

Department of Conservation & Development

Contra Costa County

COUNTY PLANNING COMMISSION
TUESDAY, OCTOBER 28, 2008

I. INTRODUCTION

THE SIKH CENTER OF SAN FRANCISCO BAY AREA (Owner), DR. J.P. SINGH (Applicant) County File# LP03-2052: The applicant has applied for an amendment to Land Use Permit # LP 2117-77 for the following entitlements:

- i. Expand the existing facilities by approximately 70,000 square feet. Three new buildings and a two-story parking structure are proposed for construction in three phases over approximately twelve years.
- ii. Approval of variances as follows:
 1. Phase 1, Community Center: Height up to 57-feet and up to 4-stories (up to 35-feet and 2½ stories permitted);
 2. Phase 1, Retaining wall at entrance to site: Height up to 8½ feet in front and side setbacks (up to 3-feet permitted), and a masonry wall up to 8-feet along a portion of the eastern property boundary;
 3. Phase 4, Performing Arts Center: Height up to 48-feet and up to 3-stories (up to 35-feet and 2 ½ stories permitted);
- iii. Approval of a tree permit to remove 22 trees.

The approximately 5-acre project site is located at 3550 Hillcrest Road in the El Sobrante area. (Zoning: Single-Family Residential, R-7) (General Plan: Single Family Low Density, SL & Open Space, OS)(CT 3610.00) (APN's 420-080-025, 420-080-004) (APN 419-180-020 City of Richmond).

II. RECOMMENDATION

- A. Find that on the basis of the whole record before it, including the Initial Study and the comments received, the County Planning Commission finds that there is no substantial evidence that the project will have a significant effect on the environment and the mitigated negative declaration reflects the County's independent judgment and analysis.
- B. Find that the mitigated negative declaration is adequate for the project and adopt the mitigation monitoring program.

- C. Approve Phase 1, the Community Center, as generally shown in Section 5, Staff Study #2 & #4, which requires that the Community Center not exceed 2 ½ stories and 35-feet in height as measured by the County Code (Section 82-4.214), Except that a variance to height is allowed up to 10-feet for the domes¹, the elevator shafts and the stairway structures. The square footage of the uses in the Community Center shall not exceed what is currently proposed. The total number of required parking for Phase 1 is 151 parking spaces.
- D. Approve Phase 1 variance to retaining wall height at the entrance to the site up to 8 ½ feet in the front and side setbacks (where 3-feet is permitted), and a variance up to 8-feet (where 6-feet is permitted) for a masonry wall along a portion of the eastern property line within the subject property.
- E. Approve Phase 3 as generally shown on Sheets No. A-35 , A-36 & A-37, Attached in Section 4 except that it shall be 1-story with a basement and a maximum of 3,000 square feet. The total number of required parking for Phase 3 is 164 parking spaces.
- F. Approve Phase 4 as shown in Section 5, Staff Study #3 & #4, which requires that the Performing Arts Center not to exceed 2 ½ stories and 35-feet in height as measured by the County Code (Section 82-4.214), Except that a variance to height is allowed up to 10-feet for the domes. The total number of required parking spaces for Phase 4 is 175 parking spaces.
- G. Approve the tree permit request to remove 22 trees that are located in the unincorporated county.

III. GENERAL INFORMATION

- A. General Plan; SL – Single Family Residential- Low Density & OS – Open Space (Attached in Section 1, Exhibit 1, General Plan Map). APN 419-180-020, Open Space / Recreation Lands

Zoning; R-7, Single Family Residential District (Section 1, Exhibit 2, Zoning Map) APN 419-180-020, Community and Regional Recreational.
- B. California Environmental Quality Act (CEQA) Status: A mitigated negative declaration was posted on July 30, 2008 for a 30 day public comment period. Impacts to aesthetics, air quality, biology, cultural resources, geology, hazardous materials, hydrology, noise, transportation and utilities were identified as potentially significant unless mitigated. The

¹ There is a narrow spire on top of each dome approximately 8 feet in height that is not counted towards overall height because it is considered a monument and according to Code Section 82-2.008 it is exempt from height limitations.

applicant has agreed to mitigations that reduce the impacts to less than significant. During the public comment period there were a number of letters received which are addressed in Section IX of this report.

- C. Previous Approvals on this Site: The previous approvals are as follows:
- County File # LP446-73, in 1973 a land use permit to establish a church and related parking was approved for the Sikh Center of San Francisco Bay Area.
 - County File # LP2117-77, in 1977 an amendment to LP446-73 to modify the architecture and location of the building and parking. Also approved was Phase 2; Community Hall & Priests House and Phase 3; Library, Museum & Guests House.
- D. Regulatory Programs:
1. Active Fault Zone: The project site is not within an Alquist-Priolo special study zone.
 2. Redevelopment Area: The project site is not within a redevelopment zone.
 3. Flood Hazard Area: The project site is within Flood Zone C, areas of minimal flooding.
 4. 60 dBA Noise Control: The project site is not within a 60 dBA noise control zone.
 5. Legality of lots: A land use permit (County File # 446-73) was approved by the County to establish a church use on APN 420-080-025. A building permit was issued for the single-family residence on APN 420-080-004.

Project Summary

During the CEQA review process for this project a number of environmental issues came up as well as a change in the project description that was requested by the applicant. First the change in project description; just before the publication of this report the applicant indicated they no longer wish to pursue Phase 2 of the project, the priest's residences situated on the portion of site that is located in the City of Richmond. A more detailed account of this action is found in Section VI, Phase 2. Some of the maps and site plans attached still have Phase 2 on them because they could not be revised in time. Therefore, the information on the site plans regarding Phase 2 is not valid.

Second, the environmental issues; this project proposal includes the construction of three buildings, up to 30,000 square feet, and a two level parking structure on a

steep hillside. The site is bordered by residential development to the east and southwest, a church to the west and Wildcat Canyon Regional Park to the south (See Section 1, Exhibit 4, Aerial view of project site). Given this setting the main environmental issues regarding this project are;

Slope stability. There is a concern that, given the landslide issues in the area, the project site is not a suitable location for the proposed expansion.

According to a geotechnical study (Joyce Associates 2007) provided by the applicant, and confirmed by the County geologist the portion of the site that is located in the unincorporated county is mapped as bedrock that is locally overlain by engineered fill.

There is however a 1-acre landslide near the southeast corner of the project site that is located in the City of Richmond. The landslide ranged from 7 to 12 feet deep in test pits and stabilization of a slide this is feasible according to the County Geologist.

Drainage. There is a concern that the existing storm drainage facility will not be able handle the additional runoff that will be created by the project given the steepness of the site and past experiences in the area.

Stormwater runoff from the site will be directed to an underground pipe detention system to be located at the entrance to the site. It appears the applicant has proposed the detention system in order to bring post-project flows to pre-project levels prior to discharge into a double inlet drop structure located at Hillcrest Road. The applicant is conditioned to verify that the drainage facility is adequate to convey the design storm. Additionally, the project is conditioned to comply with Public Works Engineering and Flood Control standards as they apply to drainage.

Traffic: There is a concern that the proposed expansion will cause an increase in traffic, above what is now experienced in the neighborhood.

The applicant has stated that the purpose of Phase 1, the Community Center is to address existing facility deficiencies and to provide enhanced services to the existing temple membership, which is roughly 500 families. The construction of Phase 1 is not expected to result in an increase of membership at the project site. The two main functions on the site, the main religious service on Sunday and the Performing Arts Center would not occur at the same time.

A traffic analysis was conducted by the environmental consultant for this project which included all the phases of the project. The trip generation methodology and assumptions presented were determined to be reasonable by the County Transportation Planning Division. The buildout of the full project does not

generate the 100 AM or PM weekday peak hour trips necessary to initiate a full traffic study.

Parking: There is a concern that the project would not have sufficient parking and that it may overflow into the surrounding neighborhood.

The project site currently has 210 parking spaces. The project applicant provided a parking survey data for the months of February and March 2007. The data indicated that the peak hour of project parking demand occurred between noon and 1:00 pm on Sundays. The Sunday peak demand numbers ranged between 87 spaces and 137 spaces for a Sunday average parking demand of 115 spaces. The environmental consultant for this project who was retained by the County conducted an additional Sunday parking survey on February 10, 2008 and documented peak demand at 135 spaces.

The project is conditioned to have a minimum of 151 parking spaces for Phase 1, 164 spaces at Phase 3 and 175 spaces at Phase 4.

The Sikh Center does have three large gatherings a year to celebrate their traditions. During these times there is a potential to exceed the parking capacity of the site. So the project is conditioned to submit a shuttle plan that would ensure that during these events the excess of patrons would be shuttled to and from an appropriated off site location (e.g. Park and Ride). They are also conditioned to, 10 days prior to the event mail out a courtesy notice to the surrounding neighborhood within 300 feet to notify them of the event.

Aesthetics: There is a concern that the proposed development is large and would be very visible from the surrounding neighborhood.

While the project is certainly visible from some vantage points (e.g. approaching the site on Hillcrest Road, or from the adjacent Quail Hill condominium development) for the most part because of the topography of the site combined with the existing surrounding development and landscaping, the site is largely screened. The project is conditioned to provide landscape screening from the adjacent condominiums and the front of the site.

