

A-5.1 JAMUL-DULZURA UNION SCHOOL DISTRICT

Comment Letter A-5.1



April 16, 2018

County of San Diego, Lead Agency
 Attention: Mark Wardlaw and Gregory Mattson
 Director, Planning & Development Services
 5510 Overland Avenue, Suite 310
 San Diego, CA 92123

Re: Draft Environmental Impact Report (DEIR) for Otay Ranch Village 14 and Planning Areas 16 & 19, Log No. PDS2016-ER-16-19-006; SCH No. 2016121042, Project Nos. PDS2016-GPA-16-008, PDS2016-SP-16-002, PDS2016-REZ-16-006, PDS2016-STP-16-027 and PDS2015-TM-5616

Dear Mr. Wardlaw:

MillerCalderon, Inc. has been retained by the Jamul-Dulzura Union School District (hereinafter, "Jamul-Dulzura or "District") to provide consulting support related to its school facilities program and residential and commercial developments within its jurisdictional boundaries. On behalf of the District, we appreciate this opportunity to comment on the above-referenced Draft Environmental Impact Report.

A-5.1-1

The District offers the following comments referenced by Chapter and Section to the Draft Report:

The Draft Environmental Impact Report.

The report addresses the environmental impacts and mitigation measures of a proposed new residential and commercial development that is referred to as Village 14 and Planning Areas 16 and 19. The new development is described as including 1,119 homes on approximately 1,284 total acres within an approximately 860-acre development footprint. Of these 1,119 homes, approximately 994 will be located in Village 14. There are 13 one-acre estates in Planning Area 19 and 112 Ranchettes located in Planning Area 16. Village 14 includes a proposed 9.7-acre elementary school site as well as 1.7-acre mixed use site with approximately 10,000 square feet of commercial uses. The development has just a little over 11 acres of parkland for recreational uses. It appears that the report makes a critical assumption that a portion of the Village 14 development will be transferred from the Jamul-Dulzura Union School District and Grossmont Union High School District to the Chula Vista Elementary School District and Sweetwater Union High School District.

A-5.1-2

A-5.1-3

Jamul-Dulzura wishes to express grave concerns regarding those portions of the report that address the following:

A-5.1-4

7 West Figueroa St., 3rd Floor, Santa Barbara, CA 93101
 805.724.3270

1. the proposed new school site;
2. the impact of the development on the District;
3. the proposed transfer of territory between Chula Vista Elementary School District and Jamul-Dulzura Union School District (as well as the transfer of territory from Grossmont Union High School District to the Sweetwater Union High School District); and,
4. the parklands associated with the Project.

A-5.1-4
Cont.

CHAPTER 3, SECTION 3.1.6 PUBLIC SERVICES

The Report Inaccurately Refers to Jamul-Dulzura as a Unified School District.

In at least one location in the Report, it refers to the Jamul-Dulzura Union School District as the "Jamul-Dulzura Unified School District." Jamul-Dulzura is an elementary school district not a unified school district. The District serves elementary and middle school students, or Kindergarten through 8th grades. The Jamul-Dulzura Union School District feeds into the Grossmont Union High School District which serves 9th through 12th grades.

A-5.1-5

By comparison, the Chula Vista Elementary School only serves kindergarten through sixth grade. Chula Vista Elementary school feeds into the Sweetwater Union High School District that serves 6th grade through 12th grade. In other words, Sweetwater educates both middle school and high school aged students.

The error in the Report should be corrected.

The report also contains a statement that Jamul-Dulzura recommended using Chula Vista Elementary School District student generation rates to estimate the students to be generated by the new development. This is not accurate. Rather, Jamul-Dulzura rejected the developer's estimated generation rate as being too low and suggested using the California State generation rate of 0.5 per household. Jamul-Dulzura has not studied its generation rate nor are there any similarly situated new developments within its boundaries to make an adequate comparison. Jamul-Dulzura is not familiar with Chula Vista Elementary School District's demographic studies and cannot accept without further review the student generation factors developed for that district.

A-5.1-6

The Proposed School Site is Inadequate to Serve a Large Student Body.

According to the Project Proponents, the threshold contained in the Otay Ranch GDP/SRP:

"Additional facilities to serve children generated by new development shall be provided concurrent with need, and shall be of the quality and quantity sufficient to meet, at a minimum, State Department of Education Standards."

A-5.1-7

The Report identifies a school site consisting of 9.7 acres for the Proposed Project. Given recent the Otay Ranch experience, and most recently the experience with the Camarena Elementary School that opened on or about July 2017, 9.7 acres is simply too small. Camarena currently has an enrollment of 1014 and exceeds its capacity by 14 students. It should be noted that this overcrowded school is cited in the report as the reason that Chula Vista Elementary is able to house students generated by the Proposed Project.

