

Appendix 2-1 Notice of Preparation and NOP Comments

Appendices

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11232 El Camino Real
San Diego, CA 92130-2657
(858) 755-9301
(858) 523-6114 Fax
www.dmusd.org



Superintendent
Holly McClurg, Ph.D.

Board of Trustees
Erica Halpern, President
Gee Wah Mok, Esq., Clerk
Katherine Fitzpatrick, Member
Doug Rafner, Esq., Member
Scott Wooden, Ph.D., Member

**NOTICE OF PREPARATION of a
DRAFT FOCUSED ENVIRONMENTAL IMPACT REPORT for the
DEL MAR HEIGHTS ELEMENTARY SCHOOL REBUILD PROJECT**

Notice is hereby given that the Del Mar Union School District is preparing a Focused Environmental Impact report for the proposed Del Mar Heights Elementary School Rebuild Project, as described below.

DATE: March 1, 2021

TO: Agencies, Organizations and Interested Parties

PROJECT TITLE: Del Mar Heights Elementary School Rebuild Project; SCH # 2020029070

LEAD AGENCY: Del Mar Union School District

PROJECT LOCATION: 13555 Boquita Dr in San Diego (APN 301-0500-700); cross street: Cordero Rd.

PROJECT DESCRIPTION: Del Mar Union School District (District) plans to fully redesign and reconstruct the Del Mar Heights School. The capacity will be reduced by one classroom (approximately 24 students), buildings will be limited to one story with low slope roofs, and access to the school will remain via Boquita Drive.

On May 12, 2020, the District approved a Mitigated Negative Declaration and approved the project. The approvals were challenged (*Save the Field v. Del Mar Union School District*, Case No. 37-2020-00020207-CU-TT-CTL) and the court ruled on December 22, 2020 that three issues required further assessment: 1) Assess the potential impact to Southern Maritime Chaparral habitat and any endangered plant species caused by proposed modification to stormwater outfall pipes. 2) Assess the potential impact of construction noise on adjacent residential sensitive receptors.

A third issue of potential traffic impacts caused by the proposed construction of new stairs and ADA ramp at the southern tip of the campus was resolved by the Board's removal of these components from the project at its meeting on January 19, 2021. At its meeting on February 11, 2021, the Board approved proceeding with the preparation of a Focused Environmental Impact Report to analyze the outstanding issues identified by the court. At its meeting on February 24, 2021, the Board vacated its Resolution No. 2020-13 certifying the Mitigated Negative Declaration and vacated the approval of the project.

WRITTEN COMMENTS: The purpose of this notice is to request input from the public and all affected agencies regarding the scope and content of the environmental information that needs to be included in the environmental impact report. Due to the time limits mandated by state law, please send your response at the earliest possible date but not later than March 30, 2021, at 5:00 pm. We will need the name for a contact person in your agency or organization.

Send Responses to: Del Mar Union School District
Catherine Birks, Assistant Superintendent, Business Services
11232 El Camino Real
San Diego, CA 92130

PUBLIC COMMENT PERIOD: From **March 1, 2021**, to **March 30, 2021** by 5:00 pm.

DOCUMENT AVAILABILITY: The NOP and other supporting environmental documents are available for public review at the following locations:

- District Offices: 11232 El Camino Real, San Diego, CA 92130. The NOD is available to the general public at the District's main office located at the address above. Due to the COVID-19 crisis, however, the records will also be available on the District's website at <https://www.dmusd.org/Page/8854>. In the event there are any difficulties accessing these documents, or questions regarding their availability, interested parties may contact the District's representative, Catherine Birks at cbirks@dmusd.org, 858-755-9301 x3671.
- On the District's website: <https://www.dmusd.org/Page/8854>

March 2, 2021

Del Mar Union School District
Catherine Birks, Assistant Superintendent, Business Services
11232 El Camino Real
San Diego, CA 92130

ATTN: Del Mar Heights Elementary School Rebuild Project; SCH # 2020029070

Dear Ms. Birks and Del Mar Union School District,

I am a parent in the Del Mar community, and I write to you today in strong support of the rebuild project of Del Mar Heights Elementary. The project is well-thought out, extensively planned, and has had strong community input and support.

I am aware of a Notice regarding a Focused Environmental Impact Report (EIR) for the proposed Del Mar Heights Elementary School Rebuild Project, as recommended by the court ruling (Save the Field v. Del Mar Union School District, Case No. 37-2020-00020207-CU-TT-CTL).

The court requested a focused EIR on 3 minor items, and I write to strongly support the district's plan to address these items:

1) *Assess the potential impact to Southern Maritime Chaparral habitat and any endangered plant species caused by proposed modification to storm water outfall pipes.*

In reviewing the detailed document provided on February 10, 2020 by Alden Environmental at the request of the District:

"the project would repair two existing storm water outfall pipes that have failed and are causing erosion along the southern and western school limits. This repair would replace the storm water outfalls and pipes in their existing locations within the school property limits. This repair would include filling in the deep erosional gullies that have formed since the existing pipes have failed, and installation of rip-rap energy dissipators at the outfall locations to minimize erosion off site. Upon completion of the repairs, the temporarily affected areas adjacent to the outfall alignments would be revegetated with native species appropriate for the surrounding area. This planting would help avoid future erosion on the slope and contribute to the biological value of the adjacent area. Biologist Darin Busby then conducted a site visit on August 15, 2019 to identify and map existing biological resources within the parcel. A second follow up visit was conducted by Biologist Greg Mason on January 31, 2020 to confirm the locations of the storm water outfalls and map the extent of the proposed repair efforts. The site was walked and plant and animal species were recorded (Attachments A & B). Plant species names followed the Jepson Manual (Baldwin 2012). Vegetation communities were mapped according to Holland's Preliminary Descriptions of the Terrestrial Natural Communities of California (Holland 1986) as updated (Oberbauer 2008).

<https://www.dmusd.org/cms/lib/CA01001898/Centricity/Domain/1269/Heights%20Appendix%20C%20-%20Bio%20Report.pdf>

These statements appear to more than satisfy the need for preservation of the species surrounding the storm wall pipes and would populate the area with native plants that will strengthen our slopes against erosion.

While further investigation is reasonable, it should be noted that the overall Rebuild plan will improve the surrounding wildlife habitat substantially by resolving many of the chronic issues related to drainage and erosion that currently affect the school.

2) *Assess the potential impact of construction noise on adjacent residential sensitive receptors.*

In reviewing the detailed document provided to the District titled "Noise Analysis," <https://www.dmusd.org/cms/lib/CA01001898/Centricity/Domain/1269/Heights%20Appendix%20G%20-%20Noise%20Analysis.pdf>, it appears that:

No elements of the construction exceed the legal limits of noise. This includes demo/haul, site prep, grading, utility trenching, building construction, paving and architectural coating. This includes surrounding areas such as Mira Montana Drive and the Torrey Pines trails.

While it is reasonable to assess temporary noise related to the rebuild project and mitigation strategies, the existing plan does this robustly and I am confident the more detailed investigation will demonstrate similar acoustic control

or worst case, a mitigation strategy for the temporary noise increase.

3) Assess potential traffic impacts caused by the proposed construction of new stairs and ramp at the southern tip of the campus. This was resolved by the Board's removal of these proposed components from the project at its meeting on January 19, 2021.

