



October 12, 2020

Mr. Warren Frace
Mr. Darren Nash
Planning Department
City of Paso Robles
1000 North Spring St.
Paso Robles, CA 93446

Re: Almond Acres Public School Construction Project
1145 Niblick Ave., Paso Robles

Response to Draft Resolution B and its Exhibit A for Planning Commission

Dear Messrs. Frace and Nash:

This letter is being written to address comments made by staff in the resolution documents submitted to the Commissioners for the Planning Commission of October 13, 2020.

This letter assumes the Commissioners will choose Resolution B and its attachments including Exhibit A. Comments and/or answers below are tied to certain sections of the Exhibit A and reference to that section is made for clarity:

Exhibit A

Section 5: Noise making devices - The School does not plan on using any noise-making devices such as bells or alarms. Changes of periods, lunch and dismissal are done solely in the classrooms. We ask that this be removed as a condition.

Section 6: Perimeter fencing – The applicant will provide a perimeter fence with photo samples of materials and submit those during the Planning Commission. We ask that this condition be referred to staff for final approval, rather than DRC.

Section 7: Electrical inspection: Please clarify this section. The applicant would like to resolve the requirements for this prior to the commencement of installing light poles. The Applicant has provided photometrics for the lighting on surrounding properties with near or zero emission. Therefore, if different, please provide the parameters being used by the City for approval.

Section 14: Development Impact Fees: As we have stated before, the Applicant is a public charter school. Public schools are not charged development fees as it is the party for whom fees are gathered. As agreed with Staff, Applicant will submit this challenge to the City Council of Paso Robles for a final determination. Applicant will comply with the City Council's ruling prior to the issuance of the Certificate of Occupancy.

Section 18: School start and stop times: As provided in the School's submitted traffic plan, the start and end times will be adjusted to the start and stop times for the High School.

Section 19: Niblick/Country Club traffic signal – Please adjust the signal modification prior to the issuance of the Certificate of Occupancy.

Section 20: Property directional signs – Please adjust the installation of the signs prior to the issuance of the Certificate of Occupancy.

Section 21: Traffic flow – The applicant will comply with the Traffic Study. The Applicant will provide special event schedules to Staff prior to the issuance of the Certificate of Occupancy.

The Applicant will comply with all other conditions in the Exhibit as prepared by Staff.

Sincerely,



Carl W. Raggio, III
Consultant for Almond Acres



Devon B. Lincoln
Attorney at Law

E-mail: dlincoln@lozanosmith.com

October 13, 2020

By E-Mail: dnash@prcity.com

Darren Nash
City Planner
City of Paso Robles
1000 Spring St.
Paso Robles, CA 93446

Re: Almond Acres Charter School Project

Dear Mr. Nash :

Our office represents the Paso Robles Joint Unified School District ("District"). Please accept this letter as the District's comments to the draft Mitigated Negative Declaration ("MND") for the Almond Acres Charter Academy Project ("Project").

The proposed Project consists of construction of an approximately 31,992 square foot one-story building on a 3.4-acre parcel. The proposed Project would provide facilities for up to 505 kindergarten through 8th grade students in a public charter school, and would include space for administrative offices, classrooms, a warming kitchen and food services, multipurpose rooms, and a gym. The Project also includes up to 25,000 square feet of open courtyards, fields and play areas, and 64 parking spaces.

Pursuant to the California Environmental Quality Act ("CEQA", Pub. Res. Code §§ 21000, *et seq.*; Cal. Code Regs., tit. 14, ("14 CCR") §§ 15000, *et seq.*), an MND may be adopted only if all potentially significant effects of a project will be avoided or reduced to insignificance. (Pub. Res. Code §§ 21064.5, 21080(c)(2); 14 CCR §§ 15064(f)(2), 15070(b).) If there is substantial evidence in the record that a project may have one or more significant impacts on the environment, despite modifications, a negative declaration is improper, and an environmental impact report ("EIR") is required. (Pub. Res. Code §§ 21100, 21151; 14 CCR § 15063(b).)

It is the District's position that the MND for the Project fails to identify potential environmental impacts on the District and further fails to demonstrate that all significant effects of the Project will be avoided or reduced to "less than significant." We respectfully request that these

deficiencies be addressed prior to the approval of the MND and further request that the City work with the District in order to resolve and clarify the concerns set forth in this letter.

A. Summary

The District's primary concerns with the MND are the lack of substantive information regarding the environmental impacts of the Project on the District, its students, and staff. These impacts include but are not limited to: traffic and transportation concerns; the impact of construction activities such as air quality and noise; and other reasonably foreseeable impacts. Without addressing the effect of these impacts on the District, the Project applicant has deemed all of the environmental factors discussed in the MND as having a "less than significant impact" or "no impact," thus, requiring no mitigation. The District disagrees with these findings. As discussed in this letter, the potential impacts of the Project on the District need to be further analyzed and addressed appropriately in the MND.

