

# San Dieguito

Union High School District

## Frequently Asked Questions Concerning the La Costa Valley (Calle Barcelona) Property

There have been a number of questions recently surrounding the district-owned property in La Costa Valley. We would like to clarify the school district's position on this piece of land and hopefully address any concerns the community may have.

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## **Purchase-Related Questions**

### ***Why did the school district buy the La Costa Valley site?***

Demographic studies performed in the early 1990s demonstrated there would be a need for an additional junior high school in the northern part of the district. The school district purchased the site as a part of the mitigation agreement with Fieldstone Homes, the original developer of the Villages of La Costa.

### ***Why did the school district buy the land if there was a chance it would not be needed?***

School districts have two choices when planning future school sites:

1. Buy vacant land in new developments when the land is less expensive, or
2. Wait until the population justifies the need for a new school and take property through eminent domain when land cost is higher, zoning is more restrictive, and years of expensive legal challenges are likely.

### ***Did the school district buy this property as an investment?***

No.

The school district is in the business of educating children—not real estate speculation.

## **Construction-Related Questions**

### ***Why hasn't the school been built?***

Shortly after purchasing the site in 1999, enrollment projections began to flatten. Although the number of students living in the La Costa Valley increased, fewer students are coming from the other neighborhoods served by our middle schools. The two SDUHSD middle schools are currently able to handle the number of students who attend the Encinitas Union School District elementary schools in Encinitas and La Costa.

### ***My REALTOR told me the school would be built in a couple years. When did the school district change its mind?***

The school district never set an official target date to build the school. Rather, the land was purchased in anticipation of needing it. The school would have been built had the enrollment projections turned out as predicted.

To date, it has not been determined whether or not the school district will build a school on this site.

### ***Why doesn't the school district just build the school?***

It would be fiscally irresponsible to spend millions of dollars to build a school that demographic studies suggest we do not need in the foreseeable future. There would be millions more in start-up costs to outfit the classrooms with instructional materials and furniture. There would be increased personnel costs to staff three middle schools as opposed to the two we currently have. Smaller schools are proportionally more expensive to operate and tend to offer fewer elective programs.

***Is it true that even if the school district wanted to build a school at LCV, the school district does not have the money to build it?***

The proceeds from CFD 94-2 were never intended to be the sole source of funding for construction of a new school. If a school is ever built on the property, a mixture of several state and local funding sources would be used.

**Community Facilities District / Mello-Roos-Related Questions**

***How can the school district use the Mello-Roos tax paid in the La Costa Valley Community Facilities District (CFD)?***

The agreement with Fieldstone that created CFD 94-2 clearly outlines how the Mello-Roos taxes can be used. They are:

- To repay the school district's CFD expenses and reimburse certain funds to the landowner.
- To pay for interim school facilities and all costs and expenses related to house students residing within the property or CFD, but not in excess of \$700,000 in the aggregate.
- To acquire the school site (La Costa Valley) unless the school district determines not to acquire the school site.
- To purchase, construct, expand, improve and/or rehabilitate:
  - Oak Crest Middle School
  - Diegueño Middle School
  - A new junior high school in south Carlsbad (La Costa Valley)
  - San Dieguito High School Academy
  - A new high school in south Carlsbad (La Costa Canyon HS)
  - Sunset High School
  - Adult education facilities
  - Continuation high school

## ***How have the students living in La Costa Valley benefited from the use of proceeds from CFD 94-2?***

A total of \$30.2 million from Mello-Roos has been spent on CFD 94-2 qualified facilities and another \$2.5 million has been committed to be spent on the San Dieguito Academy Visual and Performing Arts Center.

The school district used CFD 94-2 funds on the following facilities benefiting the students living in La Costa Valley:

- La Costa Canyon HS
  - Fifth quad
  - 8 classroom expansions
  - 1300s building (12 classrooms)
  - Additional food service facilities
- Oak Crest MS Modernization
- San Dieguito Academy
  - Modernization
  - New Media Center
  - Stadium Lighting
  - Performing Arts Complex (Pending)
- Purchase of LCV site

## ***Has the school district used Mello-Roos funds from CFD 94-2 to build Canyon Crest Academy?***

No.

## **General Questions**

### ***What is the current plan for the school site?***

The site was purchased with the intent to build a middle school. There are no other plans in place for the site.

The school district is currently creating a Facilities Action Plan that will address issues affecting all of our school sites, including La Costa Valley. The plan will be developed in a series of public facilities workshops throughout the next year. Any recommendations to change the use of that property would be brought out in that process.

### ***Why was there a sign on the property advertising it as a Future Middle School?***

Fieldstone erected the sign before the school district purchased the land, although the school district allowed it to stand for several years.

### ***What is the unused site fee?***

The state imposes a fee on school sites if they are not being used after a certain period. The school district is currently exploring exemptions that would either reduce or eliminate the fee entirely.

No bond proceeds were used to pay this fee. The school district used funds collected from developers who pre-paid special taxes and excess special taxes after debt service within CFD 94-2 to cover this expense.

### ***Why did the school district put a fence around the site?***

After the school district received reports and complaints of motorcyclists and BMX bikes riding on the property, the fence was put up to reduce liability, eliminate further complaints from the neighbors, and also to help protect the hillside owned and maintained by the homeowners association.

### ***Why has the school district hired lawyers to advise it in this matter?***

The school district frequently consults with legal counsel on a variety of issues in order to ensure it is acting appropriately and within the law. It is also the school district's practice to retain counsel when the school district is threatened with litigation, when attorneys contact us, or if we know potential litigants have retained their own counsel—all of which have occurred in this matter.

