



## SUMMARY REPORT

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**Agenda Date:** 8/13/2019

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**To:** Board of Supervisors

**Department or Agency Name(s):** Permit Resource and Management Department

**Staff Name and Phone Number:** Brian Millar, (530) 902-9218

**Vote Requirement:** Majority

**Supervisorial District(s):** Fifth

**Title:**

Request for extension of time for compliance with Condition of Approval #62 for UPE14-0090 requiring crosswalk installation at SR 116/Danmar Drive for the Sebastopol Charter School located at 1080/1088 Hurlbut Avenue, Sebastopol.

**Recommended Action:**

Approve the request for extension of time to comply with Condition #62 to October 1, 2019 for UPE14-0090, the Sebastopol Charter School. (Fifth District)

**Executive Summary:**

On October 25, 2016, the Board of Supervisors adopted a Mitigated Negative Declaration and approved UPE14-0090 for construction and operation of the Sebastopol Charter School. The approval included Condition of Approval #62, requiring installation of a pedestrian crossing at SR 116/Danmar Drive. On August 14, 2018, the Board of Supervisors approved the applicant's request to modify Condition of Approval #62 to allow use of interim measures to meet the intent of Condition #62, with a requirement for completion of the SR 116/Danmar Drive crosswalk by June 15, 2019. On June 14, 2019, the applicant filed a request for an extension of time to October 1, 2019 to complete the SR 116/Danmar Drive crosswalk. The interim crosswalk measures would continue to apply during this time. APN's 060-400-018-019 & -071.

**Discussion:**

On July 12, 2016, the Board of Supervisors voted to exercise original jurisdiction over Use Permit UPE14-0090 for the Sebastopol Charter School, and approved the Mitigated Negative Declaration (MND) and Use Permit UPE14-0090 on October 25, 2016. The 20.36-acre project site is located on the east side of SR 116 (Gravenstein Highway North) and the west side of Hurlbut Avenue, south of Apple Blossom Lane (site address of 1080/1088 Hurlbut Avenue). The school was authorized to operate with a maximum attendance of 360 students. The first phase of the school opened in September 2018 with 15 portable classrooms, administrative office, playfield and related site improvements.

In approving the project, the Board also adopted the MND and established conditions of approval which applied to project construction and operation. One of the mitigation measures of the project, incorporated into Condition of Approval No. 62, required an enhanced crosswalk at the intersection of SR 116/Danmar Drive prior to the school commencing operations. In response to a request from the applicant indicating that the SR 116/Danmar Drive crosswalk would not be completed prior to the school's opening in September 2018, Condition #62 was subsequently modified by the Board on August 14, 2018, allowing use of interim measures

until the SR 116/Danmar Drive crosswalk would be completed. The modified Condition of Approval #62 included a requirement that the crosswalk be completed by June 15, 2019, or the matter returned to the Board to determine if the school would be allowed to continue to operate. As modified by the Board at their August 14, 2018 meeting, Condition of Approval #62 reads as follows (the conditions has been truncated to highlight the relevant subclauses):

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:*

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. (Emphasis added.)*

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.*

On June 14, 2019, Bob Haroche, representing the Sebastopol Charter School (Charter School Foundation), filed a request for an extension of time to October 1, 2019 to allow for completion of the SR 116/Danmar Drive crosswalk. (See Attachment A.) Mr. Haroche explained that, subject to the approval of the school's crosswalk plans in late December 2018, Caltrans had raised new questions and issues which had to be addressed prior to final approval of the crosswalk. These included: 1) Traffic data for an already approved design exception for the sidewalk ramp; 2) previously unknown requirements for certifications regarding ADA compliance and utility mapping; 3) confirmation from the City of Sebastopol that the City would maintain the crosswalk and sidewalks. Mr. Haroche indicated that work has been ongoing over several months with their project engineers, contractors, Caltrans and City of Sebastopol to finalize plans for the crosswalk and obtain the necessary permits to allow for its construction:

*"My understanding is that once the City (of Sebastopol) provides a modified maintenance agreement, Caltrans will issue its encroachment rider to allow the construction, after which our contractors will submit that to the City to obtain the latter's encroachment permit (to allow the necessary sidewalk work). We have to date already spent in excess of \$40,000 in engineering and permit fees alone for this crosswalk project, and we are prepared to spend another \$130,000 for the actual construction... We have every intention and strong desire to complete this work before school re-opens for classes on*

*August 22 (2019). That said, given our experience with Caltrans and, to a lesser extent, the City, we are asking to extend the timeframe for complying with this condition through the end of the (2019) year. “*

The school would continue to implement the interim measures previously approved for Condition of Approval #62, including use of crossing monitors, until such time as the SR 116/Danmar Drive crosswalk is completed.

In so far as the delay for the crosswalk installation has not been caused by the applicant, the extension request is legitimate and justified. The project has been operating in conformance with its conditions of approval, the applicant has demonstrated due diligence in seeking to obtain the necessary plan approvals from the City of Sebastopol and Caltrans over a period of several months, and there have been no related complaints or incidents from the interim measures previously approved by the Board for Condition of Approval #62.

**Environmental Determination;**

The extension request is consistent with the August 14, 2018 Board of Supervisors-adopted Addendum to the Mitigated Negative Declaration and approved modification of Condition of Approval #62, allowing use of interim measures for the SR 116/Danmar Drive crosswalk. No additional environmental documentation is required.

**Prior Board Actions:**

October 25, 2016 - UPE14-0090 approved unanimously along with the associated Mitigated Negative Declaration.

August 14, 2018 - Addendum to the Mitigated Negative Declaration and a modification to Condition of Approval #62 approved unanimously, allowing interim resolution to the crosswalk.

**FISCAL SUMMARY**

**Narrative Explanation of Fiscal Impacts:**

N/A

**Narrative Explanation of Staffing Impacts (If Required):**

None

**Attachments:**

- ATT 1: Applicant's June 13, 2019 Letter Requesting Time Extension
- ATT 2: Vicinity Map
- ATT 3: Site Plan
- ATT 4: Final Conditions of Approval
- ATT 5: Board Resolution 18-0334 August 14, 2018
- ATT 6: Board Resolution (for August 13, 2019)

**Related Items “On File” with the Clerk of the Board:**

Revised MND 2016

Addendum MND 2018

