

## Appendices

### **Appendix 1-2    Initial Study/Mitigated Negative Declaration Response to Comments**

## Appendices

*This page intentionally left blank.*



May 2020 | Response to Comments on Mitigated Negative Declaration  
SCH # 2020029070

# DEL MAR HEIGHTS SCHOOL REBUILD PROJECT

Del Mar Union School District

*Prepared for:*

**Del Mar Union School District**

Contact: Chris Delehanty, Executive Director  
Capital Programs & Technology  
11232 El Camino Real  
San Diego, California 92130  
858.523.6040

*Prepared by:*

**PlaceWorks**

Contact: Dwayne Mears, Principal  
3 MacArthur Place, Suite 1100  
Santa Ana, California 92707  
714.966.9220  
info@placeworks.com  
www.placeworks.com





## Table of Contents

Section	Page
<b>1. INTRODUCTION.....</b>	<b>1-1</b>
1.1 INTRODUCTION .....	1-1
1.2 DOCUMENT FORMAT .....	1-1
1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES .....	1-2
<b>2. RESPONSE TO COMMENTS .....</b>	<b>2-1</b>
2.1 MASTER RESPONSES .....	2-2
2.1.1 Project Description .....	2-2
2.1.2 CEQA Process .....	2-17
2.1.3 Aesthetics.....	2-17
2.1.4 Biological Resources/Stormwater Outfalls .....	2-37
2.1.5 Recreation/Green Space .....	2-38
2.1.6 Transportation/Emergency Access .....	2-48
2.1.7 Wildfire.....	2-61
2.1.8 Fair Argument.....	2-65
2.2 INDIVIDUAL RESPONSE TO COMMENTS .....	2-69
<b>3. ERRATA.....</b>	<b>3-1</b>

## APPENDICES

Appendix A	Mitigation Monitoring and Reporting Program
Appendix B	Attachment to Letter J-John Gartman
Appendix C	Attachment to Letter W-Kelley Huggett
Appendix D	Attachment to Letter L-Greg Jabin
Appendix E	Exhibits C through E to Letter Z-Procopio
Appendix F	Los Worksheets
Appendix G	OPR SCH Notice Of Completion

## Table of Contents

### *List of Figures*

<b>Figure</b>		<b>Page</b>
Figure 1	Site Plan Comparison.....	2-5
Figure 2	Open/Community Accessible Areas .....	2-7
Figure 3	Student Access Plan.....	2-11
Figure 4	Fencing Plan .....	2-13
Figure 5	Fire Access Lane .....	2-15
Figure 6a	Visual Simulation Points.....	2-19
Figure 6b1	Existing View from Durango Drive .....	2-21
Figure 6b2	Daytime and Nighttime Simulation from Durango Drive.....	2-23
Figure 6c1	Existing View from Mira Montana Drive.....	2-25
Figure 6c2	Visual Simulation from Mira Montana Drive.....	2-27
Figure 6d1	Existing View From Entry at Boquita Drive.....	2-29
Figure 6d2	Visual Simulation from Entry at Boquita Drive .....	2-31
Figure 6e1	Existing View from Mira Montana Trail Head.....	2-33
Figure 6e2	Visual Simulation from Mira Montana Trail Head.....	2-35
Figure 7	Comparison of Area Available for Community Recreation.....	2-40
Figure 8	Comparison of Campus Areas by Type .....	2-45
Figure 9	Nearest Recreational Facilities and 1/2-Mile Walkshed.....	2-49
Figure 10	Existing Access and Circulation .....	2-55
Figure 11	Queuing In With Project Conditions.....	2-57
Figure 12	Trip Distribution to Del Mar Hills.....	2-59
Figure 13	Trip Distribution to Ocean Air Elementary.....	2-63

## Table of Contents

### *List of Tables*

<b>Table</b>		<b>Page</b>
Table 1	Design Drivers .....	2-3
Table 2	Plan Comparison By Area .....	2-4
Table 3	Plan Comparison of Areas Open and Available to the Public .....	2-4
Table 4	Del Mar Heights School – Existing Campus Capacity Based on District Policy .....	2-10
Table 5	Del Mar Heights School – Existing Campus Capacity Based on OPSC Calculation.....	2-10
Table 6	Del Mar Heights School – Proposed Plan Capacity Based on District Policy .....	2-10
Table 7	Del Mar Heights School – Proposed Plan Capacity Based on OPSC Calculation .....	2-17
Table 8	Existing Community Recreation Activities at Del Mar Heights School.....	2-40
Table 9	Comparison of Recreation Activities at Existing vs. Planned Campus .....	2-43
Table 10	Closest Recreational Facilities .....	2-47
Table 11	Existing Approximate Queue Lengths.....	2-51
Table 12	Project Trip Generation and Rates .....	2-52
Table 13	Approximate Queue Lengths.....	2-53
Table 14	Del Mar Hills Academy Trip Generation and Rates (Existing + Project).....	2-54
Table 15	Project Consistency with Coastal Resources Planning and Management Policies.....	2-309
Table 16	Project Consistency with Torrey Pines Community Plan Key Policies .....	2-316

## Table of Contents

*This page intentionally left blank.*

# 1. Introduction

---

## 1.1 INTRODUCTION

This document includes a compilation of agency and public comments received on the Del Mar Heights School Rebuild Project Mitigated Negative Declaration (includes the supporting Initial Study) (MND; State Clearinghouse No. 2020029070) along with the Del Mar Union School District (District) responses to these comments.

Under the California Environmental Quality Act (CEQA) as amended (Public Resources Code §§ 21000 et seq.) and CEQA Guidelines (California Code of Regulations §§ 15000 et seq.), a Lead Agency has no affirmative duty to prepare formal written responses to comments on an MND.

The lead agency, however, should have adequate information on the record explaining why the comments do not affect the conclusion of the MND that there are no potentially significant environmental effects. CEQA Guidelines Section 15074(b) states:

Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

In the spirit of public disclosure and engagement, the District—as the lead agency of the Del Mar Heights School Rebuild Project—has responded to all written comments submitted during the 30-day MND public review period, which began February 20, 2020, and closed March 30, 2020.

This document has been prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgment of the Lead Agency.

## 1.2 DOCUMENT FORMAT

This document is organized as follows:

**Section 1, *Introduction*.** This section describes CEQA requirements and content of this document.

**Section 2, *Response to Comments*.** This section has a list of all agencies, organizations, and persons that commented on the MND during the public review period, copies of comment letters and individual responses to those written comments.

## 1. Introduction

**Section 3, Errata.** This section contains revisions to the MND text in response to comments received as described in Section 2, and/or errors and omissions discovered subsequent to circulation of the MND for public review.

**Appendix A, Mitigation Monitoring and Reporting Program.** The Mitigation Monitoring and Reporting Program (MMRP) lists all project-related mitigation measures required, the phase in which the measures are implemented, and the enforcement agency responsible for compliance. The monitoring program provides 1) a mechanism for giving District staff and decision makers feedback on the effectiveness of their actions; 2) a learning opportunity for improved mitigation measures on future projects; and 3) a means of identifying corrective actions, if necessary, before irreversible environmental damage occurs.

The responses to comments contain material and revisions that will be included in the administrative record for this project. District staff has reviewed this document and determined that none of this material constitutes the type of significant new information that requires recirculation of the MND for further public comment under CEQA Guidelines Section 15088.5. None of the comments indicate that the project will result in a new significant environmental impact not previously disclosed in the MND. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

### 1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA does not set forth detailed requirements for comments on MNDs and responses thereto. Therefore, the requirements for comments on Draft EIRs (DEIRs) and responses thereto set forth in the CEQA Guidelines are delineated below.

CEQA Guidelines Section 15204 (b) outlines parameters for submitting comments on negative declarations, and reminds persons and public agencies that the focus of review and comment of DEIRs should be “on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible. ...CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

CEQA Guidelines Section 15204 (c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.”



## 1. Introduction

Section 15204 (d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204 (e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.” Section 15204 (d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204 (e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

## 1. Introduction

*This page intentionally left blank.*

## 2. Response to Comments

---

The DMUSD has evaluated comments on environmental issues received from public agencies and interested parties who reviewed the MND and has prepared written responses. This section provides all written comments received on the MND and the District's responses to each comment.

Comment letters and specific comments are assigned letters and numbers for reference purposes. Where sections of the MND are excerpted in this document, the sections are shown indented. Changes to the MND text are shown in underlined text for additions and ~~strikeout~~ for deletions, and are found in Section 3, Errata.

The following is a list of agencies and persons that submitted comments on the MND during the public review period. Many of the comments identify similar topics: project description (Facilities Master Plan and Del Mar Heights Proposed Site Plan, student capacity, Plan Consistency/Approvals), CEQA Process (Timing of District Meeting, DSA Pre-check Process), Aesthetics (scenic views, lighting), Biological Resources/Stormwater Outfalls, Recreation/Green Space, Transportation/Emergency Access, Wildfire, Adequacy of CEQA document / Fair Argument. To aid in the consideration of the responses on these topics, consolidated master responses have been provided for common topics. Responses are provided after each comment letter. Where appropriate, the consolidated master responses are referenced in the individual response to provide a more comprehensive understanding of the issues raised and to reduce repetition of responses.

Number Reference	Commenting Person/Agency	Date of Comment	Page No.
A	Brooke Beros	3/3/2020	2-71
B	Sierra Club North County Coastal Group. Diane Nygaard, Co-Chair Conservation Committee	3/26/2020	2-75
C	Sandip Patel	3/21/2020	2-91
D	Sheila Krishna, MD	3/6/2020 & 3/21/2020	2-95
E	City of San Diego, Planning Department. Heidi Vonblum, Program Manager	3/23/2020	2-99
F	Jesse Ryan Barrick	3/24/2020	2-103
G	Heidi Yeung	3/26/2020	2-107
H	Geoff Criqui	3/29/2020	2-111
I	Beth and Reid Westburg	3/29/2020	2-115
J	John Gartman	3/29/2020	2-119
K	Judy Verbanets	3/29/2020	2-187
L	Greg Jabin	3/29/2020	2-191
M	Bonnie Friedman	3/29/2020	2-201
N	Mark Sherman	3/29/2020	2-205
O	Christine Springer	3/29/2020	2-213
P	Yvonne Mast	3/29/2020	2-217
Q	Virginia Tinley	3/29/2020	2-221
R	Danica Sheres	3/29/2020	2-225

## 2. Response to Comments

Number Reference	Commenting Person/Agency	Date of Comment	Page No.
S	California Department of Parks and Recreation. Darren Smith, Senior Environmental Scientist	3/30/2020	2-229
T	Tom Sohn	3/30/2020	2-235
U	Garrett Anderson	3/30/3030	2-239
V	Karen Vaughan	3/30/2020	2-251
W	Kelley Huggett	3/30/2020	2-255
X	Rosana and Kyle Martin	3/30/2020	2-263
Y	Amy Hellenkamp	3/30/2020	2-271
Z	Procopio. Justine K. Nielson	3/30/2020	2-275
AA	Nicole Pentheroudakis	3/30/2020	2-331
LATE SUBMITTALS <sup>1</sup>			
1	Vicki Mirandon	3/30/2020, 5:07 PM	2-337

<sup>1</sup> Late letters are included for the record.

## 2.1 MASTER RESPONSES

Several common issues were raised in the comment letters received during the public review period for the MND. This section provides a comprehensive explanation and response to these recurring comments.

### 2.1.1 Project Description

#### Facilities Master Plan and Del Mar Heights Proposed Site Plan

In March 2014, the District engaged with District Board Members, Staff, Principals, Parents, Community members, and an architectural firm, to create the District's Facilities Master Plan (FMP). DMUSD completed an extensive study that analyzed the state of the existing eight campuses and the future of "students' needs and world demands" and found that the current facility modernization approach is not aligned with future educational practices and experiences. Facilities were re-envisioned to provide students with safe, healthy, and technologically advanced learning environments.

The 2014 FMP documented the District's Vision, Mission, and Guiding Principles. Between 2014 and 2018 the District engaged in research, analysis, and piloting of modern learning environments, leading to an update of the FMP that was approved by the Board of Trustees in July 2018. This update brought the FMP in line with the "District Design 2022," which enlivened the District's strategic plan, including the Vision, Mission, and Belief Statements and set the tone for future educational program development and facility improvements. As the Mission Statement says, the District exists "to ignite genius and empower students to advance the world."

Based on the FMP and District Design 2022, Del Mar Heights School is planned to be fully rebuilt, a new school is planned to be built in Pacific Highlands Ranch, and all other schools are to undergo some or all of the following upgrades:

## 2. Response to Comments

### Modernization / Renovation

- Modern Learning Studio
- Technology Infrastructure
- Innovation Center
- Exterior Innovation Center
- Multi-Use Room (MUR) Upgrades
- Front Office Improvements
- Professional Learning Center
- Portable Classrooms to Permanent
- Security
- Covered Dining
- Play Improvements
- Parking Lot / Bus Drop Off
- Early Childhood Development Center

With regard to the Del Mar Heights School, the District seeks to create a facility supporting a modern educational program and stated the following in the Board-approved Facilities Master Plan:

This FMP proposes complete campus tear down and construction of a new 500-student campus site. Given the expansive playfield and grounds available, it is proposed to redesign the entire site to accommodate a new campus layout with focus on creation of a central indoor / outdoor hub, a new Innovation Center, Modern Learning Studios, and indoor / outdoor learning environments throughout. The new campus will include an enlarged parking lot with safer drop off zones for both the kindergarten and main campus, a larger MUR space, and enhanced outdoor play areas.

The design parameters developed through the development of the FMP and the community outreach process that guided the project architects for Del Mar Heights School are presented in Table 1, below.

**Table 1      Design Drivers**

Site	Building
Reduce Vehicle Congestion	Campus Interconnection
Improve Pedestrian Safety	Flexibility/Adaptability
Maximize On-Site Vehicle Queuing	Indoor/Outdoor
Maximize Parking	Collaboration and Transparency
Respect Neighborhood Views	Natural Light and Fresh Air
Emergency Vehicle Access	Access to Views
Outdoor Learning Spaces, Outdoor Play Areas and Fields	Flexible Technology

## 2. Response to Comments

The program developed by the project architects in close consultation with the District and through a series of public meetings is presented in Figure 1, *Site Plan Comparison* and Table 1. This figure and table provide a comparison of the proposed plan with the existing campus. Figure 1 is included here to provide an accurate comparison of how the total site area is used under both existing and proposed plans. The District developed the proposed site plan to achieve its education goals, minimize vehicular congestion, improve pedestrian safety, respect neighborhood views and improve emergency vehicle access. Accomplishing the District's educational and site goals resulted in modifying the green space and play areas as shown in Table 2.

**Table 2 Plan Comparison By Area**

Area	Existing	Planned	Difference
Dirt Infield/Batting Areas	46,706	0	(46,706)
Playgrounds	66,775	34,546	(32,229)
Green Space	121,259	108,692	(12,567)
Steeply Sloped Landscape Areas	131,758	125,986	(5,772)
DG Paths and Gathering Areas	1,227	13,230	12,003
Hardscape Areas for Walking, Biking, Outdoor Gathering	43,325	61,484	18,159
School Garden	2,709	2,714	5
Landscape and Planters	2,663	25,761	23,098
Parking/Vehicle Circulation	27,216	52,828	25,612
School Buildings	48,426	66,823	18,397
Total Site Area	492,064	492,064	0

While the proposed plan revises the green space to gain educational space and reduce traffic hazards, the proposed plan continues to provide significant outdoor play areas and open community-accessible space. This is shown in a comparison of the existing campus and proposed plan in Figure 2, *Open/Community Accessible Space* and in Table 3. The areas indicated in yellow in Figure 2 provide space for baseball, soccer, basketball, play apparatus, biking, walking, and similar activities.

The proposed project would reduce the amount of continuous green space on Del Mar Heights (121,634 sq.ft.) from 33% of the usable site area (364,790 sq.ft.) to 30% (108,692 sq.ft.). This percentage of green space is greater than five of the District's other seven campuses, which range from 22% to 25% of usable site area. Only Carmel Del Mar (39%) and Ocean Air (37%) provide more green space than the plans for Del Mar Heights.

**Table 3 Plan Comparison of Areas Open and Available to the Public**

Area	Existing	Planned	Difference
Open/Community Accessible Area	279,292	217,952	(61,340)
Steeply Sloped Landscape Area	131,758	125,986	(5,772)
Landscape and Planters	2,663	25,761	23,612
School Garden	2,709	2,714	5
Parking/Vehicle Circulation	27,216	52,828	25,612
School Buildings	48,426	66,823	18,397
Total Site Area	492,064	492,064	0

## 2. Response to Comments

### **Figure 1      Site Plan Comparison**

## 2. Response to Comments

*This page intentionally left blank.*



## 2. Response to Comments

### **Figure 2      Open/Community Accessible Areas**

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

Comments were received stating that the proposed plan does not provide the minimum amount of space for physical education as required by the California Department of Education (CDE). This is incorrect. CDE has site development guidelines (not regulations) that are applicable for determining site size based on enrollment when considering new school sites and for determining when a site is considered under-sized and therefore eligible for special consideration for extra facility funding for multi-story school buildings. The guidelines are not minimum requirements. Outdoor programs are required to address each school's individual PE, fitness and playground program needs and provide facilities to adequately accommodate them. The proposed site plan satisfies the District's policies for physical education for this school.

Several comments stated that the proposed access plan would create greater congestion, encourage more driving, discourage biking and walking to school, and create more noise and air pollution. Figure 3, *Student Access Plan* provides more detail about the access plan and identifies where drop-offs/pick-ups will occur by grade level and special education.

Several comments were received stating that access to the campus would be prohibited after completion of the project. The comments are not correct and there is no evidence to support these statements. The District's plan includes fencing and gates, but this is to provide needed security for students and staff during the school day (see Figure 4, *Fencing Plan*). The campus is currently fenced and public access to the site is prohibited during school hours.

Comments were received concerning the adequacy of the fire lane. Figure 5, *Fire Access Lane*, is included here to ensure an understanding of its location on the site.

### **Student Capacity**

Comments were received claiming that the project will increase student capacity and the additional capacity will be used to absorb students from the closure of Del Mar Hills. The claims are not correct and there is no evidence to support these claims. The following sections explain the difference between various definitions of "capacity". The District has the authority and is responsible for how it programs the use of its facilities based on its educational goals.

The District's Board-approved Facilities Master Plan (FMP) lists Del Mar Heights School as having a current capacity of 529 students. This includes 13 K-3 classrooms at 22 students per class and nine 4 – 6 grade classrooms at 27 students per classroom. In addition, this recognizes 13 specialty classrooms that are "reserved and dedicated to specialty educational programs on each campus. Programs include Special Education, STEAM+, Speech, Occupational Therapy, After School Program, Parent / Teacher Room, etc. These rooms are not included in the overall capacity calculation." (FMP, p. 80). Special Education classrooms are not included in enrollment on the FMP. The two special education classes at the school are included in the capacity numbers below.

## 2. Response to Comments

**Table 4 Del Mar Heights School – Existing Campus Capacity Based on District Policy**

Grade Span	Number of Rooms	Students/Room	Total Students
Kindergarten	3	22	66
1 - 3	10	22	220
4 - 6	9	27	243
Special Ed	2 SDC	15	30
Total			559

Over the past ten years Del Mar Heights School had a maximum enrollment of 504 students and an average of 460 students.

The State Office of Public School Construction (OPSC) is charged with determining eligibility for funding under the School Facilities Program (SFP). OPSC's funding eligibility guidelines do not dictate how the District must use and load classrooms in its schools. It is simply what the state uses in determining eligibility in qualifying for a state matching grant. References to OPSC-based capacity has led to misunderstandings concerning the capacity of Del Mar Heights School. Table 5 presents the maximum current eligibility of the Del Mar Heights School under the SFP program.

**Table 5 Del Mar Heights School – Existing Campus Capacity Based on OPSC Calculation**

Grade Span	Number of Rooms	Students/Room	Total Students
K - 6	31	25	775
Special Ed	2 SDC/1 RSP	13 / 9	35
Total			810

The District's Board-approved FMP lists Del Mar Heights School as having a capacity of 529 for the general education classrooms. When you include two special education classrooms with a capacity of 15 students each, the total capacity is 559. Under the proposed plan, the general education capacity would be reduced to 507, with the total capacity reduced to 537, a reduction of 22 students due to reducing one K-3 classroom (see Table 6).

**Table 6 Del Mar Heights School – Proposed Plan Capacity Based on District Policy**

Grade Span	Number of Rooms	Students/Room	Total Students
Kindergarten	3	22	66
1 - 3	9	22	198
4 - 6	9	27	243
Special Ed	2 SDC	15	30
Total			537

## 2. Response to Comments

### **Figure 3      Student Access Plan**

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### **Figure 4      Fencing Plan**

## 2. Response to Comments

*This page intentionally left blank.*



## 2. Response to Comments

**Figure 5**      **Fire Access Lane**

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

Applying OPSC's capacity calculations to the proposed plan results in a student capacity of 635 students as shown in Table 7. Again, OPSC's funding eligibility guidelines do not dictate how the District must use and load classrooms in its schools. It is simply what the state uses in determining eligibility in qualifying for a state matching grant.

**Table 7 Del Mar Heights School – Proposed Plan Capacity Based on OPSC Calculation**

Grade Span	Number of Rooms	Students/Room	Total Students
K-6	24	25	600
Special Ed	2 SDC/1 RSP	26/9	35
<b>Total</b>			<b>635</b>

As explained above, the District is responsible for loading classrooms in a manner consistent with its educational programming and the existence of alternative methods of calculating student capacity does not contradict the fact that the proposed project would not increase student capacity.

### 2.1.2 CEQA Process

#### Timing of District Meeting

Comments were received stating that the close of the public review on March 23, 2020 and the scheduling of a Board meeting two days later on March 25, 2020 was evidence that the District was not taking the CEQA review process seriously. This is incorrect as it was never intended for the Board to act on the CEQA document on March 25. The District's public review was extended from March 23, 2020 to March 30, 2020 to ensure the public had sufficient time to review the document. The District is taking the time necessary to carefully respond to all comments, while such responses are not a requirement under CEQA. The District's intent is to ensure an open, objective process that will result in the best possible design that achieves District objectives.

#### DSA Pre-check Process

Comments were received stating that full-scale plans have been submitted to the Division of the State Architect (DSA) and this is evidence that appropriate CEQA procedures were violated. This is incorrect. The DSA Precheck is not an official submittal of the project to the DSA. It is a standard step of a project this size, and it is an opportunity to receive early input from the DSA and is intended to seek opportunities to improve the project before formal submittal. It does not commit the District to completing the project nor commit the District to any particular design or program. The District continues to seek all avenues to improve the project, including through the public review process involved in the completion of the CEQA document.

### 2.1.3 Aesthetics

Several comments were received stating that the visual impact from Mira Montana Drive would be significant. In developing the assessment of aesthetic impacts of the project, the surrounding area was surveyed, and areas were identified where public views of the site were available. These selected locations are identified in Figure 6a, *Visual Simulation Points*. The views selected along Mira Montana Drive are those where views of the site are

## 2. Response to Comments

most prominent. Views from the western sidewalk along Mira Montana Drive are largely obscured by existing trees and vegetation. (The figures in the aesthetics section of the Initial Study were numbered 8a through 8e.)

Views of the site from the west are very limited. The view from Durango Drive was selected as the most prominent of these views. Views from the lower elevations along Camino Del Mar, Carmel Valley Road and others were surveyed by car and Google Street Views but views are obscured by existing topography and vegetation.

To assist in the objective assessment of visual impact, the visual simulations used in the Initial Study are paired here with the existing view to allow better comparison.

Figure 6b1, *Existing View from Durango Drive*, provides the most prominent public view of the site from the west. As stated above, views from the west are very limited due to existing topography and vegetation. Figure 6b1 and paired with Figure 6b2, which shows daytime and nighttime views of the proposed project. The buildings are single story and to the extent that they block views of the background, the views are of existing residences. This change in visual character is not considered significant.

Figure 6c1, *Existing View from Mira Montana Drive*, shows the view where the absence of existing trees provides the clearest view of the school site along Mira Montana Drive. Figure 6c2, *Visual Simulation from Mira Montana Drive*, provides a simulated view across the site towards the Pacific Ocean. As stated above, the design directives included minimizing impacts to the surrounding neighborhood. While this view shows that view of the grass field is blocked, the design limits the heights of the building such that they do not extend above the horizon. While the judgement of all aesthetic impacts is subjective, this impact is not considered significant.

Figure 6d1, *Existing View from Entry at Boquita Drive*, shows the scale of the existing buildings. Figure 6d2, shows the simulated view, which is in keeping with the scale of the existing campus. It also shows an opening of views toward the ocean where the kindergarten building is presently. The change in visual character here is not considered significant.

Figure 6e1, *Existing View from Mira Montana Trail Head*, shows the view at the sidewalk leading to the trail head into the Reserve. Figure 6e2, shows that a portion of the view of the grass field will be blocked by the proposed building. Care was taken in the design of the buildings to protect the view of the Pacific Ocean. The view of the trail and vegetation with the Reserve are not altered. This impact is not considered significant. (Note that Figure 6a, *Visual Simulation Points*, did not include the location of this view. This has been corrected in the figure shown here).

The proposed project includes an ADA-compliant ramp at the trail head that leads to the path along the edge of the campus. This will provide access to physically challenged individuals to gain views of the ocean from the campus walking path. The paths within the Reserve do not allow such access.

Comments were received stating the visual simulations are inaccurate and minimize the visual impact. This is not accurate. The project architects use Revit by Autodesk to ensure the accuracy of these simulations.

## 2. Response to Comments

### **Figure 6a      Visual Simulation Points**

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

**Figure 6b1      Existing View from Durango Drive**

## 2. Response to Comments

*This page intentionally left blank.*



## 2. Response to Comments

**Figure 6b2      Daytime and Nighttime Simulation from Durango Drive**

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

**Figure 6c1      Existing View from Mira Montana Drive**

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

**Figure 6c2      Visual Simulation from Mira Montana Drive**

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

**Figure 6d1      Existing View From Entry at Boquita Drive**

## 2. Response to Comments

*This page intentionally left blank.*



## 2. Response to Comments

**Figure 6d2      Visual Simulation from Entry at Boquita Drive**

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

**Figure 6e1      Existing View from Mira Montana Trail Head**

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

**Figure 6e2      Visual Simulation from Mira Montana Trail Head**

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

A comment was received that a simulation presented at a public meeting was inaccurate because it provided an elevated view above Mira Montana Drive, which minimized the impact. That view was presented because of homeowners' concerns about the view from the residential level along Mira Montana Drive. The view from residences is considered a private view, which is not relevant in CEQA, so it was not included in the Initial Study. All views presented in the Initial Study and this document are public views.

### Lighting

Comments were received that the school site and surrounding area have very limited lighting and dark skies constitutes the CEQA baseline for this issue. This is incorrect. The Reserve contains natural habitat and is considered sensitive to lighting. The existing school has lights for security and for occasional evening school events. School events end by 9 PM and lights are turned off. The surrounding community has existing streetlights, including a streetlight at the school entrance on Boquita and a light at the trail head/Mira Montana Drive cul-de-sac. Additionally, streetlights are located at intersections and turns and midblock along the length of Mira Montana Drive as well.

The District recognizes the sensitivity of the natural habitat in the Reserve and made the decision not to include sports lighting on the campus. Further, campus lighting is designed for motion activation and school event-related lighting is turned off at 9 PM at the close of such events. Lighting along Mira Montana is already illuminated by streetlights and existing residences. Spillover lighting from the campus will be limited by the elevation difference between the campus and the street and the many street trees and slope trees in this area. With school events ending by 9 PM and motion-activated systems, this impact is not considered significant.

### 2.1.4 Biological Resources/Stormwater Outfalls

Biological Resources. The repairs of one of the stormwater outfalls, located along the southern project boundary, would encroach slightly into sensitive southern maritime chaparral. This encroachment would be temporary and less than 0.01 acre in size.

Southern maritime chaparral is a highly sensitive upland chaparral community that occurs along the coastal regions within the fog belt on sandy soils. Plant species observed within this community include wart-stemmed ceanothus (*Ceanothus verrucosus*), black sage (*Salvia mellifera*), California buckwheat (*Eriogonum fasciculatum*), Nuttall's scrub oak (*Quercus dumosa*), and chamise (*Adenostoma fasciculatum*). Approximately 0.8 acre of this habitat occurs within the school property boundary.

As part of the project, the stormwater outfalls would be repaired and the slopes revegetated with a mix of native species appropriate for the surrounding area, such as Dwarf Coyote Brush (*Baccharis pilularis* 'Pigeon Plant'), Manzanita (*Arctostaphylos*), brittlebush (*Encelia farinosa*), Laurel Sumac (*Malosma laurina*), Scarlet Bugler (*Penstemon centranthifolius*), Lemonade Berry (*Rhus integrifolia*), Sugar Bush (*Rhus ovata*), Purple Sage (*Salvia leucophylla*), and California fuchsia (*Zauschneria californica*). Additionally, the District will use cultivar and landscape variety seeds from local plant populations found within the Los Penasquitos watershed and within three miles of the coast or closely related varieties chosen in consultation with the State Parks.

## 2. Response to Comments

Additionally, a California native hydroseed mix (without fertilizer) consisting of native grasses, groundcovers and wildflowers will be planted. The slurry tackifier used in hydroseed will add stability to the slopes until the plants get established. The revegetation program includes a biweekly maintenance schedule to remove invasive plant species identified by the California Invasive Plant Council. The revegetation would avoid future erosion and contribute to the biological diversity and value in the area. Invasive non-native plant species would not be introduced into area.

### *Stormwater Outfalls*

The Initial Study includes a discussion of the specific repairs to the stormwater outfalls.

The improvements to the southern and western slopes would disturb approximately 610 square feet and 2,000 square feet, respectively. Surface runoff from campus would be treated by bioswales and landscape planters in compliance with State permit regulations. Treated stormwater would flow from bioswales into outfall drainages with a no net increase in volume. The repaired outfalls would have concrete energy dissipators and rip rap to reduce stormwater flow velocity, per the City's requirements. Jute-netting or straw blankets would be used on the reconstructed slopes for stability.

The new plantings would be irrigated by above-grade brown UV resistant PVC pipe and rotors that would provide the water needed for these native plant species to properly establish; the temporary irrigation would be disconnected from the school's irrigation when the native plant species have been established. All work would comply with State and local regulations.

### *Edge Effects*

The project site is an existing school campus. Compared to the existing school the project would have a better design, new landscaping, and more rigorous maintenance schedule to reduce introduction of invasive species into the buffer area between the school and the Reserve. see response to Letter B, comment B-26 to B-35 for project consistency with Multiple Species Conservation Program, City of San Diego MSCP Subarea Plan (March 1997), Land Use Adjacency Guidelines.

## 2.1.5 Recreation/Green Space

### **Recreation/Green Space**

While many comments were received from individuals concerned about the loss of recreational space at the school, the loss of public access is not directly a CEQA/environmental issue. CEQA is focused on physical environmental issues, so it relates to the possible physical deterioration of recreation facilities. This issue is framed by CEQA Checklist, Section XVI, Recreation in this way:

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?



## 2. Response to Comments

The following addresses the project's potential physical environmental impacts on recreational facilities.

### *Comparison of Existing Campus and Proposed Project*

The areas of the existing and planned campus that are accessible for potential community recreation include:

- **Dirt Infield/Batting Areas:** the skinned infield area of the two baseball fields
- **Green Space:** areas with grass, including the large field and smaller fields
- **Playgrounds:** includes areas with blacktop and court games as well as areas with safety surfacing and play equipment/sculptures
- **DG Paths and Gathering Areas:** includes walking paths as well as areas like outdoor classroom(s) that use decomposed granite to provide a stable surface
- **Hardscape Area:** includes paths, walkways, and open areas for walking, biking, or gathering; generally paved with concrete or pavers

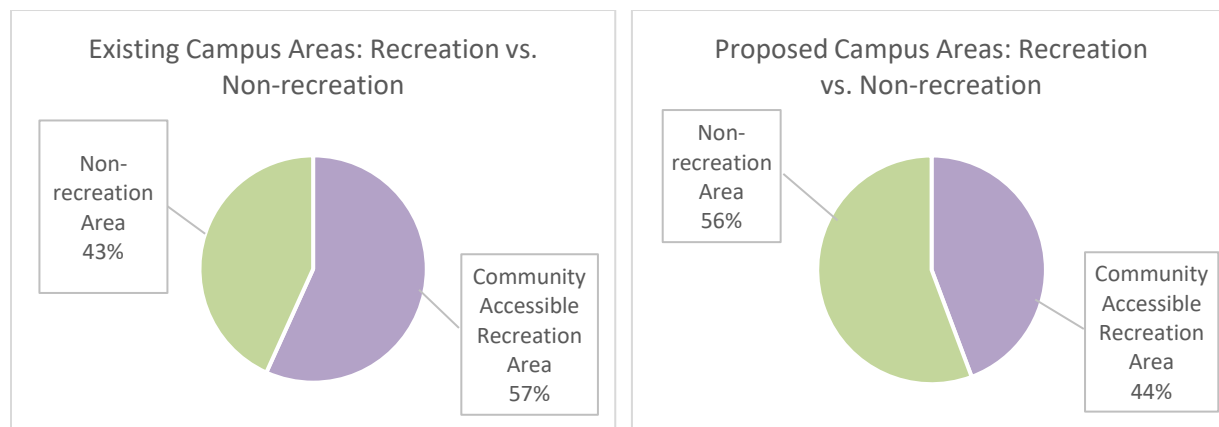
The areas of the existing and planned campus that are not accessible for potential community recreation include:

- **School Garden:** fenced-in area dedicated to the school's garden
- **Steeply Sloped Landscape Areas:** areas too steep to be used, generally vegetated
- **Landscape Planters:** planted areas that are not for recreational use
- **Parking/Vehicular Circulation:** areas for parking, dropping off/picking up students, and access to these areas
- **School Buildings:** offices, classrooms, and associated indoor learning/gathering spaces

The existing campus is approximately 11.3 acres (492,064 square feet) in area. On the existing campus, 279,292 sf (57 percent of the campus) is accessible to the community for recreational use. The proposed campus will have 217,952 sf (44% of the campus) available to the community for recreation. This is a decrease of 61,340 sf, or an approximately 22% decrease. See Figure 7.

## 2. Response to Comments

**Figure 7 Comparison of Area Available for Community Recreation**



Compared to the existing campus, the proposed design has less dirt infield, playground, green space and steeply sloped areas. The proposed design has more decomposed granite paths/gathering areas, hardscape, landscape planters, parking/vehicular circulation and school buildings. The area dedicated to the school garden is similar. See Figure 8.

According to feedback received during the CEQA process, community members currently use the Del Mar Heights School for the following recreational activities, organized in Table 8 by the area(s) in which they are likely to occur.

**Table 8 Existing Community Recreation Activities at Del Mar Heights School**

Activity	Campus Area				
	Dirt Infield/ Batting Area	Playgrounds	Green Space	DG Paths/ Gathering Areas	Hardscape Areas
Baseball	●		●		
Track and field	●		●		
Soccer			●		
Flag Football			●		
Active unstructured play: games, races, tag	●	●	●	●	●
Court Games: Handball, Wall Tennis, Tetherball/ Funnel Ball. other		●			
Gaga		●			
Biking		●			●
Flying kites and rockets	●	●	●		
Stargazing	●	●	●	●	
Family Picnics			●	●	
Flashlight walks for critters			●	●	

Source: compilation from comment letters.

## 2. Response to Comments

An analysis of these recreational uses shows that the majority of uses remain available with the planned design (see Table 9). The one exception is Little League Junior/Senior Baseball, which requires a baseball field with 90' baselines and a 300' outfield fence, which would not fit in the green space under the planned design.

Although all other activities remain available with the proposed plan, the amount of area available for some activities is reduced. This would reduce the number of concurrent activities that can occur within a single area.

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

**Table 9 Comparison of Recreation Activities at Existing vs. Planned Campus**

Activity	Existing Campus (qty or area available)	Planned Campus (qty or area)
Baseball	60' baseline diamond: One 90' baseline diamond: One Note(s): 60' baseline diamond has short outfield	Backstop provided, allows for striping of 60' baseline diamond
Track and field	Dirt infield area: 46,000sf Main green space: 115,109sf	Main green space and adjacent DG path/gathering areas: 91,393sf Secondary green space and adjacent DG Path/Gathering: 15,908sf
Soccer	U12 field: One (138'x210') U10 field: One (105'x165') Note(s): Soccer fields overlay existing baseball diamonds	U12 field: One (138'x210') Note(s): Two fields for U11 (105'x165') could fit instead of a single U12 field
Flag Football	Main green space: 115,109sf	Main green space and adjacent DG path/gathering areas: 91,393sf Secondary green space and adjacent DG Path/Gathering: 15,908sf
Active unstructured play: games, races, tag	Green space: 121,259sf Dirt infield: 46,706 sf Playgrounds: 66,775sf	All campus green space and adjacent DG path/gathering: 121,922sf Playgrounds: 34,546sf
Court Games: Handball, Wall Tennis, Tetherball/ Funnel Ball. other	Foursquare: Four courts Handball/Wall Tennis: Four courts Tetherball/Funnel Ball: Six	Foursquare: Five courts Handball/Wall Tennis: Four courts Tetherball/Funnel Ball: Six
Gaga	One	Two
Biking	Playground, blacktop area only: 54,275sf Hardscape: 43,325sf	Playground, blacktop area only: 23,362sf Hardscape: 61,484sf
Flying kites and rockets	Main green space: 115,109sf Dirt infield: 46,706 sf Playground, blacktop area only: 54,275sf	Main green space and adjacent DG Path/Gathering: 91,382 sf Secondary green space and adjacent DG Path/Gathering: 15,908sf Playground, blacktop area only: 23,362sf
Stargazing	Main green space: 115,109sf Dirt infield: 46,706 sf Playground, blacktop area only: 54,275sf DG Path/Gathering: 1,227sf	Main green space and adjacent DG path/gathering area: 91,393sf Secondary green space and adjacent DG Path/Gathering: 15,908sf Playground, blacktop area only: 23,362sf
Family Picnics	Green space: 121,259sf DG Path/Gathering: 1,227sf	All campus green space: 108,692sf DG Path/Gathering: 1,645 sf (gathering areas only)
Flashlight walks for critters	Green space: 121,259sf DG Path/Gathering: 1,227sf	All campus green space and adjacent DG path/gathering: 121,922sf

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

**Figure 8**      **Comparison of Campus Areas by Type**

## 2. Response to Comments

*This page intentionally left blank.*



## 2. Response to Comments

The proposed design presents opportunities for new recreational activities at Del Mar Heights School including the following:

- **Fitness walking:** a DG path loops around the main green space, five laps are equal to one mile. Additional hardscape pathways could also encourage walking
- **Amphitheater:** creates a gathering space for focused recreation activities that could include yoga, tai chi, or other small group activities
- **Standalone green spaces:** creates different experiences than larger open green spaces. Could be used for small group activities such as picnics, individual fitness workouts, or outdoor learning

### *Del Mar Heights Area*

The three closest parks/recreation areas to Del Mar Heights are Del Mar Hills Academy, Del Mar Shores Park and Solana Highlands Elementary School/Solana Highlands Park. Each park or school offers recreation opportunities similar to those at Del Mar Heights. See Table 10. Figure 9 shows the location of the nearest recreational facilities and a ½-mile walkshed around Del Mar Heights School.

**Table 10 Closest Recreational Facilities**

Park	Distance from Del Mar Heights School	Area Types
Del Mar Hills Academy	0.8 miles	Playgrounds (small court games, basketball, unstructured play) Green space (baseball, unstructured play)
Del Mar Shores	1.2 miles	Playgrounds (small court games, basketball, unstructured play) Green space (baseball, dog park, unstructured play)
Solana Highlands Elementary School/ Solana Highlands Park	1.2 miles	Playgrounds (small court games, basketball) Green space (baseball, soccer, unstructured play)

Using a walkable network method, which accounts for how far someone must walk or bike to reach the site, there are approximately 1,974 people living within the ½-mile walkshed of Del Mar Heights School. Except for the Little League Junior/Senior Baseball use, community use for the other activities identified above are likely to stay at Del Mar Heights School. The reconfigured school would have enhanced amenities, which is expected to retain the attraction of individuals within a ½-mile walking distance. As a result, outlying parks and schools are expected to experience very limited increase in use, if any, and far less use than would cause a significant environmental impact.

While the District is not required to replace any recreational facilities displaced by the proposed project, the District is seeking to create a field that would accommodate Little League Junior/Senior Baseball at Torrey Hills School. The field would be placed within an existing school. The field fits within the existing grass field and development of the field would involve minimal environmental impact.

## 2. Response to Comments

### 2.1.6 Transportation/Emergency Access

The proposed project would not result in a change to school enrollment levels. In addition to the proposed school building renovation, the project includes a more optimized entry driveway and expansion of the on-site student pick-up and drop-off area. These improvements are designed to allow for the accommodation of a larger area for on-site vehicle loading and parking. The project would also improve vehicle drop-off/pick-up activities in order to enhance the safety of vehicle loading operations and onsite vehicular circulation, increasing the amount of parking stalls available and expanding the driveway and curb space of the drop-off/pick-up zones.

#### Existing School Operations and Circulation

Field observations of the project site were conducted by Del Mar Heights School staff, which identified existing traffic patterns, access points, and vehicle queueing. These field observations were conducted during normal school operating days, prior to the COVID-19 pandemic and the resulting school closures. All grades at the school begin at 8:00 am and are dismissed at 2:30 pm during the week, except for Wednesdays where students are dismissed at 12:30 pm.

The school's only access point is located at the terminus of Boquita Drive (south of Cordero Road), which feeds the school's parking lot and drop-off/pick-up area. Vehicular access is provided via a two-way driveway. The existing parking lot is used primarily for staff and visitors, with 48 parking stalls and approximately 317 feet of curb-side loading area, which accommodates about 15 vehicles assuming a 22-foot car length. The site also provides a passing lane for vehicles that have completed their pick-up/drop-off activity. The two lanes then merge back into one egress lane, with a counterclockwise traffic flow pattern within the parking lot.

Operations during the morning drop-off are essentially mirrored during the afternoon pick-up period, which experiences similar vehicular and pedestrian activity. Parents typically arrive up to 30 to 40 minutes before the start and end of classes. The school also provides morning supervision beginning at 7:15am for grades 1-6 and 7:45am for kindergarteners

In order to facilitate safe pedestrian crossings from the neighborhood to the school, a crossing guard is provided by the school at the four-way stop intersection of Boquita Drive and Cordero Road. Observations show that congestion typically occurs when parents park along Boquita Drive while waiting to drop-off and pick-up. Boquita Drive is an undivided two-lane roadway with residential houses present on both sides of the street. On-street parking along Boquita Drive further narrows the street, which in turn causes congestion, blocks driveways, and can limit the ability of mail, waste trucks, and emergency vehicles to access the residences and campus. Moreover, staff would also utilize the street to park due to insufficient on-site off-street parking supply. As a result of this congestion created on Boquita Drive, riding bikes to and from the campus becomes difficult and is compounded by the presence of narrow sidewalks along Boquita Drive.

## 2. Response to Comments

**Figure 9**      **Nearest Recreational Facilities and 1/2-Mile Walkshed**

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

Other observations include some parents who drop-off and pick-up students on Boquita Drive and then proceed to complete an illegal U-turn at the terminus of Boquita Drive to avoid queuing into the on-site loop. During the afternoon pick-up, some parents were observed to abandon their cars in the travel lane to retrieve their child, as well as redirect their children to walk through the canyon to Mira Montana Drive located east of the school, which creates additional safety concerns.

During peak pick-up and drop-off times, vehicle queues were observed to extend as far back as the Boquita Drive and Cordero Road intersection. The total length of vehicles queued in typical observed conditions is approximately 800 feet. Approximate queue lengths for the morning drop-off and afternoon pick-up periods are summarized below in Table 7. The existing queuing and circulation for the school is depicted in Figure 11.

**Table 11 Existing Approximate Queue Lengths**

Period	Location	Observed Vehicle Queue Length
Morning Drop-Off/ Afternoon Pick-Up	Boquita Drive Driveway Access	40 cars (800 ft)

### Proposed Project

Due to the ongoing shelter-in-place directives put in place by the State of California, schools are currently closed and are not anticipated to reopen until the fall of this year. This condition precludes the ability to conduct new traffic counts, and as such an alternative approach to estimating school trip generation was employed. A description of the methods utilized to generate and distribute trips due to the project within the study area are presented in this section.

### Trip Generation

The trip generation for the Del Mar Heights School Rebuild Project was estimated using rates published in the *SANTEC/ITE Guidelines for Traffic Impact Studies (TIS)* in the San Diego Region. The proposed project would not eliminate the school's existing programs, and it is not the intent of the project to expand the school enrollment capacity. Understanding year-to-year fluctuating enrollment, a 10-year enrollment average was used to establish the school's existing baseline with an average classroom size of 24 students per classroom. Over the past 10 years, the average enrollment at Del Mar Heights was 460 students. The project proposes a build out of a total of 30 classrooms, which includes a reduction from 22 to 21 regular classrooms, while maintaining the presence of 9 specialty classrooms, plus Innovation Center, and smaller spaces for Speech, OT, Psychologist, PE and PTA. Even with the proposed classroom reduction, this analysis assumes no net change in the average student count. check these numbers

In order to provide a thorough analysis, trip generation for the school was calculated using three different sources. San Diego Association of Governments (SANDAG) *(Not So) Brief Guide of Vehicular Traffic Generation Rates and the City of San Diego Trip Generation Manual* were considered, but the assessment assumes the use of ITE's trip generation estimates to be the most conservative since the ITE trip generation estimates are the highest among the three sources. Additionally, the ITE trip generation estimates provide estimated trips for the

## 2. Response to Comments

school's PM peak hour (typically 2-3pm), which differs from the typical background traffic peak hour (typically between 4-6pm). This approach allows for better alignment of the PM peak hour traffic estimate for the school.

No change in trip generation was assumed and the existing student count was used to develop project trip generation estimates. Under this approach, 869 daily trips are generated with 299 trips occurring in the AM peak hour (161 inbound and 138 outbound) and 156 trips occurring in the PM peak hour (69 inbound and 87 outbound). Table 12 summarizes the estimated project trip generation.

**Table 12 Project Trip Generation and Rates**

Source	Land Use	Students	Trip Generation						
			Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Rates									
ITE*	Elementary School	460	1.89	0.35	0.30	0.65	0.15	0.19	0.34
Project Trips									
ITE	Elementary School	460	869	161	138	299	69	87	156

\*Trip generation rates, Institute of Transportation Engineers (ITE) Trip Generation Manual

### Project Queuing and Circulation

The existing conditions observed a typical queue of approximately 40 vehicles, with 25 of those vehicles spilling onto the roadway in the current condition. The existing queue was observed to extend the entire length of Boquita Drive until Cordero Road. This caused concerns as emergency vehicle access was limited, residential driveways were blocked, and the high number of vehicles created congestion.

The proposed circulation plan would accommodate the observed existing queue entirely on the school site, as it provides approximately 820 feet of available queue area, which equates to about 41 vehicles. Queuing in the With Project scenario is also anticipated to be shorter due to the parking lot being designed to accommodate parking to assist with kindergarten drop-off/pick-up operations. Because of the kindergartners being removed from the curbside drop-off/pick-up zones, an estimated 12% reduction in queuing is expected. This percent estimation is based on the enrollment by grade provided by the California Department of Education. With a 12% decrease, approximately 5 vehicles will be reduced from the peak queuing circulation.

A second lane is provided for when vehicles are completed with drop-off/pick-up activities. This passing lane is used for exiting the queuing zone as well as accessing the parking lots. A summary of existing and proposed storage lengths is provided in Table 13.

In addition to the extended driveway, the proposed design is streamlined with a single lane roundabout rotating counterclockwise which ensures safe and efficient on-site circulation. Vehicles exiting campus are directed to go through the northern parking lot which would eliminate potential conflicts between the inbound and outbound traffic. See Figure 11, *Queuing in With Project Conditions*.

## 2. Response to Comments

**Table 13 Approximate Queue Lengths**

	Existing	Observed Existing Queue	Forecasted Queue	Queue Capacity With Project
Queue Storage Length	317 Ft	800 Ft	700	820 Ft
Vehicle Storage Length	15 Cars	40 Cars	35 Cars	41 Cars

The extended queuing storage zone will be sufficient to accommodate the observed existing queue and the forecasted queue. The queuing will remain on-site as illustrated in Figure 5.

### Emergency Vehicle Access and Evacuation Assessment

According to Section 503.2.5 from the San Diego County Fire Authority, a minimum radius of 36 feet and a minimum width of 24 feet of roadway must be provided for a cul-de-sac turnaround. These guidelines are met as the proposed site plan consists of a concentric circle as a turnaround that has a 36-foot and 41-foot radii, as well a 24-foot width of driveway. With the implementation of the proposed project, the driveway and parking lot design conforms to local standards and will be able to accommodate the on-site circulation of emergency vehicles. The proposed site plan will reduce congestion by extending the queuing storage space resulting in easier access for emergency vehicles to the school site.

Current evacuation plans for Del Mar Heights are outlined on the Del Mar Union School District's website where drive-in pick-ups are highly discouraged to not block access for emergency equipment and vehicles. Parents are instructed to park in neighboring streets and to walk to the campus in order to keep the driveway and parking lot clear. Parents/guardians will have to present correct identification as well as be listed on the emergency contact of the child for the student to be released. Staff members of the school will be checking for the authorized adults in the dismissal area. The proposed project would not result in a change to the adopted evacuation procedure and no project traffic impact is anticipated.

### Interim Conditions During Construction

During the construction phase of the project, which is estimated to be approximately 14 months, students from kindergarten through third grade will temporarily be hosted at Del Mar Hills Academy, while students in grades four through six will be temporarily hosted at Ocean Air School.

#### *Del Mar Hills Academy Operations*

An estimated total of 236 students from kindergarten through third grade will be moved to Del Mar Hills Academy during the 2020-2021 school year. Del Mar Hills Academy, located less than a mile northeast of the Del Mar Heights School, provides access via a driveway off Mango Drive at Lozana Road. The Academy provides a 600-foot driveway for pick-up/drop-off activity with two lanes (one for ingress and one for egress).

In order to determine the effects of temporarily relocating 236 students to Del Mar Hills Academy, existing drop-off and pick-up operations and circulations are defined as follows. Current drop-off/pick-up operations at Del Mar Hills Academy, identified in consultation with school staff, consists of vehicles primarily parking on

## 2. Response to Comments

Mango Drive and/or adjacent streets to walk their children to campus with approximately one-third of vehicles utilizing the driveway to pick-up/drop-off on-site. Vehicles typically experience queuing intervals 10 minutes prior to classes beginning and 30 minutes after classes are dismissed.

As schools are currently closed, historical data from similar studies of elementary schools in California coupled with ITE trip generation estimates were utilized to develop existing queue length estimates at Del Mar Hills Academy. The total estimated vehicle trips during the AM and PM are 111 and 48 trips, respectively, which consists of the existing one-third of vehicles from Del Mar Hills Academy and the project trips generated by Del Mar Heights. This information is summarized in Table 14.

**Table 14 Del Mar Hills Academy Trip Generation and Rates (Existing + Project)**

Source	Land Use	Students	Trip Generation						
			Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Rates									
ITE*	Elementary School	317	1.89	0.35	0.30	0.65	0.15	0.19	0.34
Project Trips									
ITE	Elementary School	317	599	111	95	206	48	60	108

\*Trip generation rates: Institute of Transportation Engineers (ITE) Trip Generation Manual

Estimates of appropriate vehicle arrival and dwelling rates were developed based on professional judgement as well as research of similar studies involving elementary schools in California. Conservative estimates of 30 seconds and 60 seconds were used in drop-off and pick-up dwelling times, respectively. The drop-off and pick-up times are assumed to be the time it takes for a vehicle to enter an available space in storage, and for children to safely enter and exit the vehicle. During the AM peak hour, the estimated arrival rate of drop-off time is calculated to be about 5.55 vehicles per minute. The estimated arrival rate at pick-up time is about 1.60 vehicles per minute in the PM period. This indicates that the existing and relocated students will be served with the existing queue storage capacity and no significant queue is anticipated.

Based on the trip generation, Del Mar Hills Academy is expected to experience project-related traffic distribution as shown in Figure 12. These percentages shown depict the assumed geographical distribution of project generated traffic on the access roads that vehicles would use to travel to Del Mar Hills Academy. The majority of roadways in use are two-lane residential streets, with Del Mar Heights Road being a four-lane major arterial. According to the City of San Diego Street Design Standards, residential streets are classified as having a capacity of 200 vehicles per hour and a four-lane major roadway has a capacity of 18,000 vehicles per hour. To be conservative, all 111 trips in the AM peak hour and all 48 trips in the inbound PM peak hour are assumed to utilize the roadway network as distributed. Therefore, adding the existing + project trips would not create additional impact to traffic operations.



## 2. Response to Comments

### **Figure 10      Existing Access and Circulation**

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

**Figure 11**      **Queuing In With Project Conditions**

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

**Figure 12**      **Trip Distribution to Del Mar Hills**

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### *Ocean Air School*

Students in grades 4 through 6 will be temporarily relocated to Ocean Air School during the 2020- 2021 school year. Ocean Air School, located approximately 5 miles southeast of the Del Mar Heights School, provides access off Canter Heights Drive via an approximately 500-foot driveway. The driveway consists of a passing lane and a curbside lane for drop-off/pick-ups. The Del Mar Union Elementary School District will be providing bus transportation to and from Del Mar Heights School and Ocean Air School. A total of three school buses will be supplied to provide adequate transportation for all 203 relocated students during both the AM and PM hours. The assumed traffic distribution of Ocean Air School is shown in Figure 13. It is worth noting that the majority of the relocated students will be transported via bus is assumed and only a small percentage are expected to individually drive. No significant traffic impacts are anticipated.

### **Conclusions**

The proposed reconstruction and modernization of Del Mar Heights School is intended to address existing vehicle queuing and on-site circulation issues. Existing conditions are identified, and an analysis of the proposed project was performed in order to determine its feasibility and effectiveness. By increasing the on-site vehicle queue storage length from 317 feet to 820 feet and increasing the availability of parking stalls from 48 to 80, the proposed site plan is forecast to accommodate the existing vehicle queue observed. These changes are forecast to remove the impact to local streets, in particular on Boquita Drive. Vehicle queues are not forecast to stack off the project site onto Boquita Drive due to the provision of additional parking stalls, extended on-site queuing zones, and improved driveway circulation on-site.

During construction, students will be required to temporarily relocate to Del Mar Hills Academy and Ocean Air School. An analysis of existing operations of the two schools was conducted to determine potential traffic impacts due to the addition of relocated students during this interim period. As Del Mar Hills Academy is located less than a mile northeast from Del Mar Heights, it was assumed that students would be transported by their parents. The addition of project trips to the existing trips experienced at Del Mar Hills Academy garnered 111 AM peak hour trips and 48 PM peak hour trips resulting in an arrival rate of 5.55 vehicles per minute for drop-off and 1.60 vehicles per minute for pick-up which the existing driveway length at Del Mar Hills Academy will be able to accommodate. The District will provide bus transportation from Del Mar Heights to Ocean Air School which is approximately 5 miles away. The 203 students being relocated to Ocean Air School equates to about 3 bus trips with standard busses having a capacity of 72 students. Significant impacts are not anticipated.

Based on results of the queue analysis, the proposed modernization and reconstruction to Del Mar Heights School can be implemented without significant traffic impacts. Since there were no significant impacts with addition of the project to the study area and interim schools, mitigation measures were not necessary for this analysis.

### **2.1.7 Wildfire**

Comments were received stating that the proposed site plan would worsen the wildfire hazard due to the placement of buildings, the placement and width of the fire access road, the presence of wooded slopes and that the design of the new drop-off/pick up zone would worsen congestion and delay emergency vehicle access.

## 2. Response to Comments

The District fully recognizes that the site is in a Very High Fire Hazard Severity Zone (VHFHSZ; CAL FIRE) and the proposed site plan has been designed very carefully with these concerns in mind. The following paragraphs describe the features included in the site and building plans designed to ensure a safe school.

The existing fire access lane is inadequate as the width of the lane is only 10 feet between the edge of the slope and the building. The minimum width is 20 feet per the 2019 California Fire Code. The proposed fire lane is 20 feet in width throughout its length and it eliminates the existing restricted access point (see Figure 7, *Fire Access Lane*). The fire lane includes hammerhead turnarounds and the hose length distances are in compliance with the 2019 California Fire Code. Further, the plan has been reviewed and pre-approved by the City of San Diego Fire Marshall.

The issues related to emergency vehicle access to the site and campus evacuation during a wildfire or other emergency are further addressed in Section 2.1.6, Transportation/Emergency Access.

Comments were received stating that the placement of buildings nearer the Reserve increases hazards from wildfire. However, the existing campus has four portable classroom buildings that are 5 to 10 feet from the canyon edge and existing Kindergarten, Administration and Classroom Building D are approximately 20 feet from the canyon edge.

The proposed buildings will all meet current building standards. The new buildings are noncombustible construction with the building envelope (walls, roofs, eaves, and soffits) designed to be ignition-resistant construction and glass will be tempered, per 2019 California Building Code, Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure. The existing portables are of combustible construction.

The proposed project provides another fire safety improvement. There are no fire hydrants currently on-site. The proposed project includes four new fire hydrants to provide multiple fire defense locations around the campus.

The proposed project would introduce fully sprinkled buildings to the campus. The existing campus are non-sprinkled buildings.

The slopes on the west and south sides (buffer area between the developed school campus and the Reserve) ranges from 2 feet to over 200 feet wide. This buffer area is currently maintained by the school district, in compliance with San Diego Fire-Rescue Department's city-wide Brush Management and Weed Abatement regulations. Additionally, door to door brush inspections, by uniformed Code Compliance Officer with the Fire-Rescue Department's Brush Management, are conducted for properties on canyon rim areas (located within the Wildland Urban Interface). This practice would not change with the proposed project. No additional brush management area would be required for the project. While the plan does not provide the full 100-foot defensible space along the entire perimeter of the site, the Government Code 51182 provides for exemption or variances. ~~In this case, the District desires to be good stewards of the environment and avoid all intrusions into the Reserve.~~ The numerous safety features justify the current design and the District has received pre-approval by the City of San Diego Fire Marshall.



