

SONOMA COUNTY BOARD OF SUPERVISORS
Revised Conditions of Approval

Date:	August 14, 2018	File No.:	UPE14-0090
Applicant:	Charter Foundation	APN:	060-400-018, -019 & -071
Address:	1080 & 1088 Hurlbut Avenue, Sebastopol		

Project Description: Request for a Use Permit to allow construction and operation of a new charter school campus with maximum attendance of 360 students in six new classroom buildings totaling 20,200 square feet, a 19,500 square foot assembly hall, renovation and reuse of the existing 4,800 square foot residence as an administration building, outdoor play fields and facilities, and temporary placement of up to 15 modular classroom structures on three parcels totaling 20.36 acres.

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,210.25 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a **total of \$2,260.25 made payable to Sonoma County Clerk** and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.
2. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and development fees are paid in full.

CONDITIONS TO BE MET PRIOR TO BUILDING PERMIT ISSUANCE AND CONSTRUCTION

BUILDING:

3. The applicant shall apply for and obtain building related permits from PRMD for any new buildings, and any associated site work. The necessary applications appear to be, but may not be limited to site review and building permit(s). Construction inspections shall occur and the building permit(s) finalized prior to occupancy of new structures.
4. If any changes to plans, drawings, documents or specifications required pursuant to any conditions herein specified occur, these changes shall be brought to the appropriate department for review and approval prior to any construction or improvements. Also, these changes shall be reviewed by all departments involved in the initial approval of the subject plans, drawings, documents or specifications that are proposed for change.
5. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent California Building Code (CBC), as determined by the PRMD Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure.
6. The applicant shall post a sign on Hurlbut Ave. near the existing residential driveway that includes the phone number for a current job manager for the benefit of neighbors. The job manager can be contacted if there are any problems associated with the construction process site such as dust, storm water runoff, hours of operation, equipment noise, traffic issues or lack of compliance with any project conditions of approval.

HEALTH:

Water:

7. Prior to building permit issuance the applicant shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2013 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review. If the applicant has been required to do a cross-connection control survey by the California State Water Resources Control Board, Division of Drinking Water, then a copy of that survey may be submitted to meet this condition within 120 days after occupancy.
8. Prior to building permit issuance and project operation, provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of your water tested by a State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. As an alternative to the well destruction, the applicant may initiate a permanent water treatment program subject to the review and approval of the State Water Resources Control Board, Division of Drinking Water.
9. Prior to the issuance of building permits the applicant shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Division of Drinking Water because it has determined that more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State in Division of Drinking Water order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling will take some time.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the State Drinking Water Program may e-mail clearance directly to PRMD.
10. If a Water Supply Permit is required, then the water supply well is required to have a 50-foot annular seal prior to vesting the Use Permit. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50-foot annular seal cannot be obtained, then a new water well may be required. Prior to building permit issuance the applicant shall abandon existing well(s) under permit from the PRMD Well and Septic Section. This department may review a request to upgrade the well to current standards relating to setbacks and annular well seals.
11. Prior to the issuance of any building permit an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by PRMD Project Review staff and County Counsel prior to recordation.

Septic:

12. Prior to building permit issuance and vesting the Use Permit, the applicant shall obtain a permit for the sewage disposal system. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and wet weather testing may be required. Wet weather groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall

include the required reserve area. If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

13. Application for wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to the Project Review Health Specialist prior to building, grading for ponds or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the applicant shall obtain Waste Discharge Requirements prior to building permit issuance). A copy of the Waste Discharge Permit shall be submitted to the Project Review Health Specialist prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit.
14. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate the peak flows from the proposed Administration Building granted in the Use Permit.

Any necessary system expansion or modifications, and demonstration of reserve areas, shall be done under permit and the current standards from the PRMD Well and Septic Section and may require both soils analysis, groundwater and percolation testing. If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

15. Toilet facilities shall be provided for patrons and employees prior to vesting the Use Permit. A copy of the Floor Plan showing the location of the restrooms shall be submitted to the Project Review Health Specialist prior to issuance of building permits.