These and other impacts are discussed in more detail in the report below.

IV. SITE/AREA DESCRIPTION

The project site is located at 3550 Hillcrest Road in the unincorporated community of El Sobrante, (Section 1, Exhibit 3, Vicinity Map). The 5-acre site contains an existing 21,000 square foot temple, with associated parking, and a single-family residence at the entrance to the temple. The site is bounded by Hillcrest Road to the north, Wildcat Canyon Regional Park to the south, residential uses to the east and southwest, a church and undeveloped land to the west. (Section 1, Exhibit 4, Aerial

View of Project Site). The topography of the site is steep starting at approximately 220 feet above sea level at the entrance to the site climbing to approximately 400 feet above sea level at the rear of the site (Section 1, Exhibit 5, Topography Map). The project site is below the ridge crest, on a parcel that has been previously graded for the existing temple and parking.

V. PROJECT BACKGROUND

The Sikh Center's congregation currently consists of approximately 500 families. Use of the project site by the Sikh Center, as a religious institution, was originally granted through the issuance of a Land Use Permit by Contra Costa County in 1973 (LP 446-72). The approval at that time consisted of a temple building with associated parking. Then, in 1977 an amendment to the permit was approved by the County to include phase 2, a Community Hall and a priest house, and phase 3, a library, museum and guest houses, with a variance to the height of 66-feet for the dome that is now on the existing temple. It appears from the site plan that was approved at that time Phase 2 and 3 were noticeably smaller building footprints than what is currently being proposed. There are no county records of the elevations or floor plans for these structures. The Sikh Center constructed the temple with parking but did not construct phase 2 or 3. As previously noted currently on the site is a 3-story, 21,800 sq. ft. temple with associated parking (See Section 4, Existing Temple)

Since then the Sikh Center determined that the existing facility needed to be upgraded and expanded to meet the current needs of the congregation. The Sikh Center had, in 2003 after establishing its long term goals, submitted an application to the County for its most pressing needs. This application was for the Community Center Building, now referred to as Phase 1.

During public meetings at the local neighborhood groups a repeated question was asked about the scale, timing and nature of future development on the site. This led to the preparation of a Master Plan and in April of 2006 the Sikh Center resubmitted an application that consisted of four phases as presented in this staff report.

Sikh Center's purchase of 1.6-acres of the project site from the East Bay Region Park District in 2004

In 2004 the Sikh Center acquired by quitclaim deed from East Bay Regional Park District approximately 1.6 acres of adjacent land located just south of the existing temple in the City of Richmond, creating APN 419-180-020. According to the applicant the Park District did not want to continue maintaining land failure issues on a small eastern portion of that land and therefore quitclaimed it to them in exchange for valuable consideration and being released from liability.

VI. PROPOSED PROJECT

The proposed project would amend the land use permit to allow for expansion of the facilities by approximately 70,000 square feet. Included in the proposed expansion are three new buildings and a two-story parking structure, all of which are proposed for construction in three phases over approximately twelve years (See Section 4, Phasing Plan). The project also includes a request for variances to building height and number of stories for Phase 1 and 3, as well as variances to retaining wall height, masonry wall height and a request to remove 25 trees, all as described below.

The proposed three phases are as follows:

Phase 1 Phase 1 of the project is a proposed Community Center ranging from 2 to 4 stories and 33,000 square feet that is connected on the down slope to the existing temple (See Section 4, Phase 1, Community Center). The new center would consist of a new dining hall, kitchen, child care center, offices, classrooms, library, assembly area, activity center, bedrooms and an outside play area on the roof. These are uses that, with the exception of the proposed weekday child care center and play area, are currently conducted in the existing temple which otherwise is for religious purposes. Included in Phase 1 are construction of a trash container area that is connected to the existing temple and the construction of maintenance shed at the rear of the existing house at 3508 Hillcrest Road, which is also owned by the Sikh Center of San Francisco.

As part of Phase 1 the applicant requests approval of variances to the height of the proposed Community Center (requests up to 57-feet for a proposed dome, where 35-feet is permitted) and up to 4-stories (where 2 ½ stories are permitted). Also requested are variances to the proposed retaining walls (8 ½ -feet requested, where 3-feet permitted) in the front and side yard setback of the entrance to the site as well as a variance to the height of a proposed masonry wall (up to 8-feet requested, where 6-feet is permitted) along a portion of the eastern property line to replace the existing white cyclone fence that separates the Quail Hill Condominiums from the project site.

Phase 1 also includes reconfiguration of parking areas in the northwest corner of the property and just inside the entrance to the site. In the upper-most parking area, located southeast of the existing temple the parking would be expanded slightly southwards onto a parcel that is located in the City of Richmond (APN 419-180-020). This may require certain approvals from the City of Richmond. This area is where the landslide is located, which is proposed to be repaired as a separate project prior to the proposed phase 1 improvements.

Phase 2 As previously noted this phase has been eliminated from the project at the request of the applicant in a letter to the County dated October 12, 2008 (letter attached in Section 3). By way of background the applicant had originally planned Phase 2

which were two priests' residences on a portion of the site located in the City of Richmond but after receiving comments on the CEQA document regarding Phase 2 from the City and East Bay Regional Park District the applicant decided to withdraw that phase of the project. Phase 2 was not dependent on, nor was any other phase dependent on it. The letters from the City and the District (attached in Section 3) were primarily concerned with Phase 2. The applicant has indicated that even with the removal of Phase 2 the overall timeline for the three phases would remain approximately the same; approximately 12 years.

Phase 3 Phase 3 is a proposed 6,000 square-foot Museum / Information Center that is 35-feet in height and two-stories with a basement, that is located along the eastern edge of the project site, about mid-way up the site (See Section 4, Phase 3, Museum/Information Center). The museum will be for the communication of the culture, literature and historical references of Sikhism and of their role in the development of California and the Bay Area. The facility will be open to the public. The museum/ information center will include classrooms and small auditorium. Operating hours would be 9:00 a.m. to 6:00 p.m., Monday through Friday, and 10:00 a.m. to 4:00 p.m. on Saturday and Sunday. In addition, the basement will feature a central Emergency Communications Center for use by the Sikh Center during times of natural and personal disaster and is meant to serve the surrounding community as well. The Center would be staffed at times of special needs.

Phase 4 Phase 4 is proposed in two phases; Phase 4A is a two-level parking structure to accommodate the parking that may be needed when the parking spaces are removed to construct the Performing Arts Center, which is phase 4B. The parking structure would be constructed prior to construction of the Performing Arts Center. Parking is addressed in Section XI later in this report.

Phase 4B proposes a Performing Arts Center that is a 30,000 square foot, 3-story building that contains a 400 seat auditorium with dance and music classrooms, painting and sculpture studios (See Section 4, Phase 4A & 4B). The Performing Arts Center is intended to facilitate the development and advancement of the intellectual and performing arts of the Sikh community by providing a forum for lectures, readings, and music, dance and theater performances. The Performing Arts Center would be open to the public.

As part of Phase 4 variances are requested to the height of the Performing Arts Center up to 48-feet (where 35-feet is permitted) for the dome and the number of stories up to 3-stories (where 2 ½ stories are permitted)

GRADING

Mass grading is not being proposed. Rather, portions of the site will be graded to accommodate the proposed improvements on a phase-by-phase basis (Section 4, Civil Plans, C1.0, C1.1, C1.4, C3.1,C4.1 Grading Plans).

VII. AGENCY COMMENTS

1. East Bay Municipal Utility District (EBMUD): Memo dated September 22, 2008 indicates the District currently serves the site and if additional water service is needed, the project proponent should contact their office to determine costs and conditions for providing additional water service to the expansion project. The memo also states they request the County to include a condition of approval to require compliance with the County Water Conservation Ordinance.

Mitigation Measure 1.1 D requires the project comply with Chapter 82-26, Water Conservation Landscaping in New Development of the County Code.

2. Contra Costa County Fire Protection District: The applicant submitted a Fire Access Plan to the Fire District for their review and in a memo, dated June 15, 2007; the District indicated that although the Turnaround as shown on the plan does comply with District Standards, the access shown does not.

Mitigation Measure 15.2 requires the project to comply with all Fire District Standards, including access, prior to the issuance of grading permits for Phase 1.

3. West County Wastewater District: Memo Dated May 2, 2006 indicate wastewater service is available for the proposed development subject to District requirements.
4. Contra Costa Sheriffs Department: In response to comments, dated 4/24/06 the Department had no comment on the project.
5. El Sobrante Valley Planning & Zoning Committee: In a letter dated September 11, 2008 (attached at the end of Section 3) the Committee expressed concern over the continuing danger of landslides in the area and requested a geologic study be conducted before each phase.

The applicant has agreed to Mitigation Measure 6.1 that states that prior to the issuance of grading permits for each phase the applicant is required to submit for review and approval of the County Geologist a site specific design level geotechnical investigation for all improvements, structures and additions.

VIII. STAFF DISCUSSION/ANALYSIS

General Plan / Zoning Compliance

Both parcel number 420-080-004 and 420-080-025) are designated as Single-Family Residential-Low Density on the Contra Costa County General Plan Land Use Map. According to the General Plan, the primary use of this designation is for detached single-family homes. However, churches and other similar places of worship are considered secondary uses that are generally compatible with this

designation. The southwest corner of APN 420-080-025 is designated as Open Space. This small area is currently undeveloped and no development is proposed here as part of the project.

