FINAL

ENVIRONMENTAL IMPACT REPORT

Volume II – Response to Comments & Mitigation Monitoring and Reporting Program

New Sanctuary for Sufism Reoriented Project

SCH No. 2010032038

Prepared for

Contra Costa County
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1.0 INTRODUCTION

This Response to Comments document, together with the Draft Environmental Impact Report (Draft EIR), constitutes the Final Environmental Impact Report (Final EIR) for the New Sanctuary for Sufism Reoriented project for Contra Costa County (County) for review and consideration for certification by the County as complete and adequate under the California Environmental Quality Act (CEQA). The Draft EIR was circulated to affected public agencies and interested parties and made available to the general public for a 59-day public review period extending from March 29, 2011 to May 27, 2011.

The purposes of the Response to Comments document are to respond to all significant environmental issues raised in comments received on the Draft EIR and to incorporate appropriate changes, additions, or corrections to the information presented in the Draft EIR (CEQA Guidelines, Section 15088). All written comments received during the comment period are included in this document, as well as oral comments received at the April 18, 2011 Zoning Administrator hearing. This chapter provides a summary of certification and project selection procedures, public involvement, the requirements for consideration of recirculation, and an overview of the response to comment process.

1.1 EIR CERTIFICATION AND PROJECT SELECTION PROCESS

The Contra Costa County Zoning Administrator will review the Final EIR for adequacy and will recommend to the Planning Commission whether to certify the EIR. Prior to approving a project, the County must certify that: (1) the Final EIR has been completed in compliance with CEQA; (2) the County has reviewed and considered the information contained in the Final EIR; and (3) the Final EIR reflects the County's independent judgment and analysis (CEQA Guidelines, Section 15090). Once it is certified, the Final EIR will be used by responsible agencies in deciding whether, or under what conditions, to approve the required entitlements.

Certification of the EIR is not approval of the project. If the Zoning Administrator recommends certification of the Final EIR, the Planning Commission will then consider the Zoning Administrator's recommendations and decide, based on its independent judgment and analysis, whether to certify the Final EIR. If it certifies the EIR, it will then decide whether to approve the project.

As part of the approval of either the project or an alternative, the County must make written findings for each significant effect identified in the EIR. These findings will state whether the identified significant effect can be avoided or substantially decreased through feasible mitigation measures or a feasible alternative, whether the effect can only be mitigated by the action of some agency other than the County, or whether the identified mitigation measures or alternatives are infeasible and cannot be implemented (CEQA Guidelines, Section 15091, subd. [a]). To ensure implementation of all adopted mitigation measures, the County must adopt a mitigation monitoring and reporting plan (CEQA Guidelines, Section 15097). This is included within **4.0 Mitigation Monitoring Reporting Program**of this document.

If the County approves the project, a Notice of Determination (NOD) will be prepared and filed with the State Clearinghouse. The NOD will include a description of the project, the date of approval, an indication of whether Findings and Statement of Overriding Considerations were prepared, and the address where the Final EIR and record of project approval are available for public review.

1.2 PUBLIC INVOLVEMENT

On March 29, 2011, the County released the Draft EIR for public review and comment; the public comment period was from March 29, 2011 through May 27, 2011 (59 days in length). Copies of the Draft EIR were distributed to state agencies, local governments, elected officials, groups, and individuals on the County's mailing list.

The County Zoning Administrator held a public hearing on the Draft EIR for the New Sanctuary for Sufism Reoriented. The public hearing was held on April 18, 2011.

1.3 REQUIREMENTS FOR AND CONSIDERATION OF RECIRCULATION

If significant new information is added to an EIR after the public review, the lead agency is required to recirculate the EIR or a portion of it for additional public review and comments. (CEQA Guidelines, Section 15088.5.) "[N]ew information to

an EIR is not significant unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement…[R]ecirculation is not required where the new information added to the EIR merely clarifies or amplifies…or makes insignificant modification in…an adequate EIR" ((CEQA Guidelines Section 15088.5(a)) and (*Laurel Heights Improvement Association of San Francisco., Inc. v. Regents of the University of California* (1993) 6 Cal. 4th 1112,1129–1130)).

Examples of significant new information requiring recirculation include information showing that:

(1) A new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant impacts of the Project, but the Project's proponents decline to adopt it.

(4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(See CEQA Guidelines, Section 15088.5(a))

An EIR is adequate as long as it addresses all questions about significant environmental issues, and as long as the EIR, as a whole, reflects a good faith effort at full disclosure.

The County has reviewed the comments received on the Draft EIR and determined that recirculation of the Draft EIR is not necessary. No new significant or substantially more severe environmental impacts have been identified that would result from the project or from an alternative or a new mitigation measure proposed as part of the project. Moreover, no new feasible mitigation measures or alternatives have been identified that are considerably different from others previously analyzed and would clearly lessen the significant environmental impacts of the project that the County and the applicant have declined to implement. All of

the responses to comments contained in **Chapter 2.0 Master Responses** in **Volume II** of this Final EIR merely provide information that clarifies and amplifies the evaluation of impacts contained in the Draft EIR.

Volume I contains minor clarifying revisions, which do not change any of the Draft EIR impact conclusions.

1.4 RESPONSES TO COMMENTS AND CHANGES TO DRAFT EIR

Under CEQA, the County must address all significant environmental issues raised in comments on the Draft EIR (CEQA Guidelines, Section 15088). Responses to all written and oral comments received within the comment period are contained in this Response to Comments document. **Chapter 3.0 Individual Responses** reproduces all written comments received on the Draft EIR during the public review period. This chapter includes written responses to all comments relating to environmental issues evaluated in the Draft EIR.

Volume I of this Final EIR includes changes to the Draft EIR text and figures made after the close of the public review period. Changes in the text are signified by strikeouts (e.g., ~~strikeouts~~) where text is removed and by underlined bold text (e.g., **underlined bold**) where text is added.

2.0 MASTER RESPONSES

The County received 89 comments from individuals and organizations and one public agency (see **Table 3-1**). Many of these comments expressed similar thoughts and concerns. Rather than repeat the same response to each of those comments, the County prepared the following "Master Responses," each of which addresses broad issue areas considered by the County in preparing the Draft EIR:

Master Response Number	Topic
1	Procedural Issues Related to the Draft EIR
2	Range of Alternatives Evaluated in the Draft EIR
3	Size of the Proposed Facility
4	Compatibility of the Project with the Neighborhood
5	Visual Simulation Methodology
6	Traffic and Pedestrian Movement within the Project Area
7	The Proposed Arrangement for Off-Street Parking and the Proposed Transportation Demand Management (TDM) Program and Future Use of the Facility
8	Construction Period Air Quality, Traffic, Vibration and Noise Impacts
9	Proposed Tree Removal
10	Geotechnical Issues (construction/post construction)
11	Hydrological/Drainage Issues (above/below ground)
12	Regulations/Merits of the Project and the Scope of the Environmental Impact Report

Master Response 1: Procedural Issues Related to the Draft EIR

Extension of public comment period

Numerous commenters requested that the County extend the comment period for public review of the Draft EIR.

Section 15105 of the CEQA Guidelines[1] sets forth a 45-day public review period for a Draft EIR. Consistent with the CEQA Guidelines, the County posted a Notice of Completion and Notice of Availability of the Draft EIR on March 29, 2011, stipulating a 45-day public review period from March 29, 2011 through May 13, 2011.

Following several requests articulated in oral comments at the April 18, 2011 public hearing on the Draft EIR, the County issued a notice extending the comment period by 14 days (to end on May 27, 2011), thereby granting the commenters' request, and exceeding the requirements of Section 15105 of the CEQA Guidelines.

Story pole requests

Numerous commenters requested that the County direct the applicant to erect story poles intended to depict the height and outline of the proposed building. Some of these commenters indicated that the visual impact of the proposed building could not be fully understood without the installation of story poles. With regard to questions regarding the visual impact of the project, please see Master Response 5 below.

The County acknowledges that some other Bay Area communities either require or request the placement of story poles or other physical indicators (such as flagged ropes) to depict the outline of certain proposed new buildings or additions thereto. However, there is no County regulation or any aspect of CEQA requiring the installation of story poles in the evaluation of development proposals.

Photo simulations were adequate for assessing the project's visual effects without the use of story poles. The County concludes that the simulations it prepared and included in the Draft EIR provide a technically reliable and broadly accessible means for the public to understand the potential visual effects of the project. See Master Response 5. These simulations thus form a reasonable and sound basis for the conclusions in the Final EIR regarding the project's visual effects.

[1] California Code of Regulations, Title 14 Chapter 3

Possible recirculation of Draft EIR

Several commenters cited purported deficiencies with the Draft EIR and requested that the County revise and recirculate the Draft EIR.

Section 15088.5 of the CEQA Guidelines requires recirculation when "significant new information" is added to the EIR. The Guidelines define "significant new information" as any of the following:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The County has not identified any significant environmental impact of the project that was not previously identified and evaluated in the Draft EIR. Although several existing mitigation measures have been refined or expanded as part of this Final EIR, none of the refinements or expansions meets the qualifications above. Moreover, although several commenters noted that additional alternatives should have been considered, the County finds that the range of alternatives studied in the Draft EIR is reasonable; for more discussion regarding alternatives, please see Master Response 2. Finally, all conclusions within the Draft EIR were well-supported by facts. In summary, none of the above-cited conditions constituting "significant new information" were met, so there is no reason to recirculate the Draft EIR.

Master Response 2: Range of Alternatives Evaluated in the Draft EIR

Several commenters questioned whether the range of alternatives evaluated in the Draft EIR was adequate. Specifically, commenters suggested that the Draft EIR should have analyzed additional alternatives including a reduced size project, an alternate location, an alternative requiring less tree removal, and a campus layout that would not require excavation.

CEQA Section 15126.6 provides guidance for the selection of a reasonable range of alternatives. The CEQA guidelines note that the rule of reason applies to the selection of alternatives and notes that the key factors include the ability of the alternative to meet the project objectives, the ability of the alternative to reduce significant impacts identified in the Draft EIR, and feasibility of the alternative. In section 15126.6(a) CEQA explicitly states that "an EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation."

Range of alternatives considered in the Draft EIR is reasonable

The Draft EIR evaluates the No-Build Alternative, in which the project is not approved and no further development occurs on the site.

The Draft EIR also considers the Existing General Plan and Zoning Alternative. This alternative is certainly feasible and its potential impacts relative to the project as proposed is important for decision-makers to understand.

As discussed in **Chapter 5**, **Alternatives**, a reduced size alternative was considered and rejected. As required by CEQA, the Draft EIR includes the reasons for the rejection of this alternative, namely that it does not meet the project objectives, and all of the potentially significant impacts—with the exception of construction-period air quality—are independent of the size of the project.

The air quality impacts would be reduced proportionately in accordance to the amount of excavation eliminated as a result of any reduction in size. However, a new reduced-sized facility would not meet project objectives. Accordingly, the only feasible reduced-sized option would be one of the No Project alternatives, in which the applicant remained at the existing, smaller facility at 1300 Boulevard Way with certain uses continuing in disparate locations or forfeited entirely due to lack of suitable space. Please also see Master Response 3, which reiterates that a smaller facility would not meet key objectives of the project, including the consolidation of current disparate activities in a single location.

