



## REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. *V-B-1*  
COMMISSION MEETING 05/04/11

May 4, 2011

FROM: KEVIN FABINO, Planning Manager  
Development & Resource Management Department

  
DEPARTMENT DIRECTOR

BY: SANDRA BROCK, Planner III  
Development Services Division

SUBJECT: CONSIDERATION OF A REQUEST BY THE FRESNO UNIFIED SCHOOL DISTRICT TO PROVIDE A RECOMMENDATION AND DETERMINATION OF GENERAL PLAN CONSISTENCY REGARDING THE PROPOSED PURCHASE OF 22.8 ACRES FOR A MIDDLE SCHOOL SITE (LOCATED ON THE SOUTHEAST CORNER OF EAST CHURCH AVENUE AND SOUTH MARTIN LUTHER KING JR. BOULEVARD) AND PURCHASE OF 3.5± ACRES TO REPLACE DRAINAGE CAPACITY IN FRESNO METROPOLITAN FLOOD CONTROL DISTRICT BASIN II<sub>1</sub> (LOCATED ON THE SOUTH SIDE OF EAST CHURCH AVENUE BETWEEN SOUTH ELM AVENUE AND SOUTH MARTIN LUTHER KING JR. BOULEVARD)

### RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

RECOMMEND CONDITIONAL APPROVAL of Fresno Unified School District (FUSD) purchase of this 26.3± acres for a middle school and replacement ponding basin area, provided that:

- a. FUSD amends the City of Fresno General Plan and the Edison Community Plan to redesignate the planned land uses of this acreage to "Public Facility – Middle School" and "Public Facility – Ponding Basin" respectively; and
- b. FUSD provides for full street improvements (street trees, sidewalk/curb/gutter and any necessary cul-de-sacs to City Public Works Standards) at the school site and the expansion area for FMFCD Basin II<sub>1</sub> and extends the Boulevard Area 20-foot minimum landscaped setback along South Martin Luther King Jr. Boulevard; and
- c. FUSD cooperates with the owners of Vesting Tentative Tract 5978 to redesign that tract and its associated Conditional Use Permit No. C-10-069 so that its circulation, design, and pedestrian/open space features are preserved to the extent possible; and
- d. FUSD provides for proper abandonment of the test hole/monitoring well developed at the northerly end of the proposed ponding basin expansion area; or, alternatively, FUSD may enter negotiations with the City toward installation of full municipal well and pump station at that location, to meet water demand requirements of the middle school and other development in the area; and
- e. FUSD applies to the Public Works Department for a (Street) Vacation Study to determine all the requirements for properly abandoning local streets (East Eugenia, East Burns, and South Bardell Avenues) associated with Tract 2197, because the Tract's residential lots are proposed to be purchased by the school district; and
- f. FUSD obtains City permits to properly cap off all water and sewer utility connections for properties being purchased and demolished, and to properly abandon any remnant individual water wells and on-site wastewater disposal systems which may remain or which may not have been properly abandoned by past owners; and

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- g. After acquiring all property necessary for the middle school site, FUSD should file a lot merger application to extinguish the lots of record, which otherwise would remain as individual parcels even though they may be "masked" by assignment of one or more new Assessor's Parcel(s) for the overall property.

## EXECUTIVE SUMMARY

California Public Resources Code Section 21151.2 and Government Code Section 65402(c) require that school districts inform the local land use jurisdiction of intent to purchase and develop facilities; and that the local jurisdiction, in turn, provide a report to the school district within 30 days with a recommendation regarding site acquisition.

On April 11, the Planning Division received the attached letter from Fresno Unified School District requesting a Planning Commission report on FUSD's proposed Southwest Middle School. In early February, the City had received a Notice of Preparation (NOP) from FUSD regarding the District's preparation of an environmental impact report (EIR) to analyze the acquisition and development of some 26.3 acres in southwest Fresno for this proposed new middle school. The attached map of parcelization, aerial photograph, and Assessor's Parcel detail maps are from the NOP; the text of the NOP is also attached to provide additional background information.

Because the proposed school site (22.8 acres) on the southeast corner of Church Avenue and Martin Luther King Boulevard would involve a portion of Fresno Metropolitan Flood Control District (FMFCD) Basin II<sub>1</sub>, the overall land purchase by FUSD would include 3.5± acres of land east of Basin II<sub>1</sub> that would be added to the ponding basin to increase drainage capacity for the additional runoff anticipated from a developed school campus. According to FMFCD administration, Fresno Unified School District would be responsible for purchase of this land and creation of additional drainage capacity, and would then convey it to the Flood Control District to reconfigure the ponding basin.

As depicted in the attached map of planned land uses in the area (attached), the southern half of the proposed school site is already planned for public facility use and the southwestern quadrant of it is already owned by Fresno Unified School District, operated as Carver Academy serving 5<sup>th</sup> and 6<sup>th</sup> grade students. East of Carver Academy is another public facility, Carver Neighborhood Park, which is planned for open space – park use and is owned by FMFCD as part of Basin II<sub>1</sub> (on an elevated portion of the ponding basin which would only receive stormwater in extreme events).

The northerly portion of the proposed school site, and the ponding basin expansion area to the east, are not currently designated for public facility land use. They are designated for medium and medium-high density residential uses and are zoned consistent with those planned land uses (R-1, *Single Family Residential District*, and R-3, *Medium-Density Multi-Family Residential District*) except that three parcels at the major street corner are zoned C-1, *Community Shopping Center District* (inconsistent with the medium-high density land use designation for those parcels). Development of this middle school would entirely remove Tract 2197, consisting of 38 developed single-family lots along East Eugenia, East Burns, and South Bardell Avenues.

The proposed 3.5 acre replacement area for Basin II<sub>1</sub> is planned for medium-density residential use and zoned R-1, and comprises a portion of Vesting Tentative Tract (VTT) 5978 and Conditional Use Permit (CUP) No. C-10-069, which were approved by the City Council in December of 2010 (see attached detail map showing the approximate acquisition boundary superimposed on the tract and CUP exhibit). Redesign of VTT 5978 and CUP C-10-069 will be necessary. If the ponding basin expansion extends to

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the side of local streets involved in the tract those streets will need full improvements on the ponding basin side as well as the residential side of the street (pursuant to the City Council's recent clarification of 2025 Fresno General Plan policies regarding pedestrian facilities).