This item is resolved, though these stairs and ramp on Mira Montana were never meant for use in the conduct of the school in terms of drop-off/pickup point or for use during the school day. One potential benefit of removing this proposed entry point would be relatively enhanced campus security as access through the existing Boquita entrance will be improved with the rebuild.

In summary, I fully support the plans proposed in the focused EIR and commend the District for their ongoing commitment to the children and families of Del Mar Heights Elementary. To continue to bus school children to portables and further delay the rebuild for the sake of these minor items is a tragedy and we hope the Court sees the importance of prompt resolution of these items without any further delay for the sake of the Del Mar community.



Sheila Krishna

Sandip Patel & Sheila Krishna

SAN DIEGO CA 920

4 MAR 2021 PM 5 L



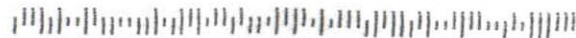
Catherine Birtes.

Del Mar Union School district

11232 El Camino Real

San Diego, CA 92130.

92130-770125



March 2, 2021

Del Mar Union School District
Catherine Birks, Assistant Superintendent, Business Services
11232 El Camino Real
San Diego, CA 92130

ATTN: Del Mar Heights Elementary School Rebuild Project; SCH # 2020029070

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Sincerely,



Sanjay Patel

Sandip Patel & Sheila Krishna

SAN DIEGO CA 920

4 MAR 2021 PM 5 L



Catherine Birks
Del Mar Union School District.
11232 El Camino real
San Diego, CA 92130.

92130-770125



March 2, 2021

Del Mar Union School District
Catherine Birks, Assistant Superintendent, Business Services
11232 El Camino Real
San Diego, CA 92130

ATTN: Del Mar Heights Elementary School Rebuild Project; SCH # 2020029070

Dear Ms. Birks and Del Mar Union School District,

I am a current city council member in Del Mar, and I write to you today in strong support of the rebuild project of Del Mar Heights Elementary. The project is well-thought out, extensively planned, and has had strong community input and support.

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Sincerely,



Dan Quirk

██████████
Del Mar City Council Member

Dan Quirk

51 Mar, CA 92014

SAN DIEGO CA 920

4 MAR 2021 PM 3 L



Del Mar Union School District
Attn: Catherine Birks, Assistant Superintendent, Business Services
11232 El Camino Real
San Diego, CA 92130

92130-770125





March 2, 2021

Del Mar Union School District
Catherine Birks, Assistant Superintendent, Business Services
11232 El Camino Real
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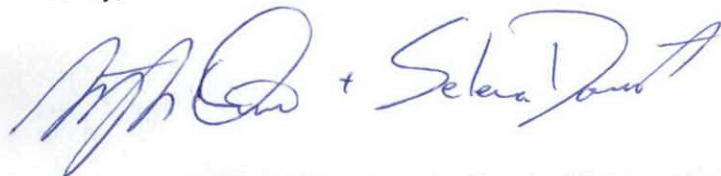
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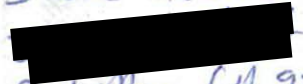
Sincerely,



Steve Quirk and Selena Daoust

Parents of Nolan Quirk (4th Grader at DMH)

Steve Quirk



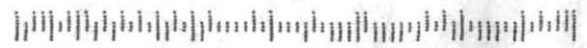
Del Mar, CA 92014

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Del Mar Union School District
Catherine Birks, Assistant Superintendent, Business Services
11232 El Camino Real
San Diego, CA 92130

92130-770125





NATIVE AMERICAN HERITAGE COMMISSION

March 1, 2021

Catherine Birks, Assistant Superintendent, Business Services
Del Mar Union School District
11232 El Camino Real
San Diego, CA 92130

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
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Luiseño

PARLIAMENTARIAN
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William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
**Julie Tumamait-
Stenslie**
Chumash

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2020029070, Del Mar Heights School Rebuild Project, San Diego County

Dear Ms. Birks:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4. (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

March 2, 2021

Del Mar Union School District
Catherine Birks, Assistant Superintendent, Business Services
11232 El Camino Real
San Diego, CA 92130

ATTN: Del Mar Heights Elementary School Rebuild Project; SCH # 2020029070

Dear Ms. Birks and Del Mar Union School District,

I am a parent in the Del Mar community, and I write to you today in strong support of the rebuild project of Del Mar Heights Elementary. The project is well-thought out, extensively planned, and has had strong community input and support.

I am aware of a Notice regarding a Focused Environmental Impact Report (EIR) for the proposed Del Mar Heights Elementary School Rebuild Project, as recommended by the court ruling (*Save the Field v. Del Mar Union School District*, Case No. 37-2020-00020207-CU-TT-CTL).

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<https://www.dmusd.org/cms/lib/CA01001898/Centricity/Domain/1269/Heights%20Appendix%20C%20-%20Bio%20Report.pdf>

These statements appear to more than satisfy the need for preservation of the species surrounding the storm wall pipes and would populate the area with native plants that will strengthen our slopes against erosion.

While further investigation is reasonable, it should be noted that the overall Rebuild plan will improve the surrounding wildlife habitat substantially by resolving many of the chronic issues related to drainage and erosion that currently affect the school.

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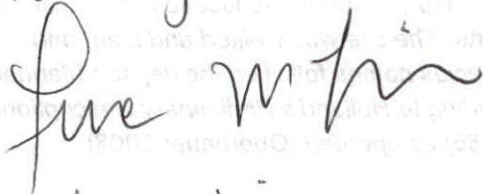
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This item is resolved, though these stairs and ramp on Mira Montana were never meant for use in the conduct of the school in terms of drop-off/pickup point or for use during the school day. One potential benefit of removing this proposed entry point would be relatively enhanced campus security as access through the existing Boquita entrance will be improved with the rebuild.

In summary, I fully support the plans proposed in the focused EIR and commend the District for their ongoing commitment to the children and families of Del Mar Heights Elementary. To continue to bus school children to portables and further delay the rebuild for the sake of these minor items is a tragedy and we hope the Court sees the importance of prompt resolution of these items without any further delay for the sake of the Del Mar community.

Thank you



Lena Liu

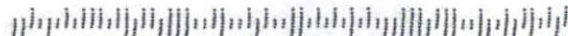
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Del mar Union School District
Catherine Birks, Asst. Superintendent
11232 El Camino Real
San Diego CA 92130

92130-770125



March 2, 2021

Del Mar Union School District
Catherine Birks, Assistant Superintendent, Business Services
11232 El Camino Real
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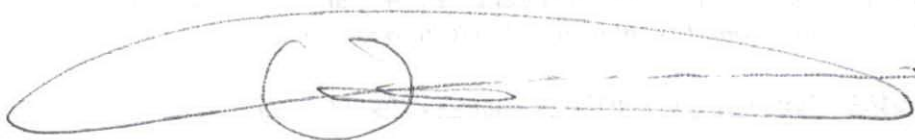
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Thank you

Frank Stonebaker

A large, stylized handwritten signature in black ink, appearing to be a variation of the name 'Frank Stonebaker'.

