

**SPECIAL MEETING OF THE GOVERNING BOARD OF DUBLIN  
UNIFIED SCHOOL DISTRICT, JULY 17, 2018, 5:30 P.M.**

**Summary of Evidence in Support of Title 5 Findings and Adoption of  
Resolution  
No. 2018/19-02 Pursuant to Education Code Section 17211, Determining the  
Suitability of Property Generally Located between Dublin Boulevard and  
Central Parkway in the City of Dublin as the Site for a New Dublin High  
School**

**BACKGROUND**

The Dublin Unified School District (“District”) is considering the acquisition of vacant property which consists of approximately 23.46 acres located between Dublin Boulevard and Central Parkway in Dublin, California, and possessing the Alameda County Assessor’s Parcel Numbers 986-78-2, 3, 4, 5, 6, and 7, including the 0.71-acre parcel identified as part of South Grafton Street and East Finnian Way on Assessor’s Map 985 (the “Property”), for use as a District high school (the “Project”). California Education Code section 17211 requires that the governing board of a school district evaluate proposed school site property at a public hearing using the site selection standards established by the State Department of Education. Adoption of Resolution No. 2018/19-02 following the scheduled public hearing will allow the Board to formalize its site selection findings in conformance with Education Code section 17211.

**RECOMMENDATION**

Adopt Resolution No. 2018/19-02 determining that the Project site conforms to the California Department of Education school site selection standards.

**SUPPORTING INFORMATION**

**A. Introduction**

In May of 2017, the California Department of Education conducted an Initial School Site Evaluation for the proposed school site (the “CDE Study”). Additionally, in March of 2017, Terraphase Engineering prepared a draft Phase I environmental assessment for the Property (the “Terrasphase Study”), and in July of 2018, PlaceWorks prepared a Geological and Environmental Hazards Assessment Report (the “PlaceWorks Study”). District staff has considered the findings and conclusions contained in such studies, and has performed additional analysis and investigations.

The Department of Education’s site selection standards are found in Title 5, California Code of Regulations, Chapter 1 of Division 13, School Facilities Construction. These standards are presented below, together with a review of whether the Property complies with the standards. It is concluded that, based on all of the evidence considered and presented, the Property complies with all such standards.

**B. Findings pursuant to California Code of Regulations (CCR), Title 5, Section 14010**

**1. Acreage and Enrollment (CCR 14010(a)):** The net usable acreage and enrollment for a new school site shall be consistent with the number of acres and enrollment established in the 2000 Edition, "School Site Analysis and Development," published by the California Department of Education (CDE) and incorporated into this section by reference, unless sufficient land is not available or circumstances exist due to any of the following:

- (1) Urban or suburban development results in insufficient available land even after considering the option of eminent domain.
- (2) Sufficient acreage is available but it would not be economically feasible to mitigate geological or environmental hazards or other site complications, which pose a threat to the health and/or safety of students and staff.
- (3) Sufficient acreage is available but not within the attendance area of the unhoused students or there is an extreme density of population within a given attendance area requiring a school to serve more students on a single site. Choosing an alternate site would result in extensive long-term bussing of students that would cause extreme financial hardship to the district to transport students to the proposed school site.
- (4) Geographic barriers, traffic congestion, or other constraints would cause extreme financial hardship for the district to transport students to the proposed school site.

*(CCR 14010(b))* If a school site is less than the recommended acreage required in subsection (a) of this section, the district shall demonstrate how the students will be provided an adequate educational program including physical education as described in the district's adopted course of study.

Compliance with Standard: District staff has confirmed that the site is sufficiently sized so that students will be provided with an adequate educational program including physical education. Additionally, the District will follow the California Department of Education (CDE) policy for small school site guidelines and has done a study based upon those guidelines.

**2. Power Lines (CCR 14010(c)):** The property line of the site, even if it is a joint use agreement as described in subsection (o) of this section, shall be at least the following distance from the edge of respective power line easements: (1) 100 feet for 50-133 kV line, (2) 150 feet for 220-230 kV line, and (3) 350 feet for 500-550 kV line.

Compliance with Standard: Based on information provided in the CDE Study, PlaceWorks Study, and the Terraphase Study, the Project complies with this standard. No power line easements exist within the specified distances, and no power lines or transmission lines were observed overhead.