An alternative location in the same neighborhood, namely expansion of the existing facility at 1300 Boulevard Way, was considered and rejected. Redeveloping 1300 Boulevard Way is not feasible as the site is not large enough for a building that meets project objectives. No other alternative locations in the neighborhood are feasible because there are no properties available for purchase that would achieve project objectives. Other properties in the neighborhood are not available for sale or are too small.

An alternative location for the project outside this neighborhood was also considered and rejected. As the Draft EIR notes, the location of the project was chosen specifically to take advantage of the fact that a majority of members of Sufism Reoriented live in close proximity to the site. A central objective of the project is to develop a sanctuary that allows all activities to be conducted at one facility that is within walking distance of a majority of its members. A site outside Saranap (including at The Meher Schools, as suggested by some commenters) would not be able to take advantage of the unique opportunity afforded by the members' home ownership in this specific area, and would potentially require more car travel as walking could become less feasible with greater distance from the homes of members.

The Campus Alternative was also considered and rejected, as discussed in the Draft EIR. The Campus Alternative would continue use of the existing site while also developing other properties to accommodate additional activities and services. This alternative was rejected as it replicates the current operations of Sufism Reoriented, and would not achieve a central objective of the project, which is to consolidate operations at a single facility.

An alternative contemplating less tree removal would require implementation of a reduced size alternative or an off-site alternative, which are not feasible for the reasons set forth above. The project requires removal of all trees on the project site, rather than only those trees currently located where buildings are proposed, because the entire site must be graded to install Grasspave2 and pervious pavers, to achieve the required elevations, and to allow for excavation for the underground portions of the sanctuary building.

Under CEQA, the range of alternatives is determined by the County. The project objectives reflect the applicant's purposes in pursuing the project. The situation presented for this project is that the applicant has an existing facility that remains serviceable and the applicant would not build a new facility simply to replicate functions at levels similar to those that could be served by the existing facility. Moreover, a majority of local members of Sufism Reoriented have relocated to the

neighborhood to be near the facility. These factors dictate project objectives that are specific and well-defined, and therefore appropriately constrain the alternatives analysis.

Master Response 3: Size of the Proposed Facility

Several commenters questioned whether the project would operate as presented in the project description. The commenters cite the size of rooms and the number of restroom facilities to suggest that the facility, once constructed, would be used to accommodate more activities beyond those listed in **Table 3-1**, **Program of Activities,** in Volume I of this Final EIR.

The Draft EIR evaluates the environmental effects of the project based on the program of uses presented in **Table 3-1**. Based upon historical use of the existing facility at 1300 Boulevard Way as well as uses in the surrounding neighborhood, this program of activities represents a reasonable forecast of the use of the new facility. The project does not include a large outdoor spring event. Such events, if proposed, would be subject to the County's Temporary Events Ordinance (Chapter 82-44).

The comments proposing that activities may change or that membership may increase are not relevant to the significance of the environmental impacts of this project. The streets have sufficient capacity that even a theoretical, several-fold increase in membership would not cause traffic to exceed the established Level of Service standard. Such a theoretical event would affect the need for parking, but as explained below, the need for parking is not an impact under CEQA. Accordingly, the issue presents only regulatory concerns. To address those regulatory concerns, the Land Use Permit will incorporate monitoring and reporting requirements, which will serve as an ongoing mechanism to ensure compliance with the TDM program. See Master Response 7.

Several commenters stated that the facility appeared to have an unusually high number of toilets, and speculated that a larger use than proposed is ultimately desired. There is no County ordinance or regulation limiting the maximum number of toilets a facility may have. This matter would thus be beyond the scope of CEQA except for the potential for the number of toilets to result in secondary environmental effects, such as downstream effects to the wastewater collection system. With regard to the question of whether the receiving sewer main would have adequate capacity to accommodate a scenario in which all toilets in the proposed facility were flushed simultaneously or in succession, the County Department of Conservation and Development (DCD) followed up with the Central Contra Costa Sanitary District (Central Sanitary). According to Central Sanitary, the main sewer line currently serving the area would have capacity for the project, even in the unlikely event that all proposed toilets were flushed either simultaneously or successively. In the former scenario, as the toilets would be located different distances from the main sewer line, the flushed water would reach the main line at

different times. In the latter scenario, if each toilet was flushed in succession as the water from one toilet reaches the next, the main sewer line would still have adequate capacity. [2]

[2] Russell Leavitt, Planner/Environmental Coordinator for Central Contra Costa Sanitary District; Personal Communication, June 17, 2011.

Master Response 4: Compatibility of the Project with the Neighborhood

Several commenters raised the issue of compatibility of the project with the surrounding neighborhood, noting that the size of the facility and its architectural style differs from surrounding development. In addition to the discussion below, these issues are also addressed in Master Response 12, which discusses the relationship between the CEQA analysis and the findings required for the granting of a conditional land use permit.

Size of the facility

The allowable size of a structure is governed first by the provisions of the zoning ordinance, which includes requirements for setbacks and height limitations. As discussed in the land use section of the Draft EIR, the project would adhere to all zoning requirements and is not seeking any variance from the required setbacks or height limits of the R-10 zoning district. County Code does not prescribe any specific size limit for a building in the R-10 district, such as through a maximum allowable floor area ratio (FAR) or an outright square footage cap. Rather, building size is regulated only indirectly -- via the height limit, minimum lot size, and requirements for yards (setbacks) and for off-street parking spaces, based on the type of land use proposed.

The relationship of the size of the proposed facility to the provision of parking spaces will be addressed by the County through consideration of the applicant's proposed Transportation Demand Management (TDM) program. CEQA does not recognize the adequacy of parking as an environmental impact in and of itself. Therefore, the Draft EIR does not include a discussion of this issue beyond noting that the TDM program is being evaluated. If the County does not adopt the TDM program, the project description would necessarily change, possibly entailing supplemental environmental review. Please see Master Response 7 for further discussion of the proposed TDM program and Master Response 3 regarding the consideration of alternatives to the proposed project.

Compatibility of the architectural style

As a land use, religious institutions are typically deemed compatible with residential uses. This inherent compatibility is formalized and institutionalized in the zoning provisions of the County Code, which allows churches and religious institutions to be located within any of the County's single-family residential districts with the issuance of a land use permit. The compatibility of the Sufism Reoriented religious use with the Saranap area is further enhanced by the fact that a majority of the members live in close proximity to the project site.

The distinction of the architectural style from the surrounding single family residential developments is noted. The fabric of a community includes many types of uses, with a variety of architectural expressions for residential, retail, commercial, office, and religious uses. Neither CEQA nor the County seeks to unnecessarily limit the expression of individual architectural style. Under CEQA, the compatibility of a project with its surroundings is analyzed to determine whether a proposed use would affect scenic vistas, whether it would degrade the existing visual character or quality of the site and its surroundings, or whether the use would result in new sources of light or glare.

As noted in the Draft EIR, the project would not affect any scenic vistas. Furthermore, as the sanctuary building was designed by a qualified architectural firm, the proposed project embodies high-quality design and materials and would not degrade the visual quality of the site or its surroundings. The Draft EIR does identify a potential impact related to night-time lighting, and includes a mitigation requirement that a photometric plan demonstrate the prevention of light spillover beyond the intensity of existing public and private right-of-way lighting in the vicinity.

Several commenters noted the proposed 6-foot-high perimeter wall, which they feel will create a stark contrast to the neighborhood. The parsonage property currently includes a 6-foot-high wall along the Boulevard Way frontage, and this same style of wall would be extended along the property line of the merged lots. The project plans also include landscaping in front of the wall along the Boulevard Way frontage.

Master Response 5: Visual Simulation Methodology

Commenters raised questions regarding the accuracy and reliability of the use of visual simulations in evaluating visual effects of the proposed project. The CEQA Guidelines compel a lead agency to examine whether a project will result in a significant aesthetic impact. The CEQA Guidelines provide specific thresholds to.

assist a lead agency in making this determination. One of these thresholds asks whether a project would "substantially degrade the existing visual character or quality of the site and its surroundings."

Neither CEQA nor County regulations prescribe a manner in which visual impacts of a project should be assessed. In its discretion as the lead agency under CEQA, the County directed the preparation of its own visual simulations for the project (please see the discussion in Draft EIR page 4.1-1 as well as the discussion regarding story poles in Master Response 1).

Commenters living in the neighborhood of the project are likely to have seen simulations of the project prepared by the applicant as part of an informational campaign led exclusively by the applicant with no involvement whatsoever from the County. (See comment letter 15). The County determined at the outset of the environmental review that it would not use any visual simulations prepared by the applicant to provide a high degree of objectivity and independence in the determination of the project's visual effects. Further, the County determined that it wished to evaluate some different viewpoints than those shown in visual simulations prepared by the applicant.

For numerous other environmental reviews, the County has used visual simulations to determine how a particular project would affect visual character. The technology to produce photo-realistic visual simulations is not new; countless local, state, and federal agencies have conducted visual impact assessments using photorealistic visual simulations. Several firms in the San Francisco Bay Area specialize in the preparation of visual simulations for development review, including assessment of visual impacts under both CEQA and the National Environmental Policy Act (NEPA).

The County's visual simulation preparer was Square One Productions, a company that has prepared visual simulations for public and private clients for more than 30 years. Acting under the County's exclusive direction, Square One Productions employed the following standard architectural simulation practices in preparation of the visual simulations used in the Draft EIR.

Square One Productions received a three-dimension computer model of the proposed building (the “Sketchup” model, named for the computer software used to create the model). Square One Productions verified the accuracy of the Sketchup model by comparing the model to the specifications indicated on submitted architectural plans.

Using an engineering survey in CAD format, Square One Productions created a computer model of existing structures and roads. The model integrated topological information, including details of proposed building features. The model placed the finished ground-level floor of the proposed building at a topological elevation of 236.5 feet; the top of the proposed main dome was placed at 270 feet. Using the property lines and grading information, the model of the proposed project was placed in relation to the existing structures.

Photography of the project site was taken from public vantage points, with final view selection being made by the County. Selected photo viewpoints were aligned with this model of the existing. Buildings, trees, sidewalks and poles slated for removal were removed in PhotoShop. The proposed building, sidewalks, and wall were rendered at scale and composited with the selected photographs. Tree markers were modeled using the tree plan as specifications for species, height and canopy diameter. Finally, trees were placed in PhotoShop using these modeled tree markers.

Given the sound methodology employed by Square One Productions, the County concludes that the visual simulations developed for the environmental review of the project are technically sound and provide a reasonable and adequate foundation on which to make determinations of visual effects under CEQA.

Master Response 6: Traffic and Pedestrian Movement within the Project Area

Several commenters asserted deficiencies in the County's review of the project's potential operational period impacts to traffic and pedestrian movement in the vicinity. This master response addresses numerous topics related to comments raised about this review. Please see Master Response 8 for a discussion of potential traffic impacts during the construction period for the project.

What was the County's approach to traffic analysis?

Please see Final EIR **Section 4.13**, which discusses the County's initial approach. As part of its application material, the project applicant submitted a memorandum from a qualified traffic engineer, stating that the anticipated levels of traffic associated with the proposed project would not meet the relevant thresholds of the Contra Costa Transportation Agency (CCTA) wherein a quantitative traffic study was needed. The memorandum demonstrated that the project would result in the addition of fewer than 100 peak hour trips. CCTA Guidelines stipulate that no quantitative traffic study is required for projects anticipated to add fewer than 100 peak hour trips. This memorandum was included in the Draft EIR as **Appendix O.2**.