The Department of Public Utilities Water Division has advised that a test hole and monitoring well were developed on the proposed well site for VTT 5978, on the outlot at the extreme northwesterly corner of the tract map. If no municipal well will be developed on that location after it is acquired for ponding basin use, the well will need to be properly abandoned according to City Water Division and California Department of Water Resources standards. As an alternative to well abandonment, FUSD and FMFCD may enter negotiations with the City toward installation of full municipal well and pump station at that location, to meet water demand requirements of the middle school and other development in the area.

**PROJECT INFORMATION**

PROJECT	Request for a report on plan consistency for proposed purchase of the subject property for use as a public middle school
APPLICANT	Fresno Unified School District (proposed buyer)
LOCATION	26.3 total acres: 22.8 acres on the southeast corner of East Church Avenue and South Martin Luther King Jr. Boulevard (44 parcels) and a separate 3.5± acre acquisition consisting of the westerly portion of APN 479-020-49 <b>Council District 3, Oliver L. Baines III</b>
SITE SIZE	Approximately 26.3 total acres
PLANNED LAND USE	Existing - Medium-high density residential; medium-density residential, and open space - park
ZONING	Existing -- C-1 ( <i>Community Shopping Center District</i> ); R-3 ( <i>Medium Density Multiple Family Residential District</i> ); R-1 ( <i>Single Family Residential District</i> ); and R-A ( <i>Residential and Agricultural District</i> )
PLAN DESIGNATION AND CONSISTENCY	Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Edison Community Plan, the proposed school (public facility) would not be consistent with much of the site's planned residential and open space- park land uses. The 8.45-acre existing Carver School site currently has a planned public facility – elementary school designation, which would need to be changed to public facility – middle school for the proposed project.
ENVIRONMENTAL FINDING	An Environmental Impact Report is being prepared by FUSD for the acquisition and development of this middle school.

**BORDERING PROPERTY INFORMATION**

	<b>Planned Land Use</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Medium-High Density Residential and Medium Density Residential	<b>R-2/BA-20</b> <i>Low-Density Multiple Family Residential District, 20-foot Boulevard Area overlay and R-1</i> <i>Single Family Residential District</i>	Homes and apartments
<b>East of the school site</b>	Open Space – Ponding Basin	<b>R-A</b> <i>Residential and Agricultural District</i>	FMFCD Basin II <sub>1</sub>
<b>East of the basin expansion</b>	Medium Density Residential and Medium-High Density Residential	<b>R-1</b> <i>Single Family Residential District and R-2/cz</i> <i>Low Density Multiple Family Residential District, conditions of zoning</i>	three pre-existing homes fronting E. Church Ave., with the other land vacant pending development of VTT 5978/ CUP C-10-069
<b>South</b>	Medium Density Residential	<b>R-1</b> <i>Single Family Residential District</i>	Homes
<b>West of the school site</b>	Medium Density Residential (per the 2025 Fresno General Plan)  Agricultural (per the Fresno County General Plan)	<b>AL-20</b> <i>Limited Agricultural District, 20-Acre Minimum Lot Size</i> <i>(Fresno County zoning)</i>	Farmland and a rural residential home site (unincorporated area)

**ENVIRONMENTAL FINDING**

Pursuant to requirements of the California Environmental Quality Act and the California Department of Education, Fresno Unified School District is preparing an environmental impact report (EIR) to identify all issues and requirements related to protecting the health and safety of students attending this facility and the environment.

**BACKGROUND / ANALYSIS**

**Basis for conditional recommendations**

Objective E-28 of the 2025 Fresno General Plan directs the City to “Cooperate with and encourage all school districts within the metropolitan area to provide the educational facilities and programs necessary to meet the needs of the area’s student population.”

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Fresno Unified School District currently does not have a general enrollment middle school serving its students in the area, so the proposed facility will meet an educational need and will help the District reduce student transportation costs.

General Plan Policy E-28-e specifically addresses the proposed acquisition of this site:

- E-28-e.** Support measures to acquire planned school sites and construct school facilities, including the assessment of additional school fees on new development, consistent with applicable state and federal laws....

Objective E-29 of the 2025 Fresno General Plan directs the City to "Plan for location and design of schools to ensure their physical and functional compatibility with surrounding urban development, and the proposed acquisition of this existing building appears to fulfill that objective. The Carver School Academy has successfully operated at this location for many years, evidence of its functional compatibility.

Policies E-29.a and E-29.f provide more specific guidance applicable to this proposed school site:

- E-29-a.** Schools should be located and designed to facilitate safe and convenient access to circulation systems including pedestrian and bicycle routes whenever possible; maintain compatibility with surrounding land uses; contribute to a positive neighborhood identity; and, support the overall community design objectives of the general plan, community plan or applicable specific plan.

• • •

- When school districts propose a new school site inconsistent with an adopted plan, or in zone districts where schools are not permitted, the city shall require a plan amendment and rezone application for the site. Pursuant to state law, districts shall also obtain the appropriate special permit.

The final bullet point under General Plan Policy No. E-29.a is the basis for the first condition for recommending in favor of FUSD acquisition of the subject property. The District has not yet applied for or received approval for a plan amendment to depict the subject property as "public facility – middle school" on the Edison Community Plan and 2025 Fresno General Plan maps. Depicting school sites on plan maps is important for emergency response planning. Requirements for environmental assessments under CEQA guidelines include identification of school site locations in the vicinity of projects. Having this property depicted on plan maps as "public facility – middle school" would properly denote the site for future assessments to ensure ongoing health and safety for people at the school campus. Students are considered "sensitive receptors" for air pollutants, and Public Resources Code Section 21151.4 has specific requirements for assessing proposed emitters of hazardous air pollutants within one-quarter mile of school sites.

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**E-29-f.** The following considerations are presented as recommended criteria for school site location planning and may be supplemented or modified by community and specific plan policies.

