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MEMORANDUM

DATE: OCTOBER 6, 2016

TO: PLANNING COMMISSION

FROM: ROBERT DOSTALEK, PROJECT PLANNER

SUBJECT: UR_2009-0002 — DHARMA REALM BUDDHIST ASSOCIATION (DRHB) CITY OF TEN THOUSAND BUDDHA'S FACILITIES, TALMAGE FINAL BUILDING SITE PLAN COMPLIANCE REVIEW AND ADDENDUM TO ADOPTED MITIGATED NEGATIVE DECLARATION

REQUEST

Planning and Building Services request that the Planning Commission make the determination that the relocated final building site plan for the East Campus will preserve and protect wetlands and comply with Condition B-1 of Use Permit UR_2009-0002.

This matter was noticed to neighboring properties on August 12, 2016. As the Department of Planning and Building services was prepared to make an administrative determination, the notice provided an opportunity for neighbors to request a public hearing before the Planning Commission if there were concerns regarding the pending administrative action. As a result of that notice, a public hearing was requested.

This action is limited to compliance with Condition B-1 only and is not a re-evaluation of the adequacy of previous environmental determinations. All other conditions and mitigation measures from prior decisions remain in full force and effect.

BACKGROUND

The DRHB owns and operates the existing City of Ten Thousand Buddha's (CTTB/West Campus) educational and cultural center in Talmage. On September 15, 2011, the Planning Commission conditionally renewed and modified entitlements granted to the DRHB to develop a 249,000 square foot International Institute of Philosophy and Ethics (IIPE/East Campus) religious educational training facility. This facility is located on adjoining parcels east of the CTTB and is not yet constructed.

The 2011 modification reduced the size and scope of a previously approved design for the IIPE/East Campus. As a stipulation of the modification, Condition B-1 was applied to the project. It states in pertinent part:

> *That the amount of new square footage authorized by this entitlement for the renewal in perpetuity of the CTTB/West Campus use permit (U 51-78) without further amendment is 30,000 square feet. The amount of new square footage authorized without further amendment for the IIPE/East Campus (U 11-99 and V 11-99) under this entitlement is 249,000 to be developed within the envelop proposed for the project and assessed by*

this environmental document. Maximum heights of structures are limited to the height limits provided for within the applicable Zoning Districts. ***"Emphasis in selecting the final building site shall focus on preservation and protection of wetlands, significant trees and prime agricultural soils, as well as consideration of drainage related concerns and visual impacts."***

The underscored portion of Condition B-1 above provides a directive to ensure protection of key impact areas analyzed in a project EIR certified in 2002 and a Mitigated Negative Declaration adopted in 2011.

KEY ISSUES

1. Wetlands

On June 27, 2016, the applicant submitted a final building site plan based on new wetland information from a survey conducted this past spring (Wear, April 2016/Revised June 2016). The spring survey revealed the wetlands have expanded since they were analyzed under previous project permutations. Correspondingly, the northern portions of the IIPE facility footprint has been re-positioned approximately 400 feet northward to protect the newly identified wetland areas. The new project location is designed to respond to the direction of Condition B-1 noted above.

To accompany the new wetland survey, an IIPE project-specific wetland impact assessment was prepared by wetland regulatory scientist Terry Huffman, PhD (attached). Dr. Huffman indicates he has been working with the IIPE project team planners and engineers to design a project which is the least environmentally damaging practicable alternative regarding fill impacts to wetlands.

Figure 1 depicts the project site plan as approved in 2011 overlain with the newly delineated wetlands. In this configuration, the approved project would directly impact 2.32 acres of palustrine emergent wetlands (wetlands). The proposed final building site plan is shown in Figure 2. In this location, the assessment indicates that impacts to wetlands have been minimized to the maximum extent practicable. The proposed plan would result in 0.49 acres of impacts associated with wetland fill for pedestrian pathways and roadways. Otherwise, the revised project would not require the placement of fill in wetlands for the construction of project buildings, parking areas, landscape areas, and support facilities. No impacts to sensitive species have been identified and no impacts to sensitive habitats other than wetlands have been identified. Mitigation protocol is included as a component of the assessment.

The California Department of Fish and Wildlife (DFW) preliminarily reviewed the updated project biological information. DFW comments received September 9, 2016 did not note any major concerns. Their final comment will be provided at the hearing.