Consumer Protection:

16. Prior to the issuance of building permits and the start of any on-site construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by the Department of Health Services, Environmental Health & Safety Section. Be advised that major expenses can be triggered relating to the need for commercial exhaust hoods, fire suppression systems, food storage space and walk in refrigerators/freezers dependent upon the scale of food service and the menu items selected. Early consultation with Environmental Health & Safety is recommended. All food service on this site shall be limited to the scale, scope, frequency and any menu limitations specified under the Planning conditions in this Use Permit.

Contact the Department of Health Services, Environmental Health & Safety Section at 565-6565 for information and instructions. An e-mail of the approval from the Environmental Health & Safety Section or a copy of the Plan Check Approval shall be presented to the Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (Cal Code).

17. Prior to the issuance of building permits and the start of any construction, plans and specifications for any public restrooms or showers must be submitted to, and approved by, the Environmental Health Section of the Health Services Department. Contact the Environmental Health Section at

565-6565 for information. The PRMD Project Review Health Specialist shall receive a letter of approval from the Environmental Health Section to verify compliance with requirements of the State of California regulations.

Noise:

18. Prior to building permits, a noise monitoring plan shall be submitted for review and approval by PRMD Project Review staff and Wilson Ihrig & Associates. The Noise Monitoring Plan shall include:
 - a. The staff positions that will receive periodic training in the use of the noise meter.
 - b. Identification of the noise meter to be purchased or rented for use at the specified events.
 - c. Provisions for at least one trained staff member to be present at the three events identified as using the 5 dBA credit for event noise (including, but not limited to the Greek Games, the Medieval Games and the Track & Field Meet). This staff member must be authorized to reduce noise impacts immediately upon exceedance of the County noise standards.
 - d. Provision for the neighboring residences to be notified in advance of each event of the name and telephone number of the trained staff member responsible for controlling noise at the specified events.

Solid Waste:

19. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. (Fees may apply.) Note that trash trucks must have at least a 32-foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance.
20. Prior to building permit issuance, areas within refuse enclosures for food facilities, shall drain to the appropriately permitted disposal facility. The outside perimeter of the trash enclosure shall be graded to prevent storm water from draining into the sanitary sewer system. The trash enclosure shall be covered with a roof or awning. The Project Review Health Specialist shall receive a copy of an approval letter from the Solid Waste Section of the Division of Environmental Health.
21. Portable toilets and portable hand-washing facilities shall be placed and maintained for employees as needed on construction sites, but in no case shall they be serviced less than once seven days when only daytime operations are conducted. The permittee shall provide an accessible portable restroom on the job site where required by Federal, State or local law, including but not limited to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.

HEALTH CONDITIONS TO BE MET PRIOR TO OCCUPANCY:

22. Prior to occupancy, any new or existing water well serving this project shall be fitted with a water meter to measure all groundwater extracted for this use.
23. A separate, dedicated monitoring well is required to be drilled for this project. The monitoring well is required to be drilled under permit of this department and shall be of a depth, screening and development comparable to the supply well. The monitoring well shall be located as far away from other wells, ponds and wastewater disposal fields as is consistent with being in the same geologic formation as the primary well and being accessible by street vehicle. The monitoring well location shall be approved by PRMD in advance of construction. The monitoring well shall be marked with a water level measuring reference point, and the GPS coordinates (in NAD83 California State Plane II or WGS 84 lat./long.) of the monitoring well shall be submitted to PRMD.

Alternatively, PRMD will evaluate proposals to use existing nearby standby or auxiliary water wells as a substitute for the required monitoring well. Any proposal to use a substitute well must

include at a minimum, a copy of the drillers log for both the production well and the substitute monitoring well, and a site plan with the GPS coordinates of both wells. The proposal must verify that the substitute well does not have a collapsed casing, and is suitable for groundwater level monitoring purposes.

Septic:

24. Prior to building occupancy, all wastewater plumbing shall be connected to a sewage disposal system that has been constructed under permit for the proposed use by the PRMD Well and Septic Section. The Project Review Health Specialist shall receive a final clearance from the District Specialist that all required septic system testing, design elements, construction inspections and any required operating permits have been met.

OPERATIONAL REQUIREMENTS:

Water:

25. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
26. A safe, potable water supply shall be provided and maintained.
27. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored monthly and reported to PRMD in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by PRMD.
28. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD Project Review staff at least once every five years.

Septic:

29. Maintain the Annual Operating Permit for any package treatment plant, alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
30. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
31. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.