• • •

- Locate middle and high school sites immediately adjacent to major streets....

The proposed site for the Southwest Fresno Middle School fully complies with this 2025 Fresno General Plan policy.

In order to provide for consistent landscaping treatment of South Martin Luther King Jr. Boulevard, it is recommended that FUSD incorporate a 20-foot wide landscaped setback along that major street, in keeping with the 2025 Fresno General Plan Design Guidelines. Street trees and pedestrian facilities are also recommended along all major street frontages of the school site and any local street frontages for the expansion area being purchased for FMFCD Basin II<sub>1</sub>. As the diagram of VTT 5978 shows, a long north-south street is necessary to utilize this property, and shading on the west side of that street will prevent undue urban heat island effect and will make pedestrian access more user-friendly. Any reconfiguration of VTT 5978 streets that would result in a dead-end street will also require a full cul-de-sac to enable emergency and solid waste vehicle turning movements.

Staff is aware that FUSD has been in ongoing discussions with the developers of VTT 5978/ CUP C-10-069 regarding the proposed acquisition of the westerly portion of that project, but no applications for a revised tentative tract map or amended conditional use permit have been submitted to date. Therefore, recommendations for conditional approval of FUSD's proposed land purchase include continuing consultation between the parties toward the best outcome for reconfiguration of this recently-approved residential project, in order to maintain the design, pedestrian, and on-site open space amenities incorporated into the project.

In fulfillment of tentative tract map conditions, the developers of VTT 5978 had already drilled a test hole/ monitoring well on the proposed outlot at the northwest corner of the project (fronting on Church Avenue, west of the westerly planned entry street to the project). If this proposed outlot will be incorporated into the FMFCD Basin, and will not ultimately be offered to the City as a water well pump station site, the test hole/monitoring well needs to be abandoned to City Water Division and California Department of Water Resources specifications. The requirement for the tract to provide a source of additional potable water will remain with the reconfigured tract, but that requirement may be satisfied by an off-site well location (*i.e.*, a well site not included in reconfigured tract boundaries). The new middle school campus will also create a demand for potable water in this vicinity. Therefore, the recommendation includes an alternative whereby FUSD and the City may cooperate on continued development of a well site on the proposed tract outlot where the test hole and monitoring well have already been developed.

Just as proper abandonment of an unused public well can prevent contamination of groundwater (by removing a direct path for surface pollution to reach deeper, cleaner layers of the aquifer), proper abandonment of any remnant private wells on the proposed school site acreage is also recommended, along with proper abandonment of any remnant on-site septic systems. The detailed site surveys and record searches being conducted for the EIR should reveal any private water or wastewater facilities that may still exist or that may not have been properly abandoned in the past. When permits are obtained for these abandonments, City inspectors can ensure that the work is properly done. Therefore, this is included in the list of recommendations.

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The recommended Public Works (Street) Vacation Feasibility study, and permits for capping off utility connections for properties being demolished, would similarly evaluate the removal of public water and wastewater facilities and the severing of connections to the facilities that would remain. A Vacation Feasibility Study further provides for safe removal of non-City utilities (gas, electricity, communication lines) and obliteration of street rights-of-way that would be required by development of a middle school campus on the area currently covered by Tract 2197.

The recommendation for applying for a parcel merger would take care of any issues remaining for obliteration of the existing parcel patterns of Tract 2197 and the other six parcels involved in assembling the property needed for the Southwest Middle School. When FUSD purchases these parcels, they may or may not be included in a single Assessor's Parcel; even if they are, however, the existing parcels of record will remain "on the books." (Assessor's parcels do not always represent true lots of record.) While the California Subdivision Map Act (Government Code Sections 66410 *et seq.*) allows public agencies to create parcels simply by selling remnant properties, there are no provisions whereby parcels are automatically merged, and old lotting patterns are automatically obliterated, when a public agency aggregates them by purchase. In order to provide for a clear chain of title for all pre-existing parcels, and to foreclose potential errors or fraudulent real estate transactions, it is recommended that FUSD apply for a parcel merger. The City's Subdivision Ordinance was recently amended to create a "friendly merger" process whereby a single party owning multiple abutting parcels can merge them into a single lot of record. This would expedite and facilitate the merger, and is an improvement over the previous lot line adjustment process.

### **Other issues**

Issues which did not result in formal recommendations, but which FMFCD may wish to treat in its EIR include

- ❖ City planning staff contacted the Department of Toxic Substances Control (DTSC) to verify that the proposed school site is beyond the 2,000-foot boundary zone for the Fruit-Church hazardous waste site (a former junkyard which is on the National Priority List due to heavy metal contamination). DTSC's Registered Geologist Thomas Berg confirmed that the middle school lies outside of that boundary zone, and also advised that his agency's school site liaison in Sacramento is prepared to consult with Fresno Unified and their consultants on the Phase I and Phase II evaluations for all hazardous materials.
- ❖ This proposed school site is located within a mile of Fruit-Church Industrial Park, so the District and its consultants may need to evaluate whether enhanced air handling equipment should be incorporated into school design in order to deal with any odors from the animal product firms located at that industrial park;
- ❖ The proposed middle school also has a westerly interface with actively farmed property on the other side of South Martin Luther King Jr. Boulevard.