A-5.1-8

The Report appears to suggest that 700 to 1000 students is the standard size for an elementary school on eight acres. The Report cites Chula Vista as the source for this standard. Yet, most research suggests that the educationally appropriate enrollment size for an elementary school is around 500.¹ There is no evidence that would support the Report's conclusion that attempting to house 1000 student on a site that is under 10 acres is appropriate or educationally sound. In a similar manner, the high school size is overly optimistic as there is research pointing to an ideal size closer to 600 students per high school.²

A-5.1-9

A-5.1-10

We believe that Chula Vista schools were not originally planned or built to house such large number of students; however, as a result of inadequate EIRs and inadequate funding from developers for schools, the district was saddled with enrollments over 1,000 in some elementary schools, that is not supported by the research. The district must add inadequate portable buildings that reduce critical recreation space, parking areas and other vital areas of the school site. This is neither desirable nor is it educationally sound. The Report mentions the portables but makes no reference to the fact that the State of California has moved away from recommending housing children in portable buildings.

A-5.1-11

Generally, an elementary school that houses 1,000 students is considered impacted and would require in excess of 45 classrooms (45,000 square feet of classrooms) and additional support facilities. Nine and seven-tenths (9.7) acres is simply inadequate to accommodate such a large footprint. Nevertheless, the study and analysis in the report provides no support for the proposition that the school site is adequate for the enrollment or would result in an educationally sound environment for children.

A-5.1-12

A-5.1-13

The Report fails to cite any appropriate educational standards or evaluate whether the proposed project meets those standards. Moreover, the proposed temporary locations for the students generated by the development are all near, at or over capacity with the exception of those that are in excess of five miles of cross-town traffic from the project. The traffic study that was prepared does not adequately address the effects of the transportation of children over these distances across the City of Chula Vista. A summary conclusion that the impact of the Proposed Project to Public Services is less than significant is simply unsubstantiated and lacking in any proper analysis.

A-5.1-14

A-5.1-15

A-5.1-16

A-5.1-17

¹ See attached Research Brief (2006) and a WestEd Policy Brief (2001).

² See attached Education Week Article (1996) and Michigan Research Study (1996).

The Report also makes passing reference to utilizing the parkland areas adjacent to the school site to enable joint field and recreational facility uses. While such a proposition allows for additional acreage for the school site, there are a number of considerations that have not been studied or evaluated as part of the Report, including the competing interests between community use and school use, the restricted community use resulting in less acreage available to the public during the school day and finally, and most importantly, the new paradigm of school violence and the need to protect students from violence thereby impacting school and parkland designs. These considerations are also addressed below.

A-5.1-18

The Report Fails to Properly Evaluate or Consider the Consequences of a Territory Transfer

The Report makes the following assertion on page 3.1.6-25:

"A small (approximately 203 residential units) geographic area in the most northerly portion of Village 14 is within the JDUSD and GUHSD boundaries. This area will be subject to a Transfer of Uninhabited Territory to allow those units to fall within the Chula Vista School District boundary. The Otay Ranch GDP/SRP and Facility Implementation Plan (City of Chula Vista and County of San Diego 1993b, 1993c) anticipate that the schools in Village 14 would be within CVESD/SUHSD boundaries, and that boundary adjustments would be appropriate to transfer any uninhabited territory from JDUSD and GUHSD to CVESD and SUHSD."

A-5.1-19

The Report makes no reference to the fact that both Jamul-Dulzura and the Grossmont Unified School District oppose such a territory transfer. This reference to a territory transfer will have a detrimental impact on all districts and requires a separate legal process. The impact of such a transfer was not studied nor analyzed by the Report. Furthermore, it should be noted that neither the City of Chula Vista nor the County of San Diego has any authority or jurisdiction with respect to the boundaries of school districts nor can such a transfer be dictated in a general development plan. The statement suggesting that the transfer has been approved or is even appropriate is erroneous. The authority to transfer a territory between districts or to adjust school boundaries is vested in the State Board of Education, the County Board of Education and a County Committee thereunder. Such a transfer is arguably the subject of a "Public Project" subject to CEQA. Simply suggesting that this is an appropriate transfer is inadequate without a full study and evaluation of the environmental impacts and required mitigation. Because the report bases its study and analysis of schools on the assumption that such a transfer has been approved or authorized, therefore the resulting conclusions are flawed. The analysis of who will serve these children, where they will be served and how they will be served must be reevaluated and reanalyzed. In fact, the study should consider the alternatives of keeping the boundaries as they currently exist or in the alternative, adjusting the boundaries so that the entirety of Village 14 is within Jamul-Dulzura and the Grossmont Union School District.