Both parcels are also located within the El Sobrante subarea of the Contra Costa County General Plan. Development of the proposed project would not conflict with any policies for this subarea.

Parcel number 419-180-020 which is located south of the existing temple and in the City of Richmond has a General Plan designation of Open Space/Recreational Lands and a zoning designation of Community and Regional Recreational and while the applicant has withdrawn Phase 2, the priest's residences from this portion of land there is a proposal to expand the parking slightly southward into the hillside and a vegetated swale would be installed along the southern border of the parking area. Certain approvals may be necessary from the City of Richmond.

Other General Plan policies that relate to the project

In addition, there are two other policies in the General Plan that relate to the proposed project. The first is the Safety Element relating to geologic hazards on slopes and the other is the Scenic Route policy.

Safety Element

The Safety Element of the Contra Costa General Plan includes a number of policies that require evaluation of geologic hazards for proposed land development projects in areas of potential hazards. The applicant has submitted a geotechnical report (BSK & Assoc., 2000) and an engineering geology report (Joyce Assoc. 2007) that identify potential geologic hazards. The applicant has agreed to mitigation measures (Mitigation Measure 6.1 through 6.4) that will reduce the impact to less than significant. The County Geologist has determined that the project does not conflict with the Policies set forth in the Safety Element of the General Plan.

Prior to the issuance of grading permits for each phase that is proposed in the County the applicant is required to submit complete geotechnical reports for the review and approval of the County Geologist to verify that the scope of investigation and the details of the corrective grading are appropriate for the project.

Scenic Route Policy

The site is below the ridge crest, on a parcel that has been previously graded for the existing temple. The Scenic Route policy of the County General Plan identifies roadways which have scenic potential or connect to scenic areas. One of the main intents of the policy is to protect scenic views that are observable from

scenic routes. In the project area these include San Pablo Avenue and San Pablo Dam Road. Due to its location on the hillside, topography, existing development and landscaping in the area, the project site is visible from both San Pablo Avenue and San Pablo Dam Road on an intermittent basis only. In addition, because the proposed expansion is consistent with existing development on the site and builds “down” the hill and, for the most part, not “up” the hill the proposed expansion would have a less than significant impact on any designated scenic highway or county scenic route.

IX. Comments received during the CEQA public review period

During the public review period for the Mitigated Negative Declaration the County received letters expressing concerns about the project. Letters were received from East Bay Regional Parks District (EBRPD), City of Richmond, El Sobrante Planning & Zoning Advisory Committee, El Sobrante MAC, Quail Hill-El Sobrante Homeowners Association, and a number of individuals in the neighborhood. (Note: The Initial Study / Mitigated Negative Declaration is referred to as IS/MND in the text below). The responses below address pertinent CEQA issues raised by the commenter.

East Bay Regional Park District, letter dated August 26, 2008	
Summary of Comment	Response
<p>#1. Regarding Geology: There is insufficient information for the commenter to understand and evaluate how development of buildings within the natural slope buffer area will alter the stability of the active landslide upslope of the development.</p> <p>The commenter’s letter goes on to assert that there is a pervasive landslide hazard on the site, and it references a study performed by Alan Kropp & Associates (2000). EBRPD recommends detailed review of the project site in an EIR.</p>	<p>The CEQA document, commencing on page 64, provides an evaluation of potentially significant impacts, and where significant impacts have been identified, mitigation measures are presented to reduce impacts to less than significant.</p> <p>It should be recognized that the applicant has submitted a geotechnical report issued by BSK & Associates (2000) and an engineering geology report issued by Joyce Associates (2007). The subsurface exploration of the site consisted of ten borings and three test pits on the 6½-acre site. A primary product of the investigations was an Original Geologic Map of the site that shows the distribution of landslide debris, artificial fill and bedrock on the property (See Section 1, Exhibit 6, Geologic Map of Sikh Center Site). The data gathered indicate a 1-acre landslide in the southeast portion of the site. The remainder of the site is mapped</p>

	<p>as bedrock that is locally overlain by engineered fill. The Joyce Associates report indicates that the purpose of their report was to characterize site conditions and is intended for use in project planning. It is not intended for issuance of construction permits.</p> <p>In summary, the primary purpose of Section 6.0 of the IS/MND was to a) identify the significant geology and soil-related impacts of the project and to indicate the manner in which those significant effects can be mitigated. It is not prudent or desirable to provide details of the corrective grading plan or other design details. Over a period of years grading and building code are subject to change/refinement and the standard of care in the geotechnical field is constantly evolving. Finally, if design details were prescribed by the CEQA document, such as the corrective grading of a slide or foundation design of a building, there could be unwanted liability for the lead agency. The key points are that there is one landslide on the site. The landslide ranged from 7 to 12 feet deep in the test pits located in the area of the proposed priest residences. In the axis of the slide at the east property line, boring B-1 found the slide plane at a depth of 16½ feet. The stabilization of a slide of this size is not a feasibility issue, and 85 percent of the property is not mapped as slide debris.</p> <p>Joyce Associates recommends that engineered slopes have gradients of 3:1 (horizontal to vertical), which is conservative on the side of safety, and provides recommendations that are intended to guide the scope and direction of future geotechnical studies on a phase-by-phase basis.</p> <p>The Alan Kropp & Associates (AKA) investigation cited by the EBRPD was a study funded by Contra Costa County and</p>
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	the City of Richmond. ² It was a geologic hazards study of the El Sobrante area that was based on a) review of published mapping, b) geologic interpretation of historic aerial photographs, and c) review of geotechnical reports in the files of the County and City. A primary product of the study was a geologic hazards map (scale 1" = 600 feet), along with guidelines for geotechnical reports.
#2.Regarding Land Use and Planning: Phase 2 of the proposed development would encroach onto a hill slope intended to provide a buffer between the existing development and natural hill slope area of Wildcat Canyon Regional Park. This buffer does not account for expansion of development onto the hillside. The City of Richmond's current Open Space General Plan land use designation and Community and Regional Recreation District is appropriate and should not be changed.	Phase 2, the priest's residences located in the City of Richmond (APN419-180-020) is withdrawn from the project at the request of the applicant in a letter to the County dated October 12, 2008.
#3.Regarding Traffic and Circulation: The IS/MND states that the existing landslide is threatening the driveway access to the upper parking lot. The IS/MND does not acknowledge the potential loss of parking stalls or vehicle circulation hazards created from piles of soil block designated paths of travel in the parking lot. The resulting inadequate parking capacity could cause vehicles to block fire lanes and spill offsite into surrounding neighborhoods – this should be considered a significant impact.	The comment speculates that during corrective grading of the landslide, driveway access to the upper parking lot may be temporarily disrupted. That would result in loss of approximately 55 parking stalls. Those parking stalls are not needed during the work week, and depending on the attendance at religious services, they may not be needed during the construction period. It is also possible that temporary weekend access could be restored to allow use of the upper parking lot, or the Sikh Temple could provide temporary valet parking for its members. Such short-term effects can be considered less than significant.
#4.Regarding Water Quality: The IS/MND does not analyze water quality impacts resulting from sediment entering storm drains & local creeks as a result of soil	Under Hydrology and Water Quality an analysis is made of water quality impacts from the site to local creeks and drains. A Stormwater Control Plan (SWCP) has been designed for the proposed project in

² Alan Kropp & Associates, Inc., 1990, *Geotechnical Data Collection and Review, El Sobrante Valley Area, Richmond, California*. AKA Job #268-1, L17104.

<p>erosion onto the parking lot.</p>	<p>accordance with the requirements outline in the Contra Costa County Stormwater C.3 Guidebook to minimize potential runoff pollution during the life of the project. Prior to the issuance of grading or building permits for Phase 1 the applicant shall submit a final Stormwater Control Plan to the Public Works Department for review and approval.</p>
<p>#5. Regarding Aesthetics: The IS/ MND does not provide an analysis of the visual impacts of the project from adjacent public open space, including Wildcat Canyon Regional Park.</p>	<p>Figure 9 of the IS/MND identifies the location of Wildcat Canyon Regional Park in relation to the project site on a map. As shown on the map the park is located above the site. On page 27 of the IS/MND it is stated “due to the terraced construction (of Phase 1) and the topography of the site, views from public points above the site (including Wildcat Canyon Regional Park) would remain more or less the same”. And on page 31 of the IS/MND it is stated that the phase 4, the Performing Arts Center, from above the site would be obscured by the mass of the (existing) temple, existing vegetation and the downward slope of the property”.</p> <p>To clarify the visual impacts from adjacent public open space see Section 1, Exhibits 7 & 8, views from Wildcat Canyon Regional Park these exhibits show the relative location of the park to the project site and a photograph from an adjacent park trail to the site below. The photograph from just above the existing temple from Wildcat Canyon Regional Park looking down on the project site shows that because of the existing temple and topography the views would more or less remain the same.</p>
<p>#6. Regarding Biological Resources: The project would result in the destruction of Alameda whipsnake habitat and this impact is not evaluated in the IS/MND. Commenter also states further information is needed on the scale and extent of project driven slide repairs in this area.</p>	<p>See Response #2. Detailed information on slide repairs would be included in the geotechnical report described in Mitigation Measures 6.1 through 6.3</p>

