



County of Sonoma

State of California

Date: August 14, 2018

Item Number: UPE14-0090

Resolution Number: 18-0334

UPE14-0090 Dean Parsons/Brian Millar



4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving An Amendment To Use Permit 14-0090 Condition of Approval No. 62 To Add Interim Measures For Condition Compliance Regarding A Pedestrian Crossing at State Route 116 And Danmar Drive And Approving An Addendum to the Revised Mitigated Negative Declaration and Mitigation Monitoring Program Relating To Condition of Approval No. 62, For The Construction And Operation Of The Sebastopol Charter School Located At 1080 & 1088 Hurlbut Avenue, Sebastopol, APN 060-400-018-019 & -071.

Whereas, the Charter Foundation, dba The Charter Foundation, a California non-profit corporation (Applicant), filed Application UPE14-0090 with the Sonoma County Permit and Resource Management Department (PRMD), to allow construction and operation of a new charter school 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 fifteen (15) modular classroom structures (collectively, the Project); and

Whereas, as the lead agency, the County prepared a mitigated negative declaration ("MND") analyzing the Project under the California Environmental Quality Act. ("CEQA") and subsequently revised and recirculated the Revised MND. The Revised MND disclosed and analyzed the environmental impacts that would result from the construction and operation of the Project and concluded that all impacts associated with the Project would be mitigated to a less than significant level with the adoption of mitigation measures identified in the Revised MND and/or changes or alterations that were incorporated into the Project or required by conditions of approval; and

Whereas, on July 12, 2016, in accordance with County code, the Board of Supervisors ("Board") took original jurisdiction over the Project; and

Whereas, on October 25, 2016, the Board approved the Revised MND and the use permit for the Project, with mitigation measures and conditions of approval as set forth in Board Resolution No. 16-0415; and

Whereas, construction of an enhanced pedestrian crosswalk at Danmar Drive was identified as a mitigation measure and applied to the Project through Condition of Approval No. 62, which states:

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.

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 prior to issuance of a certificate of occupancy. The applicant shall provide evidence of all necessary permits and approvals to construct the crossing improvements for PRMD project files.

Whereas, the applicant has notified the County that despite its efforts, final Caltrans approval for the crosswalk cannot be obtained in sufficient time to complete construction of the crosswalk prior to the planned commencement of classes on or about September 4, 2018; and

Whereas, the applicant has proposed interim measures to ensure pedestrian safety until the crosswalk is operational; and

Whereas, County staff have modified and strengthened the interim measures proposed by the applicant; and

Whereas, a proposed modified Condition of Approval No. 62 (the "Modified Condition No. 62") states:

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 take 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.

Whereas, County staff have prepared an Addendum to the Revised MND which analyzes the proposed interim measures and Modified Condition No. 62 to determine whether using those measures for a period of time ending no later than June, 2019 will result in new or more severe environmental impacts than would occur with the original mitigation measure.

Now, Therefore, Be It Resolved the Board finds and determines as follows:

1. Based on the analysis in the Addendum, including but not limited to the expert opinion of the Project traffic engineers stated therein, because alternative measures to ensure the safety of pedestrians and bicyclists at Danmar Drive are set forth in Modified Condition No. 62, because it will be a short period of time until the enhanced pedestrian crosswalk is installed, and because a signalized crosswalk at Hurlbut Avenue exists for use by current students from the neighborhoods expected to be served by the enhanced Danmar crosswalk, there will be no new or more severe environmental impacts if Modified Condition No. 62 set forth above is applied to the Project.
2. The only change proposed is a temporary use of alternative pedestrian safety measures for one traffic mitigation improvement until construction of that mitigation can be completed. No changes are proposed to the Project uses, size, square footage, site plan, or Conditions of Approval other than Condition No. 62.

3. Based on the Addendum to the Revised MND and the full record of proceedings, the Board finds that all impacts associated with the Project will remain mitigated to a less than significant level with the adoption of the mitigation measures identified in the Addendum and the Revised MND and through changes or alterations that have been required of or incorporated into the Project through conditions of approval, and that there is no substantial evidence in the record of these proceedings to support a contrary conclusion. The Board further finds that the Addendum reflects the Board's independent judgment and analysis.
4. Because no substantial changes are proposed to the Project, there are no substantial changes regarding the circumstances under which the Project is undertaken, and there is no new information of substantial importance which shows that the Project will have one or more significant effects not discussed in the Revised MND or which are more severe than previously analyzed, a subsequent mitigated negative declaration is not required.

Be It Further Resolved that based on the findings and determinations set forth in this resolution and the information contained in the record of these proceedings, the Board hereby declares and orders as follows:

1. The Board shall retain its original jurisdiction over the Project.
2. The findings and determinations set forth in this resolution are true and correct, are supported by substantial evidence in the record and are adopted as hereinabove set forth.
3. The Addendum is approved. PRMD is directed to file a notice of determination in accordance with CEQA and the State CEQA Guidelines.
4. The modified mitigation measure and mitigation monitoring and reporting program provision incorporated into the modified Condition No. 62 for the Project set forth in full above is approved and shall apply to the Project. All other conditions and mitigation measures contained in Resolution No. 16-0415 are incorporated herein by reference and shall continue to apply to the Project as though fully set forth herein.
5. PRMD is directed to undertake monitoring in accordance with the Mitigation Monitoring Program to ensure that required mitigation measures are complied with during project implementation.

6. The Clerk of the Board is designated as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, CA 95403.

Supervisors:

Gorin: Aye Rabbitt: Aye Zane: Absent Hopkins: Absent Gore: Aye

Ayes: 3 Noes: 0 Absent: 2 Abstain: 0

So Ordered.