

Resolution Number _____

County of Mendocino
Ukiah, California

AUGUST 18, 2022

U_2020-0010 MENDOCINO UNIFIED SCHOOL DISTRICT

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, GRANTING A COASTAL DEVELOPMENT USE PERMIT TO DEMOLISH, RENOVATE AND/OR REPAIR SEVERAL OF THE MENDOCINO HIGH SCHOOL BUILDINGS.

WHEREAS, the applicant, Mendocino Unified School District, filed an application for Coastal Development Use Permit with the Mendocino County Department of Planning and Building Services to demolish, renovate and/or repair several of the Mendocino High School buildings, located in the Coastal Zone, in the Town of Mendocino, at the corner of Ford Street (CR 407M) and Covelo Street (CR 407), at what is collectively known as 10700 Ford Street; APNs: 119-160-03, 119-160-06 (Addressed as 10720 Ford Street), 119-160-36, 119-160-41 (Addressed as 45220 Covelo Street), 119-140-01, 119-140-27 (Addressed as 45096 Cahto Street), 119-140-30, and 119-170-04. General Plan PF; Zoning MPF; Supervisorial District 5; (the "Project"); and

WHEREAS, the Secretary for Resources has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project was determined to meet the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Classes 2 and 14 (CEQA Guidelines sections 15302 and 15314); and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, August 18, 2022, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings;

1. Pursuant with MCC Section 20.720.035(A)(1), the proposed development is in conformity with the certified Mendocino Town Local Coastal Program. The proposed project to demolish, renovate and/or repair several of the Mendocino High School buildings along with associated improvements within the Public Facilities land use classification is consistent with the intent of the Public Facilities Classification. Educational facilities are allowed with an approved Major Use Permit and the proposed project intends to continue the existing use. The project is consistent with all other provisions of the Mendocino Town Local Coastal Program in regards to groundwater resources, natural resources, grading, sustainability, transportation/circulation and public access; and
2. Pursuant with MCC Section 20.720.035(A)(2), the proposed development would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The site has been served for many years and would continue to be served by the existing infrastructure. Mendocino City Community Services District has stated the project is compliant with all standards of the District related to both sewage and groundwater extraction. The project will not impact transportation or circulation and will continue to be served by adequate access; and

3. Pursuant with MCC Section 20.720.035(A)(3), the proposed development is consistent with the purpose and intent of the Mendocino Public Facilities Zoning District. Educational facilities are conditionally permitted uses within the MPF zoning district, and the project is either compliant or legally non-conforming to all development standards of the MPF district; and
4. Pursuant with MCC Section 20.720.035(A)(4), the proposed project will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act and is determined to be Categorically Exempt from further environmental review; and
5. Pursuant with MCC Section 20.720.035(A)(5), the proposed development would not have any adverse impact on any known archaeological or paleontological resources, provided the conditions of approval are adhered to with regards to tribal monitoring and potential discovery of unrecorded archaeological sites or artifacts; and
6. Pursuant with MCC Section 20.720.035(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and pursuant to Chapter 20.744 are adequate to serve the proposed development. The site is currently developed with an existing educational facility and the proposed project will not increase the current level of use; and
7. Pursuant with MCC Section 20.720.035(A)(7), the proposed development, if constructed in compliance with the conditions of approval and Mendocino Historical Review Board criteria, would be in conformance with the design standards of Section 20.760.050; and
8. Pursuant with MCC Section 20.720.035(B)(1), the proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the certified Mendocino Town Plan.
9. Pursuant with MCC Section 20.720.035(C), the proposed development ensures the protection of public health, safety, and welfare if constructed in compliance with the conditions of approval. The proposed project will continue the existing educational facility and perform facility upgrades and improvements to increase the health, safety and welfare of children, teachers and visitors of the campus facility.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Coastal Development Use Permit U_2020-0010, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.728.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: BROOKE LARSEN
Secretary to the Planning Commission

By: _____

BY: JULIA KROG
Director

ALISON PERNELL, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL

MENDOCINO UNIFIED SCHOOL DISTRICT - U_2020-0010

AUGUST 18, 2022

Coastal Development Use Permit to demolish, renovate and/or repair several of the Mendocino High School buildings. In addition, limited additions, including solar arrays, and new landscaping are proposed in several areas of the campus as noted in the Applicant Project Description. The permit also includes the required follow-up permitting for EM_2021-0005, which authorized temporary portable classroom buildings.

