



Contra
Costa
County

To: Board of Supervisors
From: LEGISLATION COMMITTEE
Date: March 28, 2017

Subject: School Siting: County Comments on the State's Efforts to Reform Title 5 School Siting and Design Practices

RECOMMENDATION(S):

AUTHORIZE staff to send a letter to the State Superintendent of Public Instruction regarding the reform of school siting practices.

FISCAL IMPACT:

None.

BACKGROUND:

History

The reform of State school siting policies is a longstanding item of the Board of Supervisors (BOS). The County has found that state supported school siting practices are in conflict with both local and state goals related to community development/growth management, student safety, agricultural preservation, safe routes to school, complete streets, sustainability, health in all policies, and greenhouse gas reduction. This issue has for years been addressed in the County's legislative platform (see excerpts at the end of this staff report).

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/28/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: Candace Andersen, District II
Supervisor
Diane Burgis, District III
Supervisor
Karen Mitchoff, District IV
Supervisor
Federal D. Glover, District V
Supervisor

ABSENT: John Gioia, District I
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 28, 2017

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: John Cunningham (925)
674-7833

cc:

BACKGROUND: (CONT'D)

Update

The County's efforts in advocating for the reform of school siting is being bolstered by three new efforts now taking place at the state:

1. In late 2016, the California Department of Education (CDE) initiated a long anticipated update to Title 5, which contains school siting and design guidance.

County staff has attended a webinar held by CDE on the update and met with CDE staff at the County Office of Education's regular school facilities coordination meeting. The process is anticipated to take until 2018 to complete.

2. The State Assembly Committee on Education initiated an effort to "streamline" the Title 5 school approval process. In contrast to CDE's well publicized update to Title 5, very little is known about this streamlining effort. As alluded to in the Board of Supervisor's February 8, 2017 letter to the Assembly Committee on Education (attached), it does not appear that the streamlining effort is being coordinated with CDE's Title 5 update.

3. The Governor's Office of Planning and Research (OPR) and the Strategic Growth Council have been conducting research and outreach regarding State school siting practices. OPR staff has interviewed County staff regarding our experience with school siting issues. In addition OPR staff attended the California County Planning Directors Association 2017 Annual Conference and gave a presentation on their efforts relative to Title 5 and school siting. At the Conference, Contra Costa County staff communicated our concerns about the school siting practices. In addition, many other Counties voiced their concerns to OPR staff as well.

In the past, the County has been advocating for school siting reform absent any formal process at the state to accommodate or respond to our concerns. Therefore, staff recommends making the most of the opportunity represented by the three efforts listed above. The attached draft letter communicates County staff's recommendations for consideration by the State on school siting practices.

Draft Letter

Given the general input to the State being provided at this time the approach being recommended is to have staff, through the Planning Integration Team for Community Health (PITCH), provide comments to the State. At this early point in the Title 5 update process we are asking that our concepts be further explored by the State. As the process moves ahead, staff will return to the BOS with more explicit recommendations. Those recommendations are likely to require legislation in 2018 to grant the necessary authority to CDE to appropriately manage the school siting program.

Having the PITCH Departments approach the state on this topic is a new strategy. This

letter can also be used by staff representing each discipline, engineering, planning, and public health, to approach their respective professional organizations and related advocacy groups for support on this effort.

Staff from the PITCH Departments have provided input on the letter and attended the March 13, 2017 meeting of the Legislative Committee. As seen in the proposed letter, staff is requesting that the State examine the involvement of the Local Agency Formation Commission in school siting decisions. Staff from LAFCO also reviewed the letter, expressed support for the effort but did not offer additional comment.

Legislative Platform Excerpts

Reform of school siting practices is supported in the County's State Legislative Program:

Agriculture

SUPPORT funding for agricultural land conservation programs and agricultural enterprise programs, and support revisions to State school siting policies, to protect and enhance the viability of local agriculture. The growth in East County and elsewhere has put significant pressure on agricultural lands, yet agriculture is important not only for its production of fresh fruits, vegetables and livestock, but also as a source of open space.

Transportation

SUPPORT efforts to improve safety throughout the transportation system. The County supports new and expanded projects and programs to improve safety for bicyclists, pedestrians and wheelchair users, as well as projects to improve safety on high-accident transportation facilities such as Vasco Road. Data on transportation safety would be improved by including global positioning system (GPS) location data for every reported accident to assist in safety analysis and planning. The County also supports the expansion of school safety improvement programs such as crossing guards, revised school zone references in the vehicle code, Safe Routes to Schools (SR2S) grants, efforts to improve the safety, expansion and security of freight transportation system including public and private maritime ports, airports, rail yards, railroad lines, rail bridges and sidings. The County also supports limits or elimination of public liability for installing traffic-calming devices on residential neighborhood streets.

1. SUPPORT efforts to coordinate development of state-funded or regulated facilities such as courts, schools, jails, roads and state offices with local planning. The County supports preserving the authority of Public Works over County roads by way of ensuring the Board of Supervisors' control over County roads as established in the Streets & Highways Code (Ch2 §940) is not undermined. This includes strongly opposing any action by a non-local entity that would ultimately dilute current Board of Supervisors discretion relative to road design and land use.

2. SUPPORT efforts to coordinate planning between school districts, the state, and local jurisdictions for the purposes of: (1) locating and planning new schools, (2) funding

programs that foster collaboration and joint use of facilities, and (3) financing off-site transportation improvements for improved access to existing schools. The County will urge the California Department of Education's current Title 5 update effort to include removing the current conflict between current school siting policies and sustainable communities. Related to this effort, the County supports reform of school siting practices by way of legislative changes related to any new statewide school construction bond authorization. The County takes the position that reform components should include bringing school siting practices and school zone references in the vehicle code into alignment with local growth management policies, safe routes to school best practices, State SB 375 principles, and the State Strategic Growth Council's "Health in All Policies Initiative."

CONSEQUENCE OF NEGATIVE ACTION:

If the letter is not transmitted, the Board of Supervisors will miss **1)** an opportunity to advocate for issues in the County's State Legislative Platform and, **2)** the California Department of Education's April 14, 2017 deadline to provide comments on the initial review of California Code of Regulations - Title 5: School Facilities Construction.

CHILDREN'S IMPACT STATEMENT:

Reforming school siting practices would help achieve the following outcomes identified in the Children's Report Card:

Outcome 2: Youth Are Healthy and Preparing for Adulthood: Physical Fitness

Outcome 4: Families and Communities Are Safe: Injury Hospitalizations

ATTACHMENTS

CCC Title-5 MarkUp

CCC to CA_CDE re-Title5(Schools)draft