

MAR 01 2010

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March 1, 2010

Honorable Fairfax Council Members
Mayor Lew Tremaine
Vice Mayor Larry Bragman
David Weinsoff
Pam Hartwell-Herrero
John Reed

r.e.

March 3, 2010 Council meeting

TOWN MANAGER REPORT

2. Update on the Ross Valley School District Plans for a new K-5 School at Deer Park Site

The potential issues raised by new school at Deer Park in Fairfax are of vital interest to the town. I have been completely frustrated in my repeated attempts to get the RVSD to use State provided guidelines in school site evaluation. Important health and safety issues specifically spelled out by the State Dep. Of Ed. are being arrogantly ignored by RVSD. The Town of Fairfax cannot allow these issues to go unanswered, for safety reasons. I will call on the Town Council to request the RVSD board to address these listed issues and report back to them. The safety of our children and citizens is at stake here.

The initial school site evaluation process is spelled out in The Department of Education State of California publication SFPD 4.0 Initial School Site Evaluation. (enc.1). I would like to direct your attention to page two of that document titled Potential Issues. It is a check list of problems that may be encountered in school site selection. I have witnessed at RVSD board meetings the ringing of hands by board members while they repeatedly ask how can we possibly anticipate potential problems at a given site. The State Department of Education answers that question with this document. Exactly how to follow these procedures are spelled out in SFPD 4.01 School Site Approval Procedures. (enc.2). Thank you and see you March 3rd.

Dr. Joseph Odom, OMD

98 Porteous Ave

Fairfax



SFPD 4.0 (Rev. 07/09) INITIAL SCHOOL SITE EVALUATION

<input type="checkbox"/> Date of Field Review <input type="checkbox"/>		County	<input type="checkbox"/>		
<input type="checkbox"/> Local Educational Agency School			<input type="checkbox"/> Agency (LEA) <input type="checkbox"/> Site		
<input type="checkbox"/> Site Location (nearest cross streets, compass direction) and					
<input type="checkbox"/> Master Plan Value/	<input type="checkbox"/> Capacity/Grade Levels If stand alone special education See Additional Acre	<input type="checkbox"/> Requirements/Number of Multitrack Year-Round Ed	<input type="checkbox"/> Education Tracks/Class Size Reduction	<input type="checkbox"/> Grades/Estimate	
<input type="checkbox"/>				<input type="checkbox"/> Project	
<input type="checkbox"/> Funding <input type="checkbox"/> New School <input type="checkbox"/> Land Addition to Existing Site		<input type="checkbox"/> Other: <input type="checkbox"/> Charter School <input type="checkbox"/> Joint-Use Facility		<input type="checkbox"/> Utilities: <input type="checkbox"/> Developer <input type="checkbox"/> Local <input type="checkbox"/> State <input type="checkbox"/> Final	
<input type="checkbox"/> Hardship <input type="checkbox"/> Proposed Facilities for County-Educated Special Education Students					
<input type="checkbox"/> Proposed School At					
<input type="checkbox"/>					
<input type="checkbox"/> Net Acreage (comment)	<input type="checkbox"/> Gross Acres/Net Acre	<input type="checkbox"/> Usable Acres/California Department of Education (CDE) Recommendation	<input type="checkbox"/> Recommended Acres/Percentage of State Standard/Net Usable		
<input type="checkbox"/> Site C					
<input type="checkbox"/> Characteristics					
<input type="checkbox"/> Topography					
<input type="checkbox"/>					
<input type="checkbox"/>					
<input type="checkbox"/>					
<input type="checkbox"/> Existing Structures to Be Removed					
<input type="checkbox"/> Demolition					
<input type="checkbox"/> Easements and Encumbrances					
<input type="checkbox"/>					
<input type="checkbox"/> Current Land Use or Zoning					
<input type="checkbox"/>					
<input type="checkbox"/>					
<input type="checkbox"/>					