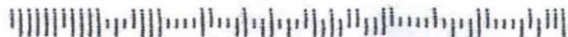
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Del mar Union School District
Catherine Birks Asst. Superintendent
11232 EL Camino Real
San Diego CA 92130

92130-770125



March 15, 2021

Del Mar Union School District
Catherine Birks, Assistant Superintendent, Business Services
11232 El Camino Real
San Diego, CA 92130

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Sincerely,



Michelle McGraw

March 15, 2021

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Catherine Birks, Assistant Superintendent, Business Services
11232 El Camino Real
San Diego, CA 92130

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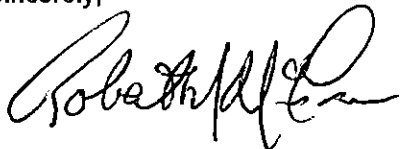
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Sincerely,



Robert McGraw

March 17, 2021

Del Mar Union School District
Catherine Birks, Assistant Superintendent, Business Services
11232 El Camino Real
San Diego, CA 92130

Attention: Del Mar Heights Elementary School Rebuild Project; SCH # 2020029070

Dear Ms. Birks, and members of the School Board for the Del Mar Union School District,

I write on behalf of myself, my wife, Dr. Nicole Hurst, and our two small children, Ellie and Bridger. We write in response to the Notification of Preparation of a Draft Focused Environmental Impact Report for the Del Mar Heights Elementary School Rebuild Project.

We strongly support moving forward with the school rebuild project. If this environmental impact study is necessary to move that forward, we support it, as well. I will elaborate on my support below, but first, allow me to express, from a personal point of view, why the rebuild is so important to me and my family.

Nikki and I moved into the Del Mar Heights neighborhood, in late 2019. This is a wonderful family oriented neighborhood and we are very happy that we moved here. We were drawn here, in particular, by the excellent teachers and staff of the Del Mar Heights Elementary school, and we're very excited to enroll our two children when they are a bit older. Our one big worry when we bought our house, at 13656 Mira Montana Drive, Del Mar, is that the school, which was built 60 years ago is dilapidated and outdated. It is not safe for children. But, we decided to put down roots here, knowing that a school bond had passed, with strong support from the community, and that a substantial fraction of the funding would be used to create a modern learning environment for the children in our new neighborhood.

After moving in we were dismayed to see a small group of our neighbors who do not have elementary aged children but do have ocean views that could be impaired by the renovation, organize an effort to stop the school renovation from going forward. This group includes the Save the Field campaign who are strongly opposed to the district's plan to rebuild our school. This group is led by residents whose views of the ocean would be impacted.

Watching this campaign in action, we became worried that, whether intended or not, this effort to oppose the renovation could have the effect of stopping it altogether. I attended several school board meetings, where I expressed my concerns. At one of the school board meetings I was dismayed to hear talk of how lawsuits have successfully stopped other school renovation efforts in the area. Since then, it has become clear the plan all along was not to support an effort to revise the plan to allow the field to remain untouched. It was to stop the rebuild altogether. Indeed one

neighbor told us that they have successfully stopped previous renovation efforts and they plan to stop this one, as well.

As you are no doubt aware, similar efforts were undertaken in the Cardiff School system, where a similarly named campaign "Save the Park and Build the School", represented by the same law firm, successfully sued to halt renovation. The parallels are very close: as in our case, the Cardiff school is 60 years old and a school bond measure passed by a wide margin to renovate it. After the school was demolished the lawsuit happened, stopping the renovation. For a period of time kindergarteners and first graders were being bussed to another school, while the school renovation drowned in legal bills. A similar thing happened in Encinitas and it tore the neighborhood apart.

A \$55 million renovation is something that home owners should welcome, and most of my neighbors do – the bill passed by a wide margin. A beautiful new modern school will surely make the neighborhood even more appealing to families with children, increasing all of our property values.

But far more important, halting the renovation would be a tragedy for our children, who deserve an outstanding school. They are our future and they need our help. We need to keep our focus on their needs, not on our personal preferences of a minority of residents who for their own personal self interest seek to control how the school property is used. Del Mar Heights Elementary is not safe for our children and we ask the city to approve the school rebuild without delay.

With regard to the specifics of the environmental impact study, my understanding is that the court ruling (Save the Field v. Del Mar Union School District, Case No. 37-2020-00020207-CU-TT-CTL) on this issue was broadly in support of the well-thought out and extensively planned rebuild, which has enjoyed strong community input and support.

The court requested a focused EIR on 3 minor items, and I write to support the district's plan to address these items:

1) *Assess the potential impact to Southern Maritime Chaparral habitat and any endangered plant species caused by proposed modification to stormwater outfall pipes.*

In reviewing the detailed document provided on February 10, 2020 by Alden Environmental at the request of the District:

"the project would repair two existing stormwater outfall pipes that have failed and are causing erosion along the southern and western school limits. This repair would replace the stormwater outfalls and pipes in their existing locations within the school property limits. This repair would include filling in the deep erosional gullies that have formed since the existing pipes have failed, and installation of rip-rap energy dissipators at the outfall locations to minimize erosion off site. Upon completion of the repairs, the temporarily affected areas adjacent to the outfall alignments would be revegetated with native species appropriate for the surrounding area. This planting would help avoid future erosion on the slope and contribute to the biological value of the adjacent area. Biologist Darin Busby then conducted a site visit on August 15, 2019 to identify

and map existing biological resources within the parcel. A second follow up visit was conducted by Biologist Greg Mason on January 31, 2020 to confirm the locations of the stormwater outfalls and map the extent of the proposed repair efforts. *The site was walked and plant and animal species were recorded (Attachments A & B). Plant species names followed the Jepson Manual (Baldwin 2012). Vegetation communities were mapped according to Holland's Preliminary Descriptions of the Terrestrial Natural Communities of California (Holland 1986) as updated (Oberbauer 2008).*

<https://www.dmusd.org/cms/lib/CA01001898/Centricity/Domain/1269/Heights%20Appendix%20C%20-%20Bio%20Report.pdf>

These statements appear to more than satisfy the need for preservation of the species surrounding the stormwall pipes and would populate the area with native plants that will strengthen our slopes against erosion.

While further investigation is reasonable, it should be noted that the overall Rebuild plan will improve the surrounding wildlife habitat substantially by resolving many of the chronic issues related to drainage and erosion that currently affect the school.

2) *Assess the potential impact of construction noise on adjacent residential sensitive receptors.*

In reviewing the detailed document provided to the District titled "Noise Analysis,"

<https://www.dmusd.org/cms/lib/CA01001898/Centricity/Domain/1269/Heights%20Appendix%20G%20-%20Noise%20Analysis.pdf>), it appears that:

No elements of the construction exceed the legal limits of noise. This includes demo/haul, site prep, grading, utility trenching, building construction, paving and architectural coating. This includes surrounding areas such as Mira Montana Drive and the Torrey Pines trails.

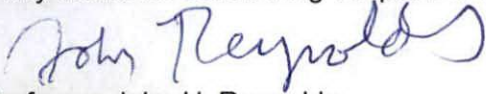
While it is reasonable to assess temporary noise related to the rebuild project and mitigation strategies, the existing plan does this robustly and I am confident the more detailed investigation will demonstrate similar acoustic control or worst case, a mitigation strategy for the temporary noise increase.