B. Areas of Concern

1. Traffic and Transportation

According to the MND and the Traffic Impact Study ("TIS") conducted by the Project applicant, the Project "will generate an average of 934 trips per weekday, including 576 trips during the a.m. peak hour and 348 trips during the p.m. peak." (MND, p. 18; Draft TIS, Attachment 7). The TIS also concludes that once the Project is complete, vehicle usage overall will decrease because students now attending the Academy's San Miguel site will have a shorter distance to travel to school. (Draft TIS, Attachment 7.) However, this analysis does not take into account the fact that the proposed Project is located in proximity to Winifred Pifer Elementary School, Liberty High School and, Paso Robles High School. The TIS examines the flow of traffic generated by the Project, but does not account for, or analyze, the cumulative impacts of traffic in the larger context of having four (4) schools in proximity to each other—especially given the fact that the heaviest vehicular traffic at the proposed Project site, due to staff parking and student drop-off and pick-up, is likely to occur during the same heavy traffic periods in the neighborhoods surrounding the District's existing school sites.

While the TIS does generally address the existing levels of service and vehicular volume at two intersections (Niblick Road/Country Club Drive and Niblick Road/Creston Road), the TIS does not discuss the impact of increased traffic in the neighborhoods surrounding the District's existing school sites and does not address the magnified cumulative impact of adding vehicular traffic generated by the Project to an already saturated geographical area. Before the Project can proceed, the potential environmental impacts on traffic and transportation in the neighborhoods surrounding District school sites should be identified and addressed in the MND along with measures for mitigating these impacts.

2. Impact of Construction Activities

The MND and the TIS do not address the environmental impacts on the District's students and staff during Project construction. Based on the location of the Project—in proximity to Winifred Pifer Elementary School, Liberty High School, and Paso Robles High School—Project

construction and related noise, traffic, and air quality will have an impact on those school sites. Currently, the MND and the TIS are devoid of any such analysis.

a. Noise During Construction

The MND states, “construction of the project will result in short term, temporary increases in ambient noise during the daytime...the impacts from the noise are considered less than significant.” (MND, pg. 16). Nothing in the MND’s analysis addresses the impact of noise on District schools in proximity to the Project. While construction activities are limited to daytime hours, those hours also coincide with instruction and recess times at District schools. Therefore, Project construction will be occurring at the same time that students are on District campuses and noise from Project construction is likely to disrupt the learning environment for District students. The potential environmental effects on District schools of construction-related noise should be specifically identified and analyzed in the MND.

b. Air Quality During Construction

The MND deems the potential exposure of sensitive receptors to substantial pollution concentrations as “less than significant” and provides that “conditions of approval will be added to the project to ensure dust is minimized to a level of less than significant.” (*Id.*) Generally, schools are deemed to be sensitive receptors. However, the MND itself does not discuss any measures designed to reduce potential exposure of District students and staff to construction-related airborne pollutants, particularly during those times when students are outdoors for recess, play, or physical education. As the District will need to operate its schools during ongoing Project construction, the effects of air quality on District schools should be specifically analyzed in the MND.

c. Traffic During Construction

As discussed above, the TIS generally addresses traffic and vehicular volume at two intersections. (MND, p. 18; Draft TIS, Attachment 7). However, neither the MND nor the TIS address the effect on nearby District schools due to construction-related traffic, including traffic congestion and slow-downs due to construction vehicles and heavy equipment and supply and material deliveries, during the hours of school operations. These potential impacts should be identified and addressed in the MND along with measures for mitigating these impacts, as appropriate.

C. Conclusion

In sum, the District believes that the MND should address and mitigate all of the potentially significant environmental impacts of the Project on the District and its families, students, and staff, including: impacts on school operations due to construction of the Project; traffic concerns; and other reasonably foreseeable impacts.

The District desires to be an active and cooperative partner with the City and looks forward to working with the City to address all of the concerns identified in this letter. Should you have any

Addendum 1

Agenda Item 3
Attention: Darren Nash

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questions or would like to discuss these issues further, please feel free to contact the District office directly.

Sincerely,

LOZANO SMITH

A handwritten signature in blue ink, appearing to read "Devon B. Lincoln". The signature is fluid and cursive, with a large initial "D" and "L".