Consumer Protection:

32. Obtain and maintain all required Food Industry Permits from the Sonoma County Environmental Health Division prior to serving any food.

Noise:

33. Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Adjusted Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Daytime ² (7am to 10pm)	Nighttime ² (10pm to 7am)
L50 (30 minutes in any hour)	45	40
L25 (15 minutes in any hour)	50	45
L08 (4 minutes 48 seconds in any hour)	55	50
L02 (72 seconds in any hour)	60	55
¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour. ² Adjusted for speech, music, recurring impulsive noises.		

34. Special Events are limited to those school events analyzed in the sound study and up to four community events held inside any of the permanent structures identified in this Use Permit.
35. All events are limited to 7:00 AM to 9:30 PM, so that the premises will be cleared of attendees/school staff by 10:00 PM.
36. Amplified sound and the very loud musical instruments (such as horns, drums and cymbals) are not permitted outdoors. The quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc) are allowed outdoors when in compliance with the Noise Element of the Sonoma County General Plan.
37. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.

Solid Waste:

38. All garbage and refuse on this site shall accumulate or be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall accumulate or be stored for no more than seven calendar days, and shall be properly disposed of at a County Transfer Station or County Landfill before the end of the seventh day.

Smoking:

39. Smoking is prohibited at any public event, in any dining area, service area (including entry lines or ticket purchase lines) and in any enclosed area that is a place of employment (Sonoma County Code 32-6). "No Smoking" signs shall be conspicuously posted at the point of entry into every

building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (section 113978) also requires the posting of “No Smoking” signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.

GRADING AND STORM WATER:

“The conditions below have been satisfied BY _____ DATE _____

40. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
41. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the *Drainage Report Required Contents* (DRN-006) handout.
42. The proposed project is subject to storm water Low Impact Development (LID) regulations. Measures to mitigate the project impacts to the quality and quantity of post-construction storm water discharges from the site shall be incorporated into the drainage design of the project. A final Standard Urban Storm Water Mitigation Plan (SUSMP) shall be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of PRMD prior to the issuance of any grading or building permits. SUSMP features must be installed per approved plans and specifications, and working properly prior to finaling the grading permit and associated building permits.
43. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water levels and pollutant discharges in compliance with PRMD’s best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Drainage improvements shall not adversely affect adjacent properties or drainage systems.
44. The applicant shall provide grading plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the *Grading Permit Required Application Contents* (GRD-004) handout.
45. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands.

The erosion prevention/sediment control plan shall abide by and contain all applicable items in the *Grading Permit Required Application Contents* (GRD-004) handout.

46. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be covered or separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be permitted to enter the storm drain system without receiving appropriate treatment.
47. The project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.
48. The Permit Holder shall be responsible for controlling dust and debris during all construction phases. Consistent with BAAQMD guidance, the following measures shall be implemented by the permit holder on the project site during the construction period:
 - Water all active construction areas at least twice daily.
 - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
 - Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
 - Hydro-seed or apply (non-toxic) soil stabilizers to inactive construction areas.
 - Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles dirt, sand, etc.
 - Limit traffic speeds on unpaved access roads to 15 mph.
 - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - Replant vegetation and ground cover in disturbed areas as quickly as possible.

REGIONAL PARKS:

49. The project driveway serving the school crosses the West County/Joe Rodota Trail (the Trail) and requires the applicant and the County to enter into an easement agreement whereas the County will grant an access easement to the applicant and the applicant will grant a public trail easement to the County. No building or grading permits shall be issued until the easement is approved and recorded.
50. The applicant shall submit improvement plans for the driveway crossing the Trail to the Regional Parks Department for review and approval prior to issuance of grading or building permits. The access driveway serving the school across the trail shall be constructed prior to building occupancy.
51. The structural section of the driveway and trail improvements shall be designed using a soils investigation which provides the basement soils R value and expansion pressure test results. A copy of the soils report shall be submitted with the first set of improvement plan check prints. The traffic index to be used for the design is "4." The designer may use an R value of "5" and a T.I. of "4" if he wishes to waive the soils investigation for the driveway and trail section design. After plan approval, the applicant shall construct the required improvements as shown on said plans. These requirements are the minimum. It is the design engineer's responsibility to design an adequate driveway for its intended use.