While not disputing the findings of the memorandum, the County nonetheless directed the preparation of its own quantitative traffic study, given public comments expressing concern regarding traffic that the County received during the Draft EIR scoping process. This study, prepared in compliance with CCTA Guidelines, was included in the Draft EIR as **Appendix O.1**.

Traffic study methodology

As a baseline measure, the traffic study identified existing traffic levels at nearby intersections and on nearby roadways. No deductions were made for traffic associated with the existing Sufism Reoriented facility at 1300 Boulevard Way; thus all traffic associated with the existing facility was included in the baseline. Starting from this baseline, the analysis added the expected near-term traffic[3] as well as

[3] In accordance with CCTA Guidelines for the preparation of transportation impact analyses, the project traffic study identified computed project impacts relative to existing plus near-term projects. The project traffic study noted that near-term projects were comprised of additional development projects either approved or anticipated to be approved that would add trips to local roadway networks. Including near-term projects in the consideration of traffic impacts thus presents a conservative basis for analysis. Exclusion of such projects would result in an artificially low baseline. Notwithstanding, as shown in the project traffic study, the addition of project trips to existing plus near-term conditions results in no change in level of service and thus no significant traffic effect related to intersection operation or roadway capacity.

projected traffic based on Sufism Reoriented's proposed program of activities (see **Table 3-1** of the Draft EIR[4]). As noted elsewhere in this document, the proposed program of activities formed the basis for analysis in the Final EIR because it represents a reasonably foreseeable use of the facility. Should other events be contemplated in the future, consideration of such would be governed by the County's Temporary Events Ordinance (Chapter 82-44).

In all scenarios evaluated, the addition of project traffic to existing plus near term traffic showed no substantial degradation of the peak-hour level of service at study intersections or along studied roadway segments. Level of service, measured in letter grades from "A" (meaning free-flow) to "F" (heavily obstructed flow) would remain at "A" or "B" at all studied locations. The project was thus found to result in no significant traffic impact.

Why does the EIR consider multiple project variants?

Comments received during the scoping period indicated substantial concern regarding traffic and pedestrian movement in the area following construction of the project given particular existing conditions. The project site is at a transitional point along Boulevard Way between primarily single-family residential areas to the south (Warren Road and points south and west) and more urbanized, single- and multiple-family, mixed-character uses to the east.

Given the transitional nature of the project area, as well as concerns expressed in scoping comments, a variety of concepts for right-of-way improvements in the project area emerged during the environmental review process. Please see Draft EIR **Table 3-2**, which summarizes the key differences between the two Project Variants analyzed in the Draft EIR.

In addition to the two Project Variants, a third concept plan emerged during the environmental review process. This plan, analyzed in the Draft EIR as Alternative 3 or the Modified Right-of-Way Alternative, was presented to the County by the applicant as another potential means the County might employ to improve the safe operations of the Boulevard Way/Kinney Drive/Garden Court intersection for both cars and pedestrians by substantial modifications to the intersection.

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[4] Several commenters asserted that the traffic study for the proposed project was based merely on field observations of traffic at the existing facility (1300 Boulevard Way). As stated in **Appendix O**, "Existing driveway counts and parking surveys were also conducted during the peak Sufism special event of the year (Annual Celebration) to obtain a 'worse case' scenario." Traffic counts were also taken along Boulevard Way. The traffic study also evaluated the program of activities submitted by the applicant in its application for a land use permit.

The County Department of Conservation and Development (DCD) concluded it was in the public's best interest that the Draft EIR identify and analyze various right-of-way concept plans so that considerations regarding the pros, cons, and trade-offs associated with the different plans could be viewed and understood by all interested parties.

When the County Planning Commission considers the project, County DCD will recommend a "preferred alternative" within its staff report. County DCD structured the Draft EIR to allow the Planning Commission (and, if appealed, the County Board of Supervisors) wide latitude and flexibility in the identification of a "preferred alternative."

In many cases, the Variants and Alternative 3 contemplate different solutions to several of the issues raised during scoping and comments in response to the Draft EIR. These are summarized below.

Safe pedestrian movement

Numerous commenters asked questions about how safe pedestrian access could be provided, noting that implementation of the Transportation Demand Management (TDM) Program included with the project application is contingent upon a substantial component of Sufism Reoriented members walking or riding a bicycle to the proposed new sanctuary. Commenters stated that such pedestrian and bicycle activity would occur in the vicinity of the Boulevard Way curve and along streets lacking sidewalks, leading to potential safety concerns. In fact, there is already bicycle and pedestrian activity occurring now, including that associated with area residents traveling to the current facility at 1300 Boulevard Way (0.25-miles from the project site).

Evidence available does not support certain commenters' assertions that the immediate area has a higher-than-average accident rate. The California Highway Patrol (CHP) has an online database called the Statewide Integrated Traffic Records System (SWITRS) which can generate custom traffic incident reports relevant to specific criteria including date and jurisdiction. In the previous five years (2006 through 2010, inclusive), SWITRS records just one reported traffic incident on Kinney Drive at Boulevard Way between 2006 and 2010. The accident occurred in 2007 and involved a vehicle and a fixed object and was concluded to be the result of an improper turn.

During the same time period, SWITRS reported two other traffic incidents in the vicinity of the Project but outside the immediate project area. There was a reported incident on Boulevard Way at Flora Avenue in 2007 involving two motor vehicles

and unsafe speed; and one reported incident on Boulevard Way at Saranap Avenue in 2008 involving two motor vehicles, and found to be the result of an improper turn.

Notwithstanding, the project includes the creation or enhancement of pedestrian amenities to support the TDM program and provide further assurance of safe movement through the neighborhood. No sidewalks currently exist along the frontage of Boulevard Way between Warren Road and the existing project driveway. Project Variants A and B each include sidewalks along the Boulevard Way project frontage and extending beyond the project frontage south to Warren Road. All crosswalks would be added at locations specifically approved by County PWD, which would ensure their safe location. In all locations, the sidewalk would be constructed within the existing public right-of-way, not requiring the use of any private land. The sidewalks would provide a safe, off-street area for pedestrians.

As shown in Draft EIR **Figure 5-2**, Alternative 3 would add sidewalks to both the project frontage as well as across Boulevard Way, to the immediate south of the Kinney Drive/ Boulevard Way intersection. In addition, Alternative 3 would provide three new crosswalks at the Boulevard Way/Kinney Drive/Garden Court intersection. One crosswalk would span Kinney Drive, interspersed by a pedestrian "refuge" (a raised area of concrete in between travel lanes). Alternative 3 would alter the existing stop controls at this intersection. At present, stop signs are located at southbound Garden Court and eastbound Kinney Drive. Alternative 3 would remove the eastbound Kinney Drive stop sign and add a stop sign at northbound Boulevard Way, south of the apex of the Boulevard Way curve.

County DCD acknowledges that the volume of traffic at the Boulevard Way/Kinney Drive/Garden Court intersection does not meet the warrants established in County policy for installation of a new stop sign. Warrant criteria include traffic volumes, accident rates, and related factors. County DCD further acknowledges that any request for a stop sign to be placed at a location at which warrants are not met requires approval by the County Board of Supervisors. Notwithstanding, County DCD contends that the CEQA process for this project has been strengthened by the public release and review of both Project Variants as well as of Alternative 3.

Safe movement of vehicles along Boulevard Way

Many commenters expressed concern about the safe and efficient movement of vehicles into and out of the proposed main project driveway and along Boulevard Way. As discussed below, both of the Project Variants and Alternative 3 would provide for safe vehicle movement into and out of the project driveway.

Project Variants A and B

Please see the discussion of **Impact 4.13-2** in the Draft EIR, which discussed the concept of providing for adequate "stopping sight distance" for vehicles moving on Boulevard Way. As set forth in **Mitigation Measure 4.13-2** in the Draft EIR, both Project Variant A and B would provide adequate stopping sight distance. This would also benefit vehicles traveling northbound on Boulevard Way wishing to turn left onto Kinney Drive.

One key difference is that Project Variant B would expand the paved width of Boulevard Way by 5 feet along the project frontage. County DCD believes that that the widening of Boulevard Way could potentially increase vehicle speeds. Numerous studies have shown that vehicle speeds increase when paved roadway widths are increased.[5]

At present, posted speed limits in the immediate project area range from 20 mph (northbound, as indicated on a curve warning sign just south of Warren Road) to 25 mph (west/south bound).

To account for the possibility of vehicle speeds over the posted limits, the amount of stopping sight distance was calculated based on an assumed vehicle speed of 35 miles per hour. Therefore, even if Project Variant B is selected and the paved width of Boulevard Way is increased, no significant safety impact would occur insofar as potential visual obstructions along Boulevard Way have been removed to create adequate stopping sight distance for vehicles traveling at 35 mph – 75% higher than the posted northbound speed.

Alternative 3

Alternative 3 would add a northbound stop sign at Boulevard Way and Kinney Drive for northeast bound traffic, approximately 175 feet west of the project driveway. Therefore, in approaching the project driveway, vehicles coming from the south would be accelerating from a stop, and would thus be moving at speeds lower than those associated with Project Variant A or B. The stop sign thus considerably shortens the needed stopping sight distance. Drivers on Boulevard Way would thus have much more reaction time to see and respond to vehicles entering or exiting the project driveway. Whether Alternative 3 represents a desirable modification is a policy question regarding the merits of the project, properly considered by the Planning Commission and/or Board of Supervisors. See Master Response 12.

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[5] Please see, among other sources, the Federal Highway Administration's "Context Sensitive Solutions" website (contextsensitivesolutions.org); "Myths of Traditional Traffic Planning."

In summary, both of the Project Variants and Alternative 3 would provide for safe vehicle movement into and out of the project driveway as well as along Boulevard Way. There would be an increased setback of the wall to allow for greater sight distance in both Project Variants, and conditions of approval would ensure that no vegetation could obstruct drivers' views along that setback. The project would not exacerbate any sight distance issues relevant to a right turn from Kinney Drive on to Boulevard Way, and therefore does not cause any significant impacts that would trigger a need for mitigation relating to that turn.

Bus pull-outs

Although raised by relatively few commenters, the Project Variants and Alternative 3 would each provide for new bus pullout areas on the project's northern Boulevard Way frontage, at a location to be approved by the Central Contra Costa Transit Authority, which operates the County Connection bus system.

No change in bus service or frequency is contemplated nor warranted by any identified project effect, but by providing a more formal area for pullout and passenger waiting the project would result in better integration of the existing bus service, offering an enhanced experience for bus riders and less restriction of automobile traffic. Alternative 3 would add one more bus pull-out area opposite the project site on Boulevard Way, south of Kinney Drive, and immediately south of where Alternative 3 proposes new crosswalks.

As noted in Section V.B of the Conceptual TDM Program (**Appendix P**), the only bus line serving the project area is County Connection Route 101. This route provides service weekdays and Saturdays only. Service on this route terminates in the project area between 6:49 and 7:33 PM on weekdays. As these hours of service do not coincide with the program of activities set forth in **Table 3-1** of the Draft EIR, the TDM program notes that very little if any transportation demand related to the project would be satisfied through bus service, particularly for high-attendance events held evenings and weekends. As the number of expected bus users related to the project would be minimal, no special additional provisions are warranted beyond the inclusion of enhanced bus pullouts at locations directed by the County Public Works Department and associated review of proposed crossing areas.

