

Comments on Mitigated Negative Declaration for Del Mar Heights School

3.29.2020



Play Outside™
—DEL MAR—

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.

Play Outside's mission is to advocate for Greater Del Mar's outdoor recreational play spaces.¹ 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.

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."²

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.³ 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."⁴

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.⁵

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
- 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)
- 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
- 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
- silence that the site will be noncompliant on the 100’ defensible space requirement for wildfire
- false statement that a fire access lane is “around the entire campus” when it is not
- 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”
- 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
- 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

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

- 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

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

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.⁶ 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.

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.

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)).⁷

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.

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.

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***⁸), 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).

Discussion

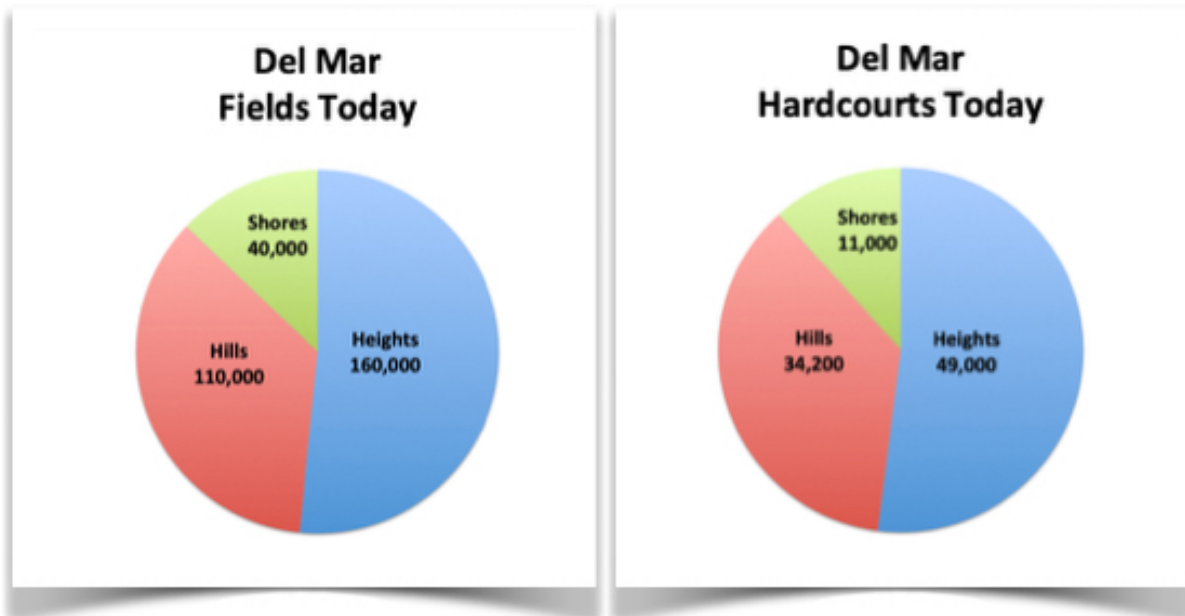
The Community Environment - Public Recreational Facilities in Greater Del Mar

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'

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.

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.

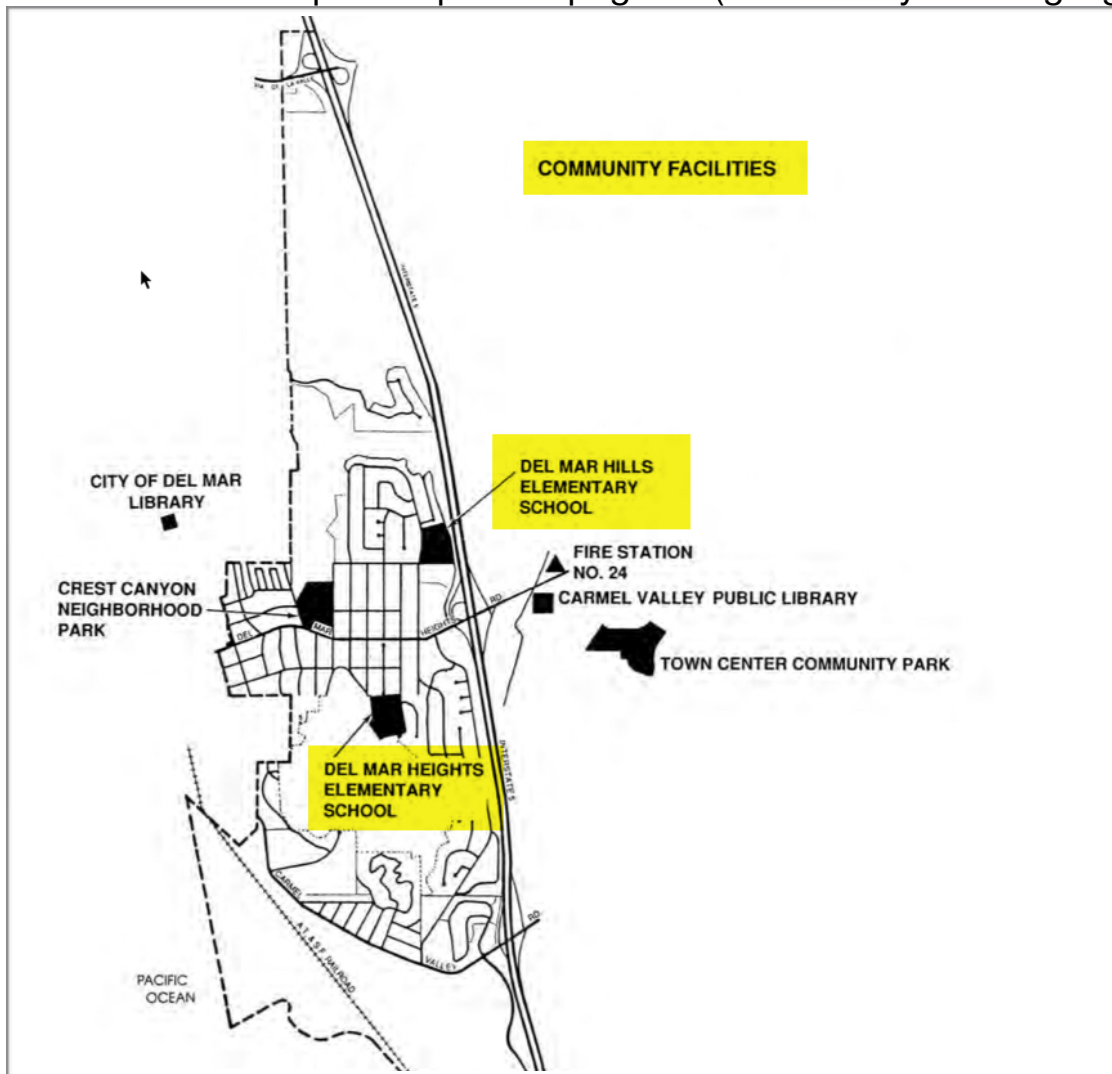
The shortfall of local public park space extends beyond the Heights area to all of Greater Del Mar (the Heights and Hills areas, which are part of San Diego, plus the City of Del Mar proper).



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

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.”¹⁰ Pages of the Plan are devoted to trying to solve the problem by finding more public playfields and play space.