Potential Issues

Yes (Y), No (N), ?	Indicate "Yes" if the following is a known or a potential concern.
	*Traffic:
	*Railroad Tracks (<1,500 ft.):
	*Airport Runway (<2 nautical miles):
	*Power Lines Above or Below Ground (>50kV):
	*Pipelines (<1,500 ft., >80 psi):
	*Excessive Ambient Noise:
	*Active Fault Zones:
	*Likelihood of Landslides or Liquefaction:
	*Flood or Dam Inundation:
	*Inadequate Soil Stability, Bearing Capacity:
	*Topographic Problems (ex., excessive slope):
	*Water or Fuel Storage Tanks:
	*Toxics (natural or man-made):
	*Odors, Dust, Smoke, Pesticide Drift:
	*Hazardous Air Emissions or Hazardous Material <¼ mile:
	*Within 500 feet of a Major Traffic Corridor or Freeway for Air Quality:
	*Wildland Fire Interface:
	*Social Hazards:
	*Unsafe Walking Routes:
	*Difficult or Unsafe Accessibility:
	Not Centrally Located in Attendance Area:
	Distant From Other Community Facilities:
	Poor Orientation For Wind or Light:
	Poor Drainage:
	Shape (length to width ratio >2:1):
	Distant or Unavailable Utilities:
	Excessive Grading or On-Site Development Costs:
	Excessive Off-Site Development Costs:
	Likely <i>Eminent Domain</i> or Relocation:
	Wildlife, Protected Habitat, Wetland:
	Historic, Archeological, Scenic Resource:
	Farm Land or Agricultural Preserve (Williamson Act):
	Other (specify):

**Major safety issues to be avoided.*

Ranking (1=high and 5=low)		
Ranking of This Site	Number of Sites Evaluated	Relative Ranking of This Site

Electromagnetic Field Mitigation Plan
Noise Study
Railroad Safety Study

Pipeline/Tank Risk Assessment
Traffic Safety Study
Caltrans Airport Assessment

Special Education Program Review
Other:

Field Review Participants

Name	Address	Telephone Number	E-mail

CDE Field Representative Signature

Print Name

Signature

Date



SFPD 4.01 (Rev 2/08)

SCHOOL SITE APPROVAL PROCEDURES

1. INITIAL CONTACT

Local educational agencies (LEA) desiring the California Department of Education's (CDE) approval of a new school site or addition of land to an existing school site should contact its county-assigned field representative from the School Facilities Planning Division (SFPD). The field representative will view the site and provide the LEA with a written evaluation on the SFPD 4.0, Initial School Site Evaluation. Prior to the site visit, a boundaries map must be submitted by the LEA (see Section 6, Item E). The field representative will also provide to the LEA, upon request, forms and instructions required for CDE final school site approval: SFPD 4.01, School Site Approval Procedures; SFPD 4.02, School Site Report; and SFPD 4.03, School Site Certification. Forms and instructions are available on the SFPD Web site at <http://www.cde.ca.gov/ls/fa/sf/forms.asp>. (California Code of Regulations, Title 5, sections 14010 et seq.; Education Code sections 17070.50, 17251[a])

2. PHASE I ENVIRONMENTAL SITE ASSESSMENT OR PRELIMINARY ENDANGERMENT ASSESSMENT

In accordance with *Education Code* sections 17210 and 17213.1, LEAs are required to prepare a Phase I Environmental Site Assessment (Phase I).

- 1 If the Phase I assessment concludes that no further investigation is required (clean site with exception for potential lead-based paint, polychlorinated biphenyls [PCBs], or organochlorine pesticides [OCPs] from termiticides), the LEA will submit one copy of the qualified environmental assessor signed Phase I assessment with proof of assessor qualifications to the Department of Toxic Substances Control (DTSC) to: Department of Toxic Substances Control, School Property Evaluation and Cleanup Division, 9211 Oakdale Avenue, Chatsworth CA 91311, Attention: Phase I Coordinator. Also submit a check (indicate which site or project on the face) payable to the DTSC for \$1,500 to: DTSC Accounting/Cashier, 1001 I Street, 21st Floor, P.O. Box 806, Sacramento, CA 95812.
- 2 If the Phase I assessment or the DTSC concludes that further investigation through a Preliminary Endangerment Assessment (PEA) is needed, and the LEA wishes to pursue the site, the LEA will contact the DTSC to apply for an Environmental Oversight Agreement. The DTSC must oversee the preparation of a PEA.