## 2. Response to Comments

**Figure 13**      **Trip Distribution to Ocean Air Elementary**

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

While the school site remains in a Very High Fire Hazard Severity Zone, the proposed plan addresses these issues, improves upon the level of fire safety over the existing campus and has received pre-approval by the City of San Diego Fire Marshall.

### 2.1.8 Fair Argument

The California Court of Appeal in its decision in *Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal App 5th 358 stated the general rules governing CEQA, its requirements regarding EIRs and when a Negative Declaration or Mitigated Negative Declaration are appropriate. Specifically, the court found that a Mitigated Negative Declaration may be appropriate:

...when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans ... would avoid the effects or Mitigated the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment. (Cal. Code Regs., tit. 14, § 15369.5, italics added.)

Furthermore, the court pointed out that for CEQA purposes “substantial evidence”:

...means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence. (Cal. Code Regs., tit. 14, § 15384(a), italics added; see also § 21082.2.)

CEQA Guidelines Section 15204 (c) advises that: “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.”

Finally, CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to potentially significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the environmental document. (14 CCR § 15204(a)).

The proposed project would not increase student capacity and it alleviates many of the issues addressed in the comments. The claims that the project would increase capacity and the District intends to close Del Mar Hills School are both incorrect, based entirely on speculation and not supported by substantial evidence. The District is responsible for loading classrooms in a manner consistent with its educational programming and the existence of alternative methods of calculating student capacity does not contradict the fact that the proposed project would not increase student capacity.

## 2. Response to Comments

While the proposed plan modifies the green space area to gain educational space and reduce traffic hazards, it continues to provide significant open community-accessible space. The plan provides space for baseball, soccer, basketball, play apparatus, biking, walking, picnics, and similar activities. While the community does not meet the City of San Diego's standards for park space, the campus is a school with responsibilities for providing a modern educational environment. Importantly, the loss of public access to recreational space is not an environmental issue under CEQA. The issue is whether the project would cause significant physical deterioration at other recreational facilities and no such evidence has been presented.

The comments received stating that the proposed plan does not provide the minimum amount of space for physical education as required by the California Department of Education (CDE) are incorrect. Outdoor programs are required to address each school's individual PE, fitness and playground program needs and provide facilities to adequately accommodate them. The proposed site plan satisfies the District's policies for physical education for this school.

The District's plan includes fencing and gates, but this is to provide needed security for students and staff during the school day. The campus is currently fenced and public access to the site is prohibited during school hours. There is no evidence of any intention by the District to remove community access from the recreational areas.

Comments that the proposed fire lane is inadequate are incorrect. The lane meets all requirements, was pre-approved by the City of San Diego Fire Marshall and alleviates the bottleneck in the existing fire lane. A point-by-point comparison of the existing and proposed site plans demonstrates how the proposed project would reduce wildfire hazards at the school.

Public views of the project site are limited due to existing topography and trees and vegetation. The assessment of visual impact was based on views from areas where the site was most visible, Durango Drive, Boquita and Mira Montana Drive. The District's design directives included limiting the heights of buildings, use of low-sloping roof lines and minimizing lighting. The MND demonstrates that while views of grass field is blocked at some locations, views of the horizon are maintained and the impact is not significant.

While the proposed plan modifies space to gain educational space and reduce traffic hazards, it is intended to continue to provide significant open community-accessible space. The plan provides space for baseball, soccer, basketball, play apparatus, biking, walking, picnics, and similar activities. Most importantly, the project is not a park and no significant impact would occur at other nearby recreational facilities.

The existing school has limited access, which impacts the adjoining neighborhood with traffic congestion and which creates unsafe conditions for students walking or biking to school. The excess vehicle idling causes additional air pollution at the campus and within the neighborhood. The improved access would also improve emergency vehicle access at the site and improve evacuation of the campus, if required. The MND accurately concludes that the project would improve the flow of the drop-off/pick-up lane and alleviate many of the existing problems raised in the comments.

The interim housing conditions at the Del Mar Hills and Ocean Air schools were both carefully reviewed for potential traffic impacts and no significant impacts were identified.

## 2. Response to Comments

The District fully recognizes that the site is in a Very High Fire Hazard Severity Zone, with many existing hazards as a result. To address these issues the plan was carefully designed to reduce these hazards by improving the fire lane, adding four fire hydrants where none exist today, improve emergency access/evacuation, construction of buildings using noncombustible materials, and sprinkling all buildings. The proposed project reduce wildfire hazards at the campus.

The existing Del Mar Heights School has many existing challenges as noted in the MND and in these responses. The proposed project makes substantial improvements over the current condition as demonstrated here and summarized above. There is no substantial evidence in light of the whole record before the public agency that the project would have a significant impact. The comments include inaccurate statements, assumptions and unsubstantiated speculation.

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### 2.2 INDIVIDUAL RESPONSE TO COMMENTS

## 2. Response to Comments

*This page intentionally left blank.*



## 2. Response to Comments

### LETTER A – Brooke Beros (1 page)

**From:** Brooke Beros  
**Sent:** Tuesday, March 03, 2020 12:55:24 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** facilities  
**Subject:** CEQA Doc

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi-

I'm sure you know highlights have been posted on facebook. I just wanted to suggest that if part of Mango has restricted parking for buses, it should not be for the full day, as that would make it very tough for families to drop off and pick up, but should be limited to the times in the morning and afternoon (presumably 30 minutes before and after school start and end) the bus(es) will need the space.

A-1

Thanks,  
Brooke

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### A. Response to Comments from Brook Beros, dated March 3, 2020.

- A-1        The recommendation that the curbs be painted white and/or to install signs stating, “No Parking – 7 AM to 4 PM – School Days – School Buses Excepted was to match the bus parking signs that are already in place on Mango Drive further to the north, which say “No Parking – 7 AM to 4 PM.” The District in consultation with the City of San Diego may desire the longer prohibition to allow buses to park there for mid-day special events. However, the District will consider this commenter’s recommendation and may adjust as appropriate for this situation. The City of San Diego has final authority on street parking.

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

LETTER B – Diane Nygaard, Co-Chair Conservation Committee, Sierra Club North County Coastal Group  
(8 pages)



16 March 2020

Chris Delehanty, Executive Director of Capital Programs and Technology  
Del Mar Unified School District  
[Sent via email to : cdelehanty@dmusd.org](mailto:cdelehanty@dmusd.org)

Subject: Comments on Mitigated Negative Declaration for the Del Mar Heights School Rebuild Project

Dear Mr. Delehanty:

These comments on the Mitigated Negative Declaration (MND) for the Del Mar Heights School Rebuild Project are submitted on behalf of the Sierra Club North County Coastal Group (NCCG). This school site is in a particularly sensitive location because it is adjacent to the Torrey Pines State Natural Reserve. We are disappointed that our concerns about protection of the adjacent reserve have not received adequate consideration to date.

B-1

Additionally, we feel the proposed 2-day window (March 23 to the 25<sup>th</sup>) between receipt of public comments on this CEQA required environmental analysis and the scheduled review of this project by the Board of the Del Mar Unified School District, is grossly inadequate. Allowing only 2 days between close of comments and final approval seems to assume that there are no potential issues to be raised, or that the intent is to ignore any concerns and proceed to approval without actually adequately considering them. It is concerning, given the extent of the community concerns that have already been raised on this project, this key part of the process appears to not be taken seriously.

B-2

While the design has included integration of many sustainability features and consideration of environmental impacts there still remain several issues of concern which are detailed below.

B-3

### Biological Resources

Appendix C of the MND mentions the City of San Diego Multiple Species Conservation Plan (MSCP) and the considerable erosion and damage to the sensitive habitat that has occurred as a result of the two discharge pipes. The discussion fails to address any of the project's indirect, long-term potential impacts on the adjacent Torrey Pines State Reserve. Specific areas of concern include:

B-4

- Edge effects on the state reserve and the District's own sensitive habitat

## 2. Response to Comments

<p>The MSCP includes very specific provisions to mitigate the edge effects of adjacent development on sensitive habitat. The MND gave a cursory review of some of these issues but provides insufficient detail to ensure these have all been considered and complied with nor has it required these to be incorporated into project design. These provisions are found in the MSCP Section 1.4.3 Land Use Adjacency guidelines (see: <a href="https://www.sandiego.gov/sites/default/files/legacy/planning/programs/mscp/pdf/subareafullvers%20ion.pdf">https://www.sandiego.gov/sites/default/files/legacy/planning/programs/mscp/pdf/subareafullvers ion.pdf</a>) and are included as Attachment A. Issues of concern specifically called out in the MSCP include drainage, toxics, lighting, noise, barriers, invasive, brush management and grading/land development. Please include detailed review of all of these edge effect conditions and provide a mitigation measure (MM) to ensure they are included in both the project design and on-going operation/ and maintenance of the site.</p>	B-4 cont'd
<ul style="list-style-type: none"> <li>Potential indirect impacts from Canyon Rim trail</li> </ul> <p>We are pleased to see inclusion of this trail as one way the school can better engage the students with the sensitive habitat on their boundary. We all want to see more opportunities to get children out into nature. But trails create their own issues with erosion, noise, pet waste, and trash. The MND has failed to consider these potential indirect impacts. What measures will be provided to address these issues? What type of fence will be installed to effectively prevent public access to Torrey Pines State Natural Reserve at unauthorized locations?</p>	B-5
<ul style="list-style-type: none"> <li>Insufficient protection from spread of invasive plant species</li> </ul> <p>We appreciate the commitment on page 55 of the Initial Study that, "A biweekly maintenance schedule will be established to weed and remove all possible invasive plant species." But please clarify that "invasive plant species" will include all species identified by the California Invasive Plant Council.</p>	B-6
<ul style="list-style-type: none"> <li>Use of toxic chemicals</li> </ul> <p>There is growing scientific evidence and public concern about the extent of exposure to toxic chemicals, particularly by children. Since such chemicals are often sprayed, the drift and run-off frequently impact adjacent lands. Please consider programs like the City of Irvine's Toxic Free effort to limit the use of herbicides/pesticides on site.</p>	B-7
<ul style="list-style-type: none"> <li>Endangered short-leaved liveforever</li> </ul> <p>The Initial Study is technically correct that no habitat for the State Endangered short-leaved liveforever (<i>Dudleya brevifolia</i>) is located within the project footprint. However, unoccupied but suitable habitat for the species is found on school property outside of the project area and every effort should be made to protect these areas from any edge effects, especially during construction and by barring planting or controlling colonization by invasive plant species on the entire school property. We also encourage you to go a step further to restore the species to a small area of suitable habitat bordering the existing kindergarten facilities. This area supports a small remnant natural cliff edge outside the existing fence of highly suitable habitat for the short-leaved liveforever and is a great opportunity to engage students in a meaningful nature experience. In addition, it could be used as mitigation for the indirect impacts to sensitive habitat resulting in a win-win for everyone.</p>	B-8
<ul style="list-style-type: none"> <li>Brush Management</li> </ul> <p>Please clarify whether any brush management will be needed to improve wildfire safety for the school. If needed, any brush management zones must be included within the project design and footprint of existing disturbed areas.</p>	B-9

## 2. Response to Comments

### Traffic/Transportation

- Insufficient parking analysis and support for Transportation Demand Management

Review of this site design brings the old Joni Mitchell song to mind - they paved paradise and put up a parking lot. The current site design provides for a huge increase in parking creating a total of 80 spaces when the school only has a staff of 47. The current constrained site has empty spaces reserved for high donors, an outdated discriminatory practice. The site design does not mention these spaces so it is uncertain the intent for these parking spaces. Furthermore, this new facility is being designed assuming that these old ways of doing things are acceptable.

B-10

People taking their children to and from schools causes traffic congestion on nearby streets and results in site designs increasing paving to accommodate cars. We would like to see this school, and all schools, prepare a Transportation Demand Management plan (TDM) and look at opportunities to reduce the number of vehicle trips to the site. We recognize that this is a challenging site to do this as the closest transit route is .6 miles away and there is no bicycle lane on Boquita or other nearby streets. But other elementary schools have come up with unique approaches such as creating a "living" school bus where parents walk their children to school along a predetermined route and the children and parents can jump on and off the bus as it goes from the neighborhood to the school.

B-11

### Air Quality

- No idling restrictions

The MND includes that during construction "contractors are anticipated to minimize non-essential idling..." but there is no monitoring plan included to ensure such compliance.

Of greater concern is once the site is in operation, it is common practice for cars to be idling on and adjacent to the school site. We realize that the threshold for a local CO2 hotspot is so high that this would not be reached. However, there are numerous pollutants of concern that have not been evaluated. CARB just recently funded a project to increase local no idling ordinances, particularly around schools. Even when not required this is a good practice to put into place as it is known that proximity is a key concern in assessing actual air quality impacts, especially for sensitive receptors like children. Therefore, making a real effort to reduce auto trips and vehicle idling, could greatly improve local air quality and reduce the impacts on children's health from the pollutants associated with car exhaust.

B-12

### Green House Gasses (GHG)

- No discussion of consistency with city of San Diego Climate Action Plan

The only mention of the city of San Diego Climate Action Plan (CAP) that we found is on page 27 of Appendix B. This justifies the use of the city's Brightline methodology for using 900 MT CO2 as the screening threshold and thereby eliminating the requirement to even evaluate Green House Gas (GHG). But none of the other requirements of the CAP seem to even be considered. Please include analysis of the consistency with the City of San Diego's CAP.

B-13

## 2. Response to Comments

- Reliance for regional reductions on discredited SANDAG Sustainable Community Strategy (SCS)

The Appendix B discussion about the SANDAG SCS is really inaccurate considering that it has now been widely reported that the SCS did not achieve the GHG reductions that were assumed.

B-14

- Project fails to adequately evaluate GHG impacts for the life of the project

GHG emissions from project operations will continue for the life of the project. The MND has only analyzed compliance with threshold standard for 2021 and 2022 the year the project is expected to become fully operational. Since school facilities often have a life of 50 years, the analysis should have considered how the project will meet GHG reduction requirements for 2030 through 2050. Appendix B page 19 acknowledges the challenge to meet the 13% per capita reduction required by SB 375 by 2035. But there is no analysis of these potential future impacts of GHG emissions once it concludes the emissions are below the "Brightline" threshold. The question which needs to be resolved is will this project add to a cumulative failure to meet these future emission targets?

B-15

There are several ways the project could be designed to be in compliance with GHG reduction thresholds for the life of the project. This could include things like reducing the initial emissions to a level consistent with what is required at the mid-life of the project which could be achieved in a number of ways. For example, by achieving full building electrification that would increase the benefits from the planned CCE, or by complying with Tier 2 green building standards for all buildings on the site.

B-16

### Water Quality

- Potential impacts of on-going maintenance of stormwater system and outflows to the sensitive habitat

The MND fully discloses the issues associated with the two failing discharge pipes and the erosion damage they have caused. This impacts the sensitive habitat on site and extends beyond the project boundary into the adjacent Torrey Pines State Natural Reserve. Impacts from the recent rains show this damage is now even worse than when it was evaluated for the MND. There needs to both be mitigation for this past damage, and a MM that ensures it will be addressed through proper inspection and maintenance of these facilities.

B-17

- Inadequate information on stormwater analysis

The proposed project greatly increases the amount of impervious cover and includes major modifications of the storm water control system. Yet no details have been provided that allow verification of the adequacy of the proposed system design. There are no basic calculations about volume and velocity of flow and how these have been attenuated by the proposed modifications. This is of particular concern given the slope of the area outside the fence where discharge is proposed, and the history of storm drain failures in this area. The MND assumes this will be addressed by the required stormwater permit. However, the CEQA process is required to provide sufficient information for the decision makers to make an informed decision when they are asked to approve this project. We are concerned that the calculations need to consider the anticipated change in storm intensity associated with climate change for the anticipated life of this project which could be 50 years.

B-18



## 2. Response to Comments

Please provide the storm water analysis that supports the conclusion in the MND that there will be no adverse impacts from project initiation throughout the entire life of the project. Please also consider additional creative design features to retain and infiltrate of stormwater onsite to the maximum extent possible to minimize storm water releases into Torrey Pines State Natural Reserve.

B-19

### Noise

- Potential impact on adjacent Torrey Pines State Natural Reserve

The noise analysis considered nearby residents, but completely failed to address potential impacts on the adjacent reserve. This should consider regular operations as well as any impacts associated with night time use of the facility.

B-20

### Public Services- Wildfire Risk

- Need for an evacuation time study

We believe this area is within the high severity risk fire zone because of its location adjacent to hardline preserve land. The County of San Diego now asks developers of projects within this zone to "voluntarily" prepare an evacuation time study. Such studies consider roadway capacity and local demographics to compute the time it will take to evacuate an area. Schools are of particular concern in planning for evacuations because typically there is extensive traffic into the site right at the time the evacuation out of the site is needed. Given the site configuration with one way in and out, more cars inside the site boundary, and no change in nearby roadway capacity this could result in a substantial increase in potential evacuation times. Conducting such a study might highlight the need for site changes, roadway modifications or other operational considerations to improve the evacuation time for the school and for the entire neighborhood that might need to be evacuated.

B-21

Furthermore, the school student population has increased substantially from the time it was originally constructed for 350 students to the current proposal for 504, with no analysis of the impacts of these increases on evacuation times. Failure to adequately evaluate this risk, and the resultant impact on public safety response times is a potential significant adverse impact that has not been addressed.

B-22

### Public Services- Recreation

- Inadequate analysis of adverse impacts on recreation

This school, like many schools, provides important open space and recreational benefits to the surrounding community. There is a substantial reduction in the size of the playing fields from about 160,000 square feet to less than half that amount. This is of concern because there are essentially no public parks serving this Del Mar Heights neighborhood. These fields were originally constructed with community funds to help serve the broader community's recreational needs. These school fields have functioned as the de facto community park. Reducing the size

B-23

## 2. Response to Comments

of these fields and the hardtop play area results in a significant impact to recreational services to the community.

B-23  
cont'd

Furthermore, the City of San Diego and the California Department of Education have specific standards for recreational amenities which will no longer be met if the changes are made. The State guide for minimum school field size for a student population of this size is 142,560 square feet. ( See California Department of Education 's Guide to School Site Analysis and Development, which can be found at <https://www.cde.ca.gov/ls/fa/sf/guideschoolsite.asp#sitemaster> ).

B-24

We believe that this project as proposed has not fully addressed all of the associated environmental impacts. A much more thorough analysis of these impacts, and better design/mitigation is essential before this project is approved.

Thank you for your consideration of these comments. We are committed to work with you toward the implementation of a project that meets your objectives and minimizes/mitigates all of its adverse impacts.

B-25

Sincerely,

Diane Nygaard  
Co-Chair Conservation Committee, Sierra Club North County Coastal Group

Attachment A: MSCP, City of San Diego Section 1.4.3 Land Use Adjacency Guidelines

## 2. Response to Comments

### Attachment A

#### MSCP, City of San Diego Section 1.4.3 Land Use Adjacency Guidelines

##### 1.4.3 Land Use Adjacency Guidelines

Land uses planned or existing adjacent to the MHPA include single and multiple family residential, active recreation, commercial, industrial, agricultural, landfills, and extractive uses. Land uses adjacent to the MHPA will be managed to ensure minimal impacts to the MHPA. Consideration will be given to good planning principles in relation to adjacent land uses as described below. The following are adjacency guidelines that will be addressed, on a project-by-project basis, during either the planning (new development) or management (new and existing development) stages to minimize impacts and maintain the function of the MHPA. Implementation of these guidelines is addressed further in Section 1.5, Framework Management Plan. Many of these issues will be identified and addressed through the CEQA Process.

B-26

##### Drainage

1. All new and proposed parking lots and developed areas in and adjacent to the preserve must not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. These systems should be maintained approximately once a year, or as often as needed, to ensure proper functioning. Maintenance should include dredging out sediments if needed, removing exotic plant materials, and adding chemical-neutralizing compounds (e.g., clay compounds) when necessary and appropriate.

B-27

##### Toxics

2. Land uses, such as recreation and agriculture, that use chemicals or generate by-products such as manure, that are potentially toxic or impactful to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. Such measures should include drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials. Regular maintenance should be provided. Where applicable, this requirement should be incorporated into leases on publicly owned property as leases come up for renewal.

B-28

##### Lighting

3. Lighting of all developed areas adjacent to the MHPA should be directed away from the MHPA. Where necessary, development should provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting.

B-29

##### Noise

B-30

## 2. Response to Comments

4. Uses in or adjacent to the MHPA should be designed to minimize noise impacts. Berms or walls should be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA. Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species. Adequate noise reduction measures should also be incorporated for the remainder of the year.

B-30  
cont'd

### Barriers

5. New development adjacent to the MHPA may be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.

B-31

### Invasives

6. No invasive non-native plant species shall be introduced into areas adjacent to the MHPA.

B-32

### Brush Management

7. New residential development located adjacent to and topographically above the MHPA (e.g., along canyon edges) must be set back from slope edges to incorporate Zone 1 brush management areas on the development pad and outside of the MHPA. Zones 2 and 3 will be combined into one zone (Zone 2) and may be located in the MHPA upon granting of an easement to the City (or other acceptable agency) except where narrow wildlife corridors require it to be located outside of the MHPA. Zone 2 will be increased by 30 feet, except in areas with a low fire hazard severity rating where no Zone 2 would be required. Brush management zones will not be greater in size that is currently required by the City's regulations. The amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the Zone 2 area will be the responsibility of a homeowners association or other private party.

B-33

For existing project and approved projects, the brush management zones, standards and locations, and clearing techniques will not change from those required under existing regulations.

B-34

### Grading/Land Development

8. Manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA.

B-35

## 2. Response to Comments

### **B. Response to Comments from Diane Nygaard, Co-Chair Conservation Committee, Sierra Club North County Coastal Group, dated March 16, 2020**

- B-1 The District understands the location of the school and its adjacency to the Torrey Pines State Natural Reserve. The 'site' is an existing school campus that has been this location since 1959. The existing school campus does not have any sensitive habitat.
- B-2 Please refer to Master Response 2.1.2, *CEQA Process*. As stated, it was never intended for the Board to act on the CEQA document on March 25. The project has not been approved. The District's intent is to ensure an open, objective process that will result in the best possible design that achieves District objectives.
- B-3 & 4 Please refer to Master Response 2.1.4, *Biological Resources/Stormwater Outfalls*. As stated, the project would not result in significant impact to the Reserve. The Initial Study addressed all of the topics requested by the Sierra Club: drainage, toxics, lighting, noise, barriers, invasive, brush management and grading/land development. This comment refers to Attachment A, which summarizes the MSCP Land Use Agency Guidelines. Please refer to responses to these Guidelines beginning at Response B-26.
- B-5 The existing campus has a 6-foot tall chain-link fence along the perimeter of the campus, including the edge of the canyon. No changes are proposed for this fence. There would be no direct access points to the buffer area or the Reserve from the west side of the school campus (see Figure 6. *Fencing Plan*). The project does not create any new access to the Reserve trail system. Current access is via a dirt path, which is associated with continued erosion and indirect impacts to the Reserve. The project repairs and protects against the potential indirect impacts.
- B-6 Please refer to Response B-28, which states because of the presence of children on campus, the District does not and would not use highly toxic chemicals. Stormwater drainage would be treated via three bioretention basins before exiting the outfalls.
- B-7 Please refer to Response B-28, which states the DMUSD has an established Integrated Pest Management plan that addresses exposure to chemicals and is implemented on all campuses.
- B-8 The proposed project includes a number of design features and operational requirements that will ensure that no significant impacts to the Torrey Pines State Natural Reserve will occur. As acknowledged in this comment, there is no habitat for the State Endangered short-leaved liveforever (*Dudleya brevifolia*) in the project footprint. The request that the District to restore the species on a small area near the existing kindergarten facilities is noted, and may be considered by the District, but there is no project impact and no mitigation is required.

## 2. Response to Comments

- B-9 The slopes on the west and south sides (buffer area between the developed school campus and the Reserve) ranges from 2 feet to over 200 feet wide. This buffer area is currently maintained by the school district, in compliance with San Diego Fire-Rescue Department's city-wide Brush Management and Weed Abatement regulations. Additionally, door to door brush inspections, by uniformed Code Compliance Officer with the Fire-Rescue Department's Brush Management, are conducted for properties on canyon rim areas (located within the Wildland Urban Interface). [A comprehensive Brush Management Regulations of the City of San Diego under §142.0412](#)
- B-10 The expanded parking lot and access improvements are intended to alleviate the existing vehicle queuing and hazardous conditions on campus and within the adjoining neighborhood. The designated parking spaces referenced in this comment will discontinued.
- B-11 The District shares the commenter's goal of reducing vehicular traffic and encouraging walking and biking to school. An important means of accomplishing this goal is to reduce the current congestion at the school and the surrounding neighborhood. The current hazardous conditions discourage parents from allowing their children to walk or bike to school.

As noted on page 2 of the Initial Study, the school's principal (Jason Soileau) has observed the following hazardous conditions:

- Due to insufficient on-site parking, staff and parents are forced to park along Boquita Drive, which further narrows a two-lane neighborhood street.
- The long traffic queue backs up to the 4-way stop Boquita Drive/Cordero Road intersection and despite placement of a crossing guard, pedestrian crossing is difficult.
- The afternoon queue of cars waiting for student pick-up causes other drivers to drive on the wrong side of the road to access the parking lot.
- Emergency vehicle access is also constricted by the afternoon queue due to parked cars.
- Mostly during afternoon pick-up, some parents park on Cordero Road and then walk on the east side of Boquita Drive, instead of using the crosswalk on Cordero Road; parents cross Boquita Drive into the school, which results in stopping traffic in both directions.
- Riding bikes to school is challenging due to the cars parked on both sides of the road, queuing in both lanes and the narrow sidewalks do not provide enough space for safe riding.
- Parked cars on both sides of the street limit the ability of mail and trash trucks to access residences, which further congests the street.
- During the afternoon pick-up, some parents abandon their cars in the travel lane to retrieve their child.

## 2. Response to Comments

The District's 2018 Facilities Master Plan recognized the hazard presented along Boquita Drive and the adjoining neighborhood due to the limited drop-off/pick-up zones, and insufficient onsite parking. This project is intended to alleviate the hazardous conditions noted above and increase the ability for students to walk or bike to school in a safe environment.

- B-12 The proposed project would comply with all reduction measures from the San Diego Air Pollution Control District (SDAPCD) and California Air Resource Board (CARB). As identified in the Initial Study on page 8 of Appendix B, Air Quality and Greenhouse Gas Emissions Analysis, CARB already has measures in place to limit toxic air contaminant emissions, namely Title 13 CCR Chapter 10, Sections 2485 and 2480, which limits idling of diesel-fueled commercial vehicles, including construction equipment, and idling of school bus and idling at schools, respectively. Thus, school buses and trucks would minimize non-essential idling onsite. Compliance with the existing regulations that minimize non-essentially idling is required; and a mitigation measure requiring compliance with this existing regulation is not necessary.

The District currently encourages students and staff to reduce trips and with a safer environment, more students will walk and bike to school (see B-11). Further, implementation of the proposed project would result in the reduction of up to 48 average daily trips compared to existing conditions, which would reduce the number of cars idling.

- B-13 As identified on page 27 of Initial Study Appendix B, Air Quality and Greenhouse Gas Emissions Analysis, the measures listed in the City's Climate Action Plan (CAP) only apply to development projects under the City's authority. Because the project is under the jurisdiction of the Del Mar Union School District, the City's CAP is not directly applicable.
- B-14 San Diego Association of Government's (SANDAG's) Sustainable Communities Strategy (SCS) was not discredited. The 2050 Regional Transportation Plan (RTP)/SCS was adopted on October 28, 2011. The 2050 RTP/SCS reflects SANDAG's current strategies to reduce passenger vehicle miles traveled in the San Diego region. The Initial Study evaluates consistency of the project with these applicable strategies.
- B-15 The only increase in GHG emissions associated with the proposed project would be during the construction phase. As identified in Table 5 of the MND, "Year 2020" and "Year 2021" would represent the years construction would be occurring on the project site, which are one-time emissions. For project operation, while the building area of the proposed rebuilt school would be greater than that of the existing school, the new buildings would be designed and built to meet the 2019 Building Energy Efficiency Standards and CALGreen. Thus, these buildings would be substantially more energy efficient than the existing buildings. Implementation of the proposed project would result in the reduction of one equivalent classroom resulting a reduction of 48 average daily vehicle trips. As a result, sources of GHG emissions associated with the project (e.g.,

## 2. Response to Comments

energy use, water use, mobile sources, etc.) would decrease from existing conditions and no impacts would occur. GHG emissions are a beneficial impact of the project.

B-16 See response to Comment B-15. GHG emissions are a beneficial impact of the project because the new school would result in a reduction in building energy use and mobile source emissions. Because the GHG emissions associated with the proposed rebuilt school operations would not increase as compared to existing conditions, additional mitigation measures are not required.

B-17 The outfall locations are proposed to be improved with new 18" high-density polyethylene (HDPE) pipe installed to new concrete energy dissipator boxes. Slopes will be repaired at these outfall locations. The proposed vegetated swales will provide new treatment of the stormwater being discharged at these locations and will be maintained in accordance with regular landscaping maintenance performed by the school district to ensure proper functioning of the swales and regular removal of debris.

B-18 The proposed changes to the project site are mitigated by the storm system design and incorporated swales which results in no increase of flow velocities leaving the property. The outfall locations are proposed to be improved with new 18" HDPE pipe installed to new concrete energy dissipator boxes. Slopes will be repaired at these outfall locations.

The Rational Method as outlined in the City of San Diego Hydrology Manual, dated January 2017, was used to determine the runoff flow rate. The 100-year frequency storm event was analyzed to determine peak runoff rates discharging the site for both the existing and post-development condition.

The soil type was determined to be type "B" from the Soil Hydrologic Groups map. The runoff coefficient "C" was determined by using the actual percent impervious area of the basin and the closest matching land use category.

Runoff coefficients, "C" is summarized below:

Pre-Development

- Commercial C = 0.85

Post-Development

- Commercial: C = 0.85

### **Pre-Development Conditions**

The project site is an existing elementary school development with an average slope of 8%. The proposed redevelopment runoff area on the north (basin 1) will drain northwesterly via roof, curb gutter and existing storm drain system into the existing storm drain system and ultimately into the Ocean. The two southern proposed redevelopment runoff areas (basin 2, basin 3) will drain via roof drains and curb gutter in a southwesterly



## 2. Response to Comments

direction into the existing storm drain systems prior to discharging into natural field and ultimately into the Ocean. There is no offsite runoff draining into the site.

### **Post-Development Conditions**

The proposed project site is already in a developed condition with an average slope of 8%. The project consists of demolishing all the existing site to rebuild three proposed buildings, school yard and sport courts. The proposed redevelopment runoff area on the north (basin 1) will drain northwesterly via roof, curb gutter and proposed storm drain system into the existing storm drain system and ultimately into the Ocean.

The two southern proposed redevelopment runoff areas (basin 2, basin 3) would drain via roof drains and curb gutter in a southwesterly direction into proposed storm drain systems and then into the treatment systems prior to discharging into natural field and ultimately into the Ocean.

The project site is already developed condition, which the proposed condition would not increase flow to the existing condition. There is no offsite runoff draining into the site.

The proposed project will maintain the flow patterns and drainage areas as in the pre-developed condition. Redevelopment of the project site will not increase the runoff from the pre-developed condition.

B-19      The proposed changes to the project site are mitigated by the storm system design and incorporated swales, which results in no increase of flow velocities leaving the property.

B-20      The Initial Study, Section XIII, identifies the Torrey Pines State Natural Reserve Extension as a noise-sensitive receptor beginning on page 82; addresses construction noise thresholds related to the trails and construction noise impacts on the Reserve on page 86. In terms of operational noise, the project would not increase traffic as it would not increase student capacity. Further, the drop-off zone is located adjacent to Mira Montana Drive and away from the Reserve, so vehicle-related noise impact would not occur. Operational noise related to onsite recreational noise is addressed on page 88.

The existing school currently holds nighttime events, and nighttime use of the rebuilt school would not change.

B-21/22      The school district has established emergency procedures for all school campuses. Compared to the existing school, the site plan for the rebuilt school would result in a benefit and reduction in evacuation times. Please refer to Master Response 2.1.7 *Wildfire*. As stated the access and parking improvements would reduce congestion during the morning and afternoon peak periods, which would improve the ability of emergency vehicles to access the site and improve the school's ability to evacuate the site in a timely and efficient manner.

## 2. Response to Comments

- B-23      The District acknowledges the proposed project modifies the green space area to advance the District's education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas*, Figure 8, Open/Community Accessible Areas Chart. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.
- B-24      CDE has site development guidelines (not regulations) that are applicable for determining site size based on enrollment when considering new school sites and for determining when a site is considered under-sized and therefore eligible for special consideration for extra facility funding for multi-story school buildings. The guidelines are not minimum requirements. Outdoor programs are required to address each school's individual PE, fitness and playground program needs and provide facilities to adequately accommodate them. The proposed site plan satisfies the District's policies for physical education for this school.
- B-25      As demonstrated in these responses, the District has given careful consideration of the project's potential impacts and all comments received have been addressed in sufficient detail to explain the District's significance determinations.
- B-26      This section of the comment letter is Attachment A, MSCP, City of San Diego Section 1.4.3, Land Use Adjacency Guidelines. This paragraph is a preface to the Land Use Adjacency Guidelines.
- B-27      The storm drainage is being treated in accordance with state guidelines for school sites. Vegetated swales at the repaired outfall locations will provide treatment of the stormwater. These swales will be maintained in accordance with regular landscaping maintenance performed by the school district to ensure proper functioning of the swales and regular removal of debris.
- B-28      Because of the presence of children on campus, the District does not and would not use highly toxic chemicals. Some herbicides may be used for weed-control. Use of chemicals on school campuses is governed by state law.
- Regulations applicable to pesticides is under the California Healthy Schools Act (HSA). The law encourages the adoption of effective, lower risk pest management practices, also known as integrated pest management (IPM). The goals of the HSA are to address the health and environmental concerns associated with the use of pesticides at schools and child care centers and to assure healthy learning environments for California children. The Department of Pesticide Regulation (DPR) is charged with carrying out the HSA. The District's IPM Plan focuses on long-term pest prevention, while minimizing pesticide exposure to people and the environment. Additionally, stormwater drainage would be treated via three bioretention basins before exiting the outfalls.

## 2. Response to Comments

School maintenance requires the use of cleaners, solvents, and other custodial products that are potentially hazardous. These materials are used in small quantities, clearly labeled, and stored in compliance with California Environmental Protection Agency, the California Department of Toxic Substances Control, California Division of Occupational Safety and Health (Cal/OSHA), and the San Diego Fire Department.

- B-29 Please refer to Master Response 2.1.3, *Aesthetics* (lighting). The Initial Study explains how lighting impacts on the Reserve will be minimized and reduced compared to existing conditions. First, the field area near the Reserve would not have lights. Walkway and parking lot lighting would be on motion-detection devices to avoid light when not needed. Evening events would end by 9:00 pm. Lights would be shielded and have the latest LED technology to direct light toward the campus and away from the Reserve. Additionally, the school property already has a buffer area between the Reserve and the developed campus.
- B-30 The school is an existing use; children at the school currently make noise. The proposed project is the rebuilding of the 1959-era school. The project would not increase the number of students at the school and would not introduce additional “excessively noisy uses or activities.” The improved efficiency of vehicle queuing associated with proposed increase in the drop-off zone is expected to reduce congestion and its associated noise. The batting cages would be eliminated as a part of the project which would reduce noise.
- B-31 The project does not involve ‘new development’. The District’s plan includes fencing and gates provide needed security for students and staff during the school day. The District has no plans to change its policy, which provides that gates remain open after school and on weekends. The project would not result in an increase in trail use or domestic animal predation.
- B-32 Please refer to Master Response 2.1.4, *Biological Resources/Stormwater Outfalls*. As stated, non-native plant species would not be introduced into off-campus areas.
- B-33-34 The proposed project is not ‘new development’ and does not include residential development. The ‘site’ is an existing school campus that has been this location since 1959. The project would not require off-campus woody vegetation clearing. The buffer area between the developed campus and the Reserve is currently maintained by the school district and this practice would not change.
- B-35 Manufactured slopes were constructed as part of the original school construction. No new manufactured slopes are proposed. The “development footprint” referenced in this guideline would not increase.

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

LETTER C – Sandip Patel (1 page)

**From:** Sandip Patel [REDACTED]  
**Date:** Saturday, March 21, 2020 at 9:39 AM  
**To:** Christopher Delehanty <[cdelehanty@dmusd.org](mailto:cdelehanty@dmusd.org)>  
**Subject:** re: Notice of Intent to Adopt a Mitigated Negative Declaration for the Del Mar Heights School Rebuild Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi,  
Having reviewed the thorough and extensive publicly available materials related to the project, I agree with continuing with the school rebuild as is in scope and timeline, and agree with the school's construction will improve the overall environmental climate in our area and meets the criteria of a mitigated negative declaration. C-1

Thank you,  
Sandip

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### C. **Response to Comments from Sandip Patel, dated March 21, 2020**

- C-1      Comment noted. The Board of Education will consider all comments in its deliberations concerning the project. No response is necessary.

## 2. Response to Comments

*This page intentionally left blank.*



## 2. Response to Comments

### LETTER D – Sheila Krishna, MD, (2 pages)

#### LETTER D – Sheila Krishna

**From:** Sheila Krishna [REDACTED]  
**Date:** Saturday, March 21, 2020 at 7:43 PM  
**To:** Christopher Delehanty <[cdelehanty@dmusd.org](mailto:cdelehanty@dmusd.org)>  
**Subject:** Re: Del Mar heights rebuild

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello, I reviewed the MND (mitigated negative declaration) and feel it looks appropriate. I have been following this topic extensively as you know and agree with moving forward on the current construction plan in the current timeline. | D-1

I plan to attend the April 14th meeting and have let our group know about this. | D-2

Hope you and your family are staying healthy and well at this time.

Sheila Krishna

Sent from my iPhone

On Mar 9, 2020, at 8:20 AM, Christopher Delehanty <[cdelehanty@dmusd.org](mailto:cdelehanty@dmusd.org)> wrote:

Hello Dr. Krishna,

I appreciate you taking the time to learn about and share your input on the Del Mar Heights Rebuild project. More information will be shared with the board at our Regular Board of Trustees Meeting on Wednesday, 3/25. Welcome to the District and community!

Sincerely,  
Chris Delehanty

Chris Delehanty | Executive Director, Capital Programs & Technology | Del Mar Union School District | 858.523.6040

For technical assistance, please email [help@dmusd.org](mailto:help@dmusd.org).

On 3/6/20, 6:08 PM, "Sheila Krishna" <[sheila.krishna@mc.com](mailto:sheila.krishna@mc.com)> wrote:

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

## 2. Response to Comments

Hello, I would like to introduce myself. My name is Dr. Sheila Krishna and my family and I will be moving to 13604 boquita at the end of the month. This is the home right next to the school on Boquita. | D-3

As a prospective resident of Del Mar and mother of two children who will be going to Del Mar Heights Elementary, I have closely followed the Del Mar heights rebuild, including the various minutes of meetings and articles. My husband Sandip Patel has also closely followed this. | D-4

We are in 100% agreement with the current approved plan for the rebuild of the school. We see the creative balance between the school and it's play spaces, including the t ball field. We have read with interest the controversy on this subject and feel that, despite opposition, the current plan for the rebuild is optimal and inclusive. | D-5

In the recent issue of the local paper, I read about the notice from Procopio. While board member rafner states that any lawsuit will result in loss of money for the school, we hope that you and the rest of the team do not allow a lawsuit to cancel or stall this important project. | D-6

My children need a modern school and as parents, we need a safe way to access the school. As residents of the Del Mar, we all need access to play spaces and I feel the currently approved plan provides for that. | D-7

While other residents may feel that their past experiences color their desire for another plan, the future for my young children and those young children of the community is equally and perhaps even more important- stalling or cancelling the project will impact young families. | D-8

Please continue to look to the future and modernize Del Mar Heights Elementary as already approved.

Good luck.

Sheila Krishna MD

## 2. Response to Comments

### **D. Response to Comments from Sheila Krishna MD, dated March 21, 2020.**


D-1-8      Comments noted. The Board of Education will consider all comments in its deliberations concerning the project.

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

LETTER E – Heidi Vonblum, Program Manager, City of San Diego, Planning Department (2 pages)



The City of  
**SAN DIEGO**  
Planning Department

March 23, 2020

Del Mar Union School District  
Mr. Chris Delehanty, Executive Director of Capital Programs and Technology  
11232 El Camino Real

Reference/Subject: Del Mar Heights Rebuild Project

Dear Mr. Delehanty:

The City of San Diego ("City") Planning Department has received the Notice of Intent to adopt a Mitigated Negative Declaration prepared by the Del Mar Union School District and distributed it to applicable City departments for review. The City, as a Responsible Agency under CEQA, has reviewed the Notice of Intent to adopt a Mitigated Negative Declaration and appreciates this opportunity to provide comments to the Del Mar Union School District.

We look forward to continued coordination with you. Following are comments on the Notice of Intent to adopt a Mitigated Negative Declaration for your consideration.

...

Transportation and Stormwater Department – Mark Stephens, AICP, Associate Planner –  
[mgstephens@sanidiego.gov](mailto:mgstephens@sanidiego.gov), 858-541-4361

Initial Study/Draft Mitigated Negative Declaration

Pages 77 – 80, 3.10 Hydrology and Water Quality. This section should also note that the project site is in the Los Peñasquitos Watershed Management Area, which is addressed through the Los Peñasquitos Watershed Management Area (WMA) Water Quality Improvement Plan (WQIP). (Adding this to the response to Question "a" is recommended.) The WQIP sets forth highest priority water quality conditions to be addressed, and includes sedimentation of Los Peñasquitos Lagoon. The State of California approved a Total Maximum Daily Load (TMDL) for Los Peñasquitos Lagoon Sedimentation. This background underscores the importance of effectively addressing erosion and other sources of sedimentation in the watershed.

Page 119, 3.19 Utilities and Service Systems. Since the project includes construction of new drainage outfall facilities, the response to Question "a" should include a cross reference to discussion of this topic in Section 3.10 Hydrology and Water Quality. That student enrollment capacity is not expected to increase has less to do with potential drainage impacts than construction activities and ultimate development, the location and extent of pervious and impervious surfaces, and design of drainage facilities and best management practices employed.

Appendix C Biological Resources Assessment

Pages 2 – 3, Project Description. The last two paragraphs in this section present additional description of replacement of two existing storm water outfalls and related measures planned to address erosion and sedimentation concerns, including improving eroded gullies, providing additional native vegetative cover, and installing best management practices such as three bioretention basins. Preparation of a Storm Water Pollution Prevention Plan (SWPPP) to address erosion and sediment during the construction phase is also noted. Completion

9485 Aero Drive, MS 413  
San Diego, CA 92123  
[sandiego.gov/planning/](http://sandiego.gov/planning/)

T (619) 235-5200  
[sandiego.gov](http://sandiego.gov)

E-1

E-2

E-3

## 2. Response to Comments

Page 2  
Mr. Chris Delehanty  
March 23, 2020

and effective implementation of the SWPPP and replacement of the two existing drainage outfalls with effective best management practices to reduce erosion and sedimentation are important priorities for this project.

E-3  
cont'd

**Planning Department – Rebecca Malone, Senior Planner – [rmalone@sanidiego.gov](mailto:rmalone@sanidiego.gov), 619-446-5371**

City residents have contacted the Planning Department regarding the project's wildfire evacuation risks. Please let us know if you would like to discuss any additional details regarding the public comment received.

E-4

...

Thank you for the opportunity to provide comments on the Notice of Intent to adopt a Mitigated Negative Declaration. Please contact us with any questions regarding the contents of this letter or if the Del Mar Union School District would like to meet with City staff. Please contact Rebecca Malone, Senior Planner, directly via email at [rmalone@sanidiego.gov](mailto:rmalone@sanidiego.gov) or by phone at 619-446-5371.

Sincerely,



Heidi Vonblum, Program Manager  
Planning Department

HV/asd

cc:     Reviewing Departments (via email)  
         Review and Comment online file

## 2. Response to Comments

**E. Response to Comments from Heidi Vonblum, Program Manager, Planning Department, City of San Diego, dated March 23, 2020.**

- E1 The project would not increase flow velocities being discharged from the property and installation of new 18" HDPE pipe to the concrete energy dissipator boxes would greatly improve the existing conditions at these two outfalls from the subject property. Slopes would be repaired at these outfall locations. The proposed vegetated swales would provide new treatment of the stormwater being discharged at these locations and would be maintained in accordance with regular landscaping maintenance performed by the school district to ensure proper functioning of the swales and regular removal of debris. Refer to response B-18.
- E2 The project design results in no increase of flow velocities for stormwater discharge and treatment solutions are being provided in accordance with state guidelines for school sites. Refer to response B-18.
- E-3 Comment noted. The District recognizes the importance of the Storm Water Pollution Prevention Plan (SWPPP) and effective best management practices to reduce erosion and sedimentation. The District is committed to completing this project in a manner that respects the adjacent slopes and the protects the resources in the Reserve.
- E-4 Please refer to Master Response 2.1.7, *Wildfire* that states the project would lower the current wildfire evacuation risk. The District will comply with existing regulations, including current building standards, California Fire Code, and San Diego Fire Marshall requirements. wildfire evacuation risks

## 2. Response to Comments

*This page intentionally left blank.*



## 2. Response to Comments

Letter F. – Jesse Ryan Barrick (1 page)

On 3/24/20, 7:32 AM, "Jesse Ryan Barrick" [REDACTED]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Chris, my family would like to register our support for this project. Thanks for all the hard work that has gone into it. F-1

Jesse

Sent from my iPhone

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### F. **Response to Comments from Jesse Ryan Barrick, dated March 24, 2020.**

- F-1            Comment noted. The Board of Education will consider all comments in its deliberations concerning the project. No response is necessary.

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

Letter G – Heidi Yeung, (1 page).

From: Heidi Yeung [REDACTED]  
Date: Thursday, March 26, 2020 at 12:04 PM  
To: Christopher Delehanty <cdelehanty@dmusd.org>  
Subject: MND Declaration

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.  
To Chris Delehanty:

I am writing to express my support for the district MND declaration to allow for the Del Mar Heights Elementary school rebuild as planned.

G-1

I am a mother of a current 2nd grader at Del Mar Heights and a 4 year old who will be in Kindergarten hopefully when the school is rebuilt. I also live on the same street as the school. I am in favor of proceeding with the rebuild of Del Mar Heights as planned.

G-2

Sincerely,  
Heidi Yeung

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### **G. Response to Comments from Heidi Yeung, dated March 26, 2020.**

- G-1. Comment noted. The Board of Education will consider all comments in its deliberations concerning the project.

## 2. Response to Comments

*This page intentionally left blank.*



## 2. Response to Comments

Letter H – Geoff Criqui, (1 page).

On 3/29/20, 8:24 AM, "Geoff Criqui" [REDACTED]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Delehanty,

1 - Slashing the playfields and blacktop by more than 50% creates a substantial adverse effect on our public resources and community parks. | H-1

2 - Changes in parking, traffic, and student population driven by the project will create a substantial adverse effect on community traffic. | H-3

3 - The project design changes the existing school in a way that creates a substantial adverse effect on wildfire risk at the site and in the community - and a time evacuation study must be done for the sake of the parents, students, staff, and Heights community that would need to evacuate the area. | H-3

Please confirm receipt.

-Geoff Criqui

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### H. Response to Comments from Geoff Criqui, dated March 29, 2020.

- H-1 The District acknowledges the proposed project modifies the green space area to advance the District's education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas*, Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.
- H-2 Refer to Master Response 2.1.6, *Transportation/Emergency Access*. As indicated in this response, the proposed project would not increase traffic because it would not increase student capacity. The access and parking improvements would reduce congestion during morning and afternoon peak periods which would result in greater safety. The expanded parking lot and access improvements are intended to alleviate the existing queuing and dangerous conditions on campus and within the adjoining neighborhood.
- H-3 Refer to Master Response 2.1.7, *Wildfire*. As explained in this response, the fire hazard is reduced by the numerous improvements proposed and by compliance with current building codes. As noted, the site plan has been reviewed and pre-approved by the City of San Diego Fire Marshall. The school district has established emergency procedures for all school campuses. Compared to the existing school, the site plan for the rebuilt school would result in a benefit and reduction in evacuation times.

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

Letter I – Beth and Reid Westburn, (1 page).

On 3/29/20, 7:43 AM, "Beth Westburg" <[REDACTED]> wrote:

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Delehanty,

1 - Slashing the playfields and blacktop by more than 50% creates a substantial adverse effect on our public resources and community parks. | I-1

2 - Changes in parking, traffic, and student population driven by the project will create a substantial adverse effect on community traffic. | I-2

3 - The project design changes the existing school in a way that creates a substantial adverse effect on wildfire risk at the site and in the community - and a time evacuation study must be done for the sake of the parents, students, staff, and Heights community that would need to evacuate the area. | I-3

Please confirm receipt.

Beth and Reid Westburg

Sent from my iPad

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### I. Response to Comments from Beth and Reid Westburg, dated March 29, 2020.

- I-1** The District acknowledges the proposed project modifies the green space area to advance the District's education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas*, Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.
- I-2** Refer to Master Response 2.1.6, *Transportation/Emergency Access*. As indicated in this response, the proposed project would not increase traffic because it would not increase student capacity. The access and parking improvements would reduce congestion during morning and afternoon peak periods which would result in greater safety. The expanded parking lot and access improvements are intended to alleviate the existing queuing and dangerous conditions on campus and within the adjoining neighborhood.
- I-3** Refer to Master Response 2.1.7, *Wildfire*. As explained in this response, the fire hazard is reduced by the numerous improvements proposed and by compliance with current building codes. As noted, the site plan has been reviewed and pre-approved by the City of San Diego Fire Marshall. The school district has established emergency procedures for all school campuses. Compared to the existing school, the site plan for the rebuilt school would result in a benefit and reduction in evacuation times.

## 2. Response to Comments

*This page intentionally left blank.*



## 2. Response to Comments

Letter J – John Gartman (57 pages).

From: John Gartman [REDACTED]  
Date: Sunday, March 29, 2020 at 2:10 AM  
To: Christopher Delehanty <cdelehanty@dmusd.org>  
Subject: Comments on MND for the Del Mar Heights School Rebuild Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Download full resolution images

Available until Apr 28, 2020

Dear Mr. Delehanty,

Here are Play Outside Del Mar's comments on the MND for the Del Mar Heights School Rebuild Project.

J-1

Please confirm receipt.

Best,

John Gartman

## 2. Response to Comments

**Comments on Mitigated Negative Declaration  
for Del Mar Heights School  
3.29.2020**



Play Outside Del Mar

CEQA 3.29.2020

## 2. Response to Comments

### Introduction

These comments on the MND for the Heights' School Rebuild Project are submitted by Play Outside Del Mar, a nonprofit public benefit corporation in Del Mar, CA.

J-2

Play Outside's mission is to advocate for Greater Del Mar's outdoor recreational play spaces.<sup>1</sup> We have a substantial public following that is extremely interested in several issues raised by the project - emails to our subscribers on the project have been distributed and opened 20,000 times in the community and our website pages have been opened 8,000 times. Over the last few months we uncovered hidden facts and brought important revelations on the project out into the open for the benefit of the public.

J-3

CEQA reminds us that its environmental review is for the benefit of the public and that the Lead Agency (here, DMUSD) "shall consider the views held by members of the public in all areas affected as expressed in the whole record before the lead agency."<sup>2</sup>

J-4

We have serious concerns that the CEQA process will not be taken seriously by the district. Without notifying the public and in fact contrary to public statements, the district has already submitted full scale plans to the Division of the State Architect - down to the nails and studs and planting of individual tree locations and species - 319 pages.<sup>3</sup> This contravenes the CEQA Guidelines - which the MND claims to have followed - which instruct public agencies to avoid "taking actions" or "giving impetus" to a project in a manner that would "limit the choice of alternatives . . . before completion of CEQA compliance."<sup>4</sup>

J-5

Adding to our concern, the district originally proposed a mere 2-day window (March 23 to 25) between receipt of public comments on this CEQA required environmental analysis and the scheduled review of this project by the Board of the Del Mar Union School District. A larger window for review was created only after the Sierra Club filed early public comments that criticized the window as "grossly inadequate" and calling into question whether CEQA was being taken seriously.<sup>5</sup>

J-6

Play Outside Del Mar

1

CEQA 3.29.2020

## 2. Response to Comments

We also have concern with the number of fundamental mistakes and important omissions of fact in the MND and even in the Notice of Intent that is designed to inform the public of the MND. These include:

- silence on the square footage of the grass play field and that it is being slashed from 160,000 to 78,000 square feet (only acknowledgement of a “smaller field”) - despite intense public interest and a history of mistakes and exaggerations by the district on the field square footage that continues today | J-7
- silence on the square footage of the blacktop or that it has been reduced (it’s been reduced 56%, from 49,500 sf to 21,500 sf) | J-8
- silence that the fields and blacktop sizes fall miserably short of Department of Education required minimum square footages, despite acknowledgement that DOE regulations must be followed | J-9
- silence that the school has crept from 350 students to 500 students over the last 20 years without ever any CEQA review until now, or a time evacuation study for wildfire | J-10
- silence that the site will be noncompliant on the 100’ defensible space requirement for wildfire | J-11
- false statement that a fire access lane is “around the entire campus” when it is not | J-12
- in the section addressing wildfire risk, false statements that the site environment is “relatively flat” when large western portions of the property (those most heavily wooded) drop precipitously and extend substantially into what the construction plans admit are “dense trees” and “dense brush” | J-13
- in the section addressing wildfire risk, false statements that the site is “in a predominantly urbanized environment” - when in fact it is surrounded by more than 180° by 197 acres of heavily wooded wildfire-prone state reserve that is rated “very high fire hazard severity zone,” the highest fire hazard level | J-14
- repetitive, incessant chants of “no change in student capacity” (or an equivalent) to justify lack of analysis of numerous issues such as traffic, vehicle miles, emissions, and the like - when the original school was built for a maximum of 350 students and the student enrollment crept up in size with the placement of 12 portables over 30 years and the community and the school site never had an | J-15

## 2. Response to Comments

environmental review for the capacity now claimed in the MND of 504 students. In addition, the plans already on file with DSA say “student capacity” is 673 - a capacity increase of 323 students from the original Heights school or an increase of 169 students if you include the additional 12 portables that were placed on site to temporarily house Carmel Valley students until new schools were available. Further, DMUSD used to bus students to the site, thus the traffic issues that have arisen over the years are due to the elimination of the school buses and the increase of student population as noted above

J-15  
cont'd

- misleading statements that the buildings are “low slope, one story” without ever mentioning that the actual height of some buildings is 27’ 7” and will block longstanding, stunning public walking and jogging path views on public easements created for that purpose
- misleading statements that the district expects to submit plans to DSA in March when, in fact, plan submission was known to be imminent and was done in February, four days after this MND was filed to start the public comment period

J-16

J-17

We address primarily three areas in our comments below: drastic reduction of the field and blacktop play areas, traffic impact, and elevated wildfire risk.

J-18

It’s not obvious why an organization with a mission focused on protecting outdoor play spaces would provide extensive, critical comment on wildfire risk caused by the new school design. The answer is that for the past few months, we have been promoting an alternative school design created by a thoughtful and talented communitarian, that we hoped the district would adopt but did not.<sup>6</sup> It would have conserved the bulk of the outdoor play areas at the school. As part of our own due diligence on that design, we sought the advice of fire experts to make sure that the alternative design met applicable fire regulations for a school site and to assure us that it improved fire safety overall at the school. Members of the public generously contributed funds. We dug as deeply as we could with our limited time and the available funds into the hazards and risks of the site and the pros and cons of various design alternatives. Once educated, we believed it was important to share with the public what we had learned.

J-19

## 2. Response to Comments

Our focus throughout our comments below is not to “win” an argument or even to engage in an argument. Instead, our focus is to show that on the issues we address, ***there is indeed a fair argument*** to be made for a substantial adverse effect on the environment - and therefore that an MND is improper and an EIR is legally required.

J-20

Our approach follows CEQA and the CEQA Guidelines, which note: “if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect ((No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68).<sup>7</sup>

J-21

## 2. Response to Comments

### Recreation and Public Services (Playfields/Blacktop)

#### Summary

The 50% reduction of the playfields (from 160,000 sf to 78,000 sf) and 56% reduction of the blacktop (from 49,000 sf to 21,500 sf) will have a significant negative impact on the environment by affecting the community, community resources, and community parks. The community is already bereft of adequate parks and play areas by any measure, as recognized in the Torrey Pines Community Plan.

J-22

Statements in the MND, suggesting a public lockout from the fields, compounds the foreseeable negative impact. Additionally, construction documents filed with the Division of State Architect say the new school has substantial excess student capacity, renewing public concerns over closure of Del Mar Hills, which would cause further shortages of field space and parks and have additional significant adverse impacts on the community, community resources, and community parks.

J-23

#### CEQA framework

If a lead agency (DMUSD) is presented with a fair argument that a project may have a significant effect on the environment (in this section, environment means **parks, playfields, blacktop, need for replacement or expanded recreational facilities<sup>8</sup>**), the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect. Guidelines 15064(f)(1).

J-24

#### Discussion

The Community Environment - Public Recreational Facilities in Greater Del Mar

J-25

There are zero publicly owned parks in the Del Mar **Heights** area, so the community uses the Heights and Hills school fields as its acting public parks. This has been true for half a century or more. Generations of residents and their children have used, and continue to use, the Heights'

## 2. Response to Comments

school **fields and hardcourts** to raise their kids – the first bike ride, kites, soccer, little league, basketball, family picnics, rockets, races, tag, gaga, wall tennis, flag football, track and field, tetherball, stargazing, flashlight walks for “critters”, etc. It is grossly misleading that the MND only identifies “baseball” and “soccer” as community activities and gives no recognition to the reality that on nearly every day of the year – rain or shine, during sunlight and often darkness – someone from the community is using the fields and courts.

