

## SITE SELECTION AND DEVELOPMENT

### 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)

*(cf. 7131 - Relations with Local Agencies)*

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 may be potentially hazardous. (Education Code 17212-17212.5)
4. **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, notify the California Department of Education in writing. (Education Code 17215)**
5. 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, ensure that the Board of Trustees has determined all of the following: (Education Code 39006)
  - a. That the district has notified and consulted with the city, county, or city and county within which the prospective site is to be located
  - b. 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
  - c. 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

**SITE SELECTION AND DEVELOPMENT** (continued)

6. Ensure that the site meets state standards for school site selection as specified in 5 CCR 14010-14013.

Hazardous Substances: Assessment for 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 to conduct a Phase I environmental assessment of the proposed site. (Education Code 17213.1)

The Phase I assessment shall contain one of the following recommendations: (Education Code 17213.1)

1. A further investigation of the site is not required
2. A preliminary endangerment assessment is needed, including sampling or testing, to determine the following:
  - a. If a release of hazardous material has occurred and, if so, the extent of the release
  - b. If there is the threat of a release of hazardous materials
  - c. If a naturally occurring hazardous material is present

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. The Superintendent or designee may submit the Phase I assessment to the CDE prior to the submission of the other documentation. (Education Code 17213.1)

If the Phase I environmental assessment or the Department of Toxic Substances Control (DTSC) determines that a preliminary endangerment assessment is needed, the Board shall either: (Education Code 17213.1)

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

**SITE SELECTION AND DEVELOPMENT** (continued)

The preliminary endangerment assessment shall contain one of the following conclusions: (Education Code 17213.1)

1. That a further investigation of the site is not required
2. That a release of hazardous materials has occurred, and if so, the extent of the release, that there is a threat of a release of hazardous materials, or that a naturally occurring hazardous material is present, or any combination thereof

The Superintendent or designee shall submit the preliminary endangerment assessment to the DTSC for its review and approval. He/she shall also make the assessment available to the public for review for not less than 30 calendar days. (Education Code 17213.1)

If the preliminary endangerment assessment determines that no further investigation of the site is required and, upon notification from the DTSC of its approval of the assessment, the district may proceed with the acquisition or construction project. (Education Code 17213.1)

If the preliminary endangerment assessment determines (1) that a release of hazardous material has occurred, that there is the threat of a release of hazardous material, that a naturally occurring hazardous material is present, or any combination thereof, (2) that further investigation is required, and (3) DTSC approves this determination, 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

**SITE SELECTION AND DEVELOPMENT** (continued)

**Hazardous Substances: Assessments for Projects Not Funded Under the School Facilities Program of 1998**

The Board shall not approve a project involving the acquisition of a school site by the district unless all of the following occur. (Education Code 17213)

1. The Superintendent or designee determines that the proposed site is not any of the following: (Education Code 17213)
  - a. 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
  - b. A hazardous substance release site identified by the State Department of Health Services and currently listed for removal or remedial action
  - c. A site which 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
2. 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. (Education Code 17213)

Following this consultation, the Board shall make one of the following written findings: (Education Code 17213)

- a. That no such facilities exist
- b. That although such facilities exist, one of the following conditions applies:
  - (1) The health risks from the facilities do not and will not actually or potentially endanger the health of students or staff.
  - (2) 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.

**SITE SELECTION AND DEVELOPMENT** (continued)

**Environmental Impact Investigation**

The following actions shall be taken to ensure compliance with the California Environmental Quality Act: (Public Resources Code 21080)

1. Each proposed project shall be evaluated to determine whether it:
  - a. Is exempt from the California Environmental Quality Act
  - b. Is the appropriate subject of a negative declaration
  - c. May have a significant effect on the environment that makes an environmental impact report (EIR) necessary
2. If the project is categorically exempt from the California Environmental Quality Act, a notice of exemption should be filed pursuant to Public Resources Code 21152.
3. The EIR or negative declaration 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.
4. If the initial study has identified potentially significant effects on the environment, a mitigated negative declaration shall be filed. The mitigated negative declaration must show that: (Public Resources Code 21064.5)
  - a. Revisions in the proposal before the negative declaration is released would mitigate the effect so that no significant effect on the environment would occur.
  - b. There is no record that the revised project would have a significant effect on the environment.
5. If it is determined that the project does not require the preparation of a draft EIR, a 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 to the general public.

**SITE SELECTION AND DEVELOPMENT** (continued)

- a. The Board shall not approve a project until at least 30 days have passed for review of and comment on the proposed negative declaration or the draft EIR. This review period shall be extended as necessary for review by the state clearinghouse. (Public Resources Code 21091)

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 role. (Public Resources Code 21092)

The notice shall also be posted in the office of the county clerk and mailed to all persons who have requested it. It shall remain posted for 20 days unless otherwise required by law to be posted for 30 days. (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 which is reasonably related to the cost of providing the notice.

- b. 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 #5(g).
  - (2) If the Board determines that the project is not the appropriate subject of a negative declaration, it will proceed in accordance with #5.

**SITE SELECTION AND DEVELOPMENT** (continued)

6. If the project may have a significant effect on the environment, an EIR shall be prepared. (Public Resources Code 21080, 21153)
  - a. Upon completion, 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 to the general public.
  - b. The public review period for the draft EIR shall be no less than 45 days. This review period shall be extended as necessary for review by the state clearinghouse. (Public Resources Code 21091)
  - c. When the district is preparing an EIR, 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 role. (Public Resources Code 21092)

The notice also shall be posted in the office of the county clerk and mailed to all persons who have requested it. It shall remain posted for 30 days. (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 #7(a) above.

*(cf. 9320 - Meetings and Notices)*

- d. After filing the notice of completion, the district shall consult with, and obtain comments from, any bordering cities or counties and any public agency which has jurisdiction over the project. The district also may consult with any other person who has special expertise with respect to any environmental impact involved. (Public Resources Code 21153)

**SITE SELECTION AND DEVELOPMENT** (continued)

- e. Before the final EIR is prepared, the community shall be given the opportunity to comment on the draft.
  - f. The final EIR shall be adopted by the Board prior to the Board's decision to proceed with the project.
  - g. The notice of determination shall be filed with the county clerk and the Office of Planning and Research.
7. 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 measure during project implementation. (Public Resources Code 21081.6)

**Other Requirements for Projects funded under the School Facilities Program of 1998**

For 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 3 percent, per year, of the overall dollar amount expended each year by the district for disabled veteran business enterprises (Education Code 17076.11)

*(cf. 3312.11 - State Allocation Board Contracts)*