

The Board of Supervisors

County Administration Building
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Contra Costa County



David Twa
Clerk of the Board
and
County Administrator
(925) 335-1900

December 11, 2012

The Honorable Tom Torlakson
State Superintendent of Public Instruction
California Department of Education
1430 N Street
Sacramento, CA 95814

Dear Superintendent Torlakson:

The Contra Costa County Board of Supervisors is writing on a topic of substantial concern: the reform of State school siting policies. We understand you are aware of the issue and appreciate the attention you have given it at the state level. The County and neighboring cities must attend to the land use and transportation implications of poor school siting and design (made with the State's tacit approval).

In our May 8, 2012 letter congratulating you on the release of the *Schools of the Future Report*, we were optimistic that school siting reform would be addressed in a positive and inclusive manner. In that letter we also indicated our interest in participating in any implementation discussions. Our optimism increased with the subsequent release of the "*California's K-12 Educational Infrastructure Investments: Leveraging the State's Role for Quality School Facilities in Sustainable Communities*" report. At this time we request that implementation of the findings of the aforementioned studies include extensive outreach to local jurisdictions.

We understand that the Senate Education Subcommittee on Sustainable School Facilities instructed the Director of Facilities to develop an implementation plan for the *CA K-12 Educational Infrastructure* report. We understand that several *internal* meetings have taken place to discuss the implementation process. During the "Policy Symposium" held on the 6th of this month, California Department of Education (CDE) staff indicated that stakeholder outreach has already been conducted. We are unaware of any consultation with local agencies or our associated organizations.

As you are aware, the development of school facilities is a fundamentally **local** activity. As we mentioned in our May 8, 2012 letter on this topic, "...schools *potentially* act as the anchor of great

communities..." Local land use jurisdictions, **not the State or school districts**, should guide the development of communities and:

- are the primary forum to which our constituents bring land use, traffic and safety concerns,
- maintain and implement plans for orderly land development, and
- implement underfunded safe routes to school programs, to address safety and school access issues.

Considering the above, we would be concerned that, if the CDE did not engage local jurisdictions in this study implementation process, the outcomes are more likely to be flawed.

We hesitate to wade into the details of the issue in this brief letter. However, we are unsure if input opportunities will be provided given the absence of information on the study implementation process. Absent a public outreach effort that might have allowed us to tailor our comments or provide an opportunity to participate in a dynamic discussion on these matters, the Board of Supervisors respectfully makes the following comments:

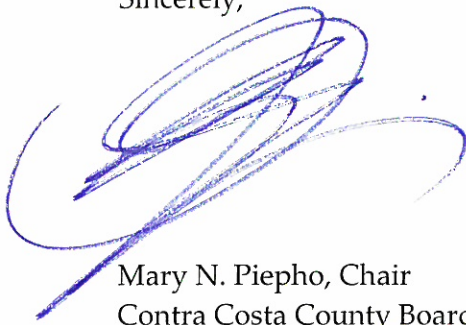
1. Recognizing the history of problematic school siting, eligible expenditures for future State bond funds should include projects to repair existing school access and safety deficiencies. Eligible expenditures should include on and off-site improvements and automotive and non-motorized (safe routes to school) facilities.
2. The ability to preempt local land use authority in the siting and design of educational facilities should be modified to establish a partnership with local government.
3. The State should update its existing facility development guidance¹ as a part of the current study implementation process. Please consider the following comments:
 - Work with the Cities-Counties Schools Partnership, California State Association of Counties, the League of Cities, local jurisdictions, the California County Planning Directors Association, and the County Engineers Association of California to develop an approach to integrating educational facilities into local land use plans and processes while respecting the State's need to deliver school facilities in a predictable manner.
 - Best planning practices now incorporate land use context considerations into policy guidance. School site acreage minimums are inconsistent with this and should be modified.
 - Compel local school districts and local jurisdictions to work together, either by statute or financial incentives. The State's administrative responsibilities under the landmark climate change bills, AB32 and SB375 or the Complete Streets Act of 2008 could be ideal vehicles for this approach. We understand that CDE is contemplating this and we applaud this potentially efficient strategy.
 - Require that the design of vehicular and pedestrian facilities (on and off-site) be developed jointly with cities' and counties' planners and engineers, who are most familiar with the community and likely travel patterns.

¹ *School Site Selection and Approval Guide*, and *Guide to School Site Analysis and Development*

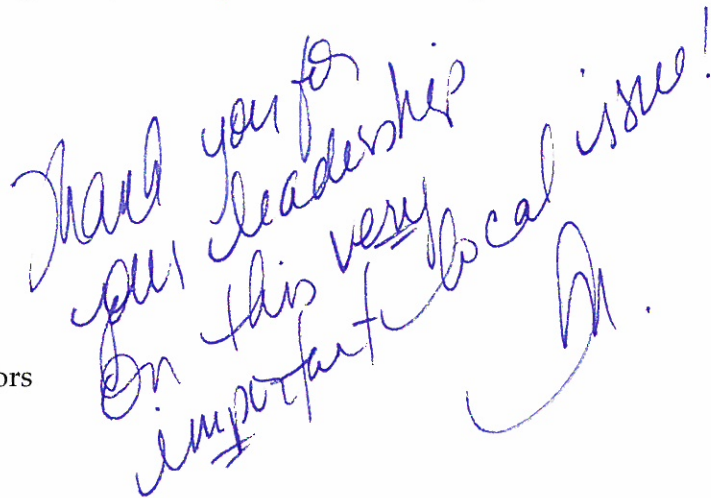
4. The Board of Supervisors is obligated to protect public health, safety, and welfare of County residents, which requires making prudent land use decisions. Current school siting practices, executed by school districts following State regulations, *limit* the ability of our planning and public works staff to fulfill this obligation. Magnifying the problems inherent with this *limitation* is that existing school siting and design practices are contrary to a number of the State's *own* policies. We have mentioned these conflicts in prior communications. In short, we have witnessed a pattern and practice of the State abandoning its own relevant policies, while simultaneously preventing local jurisdictions from applying their circulation/access and land use policies to school siting. It is in the best interests of the County's residents that these practices change.
5. During discussion at the Policy Symposium a comment was made by Office of Planning and Research staff that, "the State does not want to be in the business of setting mandates". Our view is that by allowing local school districts to preempt local land use authority, a mandate is being made by the State through a proxy agency.
6. Ideally, the implementation process should proceed such that it sincerely engages local jurisdictions, specifically cities and counties and/or our associated organizations mentioned above.

Please contact me (925-252-4500) or Catherine Kutsuris (925-674-7865), the Director of our Department of Conservation and Development, if you have any questions on this letter. Thank you for your support, I look forward to working with you and your staff on this important issue.

Sincerely,



Mary N. Piepho, Chair
Contra Costa County Board of Supervisors
Supervisor, District III



C: Kathleen Moore, CDE
Contra Costa County State Legislative Delegation
Robert Taylor, Mayor – City of Brentwood
Kevin Romick, Mayor – City of Oakley
Catherine Kutsuris, Director, CC Cnty. Dept. of Conservation & Dev.
Julie Bueren, Director, CC Cnty. Public Works Department
Dr. Wendel Brunner, MD, Director of Public Health, Contra Costa County
Don Tatzin, Chair, Contra Costa Transportation Authority
Kiana Buss, CA State Association of Counties

Metropolitan Transportation Commission c/o Rebecca Long
Contra Costa Mayors Conference
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R. Chapman, MD, Director, CA Department of Public Health
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Mike McCoy, Strategic Growth Council
Heather Fargo, SGC, Health in All Policies Task Force