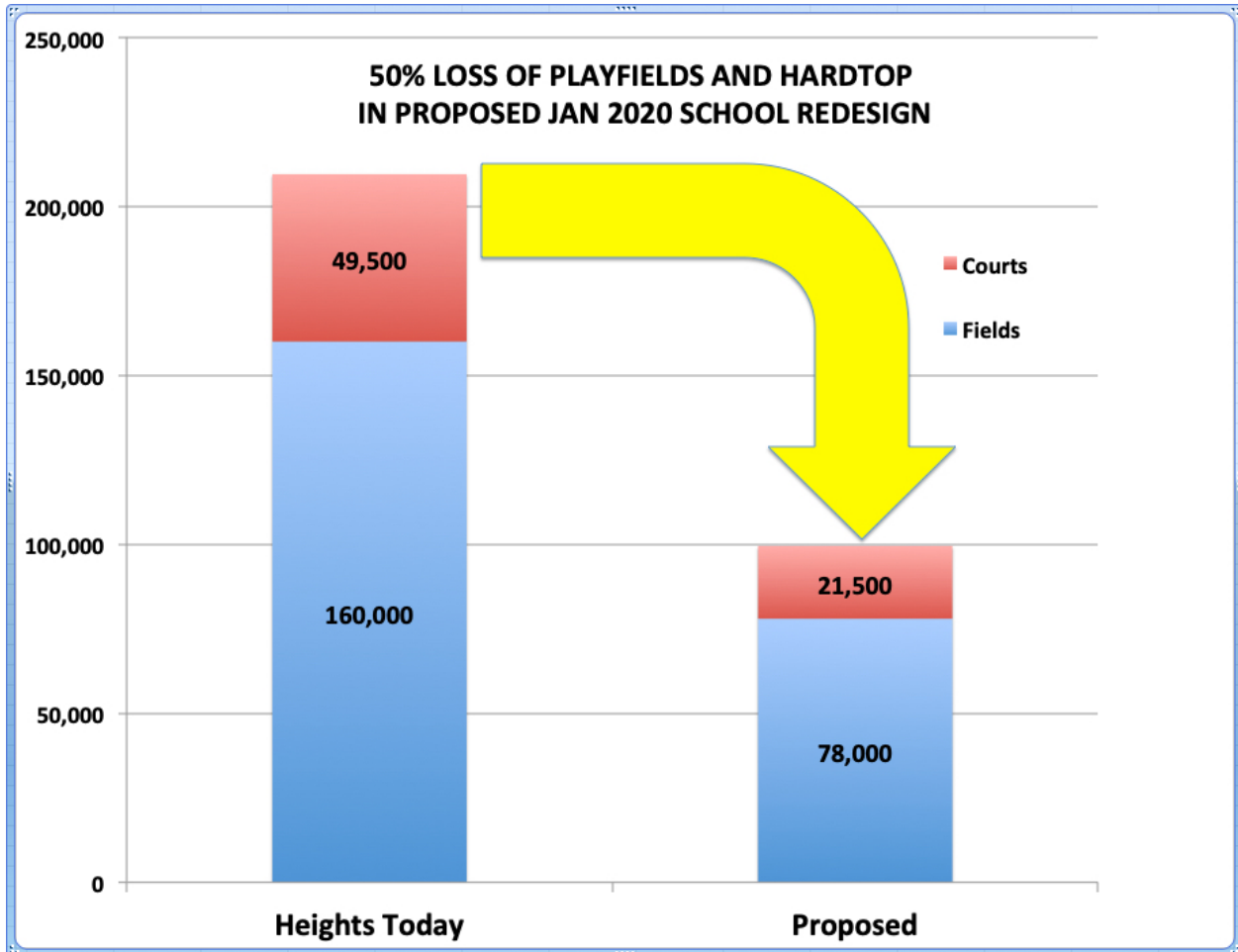
The Plan recognizes the **actual** use of the Heights and Hills as community facilities in this map excerpt from page 90 (we added yellow highlight).



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

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.

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



The last five months have been filled with community outcry against the 50% field¹¹ and 56% blacktop¹² shrinkage that would leave the Heights’ with the district’s smallest fields and blacktop.¹³ 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.¹⁴ Public questions about the blacktop silently shrinking 56% have gone unanswered.¹⁵ The board and district leadership have been sent innumerable emails. DMUSD board meetings have overflowed into the

hallways with critics waiting to speak, and local concerns have poured out in published letters¹⁶, news stories and TV¹⁷, 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.

Against this backdrop of community concern, the MND buries its head in the sand. No square footage numbers are even put forth for the field or the blacktop. The only mention of the field size 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.

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.

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.

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

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

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.

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?

What's the Impact on the Community?

There are four things to consider:

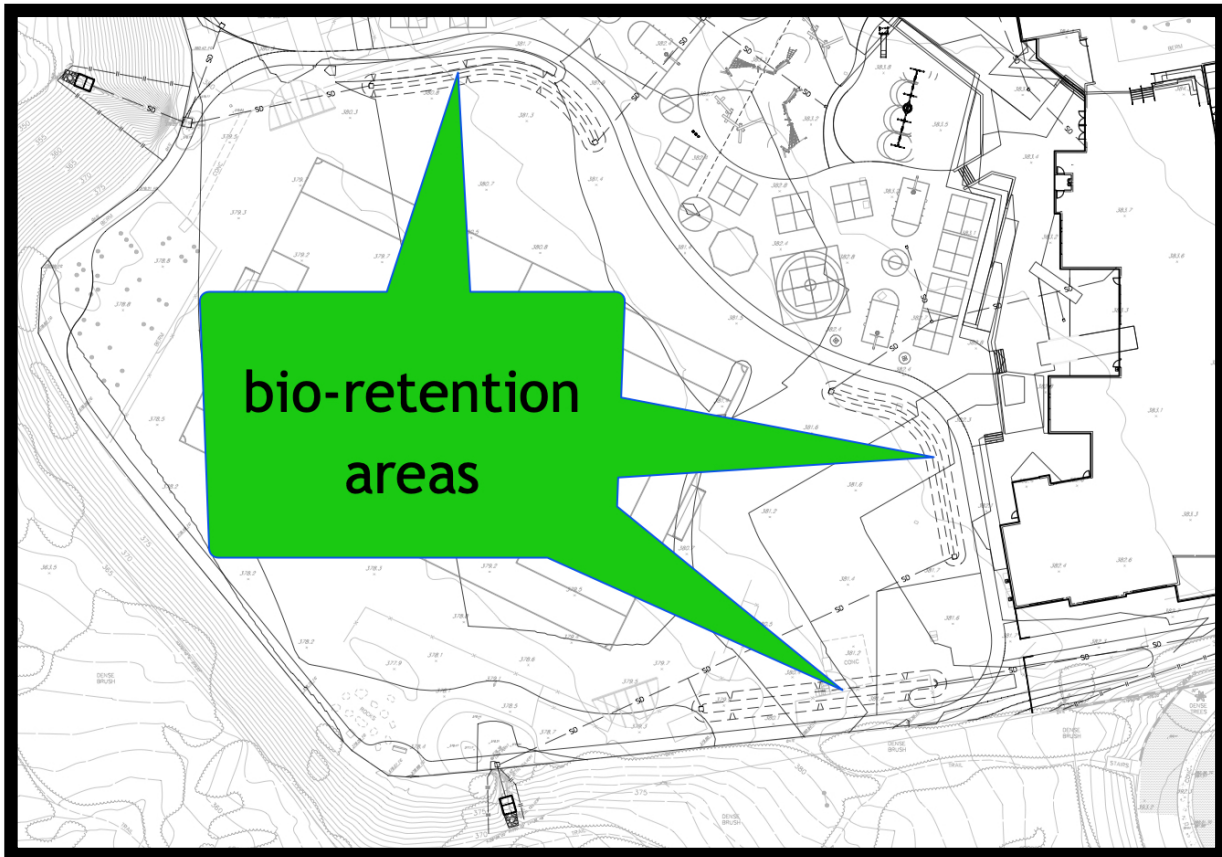
1. Impact from Heights' shrinkage;
2. Whether a Heights' public lockout is on the horizon;
3. Whether Del Mar Hills will soon be closed with those students absorbed into the new Heights' facility (which has excess capacity of nearly 200); and
4. Where that would leave the Heights' community on community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

Impact from Heights' shrinkage - fields and blacktop

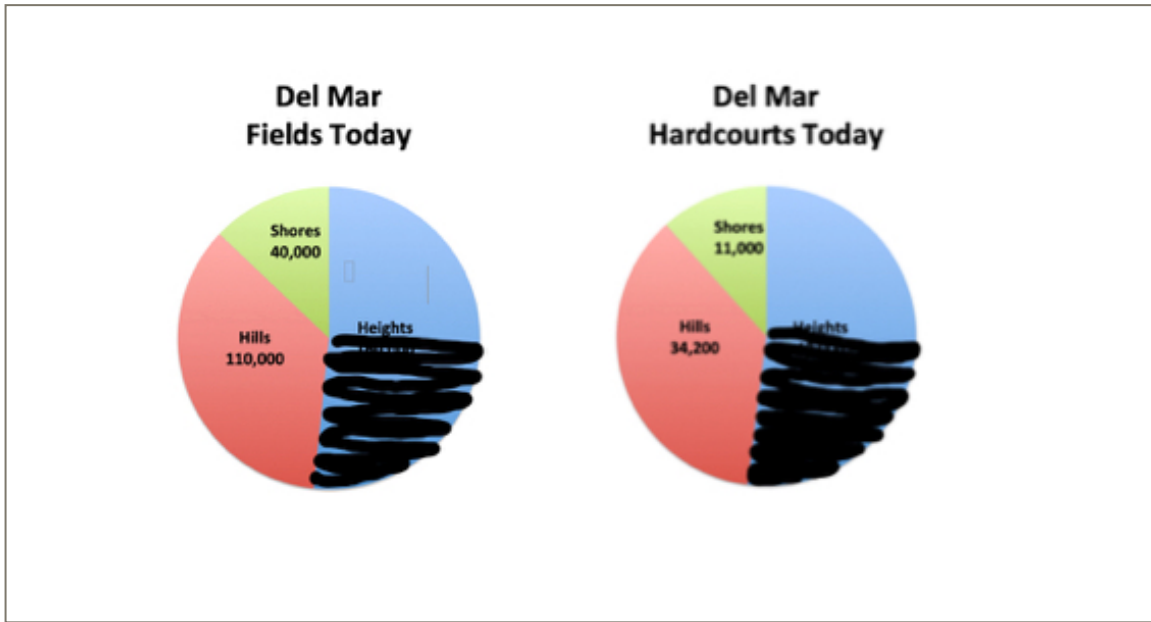
The 160,000 square foot field has been one of two Del Mar Heights' community parks for over 50 years starting with the two baseball fields installed in 1970 with citizen funds.¹⁹ The 50 percent reduction of the field - from 160,000 sf to 78,000 sf - is taking away a vital recreation area for the Del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