52. All engineering plans shall be drawn to a scale no smaller than 1" = 40 feet, shall show contours and cross sections of the driveway and trail.
53. A grading permit shall be obtained prior to the start of any earthwork for the driveway crossing the Trail. Once the grading permit is obtained, the applicant shall submit a construction schedule to County Regional Parks Department prior to starting site work. The construction schedule shall identify the start and end dates for the following improvements so Parks staff can inspect the improvements during construction:
- 1) Obtain a letter from Parks Department approving rough grade inspection prior to the placement of base rock.
 - 2) Submit compaction test reports for soils and base rock approved by soils engineer prior to paving improvements.
 - 3) Obtain a letter from Parks Department approving final grade inspection and accepting the completed improvements prior to finalizing grading permit.
54. The applicant shall implement further traffic controls or calming measures pertaining to the school driveway crossing of the West County Trail which may in the future be recommended by Regional Parks should a need for such additional measures be justified.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied BY _____ DATE _____

55. The applicant shall apply and obtain all required clearances and permits, including an encroachment permit from Caltrans District 4, for all work to be conducted within Highway 116 and associated right-of-way.
56. The applicant shall extend the proposed new sidewalk along Highway 116 to the north to the location of the existing Route 20 westbound bus stop. This will provide improved ADA access at the westbound bus stop and allow for the future installation of upgraded amenities such as a bench and/or passenger waiting shelter.
57. The applicant shall submit a Traffic Management Plan (TMP) that addresses the physical and operational supports that will be in place at the school to ensure the safety and efficiency of student drop-off/pick-up, the safety of Trail users, the reduction of school traffic on neighborhood streets, promotion of carpool, biking and walking to school, and other measures to reduce school traffic. The TMP is subject to final review and approval by DTPW prior to issuance of Building Permits.
58. The applicant shall be responsible for provision of crossing guards and monitoring of the driveway's crossing of the West County Trail for all periods of school drop-offs and pick-ups and for the start and end of events. The applicant shall monitor queue lengths and effectiveness of the stop-controlled intersection. The applicant shall submit the monitoring results to DTPW for review and approval. Depending upon the results of the monitoring, DTPW may direct the applicant that use of the crossing guard is to be continued, specifying when the guard is required, or discontinued. If necessary, the Traffic Management Plan shall be amended to reflect requirements for crossing guards and monitoring of the Trail subject to review and approval of DTPW.
59. **Mitigation Measure:** All project design and operational recommendations of the W-Trans Sebastopol Charter School Relocation Traffic Impact Study prepared for the project (November 9, 2015) as expanded and modified by the DTPW Traffic Analysis Memorandum dated April 21, 2016 regarding use of a crossing guard at the Highway 116/Mill Station Road intersection, shall be incorporated into final project design plans and/or maintained as part of ongoing operations for the proposed school use. Crossing guard at Highway 116 and Mill Station Road shall be provided

at school expense during the morning and afternoon peak hour school use, subject to review by DTPW and/or requirements of local or State agencies.

Mitigation Monitoring: The project applicant shall ensure final design plans incorporate and address the recommendations of the W-Trans Sebastopol Charter School Relocation Traffic Impact Study (November 9, 2015) and the DTPW Traffic Analysis Memorandum dated April 21, 2016 regarding use of a crossing guard at the Highway 116/Mill Station Road intersection. PRMD staff shall evaluate project grading and site plans to ensure incorporation of the improvements, with final inspection to verify compliance prior to issuance of a certificate of occupancy. Ongoing monitoring of provisions of the drop-off and pick-up parking lot, West County Trail and crossing guard shall be the responsibility of the project operator. The applicant shall provide annual summaries to PRMD staff that these measures continue to be implemented for the duration of the project. PRMD staff may also periodically conduct inspections of the project to determine compliance with this measure.

60. **Mitigation Measure:** The project applicant shall provide PRMD with executed, recorded agreements with Sonoma County Regional Parks and with the O'Reilly Media property owner addressing all aspects of driveway construction and access for the proposed driveway entry using the existing O'Reilly driveway, the West County Trail crossing and entry to the school property prior to issuance of grading or building permits. The O'Reilly easement agreement, or other agreement between the Applicant and O'Reilly acceptable to PRMD, shall include provisions which allow the applicant to perform periodic trimming of vegetation on the O'Reilly property in order to maintain sight distances recommended for the safety of persons using the Trail crossing in Figure 5 of the Fehr & Peers Sebastopol Charter Trail Crossing Review (September 6, 2016). The project applicant shall implement and maintain all improvements and/or measures required by the final Easement Agreement with Sonoma County Regional Parks as provided in that Agreement.