### **CONCLUSION / RECOMMENDATION**

Based upon review and analysis of this request, staff recommends that the Planning Commission make the following determination:

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The proposed acquisition of 22.8 acres of property located at the southeast corner of East Church Avenue and South Martin Luther King Jr. Boulevard for creation of a middle school campus, and the acquisition of 3.5 acres of property east of Fresno Metropolitan Flood Control District Basin II<sub>1</sub> to expand that basin, may be conditionally approved, provided that:

- a. FUSD amends the City of Fresno General Plan and the Edison Community Plan to redesignate the planned land uses of this acreage to "Public Facility – Middle School" and "Public Facility – Ponding Basin" respectively; and
- b. FUSD provides for full street improvements (street trees, sidewalk/curb/gutter and any necessary cul-de-sacs to City Public Works Standards) at the school site and the expansion area for FMFCD Basin II<sub>1</sub> and extends the Boulevard Area 20-foot minimum landscaped setback along South Martin Luther King Jr. Boulevard; and
- c. FUSD cooperates with the owners of Vesting Tentative Tract 5978 to redesign that tract and its associated Conditional Use Permit No. C-10-069 so that its circulation, design, and pedestrian/open space features are preserved to the extent possible; and
- d. FUSD provides for proper abandonment of the test hole/monitoring well developed at the northerly end of the proposed ponding basin expansion area; or, alternatively, FUSD may enter negotiations with the City toward installation of full municipal well and pump station at that location, to meet water demand requirements of the middle school and other development in the area; and
- e. FUSD applies to the Public Works Department for a (Street) Vacation Feasibility Study to determine all the requirements for properly abandoning local streets (East Eugenia, East Burns, and South Bardell Avenues) associated with Tract 2197, because the Tract's residential lots are proposed to be purchased by the school district; and
- f. FUSD obtains City permits to properly cap off all water and sewer utility connections for properties being purchased and demolished, and to properly abandon any remnant individual water wells and on-site wastewater disposal systems which may remain or which may not have been properly abandoned by past owners; and
- g. After acquiring all property necessary for the middle school site, FUSD should file a lot merger application to extinguish the lots of record, which otherwise would remain as individual parcels even though they may be "masked" by assignment of one or more new Assessor's Parcel(s) for the overall property.

Attachments: March 29, 2011 letter from Fresno Unified School District (received April 11, 2011)  
FUSD Notice of Preparation exhibits showing parcelization, aerial photograph, and assessor's parcel detail of the area proposed for acquisitions related to development of the Southwest Middle School  
FUSD Notice of Preparation text providing project information and soliciting input for FUSD's preparation of an EIR for site acquisition and development of the proposed Southwest Middle School  
Map of current planned land uses in the vicinity of FUSD's proposed Southwest Middle School  
Detail of VTT 5978 and CUP C-10-069, an approved (but not yet developed) residential project which would be affected by acquisition of 3.5± acres for expansion of FMFCD Basin II<sub>1</sub>



# Fresno Unified School District

*Preparing Career Ready Graduates*

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## SUPERINTENDENT

Michael E. Hanson

RECEIVED

MAR 29 2011

Planning Director  
Planning & Environment Dept.  
CITY OF FRESNO

March 29, 2011

John M. Dugan, AICP  
Director/Planning Commission Secretary  
City of Fresno  
Development & Resource Management Department  
2600 Fresno Street, Third Floor  
Fresno, CA 93721

Subject: Request for Planning Commission Report on Proposed Fresno Unified Southwest Middle School

Dear Mr. Dugan:

The Fresno Unified School District is proposing to acquire property and construct and operate a new middle school at the southeast corner of E. Church Avenue and S. Martin Luther King Jr. Boulevard. Detailed project description information and maps are contained in the enclosed EIR Notice of Preparation, which was previously provided to the City.

We are requesting a Planning Commission report and general plan conformity evaluation in accordance with Public Resources Code Section 21151.2 and Government Code Section 65402(c). Public Resources Code Section 21151.2 requires the Planning Commission to investigate the site and within 30 days after receipt of this notice, submit a written report of its investigation and recommendations concerning acquisition of the site. Government Code Section 65402(c) requires the planning agency to report to the District within 40 days as to the conformity of the proposed school project with the adopted general plan.

As part of its site approval requirements, the California Department of Education requires the District to request a Planning Commission report pursuant to the above code sections.

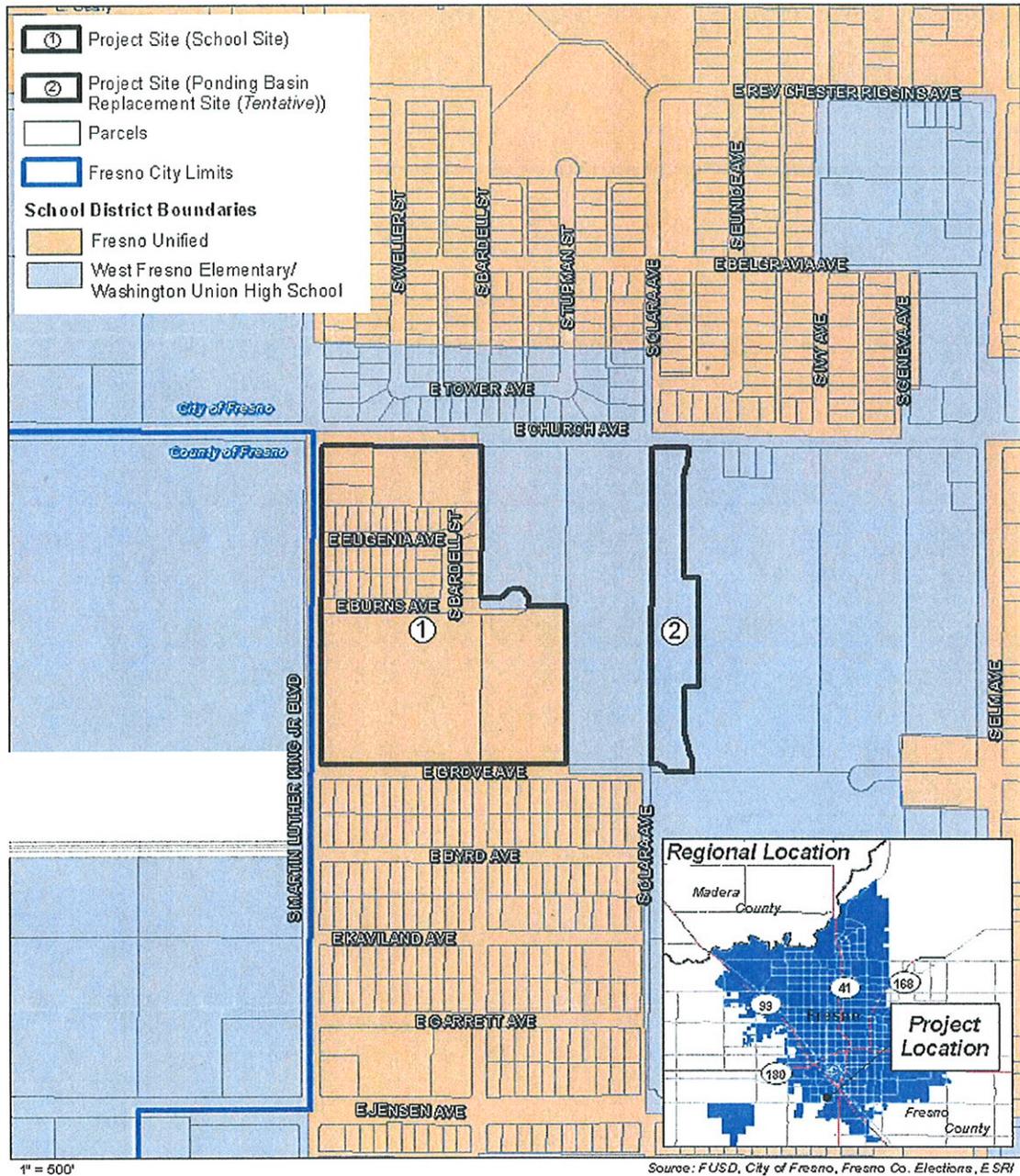
We sincerely appreciate your assistance with this request and look forward to working with you and other members of City staff to make this project a reality.