City of Richmond, Letter dated September 29, 2008	
Summary of Comments	Response
<p>#7. Commenter states that the City's primary concern regarding the project is Phase 2, the priest's residences, which are located within the City's boundaries.</p> <p>The letter states they would be reluctant to support Phase 2, which is located in the City, because it is not consistent with the pattern or density of development in the area, as well as being located on property that is currently designated as parkland.</p>	See Response #2.
<p>#8. Commenter urges the County to adopt a project alternative which eliminates these two home sites or considers a different development pattern for the proposed phase 2.</p>	See response #2.
<p>#9. Commenter states, regarding Phase 2, the City would require a conservation land bank for impacts and that the MND should address this issue as well as fire breaks, habitat and public access.</p>	See Response #2.
<p>#10. Commenter states there was no mention in the MND that the City has reviewed the existing geotechnical studies that were conducted for the area and a slope analysis map should be conducted on the known landslide area that is proposed for the priest's residences.</p>	<p>A geologic investigation, by Joyce Associates 2007, which included the landslide area in Phase 2, was submitted to the City on 3/14/08 by the applicant. It should be recognized that the County has reviewed the geotechnical and geologic reports submitted by the applicant to characterize the geologic setting of the property and evaluate potential geologic hazards. Those documents confirmed a 1-acre landslide in the southwest portion of the site. The subsurface exploration performed by Joyce Associates indicate that within the phase 2 area the slide plane is 7 to 12 feet below the surface. This is a relatively shallow slide. The Joyce report recommends that a geotechnical report be performed for future construction projects on the site. Mitigation Measures 6.1 requires submittal of a design level geotechnical report for each construction phase. The purpose of</p>

	<p>these studies is to provide specific standards and criteria for grading, drainage and foundation design.</p> <p>The key point is that the location and depth of the slide has been established, and on that basis environmental impacts have been evaluated and mitigation measures proposed. Also see response to EBRPD comment #1.</p>
#11. Commenter states that the MND should include a visual simulation of phase 2 from adjacent regional park trails.	See response to EBRPD #5.
El Sobrante Valley Planning & Zoning Advisory Committee, letter dated August 28, 2008	
Summary of Comment	Response
#12 Regarding Traffic: There is a lack of information in the IS/MND on the amount of traffic on Hillcrest Drive.	A traffic analysis was conducted which included all the phases of the project. The trip generation methodology and assumptions presented in the study were determined to be adequate by the County Transportation Planning Division. The buildout of the full project (Phases 1 through 4) would not generate the 100 AM or PM weekday peak hour trips necessary to initiate a full traffic study.
#13 Regarding the Sunday School: The commenter states that the project proposes to expand the school to 8 classrooms.	The classrooms proposed as part of Phase 1 are for the existing Sunday School. There is no expansion of use proposed.
#14. Regarding Geology: The commenter quotes a statement in the IS/MND. (A statement of Joyce Associates regarding a landslide that occurred on the parcels west of the site in 1982. Joyce Associates indicates that "apparently" corrective grading has stabilized the slide on that site). The Planning & Zoning has the following concerns:	
a. The use of the word "apparently" is not acceptable. Further investigation is needed	a. To the west of the site is Hillcrest Baptist Church property, which is within the City of

<p>to determine if the repairs were actually made to the slide.</p>	<p>Richmond. The landslide occurred during an unusually wet winter rainy season. Alan Kropp & Associates performed the corrective grading under a permit issued by the City of Richmond. No earthwork was performed in the unincorporated area for that slide repair.</p>
<p>b. More information is needed on Mitigation Measure 6.3. Specifically, will those detailed reports and drawings be made available to the public? Will there be a public hearing to share that information with area residents? What is the overall plan for sharing this information with area residents? Will there be a detailed report reviewed before each Phase of the Project is started?</p>	<p>b. See response to EBRPD comment #1. Upon approval of the IS/MND, and assuming approval of the land use permit, there would be no further public hearings on the project assuming buildout of the project was found to be consistent with the project description. The applicant would be required to provide evidence at each phase of the project of compliance with the Conditions of Approval.</p>
<p>c. There is no information in the MND if the existing landslide in the southeast portion of the site has been repaired. Has the landslide been repaired? What specific measures were taken to ensure the stability of the landslide? There needs to be a more thorough evaluation of the geology and soils conditions before the project moves ahead. A geotechnical report should be prepared by a geotechnical engineer and submitted to the County along with the building plans.</p>	<p>c. The landslide mapped by Joyce Associates has not been repaired. It is anticipated that corrective grading would not be initiated prior to approval of the land use permit. The test pits indicate that within the area proposed for priest residences the slide plane is 7 to 12 feet below the surface. This can be considered evidence that the slide area within the City is relatively shallow according to the County Geologist.</p>
<p>d. A concern of the commenter relates to the pervasiveness of mass wasting process on the site. Specifically, the IS/MND indicates that mapping of ABAG shows that nearly all the site is within a landslide area; an active landslide has been confirmed by Joyce Associates in the southeast property corner; and there is evidence of soil creep causing distress to pavement in the upper parking lot.</p>	<p>d. The ABAG mapping should not be considered a substitute for a site specific investigation. The intent of such regional maps is to call attention to the potential for landslide hazards. Where there is a concentration of landslides, detailed engineering geology and geotechnical analysis is required prior to issuance of construction permits. For purposes of CEQA analysis, the Joyce Associates report provides analysis of potential geologic hazards. The subsurface data included 10 borings and three test pits on the 6½-acre site.</p>

	<p>The future geotechnical investigations recommended by Joyce Associates are consistent with CEQA. The 2007 investigation characterizes site conditions and is basis for evaluation of potential geologic and soil impacts. Detailed design studies in the future are intended to provide specific criteria and standards for grading, drainage and foundation design on a phase-by-phase basis. Those studies are more appropriately done when design work for construction of improvements within a particular phase is underway. At that time the geotechnical engineer will have the then current version of the California Building Code and County Grading Ordinance as a context for the investigation. Additionally, information of the proposed building will be available (e.g. precise location of building footprint, detailed grading and architectural design concepts for the structure).</p>
e. What is the anticipated increase in the runoff that will result from the increase in impervious surfaces?	e. According to the IS/MND following construction of all phases, the proposed project would produce additional runoff associated with the added six percent of the project site.
f. The commenter recommends preparation of a focused EIR. That document should respond to the concerns of the commenter presenting updated information on the stability of the site and corrective grading of the site.	f. The project is intensification of religious facilities on a property that is currently an established Sikh Temple site. The only justification for the request is desire of the P&Z to have additional information on technical details of the project, including a) corrective grading of the slide area, b) stability of a slide area located west of the site, and c) design details that are to be provided in the geotechnical reports submitted with each future phase of construction. All other proposed building are in areas mapped as bedrock. The preceding discussion indicates that no further details are needed to evaluate potential impacts of the project.
#15. Regarding Hazardous Materials:	Construction activities would be subject to

Commenter is concerned with the safeguards for children and employees while the site is undergoing construction as it relates to the toxic substances stored there (e.g. paints, fuels, and solvents).	federal, state and local laws and requirements designed to minimize and avoid the potential health and safety risks associated with hazardous materials during construction activities.
#16. Regarding Drainage: There was no information in the report on how the stormwater runoff from the project site would be dealt and in that regard shouldn't the neighbors have a chance to review it?	The project is required to be in compliance with the County's Stormwater Management Discharge Control Ordinance and the requirements of the Regional Water Quality Control Board. A Storm Water Control Plan for this project was reviewed and determined to be preliminarily complete by the County Public Works Department. Prior to issuance of any construction permits for the project the applicant is required to submit a final stormwater control plan for review and approval by that Department.
#17. Regarding Noise: 1. There is no information on noise impacts to the Quail Hill development on the adjacent property. 2. Construction noise impacts on children and staff at the temple. 3. Commenter requests conditions should be added to limit activities on the roof deck basketball court.	1. Construction noise levels for sensitive residential receptors adjacent to the project site are discussed on pages 87 & 88 of the MND. As stated on page 88, noise levels during construction could reach 83 dBA Leq at 100 feet. Contra Costa County does not have any quantitative construction noise standards, but Mitigation Measures 11.1 & 11.2 would reduce noise impacts during construction to the maximum feasible extent. 2. The children attend Sunday School during which time there are no construction noise. 3. The roof play area is limited to daylight hours and the location and topography further assist in reducing noise impacts to a less than significant level..
#18. Regarding Traffic: The project includes a proposed school use with eight classrooms serving approximately 200 children. Commenter requests a traffic study be conducted as this use would exceed the peak hour trips threshold required to initiate a full traffic study.	The proposed classrooms are for the Sunday school only and are to be used during services. The Sunday School was analyzed in the traffic analysis for this project and it was determined to be adequate by the County Transportation Planning Division. A separate school is not proposed as part of the project.
#19. Regarding Traffic: The commenter wants a full traffic study to take into	The size of the proposed day care facility, approximately 1400 square feet and its