Master Response 7: The Proposed Arrangement for Off-Street Parking and the Proposed Transportation Demand Management (TDM) Program and Future Use of the Facility

Numerous commenters opined on the TDM, including its parking provisions. The TDM Program reduces vehicle trips, but as noted, the surrounding streets could accommodate additional traffic volume in excess of what the project is projected to generate and thus the TDM is not needed to reduce impacts to a less-than-significant level. The TDM Program also reduces the need for parking, but, as also noted elsewhere in this Draft EIR, the adequacy of parking is no longer analyzed under CEQA.

Accordingly, the only relevance of the TDM Program, and its enforceability, is from a regulatory perspective. Ordinarily, an issue not relevant to the environmental analysis would be addressed in staff reports rather than the Draft EIR. However, given the extent of public interest in the TDM Program, the County decided, for ease of reference, to include information about the TDM in the Draft EIR. The Final EIR includes one additional appendix: the conceptual Transportation Demand Management (TDM) program submitted by the applicant with its development application. (**Appendix P**).

Parking reduction request through Transportation Demand Management (TDM) Program

The County's TDM Ordinance was developed in order to "encourage the use of creative and effective ways to reduce motor vehicle trips and their associated impacts."[6] The County developed the TDM ordinance as a means of implementing and furthering the transportation goals of the County General Plan and County Growth Management Program, the Measure C Growth Management Program, and the Bay Area Clean Air Plan.

In striving to achieve the County's goal of traffic reduction through wider use of pedestrian, bicycle, and public transit facilities, the TDM Ordinance allows for requests to reduce off-street parking requirements for non-residential projects that submit a conceptual TDM program. This provision is within Section 82-32.008 of the County Zoning Code. Section 82-32.008(b) also states that the conceptual TDM program submitted with a development application should identify the "measures that can be demonstrated to attain the trip reductions necessary to qualify for the

[6] *Transportation Demand Management Ordinance Guide*, Contra Costa County Department of Conservation and Development, December 2009.

requested parking reductions." The TDM Ordinance Guide requires all conceptual TDM programs to contain components governing monitoring, evaluation, and enforcement. The purpose of the evaluation provision is in part to recognize that TDM programs "are not static, but must change as the needs of commuters change or as transportation services available to a project change." [7] Moreover, provisions for evaluation and monitoring ensure long-term adherence to the TDM provisions, including in such contingencies as inclement weather and external changes that could potentially affect area traffic flow (e.g., a construction related detour). This dynamism allows the County to impose additional conditions in the future if demand patterns should change. Ultimately, TDM program requirements would be enforced through the use permit, which runs with the land. Therefore, there is no "variance" process requested, as implied by several commenters. Nor is the proposed parking plan via the TDM a "mitigation measure" as stated in other comments.

The applicant has submitted a conceptual TDM program pursuant to Section 82-32.008(b) with its land use permit request. Under County Code Section 82-32.008(e), approval of a conceptual TDM program is to be followed by review of a Final TDM program, which would be incorporated as a condition of project approval. The conditions of approval will include a Final TDM program setting forth the demand management measures, and the monitoring and reporting activities the applicant must undertake. It will also include enforcement measures and acknowledge the County's ability to modify the condition for failure to comply. This condition will be presented by staff to County decision-makers for their consideration in the staff reports prepared for the hearing on this matter.

In considering the land use permit request, County DCD staff carefully reviewed the conceptual TDM program. County DCD noted that the applicant, acting on its own volition, imposed several of the TDM program provisions at its current site

Beginning in October 2007 as a means of testing the effectiveness of the overall program, particularly during times when all or more than half of the membership attends events.

As indicated in Section F of the conceptual TDM program (**Appendix P**), the applicant reported that during these times of peak attendance, parking monitors indicated that parking demand consistently averaged below 60 spaces.[8] The County

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[7] *Transportation Demand Management Ordinance Guide*, Contra Costa County Department of Conservation and Development, December 2009.

[8] The current facility at 1300 Boulevard Way has 27 parking spaces, but also has use of a larger parking lot behind a neighboring office building with 86 spaces.

independently investigated these findings, as documented in the project traffic study (**Appendix O.2**). The County's traffic consultants observed parking at the annual celebration in March 2009 – when all members plus guests attend; up to 400 people in all. The County's consultants observed a total of 70 parking spaces in use during this event. For such large events at the proposed facility, overflow parking and a shuttle service to a remote lot would be provided. The lot is located at The Meher Schools, located at 999 Leland Drive in the City of Lafayette, approximately one-half mile west of the proposed project site. The spaces available at The Meher Schools would primarily serve participants traveling from the greatest distance away from the project site. The applicant reports that the satellite lot has been used in association with large events at its current facility to test and ultimately demonstrate the feasibility of its use as overflow parking. The satellite lot and shuttle service would be needed for high attendance events, such as the annual celebration. If parking demands exceeded the amount available at the project site, use of this satellite lot would likely reduce parking demand at the project site.

An EIR is required to evaluate what impacts would occur if the project – including the associated TDM program – were approved. Accordingly, the Draft EIR assumes that the parking reduction request included in the conceptual TDM program would ultimately be approved. In the event the Final TDM program is not approved, no reduction in off-street parking requirements would be permitted.[9] In this circumstance, if the applicant determined to continue to pursue the project, the applicant would need to revise the project description to propose different TDM measures or other parking solutions. Such revisions could potentially rise to the level of project changes requiring additional environmental review.

TDM and future use of the project site

Several commenters correctly noted that if approved, the TDM program would run with the property, not with the applicant. This is because the TDM plan would be a condition of approval of the land use permit, which runs with the land. Several commenters further questioned whether any other possible future user of the site would be able to comply with/adhere to the proposed TDM measures in the event that Sufism Reoriented chooses to sell or lease the proposed new building to another user.

[9] *Transportation Demand Management Ordinance Guide*, Contra Costa County Department of Conservation and Development, December 2009.

County DCD notes that speculative considerations like these are beyond the scope of CEQA. However, in reviewing the land use permit and the associated TDM program – both discretionary permits –County staff may consider other factors, including those raised by commenters regarding the long-term disposition of the TDM program. Ultimately, staff will make a recommendation regarding the project including the TDM program. On this issue, County DCD further notes that the applicant has operated its religious programs in the immediate area for over 30 years. As demonstrated in the TDM program, a large majority of the organization's members made the decision to move to the area. These individual members have each made substantial personal investments in the long-term viability of the organization remaining in the Saranap neighborhood. Moreover, the organization itself would be making a substantial investment in its proposed new facility if the application is approved. For these reasons, the County concludes that the long-term, ongoing use of the facility by Sufism Reoriented is reasonably foreseeable.

Separately, TDM programs are encouraged throughout California and are becoming more common. The County's TDM program is generally flexible and allows substitution of measures that reduce trips. These factors make it likely that a theoretical future buyer would not find the TDM requirements infeasible.

The applicant has not historically allowed its facility to be used for concerts, weddings, or other events. The County concludes, based on evidence of past use, the lack of neighborhood complaints about church activities at the existing facility, the evidence regarding stable membership numbers presented by the applicant, and the descriptions of activities set forth in **Appendix B**, that the uses described by the applicant are reasonably likely to continue in the future. As noted above, changes in the use patterns would not affect the significance of traffic impacts and could not create a CEQA parking impact as CEQA does not recognize the adequacy of parking as a physical environmental impact.

Parking at The Meher Schools

Several commenters raised questions about the TDM program's proposal to offer a shuttle service to the off-site parking lot at The Meher Schools.

As noted on page 3-3 of the Draft EIR, The Meher Schools (White Pony pre-school and Meher School (K-5)) were founded by Sufism Reoriented and are now operated by a related non-profit corporation. Since 1979, the schools have been located at 999 Leland Drive in the City of Lafayette on a property leased from the Lafayette Unified School District (LUSD).

The Meher Schools parking lot would be used for overflow in the event parking demand at the proposed facility exceeded the available 71 spaces. The conceptual TDM plan proposed the use of up to 40 spaces at The Meher Schools. The lot at The Meher Schools has 63 spaces. Therefore, the combined proposed parking at the proposed facility (71 spaces) plus those available at The Meher Schools (up to 63 spaces) would exceed the parking requirement for the facility under County Code (125 spaces - see discussion below regarding County Code parking requirements).

Commenters questioned the potential for traffic and safety concerns in the route from The Meher Schools to the proposed project site and noted possible competing demands for parking between school uses and proposed Sufism overflow parking uses. Per the conceptual TDM program and a letter from The Meher Schools (included within **Appendix Q**), parking at The Meher Schools would be used only during nighttime events when school is not in session. Moreover, the potential use of the parking spaces at The Meher Schools would not produce any significant traffic effects. In the event that all 63 parking spaces were utilized for a special event (an amount not directly proposed but analyzed here to consider a worst-case scenario), this would mean 63 trips by cars into the site and 63 trips out over a 2 to 3 hour period. In addition to these trips, several shuttle trips would be made. Assuming a total of 8 shuttle round trips (16 ins and outs total) on top of the 126 vehicle trips, this would total 144 trips in and out of the site over a 2 to 3 hour period. Even if compressed to just a two hour period, the total number of trips per hour would fall below the County Congestion Management Agency threshold for a quantitative traffic study, since that threshold is 100 trips during peak hours. None of the proposed use of The Meher Schools site is during peak travel periods, as high attendance events are held exclusively on evenings and weekends. Peak travel periods are associated with morning and afternoon commute patterns, neither of which coincides with the hours of the most intense activities at the proposed project site. Given this proposed low volume and infrequent, off-peak period use, the County found no reason for any quantitative analysis of traffic to and from The Meher Schools and concluded that the proposed shuttle service would have minimal impact on traffic and safety conditions in the area.

Commenters also questioned the legal viability of the use of The Meher Schools site for satellite parking usage. Noting that the site has been leased to The Meher Schools since 1979, commenters speculated whether express permission from the Lafayette Unified School District is required in order to consider the TDM program viable and also stated that the long-term viability of satellite parking here could not be assured to a satisfactory level.

The applicant has presented letters from The Meher Schools and the Lafayette School District confirming continued permission for Sufism Reoriented to make use of the parking lot. In addition, on June 22, 2011, the Lafayette School District Board of Directors extended The Meher Schools' lease of the current school facility through the year 2021. These letters are presented in new **Appendix Q.**

Moreover, as noted in the County's TDM Ordinance Guide, the required monitoring and evaluation aspects of a TDM program help provide assurance over the long term that provisions are adhered to. The TDM Ordinance Guide states that the County include such ongoing monitoring and evaluation in recognition of the dynamic nature of urbanized areas, where changing conditions are common. Given the long-standing presence of The Meher Schools in the neighborhood (over 30 years), County DCD believes it is reasonable to anticipate no foreseeable impediment to the ongoing use of the parking lot at this facility. The ongoing monitoring and enforcement provisions inherent in the TDM program would provide assurance that in the event of a change in the availability of satellite parking at The Meher Schools, appropriate alternate off-site parking arrangements would be identified and formalized.