Please contact me if you have any questions regarding this request or the project.

Sincerely,

Lisa LeBlanc, Executive Director  
Facilities Management & Planning Department

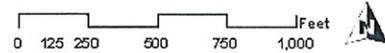
Enclosure

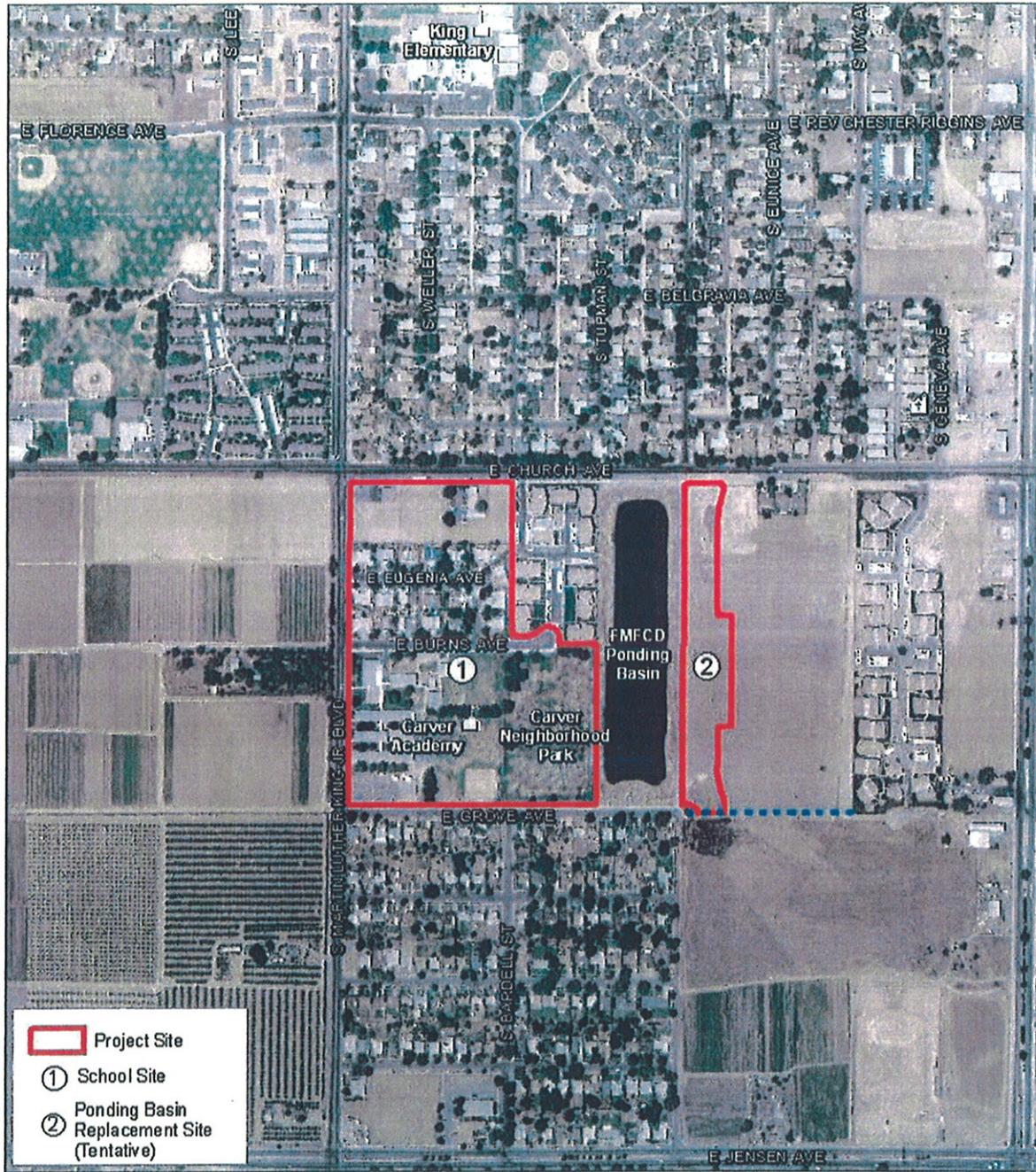


**Project Location Map**

Fresno Unified School District  
 Southwest Middle School Project

Prepared by:  
**Paoli & Odell, Inc.**  
 School Facility, Environmental and City Planners





1" = 500'

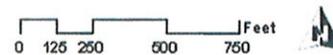
Sources: FUSD, City of Fresno, Google Earth, Inc