Devon B. Lincoln

DBL/sa

Katie Banister

From: Deborah OMeara <>
Sent: Tuesday, October 13, 2020 12:53 AM
To: Planning
Subject: Almond Acres Charter Academy

CAUTION: EXTERNAL SENDER

Community Development Department
Planning Commission

I want to start out by thanking you for the opportunity to respond to the Almond Acres proposal. I would like to make it clear that I am all for kids and education but with that being said I am very **opposed** to the possibility of Almond Acres Charter Academy being built on Niblick Road. This road is so dangerous, and I will go out on a limb and say that I am sure every employee that works for the city knows just how dangerous Niblick and Creston are, and yet the city is going to allow this school to be built. One of the most important reasons I oppose the building of the school on this space is the issue of traffic and safety. The school will be bringing so, so many vehicles to a very small area. And the environmental impact is larger than all of us.

The agenda report states under Parking/Circulation

Almond Acres will adjust classroom hours to avoid any potential conflicts with adjacent high school traffic for both arrival and departure

This will only cause traffic time to be extended--from the time the high school drop-off starts to the time Almond Acres drop-off ends, that could be anywhere from a half-hour to 45 minutes of traffic time. This is not realistic, this will cause drivers to speed to make it to work on time.

The 3-4 special events held per year will include carpooling and bus transportation to minimize any potential impacts. This is a program that is currently used at the Almond Acres CS in San Miguel

When the word potential is included in a sentences such as in the one above it is being used to soften the blow of reality, or to avoid the reality of the future--that most likely there will be more than 4 special events a year (trust me, there will be so many more than 3 to 4). And, this may have worked in San Miguel--a very small town but this is Paso Robles, people like to use their own car!

I keep on reading, "Least amount of impact" we all know this school in this spot is going to cause a huge traffic and safety issue, an Impact!

Almond Acres is proposing a staggered schedule, shuttling and 2 buses to create the "**Least amount of impact**" (there's that statement again) Because they are causing an impact they are trying to not cause an impact!

The school will attempt to provide pick up and drop off areas to least impact the existing traffic patterns in the City.

The school will "Attempt" (excuse me, they will attempt, that leaves room for failure or trying but giving up because it is too much work and or it costs too much money to continue for the entire life-time of the school)! Look at Paso, just last year the school district cut bus routes because of funding, what makes this school so special and rich?

During school departure and arrival times, staff and volunteers will manage traffic and monitor the entrances, turning areas and drop off areas and have relocatable signs to manage traffic movement.

This might work for a few months, but after awhile it could be difficult to get staff and volunteers to manage traffic, this is a huge undertaking especially for volunteers. This is something I, as a neighboring resident **will expect** to be managed, and be enforced every single school day rain or shine, in hot and frigid weather. This cannot be left undone.

This space is just too small for 80 parking spaces, and 80 spaces will not accommodate the parking for the staff and parents of the entire student body during a special event. Mr. Bourgault, has stated the student population at Almond Acres in San Miguel is 350 and he is hoping to have 550 give or take in the near future. How might I ask will 80 spaces accommodate that many families? Not in the Rosemary Dr. neighborhood!

The existing lighting plan was designed per Title 24 and for the safety and security of the students, parents and staff while having the least amount of "impact" (there it is again) on adjacent lot lines and properties.

The lighting will be electronically controlled to turn off 1 hour after dark, with exception of 3-4 special events per year or in rare event that a staff member is there beyond 1 hour after dark.

I'm sorry, in the rare event a staff member is there beyond 1 hour after dark? Teachers are dedicated hard working people and it is not rare whatsoever for them to stay at school trying to catch up on work in order to not take it home with them. Teachers staying at school until dark happens all the time! During the winter months it gets dark very early so it's very usual. Security lighting will need to be on to protect the school and aid the night custodian.

My husband is an electrician and he chuckled when we read about the 3-sided shields around the towering lights. He said "light is light, it will glow down and out no matter how many shields are surrounding the bright beam of light"!

Landscaping trees will also be utilized to also limit lighting 'IMPACTS' (there it is again) as well as visual 'IMPACTS' (and again). The proposed trees will reach a height of 30' in eight years. Eight years! We have to endure this light for eight years!

Please note, I am not opposed to the school, I AM OPPOSED to the school going in on Niblick Rd. I will bet when Mr. Bourgault saw the property he may of had some doubt the school would fit or that it wouldn't be a good spot. But as he talked to people he was encouraged to go for it. It may have been like taking your family to see a new house and all the kids in the family get excited about what room will be their room. Or, even though the house needs work, everyone talks you into buying the house no matter the consequences. But, in this case, the consequences are not affecting just one family the consequences will affect entire neighborhoods, and thousands of commuters each and everyday.

Children + school + Niblick Rd. = dangerous, very bad idea, inconsiderate, not well thought out, selfish, negative environmental impact, and did I mention dangerous!

It might not happen for a while, but parents, staff and the community will complain.

I care about kids and their safety!

Deborah