have a say in determining whether usage of the PA system has a negative impact on them, or is the adverse impact on the community to be assessed and determined only by a remote entity such as the District? These questions go unanswered. **In essence, General Rule 7 says, "The school (District) may permit third parties to use the public address system and may or may not impose restrictions on its usage."** The additional verbiage adds no additional meaning.

P2-C2: General Rule 8 appears to be saying that the Voltaire St. gate/entrance will be locked when third parties rent the PLHS athletic field for large events (i.e. "non-school events for which there is insufficient on-site parking, as determined by the "site administrator or his/her designee"). It is unclear what purpose this General Rule serves or what impact it will have on the neighborhood in practice.

P2-C3: The loophole in Specific Rule 1 is use of the phrase **"shall be reserved for use by."** This wording allows the seeming clarity of Rule 1 to be neutralized by the obscure verbosity of Specific Rules 2 thru 6. In the presence of Specific Rules 2 - 6, Specific Rule 1 is meaningless.

2. Other schools or community groups who wish to use the lighted stadium may appeal to the Superintendent (or his/her designee) for approval of the use of the lighted stadium for a limited purpose. In considering whether to grant such an appeal, the Superintendent or his/her designee shall first determine whether there is another District site which can accommodate the proposed use without negative impact to the surrounding community. In the event there is not such an alternative which can be offered, in considering whether to grant the appeal, the Superintendent or his/her designee shall determine whether proposed use will interfere with the use of the field by Point Loma High School or the operation of the campus, the likely number of attendees, whether there is adequate parking to support the proposed use and whether sufficient measures can be employed to minimize adverse impact to the campus and the surrounding community; including, but not limited to, custodial services, traffic control and security. No appeal may be granted which will cause the total number of events held at the lighted stadium to exceed the cap specified below. Priority shall be given first to other District schools, then to other schools, and then to community groups. Commercial uses shall not be permitted.

P2-C4

P2-C5

P2-C6

P2-C4: Specific Rule 2 is a wordy, tangled narrative web. To understand this rule, one must first untangle the verbiage and then try to decipher its meaning.

Rule 2 says that the lighted stadium is available for use by "**other schools and community groups.**" These "other schools and community groups" are not otherwise identified or restricted, so we will refer to them collectively as "unidentified users." Unidentified users must follow a special procedure to be granted permission to use the lighted stadium: they must "**appeal to the Superintendent (or his/her designee),**" in other words to an "unspecified authority." Herein "appeal" seems to mean "ask", unless we are to infer that unidentified users were heretofore denied permission to use the lighted stadium, thus necessitating an "appeal." (Use of the word "appeal" may be a sly wink at the wording used in Specific Rule 1.)

So far, we decipher that, "An unspecified authority has the power to permit unidentified users to use the lighted stadium," but, wait, only for a "**limited purpose.**" What constitutes a "limited purpose" in this context? A sporting event could be said to have a "limited purpose," but so too could a political rally, a folk festival, or a carnival. A rave party could also be said to have a "limited purpose." Couldn't it? Thus far, there's nothing in Rule 2 restricting use of the lighted stadium for our unidentified users' rave party.

"**In considering whether to grant such an appeal**" appears to mean "Before granting permission." So, before granting permission, our unspecified authority must first "**determine whether there is another District site which can accommodate the proposed use without negative impact to the surrounding community.**" For our example, let's say that our unspecified authority has identified no other District site that "can accommodate" (wants) "the proposed use" (the rave party) without "negative impact to" (trashing) "the surrounding community." Now what?

"**In the event there is not such an alternative which can be offered,**" (If no other community wants?) "**in considering whether to grant the appeal**" (before giving permission) "**the Superintendent or his/her designee**" (the unspecified authority) "**shall determine whether proposed use will interfere with the use of the field by Point Loma High School or the operation of the campus**" (will find out if PLHS users will be using the stadium), "**the likely number of attendees, whether there is adequate parking to support the proposed use and whether sufficient measures can be employed to minimize adverse impact to the campus and the surrounding community; including, but not limited to, custodial services, traffic control and security.**" (how much revenue and how much mess the event will generate, and whether or not anything is to be done to lessen the event's damage to the neighborhood?; also see Comment P1-C6) Impossible! The District has created an undecipherable mess in Specific Rule 2.