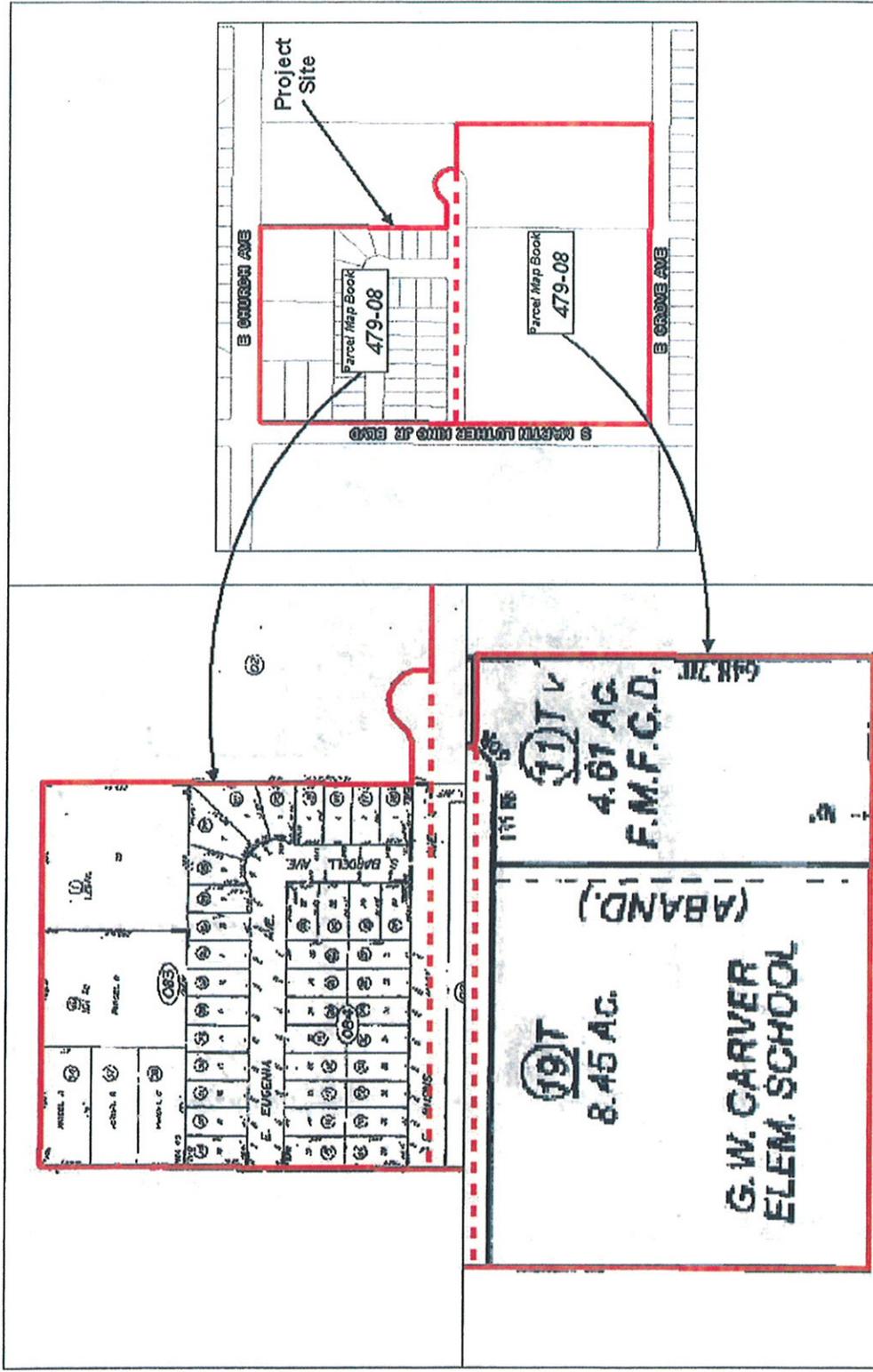
**Project Setting (Aerial Photograph)**

**Figure 5**

Fresno Unified School District  
 Southwest Middle School Project

Prepared by:  
**Paoli & Odell, Inc.**  
 School Facility, Environmental and City Planners





Source: FUSD, Fresno County Assessor's Office

Figure 3

**Project Site (School Site) Assessor's Parcel Maps**

Fresno Unified School District  
 Southwest Middle School Project

Prepared by:  
**Paoli & Odell, Inc.**  
 School Facility, Professional Land City Planners

No Scale

Fresno Unified School District  
Proposed  
Southwest Fresno Middle School Project

NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT AND  
NOTICE OF PUBLIC SCOPING MEETING

**Date:** February 8, 2011

**To:** Responsible, Trustee, and Other Agencies  
Property Owners, Residents, and Interested Citizens

**From:** Lisa LeBlanc, Executive Director  
Facilities Management and Planning Department  
Fresno Unified School District  
4600 N. Brawley Avenue  
Fresno, California 93722  
Telephone: (559) 457-3074; Fax: (559) 457-3060  
Email: Lisa.LeBlanc@fresnounified.org

**Environmental Impact Report:** Notice is hereby given that the Fresno Unified School District (District) will be the Lead Agency and will prepare a project-level environmental impact report (EIR) for the proposed Southwest Fresno Middle School Project (project). The EIR will be prepared under the California Environmental Quality Act (CEQA) (Public Resources Code 21000-21177) and the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387) and will describe and analyze the significant environmental effects of the project and discuss ways to mitigate or avoid the effects.

Under CEQA, the project may be of statewide, regional, or area wide significance because it may involve an amendment to an adopted general plan. The District, therefore, will comply with CEQA and State CEQA Guidelines requirements for such projects in preparing and processing the EIR.

**Notice of Preparation:** The purpose of this Notice of Preparation (NOP) is to solicit guidance from agencies and individuals as to the scope and content of the environmental information to be included in the EIR.

Responsible and trustee agencies for the project and the State Office of Planning and Research should provide the District with specific detail about the scope and content of environmental information related to the responsible or trustee agency's area of statutory responsibility that must be included in the draft EIR. Responsible agencies will need to use the EIR prepared by the District when considering permits or other approvals for the project.

Other agencies, property owners, residents, and interested citizens may respond to the NOP by providing the District with information about the scope and content of environmental information related to their area of interest.

**Response Deadline:** Due to time limits mandated by State law, please send your response to the NOP to Lisa LeBlanc at the address listed above no later than Friday, March 11, 2011.