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.

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.



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.



In addition, the California Department of Education's Guide to School Site Analysis and Development²⁰, 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**.²¹

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.

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

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

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.

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.²⁴

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)

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?"

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

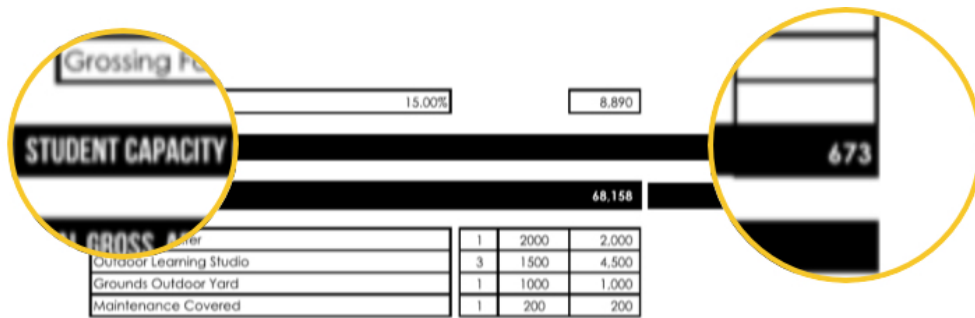
More information is needed by the public regarding this statement because there is nothing that will prevent the school district from locking the gates and shutting the public off of the school site that is behind secured gates should they desire to do so. Now is the time to get an

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.

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.

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.



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.”²⁵

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.

Where does it leave the Heights Community?

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.

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.

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.

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.

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.

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.

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.

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***)

evacuation traffic from the site and neighborhood²⁶), 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).

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

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.

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."

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

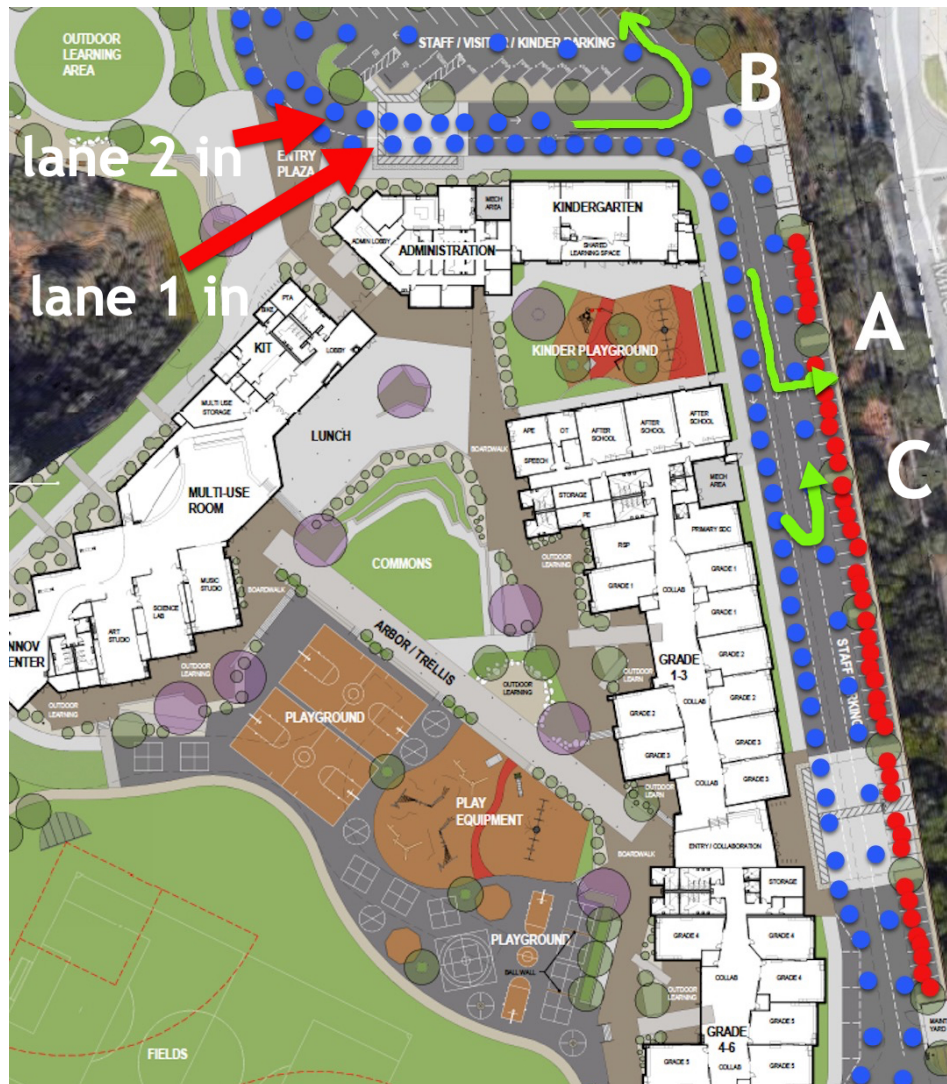
observations made in the spring of 2019 using existing conditions, have little value in assessing the new conditions that will be in play when the new school arrives.

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.

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.

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.



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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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

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.

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.

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.

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.

Boquita's improvement is conjecture, no more

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

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,

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

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

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

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."²⁷ 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.

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.

Mira Montana will suffer though

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.

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"?

People will figure it out, and over time Mira Montana will be the unofficial companion to the official Boquita drop-off queue. The problem 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.

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

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.

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.

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

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.

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.

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

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.

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.

Wildfire and Evacuations (Hazards and Wildfire)

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.

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.

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

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.

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.

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**²⁸), 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).

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.

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?"

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

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

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”**

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.”

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).

