

SUBJECT: SITE SELECTION AND DEVELOPMENT

ORIGINATING OFFICE: ASSISTANT SUPERINTENDENT, BUSINESS SERVICES

EFFECTIVE: OCTOBER 13, 2015

REVISED:

The Board of Trustees will complete the site selection and development process in accordance with the provisions of the Public Resources Code, Health and Safety Code and the Education Code, and future amendments and revision to those codes and other applicable regulations chaptered into law.

General Investigations

As part of the district's site selection process, the Superintendent or designee shall:

1. Meet with appropriate local government recreation and park authorities to review all possible methods of coordinating the planning, design, and construction of new school facilities and school sites or major additions to existing school facilities and recreation and park facilities in the community. (Education Code 35275)
2. Notify the appropriate local planning agency in writing and request its report and recommendations regarding the proposed site's conformity with the adopted general plan. (Government Code 65402; Public Resources Code 21151.2)
3. Have the site investigated by competent personnel with regard to population trends, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions and other factors affecting initial and operating costs. This investigation shall include geological and soil engineering studies to preclude locating the school on terrain that has the potential for earthquake or other geologic hazard damage. (Education Code 17212-17212.5)
4. Ensure that the site meets state standards for school site selection as specified in 5 CCR 14010-14013.

If the proposed site is in an area designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production, the Governing Board shall determine all of the following: (Education Code 17215.5)

1. That the district has notified and consulted with the city, county, or city and county within which the prospective site is to be located
2. That the Board has evaluated the final site selection based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land

3. That the district shall attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect students and employees at the site

If the proposed site is within two miles of the air line of an airport runway or proposed runway, before acquiring title to the site, the Superintendent or designee shall notify the California Department of Education (CDE) in writing. (Education Code 17215)

Environmental Impact Investigation for the Site Selection Process

The following actions shall be taken to ensure compliance with the California Environmental Quality Act.

1. Each proposed project shall be evaluated to determine whether it: (Public Resources Code 21080)
 - a. Is exempt from the California Environmental Quality Act
 - b. Will not have a significant effect on the environment and does not require the preparation of an environmental impact report (EIR)
 - c. May have a significant effect on the environment that makes an EIR necessary
2. If the project is categorically exempt from the California Environmental Quality Act, a notice of exemption may be filed pursuant to Public Resources Code 21152.
3. If there is no significant evidence, in light of the whole record, that a proposed project may have a significant effect on the environment, a negative declaration shall be adopted. (Public Resources Code 21080)
 - a. The negative declaration shall include all findings specified in Public Resources Code 21151.8 and, with respect to hazardous substances assessment, findings pursuant to Education Code 17213, as appropriate.
 - b. The Board shall not approve a project until (1) at least 30 days have passed for review of and comment on the proposed negative declaration and (2) the completion of the review process and public hearing for the preliminary endangerment assessment (PEA), as applicable. This review period shall be extended as necessary for review by the state clearinghouse. (Education Code 17213.1; Public Resources Code 21091)
 - c. When the district is preparing a negative declaration, public notice of that fact shall be provided pursuant to Public Resources Code 21092. The notice shall briefly describe the proposed project and its location, the address where copies of the negative declaration and all documents referenced therein are available for review, the time period when comments will be received, and the date, time and place of any related public meetings or hearings. (Public Resources Code 21092)

The above notice shall be either published in a newspaper of general circulation in the area(s) affected by the notice, posted on or off site in the area where the project is to be located, or mailed directly to the owners and occupants of contiguous property shown on the latest equalized assessment roll. (Public Resources Code 21092)

The notice shall also be posted in the office of the county clerk for 20 days, unless otherwise required by law to be posted for 30 days, and shall be mailed to all persons who have requested it. (Public Resources Code 21092.3)

The request for a mailed notice shall be renewed annually. Except for notices sent to public agencies, the district shall charge a fee that is reasonably related to the cost of providing the notice.

- d. Upon the close of the review period, the Board shall determine whether the project is the appropriate subject of a negative declaration at a special or regularly scheduled meeting.
 - (1) The Board may affirm the decision that the project is the appropriate subject of a negative declaration and subsequently proceed according to #3(e)
 - (2) If the Board determines that the project is not the appropriate subject of a negative declaration, it shall proceed in accordance with #5
- e. The negative declaration and the initial study shall be filed with the Office of Planning and Research (state clearinghouse) and with the county clerk. (Public Resources Code 21152; 14 CCR 15205-15206)

Copies of the negative declaration and the initial study shall also be made available to local planning agencies, other interested persons, and the general public.

