



# School Siting In California

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## California Department of Education

### School Facilities & Transportation Services Division

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**CALIFORNIA DEPARTMENT OF EDUCATION**  
Tom Torlakson, State Superintendent of Public Instruction



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# CDE Roles

## Regulatory

- CDE develops standards for school sites and plans and investigates complaints of non-compliance with standards
- CDE school site and plan approvals are required for state facilities funding
- CDE investigates urgent facility condition complaint appeals under “Williams”

## Advisory

- Provide assistance and recommendations
- Publishes Guidance, Best Practices



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# CDE School Siting Resources

- School Site Selection and Approval Guide, 2000

Includes description of CDE approval requirements, appendices for weighted site evaluations, walkability checklist

- Guide to School Site Analysis and Development, 2000

Includes tables to determine acreage requirements based on enrollment ranges by grade level, PE facilities



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# What CDE Does Not Do

- Does not select sites, or act as Lead Agency for CEQA, or provide funding for school sites or construction
- Does not enforce standards for:
  - Title 24 - Calif. Building Code/Field Act
  - Title 8 – CalOSHA for employees
  - Health & Safety Code provisions
  - Illegal Pesticide / chemical use
  - Indoor Air Quality or Water Quality



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# CA Frame of Reference

- ~ 1,000 K-12 school districts and county offices of education
- ~ 10,100 existing K-12 public schools (includes ~1,100 charter schools)
- Prior to most recent recession - CDE approved ~ 100-120 new schools/year
- Approvals declined in recent years to ~15-20 new schools/year



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# Who is Responsible for School Site Selection?

- The Local Educational Agency (LEA) (school districts, county offices of education and charter schools) governing board. May use an advisory committee, develop local criteria, negotiate with land owners/developers, use eminent domain
- Only Upon LEA request will CDE will evaluate and approve sites that meet State adopted standards
- LEAs not seeking State Allocation Board funding do not require CDE approval



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# What Standards / Codes Apply?

All LEA new sites (except Charters not seeking State funding) shall meet:

- Title 5 of Calif. Code of Regulations section 14010 Site Standards, and
- Ed. Code requirements prior to LEA acquisition, including:
  - Evaluate site at board public hearing using Title 5 standards (EC 17211)
  - Geological/soil studies. Investigate all factors affecting public interest, not just raw land costs (EC 17212)



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# Standards/Codes (Cont.)

- Required LEA Board determinations / findings (EC 17213) :
  - Not a waste disposal site, unless removed
  - No hazardous substance pipelines on-site
  - Not a hazardous substance release site on a DTSC list for removal / remediation
  - Hazardous air emitters / material handlers within 1/4 mile are not a public endangerment
  - If within 500 feet of busy traffic corridor, a specified analysis considering mitigations must find exposure does not pose significant air quality health risk to pupils



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# Standards/Codes (Cont.)

- Airport Runways (EC 17215)

If site is within 2 nautical miles of an existing / planned airport runway, LEA must receive CalTrans Division of Aeronautics approval based on aircraft safety and noise regulations (includes purchased/leased sites and charter schools, regardless of funding source)

- Agricultural Land (EC 17215.5)

If site is in area designated for agriculture, LEA must consult with city/co., board must find all public factors evaluated - not just land cost, and attempt to minimize health/safety issues from neighboring agricultural uses



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# Title 5 Background

- Authority to establish standards is granted to CDE, and shall investigate complaints of noncompliance and notify LEA gov. board (EC 17251)
- Adopted by State Board of Education as regulations (*site standards and LEA procedures for state / locally funded*)
- Primary standards established in 1993, last amended in 2000. Proposed updates to be considered by SBE starting in Sept. 2014



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# Title 5 Site Standards

- Minimum Useable Acres (w/ exceptions)
- Power line setbacks based on Kv
- Railroad safety study if w/in 1,500ft
- Not near roads with sound study levels adversely affecting ed. program
- No active earthquake faults on-site
- Not within flood/dam inundation area (*unless mitigation is reasonable*)
- Not near above ground fuel/water storage tank that poses safety hazard<sub>1</sub>



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# Title 5 Standards (Cont.)

