
BAKERSFIELD CITY SCHOOL DISTRICT

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CEQA MITIGATED NEGATIVE DECLARATION

BAKERSFIELD CITY SCHOOL DISTRICT

**PROPOSED NEW ELEMENTARY SCHOOL PROJECT
SOUTHWEST OF BELLE TERRACE WAY AND COTTONWOOD ROAD
BAKERSFIELD, CALIFORNIA
September 22, 2016**

PROJECT DESCRIPTION

The Bakersfield City School District (BCSD) proposes to acquire the subject site property and build a new elementary school including a Special Education classroom integration. Construction is estimated to begin in approximately 2017. The K-6 elementary school will be built on the northern subject site portion with the Special Education classrooms slated for development on the southern portion. The schools may have year-round schedules (August-July) and serve students from the general local area. Anticipated maximum enrollment for the elementary school is 900 students with approximately 90 teachers and staff. The physical facilities are slated to include typical standard educational facilities (classrooms, library, cafeteria, offices, playgrounds including a running track, parking lot, and a bus loop. Educational curricula for the school is anticipated to be standard for BCSD facilities.

PROJECT LOCATION

The overall subject site encompasses approximately 24 acres and is located southwest of Belle Terrace Way and Cottonwood Road in Bakersfield. The site is currently vacant land and is located within a mixed residential and recreational area. The subject site is located adjacent to the south of the Kern County Parks and Recreation Belle Terrace Park, west of Cottonwood Road, 660 feet east of Madison Avenue, 440 feet south of Belle Terrace Place, adjacent to the northeast of the Kern Island East Branch Canal, and is 200 feet north of Cheatham Avenue.

PROJECT PROPONENT

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1416021 BCSD New Elementary School CEQA Mitigated Negative Declaration, September 2016 Revised FINAL

Bakersfield City School District
1300 Baker Street
Bakersfield, California 93305

FINDINGS

Pursuant to the State of California Code of Regulations, Title 14, and the *Guidelines for Implementation of the California Environmental Quality Act of 1970* (CEQA), the Bakersfield City School District has prepared an Initial Study on the referenced project. The Initial Study identifies potentially significant effects, but revisions in the project plans or proposals made by or agreed to by the project proponent before a proposed mitigated negative declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects on the environment would occur, and there is no substantial evidence, in light of the whole record before the public agency, that the project as revised may have a significant effect on the environment. Mitigation measures are identified below.

MITIGATION MEASURES

Air Quality

MM 5.3.1 - Based on information provided to the District, the proposed project would equal or exceed 9,000 square feet of educational space. Therefore, the District concludes that the proposed project is subject to District Rule 9510 (Indirect Source Review). District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval.

MM 5.3.2 – The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving, and Maintenance Operations). The above list of rules is neither exhaustive nor exclusive. More information regarding compliance with District rules and regulations can be obtained by visiting the District's website at www.valleyair.org/rules/1ruleslist.htm for a complete listing of all current District rules and regulations or by contacting the District's Small Business Assistance (SBA) Office by phone at (661) 392-5665.

Cultural Resources

MM 5.5.1 – In the event that buried archaeological deposits are encountered during development-related activities, work in the immediate vicinity of the discovery must cease until the finds have been evaluated by a qualified archaeologist. Should human remains be encountered during development, the County Coroner must be contacted immediately. If the remains are determined to be Native American, then the Native American Heritage Commission must be contacted as well.

Biological Resources

Active Migratory Bird Nests

MM 5.4.1 – (Avoidance). In order to avoid impacts to all nesting migratory birds, tree removal and initial ground disturbance activities such as grading, scraping, material stockpiling, etc. will be initiated between September 1 and January 31. This will ensure that project activities potentially impacting nesting birds will not coincide with the nesting season (February 1 to August 31).

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1416021 BCSD New Elementary School CEQA Mitigated Negative Declaration, September 2016 Revised FINAL

MM 5.4.2 – (Pre-Construction Surveys). If tree removal and ground disturbance must be initiated between February 1 and August 31, a qualified biologist will conduct pre-construction surveys for active migratory bird nests within 15 days of the onset of these activities.

MM 5.4.3 – (Establish Buffers). Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged.

Burrowing Owl

MM 5.4.4 – (Take Avoidance Survey). A take avoidance survey for burrowing owls will be conducted by a qualified biologist within 30 days of the start of construction. This take avoidance survey will be conducted according to methods described in the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). The survey area will include all suitable habitat within and up to 500 feet outside of project impact areas, where accessible.