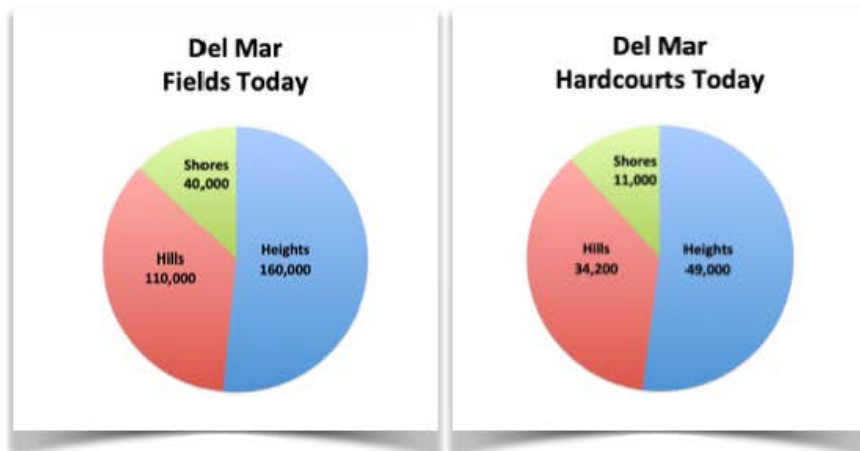
J-25  
cont'd

The large size of the contiguous fields and blacktops is needed to allow multiple activities to take place at one time. For example, we ourselves have seen a baseball game taking place on one field while community dads use another for flag football practice, while children use the remaining open field space for the type of unstructured play that is the cornerstone of childhood development. And at the same time there might be an impromptu basketball practice on the western basketball courts, a lone boy playing gaga, and two girls hitting a tennis ball against the large green wall to the east.

J-26

The shortfall of local public park space extends beyond the Heights area to all of Greater Del Mar (the Heights and Hills areas, which are part of San Diego, plus the City of Del Mar proper).

J-27



The two graphics show the total square footage of playfields and courts available in Greater Del Mar today.<sup>9</sup> The existing Heights fields and blacktop each account for **more than half of the total!**



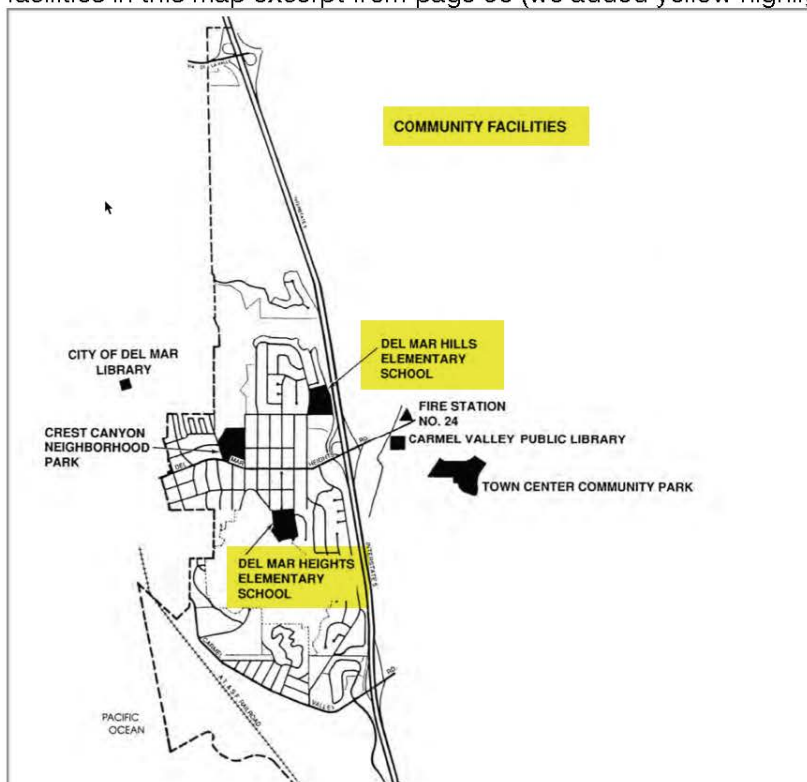
## 2. Response to Comments

Del Mar Heights, an area within the City of San Diego, is governed by The Torrey Pines Community Plan ("Plan"). The Plan openly admits to the extraordinary deficit of community parks and fields and recognizes that as a fundamental community problem: "The Torrey Pines community planning area is short 15.30 acres of usable park property."<sup>10</sup> Pages of the Plan are devoted to trying to solve the problem by finding more public playfields and play space.

J-28

The Plan recognizes the **actual** use of the Heights and Hills as community facilities in this map excerpt from page 90 (we added yellow highlight).

J-29



Recognizing the centrality of the fields and courts at Del Mar Heights and Hills to community health, the Plan repeats time and again the imperative to pursue legally binding "joint use agreements with the elementary

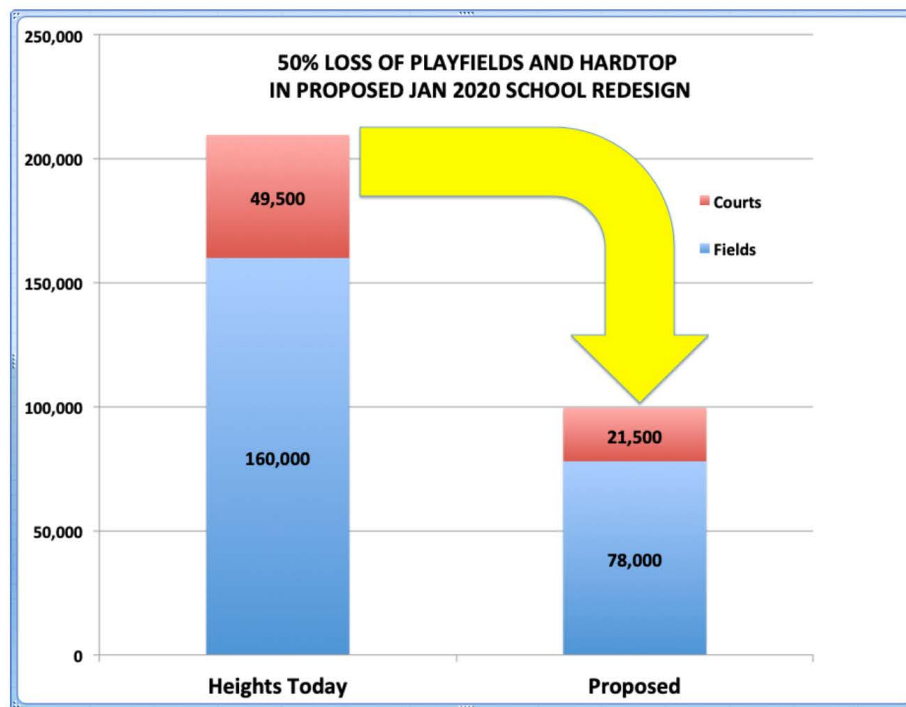
## 2. Response to Comments

schools,” meaning a document executed with DMUSD that would tie a legally binding knot around the actual use the community has enjoyed over the last half century to make it legally guaranteed for the future. This has never been done.

J-29  
cont'd

The New School Design - Fields down 50%; blacktop down 56%

J-30



The last five months have been filled with community outcry against the 50% field<sup>11</sup> and 56% blacktop<sup>12</sup> shrinkage that would leave the Heights' with the district's smallest fields and blacktop.<sup>13</sup> Big mistakes by DMUSD on field and green space measurements - tens of thousands of square feet of shady errors, time and again, even today - have been exposed.<sup>14</sup> Public questions about the blacktop silently shrinking 56% have gone unanswered.<sup>15</sup> The board and district leadership have been sent innumerable emails. DMUSD board meetings have overflowed into the

Play Outside Del Mar

8

CEQA 3.29.2020

## 2. Response to Comments

hallways with critics waiting to speak, and local concerns have poured out in published letters<sup>16</sup>, news stories and TV<sup>17</sup>, and on hundreds of community yard signs protesting the reduction in fields. Play Outside Del Mar's email updates have been opened by people 20,000 times, hopeful that our community can save the field of dreams for the kids of today and tomorrow.

J-30  
cont'd

Against this backdrop of community concern, the MND buries its head in the sand. No square footage numt<sub>J-29</sub> re even put forth for the field or the blacktop. The only mention of the 1<sub>cont'd</sub> ize is that it will be "smaller." The blacktop gets zero airplay. And while there is an admission that overall the recreational play space will decrease by 41,643 sf, that number is pulled from thin air without any justification or explanation from where it came or what it represents. Given the history, it cannot be taken seriously against detailed, open, verified measurements that we have cited in the endnotes.

J-31

In a single paragraph, the MND claims "no significant impact would occur" with little more than a wave of the hand. Mind you, this is not an EIR where a judgment is reached after study, after assessment of alternatives, after weighing public input, after weighing the evidence of pros and cons. No, this is an MND, where "no significant impact" says the district has concluded that not even a fair argument can be raised that it could possibly have a substantial impact - in other words, it's such a **slam dunk** on the facts that its not worth the bother of studying it in an EIR.

J-32

The MND attempts to justify this extraordinary shortcut with substitutions - a granite path, a baseball field allegedly to be built on some other field in some other community (that would just displace some other sport, not solving anything), a small play area in front of the school with play structures, and a stretched argument that amounts to little more than a statement that "what's leftover is a big enough field for baseball for the little kids." As for the blacktop, no argument is even attempted - even though 500 kids will now have less blacktop than just grades 4-6 used to have.

J-33

It defies logic that an environmental consultant can reach a conclusion that these substitutions are adequate for the community and that "no fair argument" can be made otherwise, when the community itself has been up

J-34

## 2. Response to Comments

in arms for five months saying the opposite - in signs, articles, board protests, emails, TV interviews, and more. The dots are not connecting.<sup>18</sup>

J-34  
cont'd

No survey of community views was undertaken, no unbiased analysis of community field use, alternative facilities analysis, expected patterns of change in response to the dramatic facilities reductions, nothing. Just an opinion from someone outside the community, with no historical perspective or personal observation of the facts, bulling through the majority to reach the desired result.

J-35

The MND arguments are meritless, but more importantly miss the mark because they don't address the right question - what's going to be the impact on the Heights' community and its resources, and what's going to be the impact on Greater Del Mar?

J-36

### What's the Impact on the Community?

There are four things to consider:

1. Impact from Heights' shrinkage;
2. Whether a Heights' public lockout is on the horizon;
3. Whether Del Mar Hills will soon be closed with those students absorbed into the new Heights' facility (which has excess capacity of nearly 200); and
4. Where that would leave the Heights' community on community recreational facilities

J-37

J-38

J-39

J-40

### Impact from Heights' shrinkage - fields and blacktop

The 160,000 square foot field has been one of two Del Mar Heights' community parks for over 50 years starting with the two baseball fields installed in 1970 with citizen funds.<sup>19</sup> The 50 percent reduction of the field - from 160,000 sf to 78,000 sf - is taking away a vital recreation area for the Del Mar/Carmel Valley community.

J-41

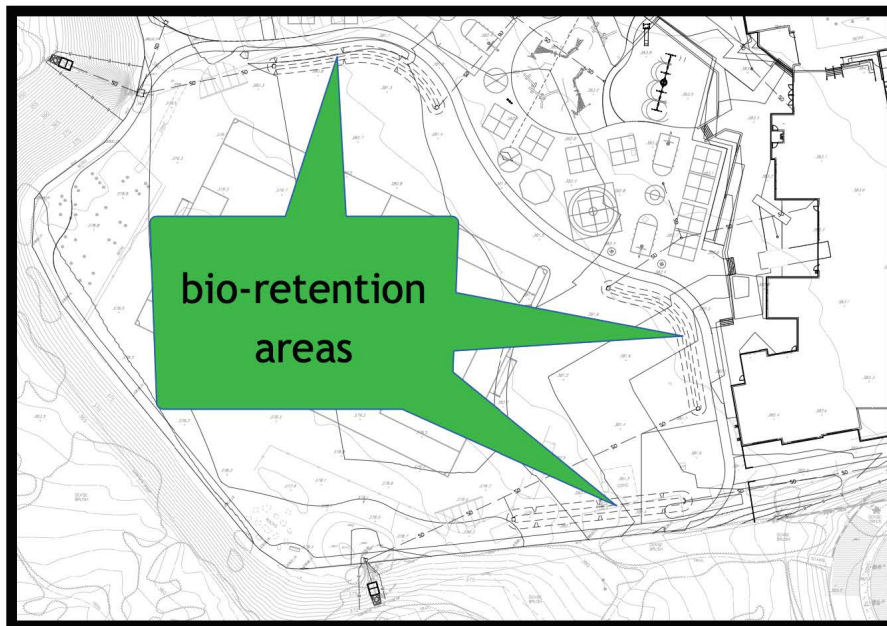
## 2. Response to Comments

Multi-use play will no longer be possible. **Only one** soccer field for 12 year olds can be accommodated, or instead - **but not at the same time** - a baseball game for 5 year olds. Ironically, we already have community baseball fields for 5 year olds at Del Mar Hills Academy (0.8 miles away). The two current Heights' baseball fields, on the other hand, accommodate 5-12 year olds on one field and ages 5 -adults on the other. There are very few age 5-adult fields in the Del Mar/Carmel Valley area now - none west of the Interstate - and eliminating this field that was created with citizen funds will be significant.

J-42

We have not even accounted for the additional field space shrinkage that will result from the unusable bio-retention areas on the proposed field as shown in the construction plans.

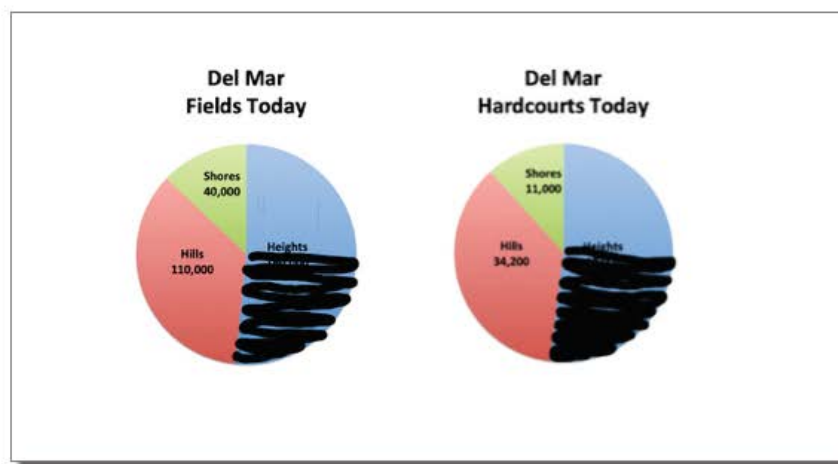
J-43



## 2. Response to Comments

There is a general shortage of grass fields in Del Mar/Carmel Valley. In winter, many sports teams are simply unable to practice because there aren't enough fields and blacktop for children and adult teams during daylight hours. The pie chart shows this will only worsen with reduction of the Heights fields and blacktop by more than half each.

J-44



In addition, the California Department of Education's Guide to School Site Analysis and Development<sup>20</sup>, states that a school the population of Del Mar Heights needs 142,560 square feet of field space to meet their *minimum* field requirements for **education**.<sup>21</sup>

J-45

Children and people of all ages need recreational space to exercise. In the U.S., obesity is projected to increase to nearly 50 percent of the population by 2030, and obesity increases diabetes and other health issues. Schools have a responsibility to take the whole child and the community needs into account when thinking about how their school site will impact the children outside of 6.5 hours, 180 days a year. Now more than ever, kids need free roaming space for vigilant exercise, not fragmented areas that restrict movement and free play.

J-46

The school district is also reducing the hardtop play areas from 49,000 sf to 21,500 sf. This is yet a further reduction from the original hardtop play

J-47



## 2. Response to Comments

area of 60,000 - much of which was already erased due to 12 portables being placed on the blacktop.<sup>22</sup> The Department of Education minimum requirement for blacktop for a school with the Heights' population is 50,000 sf.<sup>23</sup>

J-47  
cont'd

The school district is proposing to increase the square footage of the school by 27.5% percent from the current size (including the portables) yet they say they are not increasing the school population.

J-48

The square footage increase is not required to serve educational needs. The California Department of Education (DOE) says that 73 square feet per pupil is the minimum requirement for classes of 24 students; thus a building of 36,792 square feet meets the Department of Education's minimum requirements for 504 children. The proposed size of 66,823 square feet is 82% larger than the minimums, at the cost of reducing the field and hardtop areas to roughly half of DOE minimums. Ironically, the classrooms themselves have not been enlarged at all, and there is one classroom less than before.<sup>24</sup>

J-49

### Will the public be locked out?

There is a cryptic but alarming note in the MND under 3.15 Public Services d) Parks: *"Additionally, the reconfiguration of the site would improve student safety by **separating public and school uses.**"* (our emphasis)

J-50

Currently the public only has access to the school field and hardtop areas to use for recreation during non-school hours, so this sentence about "separation" at first glance makes no sense - there's already separation. But discussions with DMUSD and their unwillingness to enter into joint use agreements with the City of San Diego to guarantee public access legally make us wonder - is the plan to build the smaller field, and then lock the public out later, claiming "we gave you the park in the front of the school?"

J-51

We have learned the hard way to focus on what is done, rather than on promises of what will be done.

J-52

More information is needed by the public regarding this statement because there is nothing that will prevent the school district from locking the gates and shutting the public off of the school site that is behind secured gates should they desire to do so. Now is the time to get an

J-53

## 2. Response to Comments

answer, because the MND statement gives the impression that Del Mar/ Carmel Valley may in fact be losing the entirety of the playing field and hardtop area closed off to the public during non-school hours, which would be additional significant impact.

J-53  
cont'd

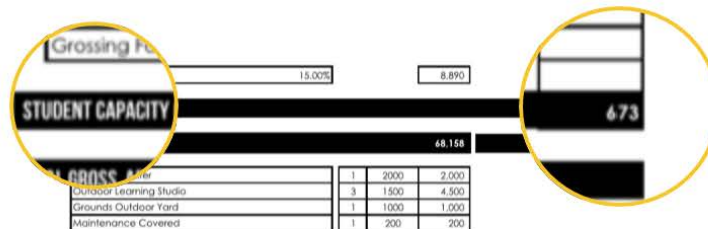
### Will Del Mar Hills be closed?

The MND says the new "school capacity" is 504 and its analysis of every issue relies on that foundational fact.

J-54

But the DMUSD construction plans on file with the Division of State Architect say **student capacity 673**. They give no alternative number, no mention of 504.

J-55



Our best interpretation of this discrepancy is that the MND means "expected student population" when it says "student capacity" and that the construction plans actually mean "student capacity" of the buildings when they say "student capacity."<sup>25</sup>

J-56

Using this reasonable interpretation means the school **as built** can handle 673 students if someone wants to put them there. Considering the average student population at the Heights over the last decade has been 460 students, it does give some credence to those who lay claim to the argument the Hills will soon be closed.

J-57

### Where does it leave the Heights Community?

Play Outside Del Mar

14

CEQA 3.29.2020



## 2. Response to Comments

Standing alone, the 50%+ reduction in fields and blacktop at the Heights creates a significant impact on the community and community parks and other recreational resources that deserves study in a full EIR. An EIR is legally required to be thorough and to consider and respond to community input and comments. Alternatives would have to be considered and evaluated for feasibility and reduction of negative impact on the community.

J-58

The numbers suggest Hills' closure is a foreseeable consequence of the Heights' rebuild, which means loss of fields at both the Heights and the Hills - a double whammy for the community. If that happens, then the total community fields in Greater Del Mar will be 40,000 sf at Del Mar Shores (which is largely dog park, unusable by kids) and 10,000 sf of blacktop at Del Mar Shores. All the more reason for an EIR.

J-59

Statements in the MND warn of a lockout and an EIR would also dig into an alternative of a joint use agreement with the City of San Diego that would guarantee public access for the community.

J-60

All foreseeable consequences should be studied in an environmental impact review so that the community understands the true, full impact of the Heights' rebuild, which will be with us for decades.

J-61

## 2. Response to Comments

### Traffic (Transportation and Wildfire)

#### Summary

No traffic study was done for traffic at the Heights location, and in particular the effect of the long on-site queue on congestion, safety, and flow of traffic. Bald conclusions were stated without factual support, evidence, or thoughtful modeling or analysis of likely scenarios. Observations of traffic in the area for many years, coupled with an analysis of the proposed lanes, parking locations, and issues facing Heights parents when dropping children at school suggests that the proposed solutions will actually decrease flow and safety, causing a significant adverse environmental impact.

J-62

The length of the onsite queue is unlikely to de-congest Boquita Drive - the historical congestion goes too far beyond Cordero to make that likely. As a result, the same problems will persist. An unintended effect will be relieving traffic on Cordero, causing some parents to scoot up onto Mira Montana to drop their kids at the cul de sac, because they will want to avoid the long captive queue onsite at the school. As a result, Mira Montana is likely to become an unofficial drop off queue, without adequate infrastructure, with a significant negative impact on neighbors there.

J-63

Because of the issues raised in the wildfire analysis in the next section, it is important to know for sure that the deep three lane onsite queue will perform under the pressure of a site evacuation and allow fire and emergency vehicles to get to the site, at the same time parents are likely to come to school to retrieve their kids in a rush (which they will do, even if told to stay away). Yet there is no analysis of this important issue. The queue combines fire access with inbound traffic, outbound traffic, pick-up/drop-off, and 45 cars pulling out of perpendicular parking spots into the fire lane. The queue configuration and driving patterns suggest significant congestion is likely during an emergency scenario.

J-64

#### CEQA framework

If a lead agency is presented with a fair argument that a project may have a significant effect on the environment (in this section, environment means ***traffic, whether onsite or in the neighborhood; and emergency***

J-65

## 2. Response to Comments

**evacuation traffic from the site and neighborhood<sup>26</sup>**, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect. Guidelines 15064(f)(1).

J-66

### **No traffic study for the Heights' rebuild - the community is left to conjecture and guesses**

J-67

It is remarkable that the MND **does** offer a traffic study for the temporary relocation of students to the Hills and the impact of those in the community who live nearby that school. But when it comes to what most of us think is the main event - the Heights - there is no study at all, but only anecdotal factual information (much of which is flat wrong, and the rest unscientific and conjectural) and naked inferences from the consultant, who has no history in the community and apparently did not study the Heights' traffic patterns himself. It seems so incongruous that one is left to wonder whether it was indeed done, but the results didn't turn out as the district hoped.

For instance, the traffic queue is cited as completely solving the problem of Boquita backup, but there should have been a time analysis of the drop-off and pick-up and depth of the queue to assess whether, in fact, the cars that are expected to drop students in the morning are still so abundant that the queue will nonetheless extend out onto Cordero and beyond. This type of study is commonplace for elementary schools who are designing queues and evaluating traffic patterns.

J-68

Instead we are left with mere bald assertions like this one, without analysis or data to back it up: "With the extended queueing zone and student drop-off/pick-up area, the proposed project would improve circulation in the area, by reducing the number of vehicles on the adjacent roadways."

J-69

Finally, it's worth noting that for many years the school allowed students to be dropped off as early as 7:30 for free supervised childcare. Many parents took advantage of this, because it allowed them to drop off before the traffic backed up, and kids loved getting to play before school. The new school will have a very limited window for drop off in the morning of 7:45 am to 8:00 a.m., unless you are willing to pay \$10 for child care, which many will choose to avoid. This will increase the car counts and back up; thus alleged solutions based upon anecdotal car counts and

J-70

## 2. Response to Comments

observations made in the spring of 2019 using existing conditions, have little value in assessing the new conditions that will be in play when the new school arrives.

J-71

### **No study of the critical questions regarding the three-lane onsite queue - either for safety or flow**

There is no traffic study or even analysis of the critical three lane onsite queue - not for normal operation or for site evacuation and emergencies. A fair analysis shows the bulk of the “problems” identified anecdotally in the MND have not been eliminated, but instead moved onsite into a longer, narrower, more captive channel - and made worse by new opportunities.

J-72

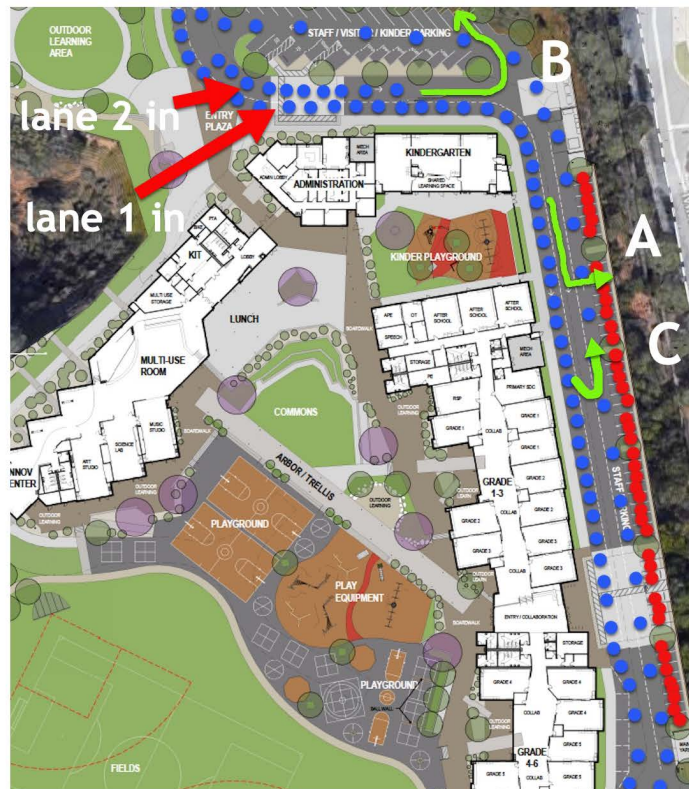
The three lane onsite queue combines emergency vehicle access, bi-directional traffic, drop-off, pick-up, merger of two lanes into one at the south turnaround, and forty-five 90° angle parking spots into a width that is seven feet narrower than Boquita Drive. Once you get in, if you follow the rules, you are stuck until you go all the way to the south roundabout and make your way back. Every one of the forty-five staff parking spots pulls out into the single outbound lane of the queue. If you want to park in one of the staff spots, you must wait until you get to the turnaround and head back north - assuming you follow the rules rather than just cut across traffic and grab an open spot.

J-73

Here’s the on-site queue, populated with incoming cars in blue at approximately the right density. The red cars arrived earlier and parked. The moving cars are packed tighter on the inbound, as you’d expect; and looser on the outbound, as you’d expect.

J-74

## 2. Response to Comments



J-74  
cont'd

**Scenario 1: Tight schedule.** Suppose a dad is on a tight schedule for a business appointment. He just wants to drop his fifth grader and quickly run. There's no way he'll be willing to get stuck in the bowels of the queue if he has any decent alternative - the queue would be too much lost time. Instead, he'll nudge left into "lane 2" upon entering the school site and turn hard left (in front of outbound traffic) in the Visitor Lot before point B and let his kid exit the car there in the Visitors Lot. See the green arrow near point B. The dad will trust his son to cross two lanes of traffic at one of the crosswalks. Or the fifth grader, being 11, might just scoot across elsewhere if the opportunity presents itself.

J-75

## 2. Response to Comments

If the dad can't drop his son in the Visitor Lot because of traffic guards, he'll make the hard left into the lot anyway, exit the school, slow to a stop on the outbound east lane of Boquita and let his son hop out of the car there. His son will then walk into the school and cross the two lanes of the traffic queue either at the crosswalk just inside the school boundary, or perhaps navigate his way across the Visitor Lot traffic and cross near the Administration building. Or, being 11, might just scoot across elsewhere if the opportunity presents itself or he sees a friend nearby.

J-76

Suppose instead, the dad is a more worrisome type or has a younger kid he doesn't trust to cross traffic by himself, but the dad is still focused on saving time. His best strategy then would be to start in Lane 1 and try to drop his kid in front of Administration when folks aren't looking, then nudge over into Lane 2 and again take a hard left into the Visitor Lot to escape the bowels of the queue.

J-77

You can see the flow interruptions and the safety issues in each of these likely approaches. Because of the length of the long part of the queue, it seems very likely that a number of cars will stack-up at point B trying to make that left turn into the Visitor Lot to get out - much **more** likely than waiting for the 30-50 cars in front of them to go all the way to the end of the queue and 180 at the south end and return back and out of the site.

J-78

**Scenario 2: Mom to playground.** Envision a mom with a first grader and a toddler. She wants to park in the north lot, drop her first grader at school, and then head to the playground with her toddler. Is she seriously going to wait in the queue, drive all the way down to the south end, turn back around and enter the north lot, hoping that a prized spot in the Visitor Lot doesn't disappear in the interim? That seems unlikely given today's parents and our impatience. More likely, she'll branch into lane 2, and immediately start looking for every opportunity to turn hard left and scoot through a hole in the outbound traffic flow and grab a spot in the Visitor Lot. Her worst case scenario is going to be if she can't find that hole before she's forced at point B to turn southbound into the bowels of the queue - so she'll slow down or stop before point B and visually plead to some outbound driver to give mercy, slow down, and let her cross traffic. Her slowdown will of course impede the flow of the entire queue in both directions, but she figures it's a big win for her to make that left turn and grab the spot, and not too much delay for the rest of the folks in the

J-79

## 2. Response to Comments

captive queue. Luckily, she nabs a spot and walks across the two lanes of queue traffic with her two kids at one of the crosswalks.

J-79  
cont'd

**Scenario 3: "Rules aren't for me."** Now suppose you have that scenario complained about in the MND as happening on occasion on Boquita - of the guy who is the rule-breaker, stuck in line, self-important, in a hurry - and suppose he's looking for a parking space somewhere. Maybe he's late to drop off his second grader and needs to meet a teacher or another parent at the school.

J-80

Let's say the Visitor Lot was full when he got there, so turning hard left and grabbing one of those golden spots wasn't an option today. He got stuck and had to turn right into the bowels of the queue. As he nears point A, he sees an empty teacher spot on his left, a few cars ahead of him to the left, across the outbound traffic. Do you really think that guy is going to wait patiently, first drop off his kid, go to the end of the turnaround, come back around, and hope for the best in the Visitor Lot to the north? No way - he'll just veer into the outbound traffic lane at the first opportunity and pull into the empty teacher spot. Then he and his kid will either walk down to the crosswalk and walk across the packed queue (following the rules), or more likely they'll just run across the flow the first opening in the packed queue and race across, right next to where they parked. See the green arrow near A.

J-81

In fact, this scenario is far more inviting than ever for the rule breaker guy, because he can see his reward right there. Before the new design, it was a risky adventure with uncertain reward to drive "on the wrong side" on Boquita, and a tad extreme and embarrassing. But in the new queue, the reward is tangible, quick, and maybe people won't even notice.

J-82

**Scenario 4: Patient, up to a point.** Now there's a man around point C, hoping to drop his fourth grader. He's tried to follow the rules so far but anxiously needs to get to an appointment of his own. He keeps seeing gaps in the outbound flow and plenty of U-turn opportunities. Eventually, he's had enough. He tells his son to hop out of the car, makes a U-turn across traffic and is gone. See the green arrow near C.

J-83

**Scenario 5: Follows the rules, to a point.** This lady is a rule follower for the most part. She stayed in the queue, but didn't drop her kid because she wants to walk her to class. She got there a little early, but the Visitor

J-84

## 2. Response to Comments

Lot was full. The last few days, however, she's noticed lots of "teacher and staff" spots have been empty. She patiently waits her way through the queue and around back north, but decides it's just too tempting to pass by one of those unused teacher spots, so she grabs it. She and her kid walk across the queue into the school.

J-84  
cont'd

What she didn't anticipate was how difficult it would be to get her car out of the parking spot after quickly walking her kid to class. She tries and tries to pull out but nobody gives her a chance, so eventually she just darts out backwards into the flow, figuring someone will surely stop.

J-85

***Did you notice?*** In just a few paragraphs above, I went much deeper into a factual and flow analysis of the queue than was ever attempted in the MND. The MND said no more than it would take traffic off the streets and improve flow - no analysis, just a leap to DMUSD's desired answer.

J-86

Above are but a few ***fair arguments*** that the traffic queue will present unanticipated problems that worsen (rather than improve) safety and worsen (rather than improve) traffic flow. It does not matter for an MND, as noted above, that a contrary argument can be made. An MND is improper in this situation and an EIR with a proper traffic analysis of the queue must be done.

J-87

### **Boquita's improvement is conjecture, no more**

The study conjectures improvement on Boquita - but on deeper reflection, this is at best doubtful.

J-88

The length of the added traffic queue on-site approximates the length of Boquita Drive from Cordero to the school entry - that is factual. Since there is no analysis presented, the thinking must be "we've duplicated Boquita on the school grounds and therefore backup on Boquita has been erased."

The thinking is the part that's wrong. The morning backup usually extends far beyond the intersection of Boquita and Cordero. The primary author of this report drove it and walked it the last four years. It's hard to remember a time where the backup didn't extend a full block more on Cordero back to Mercado. Most days at the peak time, it extends even further. To the west it is not at all uncommon for the backup to start, at peak times,

J-89



## 2. Response to Comments

between Mercado and Recuerdo. To the north, at peak times, between Cordero and Del Mar Heights Road. Sometimes less, sometimes more.

J-89  
cont'd

The queue will no doubt hold extra cars - just not enough to stop the backup on Boquita.

J-90

Two additional points have been ignored, and they again suggest little if any change on Boquita.

J-91

First, over the last twenty years, all doubt has been erased on the connection between parking and traffic. Simply put, a drumbeat of compelling research has shown that more parking increases rather than decreases traffic. As one author put it, "Build parking spaces and they will come - in cars."<sup>27</sup> So the new, excess parking is going to draw more traffic, which will just back up Boquita again - with people who weren't driving into the school before but maybe walking or carpooling their kids.

J-92

Second, let's not forget the school building capacity is 673 students. It's certainly more than foreseeable that student capacity will increase substantially, and no effort has been made to analyze, study, or even acknowledge that possibility.

J-93

### **Mira Montana will suffer though**

J-94

If the new on-site queue does shorten the off-site traffic queue substantially, as claimed, then one consequence will be to free up Cordero, which is definitely backed up now from school traffic.

Consider this: if Cordero is no longer backed up, then surely more people dropping off kids are going to dart up to Mira Montana and drop off their kids - especially older kids - at cul de sac for back entry. The only reason that doesn't happen more often today is because Cordero is so backed up you can't get there.

J-95

But if Cordero is free, then no matter whether Boquita itself is jammed or whether the jam is limited to the school site, going to Mira Montana for drop-off would be a much more attractive alternative than getting stuck in the school drop-off/pick-up queue. Wouldn't you just rather scoot up to Mira Montana with your older kid and let them come in through the "back door"?

J-96

## 2. Response to Comments

People will figure it out, and over time Mira Montana will be the unofficial companion to the official Boquita drop-off queue. The problems is that, as presently configured, Boquita doesn't have the infrastructure that would make that tolerable for the residents that live there. But it is a predictable consequence of the new school design, all the more guaranteed if the school moves to full capacity.

J-97

### **No study of the traffic queue for fire or other emergency situations**

J-98

The eastern fire access road - built into the three lane traffic queue we have been discussing - presents serious potential for complications compared to the school today. While it might technically comply with DSA regulations for a generic site because of its 30' width and 200' proximity to sprinklered buildings on the east side of the new school site, it fails to account at all for the serious increased risk complications that are discussed in the wildfire section below - the potentially dangerous Reserve to the west, many buildings right up against the Reserve, the reduced buffering size of the fields cut in half, the general movement of all buildings toward the Reserve, and the potential blockage of the the west fire access road that is the only entry point for accessing the center of the site and protecting buildings.

Potential exists, more than ever before, for the need for immediate, smooth rapid exit of everyone from the site.

J-99

Because of this, it is befuddling to see that the "way in" for emergency vehicles on the east - which may be the only open entry for fire and other emergency vehicles - now more than ever before has competition with outbound traffic, pick-up/drop-off and 45 cars pulling out of perpendicular parking spots into the fire lane - not to mention an extremely long queue of cars in both directions that might be stacked with frantic parents coming and going to extract their kids from danger.

J-100

Based on reports from those who directly observed teachers and parents involved in another local wildfire that required a school evacuation under panic, it's unlikely in the extreme that parents won't rush to the school in their cars to retrieve their kids, no matter how misguided that may be, no matter how many times they are told to stay home. It's unlikely that cars

J-101

## 2. Response to Comments

onsite won't be pulling out of those parking spaces into the fire lane to get out at the same time that fire vehicles and others are coming in.

J-101  
cont'd

We sure hope that never happens. But **now** is the time to carefully study and, if necessary adjust, the site design so that the school can manage the conflagration that would occur in that situation. **Later** is just too late.

J-102

And yet, the MND punts on this issue. There is no mention of how this conflagration would be managed - no study at all.

J-103

The current school was originally built for 350 students. By accretion of portables it has grown to house an average of 460 students over the last decade - but there has never been an time evacuation study for either the school or the neighborhood with that level of student population, much less the 673 student capacity that the new school is capable of housing without any modification of facilities.

J-104

In our view it is reckless to "end run" an EIR and avoid a time evacuation study with particular attention paid to the three lane queue and how students and staff will evacuate the site. Parents, students, staff, and neighbors deserve this analysis which has become a best practice - and in the circumstances of this project - is an imperative.

J-105

## 2. Response to Comments

### Wildfire and Evacuations (Hazards and Wildfire)

J-106

#### Summary

The site location presents unusual inherent hazard because it is surrounded more than 180° by the Torrey Pines Nature Reserve Extension ("Reserve" or "Reserve Extension") The Reserve Extension presents a potent combination of factors that could cause high rate of spread (ROS) of wildfire - 197 acres of abundant dry fuel that is protected, under beetle attack, and often cannot be removed due to site topology and density; extensive human interface around the Reserve; average 17% upslopes to the school site, increasing to 38% just before you reach the buildings; south facing aspect; prevailing westerly winds toward the school; increasing local temperatures with increasing Santa Annas; and difficult terrain that has made past fires in the Reserve difficult to reach and control. No EIR or time evacuation study for the site (which is increasingly considered a standard best practice) has ever been conducted.

The new school design makes several site changes that enhance wildfire risk compared to the existing school. The only fire road able to access the core of the school site runs tight alongside the western rim of the heavily wooded area of the Reserve - potentially block-able by wildfire either before or after emergency vehicles arrive. All buildings have been moved closer to the edge of the Reserve, with the 27' 7" awning of the tallest and most vulnerable (the Innovation Center) less than 20' from the drop-off into dense woods and vegetation. The 100' defensible space requirement for wildfire interface is not met and is ignored in the MND.

J-107

The preexisting 160,000 sf fire buffer of play field grass between the school buildings and the reserve has been shrunk in half to 78,000 sf, with all buildings scooted closer to the Reserve as a result.

J-108

All of these factors suggest extra care needed to be taken into designing a failsafe plan to get emergency vehicles on site and to evacuate others, yet inexplicably the east fire access road (which could possibly be the only one operable during a high ROS wildfire) seems ripe for congestion rather than smooth evacuation and entry of emergency vehicles. It combines emergency access with bi-directional traffic, drop-off, pick-up, 45

J-109

## 2. Response to Comments

perpendicular parking spaces that pull-out directly into the fire lane, and a merger of lanes at the turnaround. There are only two pedestrian exits to the school - with walls and fencing still preventing egress directly to the East. This issue is ignored in the MND.

J-109  
cont'd

The MND's justification for avoiding an EIR is based on a foundation of key errors or falsehoods. Among the worst are misstatements that there is a fire road "around the entire campus," and that the area around the site is "predominantly flat." The specific questions from CEQA about "prevailing winds," "uncontrolled spread of a wildfire" and "other factors" are ignored.

J-110

### CEQA framework

If a lead agency (DMUSD) is presented with a fair argument that a project may have a significant effect on the environment (in this section, environment means **wildfire risk and evacuation risk and hazard**<sup>28</sup>), the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect. Guidelines 15064(f)(1).

J-111

### Recent CEQA Amendments

The California legislature - in response to increasing temperatures and wildfire risk across the state - recently amended CEQA to require that several new and specific questions be addressed on a CEQA review for "very high fire hazard severity zones" - to insure that project occupants and the adjacent community are informed of the wildfire risks associated with a project. The revised CEQA Guidelines became effective December 28, 2018 and apply here.

J-112

Guideline Exhibit G - cited by DMUSD in the MND - requires consideration of whether the project would: "Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to . . . the uncontrolled spread of a wildfire?"

J-113

### The MND wildfire analysis is built on a foundation of factual mistakes

J-114

## 2. Response to Comments

► **The project does not “provide a 20-foot wide fire access lane around the entire campus,” as claimed in the MND**

J-114  
cont'd

On Page 121, the MND states the proposed project “would provide a 20-foot wide fire access lane around the entire campus.” As we will show below, this is false because the two fire roads do not connect. This creates new risks that we address.

► **The project environment is not “relatively flat”; nor is it in a “predominantly urbanized environment”**

J-115

On Page 121, DMUSD is required to answer this question:

WILDFIRE. If located in or near state responsibility areas ... classified as very high fire hazard severity zones, would the project: . . . (b) “Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?”

In response, the MND says: “The project site is relatively flat and is in a predominantly urbanized environment.”

J-116

This is again false. We show below that the DMUSD property itself includes dramatic and substantial drop-off areas on the west side - inside the defensible space area - with a slope of at least 38° and ranging from 20-50 feet drop. But the question by its terms is not limited to the property boundaries and the property technically owned by DMUSD, so the full truth would have included the Reserve that is adjacent, which provides slope, fuel, and the “other factors” (also discussed by us below).

J-117

The answer just ignores the pointed questions about “prevailing winds,” “other factors,” and “uncontrolled spread of a wildfire” entirely.

J-118

The answer (to a wildfire question!) says the project in a “substantially urban environment” when it is surrounded more than 180° by a Reserve with 197 acres of dry fuel on a substantial southern slope.

J-119

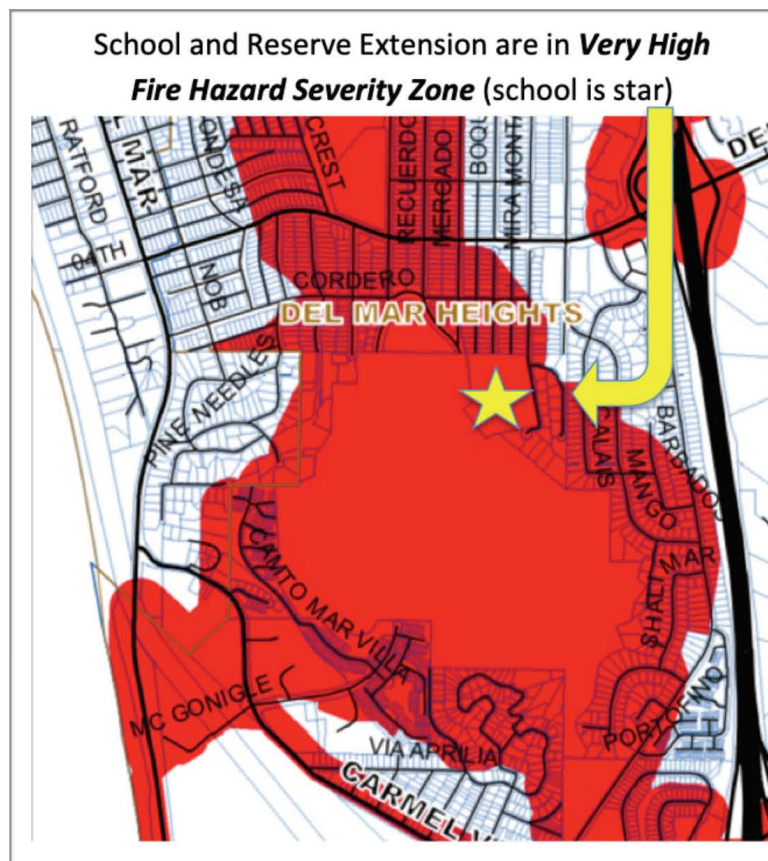
## 2. Response to Comments

The site location presents inherent wildfire potential and elevated human risk

J-120

Wildfire potential

The site is in a San Diego “very high fire hazard severity zone” - the most dangerous category in California



Play Outside Del Mar

29

CEQA 3.29.2020



## 2. Response to Comments



J-120  
cont'd

“California law requires CAL FIRE to identify areas based on the severity of fire hazard that is expected to prevail there. These areas, or “zones,” are based on factors such as fuel (material that can burn), slope and fire weather. There are three zones, based on increasing fire hazard...medium, high and very high.”<sup>29</sup>

As shown above, the Heights’ school site is **completely** within a “very high” fire hazard severity zone.<sup>30</sup>

J-121

On top of this, the site is surrounded on the south and west by Torrey Pines Nature Reserve Extension - uninhabited canyon wild space, as shown in the photos above and below. The photo below shows Reserve Extension surrounds the site by more than 180 degrees.

J-122

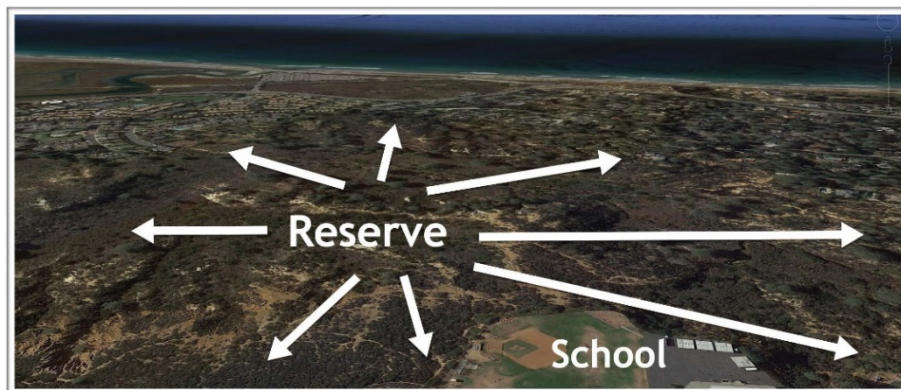


## 2. Response to Comments

### **Torrey Pines State Natural Reserve Extension combines many conditions that facilitate a fast moving fire toward the site**

J-123

As citizens who have lived in this community for many years, we are experts on the Reserve, which we frequently visit. For years, we have walked the paths and gotten to know the trees, the brush, the beetles, the conditions, the cut firewood, the slopes, the winds, the temperature



ranges, the moisture, and the human interface.

Based upon our personal observations and substantiated by the authoritative resources cited below, several standout factors would facilitate a fast moving fire from the Reserve Extension toward the school:

J-124

1. abundant fuel source - 197 acres of dry, protected species and dense brush, much of it beetle-infested and dying, and unable to be cleared due to protected status and serrated terrain
2. significant human habitation, access, and activity at the base of Reserve and around the periphery
3. 17% average upslopes from the lower points of Reserve Extension directly up to the school site on the crest
4. south-facing aspect, keeping the fuel warmer by sunlight
5. prevailing westerly winds that would push any fire upslope toward the school site

J-125

J-126

J-127

J-128

## 2. Response to Comments

6. increasing local temperature trends, further drying the fuel in the reserve and facilitating ignition

J-129

7. firefighter access made difficult by terrain, slope, and canyon conditions, according to past fire reports

J-130

### 1. Abundant fuel source

The Reserve Extension was formed in 1964 and added 197 acres and 1500 trees to the original Torrey Pines Reserve.<sup>31</sup> The Reserve Extension contains many species of plants and trees and shrubs including protected species such as Torrey Pines trees. The photos show the fuel density.

J-131

A walk through Extension shows many of the trees are dry, infested, and either dying or already dead on the ground. Some have been cut and are awaiting removal but others cannot be removed due to the terrain and will be allowed to naturally decompose. Due to rising temperatures, drought, and climate change "[b]ark beetles have infested trees at Torrey Pines State Natural Reserve . . . where 150 of around 4,600 Torrey pines have been damaged. Around 100 trees have been removed, but taking out the rest would be too destructive or hazardous."<sup>32</sup>

J-132



Play Outside Del Mar

32

CEQA 3.29.2020

## 2. Response to Comments



J-132  
cont'd

### 2. Significant human activity around the reserve

J-133

Dwellings and roads surround the Extension. Most wildfires are caused at the human-forest interface. As an example, in 2015 a car crash at the intersection of Camino Del Mar and Carmel Valley Road created a wildfire in the Extension.<sup>33</sup>

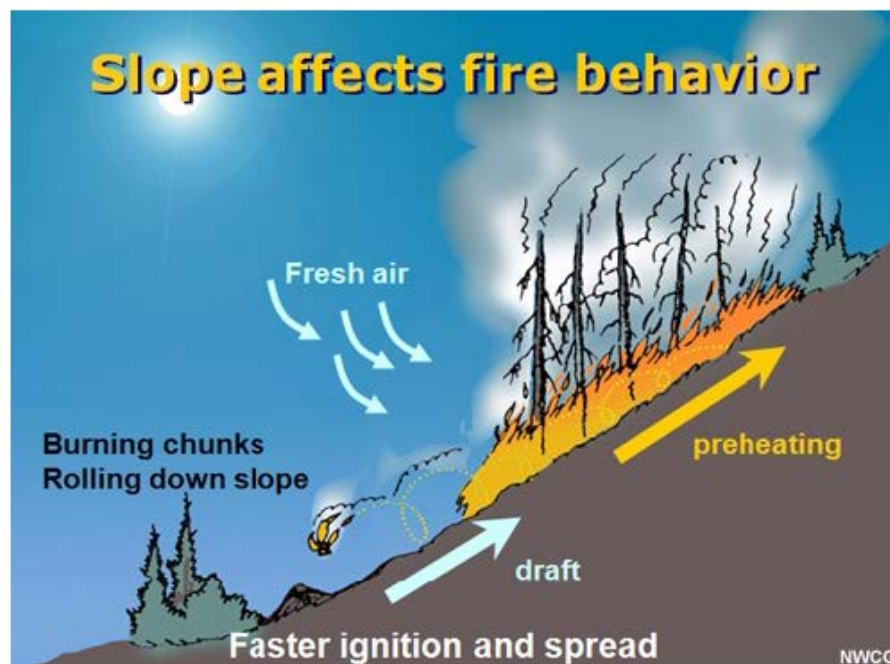


## 2. Response to Comments

### 3. Dangerous upslope

Like fuel, **slope** is a primary contributor to wildfire risk. The photo below from the National Wildfire Coordinating Group visually shows how upslope speeds the rate of spread (ROS) of a wildfire.<sup>34</sup>

J-134



"It is widely recognized that fires often accelerate dramatically up a hill, all other things being equal."<sup>35</sup> Upslope areas have a compound impact on ROS - it preheats the uphill fuel, increases radiant and convective heat, and also usually indicates the direction of ambient winds during the day. Upslope also indicates the likely direction of travel.

J-135

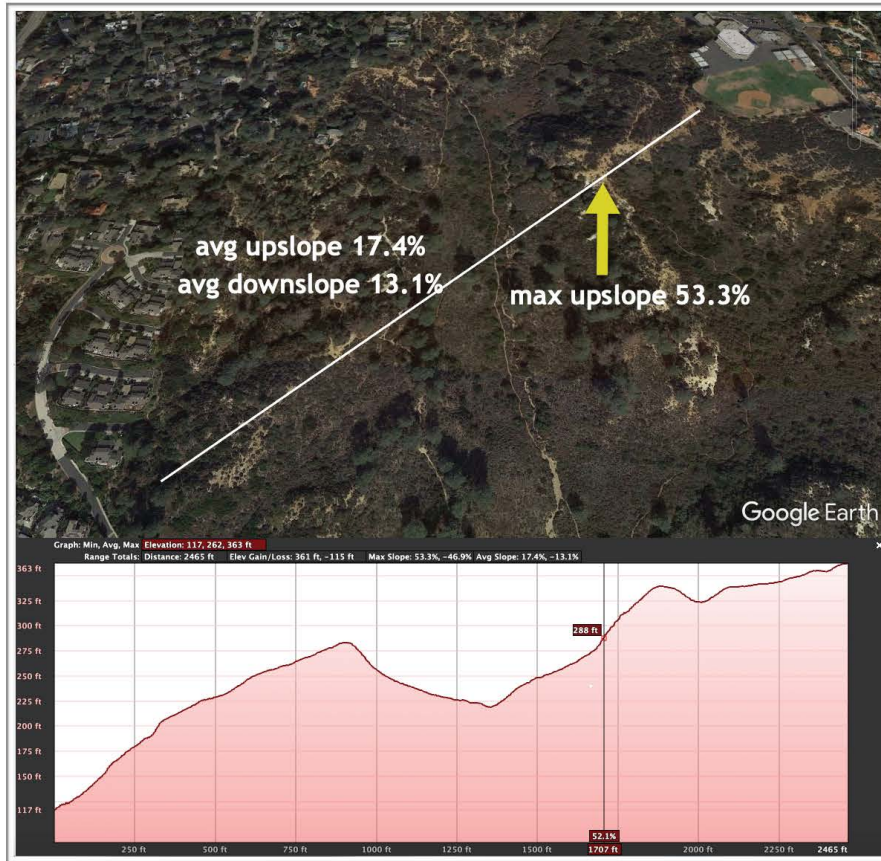
ROS versus slope angle has been extensively studied, with some studies showing linear progression: compared to a baseline ROS for no slope, a fire travels at double ROS on a 10% slope (5.7°) and quadruple ROS on a 20% slope.<sup>36</sup> Other studies show an exponential progression with

J-136

## 2. Response to Comments

dramatic ROS upturns starting at 20-25% slope.<sup>37</sup> All agree, fires go fast

J-136  
cont'd

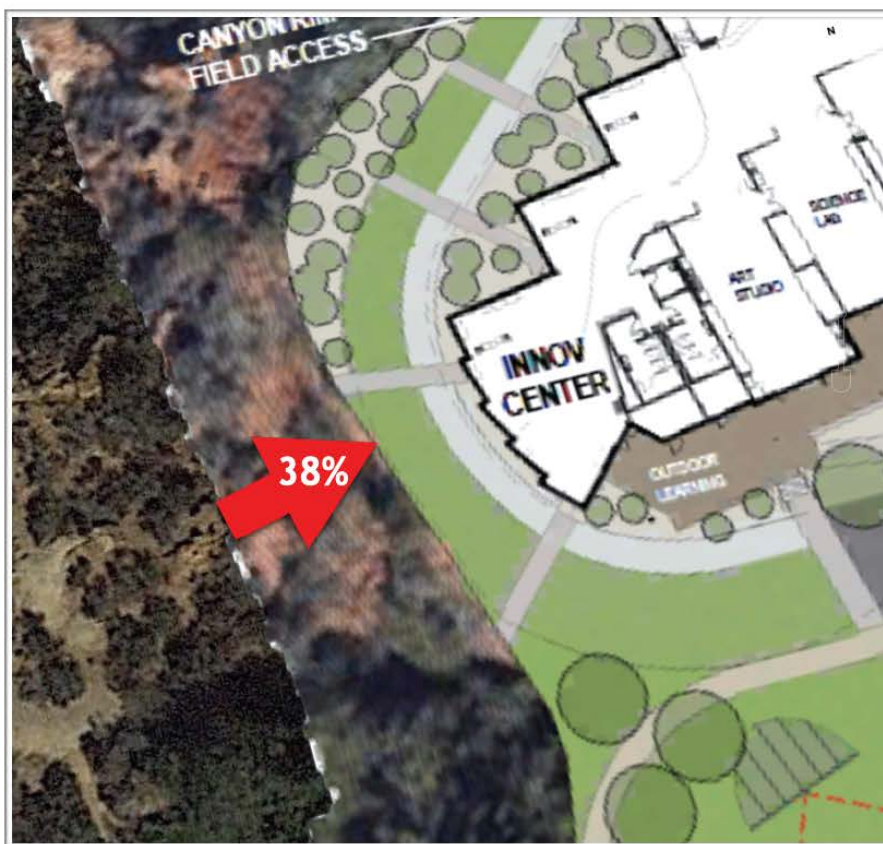


up steep slopes.

The Google Earth graph shows the topology of a randomly chosen path from the base of the Reserve Extension to the edge of the Heights school site. According to Google Earth, the average upslope is 17.4%, the average downslope is 13.1%, and the maximum upslope is 53.3% at less than 800 feet from the school.

J-137

## 2. Response to Comments



J-137  
cont'd

In plain English, due to the slope, you'd expect a Reserve fire to move faster than the average fire, directly uphill toward the school especially in the last 1000 feet.

The second graphic shows that the upslope angle once you cross onto the DMUSD property line - going up to the new Innovation Center - is 38%. This reflects approximately a 15 foot rise up the rim for the last 40 feet of eastward travel. Elsewhere the rise is 50' or more. As we show later, this angle - coupled with the very close and very tall Innovation Center (27' 7") presents additional new fire risk not present today.

J-138

## 2. Response to Comments

### 4. South-facing aspect

“Aspect” is the firefighter term for the direction that a slope faces. In the Northern Hemisphere, “areas with southern aspects tend to burn with greater severity than those of other aspects.”<sup>38</sup>

J-139

The Reserve Extension has a southern aspect.

### 5. Prevailing westerly winds, toward the school site

J-140

According to the Western Regional Climate Center, the prevailing winds are westerly - from the ocean toward the school site.<sup>39</sup> This increases the wildfire hazard for the school site.

In addition, from time to time “Santa Annas become gusty along coastal slopes, according to the National Weather Service. High pressure [adds] to the warming, increasing the risk for wildfires.”<sup>40</sup>

J-141

### 6. Increasing local temperature trends

J-142

In 2008, San Diego Foundation published *A Regional Wakeup Call: The First Comprehensive Regional Assessment of Climate Change Impacts to San Diego County*.<sup>41</sup> This comprehensive report by 40 leading multi-disciplinary authorities, reported on predictions of increasing local temperature and concluded, as others have, that “Wildfires will be more frequent and intense” as temperatures warm.