**Public Scoping Meeting:** The District invites agencies and individuals to attend a public scoping meeting on the EIR. The meeting will be on Wednesday, March 2, 2011, at 5:00 p.m. at Carver Academy (2453 M. L. King Blvd). The meeting will provide agencies and the public with additional information on the project and an opportunity to inform the District about the environmental information the EIR should address.

ATTACHMENT A  
PROJECT PURPOSE, LOCATION, AND DESCRIPTION

**Project Purpose:** The Fresno Unified School District is proposing the Southwest Fresno Middle School Project to fulfill the need for a middle school in southwest Fresno identified in the District's Facilities Master Plan (Master Plan). The District Board of Trustees (Board) adopted the Master Plan on April 29, 2009. The plan provides guidance for decisions affecting the physical planning of facilities in the District. The Master Plan identified the absence of a middle school in southwest Fresno as a significant District facilities issue because it contributes to inconsistencies in the District's overall feeder progression and does not support a sense of community identity.

Currently, the District transports students who graduate from the District's six elementary schools in southwest Fresno to five different middle schools outside the area. Following middle school, the students return to the area to attend Edison High School. With construction of the proposed new middle school, southwest Fresno students could attend neighborhood schools from kindergarten through high school, thus providing a sense of continuity and community not presently possible.

**Project Location and Setting:** The proposed middle school site (project site) is in a mostly urban setting in the southwest portion of the City of Fresno, in Fresno County, California. E. Church Avenue bounds the site on the north, E. Grove Avenue on the south, and S. Martin Luther King Boulevard on the west (See Figures 1-5<sup>1</sup>).

The project site encompasses approximately 26.3 acres. The middle school campus would occupy 22.8 acres and a portion of a Fresno Metropolitan Flood Control District (FMFCD) flood control basin would occupy approximately 3.5 acres.

The flood control basin portion of the project site would replace part of an FMFCD existing basin the school site would occupy. The basin replacement area would be east of the existing basin and not contiguous to the school site. A study is underway to determine the precise location and configuration of the basin replacement area.

The project site is in a portion of Section 16, Township 14 South, Range 20 East, M.D.B. & M., as shown on the Fresno South, California Quadrangle 7.5 Minute Series USGS Map (Topographic). The site is located at 36°42'39.42"N; 119°47'48.10"W and at an elevation of 278 feet above mean sea level.

Table 1 and Figure 3 show the Fresno County Assessor's Parcel Numbers for the 46 parcels within the project site and the sizes and existing uses of the parcels.

The 26.3-acre project site contains 46 parcels, of which 2 are in public ownership and 44 are in private ownership. The District owns the 8.45-acre Carver School site, the FMFCD owns the 4.59-acre flood control basin site, and the private property owners own 11 acres. The public streets within the site occupy 2.26 acres.

Land uses near the project site include urban residential development to the north and south; an apartment complex, flood control basin, residential development, and vacant land to the east; and farmland and a vacant farmhouse with outbuildings to the west (see Figures 4 and 5). The City of Fresno has approved a tentative tract map for a multiple-family residential development on the vacant land east of the project site. The proposed flood control basin replacement area is within the approved development.

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<sup>1</sup> All figures are located at the end of the text.

PG&E would provide electrical and natural gas services for the project. The District will coordinate with PG&E to determine the location and design of improvements needed to provide these services following PG&E standards.

The project site is within the service areas of the Fresno Police Department and the Fresno Fire Department. The District will coordinate with these agencies to identify and incorporate in the project any facilities or operational measures necessary to provide adequate police and fire protection for the project.

**Flood Control Basin Replacement:** The portion of the project currently developed as a FMFCD flood control basin/park site would be backfilled to the existing adjacent grade. As a result, FMFCD will require the District to replace the lost storage volume by acquiring additional property along the east side of the existing basin, on APN 479-020-49, and to excavate the basin to provide the required replacement storage. As noted previously, a study is underway to determine the precise location and configuration of the basin replacement area.

**Emergency Access for Apartment Complex Design and Operational Characteristics:** Development of the project will require abandonment and removal of E. Eugenia, S. Bardell, and E. Burns Avenues within the project site. However, utilities in E. Burns Avenue currently serve the apartment complex on APN 479-020-17. Those utility services must be maintained and will be provided in their current location or will be relocated as dictated by the proposed school site plan. In either case, the District will provide a Public Utilities Easement for any portions of the utilities that cross the school property.

East Burns Avenue provides emergency access to the apartments for emergency vehicles. The school site plan will provide an all-weather vehicle access to replace the E. Burns Avenue access. The Fresno Fire Department must review and approve the emergency access.

**Project Implementation Actions by Lead and Responsible Agencies:**

**Lead Agency:** The District, as the project Lead Agency, would undertake the following actions to implement the project:

1. Establish the school's educational program,
2. Develop a design for the middle school that implements the educational program,
3. Prepare the studies and documents required to receive approval of the school site by the California Department of Education,
4. Comply with the California Environmental Quality Act by preparing and processing an EIR for the project,
5. Comply with Education Code Sections 17210 and 17213.1, regarding the identification, analysis, and remediation of any environmental hazards on the site.
6. Approve the project, including the school site, after completing the CEQA process and holding a public hearing on the proposed site,
7. Acquire those portions of the site not already owned by the District. The methods the District would use to acquire the site include, preferably, acquisition by purchase from a willing seller and, if necessary, acquisition by eminent domain (or condemnation), with the acquisition at fair market value.
8. Relocate residents and other site occupants in accordance with California Government Code Section 7260 *et. seq.* and a District-adopted project relocation plan,
9. Demolish and remove existing buildings and improvements on the site,
10. Remediate any environmental hazards identified on the proposed school site pursuant to a plan approved by the California Department of Toxic Substances Control,