P2-C5: The next sentence caps the "**number of events,**" however this number is withheld until Specific Rule 6. (The number is "eighteen" in this version of the Field Use Policy.) However, what constitutes an "event" is undefined. This is an important issue, since only nighttime "events" are capped in number.

P2-C6: The meaning of the penultimate sentence is clear, however demand for the PLHS stadium by other District schools is likely to be limited. Most District high schools now have their own lighted stadiums. Demand by "other schools" is also likely to be limited, thus clearing the way for use of the lighted stadium by unidentified "community groups." The last sentence will be addressed in Comment P2-C7.

Commercial uses shall not be permitted.

3. In the event the lighted stadium is made available to a non-district school or community group, the using entity shall be required to reimburse the District for the full cost of the use of the stadium; including, but not limited to, utility costs, maintenance/repair costs, and reduction in useful life of the turf field. ← P2-C7
4. The stadium lights shall be turned off as soon as possible following an event, and no later than 10:00 p.m. (except where extenuating circumstances such as an injury or rain delay of a football game, unforeseeably delay the completion of the event). ← P2-C8
5. When turned on to allow for completion of a game or practice during Pacific Standard Time, the lights shall be turned off as soon as possible following completion of the game or practice and no later than 7:30 p.m.

P2-C7: Rule 3 makes clear that "In the event the lighted stadium is made available to a non-district school or community group," (If third parties use the lighted stadium,) "the using entity shall be required to reimburse the District for the full cost of the use of the stadium; including, but not limited to, utility costs, maintenance/repair costs, and reduction in useful life of the turf field." (they must pay rent to the District.) Rent must cover the District's costs but the rental fee "is not limited to" coverage of these costs. **This statement allows the District to make a profit in renting out the lighted stadium. "Making a profit or intending to make a profit" is a definition of the word "commercial." Therefore, if the District makes a profit or intends to make a profit by renting out the lighted stadium, then, by definition, the District "permits commercial use of the lighted stadium."**

P2-C8: Rule 4 says that stadium lights can remain on until 10:00 p.m. when there is "an event". Rule 5 says that the stadium lights can remain on until 7:30 p.m. for games and practices. If games and practices are not "events," what is? What does the District mean by "an event?"

6. Use of the stadium lighting shall be limited to **eighteen (18) nighttime events, not including playoff games or the use of the lights to allow completion of games and practices** which begin during daylight hours but carry over into darkness due to Pacific Standard Time.

← P3-C1

Community Review Process

← P3-C2

In order to obtain ongoing feedback from the community regarding implementation of this Field Use Policy and the impact on the community of events held at Point Loma High School, the Point Loma High School Cluster shall be charged to host semi-annual meetings for purposes of discussing field use issues at Point Loma High School, to which members of the greater Point Loma community shall be invited. These meetings shall be scheduled to occur at or about the time the school year begins, and following the conclusion of the winter sports season, so that the attendees can discuss future planned events as well as past implementation. Community members or organizations, such as the **Point Loma Planning Board**, who submit a request to be provided notice of these meeting shall be provided such notice and shall be permitted to participate.

P3-C1: Rule 6 limits use of the lighted stadium to "**eighteen (18) nighttime events.**" Although presumably this means "eighteen nighttime events" per year, no denominator is given. It could conceivably mean eighteen nighttime events in some shorter interval. Furthermore, the eighteen nighttime events are "**not including playoff games or the use of the lights to allow completion of games and practices.**" Therefore, use of the lighted stadium for games and practices will substantially increase how often the stadium lights will remain lit during evening hours, over and above the cap of eighteen nighttime "events." Also note that no mention of daytime "events" is made, thus leaving the door open for virtually unlimited daytime use of the stadium, outside of school hours. **This Field Use Policy fails to define "events", avoids capping the frequency of daytime "events", and provides no limit on how often the lighted stadium will be used for games and practices. Therefore, this FUP provides no limit on how often the neighborhood will be subjected to high-intensity stadium light pollution or to the many other negative impacts third party usage will have on the community.**

P3-C2: The "**Community Review Process**" is meaningless, a chance for the District to stage meetings in which residents can vent their frustrations and, once again, be ignored. All who have attended these meetings know this to be true.

Finally, the District's reference to the "Point Loma Planning Board" is apparently an erroneous reference to the Peninsula Community Planning Board.