

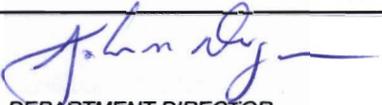


REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. *V-B-1*
COMMISSION MEETING *5-18-11*

May 20, 2011

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


DEPARTMENT DIRECTOR

SUBJECT: CONTINUED 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 POTENTIAL PURCHASE OF LAND TO REPLACE DRAINAGE CAPACITY IN FRESNO METROPOLITAN FLOOD CONTROL DISTRICT BASIN II₁ (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 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 works with the City of Fresno on the General Plan Update (which will also update the land use map of the Edison Community Plan) to have the planned land uses of this acreage redesignated entirely to Public Facility – Middle School for the school site, and if additional acreage is purchased for FMFCD ponding Basin II₁, to have that acreage redesignated Public Facility – Ponding Basin; and
- b. FUSD provides for full street improvements (street trees, sidewalk/curb/gutter and any necessary cul-de-sacs to City Public Works Standards) if expansion area is purchased for FMFCD Basin II₁, and at the school site; also, that a Boulevard Area 20-foot minimum landscaped setback be provided at the school site along South Martin Luther King Jr. Boulevard; and
- c. If land at the northwest corner of Assessor's Parcel No. 479-020-49 is purchased to expand ponding Basin II₁, FUSD shall provide for abandonment of the test hole/monitoring well on that property according to State and City standards. As an alternative to destruction of this well, FUSD may enter negotiations with the City toward installation of full municipal pump station at that location, to meet water demand requirements of the middle school and other development in the area; and
- d. 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
- e. 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.

REPORT TO THE PLANNING COMMISSION

Fresno Unified School District Request for Report on Proposed Purchase of Land for a Southwest Middle School
Southeast corner of East Church Avenue & South Martin Luther King Boulevard, and land east of FMFCD Basin II,
May 20, 2011
Page 2

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. At the request of Fresno Unified School District, the Planning Commission hearing on this matter has been continued from May 4, and FUSD administration acknowledged by email that the 30-day deadline has been extended.

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 full text of the NOP is also attached to provide additional background information.

As depicted in the attached map of planned land uses in the area (attached), the southwestern quadrant of the proposed school site is already owned by Fresno Unified School District and is operated as Carver Academy serving 5th and 6th grade students. Its current planned land use is Public Facility – Elementary School.

East of Carver Academy is Carver Neighborhood Park, which is planned for the Open Space – Park land use although it is actually part of Drainage Basin II₁. Carver Park was built on an elevated portion of the ponding basin, intended to only receive stormwater in times of high runoff or sustained rainfall.

While the proposed school site itself lies mostly within Fresno Metropolitan Flood Control District (FMFCD) Drainage Area SS, the acquisition of Carver Park would remove potential drainage capacity from Basin II₁, which primarily serves industrial area south of Downtown Fresno (see attached map of drainage areas). For that reason, the NOP circulated by FUSD included a proposal to add 3.5± acres of land to Basin II₁ by purchasing property on the east side of that ponding basin, in order to replace the drainage capacity of the Carver Park area.

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 mostly zoned consistent with those planned land uses (R-1, *Single Family Residential District*, and R-3, *Medium-Density Multi-Family Residential District*). 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. Public streets and utility easements and facilities underlying this area will need to be abandoned.

There are also three parcels at on the southeast corner of Church Avenue and Martin Luther King Jr. boulevard which have nonconforming zoning, C-1, *Community Shopping Center District*, a zone district that is no longer consistent with those parcels' current Medium-high Density Residential land use designation. Existing nonconforming commercial uses on those parcels would be removed to accommodate school development, and their utility connections would also need to be capped.

REPORT TO THE PLANNING COMMISSION

Fresno Unified School District Request for Report on Proposed Purchase of Land for a Southwest Middle School
Southeast corner of East Church Avenue & South Martin Luther King Boulevard, and land east of FMFCD Basin II,
May 20, 2011
Page 3

The potential replacement/expansion area for FMFCD Basin II1 is planned for the Medium Density Residential land use. It is currently zoned R-1 and comprises a portion of Vesting Tentative Tract (VTT) 5978 and Conditional Use Permit (CUP) No. C-10-069, 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). If this area is purchased to replace the drainage capacity of Carver Park, redesign of VTT 5978 and CUP C-10-069 will be necessary. If the ponding basin expansion extends to 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 northwest corner of APN 479-020-49 to satisfy tract map requirements for a well site on an outlot of VTT 5978. If this site is acquired for ponding basin use and if no municipal well will be developed at that location, the test hole/monitoring 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 and possible purchase of replacement area for ponding basin drainage capacity
APPLICANT	Fresno Unified School District (proposed buyer)
LOCATION	22.8 acres at the southeast corner of East Church Avenue and South Martin Luther King Jr. Boulevard (44 parcels) for the school site, and possible acquisition of 3.5± acres to expand Basin II ₁ , consisting of the westerly portion of APN 479-020-49, which was approved for VTT 5978/CUP C-10-069. Council District 3, Oliver L. Baines III
SITE SIZE	Approximately 26.3 total acres (school site and possible basin replacement area)
PLANNED LAND USE	Existing - Medium Density Residential; Medium-High Density Residential; Public Facility – Elementary School; 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>)

REPORT TO THE PLANNING COMMISSION

Fresno Unified School District Request for Report on Proposed Purchase of Land for a Southwest Middle School Southeast corner of East Church Avenue & South Martin Luther King Boulevard, and land east of FMFCD Basin II, May 20, 2011
Page 4

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 middle school (Public Facility – Middle School) would not be consistent with the site’s current 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. If expansion area is purchased for FMFCD Basin II₁, that land would need to be redesignated to Open Space – Ponding Basin use.