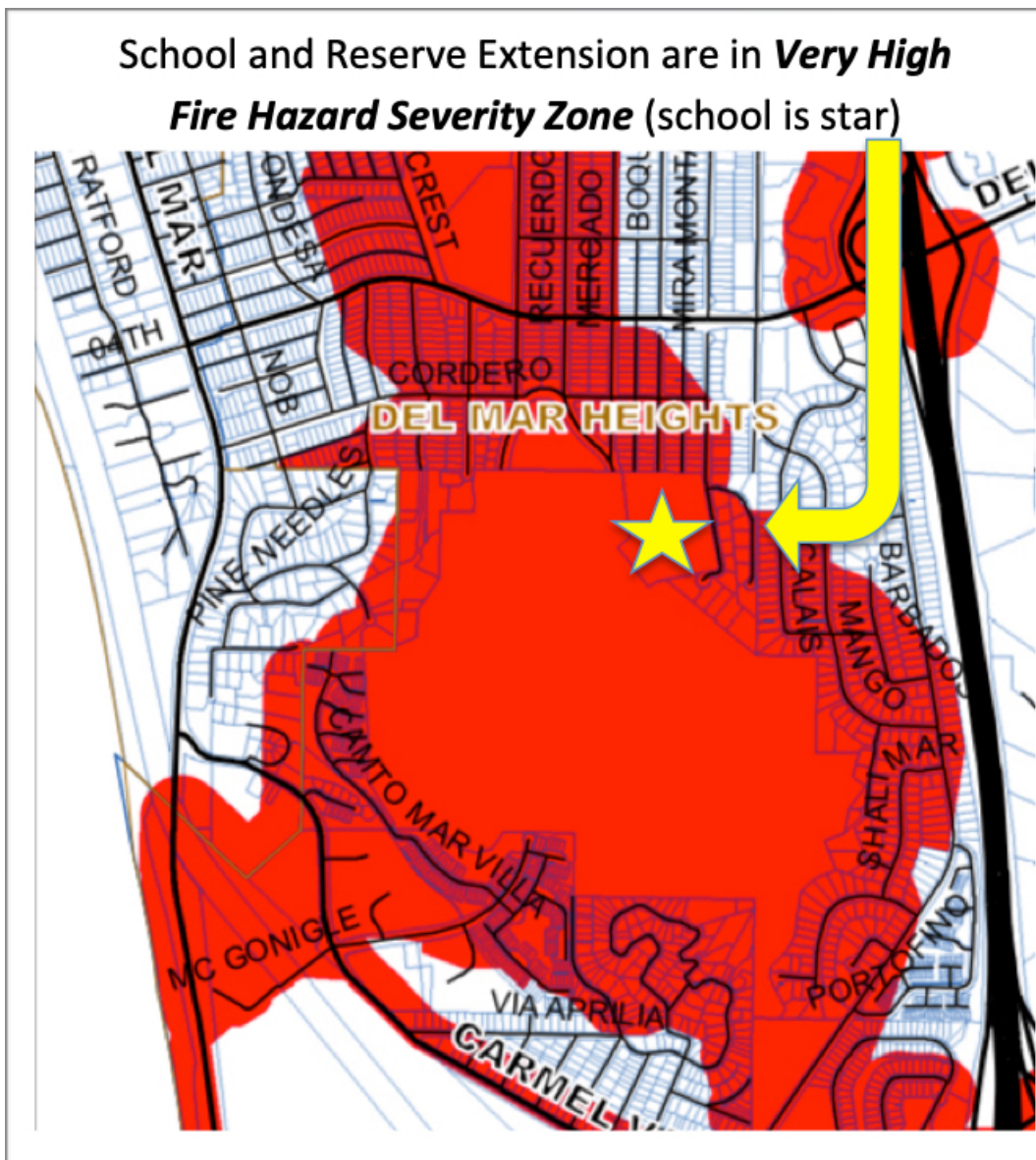
The answer just ignores the pointed questions about “prevailing winds,” “other factors,” and “uncontrolled spread of a wildfire” entirely.

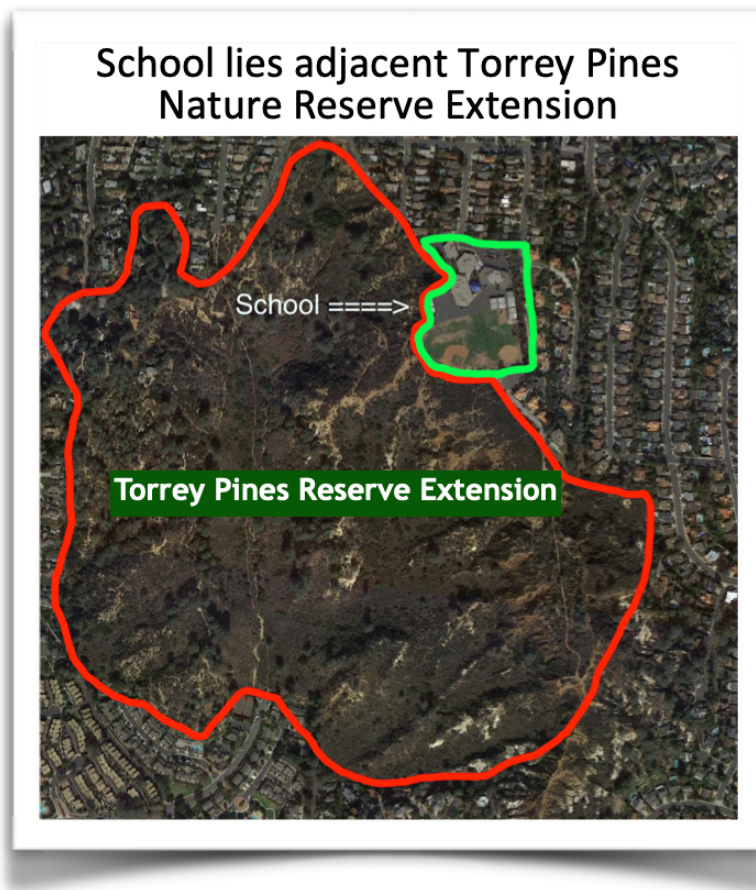
The answer (to a wildfire question!) says the project in a “substantially urban environment” when it is surrounded more than 180° by a Reserve with 197 acres of dry fuel on a substantial southern slope.

The site location presents inherent wildfire potential and elevated human risk

Wildfire potential

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





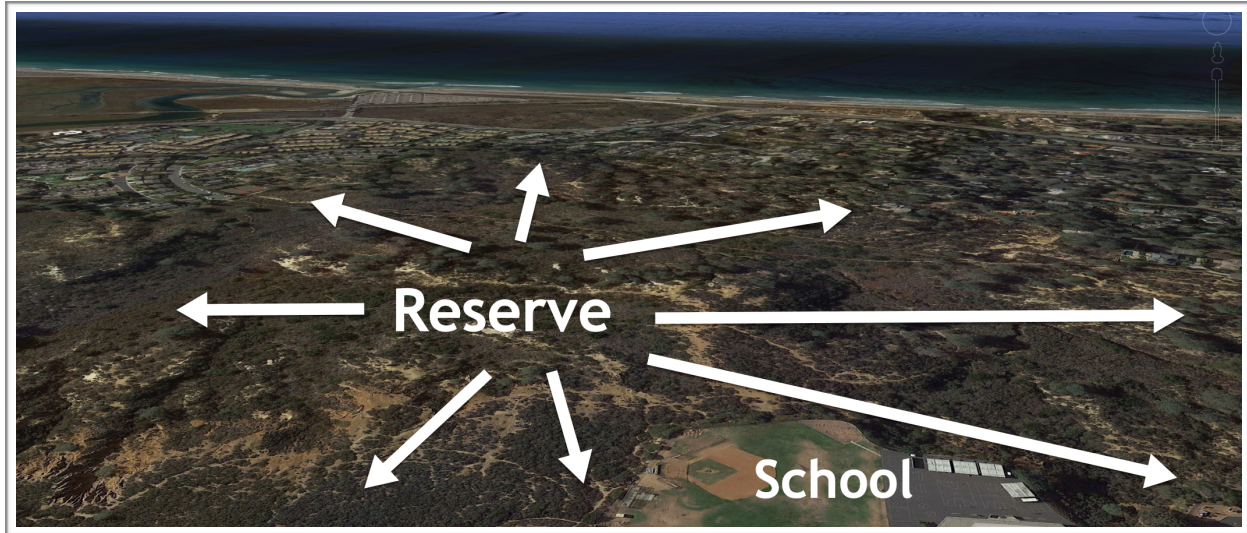
“California law requires CAL FIRE to identify areas based on the severity of fire hazard that is expected to prevail there. These areas, or “zones,” are based on factors such as fuel (material that can burn), slope and fire weather. There are three zones, based on increasing fire hazard...medium, high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

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

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.

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

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:

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

6. increasing local temperature trends, further drying the fuel in the reserve and facilitating ignition
7. firefighter access made difficult by terrain, slope, and canyon conditions, according to past fire reports

1. Abundant fuel source

The Reserve Extension was formed in 1964 and added 197 acres and 1500 trees to the original Torrey Pines Reserve.³¹ 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.