MM 5.4.5 – (Avoidance of Active Nests). If pre-construction surveys and subsequent project activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are located within or near project impact areas, a 250-foot construction setback will be established around active owl nests, or alternate avoidance measures implemented in consultation with CDFW. The buffer areas will be enclosed with temporary fencing to prevent construction equipment and workers from entering the setback area. Buffers will remain in place for the duration of the breeding season, unless otherwise arranged with CDFW. After the breeding season (i.e. once all young have left the nest), passive relocation of any remaining owls may take place as described below.

MM 5.4.6 – (Passive Relocation of Resident Owls). During the non-breeding season (September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist. Passive relocation may include one or more of the following elements: 1) establishing a minimum 50-foot buffer around all active burrowing owl burrows, 2) removing all suitable burrows outside the 50-foot buffer and up to 160 feet outside of the impact areas as necessary, 3) installing one-way doors on all potential owl burrows within the 50-foot buffer, 4) leaving one-way doors in place for 48 hours to ensure owls have vacated the burrows, and 5) removing the doors and excavating the remaining burrows within the 50-foot buffer.

San Joaquin Kit Fox

MM 5.4.7 – A preconstruction survey and den monitoring will be conducted to assess current kit fox use of the project site. If the preconstruction survey and den monitoring find San Joaquin kit fox to be absent from the project site, *Mitigations 5.4.8-10* are not required.

MM 5.4.8 – From January 1st to May 31st all known and potential San Joaquin kit fox dens are considered natal dens and shall not be excavated unless a qualified wildlife biologist has determined that the den is not occupied and the USFWS and CDFW have provided written authorization.

MM 5.4.9 – If kit fox are found on the site during pre-construction surveys, the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified and a den exclusion plan will be prepared for approval by these agencies.

MM 5.4.10 – Outside of the natal season (June 1-December 31), the kit fox will be excluded from all on-site dens through the installation of one-way doors consisting of a 5” pipe with a plastic flap over the top. The one-way doors will be installed in all on-site burrows large enough to accommodate the San Joaquin kit fox. The one-way doors will be supported by sandbags to ensure a tight fit in the burrow and to discourage the foxes from digging around the one-way doors to gain access to the dens. The one-way doors will be monitored for three days through the placement of motion sensing cameras and daily review of the captured images by a qualified biologist. Once the cameras show no more activity at a den site, the interior of the den will be viewed through the use of a bore scope to ensure kit fox are absent from the dens.

MM 5.4.11 – Once the den is determined vacant it will be plugged with sand bags and immediately and carefully excavated following the *USFWS Standardized recommendations for protection of the*

endangered San Joaquin kit fox prior to or during ground disturbance (USFWS 2011). The dens will be completely excavated, backfilled, and compacted to prevent later use by kit foxes.

MM 5.4.12 – Prior to the start of construction, a USFWS-approved biologist will conduct an education and training session for essential construction personnel. The training program will instruct personnel on the life history, ecology, and legal context of the San Joaquin kit fox. They will also be informed of the USFWS standard recommendations for protecting the San Joaquin kit fox. Sign-up sheets identifying attendees and the contractor/company they represent will be provided to USFWS. The USFWS-approved biologist is responsible for training and informing staff on the avoidance and minimization procedures adopted by the project for listed species.

Metropolitan Bakersfield habitat Conservation Plan

MM 5.4.13 – The MBHCP protects rare and endangered species primarily through the preservation of high quality habitat funded by the collection of development fees. All projects within the MBHCP planning area that comply with the requirements of the MBHCP receive take authorization of MBHCP covered species. MBHCP requirements include preconstruction clearance surveys, minimization measures if covered species are found, reporting, and payment of development fees.

Geology and Soils

MM 5.6.1 and 5.6.2 – Based upon the *Geotechnical Engineering Investigation* and *Geologic Hazards Investigation* conducted for subsurface conditions of areas of the subject site for construction of the proposed new elementary school buildings, potentially significant impacts related to geology and soils issues will be reduced to less than significant in conformance with standard engineering practices and the recommendations presented in the above-referenced geotechnical and geologic reports.

MM 5.6.3 - According to The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits), developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, are required to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction and to those which may be generated by operations at the development after construction. Depending upon the site of the project construction areas, a Storm Water Pollution Prevention Plan (SWPPP) may be warranted. Information related to controls to reduce pollutants and to prohibit discharge of waters other than storm water to the municipal drainage system is available through the California Storm Water Quality Association.

Hazards and Hazardous Materials

Hazardous Materials

MM 5.8.1 – The out-of-service agricultural water well observed within the northeastern portion of the subject site should be properly destroyed in accordance with Kern County Department of Environmental Health Services requirements.