### ***Why can't our children go to Diegueño Middle School?***

They may. Any middle school student may apply for an intra-district transfer to any other middle school in the district. Students will be accepted as long as there is capacity. There is currently excess capacity at Diegueño for intra-district transfers.

## **Surplus (Sale or Lease) Questions**

### ***Has the school district decided to sell the La Costa Valley site?***

No.

There is a well defined and very public process a school district needs to follow before it can sell a piece of property. This process is described below. The school district has not gone through this process.

### ***What is the process for declaring the land as surplus?***

According to California Education Code sections 17387-17391, the school district would convene a "7/11 Committee" to determine if a particular site could be considered surplus property. The committee would have between 7 and 11 members with representation from:

- The ethnic, age group, socio-economic composition of the district
- The business community, such as owners, managers or supervisors
- Landowners or renters, with preference given to representatives of neighborhood associations
- Teachers
- Administrators
- Parents of students
- Persons with expertise in environmental impact, legal contracts, building codes, and land use planning etc.

The committee's function is to:

- Review enrollment and other data
- Create a priority list of uses of surplus property that would be acceptable to the community
- Communicate with the community regarding potential uses or sale of surplus property
- Hold public hearings to provide community input
- Make a final determination as to the use of surplus property
- Forward a report with their recommendations to the Board of Trustees for their consideration

### ***Has the school district formed a 7/11 Committee?***

No.

***How does the school district go about selling a property?***

After the 7/11 Committee had completed their work and the required public hearings were completed, the Board of Trustees would adopt a resolution at a public meeting declaring its intent to sell the property. The property could then be sold subject to California Education Code section 17464.

***If the school district decides to sell LCV, will the homeowners have any say in the process?***

Should the district ever need to convene a 7/11 committee, it would be required to have representation from the community with preference given to representatives of neighborhood associations.

***What happens to the proceeds if the land is sold?***

The school district has not fully investigated this, as there are currently no plans to sell the site.

***Is the school district using, or planning to use, our Mello-Roos taxes or proceeds from the sale of the La Costa Valley site to cover state budget cuts or for retirement benefits?***

No.

Building funds cannot be diverted to the general fund or used for other operating expenses unrelated to facilities.

Additionally, there are no plans to sell the property.

***If the land is sold, is the first priority that it be used as low-income/high density housing?***

No, the first priority would not be low-income/high density housing.

Provisions of the Education Code (discussed below) require that the land be offered for parks, open space or other governmental purposes first. Also, if the area is not zoned for high-density housing, it is not likely that the land could be used for that purpose unless the City of Carlsbad approves a zoning change and General Plan amendment.

The general priorities for selling surplus school sites listed in California Education Code section 17464, are:



- First, for park and recreational purposes
- Second, for sale or lease at fair market value to state and local public agencies
- Third, in any other legal manner

Although the provisions of Government Code section 54220 et seq. (including GC 54222) are generally applicable to school districts as well as other public agencies, more specific provisions of law found in the Education Code apply only to school districts and would be implemented first.

After following the priorities in the Education Code, the subsequent priorities would be those recommended by the 7/11 Committee to the Board of Trustees.

***Can the school district guarantee that the land will not be sold for low-income/high density housing?***

Should there ever be a determination to sell the La Costa Valley property, there is no obligation for the school district to sell it to be used as low-income or high-density housing. The school district would follow the legal procedures outlined in sections 17464, 17458, and 17489, before applying the procedures in Government Code section 54220 et seq.

Additionally, the underlying zoning for the land in question is for low density residential, which would preclude development of high-density housing in that particular location.

It is unlikely that the list of priority uses developed by a 7/11 Committee comprised of community members would recommend disposing the property to be used for such a purpose.

Finally, it is counter-intuitive to sell an unnecessary school site to be used in a way that would in turn generate a large volume of students and create a need for additional school housing.

***Who controls the zoning of the school site?***

The City of Carlsbad has discretionary authority to approve or deny any proposed changes to the zoning of the property or General Plan amendment.

## Facilities Action Plan Questions

### ***The school district recently hired a firm to help it create a Facilities Action Plan. What is that about?***

The school district and the Board of Trustees are looking at how all of our properties are used. This plan will be developed in a series of public facilities workshop meetings over the course of the next twelve to eighteen months. The final report will address all of the facility issues facing our schools and recommend a plan to align each of our properties with the district's priorities.

### ***Is the Facilities Action Plan Task Force a 7/11 Committee?***

No.

### **What else do we need to know?**

The award-winning San Dieguito Union High School District is one of the nation's finest school districts offering a wealth of academic and extracurricular opportunities in which its students can engage and excel.

The San Dieguito Union High School District has something for every student with hundreds of academic, athletic, and extracurricular activities for middle and high school students.

The school district has a track record of outstanding academic achievement.

All of the school district's traditional schools score over 800 in the Academic Performance Index (API).

SDUHSD students have high acceptance rates at colleges and universities across the nation.

The school district serves more than 12,300 students in grades 7 through 12 in an 85 square mile area including the communities of Encinitas, Solana Beach, La Costa, Carmel Valley, Del Mar, Cardiff, and Rancho Santa Fe.

Elementary students in grades kindergarten through 6 attend schools operated by Encinitas Union School District, Solana Beach School District, Del Mar Union School District, Cardiff Elementary School District and Rancho Santa Fe School District (K-8).