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.”³²



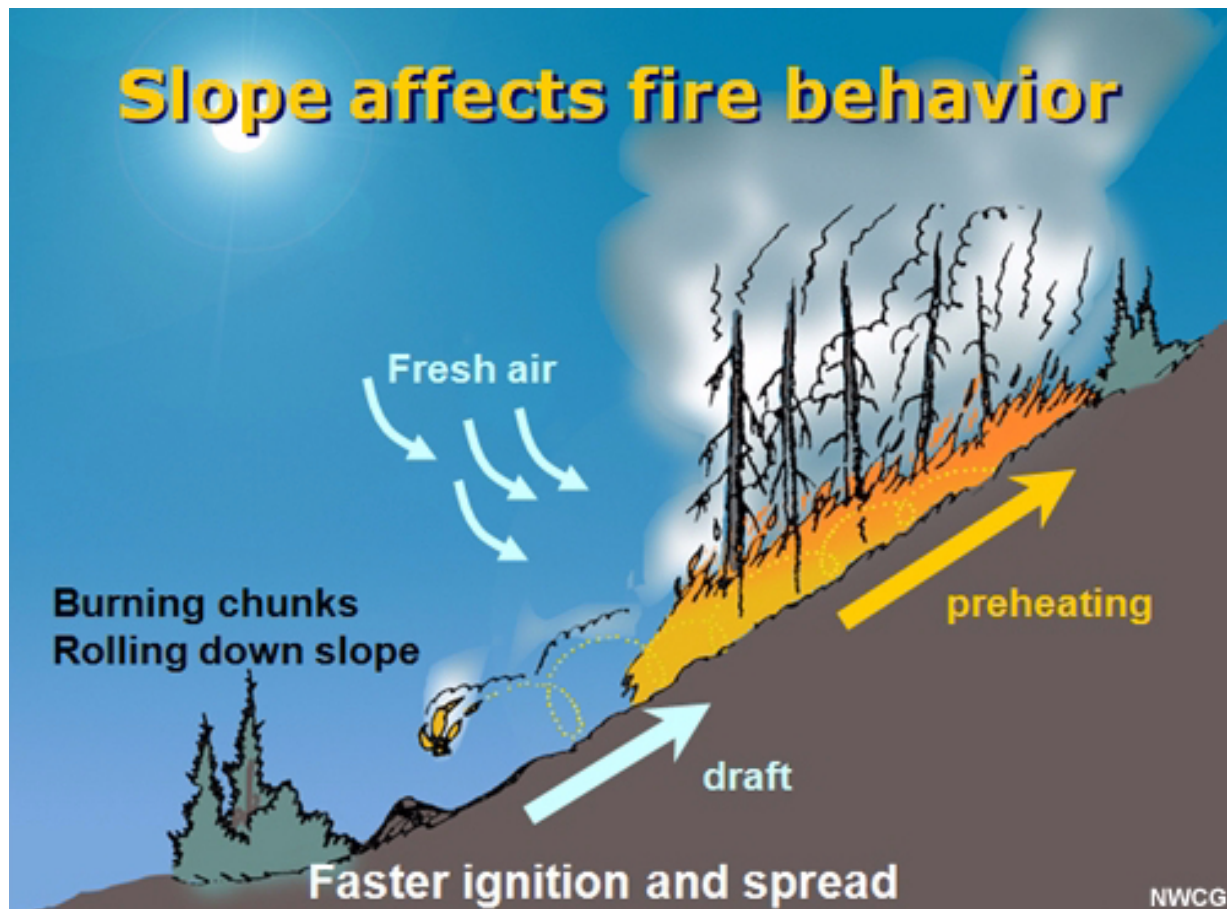


2. Significant human activity around the reserve

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.³³

3. Dangerous upslope

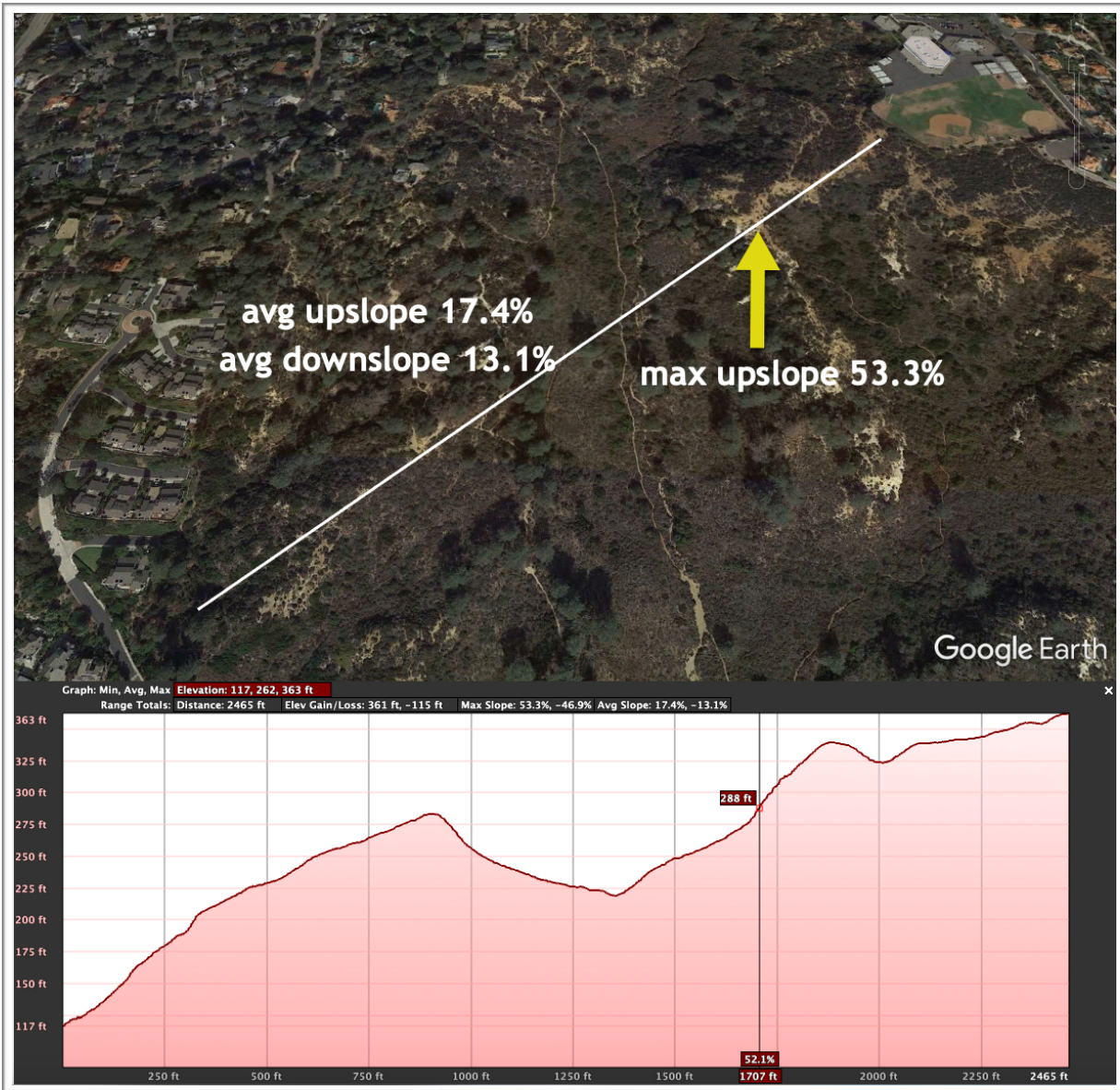
Like fuel, **slope** is a primary contributor to wildfire risk. The photo below from the National Wildfire Coordinating Group visually shows how upslope speeds the rate of spread (ROS) of a wildfire.³⁴



“It is widely recognized that fires often accelerate dramatically up a hill, all other things being equal.”³⁵ 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.