Parking and the California Environmental Quality Act (CEQA)

In 2010, the CEQA Guidelines were revised extensively. One revision was the deletion of a stated threshold of significance related to parking adequacy. By deleting the stated threshold, the CEQA Guidelines confirmed that the need for parking in and of itself is not a potential physical environmental effect. The adequacy of parking would thus be a matter of physical environmental concern only if parking levels had the ability to cause secondary environmental effects. For example, the extent of surface parking or structured parking proposed in a project could have secondary effects related to stormwater drainage, visual effects, or any other effects associated with urbanized, hardscape development. Conversely, too few parking spaces for a given use could result in drivers queued or circling an area to await or find a parking space which could become significant if the queuing significantly and adversely affected traffic levels, or if cars idled to such an extent that they created carbon monoxide hot spots. Such secondary effects related to parking supply remain valid topics of consideration under CEQA, but it is now clear that the adequacy of parking alone is not a potential physical environmental effect.

The County does not find that the proposed level of parking as set forth in the TDM program would lead to these or any other foreseeable secondary effects related to the amount of parking provided.

First, the County notes that the current facility at 1300 Boulevard Way has a total of 27 dedicated off-street parking spaces. The County has not observed excessive queuing or circling at the current facility.

The County acknowledges that the proposed program of activities for the proposed facility differs from existing uses at the current facility because the new facility incorporates all activities under one roof but does not include the outdoor spring event. However, the County also notes that the periods of greatest parking demand (evening and weekends), which would invoke the strongest of the TDM provisions, remain the same. As recounted in the project traffic study, the County observed automobile and pedestrian traffic during Sufism Reoriented's 2009 annual celebration at its current facility. The annual celebration includes the entire membership and some guests. The annual celebration therefore represents the highest parking demand for any potential program at the site, regardless of date or time of activity, or nature of the activity. A substantial complement of participants were observed walking or carpooling to the current project site; the County did not observe parking queues or circling, and has thus concluded that with the parking management practices set forth in the TDM program, no secondary effects would occur at the proposed facility. Therefore, assuming the continuation and expansion of parking management practices as would be formalized through the TDM program, the County does not see the potential for the proposed amount of parking spaces at the proposed new facility to result in substantial secondary environmental effects.

Clarification of parking requirements under county code and other regulations

As noted, the need for parking is not a CEQA impact. Accordingly, whether the project complies with regulations regarding parking would normally be addressed outside the EIR, in staff reports. Given the level of interest in parking issues, however, the County decided to include information about this issue in the Draft and Final EIRs, for ease of reference. Notwithstanding, the issue remains a regulatory one, and not a consideration relating to a possible physical impact on the environment.

In assessing compliance with parking regulations, staff and decision makers will consider parking in the following context. Page 3-9 of the Draft EIR discussed how much off-street parking would be required under County Code (specifically, County Code Section 82-16.018). Several comments disagreed that the amount of parking stated on Draft EIR page 3-9 represented what County Code would actually require. In addition, some commenters stated that the effective size of the prayer hall should have included adjacent foyer areas and that any parking spaces associated with the parsonage should be excluded from total parking counts.

Section 82-16.018 of the County Code provides parking requirements for numerous land use types. For churches, Section 82-16.018 states that 1 parking space is required for every 3 seats. The prayer hall for the proposed project does not have any fixed seats, however. Therefore, in calculating parking requirements under Section 82-16.018 of the County Code, another reasonably affiliated land use category was identified: assembly halls. Assembly halls require 1 parking space per 40 square feet of area. The parking requirement for assembly halls without fixed seating is not dependent upon the number of portable chairs or other seating devices. At about 5,000 square feet in area (including the space between pillars as well as the space encompassed by the pillars), the prayer hall would thus trigger a requirement of 125 parking spaces under County Code Section 82-16.018. This application of County standards represents the manner in which the County typically applies and interprets its requirements, including the interpretation of "gross floor area" to encompass only the prayer hall space. County practice is not to include space that does not comprise part of the assembly area, such as hallways, foyers, or the ambulatory surrounding the prayer hall.

Many commenters stated that the total parking demand also needs to take into account the proposed ancillary uses, including the classroom, office, library, and other spaces. However, the potential users of the proposed ancillary uses would all exclusively be members or invited guests of Sufism Reoriented. These member-users could only occupy one use at a time: they would be either in the high-attendance devotional gatherings and related events or participating in the ancillary uses. Therefore, County DCD concluded that parking demand under Section 82.16.018 of the County Code should be related to the high-attendance events, which exceed the aggregated demand of all ancillary uses. County DCD also concluded that the proposed project is not a "mixed use"; therefore, the provisions at County Code Section 82.16.008 are not applicable and the aggregated parking demand for all uses does not represent required parking.

Per the TDM program, some of the 71 parking spaces proposed for the sanctuary would be reserved for carpools. Carpools increase the capacity of the parking lot by allowing more of those members who must drive to attend events within fewer vehicles. Accordingly, carpool spaces do not reduce the amount of parking.

There would be three parking spaces for the parsonage, but all three of those spaces would be used only by residents of the parsonage and would not be counted as being available for sanctuary use. There would be no through access from Boulevard Way to the parsonage parking spaces – and no access from Warren Road to the main parking lot. Since these three spaces would be accessible only via a private driveway off of Warren Road, commenters questioned whether such use

would comply with the terms of the current access easement. The applicant submitted information indicating its agreement that the parsonage easement does not provide access to the sanctuary. Accordingly, the parsonage spaces are not counted as parking spaces available for general use by visitors to the sanctuary. The County Public Works Department and the Contra Costa County Fire Protection District will determine if accessibility and road construction are adequate. The terms of the non-exclusive or exclusive easements would be granted to the specific properties; therefore, issues relating to use are civil matters.

Other commenters questioned whether the proposed reduction in parking requirements associated with the TDM plan would conflict with provisions of the Americans with Disabilities Act (ADA). According to the United States Department of Justice (USDOJ) Standards for Accessible Design (2010), the number of parking spaces accessible to people with disabilities is to be provided in proportion to the total number of spaces in a given parking facility. The standards note that accessible spaces may be provided in a different location if equivalent or greater accessibility can be ensured, such as through a shuttle service or other conveyance.[10]

Under these standards, a parking facility with 51 to 75 parking spaces is required to have at least 3 parking spaces accessible to people with disabilities. Project plans show that two accessible spaces would be provided on the project site.

Compliance with ADA standards is typically ensured through the building permit/plan check process. To the extent this review process determines that an additional accessible space is required to ensure ADA compliance, County DCD observes there is ample space within the proposed parking area to provide at least one such additional accessible space complying with ADA standards or convert a regular parking spot to an accessible space. During plan check review, the County Building Official will review all project plans for ADA compliance.

Other commenters claimed that the parking calculations should correlate with the trip generation figures or at least the observations of traffic in and out of the existing facility, such as **Tables 4.13-4** and **4.13-7** of the Draft EIR. These tables reflect the number of trips, with an entrance being one trip and an exit being a second trip. At most, one parking spot would be needed to accommodate these two trips. For example, **Table 4.13-4** indicates that between 7 PM and 8 PM on March 20, 2009, 80 vehicles entered and 23 exited. This means that the increase in

[10] Section 208.3,1, exception 2, US DOJ Standards for Accessible Design. Americans with Disabilities Act Guidelines.

parked vehicles during that time period was 57, while the trips for that time period totaled 103. Not all vehicles that enter and exit the facility park at the facility. Many trips are drop-offs or pick-ups, including shuttle trips. Accordingly, the number of trips does not necessarily correlate directly to the parking demand.

Parking demand was calculated according to the program of activities included in **Table 3-1** of the Draft EIR and based upon the parking counts provided by traffic consultants. Several commenters cited the building size and/or parking space availability at religious facilities elsewhere in the vicinity. Because other religious organizations and businesses have not instituted similar TDM programs and do not engage in a similarly broad range of activities, information regarding other religious organizations or comparable size buildings would not be useful for the parking demand analysis for this project.

Master Response 8: Construction Period Air Quality, Traffic, Vibration and Noise Impacts

Clarification of proposed truck haul route

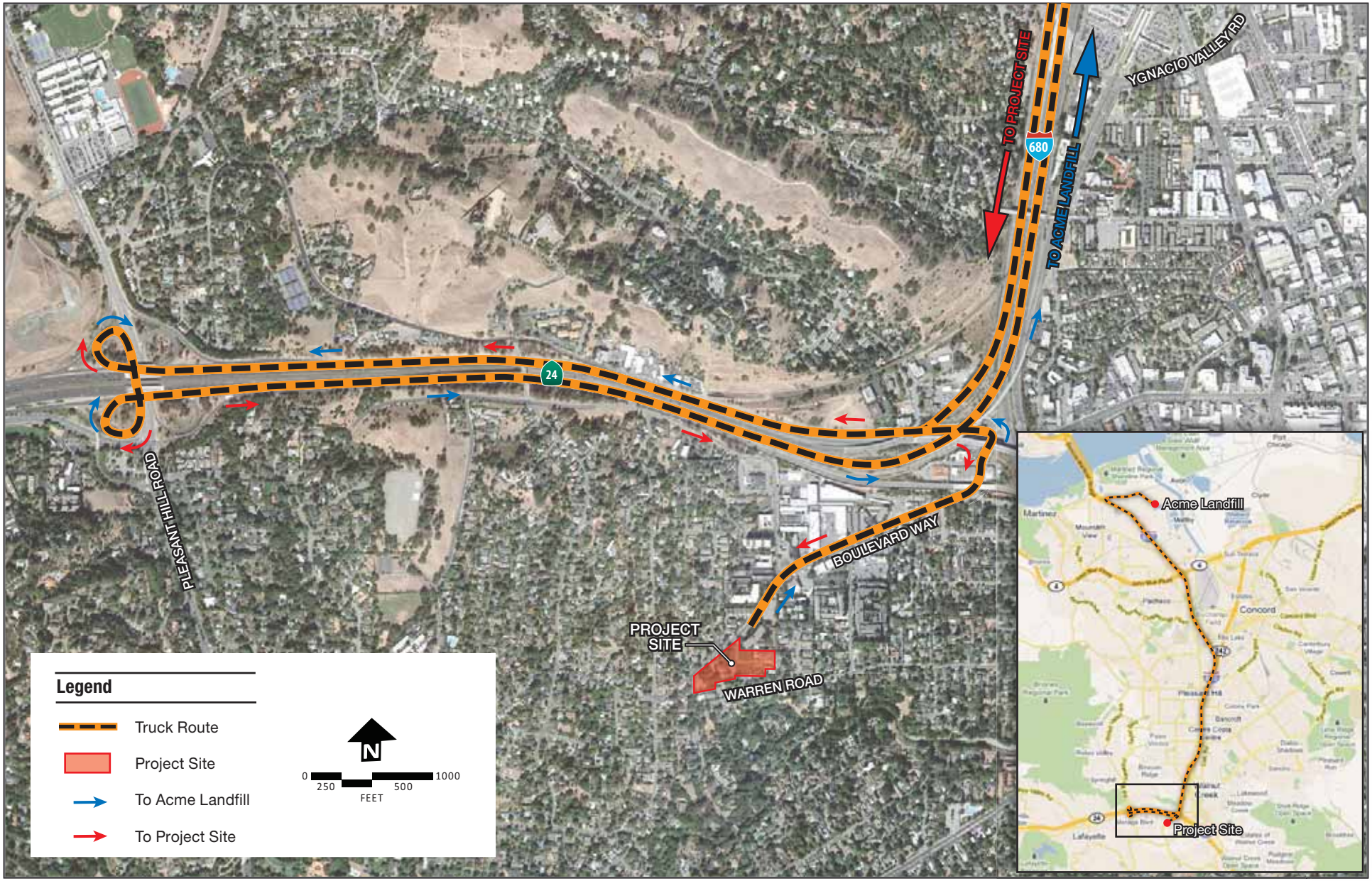
Construction of the project requires a substantial amount of excavation to allow for the proposed below-grade level. As stated on page 3-13 of the Draft EIR, excavated materials would be hauled from the project site for disposal (and potential eventual reuse) at the Acme Landfill in Martinez. To minimize disruption to surrounding areas, the project application included a truck haul route identifying the roads heavy equipment would use to reach the project site if the Acme Landfill remains the destination point. If another acceptable receiving destination were selected to achieve the air quality performance standard referenced below, then the trucks would still need to follow an approved haul route, which would include the same path of traveling northeasterly on Boulevard Way to access Highway 24.