account the childcare use, since this may trigger the 100 peak hour trip threshold if it exceeds a certain square footage.	estimated trip generation would not exceed the PM peak hour threshold required to initiate a full traffic study, according to the County Transportation Planning Division.
#20. Regarding Traffic: Commenter expresses concern with potential backup on Hillcrest Rd., potential improvements to this corridor, and lack of information concerning Saturday traffic.	There is little evidence of existing stacking on Hillcrest Rd. at the project entrance. The observable Sunday peak period access is adequate to handle existing traffic and the level of additional traffic as a result of the project would not require a separate turn-lane. Pedestrian access to the project site is severely limited by the project location and topography (i.e. steep incline along Hillcrest Rd.) so no sidewalks are proposed. Traffic counts within Appendix B include Saturday counts, which are not unusual for a Saturday; therefore, no special analysis of Saturday traffic is warranted. Also see Response #20.
#21. Regarding Traffic: Another traffic report should be required to analyze Sunday traffic on Hillcrest Rd. due to other nearby churches should be required.	The traffic analysis addressed Sunday traffic peak activity for the proposed project on Hillcrest, which was determined to be adequate by the County Transportation Planning Division. Traffic counts included Sunday measurements on Hillcrest Rd. (see Appendix B).
#22. Regarding Site Access during Grading: What about access to the site during construction of the entrance road (Phase 1), since only half the road will be available and may cause a back up on Hillcrest Road.	<p>Mitigation Measure 15.1 requires the project to develop a construction management plan for the review and approval of the Zoning Administrator prior to the issuance of grading permits for phase 1, which will include an access plan for grading the entrance to the site.</p> <p>According to the applicant the Sikh Center will only have Sunday services at the Tempe during phase 1 grading, which will allow the contractor the full week to proceed with grading activities. One method may include working with one-half of the entrance road at a time so that access can be maintained to the temple at all times. The actual plan developed would require review and approval by the County prior to issuance of grading or building permits.</p>

#23. Regarding widening Hillcrest Road: Is the project required to widen Hillcrest Road at the entrance to the Temple or install sidewalks adjacent to the site.	According to a memo from the Public Works Engineering Services Department, dated June 20, 2008. The site fronts on the south side of Hillcrest Road, a public two-lane road with an existing concrete ditch along the project frontage. The right of way width of 60 feet along the project frontage is adequate. Dedication of additional right of way and construction of roadway/frontage improvements will not be required.
#24. Regarding Fire Access: Commenter asks if the access roads and water flow to the site have been approved by the Fire District.	Mitigation Measure 15.2 requires the applicant, prior to grading permits for phase 1, submit proof to the Zoning Administrator that the project's access fully complies with Fire District Standards, including emergency access on the site and water flow standards.
#25. Regarding Lighting on the roof-top play area of the Community Center: Commenter requests that the project be conditioned so that there is no activities or lights allowed on the roof play area after 6 p.m.	The project is conditioned to restrict the use of the roof-top play area of the Community Center to daylight hours only and no roof-top lighting is allowed for play activities.
#26: Regarding Drainage: More facts are needed or provide the details for the drainage plans.	See Response #16.
#27: Regarding Water Service: Commenter states that for years neighbors have had to deal with water service operates below the usual standard water pressure. An evaluation of the current water system is needed.	In a memo dated September 22, 2008 East Bay Municipal Utility District (EBMUD) indicated that they currently serve the project site and if additional water service is needed the project should contact their office for providing additional water service to the expansion project.
#28: Regarding Geology Reports: The commenter states that before each phase a geotechnical study be done to provide the latest information and it should be reviewed at a public meeting.	See response #1 & 14B.
El Sobrante MAC, letter dated August 29, 2009	
Comment	Response
#29. Regarding Geology: All the phases of the project should not be approved because	See Response #1.

the geology report states that additional studies may need to be done based on certain conditions.	
#30. Regarding Traffic: The traffic report in the IS/MND is incomplete.	See Response # 12.
#31. Regarding Parking: The parking requirements as set forth in the IS/MND are incomplete.	In the Traffic Section of the IS/MND parking is addressed and determined to be adequate as proposed. However parking is addressed in Section XI later in this report.
#32. Regarding Variances: All the variances are not identified as stated in the Joyce report 02-28-07 and additional retaining walls may be needed after additional geologic reports are completed. These reports should be completed before project approval so we know all the variances.	If during further geologic studies it is found that new variances are required the applicant will be required at that time to obtain them. Also See Response #1.
#33. Regarding Traffic: The IS/MND does not accurately anticipate the increase in traffic that will occur during the next 12 years.	See Response #12.
#34. Regarding Traffic: Traffic is currently a huge problem on Hillcrest Road on Sundays and the traffic analysis in the IS/MND is inadequate.	See Response #21.
#35. Regarding Traffic: There are proposed uses (e.g. classrooms, day care center, music and art classes mentioned in the traffic section of the IS/MND.	See Response #12.
#36. What is the effect of construction on other churches in the area? Aren't the preschools and other functions they have considered sensitive receptors.	Construction activities are restricted to weekdays only, there is no construction allowed on Sundays.
#37. Regarding Wildlife: What about the effect on the bird life of removing 25 trees.	Mitigation Measure 4.5 requires a preconstruction survey for birds if construction related activities occur during the breeding season by a qualified biologist. If birds are found surveys will be forwarded to California Department of Fish and Game and avoidance procedures will be adopted. Adjacent to the project site are numerous trees for birds that would otherwise locate on the project site.
#38.Regarding Geology: Landslides are	See Response #1.

prevalent on the entire site.	
#39. Regarding Drainage: The storm water report of May 7, 2007 states that this is a very steep site and it would seem prudent to apply hillside ordinances and slope recommendations to limit the building on this site. And the report states that the existing temple and the Community Center will be adjacent yet we now understand that it will not be.	<p>The site is very steep and the County Geologist has determined that the project does not conflict with the General Plan policies related to slopes and slope stability. Also see response #1.</p> <p>The construction plans for the Community Center have not changed the existing temple is adjacent to the Community Center.</p>
#40. Regarding Land Use: The IS/MND states the under the County General plan designation, Single Family Residential Low allows places of worship as a secondary use. Places of worship do not include other proposed activities such as dining hall, kitchen, classrooms, living quarters and museums.	<p>Integral to the Sikh faith is the kitchen and dining hall. The existing temple contains a kitchen and dining hall area for congregation members that needs to be upgraded. These uses were approved in 1977 and the temple exercised the permit to establish the use. As far as class rooms and living quarters; the classrooms are for Sunday school only and the living quarters are for visiting priests, scholars, students or persons temporarily in need, which is consistent with the scope of a church.</p> <p>The museum and performing arts center, which according to the applicant is open to the public to inform them of the Sikh Religion, the culture and background of the Sikhs from around the world, is considered a community building of a quasi-public character. This use is allowed in this zoning district (R-7 Single family residential) upon the issuance of a land use permit, for which this application applies.</p>
#41. Regarding Traffic: Based on the lack of information in the traffic analysis of the IS/MND additional studies need to be done.	See Response # 12.
#43. Regarding Emergency Access: The Sikh temple only has one way in and one way out, which if an emergency requiring evacuation occurred, could be very unsafe for the Sikhs on site and the members of the adjacent condominiums.	See response #24.

#44. Regarding Lights: What about the effect of car lights on the condominiums next door when they are leaving the performing arts center at night?	The project is conditioned to install a solid wood fence, 6 feet in height, along the boundary between the temple site and the condominiums.
#45. Regarding known slide conditions on the hillside: What will happen to the condominiums on the east side when the dirt is moved for the project?	See response #1.
#45 Regarding more houses in the open space: Once the land is Phase 2 is rezoned will there be homes placed there in the future.	See response #2.
#46 Regarding Fire Access: How will fire men have access to the two priest houses in Phase 2.	See response #2.
#47 Regarding Aesthetics: How can adding 73,000 square feet of project construction not have a significant impact on the appearance from every direction?	The project site and its surrounding environment are defined by steep hillside topography. The project site is visible from short-range public viewpoints along Hillcrest Road and surrounding roads but because of the topography of the area, existing development and landscaping only intermittently. This is the case to the east and west as well. From above the site, in Wildcat Canyon Regional Park the site is well below the Park and due to the topography not significantly visible.
#48. Regarding night time lighting: The commenter is concerned that the cars leaving at night will shine their lights on the condominiums as they leave the performing arts center.	The project is conditioned to install a solid wood fence, six feet in height along the property boundary between the project site and the condominiums to the east.
Quail Hill- El Sobrante Homeowners Association, letter dated August 7, 2008	
Summary of Comment	Response
#49. Regarding Project Compliance: Who will ensure that the project complies with all the mitigation measures and that the environmental concerns are adhered to?	A Mitigation and Monitoring Program (attached to the IS/MND) lists mitigation measures identified in the IS/MND for the proposed project and lists mitigation monitoring requirements.
#50. Regarding Noise: The noise measurements do not account for topography.	As noted on page 88, although construction noise would be intermittent and temporary, the impact was identified as significant. Contra Costa County does not have any quantitative construction noise standards, but Mitigation Measures