Mitigation Monitoring: The project applicant shall provide the executed, recorded agreements to PRMD prior to issuance of grading or building permits. Failure of the applicant to secure both final (executed) agreements shall require the project applicant to seek a modification to UPE14-0090 to address any alternative access plans which may be available.

61. **Mitigation Measure:** Pursuant to the W-Trans Sebastopol Charter School Relocation Traffic Impact Study Supplemental report prepared for the project dated August 10, 2016, the applicant shall provide traffic calming measures to decrease vehicle speeds at the Hurlbut Avenue crossing of the West County Trail prior to issuance of a certificate of occupancy. Final traffic calming measures shall be reviewed and approved by PRMD and DTPW prior to installation.

Mitigation Monitoring: The project applicant shall obtain all necessary permits and approvals and install recommended traffic calming measures at the Hurlbut Avenue crossing of the West County Trail, prior to issuance of a certificate of occupancy. The applicant shall provide evidence of all necessary permits and approvals to construct the traffic calming measures for PRMD project files.

62. **Mitigation Measure:** Pursuant to the W-Trans Sebastopol Charter School Relocation Traffic Impact Study Supplemental report prepared for the project dated August 10, 2016, the applicant shall construct pedestrian-activated enhanced crossing improvements at the intersection of SR 116/Danmar Drive in conformance with Caltrans standards and subject to Caltrans approval. The applicant shall also be responsible for obtaining all necessary permits and approvals necessary to construct the crossing improvements. Should the required crosswalk not be operational by the start of the 2018-2019 school year on or about September 4, 2018, the applicant shall:

- a. Provide the following written notice by individual letter to all parents.

NOTICE: PEDESTRIAN AND BICYCLE ROUTES TO SCHOOL

A new crosswalk with pedestrian-activated warning lights is planned for the intersection of SR 116 and Danmar Drive near the Community Church, but will not be ready for the start of school in September 2018. Until the new crosswalk is installed, no students shall cross SR 116 (Gravenstein Highway) at Danmar Drive. All students or parents walking or bicycling to and from school to the neighborhoods west of SR 116 and south of Mill Station Road must cross SR 116 at the traffic signal at the intersection of SR 116 and Hurlbut Avenue and use the existing sidewalk on the east side of SR 116 from Hurlbut Avenue to Mill Station Road. **PLEASE DIRECT YOUR STUDENTS TO FOLLOW THIS RULE**

- b. The School Traffic Management Plan shall be revised to include the prohibition of crossing at Danmar Drive until the enhanced pedestrian crossing is installed.
- c. The applicant shall provide an adult crossing monitor at the intersection of SR 116 and Danmar Drive on the west side of SR 116 before school start time and on the east side of SR 116 after school dismissal hours, and for school events as required by Conditions of Approval for crossing guards at the school entrance driveway, except that the monitor(s) required by this condition shall not be discontinued until the lighted pedestrian crosswalk is operational. The monitor(s) required by this condition shall direct students to cross SR 116 at the lighted traffic signal at Hurlbut Avenue and use the existing sidewalk on the east side of SR 116 from Hurlbut Avenue to Mill Station Road. The monitor(s) required by this condition shall not escort students across SR 116 at Danmar Drive.
- d. If the crossing is not operational by June 15, 2019, the Sebastopol Charter School shall return to the County Board of Zoning Adjustments and/or Board of Supervisors for a decision on whether continued operation of the School is permitted.
- e. No occupancy permits for permanent buildings other than the modular classrooms and bathroom, the permanent bathroom and the administration building shall be issued until the Danmar pedestrian crossing is operational.

Mitigation Monitoring: The project applicant shall obtain all necessary permits and approvals of the enhanced crossing improvements, with the improvements constructed by the applicant and accepted by Caltrans no later than June 15, 2019. The applicant shall provide evidence of all necessary permits and approvals to construct the crossing improvements for PRMD project files. Should interim measures (a)-(c) above be required, the School Traffic Management Plan revised per subsection (b) above shall be provided to PRMD staff prior to issuance of certificates of occupancy.