3) *Assess potential traffic impacts caused by the proposed construction of new stairs and ramp at the southern tip of the campus. This was resolved by the Board's removal of these proposed components from the project at its meeting on January 19, 2021.*

This item is resolved, though these stairs and ramp on Mira Montana were never meant for use in the conduct of the school in terms of dropoff/pickup point or for use during the school day. One potential benefit of removing this proposed entrypoint would be relatively enhanced campus security as access through the existing Boquita entrance will be improved with the rebuild.

In summary, I fully support the plans proposed in the focused EIR and commend the District for their ongoing commitment to the children and families of Del Mar Heights Elementary. To continue to bus school children to portables and further delay the rebuild for the sake of these minor items is a tragedy and we hope the Court sees the importance of prompt resolution of these items without any further delay for the sake of the Del Mar community.

Many thanks for considering our point of view.



Professor John H. Reynolds
Fiona and Sanjay Jha Chair in Neuroscience
The Salk Institute for Biological Studies
La Jolla, CA 92037



Nicole Hurst, MD
Currently deployed
U.S. Naval Medical Corps

Dr. Nicole Hurst & Dr. John Reynolds

[Redacted]

Del Mar, CA 92014

SAN DIEGO CA 920

24 MAR 2021 PM 2 L



Catherine Birks
Del Mar Union School District
11232 El Camino Real
San Diego, CA 92130

92130-770125



From: Brooke Beros [REDACTED]
Sent: Friday, February 26, 2021 10:27 AM
To: Cathy Birks <cbirks@dmusd.org>
Subject: Notice of Preparation

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

Dear Ms. Birks,

I am writing in response to the Notice I received today regarding the Del Mar Heights rebuild. I understand the District had to remove the proposed stairs and ramp on Mira Montana in response to concerns about traffic. It seems that this is an unnecessary response to an unfounded concern.

There has always been a gate with a pathway on Mira Montana. It's not clear why changing the dirt path to stairs and a ramp would increase use of this entrance. Even if traffic did become an issue, it would be easy enough to lock that entrance at particular times to prevent traffic issues.

I notice that the existing gate is currently locked, which is highly inconvenient. As you know, the Heights neighborhood uses both area schools as community parks to some extent. I would ask the reviewing court to consider revising its stance regarding the Mira Montana entrance to permit the stairs and ramp (or at least stairs) on that side, for use by the community and as may be needed or helpful for students.

I would also note that, for example, during this time of Covid, it has been important that the Hills has various separate entrance points, to minimize contact and exposure among students. We need to create the same type of possibility at the Heights. Also, in the event of an emergency, it might be useful to have a point of ingress/egress on that side of the campus.

Finally, if the Court indeed requires removal of the stairs and/or ramp, I would hope that at a minimum, the school will retain the dirt path and gate that currently exist as there obviously can be no argument that maintaining the status quo will cause an increase in traffic.

I hope your team is able to present these arguments to the Court.

Best Regards,
Brooke Beros

[REDACTED]

DEPARTMENT OF TRANSPORTATION

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
PHONE (619) 688-3137
FAX (619) 688-4299
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

March 29, 2021

11-SD-5
PM 33.8
Del Mar Heights School
NOP/SCH#2020029070

Ms. Catherine Birks
Assistant Superintendent, Business Services
Del Mar Union School District
11232 El Camino Real
San Diego, CA 92130

Dear Ms. Birks:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Notice of Preparation for Draft Environmental Impact Report for the Del Mar Heights School project located near Interstate 5 (I-5). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

Traffic Impact Study

A Vehicle Miles Traveled (VMT) based Traffic Impact Study (TIS) should be provided for this project. Please use the Governor's Office of Planning and Research Guidance to identify VMT related impacts.ⁱ

The TIS may also need to identify the proposed project's near-term and long-term safety or operational issues, on or adjacent any existing or proposed State facilities.

ⁱ California Governor's Office of Planning and Research (OPR) 2018. "Technical Advisory on Evaluating Transportation Impacts in CEQA." http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

Complete Streets and Mobility Network

Caltrans views all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in California and recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation system.

Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation system integrated through applicable “smart growth” type land use planning and policies.

Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would appreciate meeting with you to discuss the elements of the EIR that Caltrans will use for our subsequent environmental compliance.

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting

Ms. Catherine Birks
March 29, 2021
Page 3

documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans R/W that includes impacts to the natural environment, infrastructure (highways/roadways/on- and off-ramps) and appurtenant features (lighting/signs/guardrail/slopes). Caltrans is interested in any additional mitigation measures identified for the DEIR.

Right-of-Way

Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.

Any work performed within Caltrans R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions, please contact Kimberly Dodson, of the Caltrans Development Review Branch, at (619) 985-1587 or by e-mail sent to Kimberly.Dodson@dot.ca.gov.

Sincerely,

Maurice A. Eaton

MAURICE EATON, Branch Chief
Local Development and Intergovernmental Review

March 29, 2021

Del Mar Union School District
Ms. Catherine Birks, Assistant Superintendent, Business Services
11232 El Camino Real
San Diego, CA 92130

Subject: City of San Diego Comments on the Notice of Preparation of a Draft Focused Environmental Impact Report for the Del Mar Heights Elementary School Rebuild Project (SCH #2020029070)

Dear Ms. Birks:

The City of San Diego (City) Planning Department has received the Notice of Preparation (NOP) of a Draft Focused Environmental Impact Report (EIR) prepared by the Del Mar Union School District and distributed it to applicable City departments for review. The City, as a Responsible Agency under CEQA, has reviewed the NOP and appreciates this opportunity to provide comments to the Del Mar Union School District. In response to this request for public comments, the City has the following comments on the NOP for your consideration.

• • •

**DEVELOPMENT SERVICES DEPARTMENT – SARAH OSBORN, SENIOR PLANNER –
SOSBORN@SANDIEGO.GOV, 619-446-5381**

Responsible Agency

The City of San Diego acknowledges that pursuant to the CEQA Guidelines Section 15051(a) the Del Mar Union School District is the lead agency for the Del Mar Heights Elementary School Rebuild Project (Project), and the City is a responsible agency.

As a responsible agency, per CEQA Guidelines Section 15096(e), the goal of the City's comments is to aid the school district in understanding the City's requirements and regulations, in order for the environmental document to incorporate the analysis needed so the City is able to rely on it for anticipated actions.

Project Description

Please identify in the project description the anticipated actions that will be required by the City, including the issuance of a Coastal Development Permit, Site Development Permit, Conditional Use Permit and other permits that may be required depending on the design of the school.

CEQA Significant Determination Thresholds

The City's CEQA Significant Determination Thresholds (2020) are used to determine whether a project may have a significant effect on the environment. Please utilize these thresholds when analyzing the environmental issue areas.

Biological Resources

A biological survey report should identify any Environmentally Sensitive Lands (ESL) and impacts to sensitive biological resources in accordance with the City's Biology Guidelines (2018). The biological survey report must identify and map biological resources present on the site, including any portions of the site identified as part of the City's Multi-Habitat Planning Area (MHPA) and any species considered sensitive. Impact assessments should include analysis of direct impacts (i.e., grading, Zone 1 brush management), indirect impacts (i.e., noise, lighting) and cumulative impacts. The City's CEQA Significance Determination Thresholds (2020) should be used as a reference.

