

Questions submitted by neighbors at 7/16/2021 Mtg @ MHS with answers e-mailed by PK Diffenbaugh on 8/2/2021

- A. Can we agree to periodic and/or as needed meetings between MVNA reps and our local School Board Reps and appropriate administration to discuss problem areas and work toward solutions during construction and post completion?**

Yes. We are happy to set up a working committee that addresses on-going concerns to continue to work with the Neighborhood Association.

- B. Is the District willing to stipulate in writing that no additional electronic or other equipment will be mounted on the light poles other than that described in the EIR?**

We would like to better understand what specific concerns this is referring to. If the concern is regarding Cell Towers being added to the light poles, the District has no interest in pursuing this. If MVNA has specific ideas to present regarding Board Policy, then staff would be willing to discuss these with the Board Policy Committee.

- C. The Superintendent stated in his letter to the MVNA Community that “If the EIR is certified and the project approved “Mitigation Monitoring & Reporting Plan” will be binding and authoritative and directly apply to school and non-school entities.” However, case law reads that once adopted, a mitigation measure may not be modified or deleted by the District’s Board, “without reviewing the continuing need for the mitigation, stating a reason for its actions, and supporting with substantial evidence.” (Katzeff v. Department of Forestry & Fire Protection (2010) Cal. App. 4th 602, 614.) This means that even if there is a continuing need, the Board could relax or remove the mitigation if the Board states a reason and supports the reason with substantial evidence—even in the face of opposing evidence. Isn’t it misleading to state that all mitigations in the EIR are binding and authoritative? Would the District be willing to enter into a separate binding contractual agreement with the neighbors for specific mitigations?**

The restrictions outlined in Alternative 2 adopted in the Final EIR are binding and authoritative. In terms of a separate agreement, who would this agreement be with? MVNA Board? Individual MVNA Board Members? Would there be assurances from the agreeing party that if such an agreement were reached the District would avoid costly litigation on this matter? Answers to these questions will assist MPUSD staff in advising the Board should a separate agreement be proposed.

- D. Please explain the need to cut down a significant number of the few mature trees on campus, several of which currently provide important shielding for homes on Logan Lane. Have any other alternatives been explored?**

The District had explored the possibility of emergency access road through widening the district owned ramp off Logan Lane. In order to do so, the District would need an encroachment permit from the City of Monterey and after discussing with City staff it was determined that an emergency access road would be preferable off of Martin Street.

In order to meet the guidelines of the emergency access road at Martin Street per the City of Monterey Fire Marshall, a limited number of the eucalyptus trees must be removed.

E. For folks who believe their questions were not answered or fully answered in the final EIR, to whom do they direct their questions and what responses can they expect from the District before the certification vote?

The EIR was certified on July 27, 2021 after a robust public discussion.

F. Have elements of this project gone out to bid at present?

No.

G. A main problem for residents is the expanded night usage that would come with permanent, very bright stadium lights. The Civic Center Booklet states on its cover, that every K-12 School is a Civic Center. This law requires every school to be offered up to a wide spectrum of public uses including night use of outdoor spaces, subject only to Board Policy. The existing MPUSD Board Policy contains no restriction on the number of or time limits for nighttime usage of outdoor spaces and facilities for school, nonprofit or for profit outside groups. There are no limits on noise production from amplified sound systems or light usage for example. Are you willing to revise existing board policy so that it is consistent with the usage limits outlined in the EIR and your statements in letters to the community, to make it very clear what the Board policy is and that it is consistent with your assurances of these specific limitations? We have discovered no caselaw that has determined that a certified EIR gives Districts authority to ignore CCA provisions that grant access subject to Board Policy limits, particularly if there is a disconnect between the EIR and adopted Board Policy.

As stated in the Final EIR Master Response, the Board has the power to place reasonable restrictions on outside use of district facilities. Alternative 2, adopted by the Board in the Final EIR as well as the MMRP clearly outlines the restrictions to outside use. In terms of an additional Board Policy addressing the Monterey High Stadium in particular, this does not seem necessary given the binding nature of the Board's decision to adopt Alternative 2. However, we are always willing to discuss this further with MVNA to better understand these concerns and to resolve them amicably.

H. It appears that if installed the stadium lights will be operated manually. Who would be responsible for turning the lights on and off? Who is the contact person when issues arise for campus lighting and noise after designated curfews? Will a monitored contact phone number be posted online?

As stated in the Final EIR response to comments I 27-4, the Principal of MHS would be responsible for operations of the campus. A contact number can be posted online to reduce concerns.

- I. Will annual and/or monthly practice/game schedules be posted in an easily accessible location for residents so they know what to expect and can plan accordingly? could this include other school group uses if lights are on?**

Yes. MHS will post a month by month schedule available to the public to review.

- J. What efforts will be made to utilize all fields efficiently, ensure that light use is minimized and that students are finished with games/practices as early as possible. If the last practice ends earlier than 7:00 would the lights be turned off no later than an hour after finishing or earlier? We believe these measures will serve other important interests such as homework & study completion, spending quality time with their families, eating dinner and getting plenty of sleep. These are all important for students' educational success.**

The administration, athletic director and coaches currently take great care to ensure our student athletes are supported with their academics and social emotionally. This practice will continue, and a potential new practice field will aide efficient scheduling significantly. Every effort will be made to turn off the lights when they are not needed for student use.

- K. There will be cumulative lighting impacts because existing security lighting are already being left on all night, every night and these lights are illuminating the interior spaces of nearby neighbors. Would you be responsive to discussing shielding the brightest lights to minimize light trespass and putting these lights on motion detectors? This would save energy and be a courtesy to neighbors. We'd like to share Maurice Coury's assessment of current light trespass beyond the campus.**

The EIR addresses this concern. The committee that is formed between the neighborhood association and the school/district can address any specific concerns regarding interior lighting.

- L. What constitutes "essential announcements" at football games? We understand that the PA system would have wifi capability to amplify referee calls, whistles, etc. Can you provide assurances that these will not be amplified?**

A portable PA system has been in place for many years and there is no proposed increase use of a permanent PA system beyond what practices have been in the past.

- M. Can you describe planned uses of the PA system, other than during games?**

Planned uses would be no more than the type of use the community has experienced in the past.

- N. What would the rules governing use of the P/A systems be on the stadium and lower field?**

As stated in the Final EIR answers to comments, there is no PA system at the lower field.

- O. Would an announcement be made at the beginning of games that bleacher stomping, air horns and other loud noisemakers will not be tolerated? What enforcement mechanism can the neighborhood count on if these happen during games?**

CIF already has a requirement regarding artificial noise makers such as air horns, cannons etc. and this has been announced consistently in the past. Enforcement of all CIF policies is provided by the school administration in charge, both from the home and away teams.

Parking/Traffic

- P. People tend to park as close as possible to where they are going. The reason there are no parking zones in residential zones between the hours of 8-4 are to discourage school use parking. Because these restrictions are not in place after 4, and on street parking is generally relied upon by residents returning from work or an evening out, it may behoove MVNA to pursue making these areas permit-only parking. Can we count on District cooperation in asking the City and police department for parking enforcement during football games in the event of illegal parking by fans, participants?**

Yes, the District will cooperate in requesting that the City enforce parking regulations.

- Q. What measures is the District willing to take to safely direct traffic before and after football games and other high attendance events as well as to available parking areas on campus and off? Will campus entrances be closed off once campus parking lots are filled? Would there be designated drop off areas?**

The district will work with the city on traffic and parking mitigation strategies. This can also be an item for the future committee to address.