

Case UR-2009-0002

Mendocino County Planning Commission,

Hi, my name is Vincent Bartolomei.

My family has owned property to the north of the proposed site for 98 years.

I personally have been farming the land for 20 years. And in that time the regulations we have to follow and the paper work we fill out has increase tremendously.

A new state pesticide regulation requires a $\frac{1}{4}$ mile distance from a school for pesticide application.

For now there are ways around this regulation so ~~the~~ the land can still be farmed. But this is only the first regulation concerning schools. How soon will it be before all pesticide applications are banned within a $\frac{1}{4}$ mile of a school?

in the vineyard year round.
I have pulled 2 vehicles
out that got stuck on my
property.

This school they are putting
in has already harmed the
local community. Allowing them
to move it 400 feet north
will only cause more harm.
They can mitigate the trees
and wetlands in many ways
besides moving the footprint
of the school.

Please don't allow them to
~~more~~ harm our community even
more.

Thank You.

CARTER MOMSEN PC

305 N. MAIN STREET
POST OFFICE BOX 1709
UKIAH, CALIFORNIA 95482

JARED G. CARTER
BRIAN C. CARTER
BRIAN S. MOMSEN
ALEXANDER C. RICH
COLIN W. MORROW

PHONE: (707) 462-6694
FAX: (707) 462-7839
E-MAIL: bmomsen@pacific.net
WEBSITE: www.cartermomsen.com

October 3, 2016

VIA E-MAIL AND U.S. MAIL

Amy Chang-Chien
Dharma Real Buddhist Association
Box 217
Talmage CA 95481
amy.changchien@drba.org

Dear Amy:

At the request of the Dharma Realm Buddhist Association ("DRBA"), I am providing the following legal opinion and summary of the law concerning the Mendocino County Planning Commission hearing scheduled for October 6, 2016 which will consider an addendum to previous environmental study concerning DRBA's Use Permit Application for the development of its East Campus. You have my permission to submit this letter to the Mendocino County Building and Planning staff or at the hearing next Thursday such that these opinions can be made part of the Administrative Record.

Background

It is my understanding that the Use Permit in regard to the East Campus was approved in the early 2000s after the County conducted an Environmental Impact Report ("EIR"). Later in 2011, the Mendocino County Planning Commission renewed and modified the entitlements previously granted to develop at 249,000 sq. ft. International Institute of Philosophy and Ethics ("East Campus"). The 2011 modification reduced the size and scope of the previously approved design. As a stipulation of the modification, condition B-1 was applied to the project. In relevant part, condition B-1 states:

"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."

Earlier this year, a April 2016 wetlands study of the site revealed that the wetlands have expanded since they were analyzed under previous project analyses. Consequently, the building footprint for the northern portions of the East Campus have been repositioned approximately 400

feet North to protect the newly identified wetland areas. Mendocino County Building and Planning Staff have reviewed this new location and in the Staff Report for the upcoming hearing has concluded that if the project were approved in the proposed new location, only .49 acres of impact associated with wetland fill would occur, as opposed to 2.32 acres at the previously identified location further South. The Report also concludes that the proposed relocation would not cause any significant environmental impacts in regard to visual resources or view sheds.

The environmental study in regard to the 2011 change to the project was a Mitigated Negative Declaration. Staff is proposing that rather than conduct further environmental study in regard to the relocation of a portion of the project 400 feet to the North, that it instead prepare an "Addendum" to the already adopted Negative Declaration as this partial relocation is a minor change. Two neighbors, the Sangiacomos, requested a hearing regarding this proposed course of action by County Staff reportedly on the grounds that the newly proposed location of a portion of the project is different than what was studied in a previously certified EIR.

Discussion

The Guidelines for the California Environmental Quality Act ("CEQA") at section 15164(b) state that an Addendum to an adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary *or* none of the conditions described in section 15162 calling for the preparation of a subsequent EIR or Negative Declaration have occurred. (Emphasis added).

Section 15162 of the Guidelines states that a subsequent EIR shall be prepared if there have been "substantial changes" in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental affects or a substantial increase of the severity of previously identified significant affects.