- 4. A mitigated negative declaration shall be adopted if an initial study has identified potentially significant effects on the environment but the district finds that both: (Public Resources Code 21064.5, 21080)
 - a. Revisions in the proposal made by or agreed to by the district before the negative declaration and initial study are released would avoid or mitigate the effects so that no significant effects on the environment would occur
 - b. There is no substantial evidence that the project, as revised, would have a significant effect on the environment
- 5. If the project may have a significant effect on the environment, an EIR shall be prepared. (Public Resources Code 21080, 21153)
 - a. The EIR shall include all findings as specified in Public Resources Code 21151.8 and, with respect to hazardous substances assessment, findings pursuant to Education Code 17213 and 17213.1, as appropriate.

- b. The draft EIR shall be filed in accordance with 14 CCR 15206. The notice of completion and draft EIR shall also be made available to local planning agencies, appropriate state agencies, other interested parties, and the general public.
- c. The Board shall not approve a project until at least 45 days have passed for review of and comment on the draft EIR. This review period shall be extended as necessary for review by the state clearinghouse. (Public Resources Code 21091)
- d. Public notice shall be provided pursuant to Public Resources Code 21092. The notice shall briefly describe the proposed project and its location, any significant effects on the environment anticipated as a result of the project, the address where copies of the draft EIR and all documents referenced therein are available for review, the time period when comments will be received, and the date, time and place of any related public meetings or hearings. (Public Resources Code 21092)

The above notice shall be either published in a newspaper of general circulation in the area(s) affected by the notice, posted on or off site in the area where the project is to be located, or mailed directly to the owners and occupants of contiguous property shown on the latest equalized assessment roll. (Public Resources Code 21092)

The notice also shall be posted in the office of the county clerk for 30 days and mailed to all persons who have requested it. (Public Resources Code 21092.3)

The request for a mailed notice shall be renewed annually, and a fee may be charged as described in item #3(c) above.

- e. The Superintendent or designee shall respond in writing to comments received on the draft EIR and shall describe the disposition of any significant environmental issue that is raised by commenters. (Public Resources Code 21091)
- f. Prior to completing the EIR, the Superintendent or designee shall consult with, and obtain comments from, any bordering cities or counties and any public agency which has jurisdiction over the project. The Superintendent or designee also may consult with any other person who has special expertise with respect to any environmental impact involved. The EIR shall be circulated for public review with the PEA, when applicable. (Education Code 17213.1; Public Resources Code 21153)
- g. The final EIR shall be adopted by the Board prior to the Board's decision to proceed with the project.
- h. The Superintendent or designee shall file with the county clerk and the Office of Planning and Research a notice indicating the district's determination as to

whether or not the project will have a significant effect on the environment, stating that an EIR has been prepared, and certifying that the final EIR and any comments and responses are available to the general public. (Public Resources Code 21152; 14 CCR 15205-15206)

6. If mitigation measures are required as part of either making a negative declaration or completing an EIR, the Board shall adopt a reporting and monitoring program. The reporting or monitoring program shall be designed to ensure compliance with the mitigation measures during project implementation. (Public Resources Code 21081.6)

Projects Funded Under the School Facilities Program of 1998

As a condition to receiving state funding pursuant to Education Code 17070.10- 17077.10 and prior to acquiring a school site or, if the district owns or leases a school site, prior to the construction of a project, the Board shall contract with an environmental assessor, approved by the California Department of Education (CDE), to conduct a Phase I environmental assessment of the proposed site. (Education Code 17213.1)

If the Phase I environmental assessment concludes that further investigation of the site is not required, the Superintendent or designee shall submit the assessment and all documentation related to the proposed acquisition or use of the site to the CDE for forwarding to the Department of Toxic Substances Control (DTSC). (Education Code 17213.1)

If the district is notified by the DTSC that the Phase I environmental assessment is not complete or has been disapproved, the Superintendent or designee shall do one of the following: (Education Code 17213.1)

1. Take actions necessary to secure the approval of the Phase I environmental assessment
2. Elect to conduct a preliminary endangerment assessment (PEA), including sampling or testing, to determine if a release of hazardous materials has occurred and, if so, the extent of the release; if there is a threat of release of hazardous materials; and/or if a naturally occurring hazardous material is present
3. Elect not to pursue the acquisition or the construction project