MHPA

The City's MHPA of the Multiple Species Conservation Program (MSCP) Subarea Plan is mapped adjacent to the Project site and the project should be evaluated for conformance with the City's MSCP Subarea Plan (March 1997). The evaluation should be conducted within a biological resources report that includes conformance with the MHPA Land Use Adjacency Guidelines (Section 1.4.3 of the City's MSCP Subarea Plan) in terms of land use, drainage, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management requirements for the portions of the development which lie adjacent to the MHPA.

Greenhouse Gas (GHG) Emissions

The City does not rely on a bright-line threshold with regards to GHG and requires all discretionary projects to comply with the City's Climate Action Plan (CAP) Checklist to document consistency with the City's CAP. Please address the Project's compliance with the City's CAP Consistency Checklist within the environmental document.

Tribal Consultation

Pursuant to the provisions of AB 52, the City has received formal requests from the following tribes, San Pasqual Band of Mission Indians, Iipay Nation of Santa Ysabel and Jamul Indian Village, to be consulted on discretionary projects. Please distribute the project to these tribes per Public Resources Code § 21080.3.1 for their review.

Hazards – Brush Management

Since the school is located in a Very High Fire Hazard Severity Zone the City relies on Brush Management regulations (San Diego Municipal Code §142.0412) as one way to assess significance with wildfire hazards for sites containing native/naturalized vegetation within 100 feet of a structure. Please provide more information regarding the defensible space requirements proposed with the redesign and show how this is consistent with the City's Brush Management regulations.

TRANSPORTATION AND STORM WATER DEPARTMENT – MARK G. STEPHENS, ASSOCIATE PLANNER – MGSTEPHENS@SANDIEGO.GOV, (858) 541-4361

The NOP describes a Focused EIR that would assess the potential impact to Southern Maritime Chaparral habitat and any endangered plant species caused by proposed modifications to stormwater outfall pipes and would assess the potential impact of

construction noise on adjacent residential sensitive receptors. A previous traffic issue identified in the Draft Mitigated Negative Declaration (MND) prepared last year is characterized as resolved through a change in the project description. As noted in comments made on the Draft MND, the project site is in the City of San Diego and is consequently of interest to the City's Stormwater Division with respect to any potential effects on the City's storm drain system downstream and potential implications for water quality in the Los Peñasquitos Watershed Management Area (WMA).

The Del Mar Union School District's Response to Comments on the Draft MND included responses to the City's prior comments. The City requests that the information from those previous responses is included in the Focused EIR to be prepared. Specifically, noting that the project site is in the Los Peñasquitos WMA, which is addressed through the Los Peñasquitos WMA Water Quality Improvement Plan (WQIP), is a key consideration. The WQIP sets forth highest priority water quality conditions to be addressed and includes sedimentation of Los Peñasquitos Lagoon. The State of California approved a Total Maximum Daily Load (TMDL) for Los Peñasquitos Lagoon Siltation and Sedimentation. This background underscores the importance of effectively addressing erosion and other sources of sedimentation in the watershed.

The Response to Comments from the Draft MND also acknowledges the crucial role of a Stormwater Pollution Prevention Plan in addressing potential water quality impacts, including incorporating best management practices (BMPs) to facilitate retention and infiltration on-site and reduce downstream erosion, and a commitment to monitoring and maintenance of these BMPs over time. We support comments made by the California Department of Parks and Recreation and other reviewers on the Draft MND regarding this topic.



Thank you for the opportunity to provide comments on the NOP. Please feel free to contact Rebecca Malone, Senior Planner, directly via email at RMalone@sandiego.gov or by phone at (619) 446-5371 if there are any questions regarding the contents of this letter or if the Del Mar Union School District would like to meet with City staff to discuss these comments.

Sincerely,



Heidi Vonblum, Deputy Director
Planning Department

RM/ta

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

From: Enid Sherman [REDACTED]
Sent: Monday, March 29, 2021 4:29 PM
To: Cathy Birks <cbirks@dmusd.org>
Subject: Del Mar Heights School

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

Dear Cathy Birks,

I am submitting this public comment electronically due to covid and time constraints .Please reply to acknowledge receipt.

I feel that there has been a lack of a full traffic study for the neighborhood and the school grounds themselves. I don't find very good information about the fire risks and evacuation of the school grounds when school is in session.

In Torrey Pines Reserve there are many sensitive plants and hope that they will not be impacted by the building close to the Reserve. Many animals and birds reside in Torrey Pines Reserve and the noise of construction may impact their environment.

Thank you for your consideration of my concerns.

Enid Sherman
[REDACTED]

29 March, 2021
Del Mar Union School District
Catherine Birks, Assistant Superintendent, Business Services
11232 El Camino Real
San Diego, CA 92130

Dear Cathy Birks;

The following is my public comment on the 1 March 2021 Notice of Preparation.

I would like to know if the district is going to address the 2019 addition to CEQA, Appendix G, Section XX. I understand this specific section of the law was not addressed in previous documents.

I would like to know how the changes to the site address the emergency response plan and evacuation plan during dropoff and pickup times when the on-site queue is expected to be full, as well as during a normal school day with the student population at full capacity. This is not a fire emergency scenario at a level that can be addressed by sprinklers; this is the scenario where a firestorm is sweeping through the reserve and the entire population needs to evacuate, including a specific plan for the disabled student community.

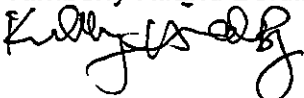
"Wildfire Impacts

Given the extreme and devastating fire seasons in California during the past several years, it is no surprise that new requirements have been added to CEQA to address a project's impacts on wildfire hazards. A new Section XX has been added to Appendix G to address the need to evaluate wildfire impacts. This section focuses on whether projects located in or near state responsibility areas (where the state has financial responsibility of preventing and suppressing fires), or lands classified as very high fire severity zones by local agencies, would:

- "Substantially impair an adopted emergency response plan or emergency evacuation plan";
- "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";
- "Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment"; or
- "Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes."

CalFire publishes Fire Hazard Severity Zone Maps for all regions in California, which can be viewed [here](#). The fire hazard measurement used as the basis for these maps includes the speed at which a wildfire moves, the amount of heat the fire produces, and most importantly, the burning fire brands that the fire sends ahead of the flaming front. Lead agencies and project proponents can review the CalFire maps to determine whether a given project site will be subject to the new CEQA wildfire impacts analysis."

Thanks,
Kimberly Hiland Belding



MAR 29 4:38 PM

Del Mar Union School District
Catherine Birks, Assistant Superintendent
11232 El Camino Real
San Diego, CA 92130



DEPARTMENT OF PARKS AND RECREATION

San Diego Coast District
4477 Pacific Highway
San Diego, CA 92110

Armando Quintero, Director

March 30, 2021

Del Mar Union School District
Catherine Birks, Assistant Superintendent, Business Services
11232 El Camino Real
San Diego, CA 92130

Re: Comments on Notice of Preparation of a Draft Focused Environmental Impact Report for the Del Mar Heights Elementary School Rebuild Project

Thank you for the opportunity to comment on the Notice of Preparation of a Draft Focused Environmental Impact Report (Focused EIR) for the proposed Del Mar Heights Elementary School Rebuild Project. The Project site is on the Del Mar Heights School campus on Boquita Drive, directly adjacent to the Torrey Pines State Natural Reserve (TPSNR). The State of California, Department of Parks and Recreation (State Parks) is a public trust agency that owns and operates TPSNR. In addition to being protected as a State Natural Reserve, TPSNR is included within the City of San Diego's Multiple Habitat Preserve Area (MHPA) boundary and is subject to protections offered by the Multiple Species Conservation Plan (MSCP). Because this land is environmentally very sensitive and important regionally, we have concerns about the Project that need to be better addressed or redesigned in the Focused EIR.