In this case, the Staff concluded that moving a portion of the project footprint 400 feet to the North, is a "minor technical change" pursuant to CEQA Guideline 15164(b). In addition, even if this change were not deemed minor, the revision clearly does not trigger a subsequent EIR pursuant to Guideline 15162 as there is no new significant environmental effect of moving the project 400 feet to the North or a substantial increase in the severity of a previously identified effect. In fact, the revision is in compliance with section B-1 imposed in 2011 as it is *lessening* significantly, any environmental impacts on wetlands. After conducting the study, the Staff did not identify any other different, new or increased environmental impacts of the relocation of some of the buildings to the project to the North.

Just last week, on September 19, 2016, the California Supreme Court upheld a similar analysis in Friends of the College of San Mateo Gardens v. San Mateo County Community College District (2016) DJDAR 9667. In this case, a concerned citizens group argued that the College District's original plan to demolish certain buildings and renovate others was substantially changed and became a "new project" altogether requiring further CEQA review.

The changes at issue were proposals to demolish one building complex that had originally been slated for renovation and to renovate two other buildings that had originally been slated for demolition. Also, a garden apparently cherished by many students, was to be turned into parking lot. The removal of the garden was not in the original plan.

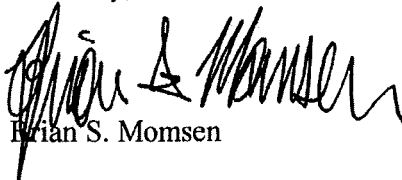
The Supreme Court held that trying to determine whether or not the changes from the original plans were so substantial as to create a "new project" is an improper analysis. The proper analysis is under the CEQA Guidelines mentioned above to determine whether or not the project, as changed, would have a new significant environmental impact or an increase in a previously identified impact.

The Sangiacomo's appeal does not state grounds for the Planning Commission requiring further environmental review. The location being slightly different than what was studied in a previous EIR, in and of itself, is not grounds for further environmental review unless new significant impacts or an increase in previously identified impacts are shown. If the Sangiacomos are demanding further study simply because a portion of the project is being moved closer to their property, California courts have differentiated between adverse impacts upon particular persons as opposed to adverse impacts upon the environment of persons in general. Only adverse impacts on the environment in general need be studied and mitigated. See Association for the Protection of Environmental Values in Ukiah v. City of Ukiah (1991) 2 Cal.App.4th 720. In addition, testimony from neighbors, that for the most part, express generalized concerns and fears about traffic, parking, noise, etc., do not rise to the level of a fair argument that the proposed use will create a substantial adverse change to the environment. Lucas Valley Homeowners Association v. County of Marin (1991) 233 Cal.App.3d 130, 162-164.

Conclusion

As relocating a portion of the project 400 feet to the North does not create any new environmental impacts or increase already identified impacts, an Addendum to the Negative Declaration is appropriate rather than further environmental study. Any Addendum should make findings that support these conclusions. Furthermore, any generalized complaints by a couple of neighbors do not rise to the level of an adverse environmental impact that would warrant further study. I am confident, therefore, that the Planning Commission will follow its Staff's recommendation and permit an Addendum rather than further time consuming and expensive study.

Sincerely,



Brian S. Momsen

Derek and Anna Au



2930 Mill Creek Rd, Ukiah, CA 95482

707-583-7307

derekau99@gmail.com

Mendocino County

OCT 05 2016

Planning & Building Services

10/4/2016

County of Mendocino
Department of Planning and Building Services
860 N. Bush St.
Ukiah, CA 95482

Re: Letter of Support for the Dharm Realm Buddhist Association

With regards to Planning Commission's agenda for the October 6th, 2016 Public Hearing, and with regards to Case# 2009-0002, where by the Dharma Realm Buddhist Association requests a modification to the existing permit for the International Institute for Philosophy and Ethics (IIPE) East Campus, to be moved approximately 400 feet north of the originally proposed location, and the Planning Commission's intent to determine the relocation is in compliance with condition B-1 of the Use Permit, we wish to voice our support for the project.