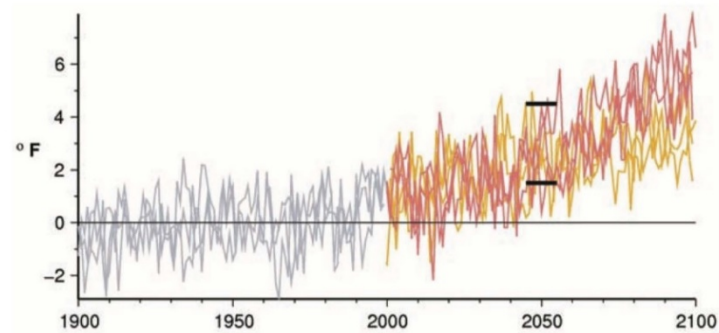
The reasons given included:

- warmer spring temperatures will make the fire season longer
- droughts will make vegetation drier and further increase fire risk
- Santa Anna winds may occur for a longer period of time during the fire season, prolonging extreme fire conditions
- the number of days each year with ideal conditions for large-scale fires will increase by as much as 20%



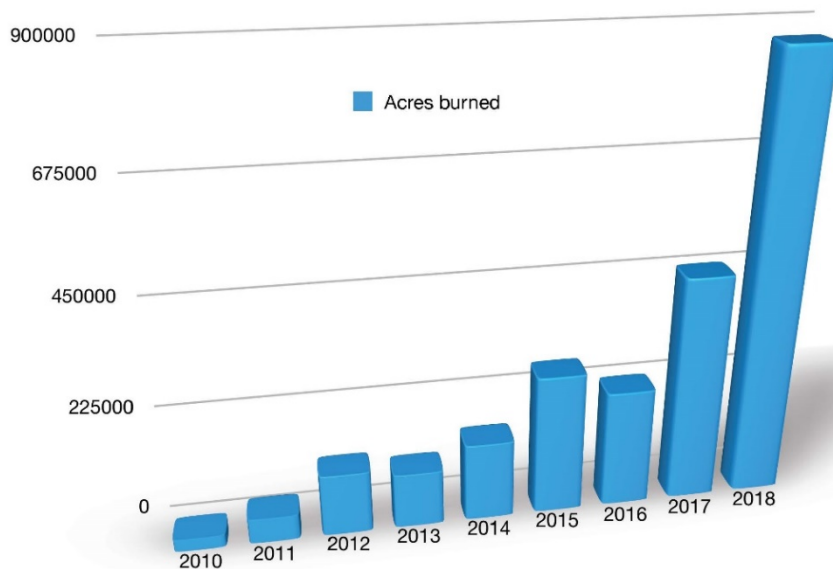
## 2. Response to Comments

Projected temperature increase  
for San Diego County



J-142  
cont'd

•  
These predictions have borne truth according to Cal Fire statistics<sup>42</sup>:



Play Outside Del Mar

38

CEQA 3.29.2020



## 2. Response to Comments

### 7. Firefighter access made difficult by terrain and wispy winds

J-143

It's no secret that Torrey Pines Reserve is dense brush with no access roads through the reserve. There some deep canyons and chimneys and cracks and slopes that make many areas to reach and make fire suppression challenging.

A 1992 fire of unknown origin scorched 60 acres of Torrey Pines Reserve and took firefighters nearly two days to fully control it. Some evacuations were necessary and two helicopters and two air tankers had to be called in to help. According to fire department personnel, battling the fire was "particularly difficult because of the canyon's steep terrain" and "firefighters on the ground had trouble reaching the canyon." Additionally, once firefighters reached the flames, they found that "the canyon walls trapped the heat and 'acted like a chimney'" and "light, tricky winds whipped flames at times."<sup>43</sup>

J-144

These conditions prevail today and may be more severe by elevated temperatures and the impact of beetles in creating additional fuel sources.

J-145

The 1992 fire is not an isolated incident, as other Reserve (and proximate canyon fires such as the connected Crest Canyon) have continued to the present date.<sup>44</sup>

J-146

Unusual human risk

J-147

#### ►Site is one way in, one way out - not illegal but requires extra care

When we talked to fire experts, they were concerned that the school site had only a single northern access point for access by firefighters and equipment (Boquita Drive). This is not optimal and something they said should be kept in mind in assessing whether to make compromises in other areas - especially for a "very high fire hazard zone" site.

## 2. Response to Comments

### **The proposed new school design escalates fire risk, in a marked change from today's school**

J-148

West emergency fire access road - the only way for emergency vehicles to get to the site core - runs tight along the west canyon rim, 25 feet from possible canyon fire

### **Current school design**

J-149



In the photo above, you can see the path a fire truck takes to gain site access today. Entry on Boquita, turn east and then move across the blacktop to the west - full site access and within 150' of every inch of every building, as required for non-sprinklered buildings.

## 2. Response to Comments

If there is a canyon fire advancing from the west, the truck still makes it to the center of the school site without impediment - even if the fire is right against the west rim of the Reserve next to the facilities.

J-150

### New school design



Play Outside Del Mar

41

CEQA 3.29.2020

## 2. Response to Comments

The image above is a page from the construction plans for the new school design. The fire access roads are orange. There are some significant changes between today and this plan.

J-150  
Cont'd

A fire truck would still enter from Boquita at the top, and could then either go east, if needed to protect the east buildings, or west to protect the west buildings and the center of the site. There are fire code compliant T turnarounds on each of the two separated roads to allow a ladder truck to back up and turn around and go back from where it came. But a truck cannot cross from one side to the other.

J-151

At first blush, this seems neutral compared to the current school.

J-152

But suppose there is an Reserve Extension fire that is hot on the rim of the canyon on the west of the school site, or has already advanced onto the west buildings. As shown in earlier sections, conditions and topology make that more than a theoretical possibility.

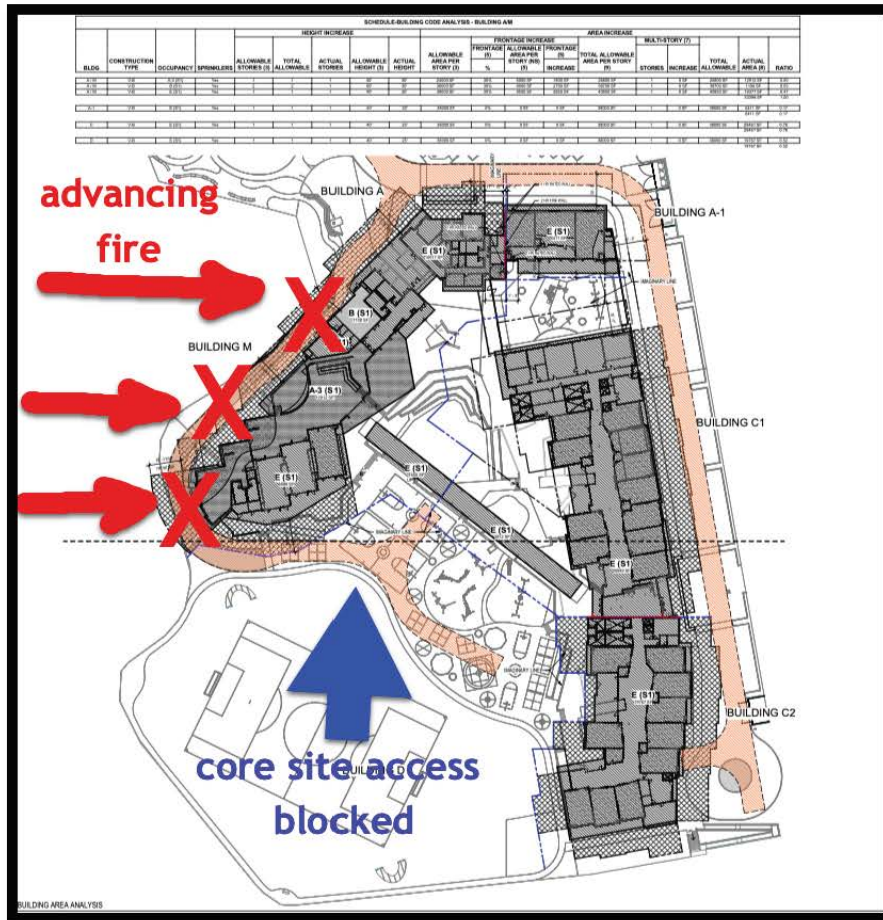
J-153

If that happens **before** emergency vehicles get to the site, they might be blocked from accessing the school site core by the west road - which is the only way to get to the core. If it happens **after** emergency vehicles get to the site and make it to the core of the facilities, then they might not be able to get out - emergency personnel or victims could be stuck. The next figure illustrates this potential situation.

J-154



## 2. Response to Comments



J-154  
cont'd

## 2. Response to Comments

Location of 30 foot high “Innovation Center” shrinks defensible fire space to less than 20 feet on the canyon rim

J-155

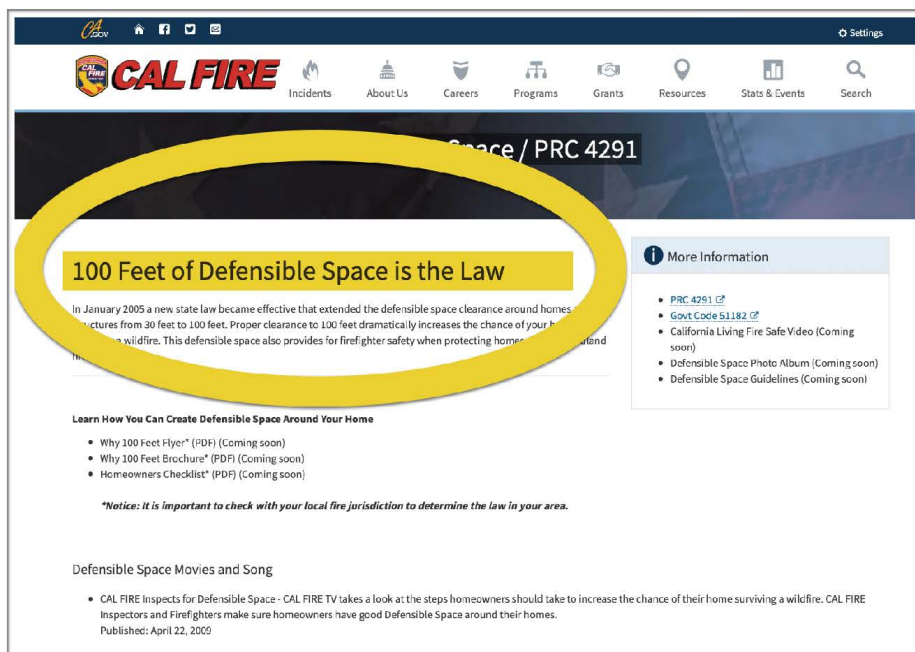
### New school design

A core concept in reducing wildfire risk is the notion of “defensible space.” “Defensible Space is the area around a structure where combustible vegetation that can spread fire has been cleared, reduced or replaced. This space acts as a barrier between a structure and an advancing fire.”<sup>45</sup>

J-156

Cal Fire has been on a campaign to mainstream the idea - because it's the law<sup>46</sup>, and because it is a key factor in reducing wildfire risk.

J-157



Let's look at the defensible space area in the proposed new school design - with particular focus on the area exposed to a potential wildfire from the

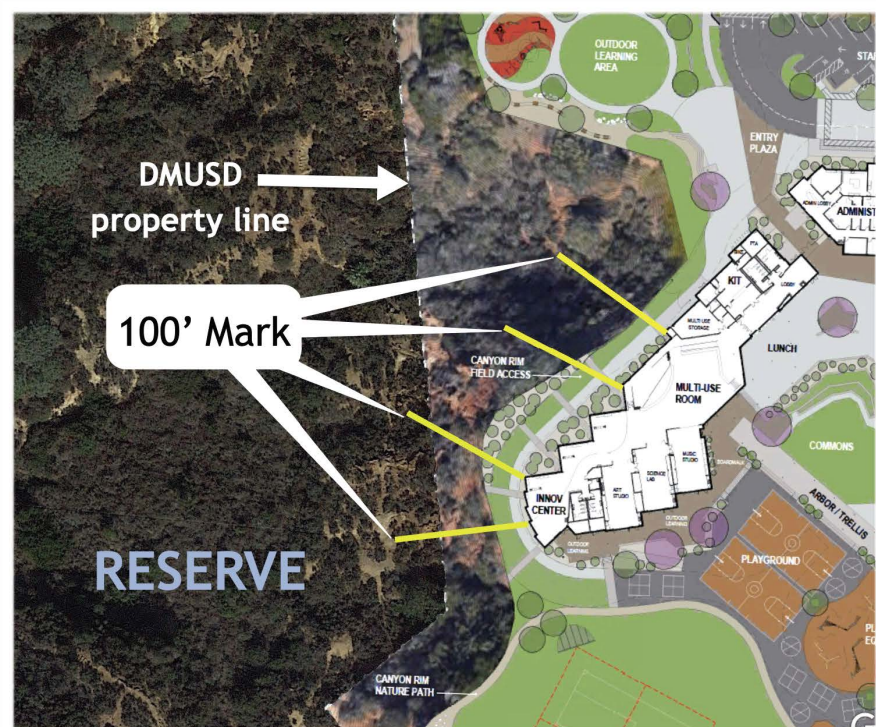
J-158

Play Outside Del Mar

44

CEQA 3.29.2020

## 2. Response to Comments



J-158  
cont'd

reserve. The yellow prongs (which we have added) show where 100' from the building walls ends, approximately. As you can see, there's a problem - it's far out into the heavily wooded areas adjacent the school, down the 38% slope we mentioned earlier, and then some.<sup>47</sup> The construction plans on file with the Division of State Architect acknowledge these areas are either "dense trees" or "dense brush."<sup>48</sup>

The 100' mark actually extends even **further** out than shown above - in some areas 20' further than shown - because the detailed construction plans show the building awnings extend further toward the wooded areas.

J-159

The Innovation Center is the most vulnerable spot, because of the height of the building (27' 7"), the proximity of the building to the westernmost exposed site point, and the building overhang that stretches 20' closer toward the reserve than the main structure - stopping less than 20' from the steep drop into the heavily wooded canyons. We are told by fire

J-160

## 2. Response to Comments

experts that the steep angle of the wooded slope with westerly winds leading to a tall building is not the best situation, to put it generously.

J-160  
cont'd

By pushing the building as close as possible to the westernmost point, to increase views and enlarge facilities, the school district has created a disturbing predicament that is not disclosed openly in the proposed environmental MND.

J-161





## 2. Response to Comments

Shrinking playfields removes 50,000 square feet of grass firebreak between canyon and structures

J-161  
cont'd

### School today

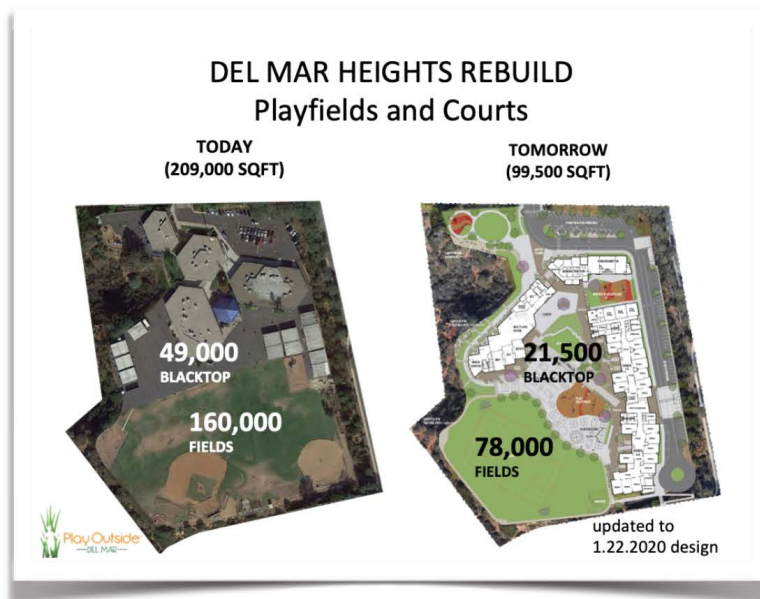
J-162

The school today has buildings generally on the northeast of the site, with 160,000 square feet of low-cut healthy grass fields as defensible space between most site buildings and the Reserve.

### Proposed school design

J-163

The new school design eliminates 82,000 sf of fields that serve as fire buffer and defensible space.



## 2. Response to Comments

There has never been a community time evacuation study for 500 students, or 673

J-164

Permanently increasing the size of the school to 504 students from the original school site, which was built to accommodate approximately 350 school children, is a significant change and wildfire evacuation studies are needed to confirm that permanently increasing the school population to 504 students does not expose people or structures to a significant risk of injury or death involving wild-land fires.

J-165

This is all the more important here, because as noted above the plans on file with the DSA clearly state a school capacity of 673 for the new buildings.<sup>49</sup> While the MND says the school capacity is 504, that appears instead to be the expected school population at best, which is different than capacity.

J-166

It doesn't matter, in our view, whether this purposeful overcapacity built into the school signals the inevitable closing of Del Mar Hills with those students moving to the Heights. Either way, it is, in fact, a capacity change and it must be analyzed for environmental impact on the community.

J-167

## 2. Response to Comments

### Other Issues - View

#### 3.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

J-168

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

The MND concludes there would be no substantial effect on a scenic vista on Mira Montana Drive: "The view from Mira Montana Drive would not be obstructed upon project implementation due to the higher elevation at Mira Montana Drive and the one-story low-sloped roof of the proposed building."



## 2. Response to Comments



J-168  
cont'd

The first picture is the view today, the second is the simulated view after rebuild.

Based on personal experience, we know that hundreds of people per day - young and old - come from all areas of Del Mar Heights to walk this stretch of Mira Montana and enjoy the view. Some turn around on the south end at the cul de sac, others go further south to the point that is on Torrey Pines Extension, then turn back.

J-169

That walk has been a community walk for generations. When a moderate size, multi-home development was proposed in the early 1980s for that stretch, the City of San Diego made it a condition of the development that the developer grant two easements to the public so that they could continue to enjoy this scenic walk without interruption.<sup>50</sup>

J-170

The view would be destroyed by the buildings as planned.

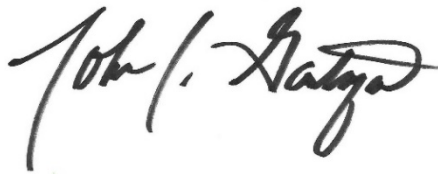
J-171

## 2. Response to Comments

### Conclusion

J-172

For the reasons stated above, an MND is inappropriate on the issues addressed and an EIR should be conducted.



## 2. Response to Comments

### Appendix A - Rolf Silbert's Design

J-173

Local resident and design engineer Rolf Silbert spent several hundred hours crafting an alternative design that would have saved 85% of the fields and 67% of the blacktop with no change to the educational facilities being proposed by the district and offering the same 67% increase in on-site parking on district property.<sup>51</sup> In addition, community members hired a top fire consultant to assure maximum safety building placement, emergency vehicle flow, and safer evacuation from a canyon fire.

The district rejected the design for reasons that, upon examination, were factually wrong.<sup>52</sup>

The design addresses and either cures or improves upon many of the items we have addressed in these comments. We incorporate the design by reference here and it can be found at the links we have provided in the endnotes.



Play Outside Del Mar

52

CEQA 3.29.2020

## 2. Response to Comments

### List of References

<sup>1</sup> <https://playoutsidedelmar.org/vision/>

<sup>2</sup> Guidelines 15064

<sup>3</sup> <https://playoutsidedelmar.org/2020/03/15/appearances-can-be-deceiving/>

<sup>4</sup> Guidelines 15004

<sup>5</sup> <https://playoutsidedelmar.org/sierra-club/>

<sup>6</sup> See Appendix A

<sup>7</sup> Guidelines 15064(f)(1)

<sup>8</sup> Throughout this document, there is no desire to limit the comments raised to any individual section but instead to show facts and arguments that may apply to numerous sections. For instance, here the analysis of parks, playfields, blacktop, need for replacement or expanded recreational facilities, includes at least items 3.15 and 3.16.

<sup>9</sup> <https://playoutsidedelmar.org/about/>

<sup>10</sup> Torrey Pines Community Plan at 89. <https://www.sandiego.gov/planning/community/profiles/torreypines/plan>

<sup>11</sup> <https://playoutsidedelmar.org/january-2020-design-14000-sf-exaggeration/>

<sup>12</sup> <https://playoutsidedelmar.org/2019/12/19/new-heights-design-shrinks-blacktop-56/>

<sup>13</sup> <https://playoutsidedelmar.org/learn/>

<sup>14</sup> See note 3 above. Also <https://playoutsidedelmar.org/2020/02/25/green-space-mirage/> and <https://playoutsidedelmar.org/shockingly-off/>

<sup>15</sup> <https://playoutsidedelmar.org/2019/12/19/new-heights-design-shrinks-blacktop-56/>

<sup>16</sup> <https://playoutsidedelmar.org/letters-to-the-editor/>

<sup>17</sup> <https://playoutsidedelmar.org/articles/>

<sup>18</sup> We incorporate by reference the agency's board meeting audiotapes since September 2019 - which demonstrate overwhelming public opposition to the process by which the fields have been taken as well as the result.

<sup>19</sup> Del Mar Plans Dedication of Baseball Field, San Diego Union Tribune, 9 May 1970 <https://playoutsidedelmar.org/ceqa-docs/>

<sup>20</sup> <https://www.cde.ca.gov/ls/fa/sf/guideschoolsite.asp#sitemaster>,

<sup>21</sup> <https://playoutsidedelmar.org/doe-guidelines/>



## 2. Response to Comments

<sup>22</sup> The proposed new school would permanently increase capacity from the original school size of 350. The original school grew incrementally through "temporary" portables added to absorb population growth. The former principal then encouraged inter-district transfers to fill those portables (every child brings extra \$) thus unofficially increasing the school size over time without any environmental reviews to assess community impact on traffic or fire safety. Over 20 years, this strategy led to a school as large as 504 students. Many of the issues neighbors complain about today directly result from this incremental unplanned absorption, which makes little sense when other DMUSD schools (such as Del Mar Hills) have serious under-utilization of facility capacity. Some neighbors see this as unfair and are petitioning the school to rebalance the two schools. See [https://docs.google.com/forms/d/e/1FAIpQLScfO4KXXJ4Tx\\_xt\\_yTEhAK5uJEArCaDMp8CczybBky437zbw/viewform](https://docs.google.com/forms/d/e/1FAIpQLScfO4KXXJ4Tx_xt_yTEhAK5uJEArCaDMp8CczybBky437zbw/viewform)

<sup>23</sup> <https://playoutsidedelmar.org/2019/12/19/new-heights-design-shrinks-blacktop-56/>

<sup>24</sup> The design also increases greenhouse gas emissions for the life of the buildings and costs taxpayers more money to build and maintain buildings that exceed minimum DOE square footage requirements by 82%.

<sup>25</sup> We can officially debunk what some have suggested - which is that the numbers mean the amount of people who will legally fit into an event or a room at the school. We checked with DSA on that.

<sup>26</sup> In this section we include all traffic-like analysis. Throughout this document there is no desire to limit the problems raised to any individual section but instead to show facts and arguments that may apply to numerous sections. For instance, here the traffic analysis applies at least to sections 3.17 and 3.20.

<sup>27</sup> <https://www.citylab.com/transportation/2016/01/the-strongest-case-yet-that-excessive-parking-causes-more-driving/423663/>. See also

<sup>28</sup> Throughout this document there is no desire to limit the comments raised to any individual section but instead to show facts and arguments that may apply to numerous sections. For instance, here the analysis applies to hazards and wildfire, including at least items 3.9 and 3.20.

<sup>29</sup> <https://www.sandiego.gov/sites/default/files/legacy/fire/pdf/fhszfaq.pdf>

<sup>30</sup> <https://www.sandiego.gov/sites/default/files/legacy/fire/pdf/maps/grid35.pdf>

<sup>31</sup> <https://torreypine.org/history2/park-expansion/>

<sup>32</sup> <https://timesofsandiego.com/politics/2015/10/30/governor-jerry-brown-declares-state-of-emergency-for-san-diego-county-trees/>

<sup>33</sup> <https://www.nbcsandiego.com/news/local/fire-at-torrey-pines-state-reserve-sends-smoke-billowing-into-air/65364/>

<sup>34</sup> <https://www.nwccg.gov/course/ffm/fire-behavior/87-slope-effect-on-ros>

<sup>35</sup> [https://www.fs.fed.us/rm/pubs\\_other/rmrs\\_2010\\_linn\\_r001.pdf](https://www.fs.fed.us/rm/pubs_other/rmrs_2010_linn_r001.pdf)

<sup>36</sup> Murphy, P.J. 1963. Rates of fire spread in an artificial fuel, MSc. Thesis. Bozeman, MT: Montana State University

<sup>37</sup> <https://pdfs.semanticscholar.org/6ba3/1d336e008ed11ba8048693c9c80c69d27e38.pdf>



## 2. Response to Comments

<sup>38</sup> <https://www.fs.fed.us/nwacfire/home/terminology.html>; [https://www.firescience.gov/projects/01B-3-2-10/project/01B-3-2-10\\_01b-3-2-10\\_wf05053.pdf](https://www.firescience.gov/projects/01B-3-2-10/project/01B-3-2-10_01b-3-2-10_wf05053.pdf)

<sup>39</sup> [https://wrcc.dri.edu/Climate/comp\\_table\\_show.php?stype=wind\\_dir\\_avg](https://wrcc.dri.edu/Climate/comp_table_show.php?stype=wind_dir_avg)

<sup>40</sup> <https://www.10news.com/news/local-news/santa-anas-wildfire-risk-swoops-back-into-san-diego-starting-sunday>

<sup>41</sup> <https://www.sdfoundation.org/wp-content/uploads/2015/10/2009-Focus2050glossySDF-ClimateReport.pdf>

<sup>42</sup> <https://www.fire.ca.gov/stats-events/>

<sup>43</sup> <https://www.latimes.com/archives/la-xpm-1992-08-26-me-5848-story.html?>

<sup>44</sup> <https://www.delmartimes.net/sddmt-fire-lightning-canyon-crest-2015aug07-story.html>; <https://www.nbcsandiego.com/news/local/fire-at-torrey-pines-state-reserve-sends-smoke-billowing-into-air/65364/>

<sup>45</sup> [https://www.sandiegocounty.gov/pds/fire\\_resistant.html](https://www.sandiegocounty.gov/pds/fire_resistant.html)

<sup>46</sup> Public Resources Code Section 4291.

<sup>47</sup> The defensible space area legally ends at your property line - you have no legal obligation to clear your neighbor's property. That's a common sense idea, the thought being your neighbor should clear their own. But here, that sensible idea turns into a legal loophole that would only increase risk for all. Torrey Pines State Nature Reserve exists to protect their habitat. As a result, DMUSD putting buildings on the canyon rim only serves to decrease the 100' margin of defensible space, increasing risk, for those areas where the 100' extends into the actual Reserve Extension.

<sup>48</sup> Increment 2, page 15 of 292.

<sup>49</sup> Id. at 11.

<sup>50</sup> <https://playoutsidedelmar.org/ceqa-docs/>

<sup>51</sup> <https://playoutsidedelmar.org/rolf-silberts-plan-2/>

<sup>52</sup> <https://playoutsidedelmar.org/2020/03/06/rebuttal-1-district-owns-mira-montana/> <https://playoutsidedelmar.org/2020/03/07/northwest-parking-mimics-sage-canyon/> <https://playoutsidedelmar.org/2020/03/10/rebuttal3-no-big-wall-required/>

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### J. Response to Comments from John Garman, dated March 29, 2020.

- J-1 This is not a comment.
- J-2-4 Comment is introduction to comments outlined in letter. The Board of Education will consider all comments in its deliberations concerning this project.
- J-5 Refer to Master Response 2.1.2, *CEQA Process*. As indicated in this response, the plans submitted to the Division of State Architect (DSA) was part of the DSA Precheck process, which is not an official submittal of the project to the DSA.
- J-6 Refer to Master Response 2.1.2, *CEQA Process*. As indicated in this response, the Board was not intended to act on the CEQA document on March 25, 2020. The public comment review period was extended from March 23, 2020 to March 30, 2020 to ensure the public had sufficient time to review the document.
- J-7 The District acknowledges the proposed project modifies the green space area to advance the District's education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas*, Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.
- J-8 Refer to Master Response 2.1.1, *Project Description*, which describes in detail the design parameters for the project and the resulting changes to the site. The District has conducted an open design process and there has been no attempt to hide the changes among various onsite uses. The District acknowledges the proposed project modifies the green space area to advance the District's education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas*, Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.
- J-9 Refer to Master Response 2.1.1, *Project Description*. This response indicates that the CDE has site development guidelines (not regulations) that are applicable for determining site size based on enrollment, and that outdoor programs are required to address each school's needs and provide facilities to adequately accommodate them.
- J-10 Over the past ten years, Del Mar Heights had a maximum enrollment of 504 students and an average of 460 students. This represents the CEQA baseline against which the proposed project is evaluated.

## 2. Response to Comments

Additionally, refer to Master Response 2.1.7, *Wildfire*. As explained in this response, the fire hazard is reduced by the numerous improvements proposed and by adhering to current building codes. Additionally, these improvements would create safer conditions and would not impede emergency evacuation. As noted, the plan has been pre-approved by the City of San Diego Fire Marshall.

- J-11 Refer to Master Response 2.1.7, *Wildfire*. As explained in this response, the fire hazard is reduced by the numerous improvements proposed and by adhering to current building codes. The slopes on the west and south sides (buffer area between the developed school campus and the Reserve) ranges from 2 feet to over 200 feet wide. This buffer area is currently maintained by the school district, in compliance with San Diego Fire-Rescue Department's city-wide Brush Management and Weed Abatement regulations. This practice would not change with the proposed project. No additional brush management area would be required for the project. As noted, the plan has been pre-approved by the City of San Diego Fire Marshall.
- J-12 Refer to Figure 7, *Fire Access Lane*, in Master Response 2.1.1, *Project Description*, which is included clarify the fire access lane's location on campus. The proposed fire lane is 20 feet wide along its entire length and eliminates the existing restricted access point. The fire lane includes hammerhead turnarounds and the hose length distances are in compliance with the 2019 California Fire Code, meaning they provide access to all buildings. Further, the plan has been reviewed and pre-approved by the City of San Diego Fire Marshall.
- J-13 Construction of the proposed project would occur within the existing developed footprint of the site, which is accurately described as relatively flat. The slopes along buffer area and Reserve are existing conditions and no change is proposed except to repair and revegetate the two stormwater outfalls.
- J-14 The project site is surrounded by residential uses to the north, east, and portions of the south. The District recognizes that Torrey Pines State Natural Reserve Extension abuts the western and portions of the southern boundary of the property buffer area. As Master Response 2.1.7, *Wildfire* explains, the fire hazard is reduced by the numerous improvements proposed and by adhering to current building codes. Additionally, these improvements would create safer conditions and would not impede emergency evacuation. As noted, the plan has been pre-approved by the City of San Diego Fire Marshall.
- J-15 Refer to Master Response 2.1.1, *Project Description*, which states that there are various definitions of student capacity and under District loading the project would not increase students on campus. Additionally, under CEQA the baseline for the environmental analysis is existing conditions, not 30 years ago.
- J-16 The proposed school buildings would be one-story with low-sloped roofs. Refer to Master Response 2.1.3, *Aesthetics*, which describes visual impacts from Mira Montana Drive.

## 2. Response to Comments

- J-17 See response to J-5.
- J-18 Responses to detailed comments on recreation, traffic, and wildfire risk are provided below.
- J-19 The comment does not address any physical environmental impacts or adequacy of the CEQA document. No response is necessary.
- J-20-21 Please refer to Master Response 2.1.8, *Fair Argument*, which discusses the requirements regarding EIRs, and when a Negative Declaration or Mitigated Negative Declaration may be appropriate. As substantiated in the Initial Study/Mitigated Negative Declaration, all potentially significant impacts would be reduced to a level of less than significant. Therefore, the preparation of an EIR is not warranted.
- J-22 See response to J-7.
- J-23 See response to J-7. Refer to Master Response 2.1.1, *Project Description*, which states that the District has no plans to change its policy which provides that gates will remain open after school and on weekends.
- J-24 See response to J-20-21
- J-25 Refer to Section 2.1.1, *Project Description* and 2.1.5, *Recreation/Green Space*.
- J-26 Refer to Section 2.1.1, *Project Description* and 2.1.5, *Recreation/Green Space*.
- J-27 Refer to Section 2.1.1, *Project Description* and 2.1.5, *Recreation/Green Space*.
- J-28 Refer to Master Response 2.1.5, *Recreation/Green Space*. The District recognizes that the community has a deficit of park space, but Del Mar Heights is a school not a park. The District acknowledges the proposed project modifies the green space area to advance the District's education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas*, Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.
- J-29 See responses to J-28.
- J-30-31 The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas*, Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes

## 2. Response to Comments

- enhanced recreational facilities for use by students and community members. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.
- J-32 Refer to responses to J-30 and Section 2.1.8, *Fair Argument*.
- J-33 Refer to J-30 and Master Response 2.1.1, *Project Description* and Master Response 2.1.5, *Recreation/Green Space*.
- J-34 Refer to Section 2.1.8, *Fair Argument*.
- J-35 The District conducted a lengthy, open, public process in first developing a Master Facilities Plan, then design principles for this project and then ultimately carefully selecting this current plan. Refer to Master Response 2.1.1, *Project Description*, for more details concerning the process it undertook, including many meetings with the community members.
- J-36 The MND addressed the potential impacts of rebuilding an existing school where student capacity is not increased, and the concerns of the educational and neighborhood interests are addressed in a balanced and sensitive manner.
- J-37-40 The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas*, Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.
- Also refer to Student Capacity, which is contained in Master Response 2.1.1, *Project Description*.
- J-41 The District acknowledges the proposed project modifies the green space area to advance the District's education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas*, and Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. Refer to Master Response 2.1.5, *Recreation/Green Space* for additional details.
- J-42-44 Refer to Master Response 2.1.5, *Recreation/Green Space*.
- J-45 See response to J-9.
- J-46 The District fully understands the concerns over recreational space for exercise. The proposed plan satisfies the need for students' physical education and recreation and

## 2. Response to Comments

general open space. The District must balance educational and recreational needs and has done so in a thoughtful manner with the proposed plan.

J-47 See response to J-9.

J-48 The proposed project would not increase student capacity. Refer to Master Response 2.1.1, *Project Description*, which provides a plan comparison by area. The District developed the proposed site plan to achieve its education goals, minimize vehicular congestion, improve pedestrian safety, respect neighborhood views, and improve emergency vehicle access.

J-49 The District is responsible for setting the educational goals for schools within the district, and has done so in an open, public process. This process culminated in the adoption of the Facilities Master Plan. CDE's minimum standards for space would not achieve the goals adopted by the District.

J-50 Refer to Master Response 2.1.1, *Project Description*, which states that the District has no plans to change its policy which provides that gates will remain open after school and on weekends.

J-51 See response to J-50. The District must provide campus security, which it will continue to do so with the new plan. This is no different from the current situation, which provides security during the school day, but the public is allowed in open areas after school.

J-52 The Board of Education will consider all comments in its deliberations concerning the project.

J-53 See response to J-50.

J-54 The student capacity at Del Mar Heights would not change. Refer to Master Response 2.1.1, *Project Description*, which states that there are various definitions of student capacity. Over the past ten years, Del Mar Heights had a maximum enrollment of 504 students and an average of 460 students.

J-55-56 See response to J-15.

J-57 Refer to Master Response 2.1.1, *Project Description*, which provides details on the various definitions of capacity. The claims that the proposed project will result in the closure of Del Mar Hills are incorrect and contrary to the educational goals adopted by the District.

J-58 See Master Response 2.1.5, *Recreation/Green Space*, which addresses these concerns and it explains that the loss of recreational resources is not an environmental issue under CEQA.

J-59 See response to J-58.

J-60 The statement that the community would be locked out of campus during non-school hours are false. See also J-50.

## 2. Response to Comments

- J-61 See response to J-20.
- J-62 Refer to Master Response 2.1.6, *Transportation/Emergency Access*. As indicated in Master Response 2.1.6, the lengthening of the drop-off/pick-up lane will smooth this operation and reduce congestion during morning and afternoon peak periods, resulting in safer traffic conditions. The project would not increase student capacity and the expanded parking lot and access improvements are designed to alleviate the existing queuing and hazardous conditions on campus and within the adjoining neighborhood.
- J-63 See response J-62. The reduced congestion at the main entrance will reduce the incentive to use Mira Montana Drive as a drop-off area.
- J-64 See response J-62. Refer to Master Response 2.1.7, *Wildfire*. As explained in this response, the fire hazard is reduced by the numerous improvements proposed and by adhering to current building codes. Additionally, these improvements would create safer conditions and would not impede emergency evacuation. As noted, the plan has been pre-approved by the City of San Diego Fire Marshall. Master Response 2.1.6 includes modeling demonstrating that the situation would be improved as compared to the current conditions.
- J-65 See response J-20 and J-64.
- J-66 See response J-20 and J-64
- J-67-69 Master Response 2.1.6, *Transportation/Emergency Access* includes the modeling suggested in these comments. It demonstrates the original conclusion that there would be no significant impact based on no increase in student capacity and the lengthening of the drop-off/pick-zone is correct.
- J-70-71 The District offered a paid childcare option to families across the District during the 2019-2020 school year based on a survey of parent interest. This program will not be continued, and the District will be offering supervised drop-off as early as 7:30 at all school sites again in the 2020-2021 school year.
- J-72-86 Master Response 2.1.6, *Transportation/Emergency Access* includes the modeling suggested in these comments. It demonstrates the original conclusion that there would be no significant impact based on no increase in student capacity and the lengthening of the drop-off/pick-zone is correct.
- J-87 See response to J-20.
- J-88-91 Master Response 2.1.6, *Transportation/Emergency Access* includes the modeling suggested in these comments. It demonstrates the original conclusion that there would be no significant impact based on no increase in student capacity and the lengthening of the drop-off/pick-zone is correct.



## 2. Response to Comments

- J-92 The proposed project would not increase student capacity. The larger parking lot is simply intended to solve the problem of neighborhood intrusion that currently occurs because teachers, staff and visitors must now park on neighborhood streets. With no increase in student capacity, no increase in traffic is expected. Further, the reduction in congestion and neighborhood intrusion will reduce hazards and encourage walking and biking to school.
- J-93 The proposed project would not increase traffic as it would not increase student capacity. The access and parking improvements proposed would reduce congestion during morning and afternoon peak periods. As congestion would be reduced, so would impacts to air quality as idling would decrease. Additionally, the reduced congestion would create safer traffic conditions which would encourage students to walk and/or ride bicycles to school. The expanded parking lot and access improvements are intended to alleviate the existing queuing and hazardous conditions on campus and within the adjoining neighborhood.
- J-94-97 The District's design goals include reducing congestion that currently occurs at the school entrance. The motivation for parents to use Mira Montana as a drop-off/pick-up alternative comes from a desire to avoid the current congestion. The plan to lengthen the campus drop-off/pick-up lane is intended to reduce congestion, which would reduce the motivation to use Mira Montana. The modeling included in Master Response 2.1.6, *Transportation/Emergency Access* confirms the conclusion reached in the Initial Study
- J-98-105 Refer to Master Response 2.1.6, *Transportation/Emergency Access* and Master Response 2.1.7, *Wildfire*. As explained in these responses, the fire hazard would be reduced by the numerous improvements proposed and by adhering to current building codes. Additionally, these improvements would create safer conditions and would not impede emergency evacuation. As noted, the plan has been pre-approved by the City of San Diego Fire Marshall. The modeling contained in 2.1.6 demonstrates the improvement in emergency evacuation over the current campus.
- J-106-110 Refer to Master Response 2.1.1, *Project Description*, 2.1.6, *Transportation/Emergency Access* and Master Response 2.1.7, *Wildfire* for detailed responses to these comments. As these responses demonstrate, the proposed project would not increase student capacity and would improve emergency evacuation and reduce wildfire hazards.
- J-111 Refer to Master Response 2.1.7, *Wildfire*, which explains the wildfire risk would be reduced and Master Response 2.1.6, *Transportation/Emergency Access* explains that the proposed access improvements would result in a reduction of existing hazards. Master Response 2.1.8, *Fair Argument*, explains that the fair argument has not been met. The proposed plan has been carefully designed to improve over existing conditions.

## 2. Response to Comments

- J-112-113 The Initial Study was prepared consistent with the new CEQA Guidelines and the addition of Wildfire as a topic. Refer to Section 3.20, beginning on page 121 in the Initial Study.
- J-114 Refer to Master Response 2.1.7, *Wildfire*, which states that the proposed fire lane is 20 feet in width; Figure 7, *Fire Lane Access*, is included to ensure an understanding of its location on the site. Access to all portions of the site is provided by the fire lane. This is an improvement over the existing campus.
- J-115-117 See responses to J-13 and J-14.
- J-118 The District is well aware of all the factors related to very high fire zone in which the campus is located. Refer to Master Response 2.1.7, *Wildfire*, which explains the wildfire risk would be reduced and Master Response 2.1.6, *Transportation/Emergency Access* explains that the proposed access improvements would result in a reduction of existing hazards. Master Response 2.1.8, *Fair Argument*, explains that the fair argument has not been met. The proposed plan has been carefully designed to improve over existing conditions.
- J-119 See responses to J-13 and J-14.
- J-120 The District acknowledges that the project site is located in a very high fire hazard severity zone. Refer to Master Response 2.1.7, *Wildfire*, which indicates that the proposed project has been designed with this concern in mind.
- J-121 See response to J-120.
- J-122-146 The District is aware of the conditions surrounding the site, including its adjacency to the Torrey Pines Nature Reserve Extension and the fire hazards that are present as a result. Refer to Master Responses 2.1.6, *Transportation/Emergency Access* and 2.17, *Wildfire* for detailed review of these issues.
- JJ-146 The Board of Education will consider all comments in its deliberations concerning the project.
- J-147 See responses to J-98 and J-120.
- J-148-154 The existing fire access lane is inadequate as the width of the lane is only 10 feet between the edge of the slope and the building. The minimum width is 20 feet per the 2019 California Fire Code. The proposed fire lane is 20 feet in width throughout its length and it eliminates the existing restricted access point (see Figure 7, *Fire Access Lane*). The fire lane includes hammerhead turnarounds and the hose length distances are in compliance with the 2019 California Fire Code. Further, the plan has been reviewed and pre-approved by the City of San Diego Fire Marshall.

## 2. Response to Comments

- J-155-163 The proposed project would not shrink the defensible fire space to less than 20 feet. The current campus has buildings closer to the canyon rim. Refer to Master Response 2.1.7, *Wildfire*.
- J-164-167 The proposed project would not increase student capacity as explained in Master Response 2.2.1, *Project Description* and the District has designed the proposed campus plan to improve emergency evacuation as explained in Master Response 2.1.6, *Transportation/Emergency Access*.
- J-168-171 Figure 8c1, *Existing View from Mira Montana Drive*, shows the view where the absence of existing trees provides the clearest view of the school site along Mira Montana Drive. Figure 8c2, *Visual Simulation from Mira Montana Drive*, provides a simulated view across the site towards the Pacific Ocean. As stated in Section 2.1.1, the design directives included minimizing impacts to the surrounding neighborhood. While this view shows that view of the grass field is blocked, the design limits the heights of the building such that they do not extend above the horizon. While the judgement of all aesthetic impacts is subjective, this impact is not considered significant given the care to minimize obstructions into the horizon.
- J-172 See response to J-20.
- J-173 The District conducted an open, public process in developing its Facilities Master Plan, setting educational and design goals for the Del Mar Heights rebuild and it selected the current plan as best accomplishing these goals.

Two iterations of this plan were presented to the Board of Education. Baker-Nowicki Design Studio was asked to review these plans and its professional opinion of their viability for incorporation into the final design.

### Site Plan #1

A proposal was presented at the January Board meeting by a community member recommending numerous changes to the site design. BNds provided an initial assessment of the plan that would not be recommended due to conflicts with code requirements, student safety and site security and management on January 24th as follows:

1. Fire lane has been omitted but will be required along east side of campus.
2. A substantial retaining wall approximately 700ft long and 12 to 25 ft high would be required along the east property line.
3. ADA access from Mira Montana Drive is not provided.
4. Lack of adequate on-site parking.

## 2. Response to Comments

5. Lack of adequate on-site traffic queuing.
6. Mira Montana right of way width is insufficient for parking access and passing lanes.
7. Vehicle traffic conflicts with student/pedestrian access from Boquita Drive crossing traffic and parking.

These noted shortcomings are in conflict with California Building Code, Division of the State Architect, and California Department of Education standards. Additional conflicts are associated with student safe paths to school, and ADA access.

### Site Plan #2

On February 9th, the District received an up-dated site design from a community member attempting to address the shortcomings identified in the earlier site proposal. This most recent proposal shifts the campus buildings to the northeast corner of the site in an attempt to maximize field area. Though good intentioned, this creates a number of code and safety related conflicts. Our review of this revised site design proposal is as follows:

1. On-site parking is proposed in the northwest corner of the site which does not provide adequate on-site parking for staff and visitors and creates a potential pedestrian/traffic conflict for walking students on the West side of Boquita.
2. The NW parking area appears to propose a student drop off zone with limited on-site queuing, which is inadequate to relieve the current traffic congestion on surrounding residential streets. There is also parallel parking noted, which would be in conflict with the proposed drop-off/pick-up zone.
3. Off-site parking and student drop off is proposed for Mira Montana, which would create conflicts with this narrow residential road, potential challenges with the proposed construction of school staff parking on this public street and the lack of safe and ADA compliant access to the campus from this elevated street drop-off curb. This will also create significant supervision challenges for site staff.
4. The option for campus location adjacent to The east property line with fire lane only provisions was previously studied by the District and rejected due to these issues and the complication associated with the construction of a significant retaining structure immediately adjacent to the public street.
5. The proposal attempts to include a fire lane along the east side of the campus, but the proposed alignment would not be compliant without the required turn-around to allow emergency vehicles to exit the site.

## 2. Response to Comments

Letter K –Judy Verbanets, (1 page)

On 3/29/20, 9:31 AM, "Judith Verbanets" [REDACTED] wrote:

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Delehanty,

1 - Slashing the playfields and blacktop by more than 50% creates a substantial adverse effect on our public resources and community parks.

K-1

2 - Changes in parking, traffic, and student population driven by the project will create a substantial adverse effect on community traffic. I would like to add that increasing parking will encourage more drivers vs walking and carpooling. The stop sign at the corner of Mercado and Cordero does not control traffic flow now. Drivers do not stop! I watch that every day. When my daughter was in 6th grade there (many years ago now) she was clipped and knocked down by one of these impatient drivers. Encouraging healthy behaviors like walking and environmental awareness through carpooling, not increasing parking and eliminating outdoor space is my major concern

K-2

3 - The project design changes the existing school in a way that creates a substantial adverse effect on wildfire risk at the site and in the community - and a time evacuation study must be done for the sake of the parents, students, staff, and Heights community that would need to evacuate the area.

K-3

Please confirm receipt.

[Judy Verbanets]

Sent from my iPhone

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### K. Response to Comments from Judy Verbanets, dated March 29, 2020.

- K-1 The District acknowledges the proposed project modifies the green space area to advance the District's education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas*, Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.
- K-2 Refer to Master Response 2.1.6, *Transportation/Emergency Access*. As indicated in this response, the proposed project would not increase traffic because it would not increase student capacity. The access and parking improvements would reduce congestion during morning and afternoon peak periods which would result in greater safety. The expanded parking lot and access improvements are intended to alleviate the existing queuing and dangerous conditions on campus and within the adjoining neighborhood. The increase in on-campus parking is to accommodate existing needs at the school. it would not encourage more staff to drive instead of walk. The San Diego police department handles traffic violations.
- K-3 Refer to Master Response 2.1.7, *Wildfire*. As explained in this response, the fire hazard is reduced by the numerous improvements proposed and by compliance with current building codes. As noted, the site plan has been reviewed and pre-approved by the City of San Diego Fire Marshall. The school district has established emergency procedures for all school campuses. Compared to the existing school, the site plan for the rebuilt school would result in a benefit and reduction in evacuation times.

## 2. Response to Comments

*This page intentionally left blank.*



## 2. Response to Comments

Letter L – Greg Jabin, (8 pages).

From: Greg Jabin [REDACTED]

Date: Sunday, March 29, 2020 at 11:38 AM

To: Christopher Delehanty <cdelehanty@dmusd.org>

Subject: Public Comment / Question regarding MND for Del Mar Heights School Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Delehanty,

Can someone please explain why Page 11 of Increment 2 of the Del Mar Heights Rebuild plans clearly shows that the new school is designed for a student capacity of 673, yet Page 15 of the CEQA shows the 10-year average enrollment is only 460 students, and DMUSD's 2018 Facilities Master Plan shows the new school rebuild should accommodate a maximum of 500 students ? Why is the school being overbuilt, taking up more classroom space than necessary, and hence eating up more of the green fields ?

L-1

Please confirm receipt. Thank you.

Sincerely,

Greg Jabin



## 2. Response to Comments

**From:** Greg Jabin [REDACTED]  
**Date:** Monday, March 30, 2020 at 7:36 AM  
**To:** 'Troy' [REDACTED]  
**Cc:** Dennis Ridz [REDACTED]; 'Kelley Huggett' [REDACTED]; 'Moriah Gaynor' <[MGaynor@san Diego.gov](mailto:MGaynor@san Diego.gov)>, 'Vicky Joes' <[vcjoes@san Diego.gov](mailto:vcjoes@san Diego.gov)>, 'Bernard Turgeon' <[BTurgeon@san Diego.gov](mailto:BTurgeon@san Diego.gov)>, 'Play Outside Del Mar' <[john@playoutsidedelmar.org](mailto:john@playoutsidedelmar.org)>, 'Joe LaCava' [REDACTED]; Christopher Delehanty <[cdelehanty@dmusd.org](mailto:cdelehanty@dmusd.org)>  
**Subject:** RE: CEQA - Play Outside Del Mar comments re: Height's rebuild MND

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Troy – Was the Torrey Pines Community Planning Board given direct notification of the DMUSD's Mitigated Negative Declaration (MND) for the Heights rebuild, and the deadline for public comments ? If not, that was a serious oversight and the deadline should absolutely be extended, especially given the COVID-19 outbreak, to allow the TPCPB to submit comments and concerns. The previous one-week extension was totally inadequate. Please advise; thank you.

L-2

(Adding Chris Delehanty to cc's to solicit his input.)

Sincerely,

Greg Jabin  
[REDACTED]

**From:** Troy [REDACTED]  
**Sent:** Sunday, March 29, 2020 11:03 PM  
**To:** Greg Jabin <[REDACTED]>  
**Cc:** Dennis Ridz [REDACTED]; Kelley Huggett <[REDACTED]>; Joe LaCava [REDACTED]; Moriah Gaynor <[MGaynor@san Diego.gov](mailto:MGaynor@san Diego.gov)>; Vicky Joes <[vcjoes@san Diego.gov](mailto:vcjoes@san Diego.gov)>; Bernard Turgeon <[BTurgeon@san Diego.gov](mailto:BTurgeon@san Diego.gov)>  
**Subject:** Re: CEQA - Play Outside Del Mar comments re: Height's rebuild MND

Maybe the deadline for public comment could be extended due to the shutdown?  
Thanks  
Troy

L3

Sent from my iPhone

## 2. Response to Comments

On Mar 29, 2020, at 6:41 PM, Greg Jabin [REDACTED]

Thanks Troy, that's certainly understandable. But does that mean that the TPCPB didn't have the opportunity to submit any comments to the DMUSD regarding the community's concerns about the Height's redesign, unnecessarily large size, impact on traffic, evacuation difficulties during emergencies, major loss of field and playground area, MND being submitted instead of an EIR, etc. ? If so, that would be unfortunate.

L-4

Sincerely,

Greg Jabin  
[REDACTED]

**From:** Troy [REDACTED]  
**Sent:** Sunday, March 29, 2020 6:04 PM  
**To:** Greg Jabin <[REDACTED]>  
**Cc:** Dennis Ridz [REDACTED]; Kelley Huggett [REDACTED]; Joe LaCava [REDACTED]  
**Subject:** Re: CEQA - Play Outside Del Mar comments re: Height's rebuild MND

Thanks, Greg. I can add this topic to a future agenda. Unfortunately due to Covid 19 I don't know when we'll be able to meet again. Everything is kind of on hold.

L-5

Sent from my iPhone

On Mar 29, 2020, at 4:54 PM, Greg Jabin [REDACTED] wrote:

Troy – Below is a note I sent to my Boquita neighbors this morning that I thought you should see as Chairman of the TPCPB. Can you please confirm receipt of this email and the note that I sent to you Friday evening ? Does the TPCPB plan to submit comments to the DMUSD regarding the Del Mar Heights School rebuild and the Mitigated Negative Declaration (MND) ? Thanks Troy.

L-6

Sincerely,

Greg Jabin  
[REDACTED]

## 2. Response to Comments

**From:** Greg Jabin [REDACTED]  
**Sent:** Sunday, March 29, 2020 11:33 AM  
**To:** 'Greg Heinzinger' [REDACTED]; 'Mark Maggenti' [REDACTED]; 'Karen Vaughan' [REDACTED]; 'Gail Conwell' [REDACTED]; 'Anthony Ratcliffe' [REDACTED]; 'Carolyn Lee' [REDACTED]; Pat Freeman [REDACTED]; Drake, Paul [REDACTED]; 'Susan Drake' [REDACTED]; 'Carolyn Lee' [REDACTED]  
**Cc:** 'Play Outside Del Mar' <[john@playoutsidedelmar.org](mailto:john@playoutsidedelmar.org)>; 'Kelley Huggett' [REDACTED]  
**Subject:** FW: CEQA - Play Outside Del Mar comments re: Height's rebuild MND

Fellow Boquita Neighbors – Greetings, hope everyone is staying safe and healthy in these strange times.

I've had mixed feelings about the Del Mar Heights School rebuild, and have gone back and forth numerous times. On the one hand, there's no question that the school is old and getting decrepit, and absolutely needs to be rebuilt. The proposed campus design is first rate and would probably result in one of the finest elementary schools in the County, if not the entire State. Plus, I love the thought of replacing the kindergarten building with our own little park, not just for the niceness of having green grass instead of the existing building and asphalt, but for the aesthetics that will benefit all Boquita residents. However, I'm absolutely dreading the potential loss of so much of our open fields and playground space. The final straw is learning that even the proposed reduced fields might become off limits to us residents, used only by the school. Not a done deal, but the District has positioned it to be so in the future.

L-7

Monday is the deadline for public comments on the District's Mitigated Negative Declaration (MND). The well-written response by John Gartman and his Play Outside Del Mar organization is included in a link below. All he's asking for is that rather than the hastily-prepared Mitigated Negative Declaration, a true Environmental Impact Review (EIR) should be required. I agree.

L-8

I know several of you have signs up supporting the Rebuild, several of you have "Save our Fields" signs, and again, I've gone back and forth on this. Rose and I moved to our home on Boquita 29 years ago with one of the main attractions being the large and open fields and blacktop, which is where we taught our kids how to ride bikes, flew many kites, kicked around soccer balls, watched little league games, launched model rockets, etc. etc. While also being where our three kids received excellent educations, another reason why we bought on Boquita. I would encourage you to read John's email below, and if you have some time while we're all on "house lockdown", perhaps read the linked document. Thanks !

L-9

Sincerely,

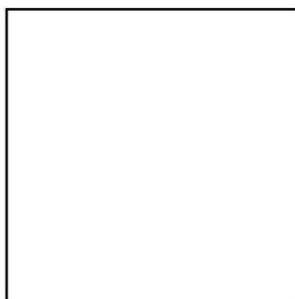
Greg Jabin

[REDACTED]

**From:** Play Outside Del Mar <[john@playoutsidedelmar.org](mailto:john@playoutsidedelmar.org)>  
**Sent:** Sunday, March 29, 2020 2:36 AM  
**To:** =?utf-8?Q??=? [REDACTED]  
**Subject:** CEQA - Play Outside Del Mar comments

## 2. Response to Comments

[View this email in your browser](#)



### CEQA Comments

Today Play Outside Del Mar submitted its environmental comments on the Del Mar Heights Elementary School Project.

[Please click here to download our CEQA Comments.](#)

Extensive time and research went into these comments, and you may want to review them before submitting your own comments to DMUSD.

For those of you not familiar with CEQA, it is California's signature environmental law, designed to inform and protect the public.

In a nutshell, DMUSD has filed an environmental document called a Mitigated Negative Declaration (or MND) on the Heights' school rebuild. The MND claims that it is not possible for anyone to make a **fair argument** that any aspect of the Heights' rebuild project will have a significant impact on the community environment. "Environment" in this context means: recreational facilities, parks and fields; local traffic, air quality, noise, scenic views, biological

L-10

## 2. Response to Comments

resources, wildfire risk, evacuation risk, and other things within the community environment.

We disagree with DMUSD on three main issues - playfields and blacktop, traffic, and wildfire risk.

Our focus was to show that on those issues, there is indeed a fair argument to be made for a substantial adverse effect on our community - and therefore that the MND is an improper shortcut. Instead, we believe the community deserves a full review of these issues where both sides of the argument are weighed and considered, and where alternatives can be considered that lessen the impact on the community. That's called an Environmental Impact Review or EIR.

In more detail, we said:

1 - Slashing the playfields by 50% (from 160,00 square feet to 78,000 square feet) and the blacktop by 56% (from 49,000 sf to 21,500 sf) creates a substantial adverse effect on our public resources and community parks.

2 - Changes in parking, traffic, and student population driven by the project will create a substantial adverse effect on community traffic.