2. Visual Resources

The project site is not visible from major public vantage points. Views of the site are primarily available from private property off Guidiville Road, on the Guidiville Rancheria, the lower elevations of Cow Mountain and rural roads to the south. The site is not visible from heavily-traveled roads and is not designated as a scenic resource. In addition, prior visual resource analyses have suggested that the unique architectural style of the building complex may be considered a future visual resource. The previous environmental documents concluded that although the development would affect views in the area, there is no evidence in the record that the project, as approved and conditioned, would constitute a significant visual impact.

The scope of prior analyses captured the broad context of the project site's visual setting. The project would be "framed" with a comparable horizontal backdrop and the height and massing of the buildings would be substantially the same, or smaller, than previously analyzed. As noted above, all conditions and mitigation measures still apply to the project — including a 600-foot setback for all structures from the east property boundary and landscaping requirements. The applicant has submitted informal, non-scaled renderings which illustrate how required landscaping trees could further obscure the project from the Guidiville Road area viewsheds.

3. CEQA Addendum

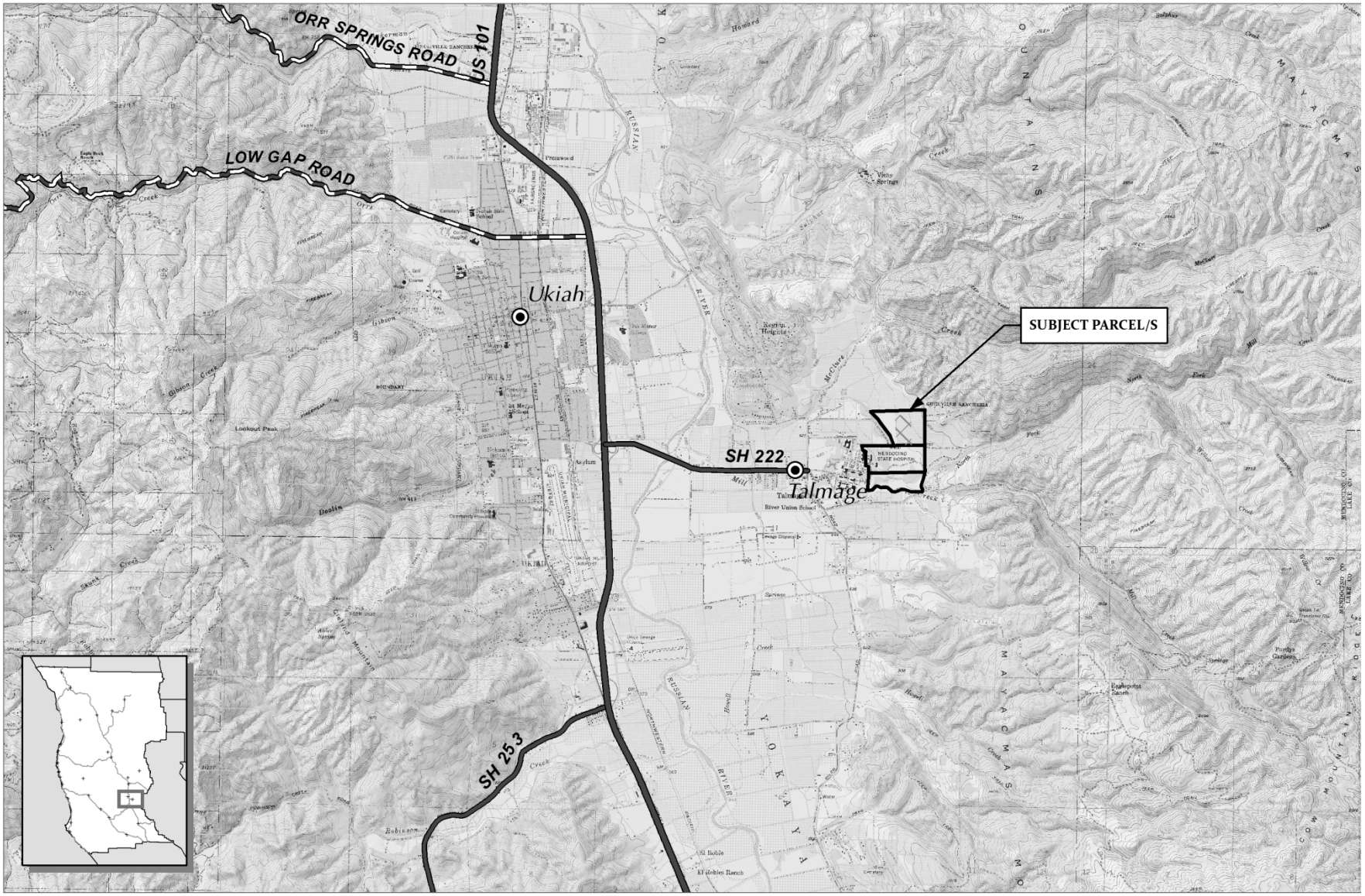
Section 15164(a) of the CEQA Guidelines allows a lead agency to prepare an addendum to an adopted negative declaration if only minor technical changes or additions are necessary. The project site had been previously analyzed for the presence of and mitigation for development in proximity to wetlands. The language in Condition B-1 accounted for potential fluctuations in the extent of the wetlands on the project site. The minor change in location responds to the mitigation measure implemented under the adopted mitigated negative declaration.