If the Phase I environmental assessment concludes that a PEA is needed or the DTSC determines, upon a review of the Phase I assessment, that a PEA is needed, the Board shall either: (Education Code 17213.1)

1. Elect not to pursue the acquisition or construction project
2. Contract with an environmental assessor to supervise the preparation of and sign a PEA of the proposed site and enter into an agreement with the DTSC to oversee the preparation of the PEA

Prior to commencing work on a PEA, the Superintendent or designee shall provide notice to residents in the immediate area, approved in form by the DTSC. (Education Code 17210.1)

The Superintendent or designee shall submit a preliminary draft of the PEA to the DTSC for its review and approval and to the CDE for its files. (Education Code 17213.1)

If the PEA determines that no further investigation of the site is required and the DTSC approves the PEA, the district may proceed with the acquisition or construction project. (Education Code 17213.1)

The Superintendent or designee shall make the final draft PEA available on the same basis and at the same time he/she makes available the draft environmental impact report (EIR) or negative declaration pursuant to Public Resources Code 21000-21178. (Education Code 17213.1)

If the draft EIR or negative declaration will not be made available until more than 90 days after the final draft PEA is approved, the Superintendent or designee shall, within 60 days of the PEA's approval, separately publish a notice of the availability of the PEA for public review in a local newspaper of general circulation. (Education Code 17213.1)

The Board shall hold a public hearing on the final draft PEA and the draft EIR or negative declaration at the same time and in the same manner pursuant to Public Resources Code 21000-21178. At the conclusion of the public hearing, the Superintendent or designee shall immediately forward all comments on the documents to DTSC. (Education Code 17213.1)

If an EIR or negative declaration was prepared by the district prior to the initiation of the PEA, the Board shall reconsider the EIR or negative declaration in light of the final approved PEA and determine whether a further environmental document is necessary. (Education Code 17213.1)

If the final approved PEA determines that a release of hazardous material has occurred, that there is the threat of a release of hazardous material, and/or that a naturally occurring hazardous material is present, and that further investigation is required, the Board may elect not to proceed with the acquisition or construction project. If the Board elects to pursue the acquisition or construction project, it shall do all of the following: (Education Code 17213.1)

1. Prepare a financial analysis that estimates the cost of response action that will be required at the proposed school site
2. Assess the benefits that accrue from using the proposed school site when compared to the use of alternative school sites, if any
3. Obtain the approval of the CDE that the proposed school site meets the school site selection standards adopted by the CDE pursuant to Education Code 17251(b)
4. Evaluate the suitability of the proposed school site in light of the recommended alternative school site locations in order of merit if the district has requested the assistance of the CDE pursuant to Education Code 17251

In the development of projects funded pursuant to Education Code 17070.10-17077.10, the Superintendent or designee shall:

1. Annually submit a summary report of expenditures to the State Allocation Board in accordance with law (Education Code 17076.10)
2. Include in the plans a hard-wired connection to a public switched telephone network or utilization of wireless technology (Education Code 17077.10)
3. Establish a participation goal of at least three percent, per year, of the overall dollar amount expended each year by the district for disabled veteran business enterprises (Education Code 17076.11)

Projects Not Funded Under the School Facilities Program of 1998

Before the Board approves a project involving the acquisition of a school site, the Superintendent or designee shall determine that the proposed site is not any of the following: (Education Code 17213)

1. The site of a current or former hazardous waste or solid waste disposal site unless, if the site was a former solid waste disposal site, the Board concludes that the wastes have been removed
2. A hazardous substance release site identified by the state Department of Health Services and currently listed for removal or remedial action
3. A site that contains one or more pipelines, under or above ground, carrying hazardous substances, acutely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line used only to supply natural gas to the school or neighborhood

The Superintendent or designee shall consult with the city or county and with the local air quality management district in order to identify any facilities within a quarter mile of the proposed site which might produce hazardous air emissions or handle hazardous or acutely hazardous materials, substances or waste. Following this consultation, the Board shall make one of the following written findings: (Education Code 17213)

1. That no such facilities exist
2. That although such facilities exist, the health risks from the facilities do not and will not actually or potentially endanger the health of students or staff, or corrective measures required under an existing order by another appropriate jurisdiction will, before the school is occupied, mitigate all chronic or accidental hazardous air emissions to levels that will not actually or potentially endanger the health of students or staff