**3. Railroad Tracks (CCR 14010(d)):** If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be done by a competent professional trained in assessing cargo manifests, frequency, speed, and schedule of railroad

traffic, grade, curves, type and condition of track need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossings, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, and preparation of an evacuation plan. In addition to the analysis, possible and reasonable mitigation measures must be identified.

Compliance with Standard: Based on information provided in the CDE Study, Terraphase Study, and PlaceWorks Study, the Project complies with this standard. The Property is not located within 1,500 feet of a railroad track easement.

**4. Road and Freeway Safety and Noise (CCR 14010(e)):** The site shall not be adjacent to a road or freeway that any site-related traffic and sound level studies have determined will have safety problems or sound levels which adversely affect the educational program.

Compliance with Standard: Based on information provided in the CDE Study, Terraphase Study, and PlaceWorks Study, the Project complies with this standard. The site is not adjacent to a road or freeway that will have safety problems or sound levels that will adversely affect the educational program. The City of Dublin General Plan, 2011 Existing Noise Exposure Contours map estimates that the Property will be subject to a noise level from Highway 580 that is below the noise levels that are considered “distracting” by the CDE (CDE 2016).

**5. Earthquake Faults (CCR 14010(f)):** Pursuant to Education Code sections 17212 and 17212.5, the site shall not contain an active earthquake fault or fault trace.

Compliance with Standard: Based on information provided in the Terraphase Study, CDE Study, and PlaceWorks Study, the Project complies with this standard. The Property is not on or immediately adjacent to a known earthquake fault, fault zone, or pressure ridge per the California Geological Survey Information Warehouse, the City of Dublin General Plan Environmental Resources Management: Seismic and Safety Element, and readily-available geologic literature.

**6. Flooding (CCR 14010(g)):** Pursuant to Education Code sections 17212 and 17212.5, the site is not within an area of flood or dam flood inundation unless the cost of mitigating the flood or inundation impact is reasonable.

Compliance with Standard: Based on information in the in the CDE Study, the Terraphase Study, the PlaceWorks Study, the City of Dublin General Plan, information provided by the California Governor’s Office of Emergency Services, and the Federal Emergency Management Agency Map Services Center website, the Project complies with this standard. The Property is not located within a dam failure inundation hazard area, and is not within a 500- or 100- year flood plain.

**7. Above-Ground Storage Tanks (CCR 14010(h)):** The site shall not be located near an above-ground water or fuel storage tank or within 1,500 feet of the easement of an above-ground or underground pipeline that can pose a safety hazard as determined by a risk analysis study, conducted by a competent professional, which may include certification from a local public utility commission.

Compliance with Standard: Based on information provided in the Terraphase Study and PlaceWorks Study, the Project complies with this standard. No above-ground water or fuel storage tanks exist within a 1,500-foot radius of the Property based on Google Earth Pro and the Geotracker website (2018). Although there is one high-pressure natural gas pipeline located south of the Property along Interstate 580, and although there are three water mains with diameters of 14, 15, and 20 inches along Dublin Boulevard south of the Project site, a 12-inch diameter water main along Central Parkway north of the Project site, and two recycled water mains along Dublin Boulevard with diameters of 12 and 20 inches, these pipelines will not pose safety hazards. Risk assessments shall be completed by the District, and all recommendations regarding mitigation of any associated conditions will be implemented if deemed necessary.

**8. Liquefaction and Landslides (CCR 14010(i)):** The site is not subject to moderate to high liquefaction or landslides.

Compliance with Standard: Based on information provided in the CDE Study and the PlaceWorks Study, the Project complies with this standard. Although the southwest corner of the Property is located within a Liquefaction Zone per the Earthquake Zones of Required Investigation, Livermore Quadrangle (CGS 2008a), any potential liquefaction at the Property will be mitigated in accordance with the 2016 California Building Code. The slope of the Property is also relatively flat (less than 0.3%), and the Property is not located in an area susceptible to landslides. Implementation of the Project would, therefore, not subject the site to moderate or high liquefaction or landslides.

**9. Site Shape (CCR 14010(j)):** The shape of the site shall have a proportionate length to width ratio to accommodate the building layout, parking and playfields that can be safely supervised and does not exceed the allowed passing time to classes for the district.

Compliance with Standard: Based on information provided the CDE Study and PlaceWorks Study, the Project site complies with this standard. The school will be developed with footprint proportionality and ease of student access in mind.