We agree that further assessment is needed to evaluate the potential impact to Southern Maritime Chaparral habitat and any endangered plant species caused by the proposed modification to stormwater outfall pipes. The soils, rare plants, wildlife habitats, and trails at TPSNR are highly susceptible to damage from concentrated storm water runoff. The existing storm water outfalls at the southern and western portions of the property have contributed to significant soil erosion, damage to trails, and proliferation of invasive weeds within TPSNR.

A focused sensitive plant survey should be completed to better represent the native flora present at the project site, including Torrey pine (*Pinus torreyana*), wart-stemmed ceanothus (*Ceanothus verrucosus*), Nuttall's scrub oak (*Quercus dumosa*) and Del mar manzanita (*Arctostaphylos glandulosa* var. *crassifolia*). The Focused EIR should detail appropriate avoidance, minimization and mitigation measures associated with working in close proximity to Del mar manzanita, a federally-endangered plant species, as well as Southern Maritime Chaparral, a locally rare upland habitat type, classified as a Tier I habitat type by the City of San Diego. Potential impacts from storm water outfalls to sensitive habitats and species, including off-site in TPSNR, should be assessed in the Focused EIR.

Thank you for the opportunity to provide comments and recommendations. Should you have any questions or would like clarification on any of our comments, please contact me at Darren.smith@parks.ca.gov or (619) 952-3895.

Sincerely,

Darren Smith, Senior Environmental Scientist

Cc: Sean Homer, Lifeguard Supervisor I
Dylan Hardenbrook, Supervising Ranger
Cindy Krimmel, Park and Recreation Specialist
Cara Stafford, Environmental Scientist
Reading File



State of California • Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION

San Diego Coast District
4477 Pacific Highway
San Diego, CA 92110

Del Mar Union School District
Catherine Birks
11232 El Camino Real
San Diego, CA 92130



From: Kelley Huggett [REDACTED]
Sent: Tuesday, March 30, 2021 4:59 PM
To: Cathy Birks <cbirks@dmusd.org>
Subject: Focused EIR

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

Thank you for taking comments on the Focused EIR.

Since traffic has been a main theme for the overall rebuild discussions, we are assuming you will be doing a traffic study to evaluate and mitigate the overall traffic impact for the community and parents driving to and from school. In the fall of 2019, the architect said the increased parking and queue will not alleviate the traffic bottleneck. Therefore, we assume this is something you plan to resolve.

Also, under construction noise it says you will only be evaluating sensitive home receptors around the school. Please ensure you will also be evaluating the noise impact and mitigation for animals, such as nesting birds in the reserve.

In addition, CA is under a severe drought warning, therefore please ensure you study the fire impact of the sensitive species and Chaparral, a highly flammable plant.

Lastly, please ensure you study the impact of the increased roof area on run off into the reserve and areas down to the ocean.

Thank you,

Kelley Huggett

[Sent from Yahoo Mail for iPad](#)

March 30, 2021

Del Mar Union School District

Catherine Birks, Assistant Superintendent, Business Services

ATTN: Del Mar Heights School Rebuild Project; SCH # 2020029070

Dear Ms. Birks and Del Mar Union School District,

As a parent and a resident in the Del Mar Heights community, I write to you today in strong opposition to the current plan for the Del Mar Heights School rebuild. The project was rushed; many mistakes were made by the district and their consultants. The district has received clear community input to preserve “The Magic” of Del Mar Heights School. Please remodel or rebuild a safe and environmentally responsible school, for the community and future generations.

I am aware of a Notice of Preparation of a Draft Focused Environmental Impact Report for the proposed Del Mar Heights School Rebuild Project. I’m not sure how a Focused EIR can be done after an IS/MND. I am requesting a Full Environmental Impact Report for the Del Mar Heights School rebuild in order to comply with CEQA. The court has ordered the district to comply with CEQA.

I request a Full Environmental Impact Report due to numerous errors and omissions in the IS/MND. Here are a few examples:

1. The project doesn’t comply with the **Torrey Pines Community Plan**. The district failed to notify the Torrey Pines Community Planning Board about the rebuild during the planning process.
2. The rebuild project **is** located in the **Coastal Zone**. The district failed to acknowledge the Coastal Zone, the MND failed to analyze it.
3. **The Air Quality and Greenhouse Gas Emissions**-Appendix B, Sensitive Receptors states “The nearest sensitive receptors to the proposed project site are the residences along Whitmore Street, Prospect Avenue, Garvey Avenue, and New Avenue to the north, east, south, and west, respectively.” These streets are located in Rosemead, CA. This Copy and Paste error makes me question the validity of the entire document PlaceWorks assembled. The MND didn’t address the City of San Diego’s Climate Action Plan. More parking and idling cars are not in compliance with the CAP.
4. **Noise**-Construction Noise and Operational Noise are concerns for the community; however the limited analysis is flawed. A Baseline assessment wasn’t conducted. How valid is the analysis?
5. **Fire Protection Wild Fire Prevention**-The MND states “There are no fire hydrants currently on-site.”
Page 2-62

There is one fire hydrant on campus and two fire hydrants on Mira Montana Drive, above the campus.

6. The proposed rebuild plan lacks the 100’defensible space required for Wildfire Prevention in a **Very High Fire Hazard Severity Zone**. Members of the community expressed concerns about proposing buildings where the current field provides defensible space. In the district’s Response to Comments about Fire, the district states approximately 30 times, “the plan has been reviewed and pre-approved by the City of San Diego Fire Marshall.” **Douglas Perry, the San Diego City Fire Marshal, didn’t pre-approve the plans. San Diego City Fire Rescue doesn’t pre-approve plans. Plans are reviewed and approved or rejected.**

7. **Biological Resources**- the MND failed to address the Torrey Pines State Natural Reserve's many sensitive animal and plant species, some federally-endangered. The close proximity to the Reserve requires special care regarding Light, Noise and Storm water runoff, in order to prevent negative impacts. The construction and additional permanent impervious surfaces will negative impact the environment by causing heat islands and runoff problems for the sensitive reserve below.
8. **Lighting**-the MND doesn't adequately address the impact and significance of light pollution on the surrounding sensitive area.
9. **Transportation and Traffic**-the MND studied the impact of temporarily housing the Del Mar Heights' students at Del Mar Hills Academy and Ocean Air. It didn't study the traffic impact on the streets surrounding Del Mar Heights School. The superintendent acknowledged the Traffic Safety concerns surrounding Del Mar Heights to the City of San Diego. See attached memo.
10. The proposed rebuild plan lacks a timed **Evacuation Study**. This study is essential for the safety of the students, staff and community members. Fourteen percent of Del Mar Heights' students are disabled. Many residents living near the school are elderly. The district removed the ADA compliant ramp on Mira Montana to avoid studying the Traffic. That eliminates Mira Montana Drive as an Off Campus Evacuation/Assembly Location. See The Comprehensive School Safety Plan attached.
11. **Aesthetics**- Many community members enjoy the public views of the ocean and scenic vistas from Mira Montana Drive on their daily walks. For some, the ritual trek is multiple times per day to soak in the fresh air and beauty of the nature. The rebuild plans will obscure/block many of the views from the sidewalk on Mira Montana Drive.
12. **Recreation**-The district says the rebuild will have no negative impact to the community. If there was no negative impact, why did the district spend \$993,048 to replace the Del Mar Heights baseball field to accommodate Little League Junior/Senior Baseball at Torrey Hills School? Elementary school age children don't play Junior/Senior Baseball.