A-5.1-20

A-5.1-21

A-5.1-22

A-5.1-23

Comments to Draft Environmental Impact Report for Otay Ranch
Village 14 and Planning Areas 16 and 19
Page 5 of 10

The opposition to the territory transfer can be confirmed from a careful review of the Service Availability Letters attached to the Report in the Technical Appendices Section A.3.1.6-3. These show that both Jamul-Dulzura Union School District and the Grossmont Union High School District stated that they have capacity to serve the children generated by the new development and oppose any proposed territorial transfer. Both Chula Vista Elementary School and Sweetwater Union High School District noted that the project would result in overcrowding at their schools. The report simply ignores these service availability letters, the required transfer process and does not consider an alternative. By leaving the 203 residences in the Jamul-Dulzura boundaries or alternatively transferring the entire Village 14 from Chula Vista Elementary to Jamul-Dulzura Union, the Proposed Project would reduce its environmental impact and achieve a far more efficient use of public resources.

A-5.1-24

Jamul-Dulzura has Experienced Steady Declines in Enrollment and Would Benefit from the Development's Projected Student Enrollment

Beginning in the 2007 academic year, the District has experienced a steady decline in its student enrollment. In 2007, the District's enrollment per CALPADS was 1320 students. Today, that enrollment is at 839 a decline of over 36%. The District is averaging a 4.3% decline in student enrollment each year. The following table illustrates the District's decline in enrollment as reported in CALPADS



A-5.1-25

With the decline in enrollment, the District experiences a commensurate decline in State funding. The District resources are being depleted and the District is at risk of experiencing an impact to its educational program as a result of those declines in funding. As a result, the District has ample capacity to serve additional students, and in fact, needs the additional enrollment to preserve its educational programming. The Grossmont Union High School District has also made it clear, by letter to the developer, that it has sufficient space to serve the students that would be generated within the district boundaries. Jamul-Dulzura estimates that it has the capacity to absorb anywhere

A-5.1-26

A-5.1-27

A-5.1-28

7 West Figueroa St., 3rd Floor, Santa Barbara, CA 93101
805.724.3270

Comments to Draft Environmental Impact Report for Otay Ranch
Village 14 and Planning Areas 16 and 19
Page 6 of 10

from 258 to 300 additional students. As noted from the enrollment table above, this number could be increased through improvements to its existing facilities.

A-5.1-28
Cont.

It would be an inefficient use of existing public resources to transfer territory from a school district that has adequate capacity to serve students to a district or districts that are overcrowded requiring the construction of new schools. Such a transfer would be incomprehensible in light of the fact that transferring those children will have a continued negative impact to the Jamul-Dulzura District. The alternative of not transferring the territory supports the viability and sustainability of the district and hence the elimination of unnecessary impact to the environment.

A-5.1-29

It is clear that the Report fails to review, study, evaluate or analyze any of these issues. This analysis is required to properly assess the environmental impacts of the development and, more specifically, the proposed transfer of territory.

A-5.1-30

The Capacity of Surrounding School Sites Dictates a Different Conclusion than that Reached in the Report

The report lists in detail the capacity figures for the surrounding Chula Vista Elementary schools that would temporarily house students until a new school is constructed. It is astonishing that the data provided confirms that within a four-mile cross-town radius, Chula Vista Elementary is simply unable to absorb any capacity. In fact, the figures show a negative capacity of 62 students within the four-mile radius. Within the same radius, Jamul-Dulzura is able to permanently absorb anywhere from 258 to 300 students, and possibly more, as stated above. The following chart not only supports this proposition, but also highlights the above-average size of the elementary schools in the neighboring communities. It is also interesting to note that the acreage of the proposed sites in question was not analyzed to determine whether adding more children to these impacted sites would be appropriate.