Airports

MM 5.8.2 – Based upon its jurisdiction as the local governing body with respect to the proposed property use for development of a new elementary school in Compatibility Zone C of the Kern County ALUCP, which according to the plan is not normally acceptable, the Bakersfield City School District will adopt an Exclusion from the prohibited use based upon the following findings:

- Based upon Caltrans evaluation of existing conditions and planned development, Caltrans has no objections to the establishment of the proposed school site at Site #3 as proposed;
- The CDE concurrence with the opinion of Caltrans stating that Site #3 is approved for school use;
- Established requirements for air traffic patterns designated to be exclusively to the west of the airport runway and away from the proposed new school subject site;
- Absence of significant estimated airport noise exposure on the subject site based upon a current noise assessment and data contained in the ALUCP;
- Proposed density of occupants on the new elementary school campus to be below 150 people per acre according to the ALUCP and 300 persons per acre on average and no more than 1,200 people per acre at any given time according to the Caltrans Airport Land Use Planning Handbook;
- Inclusion in the design of the new elementary school campus to provide at least 15% open land in the form of parking lots and playgrounds;
- The project is sufficiently protective of public safety, health and the welfare of the students, staff and visitors as well as to the pilots and passengers of the Bakersfield Municipal Airport.

Hydrology and Water Quality

MM 5.9.1 – According to The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits), developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from NPDES permitting, are required to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction and to those which may be generated by operations at the development after construction. Depending upon the site of the project-construction areas, a Storm Water Pollution Prevention Plan (SWPPP) may be warranted. Information related to controls to reduce pollutants and to prohibit discharge of waters other than storm water to the municipal drainage system is available through the California Storm Water Quality Association.

Land Use

MM 5.10.1 – Based upon its jurisdiction as the local governing body with respect to the proposed property use for development of a new elementary school, acting in accordance with Government Code Section 53094, the Bakersfield City School District will move to render the local Zoning ordinance inapplicable.

MM 5.10.2 – Research should be conducted of the existence of public access easements on the subject site as indicated by Kern County and, if warranted, a vacation of those public access easements under the Streets and Highways should be processed through the Kern County Board of Supervisors for those portions within county jurisdiction.

Transportation/Traffic

Current Conditions

MM 5.16.1 – *E. Brundage Lane/SR 58 WB On-Off Ramps (Intersection 6)* – The addition of project traffic under Existing with Project Conditions exacerbates unacceptable intersection operations during both a.m. and p.m. peak hours. The installation of a signal would improve operations to an acceptable LOS C operations during both peak hours. As a result of this mitigation measure, intersection conditions would improve to LOS B with 17.3 seconds of delay in the a.m. peak hour and LOS B with 19.1 seconds of delay in the p.m. peak hour. The BCSD will make a fair share contribution to signalizing Intersection (6) in the amount of 0.4% of cost as determined by the *Traffic Impact Study Report* dated September 21, 2016.

Cumulative Conditions

MM 5.16.2 – Based on the City of Bakersfield LOS impact criteria, the proposed project will have a significant impact at the study intersection of E. Brundage Lane/SR 58 WB On-Off Ramps (Intersection 6) during the both a.m. and p.m. peak hours. The addition of project traffic under Cumulative with Project Conditions exacerbates unacceptable intersection operations during the a.m. and p.m. peak hours. The installation of a signal would improve operations to acceptable LOS C operations during both peak hours. With traffic signals, intersection conditions would improve to LOS C with 22.7 seconds of delay in the a.m. peak hour and LOS C with 24.1 seconds of delay in the p.m. peak hour. The BCSD will make a fair share contribution to signalizing Intersection (6) in the amount of 0.4% of cost as determined by the *Traffic Impact Study Report* dated September 21, 2016.

Alternative Transportation

MM 5.16.3 – To accommodate all users of the street system and provide a complete and connected pedestrian facility between the project site and adjacent neighborhoods, TJKM recommends both Citadel Street and Mardi Gras Street should be equipped with sidewalks on the school side of the street. High visibility crosswalks should be provided at driveways at the school. These improvements should meet City of Bakersfield standards and the design should meet ADA requirements.

INITIAL STUDY/MITIGATION MONITORING PROGRAM

A copy of the September 22, 2016 Initial Study upon which this Mitigated Negative Declaration is based and documenting reasons to support the findings is attached hereto. Additionally, a copy of the Mitigation Monitoring and Reporting Program, pursuant to Public Resources Code Section 21081.6, which requires public agencies to adopt a monitoring or reporting program for the changes to the project that have been adopted to mitigate or avoid significant effects to the environment, is attached hereto.

District Representative
Director of XXXX

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