- Not within 1,500 feet of pipeline that poses safety hazard per risk analysis
- Not subject to high liquefaction or landslides
- Shape accommodates layout that can be safely supervised
- Accessible from arterial roads / meets Caltrans driveway visibility standards
- Not on major arterial unless traffic hazards mitigated, ped. safety plan



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# Title 5 Standards (Cont.)

- Compatible surrounding zoning (*not posing health / safety risk*)
- Located within attendance area to encourage walking
- Promotes joint use of parks, etc.
- Conveniently located for public services
- Easements on or adjacent shall not restrict access / building placement
- Other development costs/complications, environmental factors considered



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# Title 5 Exemptions?

- If LEA can demonstrate mitigation without compromising a safe and supportive school environment, Title 5 gives CDE the authority to grant exemptions to standards
- LEAs (except charters) not seeking CDE site approval shall retain exemption documentation for purposes of CDE investigation of non-compliance complaints



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# Other Code Procedures Prior to Site Acquisition

- LEA shall notify city/co. planning commission which shall investigate and report its recommendations within 30 days, LEA shall wait 30 days to acquire if report is unfavorable (Pub. Res. Code 21151.2)
- LEA shall not acquire / construct until reported upon by planning agency as to conformity with general plan within 40 days (Gov. Code 65402)
- Consult w/ air quality dist. & admin. agency for hazardous material handlers to identify facilities w/in ¼ mile (EC 17213 & PRC 21151.8)
- LEA shall meet with local authorities to consider joint use (Ed. Code 35275)



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# School Site Zoning Consistency?

- City/co. General Plan Land Use Element shall designate general location of schools and if city/co. zoning ordinance makes provision for location of schools, then school district must comply
- School district governing board may render zoning inapplicable with 2/3<sup>rd</sup> vote, but only for classroom facilities (Gov. Code 53094)
- Districts shall comply with drainage and road improvement ordinances



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# Calif. Env. Quality Act?

- Applies to all LEAs, including Charters
- LEAs are Lead Agencies, or may use city/co. EIRs /Neg.Decs. with LEA appropriate findings for school project
- No CEQA police, DTSC does commented on draft EIRs/Neg.Decs.
- CDE approval requires prior completion of CEQA, (*including findings per EC 17213 & Pub. Res. Code 21151.8*)
- CEQA Streamlining possible for school projects under SB226



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# Some Other Agencies Potentially Involved?

- Department of Conservation
- Division of Mines and Geology
- Department of Water Resources
- Division of Safety of Dams
- Calif. Coastal Commission
- US Corp. of Engineers
- Air Quality Management District



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# Department of Toxic Substances Control

- Since 2000, DTSC approval for new sites / construction is required by Ed. Code & SAB regs. prior to receiving State facilities funding (EC 17213.1)
- If an LEA seeks CDE Site approval, or New Construction Plan approval on existing sites, CDE ensures prior DTSC approval (Title 5 14011)
- Projects not seeking state funding do not require DTSC approval



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# CDE Initial Site Evaluation

- Upon LEA request, CDE field rep. will visit each LEA selected site alternative, provide an Initial Site Evaluation with order of merit ranking of potential sites using Title 5 standards
- CDE identifies required studies and concerns to be addressed. May recommend site not be pursued as unsuitable, LEA may acquire anyway after reviewing CDE report at a board hearing



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# CDE Final Site Approval

- LEA submits and CDE verifies documentation on LEA selected site for:
  - Compliance with Title 5 (and exemptions) and Code requirements and procedures
  - Completion of CEQA (with EIR/Neg.Dec. EC/PRC safety findings for new schools)
  - Completion of DTSC (may include commitment to complete response action)