	11.1 and 11.2 would reduce noise impacts during construction to the maximum feasible extent.
#51. Regarding Traffic: Traffic impacts on Hillcrest Road related to nearby churches were not adequately addressed.	See response #21.
#52. Regarding Emergency Access: The site is extremely steep and would hamper emergency response teams in the event of fire, which may occur up slope of the site in Wildcat Canyon Regional Park. This is compounded by the fact that there is only one way in and out of the project site and if the access to the site becomes blocked a fire may become wide spread and the occupants may become trapped.	See Response #24.
#53. Regarding Emergency Response to Project Site: We do not believe the Hillcrest Road will support the intended use of the Sikh Center because the road is too narrow and there is not sufficient room for fire apparatus to turn around.	See Response #24.
#54. Regarding Drainage: The IS/MND did not include a feasibility study by a structural engineer to address this issue.	See Response #16.
#55. Regarding Open Space Areas: The Temple is requesting to develop on three sites in areas that have been deemed as open space and unbuildable. The Temple is requesting that these areas be rezoned to accommodate their plans.	The zoning for the site is Single-Family Residential (R-7) and the General Plan designation for the site is Single-Family Low (SL) , with a small portion designated Open Space (OS) located at the south west corner where there is no development and there is none proposed (See Section 1, Exhibit 1, General Plan Map).
#56: Regarding Views: The proposed project will totally eradicate our homeowner views of the bay. The project targets the areas that are deemed open space. This will have a direct negative effect on approximately 20% of our homeowners. The mitigation measure that states (Mitigation Measure 1.1 A) they will plant trees to block our view of the proposed structures from Quail Hill to the project site does not address the homeowner views of the bay and hillside.	As stated above there is one area designated Open Space within the County portion of the site and that is a small corner in the southwest corner. No development is proposed in this area. The trees that are proposed in Mitigation Measure 1.1 A are to be consistent with the size and shape of the existing trees along the fence line within the condominium property. As far as the homeowner views of the bay and hillside, the Sikh site has an existing temple on it and there is no reason to expect that the site would not at some time

	in the future be developed. Also, the County does not have a view ordinance to regulate views.
#57.Regarding Emergency Response on Project Site: The site is extremely steep and would hamper emergency response teams in the event of fire, which may occur up slope of the site in Wildcat Canyon Regional Park. This is compounded by the fact that there is only one way in and out of the project site and if the access to the site becomes blocked a fire may become wide spread and the occupants may become trapped.	See response #24.
Letter dated August 23, 2008, signed by Quail Hill Condominium residents.	
Comments not previously addressed	
#58.Regarding Biological Concerns: We are concerned that the proposed project will result in a loss of native trees, displacement of birds and other small creatures from the project site.	According to the biological consultant for the project who was retained by the County most of the project site lacks shrub cover and nearly all trees on site, such as Monterey Pine and several palm species are not native to the area. Due to the currently developed nature of the project site, the project is not expected to substantially interfere with native wildlife movement.
#59. Regarding Noise and Air Pollution: We are concerned that the proposed project will cause air pollution and a tremendous amount of noise during a long construction period.	The project is required by mitigation measures 3.1 to water all active construction areas at least twice a day to control dust from leaving the site and mitigation measure 11.1 to limit all noise generating construction activities to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday and is prohibited on week ends and state and federal holidays.
Letter, dated August 7, 2008 from the Hillcrest Baptist Church	
Summary of Comment	Response
#60. Regarding slope stability: The letter states that the intensification of the religious facilities on the 6.5-acre site will severely impact stability of the hill. A concern of the church is that the project will adversely impact the stability of neighboring properties. It goes on to state	The letter provides no technical data or engineering analysis to support its conclusion additional structures on the hillside will inevitably lead to slope failure and property damage. Over the years building and grading codes have evolved, as has the standard of care practiced by

<p>that the hillside is not stable, and more large buildings has potential to reduce the stability of the Sikh parcel as well as impacting adjacent parcels. The letter states that the church intends to hold Contra Costa County legally responsible to any damages to the Hillcrest Baptist church as a result of the expansion.</p>	<p>engineering geologists and geotechnical engineers. Staff agrees with the statement that the stability of the flank of San Pablo Ridge in El Sobrante is not good. Some properties are underlain by thick landslide deposits, while other properties are underlain by shallow (1-10 ft) or intermediate depth landslides (10-20 ft). However, some sites are underlain by bedrock. The geologic studies of the Sikh property indicate that 85 percent of the site is underlain by bedrock. The stability of all sites is reduced by strong earthquake shaking and heavy winter rains.</p> <p>In recognition of the slope stability issues, the County required a detailed engineering geology report prior to deeming the application complete. The subsurface investigation included 10 borings and three test pits. The scope of work also included geologic interpretation of ten sets of historic aerial photographs, literature review and field reconnaissance mapping. Based on the preponderance of the data, Joyce Associates prepared a geologic map of the 6.5-acre site. Approximately 1 acre of the site (in the southeast corner) is mapped as slide debris. The remaining 5.5 acres is interpreted as bedrock that is locally overlain by engineered fill. The subsurface data indicate that the slide ranges up to 16½ feet in depth, so there is no question that it is feasible to stabilize the slide area.</p> <p>Prior to issuance of construction permits, the County has responsibility to review plans for compliance with provisions of the land use permit; and building and grading plans that are submitted by the builder are subject to technical review for compliance with building codes and grading ordinance. Furthermore, representatives of the Building Inspection Division of DCD monitors building the site at key points during construction. A project that is conservatively designed and complies with</p>
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	<p>the California Building Code and County Grading Ordinance can be expected to perform satisfactorily over the long-term. Nevertheless it should be noted that the County does not design improvements, and compliance with regulations does not constitute a guarantee.</p> <p>In summary, there is sufficient data to evaluate potential hazards, and the mitigation measures presented in the IS/MND are intended to guide the scope and direction of design level investigations; preclude earthwork during the winter rainy season; and require documentation of compliance with all geotechnical recommendations during the construction period by requiring a final geotechnical report on a phase by phase basis.</p>
Regarding Traffic: The IS/MND does not address the traffic adequately	Response: See Response #12.

There are other letters from neighbors included in Section 3 that are addressed in the above comments.

X. SITE PLAN / PROJECT ANALYSIS

The following is an analysis of the proposed buildings and their uses on a phase by phase basis starting with Phase 1. An analysis of the parking is in the section that follows.

Phase 1, Community Center

The applicant has indicated the purpose of Phase 1 is to address existing facility deficiencies and to provide enhanced services to the existing temple members. To illustrate this, below is a table that shows the square footage of the proposed rooms on each level of the Community Center with a brief explanation of how it relates to the existing functions.

Level 4	Square Foot	Use of new spaces in the proposed Community Center as related to current functions in the existing temple.
Langar Hall (Dining Hall)	3,880 Sq. Ft.	This space and the attached kitchen are too small since they were not upgraded in the last remodeling. The new building adds a larger dining hall. Larger kitchen and food storage and interior

		dish wash room
Kitchen	1,400 Sq. Ft.	See above
Child Care Center	1,450 Sq. Ft.	Currently childcare is in one of the prayer rooms on the balcony level and is provided only during the time of the main service. The project proposes to expand that service to include weekdays for working parents (the only new use of the Community Center). The use is limited to the space provided on the plans submitted by the applicant.
Offices	850 Sq. Ft.	The temple management is currently managed from one room. This is inadequate for the various activities that have to be arranged, for meetings and for record keeping. The office function will be enlarged in the part of the space vacated by the old Langar hall.
Level 3		
9 Classrooms @ 440 Sq. Ft. Each	3,960 Sq. Ft.	The Guru Angad (Sunday) school currently uses prayer rooms which are on the balcony level of the Main prayer hall. There are no actual classrooms and the school is disturbed by the services in the main prayer hall. In addition each room is used by two separate classes which makes them dysfunctional.
Library	1,300 Sq. Ft.	This is currently housed in a corner room of the balcony of the Prayer hall and in many boxes. It needs a much larger space, with computers and study tables , for which there is currently no space.
Assembly Area	1,050 Sq.Ft.	This function now has to take place for the school children after the main services are over in the prayer hall. This is inappropriate.

Level 2		
Activity Center, 3 Rooms @ 1075 Sq. Ft. Each	3,225 Sq. Ft.	One large room is proposed which can be divided into three rooms. The rooms are for pre and post nuptial gatherings, for congregation's nor religious gatherings at the time of births and deaths and other events. The spaces currently used for this are the foyer, the verandahs and corners of the Prayer Hall. In addition Seniors, Women and Youth meetings which are also scattered through the facility will use these three activity rooms.
Level 1		
5 Bedrooms/Toilets @ 335 Sq.Ft.Each	1,675 Sq.Ft.	Various rooms in the prayer hall are used by visiting priests, students and lecturers. The bathing facilities are inadequate for the demand that is placed on them.
Subtotal Square Foot	18,790 Sq. Ft.	
Support/Corridors	14,210 Sq. Ft.	
Total Area	33,000 Sq. Ft.	

Given the above descriptions it is staff's opinion that the uses proposed for Phase 1 are reasonable. However, staff can not make the required findings for the requested variances for Phase 1.

Variance Request, Phase 1

Phase 1 requests variances to the number of stories (4-stories requested, where 2 ½ stories are allowed) and the height of the building (Up to 57-feet, where 35-feet is permitted) for a proposed dome at the northeast corner of the Community Center. In addition to this dome the height of the building exceeds 35-feet in several places along its northern edge but not beyond the 57-feet.