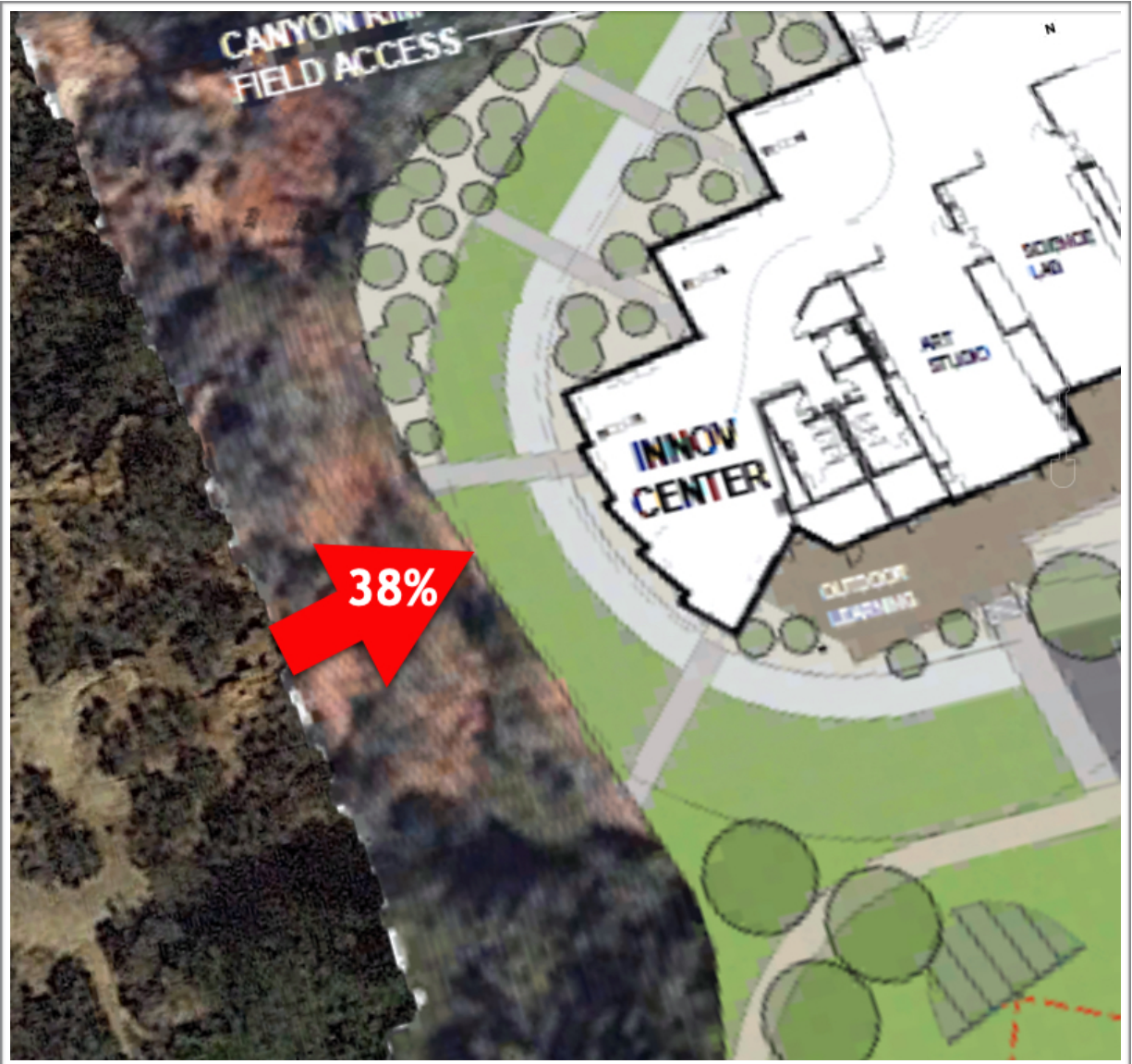
ROS versus slope angle has been extensively studied, with some studies showing linear progression: compared to a baseline ROS for no slope, a fire travels at double ROS on a 10% slope (5.7°) and quadruple ROS on a 20% slope.³⁶ Other studies show an exponential progression with

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



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.



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.

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.”³⁸

The Reserve Extension has a southern aspect.

5. Prevailing westerly winds, toward the school site

According to the Western Regional Climate Center, the prevailing winds are westerly - from the ocean toward the school site.³⁹ 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.”⁴⁰

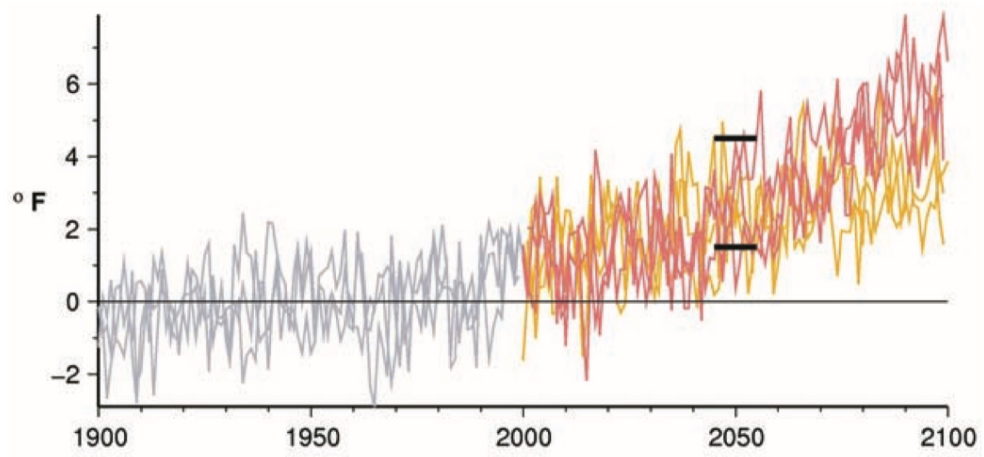
6. Increasing local temperature trends

In 2008, San Diego Foundation published *A Regional Wakeup Call: The First Comprehensive Regional Assessment of Climate Change Impacts to San Diego County*.⁴¹ 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.

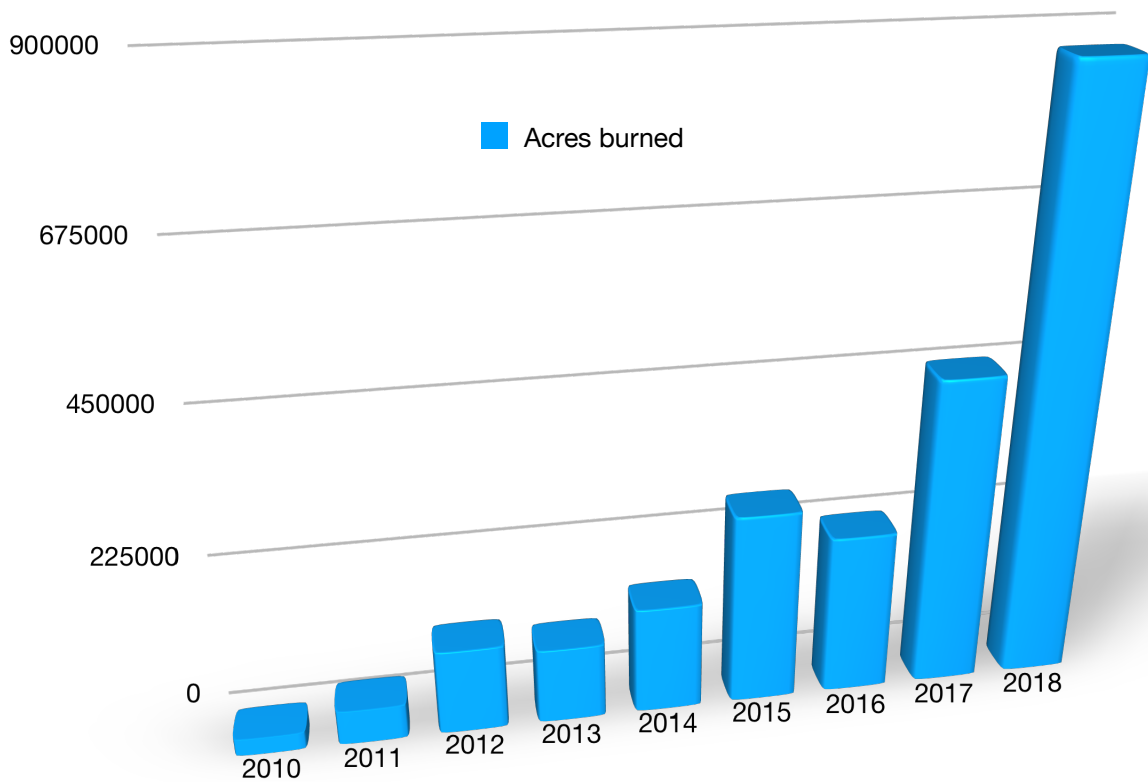
The reasons given included:

- 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%

Projected temperature increase for San Diego County



•
These predictions have borne truth according to Cal Fire statistics⁴²:



7. Firefighter access made difficult by terrain and wispy winds

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.”⁴³

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

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.⁴⁴

Unusual human risk

► **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.