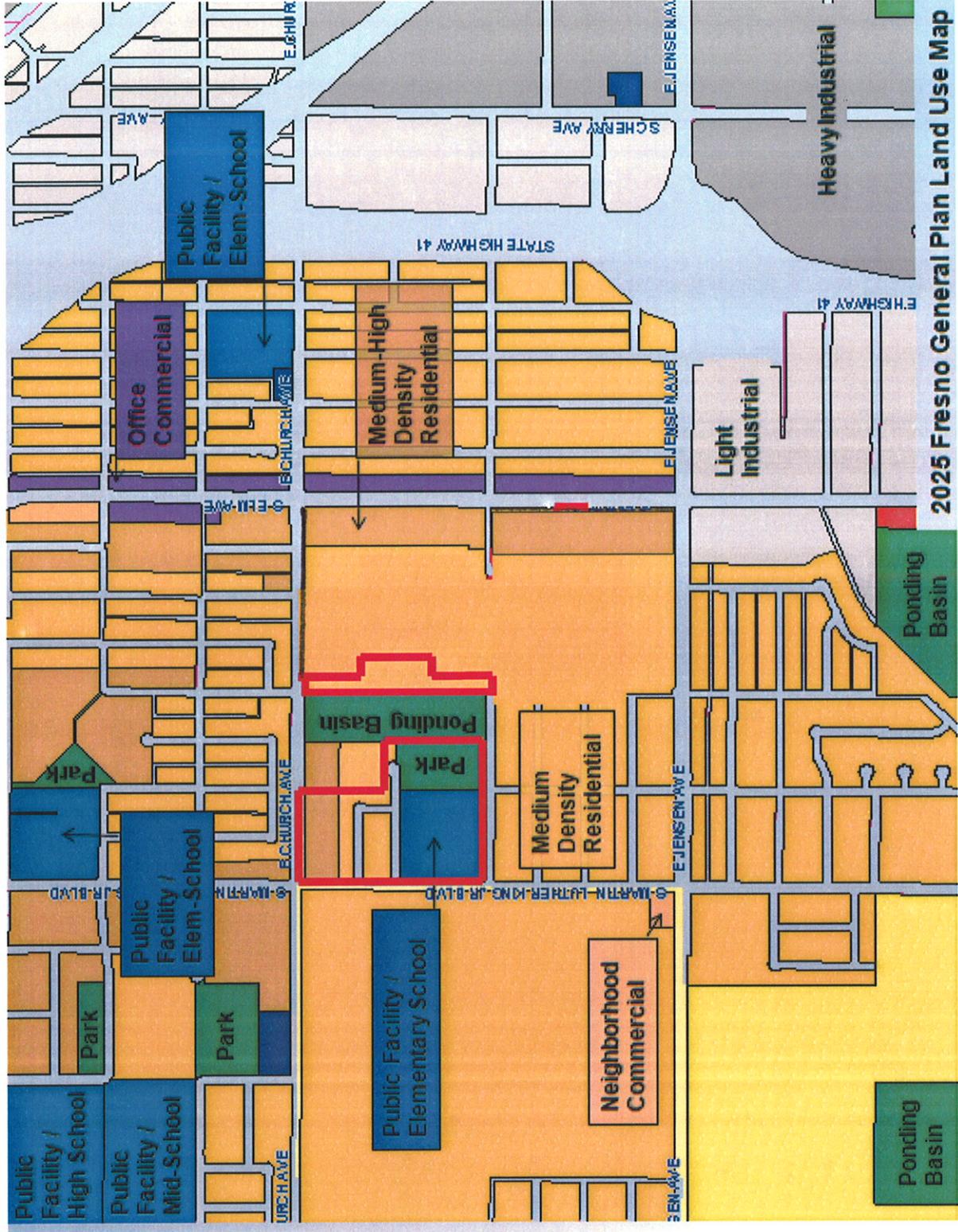
ATTACHMENT B  
PROBABLE ENVIRONMENTAL EFFECTS

The EIR will evaluate the probable environmental effects of the project on all resources and conditions listed in Appendix G of the State CEQA Guidelines. In summary, these include aesthetics, agricultural resources, air quality, biological resources, cultural resources, geologic and soils conditions, hazards and hazardous materials, hydrology and water quality, greenhouse gas emissions, land use and planning, mineral resources, noise, population and housing, public utilities and services (sewer, water, stormwater, solid waste, law enforcement, fire protection, and parks and recreation), and traffic and transportation.

The EIR will also address the relationship of the project to the environmental issues a school district must consider when seeking approval of a school site by the California Department of Education.

Research conducted by the District to identify potential sites for a middle school in southwest Fresno and to identify an initial scope of work for the EIR resulted in the identification of the following as probable environmental effects of the project.

1. Project clearing and construction activities would temporarily diminish the aesthetic quality of the project site.
2. Environmental changes resulting from the project might facilitate or encourage the conversion of farmland located west of the site to non-agricultural use.
3. Project-related air quality impacts would result from temporary construction emissions and from operational activities. Particulate emissions would be the pollutant of greatest concern during the project construction phase. Operational air emissions would result primarily from project-related transportation. Preparation of an air quality study is underway to evaluate the potential significance of these emissions and mitigation measures available to reduce them.
4. Given the age of existing structures on the project site, asbestos containing building materials may be present. The District must comply with SJVAPCD Rule 4002 to ensure the removal and proper disposal of any asbestos containing materials.
5. The site clearing, construction, and operational phases of the project would involve the use of energy resources, including petroleum-based fuels and lubricants, electricity, and natural gas. The EIR will determine if the use of these resources for the project would be wasteful, inefficient, or unnecessary.
6. The project would generate greenhouse gas emissions. Preparation of a study is underway to determine the potential significance of these emissions and to identify mitigation measures to reduce them.
7. The project site is within two nautical miles of an airport. Consultations are underway with the California Department of Education and California Department of Transportation to determine if the airport may pose any safety- or noise-related hazards for the school.
8. The project site is within 1,500 feet of an underground high-pressure gas line. Preparation of a risk assessment is underway to determine if the pipeline may pose any safety-related hazards for the school.
9. The project may conflict with the existing *2025 Fresno General Plan* land use designations of portions of the project site for residential and ponding basin uses.
10. The project may expose people to noise levels in excess of City of Fresno standards during construction activities and normal day-to-day operations. Preparation of a noise study is



2025 Fresno General Plan Land Use Map

