



Jessica Hull <jhull@carmelunified.org>

Proposed CHS football field stadium lights/Pool lights.

Robert Kahn [redacted] Tue, Mar 22, 2022 at 7:56 PM

To: Seaberry Nachbar <snachbar@carmelunified.org>, Sara Hinds <shinds@carmelunified.org>, Tess Arthur <tarthur@carmelunified.org>, Karl Pallastrini <kpallastrini@carmelunified.org>, Anne-Marie Rosen <arosen@carmelunified.org>, yperez@carmelunified.org, JoAnn Holbrook [redacted], Jim Suchan [redacted], Bonnie Gillooly [redacted], Noel McNamee [redacted], Joe [redacted], Lynn [redacted], Sinotte Robert [redacted], Longo Marjorie [redacted], Berardo [redacted], Miller [redacted], EA Chornesky [redacted], Charlie Wahle [redacted], Allen [redacted], Lindsay Ann [redacted], Larry Arthur [redacted], tucker ramsay [redacted], Darrah Blanton [redacted], Wil [redacted], Olivia Duarte [redacted], Belle [redacted], James [redacted], Mark Holbrook [redacted], Ziona Goren [redacted], Alexis Delehanty [redacted], Lynda Strand [redacted], Jessica Hull <jhull@carmelunified.org>, Jon Lyons <jlyons@carmelunified.org>, Dan Paul <dpaul@carmelunified.org>, Susan Miller [redacted], Laura Tryon <tknight@carmelunified.org>, Frances Dillard [redacted], "Jessika K. Johnson" <jjohnson@dwkesq.com>, JulieAnna Muniz <jmuniz@dwkesq.com>

Ted, Jessica (Hull),

- 1) Ted, as I have offered previously, I am happy to meet with you the week of 4/3. Your call.
- 2) Jessica, please forward information pertaining to the pool lights and the actions taken by the school board supporting the Board's determination as stated by Mr. Hightower and Ms. Funt that the projects undertaken by the Board were exempt from CEQA. After a quick review of CEQA, I was not able to find exemptions for installing a lighting system for the pool. (I am certainly not an expert, but there does appear to be specific exemptions, which are very clear).
- 3) Please also provide the criteria that you used to determine the new performing arts center, pool lights and other parts of your project would not have a significant effect on the environment. As the lights are very visible from the Views and I am sure other areas, the light pollution has had substantial impact on the environment - clearly.

We look forward to the information at your earliest convenience.

I apologize to all for not writing as clearly and articulately as I should have earlier this morning. It was a bit early.

Ted, Jessica, thank you for your assistance on this.

Best,

Robert

Robert Kahn

On Mar 22, 2022, at 4:26 AM, Robert Kahn [redacted] wrote:

Jessika, Ted,

Thank you for your forwarding the materials yesterday. Although I look forward to additional materials as we move forward, your accommodation is appreciation. Furthermore, this is not my area of expertise, nor have I had much time to review, but based upon a quick read, there seems to few glaring actions, assumptions, and decisions that at best illustrated extremely bad and arrogant judgement or assuming laws and

regulations were not followed, criminal activity on behalf of the board. I presume the courts will decide between the two.

As these documents are public, I have chosen to share them with the good people the original email chain so that they also may review in real time. I have included a "marked up" PDF and the originals you had sent yesterday. Please note the following:

My PDF – resolution No. 08-08:

- A) Page 5: Nonclassroom facilities are treated differently than classroom facilities.
- B) Page 5: Promote the public interest.
- C) Page 5: Will not have a significant effect on the environment.
- D) Page 6: # 2: Board/District decides that local laws, zoning ordinances are inapplicable.
- E) Page 6: # 4) Board/District finds the projects will not have a significant on the environment.
- F) Page 7: New Theatre – very different than what was there.
- G) Page 7: New Pool – with instillation of lighting system – this is a bright line.
- H) Page 8: Description – this section substantially falls short of the scope of the project.
 1. Most important, I fail to see any mention of lights.
 - I) Reasons why the project is exempt.
 1. This section appears to be very light on the many substantive qualities and characteristics that you were anticipating doing.
 2. No mention of "pool lights"
 3. The board/district determined that the project will not have significant impact on the environment.

Ted,

A) It appears that no EIR was done by your precedent and the school board. Although I appreciate that laws may have changed, but I can't imagine if they were that different then. If there is an EIR – please forward.

B) The content of your description and reasons appear to fall far short of the actual of the actual construction undertaken by the board. No mention of lights.

C) Most importantly: When did the board develop the expertise and knowledge to determine whether your project (s) were exempt from local, state and federal rules pertaining to development that we all have to follow. More incredulous, when did the board and the individual supervisors develop the expertise and knowledge to determine that the many projects would not have a significant impact.

Please note Minutes from 2/11/08.

A) Page 13: After some discussion, Mr. Hightower and Ms. Fund offered up the option of adopting resolutions that "rendered local zoning ordinances "inapplicable" to the projects and determined that these projects to be exempt from CEQA.

To reiterate from above:

- 1) It appears that no EIR was done as is currently being done. In fact , you are on your second DEIR.
- 2) Please highlight the training, expertise, and knowledge base that Mr. Hightower, Ms. Funt and the board had to weigh in on a) the applications of local rules and regulations, and b) no environmental impact will occur. (The arrogance, lack of due process and insensitively is so profound that it "almost" reaches the humor of the classic "Candid Camera" episodes that I used to love to watch back in the day. (Loved that show).

Ted,

1) Please stop using the pool lights – as its obvious that your predecessor and his board didn't go through the appropriate legal, ethical, and community-oriented protocol to receive permission to put them up. Not only do they pollute for miles around, but the process undertaken to put them up may have liability implications for the board the prior Board members that slipped them in – while stating they were exempt from SEQA and other local rules and that they would not polute.

2) Please stop pursuing the lights at this time so, as a community, we can come up with an appropriate solution to what you would like to achieve. We all want what is helpful to you create an excellent environment for the young people, but you can't simply pursue very dated strategies at the expense of the environment, neighbors near and far and the community at large.

3) Please look at alternatives such as the middle school and the surrounding land that if done in an ecologically and community sensitive way, you may be able to achieve your goals while being environmentally and community sensitive. We want to support you, but for the right reasons and under the right circumstances.

4) It has come to my attention that you apparently have promised the students lights. Please stop doing that so expectations don't get created by impressionable young people. And it may be in your best interest to seek a position of wanting to provide for them, but also highlight that it's important to take care of the environment, the schools neighbors and community at large. This sounds like a excellent teaching opportunity.

As we have mentioned before, please use this as an opportunity to think long range, creatively and in the best interest all stake holders. You are fortunate to have substantial resources and other locations that you may be able to erect a modern stadium in an environmentally sensitive way that can serve the entire community. We want to support you if you do the right think. The choice is yours. Thank you again Jessika (and Ms. Muniz) for forwarding the materials.


Best,

Robert

Robert PDF (Marked up)

Documents from CUSD lawyer

5 attachments

 **Scan 2022-3-21 17.58.34.pdf**
4195K

 **10_14-Day Response to Robert Kahn (3.21.22).pdf**
175K

 **Reso #08-08 Zoning Ord-CHS Projects.pdf**
197K

 **Title Deed.pdf**
1238K

 **2008-02-11 Meeting Minutes.pdf**
186K