ENVIRONMENTAL FINDING An Environmental Impact Report is being prepared by FUSD for the acquisition and development of this middle school.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium-High Density Residential and Medium Density Residential	R-2/BA-20 <i>Low-Density Multiple Family Residential District, 20-foot Boulevard Area overlay and R-1</i> <i>Single Family Residential District</i>	Single family houses and apartment buildings
East of the school site	Open Space – Ponding Basin	R-A <i>Residential and Agricultural District</i>	FMFCD Basin II ₁
East of the basin expansion	Medium Density Residential and Medium-High Density Residential	R-1 <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
South	Medium Density Residential	R-1 <i>Single Family Residential District</i>	Single family houses
West of the school site	Medium Density Residential (per the 2025 Fresno General Plan) Agricultural (per the Fresno County General Plan)	AL-20 <i>Limited Agricultural District, 20-Acre Minimum Lot Size (Fresno County zoning)</i>	Farmland and a rural residential home site (unincorporated area)

REPORT TO THE PLANNING COMMISSION

Fresno Unified School District Request for Report on Proposed Purchase of Land for a Southwest Middle School
Southeast corner of East Church Avenue & South Martin Luther King Boulevard, and land east of FMFCD Basin II,
May 20, 2011

Page 5

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 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.”

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.

- Work closely with representatives of public and private schools during the preparation and amendment of plans (particularly land use, circulation, and public facilities elements), and the processing of development proposals to ensure that plan policies are well-conceived and effectively implemented.

REPORT TO THE PLANNING COMMISSION

Fresno Unified School District Request for Report on Proposed Purchase of Land for a Southwest Middle School
Southeast corner of East Church Avenue & South Martin Luther King Boulevard, and land east of FMFCD Basin II,
May 20, 2011
Page 6

- Require school districts to provide necessary street improvements, pedestrian facilities, public facilities and public services at each new school site.
- Continue to designate appropriate school sites on the general plan land use map (as well as applicable community and specific plans) compatible with the locational criteria of each school district.
- 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 2025 Fresno General Plan includes many policies directed intended for optimal incorporation of schools into the urban environment in ways that are beneficial for students and neighborhoods. As noted above in the second bullet item of Policy No. E-29.a, the General Plan intends that schools provide transportation facilities and other infrastructure to meet the needs of the schools and the neighborhoods in which they are located.

Street trees and pedestrian facilities are also recommended along all major street frontages of the school site and any local street frontages if expansion area is purchased for FMFCD Basin II₁. As the diagram of VTT 5978 shows, a long north-south street is necessary to develop the property east of Basin II₁, and shading on the west side of that street would 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 would also require a full cul-de-sac to enable emergency and solid waste vehicle turning movements. Because street tree and public landscaping easements are an integral part of the City's global warming prevention efforts and are required by the General Plan Design Guidelines, staff recommendation "b" includes for consistent landscaping treatment of South Martin Luther King Jr. Boulevard by having the middle school site include a 20-foot wide landscaped setback along that major street, as was required of urbanized property north of the proposed school site.

Depicting school sites on plan maps is important for emergency response planning and for preparing environmental assessments. CEQA guidelines direct that school site locations be identified in the vicinity of projects. 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 schools. While the District has not yet applied for a plan amendment to depict the subject property as Public Facility – Middle School on the 2025 Fresno General Plan and Edison Community Plan land use maps, the requirements set forth in the final bullet point of Policy No. E-29.a can be timely satisfied by FUSD collaborating with the City on the current General Plan Update, which is tentatively scheduled to be adopted at about the time that this middle school would be ready to accept students. This would satisfy the requirements of 2025 Fresno General Plan Policies E-29.c and E-29.f:

- E-29-c.** Encourage school districts to request the designation of needed new school sites on the appropriate plan land use map, at the earliest time possible, in order to facilitate planning for compatible land uses and better ensure that future school sites can be accommodated...
- E-29-e.** Incorporate school district facility design and locational criteria within community and specific plans to the extent feasible and compatible with overall planning policies

REPORT TO THE PLANNING COMMISSION

Fresno Unified School District Request for Report on Proposed Purchase of Land for a Southwest Middle School Southeast corner of East Church Avenue & South Martin Luther King Boulevard, and land east of FMFCD Basin II, May 20, 2011

Page 7

and objectives. The following facility size and service area characteristics are provided as ... generalized “rule of thumb” planning measures to evaluate the adequacy of general plan land use distribution and facility planning

<u>Grade</u>	<u>Attendance Radius</u>	<u>Minimum Site Size</u>
K - 6	1 mile	10 – 20 acres
7 - 8	2 miles	20 – 40 acres
9 – 12	2 – 3 miles	40 – 60 acres

Having the Southwest Middle School property depicted on general plan update maps as Public Facility – Middle School would properly denote the site for future environmental reviews, to ensure ongoing health and safety for people at the school campus.