**10. Road Access (CCR 14010(k)):** The site shall be easily accessible from arterial roads and shall allow minimum peripheral visibility from the planned driveways in accordance with the Sight Distance Standards established in the "Highway Design Manual," Table 201.1, published by the Department of Transportation, July 1, 1990 edition, and incorporated into this section by reference.

Compliance with Standard: Based on information provided in the CDE Study and PlaceWorks Study, the Project complies with this standard. The Project site does not suffer from difficult or unsafe accessibility. The Project is not expected to have any significant traffic or pedestrian hazards to overcome.

**11. Student Road Crossing Safety (CCR 14010(l)):** The site shall not be on major arterial streets with a heavy traffic pattern as determined by site-related traffic studies, including those that require student crossings unless mitigation of traffic hazards, and a plan for the safe arrival and departure of students

appropriate to the grade level has been provided by the city, county or other public agency in accordance with the “School Area Pedestrian Safety” manual published by the California Department of Transportation, 1987 edition, incorporated into this section by reference, in toto.

Compliance with Standard: Based on information provided in the CDE Study and PlaceWorks Study, the Project complies with this standard. The Project is not expected to have any significant traffic or pedestrian hazards to overcome. Future transportation facilities shall be subject to review and approval by the City of Dublin.

**12. Zoning Compatibility (CCR 14010(m)):** Existing or proposed zoning of the surrounding properties shall be compatible with schools in that it would not pose a potential health or safety risk to students or staff in accordance with Education Code Section 17213 and Government Code Section 65402 and available studies of traffic surrounding the site.

Compliance with Standard: Based on information provided in the CDE Study and PlaceWorks Study, the Project complies with this standard. The Property is located in an area characterized by suburban residential and commercial development which will be compatible with the Project, and there are no significant land use or zoning changes proposed that will affect the Project area.

**13. Attendance Area Walking Distance (CCR 14010(n)):** The site shall be located within the proposed attendance area to encourage student walking and avoid extensive bussing unless bussing is used to promote ethnic diversity.

Compliance with Standard: Based on information provided in the CDE Study and PlaceWorks Study, the Project complies with this standard. The Project site’s location is central to the projected student population and is surrounded by residential and commercial development.

**14. Joint Use of Public Facilities (CCR 14010(o)):** The site shall be selected to promote joint use of parks, libraries, museums, and other public services, the acreage of which may be included as part of the recommended acreage as stated in subsection (a) of this section.

Compliance with Standard: Based on information provided in the PlaceWorks Study, the Project complies with this standard. The Project could be available for after-school community recreation use, and no impacts to nearby public facilities and services will occur as a result of the proposed Project.

**15. Convenient Public Services (CCR 14010(p)):** The site shall be conveniently located for public services including but not limited to, fire protection, police protection, public transit, and trash disposal, whenever feasible.

Compliance with Standard: Based on information provided in the CDE Study, PlaceWorks Study, and knowledge of the District Board of Trustees and administration, the Project complies with this standard. The Property is located centrally in the Eastern part of the City of Dublin, and less than two miles from two different Alameda County fire stations and the Alameda County Sheriff’s

Department, and is not distant from all other essential utilities. The Project site will also have regularly scheduled trash collection and access to public transit.

**16. *Environmental Factors* (CCR 14010(q)):** The district shall consider environmental factors of light, wind, noise, aesthetics, and air pollution in its site selection process.

Compliance with Standard: Based on information provided in the Terraphase Study, CDE Study, and PlaceWorks Study, the Project complies with this standard. The Property is surrounded by residential, recreational, and retail uses. There are minimal sources of hazardous air emissions within ½ mile of the Property, and there are no apparent industrial operations within ¼ mile of the Property. Based on a Health Risk Assessment Screening prepared by PlaceWorks, no stationary sources of pollution pose an actual or potential endangerment to occupants of the Project. The Property does not have poor orientation for wind or light, and does not suffer from odors, dust, smoke, or pesticide drift. Development of the Property will not conflict with surrounding land uses and will not degrade the existing visual character of the site.

**17. *Easements* (CCR 14010(r)):** Easements on or adjacent to the site shall not restrict access or building placement.

Compliance with Standard: Based on information provided by the Terraphase Study and the PlaceWorks Study, the Project complies with this standard. According to Alameda County assessor's parcel maps and the Geotracker website, there are no easements located on or immediately adjacent to the Property that will restrict access or building placement.