A-5.1-31

A-5.1-32

CVESD Schools	Miles	Enrollment	Capacity
Salt Creek Elementary	2	968	7
Thurgood Marshall Elementary	2.7	674	12
Arroyo Vista Charter School	2.7	1002	-152
Olympic View Elementary	3.25	807	18
Liberty Elementary	3.3	739	13
Eastlake Elementary	3.75	648	54
Camarena Elementary	3.8	1014	-14
Net Capacity			-62
JDUSD Schools	Miles	Enrollment	Capacity
Jamul Primary School (K-3)	within 3 miles	262	107
Jamul Intermediate School (4-5)	within 3 miles	114	36
Oak Grove Middle School (6-8)	within 3 miles	223	115
Net Capacity			258

A-5.1-33

7 West Figueroa St., 3rd Floor, Santa Barbara, CA 93101
805.724.3270

Anecdotal information also suggests that many the children of residents in the Chula Vista Elementary neighborhoods cannot attend their neighborhood school due to overcrowding. In deep contrast, the Jamul-Dulzura campuses are small, focused on individualized learning and are able to serve new children without bussing extended distances.

A-5.1-34

In light of this information, the Report must reconsider its analysis with respect to traffic as these students will be bussed in excess of 4 miles to find a site with capacity. This is compounded by the fact that there are only a handful of seats at each school resulting in added busses and bus routes resulting in more traffic and congestion.

A-5.1-35

It is clear that the Report neither studies nor analyzes these considerations. Yet, it concludes that the impact is less than significant. This is nothing more than a cursory boiler-plate conclusion that lacks foundation or a thoughtful evaluation of the facts in the Report.

A-5.1-36

The Proposed Transfer of Territory From Jamul-Dulzura To Chula Vista Elementary Has Dire Economic Consequences That Were Not Properly Considered

The cursory statement that the school district territory transfer is appropriate fails to consider the negative economic consequences to Jamul-Dulzura. The economic consequences come in the form of two separate negative impacts to the District (1) reduction in the District's total Assessed Value ("AV") and (2) an impact to the District's prospective and ongoing operating capital.

The move of territory from one district to a neighboring district results in the loss to the total assessed value of the district losing the territory. The receiving district gains the AV. There is a direct impact to the taxpayers in the losing district because the debt service payments are spread over the remaining property owners. Furthermore, the debt service has been calculated based on the assumption that the AV continues to grow each year, not decline. This impact is exponential in smaller areas. Jamul-Dulzura's loss has a greater impact to the District than the relative gain Chula Vista Elementary experiences because of its size.

A-5.1-37

In the future, Jamul-Dulzura will also be limited in the amount of bond proceeds it can raise because of the loss of the area in question. If the homes were to remain, as they are built, Jamul-Dulzura will have a larger base of support to fund its facilities program. The Report fails to consider the fact that the District may be unable to continue to support a facilities program that is appropriate for the age of its facilities and its size.

The transfer of territory also has a very large negative impact on the District's ability to fund its operations. The Proposed Project, per the Proponents calculations will generate 203 homes in Village 14 that are in the Jamul-Dulzura boundaries. If these homes are not transferred in a territory transfer the projected revenue for operations for the District resulting from approximately 100 or so children (using the State generation rate of 0.5) is as follows:

7 West Figueroa St., 3rd Floor, Santa Barbara, CA 93101
805.724.3270

Comments to Draft Environmental Impact Report for Otay Ranch
Village 14 and Planning Areas 16 and 19
Page 8 of 10

Jamul-Dulzura Union School Districty		
Loss of Prospective State Funding from Territory Transfer		
Revenue Source	Funding Per Student	Total Loss of Funding
Local Control Funding Formula	\$ 9,328.55	\$ 942,183.55
Lottery	\$ 194.00	\$ 19,594.00
Ongoing Mandate Funding	\$ 16.30	\$ 1,646.30
Special Education Funding	\$ 542.59	\$ 54,801.59
TOTALS	\$ 10,081.44	\$ 1,018,225.44

For Jamul-Dulzura, this loss in revenue accounts for approximately 16.5% of its total operating budget. Because of recent declines in enrollment, this amount of future revenue on an ongoing basis is crucial for the survival and well-being of the District as well as the overall educational health of San Diego County. To simply transfer this to another District would undermine the District's educational program and its livelihood.

CHAPTER 3, SECTION 3.1.7 RECREATION

The Draft Environmental Impact Report fails to adequately address the County's General Plan goal of 10 acres per 1,000 residents. The formula utilized by the proponent of this project results in a deficiency in Local Parks as that term is defined by the County General Plan. Three hundred and ninety point seven three (390.73) square feet per unit or lot results in one acre of parkland for every 112 units or lots. Assuming an average of 3 residents per unit or lot, the project proponent is providing only 1 acre for every 336 residents, or 2.9 acres for every 1000 residents. One thousand twenty-two dwelling units could arguably result in upwards of 3,000 residents, thereby requiring additional parkland in the range of 30 acres, not 11 acres. It should further be noted that Section 3.1.5 Population and Housing (3.1.5-10) estimates 4,028 residents for the Proposed Project. The County's goal of 10 acres for each 1,000 residents would be severely undermined utilizing the Project's formula of 390.73 square feet per unit. There is no sound reasoning provided as to why this number was used.