RECOMMENDATION: Find 1) the proposed final building site to be in compliance with Condition B-1 of Use Permit UR_2009-0002 because the supporting Wetland Impact Assessment demonstrates an environmentally superior alternative and 2) Accept this memorandum as the addendum to the adopted MND.

ATTACHMENTS:

A. Location Map
B. Vicinity Map
C. Aerial Map
D. Wetland Impact Assessment dated September 12, 2016 (including referenced Figures 1 & 2)

ATTACHMENT A



CASE: UR 2009-0002
OWNER: Dharma Realm Buddhist Assn., Inc.
APN: 181-200-04, et. al.
APLCT: Dharma Realm Buddhist Assn., Inc.
AGENT: John Chu
ADDRESS: 2500 McClure Subdivision Road, Ukiah

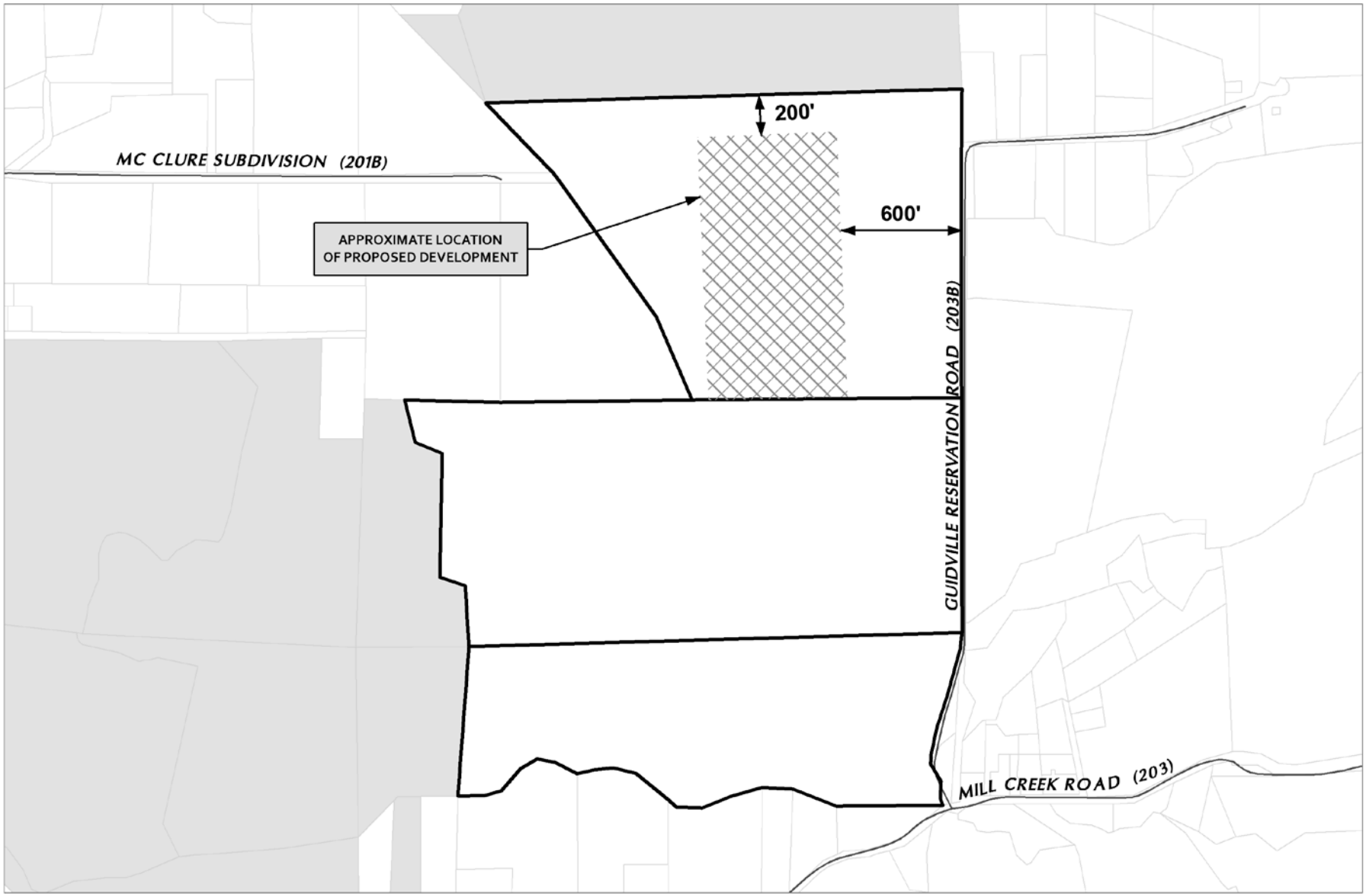
Major Towns & Places
Highways
Major Roads