3 - The project design changes the existing school in a way that creates a substantial adverse effect on wildfire risk at the site and in the community - and a time evacuation study must be done for the sake of the parents, students, staff, and Heights community that would need to evacuate the area.

You'll see we commented extensively on wildfire risk, which may come as a surprise to a few of you. Those issues came to light when we were working with fire experts to evaluate Rolf Silbert's alternative design. We feel the public has a right to know.

L-10  
cont'd

## 2. Response to Comments

Any citizen can submit a comment on the MND and encourage DMUSD to acknowledge that there are two sides to the argument and that an EIR should be conducted.

Here's a link that allows you an effortless way to comment. [Click here](#) and It will open a draft email with bare bones comments similar to paragraphs 1-3 above. You can add whatever comments you like or delete ours and make your own from scratch. Make sure and insert your name at the end.

Comments must be sent by 5:00 p.m. this Monday, March 30.

Stay safe and healthy.

John

L-10  
cont'd



*It always seems impossible until it's done. Nelson Mandela*

Copyright © 2020 Play Outside Del Mar, All rights reserved.

You joined our email list on our website. Thank you!

**Our mailing address is:**

Play Outside Del Mar  
490 Pine Needles Dr  
Del Mar, CA 92014-3332

[Add us to your address book](#)

## 2. Response to Comments

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).



## 2. Response to Comments

### L. Response to Comments from Greg Jabin, dated March 29, 2020.

- L-1 Refer to Master Response 2.1.1, *Project Description*. As indicated in this response, there are various definitions of “capacity.” Additionally, Del Mar Heights currently has 27 potential 1st-6th grade general education or Special Education classrooms, 3 potential kindergarten classrooms, and 4 STEAM+ classrooms. If these classrooms were all used to their maximum loading and allowing for the STEAM+ classrooms that are part of District programming, the maximum capacity could be greater than 673 students. However, using these classrooms in this manner would eliminate the District’s After School Program and is contrary to District policy.
- L-2 The Torrey Pines Community Planning Board was given adequate notification of the Initial Study, pursuant to CEQA Guidelines. See Master Response 2.1.2, *CEQA Process*.
- L-3 See Master Response 2.1.2, *CEQA Process*. The District provided the adequate comment review period, in compliance with CEQA Guidelines (February 20, 2020 to March 23, 2020) and extended the comment period from March 23, 2020 to March 30, 2020. Further extension of the public comment period is not warranted.
- L-4 The issues raised in this comment are addressed throughout this document. The public review period for the document met all CEQA requirements (30 days, February 20, 2020 to March 23, 2020) and it was further extended from March 23, 2020 to March 30, 2020.
- L-5 The commenter’s questions and comments were added to the Torrey Pines Community Planning Board’s future agenda.
- L-6 See Response to L-5.
- L-7 The District acknowledges the proposed project modifies the green space area to advance the District’s education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas*, Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.
- L-8 Refer to Letter J for responses to the Play Outside Del Mar letter dated March 29, 2020, and to Master Response 2.1.8, *Fair Argument*. As substantiated in the Initial Study/Mitigated Negative Declaration, all potentially significant impacts would be reduced to a level of less than significant. Therefore, the preparation of an EIR is not warranted.
- L-9 Comment noted. Refer to responses to Letter J, Play Outside Del Mar letter dated March 29, 2020. The Board of Education will consider all comments in its deliberations concerning the project.

## 2. Response to Comments

- L-10      The comment is a copy of the message from Play Outside Del Mar and summarizes their March 29, 2020 MND comment letter. Please refer to the responses to Letter J.

## 2. Response to Comments

Letter M – Bonnie Friedman, (1 page).

On 3/29/20, 2:13 PM, "Bonnie Friedman" - [REDACTED] wrote:

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Delehanty,

1 - Slashing the playfields and blacktop by more than 50% creates a substantial adverse effect on our public resources and community parks. | M-1

2 - Changes in parking, traffic, and student population driven by the project will create a substantial adverse effect on community traffic. | M-2

3 - The project design changes the existing school in a way that creates a substantial adverse effect on wildfire risk at the site and in the community - and a time evacuation study must be done for the sake of the parents, students, staff, and Heights community that would need to evacuate the area. | M-3

Please confirm receipt.  
Bonnie Friedman

[INSERT YOUR NAME HERE]

Sent from my iPhone

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### M. Response to Comments from Bonnie Friedman, dated March 29, 2020.

- M-1 The District acknowledges the proposed project modifies the green space area to advance the District's education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas* and Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.
- M-2 Refer to Master Response 2.1.6, *Transportation/Emergency Access*. As indicated in this response, the proposed project would not increase traffic because it would not increase student capacity. The access and parking improvements would reduce congestion during morning and afternoon peak periods which would result in greater safety. The expanded parking lot and access improvements are intended to alleviate the existing queuing and dangerous conditions on campus and within the adjoining neighborhood.
- M-3 Refer to Master Response 2.1.7, *Wildfire*. As explained in this response, the fire hazard is reduced by the numerous improvements proposed and by compliance with current building codes. As noted, the site plan has been reviewed and pre-approved by the City of San Diego Fire Marshall. The school district has established emergency procedures for all school campuses. Compared to the existing school, the site plan for the rebuilt school would result in a benefit and reduction in evacuation times.

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

Letter N – Mark Sherman, (5 page).

**From:** mark sherman <[REDACTED]>  
**Date:** Sunday, March 29, 2020 at 3:32 PM  
**To:** Christopher Delehanty <[cdelehanty@dmusd.org](mailto:cdelehanty@dmusd.org)>, Katherine Fitzpatrick <[KFitzpatrick@dmusd.org](mailto:KFitzpatrick@dmusd.org)>, Erica Halpern <[EHalpern@dmusd.org](mailto:EHalpern@dmusd.org)>, GeeWah Mok <[GMok@dmusd.org](mailto:GMok@dmusd.org)>, Doug Rafner <[drafner@dmusd.org](mailto:drafner@dmusd.org)>, Scott Wooden <[swooden@dmusd.org](mailto:swooden@dmusd.org)>  
**Subject:** Del Mar Heights Rebuild Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Att: Chris Delehanty  
Executive Director of Capital Programs and Technology

Re: Del Mar Heights Rebuild Project:

This letter is to encourage the Board to reject the current rebuild plan as unacceptable because it grossly overbuilds, considering the anticipated number of incoming students; destroys neighborhood aesthetics; eliminates essential open and usable recreational area; and ignores clean air and greenhouse gas emission issues. A hanger-sized multi-use room looks great on an architectural rendering but is overkill in the service of enhancing students' acquisition of language, math, science, and the arts.

N-1

We encourage the Board to stop this "runaway train" and reconsider the entire project from more reasonable perspectives. Renovating existing Del Mar Heights buildings and replacing portables with a more acceptable structure on the same footprint is sufficient to fulfill the needs of Del Mar Heights students. Substantial funds will then be available for upgrading other schools in the the district, especially Carmel Del Mar.

N-2

The current Heights building plan is NOT consistent with what we were led to believe would happen when residents voted on the Bond Issue.

N-3

Attached are three documents that HIGHLIGHT some of these above issues.

## 2. Response to Comments

### 1. ENVIRONMENTAL CONCERNS



N-4

#### Environmental Considerations

The dropoff plan **adds** about 1/3 mile of cars driving and idling, introducing an unnecessary increase of **noise, greenhouse gas emissions, and pollution**. This "modern, new school" is 100% fossil fuel based – NO **SOLAR?**



## 2. Response to Comments

### 2. AESTHETICS



N-5

### AESTHETICS

Unlike the deceptive photo presented at a board meeting, taken from an elevated camera, this eye level photo shows how the new construction will effectively block ocean views for pedestrians on Mira Montana, destroying the aesthetic beauty of a neighborhood treasure.

## 2. Response to Comments

### 3. RECREATION



### Recreation

The school proposal destroys more than half of usable recreational green space so that concurrent multiple baseball, soccer, and football activities will no longer be possible; the plan also neglects other recreational facilities now available for student and community use, such as hand ball, basketball, and other court games. Neighborhood children will have to travel to another venue in order to participate in organized sports.

N-6

## 2. Response to Comments

Mark Sherman  
Enid Sherman



## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### N      **Response to Comments from Mark Sherman, dated March 29, 2020.**

- N-1      The District fully recognizes the potential impacts related to capacity, aesthetics, recreation, and air quality/greenhouse gas emissions. Responses to detailed comments are provided below.
- N-2      This comment will be considered by the Board of Education, but it does not relate to the adequacy of the environmental analysis contained in the Initial Study. No further response is necessary.
- N-3      This comment will be considered by the Board of Education, but it does not relate to the adequacy of the environmental analysis contained in the Initial Study. No further response is necessary.
- N-4      The proposed project would not increase traffic as it would not increase student capacity. The access and parking improvements proposed would reduce congestion during morning and afternoon peak periods. As congestion would be reduced, so would impacts to noise, greenhouse gas emissions, and pollution as idling would decrease.
- N-5      The view referenced here was presented at a public meeting because of homeowners' concerns about the view from the residential level along Mira Montana Drive. The view from residences is considered a private view, which is not relevant in CEQA, so it was not included in the Initial Study. All views presented in the Initial Study and this document are public views.
- Refer to Master Response 2.1.3, *Aesthetics*, which provides details about the visual impact from Mira Montana Drive, including visual simulations from the Initial Study which are paired with the existing view to allow for better comparison. The visual simulations were prepared by the project architect using Revit by Autodesk to ensure the accuracy of the simulations.
- N-6      The District acknowledges the proposed project modifies the green space area to advance the District's education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas* and Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

Letter O – Christine Springer, (2 pages).

**From:** Christine Springer [REDACTED]  
**Date:** Monday, March 30, 2020 at 6:38 AM  
**To:** Christopher Delehanty <[cdelehanty@dmusd.org](mailto:cdelehanty@dmusd.org)>  
**Subject:** CEQA COMMENTS

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please confirm receipt of this email.

Thank you for the opportunity to comment on the CEQA document. These comments are from Christine Springer, Del Mar Heights resident.

### 1.5.1 Proposed Land Use

This is an inaccurate description of the property. You will be eliminating one temporary portable, not a classroom or 24 students. You state the average enrollment for the past 10 years is 460. Therefore the 500 student capacity is a significant increase from the original permanent enrollment of the school. This 10 year average school size includes at least 110 additional students that have become permanent without a safety study. This permanent student population is significant negative safety impact on the students and community.

O-1

### 3a. Aesthetics

As a resident that walks from Marsenic to Mira Montana multiple times a day, Buildings on the field blocking the spectacular ocean and bluff view from the Mira Montana sidewalk is a significant NEGATIVE impact on our community. The description of one story, low sloped design is very inaccurate and very misleading. These tall buildings on the field will significantly negatively impact the highlight of my daily morning and afternoon walk. In addition, this is a destination walk for much of the community. Many residents pause during their walk and enjoy the view in multiple places above the school garden and baseball diamond. Let me repeat, this is a significant negative impact on our community!

O-2

### 3.15 Fire and Police Protection

This area is a "high wild fire" risk area. The current student population is significantly higher than the original intended enrollment as stated above in 1.5.1. If a fire erupts in the Reserve Extension, The Fire and Police Department would not be able to get to the school even with the new design due to the bottlenecked traffic. Also, parents and the community would not be able to evacuate at the same time. This is a significant negative impact.

O-3

Parks: As a taxpayer I am very disappointed in how my tax dollars are being used against the purpose I did not vote for, to rebuild a school. I did not vote to build over our only playing field. Your comment that the proposed project would improve the recreational facilities at Del Mar Heights is a complete lie. The community has been telling you since last Spring that this is not acceptable. This space has been a park for 55 years. Del Mar Heights even has a professional baseball player that was in the World Series last fall. Careers come in all areas and the field creates tremendous opportunities for our youth during the school day and after school.

O-4

## 2. Response to Comments

It is now standard across San Diego and the county for the school to partner with the local park district to joint use a recreational field. The San Diego Park District has offered to joint use and pay for recreational services, maintenance and vandalism. However, the district refuses every time. Joint use would be a win win for the district and community. This field is the backbone of our community and you are using our tax dollars to take it away! For the past 50 years the Del Mar Heights Field has been our only community park. Reducing this field to the current design is an extremely significant negative impact on our community.

O-5

3.16 Recreation: You state the proposed design would update and enhance the schools outdoor recreational spaces. This is another manipulation in this document. This plan reduces the recreational space by at least 50%. This significantly impacts all kids. Jon Baker mentioned at one of the board meetings that 2 T Ball games could be played on the field, however at the same time he said there is essentially no demand for T ball. There is a huge demand to be able to play multiple sports at the same time, just as we have now. There is no demand for a postage size park in the NW corner. This space needs to be efficiently used for other purposes so that space can be added back to the large field. Find a way to create outdoor education space in the large field or add it to the existing garden. There is a way to make this all work, however not in your new design. Therefore, this has a significant negative impact on our community.

O-6

This section is similar to the Park section above, so I am adding the same comments here:  
As a taxpayer I am very disappointed in how my tax dollars are being used against the purpose I did not vote for, to rebuild a school. I did not vote to build over our only playing field. Your comment that the proposed project would improve the recreational facilities at Del Mar Heights is a complete lie. The community has been telling you since last Spring that this is not acceptable. This space has been a park for 55 years. Del Mar Heights even has a professional baseball player that was in the world series last fall. Careers come in all areas and the field creates tremendous opportunities for our youth during the school day and after school.

O-7

It is now standard across San Diego and the county for the school to partner with the local park district to joint use a recreational field. The San Diego Park District has offered to joint use and pay for recreational services, maintenance and vandalism. However, the district refuses every time. Joint use would be a win win for the district and community. This field is the backbone of our community and you are using our tax dollars to take it away! For the past 50 years the Del Mar Heights Field has been our only community park. Reducing this field to the current design is an extremely significant negative impact on our community.

O-8

As a long time resident, I hope you take these comments seriously and take the time to create an accurate CEQA report that represents the needs of the students and community.

O-9

**Christine Springer, Certified industrial hygienist**



## 2. Response to Comments

### **O     Response to Comments from Christine Springer, dated March 29, 2020.**

O-1         Refer to Master Response 2.1.1, *Project Description*, Student Capacity. The CEQA baseline for student capacity is the current enrollment, which has averaged 460 students over ten years with a maximum of 504 students. The comment's reference the original student capacity from many years ago is not relevant. As stated in the Initial Study, the student capacity would not increase and would actually decrease by one classroom. The Initial Study and this document confirm the various improvements the proposed project will have over the current campus related to traffic congestion, fire hazards, etc.

O-2         Refer to Master Response 2.1.3, *Aesthetics*, which provides details about the visual impact from Mira Montana Drive, including visual simulations from the Initial Study which are paired with the existing view to allow for better comparison. Section 2.1.3 further explains why the change in visual character is not a significant impact under CEQA.

O-3         Refer to Master Responses 2.1.6, *Transportation/Emergency Access*, and 2.1.7, *Wildfire*. As explained in Master Response 2.1.6, the project would not obstruct emergency access to school or neighborhood.

The proposed project would not increase traffic as it would not increase student capacity. The access and parking improvements proposed would reduce congestion during morning and afternoon peak periods which would create safer traffic conditions. The expanded parking lot and access improvements are intended to alleviate the existing queuing and hazardous conditions on campus and within the adjoining neighborhood.

Master Response 2.1.7 provides further detail on the safety features included in project plans to reduce wildfire hazards. Fire hazard would be reduced by the numerous improvements proposed and by adhering to current building codes. Additionally, these improvements would create safer conditions and would not impede emergency evacuation. As noted, the plan has been pre-approved by the City of San Diego Fire Marshall.

O-4         The reference to the site as a park is incorrect. Del Mar Heights is an elementary school. While the District allows public access to the site during after-school hours, there has never been a joint use agreement with the City of San Diego for this site. The comment about the use of tax dollars will be considered by the Board of Education, but this topic is not relevant to the CEQA review. Refer to Master Response 2.1.5, *Recreation/Green Space* for additional discussion of the impacts related to recreation and green space.

O-5         Refer to Master Response 2.1.5, *Recreation/Green Space* for a response to the issue of lost recreational space. While the District allows public access to the site's recreational facilities, the site is a school, not a park.

O-6         Refer to Response O-4 and Master Response 2.1.5, *Recreation/Green Space*.

## 2. Response to Comments

- O-7      Refer to Response O-4 and Master Response 2.1.5, *Recreation/Green Space*.
- O-8      Refer to Response O-4 and Master Response 2.1.5, *Recreation/Green Space*
- O-9      The Board of Education will consider all comments in its deliberations concerning the project.

## 2. Response to Comments

Letter P – Yvonne Mast, (1 page).

**From:** yvonnemast6 [REDACTED]  
**Date:** Sunday, March 29, 2020 at 6:51 PM  
**To:** Christopher Delehanty <[cdelehanty@dmusd.org](mailto:cdelehanty@dmusd.org)>  
**Subject:** public comment on MND for Del Mar Heights School Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Delehanty,

1 - Slashing the playfields and blacktop by more than 50% creates a substantial adverse effect on our public resources and community parks. | P-1

2 - Changes in parking, traffic, and student population driven by the project will create a substantial adverse effect on community traffic. | P-2

3 - The project design changes the existing school in a way that creates a substantial adverse effect on wildfire risk at the site and in the community - and a time evacuation study must be done for the sake of the parents, students, staff, and Heights community that would need to evacuate the area. | P-3

Please confirm you recieved this and read  
Not only with all of the above issues but do you not think this is a good time to review any new health requirements coming out of this pandemic prior to building a new school. Take this time and do it correctly!  
Yvonne Mast | P-4

Sent via the Samsung Galaxy S® 6, an AT&T 4G LTE smartphone

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### **P      Response to Comments from Yvonne Mast, dated March 29, 2020.**

- P-1      The District acknowledges the proposed project modifies the green space area to advance the District's education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas*, Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.
- P-2      Refer to Master Response 2.1.6, *Transportation/Emergency Access*. As indicated in this response, the proposed project would not increase traffic because it would not increase student capacity. The access and parking improvements would reduce congestion during morning and afternoon peak periods which would result in greater safety. The expanded parking lot and access improvements are intended to alleviate the existing queuing and dangerous conditions on campus and within the adjoining neighborhood.
- P-3      Refer to Master Response 2.1.7, *Wildfire*. As explained in this response, the fire hazard is reduced by the numerous improvements proposed and by compliance with current building codes. As noted, the site plan has been reviewed and pre-approved by the City of San Diego Fire Marshall. The school district has established emergency procedures for all school campuses. Compared to the existing school, the site plan for the rebuilt school would result in a benefit and reduction in evacuation times.

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

Letter Q – Virginia Tinley (1 page).

**From:** Virginia Tinley [REDACTED]  
**Date:** Sunday, March 29, 2020 at 7:56 PM  
**To:** Christopher Delehanty <[cdelehanty@dmusd.org](mailto:cdelehanty@dmusd.org)>  
**Subject:** public comment on MND for Del Mar Heights School Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Delehanty,

1 - Slashing the playfields and blacktop by more than 50% creates a substantial adverse effect on our public resources and community parks. | Q-1

2 - Changes in parking, traffic, and student population driven by the project will create a substantial adverse effect on community traffic. | Q-2

3 - The project design changes the existing school in a way that creates a substantial adverse effect on wildfire risk at the site and in the community - and a time evacuation study must be done for the sake of the parents, students, staff, and Heights community that would need to evacuate the area. | Q-3

Please confirm receipt.

Scott & Virginia Tinley

## 2. Response to Comments

*This page intentionally left blank.*



## 2. Response to Comments

### **Q      Response to Comments from Virginia Tinley, dated March 29, 2020.**

- Q-1      The District acknowledges the proposed project modifies the green space area to advance the District's education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas*, Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.
- Q-2      Refer to Master Response 2.1.6, *Transportation/Emergency Access*. As indicated in this response, the proposed project would not increase traffic because it would not increase student capacity. The access and parking improvements would reduce congestion during morning and afternoon peak periods which would result in greater safety. The expanded parking lot and access improvements are intended to alleviate the existing queuing and dangerous conditions on campus and within the adjoining neighborhood.
- Q-3      Refer to Master Response 2.1.7, *Wildfire*. As explained in this response, the fire hazard is reduced by the numerous improvements proposed and by compliance with current building codes. As noted, the site plan has been reviewed and pre-approved by the City of San Diego Fire Marshall. The school district has established emergency procedures for all school campuses. Compared to the existing school, the site plan for the rebuilt school would result in a benefit and reduction in evacuation times.

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

Letter R – Danica Sheres,, (1 page).

On 3/29/20, 9:01 PM, "Danica Sheres" [REDACTED]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Delehanty,

1 - Slashing the playfields and blacktop by more than 50% creates a substantial adverse effect on our public resources and community parks. | R-1

2 - Changes in parking, traffic, and student population driven by the project will create a substantial adverse effect on community traffic. | R-2

3 - The project design changes the existing school in a way that creates a substantial adverse effect on wildfire risk at the site and in the community - and a time evacuation study must be done for the sake of the parents, students, staff, and Heights community that would need to evacuate the area. | R-3

Please confirm receipt of this email and stop rushing this project.

Danica Sheres

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### **R      Response to Comments from Danica Sheres, dated March 29, 2020.**


- R-1      The District acknowledges the proposed project modifies the green space area to advance the District's education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas*, Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.
- R-2      Refer to Master Response 2.1.6, *Transportation/Emergency Access*. As indicated in this response, the proposed project would not increase traffic because it would not increase student capacity. The access and parking improvements would reduce congestion during morning and afternoon peak periods which would result in greater safety. The expanded parking lot and access improvements are intended to alleviate the existing queuing and dangerous conditions on campus and within the adjoining neighborhood.
- R-3      Refer to Master Response 2.1.7, *Wildfire*. As explained in this response, the fire hazard is reduced by the numerous improvements proposed and by compliance with current building codes. As noted, the site plan has been reviewed and pre-approved by the City of San Diego Fire Marshall. The school district has established emergency procedures for all school campuses. Compared to the existing school, the site plan for the rebuilt school would result in a benefit and reduction in evacuation times.

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

Letter S – Darren Smith, Senior Environmental Scientist, California Department of Parks and Recreation, (3 pages).

	<p>State of California • Natural Resources Agency</p> <p>DEPARTMENT OF PARKS AND RECREATION <b>San Diego Coast District</b> 4477 Pacific Highway San Diego, CA 92110 (619) 688-3260 FAX (619) 688-3229</p>	<p>Gavin Newsom, <i>Governor</i></p> <p>Lisa Ann L. Mangat, <i>Director</i></p>
<p>March 30, 2020</p>		
<p>Chris Delehanty Executive Director, Capital Programs and Technology Del Mar Union School District 11232 El Camino Real San Diego, CA 92130</p>		
<p><b>Re: Comments on Initial Study/Mitigated Negative Declaration for Del Mar Heights Elementary School Rebuild Project</b></p>		
<p>Dear Mr. Delehanty,</p>		
<p>Thank you for the opportunity to comment on the Initial Study/Mitigated Negative Declaration (MND) for the proposed Del Mar Heights Elementary School Rebuild Project (Project). The Project site is on the Del Mar Heights School campus on Boquita Drive, directly adjacent to the Torrey Pines State Natural Reserve (TPSNR). The State of California, Department of Parks and Recreation (State Parks) is a public trust agency that owns and operates TPSNR. In addition to being protected as a State Natural Reserve, TPSNR is included within the City of San Diego's Multiple Habitat Preserve Area (MHPA) boundary and is subject to protections offered by the Multiple Species Conservation Plan (MSCP). Because this land is environmentally very sensitive and important regionally we have several concerns regarding the proposed Project that need to be better addressed or redesigned before the Draft MND is completed.</p>	<p>S-1</p>	
<p><b>Drainage Improvements</b> State Parks is concerned about site drainage because the soils, rareplants, wildlife habitats, and trails at TPSNR are highly susceptible to damage from concentrated storm water runoff. The existing storm water outfalls at the southern and western portions of the property have contributed to significant soil erosion, damage to trails, and proliferation of invasive weeds within TPSNR. State Parks is supportive of improvements to the management of storm water, but cautions against over reliance of outlet energy dissipaters as the primary storm water management tool for the project site. It is preferable that site drainage is managed onsite with minimal concentrations of flow or volume. Once installed State Parks would like a written commitment from The School District to monitor and maintain these structures regularly.</p>		<p>S-2</p>
<p>Where feasible State Parks would prefer implementation of Low Impact Development (LID) practices to manage storm water in a way that removes suspended sediments and decreases the volume and energy of runoff across the site. Examples include vegetated</p>	<p>S-3</p>	

## 2. Response to Comments

swales, xeriscaping, water conservation practices, and reducing impervious surfaces across the site. LID practices also result in pollutant removal through settling, filtration, adsorption and biological uptake. Conversely, outlet energy dissipaters are designed to capture sediment but not pollutants, such as fertilizers. Reducing the volume of storm water at the outfalls should be prioritized.

S-3  
cont'd

### **Revegetation**

State Parks is concerned that if improperly implemented the outfall drainage revegetation efforts could result in unanticipated significant impacts. We do not fully support the use of hydroseeding to revegetate the repaired outfall drainages. If it is used, the hydroseed mix should not include fertilizer because the added nitrogen favors non-native weeds and grasses that may spread into the MHPA. Hydroseeded areas should be irrigated regularly during establishment to ensure adequate plant cover. State Parks strongly supports using plant species (and genetic stock) from TPSNR. Cultivars or landscaping varieties may result in decreased fitness in the local plant populations and result in significant impacts to native habitats and locally rare species.. To decrease impacts to native vegetation in the MHPA, State Parks requests that seeds used for revegetation are collected from adjacent to the school site or at least within the Los Peñasquitos watershed, within three miles of the coast.

S-4

State parks is willing to facilitate seed collection on site or provide assistance in selecting appropriate nursery stock. State Parks strongly discourages the use of some of the plants proposed for revegetation, as they do not occur at TPSNR: *Baccharis pilularis* 'Pigeon Point', *Penstemon centranthifolius*, *Arctostaphylos* (species not specified), *Encelia farinosa*, *Rhus ovata* and *Salvia leucophylla*. State Parks recommends the following alternatives: *Salvia mellifera*, *Salvia apiana*, *Encelia californica*, *Rhus integrifolia*, *Xylococcus bicolor* and *Eriogonum fasciculatum*. Use adequate dust control measures during grading to reduce impacts to adjacent vegetation in the TPSNR. Avoid the use of road base or other dust generating ground cover materials.

### **Biological Resources**

The Biological Resources Assessment did not include a focused sensitive plant survey, despite the project study area including 0.8 acres of southern maritime chaparral. The Biological Resources Assessment asserts that no sensitive plant species were observed within the project footprint and as such, the project would not result in impacts to sensitive plant species. The MND and associated technical reports mentions the presence of but does not address potential impacts to Torrey pine (*Pinus torreyana*), wart-stemmed ceanothus (*Ceanothus verrucosus*) and Nuttall's scrub oak (*Quercus dumosa*) as occurring in the project study area. Additionally, the surveyed area contains a Federally-listed as endangered plant species, Del mar manzanita (*Arctostaphylos glandulosa* var. *crassifolia*). This species was incorrectly identified in Attachment A, Plant Species Observed as Eastwood manzanita (*Arctostaphylos glandulosa*), a species that does not occur at TPSNR. At a minimum the MND and Biological Resources Assessment should address potential impacts to Del mar manzanita. This assessment should detail appropriate avoidance and mitigation measures associated with working in close proximity to this federally-endangered plant species.

S-5

C. Delehanty  
March 20, 2020

Page 2



## 2. Response to Comments

### **Vegetation Management (Fuel Management)**

State parks is concerned that moving school structures closer to native habitat will result in impacts to existing native habitats from fuels reduction. Any fuel buffers should occur entirely within the developed portion of the School District Property. If additional fuel management zones are to occur within existing native habitats these areas would be considered significant unless adequate mitigation were provided.

S-6

### **Lighting**

Several bird (owls, lesser night hawk, and others) and bat species that are active at night are known to use habitats in the vicinity of the Project. The MND does not provide sufficient detail regarding the security lighting to be installed onsite. The MND should provide a more detailed depiction of the proposed outdoor lighting and an assessment of the potential effects of this new lighting on the adjacent conserved lands. Lighting that illuminates adjacent sensitive habitats may result in significant impacts to sensitive wildlife species.

S-7

Thank you for allowing us to review the MND and considering our comments and recommendations. . Should you have any questions or would like clarification of any of our comments please contact me at [darren.smith@parks.ca.gov](mailto:darren.smith@parks.ca.gov) or (619) 952-3895.

Sincerely,



Darren Smith, Senior Environmental Scientist

Cc: Lisa Urbach, North Sector Superintendent  
Dylan Hardenbrook, Supervising Ranger  
Cindy Krimmel, Park and Recreation Specialist  
Cara Stafford, Environmental Scientist  
Reading File

C. Delehanty  
March 30, 2020

Page 3

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### **S      Response to Comments from Darren Smith, Senior Environmental Scientist, California Department of Parks and Recreation, dated March 30, 2020.**

- S-1            The District fully recognizes the sensitive location of the school given its adjacency to the Torrey Pines State Natural Reserve. Responses to detailed comments are provided below.
- S-2-3        Please refer to Master Response 2.1.4, *Biological Resources/Stormwater Outfalls*. As discussed, the project includes bioswales and landscape planter to retain stormwater on campus, and the repaired outfall would not receive an increase in flow or velocity than current conditions. The District will monitor and maintain the repaired structures and revegetated areas and will commit to such in writing.
- S-4            The State Parks comment related to hydroseed mix without fertilizer will be included in construction bid documents and in landscape documents. The District will use cultivar and landscape variety seeds from local plant populations found within the Los Penasquitos watershed and within three miles of the coast or closely related varieties chosen in consultation with the State Parks. Alternative suggested will be used to replace the plant pallet currently being considered. Ground cover material would be hydroseed and would not generate dust.
- S-5            As indicated in the Initial Study, the proposed project would occur almost entirely within the developed/disturbed area of the site with the exception of the outfall areas. Best Management Practices would be used to ensure that impacts to the sensitive Southern Maritime Chaparral, which would be slightly encroached on during repair of one of the outfalls, would be minimized.
- S-6            Refer to Master Response 2.1.7 *Wildfire*. As explained in that response, the fire hazard is reduced by the numerous improvements proposed and by adhering to current building codes. The plan has been pre-approved by the City of San Diego Fire Marshall.
- S-7            Please refer to Master Response 2.1.3, *Aesthetics* for additional details about light levels. Outdoor lights at the school would not spill into the Reserve.

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

Letter T – Tom Sohn, (1 page).

**From:** Tom Sohn [REDACTED]  
**Date:** Monday, March 30, 2020 at 8:20 AM  
**To:** Christopher Delehanty <[cdelehanty@dmusd.org](mailto:cdelehanty@dmusd.org)>  
**Subject:** MND for Del Mar Heights School Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Delehanty,

1 - Slashing the playfields and blacktop by more than 50% creates a substantial adverse effect on our public resources and community parks. | T-1

2 - Changes in parking, traffic, and student population driven by the project will create a substantial adverse effect on community traffic. | T-2

3 - The project design changes the existing school in a way that creates a substantial adverse effect on wildfire risk at the site and in the community - and a time evacuation study must be done for the sake of the parents, students, staff, and Heights community that would need to evacuate the area. | T-3

Please confirm receipt.

Thanks,

Tom Sohn  
[REDACTED]  
[REDACTED]

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### **T      Response to Comments from Tom Sohn , dated March 30, 2020.**

- T-1      The District acknowledges the proposed project modifies the green space area to advance the District's education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, Open/Community Accessible Areas, Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.
- T-2      Refer to Master Response 2.1.6, *Transportation/Emergency Access*. As indicated in this response, the proposed project would not increase traffic because it would not increase student capacity. The access and parking improvements would reduce congestion during morning and afternoon peak periods which would result in greater safety. The expanded parking lot and access improvements are intended to alleviate the existing queuing and dangerous conditions on campus and within the adjoining neighborhood.
- T-3      Refer to Master Response 2.1.7, *Wildfire*. As explained in this response, the fire hazard is reduced by the numerous improvements proposed and by compliance with current building codes. As noted, the site plan has been reviewed and pre-approved by the City of San Diego Fire Marshall. The school district has established emergency procedures for all school campuses. Compared to the existing school, the site plan for the rebuilt school would result in a benefit and reduction in evacuation times.

## 2. Response to Comments

*This page intentionally left blank.*



## 2. Response to Comments

Letter U – Garrett Anderson (7 pages).

<p style="text-align: right;">CEQA - Del Mar Heights Remodel March 30, 2020</p> <p style="text-align: center;"><b>Comments on the Mitigated Negative Declaration for Del Mar Heights School</b></p> <p style="text-align: center;">Garrett Anderson Resident of Del Mar School District and Parent of Current and Former Del Mar Heights Students</p>	
<b>Introduction</b>	
These comments relate to the Mitigated Negative Declaration (hereinafter the “MND”) for Del Mar Heights School at 13555 Boquita Drive, Del Mar, CA, 92014. They are submitted by Garrett Anderson, a resident of the area and parent of a current and a former Del Mar Heights’ student.	U-1
Like many who have come to oppose the proposed school remodeling, I was among the majority of community members who voted in support of the initial bond, and who continues to support spending of community money to improve education. However, the conduct of the school district leadership as lead agency and the proposed remodel have left me with substantial reservations as to whether the proposed remodeling is made with the interests of the students and the community in mind.	U-2
I have had some involvement with Play Outside Del Mar, a nonprofit benefit corporation in Del Mar, CA, and largely share that organization’s concerns regarding the proposed remodeling of the Del Mar Heights school grounds. However, the concerns raised herein are not positions of Play Outside Del Mar. Rather, they are representative of at least some of the community at large.	U-3
Consistent with the spirit and letter of the California Environmental Quality Act (CEQA), the comments herein are intended to be for the benefit of the public and for the consideration of the Lead Agency. It is hoped that they will be considered prior to proceeding with the proposed remodeling of the school grounds, so as to avoid the detriments to the community, to the environment of the school campus and to the safety of the school children that may otherwise result.	U-4
These comments provide the lead agency with a fair argument that the proposed school remodeling will have a significant impact on the environment and safety of the school environment. Accordingly, under CEQA an EIR is warranted so that these issues will be evaluated prior to moving forward with the proposed remodeling of the school grounds.	U-5
<b>CEQA Legal Standard</b>	
If a lead agency is presented with a fair argument that a project may have a significant impact on the environment, such as the air quality of the proposed campus or safety of children during drop off or pick-up, the lead agency shall prepare an environmental impact report (EIR) under 15064(f)(1) of the CEQA Guidelines.	U-6
<b>The Proposed Remodel</b>	
The Lead Agency, Del Mar Union School District, has proposed a dramatic rebuild (the Proposed Remodel) of the Del Mar Heights campus. The Proposed Remodel includes construction of a long avenue, starting at the north end of campus and running through to the extreme southeast corner. See Figure 1, below.	U-7
Page 1 of 7	

## 2. Response to Comments

CEQA - Del Mar Heights Remodel  
March 30, 2020



U-7  
cont'd

Figure 1. North, top.

## 2. Response to Comments

CEQA - Del Mar Heights Remodel  
March 30, 2020

The current campus does not have the proposed avenue. Space for the avenue will be taken from children's open space on campus.	U-8
The avenue of the Proposed Remodel replaces a single-point drop off and pick-up site draws car traffic onto the student's campus. The avenue directs and concentrates cars along the entire eastern long edge of the rectangular campus, where they are to idle in a line bordered by students' classrooms on the immediate west and a substantial wind-blocking embankment on their east. Cars are to follow this course until they have driven the length of the campus and back during drop-off and pick-up.	U-9
The avenue parallels a pre-existing road along the crest of the embankment, Mira Montana Drive, but the Proposed Remodel makes no use of this road. Both the avenue and Mira Montana run the length of campus and end in adjacent turn-arounds mere feet from one another.	U-10
Rather than a single, safely regulated drop-off point as with the current school, the avenue presents a long line of locations where students may be tempted to exit their cars to get to classrooms. This set-up will be particularly dangerous to students as first-bell approaches, when students running late are faced with the choice of waiting in traffic to be dropped off at the end of the avenue in the southeast corner of the campus and being punished for being late to school, or jumping out anywhere along the avenue and 'running for it', thereby cutting minutes off of their drop-off time and cutting off a trip to the main office as punishment for being late.	U-11
The proposed remodel sacrifices open space in the form of grassy fields and paved ball courts to provide the land necessary for this avenue.	U-12
This Comment calls for an EIR on the impact of the avenue on campus air quality and on drop-off and pick-up safety. The impact of the loss of open space is addressed elsewhere, such as in the Comments submitted by Play Outside Del Mar.	U-13
<b>The Proposed Remodel may have a Significant Impact on Campus Air Quality</b>	
The Proposed Remodel draws car traffic onto campus, where it will idle on an avenue bordered by student classrooms to the west and a substantial embankment to the east. The impact of drawing this car pollution onto campus near children's classrooms should be assessed.	U-14
As a parent who regularly drops off his student at Del Mar Heights, I am familiar with morning drop-off traffic. This traffic starts as soon as one turns off of Del Mar Heights road, and is bumper-to-bumper from the turn-off onto Mercado, through the up-hill turn onto Cordero and continuing down Boquita to the drop off at the North end of campus. I estimate that at peak traffic, each car spends 2-3 minutes on each of these streets.	U-15
A map of the area is provided in Figure 2, below. Del Mar Heights Road, Mercado, Cordero and Boquita are indicated, as is the current entrance to the school. The avenue of the Proposed Remodel is roughly drawn in black. The avenue is seen to parallel Mira Montana to its east.	U-16

## 2. Response to Comments

CEQA - Del Mar Heights Remodel  
March 30, 2020

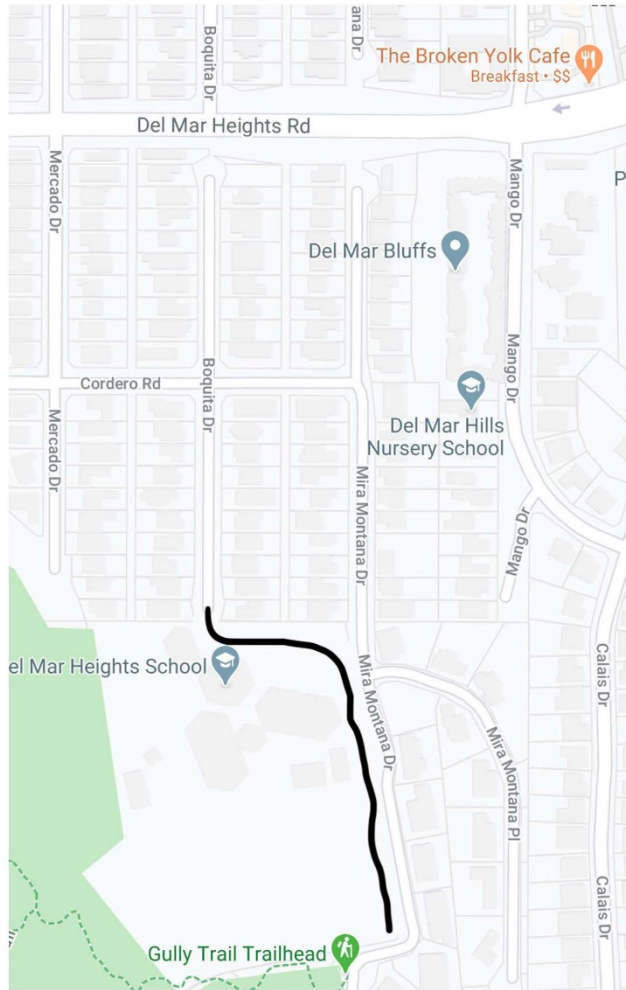


Figure 2.

U-16  
cont'd

## 2. Response to Comments

CEQA - Del Mar Heights Remodel  
March 30, 2020

At present, drop-off traffic ends at the edge of campus, so that car exhaust is dispersed throughout the neighborhood rather than being collected on campus.	U-17
Under the Proposed Remodel, the traffic is to be drawn onto a newly built avenue on campus, where parents will spend an additional 2-3 minutes slowly driving their children from the north end of the school to the opposite (Southeastern) corner.	U-18
The avenue is estimated to increase the total drop-off distance from Del Mar Heights Road by 40%.	U-19
The avenue will take idling cars onto campus and immediately past a parallel north-south row of classrooms to the west and a wind-blocking hill crest marked by Mira Montana to the East. I estimate Mira Montana to be 15-20 feet above the level of the proposed avenue, such that there is a substantial barrier to the diffusion of car exhaust.	U-20
Please refer again to Figure 1, which clearly indicates the proximity of the avenue to school buildings.	U-21
Topographic lines at the top and bottom of Figure 1 indicate the pronounced upward trend from left (west) to right (east). The thin green band to the right / east of the proposed avenue partly masks the dense topographic lines of the upward incline to the east of the proposed avenue.	U-22
In sum, the avenue adds 40% to the length of student drop off for parents accessing the school from Del Mar Heights. The majority of this addition will be spent in a narrow canyon bordered on the west by a parallel row of classrooms and on the east by a steep embankment, atop which is the parallel road Mira Montana. This layout may funnel car traffic into campus and then retain the exhaust at students' windows long after the cars have gone.	U-23
I see no benefit to traffic in the construction of this avenue on campus, unless the total student population is to be substantially increased such that there is no room on Mercado for parents turning off of Del Mar Heights road.	U-24
There is, however, a very clear potential harm in the form of air pollution on campus. This Comment calls for an EIR to assess the impact of this air pollution on the campus environment.	U-25
The other clear harm of building this avenue on campus, the loss of open space for children to play, is addressed in other CEQA filings, such as that of Play Outside Del Mar.	U-26
<b>The Proposed Model may have a Significant Impact on Student Safety during Drop off and Pick-up</b>	
When I drop my son off at school <sup>1</sup> , we wade through about 7 minutes of traffic to come to a well-regulated drop-off point at the Northern edge of Del Mar Heights campus. My son goes racing off to try to beat the deadline for gates closing, while I turn around from campus and slowly drive past the later oncoming traffic.	U-27
I frequently see other students, either 'walkers' or students dropped off by their parents ahead of the designated spot, making a mad dash to the gates to beat the very same deadline as my son.	U-28
Because drop-off is at a specific point at the edge of campus, this sight is frantic rather than dangerous. Kids dash along a sidewalk parallel to the street, and parents drive slowly to a particular point for drop-	U-29

<sup>1</sup> Until present circumstances, that is.

## 2. Response to Comments

CEQA - Del Mar Heights Remodel March 30, 2020	
off, where they are met by a fine-tuned machine of teachers and students to keep the process running smoothly and safely.	U-29 cont'd
The Proposed Remodel may have a fixed drop-off point as well <sup>2</sup> . However, it is approached by not one but two lanes of oncoming traffic, and may pass a number of entrances to the campus through which desperate students may enter ahead of the dreaded late bell.	U-30
The layout in the Proposed Remodel is a recipe for disorderly drop-offs. As bell-time approaches, parents will let kids out early to run to any number of entry points. Traffic will be slowed as they do, further encouraging parents to drop off early. At the same time, once kids are dropped off, parents will want to get clear of campus but will be directed further south to the U-turn area, often behind cars that may or may not still have children, and may or may not stop in front of them to drop their kids off at an entrance closer to their children's classrooms or to the entry point.	U-31
If 5 or so minutes of additional drop-off time were all that comes of this folly avenue, then as a parent I would hold my tongue and put up with it as another example of a poorly thought-out waste of well-intended education funds.	U-32
The problem, though, is that a chaotic drop-off area is dangerous. The Proposed Remodel's new avenue through campus brings more cars driving next to more rushing children to more entry points, resulting in more stop and go traffic and more potential for a child to get hurt or worse.	U-33
As a former middle-school student myself, I remember going to a newly built, 'modern' for the time school, with many in vogue amenities that are reminiscent of those touted for the Proposed Remodeling – open classrooms rather than 20' ceilings and moveable barriers rather than ocean views, but a shared sense of modernism in the architecture. There was also a shared recklessness as to the details of safety, and a few years before I attended the school, a student died in an accident at the drop-off point.	U-34
The avenue that the Proposed Remodel plans to put on campus presents a very clear potential harm in the form of accidents involving children on campus. This Comment calls for an EIR to assess the impact of this risk on the campus environment.	U-35
<b>The above-mentioned fair arguments warrant preparation of an EIR for the Proposed Remodel</b>	
This Comment is an effort to present a fair argument that the Proposed Remodel project may have a significant impact on the environment, such as the air quality of the proposed campus or safety of children during drop off or pick-up. Accordingly, if the Lead Agency is to proceed with the Proposed Remodel, then they should prepare for the community an EIR under 15064(f)(1) of the CEQA Guidelines.	U-36
Alternately, the Lead Agency may move forward with a campus rebuild that does not rely upon construction of a duplicate avenue along the length of its campus, to the detriment of safety, the environment, and the children's open space. One such rebuild proposal was provided by the community, and others could easily be designed by the Lead Agency.	U-37
Any of these options that drop the requirement for an avenue along the length of the rebuilt campus would obviate the need for the EIR requested in this Comment.	U-38
<sup>2</sup> The location has changed from the end of the avenue to its midpoint as the Proposed Remodel has changed, but these changes are not material to the environmental concerns of this comment.	
Page 6 of 7	

## 2. Response to Comments

CEQA - Del Mar Heights Remodel  
March 30, 2020

In the absence of such flexibility on the part of the Lead Agency, one cannot but request that the risks of the Proposed Remodeling be properly assessed.

U-38  
cont'd

Signed

*/Garrett H. Anderson/*

## 2. Response to Comments

*This page intentionally left blank.*



## 2. Response to Comments

### U      **Response to Comments from Garrett Anderson , dated March 30, 2020.**

- U-1            Comment is introductory to the letter; no response necessary.
- U-2-4        The comment does not address any physical environmental impacts or adequacy of the CEQA document. No response is necessary.
- U-5-6        Please refer to Master Response 2.1.8, *Fair Argument*, which discusses the requirements regarding EIRs, and when a Negative Declaration or Mitigated Negative Declaration is appropriate. According to CEQA Guidelines Section 21064.5, a Mitigated Negative Declaration is prepared when potentially significant effects have been identified but revisions in the project plans would avoid effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and when there is no substantial evidence that the project, as revised, may have a significant effect on the environment. As substantiated in the Initial Study/Mitigated Negative Declaration, all potentially significant impacts would be reduced to a less-than-significant level. Therefore, the preparation of an EIR is not warranted.
- U-7-8        The “avenue” that the commenter is referring to is the parking lot, vehicle queuing zone, and drop-off/pick-up zone with a turnaround. Additionally, the site plan that was included in the comment letter is not the site plan in the CEQA document. The modification of green space areas is addressed fully in Master Response 2.1.1, *Project Description* and 2.1.5, *Recreation/Green Space*.
- U-9            The access and parking improvements proposed would reduce congestion during morning and afternoon peak periods. As congestion would be reduced, so would impacts to air quality as idling would decrease.
- U-10          This parking lot, vehicle queuing zone, and drop-off/pick-up zone runs parallel to Mira Montana Drive, but is also between 10 feet and 25 feet below Mira Montana Drive. The elevation difference makes a vehicular connection between the campus and Mira Montana very challenging due to increased environmental impacts and cost and was determined by the District to not be practical.
- U-11          Please refer to Master Response 2.1.1, *Project Description* which explains that the District’s goal in the redesign of the campus is to reduce congestion and the resulting safety issues associated with the existing condition.
- U-12          The new drop-off/pick-up zone would be created through the reconfiguration of the site, which includes a modification of how the site is used. Refer to Master Response 2.1.5, *Recreation/Open Space*.
- U-13          The District acknowledges the proposed project modifies the green space area to advance the District’s education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community*

## 2. Response to Comments

*Accessible Areas*, Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.

The proposed project would not increase traffic as it would not increase student capacity. The access and parking improvements proposed would reduce congestion during morning and afternoon peak periods. As congestion would be reduced, so would impacts to air quality as idling would decrease. Additionally, the reduce congestion would create safer traffic conditions. The expanded parking lot and access improvements are intended to alleviate the existing queuing and hazardous conditions on campus and within the adjoining neighborhood.

U-13        This comment summarizes the previous comments; please refer to responses provided to individual comments.

U-14-25    The proposed project would not result in an increase in vehicles or vehicle trips; therefore, the project would not increase emissions or expose receptors to substantial concentrations of air pollutants. Additionally, the proposed project would reduce queuing and associated idling within the neighborhood by providing an expanded off-street student drop-off/pick-up area. As described in the Initial Study passenger vehicle emission rates have decreased substantially as a result of State and Federal regulations and turnover of older vehicles.

As described on page 18 of the Initial Study, the District proposes to increase onsite parking and lengthen student drop-off/pick-up area and vehicle queuing zone. The longer area would improve vehicle flow, reducing congestion, and reducing idling.

Vertical and horizontal mixing does not occur under a bridge or in a tunnel. Under existing and future vehicle emission rates, a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal air does not mix—in order to generate a significant CO impact. Neither the canyon to the south nor the slope to the north substantially inhibits vertical and horizontal mixing of air.

The school campus and future student drop-off/pick-up would have adequate air flow because of wind blowing from the west, and located on top of a hill, which promotes both horizontal and vertical mixing. See below for elevation profile from the beach to the residences east of the site (the red arrow on the image matches the elevation line in the pink graphic below). The slope between student drop-off/pick-up and Mira Montana Drive would increase air dispersion by forcing the air to higher elevations, thereby increasing vertical mixing (not decrease mixing).

## 2. Response to Comments

Relocation of the drop-off/pick-up area would not expose receptors to substantial concentrations of air pollutants on campus or in the adjacent neighborhoods.

- U-26      The modification of green space is addressed fully in Master Response 2.1.1, *Project Description* and 2.1.5, *Recreation/Green Space*. Additionally, see responses to Letter J.
- U-27-35      Refer to Master Response 2.1.6, *Transportation/Emergency Access*
- U-36-38      Refer to Master Response 2.1.8, *Fair Argument* and response to U-5 and U-6, which explains why preparation of an EIR is not warranted.

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

Letter V – Karen Vaughan, (1 page).

**From:** Karen Vaughan [REDACTED]  
**Date:** Monday, March 30, 2020 at 4:33 PM  
**To:** Christopher Delehanty <[cdelehanty@dmusd.org](mailto:cdelehanty@dmusd.org)>  
**Subject:** public comment on MND for Del Mar Heights School Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Delehanty,

I am Karen Vaughan, an almost 30 year resident on the corner of Cordero and Boquita. This letter has been adapted from a form letter, so please read my additional comments.

1 - Slashing the playfields and blacktop by more than 50% creates a substantial adverse effect on our public resources and community parks. More importantly, it creates an adverse effect on our students. Outdoor play is part of learning. I'm sure you will agree that many lessons are learned outside of the classroom at recess. While the school design is beautiful, I feel that it is not at it's best proposal yet, and I urge you to reconsider other options. Once the field is gone, it's gone forever.

V-1

2 - Changes in parking, traffic, and student population driven by the project will create a substantial adverse effect on community traffic.

V-2

3 - The project design changes the existing school in a way that creates a substantial adverse effect on wildfire risk at the site and in the community - and a time evacuation study must be done for the sake of the parents, students, staff, and Heights community that would need to evacuate the area.

V-3

The requirement for a full EIR evaluation should NOT be skirted by an MND. In fact, I am shocked that you would even consider not doing an EIR. Please reconsider this.

V-3

Please confirm receipt.

Sincerely,

Karen Vaughan  
[REDACTED]

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### V Response to Comments from Karen Vaughan, dated March 30, 2020.

- V-1 The District acknowledges the proposed project modifies the green space area to advance the District's education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas*, Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.
- V-2 Refer to Master Response 2.1.6, *Transportation/Emergency Access*. As indicated in this response, the proposed project would not increase traffic because it would not increase student capacity. The access and parking improvements would reduce congestion during morning and afternoon peak periods which would result in greater safety. The expanded parking lot and access improvements are intended to alleviate the existing queuing and dangerous conditions on campus and within the adjoining neighborhood.
- V-3 Refer to Master Response 2.1.7, *Wildfire*. As explained in this response, the fire hazard is reduced by the numerous improvements proposed and by compliance with current building codes. As noted, the site plan has been reviewed and pre-approved by the City of San Diego Fire Marshall. The school district has established emergency procedures for all school campuses. Compared to the existing school, the site plan for the rebuilt school would result in a benefit and reduction in evacuation times.
- V-4 Please refer to Master Response 2.1.8, *Fair Argument*, which discusses the requirements regarding EIRs, and when a Negative Declaration or Mitigated Negative Declaration is appropriate. According to CEQA Guidelines Section 21064.5, a Mitigated Negative Declaration is prepared when potentially significant effects have been identified but revisions in the project plans would avoid effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and when there is no substantial evidence that the project, as revised, may have a significant effect on the environment. As substantiated in the Initial Study/Mitigated Negative Declaration, all potentially significant impacts would be reduced to a less-than-significant level. Therefore, the preparation of an EIR is not warranted.

## 2. Response to Comments

*This page intentionally left blank.*



## 2. Response to Comments

Letter W – Kelley Huggett (4 pages).

**From:** Kelley Huggett [REDACTED]  
**Date:** Monday, March 30, 2020 at 4:48 PM  
**To:** Christopher Delehanty <[cdelehanty@dmusd.org](mailto:cdelehanty@dmusd.org)>  
**Subject:** Del Mar Heights CEQA comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please confirm receipt of this email.

Thank you for the opportunity to comment on the CEQA document. As someone who believes in this district and as a community member highly impacted by ALL aspects of this rebuild, this environmental report is very disappointing. In fact as I read through it, I have to wonder if anyone from DMUSD even read the report? As I have shown it to friends in the industry, their first comment is, "This has been CUT and PASTED from another report, Did the "Lead Agency" read it before it was sent to the community? There are so many errors in the report, they clearly are not taking this seriously.

W-1

The DMUSD Board needs to seriously evaluate the quality of work you are receiving from the consultants in this process. Unfortunately, hard earned tax dollars are being spent on sub par work. It seems to be a continued theme in this entire process. Del Mar deserves better and we deserve what we voted for. The environmental document should represent what the district has presented to the community. However, many areas of this document are completely different than the community presentations. I believe in the inherent good of the process and have been optimistic this would turn into something really spectacular. However, this CEQA document shows haste and rush versus high quality of work. There are many areas that have high potential negative impact on the community. Therefore, per state requirements additional environmental study is required.

W-2

This school needs to last for decades therefore, DMUSD needs to take the time to manage this process correctly. The recent School Accountability report card rates the current facility as Exemplary, October 2019. As a result, there should be no negative impact to the students, teachers or administrators to take the necessary time to evaluate all impacts. The entire School Accountability report is attached as Appendix A.

W-3

### 1.5.1 Proposed Land Use

This section states the capacity will be reduced by one classroom (approximately 24 students). This is inaccurate, Per historical records, the original school has 3 permanent main buildings, built with 15 classrooms for approximately 350 students with busing. The additional portables were installed with the understanding they would be temporary. Therefore, this would NOT represent an accurate number of classrooms and student enrollment for the site. In addition, the 10 year average student population is 460, significantly above the original intention of 350. Therefore, 500 students is a very significant impact.

W-4

There is not a reduction in classrooms or students, but a significant increase in permanent classrooms. There is a decrease in 1 temporary portable. Please reflect this number accurately.

The original school was built to accommodate 15 classrooms and administration. Increasing classrooms from 15 to

## 2. Response to Comments

21 is a significant impact, especially with the increase of square footage per classroom.

W-4  
cont'd

Reference: Published book, Del Mar Looking Back, by Nancy Hanks Ewing. P. 259-260

In addition, the student enrollment submitted to the DSA is 673. 673 students would NOT be safe on this property. This is a significant negative impact on the community.

W-5

Lastly, this section also states the project will be limited to one story, low sloped roofs. This is an inaccurate description. Please provide accurate height ranges. Low refers to approximately 10 feet, therefore please accurately describe these buildings. This is a potential significant impact on the community.

W-6

3.1 D:

1. Please provide data/pictures to show the AM/PM glare/reflection that will take place between the main buildings and the MUR/Innovation Center. This area gets significant AM/PM bright reflecting sunlight. There is not enough data to determine the impact. However, the increase in large glass windows definitely will have a significant impact on reflective surface.

W-7

2. Currently, the area below Mira Montana is a garden and grass field. This area is black at night. The new 20' parking lot lights create a significant light glare all night. Even with light shields, this creates an unbelievably significant negative impact. See attached picture, taken 1-21-20 at 12:06 AM from Mira Montana above the school garden.



W-8

## 2. Response to Comments

### 3.3 Air Quality

This project substantially changes:

- The the permeant student population (as stated above in 1.5.1
- the design of the parking and parent drop off/pick up zones which will result in circulating emissions out side the classrooms and to the homes above. The strong westward winds will cause vehicle emissions to significantly impact children and sensitive adults. This new design is dramatically different than the current parking lot where all emissions move from the ocean east and do not impact classrooms.

W-9

The sensitive receptors listed under Appendix B, P. 11 are the incorrect streets and neighborhood. Also, the comment that these individuals stay mostly inside and are healthy is not true. The sensitive receptor residents that live in the homes around the school are known to have diagnosed Lung disorders. In addition, the wind from the ocean drives any pollutants right inside the homes near the school.

W-10

Air quality is a potential significant impact, therefore accurate study needs to be done.

W-11

### 3.13 Noise

Construction:

There are multiple aspects of noise that will impact the community during construction. There are inadequate details in the document to mitigate the significant level of noise during construction. The construction activity that will take place on this site will definitely be higher than 75 DBA to the surrounding homes, which are within 25 feet on Boquita and Mira Montana. The construction will potentially have a significant impact on the surrounding community.

W-12

School:

Once the school opens there is significant noise impact on the surrounding homes. Many of the current homes are surrounded by a school garden and green grass. This changes that configuration to 6:30 AM to 6:00 PM traffic/parking lot noises such as:

- car alarms
- slamming doors
- constant auto lock horn beeps.

