

Clovis Unified School District
Responses to Comments Received
FOWLER-MCKINLEY ELEMENTARY SCHOOL PROJECT
Initial Study/Mitigated Negative Declaration

January 2, 2019

This document presents the Clovis Unified School District's responses to the comments received on the Fowler-McKinley Elementary School Project Initial Study and Mitigated Negative Declaration during the 30-day public review period from October 29, 2018 to November 28, 2018. The response to each letter is presented below. Each of the comment letters received is attached for reference.

Letter dated November 13, 2018, from the San Joaquin Valley Air Pollution Control District, Brian Clements, Program Manager

This letter indicated that the SJVAPCD previously commented on this project during the Request for Preliminary Comment period and has no additional comments at this time. The comments in the previous letter dated March 26, 2018, indicated (1) the project would not exceed SJVAPCD air pollutant significance thresholds and would have a less than significant effect on air quality, (2) the project would be subject to Rule 9510, with the submittal of an Air Impact Assessment application to be provided with the final discretionary approval; (3) the project would be subject Rule 4002 (National Emissions Standards for Hazardous Air Pollutants) in the event a building is demolished or removed; (4) the project will be subject to Regulation VIII and must submit a Dust Control Plan prior to commencing any earthmoving activities; (5) the project may be subject to various other SJVAPCD rules and regulations; and (6) the SJVAPCD recommends that a screening analysis be conducted to determine if the project would have a significant health impact.

In response to the above, the District will comply with all applicable SJVAPCD rules and regulations. It is noted that local public school districts are instrumentalities of the state and that final discretionary approval for a school project occurs when the project is approved by the California Department of Education and plans are approved by the Division of the State Architect. This can occur substantially after the point when the project is approved by the District's Board, especially in cases such as this, where construction of the project is not expected to occur for approximately five years. Finally, an Air Quality Assessment was prepared in conjunction with the Initial Study, which determined the exposure to toxic air contaminants, including diesel exhaust emissions, would be less than significant.

Letter dated November 15, 2018, from the California Department of Conservation Division of Land Resource Protection, Monique Wilber, Conservation Program Support Supervisor

The school site is in an area that has been long planned for urban development and is transitioning to urban use in accordance with the general plan of the City of Fresno. The loss of 22 acres of farmland due to construction of the school represents approximately 0.14% of the 15,903 acres of Farmland Mapping and Monitoring Program farmland designated for urban development in the Fresno General Plan. The proposed project site abuts an approved single-family subdivision on two sides and planned industrial and commercial land on the other two sides. As such, it is not viable for long term agricultural use. If the proposed school is not built, the site would be subdivided into residential lots. For these reasons, the impact of the project on agricultural resources is considered less than significant. No mitigation is required for impacts that are less than significant.

The Fresno General Plan EIR considered the cumulative loss of farmland and it was acknowledged as significant and unavoidable. The loss of farmland is a result of City approvals of private development proposals in accordance with its adopted general plan. There would be no need for schools without the City's plan and the development resulting from the plan. The burden for mitigation, therefore, should be

Responses to Comments Received on Fowler-McKinley Elementary School Project Initial Study and Mitigated Negative Declaration (continued)

the responsibility of the City and developers, yet there is no policy or requirement for farmland mitigation of the type suggested in the Department of Conservation's letter (conservation easements or agricultural mitigation fees) for any development in the City's planning area. A school district is a public agency providing an essential public service, with no funds dedicated for the purpose of farmland mitigation. When for-profit developers in the City who are causing the need for the schools are not required to provide mitigation, it is fundamentally inequitable to require a school district to do so. If the type of mitigation recommended by the Department is to be established, it should be established on a comprehensive basis and applicable to all development.

Letter dated November 20, 2018, from the California Department of Transportation, District 6, Jamaica Gentry, Transportation Planner

The project is not anticipated to be constructed for approximately five years; hence, there is no preliminary site plan and many details of the project have not been finalized.

Since this project area is in the City sphere of influence and would be annexed prior to construction, the City of Fresno is the agency responsible for approving the planning and design of street improvements. The District will work with the City and Caltrans to provide for appropriate intersection control within the project area.

The District acknowledges the importance of safe bicycle and pedestrian infrastructure and will incorporate appropriate bicycle and pedestrian infrastructure and amenities into the final design of the project.