The proposed site for FUSD’s Southwest Middle School meets the recommended size criteria in Policy E-29-e for the grade ranges that the school would serve. Policy E-29-f contains criteria for middle school campus locations which would also be met by FUSD’s Southwest Middle School site:

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 fulfillment of tentative tract map conditions, the developers of VTT 5978 had already drilled a test hole/ monitoring well on the proposed outlet at the northwest corner of the project (fronting on Church Avenue, west of the westerly planned entry street to the project). If this proposed outlet will be acquired by FUSD and incorporated into the FMFCD Basin, 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 would remain with the reconfigured tract, but that requirement could be satisfied by an off-site well location (i.e., a well site not included in reconfigured tract boundaries). Since the new middle school campus will also create a demand for potable water in this vicinity, staff recommendation “c” includes an alternative whereby FUSD and the City may cooperate on continued development of a well site on the proposed tract outlet 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. A Public Works (Street) Vacation Feasibility study, and permits for capping off utility connections for properties

REPORT TO THE PLANNING COMMISSION

Fresno Unified School District Request for Report on Proposed Purchase of Land for a Southwest Middle School
Southeast corner of East Church Avenue & South Martin Luther King Boulevard, and land east of FMFCD Basin II,
May 20, 2011

Page 8

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 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. Staff recommendations “d” and “e” address these needs.

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 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:

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 possible acquisition of property to replace drainage capacity in Fresno Metropolitan Flood Control District Basin II₁, may be conditionally approved, provided that:

- a. FUSD works with the City of Fresno on the General Plan Update (which will also update the land use map of the Edison Community Plan) to have the planned land uses of this acreage redesignated entirely to Public Facility – Middle School for the school site, and if additional acreage is purchased for FMFCD ponding Basin II₁, to have that acreage redesignated Public Facility – Ponding Basin; and
- b. FUSD provides for full street improvements (street trees, sidewalk/curb/gutter and any necessary cul-de-sacs to City Public Works Standards) if expansion area is purchased for FMFCD Basin II₁, and at the school site; also, that a Boulevard Area 20-foot minimum landscaped setback be provided at the school site along South Martin Luther King Jr. Boulevard; and

REPORT TO THE PLANNING COMMISSION

Fresno Unified School District Request for Report on Proposed Purchase of Land for a Southwest Middle School
Southeast corner of East Church Avenue & South Martin Luther King Boulevard, and land east of FMFCD Basin II,
May 20, 2011
Page 9

- c. If that land at the northwest corner of Assessor's Parcel No. 479-020-49 is purchased to expand ponding Basin II₁, FUSD shall provide for abandonment of the test hole/monitoring well on that property according to State and City standards. As an alternative to destruction of this well, FUSD may enter negotiations with the City toward installation of full municipal pump station at that location, to meet water demand requirements of the middle school and other development in the area; and
- d. 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
- e. 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.

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
FMFCD map of Drainage Area II₁ and SS, showing the proposed middle school site
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 II₁



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APR 11 2011

Planning Division
Planning & Development 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.

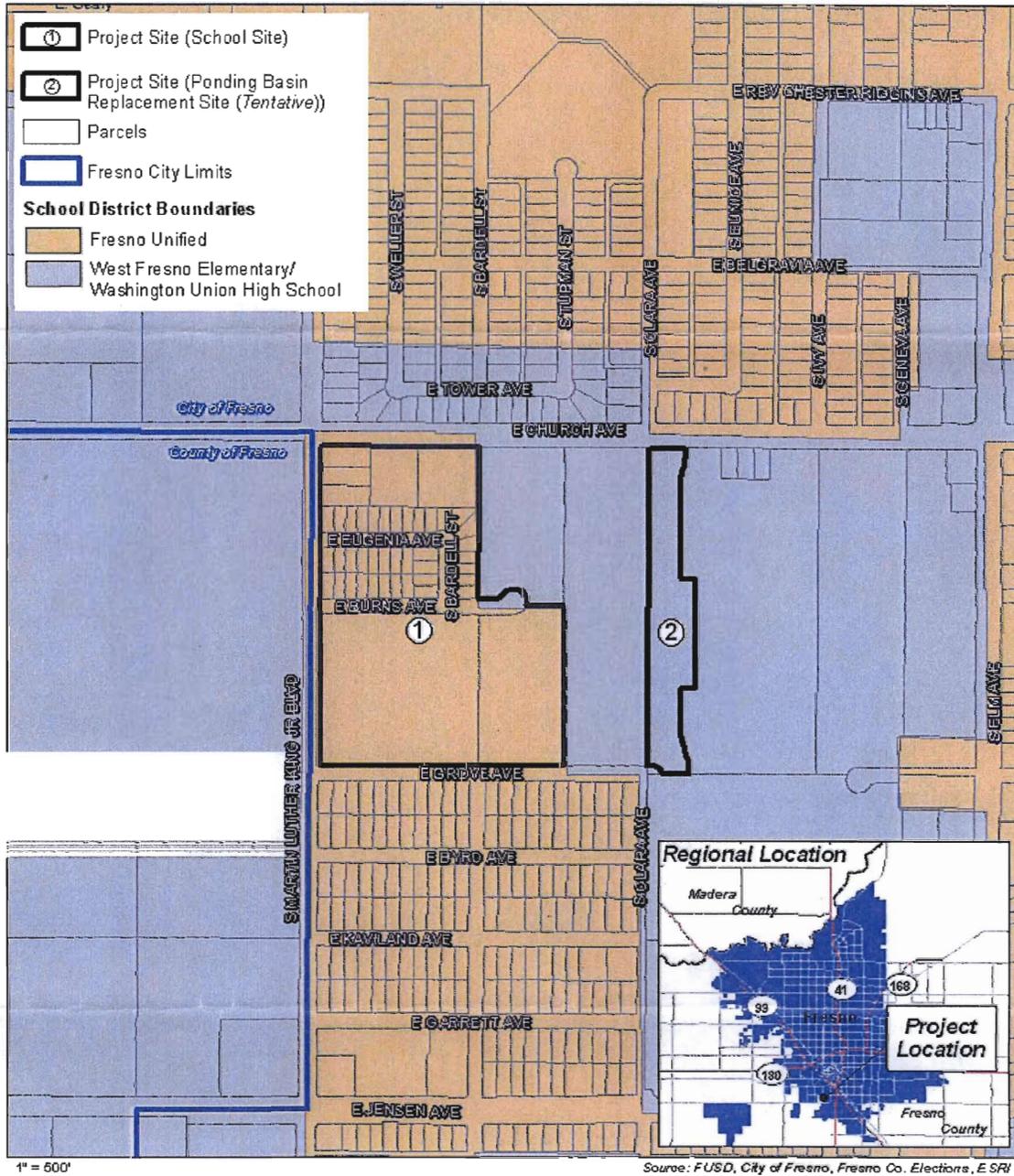
We sincerely appreciate your assistance with this request and look forward to working with you and other members of City staff to make this project a reality.