W-13

In addition, industrial buildings will bring:

slamming doors

school loud speakers including parent pick up loud speaker/bull horns

-industrial equipment such as air conditioners and heaters etc.,

noise within 25 feet of the surrounding homes, currently bordered by a school garden. In addition, there is no analysis for the 6AM daily garbage pick up that within the last year, vibrates the entire neighborhood.

Therefore, there is significant impact on the surrounding community and more study needs to be done.

### 3.15 Public Services

Police/Fire: The bottlenecked school traffic at Mercado/Cordero will significantly impact Police and Fire engines. The current student population is too high for the current neighborhood streets, even with increased parking. There is no way for the school and community to evacuate efficiently.

W-14

Parks/Recreation: This plan completely ignores the Torey Pines Community Plan and by significantly reducing the kids play space during school and after school has a significant impact on this community and others as local kids get pushed to other neighborhoods. The San Diego Park District has offered to joint use and help pay for recreation services. This district has completely denied this asset from the city of San Diego. This plan does not enhance the current recreational play area, but cover 50% of it with buildings. This is not what I or other neighbors voted for!

W-15

## 2. Response to Comments

3.17

### Transportation

There is no traffic study for the new school configuration. This new traffic pattern has a very high potential negative impact on the community and surrounding homes.

W-16

3.2 Wildfires

As stated above the proposed student enrollment is well beyond what can be efficiently evacuated with the community in the event of a wildfire or earthquake. This highly impacts the lives of students, teachers, administrators and the surrounding community which has a high population of retirement age individuals. This has significant negative impact on the school and entire community!

W-17

3.21

As referenced above there are many mandatory findings of significance in this CEQA document that have a high potential negative impact on the overall community and individual residences near the school.

W-18

Appendix A:

## 2. Response to Comments

### **W      Response to Comments from Kelley Huggett, dated March 30, 2020.**

- W-1-3      The comment does not address any physical environmental impacts or adequacy of the CEQA document. No response is necessary.
- W-4-5      Refer to Master Response 2.1.1, *Project Description*, which explains the District's policy concerning the use of classrooms across the District and for this campus. The project would not increase student capacity.
- W-6      The building is accurately described as one-story with low-sloped roofs. Low-slope is descriptive of the angle of the roof; as opposed to steep-slope or flat roof. The height of the buildings and the effect on views is further described in Master Response 2.1.3, *Aesthetics*.
- W-7      Views of much of the campus from Mira Montana is limited by the elevation difference and the numerous street and slope trees. The areas that would be most visible from Mira Montana are shown in Figures 8c1 and 8c2 and Figures 8e1 and 8e2, in Master Response 2.1.3, *Aesthetics*. The simulated views demonstrate that direct views of the windows facing east are very limited and the glare would not be significant.
- W-8      Refer to Master Response 2.1.3, *Aesthetics*, which provides details on lighting within and surrounding the campus. Parking lot lights would not generate glare in the surrounding neighborhood because of obstructions from buildings, slopes, and tree, shielding on the lights, direction / angle of the lights, and location of the lights.
- W-9      Student capacity would not increase as a result of project. The proposed project would not result in an increase in vehicles or vehicle trips; therefore, the project would not increase emissions or expose receptors to substantial concentrations of air pollutants (see Section 3.3(c)). Additionally, the proposed project would reduce queuing and associated idling within the neighborhood by providing an expanded off-street student drop-off and pick-up area. As described in the MND, passenger vehicle emission rates have decreased substantially as a result of State and Federal regulations and turnover of older vehicles. An intersection would need to have 44,000 vehicles in one hour for a substantial concentration of carbon monoxide emissions that exceeds the ambient air quality standards. The relocation of the drop-off/pick-up area would not expose receptors to substantial concentrations of air pollutants on- or off-campus.
- W-10-11      See response to Comment W-9, relocation of the driveway would not expose receptors to substantial concentrations of air pollutants on- or off-campus.
- The commenter is correct in stating that the street names listed on page 11 of Appendix B to the Initial Study are incorrect. See Section 3, Errata for revisions to this Appendix.
- The commenter's claim that the Appendix states adjacent sensitive receptors 'stay mostly inside and are healthy' is incorrect. The Appendix makes two separate distinctions. The

## 2. Response to Comments

first is that residential areas are considered sensitive receptors because residents tend to be home for extended periods of time, thereby exposing them to pollutants. The second is that the working population is generally considered the healthiest segment of the public. Please refer to response to comment U-14 to U-26 for additional information on classroom and neighborhood air quality.

- W-12 The commenter provides no evidence that construction noise would exceed 75 dBA. The Initial Study includes a detailed construction noise analysis. There is no substantial evidence that the project, with mitigation, would have a significant environment impact. The District Board of Education will consider all comments prior to making a decision on the project.
- W-13 As established under CEQA Guidelines Section 15125, for this project the existing conditions constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The existing school already has the types of noises identified in the comment letter. The project would not have industrial buildings. Noise along the driveway is attenuated by the elevation difference (between 10 and 25 feet) between the campus and the residences along Mira Montana Drive. For additional noise discussion please see response to comments Z-43 to Z-53.
- W-14 Please refer to Master Response 2.1.6, *Transportation/Emergency Access*. As discussed, the access and parking improvements would reduce congestion during morning and afternoon peak periods which would create safer and more efficient evacuation procedures. The expanded parking lot and access improvements are intended to alleviate the existing queuing and hazardous conditions on campus and within the adjoining neighborhood and would improve emergency access.
- W-15 Please refer to Section 2.1.5, *Recreation/Green Space* for detail response. The District acknowledges the proposed project modifies the green space area to advance the District's education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas*, Figure 8, *Comparison of Community Accessible Areas by Type*.
- W-16 The proposed project would not increase student capacity, which obviates the need to prepare a traffic study. However, additional traffic modeling was conducted to demonstrate the reduction of congestion that would occur under the new access plan. The project would not change traffic patterns in the surrounding neighborhood. Please refer to Master Response 2.1.6, *Transportation/Emergency Access*, which shows this reduction.
- W-17 Refer to Master Response 2.1.7, *Wildfire*, which explains the fire hazard is reduced by the numerous improvements proposed and by compliance with current building codes. Additionally, these improvements would create safer conditions and would not impede

## 2. Response to Comments

emergency evacuation. As noted, the plan has been pre-approved by the City of San Diego Fire Marshall.

W-18      The Initial Study analyzes the potential impacts of the proposed project. Additionally, the 'mandatory findings of significance' is found in section 3.21 of the Initial Study. See Master Response 2.1.8, *Fair Argument*, which discusses the requirements regarding EIRs, and when a Negative Declaration or Mitigated Negative Declaration may be appropriate.

The information attached as Appendix A to this letter is included as Appendix D of this document.

## 2. Response to Comments

*This page intentionally left blank.*



## 2. Response to Comments

Letter X – Rosana and Kyle Martin (4 pages)

**From:** Rosanna Martin [REDACTED]  
**Date:** Monday, March 30, 2020 at 4:54 PM  
**To:** Christopher Delehanty <[cdelehanty@dmusd.org](mailto:cdelehanty@dmusd.org)>  
**Subject:** MND Comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Delehanty,

Please accept these comments on the Mitigated Negative Declaration (MND) for the Del Mar Heights School Rebuild Project. The Del Mar Heights property is in a particularly sensitive location, surrounded by the Torrey Pines State Natural Reserve on three sides. We are extremely disappointed by neglectful Mitigated Negative Declaration. If you read the MND, you will notice that portions have been cut and pasted from other reports. X-1

For example:

- The Initial Study, Environmental Analysis, 3.1 (b), No Impact. The closest designated state scenic highway is State Route 75 (SR-75), that's in Imperial Beach, 21 miles away from the school. X-2
- In Appendix B, Air Quality and Green House Gases, page 1, the document states the climatological station nearest to the project site is the San Jacinto RS Monitoring Station (ID No. 047813). San Jacinto is in Riverside County. The Del Mar Fire Department houses the nearest site (ID No. 042350). X-3
- On page 11 of the same section, Sensitive Receptors, the report lists the nearest sensitive receptors to the proposed project site are the residences along Whitmore Street, Prospect Avenue, Garvey Avenue, and New Avenue to the north, east, south, and west, respectively. None of these streets are near the project site. X-4
- On page 91 Public Services, the report states that the closest Fire Station to the project is Fire Station 24, approx. 1.3 miles away. On page 92, the report says the response time for Station 24 is 24.8 minutes. Doesn't that seem like an unreasonably long amount of time? On the very next page, the document acknowledges the site as being in a Very High Fire Hazard Severity Zone. X-5

As parents of a student at Del Mar Heights and neighbors of the school, we are committed to seeing a responsibly built school on this site, for our daughter and future generations to come. We are not interested in a hastily built school that puts Average Daily Attendance revenues and expediency, over student safety. The construction plans were already submitted to the DSA in X-6

## 2. Response to Comments

February for 673 students. Del Mar Heights School currently has 460 students and the plans presented to the public for the last year, have shown a student population of 504. This site has 8 acres of usable land, below the minimum for a school of 450 students, let alone the 673, on the construction plans. (See California Department of Education 's Guide to School Site Analysis and Development, which can be found at <https://www.cde.ca.gov/ls/fa/sf/guideschoolsite.asp#sitemaster> ).

X-6  
cont'd

Additionally, we feel the original proposed 2-day window (March 23 to the 25th) between receipt of public comments on this CEQA required environmental analysis and the scheduled review of this project by the Board of the Del Mar Unified School District, was grossly inadequate. Allowing only 2 days between close of comments and final approval seems to assume that there are no potential issues to be raised, or that the intent is to ignore any concerns and proceed to approval without actually adequately considering them. It is concerning, given the extent of the community concerns that have already been raised on this project, this key part of the process appears to not be taken seriously. The District knew that the community had concerns about: the loss of recreational space; the paving of green space for additional buildings, parking/queuing; traffic/pedestrian/bike safety; views; lighting; biological impacts at the adjacent preserve; storm flows/water quality.

X-7

This design is clearly not focused on the students, otherwise the classrooms would be on the west side of the property with indoor/outdoor learning spaces available on either side of the classrooms and the MUR would be located in the northeast corner. I'm not sure why the District wants to put the classrooms next to the emissions creating drop off queue. We believe there are several issues of concern which are detailed below

X-8

### Public Services- Wildfire Risk

Need for an evacuation time study. This area is within the high severity risk fire zone because of its location adjacent to hardline preserve land. The County of San Diego now asks developers of projects within this zone to "voluntarily" prepare an evacuation time study. Such studies consider roadway capacity and local demographics to compute the time it will take to evacuate an area. Schools are of particular concern in planning for evacuations because typically there is extensive traffic into the site right at the time the evacuation out of the site is needed. Given the site configuration with one way in and out, more cars inside the site boundary and no change in nearby roadway capacity this could result in a substantial increase in potential evacuation times. Conducting such a study might highlight the need for site changes, roadway modifications or other operational considerations to improve the evacuation time for the school and for the entire neighborhood that might need to be evacuated.

X-9

## 2. Response to Comments

The school student population has increased substantially from the time it was originally constructed for 350 students to the current proposal for 673, with no analysis of the impacts of these increases on evacuation times. Failure to adequately evaluate this risk and the resultant impact on public safety response times is a potential significant adverse impact that has not been addressed. We have reviewed the current emergency plans and evacuation plans to shelter in place. Given the increase in size and number of wildfires, we think this plan is inadequate to insure safety for all children, staff and the community.

X-10

### Traffic/Transportation

There is insufficient parking analysis and support for Transportation Demand Management.

X-11

There are no idling restrictions The MND includes that during construction "contractors are anticipated to minimize nonessential idling..." but there is no monitoring plan included to ensure such compliance. Of greater concern is once the site is in operation, it is common practice for cars to be idling on and adjacent to the school site. We realize that the threshold for a local CO2 hotspot is so high that this would not be reached. However, there are numerous pollutants of concern that have not been evaluated. CARB just recently funded a project to increase local no idling ordinances, particularly around schools. Even when not required this is a good practice to put into place as it is known that proximity is a key concern in assessing actual air quality impacts, especially for sensitive receptors like children. Therefore, making a real effort to reduce auto trips and vehicle idling could greatly improve local air quality and reduce the impacts on children's health from the pollutants associated with car exhaust.

X-12

### Green House Gasses (GHG)

There is no discussion of consistency with city of San Diego Climate Action Plan The only mention of the city of San Diego Climate Action Plan (CAP) that we found is on page 27 of Appendix B. This justifies the use of the city's Brightline methodology for using 900 MT CO2 as the screening threshold and thereby eliminating the requirement to even evaluate Green House Gas (GHG). But none of the other requirements of the CAP seem to even be considered. Please include analysis of the consistency with the City of San Diego's CAP. 4

X-13

Reliance for regional reductions on discredited SANDAG Sustainable Community Strategy (SCS) The Appendix B discussion about the SANDAG SCS is really inaccurate considering that it has now been widely reported that the SCS did not achieve the GHG reductions that were assumed.

X-14

Project fails to adequately evaluate GHG impacts for the life of the project GHG emissions from project operations will continue for the life of the project. The MND has only analyzed compliance with threshold standard for 2021 and 2022 the year the project is expected to become fully operational. Since school facilities often have a life of 50 years, the analysis should have considered how the project will meet GHG reduction requirements for 2030 through 2050.

X-15

## 2. Response to Comments

Appendix B page 19 acknowledges the challenge to meet the 13% per capita reduction required by SB 375 by 2035. But there is no analysis of these potential future impacts of GHG emissions once it concludes the emissions are below the “Brightline” threshold. The question which needs to be resolved is will this project add to a cumulative failure to meet these future emission targets? There are several ways the project could be designed to be in compliance with GHG reduction thresholds for the life of the project. This could include things like reducing the initial emissions to a level consistent with what is required at the mid-life of the project which could be achieved in a number of ways. For example, by achieving full building electrification that would increase the benefits from the planned CCE, or by complying with Tier 2 green building standards for all buildings on the site.

X-16

### Public Services-Recreation

There is inadequate analysis of impact on community recreational facilities. The District seems unwilling to work with the City of San Diego to create a Joint Use Agreement that benefits both the District and the Community.

The City of San Diego and the California Department of Education have specific standards for recreational amenities which will no longer be met if the changes are made.

X-17

If the District determines that Del Mar Heights School, the flagship school of this district, doesn’t warrant a full Environmental Impact Report, than shame on you for listening to your consultants over the community that loves this school.

X-18

There is a group of teachers and parents calling themselves the Friends of the Heights. They have been very vocal about the poor conditions of the portable classrooms. They say the portables have mold, rats and leaky roofs. They also say the school has asbestos in the walls and the current building is unsafe for children walk under the eaves. If what the teachers of Del Mar Heights are saying is true, the District has a huge liability before them. Why would the principal, the superintendent and the board allow students and teachers in horrible conditions when there are empty classrooms at Del Mar Hills Academy, less than a mile away?

X-19

Rosanna and Kyle Martin

---

Sent from [Mail](#) for Windows 10

## 2. Response to Comments

### **X      Response to Comments from Rosana and Kyle Martin, dated March 30, 2020.**

- X-1      The District recognizes the school's location near the Torrey Pines State Natural Reserve.
- X-2      The Initial Study correctly identifies State Route 75 (SR-75) as the closest designated state scenic highway, which is located in Coronado, over 18 miles southeast from the school.
- X-3      The commenter is correct in stating that page 1 of Appendix B to the Initial Study references the incorrect climatological station. However, the analysis is correct and no changes to the analysis or conclusions are necessary. See Section 3, Errata for revisions to this Appendix.
- X-4      The commenter is correct in stating that the street names listed on page 11 of Appendix B to the Initial Study are incorrect. See Section 3, Errata for revisions to this Appendix.
- X-5      This data does appear counterintuitive; however, the information was provided by Fire Department and has reconfirmed this response time.
- X-6      Please refer to Master Response 2.1.1, *Project Description*, which explains that there are various definitions of "capacity." The 10-year average is 460 students and the maximum enrollment of the school was 504 students. As explained, OPSC's calculations are used to determine eligibility for state matching funds; the District is responsible for determining how it uses classrooms and hence, the actual capacity of the school. Additionally, the CDE has site development guidelines (not regulations) that are applicable for determining site size based on enrollment, and that outdoor programs are required to address each school's needs and provide facilities to adequately accommodate them.
- X-7      See Master Response 2.1.2, *CEQA Process*, which explains that the District provided the adequate comment review period, in compliance with CEQA Guidelines, and extended the comment period from March 23, 2020 to March 30, 2020. It was never intended for the Board to act on the CEQA document on March 25, 2020.
- X-8      Please refer to responses to comments U-14 to U-25 which explains that the placement of classrooms adjacent to the drop-off/pick-up zone would not expose students to car emissions or polluted air.
- X-9-10      Refer to Master Response 2.1.7, *Wildfire* and 2.1.6, *Transportation/Emergency Access*, which explains that the fire hazard is reduced by the numerous improvements proposed and by compliance with current building codes. Additionally, improvements to the school access result in safer conditions and would not impede emergency evacuation. As noted, the plan has been pre-approved by the City of San Diego Fire Marshall.
- X-11      The project would increase parking on-campus and reduce neighborhood parking. A Transportation Demand Management plan is not required.

## 2. Response to Comments

- X-12      The proposed project would comply with all reduction measures from the San Diego Air Pollution Control District (SDAPCD) and California Air Resource Board (CARB). As identified in the Initial Study on page 8 of Appendix B, Air Quality and Greenhouse Gas Emissions Analysis, the California Air Resources Board (CARB) has enacted Airborne Toxic Control Measures (ATCM) to limit general idling of diesel-fueled commercial vehicles (including school busses) and construction equipment (13 CCR Chapter 10, Section 2485), and idling near schools (13 CCR Chapter 10, Section 2480). The San Diego Air Pollution Control District (SDAPCD) enforces regulations for mobile sources, including idling violations. Because this is an existing regulation a monitoring plan is not warranted to ensure compliance.
- For passenger vehicles, the state has not imposed idling restrictions. However, the proposed project would not result in an increase in vehicles onsite or vehicle trips; therefore, the project would not increase emissions or expose receptors to substantial concentrations of air pollutants (see Section 3.3(c) of the Initial Study). Additionally, the proposed project would reduce vehicle queuing and associated idling within the neighborhood by providing an expanded off-street student drop-off/pick-up area. The Board of Education will consider all comments in its deliberations concerning the project.
- X-13      The school is within the sole jurisdiction of the Del Mar Union School District (District). As seen in Appendix B, page 27, the City of San Diego Climate Action Plan (CAP) is not directly applicable to the Del Mar Union School District because measures in the CAP only apply to development projects whose emissions are within the City's jurisdictional authority. Because the City of San Diego does not have discretionary authority over emissions sources associated with operation of the District's schools, the City's CAP is not applicable to the project.
- X-14      Appendix B accurately summarizes the San Diego Association of Government's (SANDAG) Sustainable Communities Strategy (SCS). The comment regarding the recent Senate Bill 150 SCS tracking that indicates that the Metropolitan Planning Organizations (MPOs) have not met the per capita passenger vehicle targets of Senate Bill 375 is noted.
- X-15      The 900 metric tons of carbon dioxide-equivalent (MTCO<sub>2</sub>e) per year threshold is an emissions capture threshold used to screen projects that generate de minimus greenhouse gas (GHG) emissions. As a result, this threshold is not directly tied to the GHG targets of Assembly Bill 32, Senate Bill 32, Executive Order S-03-05, or SB 375. Rather, consistency of the project with the applicable state and regional GHG reduction plans is addressed qualitatively in Section 3.8(b). Therefore, the methodology identified by the Comment is not applicable the District's GHG significance threshold. Furthermore, as seen on page 50 of the MND, the proposed project only involves a redesign and reconstruction of the elementary school and would not result in an increase in student capacity. These new buildings would be built to meet the 2019 Building Energy Efficiency Standards and the 2019 California Green Building Standards Code (CALGreen) and



## 2. Response to Comments

would be more energy efficient than the existing buildings. Thus, it is anticipated that operation of the proposed project would result in a net benefit in GHG emissions compared to existing conditions.

- X-16 As described in response to Comment X-13, the new buildings would meet the 2019 Building Energy Efficiency Standards and the 2019 California Green Building Standards Code (CALGreen). These buildings would be more energy efficient than the existing buildings and would decrease GHG emissions onsite.
- X-17 The District acknowledges the proposed project modifies the green space area to advance the District's education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas*, Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. The District is working with the City on Joint Use Agreements and will continue to do so. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.
- X-18 Please refer to Master Response 2.1.8, *Fair Argument*, which discusses the requirements regarding EIRs, and when a Negative Declaration or Mitigated Negative Declaration may be appropriate. According to CEQA Guidelines Section 21064.5, a Mitigated Negative Declaration is prepared when potentially significant effects have been identified but revisions in the project plans would avoid effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and when there is no substantial evidence that the project, as revised, may have a significant effect on the environment. As substantiated in the Initial Study/Mitigated Negative Declaration, all potentially significant impacts would be reduced to a level of less than significant. Therefore, the preparation of an EIR is not warranted.
- X-19 The District acknowledges the need to modernize the campus, as stated in the District's Facilities Master Plan, which is the purpose of the proposed project. The Board of Education will consider all comments in its deliberations concerning the project.

## 2. Response to Comments

*This page intentionally left blank.*



## 2. Response to Comments

Letter Y – Amy Hellenkamp, (1 page).

**From:** Amy Hellenkamp [REDACTED]  
**Date:** Monday, March 30, 2020 at 4:59 PM  
**To:** Christopher Delehanty <[cdelehanty@dmusd.org](mailto:cdelehanty@dmusd.org)>  
**Subject:** MND comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Delehanty,

As a resident of the neighborhood of Del Mar Heights, I am deeply concerned about the dangerous traffic conditions created by building a school for over 500 students on that isolated site. This is not something that can be mitigated with parking or cueing — the danger is in so many cars driving up to that site. The bottle necks in traffic occur along Cordero, and all intersections. The site is not appropriate for so many students. In the event of an emergency, such as a fire, not only would it be impossible to safely evacuate so many students from that remote area, but neighbors in the area would be prevented from evacuating due to 500+ parents on the streets. The school must be built on a smaller scale for the safety of students and neighbors.

Sincerely,

Amy Hellenkamp

Y-1

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### **Y      Response to Comments from Amy Hellenkamp, dated March 30, 2020.**

- Y-1      Refer to Master Response 2.1.6, *Transportation/Emergency Access*, which show that the proposed project would not increase traffic because it would not increase student capacity. The access and parking improvements proposed would reduce congestion during morning and afternoon peak periods which would create safer traffic conditions. The expanded parking lot and access improvements are intended to alleviate the existing queuing and hazardous conditions on campus and within the adjoining neighborhood. Additionally, refer to Master Response 2.1.7, *Wildfire*. As explained in this response, the fire hazard is reduced by the numerous improvements proposed and by adhering to current building codes. These improvements would create safer conditions and would not impede emergency evacuation. As noted, the plan has been pre-approved by the City of San Diego Fire Marshall.

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

Letter Z – Justine K. Nielson, Procopio (32 pages).



PROCOPIO  
525 B Street  
Suite 2200  
San Diego, CA 92101  
T. 619.238.1900  
F. 619.235.0398

JUSTINE K. NIELSEN  
P. 619.906.5787  
justine.nielson@procopio.com

DEL MAR HEIGHTS  
LAS VEGAS  
PHOENIX  
SAN DIEGO  
SILICON VALLEY

March 30, 2020

**VIA E-MAIL (CDELEHANTY@DMUSD.ORG)**

Chris Delehanty  
Executive Director of Capital Programs and  
Technology  
Del Mar Union School District  
11232 El Camino Real  
San Diego, CA 92130

Re: Comments on Del Mar Heights School Rebuild Project Initial Study/Mitigated  
Negative Declaration

Dear Del Mar Union School District Board of Trustees:

We represent Save the Field, a California nonprofit public benefit corporation, comprising numerous neighbors and citizens in connection with their concerns regarding the Del Mar Heights School estimated \$44,849,703 Rebuild Project (the "Rebuild Project"). The purpose of this letter is to provide comments to the February 20, 2020 Initial Study and Mitigated Negative Declaration ("MND") for the Del Mar Heights Elementary School (the "School") Rebuild Project circulated by the Del Mar Union School District (the "District").

Z-1

**I. THE DISTRICT'S INITIAL STUDY/MND FAILS TO COMPLY WITH CEQA**

**a. Background Regarding Purpose and Intent of CEQA**

The purpose of the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 *et seq.* and the CEQA Guidelines, California Code of Regulations, title 14, section 15000 *et seq.* ("Guidelines")) "is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made." (See *Protect Niles v. City of Fremont* (2018) 25 Cal.App.5th 1129, 1138 [Emphasis in original].) "To this end, public participation is 'an essential part of the CEQA process.'" (*Ibid* [quoting Guidelines, § 15201].)

Z-2

CEQA's purposes are designed to (1) inform governmental decision makers and the public about the potential, significant environmental effects of a proposed project, (2) identify ways to avoid or significantly reduce environmental damage, (3) prevent significant, avoidable damage to the environment by requiring changes to a project that use alternatives or mitigation measures and (4)

Z-3

procopio.com

DOCS 128515-000001/3958993.11

## 2. Response to Comments



disclose to the public the reasons why a governmental agency approved a project in the manner it chose if significant environmental effects are present. (Guidelines, § 15002; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1996) 42 Cal.App.4th 608, 614.) The provisions of CEQA are interpreted “to afford the most thorough possible protection to the environment that fits reasonably within the scope of its text.” (*California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, 381.)

Z-3  
cont'd

### b. Standard of Review for IS/MND under CEQA

“In reviewing an agency’s decision to adopt an MND, a court . . . must determine whether there is substantial evidence in the record to support a ‘fair argument’ that a proposed project may have a significant effect on the environment.” (*Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, 575-576.) “The fair argument standard creates a ‘low threshold’ for requiring an EIR, reflecting a legislative preference for resolving doubts in favor of environmental review.” (*Ibid.*; *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1316-1317.) “[C]ourts owe no deference to the lead agency’s determination. Review is de novo, with a preference for resolving doubts in favor of environmental review.” (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928 [Emphasis in original].)

Z-4

A mitigated negative declaration may be adopted only if the record shows that there is *no substantial evidence* that the project may have a significant effect on the environment. (See Guidelines, § 15070(b)(2); *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 730.) Substantial evidence “means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” (Guidelines, § 15384.) Substantial evidence includes “facts, reasonable assumptions predicated upon facts, and expert opinion supported by fact.” (*Ibid.*) “Relevant personal observations of area residents on nontechnical subjects may qualify as substantial evidence.” (*Keep Our Mountains Quiet v. County of Santa Clara, supra*, 236 Cal.App.4th at 730; *Pocket Protectors v. City of Sacramento, supra*, 124 Cal.App.4th at 928.)

Z-5

### c. CEQA Recirculation Requirements for IS/MND

A mitigated negative declaration must be recirculated if it has been “substantially revised” after public comment. (Guidelines, § 15073.5(a).) Substantial revisions include (1) the identification of new, avoidable significant effects for which mitigation or project revisions are required to reduce the effects, or (2) a finding that previously identified mitigation measures or project revisions will not reduce potentially significant impacts to a level of insignificance and that new mitigation measures or project revisions are required. (Guidelines, § 15073.5(b).)

Z-6

As will be discussed, the Initial Study/MND for the Rebuild Project violates the minimum standards of adequacy under CEQA. As a result, the District must prepare and circulate an Environmental Impact Report before approving the Rebuild Project. Alternatively, at a minimum, the MND must be recirculated.

Z-7

## 2. Response to Comments



### II. THE INITIAL STUDY/MND FAILS TO PROVIDE AN ADEQUATE DESCRIPTION OF THE PROJECT

An initial study must contain (1) “[a] description of the project including the location of the project;” and (2) “[a]n identification of the environmental setting.” (Guidelines, § 15063(d).) “An accurate and complete project description is necessary for an intelligent evaluation of the potential environmental impacts of the agency’s decision.” (*City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 406.) “Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal . . . and weigh other alternatives in the balance.” (*Ibid* [quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193].)

Z-8

“Where an agency fails to provide an accurate project description, or fails to gather information and undertake an adequate environmental analysis in its initial study, a negative declaration is inappropriate.” (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1202 [quoting *El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal.App.4th 1591, 1597].) A project description that hides important project ramifications “frustrates one of the core goals of CEQA.” (*Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3d 818, 830.)

Z-9

#### a. The Initial Study/MND Fails to Identify that the Project is in the Coastal Zone

The Initial Study/MND omits the critical fact that the Rebuild Project is located within the City of San Diego’s Coastal Overlay Zone. (See San Diego Municipal Code (“SDMC”), § 132.0402; see also Exhibit A enclosed herewith.) In fact, the Notice of Completion & Environmental Document Transmittal submitted to the State Clearinghouse clearly indicates the fact that the Initial Study/MND did not consider the fact that the Rebuild Project is located within a coastal zone when performing its analysis. (See Exhibit A.)

Z-10

The California Coastal Act “was enacted by the Legislature as a comprehensive scheme to govern land use planning for the entire coastal zone of California.” (*Citizens for South Bay Coastal Access v. City of San Diego* (2020) 45 Cal.App.5th 205.) Specifically, the Legislature found that,

Z-11

[T]he California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people; that the permanent protection of the state’s natural and scenic resources is a paramount concern; that it is necessary to protect the ecological balance of the coastal zone and that existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state.

(*Ibid* [quoting Pub. Resources Code, § 30001].)

Project impacts are to be measured against the project description and the existing conditions on the site. (See *Save Our Peninsula Commission v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 125.) It is critical that the environmental impacts of the Rebuild Project

Z-12



## 2. Response to Comments



be measured against an accurate project description—one that takes into account the property's location in the distinct and valuable coastal zone. The failure to take this into account when measuring the potential environmental impacts of the Rebuild Project is fatal to the Initial Study/MND and Rebuild Project's potential impacts to the environment must be reevaluated with this baseline.

Z-12  
cont'd

"[I]f a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency *shall* prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect." (Guidelines, § 15064(f)(1) [Emphasis added].) "The fair argument standard creates a 'low threshold' for requiring an EIR, reflecting a legislative preference for resolving doubts in favor of environmental review." (*Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, 576.)

Z-13

If any aspect of a project may result in a significant impact on the environment, an EIR must be prepared even if the overall effect of the project is beneficial. (Guidelines, § 15063(b)(1); see *County Sanitation District No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, 1580.) A MND is inadequate if an agency fails to perform a sufficient analysis of potential environmental effects. (See *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 408 [stating, "The agency should not be allowed to hid behind its own failure to gather relevant data," quoting *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311].)

Z-14

### **b. The Initial Study/MND Fails to Adequately Disclose the Scope of the Rebuild Project**

The Initial Study/MND fails to adequately disclose the true scope of the Rebuild Project by incorrectly stating the new school's capacity. Under the Project Description section of the Initial Study, the Initial Study states "[t]he capacity [of the school] will be reduced by one classroom (approximately 24 students) . . . Under the proposed project, the number of classrooms would be reduced by one, from 22 classrooms to 21 classrooms; the number of specialty classrooms, 13, would remain unchanged." With 21 classrooms of approximately 24 students each, the total capacity of the Rebuild Project would be approximately 504 students. However, the plans for the Rebuild Project that were submitted to the California Division of the State Architect ("DSA") state that the total capacity of the new school is 673 students.

Z-15

By failing to adequately disclose the total capacity of the new school, the analysis in the Initial Study/MND fails to make a proper comparison between the existing physical conditions of the project with the conditions expected to be produced by the project—impacts resulting from 673 students attending Del Mar Heights Elementary School. (See *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310, 328.) "Without such a comparison, the [environmental review] will not inform decision makers and the public of the project's significant environmental impacts, as CEQA mandates." (*Ibid.*) Analyzing project impacts based on a total capacity of 504 students (169 students less than the actual capacity of the Rebuild Project) fails to adequately analyze and disclose the impacts of the Rebuild Project. Accordingly, the Initial Study/MND fails to comply with the requirements of CEQA on this basis.

Z-16



## 2. Response to Comments



### c. The Initial Study/MND Fails to Identify the Required Discretionary Approvals

Z-17

The Rebuild Project is located within the Coastal Zone and the District must apply for and obtain a Coastal Development Permit ("CDP") from the City of San Diego.<sup>1</sup> The San Diego Municipal Code states,

A Coastal Development Permit issued by the City is required for all *coastal development* of a *premises* within the Coastal Overlay Zone described in Chapter 13, Article 2, Division 4, unless exempted by Section 126.0704, or if the proposed project site lies completely within the Coastal Commission Permit Jurisdiction or the Deferred Certification Area as described in Section 126.0702(b).

(SDMC, § 126.0702(a); see also § 132.0402 [Coastal Overlay Zone].)

Moreover, the development of the original school in 1965 appears to have been authorized pursuant to a City-issued discretionary permit, in which case, an amendment would be required to account for the Rebuild Project. The IS/MND also fails to acknowledge that the current zoning of the site requires a conditional use permit for school facilities and fails to acknowledge that it is not a previously conforming use pursuant to the City of San Diego's regulations, because it results in an intensification of use. (SDMC § 126.0107(b)). Finally, the Initial Study also fails to list the City of San Diego as a public agency whose approval is required.

Z-18

### III. THERE IS A FAIR ARGUMENT THAT THE PROJECT WILL HAVE POTENTIALLY SIGNIFICANT EFFECTS ON THE ENVIRONMENT

As will be discussed herein, the Initial Study/MND has failed to comply with many of the baseline requirements of CEQA and is therefore insufficient to support approval of the project. The Rebuild Project proposes the demolition of 52,406 square feet of buildings and new construction of 66,823 square feet of classrooms and collaboration spaces. As part of the project, the existing grass area on campus will be reduced by 41,643 square feet and will be replaced with new buildings. The scope of the project and the analysis set forth in the Initial Study/MND shows that the Rebuild Project may have a significant, unmitigated impact on the environment, and the District must therefore prepare an environmental impact report.

Z-19

#### a. Experts

This comment letter includes comments from technical experts at RK Engineering Group, Inc. RK Engineering Group's comments and qualifications are attached hereto as **Exhibits B and C**, respectively, and are incorporated herein by reference.

Z-20

Robert Kahn, P.E., T.E., has worked professionally in traffic engineering and transportation planning since 1968. Mr. Kahn received his masters of science degree in civil engineering from the University of California, Berkeley, Institute of Transportation and Traffic Engineering and received his

<sup>1</sup> As of the date of this letter, the District has not produced any evidence that it rendered the City of San Diego's zoning ordinances inapplicable to the Rebuild Project in accordance with California Government Code section 53094(b).

## 2. Response to Comments



bachelor's degree in Civil Engineering from the University of California, Berkeley. Mr. Kahn has worked for a major land development company preparing Master Plans for infrastructure and has worked at a multi-disciplined consulting and engineering firm in charge of Engineering Planning Development, which included all facets of preliminary design, tentative map preparation, transportation and environmental engineering, and public agency coordination.

Z-20  
cont'd

Additionally, Mr. Kahn has been involved in acoustical engineering since 1978. Mr. Kahn has been responsible for major acoustical engineering projects including the Aliso Viejo Noise Monitoring Program, which redefined the 65 CNEL noise contours for MCAS El Toro. Mr. Kahn has prepared numerous noise impact reports in the Southern California area.

Bryan Estrada, ACIP, PTP, has worked in traffic/transportation planning, air quality and greenhouse gas analysis, and environmental acoustics/noise analysis since joining RK Engineering in 2007. Mr. Estrada graduated from the University of California, Irvine, where he received a Bachelor of Arts degree in Urban Studies. Mr. Estrada has obtained the American Institute of Certified Planners certification granted by the American Planning Association and the Professional Transportation Planner certification granted by the Transportation Professional Certification Board. Mr. Estrada has been involved with transportation and environmental planning projects ranging from site-specific technical studies to regional and General Plan level analyses. Mr. Estrada has recently worked on projects including mixed use development projects in Downtown Huntington Beach, the City of Aliso Viejo General Plan Update and Aliso Viejo Town Center Vision Plan, the Eleanor Roosevelt High School eStem Academy Traffic Study and On-Site Circulation Plan and more.

Darshan Shivaiah, M.S. has experience in conducting acoustical impact analysis, air quality and greenhouse gas reports, traffic impact reports, parking studies and queuing studies. Mr. Shivaiah graduated from the University of California, Irvine, where he received a Master of Science degree in Environmental Engineering, with a specialization in Air Quality and Water & Wastewater Engineering. Mr. Shivaiah is experienced in analyzing acoustical and air quality studies and has crafted mitigation measures to meet the standards of particular agencies and jurisdictions.

When conducting environmental review, "[i]f there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR." (Guidelines, § 15064(g).) **RK Engineering's report identifies "several technical issues with respect to the analysis that show that the Rebuild Project has potentially significant impacts on the environment and requires further assessment to determine whether significant impacts would occur and whether additional mitigation measures are required."** Accordingly, the District must prepare an EIR to address these potentially significant impacts.

Z-21

### b. Aesthetics

The Initial Study concludes that the Rebuild Project will not have any significant impacts to aesthetics, but fails to adequately consider the project's impacts on the surrounding community and adjacent Torrey Pines State Reserve Extension. The Rebuild Project erroneously concludes that the project has a less than significant impact to new sources of substantial light or glare which would adversely affect day or nighttime views in the area. The Initial Study concludes that the lighting

Z-22

## 2. Response to Comments



towards the Torrey Pines State Reserve Extension would be minimal, and impacts to Mira Montana Drive from the lighting in the new parking lot would not be substantially greater than existing levels.

Z-22  
cont'd

This conclusion, however, is cursory and not supported by proper analysis or fact. The Initial Study fails to adequately consider the baseline conditions surrounding the school site. Currently, Mira Montana Drive is adjacent to a grass field and is not impacted by the school's lighting. Additionally, the existing playfields and hardcourts are adjacent to the Torrey Pines State Reserve Extension, resulting in minimal impacts from the school's lighting. The Rebuild Project, however, will undoubtedly increase the light impacts to these areas as a result of the newly-expanded parking lot along Mira Montana Drive and the expansion of the classrooms across the entirety of the project site—bringing light much closer to the Torrey Pines State Reserve Extension. The impacts resulting from the lighting in these new locations is potentially significant and must be analyzed against the current (minimal) baseline conditions. Accordingly, the District must prepare an EIR and conduct a lighting study to analyze the impacts of the new lighting based on the existing conditions surrounding the school site.

Z-23

### **c. Air Quality/Greenhouse Gas Emissions**

The Air Quality analysis in the Initial Study/MND is based in part on the Air Quality and Greenhouse Gas Emissions Analysis in Appendix B to the Initial Study. As part of the analysis in the Initial Study, the District considered whether the Rebuild Project would expose sensitive receptors to substantial pollutant concentrations. In doing so, Appendix B and the Initial Study should have taken into consideration the sensitive receptors (residential areas) surrounding the Rebuild Project, including the homes located on Boquita Drive and Mira Montana Drive. Appendix B, states that "[t]he nearest sensitive receptors to the proposed project site are the residences along Whitmore Street, Prospect Avenue, Garvey Avenue, and New Avenue to the north, east, south, and west, respectively." These streets are not located near the Rebuild Project, but are located in Rosemead, CA. This error suggests that the air quality impacts to the sensitive receptors surrounding the Rebuild Project were not properly analyzed.

Z-24

The Rebuild Project significantly alters the layout of the School and greatly extends the existing parking lot down the entirety of Mira Montana Drive. Extending the parking lot in this fashion will significantly increase the vehicle emissions exposure to the Mira Montana Drive properties. These homes face the existing fields and are thus not exposed to the types of vehicle emissions associated with a parking lot. The new design of the school will cause a significant increase in emissions and exposure to uphill properties as the westward wind will trap emissions between the long stretch of buildings/black top and the bluff, which will then move towards the homes on Mira Montana Drive. Additionally, the Rebuild Project will increase vehicle emission exposure to the homes directly adjacent to the existing parking lot. The Initial Study states that parents currently park off campus (on Cordero Road or Mira Montana Drive) to pick-up/drop off their students. The District states that the purpose of the increased parking lot is to ensure that more cars can drive through the parking lot, which will undoubtedly result in increased vehicle emissions to the homes near the existing parking lot as well.

Z-25

The Initial Study claims that a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour, or 24,000 vehicles per hour where vertical

Z-26



## 2. Response to Comments



and/or horizontal air does not mix, in order to generate a significant CO impact. The District relies on the Bay Area Quality Management District's CEQA Guidelines to determine whether any increase is significant and does not take into account any specific details of the Rebuild Project. Specifically, the Rebuild Project will not produce increased traffic at an intersection, but instead will include a substantially larger parking lot which will result in a re-routing of traffic. As such, relying on the Bay Area standard is clearly inappropriate. By using standards designed for the Bay Area, the Initial Study erroneously concludes that there will be no significant impacts to the surrounding sensitive receptors as a result of the increased parking lot.

Z-26  
cont'd

Additionally, the Initial Study states that during construction "contractors are anticipated to minimize non-essential idling;" however the Initial Study/MND does not provide for any monitoring plan to ensure compliance with this important mandate. Assessing and reducing air quality impacts is especially important when a project involves young children, like the District's K-6 students. The Initial Study also fails to address the requirements set forth in the San Diego Climate Action Plan ("CAP") and failed to consider how the Rebuild Project would meet GHG reduction requirements for the life of the entire project.

Z-27

Based on the adjacent sensitive receptors located within 25 feet of the project site to the north, the Initial Study/MND "should further analyze the potential significant impacts to the adjacent homes from adverse construction emissions and fugitive dust." (Ex. B, p. 2.) Accordingly, an environmental impact report must be performed to adequately analyze the impact of increased vehicle emissions as a result of the Rebuild Project.

Z-28

The Initial Study/MND for the Rebuild Project also fails to comply with the requirements of Public Resources Code section 21151.8. An EIR or negative declaration for a project must include information to determine whether the school site is a current or former hazardous waste disposal site or solid waste disposal site; is a hazardous substance release site identified by the Department of Toxic Substances Control; contains one or more pipelines that carries hazardous substances or wastes; or is a site within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor. (Pub. Resources Code, § 21151.8.) Additionally, a school district must notify in writing and consult with the administering agency in which the proposed school site is located, and with any air pollution control district or air quality management district with jurisdiction, to identify both permitted and non-permitted facilities within that district's authority. (*Ibid.*) The District must comply with these requirements prior to approving the Rebuild Project.

Z-29

### **d. Biological Resources**

The Rebuild Project requires the destruction and grading of a significant portion of the existing school fields and all of the existing school building, which is likely to affect numerous sensitive species that call the surrounding coastal habitat and Torrey Pines State Reserve Extension home. Further, when a project is located in a coastal zone, the Initial Study/MND should analyze whether any significant habitat on the site may qualify as environmentally sensitive habitat areas under the Coastal Act. (See *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 941.) The Initial Study discusses sensitive plant species and sensitive wildlife, but does not address whether the project site contains any environmentally sensitive habitat under the Coastal Act. The Initial Study fails to meet this requirement of the Coastal Act.

Z-30

## 2. Response to Comments



The Initial Study/MND omits the proper Coastal Act analysis and fails to discuss all of the Rebuild Project's possible effects on the environment. The evidence shows that it is possible that the Rebuild Project will have a significant effect on the environment and thus, an environmental impact report must be prepared. Z-31

### **e. Hazards and Hazardous Materials**

The Initial Study's analysis of the Rebuild Project's environmental effects related to hazards and hazardous materials is based in part on the Phase 1 Environmental Site Assessment for the Del Mar Heights Elementary School Rebuild Project, conducted by PlaceWorks in October 2019 (the "ESA"). The ESA omits discussion of four topics necessary for evaluating a demolition and complete rebuild project of this scale. Z-32

First, the ESA failed to fully consider the presence of polychlorinated biphenyls ("PCB") occurring on site. The ESA conducted an assessment of PCBs that was limited to "electrical or hydraulic equipment known or likely to contain PCBs" to the extent visually and or physically observed or identified," and concluded that no electrical or hydraulic equipment was observed on site. However, the ESA should have performed a more thorough analysis given the prior presence of PCBs on site. In 2000, the School had PCBs transported off-site for proper disposal. The ESA does not discuss the amount and source of the PCBs, and how they were used/handled on site. Further analysis is necessary to ensure that the PCBs were properly removed from the site, and to ensure that remaining PCBs, if any, are within acceptable limits. Z-33

Second, in 2000 the School had 20.22 tons of asbestos containing waste that was transported off-site for disposal under a manifest. The ESA does not describe the source of the waste. Due to the age of the School's original development, asbestos-containing materials are likely present and a proper management plan should be in place for the planned demolition activities since they pose an air emission risk to students, teachers, and the surrounding community. Z-34

Third, in 2000 the School also disposed of 0.17 tons of organic liquid off-site. The ESA does not discuss what generated this material and how it was managed while on-site. Additional analysis and discussion is required to ensure that this organic liquid was properly disposed of and does not remain on site as a risk to students, teachers and the surrounding community. Z-35

Finally, Assembly Bill 746 (Health & Safety Code, § 116277) requires that by July 1, 2019, community water systems test lead levels in drinking water at all public K-12 schools constructed before January 1, 2010. The ESA does not discuss whether this test was done, and whether the results were satisfactory. The District must perform this test to ensure compliance with this regulation, and the safety of their students. Z-36

### **f. Hydrology and Water Quality**

The Initial Study/MND fails to adequately analyze and address the stormwater management for the Rebuild Project. As the Initial Study/MND recognizes, the existing stormwater outfall pipes show significant signs of deterioration and are causing erosion along the southern and western limits of the School. This has resulted in failed drainages, and deep erosional gullies and loss of vegetation within the eroded areas. The impacts of these failing outfall pipes extend into the adjacent Torrey Z-37



## 2. Response to Comments



Pines State Reserve Extension; however, the existing and continuing damage resulting from the on-site stormwater has not been addressed as part of the Rebuild Project.

To make matters worse, the Initial Study/MND fails to provide sufficient information regarding the Rebuild Project's stormwater management plans. The Rebuild Project will greatly increase the amount of impervious cover on the site and includes major modifications to the site's current stormwater management. The Initial Study/MND, however, fails to provide any details as to the proposed plan and summarily concludes that BMPs such as swales and landscape planters would reduce runoff. For example, the Initial Study/MND does not discuss the impacts of the slope just outside the fence where the discharge is proposed, which will greatly impact the effectiveness of the proposed stormwater management. In approving the Rebuild Project, the District must analyze the impacts to the environment, including any adverse impacts related to improper or insufficient stormwater management. A complete analysis of the stormwater management plans for the Rebuild Project is therefore a necessary element of the Initial Study/MND.

Z-38

### **g. Land Use & Planning**

The Initial Study concludes there will be no impacts to land use and planning but it fails to discuss conformity with the City's General Plan and the Torrey Pines Community Plan. In determining whether the Rebuild Project will cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, the Initial Study only analyzed the zoning of the project site and stated that the Rebuild Project would not change the zoning or land use designation of the site (which is currently RS-1-3 Instructional and Public and Semi-Public facilities). The Initial Study did not consider whether the Rebuild Project conflicts with the City's General Plan, specific plan, and local coastal program.

Z-39

The Initial Study/MND's discussion of land use and planning focuses only on zoning and does not mention the City of San Diego's General Plan or the Torrey Pines Community Plan. Discussion of the Rebuild Project's consistencies with these policies is critical. For example, since the Rebuild Project will result in a significant reduction in useable open space, the Initial Study should address the Rebuild Project's consistency with one of the key goals of the Torrey Pines Community Plan: to provide useable public parks and active playing fields for use by all age groups.

Z-40

The Initial Study does not address the conformity with the Torrey Pines Community Plan related to the preservation of the Torrey Pines State Reserve Extension, directly adjacent to the Rebuild Project (which is designated as a biologically sensitive habitat). The Torrey Pines Community Plan sets forth requirements for private and public developments to ensure that there are no encroachments or negative impacts to the Reserve Extension. For example, adequate buffer areas and appropriate landscaped screening shall be provided and maintained to avoid visual and erosion impacts from construction and landscaping must not use invasive plant species and must use plant species naturally occurring in the area. The Plan also recommends the preservation of Torrey Pine trees and states that relocation or replacement of Torrey Pine trees shall occur whenever feasible.

Z-41

Additionally, the Torrey Pines Community Plan lists the key policies for which the Initial Study should discuss the Rebuild Project's conformity with. The Initial Study fails to address the key policies that "[a]ll development adjacent to open space areas shall be designed to reduce visual and

Z-42

## 2. Response to Comments



development impacts,” and that “[t]he construction of public projects shall avoid impacts to residential neighborhoods.” The Initial Study omits all discussion of the Torrey Pines Community Plan’s recognition that the “Torrey Pines community planning area possesses many highly scenic open space areas and dramatic vistas [and] also has a number of road segments that have scenic qualities worthy of formal recognition and protection.” The Torrey Pines Community Plan recognizes that the Torrey Pines State Reserve Extension is a significant scenic resource and the Initial Study fails to address the conformity with this, or any of the other important policies expressed in the Plan.

Z-42  
cont’d

### **h. Noise**

The Initial Study/MND concludes that (a) there is a less-than-significant impact to noise from the temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of the standards established in the local general plan or noise ordinance; (b) that the generation of excessive ground borne vibration or ground borne noise levels are less than significant with mitigation incorporated; and, (c) that there is no impact to noise for a project located within the vicinity of a private airstrip or airport land use plan, or within two miles of a public airport or public use airport.

Z-43

### **The Initial Study Excludes Critical Thresholds of Significance for Noise Impacts**

Preliminarily, the Initial Study fails to use an adequate threshold of significance to determine noise related impacts. The Initial Study states that it is using the recommended criteria set forth in the City of San Diego’s CEQA Significance Determination Thresholds (the “[City Thresholds](#)”); however, it only includes the threshold of whether the Rebuild Project would expose people to noise levels in excess of the City’s adopted noise ordinance. The thresholds of significance set forth in the Initial Study fail to take into account whether the Rebuild Project would result or create a significant increase in *the existing ambient noise levels surrounding the project*, as set forth in the City’s guidelines.

Z-44

Notably, the Initial Study/MND did not conduct any noise monitoring at or around the project site. In order to provide accurate information of the existing baseline conditions and future noise level impacts to the adjacent residential homes, the noise study must be revised to include ambient daytime noise monitoring at the property line of the adjacent homes. Failing to consider whether the project will result in an increase to the existing ambient noise levels is also inconsistent with the suggested thresholds of significance set forth in CEQA Appendix G (§ XII, (c) and (d)). By excluding impacts to existing ambient noise levels, the District has improperly excluded the analysis of potentially significant impacts of the Rebuild Project. As will be discussed below, the Initial Study has potentially significant effects to the existing ambient noise levels of the single-family residential properties surrounding the school site.

Z-45

### **The Initial Study Improperly Concludes Less than Significant Impacts to Noise Levels**

The Initial Study recognizes that the single-family homes to the north and east of the project site are sensitive receptors “where quiet environments are necessary for the enjoyment, public health, and safety of the community.” The San Diego Municipal Code (Chapter 5, Article 9.5) sets the following exterior sound level limits for single-family residential areas: 50db (7 a.m. to 7 p.m.), 45db

Z-46

## 2. Response to Comments



(7 p.m. to 10 p.m.), and 40db (10 p.m. to 7 a.m.). The City Thresholds state that temporary construction noise exceeding 75db at a sensitive receptor would be considered a significant impact.

Z-46  
cont'd

### ***Construction Related Noise Impacts***

The Initial Study/MND found that average noise levels resulting from construction activities were less than significant. The District concluded that construction related noise levels would not exceed the 75dBA limit set forth in the City's Thresholds at the nearest residential property, and therefore the construction related noise would be a less-than-significant impact to the surrounding residential receptors.

Z-47

This finding, however, was based on noise impacts to single-family homes located 330 feet east of the project site. The Initial Study fails to recognize that residential homes are located less than 25 feet from the project site to the north, within 85 feet of the residential homes to the east, and less than 100 feet from the Torrey Pines Extension State Park and Trail. Project related construction noise was calculated from the center of the project site, and fails to account for any construction activities that would occur throughout the construction site—such as the construction of the expanded parking lot and new classrooms, all of which are located within 330 feet of the surrounding single-family residences. The Initial Study/MND improperly concludes that the construction-related noise impacts will produce a less than significant impact to the surrounding sensitive residential receptors, since there is are potentially significant noise impacts to the surrounding residential homes and Torrey Pines State Reserve Extension. Accordingly, RK Engineering concluded that “[t]here is a potentially significant impact to the noise levels experienced at these residential homes and RK recommends that the project provide additional analysis of worst case construction noise levels at noise sensitive locations.” (Ex. B, p. 3.)

Z-48

### ***Operational Noise Impacts***

First, the Initial Study fails to analyze the potential noise impacts on the adjacent Torrey Pines State Reserve, despite the fact that “construction activities are expected to occur at less than 100 feet from the Torrey Pines Extension State Park & Trail and may have a potentially significant effect in this area.” Construction and operational noise will both likely impact this area, and the District must analyze noise to determine whether there is a significant impact to this area.

Z-49

Further, despite the expanded parking lot and added drop-off/pick-up lane parallel to Mira Montana Drive, the Initial Study/MND summarily concludes that traffic noise would not significantly increase above existing conditions and noise impacts would be less than significant.

Z-50

The single-family residences on Mira Montana Drive currently face a garden and grass field; however, the Rebuild Project proposes to replace the grassy field with a parking lot and buildings. This new construction will move the noise related impacts of idling cars, slamming car doors, car horns/beeps, and school loud speakers away from the current parking lot area directly in front of the homes on Mira Montana Drive.

Z-51

The noise related impacts of the new parking lot and campus located directly in front of these properties and other single-family residences in the area may have potentially significant noise-related impacts. Not only is it possible that the operational noise from the new campus and

Z-52



## 2. Response to Comments



parking lot exceed the standards set forth in the SDMC, the new campus and parking lot will likely result in a significant impact to the existing ambient noise levels of the homes located on Mira Montana Drive. Z-52 cont'd

The Initial Study/MND fails to include existing ambient noise level measurements from the nearest sensitive noise receptors in order to determine the existing baseline conditions. Expansion of the parking lot and the addition of a drop-off/pick-up lane along the east and southeast portions of the site may result in "a potentially significant effect resulting from the additional vehicle movement and parking lot activity that may occur on-site . . ." (Ex. B, p. 4.) The District must establish baseline conditions and include a threshold of significance to determine whether the Rebuild Project will have a significant effect on the existing ambient noise levels for the community. Accordingly the District must prepare an environmental impact report to analyze and address any potentially significant increases in noise. Z-53

### **i. Public Services & Recreation**

#### **Fire Protection**

The Initial Study/MND concludes that there would be no impact to fire protection since the student capacity would remain unchanged and the expanded parking lot would remove congestion adjacent to the school and the addition of fire lanes would improve emergency vehicle access. The Initial Study fails to analyze whether the expanded parking lot and addition of cars on campus would impede emergency access, since the parking lot drive aisles may limit or block emergency vehicles from quickly reaching the far ends of campus during peak drop-off and pick-up times. The District should perform an emergency access and fire access study, as well as a traffic study to ensure that the new parking lot does not create an impediment for first responders and slow response times. Z-54

#### **Schools**

The California Department of Education Guide to School Site Analysis and Development (2000 Edition) (the "Site Development Guide")<sup>2</sup> was drafted for the purpose of "assist[ing] school districts in determining the amount of land needed to support their educational programs in accord with their stated goals and in accord with recommendations of the California Department of Education." Based on the most recent enrollment figures in the Del Mar Heights Elementary School Accountability Report Card, the Site Development Guide states that a school like Del Mar Heights should have outdoor field areas (exclusive of kindergarten) totaling 166,320 square feet.<sup>3</sup> Z-55

The District's plans call for a reduction of the field area by 41,643 square feet, which by the District's calculations will result in a field area of only 92,213 square feet (see **Exhibit E**, January 22, Z-56

<sup>2</sup> Available at <https://www.cde.ca.gov/ls/fa/sf/documents/schoolsiteanalysis2000.pdf>

<sup>3</sup> In 2018-19, the Del Mar Heights School had an enrollment of 211 students in Grades 1 through 3, and 221 students in Grades 4 through 6. (**Exhibit D**.) The Site Development Guide states that the school should have two (2) fields measuring 90 feet by 120 feet, with a 10% factor for layout for Grades 1 through 3 (23,760 square feet), and four (4) fields measuring 180 feet by 180 feet, with a 10% factor for layout for Grades 4 through 6 (142,560 square feet).

## 2. Response to Comments



2020 Board Presentation)—far short of the requirements set forth by the California Department of Education.<sup>4</sup>

Z-56  
cont'd

The District states that there are no impacts to schools because the project would address the most critical physical needs of buildings and grounds at the campus; however, the current design of the Rebuild Project will deprive students of the necessary field area as determined by the California Department of Education. Accordingly, the Rebuild Project presents a potentially significant impact to public services and an environmental impact report should be drafted to address this potential impact.

Z-57

### Parks & Recreation

The Initial Study concludes that the Rebuild Project had a less than significant impact to parks and a less than significant impact to recreation. The Initial Study concludes that the Rebuild Project would not generate a demand for park space, would not result in negative impacts to existing neighborhood and regional parks or other recreational facilities, and would not require construction of offsite recreational facilities. In support of these conclusions the Initial Study states that the project would improve the recreational facilities available for community use by providing amenities that are not currently available to the community.

Z-58

The Initial Study fails to consider the impact of greatly reducing open space within a community that is already significantly lacking park space. The City's General Plan, Recreational Element, establishes a population-based park requirement of 2.40 usable acres per 1,000 population. As set forth in the Torrey Pines Community Plan, the potential buildout population of the community area is 7,000 and would require 16.80 usable acres of park space. The only park within the Torrey Pines community plan area is the Crest Canyon Neighborhood Park, which has approximately 1.5 acres of usable park area. Thus, the Torrey Pines community planning area is 15.30 acres short of its requirements.