The Single Family Residential, R-7 ordinance limits a building height to a maximum of 2 ½ stories and a maximum of 35-feet. The latter standard measured from natural (existing) grade, or finished grade, *whichever is lower*.

In working with the applicant part of the difficulty is they don't agree with the County's interpretation of "existing grade" since it has not been applied as such to housing developments. Here, the applicant asserts, the developers have measured height from "pads" after initial grading has been completed. And as such the Community Center has been developed to meet the spirit of the regulation, since every attempt has been made to meet the 35' height above finished grade.

While this may be the case in approving subdivisions a variance nonetheless is required with the findings below:

Before the County can grant a variance there are certain findings that must be made, they are:

Variance Findings:

- A. That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.
- B. That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district:
- C. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located. Failure to so find shall result in a denial.

Staff cannot make the required variance findings for the proposed height of the building or number of stories because there is area to expand the footprint of the building northward so that it is feasible with the exception of the domes, elevator mechanical and stairways, to comply with the zoning code of 35-feet maximum height and 2 ½ stories as shown in Staff Study #2.

However, the variances requested for the domes up to 10 feet (not counting the spires) on both Phase 1 and 4 are not a grant of special privilege because they are a major architectural feature of the Sikh Faith, and the County has in the past granted approval for numerous churches with similar architectural features (in the case of Christian churches, crosses) in other areas of the County. As to the elevator mechanical and stairway structures they are located on small and isolated portions of the roof that if otherwise complied with the height requirements would not be at odds with the overall structure.

As to the request for variance to height of retaining wall (up to 8 ½ feet) near the entrance to site and the height of the masonry wall (up to 8-feet) along a portion of eastern property line staff can make the findings because the topography of the site at these locations in relation to the closest property lines limits this project relative to other properties in the area that are not located on a steep slope.

Phase 3, Museum/Information Center

Phase 3 consists of the construction of an approximately 6,000-square foot Museum/Information Center along the eastern edge of the project site, adjacent to the Quail Hill Condominiums. This building is proposed as a two-story structure with a basement. The building will include galleries and exhibition spaces displaying art pieces and artifacts highlighting the Sikh religion and culture and the role of Sikhs in the development of California and the San Francisco Bay area. Classrooms and a small auditorium are included in this structure. The Museum would be designed as a self-guided facility with no staff. Operating hours of the Museum would be 9:00 a.m. to 6:00 p.m., Monday through Friday, and 10:00 a.m. to 4:00 p.m. on Saturday and Sunday. In addition, the basement will feature a central Emergency Communications Center for use by the Sikh Center during times of natural and personal disaster. The Emergency Communications Center would be staffed at times of special needs.

Because the proposed Museum/ Information Center is located on the eastern edge of the site near the residential development of Quail Hill Condominiums staff is recommending that the structure be reduced to a one story and a maximum of 13-feet in height and a maximum of 3000 square feet to provide a transition of building heights from the east to the west. Staff recommends that the emergency center be allowed in the basement because it is proposed to serve the community at large during times of natural and man made disasters as well as serving the members of the Sikh congregation who might otherwise be elderly and not able to understand English.

Performing Arts Center

Phase 4 includes a proposed, three-story, 30,000 square foot Performing Arts Center consisting of a 400-seat auditorium, dance and music classrooms, and painting and sculpture studios. The Performing Arts Center is intended to facilitate the development and advancement of the intellectual and performing arts of the Sikh community by providing a forum for lectures, readings, and music, dance, and theatre performances. The Performing Arts Center would be open to the public and would not be open concurrent with any other activity on the Sikh site.

All the uses listed below are new uses on the site that are proposed for the Performing Arts Center. According to the applicant these uses are conceptual at this point and the table below describes the square footage of each use and how it may be used.

Level 3	Square Foot	Proposed Use
Dance and Music Studio	5,380 Sq. Ft.	These studios would be available to the public to learn the cultural dances and music that is unique to the Sikh Community.
Level 2	.	
Auditorium	11,220 Sq. Ft.	This room would provide a forum for lectures, readings, and performances in the areas of music, dance and theater as it relates to the Sikh Community.
Level 1		
Offices	2,550 Sq. Ft.	The applicant stated that these offices would be used for what may be necessary to manage the Performing Arts Center.
Basement		The basement would be used for storage.
Workshops	2,500 Sq. Ft.	The workshops would be used for painting and sculpture.
Subtotal Sq. Ft.	21,650 Sq. Ft.	.
Support/Corridors	10,310 Sq. Ft.	.
Total Area	31,900 Sq. Ft.	.

Variance Request, Phase 3

Variances to height are requested for up to 48-feet (where 35-feet is permitted) for a proposed dome. A variance to the number of stories is requested for three-stories (where 2 ½ stories is permitted) as well.

Staff cannot make the required variance findings for building height or number of stories because, other than the fact that the applicant requests the variances there is no basis on which the County can grant a variance. This portion of the site is not as steep as the Phase 1 location and can accommodate the Performing Arts Center building while complying with the code. However, as stated above staff can make the required findings for granting a variance to the domes, up to 10-feet, because they are a major architectural feature of the Sikh Faith and because they are located only on the perimeter of the structure. Also,

the County has in the past granted approval for numerous churches with similar architectural (in the case of Christian churches, crosses) in other areas of the County. Therefore, staff recommends denial of the variance for building height and number of stories, but approval of a variance for the domes up to 10-feet.

XI. PARKING

Under existing conditions there are 210 parking spaces on the project site. The project applicant provided parking survey data for the months of February and March 2007. The data indicated that the peak hour of project parking demand occurred between noon and 1:00 p.m. on Sundays. The Sunday peak numbers ranged between 87 spaces and 137 spaces for a Sunday average parking demand of 115 spaces. An additional Sunday parking survey was conducted by the environmental consultant for the project who was retained by the County on February 10, 2008, and documented the peak parking demand at 135 spaces.

In the case of churches it has been the County's policy to evaluate the parking based solely on the seating or standing capacity of the sanctuary rather than combining all the uses on the site; the Jewish synagogue in Walnut Creek that was approved in the early 2000's being an example (County File # LP 01-2112).

The Sikh worship hall which has a gross square footage of 5600 square feet in the assembly area is located in the existing temple and will remain at this location and this size. The parking requirements for this type of worship hall are found in the County code under; Assembly halls without fixed seating and the required number of parking spaces is one space for each forty square feet of gross floor area. Given the gross square footage of the assembly area, the required parking for the site is 140 parking spaces (5600 square feet of gross floor area for assembly divided by 40 square feet of gross floor area for assembly = 140 parking spaces).

The other use on the site that would potentially draw as many people is the proposed Performing Arts Center in phase 4. The proposed seating for the Performing Arts Center is 400, which under the County code would require 100 parking spaces (Under the code theaters require one space for each four seats). Therefore the parking requirements for the site are driven by either the assembly area, which currently exists and would not be expanded under the proposed project, or Phase 4, the Performing Arts Center. It is staff's recommendation that the parking for the site, for the most part, should be limited to one activity or the other but not to both. The Sikh Center has signed a resolution that states the during the time of the primary religious services being held at the temple there will be no other public activity or program scheduled except for Sunday school, child care and operation of the Information Center (Phase 3). The project is also conditioned to prohibit concurrent public events on the site.

Therefore, based on the County's practice of determining parking space requirements for churches the required parking for the project site is 140 spaces. Staff recommends that 11 parking spaces be added for Phase 1 due to potential increase of parking for the people

who may use the bedrooms in the Community Center. This brings the required parking for Phase 1 to 151 parking spaces.

Phase 3 is proposing to add 13 spaces for the Museum/Information Center which would bring the parking to 164 spaces for Phase 3. This is a reasonable proposal since, although it is not the most intense use on the site, it may bring additional people to the site during the main service, since it is one of the uses that are open during services. Therefore staff is recommending that the required parking for Phase 3 is 164 parking spaces.

Phase 4 would add a Performing Arts Center and by doing so eliminate up to 25 parking spaces that were put in at the northeast corner of the site for Phase 1. Prior to the construction of the Performing Arts Center (Phase 4B) these parking spaces would be replaced with a two-level parking structure (Phase 4A) that staff is recommending accommodate at least 36 spaces. This would accommodate the 25 spaces that were lost with the building of the Performing Arts Center and provide an additional 11 spaces for the additional ancillary uses of the site. This would bring the required parking for Phase 4 to 175 parking spaces (164 parking spaces – 25 parking spaces = 139 parking spaces + 36 parking spaces in the two level parking structure = 175 parking spaces). Staff is recommending that the two level parking structure be allowed for Phase 4 to accomplish this. The following parking schedule per Phase is recommended:

- Phase 1 parking – 151 parking spaces,
- Phase 3 parking – 164 parking spaces,
- Phase 4 parking – 175 parking spaces.

Parking for Special Events

During the year there are a few special events that the Sikh Center celebrates at their site and that draw large gatherings of people, for example, the Festival of Lights (Divali) or on New Years Day. To make sure that these events accommodate for the extra people on the site the applicant shall ensure private shuttles be made available to patrons from a location off-site, such as a Park & Ride, with appropriate approvals.

Prior to the issuance of grading permits for Phase 1 the applicant shall submit for review and approval of the Zoning Administrator a shuttle plan that will accommodate the excess of patrons of special events located on the Sikh Center property.