November 13, 2018

Kevin Peterson
Clovis Unified School District
Facility Services
1450 Herndon Avenue
Clovis, CA 93611

Project: Fowler-McKinley Elementary School Project

District CEQA Reference No: 20181185

Dear Mr. Peterson:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the above referenced project. Per the Mitigated Negative Declaration, the Project consists of the acquisition of a 22-acre school site and the construction and operation of an elementary school (Project) located on the northeast corner of Fowler Avenue and the McKinley Avenue alignment in the Clovis Unified School District boundary in Fresno County, CA. The District previously commented on this project on March 26, 2018, (CEQA Reference No. 20180276) and has no additional comments at this time

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Georgia Stewart at (559) 230-5937.

Sincerely,

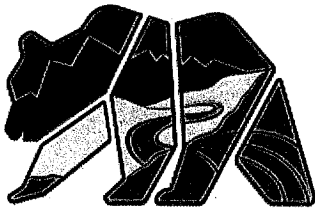
Arnaud Marjollet
Director of Permit Services



Brian Clements
Program Manager

AM: gs

Samir Sheikh
Executive Director/Air Pollution Control Officer



November 15, 2018

VIA EMAIL: KEVINPETERSON@CUSD.COM

Mr. Kevin Peterson
Assistant Superintendent, Facility Services
Clovis Unified School District
1450 Herndon Avenue
Clovis, CA 93611

Dear Mr. Peterson:

**MITIGATED NEGATIVE DECLARATION, FOWLER-MCKINLEY ELEMENTARY
SCHOOL PROJECT, SCH# 2018031026**

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has received the Mitigated Negative Declaration for the Fowler-McKinley Elementary School Project submitted by the Clovis Unified School District (District). The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The proposed project includes the acquisition of a 22-acre school site and the construction and operation of an elementary school on the site. The site is located on the northeast corner of Fowler Avenue and the McKinley Avenue alignment in Fresno County, within the City of Fresno sphere of influence. The campus would have approximately 28 classrooms, administrative offices, a multi-purpose building, hardcourt areas and athletic fields that could potentially be lighted. The project includes annexation of the site to the City of Fresno prior to construction, and detachment from the Fresno County Fire Protection District and the Kings River Conservation District. Currently the project site contains Prime Farmland as classified by the Department of Conservation's Farmland Mapping and Monitoring Program.¹

Department Comments

Although direct conversion of agricultural land is often an unavoidable impact under CEQA analysis, mitigation measures must be considered. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will

¹ California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, California Important Farmland Finder, <https://maps.conservation.ca.gov/DLRP/CIFF/>, 2016.


still be converted by the project, and therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation under CEQA. Rather, the criterion is feasible mitigation that lessens a project's impacts.

All mitigation measures that are potentially feasible should be considered. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements. Agricultural conservation easements are an available mitigation tool that the District should consider. The Department highlights easements as a mitigation tool because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because they follow an established rationale similar to that of wildlife habitat mitigation.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

Thank you for giving us the opportunity to comment on the Mitigated Negative Declaration for the Fowler-McKinley Elementary School Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Environmental Planner at (916) 324-7347 or via email at Farl.Grundy@conservation.ca.gov.

Sincerely,



Monique Wilber
Conservation Program Support Supervisor

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

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*Making Conservation a
California way of life.*

November 20, 2018

FRE-180-63.86
SCH# 2018031026
Fowler-McKinley Elementary School

Kevin Peterson, Assistant Superintendent
Clovis Unified School District
1450 Herndon Avenue
Clovis, California 93611

Dear Mr. Peterson:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the school project referenced above. This project is located along Fowler Avenue between Kerry Avenue (future) and McKinley Avenue (future) in Fresno. As the agency evaluates the proposed project's impact on transportation under CEQA, Caltrans requests the following items be considered:

According to the Initial Study prepared by ODELL Planning & Research, Inc. in October 2018, the intersection at Olive and Fowler Avenues operates at Level of Service (LOS) F during both peak periods. Caltrans is aware that traffic queues from this intersection back to State Route (SR) 180, impacting the off-ramp to Fowler Avenue. Intersection improvements along Fowler Avenue, it is agreed, are needed to improve traffic flow. In addition to the improvements proposed within the Initial Study, please consider the variety of intersection controls available. Many planning agencies are adopting a process of intersection control evaluation which takes a context specific approach to access solutions. More information on this process is available at: <http://www.dot.ca.gov/trafficops/ice.html>.

As stated in our letter dated March 16, 2018, the provision of bicycle infrastructure and amenities is strongly encouraged. Caltrans recommends the project incorporate protected bike paths to promote the safety of young or inexperienced riders. Other considerations may include: accompanying street lighting, secure bike storage, drought tolerant landscaping with shade elements, bicycle/pedestrian priority in street operations, and crosswalk improvements. Questions about these comments can be directed to me at (559) 488-7307.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jamaica Gentry".

JAMAICA GENTRY
Transportation Planner
Transportation Planning - North