



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.

Additionally, we feel the 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, 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.

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.

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:

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

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: <https://www.sandiego.gov/sites/default/files/legacy//planning/programs/mscp/pdf/subareafullversion.pdf>) 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.

- Potential indirect impacts from Canyon Rim trail

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?

- Insufficient protection from spread of invasive plant species

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.

- Use of toxic chemicals

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.

- Endangered short-leaved liveforever

The Initial Study is technically correct that no habitat for the State Endangered short-leaved liveforever (*Dudleya brevifolia*) 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.

- Brush Management

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.

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.

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.

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.

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.

- 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.

- 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?

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.

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.

- 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.

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.

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.

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.

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.

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

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

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>).

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.

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

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.

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.

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.

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.

Noise

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.

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.

Invasives

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

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.

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.

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.