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

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

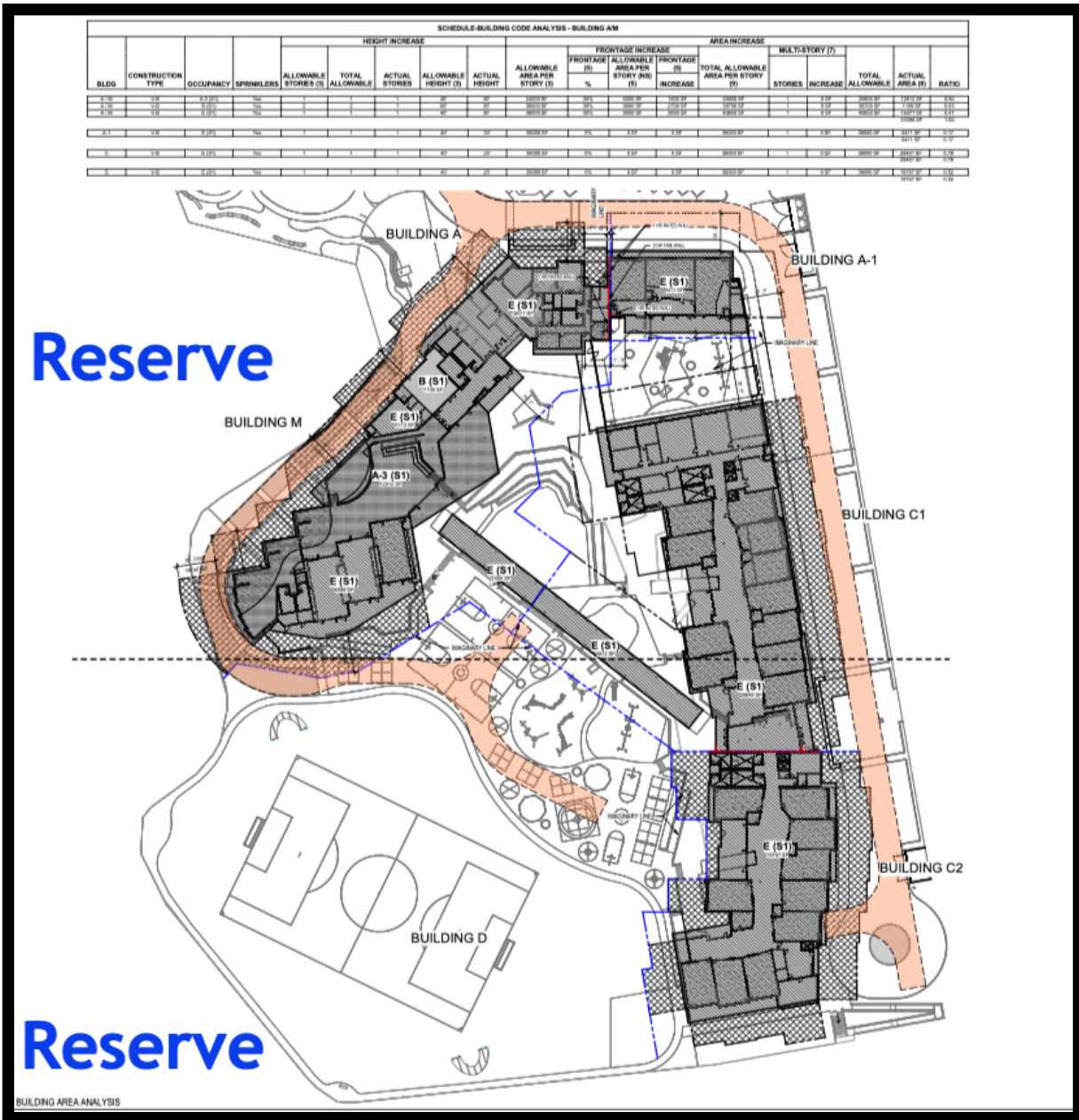
Current school design



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.

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.

New school design



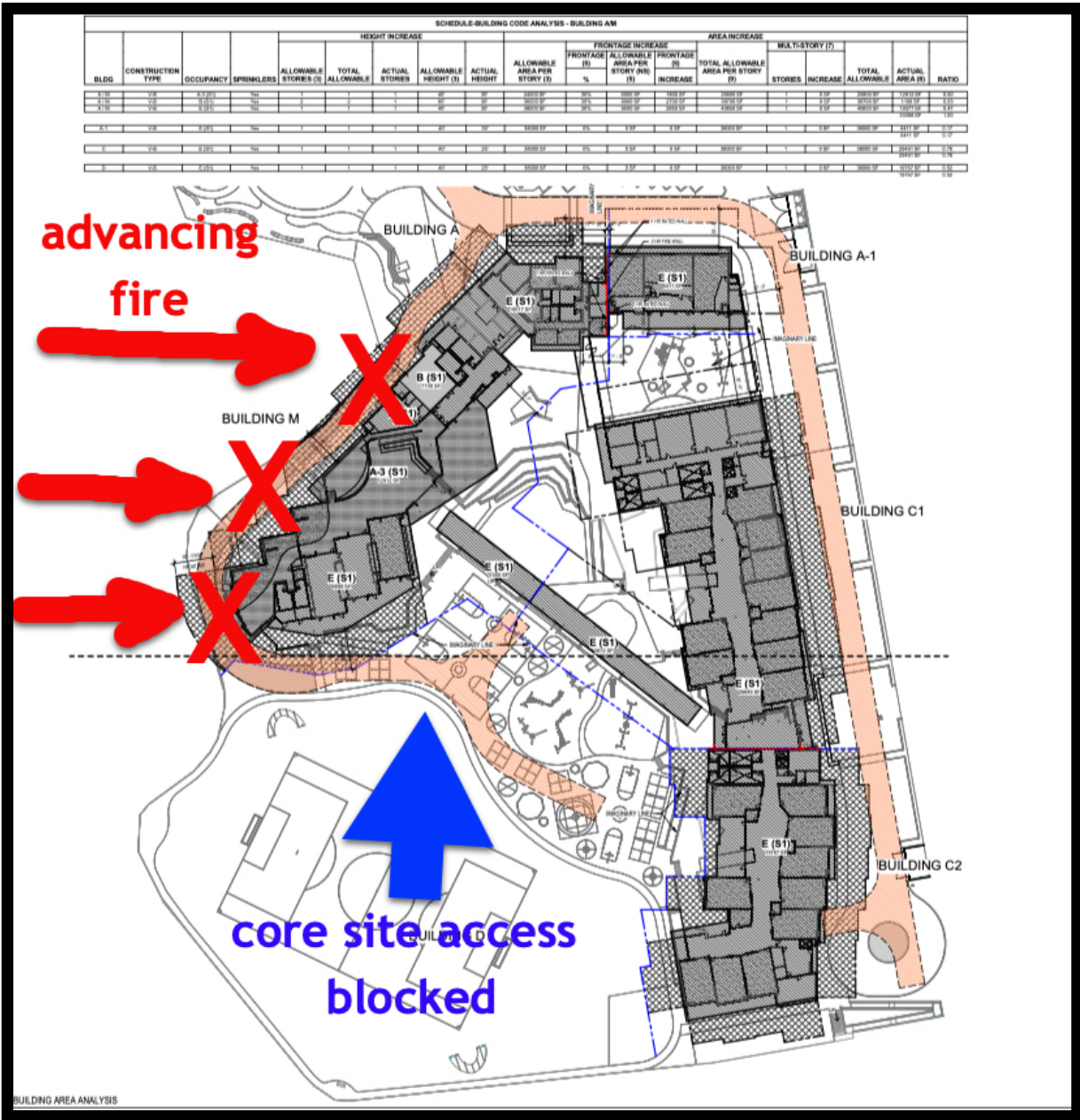
The image above is a page from the construction plans for the new school design. The fire access roads are orange. There are some significant changes between today and this plan.

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.

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

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.

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.



