

Statement from the Del Mar Union School District  
December 22, 2020

The Del Mar Union School District has issued the following statement in response to the court's order issued today by the San Diego Superior Court regarding the lawsuit filed against the District seeking to stop the Del Mar Heights Rebuild Project.

#### STATEMENT

The District appreciates the Court's thoughtful and responsible actions in limiting the issues raised in this litigation and considering in detail all aspects of the Del Mar Heights Rebuild Project.

In finding that ten out of thirteen of the complaints were without merit, the decision demonstrates that the District and our consultants acted responsibly in the design, and that there are only a few areas the court felt needed to have additional studies performed.

In summary, the court made the following determinations:

- The court concluded that the description of the District's Project was detailed and all-encompassing and the Petitioner's challenge lacked merit.
- On the important issue of wildfires and emergency fire access, the court concluded that there is no demonstrated potential for a significant impact and the Petitioner's arguments lacked merit. The court recognized the numerous safety features that justify the design, including the improved rescue vehicle access via the new fire access lane, adding fire hydrants, moving buildings away from the canyon edge, upgrading to fire resistant buildings and equipping them with fire sprinklers.
- The court concluded that the changes to the recreational areas and reduced open space were not significant and the Petitioner's arguments lacked merit. The court acknowledged the proposed Project would enhance and update the school's outdoor recreational spaces and any impact to the community recreational use is insignificant.
- The court found that traffic noise from the Project would not significantly increase above existing conditions and impacts would be less than significant. Additionally, the claim that the project would create significant operational noise was based on speculation by Petitioner's expert and the judge said there was no evidence to support the contention.
- The court concluded that the claim that significant traffic impacts would occur from the relocation of students during construction lacked merit, as well as the claims related to impacts to traffic from bussing the students, the proposed distribution of students and

the bus staging and claims of construction traffic impacts. The court concluded the opinions rendered by Petitioner's expert were speculative and substantial evidence of impacts did not exist.

- The court also concluded that both the claims for construction air quality impacts and the operational air quality impacts were less than significant and the arguments lacked merit.
- The court concluded there were three areas which the District should study further: the temporary noise from the on-site construction activities, whether additional traffic might occur from construction of the ADA ramp and stairs at the south boundary of the Del Mar Heights campus and whether the Southern Maritime Chaparral habitat will be disturbed in the repairs to the two storm water outfalls.

The District believes this decision vindicates the project planning process, particularly in finding the main portions of the litigants' complaints without merit.

To bring resolution to this as soon as possible, the District will act to address the Court's direction on the three remaining items so as to move forward with this important rebuild project. We hope the petitioner will work with the District to move the Del Mar Heights project forward as soon as possible.