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

Sincerely,

Lisa LeBlanc, Executive Director
Facilities Management & Planning Department

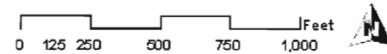
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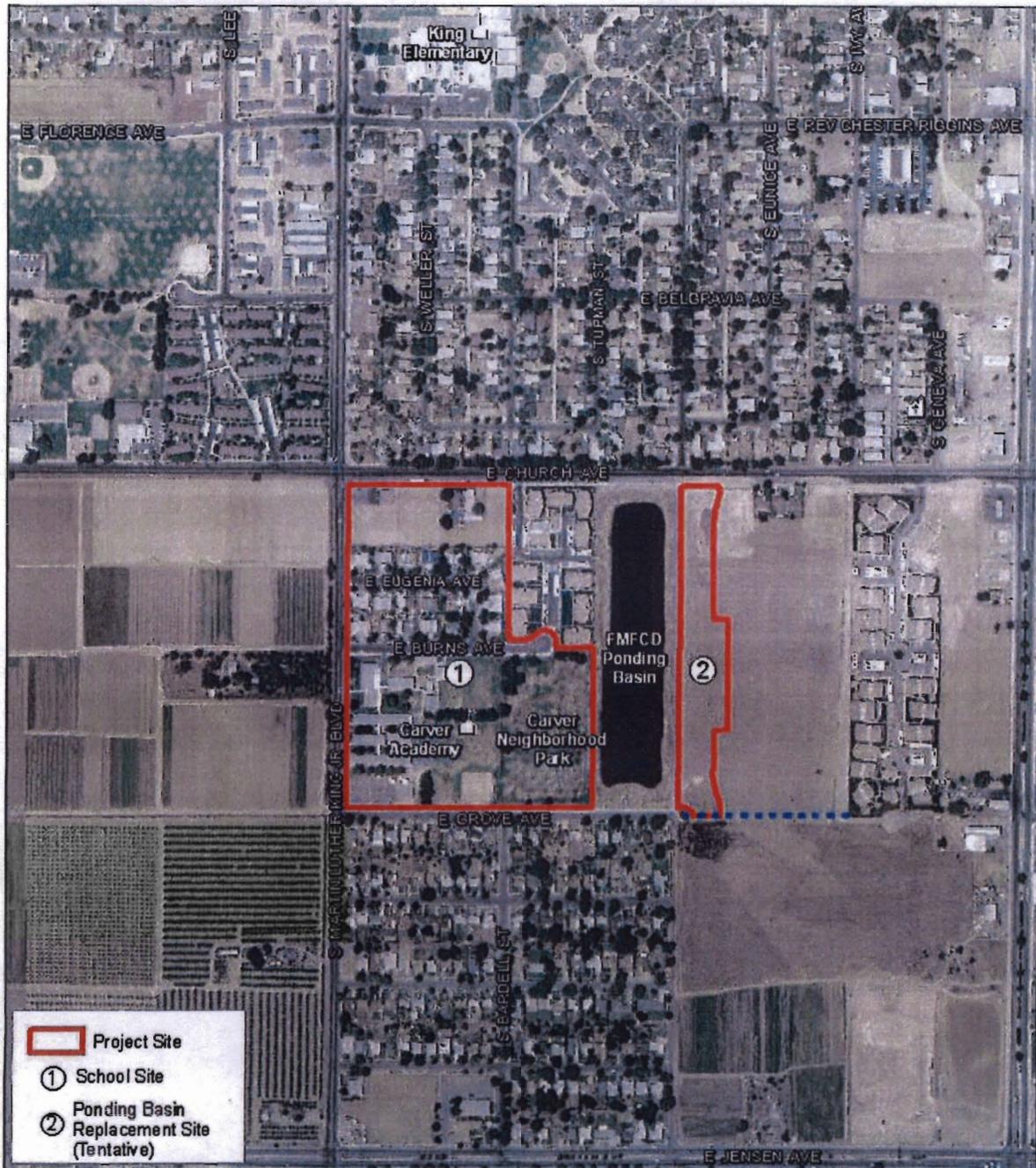