Z-59

The Torrey Pines Community Plan recognizes the need for additional park space and has expressly indicated a possible joint use of the Del Mar Heights Elementary School to help fulfill its shortfall. Now, instead of helping the existing shortage of parks, the Rebuild Project proposes to diminish the usable park area by at least 41,643 square feet (.96 acres). There is a likely possibility that the reduction of usable recreation area from the school site will generate a demand for park space and would cause increased use of other existing (and limited) park facilities within the Torrey Pines community plan area. The Initial Study therefore improperly concluded that there is a less than significant impact to parks and recreation, and an environmental impact report should be prepared to analyze the impacts to parks and recreation as a result of the Rebuild Project's reduction in usable open space.

Z-60

<sup>4</sup> Save the Field disputes the accuracy of the District's calculations and estimates that the true size of the new field is less than 80,000 square feet.

## 2. Response to Comments



### j. Transportation

The transportation analysis included in the Initial Study/MND is deficient and the Rebuild Project may result in significant impacts around the Del Mar Heights School, Del Mar Hills Academy and communities located to the east along Carmel Valley Road which will provide access to the existing Ocean Air Elementary School. The traffic impacts caused by the redistribution of the Rebuild Project may result in significant environmental effects and further assessment and potentially additional mitigation measures are required to analyze and reduce the potential impacts to the residential communities in these areas.

Z-61

The traffic analysis only reviewed traffic impacts at three intersections in the vicinity of the Del Mar Hills Academy and Ocean Air Elementary School. The analysis presents several issues with respect to the assumed redistribution of traffic to those other schools and the need to access additional intersections, especially with respect to the Ocean Air Elementary School. Additional study area intersects are needed to fully assess the potentially significant redistribution impacts of traffic and buses to the other elementary schools. Additionally, "the potentially significant impacts of the bus traffic need to be assessed both to/from the Del Mar Hills Academy and Ocean Air School. This was not included in the Traffic Impact Analysis." (Ex. B, p. 7.)

Z-62

The Initial Study/MND did not document whether the traffic counts were obtained in February 2020, or even if the traffic counts were done when school was in full session. Since no traffic count worksheet was provided, the date and accuracy of the counts cannot be determined. This must be clarified so that a full review of the potentially significant impacts can be determined from accurate baseline conditions.

Z-63

Further, traffic generation of additional bus traffic must be considered in the traffic analysis. Bus trips must be converted to Passenger Car Equivalents ("PCEs") to adequately address the impacts of the redistribution of project traffic and the use of buses taking students to Del Mar Hills Academy and the Ocean Air Elementary School. Additionally, the District is proposing to load and unload 4th to 6th grade students at a location adjacent to the Del Mar Hills Academy. As a result of the additional traffic, on street parking and residential driveway access, the District should consider alternative locations not in residential neighborhoods to lessen the potentially significant impact to adjacent neighborhoods from the additional traffic and buses.

Z-64

As a result of the existing traffic congestion in the vicinity of Del Mar Hills Academy, an alternative staging area for students being transferred by bus should be considered. The currently proposed bus staging at the Del Mar Hills Academy would eliminate a substantial amount of on-street parking that is currently utilized by the school and adjacent residential neighborhood. Buses returning back to Del Mar Heights Road would be required to travel through the existing residential neighborhood causes unnecessary and potentially significant impacts. The bus staging is currently a red curb zone and existing major driveway to the Bella Del Mar Apartments. Bus parking in this area would cause congestion and potentially dangerous sight distance problems at this driveway. "There may be a potentially significant impact as a result of these factors and for the safety to the students, an alternative staging area, outside of the existing impacted area around the Del Mar Hills Academy School, needs to be located for the bus traffic which won't impact the existing residential neighborhood." (Ex. B, p. 8.)

Z-65



## 2. Response to Comments



The distribution of traffic to the Ocean Air Elementary School of 35% is unrealistic. The vast majority of traffic that will be redistributed from the Del Mar Heights School including cars and buses would come from the west of Center Heights Drive along Carmel Mountain Road. The 35% distribution to and from the east of Center Heights Drive does not appear to be realistic.

Z-66

Finally, a Construction Traffic Impact Analysis was not provided as part of the Initial Study/MND. "Potentially significant traffic impacts during construction need to be assessed with respect to workers, deliveries, construction vehicles and other activities that will occur during the various phases of construction." (Ex. B, p. 8.)

Z-67

### **k. Wildfire and Emergency/Fire Access**

The Del Mar Heights School is located in or near a Very High Fire Severity Zone (Gov. Code, § 51178). The Rebuild Project will completely redesign the campus and will result in the majority of classrooms being located south of their current location, much further away from the single entrance on Boquita Drive. Additionally, new improvements are being constructed southwest of their current location, near the Torrey Pines State Reserve Extension. The sole access point to the entire campus is the entrance at the end of Boquita Drive, which requires first responders to travel much greater distances through a crowded parking lot before reaching the majority of classrooms.

Z-68

The Initial Study/MND fails to adequately address the levels of significance for wildfires. The District erroneously concludes that the Rebuild Project will have less than significant impacts to (a) impairment of an adopted emergency response plan or emergency evacuation plan, (b) exacerbation of wildfire risks due to slope, prevailing winds and other factors thereby exposing project occupants to pollutant concentrations from wildfire or uncontrolled spread of wildfire, (c) will require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment, and (d) expose people or structures to significant risks as the result of runoff, post-fire slope instability or drainage changes.

Z-69

It is concerning that the Initial Study/MND does not include a specific wildfire evacuation study as part of the environmental review given the new design of the campus. Evacuation of the campus will likely take much longer than before, since students will now be housed in classrooms on the very southern portion of the campus, compared to the current location of the classrooms on the northern end of campus near Boquita Drive. The Initial Study summarily concludes that the proposed project "would improve parking and queuing onsite, thereby reducing congestion on the surrounding roadways, and would provide a 20-foot wide fire access lane around the entire campus," and that there are less than significant impacts to emergency response or emergency evacuation plans. The District, however, has no evidence that the proposed design of the Rebuild Project will not conflict with current emergency response plans and will not significantly increase the emergency response times of first responders. The District must perform a traffic study and an evacuation study to ensure that first responders would have adequate access to the site during peak drop-off and pick-up times and that students and staff can safely evacuate in the event of a wildfire.

Z-70

It is concerning that an evacuation plan/time study has not been performed given the substantial increase in the number of students enrolled at the School. Del Mar Heights School was originally constructed for 350 students—who were to be bussed to school—but now has an

Z-71

## 2. Response to Comments



enrollment of approximately 500 students, none of whom are bussed. The substantial increase in the student population, combined with the new design of the school, has the high probability of increasing evacuation times. Given the new design of the campus and the fact that the buildings (and students) are housed significantly further from the campus's only entrance, an evacuation study should be performed to ensure that the current design of the campus does not substantially impair emergency response/evacuation and does not expose students and teachers to unnecessary risk.

Z-71  
cont'd

Additionally, the Initial Study erroneously concludes that the Rebuild Project would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing risks to the environment. The Initial Study only discusses the installation of utilities to meet service requirements and states that infrastructure improvements would not directly increase fire risk. The Initial Study fails to state the fact that the Site Plan (Figure 5) does not show a fire access lane around the entire campus, which would significantly exacerbate fire risk to the children and the community.

Z-72

Given the location of the Rebuild Project upslope from the adjacent Torrey Pines State Reserve Extension, and the prevailing winds from the west, the Rebuild Project may exacerbate wildfire risks and expose project occupants and the nearby community to uncontrolled spread of wildfire. The Initial Study merely concludes that the project has fire resistant components and will comply with applicable codes, and that any impacts are less than significant. The Initial Study fails to analyze and discuss the impacts of the Rebuild Project and the possible significant effects resulting from the prevailing winds and open space adjacent to the Rebuild Project. Accordingly, the Initial Study/MND fails to adequately address the levels of significance for wildfires.

Z-73

#### IV. ANALYSIS OF PROJECT ALTERNATIVES/MITIGATION IS INADEQUATE

"A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures." (Pub. Resources Code, § 21081.6.) A project applicant's agreement to certain mitigation measures by itself is insufficient—the mitigation measure must be adopted in a way that makes it legally enforceable. (*Woodland Park Homeowners Association v. City of Fresno* (2007) 150 Cal.App.4th 683, 730.) Mitigation measures that require a report to be prepared and the recommendations therein to be followed, or allow for approval by an agency without setting standards, are not appropriate mitigation measures under CEQA. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 793-794.)

Z-74

The mitigation measures set forth in the Initial Study/MND (GEO-1, CUL-1, and N-1) are insufficient mitigation measures under CEQA. For example, GEO-1 and N-1 are not legally enforceable. GEO-1 only requires a paleontological report to be conducted prior to construction and N-1 only states that if paving activities are required within 25 feet of nearby residential structures, use of a static roller in lieu of a vibratory roller shall be employed. These mitigation measure are not enforceable through any of the District's permit conditions, agreements, or any other measures, and therefore do not comply with CEQA. Further, GEO-1 states that a paleontological report will be conducted prior to construction and recommendations will be made to the District, and CUL-1 provides that a qualified archaeological monitor will be "on call" during ground-disturbing activities

Z-75



## 2. Response to Comments



and will make recommendations to the District if necessary. These deferred mitigation measures do not comply with CEQA as they do nothing more than require a report with recommendations and are not legally enforceable in any way.

Z-75  
cont'd

### V. THE DISTRICT FURTHER VIOLATED CEQA BY SUBMITTING DETAILED CONSTRUCTION PLANS TO THE DIVISION OF THE STATE ARCHITECT PRIOR TO PROJECT APPROVAL

The CEQA Guidelines recognize that “[c]hoosing the precise time for CEQA compliance involves a balancing of competing factors.” (Guidelines, § 15004(b).) Environmental review must be conducted “as early as feasible . . . to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment.” (*Ibid.*) Public projects “shall incorporate environmental considerations into project conceptualization, design and planning.” (Guidelines, § 15004(b)(1).) To implement these principles, “public agencies *shall not* undertake actions concerning the proposed project that would have a significant adverse effect or limit the choice of alternatives or mitigation measures, before completion of CEQA compliance.” (*Ibid.* [Emphasis added].) The Guidelines expressly state that a public agency “shall not . . . take any action which gives impetus to a planned or foreseeable project in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project.” (*Ibid.*)

Z-76

On February 11, 2020—prior to the release of the Initial Study/MND for public comment—the District submitted detailed construction plans as part of its plan review submission to the California Division of the State Architect (“DSA”). The District’s February 11, 2020 submission to the DSA included 27 pages of Increment 1 demolition plans, grading plans, utility plans, erosion control plans, underground site fire piping, utility site plan, and the overall site plan. Approximately two weeks later, on February 28, 2020, the District submitted an additional 292 pages of Increment 2 construction plans. The Increment 2 plans include detailed construction plans including, *inter alia*, grading plans, erosion control plans, irrigation plans, landscape planning plans and details, architectural plans (including site, fence, window, roof, ceiling, and interior details), structural plans, mechanical plans, plumbing plans, fire protection plans and electrical plans.

Z-77

The District has further violated CEQA by preparing and submitting 319 pages of construction plans prior to completing its CEQA review. The District has expended a considerable cost and time by preparing construction plans for a project that has not yet been approved and is more likely to ignore environmental concerns and not consider project alternatives or mitigation measures. The fact that the District is preparing and approving the CEQA findings for its own project further exacerbates these concerns. (See *Laurel Heights Improvement Association v. Regents of University of California* (1988) 47 Cal.3d 376, 395 [stating, “the later the environmental review begins, the more bureaucratic and financial momentum there is behind a proposed project, thus providing a strong incentive to ignore environmental concerns that could be dealt with more easily at an early stage of the project. This problem may be exacerbated where, as here, the public agency prepares and approves the EIR for its own project”].)

Z-78

## 2. Response to Comments



### VI. CONCLUSION

Save the Field expressly reserves the right to supplement its comments at or prior to any hearings on the Rebuild Project. (Pub. Resources Code, § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1199-1203.) Save the Field further incorporates by reference any and all comments raising issues with the Initial Study/MND and the Rebuild Project. (*Citizens for Clean Energy v. City of Woodland* (2014) 225 Cal.App.4th 173, 191 [stating, "[a]lthough an issue must first have been raised during the administrative process to be preserved for judicial review, it may be argued in court by a different person"].)

Z-79

The Initial Study/MND fails to comply with CEQA and the evidence shows that the Rebuild Project may have a significant effect on the environment. In addition to the significant effects raised in this letter, RK Engineering "has identified a number of potentially significant impacts and technical issues that need to be addressed prior to considering the environmental review as being complete." (Ex. B, p. 9.) Accordingly, the District must prepare an environmental impact report.

Z-80

Sincerely,

A handwritten signature in blue ink that reads "Justine Nielsen".

Justine K. Nielsen

JKN:jfo  
Attachments

## 2. Response to Comments

**EXHIBIT A**



## 2. Response to Comments

### Del Mar Union School District Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, PO Box 3044, Sacramento, CA 95812-3044  
(916) 445-0613 state.clearinghouse@opr.ca.gov

SCH # 2020029070

<b>PROJECT TITLE</b> Del Mar Heights School Rebuild Project		
<b>LEAD AGENCY</b> Del Mar Union School District	<b>CONTACT PERSON</b> Chris Delehanty, Executive Director, Capital Programs and Technology	
<b>STREET ADDRESS</b> 11232 El Camino Real	<b>PHONE</b> 858.523.6040	
<b>CITY</b> San Diego	<b>ZIP CODE</b> 92130	<b>COUNTY</b> San Diego

<b>PROJECT LOCATION</b>			
<b>COUNTY</b> San Diego		<b>CITY/NEAREST COMMUNITY</b> City of San Diego	
<b>CROSS STREETS</b> Boquilla Drive and Cordero Road		<b>ZIP CODE</b> 92014	<b>TOTAL ACRES</b> 10.85 ACRE
<b>ASSESSOR'S PARCEL NUMBER</b> 301-0500-700		<b>SECTION</b> N/A	<b>TOWNSHIP</b> N/A
<b>WITHIN 2 MILES:</b>		<b>RANGE</b> N/A	
<b>STATE HIGHWAY NUMBER</b> Interstate 5, State Route 56	<b>AIRPORTS</b> N/A	<b>SCHOOLS</b> Torrey Pines High School Carmel Creek Elementary School	
<b>RAILWAYS</b> Amtrak	<b>WATERWAYS</b> Pacific Ocean		

<b>DOCUMENT TYPE</b>			
<b>CEQA</b>	<input type="checkbox"/> NOP	<input type="checkbox"/> Supplement/Subsequent EIR	<b>NEPA</b>
<input type="checkbox"/> Early Cons	<input type="checkbox"/> MND/IS	<input type="checkbox"/> Draft EIR	<input type="checkbox"/> NOI
			<input type="checkbox"/> EA
			<input type="checkbox"/> Draft EIS
			<input type="checkbox"/> Other
			<input type="checkbox"/> Joint Document
			<input type="checkbox"/> Final Document
			<input type="checkbox"/> Other

<b>LOCAL ACTION TYPE</b>			
<input type="checkbox"/> General Plan Update	<input type="checkbox"/> Specific Plan Amendment	<input type="checkbox"/> Rezone	<input type="checkbox"/> Annexation
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Prezone	<input type="checkbox"/> Redevelopment
<input type="checkbox"/> General Plan Element	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Use Permit	<input type="checkbox"/> Coastal Permit
<input type="checkbox"/> Community Plan	<input checked="" type="checkbox"/> Site Plan	<input type="checkbox"/> Land Use/Community Subdivision	<input checked="" type="checkbox"/> Other - Rebuild School

<b>DEVELOPMENT TYPE</b>			
<input type="checkbox"/> Residential	Units _____	Acres _____	<input type="checkbox"/> Transportation
<input type="checkbox"/> Office	Sq. ft. _____	Acres _____	<input type="checkbox"/> Mining
<input type="checkbox"/> Shopping/Commercial	Sq. ft. _____	Acres _____	<input type="checkbox"/> Waste Treatment
<input type="checkbox"/> Industrial	Sq. ft. _____	Acres _____	<input type="checkbox"/> Hazardous Waste
<input checked="" type="checkbox"/> Educational	Sq. ft. 66,823		<input type="checkbox"/> Water Facilities
<input type="checkbox"/> Other	Sq. ft. _____		<input type="checkbox"/> Power
<input checked="" type="checkbox"/> Recreational	Sq. ft. 282,090		Type _____ MGD
			Type _____ Watts

<b>FUNDING</b>		
Federal \$ _____	State \$ _____	Total \$ _____

<b>PROJECT ISSUES DISCUSSED IN DOCUMENT</b>			
<input checked="" type="checkbox"/> Aesthetic/Visual	<input checked="" type="checkbox"/> Flood Plain/Flooding	<input checked="" type="checkbox"/> Schools/Universities	<input checked="" type="checkbox"/> Water Supply
<input checked="" type="checkbox"/> Agricultural Land	<input checked="" type="checkbox"/> Forest Land/Fire Hazard	<input type="checkbox"/> Septic Systems	<input checked="" type="checkbox"/> Wetland/Riparian
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Geological/Seismic	<input checked="" type="checkbox"/> Soil Erosion/Compaction/Grading	<input checked="" type="checkbox"/> Wildlife
<input checked="" type="checkbox"/> Archaeological/Historical	<input checked="" type="checkbox"/> Minerals	<input checked="" type="checkbox"/> Solid Waste	<input checked="" type="checkbox"/> Growth Inducing
<input type="checkbox"/> Coastal Zone	<input checked="" type="checkbox"/> Noise	<input checked="" type="checkbox"/> Toxic/Hazardous	<input checked="" type="checkbox"/> Land Use
<input checked="" type="checkbox"/> Drainage/Absorption	<input checked="" type="checkbox"/> Population/Housing Balance	<input checked="" type="checkbox"/> Traffic/Circulation	<input checked="" type="checkbox"/> Cumulative Effects
<input checked="" type="checkbox"/> Economic/Jobs	<input checked="" type="checkbox"/> Public Services/Facilities	<input checked="" type="checkbox"/> Vegetation	<input type="checkbox"/> Other _____
<input type="checkbox"/> Fiscal	<input checked="" type="checkbox"/> Recreation/Parks	<input checked="" type="checkbox"/> Water Quality	

**PRESENT LAND USE/ZONING/GENERAL PLAN DESIGNATION:** Land Use: Institutional and Public and Semi-Public Facilities; Zoning: RS-1-3.

Del Mar Union School District plans to fully redesign and reconstruct the Del Mar Heights School. The capacity will be reduced by one classroom (approximately 24 students), buildings will be limited to one story with low slope roofs, and access to the school will remain via Boquilla Drive. The District seeks to submit plans to California Division of the State Architect (DSA) approximately March 2020, with construction to start approximately June 2020 and end approximately July 2021. School opening would be planned for September 2021.

<b>REVIEWING AGENCIES CHECKLIST</b>	
<input checked="" type="checkbox"/> Resources Agency	<b>State &amp; Consumer Services</b>
<input type="checkbox"/> Boating & Waterways	<input type="checkbox"/> General Services
<input type="checkbox"/> Coastal Conservancy	<b>Environmental Protection Agency</b>
<input type="checkbox"/> Colorado River Board	<input checked="" type="checkbox"/> Air Resources Board
<input checked="" type="checkbox"/> Conservation	<input checked="" type="checkbox"/> California Department of Resources Recycling and Recovery (CalRecycle)
<input checked="" type="checkbox"/> Fish and Wildlife	<input type="checkbox"/> SWRCB: Clean Water Grants
<input checked="" type="checkbox"/> Forestry & Fire Protection	<input type="checkbox"/> SWRCB: Delta Unit
<input type="checkbox"/> Office of Historic Preservation	

## 2. Response to Comments

- |  |  |
|--|--|
| <input type="checkbox"/> Parks and Recreation                                    | <input type="checkbox"/> SWRCB: Water Quality                            |
| <input type="checkbox"/> Reclamation Board                                       | <input type="checkbox"/> SWRCB: Water Rights                             |
| <input type="checkbox"/> San Francisco Bay Conservation & Development Commission | <input type="checkbox"/> Regional WQCB # 8                               |
| <input checked="" type="checkbox"/> Water Resources                              | <input checked="" type="checkbox"/> Regional WQCB # 9 (San Diego Region) |
| <b>Business, Transportation &amp; Housing</b>                                    | <b>Youth &amp; Adult Corrections</b>                                     |
| <input type="checkbox"/> Aeronautics   | <input type="checkbox"/> Corrections                                     |
| <input type="checkbox"/> California Highway Patrol                               | <b>Independent Commissions &amp; Offices</b>                             |
| <input checked="" type="checkbox"/> CALTRANS District # 1                        | <input type="checkbox"/> Energy Commission                               |
| <input type="checkbox"/> Department of Transportation Planning (headquarters)    | <input checked="" type="checkbox"/> Native American Heritage Commission  |
| <input type="checkbox"/> Housing & Community Development                         | <input type="checkbox"/> Public Utilities Commission                     |
| <input type="checkbox"/> Food & Agriculture Health & Welfare                     | <input type="checkbox"/> Santa Monica Mountains Conservancy              |
| <input type="checkbox"/> Health Services _____                                   | <input type="checkbox"/> State Lands Commission                          |
|  | <input type="checkbox"/> Tahoe Regional Planning Agency                  |

### PUBLIC REVIEW PERIOD

Starting Date: Thursday, February 20, 2020

Ending Date: Monday, March 23, 2020

Signature   
Chris Delehanty, Executive Director, Capital  
Programs and Technology  
Del Mar Union School District

Date: Thursday, February 20, 2020

**Consultant:**  
Consulting Firm: PlaceWorks  
Address: 3 MacArthur Place, Suite 1100  
City/State/Zip: Sanita Ana, CA 92707  
Contact: Dwayne Mears  
Phone: 714.966.9220

**Lead Agency:**  
Chris Delehanty, Executive Director, Capital Programs and Technology  
Del Mar Union School District  
11232 El Camino Real  
San Diego, CA 92130  
Phone: 858.523.6040

#### For SCH Use Only:

Date Received at SCH \_\_\_\_\_

Date Review Starts \_\_\_\_\_

Date to Agencies \_\_\_\_\_

Date to SCH \_\_\_\_\_

Clearance Date \_\_\_\_\_

Notes: \_\_\_\_\_

## 2. Response to Comments

**EXHIBIT B**

## 2. Response to Comments



traffic engineering & design  
transportation planning  
parking  
acoustical engineering  
air quality & ghg

March 27, 2020

SAVE THE FIELD  
c/o Justin M. Fontaine, Associate  
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B Street, Suite 2200  
San Diego, CA 92101

**Subject: Del Mar Heights School Rebuild Project Initial Study/Mitigated Negative Declaration (IS/MND) Air Quality, Noise and Transportation Review**

Dear Mr. Fontaine,

### Introduction

RK ENGINEERING GROUP, INC. (RK) has reviewed the Air Quality, Noise and Transportation sections of the Del Mar Heights School Rebuild Project Initial Study/Mitigated Negative Declaration, February 2020 (hereinafter referred to as IS/MND) with respect to impacts to the adjoining community. The Del Mar Unified School District proposes to redesign and reconstruct the Del Mar Heights Elementary School, located at 13555 Boquita Drive in the Del Mar Heights subdivision of the Torrey Pines community, in the City and County of San Diego.

Z-81

The project site currently operates as a K–6 school and includes an administration building, 22 classrooms, and 13 specialty classrooms. The School District plans to fully redesign and reconstruct the school and the capacity will be reduced by one classroom (approximately 24 students). Buildings will be limited to one story with low sloping roofs, and access to the school will remain from Boquita Drive. Construction of the proposed project would occur over an approximate 10-acre site.

Z-82

RK has reviewed the IS/MND with respect to potentially significant impacts to the surrounding communities. Based upon this review, RK has provided several technical comments regarding the air quality, noise and transportation assessment of the project. While existing school may benefit from certain design changes and upgrades, RK has identified several technical issues with respect to the analysis that show that the Rebuild Project has potentially significant impacts on the environment and requires further assessment to determine whether significant impacts would occur and whether additional mitigation measures are required.

Z-83

4000 westerly place, ste. 280  
newport beach, ca 92660  
(949) 474-0809  
rkengineer.com

## 2. Response to Comments

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
RK 15872  
Page 2

RK's comments on the air quality, noise and transportation sections are made with respect to the information in the IS/MND and page number references are included. These comments need to be addressed prior to approval of the project and the determination if there is a need for additional CEQA assessment of the project.

Z-84

### Comments

#### Air Quality/GHG (Greenhouse Gas)

- Page 11 – Sensitive Receptors: The IS/MND states that “The nearest sensitive receptors to the proposed project site are the residences along Whitmore Street, Prospect Avenue, Garvey Avenue, and New Avenue to the north, east, south, and west, respectively.” The sensitive receptors identified in this section are incorrect and do not represent the actual locations of the sensitive receptors around this project. In this case, residential uses along Boquita Drive, Mira Montana Drive, and Mercado Drive would be the closest receptors impacted by this project.

Z-85

RK recommends that the correct sensitive receptors be identified and updated in the report.

Z-86

- Based on the observation made by RK, adjacent sensitive receptors (residential uses) are located within 25 feet of the project site to the north. Due to the proximity of the adjacent sensitive receptors, the IS/MD should further analyze the potential significant impacts to the adjacent homes from adverse construction emissions and fugitive dust.

Z-87

RK recommends that appropriate mitigation measures, if any, should be identified to protect the adjacent homes from construction emission and fugitive dust.

Z-88

#### Noise

- Page 82 – Environmental Setting: Existing Noise Environment. Project noise level impacts are analyzed to the adjacent single family homes located to the north and east of the site. However, no noise monitoring done at or around this site. In order to provide accurate information of the existing baseline conditions and future noise level impacts to the adjacent residential homes, the noise study should be revised to include ambient daytime noise monitoring at the property line of the adjacent homes.

Z-89

- Page 85 – Construction Equipment: The IS/MND states that “short-duration noise levels of up to 85 dBA at 50 feet. The report shows that the Project Related Construction Noise is calculated from the center of the project site. However,

Z-90



## 2. Response to Comments

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
RK 15872  
Page 3

construction activities will likely occur throughout the project site and the report should show the worst case noise impacts to the noise sensitive receptors located as close as 25 feet to the project boundary.

Z-90  
cont'd

3. On Page 86 – Table 7 Project-Related Construction Noise dBA Leq: The IS/MND shows the Project-Related Construction Noise levels at 330 feet from the residential homes and 350 feet from the Torrey Pines Extension State Park & Trail. However, as previously stated, residential homes are located less than 25 feet from the site to the north. Additionally, construction activity is expected to be less than 85 feet from the eastern residential homes and less than 100 feet from the Torrey Pines Extension State Park & Trail. Therefore, the study fails to indicate the worst case noise levels at the noise sensitive land uses and additional noise level impacts are likely greater than what has been reported in the IS/MND.

Z-91

RK recommends the project provide additional analysis of worst case construction noise levels at noise sensitive locations.

Z-92

4. Page 86 – Residential Receptors: The IS/MND indicates that “As shown in Table 7, average noise levels would not exceed 75 dBA Leq at the nearest residential property line. This would result in less-than-significant impact to the surrounding residential receptors.”

Z-93

As explained in Comment 3, construction activities are expected to occur less than 25 feet from the northern residential homes and less than 85 feet from the eastern residential homes. There is a potentially significant impact to the noise levels experienced at these residential homes and RK recommends the project provide additional analysis of worst case construction noise levels at noise sensitive locations.

Z-94

If the project is unable to meet the 75 dBA Leq standard set by both San Diego’s Municipal Code and *CEQA Significance Determination Thresholds* guidance document, the project shall provide the necessary mitigation measures to reduce construction noise levels at the adjacent residential sensitive locations.

Z-95

5. Page 86 – Torrey Pines Extension State Park: The IS/MND indicates that “Average construction noise could reach up to 70 dBA Leq at the Gully Trail, which abuts school property to the south. Construction noise levels are not anticipated to exceed 75 dBA Leq at Torrey Pines Extension State park and boarding trails. Therefore, this would be less-than-significant impact.”

Z-96

## 2. Response to Comments

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
RK 15872  
Page 4

As explained in the above Comment 3, the construction activities are expected to occur at less than 100 feet from the Torrey Pines Extension State Park & Trail and may have a potentially significant effect in this area. Z-97

If the project fails to meet the 75 dBA Leq standard set by both San Diego's Municipal Code and *CEQA Significance Determination Thresholds* guidance document, the project shall provide the necessary mitigation measures to reduce construction noise levels at the adjacent noise sensitive locations. Z-98

6. Page 87 – Operational Noise – Traffic Noise: The IS/MND states that “The proposed project would expand the parking lot and add a drop-off/pick-up lane along the east and southeast portion of the site.... Traffic noise would not significantly increase above existing conditions and impacts would be less than significant.” The IS/MND further indicates that the traffic noise associated with the expansion of the parking lot would not significantly increase above existing conditions and impacts would be less than significant. Z-99

However, no existing ambient noise level measurements were provided at the nearest sensitive noise receptors in order to make a determination of baseline conditions. If the project were to expand the parking lot and add a drop-off/pick-up lane along the east and southeast portion of the site, there may be a potentially significant effect resulting from the additional vehicle movement and parking lot activity that may occur on-site, instead of at other off-site locations where parents may be picking up their kids now. Z-100

Therefore, it is recommended that the project conduct and report the existing daytime ambient noise measurements and analyze the change in ambient noise levels due to the project's traffic. Z-101

Additionally, the report should provide all calculation sheets with respect to operational noise levels due to traffic noise. Z-102

7. Page 88 – Mechanical Equipment: The IS/MND indicates that “At that distance, HVAC noise levels would attenuate to 38 dBA or less ... This impact would be less than significant.” The IS/MND does not provide locations of the proposed HVAC units on-site nor provide the calculation sheets to satisfy the above made statement. Therefore, RK is unable to verify the noise level impact from new HVAC equipment. Z-103

The project should compare the future operational noise impact from the new mechanical equipment to the existing ambient noise levels to determine whether any change in existing conditions would occur. To adequately identify the potential impact, the project should conduct and report the existing daytime ambient noise Z-104

## 2. Response to Comments

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
RK 15872  
Page 5

levels at the adjacent residential homes and provide noise calculation sheets for the stationary equipment. Z-104  
cont'd

Additionally, the report should provide all calculation sheets with respect to operational noise levels from mechanical equipment. Z-105

As good practice, all mechanical equipment and HVAC units should be fully shielded from line of sight of adjacent property lines. Z-106

### Transportation

1. Page 98 - Traffic Conditions During Student Transfer: RK has a number of comments on the transportation assessment related to the impacts around the Del Mar Heights School, Del Mar Hills Academy and Communities located to the east along Carmel Valley Road which will provide access to the existing Ocean Air Elementary School. As will be discussed later the traffic impacts caused by the redistribution of project traffic needs may result in significant environmental effects and further assessment and potentially additional mitigation measures are needed to reduce the impacts to the residential communities around these areas. Z-107
2. Page 98 – Methodology: The traffic analysis only reviewed traffic impacts at a total of three intersections in the vicinity of the Del Mar Hills Academy and Ocean Air School. RK has identified the several issues with respect to the assumed redistribution of traffic to these other schools and the need to assess additional intersections, especially with respect to the Ocean Air Elementary School. Z-108
3. Page 99, Table 10 - Study Area Intersections: Additional study area intersections are needed along Carmel Mountain Road to fully assess the redistribution of traffic and buses to the Ocean Air Elementary School. RK recommends that the intersections of Carmel Mountain Road at Carmel Creek Road, and Carmel Mountain Road at Ocean Air Drive also be included in the analysis as a result of the redistribution of project traffic, and the use of additional buses. There are significant intersections along Carmel Mountain Road that would be impacted by the additional traffic from the Del Mar Heights School reconstruction. Z-109
4. Page 100 - Existing Traffic Volumes: It was not documented if the traffic counts that were obtained in February 2020 were done when school was in full session. Since no traffic count worksheets were provided as part of the ISO/MND, the date of the counts cannot be determined. Therefore, it cannot be verified whether school was in session during these counts, and that they did not occur during atypical school schedules. This needs to be clarified to ensure that the analysis is assessing the proper traffic volumes for Existing Conditions. Z-110

**RK** engineering  
group, inc.  
rkengineer.com



## 2. Response to Comments

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
RK 15872  
Page 6

5. Page 101, Figure 12 - Study Area Streets and Intersections and Page 102, Figure 13 – Existing Traffic Volumes: RK recommends that the intersections of Carmel Mountain Road at Carmel Creek Road, and Carmel Mountain Road at Ocean Air Drive be added to the study area. These major intersections are directly impacted by the rerouting of traffic and required bus traffic to the Ocean Air Elementary School. Z-111
  6. Page 105, Table 12 – Existing Intersection Levels of Service: No HCM (Highway Capacity Manual) worksheets were provided as part of the IS/MND. The last paragraph of Page 105 indicates that the average values for vehicles on all four approaches were used in the Traffic Impact Analysis. Without having copies of the HCM worksheets, it's not possible to determine whether appropriate PHF (Peak Hour Factor) adjustments were made as part of the analysis. This is typically required, especially in areas in the vicinity of schools where peak 15-minute traffic volumes occur within the peak hour. This needs to be verified and if PHF factors were not used they need to be used for determining the delay and Level of Service. Z-112
  7. Page 106, Table 13 - Project Generated Traffic: The traffic generation of the additional bus traffic needs to be considered in the traffic analysis. Furthermore, bus trips need to be converted to PCE's (Passenger Car Equivalents) to adequately assess the impacts of the redistribution of project traffic and the use of buses taking access to the Del Mar Hills Academy and the Ocean Air Elementary School. Z-113
- Furthermore, it appears that the District is proposing to load and unload 4<sup>th</sup>-6<sup>th</sup> grade students who will be transported to the Ocean Air School at a location adjacent to the Del Mar Hills Academy. As a result of additional school traffic, on street parking and residential driveway access, has the District considered an alternative staging area instead of the Del Mar Hills Academy? Perhaps an alternative location not located in a residential neighborhood would be more appropriate to load and unload students that won't directly impact the adjacent neighborhoods from the additional traffic and buses. Furthermore, as previously noted the impact of buses in terms of additional traffic, converted to PCE's needs to be considered in the Traffic Impact Analysis. Z-114
8. Page 109, Table 15 – Project Impact on Intersection Levels of Service: As previously noted at least two additional intersections along Carmel Mountain Road which provide access to the Ocean Air School should be included in the Traffic Impact Analysis. Z-115
  9. Page 110 - Environmental Analysis: This discussion indicates there is lengthy queuing and delays on southbound Mango Drive at the intersection of Mango Drive at Del Mar Heights Road. As a result of existing traffic congestion in the vicinity of Z-116

**RK** engineering  
group, inc.  
rkengineer.com

## 2. Response to Comments

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
RK 15872  
Page 7

the Del Mar Hills Academy, an alternative staging area for students being transferred by bus should be considered by the District. As a result of the site constraints at the existing on-site parking lot and drop off areas, this is an additional reason for considering an alternative staging area which is not located directly in a residential neighborhood to accommodate the additional bus traffic.

Z-116  
cont'd

10. Page 111, Figure 14 – Projected Generated Traffic: For the redistribution of traffic to the Del Mar Hills Academy, the 15% distribution to the south of Del Mar Heights Road appears to be too low given the location of the students that attend the existing Del Mar Heights School. Furthermore, the 5% distribution to the north of the Del Mar Academy appears to be unrealistic given the attendance area of the Del Mar Heights School.

Z-117

The distribution of traffic to the Ocean Air Elementary School to the east of Center Heights Drive along Carmel Mountain roads of 35% is unrealistic. The vast majority of traffic that will be redistributed from the Del Mar Heights School including automobiles and buses would come from the west of Center Heights Drive along Carmel Mountain Road. The 35% distribution to and from the east of Center Heights Drive does not appear to be realistic.

Z-118

11. Page 113, Figure 15 – Existing Plus Project Traffic Volumes: Again, as previously mentioned, the project traffic needs to be revised and distributed as noted in Comment 10. Also, the traffic project trip generation needs to be adjusted to account for bus traffic converted to PCE's.

Z-119

12. Page 115 - Site Access and Circulation Del Mar Hills Academy: Again, the potentially significant impacts of the bus traffic need to be assessed both to/from the Del Mar Hills Academy and Ocean Air School. This was not included in the Traffic Impact Analysis.

Z-120

The potential bus staging at the Del Mar Hills Academy School along Mango, north of the school driveway is heavily impacted by parked vehicles. The use of this area as a bus loading and unloading zone would eliminate a substantial amount of existing on-street parking that is currently utilized by the school and the adjacent residential neighborhood. Also, for that location, buses returning back to Del Mar Heights Road would require that buses travel through the existing residential neighborhoods in this area causing additional impacts that are not needed

Z-121

For the potential bus staging area to the south of the Del Mar Hills Academy School driveway, there is currently a red curb zone and existing major driveway to the Bella Del Mar Apartments. Bus parking in this area would cause congestion and sight distance problems at this driveway.

Z-122

## 2. Response to Comments

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
RK 15872  
Page 8

There may be a potentially significant impact as a result of these factors and for the safety to the students, an alternative staging area, outside of the existing impacted area around the Del Mar Hills Academy School, needs to be located for the bus traffic which won't impact the existing residential neighborhood.

Z-122  
cont'd

13. Page 115 - Summary of Temporary Conditions: All the traffic that would be generated by the project would not totally represent new traffic; however, it does represent a major diversion of traffic and additional bus traffic into residential neighborhoods. Furthermore, it could add additional potentially significant impacts to study area intersections that need to be reassessed, based upon a more realistic distribution of project traffic and with consideration of the impacts of the bus traffic. The analysis of the three study area intersections needs to be expanded to further review traffic impacts along Carmel Mountain Road, including the redistribution of project traffic including buses. The document only indicates that Levels of Service for study area intersections would remain at acceptable levels; however, this needs to be evaluated based upon the Comments in this letter. A review of the trip distribution, addition of bus trips, the use of a proper peak hour factor (if not already used in the analysis), and consideration of the relocation of the bus staging area all need to be addressed along with the evaluation of additional study area intersections.

Z-123

14. A Construction Traffic Impact Analysis was not provided as part of the IS/MND. Potentially significant traffic impacts during construction need to be assessed with respect to workers, deliveries, construction vehicles and other activities that will occur during the various phases of construction. All truck related traffic needs to be converted to PCE's to properly assess the potential trip generation that would occur during construction. Since construction could occur between 7 AM and 7 PM, it would likely impact the PM peak hour (4-6 PM) which has not been assessed in the Traffic Impact Analysis. An evaluation of the amount of construction traffic needs to be determined to fully assess the construction impacts of the project.

Z-124

## 2. Response to Comments

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
RK 15872  
Page 9

### Conclusions

RK Engineering Group Inc. (RK) has reviewed the IS/MND air quality, noise and transportation impacts of the proposed reconstruction the Del Mar Heights School. Based upon this review, RK has identified a number of potentially significant impacts and technical issues that need to be addressed prior to considering the environmental review as being complete.

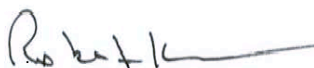
Z-125

As a result of this these comments, the CEQA assessment of the project needs to be reassessed to analyze the technical deficiencies and potentially significant impacts raised herein. Of particular concern are the impacts that will occur during the 14 months of construction, and the relocation of all of the students from the Del Mar Heights School.

Z-126

If you have any questions, please call me at (949) 474-0809.

Sincerely,  
RK ENGINEERING GROUP, INC.

  
Robert Kahn, P.E.  
Founding Principal

  
Bryan Estrada  
Senior Associate

  
Darshan Shivaiah  
Environmental Specialist II



Registered Civil Engineer 20285  
Registered Traffic Engineer 0555

Attachment  
RK15872.DOC  
JN: 1900-2020-01



## 2. Response to Comments

### **Z      Response to Comments from Justine K. Nielson, Procopio, dated March 30, 2020.**

- Z-1            This is an introductory paragraph; no response is necessary.
- Z-2-3        Comment provides background on CEQA; no response is necessary.
- Z-4-5        Comment provides quotes and case references for standard of review for MND; no response is necessary.
- Z-6            Comment provides CEQA guideline sections for recirculation requirements for MND; no response is necessary.
- Z-7            Please refer to Master Response 2.1.8, *Fair Argument*. As stated no significant unmitigated impacts have been identified and the requirement for preparation of an EIR has not been triggered and MND recirculation is not required.
- Z-8-9        These are general comments about the CEQA requirements for a project description; no response is necessary.
- Z-10-12     The commenter is correct that the Notice of Completion & Environmental Document Transmittal inadvertently did not check the box for 'Coastal Zone' under 'Project Issues Discussed In Document'.

However, as shown in Appendix G, the California Coastal Commission received a copy of the CEQA document (Mitigated Negative Declaration) for review. No state agencies submitted comments on the MND, as stated in the Governor's Office of Planning and Research, State Clearinghouse and Planning Unit letter dated April 1, 2020.

The existing Del Mar Heights School is within the City of San Diego Coastal Overlay Zone, and the State of California Coastal Zone. However, the site is already developed as a school and the future site would not change the land use. Long term use of the site is consistent with existing conditions within the coastal zone.

**California Coastal Commission.** The California Coastal Commission has purview over the proposed project and would be a responsible agency if a coastal development permit was required. The Commission received a copy of the MND for review and did not submit any comments to the school district.

**Coastal Development.** According to the San Diego Municipal Code §132.0401 the purpose of the Coastal Overlay Zone is to protect and enhance the quality of public access and coastal resources. The project site is a developed elementary school and the school campus does not obstruct or degrade public access to the coast or coastal resources. Redevelopment of the campus would not obstruct or degrade public access to the coast or costal resources. Although the existing campus is within the coastal zone, rebuilding the school on the same site would not have an effect on the coastal zone.

## 2. Response to Comments

The San Diego Municipal Code §132.0402, Table 132-04A--Coastal Overlay Zone Applicability, establishes the 'Type of Development Proposal', 'Supplemental Development Regulations' related to the Coastal Overlay Zone, and 'Required Permit Type/Decision Process'.

The City has been granted authority by the Coastal Commission to issue Coastal Development Permits for projects that are not exempt. A Coastal Development Permit is issued by the Coastal Commission and the City for "(2) Any coastal development within this overlay zone that is partially or completely within the Coastal Commission Permit Jurisdiction or the Deferred Certification Area."<sup>1</sup>

The existing school is within the Torrey Pines Community Plan Area, which is within the Coastal Zone Boundary.<sup>2</sup> However, the school campus is not within the Coastal Commission Permit Jurisdiction area nor within the Local Coastal Program Deferred Certification.<sup>3</sup>

**California Coastal Act.** The project site is within the coastal zone and subject to the California Coastal Act (Public Resources Code Sections 30000 et seq.). The Coastal Act (30001.5) declares that the basic goals of the state for the coastal zone are to:<sup>4</sup>

- (a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

---

<sup>1</sup> San Diego Municipal Code §132.0402 <https://docs.sandiego.gov/municode/MuniCodeChapter13/Ch13Art02Division04.pdf>

<sup>2</sup> City of San Diego General Plan, Conservation Element. Figure CE-3.

<https://www.sandiego.gov/sites/default/files/legacy/planning/genplan/pdf/generalplan/ce3cstlzone.pdf>

<sup>3</sup> Torrey Pines Community Plan. 2014, August 14. "MAP 1B - Torrey Pines Community Plan Area. North Coast Corridor Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP) Project Overlay." PDF page 25/152.

[https://www.sandiego.gov/sites/default/files/legacy/planning/community/profiles/torreypines/pdf/torrey\\_pines\\_cp\\_102314.pdf](https://www.sandiego.gov/sites/default/files/legacy/planning/community/profiles/torreypines/pdf/torrey_pines_cp_102314.pdf)

<sup>4</sup> An Introduction to the California Coastal Act. <https://www.coastal.ca.gov/coastalvoices/IntroductionToCoastalAct.pdf>

## 2. Response to Comments

Table 15 lists the policies in Chapter 3 of the Coastal Act that are applicable to the proposed project and shows that the project is consistent with these policies.

**Table 15 Project Consistency with Coastal Resources Planning and Management Policies**

Coastal Act Policies	Proposed Project Consistency
<ul style="list-style-type: none"> <li>Public Access (Sections 30210–30214) concerns maintaining public access to recreational facilities within the coastal zone.</li> </ul>	<p><b>Consistent.</b> The school campus is 1.5 miles from the coast. There is existing urban development between the school and beach. Project implementation would not obstruct public beach access.</p>
<ul style="list-style-type: none"> <li>Recreation (Sections 30220–30224) concerns the protection of lands that are suitable for coastal recreational activities.</li> </ul>	<p><b>Consistent.</b> The site is developed with a school, is 1.5 miles from the ocean, and is at an elevation of about 380 feet above mean sea level. The campus does not provide “coastal recreational activities” (those that require a waterfront location).</p>
<ul style="list-style-type: none"> <li>Marine Environment (Sections 30230–30237) concerns the protection of marine resources, including those of special biological or economic significance.</li> </ul>	<p><b>Consistent.</b> The project site is developed with a school and has no environmentally sensitive areas on campus or any adjacent marine resources or habitat.</p>
<ul style="list-style-type: none"> <li>Land Resources (Sections 30240–30244) concerns the compatibility of development and land resources, including environmentally sensitive habitat, prime agriculture, timberlands, and subsurface cultural resources.</li> </ul>	<p><b>Consistent.</b> The site is already developed with a school and the future use of the site would be a school. The rebuilt school would not be incompatible with surrounding development or land resources, such as environmentally sensitive habitat, prime agriculture, timberlands, and subsurface cultural resources.</p> <p>The campus does not have any agricultural or timberland and is not environmentally sensitive. Construction activities would require excavation. Mitigation Measures CUL-1 and GEO-1 would reduce impacts to previously undiscovered subsurface archaeological, paleontological, and tribal resources.</p>
<ul style="list-style-type: none"> <li>Development (Sections 30250–30255) concerns environmental impacts caused by physical development, including aesthetics, beach access, geologic, flood, fire hazard, air quality, and energy consumption.</li> </ul>	<p><b>Consistent.</b> The reconstruction of the school and associated offsite improvements (stormwater outfall) would include sustainable features and have energy-efficient improvements compared to the existing school. The District would comply with the applicable state building code standards to minimize risks to life and property and comply with applicable regulations enforced by the San Diego Air Pollution Control District. The new school would not impact any designated scenic resources, geologic, flood zones, wildfire zones. The project’s impacts, as mitigated and in compliance with existing regulations, would be less than significant, as documented in the Initial Study.</p>
<ul style="list-style-type: none"> <li>Industrial Development (Sections 30260–30265.5) concerns coastal-dependent industrial facilities.</li> </ul>	<p><b>Consistent.</b> The project is not an industrial development. This section is not applicable.</p>
Source: Public Resources Code Sections 30000 et seq.	

As shown, identification of the school campus location within the coastal zone would not change the findings that the project with mitigation would not have a significant impact on the environment.

Z-13-14 Fair Argument. Please refer to Master Response 2.1.8, *Fair Argument*. As explained in that response, the substantial evidence on the record shows that the proposed project would not have a significant impact on the environment and that the commenter has not met the Fair Argument standard.

## 2. Response to Comments

- Z-15-16 Please refer to Master Response 2.1.1, *Project Description*. As explained the District is responsible for loading classrooms in a manner consistent with its educational programming and the existence of alternative methods of calculating student capacity does not contradict the fact that the proposed project would not increase student capacity.
- Z-17-16 The exiting Del Mar Heights School is within the City of San Diego Coastal Overlay Zone, and the State of California Coastal Zone. However, the site is already developed as a school and the future site would not change the land use. Long term use of the site is consistent with existing conditions within the coastal zone.
- Z-18 Initial Study Section 1.3 states the City of San Diego General Plan Land Use Designation for the project site is Institutional and Public and Semi-Public Facilities. The project site is zoned RS-1-3. Under the RS-1-3 zone, a Conditional Use Permit is required for educational facilities. As the site currently operates as an educational facility, the District does not need to apply for a Conditional Use Permit. Additionally, District plans to exempt the site from local zoning using its authority under Government Code 53094. California State Government Code, Section 53094 permits “the governing board of a school district, by vote of two-thirds of its members . . . [to] render a city or county zoning ordinance inapplicable to a proposed use of property by such school district . . . .”
- The rebuilt school would not intensify the use of the property; the land use is a school and future land use would be a school. Additionally, the school district is not a private land use developer that submits an application and requires project approval from the City. School districts are agencies of the State for the local operation of the state school system. Under CEQA the DMUSD is the Lead Agency for the proposed project. The City of San Diego is a responsible agency for this project.
- Z-19 Please refer to Master Response 2.1.1, *Project Description* related to the reduction in grass area and increase in classrooms and collaboration space, and Master Response 2.1.8 *Fair Argument*, which state the project does not require an environmental impact report because it would not result in a significant impact on the environment.
- Z-20 Comment noted. Comment outlines qualifications of RK Engineering Group, Inc. staff; no response is necessary.
- Z-21 Please refer to Master Response 2.1.8, *Fair Argument*, which state the project does not require an environmental impact report because it would not result in a significant impact on the environment.
- Z-22-23 As part of the CEQA aesthetics analysis a detailed lighting study was prepared. Please refer to Master Response 2.1.3, *Aesthetics* (lighting). Spill light from the campus would be limited by the elevation difference between the campus and the street and the trees in this area. Additionally, the Reserve boundary is about 70 feet from the closest building, with no west facing lights, and significant light impacts would not occur.



## 2. Response to Comments

- Z-24      Comment noted. The nearest sensitive receptors are the residential uses on Boquita Drive and Mira Montana Drive. The text that references the incorrect streets has been revised to account for the accurate street names and neighborhood.
- Z-25      The proposed project would not result in an increase in vehicles or vehicle trips; therefore, the project would not increase emissions or expose receptors to substantial concentrations of air pollutants (see Section 3.3(c) in the MND). Additionally, the proposed project would reduce queuing and associated idling within the neighborhood by providing an expanded off-street student drop-off and pick-up area. As described in the MND, passenger vehicle emission rates have decreased substantially as a result of State and Federal regulations and turnover of older vehicles. As a result, for a project to result in a substantial concentration of carbon monoxide emissions that exceeds the ambient air quality standards, a project would need to have 44,000 vehicles through an intersection in a single hour. As a result, relocation of the driveway would not expose receptors to substantial concentrations of air pollutants on- or off-campus.
- Z-26      The reference to the Bay Area Air Quality Management District (BAAQMD) carbon monoxide (CO) hotspot modeling is provided as a reference to demonstrate that under today's emissions rates, land use development projects do not generate the quantity of vehicles that is required to exceed the ambient air quality standards (AAQS). Therefore, citing the modeling conducted by BAAQMD that demonstrates what it would take to exceed the AAQS is an appropriate reference. Furthermore, the San Diego Air Basin (SDAB) has not recorded a single violation of the CO AAQS for well over 20 years. As demonstrated in the California Air Resources Board's (CARB) 2004 Revision to the California State Implementation Plan for Carbon Monoxide, concentrations of CO in San Diego were 58 percent below the AAQS in 2003. As identified in response to Comment Z-25, relocation of the driveway would not expose receptors to substantial concentrations of air pollutants on- or off-campus
- Z-27      As seen in Appendix B, page 8, the CARB has enacted Airborne Toxic Control Measures (ATCM) to limit idling of diesel-fueled commercial vehicles and construction equipment (13 CCR Chapter 10, Section 2485). The San Diego Air Pollution Control District (SDAPCD) enforces regulations for mobile sources, including construction equipment idling, school bus idling, and idling nearby schools. Because this is an existing regulation that commercial vehicles are required to abide by, a monitoring plan is not warranted to ensure compliance.
- The school is within the sole jurisdiction of the Del Mar Union School District (District). As seen in Appendix B, page 27, the City of San Diego Climate Action Plan (CAP) is not directly applicable to the Del Mar Union School District because measures in the CAP only apply to development projects whose emissions are within the City's jurisdictional authority. Because the City of San Diego does not have discretionary authority over

## 2. Response to Comments

emissions sources associated with operation of the District's schools, the City's CAP is not applicable to the project.

Furthermore, the new buildings would meet the 2019 Building Energy Efficiency Standards and the 2019 California Green Building Standards Code (CALGreen). These buildings would be more energy efficient than the existing buildings and would decrease GHG emissions onsite.

- Z-28 As seen on page 51 of the MND, projects whose stationary source emissions do not exceed or can be mitigated to less than the SDAPCD trigger level or generate 100 pounds per day of fugitive would not be considered to violate an air quality standard or contribute substantially to an existing or projected air quality violation.. Because the project does not generate emissions that the SDAPCD trigger levels or 100 pounds per day of particulate matter, impacts are less than significant.
- Z-29 As seen on page 52 of the MND, the proposed project site is not within a quarter mile of any permitted or non-permitted facilities, such as warehousing, or freeways or busy corridors. Thus, onsite students and staff of the proposed school would not be exposed to any significant levels of emissions or carcinogens from emissions sources.
- Z-30 The definition of an environmentally sensitive area is "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities or developments" (California Coastal Act § 30107.5). As substantiated in the Initial Study the site does not support suitable habitat for sensitive plant or wildlife species. Due to the site's disturbed, developed, and landscaped condition, sensitive plant and wildlife species are not expected to occur. According to Section 30240(b) of the California Coastal Act, "Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas." Again, as indicated in the Initial Study, development of the proposed project would occur almost entirely within the fenced limits of the existing school, with the exception of a portion of land adjacent to the stormwater outfalls that would be repaired as part of the project. The repair of the outfalls is designed to prevent further erosion and degradation of the sensitive habitat.
- Z-31 Refer to Response Z-10 to Z-12. The existing school is, and the rebuilt school would be, consistent with the California Coastal Act.
- Z-32 The objective of the Phase I ESA is to assess the site for recognized environmental conditions (RECs). The Department of Toxic Substances Control (DTSC) on December 16, 2019 concurred that lead from lead-based paints and organochlorine pesticides (OCPs) from potential termiticide application were the only RECs at the site. The DTSC visited the site and agreed that neither a release of hazardous material nor the presence

## 2. Response to Comments

of a naturally occurring hazardous material, which would pose a threat to public health or the environment under unrestricted land use was indicated at the site.

Z-33 The Phase I ESA identified that PCBs were lawfully manifested and legally disposed. Section 4.1.17 of the Phase I ESA shows that PCBs were removed from the site and Appendix B of the Phase I ESA has information about the lawful transport and disposal of hazardous materials. PCB and PCB-containing materials were manifested in 2000. One manifest was for 1.8 tons and the other manifest was for 0.25 tons. This shows proper lawful removal and disposal of PCB containing materials. Additional analysis of PCBs is not required to ensure the site is safe for the rebuilt school.

Z-34 Lawful removal and disposal of asbestos containing waste was documented to have occurred in 2000. The MND indicates that the handling, use, transport, and disposal of hazardous materials during the construction phase of the project would comply with existing regulations.

Commenter is correct that because portions of the school were constructed in 1959 it is anticipated that the buildings contain asbestos. During demolition of buildings, asbestos would be removed, contained, and disposed. Requirements for limiting asbestos emissions from building demolition and renovation activities are specified in SCAQMD Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities). California Government Code Sections 1529 and 1532.1 provide for exposure limits, exposure monitoring, respiratory protection and good working practice by workers exposed to lead and ACM.

The District would comply with applicable health and safety and hazardous materials regulations. The proposed project would not subject people to substantial hazards from ACM or ACCM, and impacts would be less than significant.

Z-35 The District disposed of organic liquid offsite as listed in manifests following appropriate regulations for transport of waste. DTSC had oversight authority for the project. No additional analysis is required.

Z-36 Lead testing of drinking water is not covered in the Phase I ESA. The purpose of the Phase I and the DTSC review is to evaluate potential hazardous releases at the site and not to double regulate issues that are covered by other regulations. The drinking water quality at the existing school would not change or be affected by the proposed project. Lead testing of drinking water is not required as part of the CEQA analysis.

Z-37-38 **Hydrology and Water Quality.** Please refer to Master Response 2.1.4, *Biological Resources/Stormwater Outfalls*. Details about the outfalls was included in the Initial Study. The District will comply with the Storm Water Pollution Prevention Plan (SWPPP) and effective best management practices to reduce erosion and sedimentation.

## 2. Response to Comments

- Z-39      **Land Use & Planning.** Section 1.3 of the Initial Study identified the school campus as Institutional and Public and Semi-Public Facilities under the City of San Diego General Plan Land Use Designation. It also states that the ‘General Plan Land Use Designation of the surrounding area is Residential, with the exception of the Torrey Pines State Natural Reserve, which is designated Park, Open Space, and Recreation.’

The project site is an existing K-6 school, and the project would demolish and rebuild the K-6 school on the same property. The land use and planning section does not require a consistency analysis because the project would not make any long-term land use changes. The existing school does not conflict with the City’s General Plan, specific plan or the local coastal program (aka Torrey Pines Community Plan Appendix E) and the rebuild school would not conflict. As stated in the Initial Study (p. 16) ‘Under the RS-1-3 zone, a Conditional Use Permit is required for new educational facilities, according to San Diego Municipal Code Section 131.0422, *Use Regulations Table for Residential Zones*. Because the site currently operates as an educational facility, the District is not required to apply for a Conditional Use Permit again.

Additionally, the rebuilt school makes several improvements that have a beneficial effect on the environment, such as reduced vehicle congestion/less idling/better air quality; reduced off-campus drop-off/pick-up queuing and parking; improve pedestrian safety, emergency access, and stormwater runoff quality; new native plant habitat where none exists. The environmental effects of the project have been analyzed in the Initial Study, and with mitigation, no significant environmental impacts would occur.

- Z-40      **Land Use & Planning.** Please refer to Response Z-39 for plan consistency discussion, and Master Response 2.1.5, *Recreation/Green Space* for discussion about reduction in useable open space.

- Z-41      **Land Use & Planning.** Unlike other development projects that convert natural land into homes and shopping centers, this project would rebuild a school on an existing developed school site. The school is a permitted use and in current operation. The school is consistent with current plans. Please refer to Response Z-39 for plan consistency discussion.