As residents living within close proximity to the proposed development and having worked with the City of Ten Thousand Buddhas as volunteers over the years, we have no doubts about the importance of the project and the benefits it will bring to the people of our City, State and Country. We believe a lot of work and considerations have gone into the design and planning of this project. We have reviewed the memorandum from Mr. Robert Dostalek, dated October 6th, 2016 and agree with the recommendation in that memo, which state, "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.". Thank you for your time and consideration.

Warm regards,

Derek and Anna Au



October 5, 2016

County of Mendocino
Department of Planning and Building Services
Project Coordinator, Robert Dostalek
860 North Bush Street
Ukiah, CA 95482

Mendocino County

OCT 05 2016

Planning & Building Services

Regarding Case #UR_2009-0002:

Since 1987, we have lived adjacent to the south boundary of the East Campus of the City of Ten Thousand Buddhas, the site of the current proposed building project and about a five minute walk from it. We are surprised and somewhat incredulous that our good neighbors Monique and Jody Sangiacamo are continuing to oppose building project case #UR 2009-0002 condition B-1. Their claim that "the final building site plan does not conform to the project analyzed in the environmental impact report and the use permit" simply does not conform to the reality on the ground. It is not just our view that the Sangiacamo's claim is without merit; it is the unanimous view of the excellent planning professionals of the Department of Planning and Building Services. Moving the project 400 feet to the north further protects the so-called wetlands for which the Sangiacamos profess concern and does not impact the immediate neighbors in any new ways. There are also no new or adverse environmental effects from the proposed changes. Therefore, it is not surprising that our other neighbors have raised no objections. In fact the Sangiacamos live so far away from the project and have so many trees in the way that it is doubtful that they will even be able to see the project from their home. We therefore urge that the project be approved as amended.

Sincerely yours,

Ron Epstein Ocean Epstein

Ron and Ocean Epstein
2800 Mill Creek Road
Ukiah, CA 95482

OCT 05 2016

Planning & Building Services

October 3, 2016

Dept of Planning and Building Services Commission Staff
860 N Bush Street
Ukiah, CA 95482

Re: Support letter of case # UR_2009-0002

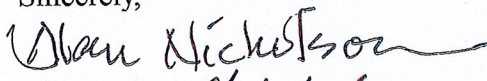
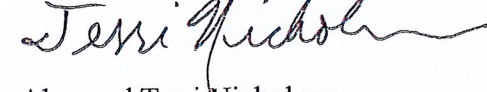
Dear Planning Commissioners,

My family lives on Mill Creek Road near the proposed "International Institute for Philosophy and Ethics." As neighbors to the Buddhist community and a resident of Mendocino County, we believe that this project will be an enormous economic, educational and cultural benefit to our neighborhood and the greater community.

We agree with and support the proposed adjustment in moving the project to the north of the wetlands by 400 feet to preserve those sensitive areas is an example of wise long term planning and exemplary stewardship of the land.

Our family wholeheartedly supports this project and respectfully request that the Planning Commissioners approve this proposal without further action.

Sincerely,

Alan and Terri Nicholson

3201 Mill Creek Road,
Ukiah, CA 95482

Mark Davis Insurance Agency, Inc

520 South State Street Ukiah, Ca 95482

707-462-9725 phone 707-462-8932 fax

License #0F56594

Sept 29, 2016

Dept of Planning and Building Services Commission Staff
860 N Bush street
Ukiah, CA 95482

RECEIVED
OCT 03 2016

Planning & Building Services

Re: Support letter of case # UR_2009-0002

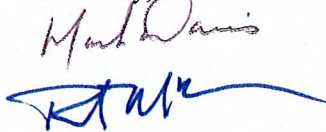
Dear Planning Commissioners,

Regarding the "International Institute for Philosophy and Ethics" (IPE) granted under use permit (U 11-99) and variance (V 7-99), which is to be developed on lands within the ownership of the Dharma Realm Buddhist Association (DRBA), the applicant proposes to adjust by shifting a portion of the project to the north of the wetlands by 400 ft. in order to stay away from those sensitive areas. This is a reasonable adjustment and environmental friendly choice.