Project Location Map

Fresno Unified School District
Southwest Middle School Project

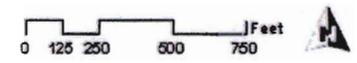
Prepared by:
Paoli & Odell, Inc.
School Facility, Environmental and City Planners

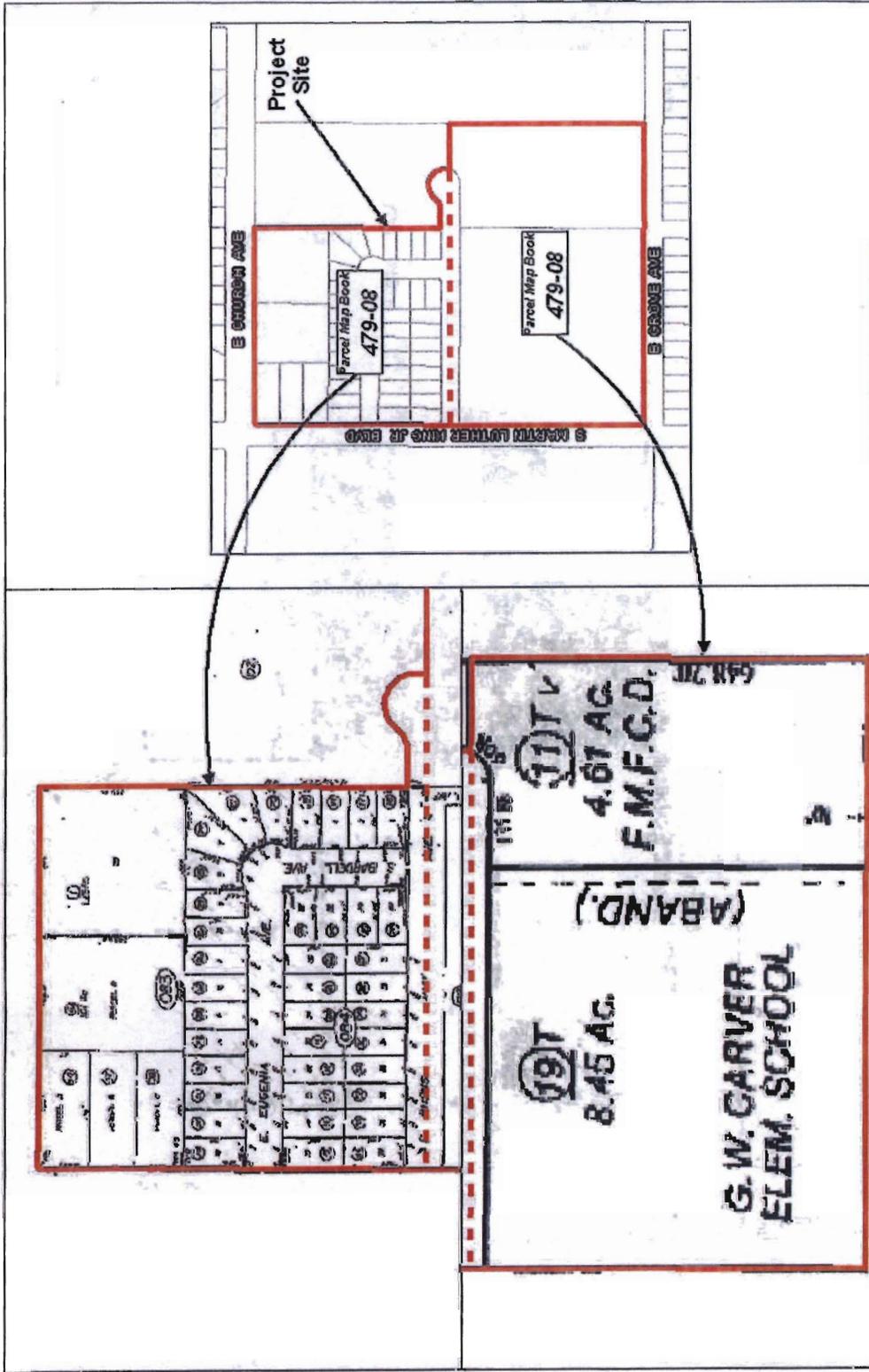




Project Setting (Aerial Photograph) **Figure 5**
 Fresno Unified School District
 Southwest Middle School Project

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 Facilities, Fresno, California



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
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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.

Project Location and Description: Please see Attachment A for a description of the project and its location.

Probable Environmental Effects of the Project: Please see Attachment B for a description of the project's probable environmental effects.

Questions: Please direct any questions on the proposed project or the EIR to Lisa LeBlanc at the address shown above.

Date: 2/8/11

Signature 

Title Ex. Director, Facilities, FUSD

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 1-5¹).

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. & Mt., 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.

¹ All figures are located at the end of the text.