**18. *Costs and Complications* (CCR 14010(s)):** The cost and complications of the following shall be considered in the site selection process and should not result in undue delays or unreasonable costs consistent with State Allocation Board standards:

- (1) Distance of utilities to the site, availability, and affordability of bringing utilities to the site.
- (2) Site preparation including grading, drainage, demolition, hazardous cleanup, including cleanup of indigenous material such as serpentine rock, and off-site development of streets, curbs, gutters and lights.
- (3) Eminent domain, relocation costs, severance damage, title clearance, and legal fees.
- (4) Long-term high landscaping or maintenance costs.
- (5) Existence of any wildlife habitat that is on a protected or endangered species list maintained by any state or federal agency, existence of any wetlands, natural waterways, or areas that may support migratory species, or evidence of any environmentally sensitive vegetation.

Compliance with Standard: The Project complies with this standard for the following reasons:

- (1) Based on information in the CDE Study and the District Board's and Administration's knowledge, no undue delays or unreasonable costs are anticipated in bringing utilities to the Project site as it is planned to be located centrally in the Eastern part of the City of Dublin, and less than two miles from two different Alameda County fire stations and the Alameda County Sheriff's Department, and is not distant from all other essential utilities. Adequate public services will be able to be provided for the Project by the time it is constructed.
- (2) Based on information in the CDE Study, PlaceWorks Study, and the District Board's and Administration's knowledge, no undue delays or unreasonable costs are anticipated for site preparation including grading, drainage, demolition, hazardous cleanup, including cleanup of indigenous material such as serpentine rock, and off-site development of streets, curbs, gutters and lights. No known naturally occurring serpentine rock are within 10 miles of the Project site.
- (3) No severance damages, or unusual or excessive title clearance or legal fees are anticipated. Eminent domain may be necessary to acquire the Property. The costs and delays due to the above items are not anticipated to be undue or unreasonable.
- (4) No on-site soils or other conditions are evident which would cause long-term high landscaping or maintenance costs.
- (5) Based on information provided in the CDE Study, the site does not contain any wetlands, protected or endangered species, natural waterways or evidence of any environmentally sensitive vegetation.

**19. Hazardous Waste Disposal (CCR 14010(t)):** If the proposed site is on or within 2,000 feet of a significant disposal of hazardous waste, the school district shall contact the Department of Toxic Substance Control for a determination of whether the property should be considered Hazardous Waste Property or Border Zone Property.

Compliance with Standard: Based on information provided in the Terraphase Study and PlaceWorks Study, the site complies with this standard. The school site is not on or within 2,000 feet of a significant disposal of hazardous waste.

**C. Findings pursuant to Real Property Acquisition Site Selection Standards, Education Code Sections 17211, et. seq.**

**20. Public Hearing (Educ. Code § 17211):** Prior to adopting a Resolution approving the acquisition of the Property, the Board will have evaluated the Property at a public hearing on July 17, 2018, using the site selection standards established by the State Department of Education.

Compliance with Standard: The Project complies with this standard.

**21. Property Investigations (Educ. Code § 17212):** Competent personnel have investigated the Property and the final site selection has been determined by an evaluation of all factors affecting the public interest, not just on the basis of raw

land cost.

Compliance with Standard: Based on the knowledge of the District Board of Trustees and administration, multiple sites have been evaluated by the District for potential use as a high school. In evaluating these sites, the District has considered a variety of factors that affect the public interest, including location, neighborhood, size, topography, physical condition, access, zoning, and past and present uses of the properties. District staff and consultants have weighed all of these interests in light of the public's need for a new high school.

**22. Earthquake Fault Zone** (*Educ. Code § 17212.5*): The Property is located outside of a "special studies zone," a.k.a. "earthquake fault zone," and the Property is not located on the trace of a geological fault along which surface rupture can reasonably be expected to occur within the life of the school building.

Compliance with Standard: Based on information provided in the Terraphase Study, CDE Study, and PlaceWorks Study, the Project complies with this standard. See discussion regarding Finding No. 5, above, which is incorporated herein by this reference.