Several commenters noted that the truck haul route depicted in **Figure 3-14** of the Draft EIR did not depict a feasible route from the project site to I-680 north. Due to an editing error, **Figure 3-14** in the Draft EIR inaccurately depicted the haul route. **Figure 3-14** has been revised to show the accurate route proposed by the applicant. The revised figure is shown below and is also inserted into the Final EIR on page 3-36.

Trucks would leave the project site and would travel northeasterly on Boulevard Way (toward Walnut Creek) and merge onto State Route 24 (SR24) west (toward San Francisco). Trucks would exit about 1 mile later, at Pleasant Hill Road, to turn around to get onto SR 24 east. From here, trucks would merge on to I-680 north, exiting in Martinez at the Waterfront Road exit. From here, trucks would turn right onto Waterbird Way and arrive at the Acme Landfill.

The erroneous figure showed trucks traveling from the project site northeasterly on Boulevard Way, connecting through downtown Walnut Creek to I-680 north. There is no such direct connection from Boulevard Way to I-680 north. The applicant's actual proposed haul route properly show "backtracking" on SR 24 westbound, turning around at Pleasant Hill Road, and taking SR 24 east to the direct connection to I-680 north, consistent with the discussion above and with revised **Figure 3-14**.

The clarification of the haul route affects calculations of construction period air quality impacts, insofar as some emissions stem only from the transport of excavated materials offsite. The Draft EIR based the construction period air quality evaluation on a haul route to the landfill assumed to be 24 miles round trip. Taking the clarified haul route into account yields somewhat higher roundtrip mileage – approximately 31.2 miles per round trip. The total vehicle miles traveled to the



Revised Truck Haul Route

Figure 3-14

Source: Sufism Reoriented, 2010.

landfill would thus be revised proportionately. Accordingly, the air quality analysis under **Impact 4.2-2** has been revised. The increase in VMT directly increases emissions of nitrogen oxide. About 90 percent of nitrogen oxide emissions from project construction stem from the hauling of materials to an off-site landfill. Such emissions are in effect not generated at the project site, but instead dispersed over the distance between the project site and the landfill.

As stated in Draft EIR **Table 4.2-6**, the Bay Area Air Quality Management District (BAAQMD) has established a threshold within its own CEQA Guidelines for the daily emission of nitrogen oxide during a project's construction period. The threshold is 54 pounds per day. Nitrogen oxide emissions above this threshold are considered significant environmental effects. BAAQMD's threshold is a per-day threshold, regardless of how many days the emissions continue, as construction periods may range from a just few days to several years. Based on the foregoing, **Mitigation Measure 4.2-2** has also been revised. The change in haul route distance translates to a greater estimate of vehicle miles traveled for the given number of round trips per day.

In response, the Mitigation Measure has been recalibrated to maintain daily emission levels below the 54 pounds per day threshold by reducing the number of allowable round trips to the landfill each day. Consequently, the mitigation extends the period of excavation from 45 days to 55 days so that daily emissions of nitrogen oxide would fall beneath the threshold amount. As previously stated, BAAQMD's threshold focuses only on daily emissions levels and is not evaluated over any aggregated period longer than one day.

In the Draft EIR, assumption of the incorrect mileage to the landfill yielded a total VMT of 1,764 (following mitigation). This in turn resulted in emissions of 51 pounds per day of nitrogen oxide (NOx). The revisions to the mitigation measure cap VMT at a slightly higher number (1,872 miles) but associated nitrogen oxide emissions (53 pounds per day) remain would below the daily threshold of 54 pounds per day.

The text of the Draft EIR is revised as follows:

Impact 4.2-2: Emissions of diesel exhaust during construction would exceed BAAQMD thresholds for NO_X. (Less than Significant with Mitigation)

Construction of the sanctuary building and development of the surrounding site would generate emissions of criteria pollutants from the operation of equipment and combustion of vehicle fuel (both on- and off-site) and application of architectural coatings including paint and sealants.

Worst-case average daily air quality construction emissions were calculated using the URBEMIS2007 model. Because construction of the sanctuary building requires substantial excavation, it would require a number of truck haul trips from the project site to deliver excavated soils to a suitable landfill. The applicant has identified the Acme Landfill in Martinez as a suitable site to receive excavated materials.

The URBEMIS2007 model assumes that construction would involve a total of 12 trucks with a 13 cubic yard capacity, each making 8 trips per day and travelling an average of ~~24~~ **31.2** miles per round trip to the Acme Landfill for an estimated total of 35 days. Nearly all NO_X emissions are associated with vehicle exhaust emitted during the ~~24~~ **31.2**-mile round trip to the Acme Landfill, as opposed to being concentrated on the project site.

As shown in **Table 4.2-6**, the URBEMIS2007 model estimates that construction activities would exceed the BAAQMD threshold for NO_X. (The estimated emissions in **Table 4.2-6** assume implementation of all Best Management Practices (BMPs) listed in **Mitigation Measure 4.2-1**.) **Appendix F** includes a description of the URBEMIS2007 model assumptions and the air quality emissions calculations. Therefore, additional mitigation will be required.

Table 4.2-6 Estimated Construction Emissions – With Best Management Practices

Criteria Emissions	BAAQMD Threshold (lb/day)	Peak Emissions (lb/day)	Significant?
ROG	54	44[a]	NO
NO_X	54	**~~62~~ 77**	**YES**
Combustion Particulates (C-PM_{10})	82[b]	3	NO
Combustion Particulates (C-$PM_{2.5}$)	54[b]	~~2~~ **3**	NO

Notes to Table 4.2-6:

[a] The majority of ROG emissions would come from the sanctuary building's architectural coatings (i.e., paint, sealants, glues, and similar substances typically used in new construction). As discussed in **Chapter 3, Project Description**, over two-thirds of the sanctuary building would be below grade. Accordingly, this portion of the building would not require any decorative exterior architectural coating, such as paint. Additionally, the sanctuary building includes several domes which would be covered in a pre-fabricated solid membrane that would not require further painting.

The inputs to the URBEMIS2007 model were adjusted to account for the lack of exterior painting on the underground portion of the sanctuary and the domes. The inputs assumed a 46,000 square foot building. The actual above ground portion of the sanctuary building is about 20,000 square feet, and as noted above, the domed portions would not require paint. Therefore, the assumption of 46,000 square feet is conservative and likely overestimates the potential total ROG emissions.

[b] Only applies to construction equipment exhaust, therefore fugitive dust and combustion particulates are determined exclusively.

Bold text indicates levels that exceed thresholds
Source: Circlepoint, 2011.

Modifying the construction schedule, as described in **Mitigation Measure 4.2-2**, would reduce emissions of NO_X below the significance threshold.

Mitigation Measure 4.2-2: Emissions of NO_x from construction activities shall be limited to less than 54 pounds per day. This performance standard would be achieved by limiting vehicle miles travelled (VMT) for standard hauling trucks to ~~1,764~~ **1,872** VMT per day.

Assuming 13 cubic-yard-trucks and delivery to the Acme landfill, **and assuming a round trip of 31.2 miles,** this would mean that soil hauling would be capped at ~~74~~ **60** round trips per day, which would extend the excavation schedule from an earlier projection by the applicant of 35 working days to ~~45~~ **55** working days. If other sites **at a different distance** were identified to accept the fill, the schedule could be revised accordingly to fit within the same VMT limitation. **However, all hauling trucks must use a haul route that leaves the project site, heads east on Boulevard Way, and enters Highway 24 near Mt. Diablo and Boulevard Way.**

Significance after Mitigation: Less than significant. **Table 4.2-7** shows the estimated change in emissions following implementation of

Mitigation Measure 4.2-2. As indicated in **Table 4.2-7**, with the implementation of an extended excavation phase, construction-related emissions of NO_x would fall below the BAAQMD threshold.

~~However, c~~**C**onstruction emissions could potentially be reduced even further below operative thresholds through any extraordinary measures the project applicant may wish to develop. Should the applicant propose any such alternative and/or additional measures, the applicant shall engage the preparation of an air quality study prepared by a qualified professional. The study shall demonstrate to the satisfaction of the Director of County DCD that emissions are lower than relevant BAAQMD thresholds and also lower than those shown in **Table 4.2-7**.

Table 4.2-7 Estimated Construction Emissions, With Mitigation

Criteria Emissions	BAAQMD Threshold (lb/day)	Peak Emissions With Mitigation (lb/day)	Significant?
ROG	54	44	NO
NO_X	54	~~51~~ **53**	NO
Combustion Particulates ($C\text{-}PM_{10}$)	82[a]	2	NO
Combustion Particulates ($C\text{-}PM_{2.5}$)	54[a]	2	NO

Notes to Table 4.2-7:
[a] Only applies to construction equipment exhaust, therefore fugitive dust and combustion particulates are determined exclusively.
Bold text indicates levels that exceed thresholds
Source: Circlepoint, 2011.

Construction noise

Several commenters expressed concerns about noise during the construction period, specifically inquiring regarding several mitigation measures included in the Draft EIR to minimize construction period noise.

In addressing these comments it is important to consider how Contra Costa County regulates noise. As set forth on page 4.10-6 of the Draft EIR, the County General Plan policy regarding construction noise stipulates that construction activities are to be concentrated during hours of the day that are generally not noise-sensitive for adjacent land uses and should coincide with normal work hours so as to provide relative quiet during more sensitive evening and early morning periods. Normal work hours are considered less noise sensitive because of the level of activity

generally associated with those hours and general expectations of most jurisdictions that night-time hours will be quieter, and not due to the specific activity of specific individuals such as retired individuals.

There is no specific guidance or threshold within the General Plan to determine the significance of a construction noise impact. Moreover, the County Code does not include an ordinance specifically addressing construction noise. Noise complaints within the unincorporated area of the county are addressed through application of peace disturbance sections of the County Code and application of generic nuisance ordinances of the County Code.

Given this regulatory framework, the Draft EIR acknowledged the potential for the project to result in noise impacts during construction and duly provided mitigation consistent with the County General Plan to limit construction activity to daytime hours – 8:00 AM until 5:00 PM on weekdays, excluding state and federal holidays, unless an exception is granted by the Zoning Administrator. An exception would be allowed only for special circumstances, such as the need to complete a concrete pour in one day. [11]

In addition to setting forth construction hour limits, **Mitigation Measure 4.10-1** in the Draft EIR established several other best-practices intended to ensure the use of feasible physical noise controls on construction equipment, the installation of a temporary noise barrier, and the designation of a project noise coordinator to oversee compliance with all stated measures.