In summary, a Full Environmental Impact Report is required for Del Mar Union School District to comply with CEQA and uphold their commitment to build a safe and responsible school for the community.

Sincerely,

Rosanna Alvarado-Martin

11232 El Camino Real
San Diego, CA 92130-2657
(858) 755-9301
(858) 723-6114 Fax
www.dmusd.org



Superintendent
Holly McClurg, Ph.D.

Board of Trustees
Erica Halpern, President
Scott Wooden, Ph.D., Clerk
Stephen Cochrane, Ph.D., Member
Katherine Fitzpatrick, Member
Doug Rafner, Esq., Member

January 25, 2019

Barbara Bry
Council President Pro Tem
District 1
City Administration Building
202 C Street, MS #10A
San Diego, California 92101

Re: *Improvements Requested for Schools in the Del Mar Union School District*

Dear Council President Bry,

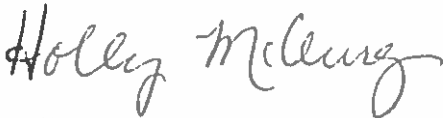
This letter follows our previous conversation regarding important improvements needed that affect the parents and their children attending schools in the Del Mar Union School District located within the City of San Diego. The following items 1-5 will correspond to the attached photos.

1. Del Mar Hills Academy –As depicted by the attached photograph we recommend the crosswalk at the intersection of Mango Drive and Lozana Road be improved with new paving, paint and the potential addition of crosswalk blinking lights. The house located on the west corner adjacent to the crosswalk has plants encroaching onto the sidewalk reducing the area for pedestrians. Additionally, we recommend the city perform a traffic study to determine if other improvements are appropriate based on the volume of student and adult pedestrian traffic.
2. Del Mar Heights Road and Mango Drive – Analysis and implementation of traffic calming measures at this intersection for pedestrians traveling from the north side of Del Mar Heights Road crossing over to the south side of Del Mar Heights Road.
3. Del Mar Heights Road – Many parents and students cross Del Mar Heights Road at the Mango Drive intersection on their way to Del Mar Heights School. After rain there is significant runoff of water and dirt from the hillside erosion located along Del Mar Heights Road, at the southern/west sidewalk at the Mango Drive intersection forcing pedestrians to walk closer to the street or on the street. As you are well aware, Del Mar Heights Road is a busy roadway. Having pedestrians walking on the street creates a dangerous condition that may necessitate the installation of guardrails to protect pedestrians. Furthermore, individuals are crossing Del Mar Heights Road at the end of the Boquita Drive cul-de-sac. We are unaware of the owner of the Boquita Drive easement that is currently being used by pedestrians.
4. Del Mar Heights School – Please be aware that parents are directing traffic between Cordera Road and Boquita Drive in an effort to assist pedestrians. The parents are volunteering without authorization from the school district.

5. Del Mar Heights School Campus Surrounding Area- Parents and students are walking onto the campus from Boquita Drive, which has a very narrow and uneven sidewalk. The overflow of pedestrians onto Boquita Drive creates a dangerous condition. We recommend a study be performed of the traffic crossing east to west on Boquita Drive. Please note, the District would like the results of the traffic study to be utilized in the upcoming reconstruction of the Del Mar Heights School.

I would appreciate your office contacting me in the very near future to follow up with our request so we may respond to any questions you may have. Thank you for your service to our community.

Sincerely,



Holly McClurg, Ph.D.
Superintendent
Del Mar Union School District

Cc City of San Diego
Transportation & Storm Water Department
9370 Chesapeake Drive, Suite 100
San Diego, CA 92123

1. Del Mar Hills Academy



2. Del Mar Heights Road and Mango Drive



3. Del Mar Heights Road



4. Del Mar Heights School



5. Del Mar Heights Campus



Del Mar Union School District

SB 187

**Comprehensive
School Safety Plan
2020-2021**

School: Del Mar Heights

Address: 13555 Boquita Drive, Del Mar, CA 92014

Phone: 858-755-9367

SB 187: Comprehensive School Safety Plan

Individual schools in districts over 2,500 students must adopt a comprehensive school safety plan by March 1, 2000, and must review and update the plan by March 1 of every year thereafter. (Amended Ed. Codes 35294.1 & 35294.6)

Beginning July 1, 2000, each individual school must report on the status of its school safety plan, including a description of its key elements in the school accountability report card, and must continue to do so every July thereafter. (Amended Ed. Code 35294.6)


The annual review and evaluation of the School Comprehensive Safety Plan is certified by the members of the School Safety Planning Committee, the School Site Council President, and the School Principal. It will then be presented to the Board of Trustees for final review and adoption. This review includes the following mandated components of Senate Bill 187:

- Child Abuse Procedures
- Disaster Procedures
- Policies for Suspension and Expulsion
- Procedures to Notify Teachers of Dangerous Students
- Discrimination and Harassment Policy
- Provisions of a School-Wide Dress Code
- Procedures for Safe Ingress and Egress
- Safe and Orderly Environment Conducive to Learning
- Rules and Procedures for School Discipline
- Hate Crime Reporting Procedures


Del Mar Heights School
Comprehensive School Safety
Plan
Signature Page
2020-2021

The undersigned members of the Del Mar Heights
School Safety Planning Committee certify that the
requirements for the SB 187 Comprehensive School
Safety Plan have been met.

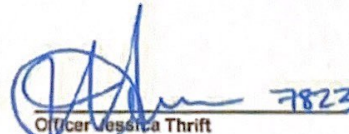
Principal:


Jason Saffeau, Principal

School Site Council:


Christine Rinaldi Williams, Teacher

Law Enforcement Representative:


Officer Jessica Thrift 7823

Classified Representative:


Karrie Beach, Administrative Assistant

B. Emergency Response Procedures

District and Parent Responsibilities for Students

District Responsibility

If the superintendent declares a District emergency during the school day, the following procedures will be followed:

IN CASE OF A DECLARED EMERGENCY BY THE SUPERINTENDENT DURING SCHOOL HOURS, ALL STUDENTS WILL BE REQUIRED TO REMAIN AT SCHOOL OR AT AN ALTERNATE SAFE SITE UNDER THE SUPERVISION OF THE SCHOOL PRINCIPAL OR OTHER PERSONNEL ASSIGNED BY THE PRINCIPAL.

1. Until regular dismissal time and released only then if it is considered safe, OR
2. until released to an adult authorized by the parent or legal guardian whose name appears on district records.
3. If students are on the way to school, they should proceed to school if walking.
4. If students are on the way home from school, they are to continue home.

During a Declared Emergency, those students who have not been picked up by their parents or other authorized person may be taken by District personnel to another site where consolidated care facilities can be provided. This information will be given to the media stations and posted at the site to keep parents informed.