TABLE 1

Project Site
Assessor's Parcel Numbers, Parcel Sizes, and Land Uses

Middle School Portion of Site		
Fresno County Assessor's Parcel Numbers	Parcel Size (Acres)	Existing Land Uses
479-020-19T	8.45	Fresno Unified School District Carver Academy
479-020-11T	4.59	Fresno Metropolitan Flood Control District flood control basin (and Carver Park)
479-083-01	1.29	Church
479-083-34	0.36	Neighborhood commercial
479-083-36	1.01	Vacant
479-083-37	0.32	Vacant
479-083-38	0.37	Vacant
479-083-16 – 33; 479-084-15 – 34	38 lots from 0.10 to 0.16 acres in area	Residential (38 total units)
Public Street Right-of-Way	2.26	E. Eugenia, S. Bardell, and E. Burns Avenues
Flood Control Basin Replacement Area		
479-020-49	The basin would occupy approximately 3.5 acres of the 18.9-acre parcel	Vacant. A Tentative Tract Map has been approved for parcel

Middle School Design and Operational Characteristics: The proposed middle school would have capacity for approximately 1,000 seventh and eighth grade students. The school would operate on a traditional school year calendar, and the District plans to open the school for the 2013-2014 school year.

School facilities would include classrooms, labs, a library, a multipurpose room, a gym, hardcourt areas, athletic fields, administrative offices, counseling offices, parking, student pick up/drop off areas, and other facilities required to implement the educational program the District will adopt for the school. As presently conceived, most of the buildings would be on the northerly portion of the site and the athletic fields would be on the southerly portion.

East Church Avenue and S. Martin Luther King Boulevard would provide vehicular, pedestrian, and bicycle access to the middle school. Any access from E. Grove Avenue would be for emergency and maintenance purposes only. A traffic study is being prepared to provide guidance on the improvements needed to assure safe and efficient vehicular, pedestrian, and bicycle access for the school. The District is coordinating with the City of Fresno on the study and in determining the location and design of on- and off-site access and parking improvements required to comply with city standards.

The City of Fresno would provide sewer and water services for the project. The District is coordinating with the city to determine the location and design of improvements necessary to provide these services for the project following city standards.

The Fresno Metropolitan Flood Control District would provide flood protection services for the project. The District is coordinating with the FMFCD to determine the location and design of improvements necessary to provide this service following FMFCD standards.

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,

11. Construct the school and any off-site water, sewer, storm drainage, and street improvements required for the school, and
12. Open, operate, and maintain the school.

Responsible Agencies: Under CEQA, several state and local agencies will be Responsible Agencies for the project. (CEQA defines responsible agencies as agencies other than the Lead Agency having responsibility for carrying out or approving the project.)

1. The California Department of Education must approve the school site.
2. The California Division of the State Architect and the California Department of Education must approve the project construction plans.
3. The State Allocation Board must approve funding for project (assuming State building funds are available for the project).
4. The California Department of Toxic Substance Control must determine if the District has complied with Education Code Sections 17210 and 17213.1, regarding the presence of environmental hazards on the site.
5. The City of Fresno must vacate the public streets within the site and approve the design of access, water, sewer, and fire protection improvements for the site.
6. The City of Fresno may process and approve a general plan amendment to change the land use designation of portions of the site from residential and ponding basin to a school.
7. The Fresno Metropolitan Flood Control District must approve the relocation of the flood control basin located within the project site and the storm water drainage improvements proposed for the site.

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.

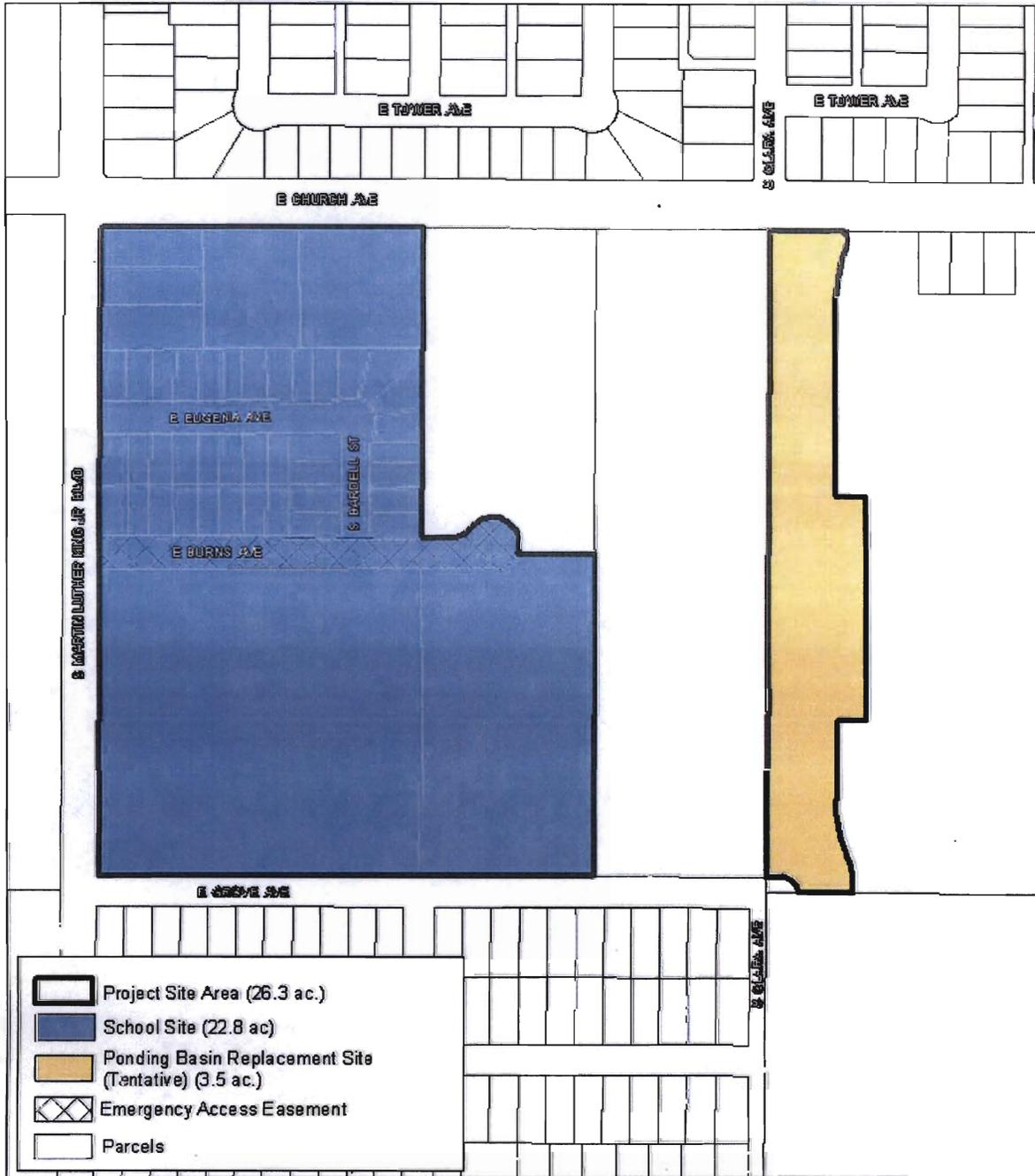
The EIR will also address the relationship of the project to the environmental issues a school district must consider when seeking approval of a school site by the California Department of Education.