APPROVED PROJECT DESCRIPTION: Coastal Development Use Permit to demolish, renovate and/or repair several of the Mendocino High School buildings. In addition, limited additions, including solar arrays, and new landscaping are proposed in several areas of the campus as noted in the Applicant Project Description. The permit also includes the required follow-up permitting for EM_2021-0005, which authorized temporary portable classroom buildings.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.728.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of ten years after the effective date except where construction and/or use of the property in reliance on such permit has been initiated prior to its expiration.
2. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The Applicants shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.

- c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. A Mendocino Historical Review Board Permit shall be secured for all development authorized under this Permit, unless exempted pursuant to MCC section 20.760.040.
10. The Director of Planning and Building Services may approve minor modifications to the exterior appearance or placement of structures approved under this Coastal Development Use Permit provided they conform with any issued Mendocino Historical Review Board Permit.
11. Worker's Environmental Awareness Program (WEAP). The Applicant shall retain an archaeologist who meets or exceeds the Secretary of Interior's Professional Qualification Standards for archaeology (National Park Service 1983) to conduct a WEAP training for all construction personnel on archaeological sensitivity prior to the commencement of any ground-disturbing activities. The WEAP training shall include a description of the types of cultural material that may be encountered, cultural sensitivity issues, the regulatory environment, and the proper protocol for treatment of the materials in the event of a find.
12. Archaeological and Native American Monitoring. The Applicant shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) and Native American consultant to conduct archaeological and Native American monitoring of all project-related ground disturbing activities. Native American monitoring shall be provided by a locally affiliated tribal member. Monitors shall have the authority to halt and redirect work should any archaeological resources be identified during monitoring. If archaeological resources are encountered during ground-disturbing activities, work within 100 feet of the find shall halt and the find shall be evaluated for listing in the California Register of Historical Resources (CRHR) and National Register of Historic Places (NRHP). Archaeological or Native American monitoring or both may be reduced to spot-checking or eliminated at the discretion of the monitors, in consultation with the Applicant, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 60 percent of rough grading. If monitoring is reduced to spot-checking, spot-checking shall occur when ground-disturbance moves to a new location within the project site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).
13. Unanticipated Discovery of Cultural Resources. If archaeological resources are encountered during ground-disturbing activities, work within 100 feet shall be halted and the Applicant shall contact the qualified archaeologist immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the

discovery proves to be eligible for the CRHR and cannot be avoided by the project, additional work, such as data recovery excavation, may be warranted to mitigate any significant impacts to historical resources. Treatment of the resource(s) will be determined on a case by case basis based on the nature of the find and in consultation between the tribes, qualified archaeologist, and the District.

14. Unanticipated Discovery of Human Remains. The discovery of human remains is always a possibility during ground disturbing activities. If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the county coroner must be notified immediately. If the human remains are determined to be prehistoric, the coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a most likely descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of being granted access to the site and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.
15. Overnight, on-street parking of vehicles is prohibited. Whenever possible, vehicle parking shall be on Mendocino Unified School District property. Alternative parking locations shall be reviewed and approved by the Director of Planning and Building Services.
16. Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County right-of-way or within Mendocino County DOT maintained miles. This includes the proposed accessible parking off Covelo Street (CR 407), and the crosswalk and stop sign on Kasten Street (407L). Work shall be in accordance with Mendocino County Road and Development Standards.
17. The portable classrooms shall be removed from the site upon completion of the improvements to the permanent classroom structures. Evidence of such removal shall be submitted to the Department of Planning and Building Services in the form of either transportation permits or photographic evidence.