Parent Responsibility

Parents and legal guardians of students will be provided with a Student Health/Emergency Form each year. In case of a Declared Emergency, students will be released ONLY to persons designated on this form. Parents are responsible for ensuring that information on the Student Health/Enrollment Form is current at all times.

Parents are asked to share with the schools the responsibility for informing students what they should do in case of a severe earthquake or other major emergency. Parents need to give specific directions to each student to follow the policy outlined above and to follow the directions of school personnel.

School authorities will do everything possible to care for each student while he/she is under District supervision.

It is critical that students do not have directions from parents that are contrary to the district's stated policy on retention at school and authorized release in case of a severe emergency.

G. Procedures for Safe Ingress and Egress

School Daily Ingress and Egress Plan

Safety while entering, leaving, and on campus at Del Mar Heights School is high priority. The following precautions have been taken:

1. Students are not allowed in the parking lot areas without an adult escort
2. Drivers are reminded about laws regulating cell phone use
3. Parent volunteers are available in the morning to assist with arriving students
4. Staff supervises the students at dismissal
5. The need for drivers to slow down, pay attention, and use safe driving practices while entering and leaving our campus is communicated with parents
6. All visitors and volunteers coming on the campus are required to sign in at the office each and every time they are on campus
7. All visitors and volunteers are required to wear identification badges while on campus

Considerations for Individuals with Disabilities

Schools must plan for assisting students, staff, and visitors with disabilities. Under the Americans with Disabilities Act of 1990, individuals who are deaf/hard of hearing, blind/partially sighted, mobility impaired and/or cognitively/emotional impaired, must be assisted.

In an emergency, the responsibility for assisting the disabled student should be assigned to the teacher or person in charge of the student at that time. As the student changes locations throughout the school day, responsibility will shift to the next person in charge of the student.

Responsibility for providing evacuation assistance for a disabled employee should be assigned to the staff member who works closest to the employee.

Responsibility for providing evacuation assistance to visitors should be assigned to staff members already assigned the duty of checking areas of the building (such as lavatories) to make sure all areas are clear

A list of special medical needs of students, employees, and visitors and any special equipment or apparatus that must accompany the students, employees, or visitors when evacuate from the building will be compiled annually and updated as needed.

Guidelines for Assisting the Disabled

Always ask someone with a disability how you can help before attempting giving assistance. Listed below are some general examples of ways to assist the disabled.

Assisting the visually impaired

1. Offer to assist the visually impaired person to a safe location
2. Never grab a visually impaired person's arm. Ask him or her to hold your arm or elbow as you make your way to the nearest exit
3. Give verbal instruction or information as you travel

Assisting the hearing impaired

Get the attention of the person with a hearing impairment by touch and eye contact and alert them that an emergency exists

1. Use written notes if needed which explain the existence and nature of the emergency
2. Use gestures to provide information and instruction

Assisting the mobility impaired

Most mobility-impaired persons, in a one-story building, will be able to exit safely without assistance.

Evacuation Locations

In the event of an emergency, either on-campus or off-campus evacuation may be necessary. In order to be prepared, Del Mar Heights has identified safe evacuation locations.

On-Campus Evacuation/Assembly Location

In the event of an emergency and the school must be evacuated, all students, staff and visitors should proceed using the pre-designated evacuation routes to the field on the south side of the campus.

- School staff must take roll at the evacuation site to ensure all students are accounted for.
- Students who are missing or left behind due to serious injury should be immediately reported to school officials.
- School staff should identify any students who need medical attention and provide appropriate care
- If it is determined school buildings are safe to re-enter, school staff will lead student back to their classrooms quickly and calmly
- Roll should be taken once all students are back in the room

Off-Campus Evacuation/Assembly Location

In some emergency situations, the students, staff, and visitors may need to assemble at an alternate site. For these emergency situations (when remaining at the school location is not longer viable) two sites have been designated as the off- campus Assembly Locations. If evacuating to the north, students, staff, and visitors should proceed to the north end of Boquita Drive. If evacuation is to the south, students, staff, and visitors should proceed to Mira Montana Drive. Once it is determined an evacuation is needed:

- School staff should assemble students and use the pre-designated evacuation routes to report to the assigned off-campus location
- School staff must take roll at the evacuation location to ensure that account is made for all students
- Students who are missing or left behind due to serious injury should be immediately reported to school officials.
- The Superintendent should be immediately notified of the evacuation

H. Safe and Orderly Environment Conducive to Learning

Del Mar Heights School Safety Planning Committee

The School Site Council is responsible for developing the School Site Safety Plan or for delegating the responsibility to a School Safety Planning Committee. Ed. Code 35294.1

The School Site Safety Committee is composed of the following members:

Jason Soileau, Principal

Karly Pecorella, Assistant Principal

Christine Rinaldi-Williams, Certificated School Site Council

Paige Rollins, Certificated School Site Council

Karrie Beach, Classified Staff Representative

Tricia Dixon, Parent Representative

Jonathon Soper, Parent Representative

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Superintendent
Holly McClurg, Ph.D.

Board of Trustees
Erica Halpern, President
Scott Wooden, Ph.D., Clerk
Stephen Cochrane, Ph.D., Member
Katherine Fitzpatrick, Member
Doug Rafner, Esq., Member

March 14, 2019

Barbara Bry
Council President Pro Tem, District 1
City Administration Building
202 C Street, MS #10A
San Diego, California 92101

Re: *Traffic Study and Analysis for Del Mar Heights Road*

Dear Ms. Bry:

The Del Mar Union School District (DMUSD) has received substantial public input from the local community regarding vehicular traffic on Del Mar Heights Road west of Interstate 5 and its negative effect on the safety of drivers, pedestrians and bicyclists including DMUSD students, parents and employees. In response to these strong public safety concerns, DMUSD requests that the City of San Diego place a very high priority on conducting the necessary studies and analysis and implementing traffic calming measures which will improve safety of the drivers, pedestrians and bicyclists on or near Del Mar Heights Road west of Interstate 5.

DMUSD serves nearly 4500 K-6 students in the City of San Diego Communities of Torrey Pines, Torrey Highlands, Carmel Valley, Pacific Highlands Ranch and the City of Del Mar. We anticipate that the results of a traffic study and related traffic calming will materially improve safety for driving, walking and biking at the Districts' two schools with access off Del Mar Heights Road west of Interstate 5: Del Mar Heights School located at 13555 Boquita Drive; and Del Mar Hills Academy located at 14085 Mango Drive. Both schools serve students from the City of Del Mar and the City of San Diego.

Del Mar Heights Road is the major route through the community leading to many of our eight schools. Also, other community resources such as recreation centers and libraries need safe connectivity to Del Mar Heights Road on both sides of Interstate 5. We support a project that encourages active transportation, safe routes to schools, traffic calming, bicycle safety, future transit and streets that are safe for all, including students and seniors.

DMUSD strongly supports immediate action by the City of San Diego to address the concerns of our local community regarding traffic safety on Del Mar Heights Road west of Interstate 5.

If you have any questions, please contact me at 858-755-9301 ext. 3699 or by email at hmcclurg@dmusd.org.

Sincerely,

A handwritten signature in blue ink that reads "Holly McClurg". The signature is written in a cursive style.

Holly McClurg, Ph.D.
Superintendent