- 63. The emergency access roadway connection to Hurlbut Avenue shall be gated and remain closed, except for use in emergency situations. Means of gate access shall be provided to and accepted by Sonoma County Fire prior to issuance of the first building permit.
- 64. Student drop-off and pick-up is prohibited along the Hurlbut Avenue frontage. Drop-off and pick-up shall occur within the designated area of the school parking lot to be accessed by the school driveway connecting to the SR116/Mill Station Road signalized intersection.

No school traffic shall utilize Joyce Drive other than traffic generated by persons living on or otherwise having a legal right to use Joyce Drive, a private street. The School Traffic Management Plan shall be revised to include the prohibition of Joyce Drive for school associated traffic.

- 65. The entrance (eastbound approach) to the O'Reilly Media driveway yield shall be removed and the northbound approach (O'Reilly) and westbound approaches yield controlled. On the northbound approach, a supplemental W4-4aP "Traffic From Left Does Not Stop" plaque shall be installed below the yield sign.

FIRE AND EMERGENCY SERVICES:

"The conditions below have been satisfied BY _____ DATE _____

66. Permitting or development approval of this project is subject to the Sonoma County Fire Safety Ordinance (Sonoma County Code). All applications for development approvals must be approved by the Sonoma County Fire Marshal, and shall be accompanied by: plans, engineering calculations, and other data necessary to determine compliance with the provisions of the codes, and shall be in compliance with the following conditions (Ref. California Code of Regulations Title-14, Division 1.5, Chapter 7, Subchapter 2, Articles 1 – 5, & Sonoma County Code Chapter 13, Article IV, Section 13-17 & Sonoma County Code Chapter 13, Article V, Division A, Section 13-24):
- a. Fire engine access must be provided to within 150 feet of all portions of all buildings at grade level as measured by an approved route around the buildings.
 - b. All new buildings require fire sprinklers per Sonoma County Amended Fire Code. All Existing Buildings considered a change of occupancy will be required be provided fire sprinklers.
 - c. All new building and existing buildings based on occupancy are required to be provided a manual and automatic fire alarm system unless exempted by model codes.
 - d. The property may be required to be provided a minimum of two required fire apparatus roads per Appendix D of the CFC.
 - e. The property is required to have minimum fire flows per NFPA 1142. Number of required fire hydrants per CFC Appendix C of the CFC, Fire line underground installed per NFPA 24; supplied by a pressure system per NFPA 20 and water tank designed per NFPA 22.
 - f. The School is required to be inspected and permitted annually per the CFC.
 - g. Buildings (based on construction type) may require additional fire resistive construction base on use and size per CBC.
67. Prior to any construction, or changes in use of existing building or facilities, applicable Fire Code construction permits required by Chapter 1, Division II of the 2013 California Fire Code as adopted and amended by Sonoma County Code shall be obtained from the Sonoma County Fire and Emergency Services Department.
68. The applicant shall provide evidence to Sonoma County Fire that the fire service features for buildings, structures and premises will comply with the 2013 California Fire Code as adopted and amended by Sonoma County Code, including but not limited to: fire apparatus access roads; access to building openings and roofs; premises identification and road naming; gate access & key boxes; fire protection water supplies; and building features.
- a. Access roads: minimum emergency access is required to provide safe access for emergency fire equipment and civilian evacuation concurrently, and to allow unobstructed traffic circulation during a wildfire or other emergency.
 - b. Newly constructed access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way of an approved width and shall extend to within 150 feet (45 720 mm) of all portions of the exterior walls of the first story of buildings as measured by an approved route around the exterior of the building
 - c. All fire apparatus lanes shall be marked and signage to be provided to prevent unauthorized parking and blocking of lanes

- d. Premises Identification and Road Naming: Approved road names & signs, address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road shall be provided.
 - e. Gates: Where gates or similar barriers are installed across access roads, an approved lock shall be installed as required by the fire code official.
 - f. Water Supply: An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises.
 - g. Building features: Fire sprinklers, fire alarm system, fire line underground is required.
69. The applicant shall provide evidence to Sonoma County Fire that applicable Fire Code Operational Permits required by Chapter 1, Division II of the 2013 California Fire Code as adopted and amended by Sonoma County Code will be obtained from the fire code official.
70. The applicant shall provide a written "Fire Safety and Evacuation Plan" (as required by Section 404 of the 2013 California Fire Code) to Sonoma County Fire for approval.

