



FOOTHILL COMMUNITIES ASSOCIATION
Serving the Entire Unincorporated North Tustin Area
Post Office Box 261 • Tustin, California 92781

February 14, 2005

Planning and Development Services Department
300 N. Flower Street
P.O. Box 4048
Santa Ana, California 92702-4048

Re: Negative Declaration for PA 040048, Fairmont Private School
Contact: Chris Uzo-Diribe

Dear Sir:

The following contains Foothill Communities Association's comments on the proposed Mitigated Negative Declaration for the Fairmont Private School (Edgewood Campus) Use Permit application, PA 040048, and serves as an appeal of the mandatory findings and determination that the proposed project will not have a significant effect because mitigation measures have been added to the project.

The following comments are listed by the Environmental Analysis Checklist designations:

(1) Land Use

The analysis of land use lists the zoning as NTSP/RSF, but the property is designated as PQP on the North Tustin Specific Plan Land Use Districts (NTSP, Figure 33). The most southerly parcel of the school property may be listed as RSF, but the principal area is designated as PQP.

The proposed increase in the number of students and addition of a preschool on site conflict with the intent of the North Tustin Specific Plan (NTSP) – to allow development that is compatible with the existing community (NTSP, II-1-70). To grant an increase in the number of students will increase the intensity of use of this property. Approximately 1.9 acres is not large enough to properly buffer adjoining residential areas from noise and other adverse impacts. Additionally, a goal of the North Tustin Specific is to improve traffic circulation (NTSP, II-2) by controlling and limiting direct arterial access (NTSP, II-2-2). An increase in the number of students produces additional trips with direct arterial access. The analysis in the North Tustin Specific Plan states that *when driveways are located near intersections, the effectiveness of the intersection may be lowered due to vehicles trying to enter or leave and merge into travel lanes close to the intersections. Some drivers may choose to use residential collector streets in order to*

avoid the associated delays and hazards. This occurrence, termed “**neighborhood intrusion**” (emphasis added) may result.

The NTSP states that the purpose and intent of the PQP District is *to provide for the establishment and maintenance of community services and facilities in locations which will best serve **the residents of the North Tustin Specific Plan area and immediately surrounding community*** (emphasis added) (NTSP, III-15). The majority of students are not from the North Tustin Specific Plan area or the immediately surrounding community.

The proposed mitigation measure of using the adjoining church parking area to meet the school’s required off-street parking requirement also presents the question as to whether this use is allowable under the church’s zoning. The church is zoned NTSP/PQP, and use of this property as parking for another parcel may not be allowed under the current zoning. The PQP regulations (NTSP, III-5) do not list this activity as a permitted or accessory use. Is this use allowed under the NTSP? Should the church be required to obtain a conditional Use Permit to allow school parking on its property?

(7) Transportation/Circulation

Any increase in traffic movements on a Primary Arterial adds to congestion, hazards, and safety concerns. The proposed Use Permit not only requests an increase in the number of students, but proposes to allow a preschool on-site (the preschool presently exists, but was not covered by the existing Use Permit). Preschool delivery and pick-up differs from that of older children because of the necessity that an adult sign-in and sign-out preschool children. There is insufficient on-site parking for the number of classrooms without considering the additional needs of the preschool program.

The proposed mitigation measure to prohibit left turns during the morning peak from northbound Newport Avenue into the facility and the use of the church parking at all times will have additional consequences that have **not** been considered in the analysis or in the referenced traffic study. Northbound vehicles are not precluded from making a U-turn at Vanderlip Avenue. Such U-turn maneuvers from northbound Newport have been witnessed by area residents and are extremely hazardous. Such a maneuver will only create additional stress on that intersection. Additional traffic will be making a left turn at Vanderlip Avenue in preparation for a left turn into the church parking area. The Vanderlip and Newport intersection is not signalized, and queuing for this left turn has the potential to interfere with northbound Newport traffic flow. It is difficult to make a right turn onto southbound Newport from Vanderlip during peak periods, and it is nearly impossible to make a left turn onto northbound Newport from Vanderlip. Additional left turns onto Vanderlip will further compromise the functioning of this angled intersection. When vehicles exit the church parking area, they will either exit onto Newport or Vanderlip Avenue. If they exit onto Newport, they will be in conflict with vehicles preparing to turn right into the school. The driveways are in close proximity. Additionally, cars that exit the church parking area onto Vanderlip will probably make a left turn and travel on Vanderlip and other nearby residential streets. This will result in additional traffic on residential streets and create neighborhood intrusion. The functioning of the Newport/Vanderlip intersection, the conflict between vehicles exiting the church parking area and those entering the school facility from southbound Newport

Avenue, and the occurrence of neighborhood intrusion should all be considered in an addendum to the traffic study.

On-street parking in front of the school property creates a hazardous condition on a Primary Arterial particularly when children are involved. The school uses a bus to transport children off-site for physical education/sports. The bus loading and unloading of children while parked on an arterial highway is not a desirable situation and is indicative of the high intensity of use for the subject property where on-site bus loading cannot be accomplished. A no parking designation for Newport Avenue in the vicinity of the school would be an appropriate mitigation measure.

The parking agreement with the church that abuts the school facility is an extremely important mitigation measure. Yet, according to the agreement between the school and church, the agreement can be cancelled by May 1st of any year to become effective June 30th of that year. Such a tenuous agreement should not be the basis of the County accepting the church's parking as meeting the on-site requirement. The Conditions (p.2) for the 1988 Use Permit 88-17P required *Adequate assurance to guarantee that the required parking will continue to be maintained in compliance with applicable provision of Section 7-9-145 or the Orange County Zoning Code.* The present agreement between the school and church is not adequate assurance to guarantee that the required parking will be available. Additionally, the 1988 Conditions required that the agreement and parking plan be recorded with the office of the Orange County Recorder. Were these recorded? It should be required that the present agreement be recorded with the office of the Orange County Recorder.

The traffic study dated May 28, 2004, prepared by Kimley-Horn and Associates, does not consider the latest mitigation measures proposed for the project – specifically the prohibition of left turns from northbound Newport Avenue into the facility from 7:45 – 8:30 AM – nor the effects produced by these mitigation measures. Data should be presented on the functioning of the Vanderlip/Newport intersection. Additionally, accident data from the Vanderlip/Newport and LaColina/Newport intersections and the section of Newport Avenue directly affected by the school are not included. Accident data should be a part of this environmental study.

Foothill Communities Association strongly disagrees with the determination that this project will not have a significant effect on the environment. The proposed traffic mitigation measures are not only ineffective, but will create additional adverse effects. A focused Environmental Impact Report on land use and traffic/circulation impacts should be required to address the above concerns.

Sincerely,

Bruce Junor, President
FOOTHILL COMMUNITIES ASSOCIATION

cc: Supervisor Campbell