**23. Hazardous Waste** (*Educ. Code § 17213(a)*): The Property is not any of the following:

- a. The site is not a current or former hazardous waste disposal site or solid waste disposal site, unless if the site was a former solid waste disposal site, the District concludes that such waste has been removed;
- b. The site is not a hazardous substance release site identified by the State Department of Health Services in a current list adopted pursuant to Section 25356 of the Health and Safety Code for removal or remedial action pursuant to Chapter 6.8 of Division 20 of the Health and Safety Code;
- c. This site does not contain one or more pipelines, situated underground or aboveground, which carries hazardous substances, extremely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to the Property or neighborhood.

Compliance with Standard: Based on information provided in the Terraphase Study, CDE Study, and PlaceWorks Study, the Project complies with this standard. There are no petroleum or chemical pipelines on the site based on the National Pipeline Mapping System online mapping database (NPMS 2018), and there are no pressurized sewer lines or water pipelines on the Project site. The Project site contains neither a former hazardous waste disposal or solid waste disposal site, nor a hazardous substance release site.

**24. Hazardous Waste from Neighboring Facilities** (*Educ. Code § 17213(b)*): The District has consulted with the administering agency where the site is located, pursuant to Section 2735.3 of Title 19 of the California Code of Regulations, and with any air pollution control district or air quality management district having

jurisdiction in the area, to identify both permitted and nonpermitted facilities within that district's authority, including, but not limited to, freeways and other busy traffic corridors, large agricultural operations, and railyards, within one-fourth of a mile of the proposed schoolsite, that might reasonably be anticipated to emit hazardous air emissions, or to handle hazardous or extremely hazardous materials, substances, or waste.

Compliance with Standard: Based on information provided in the Terraphase Study, CDE Study, and PlaceWorks Study, the Project complies with this standard. See discussion regarding Finding No. 16, above, which is incorporated herein by this reference. The District's consultants have consulted with the Bay Area Air Quality Management District (BAAQMD), and determined that no stationary sources of pollution pose an actual or potential endangerment to occupants of the Project.

**25. Consultation Results** (*Educ. Code § 17213(c)*): The consultation identified none of the facilities or significant pollution sources specified in section 17213(b).

Compliance with Standard: Based on information provided in the Terraphase Study, CDE Study, and PlaceWorks Study, the Project complies with this standard. See discussion regarding Finding Nos. 16 and 24, above, which are incorporated herein by this reference.

**26. Phase I Environmental Assessment** (*Educ. Code § 17213.1*): ) The District has contracted with an environmental assessor to conduct a Phase I and Phase II environmental analysis of the proposed school site. The District will contract with an environmental assessor or enter into an agreement with DTSC for a PEA, if required, pursuant to Education Code section 17213.1(a)(4), and follow the requirements thereof.

Compliance with Standard: Based on information provided in the Terraphase Study and the CDE Study, the Project complies with this standard. Database searches have revealed that the Project site is not on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5. To the extent that a PEA is required to further evaluate whether the former agricultural activities on the Property left residual pesticides in the soil, the District shall contract with an environmental assessor or enter into an agreement with DTSC for a PEA.

**27. Distance from Airport** (*Educ. Code § 17215*): The Property is not located within two miles, measured by air line, of an airport.

Compliance with Standard: Based on information provided by the District's survey/engineering consultant QK Consulting, the Project complies with this standard. The Property is located approximately 2.2 miles from Livermore Municipal Airport.

**28. District Boundaries** (*Educ. Code § 17217*): The Property is located within the existing boundaries of the District.

Compliance with Standard: Based on the knowledge of the District Board of Trustees and administration, the Project complies with this standard.

**29. Self-certified District** (*Educ. Code §§ 17000, et seq.; CCR 14011*): The

District is receiving more than 50 percent of funding for the school construction from the State Allocation Board pursuant to the Leroy F. Greene State School Building Lease-Purchase Law of 1976 and the State has designated the District as a self-certified District.

Site Compliance with Standard: The Project complies with this standard.

**D. Findings pursuant to the Williamson Act, Government Code Sections 51200, et seq.**

**30. *Farmland Security Zone*** (*Gov. Code §51296.6*): The Property is not a designated farmland security zone.

Compliance with Standard: The Project complies with this standard.

**31. *Agricultural Preserve*** (*Gov. Code §51291; Ed. Code § 17215.5*): The Property is not located within an agricultural preserve.

Compliance with Standard: Based on information provided in the Terraphase Study, CDE Study, and PlaceWorks Study, the Project complies with this standard.