



County of Sonoma

State of California

Date: August 13, 2019

Item Number: _____
Resolution Number: 19- _____

UPE14-0090 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 Grant an Extension of Time to October 1, 2019 to Complete a Pedestrian Crosswalk at State Route 116 and Danmar Drive, for the 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), received approval of Application UPE14-0090 from the Board of Supervisors on October 25, 2016, to allow phased 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; and

Whereas, on October 25, 2016, the Board approved a Revised MND for the Project, with mitigation measures and conditions of approval as set forth in Board Resolution No. 16-0415 that included installation of an enhanced pedestrian crosswalk at State Route 116/Danmar (Condition of Approval No. 62); and

Whereas, the Applicant notified the County that despite its efforts, final Caltrans approval for the crosswalk would not be obtained in sufficient time to complete construction of the crosswalk prior to the planned commencement of classes in September 2018; and

Whereas, on August 14, 2018, the Board of Supervisors adopted Resolution No. 18-0334 approving an Addendum to the project Mitigated Negative Declaration and modification to the language of Condition of Approval No. 62, allowing use of interim measures for pedestrian access while the pedestrian crosswalk at State Route 116/Danmar Drive was being completed. A crosswalk completion deadline was established for June 15, 2019; and

Whereas, on June 14, 2019 the Applicant requested an extension of time to October 1, 2019 to complete the pedestrian crosswalk at State Route 116/Danmar Drive due to project permitting delays, including Caltrans' request for additional traffic data and certifications regarding ADA compliance and utility mapping and City of Sebastopol requirements that the

Applicant confirm its on-going maintenance obligation for the proposed crosswalk and sidewalk modifications;

Whereas, the Applicant's request for further modification of Condition of Approval No. 62 was properly noticed for a public hearing before the Board of Supervisors on August 13, 2019, at which time all interested persons were given an opportunity to be heard regarding the modification; and

Whereas, the project has been operating in conformance with its conditions of approval, the Applicant has demonstrated due diligence in complying with Caltrans and City of Sebastopol requirements, and there have been no complaints or incidents related to the use of the interim measures previously approved by the Board for Condition of Approval No. 62.

Now, Therefore, Be It Resolved the Board, upon consideration of all material in the record, approves the request to grant an extension of time to and including October 1, 2019, for compliance with UPE14-0090 Condition of Approval No. 62, and finds and determines as follows:

1. The Addendum to the MND approved by the Board on August 14, 2018 evaluated interim measures to mitigate traffic safety for use "...until June 15, 2019, or until the enhanced pedestrian crossing at Danmar Drive is operational, whichever first occurs..." The Addendum to the Mitigated Negative Declaration concludes based on the expert opinion of the Project traffic engineers stated therein that the alternative measures to ensure the safety of pedestrians and bicyclists at Danmar Drive which remain a part of Modified Condition of Approval No. 62 will provide mitigation of the potential traffic safety impacts related to pedestrian crossings of Highway 116 equivalent to mitigation provided by the original conditions of approval. Because an additional time extension was contemplated as part of the MND Addendum, this evaluation applies to the present request for an extension of time to October 1, 2019 to complete the Danmar crossing, and no further addendum or modification to the approved MND is required.
2. Because the enhanced pedestrian crosswalk will be completed by October 1, 2019 and be in use for the majority of the school year, 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 the extension of the deadline for completion of the pedestrian crosswalk at State Route 116/Danmar Drive as established in Modified Condition of Approval No. 62 set forth above is applied to the Project.
3. No changes are proposed to other mitigation measures or to the Project uses, size, square footage, site plan, or Conditions of Approval.

4. Based on the previous Addendum to the Revised MND and the full record of proceedings, the Board finds that all impacts associated with the Project will continue to remain mitigated to a less than significant level with the previous adoption of the mitigation measure identified in the previous 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.
5. Condition of Approval No. 62, subclause (d), and the associated Mitigation Monitoring language in the conditions of approval for UPE14-0090 shall be modified as follows:

d. If the crossing is not operational by ~~June 15, 2019~~ **October 1, 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.

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~~ **October 1, 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.

6. Condition of Approval No. 62, subclauses (a) through (c) shall remain in full effect as previously adopted.
7. All other conditions and mitigation measures contained in Resolution Nos. 16-0415 and 18-0034 are incorporated herein by reference and shall continue to apply to the Project as though fully set forth herein.

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.

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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. PRMD is directed to continue monitoring in accordance with the Mitigation Monitoring Program to ensure that required mitigation measures are complied with during project implementation.
4. 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:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.