0 2,600 5,200 Feet
0 0.5 1 Miles
1:63,360

LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, September, 2016
All spatial data is approximate. Map provided without warranty of any kind.

ATTACHMENT B



CASE: PAC 2016-0023
OWNER: Friends of Liberty, LLC
APN: 170-170-16, et. al.
APLCT: Ross Liberty
AGENT: Deirdre Clem
ADDRESS: None Assigned, Ukiah

Contiguous parcels owned by Dharma Realm

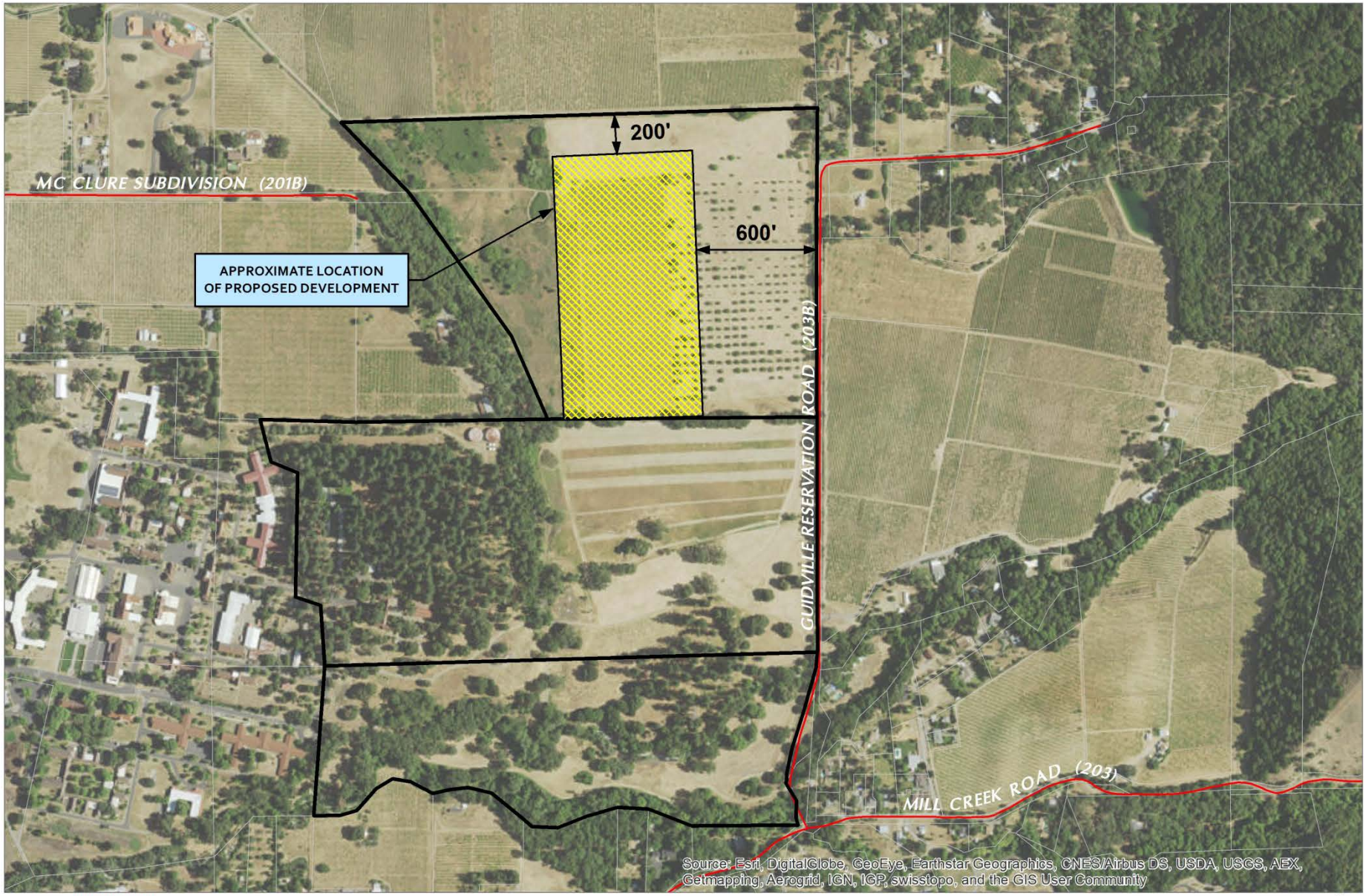
Public Roads

0 305 610 Feet
0 0.05 0.1 Miles
1:7,200

VICINITY MAP

Map produced by the Mendocino County Planning & Building Services, September, 2016
All spatial data is approximate. Map provided without warranty of any kind.

ATTACHMENT C



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Public Roads

0 305 610 Feet
0 0.05 0.1 Miles
1:7,200

ESRI IMAGERY

Map produced by the Mendocino County Planning & Building Services, September, 2016
All spatial data is approximate. Map provided without warranty of any kind.

Huffman-Broadway Group, Inc.
ENVIRONMENTAL REGULATORY CONSULTANTS
828 MISSION AVENUE, SAN RAFAEL, CA 94901 • 415.925.2000 • WWW.H-BGROUP.COM

September 12, 2016

Robert Dostalek
Mendocino County
Planning & Building Services
860 North Bush Street
Ukiah, CA 95482

Subject: llPE Project Wetland Impact Assessment, Dharma Realm Buddhist Association, Ukiah, CA

Dear Mr. Dostalek:

This is a follow-up to my July 23, 2016 letter regarding llPE Project Wetland Impact Avoidance and Minimization. The IIPE Project Applicant has requested that an assessment be provided regarding project impacts to wetlands in terms of both positive and negative impacts. As indicated in my previous letter I have been working with the llPE Project team planners and engineers to design a project which is the least environmentally damaging practicable alternative regarding fill impacts to wetlands. Figure 1 shows the initial project conceptual plan I began working with, overlaid on to a map of wetlands. The wetlands were recently delineated by Kyle Wear, Consulting Biologist, (Wear 2016), following the U.S. Army Corps of Engineers' (Corps) wetland delineation methodology. A total of 16.62 acres of wetlands were found within the project site. Implementation of the project plan shown in Figure 1 would directly impact 2.32 acres of palustrine emergent wetlands (wetlands) as a result of engineered fill material being placed into those wetlands. Review of various project design alternatives resulted in the Applicant's proposed project plan shown in Figure 2, where impacts to wetlands have been avoided and minimized to the maximum extent practicable. The proposed plan will result in ≤ 0.49 acres of impacts associated with wetland fill for pedestrian pathways and roadways. The revised project will not require the placement of fill in wetlands for the construction of project buildings, parking areas, landscape areas, and support facilities.