Landscaping

The project proposes new landscaping around the new buildings and the preservation of existing vegetation, where feasible (See Section 4, Sheet No. A-16L Phase 1, Sheet No. A-34L, Phase 3 & Sheet No. A-39L Phase 4). In Phase 1 native evergreen trees would be planted along the southeast and northwest property line to provide screening of the site from neighbors. These trees would be consistent in size and shape with the existing trees on the adjacent property, at maturity, as determined by a licensed arborist. In Phase 3 native evergreen trees would continue northward along the eastern property boundary to

further screen it from the east. In Phase 4 native evergreen trees would be used to screen the two level parking structure from the street. The project would continue to minimize the extent of heavy landscaping on the site, and to extend the natural growth of the East Bay Regional Park District, which neighbors the project site above the temple, reducing the need for irrigation.

A walkway is proposed along the eastern side of the internal driveway to enhance pedestrian circulation on the site. The walkway would connect with existing staircases that lead to the temple and connect to the entrances to the proposed new facilities.

Proposed Tree Removal

The project requests approval of a tree permit to remove 22 trees on the project site. Of those 22 trees, 9 are Monterey Pines and the remaining 13 are non-native trees, including palm and cypress. To mitigate for tree removal the applicant has agreed to Mitigation Measure 4.6 which requires the planting of at least 51 native trees on the site.

Fencing

The project would include replacing the existing white cyclone fence along the eastern property line with an up to 8-foot masonry wall. This cyclone fence now separates the project site from the Quail Hill Condominiums to the east. The masonry wall would be in addition to the planned landscaping and would further separate the uses and provide sound attenuation.

XII. Conclusion

Approve the project as recommended on pages S-1 and S -2 of this report.

Department of Conservation & Development

Contra Costa County

COUNTY PLANNING COMMISSION
TUESDAY, NOVEMBER 18, 2008

Supplemental Staff Report

I. INTRODUCTION

THE SIKH CENTER OF SAN FRANCISCO BAY AREA (Owner), DR. J.P. SINGH (Applicant) County File# LP03-2052: The applicant has applied for an amendment to Land Use Permit # LP 2117-77 for the following entitlements:

- i. Expand the existing facilities by approximately 70,000 square feet. Three new buildings and a two-story parking structure are proposed for construction in three phases over approximately twelve years.
- ii. Approval of variances as follows:
 1. Phase 1, Community Center: Height up to 57-feet and up to 4-stories (up to 35-feet and 2½ stories permitted);
 2. Phase 1, Retaining wall at entrance to site: Height up to 8½ feet in front and side setbacks (up to 3-feet permitted), and a masonry wall up to 8-feet along a portion of the eastern property boundary;
 3. Phase 4, Performing Arts Center: Height up to 48-feet and up to 3-stories (up to 35-feet and 2 ½ stories permitted);
- iii. Approval of a tree permit to remove 22 trees.

The approximately 5-acre project site is located at 3550 Hillcrest Road in the El Sobrante area. (Zoning: Single-Family Residential, R-7) (General Plan: Single Family Low Density, SL & Open Space, OS)(CT 3610.00) (APN's 420-080-025, 420-080-004) (APN 419-180-020 City of Richmond).

II. BACKGROUND

On October 28, 2008, the County Planning Commission held a hearing on this project during which testimony was taken from the applicant and the public. But because there was not enough time to hear testimony from all of the public, the Commission continued the hearing to November 18, 2008 to allow everyone an opportunity to speak (Attached is a communication from the Quail Hill – El Sobrante Homeowners Association regarding their comments).

III. PLANNING COMMISSION REQUEST

At that same hearing, the Commission requested that staff do two things:

First, give the Commission information about a condition of approval which they had previously approved to be included in hillside developments requiring the applicant to have a representative of a geo-tech firm be present when any holes are drilled for foundations so that they can determine soil conditions rather than just drill to a pre-determined depth.

The following condition of approval was approved in 2006 by the Commission requiring a representative from a geo-tech firm be present when the earth work is being done on the project site located on a hillside:

The geotechnical engineer shall a) review and approve grading, drainage and foundation plans prior to issuance of construction permits to verify that the plans incorporate the geotechnical recommendations aimed at minimizing expansive soil effects and fill settlement on structures; and b) observe construction to assure compliance with recommendations in the approved geotechnical report.

Second, the Commission requested staff to give them a briefing on the Religious Land Use and Institutionalized Person Act (RLUIPA) which places additional requirements on them when dealing with religious institutions. The following is that briefing:

In 2000, Congress passed the Religious Land Use and Institutionalized Person Act (RLUIPA) and, according to the U.S. Department of Justice Website (www.usdoj.gov/crt/housing/rluipaexplain.php) "in passing this law, Congress found that the right to assemble for worship is at the very core of the free exercise of religion. Religious assemblies cannot function without a physical space adequate to their needs and consistent with their theological requirements. The right to build, buy, or rent such a space is an indispensable adjunct of the core First Amendment right to assemble for religious purposes. Religious assemblies, especially, new, small, or unfamiliar ones, may be illegally discriminated against on the face of zoning codes and also in the highly individualized and discretionary processes of land use regulation. Zoning codes and landmarking laws may illegally exclude religious assemblies in places where they permit theaters, meeting halls, and other places where large groups of people assemble for secular purposes. Or the zoning codes or landmarking laws may permit religious assemblies only with individualized permission from the zoning board or landmarking commission, and zoning boards or landmarking commission may use that authority in illegally discriminatory ways.

To address these concerns, RLUIPA prohibits zoning and landmarking laws that substantially burden the religious exercise of churches or other religious assemblies or institutions absent the least restrictive means of furthering a compelling governmental interest. This prohibition applies in any situation where: (i) the state or local government entity imposing the substantial burden receives federal funding; (ii) the substantial burden affects, or removal of the substantial burden would affect, interstate commerce; or (iii) the substantial burden arises from the state or local government's formal or informal procedures for making individualized assessments of a property's uses.

In addition, RLUIPA prohibits zoning and landmarking laws that: (1) treat churches or other religious assemblies or institutions on less than equal terms with nonreligious institutions; (2) discriminate against any assemblies or institutions on the basis of religion or religious denomination; (3) totally exclude religious assemblies from a jurisdiction; or (4) unreasonably limit religious assemblies, institutions, or structures within a jurisdiction."

IV. THAT PORTION OF THE PROJECT THAT OCCURS IN THE CITY OF RICHMOND

There is a portion of Phase 1 that occurs within the City of Richmond boundaries (the extension of the parking area). The County is not approving this portion of the project since it lies within the City of Richmond boundaries but only considering the potential environmental impacts.

In the upper-most parking area, located southeast of the existing temple the parking would be expanded slightly southwards further into a parcel that is located in the City of Richmond (APN 419-180-020) (See sheet C1.1 Grading Plans in October 28, 2008 staff report). On this parcel is located a small landslide that the applicant has indicated they will repair prior to installation of a retaining wall that is to be installed along the south most parking area. It has been determined in the initial study for this project that the landslide in question is a less than significant impact with mitigations; a geotechnical report that addresses slope stability in this area, and following approved recommendations. Regarding this portion of the site, staff has spoken with Jonelyn Whales from the City of Richmond and she had requested that:

- a) Regarding that portion of the retaining wall that extends into the City, City staff is requesting that we modify condition of approval #39 to read (modification in italics):

Prior to the issuance of grading permits for each phase that proposes retaining walls the applicant shall submit for review and approval of appropriate jurisdiction a retaining wall plan that shows the location, height, design and landscaping of proposed retaining walls, with colors. Retaining wall colors shall be a muted earth-tone color and landscaped. *For Phase 1 retaining wall that extends into the City the applicant shall submit for review and approval by the City of Richmond Planning Director, or his designee a retaining plan*

and any geotechnical studies regarding grading and earthwork within the City boundaries. The retaining wall that straddles the boundary between the City and County shall not exceed 3- feet in height and may be stepped; and

- b) Regarding the upslope portion of the site within the City of Richmond that abuts the Park to the south a condition of approval be added that states the applicant contact the Richmond Fire Department Fire Prevention Bureau for areas indicated as Very High Fire Hazard Severity Zones within the City, as defined by the City Municipal Code for details on responsibility.

V. THE EXISTING WROUGHT IRON FENCE ALONG A PORTION OF THE EASTERN PROPERTY LINE

There is an existing wrought iron fence along a portion of the eastern property boundary that separates the project site from the Quail Hill Condominium Development. It has come to the attention of staff that sometimes wild life attempts to jump over the fence and becomes injured or killed because of the sharp points on the top of the spires. Staff is recommending the following condition of approval:

Prior to the issuance of construction permits the applicant shall submit for the review and approval of the Zoning Administrator a wrought iron fence plan that in some fashion mitigates for the pointed spires along that portion of the fence that abuts open space area in the Quail Hill development. Mitigations may include rounding the points off or installing a metal channel along the top of the fence so that the points are covered.

The applicant has agreed to all of the above modifications/additions to the conditions of approval suggested by City of Richmond and County staff.

VI. CONCLUSION

Approve the project as recommended on pages S-1 and S -2 of the October 28, 2008 staff report with the staff (both City and County staff) recommended modifications to the conditions herein.