Commenters questioned the efficacy of the proposed temporary noise barriers called for in **Mitigation Measure 4.10-1**. The inclusion of a temporary noise barrier was developed in acknowledgement of nearby residential uses. Collectively, other aspects of the mitigation, including mufflers, enclosures, and the like, coupled with the use of noise barriers would reduce the intensity of sound by people at adjacent and nearby properties. The mitigation measure specifically called for the installation of the barriers to be overseen by a qualified acoustician to ensure the least noise impacts feasible.

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[11] These are the hour limitations typically imposed by the County on a project in a residential neighborhood, and are more stringent than those of many neighboring jurisdictions. For reference, the cities of Walnut Creek and Lafayette generally restrict grading noise within residential areas to the hours of 7am to 5:30pm weekdays. (Walnut Creek Municipal Code § 9-9.07; Lafayette Municipal Code § 716-8.1004) The City of Pleasant hill generally limits grading operations in residential areas to the hours between 7:30 a.m. and 7:00 p.m. daily, with Sunday operations prohibited. (Pleasant Hill Municipal Code § 15.10.200). Orinda limits construction noise to 8am to 6pm weekdays and 10am to 5pm Saturdays. (Orinda Municipal Code § 17.39.3). These other jurisdictions also generally allow exceptions to their hours requirements.

Commenters also questioned the use of the term "extreme noise" within **Mitigation Measure 4.10-1**. For context, **Mitigation Measure 4.10-1** requires the applicant to provide advance notice to neighboring properties within 300 feet of the construction area. The measure also stipulates that any extra-hours and weekend construction is forbidden without prior authorization of the Zoning Administrator; even in the event such authorization is provided, the mitigation measure would not permit any "extreme noise generating activities" then. Thus, any exceptional extra-hours or weekend activities, which would need to be justified by the applicant to the Zoning Administrator, could include only activities that do not generate "extreme" noise.

As there is no County standard for what constitutes an "extreme" level of construction noise, the Mitigation Measure needs to be revised to incorporate other more objective terminology. For clarification purposes, the table below indicates typical unmitigated noise levels associated with the construction activities associated with the project at a distance of 50 feet from where such activities are occurring. The 50 foot distance represents the shortest expected distance between existing residences and the construction area. As shown in **Table 2-2**, excavation and grading activities have the highest potential typical noise levels at a distance of 50 feet.

Table 2-2 Maximum Noise Levels for Construction Activities

Activity	Unmitigated Maximum Noise Level at 50 Feet from Noise Source (dBA)
Excavation and Grading	70-90
Construction of Buildings	65-85
Typical Hourly Average Construction-Generated Noise Levels	75-85

Source: Personal communication, Illingworth and Rodkin, 2011.

With the mitigation measures included in the Final EIR, mechanical implements (such as mufflers) were identified as having the potential to reduce noise levels by 5 to 10 dBA. The construction of a temporary noise barrier would further reduce noise. It should also be noted that construction generated noise levels drop off at a rate of about 6 dBA for every doubling of distance away from the source. As noise is measured on a logarithmic scale, increased distance would provide for substantial noise reduction. Moreover, shielding by intervening buildings or terrain also reduces sound levels.

An additional consideration with regard to noise relates to mitigation related to air quality. **Mitigation Measure 4.2-1** includes a provision requiring construction equipment to be shut off when not in use and reducing the maximum idling time to two minutes.

Taking all of the above into account, **Mitigation Measure 4.10-1** is revised as shown below to replace all uses of the term "extreme noise generating activities" with "excavation and grading activities." The mitigation measure also now makes explicit the previously implicit requirement that the mitigation be feasible, indicates that a new sound wall need not be constructed if a wall adequate to mitigate noise impacts is already in place, and recognizes the potential for the zoning administrator to grant certain exceptions as permitted by County Code. Moreover, given technical considerations, the County stands by the provisions of **Mitigation Measure 4-10.1** as revised. Collectively, these measures would limit the timing, duration, and intensity of noise in a manner consistent with applicable County policies, practices, and regulations.

Mitigation Measure 4.10-1: The DCD shall ensure that applicant adheres to the following mitigation measures in order to generate the least noise impacts **feasible** during construction:

- All construction activities shall be limited to the hours of 8:00 AM to 5:00 PM, Monday through Friday, and shall be prohibited on state and federal holidays, **except as provided below**:
- The applicant shall hold a pre-construction meeting with the job inspectors and the general contractor/onsite manager to confirm that all noise mitigation measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed prior to beginning construction;
- The applicant shall notify neighbors within 300 feet of the construction area, at least 30 days in advance of ~~extreme noise~~ **excavation and grading** activities, about the estimated duration of the activity;
- The applicant shall designate a construction noise coordinator who will be responsible for implementing the noise control measures and responding to complaints. This person's name and contact information shall be posted clearly around the project site and shall also be distributed to properties within 200 feet of the site boundaries. The construction noise coordinator shall be available during all times during construction activities and shall maintain a log of complaints. A copy of the log shall be provided to the DCD monthly on the 30th day of each month;

- The applicant shall require construction contractors to limit noise generating construction activities as required by the DCD. No construction activities shall be allowed **before 8 AM or after 5 PM, or** on weekends without prior authorization of the Zoning Administrator, and no ~~extreme noise generating~~ **excavation and grading** activities shall be allowed **after hours or** on weekends and holidays;
- The applicant shall require construction contractors to implement the following measures to reduce daytime noise due to construction activities:
  - Equipment and trucks used for construction shall utilize the best available noise control techniques **wherever feasible** (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, ~~wherever feasible~~).
  - Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever **feasible** ~~possible~~ to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is **not feasible** ~~unavoidable~~, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
  - Stationary noise sources shall be located as far from adjacent receptors as **feasible** ~~possible~~, and shall be muffled and enclosed within temporary sheds, insulation barriers, or other measures to the extent feasible.
- Prior to the start of construction, the applicant shall construct a temporary sound barrier along **those portions of** the northern and southern property lines **that do not, at the time of grading and construction, already have a wall that meets the following standards,** to provide the maximum protection **feasible** for the residential uses to the north and south. The barriers can be constructed out of wood or other materials as long as they have a minimum surface weight of approximately 2.5 pounds per square foot. Possible materials include 1-1/8-inch-thick plywood or fully overlapping 1x redwood boards (1.5-inch-thick total). The barriers would likely be 6 to 8 feet tall but this would be refined and approved by a qualified acoustician prior to the issuance of grading permits. Issues to

consider when determining the ultimate height, length, and location of the barriers are the actual construction practices, including equipment to be used and the location and duration of noisier activities. The topography will also need to be considered in the final determination of barrier heights and effectiveness.

Construction traffic

Several commenters expressed concern about the potential for construction-related vehicle trips to worsen traffic on local streets.

The County notes that all construction traffic would be temporary and would be limited to allowable construction period hours.

As described in **Section 4.2** of the Final EIR, (revised) **Mitigation Measure 4.2-2** would cap truck haul trips at the number required to achieve the stated air quality threshold. The identified landfill and haul route indicate that this standard would be achieved with 60 roundtrips per day, which equates to approximately 13 to 14 truck trips in or out per hour over a 9-hour workday. This equates to one truck entering or leaving the project site approximately every four minutes. This is by far the most traffic-intensive aspect of project construction. There is potential flexibility to this mitigation measure. It is possible that the applicant could substitute more frequent but shorter trips (or longer but less frequent trips) while still achieving the air quality performance standard if a different landfill location is identified in place of the Acme Landfill in Martinez. However, the truck frequency could be doubled and still equate to only one truck entering or leaving the site approximately every two minutes. This theoretical doubling of excavation trucks would still not result in any substantial traffic operational impact – one trip every two minutes would not have the ability to substantially alter traffic level of service. Taking into consideration other projected construction traffic, and the existing capacity of the streets, the trips would not significantly affect the existing level-of-service and would not cause a backlog of traffic. During excavation work, delivery of materials would be extremely limited – such deliveries would reasonably be expected to occur only after excavation is complete and construction commences.

Moreover, all heavy construction vehicles would follow the truck haul route (please see **Figure 3-14**, as revised). Heavy construction vehicles would not access the site from the south nor otherwise travel west beyond the proposed Boulevard Way project driveway.

Commenters also questioned what measures could ensure against any potential damage to Boulevard Way or other local streets from use by heavy construction vehicles.

Mitigation Measure 4.5-2a, as revised and expanded from the Draft EIR, requires the applicant or its contractor to inspect Boulevard Way for any damage, cracking, deterioration, stress, or overloading prior to the issuance of a grading permit. Any existing damage will be documented to determine if construction results in any new damage. The mitigation measure requires the applicant to resolve any damage attributed to project activities prior to issuance of an occupancy permit, by agreeing prior to issuance of the permit to fund or perform the necessary repair work within a reasonable time as determined by the County.

Based on all of the foregoing considerations, the County fully and properly considered temporary construction period impacts with regard to air quality, noise, and traffic, providing appropriate mitigation measures to mitigate all identified effects below a level of significance.

Master Response 9: Proposed Tree Removal

Several commenters raised concerns related to the number of trees proposed for removal, including the loss of habitat, potential effects to nesting species, and the length of time required for newly planted trees to reach maturity. Several comments erroneously assert that the project includes removal of Heritage trees.

The Draft EIR discusses tree removal in several locations. **Table 3-3**, **Agency Permits and Approvals**, includes the request for a tree removal permit. In **Section 4.3**, **Biological Resources**, pages 4.3-13 and 4.3-14 reprint relevant portions of the General Plan and County Code, and clearly explain that the site does not include any Heritage trees.

The discussion on page 4.3-14 acknowledges that many trees on the project site are *protected trees*, and that the applicant is requesting a tree removal permit for these trees. **Impact 4.3-1** includes a discussion of the coast live oak and valley oak trees proposed for removal, noting that these trees are considered *protected*, and that the applicant has requested a tree removal permit in accordance with County policy.

The project requires removal of all trees on the project site, rather than only those trees currently located where above-ground portions of the building are proposed, because the entire site must be graded to install Grasspave2 and pervious pavers, to achieve the required elevations and to allow for excavation for the underground portions of the sanctuary building. See Master Response 2 regarding the infeasibility of a reduced size alternative, which would avoid some tree removal and the infeasibility of an offsite alternative, which would avoid removal of these trees but which might entail removal of other trees.

Section 816-6.8010 of the County Code governs the evaluation of requests for tree removal. It is the regulation by which the County has chosen to implement its General Plan policies and provisions encouraging protection of trees, and is intended by the County to address all beneficial impacts of trees, including biological values and visual effects.

In granting or denying the tree permit, Section 816-6.8010 directs that the following factors shall be considered:

(1) General

(A) The proximity and number of other trees in the vicinity;

(B) The relationship of the subject property to general plan open space or open space plans and policies.

(2) For Approval.

(A) The arborist report indicates that the tree is in poor health and cannot be saved;

(B) The tree is a public nuisance and is causing damage to public utilities or streets and sidewalks that cannot be mitigated by some other means (such as root barriers etc.);

(C) The tree is in danger of falling and cannot be saved by some other means (such as pruning);

(D) The tree is damaging existing private improvements on the lot such as a building foundation, walls, patios, decks, roofs, retaining walls, etc.;

(E) The tree is a species known to be highly combustible and is determined to be a fire hazard;

(F) The proposed tree species or the form of the tree does not merit saving (i.e., a tree stunted in growth, poorly formed, etc.);

(G) Reasonable development of the property would require the alteration or removal of the tree and this development could not be reasonably accommodated on another area of the lot;

(H) The tree is a species known to develop weaknesses that affect the health of the tree or the safety of people and property. These species characteristics include but are not limited to short lived, weak wooded and subject to limb breakage, shallow rooted and subject to toppling.