The Applicant proposes to mitigate for the 0.49 acre of unavoidable fill impacts to wetlands by: (1) minimizing the extent of fill for pathways through wetlands by using boardwalks elevated on piers across the wetlands so as to not impede existing surface water and near-surface ground water (upper 20 inches of the soil surface) flow during the rainy season; (2) minimizing the amount of fill used for roadways through wetlands using elevated over crossings or roadways underlain by a series of bottomless culverts designed so as not to impede existing surface flow during the rainy season; and (3) establishing (creating) palustrine emergent wetlands at a 2:1 ratio (establishment to impact) within and abutting existing wetlands within the project site and planting these areas with native wetland vegetated. Wetlands mitigation plan development, implementation, monitoring, and management will follow the Corps and U.S. Environmental Protection Agency 2008 final rule for

compensatory mitigation for losses of aquatic resources (40 CFR Part 230).

Stormwater generated from hard surfaces such as rooftops, sidewalks, and roadways will be pretreated within the project footprint to North Coast RWQCB water quality control standards prior to entering adjacent wetland areas. The use of permeable roadway and footpath materials will also be used where practicable. The plan layout also provides for a vegetated habitat buffer between the developed campus areas and the wetlands. This buffer will primarily serve to provide the wetlands with further water quality protection as well as a visual screen for wildlife. Diversion of development site stormwater and near surface ground water away from the wetlands adjacent to the project development site would have a negative impact on existing wetland hydrology conditions. Discharge of pretreated stormwater and directing groundwater from the development into the adjacent wetlands will allow for the continued maintenance of existing wetland hydrology conditions.

Project Impacts. Details regarding project impacts are discussed in detail below:

Adverse Impacts. The 16.62 acres of wetlands described above provide important ecological functions which include wildlife habitat, ground water recharge, flood flow management, and water quality improvement. Based on a review of the wetlands delineation discussed above and an onsite inspection conducted on May 11, 2016, implementation of the IIPE Project as shown in Figure 2 will result in direct adverse impacts and potential secondary adverse impacts to wetlands. No impacts to sensitive species have been identified and no impacts to sensitive habitats other than wetlands have been identified. Wetland impacts include: (1) direct impacts to 0.49-acre of palustrine emergent wetlands from roadway fill and the placement of piles to support elevated boardwalk pathways within wetland areas between building complexes and (2) potential secondary impacts to the remaining 16.14 acres of wetlands resulting from the alteration of existing wetland surface and subsurface hydrology conditions by Project land surface modifications. The potential impacts would be a further reduction of wetland area (acres) and/or wetland functions.

Beneficial Impacts. If the mitigation proposed by the Applicant discussed above is successfully implemented, the project could benefit the existing wetland system despite the above-described adverse impact. These benefits would include: (1) mitigating for the loss of 0.49 acres at a ratio of 2:1 by establishing 0.98 acre of palustrine emergent wetlands (0.49 ac x 2 = 0.98 ac); (2) preservation through deed restriction and long-term management of the newly-created wetlands, plus the remaining 16.14 acres of wetlands; and (3) providing certainty regarding existing wetland hydrology conditions by reintroducing surface and groundwater from the Project site into the adjacent wetland area at a strategic location to insure continued wetland hydrologic conditions. Currently there is no guarantee that surface water and groundwater will be diverted away from the existing wetlands by various land uses.

It is my professional opinion that successful implementation of the mitigations described above would have a net positive benefit to the wetlands within the Project site based on the beneficial impacts described above. Please contact me with any questions or the need for additional

information.

Sincerely,

Terry Huffman

Terry Huffman, PhD
Wetlands Regulatory Scientist

Figures: Figure 1. Area of Development in 2016 Wetlands, 2.32 Acres
Figure 2. Area of Development in 2016 Wetlands, Less than 0.49 Acres

Citations: Wear, K.S. (2016). Wetland Delineation Results: *City of 10,000 Buddhas International Institute for Philosophy and Ethics, Mendocino County*, prepared for DRBA, April 2016, revised June 2016.

Federal Register. 2008. *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule*. 40 CFR Part 230, Vol. 73, No. 70/Thursday, April 10, 2008 / Rules and Regulations.

Area of Development in 2016 Wetlands 2.32 acres

Total Area of Wetlands (16.62 Acres)

FIGURE 1

Area of Development in Wetlands less then 0.49 acres

Total Area of Wetlands (16.62 Acres)

FIGURE 2