The DTSC-approved Phase I assessment, any addenda, and the executive summary of the approved PEA (if required), or the complete and approved PEA if no Phase I assessment has been approved by the DTSC, must be submitted to the SFPD prior to a final school site approval. See SFPD Memo 02-02, "AB 14 and Other Recent Changes Related to the Toxic Review Process and the State Funding Program for School Projects," at <http://www.cde.ca.gov/ls/fa/sf/advisories.asp>. (*Education Code* sections 17210 and 17213.1)

3. SCHOOL SITES NEAR AIRPORTS

The LEA governing board must submit written notice to the SFPD if the boundary of the proposed school site acquisition is within two nautical miles (12,152 feet) measured by air line of any point on an airport runway or potential runway included in an airport master plan. In addition to the written notice, the governing board must

submit scaled maps, as specified in SFPD Advisory 00-05, "Update on Proposed School Sites and Airports (Assembly Bill 747)," indicating the location of the proposed school site and the airport runway. The SFPD will forward the maps to the Office of Airports at the California Department of Transportation, Aeronautics Division for review and recommendation. The SFPD recommends the submission of these items as soon as a site becomes the preferred school site. A site may not be used as a K–12 school campus without the Office of Airports' concurrence. (*California Code of Regulations, Title 21, Division 2.5, Chapter 2.1; Education Code Section 17215*)

4. APPROVAL REQUEST

The LEA must submit a letter, to its county-assigned SFPD field representative, requesting approval for each school site. The letter must include a project tracking number, which may be obtained from the Office of Public School Construction's Web site at <http://www.opsc.dgs.ca.gov> or the SFPD Web site at <http://www.cde.ca.gov/ls/ffa>. Include documents and studies required for final CDE school site approval as listed in Section 6 of this form. Send approval requests to: **California Department of Education, School Facilities Planning Division, 1430 N Street, Suite 1201, Sacramento, CA 95814.**

5. "CONTINGENT" SCHOOL SITE APPROVAL (UPON WRITTEN REQUEST)

Financial hardship LEAs (regardless of their project site's DTSC status), and LEAs that have environmental hardship projects (the DTSC approved a PEA requiring a response action and estimates preparation and implementation will take at least six months), may request a CDE "contingent" school site approval in their approval request letter. All of the documents and studies listed in Section 6 of this form must be submitted prior to CDE "contingent" school site approval with the exception of Items: (C) SFPD 4.03, School Site Certification; (L) DTSC "final" determination letter approving the Phase I assessment or PEA (a PEA approval letter is required for environmental hardship projects); and (M) LEA board-adopted final California Environmental Quality Act (CEQA) documents.

The CDE recommends the submission of completed or draft CEQA and DTSC documents as soon as they are available. If Item J, Written Determinations and Findings has not yet been adopted by the LEA's board, sufficient documentation addressing these issues must be submitted.

If a response action is required, the LEA must submit: (1) a financial analysis that estimates the cost of the response action; (2) an assessment of benefits from using the site when compared to the use of alternative sites; and (3) an evaluation of the suitability of the site in light of other recommended alternative sites. This information will be used to determine a "best available alternative site." (*Education Code sections 17072.13[b][2],[c][1][B] and 17213.1[a][10]*)

6. DOCUMENTS AND STUDIES REQUIRED FOR APPROVAL

- A. **SFPD 4.0, Initial School Site Evaluation:** A copy of the evaluation that was completed by the SFPD field representative for the submitted site.
- B. **SFPD 4.02, School Site Report:** A complete and signed report (*Education Code Section 17251[a]*).
- C. **SFPD 4.03, School Site Certification:** A complete and signed certification.
- D. **Legal Description and Site Map:** Two copies of the legal description of the site and an 8-1/2" x 11" parcel map of the site indicating: (1) dimensions, showing metes and bounds corresponding to the legal description; (2) adjacent streets; (3) gross and net usable acres; and (4) assessor's parcel number, with easements and access points to the site indicated.
- E. **LEA Map:** LEA boundaries map (if one was not provided for the initial school site evaluation) of any size indicating: (1) all existing schools and sites, (2) attendance areas, and (3) proposed new site.
- F. **Site Utilization Diagram:** Schematic utilization of the site on which the proposed facilities and their placement on the site are indicated.

