

# Contra Costa County



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Tom Torlakson, Superintendent of Public Instruction  
California Department of Education  
1430 N St, Sacramento, CA 95814

## **DRAFT Subject: Title 5 School Siting and Design Standards Review**

Dear Superintendent Torlakson:

This letter responds to the California Department of Education's (Department) School Facilities & Transportation Services Division request for input on its review of Title 5 which was initiated in late 2016. Contra Costa County (County) welcomes this review as we have experienced negative outcomes resulting from gaps in state school siting practices relative to contemporary land use and transportation planning statutes and principles. Specifically, the County urges the Department to conform school siting practices with State and local policies to ensure that the siting of new schools does not violate goals related to student safety, growth management, greenhouse gas reduction, agricultural preservation, and general public health.

The County recognizes the significant link between the built environment and public health. This recognition led the Board of Supervisors to create a staff level committee in 2007, the Planning Integration Team for Community Health (PITCH). PITCH is comprised of staff from three Departments, Conservation and Development, Health Services, and Public Works. Respectively, these Departments are responsible for land use/transportation planning, public health, and engineering. PITCH advises the Board of Supervisors on policies and strategy related to land development, grant applications, policy changes, infrastructure investment, etc.

Given the significant and enduring effect that schools have on the character and safety of the community surrounding school sites, the Board of Supervisors directed PITCH to develop this response to the Title 5 revision effort. We are providing comments as follows:

1. Immediately below we provide background information, the policy context in which the PITCH Departments developed the comments.
2. Further below, in the body of this letter, we include broad concepts for your consideration in revising the school siting and development process.
3. Attached we have provided specific revisions directly in the existing Title 5 text.

### **Background**

There are substantial policies that guide land development and transportation infrastructure investment at both the local and state levels. School sites, which have a substantial impact on the safety and character of the surrounding community, and serve a vulnerable population, are not subject to the policies below.

Stated another way, the very projects that should *most* adhere to these policies, are immune from them. In fact, current school siting practices often directly violate and actively undermine the policies below.

## Local

**Urban Limit Line:** Contra Costa County voters approved an Urban Limit Line (ULL) in 1990. In 2006 voters passed a new Measure which affirmed and extended the ULL protection to 2026. The ULL limits urban development to certain areas of the County and helps to preserve farmland and open space.

Locating schools outside the ULL directly undermines the will of the voters by driving development assumptions and patterns. Specifically, when a school is sited in a rural or agricultural area, infrastructure for roads, utilities, homes, and businesses develop around it. This defeats the purpose of an urban limit line.

**Complete Streets:** Contra Costa County's Complete Streets policy was adopted by General Plan revision in 2008 and pre-dates the State Complete Streets Act. The policy was reaffirmed and expanded in 2016 with the Board of Supervisors Adoption of an updated Complete Streets Policy. Complete Streets recognizes that streets serve many users and should accommodate users of all ages, abilities, and modes including cyclists, pedestrians, transit users and the mobility impaired.

When schools are located as infrastructure islands in rural or agricultural areas it is not financially possible to provide adequate transportation infrastructure throughout the school attendance boundaries to accommodate student cyclists and pedestrians.

**Climate Action Plan:** In December 2015, Contra Costa County adopted a Climate Action Plan that outlines how we will reduce greenhouse gas emissions in our County. The Climate Action Plan has goals and requirements regarding green buildings; the State should ensure that the Title 5 update recognizes local sustainability and green building policies, as well as comply with State policies. The Climate Action Plan sets goals for increasing active transportation in our County with specific targets around number of weekday bike trips, implementing the Safe Routes to School program, and reducing the number of vehicle miles traveled.

## State

**Complete Streets Act of 2008:** Similar to Contra Costa County's local policy, the state complete streets act directs that transportation facilities be planned, designed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit vehicles, etc. appropriate to the function and context of the facility.

Again, when the State facilitates the development of schools in disconnected areas it compromises the ability for local jurisdictions to adhere to complete streets policies.

**Greenhouse Gas (GHG) Reduction Legislation (AB32 – 2006, SB375 – 2008, SB743 – 2013):** This State legislation, through various mechanisms, dictate how GHG's are to be reduced. Given that land development is most often a local activity, the ultimate dictates of these initiatives fall to the locals to implement through changes to land development and infrastructure investment practices.

While local jurisdictions are implementing these state policies at the local level, the State school siting program is actively undermining the very same legislation by facilitating the development of school sites in remote areas.