As a business owner of Mendocino county, we believe that this project is beneficial to our local economy and diversity of culture, this request of DRBA to move the IPE project Phases 1 and 2 approximately 400 feet to the north is the result of many design considerations, from which the preferred design was chosen in the interest of maximum protection of the expanded wetlands.

We have worked closely with DRBA for over 30 years. They (DRBA) are an environmentally friendly, low impact organization that have proven over many years to be responsible, good neighbors. We fully support this project and respectfully urge Planning Commissioners to approve this case on October 6.

Sincerely,



Mark Davis
Rob McAsey
Stasi Carr
(owners of Mark Davis Insurance Agency Inc.)

JAMES D. GABLE & ANN KIM

RECEIVED
OCT 03 2016

Planning & Building Services

Sept 29, 2016

Department of Planning and Building Services Commission Staff
860 N Bush Street
Ukiah, CA 95482

Re: Support letter of Case # UR_2009-0002

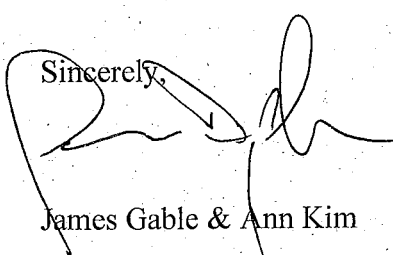
Dear Planning Commissioners,

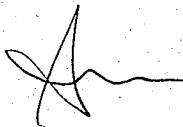
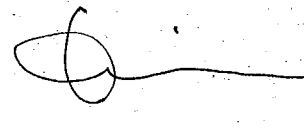
We live on Guidiville Reservation Road near the proposed "International Institute for Philosophy and Ethics" project. As neighbors of the City of Ten Thousand Buddhas and residents of Mendocino County, we feel that this project will be of great value to our neighborhood and the greater Ukiah community.

We believe that the applicant's proposed adjustment to their plan – shifting a portion of the project to the north of the wetlands by 400 ft, in order to stay away from those sensitive areas – is a very good decision.

Our family wholeheartedly supports this project and respectfully requests that the Planning Commissioners approve this case without further action.

Sincerely,


James Gable & Ann Kim

RECEIVED
OCT 03 2016

Planning & Building Services

Date: Sept 27, 2016

Dept of Planning and Building Services Commission Staff
860 N Bush street
Ukiah, CA 95482

Re: Support letter of case # UR_2009-0002

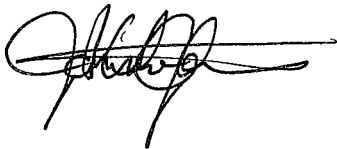
Dear Planning Commissioners,

Our family has lived on Mill Creek rd. near The City of Ten Thousand Buddhas since 2013. As a neighbor and business owner in Mendocino county, I have come to understand that this project will be of significant benefit to our economy as well as the aesthetics of our greater neighborhood.

From my experience, DRBA has been a dedicated steward of the environment. The operation is thoughtful and incredibly efficient in every project I've had the pleasure to witness. I believe their philosophies to be aligned with the local community and environmental conservation in general.

Our family wholeheartedly supports this project and hopes that the Planning Commissioners will approve it.

Thank you,



Joshua Johnson

2340 Mill Creek Road, Ukiah, CA 95482

Gregg Simpson Trucking
11 Highland Ct
Ukiah CA 95482
707-468-1654
CA Lic#650339

emailed
9.23.16

Mendocino County

SEP 26 2016

9/23/2016

Planning & Building Services

County of Mendocino
Department of Planning and Building Services
860 N Bush street
Ukiah, CA 95482

Re: Support letter of case # UR_2009-0002

Regarding to "International Institute for Philosophy and Ethics" (IIFE) granted under use permit (U 11-99) and variance (V 7-99), which is to be developed on lands within the ownership of the Dharma Realm Buddhist Association (DRBA). This facility which would house a religious educational training facility on lands to the east of the existing City of Ten Thousand Buddhas campus is proposed to be adjusted by shifting a portion of the project to the north of the wetlands by approximately 400 ft in order to minimize impact to those sensitive areas.