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

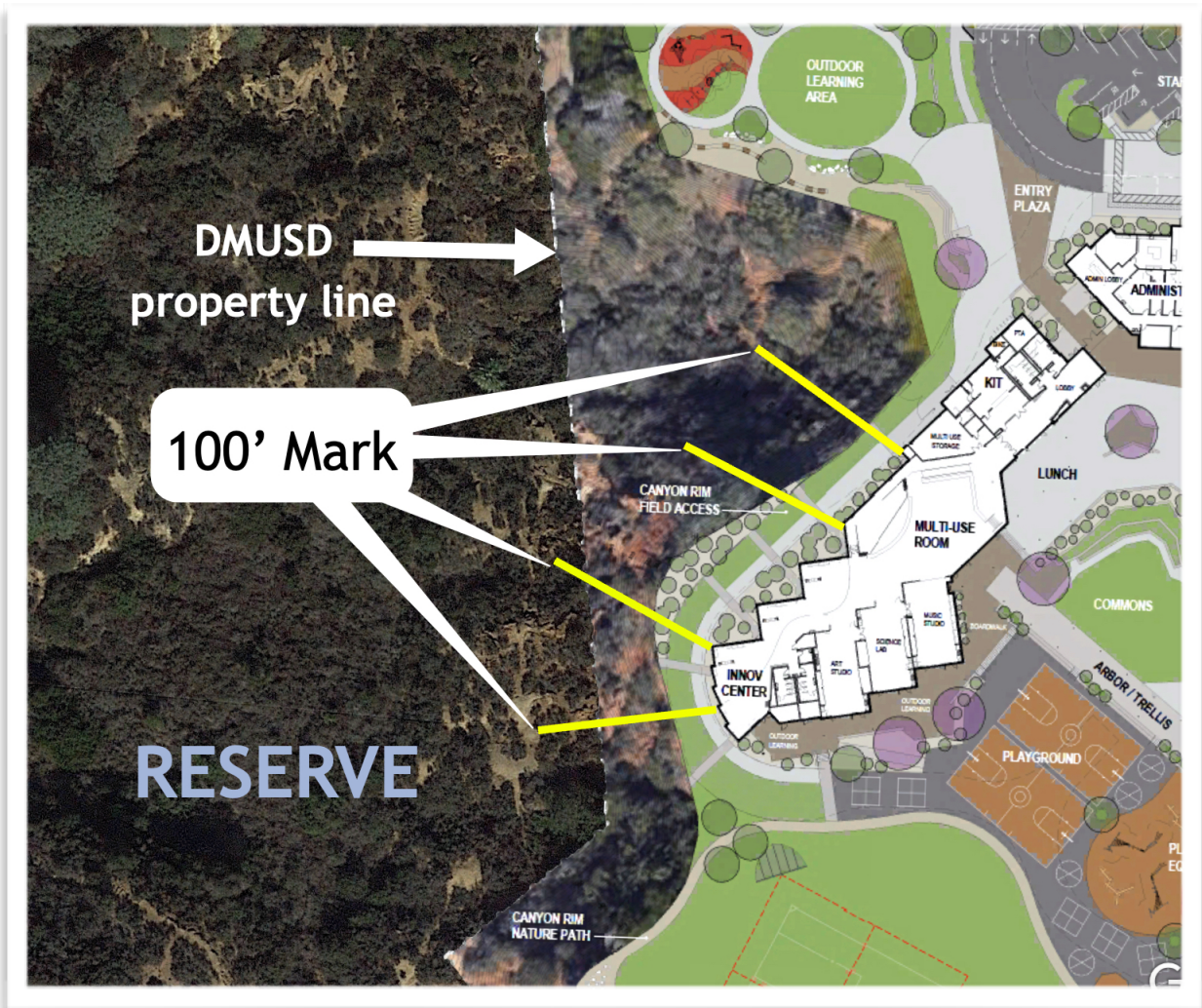
New school design

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.”⁴⁵

Cal Fire has been on a campaign to mainstream the idea - because it’s the law⁴⁶, and because it is a key factor in reducing wildfire risk.

The screenshot shows the CAL FIRE website with a navigation bar at the top containing the CAL FIRE logo and icons for Incidents, About Us, Careers, Programs, Grants, Resources, Stats & Events, and Search. A yellow callout box is overlaid on the page, containing the text "100 Feet of Defensible Space is the Law". Below the callout, the website content is partially visible, including a section titled "Learn How You Can Create Defensible Space Around Your Home" with a list of links to PDF documents: "Why 100 Feet Flyer* (PDF) (Coming soon)", "Why 100 Feet Brochure* (PDF) (Coming soon)", and "Homeowners Checklist* (PDF) (Coming soon)". A notice below the list states: "*Notice: It is important to check with your local fire jurisdiction to determine the law in your area." Below this, there is a section titled "Defensible Space Movies and Song" with a link to "CAL FIRE Inspects for Defensible Space - CAL FIRE TV takes a look at the steps homeowners should take to increase the chance of their home surviving a wildfire. CAL FIRE Inspectors and Firefighters make sure homeowners have good Defensible Space around their homes. Published: April 22, 2009". On the right side of the screenshot, there is a "More Information" section with a list of links: "PRC 4291", "Govt Code 51182", "California Living Fire Safe Video (Coming soon)", "Defensible Space Photo Album (Coming soon)", and "Defensible Space Guidelines (Coming soon)".

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



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.⁴⁷ The construction plans on file with the Division of State Architect acknowledge these areas are either "dense trees" or "dense brush."⁴⁸

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.

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

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.

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.



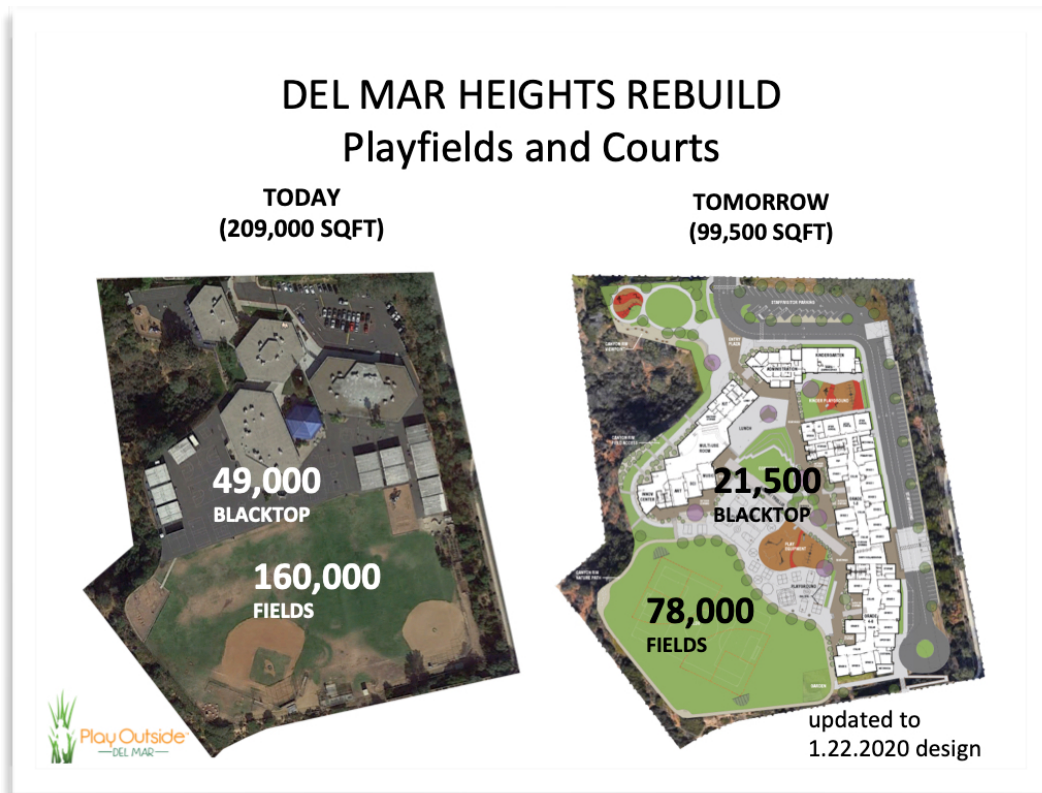
Shrinking playfields removes 50,000 square feet of grass firebreak between canyon and structures

School today

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

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



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

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.

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.⁴⁹ 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.

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.

Other Issues - View

3.1 AESTHETICS

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

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
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.”





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.

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.⁵⁰

The view would be destroyed by the buildings as planned.

Conclusion

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



Appendix A - Rolf Silbert's Design

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.⁵¹ 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.⁵²

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.



List of References

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

² Guidelines 15064

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

⁴ Guidelines 15004

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

⁶ See Appendix A

⁷ Guidelines 15064(f)(1)

⁸ 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.

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

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

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

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

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

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

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

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

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

¹⁸ 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.

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

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

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

²² 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/1FAIpQLScIfO4KXXJ4Tx_xt_yTEhaK5uJEArCaDMp8CczybBky437zbow/viewform

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

²⁴ 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%.

²⁵ 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.

²⁶ 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.

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

²⁸ 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.

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

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

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

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

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

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

³⁵ https://www.fs.fed.us/rm/pubs_other/rmrs_2010_linn_r001.pdf

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

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

³⁸ <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

³⁹ https://wrcc.dri.edu/Climate/comp_table_show.php?stype=wind_dir_avg

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

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

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

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

⁴⁴ <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/>

⁴⁵ https://www.sandiegocounty.gov/pds/fire_resistant.html

⁴⁶ Public Resources Code Section 4291.

⁴⁷ 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.

⁴⁸ Increment 2, page 15 of 292.

⁴⁹ Id. at 11.

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

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

⁵² <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/>