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

underway to determine if this may be the case and to identify mitigation measures for any noise impacts.

11. The project may induce population growth by providing a major new educational facility in an area where urban growth has been stagnate.
12. The project would displace 38 dwelling units. The EIR will evaluate whether this displacement would necessitate the construction of replacement housing elsewhere.
13. The project may conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including intersections, streets, highway and freeways, pedestrians and bicycle paths, and mass transit. Preparation of a study is underway to evaluate the impacts of the project on all modes of transportation and to identify any measures necessary to mitigate adverse impacts the project may have on the circulation system.
14. The project may have safety-related environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly. These effects involve the site's proximity to a high-pressure gas line, two high-pressure water lines, and an airport.
15. Redesign of a portion of a subdivision is necessary to accommodate the flood control basin replacement area. The redesign will reduce the number of lots available for development within the subdivision.



Source: FUSD, City of Fresno

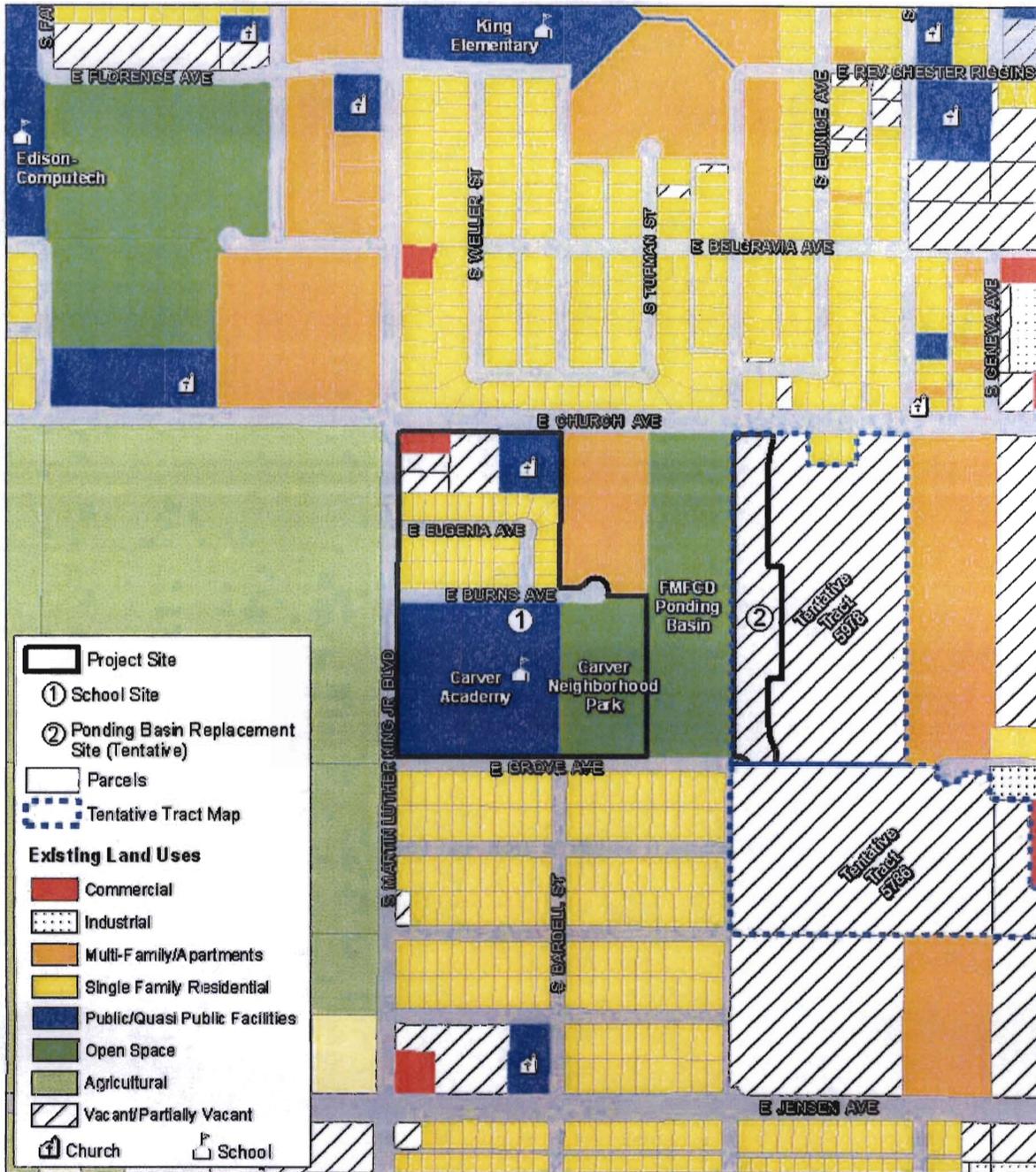
Project Component Areas

Figure 2

Fresno Unified School District
 Southwest Middle School Project

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





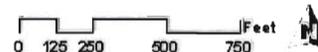
Sources: FUSD, City of Fresno

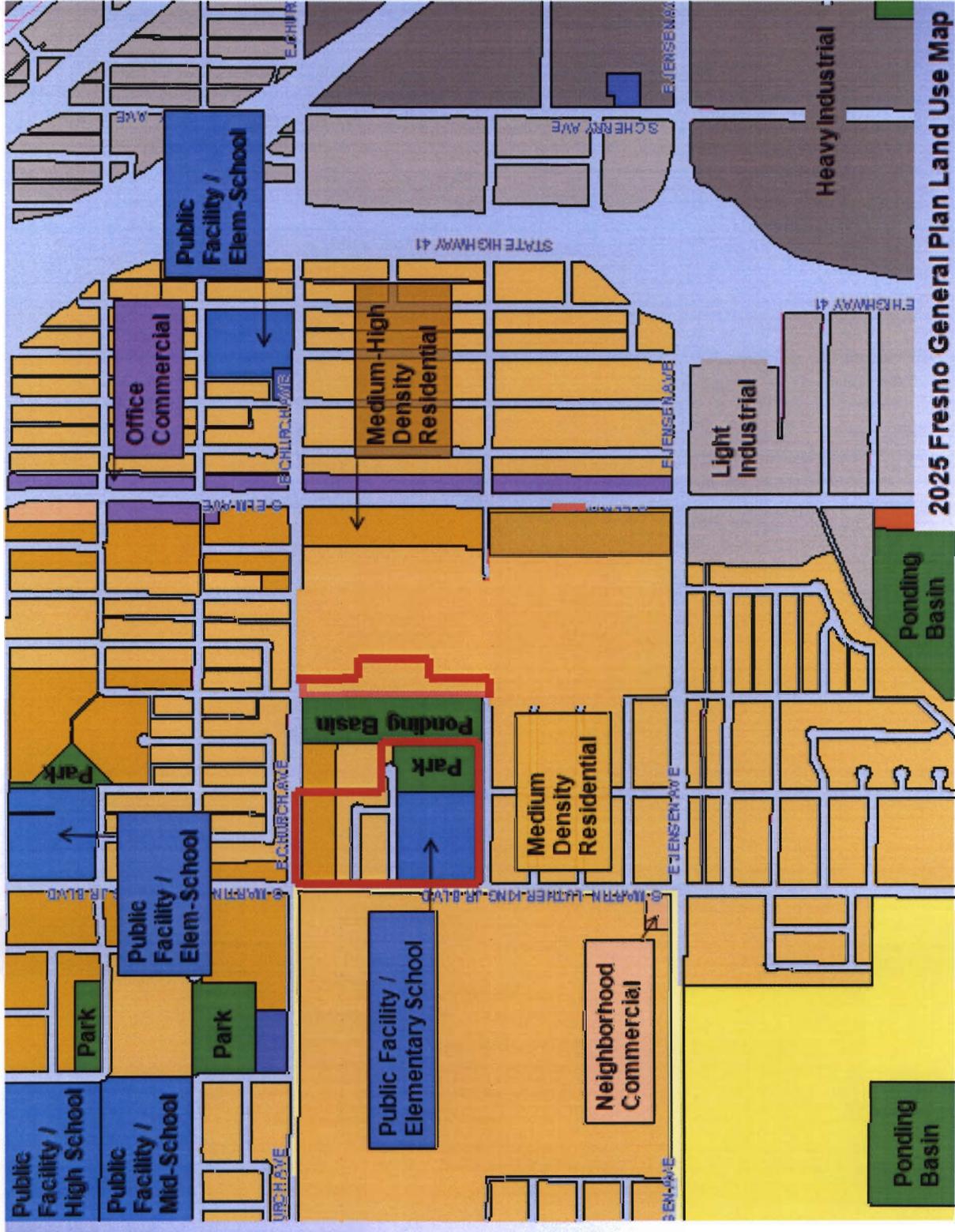
Project Setting (Existing Land Use)

Figure 4

Fresno Unified School District
 Southwest Middle School Project

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 School Facility, Environmental and City Planners





Current Planned Land Uses in the vicinity of the proposed Southwest Fresno Middle School