A detailed biological analysis was conducted (*Del Mar Heights Elementary School Rebuild Project*, Alden Environmental, Inc., February 10, 2020), which found project-related impacts to candidate, sensitive, and special status species, riparian habitat and other sensitive natural community would be less than significant. Additionally, the project would result in beneficial effects to the biologically sensitive habitat in the adjacent Torrey Pines State Reserve Extension, by repairing the outfall and revegetating with native plant species appropriate for the Reserve. Additionally, the project would not require relocation or replacement of Torrey Pine trees.

## 2. Response to Comments

Z-42      **Land Use & Planning.** Please refer to Response Z-39 and Z-41 for plan consistency discussion. As shown in Table 16, the rebuilt school is consistent with the Torrey Pines Community Plan.

## 2. Response to Comments

**Table 16 Project Consistency with Torrey Pines Community Plan Key Policies**

Key Policies	Proposed Project Consistency
1. All development adjacent to open space areas shall be designed to reduce visual and development impacts.	<b>Consistent.</b> The project was designed with the assistance of the community and through extensive community meetings and is sensitive to the scenic resources afforded in the Torrey Pines State Reserve. The Initial Study analyzed scenic impacts of the project. Please refer to Master Response 2.1.3 Aesthetics.
2. Provide safe roadways for pedestrians, bicyclists and vehicular traffic, including traffic control measures and pedestrian crossings where necessary.	<b>Consistent.</b> The Design Drivers for the decision to rebuild the school is to reduce vehicle congestions and improve pedestrian safety. The proposed project would improve circulation and pedestrian safety.
3. Residential development shall reflect the diversity of existing homes in the community and shall be in compliance with all development regulations. The community does not recommend or support, within single-family zoned areas, the construction of shared housing (also known as mini-dorms or Go-Homes).	<b>Consistent.</b> The District is not proposing, and the project does not include residential development.
4. Commercial development shall be designed to avoid impacts to adjacent residential areas.	<b>Consistent.</b> The District is not proposing, and the project does not include commercial development.
5. The construction of public projects shall avoid impacts to residential neighborhoods.	<b>Consistent.</b> As analyzed in the Initial Study and documented through substantial evidence on the record, the project does not significantly impact the surrounding residential neighborhoods.
6. Public projects (utilities, roads, railroad, etc.) that cross or encroach into open space areas shall eliminate or avoid loss to biological resources, shall result in no net loss to wetlands, and shall be required to contribute to the restoration and enhancement of those open space areas.	<b>Consistent.</b> The District is not proposing a project similar to utilities, roads, railroad. The school project does not impact any wetlands. It would result in beneficial effects to the biologically sensitive habitat in the adjacent Torrey Pines State Reserve Extension, by repairing the outfall and revegetating with native plant species.
7. New industrial and commercial development proposed adjacent to identified open space corridors shall contribute to the preservation of these areas.	<b>Consistent.</b> The District is not proposing, and the project does not include industrial or commercial development.
8. Public mass transit service, including bus, light rail, and commuter rail should be provided to and through the Torrey Pines community.	<b>Consistent.</b> The District is not proposing, and the project does not include mass transit.
9. Emphasize the citywide importance of and encourage the location of scientific research, biotechnology, and clean manufacturing uses in Sorrento Valley because of its proximity to UCSD and the University and Mira Mesa communities' industrial areas. Provide adequate mass transit and/or transportation facilities to the Sorrento Valley Area.	<b>Consistent.</b> The District is not proposing, and the project does not include scientific research, biotechnology, and clean manufacturing development.
10. Useable public parks and active playing fields should be provided within the planning area for use by all age groups.	<b>Consistent.</b> Please refer to Master Response 2.1.5 Recreation/Green Space. The school district currently provides play fields.
11. Affordable housing should be provided within the planning area.	<b>Consistent.</b> The District is not proposing, and the project does not include affordable housing.

Source: Torrey Pines Community Plan. 2014, August 14. Torrey Pines Community Plan.  
[https://www.sandiego.gov/sites/default/files/legacy/planning/community/profiles/torrey\\_pines/pdf/torrey\\_pines\\_cp\\_102314.pdf](https://www.sandiego.gov/sites/default/files/legacy/planning/community/profiles/torrey_pines/pdf/torrey_pines_cp_102314.pdf)

Z-43 This comment restates the conclusions of MND. No response is necessary.

## 2. Response to Comments

- Z-44 The commenter states that in using the City of San Diego's CEQA Significance Determination Thresholds, the IS/MND only includes the threshold from the City's adopted noise ordinance. This is incorrect. The IS/MND adopted and used the other recommended thresholds from the CEQA Significance Determination Thresholds document, such as the temporary construction noise threshold of 75 dBA Leq. The commenter states that the Initial Study fails to analyze a potential increase in existing ambient noise levels surrounding the project per the City's guidelines. The IS/MND properly addressed the CEQA Appendix G checklist question of whether the project would cause "generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?" For construction noise, the IS/MND used the City-recommended threshold of 75 dBA Leq as criteria for a substantial temporary increase in ambient noise levels in excess of standards established by the City (see the CEQA Significance Determination Thresholds document, Section 6 of Significance Thresholds). For stationary operational noise sources such as mechanical HVAC, the IS/MND used the City-recommended criteria based on the Noise Ordinance (see the CEQA Significance Determination Thresholds document, Section 4 of Significance Thresholds).
- Z-45 The commenter points out that noise monitoring was not conducted at or around the project site. While this is correct, the commenter appears to be referencing an outdated version of the OPR CEQA Guidelines. The commenter references Appendix G checklist questions (c) and (d); however, the latest Appendix G guidelines are (a) through (c) for noise. There is no checklist question (d). The project consists of improvements to an existing school with no proposed increase in student population (and, in fact, a capacity decrease) in an urban/suburban neighborhood. Typical daytime noise levels in a residential neighborhood are approximately 50 – 60 dBA (US EPA, 1971. Community Noise).
- Z-46 Summary of City significance thresholds noted.
- Z-47 Summary of the less-than-significant construction noise impact finding noted.
- Z-48 The commenter notes that project-related construction noise was calculated based on the acoustical center of the construction site. The comment states that there are residences located at distances closer than the 330 feet from the acoustical center. The IS/MND's correct use of the acoustical center of the construction site is based on the City-recommended threshold of 75 dBA Leq, which specifies that average sound levels not exceed this level during daytime hours (see the CEQA Significance Determination Thresholds document, Section 6 of Significance Thresholds) [*italics added for emphasis*]. Calculating the average noise level based on the center of the project site is reasonable because the equipment will move all around the site and will, on average, be in the center. As explained in the Initial Study noise analysis, "noise levels from project-related construction activities were calculated from the simultaneous use of all applicable

## 2. Response to Comments

construction equipment at spatially averaged distances (i.e., from the acoustical center of the general construction site) to the property line of the nearest residences and state park and trails. Although construction may occur across the entire phase area, the area around the center of construction activities best represents the potential average construction-related noise levels at the various sensitive receptors.” This would be true of the loudest phases such as site preparation and grading in that equipment would continually be moving around the project site. It should be noted that the Initial Study noise analysis was conservative in that, “project-related construction activities were calculated from the simultaneous use of all applicable construction equipment” [italics added for emphasis]. In reality, certain pieces of equipment during a given phase may operate during a portion of the workday and then remain off while other equipment operates.

Z-49 It is incorrect that the IS/MND failed to analyze noise impacts to the Torrey Pines State Reserve. In fact, the noise analysis conservatively considered the Torrey Pines Extension State Park and trails a sensitive receptor even though the City-recommended threshold of 75 dBA Leq applies specifically to “property zoned residential” and “where temporary construction noise would substantially interfere with normal business communications, or affect sensitive receptors, such as day care facilities.” (see the CEQA Significance Determination Thresholds document, Section 6 of Significance Thresholds). Users of the trail would only be near the construction site for a relatively short period of time and average construction noise levels were shown to be below the 75 dBA Leq threshold of significance. Operational noise generated primarily of student recreational activities would not adversely impact Torrey Pines State Reserve and, as addressed in the IS/MND, “the multi-use field adjacent to Torrey Pines Extension would be reconfigured, causing no substantial change to the associated recreational noise. The proposed project’s outdoor learning area and playfields plan would not result in a substantial noise increase from existing conditions.” The project site is currently a school with existing recreational activities and would reduce capacity by approximately 24 students. Construction and operational noise impacts to Torrey Pines State Park would be less than significant.

Z-50 Summary of the less-than-significant traffic noise impact finding noted.

Z-51 The commenter states that the proposed parking lot would impact homes on Mira Montana Drive. As discussed in the IS/MND, the proposed drop-off/pick-up lane parallel to Mira Montana Drive would range approximately between 10 feet to 25 feet below Mira Montana Drive. The edge of the slope would act as a noise barrier to car idling and other vehicle-related noises by obstructing line-of-sight to residences on Mira Montana Drive. In addition, there is an approximately 3-foot masonry wall at the edge of Mira Montana Drive which would provide further noise shielding. The new drop-off/pick-up lane would deter vehicles from currently using Mira Montana Drive as a drop off area, thereby moving this traffic further from residences on Mira Montana Drive. The commenter states that slamming doors and car horns would impact homes on Mira Montana Drive. Such occurrences are relatively rare at an elementary school and, even during such a rare



## 2. Response to Comments

occurrence, would be extremely short-lived and would not exceed the Municipal Code noise standards, which are based on a one-hour Leq noise level. The commenter states that school loudspeakers from buildings would impact homes on Mira Montana Drive. The project proposes to move classroom buildings further from homes on Mira Montana Drive than under existing conditions, which would decrease operational noise levels.

- Z-52 See response to Comment Z-51. The commenter provides no substantial evidence that the proposed campus improvements and parking lot would result in a significant impact to nearby sensitive receptors.
- Z-53 See response to Comments Z-45 and Z-51. The project site is an existing school use and the project would reduce capacity by approximately 24 students. The commenter provides no substantial evidence that the proposed campus improvements would result in a significant noise impact to nearby sensitive receptors and preparation of an EIR is not necessary.
- Z-54 **Public Services & Recreation. Fire Protection.** Initial Study, Section 3.17, Item (d) and Section 3.20 Item (a) specifically addresses emergency access. Please refer to Master Response, 2.1.7, *Wildfire*. The existing fire access lane is inadequate at 10 feet between the edge of the slope and the building. According to the 2019 California Fire Code the minimum width should be 20 feet wide. The entire length of the project fire lane is 20 feet wide. The fire lane includes hammerhead turnarounds and the hose length distances are in compliance with the 2019 California Fire Code. Further, the plan has been reviewed and pre-approved by the City of San Diego Fire Marshall. The proposed project would not result in inadequate emergency access.
- Z-55-57 **Public Services & Recreation. Schools.** Please refer to Master Response 2.1.1, *Project Description*. CDE has site development guidelines (not regulations) that are applicable for determining site size based on enrollment when considering new school sites and for determining when a site is considered under-sized and therefore eligible for special consideration for extra facility funding for multi-story school buildings. The guidelines are not minimum requirements. Outdoor programs are required to address each school's individual PE, fitness and playground program needs and provide facilities to adequately accommodate them. The proposed site plan satisfies the District's policies for physical education for this school.
- Z-58-60 **Public Services & Recreation. Parks & Recreation.** Please refer to Master Response 2.1.5, *Recreation/Green Space*.
- Z-61 The responses to detailed comments below demonstrate that the project would not cause significant transportation impacts.
- Z-62 The geographical limits of the study area for the traffic analysis were determined by using the criteria outlined in the City of San Diego "Traffic Impact Study Manual." The "Study

## 2. Response to Comments

Area” section of that document states that street segments would warrant inclusion in the traffic study if the proposed project would result in an increase in the volume/capacity (V/C) ratio of 0.10 or greater for roadway segments operating at level of service (LOS) A, 0.06 or greater for roadway segments operating at LOS B, 0.04 or greater for roadway segments operating at LOS C, or 0.02 or greater for roadways operating at LOS D, E, or F (based on daily traffic volumes). According to the Carmel Valley Community Plan, the capacity of Del Mar Heights Road is 40,000 vehicles per day (vpd) west of Interstate 5 (four-lane major arterial) and 60,000 vpd east of Interstate 5 (six-lane primary arterial). The capacity of Carmel Mountain Road is 40,000 vpd in the vicinity of Ocean Air School (four-lane major arterial) and 60,000 vpd between Interstate 5 and El Camino Real (six-lane primary arterial). Based on the estimated increases in daily traffic volumes that would be generated by the school project (280 vpd at Ocean Air School and 800 vpd at Del Mar Hills Academy) and the assumed geographical distribution of school-generated traffic, the anticipated percentage increase in the V/C ratios would be 0.008 on Del Mar Heights Road west of Mango Drive and 0.006 on Del Mar Heights Road east of Mango Drive. The anticipated percentage increase in the V/C ratios would be 0.0046 on Carmel Mountain Road west of Canter Heights Drive and 0.0025 on Carmel Mountain Road east of Canter Heights Drive. As these increases in V/C ratios are well below the threshold levels for determining if a traffic study is warranted, a detailed impact analysis was not required and was not conducted for any intersections on the segments of Del Mar Heights Road east and west of Mango Drive or on Carmel Mountain Road east and west of Canter Heights Drive. Even if 100 percent of the additional traffic at Ocean Air Academy were to be assigned to Carmel Mountain Road west of Canter Heights Drive, the increase in the V/C ratio would be 0.007, which is well below the allowable increase in the V/C ratio. Based on these criteria, the traffic study was appropriately focused on the intersections most-directly affected by the project, which included the signalized intersections closest to each school site.

Z-63      The traffic counts were taken during the morning and afternoon peak periods on Thursday, February 6, 2020 and schools were in session on that day with regular schedules.

Z-64      Based on the assumption that 45 percent of the students that would be temporarily transferred to Ocean Air School would elect to ride the bus (as explained in the IS/MND report), it is estimated that approximately 92 students would use this travel mode (203 students x 0.45). As school buses typically have the capacity to accommodate 50 to 60 riders, the busing operation could potentially involve only two buses. For purposes of the traffic analysis, however, it was assumed that three buses would arrive at Del Mar Hills Academy to transport students to Ocean Air School. As the trip generation rates for elementary schools in the Institute of Transportation Engineers *Trip Generation Manual* included buses in the data sources that were used to calculate the trip rates and as the trip rates used for this analysis represent the high end of the range of data from the manual,

## 2. Response to Comments

which is approximately double the value of the average trip rates for an elementary school, it is reasonable to assume that the traffic volumes shown in Table 13, Project Generated Traffic (see Initial Study), include the three student transport buses. However, to ensure that the LOS calculations included the assumption that buses have a passenger car equivalency (PCE) of 2.0, the traffic volumes shown on the Project Generated Traffic figure were expanded by six vehicles at each intersection (three inbound and three outbound) to account for the PCE factor.

- Z-65 The District has determined that it would be advantageous to stage the bus loading/unloading activities adjacent to the existing school because the ongoing presence of supervisory and monitoring personnel as well as parents/guardians would maximize safety and security for the students. To reduce the impacts of exacerbating the existing queuing and delays that occur on southbound Mango Drive at Del Mar Heights Road, the bus departures and arrivals will be scheduled so that they have a 20 minute separation from the starting and ending times at Del Mar Hills Academy so that the traffic surges for the bused students and the Del Mar Hills Academy students would not coincide.

It is anticipated that there would be only two or three buses to transport students between Del Mar Hills Academy and Ocean Air School. This level of bus activity was included in the level of service calculations for the study area intersections and would not result in a significant impact according to CEQA standards. With regard to the staging areas for the buses, the IS/MND indicates that this would occur on the east side of Mango Drive adjacent to the school or in the semi-circular on-site loading area located at the northeast corner of the Mango Drive/Lozana Road intersection.

If the bus staging area is located south of the school access driveway, it would not be positioned in the area between the school driveway and the apartment driveway nor would it be positioned at a location that would create visibility or safety problems at the apartment driveway. The location would be subject to review and approval by the City of San Diego. The District has considered other locations for the bus staging area, as stated in the responses to comments Z-114 and Z-116. The District has determined that it would be advantageous to stage the bus loading/unloading activities adjacent to the existing school because the ongoing presence of supervisory and monitoring personnel as well as parents/guardians would maximize safety and security for the students.

- Z-66 The traffic distribution percentages shown on Figure 14, *Project Generated Traffic* (see Initial Study), are based on a plot map of the existing residences of students who currently attend Del Mar Heights School. The number of residences in each neighborhood were counted and assigned to the most efficient travel routes to the school sites to develop the distribution percentages. The percentages shown on the figure were rounded to the nearest 5. Based on the residential counts in the neighborhood to the immediate north and west of Del Mar Hills Academy, 15 percent of the current Del Mar Heights School students live in this area. So, 10 percent were assigned to Lozana Road and 5 percent were

## 2. Response to Comments

assigned to Mango Drive north of Lozana Road, which is consistent with the existing traffic patterns. As noted in the comment, more than 15 percent of the residences are located in the area south of Del Mar Heights Road; however, they have the option of using Mercado Drive, Recuerdo Drive, Durango Drive, Mar Scenic Drive, and other streets that intersect with Del Mar Heights Road west of Mango Drive. So, 15 percent was assigned to Mango Drive and the remaining traffic is reflected in the 40 percent that is assigned to Del Mar Heights Road. The percentages shown on the figure are valid as they represent the geographical distribution of the students' residences.

Z-67 As the volumes of traffic associated with construction activities at Del Mar Heights School would be substantially lower than the volumes of traffic that are currently generated by the existing school, a traffic impact analysis for the construction phase is not required. The construction traffic, and the delivery and haul trucks, would be an inconvenience to residents along the access streets; however, the traffic impacts would not be significant according to CEQA standards.

Z-68-73 **Wildfire and Emergency/Fire Access.** Please refer to Master Response 2.1.7, *Wildfire*. Initial Study, Section 3.17, Item (d) and Section 3.20 Item (a) specifically addresses emergency access.

The existing fire access lane is inadequate at 10 feet between the edge of the slope and the building. According to the 2019 California Fire Code the minimum width should be 20 feet wide. The entire length of the project fire lane is 20 feet wide. The fire lane includes hammerhead turnarounds and the hose length distances are in compliance with the 2019 California Fire Code. Further, the plan has been reviewed and pre-approved by the City of San Diego Fire Marshall. Distance to classrooms would not result in a significant wildfire or emergency access impact.

Wildfire impacts would be reduced because of the following.

Existing	Proposed Project
No fire hydrants	4 fire hydrants
Closest building is 5 feet from canyon edge	Closest building is 25 feet from canyon edge
Portables composed of combustible materials, buildings have no sprinkler system	2019 California Building Code compliant; building envelope (walls, roofs, eaves, and soffits) would be ignition-resistant, tempered glass, interior sprinkler system
1959-era buildings	City of San Diego Fire Marshall pre-approved buildings
10-foot-wide fire lane	20-foot-wide fire lane

Z-74-75 **Alternatives & Mitigation.** The mitigation measures outlined in the Initial Study are specific to the significant impact identified. The measures reduce the impact to less than significant. Each measure includes elements that make them enforceable.

## 2. Response to Comments

**WHO:** The individual responsible for implementing the measure and has legal responsibility to perform the work.

**WHAT:** The measure that is to be performed.

**WHEN:** The timing of the implementation.

**WHY:** The reason requiring the action.

**HOW:** How is related to What and includes information (performance standards) in sufficient detail to ensure that the measure is implemented properly.

The Mitigation Monitoring and Reporting Program, adopted at time of MND adoption, also includes 'responsibility for Monitoring' and a space for the monitors' signature and date of compliance.

- Z-76-77 **DSA submittal.** Please refer to Master Response 2.1.2, *CEQA Process*. As stated in this response, the DSA Pre-check process is not an official submittal of the project to the DSA. It is a standard step of a project this size and it is an opportunity to receive early input from the DSA and is intended to seek opportunities to improve the project. It does not commit the District to completing the project nor commit the District to any particular design or program. The District has not adopted the MND or the MMRP, has not approved the project and did not violate CEQA.
- Z-79-80 **Conclusion.** Comment noted. The commenters letter does not indicate that there would be a substantial increase in the severity of a previously identified environmental impacts that will not be mitigated, or that there would be any of the other circumstances requiring preparation of an EIR described in Section 15064. Additionally, please refer to Master Response 2.1.8 *Fair Argument*. As stated, a Mitigated Negative Declaration is the appropriate CEQA document for the proposed project. The Del Mar Union School District Board of Education will consider all comments prior to making a final decision on the project.
- Z-81 Introductory comment regarding project description noted.
- Z-82 Comment regarding project description noted.
- Z-83 The general comment that the project may have potentially significant impacts is noted and responses to the specific technical issues are provided below.
- Z-84 Responses to the suggestion that additional CEQA assessment might be needed are provided below for each issue.
- Z-85 See response to Comment Z-24. Comment noted. The nearest sensitive receptors are the residential uses on Boquita Drive and Mira Montana Drive

## 2. Response to Comments

Z-87	See response to Comment Z-28. Because the project does not generate emissions that the SDAPCD trigger levels or 100 pounds per day of particulate matter, the project would not expose sensitive receptors to substantial concentrations of air pollutants during construction and impacts are less than significant.
Z-88	See response to Comment Z-87. Compliance with the SDAPCD regulations, including Rule 55, would ensure that emissions during construction activities are minimized and would not expose sensitive receptors to elevated concentrations of air pollutants.
Z-89	See response to Comment Z-45.
Z-90	See response to Comment Z-48.
Z-91	See response to Comments Z-48 and Z-49.
Z-92	See response to Comment Z-48. A reasonable worst-case analysis of construction noise has been provided in the IS/MND. As explained in the IS/MND, the noise analysis was conservative in that “project-related construction activities were calculated from the simultaneous use of all applicable construction equipment” [italics added for emphasis]. The threshold used is consistent with the City-recommended criterion of 75 dBA Leq average noise level (see the CEQA Significance Determination Thresholds document, Section 6 of Significance Thresholds).
Z-93	Summary of the less-than-significant construction noise impact finding noted.
Z-94	See response to Comment Z-48. A reasonable worst-case analysis of construction noise has been provided in the IS/MND.
Z-95	See response to Comment Z-48. No mitigation measures are necessary to reduce construction noise levels.
Z-96	Summary of the less-than-significant construction noise impact finding noted.
Z-97	See response to Comment Z-49.
Z-98	See response to Comment Z-49. No mitigation measures are necessary to reduce construction noise levels.
Z-99	Summary of the less-than-significant traffic noise impact finding noted.
Z-100	See response to Comments Z-45 and Z-51.
Z-101	See response to Comment Z-45.
Z-102	The project site is an existing school use and the project would reduce capacity by approximately 24 students. The commenter provides no substantial evidence that the

## 2. Response to Comments

proposed campus improvements would result in a significant traffic noise impact to nearby sensitive receptors.

- Z-103 The commenter states that the IS/MND does not provide locations of the proposed HVAC units. As discussed in the IS/MND, stationary noise from HVAC equipment was analyzed at a distance of approximately 150 feet to the east and north the closest proposed buildings. The project proposes to move classroom buildings further from nearby residences than under existing conditions, which would decrease operational noise levels. Operational noise from stationary sources such as mechanical HVAC equipment was projected at the nearest residences based on typical spreading loss from a point source ( $L_2 = L_1 - 20 * (\log(D_2/D_1))$ ) where L is noise level and D is distance.
- Z-104 See response to Comments Z-45 and Z-103. The project proposes to move classroom buildings further from nearby residences than under existing conditions, which would decrease operational stationary noise levels.
- Z-105 See response to Comment Z-103.
- Z-106 Comment noted.
- Z-107 The comment is general in nature and states that the redistribution of school traffic may result in significant effects that may require mitigation in the residential communities. Responses to this comment are provided below for each specific issue.
- Z-108 The geographical limits of the study area for the traffic analysis were determined by using the criteria outlined in the City of San Diego “Traffic Impact Study Manual.” The “Study Area” section of that document states that street segments would warrant inclusion in the traffic study if the proposed project would result in an increase in the volume/capacity (V/C) ratio of 0.10 or greater for roadway segments operating at level of service (LOS) A, 0.06 or greater for roadway segments operating at LOS B, 0.04 or greater for roadway segments operating at LOS C, or 0.02 or greater for roadways operating at LOS D, E, or F (based on daily traffic volumes). According to the Carmel Valley Community Plan, the capacity of Del Mar Heights Road is 40,000 vehicles per day (vpd) west of Interstate 5 (four-lane major arterial) and 60,000 vpd east of Interstate 5 (six-lane primary arterial). The capacity of Carmel Mountain Road is 40,000 vpd in the vicinity of Ocean Air School (four-lane major arterial) and 60,000 vpd between Interstate 5 and El Camino Real (six-lane primary arterial). Based on the estimated increases in daily traffic volumes that would be generated by the school project (280 vpd at Ocean Air School and 800 vpd at Del Mar Hills Academy) and the assumed geographical distribution of school-generated traffic, the anticipated percentage increase in the V/C ratios would be 0.008 on Del Mar Heights Road west of Mango Drive and 0.006 on Del Mar Heights Road east of Mango Drive. The anticipated percentage increase in the V/C ratios would be 0.0046 on Carmel Mountain Road west of Canter Heights Drive and 0.0025 on Carmel Mountain Road east of Canter Heights Drive. As these increases in V/C ratios are well below the threshold

## 2. Response to Comments

levels for determining if a traffic study is warranted, a detailed impact analysis was not required and was not conducted for any intersections on the segments of Del Mar Heights Road east and west of Mango Drive or on Carmel Mountain Road east and west of Canter Heights Drive. Even if 100 percent of the additional traffic at Ocean Air Academy were to be assigned to Carmel Mountain Road west of Canter Heights Drive, the increase in the V/C ratio would be 0.007, which is well below the allowable increase in the V/C ratio. Based on these criteria, the traffic study was appropriately focused on the intersections most-directly affected by the project, which included the signalized intersections closest to each school site.

- Z-109 See response to comment Z-108. The intersections of Carmel Mountain Road at Ocean Air Drive and Carmel Creek Road are on the segment of Carmel Mountain Road west of Canter Heights Drive, which were shown to have an increase of only 0.0046 in the V/C ratio for the assumed distribution of project traffic and an increase of 0.007 if 100 percent of the additional traffic were to be assigned to this roadway segment. While project traffic would certainly pass through these intersections, the increase in traffic levels would be minimal and a detailed traffic impact study would not be warranted according to the City of San Diego guidelines. With regard to the buses that would be generated by the project, it is expected that only two or three buses would be required to transport students to Ocean Air Elementary School, which would not change the conclusion that a detailed traffic analysis is not warranted at these intersections.
- Z-110 The traffic counts were taken during the morning and afternoon peak periods on Thursday, February 6, 2020 and schools were in session on that day with regular schedules.
- Z-111 See responses to comments Z-108 and Z-109.
- Z-112 Printouts of the Highway Capacity Software worksheets showing the delay and LOS calculations are attached (Appendix F). The average delay values for the entire intersection (all four approaches) are typically used to determine the levels of service at signalized intersections and at unsignalized intersections with four-way stop signs. The calculation sheets indicate that the delays and LOS values vary for the different legs of each intersection; however, the overall delay value for the entire intersection is the appropriate input to use for calculating each intersection's LOS. The peak hour factors that were used for the calculations are 0.92 for the signalized intersections and 0.88 for the unsignalized intersection. These values are based on the traffic counts that were taken at each intersection and a comparison of the 15-minute traffic volumes to the overall peak hour traffic volumes. While the actual peak hour factors ranged from 0.92 to 0.95 at the signalized intersections for the various time periods, the value of 0.92 was used to represent a worst-case scenario.
- Z-113 Based on the assumption that 45 percent of the students that would be temporarily transferred to Ocean Air School would elect to ride the bus (as explained in the IS/MND



## 2. Response to Comments

report), it is estimated that approximately 92 students would use this travel mode (203 students  $\times$  0.45). As school buses typically have the capacity to accommodate 50 to 60 riders, the busing operation could potentially involve only two buses. For purposes of the traffic analysis, however, it was assumed that three buses would arrive at Del Mar Hills Academy to transport students to Ocean Air School. As the trip generation rates for elementary schools in the Institute of Transportation Engineers *Trip Generation Manual* included buses in the data sources that were used to calculate the trip rates and as the trip rates used for this analysis represent the high end of the range of data from the manual, which is approximately double the value of the average trip rates for an elementary school, it is reasonable to assume that the traffic volumes shown in Table 13, Project Generated Traffic (see Initial Study), include the three student transport buses. However, to ensure that the LOS calculations included the assumption that buses have a passenger car equivalency (PCE) of 2.0, the traffic volumes shown on the Project Generated Traffic figure were expanded by six vehicles at each intersection (three inbound and three outbound) to account for the PCE factor.

- Z-114 The District has considered other locations for staging the bus loading/unloading activities, e.g., the Del Mar Heights School site. That location was deemed not to be appropriate because of potential conflicts with the construction activities. It was determined that safety and security for the students would be maximized by staging the buses adjacent to an active school because of the presence of supervisory and monitoring personnel as well as parents/guardians. See the response to comment Z-113 regarding the PCE issue.
- Z-115 See responses to comments Z-108 and Z-109.
- Z-116 The District has determined that it would be advantageous to stage the bus loading/unloading activities adjacent to the existing school because the ongoing presence of supervisory and monitoring personnel as well as parents/guardians would maximize safety and security for the students. To reduce the impacts of exacerbating the existing queuing and delays that occur on southbound Mango Drive at Del Mar Heights Road, the bus departures and arrivals will be scheduled so that they have a 20 minute separation from the starting and ending times at Del Mar Hills Academy so that the traffic surges for the bused students and the Del Mar Hills Academy students would not coincide.
- Z-117 The traffic distribution percentages shown on Figure 14, *Project Generated Traffic* (see Initial Study), are based on a plot map of the existing residences of students who currently attend Del Mar Heights School. The number of residences in each neighborhood were counted and assigned to the most efficient travel routes to the school sites to develop the distribution percentages. The percentages shown on the figure were rounded to the nearest 5. Based on the residential counts in the neighborhood to the immediate north and west of Del Mar Hills Academy, 15 percent of the current Del Mar Heights School students live in this area. So, 10 percent were assigned to Lozana Road and 5 percent were

## 2. Response to Comments

assigned to Mango Drive north of Lozana Road, which is consistent with the existing traffic patterns. As noted in the comment, more than 15 percent of the residences are located in the area south of Del Mar Heights Road; however, they have the option of using Mercado Drive, Recuerdo Drive, Durango Drive, Mar Scenic Drive, and other streets that intersect with Del Mar Heights Road west of Mango Drive. So, 15 percent was assigned to Mango Drive and the remaining traffic is reflected in the 40 percent that is assigned to Del Mar Heights Road. The percentages shown on the figure are valid as they represent the geographical distribution of the students' residences.

- Z-118 The distribution percentages shown on Figure 14 (see Initial Study) for Carmel Mountain Road east and west of Canter Heights Drive are based on the geographical distribution of the residences of the students that would not be riding the buses to the Ocean Air School. As reflected in the comment, a majority of the students live in the area west of Interstate 5. However, it is assumed that 45 percent of these students would be riding buses to Ocean Air School. So, the distribution percentages shown on the figure represent the travel paths of the students who would not be riding the bus. The plot of the students' residences indicates that some students live in the areas along State Route 56 east of Carmel Country Road and that numerous students live in the area along Carmel Country Road between State Route 56 and Del Mar Heights Road. It would be quicker and more convenient for these students to travel to Ocean Air School via Carmel Country Road and Carmel Mountain Road east of Canter Heights Drive as opposed to using El Camino Real or Interstate 5 to gain access to Carmel Mountain Road west of Canter Heights Drive. The distribution percentages are valid as they are based on the number of residences in these areas vs. the number of residences west of Interstate 5 with a reduction for the number of students who would ride buses.
- Z-119 The traffic volumes shown on Figure 15, *Existing Plus Project Traffic Volumes* (see Initial Study), are valid, as explained in the responses to comments Z-113, Z-117, and Z-118 regarding the distribution percentages and the PCE adjustment factor.
- Z-120 It is anticipated that there would be only two or three buses to transport students between Del Mar Hills Academy and Ocean Air School. This level of bus activity was included in the level of service calculations for the study area intersections and would not result in a significant impact according to CEQA standards. With regard to the staging areas for the buses, the IS/MND indicates that this would occur on the east side of Mango Drive adjacent to the school or in the semi-circular on-site loading area located at the northeast corner of the Mango Drive/Lozana Road intersection.
- Z-121 If the bus staging area is located on the east side of Mango Drive, it would temporarily displace four to six on-street curbside parking spaces during the times when the buses are present. Signs would be installed to designate the locations and the times for the bus parking zones, which would most likely have a one-hour duration in the mornings and afternoons. This would not constitute a significant impact according to CEQA standards.

## 2. Response to Comments

- Z-122 If the bus staging area is located south of the school access driveway, it would not be positioned in the area between the school driveway and the apartment driveway nor would it be positioned at a location that would create visibility or safety problems at the apartment driveway. The location would be subject to review and approval by the City of San Diego. The District has considered other locations for the bus staging area, as stated in the responses to comments Z-114 and Z-116. The District has determined that it would be advantageous to stage the bus loading/ unloading activities adjacent to the existing school because the ongoing presence of supervisory and monitoring personnel as well as parents/guardians would maximize safety and security for the students.
- Z-123 This comment is a summary of the previous comments and the issues have been addressed in the above responses to comments.
- Z-124 As the volumes of traffic associated with construction activities at Del Mar Heights School would be substantially lower than the volumes of traffic that are currently generated by the existing school, a traffic impact analysis for the construction phase is not required. The construction traffic, and the delivery and haul trucks, would be an inconvenience to residents along the access streets; however, the traffic impacts would not be significant according to CEQA standards.
- Z-125 The responses provided above explain that the project will not create significant air quality, noise or transportation impacts. The project will not increase student capacity and related impacts will not be significant. All technical issues raised in the comments above were addressed and explanations as to why no new or more significant impacts were identified. No new mitigation measures are needed, including those related to construction activities at Del Mar Heights or at the temporary housing sites at Del Mar Hills and Ocean Air.
- Z-126 See Z-125

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

Letter AA – Nicole Pentheroudakis (3 pages)

March 30, 2020

Chris Delehanty  
Executive Director Capital Programs & Technology  
Del Mar Unified School District  
11232 El Camino Real  
San Diego, CA 92130

Sent via Email to [cdelehanty@dmusd.org](mailto:cdelehanty@dmusd.org)  
Subject: Comments on MND Del Mar Heights Elementary School Rebuild Project

To whom it may concern:

Comments on the Mitigated Negative Declaration (MND) for the Del Mar Heights School Rebuild Project:

I respectfully request that all of the concerns submitted are reviewed thoroughly and addressed. An MND is not adequate to address the many significant impacts that this project will have on the community. Given the location of this school within a high severity risk fire zone and the increase in student capacity from a school originally built for 350 students, to a school that has increased over time to an enrollment of 504 students, and a further potential capacity of 673 students, a full Environmental Impact Report (EIR) is warranted. I believe that moving forward with a project of this magnitude, that will serve this community for generations, without conducting a complete EIR, would be negligent and potentially put our children and greater community at risk.

AA-1

### HAZARDS AND HAZARDOUS MATERIALS

Section 3.9 (g) of the MND fails to adequately address the project's potential contribution to an increase in exposure to wildfire risk given that the site is in a high severity risk fire zone.

AA-2

The population at this school has significantly increased over time from its original design capacity of 350 students to the current proposal for 504 students. Furthermore, the chart on Increment 2 page 11 of the Del Mar Heights School building plans, that have been submitted to the DSA for review, indicate an even more dramatic increase to a potential capacity of 673 students. The significant increase in student capacity, combined with the high risk location of this school, creates a potentially significant adverse impact that should at minimum be addressed by an Evacuation Time Study. An Evacuation Time Study has never been done for this site and this needs to be rectified. With the unique situation of this school (on a canyon within a high severity risk fire zone, at the end of a cul-de-sac, with only one way in or out) this negligence could result in significant adverse impact to the safety of, not only the staff and students, but also the surrounding community.

AA-3

The existing school has a fire access lane around the East side of the school that allows full access to the interior of the school grounds and all of the buildings. The rebuild plan does not allow fire access to the interior of the school from the East side, only from the West (canyon) side. If a wildfire moves up from the canyon, and cuts off that route, it would eliminate access to the interior of the school, or, potentially trap emergency relief that is already there. In addition, the current school has a 160,000 SF field that creates both a potential buffer from and a defensible space from wildfire arising through the canyon. What will the impact be on the evacuation time for the school and surrounding community if that field is reduced by half? We don't know, because an Evacuation Time Study has not been conducted. The projected plan

AA-4

## 2. Response to Comments

implements many needed fire code improvements to the buildings but it inadequately addresses the larger issue of a fast moving wildfire. Further analysis is warranted.	AA-4 cont'd
<b>PUBLIC SERVICES - Parks</b>	
Section 3.15 (d) of the MND fails to address the project's significant impact on demand for park space.	
The proposed plan includes a 50% reduction in field space, from 160,000 SF to 78,000 SF. It also reduces the blacktop by more than 50%, from 49,000 SF to 21,500 SF. Due to the lack of community parks outside of the 2 local school grounds, the existing field has operated as a park for generations. The loss of field space and blacktop results in a significant impact to the recreational services available to the community. The proposed field size falls dismally short of the standards set by the City of San Diego and the California Department of Education. Furthermore, the language in this section indicates that the field will no longer be accessible to the community; in fact the MND states that the new project will be "separating public and school uses". It intimates that the excluded area in the northwestern corner (which will be outside the school gates), the "open grass amphitheater" (for large groups only), the "Canyon Rim path and sidewalk," and the "stair and ramp access to the trail head," will be the only amenities available to the community. That language needs to be clarified. If the main school field is to be closed to the community, the impact to the community warrants even further additional analysis.	AA-5
<b>RECREATION - Increase Use of Neighborhood Parks</b>	
Section 3.16 (a) of the MND fails to address the project's significant impact on the use of other existing neighborhood parks.	AA-6
The existing 160,000 SF field and 49,000 SF blacktop at Del Mar Heights school account for more than half of the open recreational play space in our community. Reducing the field to 78,000 SF and the blacktop to 21,500 SF will force many parents and children to utilize parks in neighboring communities for play, games, sports practices and other community events. The significant impact resulting in increased use of neighboring parks warrants further analysis. If, as is implied in section 3.15, the community is to be locked off the field, the impact on the surrounding community will be even greater and it increases the need for further analysis.	AA-7
<b>TRANSPORTATION - Traffic and Safety</b>	
Section 3.17 of the MND fails to provide studies or supporting documentation to substantiate claims that the proposed changes will, in fact, adequately, or even minimally, address traffic, queue and safety concerns.	AA-8
The project dramatically increases parking and queue square footage at the expense of field and blacktop space. The MND justifies this reallocation of land resources by claiming that the "proposed project would improve circulation in the area . . . This would create a safer environment for students". Section 1.2.1 includes testimonial of current hazardous parking and traffic conditions that the proposed project might mitigate. Where are the studies that support that the proposed changes will actually address those hazards; will improve traffic and student safety? What about negative impacts that might be unearthed by a scientific analysis and thereby be mitigated? Where is the expert analysis? There is extensive research showing that more parking increases, not decreases, traffic. How will a potential increase in traffic impact the neighboring community? If the student population eventually increases to the 673 capacity, how will that impact traffic? Will parents be willing to get stuck in that long, black hole of a que, or will they find alternative solutions? Will they drop off on Boquita? Will they drop off by the	AA-9



## 2. Response to Comments

administrative building and cut across the Visitor Lot, potentially impacting pedestrian safety? If the traffic is reduced on Cordero, will parents bypass Boquita completely and just go up to Mira Montana (where there are no plans for infrastructure and safety improvements) and drop off at the unsupervised, back entrance? How safe is the project's parking and queuing configuration? There are multiple areas with the potential to simultaneously have people driving, while others are pulling out of parking spots, and children are crossing lanes of traffic. Where are the studies supporting the safety of that configuration? Given that the school district is taking invaluable recreational space away from the children and greater community to accommodate the increase in queue and parking, the improvement to traffic and safety should be substantiated by scientific study and data, not conjecture. The MND does not include studies on traffic impact or safety analysis. The unknown impact on the students and community warrants further analysis.

AA-10

Again, I ask that you please take time to consider these comments. This MND does not sufficiently address the concerns put forth and an EIR should be conducted. I look forward to the construction of a new school that the entire community can support.

AA-11

Sincerely,

Nicole Pentheroudakis

## 2. Response to Comments

*This page intentionally left blank.*



## 2. Response to Comments

### AA Response to Comments from Nicole Pentheroudakis, dated March 30, 2020.

AA-1 According to CEQA Guidelines Section 21064.5, a Mitigated Negative Declaration is prepared when potentially significant effects have been identified but revisions in the project plans would avoid effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and when there is no substantial evidence that the project, as revised, may have a significant effect on the environment. As substantiated in the Initial Study/Mitigated Negative Declaration, all potentially significant impacts would be reduced to a level of less than significant. Therefore, the preparation of an EIR is not warranted. Additionally, see Master Response 2.1.8, *Fair Argument*, which discusses the requirements regarding EIRs, and when a Negative Declaration or Mitigated Negative Declaration may be appropriate.

Refer to Master Response 2.1.1, *Project Description*, for a response to the student capacity comment. Refer to Master Response 2.2.7, *Wildfire*, for a response to the wildfire hazard.

AA-2 Refer to Master Response 2.1.7, *Wildfire*. As explained in this response, the fire hazard is reduced by the numerous improvements proposed and by adhering to current building codes. Additionally, these improvements would create safer conditions and would not impede emergency evacuation. As noted, the plan has been pre-approved by the City of San Diego Fire Marshall.

AA-3 Refer to Master Response 2.1.1, *Project Description*, which explains that the proposed project would not increase student capacity at the school. Moreover, refer to Master Response 2.1.6, *Transportation/Emergency Access* explains that the access and parking improvements proposed would reduce congestion during morning and afternoon peak periods which would create safer traffic conditions. The expanded parking lot and access improvements are intended to alleviate the existing queuing and hazardous conditions on campus and within the adjoining neighborhood.

AA-4 The comments related to wildfire hazard is addressed in Master Response 2.1.7, *Wildfire*, and Master Response 2.2.6, *Transportation/Emergency Access*.

AA-5 The District acknowledges the proposed project modifies the green space area to advance the District's education and safety goals. The District asserts that the loss of recreational space has been overstated as demonstrated through views of Figure 3, *Open/Community Accessible Areas*, Figure 8, *Comparison of Community Accessible Areas by Type*. Although the amount of useable recreation space would decrease under the proposed plan, the project also includes enhanced recreational facilities for use by students and community members. Refer to Section 2.1.5, *Recreation/Green Space* for additional details.

Refer to Master Response 2.1.1, *Project Description*. This response shows a comparison of the existing and proposed plan in Figure 2, *Open/Community Accessible Space*, and in Table 3, *Plan Comparison of Areas Open and Available to the Public*. This response also explains that

## 2. Response to Comments

the CDE has site development guidelines (not regulations) that are applicable for determining site size based on enrollment, and that outdoor programs are required to address each school's needs and provide facilities to adequately accommodate them.

- AA-6 The campus is not a park and it is not subject to City of San Diego standards. Further, the comment that the project would eliminate the community's access to the campus is incorrect. The fencing and gates for uses for securing the campus during school hours, not to prohibit access during non-school hours. Refer to Master Response 2.1.5, *Recreation/Green Space*, for further review of this issue.
- AA-7 See responses to AA-5 and AA-6 and Master Response 2.1.5, *Recreation/Green Space*.
- AA-8 Refer to Response AA-6.
- AA-9 The project would not increase student capacity and one of the District's goals for the new campus is to reduce congestion and improve pedestrian/bike safety. Refer to Master Response 2.1.6, *Transportation/Emergency Access*, which explains that the access and parking improvements proposed would reduce congestion during morning and afternoon peak periods which would create safer traffic conditions. The expanded parking lot and access improvements are intended to alleviate the existing queuing and hazardous conditions on campus and within the adjoining neighborhood.
- AA-10 The statement that the project will increase student capacity is incorrect (refer to Master Responses 2.1.1). Refer to Master Response 2.1.6, *Transportation/Emergency Access*, for a review of how the new access plan will change circulation on campus and in the surrounding neighborhood.
- AA-11 Please refer to Master Response 2.1.8, *Fair Argument*, which explains that preparation of an EIR is not required.

## 2. Response to Comments

Letter 1 – Vicki Mirandon (1 page)

**Date:** March 30, 2020 at 5:07:12 PM PDT

**To:** [cdelehanty@dmusd.org](mailto:cdelehanty@dmusd.org)

**Subject:** public comment on MND for Del Mar Heights School Project

Dear Mr. Delehanty,

1 - Slashing the playfields and blacktop by more than 50% creates a substantial adverse effect on our public resources and community parks.

2 - Changes in parking, traffic, and student population driven by the project will create a substantial adverse effect on community traffic.

3 - The project design changes the existing school in a way that creates a substantial adverse effect on wildfire risk at the site and in the community - and a time evacuation study must be done for the sake of the parents, students, staff, and Heights community that would need to evacuate the area.

Please confirm receipt.

The Upcoming School Structure is vitally important to meet the children's needs. It is not the Only Need that is vital to the children's education and well-being.

The First Universal Need is Survival: Air, Food, Water, Sleep, Shelter, Touch.

The Second Universal Need is Safety: Security, Protection, Predictability, Consistency, Order.

We seem to clearly see these needs and acknowledge their existence by responding with action to meet them. Other vitally important needs are vaguely acknowledged and not responded to as though they don't have value in the scheme of human well-being.

These "other needs" are called NEEDS because they are Vital to Human Well-being.

Space to connect with our bodies, with nature, with beauty, is a Universal Human Need that creates well-being, within an individual, community, society.

Learning is a Universal Human Need. Right now, we, as a society, are learning the Value of Caring for Each Other, of becoming acutely aware of the impact we have on each other, and of the power we possess to support each other, as we contribute to each other's well-being.

Intelligence includes Acute Awareness of Human Needs and the Ability to Respond to that Intelligence. As the decision-makers and stewards of our children's well-being address this school/community decision, I would like the children to experience and learn from This Intelligence we example as we address their future.

I am requesting that an EIR be conducted. It is vital to meet the Need of our Community to Be Heard, the Need to Contribute to the Well-Being of our Children and of our Entire Community.

Thank You,

Vicki Mirandon, Mother of 9 children who attended Del Mar Hills and Del Mar Heights

## 2. Response to Comments

*This page intentionally left blank.*

## 2. Response to Comments

### 1      **Response to Comments from Vicki Mirandon, dated March 30, 2020.**

The comment letter is included as part of the administrative record. The letter was received after the close of the public comment period; however, these comments are not unique and are responded to throughout this document.

## 2. Response to Comments

*This page intentionally left blank.*

### 3. Errata

---

This section has revisions to the MND based upon (1) additional or revised information required to prepare a response to a specific comment; (2) applicable updated information that was not available at the time of MND public circulation; and/or (3) typographical errors and omissions. This section also includes additional mitigation measures to fully respond to commenter concerns as well as provide additional clarification to mitigation requirements included in the MND. The provision of these additional mitigation measures does not alter any impact significance conclusions as disclosed in the MND. Changes made to the MND are shown in ~~strikeout~~ text to indicate deletions and in underlined text to signify additions.

---

Section 1.5.2 Project Phasing, page 19. Minor technical corrections have been made to address a typographic error.

---

In order to accommodate the existing students that attend Del Mar Heights School during construction of the school, which is estimated to be approximately 14 months, students would be temporarily relocated to the following schools within the District, as follows:

K through ~~2nd~~3rd Grade

Del Mar Hills Academy, 14085 Mango Drive, Del Mar, CA 92014

~~3rd~~4th through 6th Grades

Ocean Air School, 11444 Canter Heights Drive, San Diego, CA 92130

---

Section 1.5.2 Project Phasing, page 20. Minor technical corrections to Figures 4-1, 5-1, 6-1, and 7-1 in the Traffic Study have been made to address a typographic error.

---

As shown in Table 2, a total of 13 classrooms, for grades K through ~~23~~23, and a total of nine classrooms, for grades ~~34~~34 through 5, would be needed to accommodate relocated students from Del Mar Heights School to Del Mar Hills Academy and Ocean Air School, respectively. Del Mar Hills Academy and Ocean Air School have nine teaching stations available at each school. Therefore, in order to accommodate the students from Del Mar Heights School, at both schools, four portable classrooms would be added to Del Mar Hills Academy and one portable classroom would be added to Ocean Air School for a potential office/meeting space. Even if all five portable classrooms were added to one campus, this addition would be categorically exempt under CEQA Guidelines § 15314, Class 14 – Minor Additions to Schools.

### 3. Errata

---

Appendix B, Air Quality and Greenhouse Gas Emissions Analysis, page 1 is hereby corrected as shown below. While the references cited below were erroneous, the analysis is correct and no changes to the analysis or conclusions are necessary.

---

~~The climatological station nearest to the project site with temperature data is the San Jacinto RS Monitoring Station (ID No. 047813). The lowest average temperature is reported at 36.1°F in December, and the highest average temperature is 98.4°F in August (WRCC 2019).~~

~~In contrast to a very steady pattern of temperature, rainfall is seasonally and annually highly variable. The total average annual precipitation is 12.17 inches as measured by the Western Regional Climate Center, and the majority of precipitation occurs between October and April (WRCC 2019).~~

The climatological station nearest to the project site with temperature data is the Poway Valley, California Monitoring Station (ID No. 047813). The lowest average temperature is reported at 38.6°F in December, and the highest average temperature is 86.4°F in August (WRCC 2019).

In contrast to a very steady pattern of temperature, rainfall is seasonally and annually highly variable. The total average annual precipitation is 13.24 inches as measured by the Western Regional Climate Center, and the majority of precipitation occurs between October and April (WRCC 2019).

\* bibliography reference for this was correct

---

Appendix B, Air Quality and Greenhouse Gas Emissions Analysis, page 11 is hereby corrected as shown below. While the references cited below were erroneous, the analysis is correct and no changes to the analysis or conclusions are necessary.

---

~~The nearest sensitive receptors to the proposed project site are the residences along Whitmore Street, Prospect Avenue, Garvey Avenue, and New Avenue to the north, east, south, and west, respectively.~~  
The nearest sensitive receptors to the proposed project site are the residences along Boquita Drive to the north and Mira Montana to the east, respectively.

---

Section 3.10 Hydrology and Water Quality, page 78. Additional existing condition text has been added.

---

**a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**

**Less Than Significant Impact.** The project site is within the jurisdiction of the San Diego Regional Water Quality Control Board (RWQCB). Drainage and surface water discharges during construction and operation of the proposed project would not violate any water quality standards or waste discharge requirements. ~~However, site preparation and other soil-disturbing activities during construction of the project could temporarily increase the amount of soil erosion and siltation entering the local stormwater drainage system.~~



### 3. Errata

The proposed project would disturb approximately 8.4 acres. Pursuant to Section 402 of the Clean Water Act, the US Environmental Protection Agency has established regulations under the National Pollution Discharge Elimination System (NPDES) program to control direct stormwater discharges. In California, the State Water Resources Control Board administers the NPDES permitting program and is responsible for developing permitting requirements. The NPDES program regulates industrial pollutant discharges, including construction activities for sites larger than one acre. Since implementation of the proposed project would disturb more than one acre, the proposed project would be subject to the NPDES Construction General Permit requirements (Order No. 2009-0009-DWQ).

Additionally, the school campus is within the Los Penasquitos Watershed Management Area (MWA) and managed under the Water Quality Improvement Plan (WQIP). The WQIP sets forth priority water quality conditions to be addressed, and includes sedimentation of the Los Penasquitos Lagoon. The State of California approved a Total Maximum Daily Load (TMDL) for Los Penasquitos Lagoon Sedimentation.

---

Section 3.11 Land Use and Planning, page 82. Additional existing condition text has been added.

---

- **Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

**Less Than Significant Impact.** The project site is currently zoned RS-1-3 and the existing land use designation is Institutional and Public and Semi-Public Facilities. Implementation of the proposed project would not change the zoning or land use designations of the site.

The project site is within the coastal zone and subject to the California Coastal Act (Public Resources Code Sections 30000 et seq.). Table 8 lists the policies in Chapter 3 of the Coastal Act that are applicable to the proposed project and explains how the proposed project conforms with them.

**California Coastal Act.** The project site is within the coastal zone and subject to the California Coastal Act (Public Resources Code Sections 30000 et seq.). The Coastal Act (30001.5) declares that the basic goals of the state for the coastal zone are to:<sup>5</sup>

- (a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

---

<sup>5</sup> An Introduction to the California Coastal Act. <https://www.coastal.ca.gov/coastalvoices/IntroductionToCoastalAct.pdf>

### 3. Errata

(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

As shown in Table 13 the project is consistent with the Coastal Act.

**Table 13. Project Consistency with Coastal Resources Planning and Management Policies**

<u>Coastal Act Policies</u>	<u>Proposed Project Consistency</u>
<ul style="list-style-type: none"> <li>Public Access (Sections 30210–30214) concerns <u>maintaining public access to recreational facilities within the coastal zone.</u></li> </ul>	<p><b>Consistent.</b> The school campus is 1.5 miles from the coast. There is existing urban development between the school and beach. Project implementation would not obstruct public beach access.</p>
<ul style="list-style-type: none"> <li>Recreation (Sections 30220–30224) concerns the <u>protection of lands that are suitable for coastal recreational activities.</u></li> </ul>	<p><b>Consistent.</b> The site is developed with a school, is 1.5 miles from the ocean, and is at an elevation of about 380 feet above mean sea level. The campus does not provide “coastal recreational activities” (those that require a waterfront location).</p>
<ul style="list-style-type: none"> <li>Marine Environment (Sections 30230–30237) concerns <u>the protection of marine resources, including those of special biological or economic significance.</u></li> </ul>	<p><b>Consistent.</b> The project site is developed with a school and has no environmentally sensitive areas on campus or any adjacent marine resources or habitat.</p>
<ul style="list-style-type: none"> <li>Land Resources (Sections 30240–30244) concerns <u>the compatibility of development and land resources, including environmentally sensitive habitat, prime agriculture, timberlands, and subsurface cultural resources.</u></li> </ul>	<p><b>Consistent.</b> The site is already developed with a school and the future use of the site would be a school. The rebuilt school would not be incompatible with surrounding development or land resources, such as environmentally sensitive habitat, prime agriculture, timberlands, and subsurface cultural resources.</p> <p>The campus does not have any agricultural or timberland and is not environmentally sensitive. Construction activities would require excavation. Mitigation Measures CUL-1 and GEO-1 would reduce impacts to previously undiscovered subsurface archaeological, paleontological, and tribal resources.</p>
<ul style="list-style-type: none"> <li>Development (Sections 30250–30255) concerns <u>environmental impacts caused by physical development, including aesthetics, beach access, geologic, flood, fire hazard, air quality, and energy consumption.</u></li> </ul>	<p><b>Consistent.</b> The reconstruction of the school and associated offsite improvements (stormwater outfall) would include sustainable features and have energy-efficient improvements compared to the existing school. The District would comply with the applicable state building code standards to minimize risks to life and property and comply with applicable regulations enforced by the San Diego Air Pollution Control District. The new school would not impact any designated scenic resources, geologic, flood zones, wildfire zones. The project’s impacts, as mitigated and in compliance with existing regulations, would be less than significant, as documented in the Initial Study.</p>
<ul style="list-style-type: none"> <li>Industrial Development (Sections 30260–30265.5) concerns <u>coastal-dependent industrial facilities.</u></li> </ul>	<p><b>Consistent.</b> The project is not an industrial development. This section is not applicable.</p>
Source: Public Resources Code Sections 30000 et seq.	

Although the existing campus is within the coastal zone, rebuilding the school on the same site would not have an effect on the coastal zone. The proposed project would not change the uses on site, and impacts would be less than significant.

### 3. Errata

The existing Del Mar Heights School is within the City of San Diego Coastal Overlay Zone. However, the site is already developed as a school and the future site would not change the land use. Long term use of the site is consistent with existing conditions within the coastal zone.

**Coastal Development.** According to the San Diego Municipal Code §132.0401 the purpose of the Coastal Overlay Zone is to protect and enhance the quality of public access and coastal resources. The project site is a developed elementary school and the school campus does not obstruct or degrade public access to the coast or coastal resources. Redevelopment of the campus would not obstruct or degrade public access to the coast or coastal resources.

---

Section 3.19, Utilities and Service Systems, page 122. Additional clarification text has been added.

---

**a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

**Less Than Significant Impact.** The proposed project involves the redesign and reconstruction of Del Mar Heights School, which is not expected to increase in capacity. The proposed project would remove all existing utilities onsite and provide new utilities from the existing points of connection to the proposed buildings. The project also includes repair of the stormwater drainage outfall facilities. As discussed in Section 3.10, Hydrology and Water Quality, these repairs would not result in significant environmental effects. Therefore, as utilities would not be expanded or relocated, impacts would be less than significant.

### 3. Errata

*This page intentionally left blank.*

## Appendix

# Appendix A Mitigation Monitoring and Reporting Program

## Appendix

*This page intentionally left blank.*

## Appendix

# Appendix B Attachment to Letter J-John Gartman

## Appendix

*This page intentionally left blank.*



## Appendix

# Appendix C    Attachment to Letter W-Kelley Huggett

## Appendix

*This page intentionally left blank.*

## Appendix

# Appendix D Attachment to Letter L-Greg Jabin

## Appendix

*This page intentionally left blank.*

## Appendix

# Appendix E   Exhibits C through E to Letter Z- Procopio

## Appendix

*This page intentionally left blank.*

## Appendix

# Appendix F    Los Worksheets

## Appendix

*Page intentionally left blank.*



## Appendix

# Appendix G OPR SCH Notice Of Completion

## Appendix

*This page intentionally left blank.*