PLANNING:

"The conditions below have been satisfied BY _____ DATE _____

71. This Use Permit grants approval to allow construction and operation of a new charter school campus with maximum attendance of 360 students in six new classroom buildings totaling 20,200 square feet, a 37'-6" high 19,500 square foot assembly hall, renovation and reuse of the existing 4,800 square foot residence as an administration building, outdoor play fields and facilities, and temporary placement of up to 15 modular classroom structures on three parcels totaling 20.36 acres. On-site parking may be reduced from 91 to 83 spaces. The use shall be operated in accordance with the proposal statement and site plans located in File No. UPE14-0090 as modified by these conditions.
72. The applicant has three years after final approval of the Use Permit to vest the project or the permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the three year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.
73. Construction Phasing is approved as follows:
- a. Phase one include site infrastructure site work for final campus configuration, renovation of the existing residence to serve as the school administration building, the lower courtyard restroom, the utility building, trash enclosure, placement of up to 15 temporary modular classrooms, construction of the running track, games fields, and sports courts, and construction of woodworking areas. The temporary modular classrooms may be offset from the footprints for the permanent classrooms as depicted in the site plan in order to allow for construction of the latter before the modulars are removed.
 - b. Phase two includes a replacement schedule for the temporary modular classrooms with permanent buildings over a period of ten years consistent with the applicant's replacement plan dated August 10, 2016.
 - c. Phase three includes construction of the assembly hall.
74. Construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 am and 7:00 pm on Saturdays. No construction on Sundays or holidays is permitted. Work outside the times specified above is only allowed to prevent an emergency or to deal with

an existing emergency. In this case, the applicant shall notify surrounding neighbors if emergency work is to be done before 7:00 a.m. or past 7:00 p.m.

75. Prior to issuance of building permits, the applicant shall record a restrictive covenant (deed restriction), in a form acceptable to PRMD Planning staff, by which the developed portion of the subject site (post-merger of underlying parcels) is limited to 50%, or 10 acres, whichever is less, and the remainder is restricted to agricultural or open space purposes consistent with General Plan Policy LU-6e for so long as the site is used as a public elementary school pursuant to this conditional use permit.
76. The permit holder shall be responsible for controlling dust and debris during all construction phases. The following dust control measures shall be followed during construction:
- a. Water or dust palliative shall be spread on unpaved construction and staging areas during construction as necessary to control dust.
 - b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
 - c. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site(s).
 - d. Water or other dust palliative will be applied to stockpiles of soil as needed to control dust.
77. **Mitigation Measure:** A limited sampling effort of shallow soils shall be completed to assess the potential presence of residual pesticides from the older orchard, and possible lead from lead-based paint adjacent to the former buildings. Mitigation measures, if any, that are needed shall be addressed as part of the redevelopment process.

Mitigation Monitoring: The soil sampling shall be conducted in accordance with PRMD Health and state protocols prior to issuance of a grading permit. Soils remediation, if determined necessary, shall be completed and accepted by the responsible agencies prior to grading permit issuance.

78. The following notes shall be included on building or grading plans for ground disturbing activities:
- "During construction activities, if archaeological remains are uncovered, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds pursuant to Government Code Section 15064.5. If archaeological materials such as pottery, arrowheads or midden are found, all work shall cease and PRMD staff shall be notified so that the find can be evaluated by a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists). Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths, firepits, or house floor depressions whereas typical mortuary features are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than 50 years of age including trash pits older than fifty years of age. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop proper procedures required for the discovery. No work shall commence until a protection plan is completed and implemented subject to the review and approval of the archaeologist and Project Review staff. Mitigation may include avoidance, removal, preservation and/or recordation in accordance with accepted professional archaeological practice."

"If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native

American and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated."

In the event that human remains are unearthed during construction, state law requires that the County Coroner be contacted in accordance with Section 7050.5 of the State Health and Safety Code to investigate the nature and circumstances of the discovery. If the remains were determined to be Native American interment, the Coroner will follow the procedure outlined in CEQA Guidelines Section 15065.5(e)."