As a woman owned business of Mendocino county, I believe that this project is beneficial to our local economy and diversity of culture. The project will have significant economic benefits to our county, bringing in local contractors, material suppliers, and further local agencies to complete the project in full. My team and I have had the privilege of working with the City of Ten Thousand and they are a very pleasant group of individuals to work with and bring a harmonious environment to our community.

The City of Ten Thousand Buddhas brings this request of DRBA to move the IIFE project Phases 1 and 2 approximately 400 feet to the north is the result of many design considerations, from which the preferred design was chosen in the interest of maximum protection of the expanded wetlands. We respectfully request that this adjustment to the building envelop be determined to be an insignificant issue, consistent with the approvals granted and accepted without further action.

I appreciate your time in reviewing this beneficial project to our community!
Much Appreciated

Darlene Simpson

Darlene Simpson - Owner Gregg Simpson Trucking

X

Mendocino County

OCT 03 2016

Planning & Building Services

1691 Guidiville Road, Ukiah, 95482

10/2/16

Director, Department of Planning and Building Services

860 North Bush, Ukiah, CA, 95482

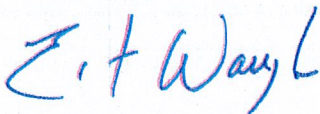
Dear Director Dunnicliff:

We live and own our house at 1691 Guidiville Reservation Road in the property adjacent to The City of Ten thousand Buddhas' proposed building site. We understand that all building will be done west of the main power lines which are at least 100 yards west of our fence line.

We support the City of Ten Thousand Buddhas' proposed project with one reservation. We understand that there are two options concerning the proposed water treatment pond for the new facilities: the first option that this pond be closed, and the second option that it be open. We do want the water treatment pond to be closed, covered, to obviate the danger of mosquito borne diseases in the adjacent community.

Thank you very much. Please feel free to write again or call us at 707-468-9416 if there are more questions.

Sincerely,



Ernest Waugh

Mendocino County

SEP 29 2016

Planning & Building Services

9/27/ 2016

Dept of Planning and Building Commission staff
860 N Bush street
Ukiah,CA 95482

From: Talmage Store
1990 Talmage Road
Ukiah,CA 95482

Re: Supportive letter of case # UR_2009-0002

Dear Planning Commissioners,

Our family owns Talmage Store nearby City of Ten Thousand Buddhas (CTTB) campus, As a friendly neighbor and business owner of Mendocino county, We believe that Buddhist project is beneficial to our local economy and it will improve the harmonious values of our neighborhood and greater community.

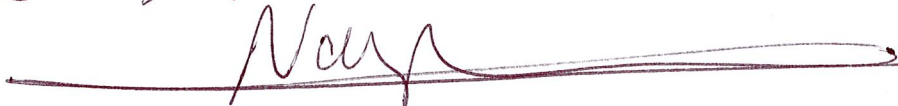
Regarding to CTTB's application to re-position their buidlings 400 feet and stay away from wetland. We agree this is a sustainable and environmental friendly choice.

Our family fully support this project and respectfully urges Commissioners to approve this case .

Sincerely,

George Asfour

9/27/16


A handwritten signature in dark ink, appearing to read 'George Asfour', is written over a horizontal line.

1990 Talmage Road, Ukiah, CA95482

Mendocino County

SEP 29 2016

Planning & Building Services

September 26, 2016

To: Dept of Planning and Building Services Commission
860 N Bush street, Ukiah, CA 95482

From: William Palmer
2750 Old River Rd, Ukiah

Re: Support letter of case # UR_2009-0002
"International Institute for Philosophy and Ethics"

Dear Planning Commissioners,

I live in Old River Road nearby City of 10,000 Buddhas, As a neighbor of Buddhist community and lifelong resident of Mendocino county, We truly believe that this Buddhist project will be a plus to our neighborhood and entire community. The applicant's plan to shift a portion of their project 400 feet to stay away from wetland areas. We agree this is a good choice.