Similarly, the study does not adequately take into consideration the cumulative effect of the various residential and commercial developments in the surrounding area. The study makes no mention of the current use of surrounding parks and the distance individuals are traveling to visit the various parklands in other developments. The study should evaluate uses in similar parklands in the surrounding area and evaluate the distances individuals are traveling to visit these parklands. This information should be considered in determining location, size and the nature of uses required to mitigate for the proposed development.

7 West Figueroa St., 3rd Floor, Santa Barbara, CA 93101
805.724.3270

A-5.1-37
Cont.

A-5.1-38

A-5.1-39

A-5.1-40

Comments to Draft Environmental Impact Report for Otay Ranch
Village 14 and Planning Areas 16 and 19
Page 9 of 10

The study should also take into consideration parkland equity in the neighborhoods surrounding the development and resulting use patterns. For instances, the Jamul Planning area has fewer neighborhood parks than those neighborhoods and newer developments in the City of Chula Vista. Therefore, the impact of including parkland in the Jamul planning area must be viewed and analyzed from the perspective of serving a larger area and therefore require additional acreage to mitigate for the impact of the development. By CEQA standards, a significant impact would result if the Proposed Project would:

A-5.1-41

"Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial deterioration of the facility would occur or be accelerated."

A-5.1-42

However, the report is completely devoid of any information or study of the use of surrounding parklands, whether neighborhood or regional. There is no mention of the radius of travel expected for parkland use or the availability of parkland in the surrounding area that would utilize the Proposed Project's parks or nearby parklands. Yet the report concludes that the impact of the Proposed Project is less than significant. This can be nothing other than a boilerplate finding that lacks any verified analysis or study.

The project proposes a school site that is undersized for its intended use. In these cases, schools will often rely on the neighboring parkland to accommodate required recreational activities for the school site. There is a passing reference to joint use of parkland in the Public Services section. This impact is rarely adequately evaluated due to the separate analysis given to Recreation and Public Services.

A-5.1-43

Parkland, when used to supplement school activities, are often used on exclusive basis during the school day. This limits the public's access to these areas for the safety and protection of the children. While no mention is made of whether a joint use is considered for the parkland adjoining the school site, it must be assumed that such an arrangement will be required if the elementary school will house 1,000 children. It is not apparent in the report that any consideration was given to this school need or the impact to the community use of the parkland. Joint use of facilities creates competing interests between open and continuous use of the parkland by the community and the access and use by the school.

A-5.1-44

Today, school use of parkland must take into consideration significant safety issues resulting from recent school shootings. If a joint use agreement is being considered for the adjacent parkland, the design of both the school and the park must be considered to insure the safety of the students at all times. This invariably will have a determinantal impact on community access and use of the parkland. Given the inadequate acreage of parkland for the community, any restrictions will only further reduce the acreage available to the public. No such considerations are even remotely addressed in the Report.

A-5.1-45

Section 3.1.7 inadequately analyzes the environmental impacts caused by the Proposed Project on Recreational areas. These deficiencies should be addressed prior to approval of the Project.

A-5.1-46

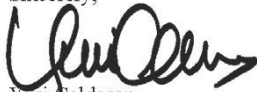
7 West Figueroa St., 3rd Floor, Santa Barbara, CA 93101
805.724.3270

*Comments to Draft Environmental Impact Report for Otay Ranch
Village 14 and Planning Areas 16 and 19
Page 10 of 10*

Thank you again for the opportunity to comment on this important Draft Environmental Impact Report. As you can see from the above-comments, the potential impact to the Jamul-Dulzura Union School District is serious and warrants further consideration and study prior to formal consideration. We sincerely hope that the alternative of leaving the territorial boundaries unchanged or transferring the entire Village 14 into the Jamul-Dulzura Union School District boundaries be considered as an alternative to that proposed in the Report. These alternatives provide a far more efficient use of existing public resources, support to a school district that is struggling economically and a more beneficial outcome for the children generated from these neighborhoods.

Should you have any questions, I can be reached at (805) 724-3270, or Superintendent Nadine Bennett at (619) 669-7702.

Sincerely,



Yuri Calderon
President/CEO &
Consultant to the Jamul-Dulzura
Union School District

A-5.1-47

A-5.1-48

A-5.1-49

*7 West Figueroa St., 3rd Floor, Santa Barbara, CA 93101
805.724.3270*