79. All classroom modular, new structures, landscaping, lighting and signs shall require design review and approval by the Sonoma County Design Review Committee prior to issuance of grading and building permits. All exterior finishes shall be of non-reflective materials and colors.
80. Landscaping shall be installed along appropriate sections of the site to effectively screen on-site parking areas from the West County Trail. The landscape plan shall be reviewed as a part of the Design Review process.
81. Prior to issuance of building permits, an exterior lighting plan shall be submitted for design review (by PRMD or Design Review Committee). Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated. Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone (LZ1 for dark areas, LZ2 for rural, LZ3 for urban) standards from Title 24 effective October 2005.
82. All working drawings shall conform to the designs approved by the County Design Review Committee. Working drawings shall be submitted to the County Permit and Resource Management Department to review conformance prior to issuance of grading/building permits. Working drawings that conform to approved designs will be stamped approved for construction by the Permit and Resource Management Department. The Permit and Resource Management Department shall not sign off building/grading permits until all construction drawings have been received and checked for compliance with the approved project and conditions.
83. Parking lot fixtures shall not exceed 20 feet in height. All parking lot light fixtures shall use full cut-off fixtures. All exterior fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts.
84. Storage of portable classrooms on the project site, other than when occupied and used as classroom space and as shown on the approved Use Permit project plans, shall be prohibited.
85. The applicant is responsible for maintenance of all on-site facilities associated with the Use Permit.
86. Utility distribution facilities, except surface mounted transformers, pedestal mounted terminal boxes, meter cabinets, concealed ducts, fire hydrants, and street lights shall be placed underground. Appropriate easements shall be provided to facilitate these installations. Improvement plans submitted to the County shall reflect this condition. The Permit and Resource Management Department shall not sign off the Improvement Plans or Building Permit until all applicable utility easements have been dedicated and undergrounding of utilities is specified in the project's construction documents.
87. A Water Conservation Plan shall be submitted for all buildings and landscaping prior to building permit issuance, subject to PRMD review and approval. The Water Conservation Plan shall include all reasonably feasible measures to reduce water demand to the maximum extent feasible and enhance water resource recovery to maintain sustainable water supplies. Measures that must be evaluated include: installation of low-flow fixtures, best available conservation

technologies for all water uses, rainwater and stormwater collection systems and graywater reuse. Landscaping plans must comply with the County Water Efficient Landscape Ordinance. Prior to Building Permit Issuance a Landscape Permit application shall be submitted for all new and rehabilitated landscapes, as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Verification from a qualified irrigation specialist that landscaping plan complies with the County Ordinance shall be provided prior to building permit issuance. The measures in the plan shall be implemented by the applicant and verified by PRMD staff prior to Certificate of Occupancy or operation of the use.

88. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the drip-line, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.

PRMD shall not sign off the grading or building permit for issuance until the project grading and landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). PRMD shall not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written verification from the project's landscape architect or contractor, that the tree protection measures were complied with.

89. At the time of submitting a building permit application, the applicant shall submit to PRMD a Condition Compliance Review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final inspection being granted.

USE PERMIT OPERATIONAL REQUIREMENTS

90. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.
91. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation or modification.
92. Two-Year Review. A review of event activities under this Use Permit shall be undertaken by the director two (2) years after commencement of the first event to determine compliance with the Conditions of Approval. The director shall give notice of this Use Permit review to all owners of real property within three hundred feet (300') of the subject site plus any additional property owners who have previously requested notice. The director shall allow at least ten (10) days for comment. If the director determines that there is credible evidence of non-compliance with the Conditions of Approval applicable to events or that event activities constitute a public nuisance, the director shall refer the matter to the Board of Zoning Adjustments for possible revocation or modification of the Use Permit with regard to events. Any such revocation or modification shall be preceded by a public hearing noticed and heard in compliance with the Zoning Code. This Use Permit review shall not include any other aspect of the original Use Permit approval, unless other Conditions of Approval have not been met, violations have occurred, or the use constitutes a public nuisance.
93. Trash, Litter, and Graffiti.
- a. At least twice a week, the school operator shall remove trash, litter, and debris from the

- site, driveways, adjacent roads and on-site parking areas.
 - b. The school operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.
 - c. Trash can only be disposed in exterior dumpsters between the hours of 8:00 a.m. and 8:00 p.m.
94. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.
95. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review. The use shall be operated in accordance with the proposal statement, site plan and project technical reports located in File No. UPE14-0090.
96. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.
97. The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.
98. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.