Recognizing this issue, in the California Air Resources Board's original draft implementation guidance for AB 32, the reform of school siting practices was included. In the final version, the guidance was removed without explanation.

**Health In All Policies:** The State has adopted a Health in All Policies (HIAP) approach to improving the health of all people by incorporating health considerations into collaborative decision-making across sectors and policy areas. The HIAP effort includes 22 State agencies and departments that falls under the Health In All Policies Task Force which is in turn overseen by the Strategic Growth Council.

Similar to GHG reduction efforts there is a serious internal conflict at the State. While efforts are made through the HIAP effort to improve health through policy changes, the State school siting program is actively undermining this effort by facilitating the development of school sites in remote areas. This practice limits the ability for students to use active transportation to make the school/home/school trip. Concurrently, State school siting practices compromise safety for those that do walk/bike to school because it is not financially possible to construct adequate non-motorized transportation infrastructure connecting remote schools to the communities they serve.

Again, similar to the GHG reduction effort this issue was acknowledged by the State early during HIAP implementation. The original, draft strategies for implementing HIAP included addressing school siting practices. With no explanation, subsequent revisions to the HIAP removed school siting reform activities.

### **General Comments**

**Funding:** In Contra Costa, and we assume other rural areas, one significant reason schools are developed in rural or agricultural areas is because of cost, the land is cheaper. Unless this fundamental issue is addressed, it is unlikely that any policy changes will be effective or meaningful. The State should consider financial incentives and disincentives in reforming the school siting program.

**Ineffective Existing Guidance:** There is substantial existing guidance and statutes related to school siting. Site selection, safety considerations, access, consultation with local land use agencies are all in this guidance. Unless a compulsory component is included in any policy changes, the policies will continue to be ignored.

**Urban Limit Line (ULL)/Urban Growth Boundary (UGB):** At a minimum, the state should respect the will of voters and should prohibit school districts from acquiring and developing school sites outside of adopted ULLs/UGBs. Absent an outright prohibition and building on the “Funding” comment above, the state could adopt incentives and/or disincentives that would help protect the ULL/UGB. This concept would reflect the subsidiarity, a concept which some favor.

**Expand Authority of Local Agency Formation Commissions (LAFCO):** The two main purposes of LAFCOs per the Cortese-Knox-Hertzberg Act are 1) discourage sprawl, and 2) encourage planned, orderly, coordinated, logical development. This authority directly addresses the problems experienced by Contra Costa County.

**Complete Streets Consistency:** The following approach would help to bring school siting practices into consistency with State and local policies relative to complete streets, active transportation, safe routes to school, greenhouse gas reduction, and health in all policies.

***1) The school board may only approve the purchase of a school site if the board also:***

- *Makes findings with substantial evidence in the record that the proposed site complies with, or will ultimately comply with, all applicable guidance in Title 5, Guide to School Site Analysis and Development, and School Site Selection and Approval Guide. These findings should provide enough relevant information or data and reasonable inferences to support the conclusion that the proposed site complies with the aforementioned policy documents,(as they may be amended or superseded from time to time), and*

- Approves a preliminary multimodal (bus, automobile, pedestrian, bicycle, active) circulation and safety plan (spanning both immediate site access and attendance boundaries) approved by a licensed traffic engineer.
- Must establish that it is reasonable to project that all necessary, multi-modal transportation infrastructure will be in place concurrent with the opening of the school (secured bond, projects on local capital improvement plan for instance)

**2) The school board may only approve a final school design if the board also:**

- Makes findings with substantial evidence in the record that the proposed site will comply with all applicable guidance in Title 5, Guide to School Site Analysis and Development, and School Site Selection and Approval Guide upon opening of the school. These findings should provide enough relevant information or data and reasonable inferences to support the conclusion that the proposed site complies with the aforementioned policy documents, as they may be amended or superseded from time to time,
- Approves a final multimodal (bus, automobile, pedestrian, bicycle, active) circulation and safety plan (spanning both immediate site access and attendance boundaries) approved by a licensed traffic engineer.
- Establish that all necessary, multi-modal transportation infrastructure will be in place concurrent with the opening of the school.

These comments do not necessarily reflect adopted policy positions of the Board of Supervisors at this time. These concepts are being provided for further examination by the state. We understand the Title 5 process will continue to include review opportunities.

We look forward to your response and working with the State in addressing this serious issue.

Sincerely,

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Dr. William Walker, Director  
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Julia R. Bueren, Director  
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