

LOCAL NEWS

Judge grants injunction on Marin Catholic field lights



Marin Catholic High School has used temporary lights at its fields for decades. (Alan Dep/Marin Independent Journal)



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A judge has issued an injunction halting the stadium lights project at Marin Catholic High School in Kentfield.

Judge Sheila Shah Lichtblau's ruling in Marin County Superior Court prohibits construction of any kind at the school stadium while a trial is pending in a related lawsuit. But the school can apply for building permits or order materials and equipment, according to the ruling.

Lichtblau ordered the neighbors' group Preserve Ross Valley, the petitioner in the case, to post a bond of \$40,000 to address costs to the school for renting temporary field lights while the litigation proceeds.

"Marin Catholic has been able to conduct sporting events with rented lights for the last 25 years," she wrote in the ruling. "After 25 years, a few months of maintaining the historical status quo does not constitute irreparable harm."

Chris Roeder, a member of the high school's board, said its side was "disappointed by the judge's decision on the injunction, as it temporarily halts our ability to move forward with installing permanent lights — even though we received approval from the Board of Supervisors."

"However, we remain confident that once the full lawsuit is reviewed in the coming months, we'll be cleared to proceed," Roeder said. "It can be hard to understand why it's so difficult to do something that will benefit so many kids, but we will keep marching forward — whatever it takes."

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A case management conference to schedule further proceedings is set for Wednesday.

Michael Graf, attorney for Preserve Ross Valley, the neighbors' group that filed the appeal, said his clients are "satisfied that a preliminary injunction has been issued so that the case can be heard on the merits before the project is constructed."

Ellis Raskin, an attorney for the school, said it is seeking expedited proceedings in the hope a favorable decision could be issued by about July. That would allow time for the lights to be installed before the fall sports season, he said.

At issue is Preserve Ross Valley's appeal of a [unanimous decision](#) by the county Board of Supervisors in December to grant the high school an exemption from California Environmental Quality Act review, clearing the way for the project to move forward.

The [appeal](#) by the neighbors asserts that the county board erred in granting the exemption from CEQA. The group contends that the lights would exacerbate noise, traffic and light glare from the stadium, which is surrounded by several residential neighborhoods.

"Despite the potentially significant impacts of this major change, including a shift to nighttime sports activities, the county chose to exempt this project from CEQA review," the appeal states.

“The CEQA rule is that an agency may rely on generally applicable regulations to conclude that an environmental impact will not be significant and therefore does not require mitigation,” Raskin said in an email. “Marin Catholic High School’s field lights will comply with all generally applicable county light and noise standards. Therefore, there are no significant impacts, and the county correctly determined that the project is exempt from CEQA review.”

Preserve Ross Valley also claims the county should have required a conditional use permit instead of employing the design review process, and that the project is not in alignment with the area’s community plan.

On those assertions, Raskin said the school is already complying with prior permits and that the project conforms to the community plan in Kentfield and Greenbrae.

“The county found that the project would adhere to the terms of the use permits that have authorized MCHS to operate, and petitioner has not shown that the county’s findings are legally or factually unsupported,” Raskin said.

The project calls for the school to install four 80-foot-tall light poles at its stadium off Sir Francis Drake Boulevard at Bon Air Road. The field lights would be used a maximum of 10 Friday nights during fall and winter varsity football games until about 9:15 p.m. The lights would be off at 9:30 p.m.

During the week, the lights would be on at half-power until 7:15 p.m. for practices for 45 days out of the year, and 25 days for lighted practices ending at 9:15 p.m. For 55 days, there would be lighted games ending at 8:15 p.m.

The lighting system would not be operated on Sundays or in the mornings. No music or air horns will be allowed at the games.

The school says the lights are needed because it has no room at the stadium to accommodate several dozen boys and girls sports teams for practices and games during daylight hours.

At present, student athletes are forced to leave academic classes to play games during the day or to travel around the county to find available field space where they can practice, the school has said.

The application for design review approval on the lights system was submitted last May. It was the sixth time in 30 years that the school has applied for approval to install permanent lights.

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