Our family very support this project and encourage Planning Commissioners to approve this case on Oct 6.

Sincerely,



William Palmer
2750 Old River Rd,
Ukiah, CA 95482

SEP 29 2016

Planning & Building Services

Sept 28, 2016

Dept of Planning and Building Services Commission
860 N Bush street
Ukiah, CA 95482

Re: Support letter of case # UR_2009-0002

Dear Planning Commissioners,

We are neighbor of Buddhist community and live across street from their new campus project.

Regarding to Buddhist's application to re-position their buidlings and stay away from wetland. We believe this is a good choice.

As a neighbor, I support this project and request that Buddhist's application to be approved.

Sincerely,

Margie Carpenter

2125 Guidiville Road
Ukiah, CA 95482

Mendocino County

SEP 28 2016

Planning & Building Services

Sept 27, 2016

To: Dept of Planning and Building Services Commission
860 N Bush street
Ukiah, CA 95482

From: Kenneth Hunt
2082 Addor Lane, Ukiah, CA 95482

Re: Support letter of case # UR_2009-0002
"International Institute for Philosophy and Ethics" (IIPE)

Dear Planning Commissioners,

I am a neighbor and friend of Buddhist community, my home is across street from the City of Ten Thousand Buddhas.

Regarding to Buddhist's application to shift part of their buildings 400 feet north and stay away from newly surveyed wetland, We believe this is a good choice for the environment.

As a long term neighbor, I fully support this project and request your approval without further action.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ken Hunt", with a long, sweeping horizontal line extending to the right.

RECEIVED
SEP 23 2016

**Gregg Simpson Trucking
11 Highland Ct
Ukiah CA 95482
707-468-1654
CA Lic#650339**

Planning & Building Services

9/23/2016

County of Mendocino
Department of Planning and Building Services
860 N Bush street
Ukiah, CA 95482

Re: Support letter of case # UR_2009-0002

Regarding to "International Institute for Philosophy and Ethics" (IIPE) granted under use permit (U 11-99) and variance (V 7-99), which is to be developed on lands within the ownership of the Dharma Realm Buddhist Association (DRBA). This facility which would house a religious educational training facility on lands to the east of the existing City of Ten Thousand Buddhas campus is proposed to be adjusted by shifting a portion of the project to the north of the wetlands by approximately 400 ft in order to minimize impact to those sensitive areas.

As a woman owned business of Mendocino county, I believe that this project is beneficial to our local economy and diversity of culture. The project will have significant economic benefits to our county, bringing in local contractors, material suppliers, and further local agencies to complete the project in full. My team and I have had the privilege of working with the City of Ten Thousand and they are a very pleasant group of individuals to work with and bring a harmonious environment to our community.

The City of Ten Thousand Buddhas brings this request of DRBA to move the IIPE project Phases 1 and 2 approximately 400 feet to the north is the result of many design considerations, from which the preferred design was chosen in the interest of maximum protection of the expanded wetlands. We respectfully request that this adjustment to the building envelop be determined to be an insignificant issue, consistent with the approvals granted and accepted without further action.

I appreciate your time in reviewing this beneficial project to our community!
Much Appreciated



Darlene Simpson - Owner Gregg Simpson Trucking

FROM CONCERNED NEIGHBORS

Mendocino County

AUG 22 2016

Planning & Building Services

August 22, 2016

County of Mendocino
Department Of Planning And Building Services
Project Coordinator, Robert Dostalek
860 N. Bush St.
Ukiah Ca. 95482

In regards, to The notice of condition compliance determination letter that was received for the Dharma realm Buddha Association (DRBA) project; International Institute of philosophy and ethics (IPE). We concerned neighbors, disagree with the condition of approval for #UR [2009-0002](#), condition B-1. We believe the final building site plan does not conform to the project analyzed in the environmental impact report and the use permit approved by the planning commission. Therefore we concerned neighbors are requesting a public hearing before the planning commission.

Sincerely yours,

Concerned Neighbors

Monique & Jody Sangiacomo
3120 Guidville Res Rd.
Ukiah CA 95482