- G. **Planning Commission Report:** Copy of the city or county planning commission report or response on the site chosen by the LEA, or if the LEA has not yet received a response, the LEA's notice sent to the city or county. (*Public Resources Code* Section 21151.2; *Government Code* sections 53094, 65402[c])
- H. **Site Documentation:** A list of all unused LEA-owned sites and an explanation of why each site may not be used in lieu of acquiring a new school site, a statement that the LEA plans to sell an alternative site in order to use the proceeds for the new site, or a letter stating there are no other LEA-owned sites. (*State Allocation Board Regulation* 1859.75; *Education Code* Section 17072.12)
- I. **Master Plan Site Documentation:** Current (not over five years) documentation justifying the master plan size of the site. This may include the LEA Facility Master Plan, Developer Fee Justification Study, or School Facilities Needs Analysis. (Senate Bill 50 [1998]; *State Allocation Board Regulation* 1859.74; *California Code of Regulations, Title 5, Section 14001[a],[b]*)

Written Determinations and Findings: LEA's board-adopted determinations indicating: (1) the site is not a current or former waste disposal site; (2) the site is not a hazardous substance release site; (3) the site does not contain pipelines; and (4) whether a qualified freeway and/or qualified traffic corridor is located within 500 feet of the site. LEA's board-adopted findings for: (1) hazardous air emitters and hazardous material handlers located within a 1/4 mile of the site; and (2) no significant health risks based upon air dispersion modeling if the site is located within 500 feet of a qualified freeway or qualified traffic corridor, or a board-adopted statement of Overriding Considerations in an Environmental Impact Report and a board-adopted statement that no suitable alternative site is available due to a severe shortage of sites that meet *Education Code* requirements. Any determination or finding may be in a CEQA document or other board-adopted document or resolution. (*Public Resources Code* Section 21151.8; *Education Code* Section 17213; *California Code of Regulations, Title 5, Section 14011[h],[i]; Title 14, Section 15093*)

- K. **Geological and Other Environmental Hazards Report:** Copy of the Geological Hazards Report and other environmental hazards report as described in Appendix H of the *School Site Selection and Approval Guide, 2000 Edition*. This will include a survey of high-pressure pipelines, liquid storage tanks, railroads, airports, electrical transmission lines, and areas subject to flooding, dam inundation, seismic faulting, and liquefaction. (Contact the county-assigned SFPD field representative for pipeline risk assessment and electromagnetic field policies.) (*Education Code* Section 17212.5; *California Code of Regulations, Title 5, Section 14010*)
- L. **Approved Phase I Environmental Site Assessment, Preliminary Endangerment Assessment, or Completed Commitment Form to Complete Further Investigation and Response Action:**
Submit one or more of the following as appropriate:
 - 1 DTSC-approved Phase I assessment (and any addenda) and PEA Executive Summary (if one was required)
 - 2 DTSC "final" determination letter approving the Phase I assessment and/or PEA
 - 3 If a response action was required, the DTSC "no further action" letter, or the certified completion of a response action
 - 4 SFPD 4.14 form committing the LEA to complete a Phase I assessment addendum, PEA, or response action for lead-based paint, PCBs, and/or OCPs signed by the LEA and the DTSC (if seeking a final CDE approval prior to completing DTSC requirements)
 - 5 SFPD 4.15 form committing the LEA to complete a response action signed by the LEA and the DTSC (if seeking a final CDE approval prior to completing DTSC requirements)
- M. **California Environmental Quality Act Compliance:** Copy of the LEA's board-adopted: (1) certified Final Environmental Impact Report or Negative Declaration (including Initial Study); (2) Comment Period Closure Letter or date stamped Notice of Completion from the Governor's Office of Planning and Research, State Clearinghouse; and (3) date stamped Notice of Determination, or Notice of Exemption along with an explanation of why the project is exempt, that was filed with the County Clerk and State Clearinghouse.

- N. **Joint-Use Agreement (if applicable):** If the proposed school site includes acreage to be provided or utilized by the LEA as the result of a joint-use agreement, submit a signed copy of the agreement or other appropriate documentation. (Note: *California Code of Regulations, Title 5* school site approval requirements shall apply to the entire site including joint-use areas.)

- O. **Final Determination Letter from the Office of Airports (if applicable):** If the proposed school site is within two nautical miles (12,152 feet) of an existing or potential airport runway, submit a copy of the "final" determination letter from the Office of Airports at the California Department of Transportation, Division of Aeronautics. (*California Code of Regulations, Title 21, Division 2.5, Chapter 2.1; Education Code Section 17215*)

- P. **Other Studies (if applicable):** Submit other documentation or studies requested by the SFPD field representative to evaluate the unique characteristics and environment of the proposed school site. This includes, but is not limited to, studies of: noise, traffic, railroads, pipelines, electric transmission lines, and flooding. Projects proposed to be less than 50 percent of the site size recommended by the CDE must complete the requirements of the small school site policy prior to the CDE initial review of the site. (*California Code of Regulations, Title 5, Section 14010*)