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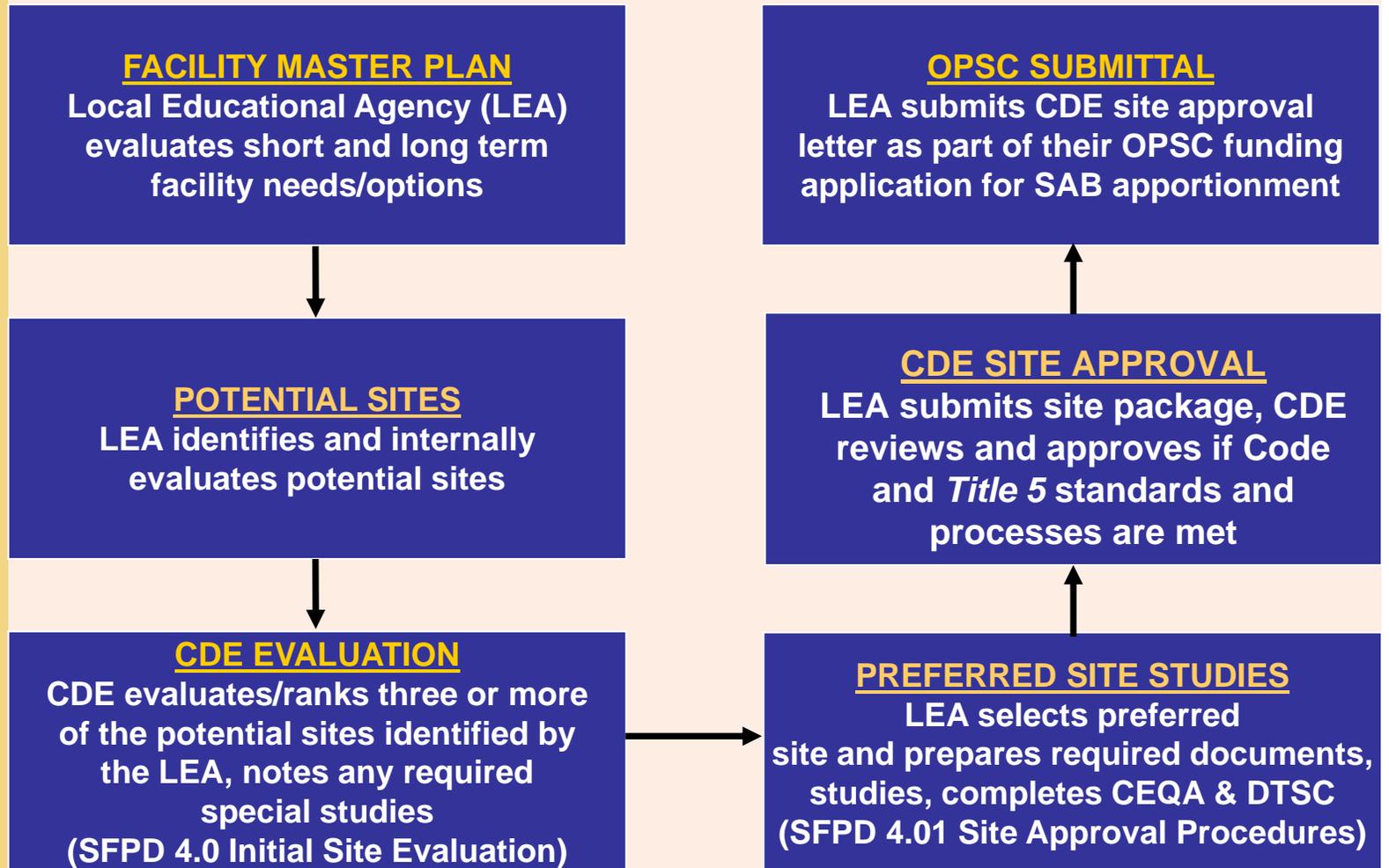
# Final Site Approval (Cont.)

- LEA also submits for CDE review:
  - legal description, other maps
  - site utilization diagram
  - planning commission notice / report
  - geohazards / soils studies
  - any joint use agreement
  - special studies (RxR, pipelines, etc)
  - statement showing how size is appropriate as justified by adopted LEA Facilities Master Plan
  - Certif. of no LEA owned usable sites <sup>22</sup>



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# CDE Site Approval Process Overview





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