

Mr. Bob Shopes, Chairman
7/11 Committee
C/O Del Mar Union School District
225 Ninth Street
Del Mar, CA 92014

December 14, 2009

Sent via email to Shirley Bales, Sbales@dmusd.org

7-11 DISTRICT ADVISORY COMMITTEE PUBLIC HEARINGS

Dear 7/11 Committee:

As you know, I have been monitoring and actively participating in the 7/11 committee meetings since the beginning. Like many others, I began this process with an open mind. As the parent of an 18-month-old, a 4-year-old and a 6-year-old, I plan to be in the Del Mar Union School District for many years to come. I want what's best for the District, because it is what is best for my children and my community.

In my testimony over the last several months, I have encouraged your committee to develop sound data, to fulfill your responsibilities under the Education Code, to draw upon your expertise, to analyze the planning and zoning implications of your proposals, and to report to the Board what is "acceptable to the community." Unfortunately, it is clear to me that you have not been provided with the data you need to make sound proposals. And so I decided to research the land use and environmental constraints associated with proposals that include closing Del Mar Hills, locating administrative office uses and/or maintenance and operations facilities at Del Mar Hills and transferring Del Mar Hills students to Del Mar Heights. I compiled just some of this information into a packet that I submitted to the record on December 10.

The information contained in that packet demonstrates the following points, which must be disclosed to the Board in your report to them:

- In 1995, the City of San Diego adopted the Torrey Hills Community Plan. The proposals to introduce administrative and operations and maintenance uses at Del Mar Hills directly conflict with the Community Plan, including the following goals and policies set forth in the Community Facilities Element of the Community Plan:
 - **Goal 2**: “Maximize accessibility to community facilities for all members of the community”.
 - **Goal 3**: “Ensure that students have safe, direct access to their schools”.
 - **Policy 6.d**: “Joint use agreements with the elementary schools should be secured. If these schools should ever be declared surplus by the school district, they should be purchased by the City and developed as neighborhood or community parks.”
 - **Policy 7**: “Both the Del Mar Union and San Dieguito High School Districts should utilize every mechanism available to ensure that adequate school facilities are maintained. Future residential development east of I-5 should not negatively impact schools within the Torrey Pines planning area.”

- Legal Counsel for the District advised you on July 2, 2009 that the administrative and operations and maintenance uses proposed at the Hills are subject to local zoning requirements. Thus, the Community Plan policies quoted above limit what the District can do at the Hills and Heights properties. So does the zoning.
- A quick look at the City's Zoning Code confirms that the proposed administrative and operations and maintenance uses are not permitted in the Residential Zone.
- Introduction of administrative and maintenance yard uses at this site would require the District to first obtain Planning Commission and City Council approval. Such approval triggers environmental review under the California Environmental Quality Act (CEQA). Any attempt by the District to rely on a categorical exemption from CEQA (on the theory that enrollment is not being expanded by more than 25%) is vulnerable to a "fair argument" that environmental impacts will result from the proposal. And a review of the City's CEQA significance thresholds demonstrate that a fair argument can readily be made.
- Because the site is located in the Coastal Zone in an approved Local Coastal Program area, the state Coastal Commission would have to amend the Local Coastal Program to reflect the revised zoning. The District can expect a long and expensive approval process with a lot of community input and controversy.
- The proposal to close the Hills would significantly expand the student population at the Heights – by about 30%. The Heights is a great place to go to school, but it was not built to accommodate all of the student needs west of the 5 and it

would never be built in that location today. A review of the state school facilities construction regulations confirms that.

- Much has been said about the traffic and emergency access concerns. But a review of the City's land use designations and technical reports shows that this is not just fear-mongering or nimbyism. The Heights is located in a designated "very high fire hazard severity zone". It is located in a designated "unfavorable geologic structure" with up to "moderate" seismic risk. It has limited access and circulation to and from Del Mar Heights Road. The residential neighborhood surrounding the Heights also relies on that same limited access. By contrast, the Hills is at least partially outside of the very high fire hazard severity zone and is located in a "favorable geologic structure" with "low" seismic risk. The Heights is a great school, but it has land use constraints. This is not a school to expand, much less overcrowd.
- Any proposal to close the Hills moves children out of one of the District's safest school sites from a fire and seismic perspective and creates new risks for our children, our community and the District. It creates substantial new costs, risks and liabilities at an already access-constrained site. Because of the existing zoning limitations, the District will incur substantial costs and many months, if not years, just trying to secure the necessary state and local approvals to put offices and a maintenance yard in a residential zone.
- If you recommend any proposal to close the Hills and expand enrollment at the Heights, you do so knowing that it will take years to secure the approvals. You do so knowing that putting our children in trailers demonstrates that the capacity

of the school has already been exceeded. You do so knowing that you place additional burdens on the community on emergency personnel. You do so knowing that you are putting our children and residents in harm's way.

As it turns out, all of the arguments that have been made against school closure – and against closing the Hills specifically – are rooted in the law. These planning and zoning designations are not just an expression of what is acceptable to the community; they also confirm the infeasibility of closing the Hills and/or using that site for administrative or operations and maintenance uses. To ignore these applicable regulations laws and policies would be irresponsible.

In light of these constraints, I urge you to eliminate any proposals to close Del Mar Hills Academy and/or locate administrative and operations and maintenance uses at the Hills.

Sincerely,

Estela de Llanos