(I) Where the arborist or forester report has been required, and the director is satisfied that the issuance of a permit will not negatively affect the sustainability of the resource.

(3) For Denial.

(A) The applicant seeks permission for the alteration or removal of a healthy tree that can be avoided by reasonable redesign of the site plan prior to project approval (for nondiscretionary permits);

(B) It is reasonably likely that alteration or removal of the tree will cause problems with drainage, erosion control, land stability, windscreen, visual screening, and/or privacy and said problems cannot be mitigated as part of the proposed removal of the tree;

(C) The tree to be removed is a member of a group of trees in which each tree is dependent upon the others for survival;

(D) The value of the tree to the neighborhood in terms of visual effect, wind screening, privacy and neighboring vegetation is greater than the hardship to the owner;
(E) If the permit involves trenching or grading and there are other reasonable alternatives including an alternate route, use of retaining walls, use of pier and grade beam foundations and/or relocating site improvements;
(F) Any other reasonable and relevant factors specified by the director.

816-6.8012 - Decision.

The director shall grant or deny tree permits in accordance with this chapter and code. If a permit is granted, the director may attach conditions to insure compliance with this chapter and code. These conditions may include a

requirement to replace any or all trees on a comparable ratio of either size or quantity. Single tree permits shall be valid for a period of ninety days and may be renewed for additional periods by the director upon request by the applicant. Collective tree permits shall be valid for a period of time to be determined by the director based upon individual circumstances. If a permit is denied, the director shall state the reason for denial. Notice of decision shall be mailed to the applicant.

The effects of tree removal on other species are clearly documented in **Section 4.3**, **Biological Resources**. The figures in the Draft EIR (including **Figure 4.3-1**) identify only *protected* trees proposed for removal, not all trees proposed for removal, as just the *protected* trees are subject to the County ordinance requiring a permit for removal. *Protected* trees include any species (native, exotic, ornamental, etc.) with a circumference of 20 inches or larger measured four and one-half feet from ground level. The Draft EIR did not state the exact number of *protected* trees whose removal is required by the project but noted that 36 mature trees would be

removed, none of which are considered *heritage* trees. Trees not designated as at least *protected* by the County ordinance can typically be removed in any number without permit at the discretion of the property owner.

As stated in the Draft EIR, the request for and granting of a permit for tree removal completely fulfills County Code requirements with regard to *protected* trees. This conclusion does not vary with the total number of trees removed. Provided a permit is requested and issued, the removal of *protected* trees would be conducted in concert with County regulations, would not conflict with pertinent regulations, and thus would not result in a significant environmental effect.

In July 2011, the project arborist completed a supplemental tree survey to update the information in the Draft EIR, to ensure accuracy in the evaluation, and to ensure that tree growth since the completion of studies is fully addressed. This July 2011 arborist report is included with this Final EIR in **Appendix G**. In this July 2011 report, the arborist identified sixteen additional trees that have grown to reach *protected* status. The July 2011 report confirms that no trees on the project site have been given *heritage* status by the County, consistent with conclusions in the Draft EIR.

The July 2011 tree survey identified that the project would require the removal of a total of 58 *protected* trees: 51 protected trees on the project site, 1 protected tree at the northern end of the Warren Road access (tree 6612), and 6 protected trees in the adjacent public right-of-way. None of these trees are on the Odell property; at present, none of the trees on the Odell property are proposed for removal. **Figure 4.3-1** has been revised accordingly.

Ten of the trees that reached *protected* status since the earlier arborist reports are ornamental pear trees inside the courtyard of the parsonage building on White Horse Court. As these trees are atop the footprint of the proposed new sanctuary building, these trees were previously proposed for removal; all that has changed since the previous arborist report is that these trees have grown to a size where they are considered protected by County ordinance. Their removal now requires a tree removal permit in order to comply with County regulations.

Many of the trees identified for removal in **Appendix G** are ornamental trees, but they are considered *protected* trees under the County's ordinance because smaller trees are not listed in **Appendix G**, as smaller trees are not protected by County ordinance. The County requires a permit for removal of any protected trees.

The threshold of significance for tree removal in the Draft EIR is restated verbatim from the CEQA checklist in **Appendix G** to the CEQA Guidelines. It asked whether the project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The County determined that because the project could be fully approved and developed only if a tree permit were granted, the project would not conflict with the tree ordinance and that no mitigation was therefore required. This impact conclusion remains applicable, even with the increase in the number of protected trees as reflected in the July 2011 supplemental arborist report. The Draft EIR also noted that the project planned to replace the protected trees with 165 new trees, which will be a minimum 24-inch box size. The preliminary landscaping plan, which depicts these replacement trees, will be refined to accommodate the final site and development plans, but will substantially conform to the preliminary plan. The perimeter of the project site will be lined with non-deciduous (i.e., evergreen) trees.

The project site does not contain any sensitive habitats and no sensitive species were observed during field surveys of the property. **Mitigation Measure 4.3-2b** provides clear protection for nesting raptors that may occupy the site during construction. The mitigation requires a pre-construction survey by a qualified biologist and establishment of a buffer around any trees found to contain an active nest. These measures are a standard in the industry and provide effective protection of any nesting species.

Page 4.1-16 of the Draft EIR acknowledges that it will require 6 years for the trees to reach a height that would provide substantial shielding between the sanctuary property and adjacent properties. The landscaping for the perimeter of the property calls for non-deciduous trees with heights at 6 years of 16 to 20 feet and heights at maturity of up to 40 feet. The sanctuary would be screened at ground level by the wall and to some extent by the trees as they grow to achieve these sizes. The remaining visual impact during the initial six years is less-than-significant in light of the nature of the neighborhood, the existing development, the quality of the building design, and the temporary nature of the impact.

Master Response 10: Geotechnical Issues

Note: Information in Master Responses 10 and 11 has been drawn from several sources, including the project geotechnical report (**Appendix I**), the project drainage report (**Appendix L**), and several supplemental studies and memoranda submitted to the County. These supplemental studies and memoranda are compiled within Final EIR **Appendix R**.

Pre-project and post-project assessment of existing off-site structures

Several commenters stated that during construction, the project poses potential for damage to nearby buildings and other improvements. The Draft EIR identifies the potential for construction of the project to cause settlement or cracking of improvements on the perimeter of the site and identifies measures to ensure all such risks are reduced to a less-than-significant level (See **Mitigation Measures 4.5-2a** and **4.5--2b**). Mitigation Measure 4.5-2a stipulates that the pre-construction surveys would be performed prior to the issuance of the grading permit. The County does not find that such surveys are needed prior to consideration or certification of the EIR. The applicant may request a final building inspection prior to completion of the post-construction surveys. Both the pre- and post-construction reports would be reviewed for adequacy by the Department of Conservation and Development (DCD); DCD would allow opportunity for review and comment by the Public Works Department (PWD) to ensure that any issues of concern identified can be resolved successfully.

Some commenters have suggested that potential sources of damage are related to the volume of earthwork/depth of excavation. Others have suggested that vibration associated with the operation of earth-moving equipment is a potential hazard, and some have indicated that changes in the groundwater regime would be a possible source of construction-related damage. Additionally, construction traffic is a potential source of damage to Boulevard Way. None of the comment letters provided technical data, facts, or evidence to support such conclusions. Although the risks of damage appear to be relatively low, the County finds no justification to dismiss any of these potential sources of damage. The pre- and post-construction surveys are the best means to determine if any change in conditions occurred during project construction.

One commenter suggested that a bond be posted by the developer and used to assuage neighbor's concerns regarding potential for property damage. This comment fails to recognize that the County uses its bonding requirements as a means of ensuring completion of project's required improvements in the event that the applicant cannot or does not complete the work. The dollar amount of the bond

is based on the value of the improvement work required by the Conditions of Approval (e.g. road and drainage improvements) and permit requirements (e.g. erosion control). The bond must be provided to the County prior to the issuance of the grading permit. In summary, construction bonds are not used as a means to provide insurance against health or property hazards; notwithstanding, the County will require the applicant to provide evidence of liability and other insurance (e.g. Workman's Comp.)

The request for bonding stems from concerns of adjacent property owners about a perceived potential for construction operations to trigger damage, such as from vibration associated with earth-moving equipment. Additionally, there is a long history of drainage problems in the neighborhood. These potential problems have been addressed by the Draft EIR through the pre- and post-construction monitoring and other mitigation measures.

The County cannot order the applicant to perform corrective work on off-site parcels. This is because a) the County does not have authority to grant access to the nearby private properties, b) the County cannot assume that distress to off-site properties is associated with the applicant's on-site construction (for example, if there are a dozen cracks in a neighbor's flatwork –walkways, driveway, patio—and a new crack forms during the construction period, is it due to the construction or is it an unrelated problem?), and c) the remedy that the County recommends would likely not be acceptable to one or both parties (e.g. put epoxy on the 13th crack, or saw cut the area encompassed by the crack and install new concrete in that small area, or replace all flatwork). These appear to be matters best resolved by the applicant and private property owners without County intervention.

Finally, the County notes that any provisions regarding the contractor's liability must comply with provisions of Section 832 of the California Civil Code. To clarify the language used in the DEIR and bring it into conformance with the law, the following revisions to **Mitigation Measure 4.5-2a** are recommended:

> **Mitigation Measure 4.5-2a:** ~~Prior to the issuance of a grading permit~~ **Where permitted by the owner or tenant in possession,** the County Building Official shall direct the applicant or their contractor to complete the following actions: inspect existing structures/utilities to document any evidence of **then-**existing damage, cracking, distortion, weaknesses in structural elements, deterioration, corrosion, excessive stress, overloading, or use of the structure in a manner

which may not have been intended by its design **prior to issuance of any construction permits**. The inspection shall include an assessment of the condition of the following structures and facilities:

- ~~the parsonage~~
- structures on neighboring properties **adjacent to the project site**
- Boulevard Way
- potentially affected utilities within the project site, as determined by a qualified engineer

All inspections and notations of pre-existing damages shall be thoroughly documented, **to the extent permitted by the relevant owner or tenant in possession**, prior to the issuance of a demolition or grading permit by photographs and mapping, and reference markings or measurement points shall be established on critical or previously damaged structures/utilities to assist in determining whether any damage or movement has occurred as a result of construction.

Such inspections shall be completed before issuance of the grading permit and again, after construction of the building shell is substantially complete. To the extent required by Civil Code Section 832, the applicant shall be responsible to repair or compensate for damage caused by the project. The County Building Official shall, prior to issuance of an occupancy permit: (a) confirm that the applicant has undertaken a written obligation to repair or compensate for damage caused by the construction of the project as recommended by the architect of record, or has established procedures that assure such repairs will be made or such compensation will be paid; and (2) confirm that any such repairs or payment of compensation is planned to be completed within a time frame the Official deems reasonable under the circumstances.

Where existing structures are in close proximity to the excavation, additional measures beyond pre-construction inspection, such as building underpinning, shall be required as determined by the geotechnical consultant.

Viability of Mitigation Measure 4.5-2b

One commenter has challenged the viability of MM 4.5-2b, stating that it was merely a performance standard and not a discrete mitigation. In response, the intent of the mitigation measure is to recognize that the importance of technical review of plans and other documents submitted by the applicant (e.g. pre-construction survey) prior to the issuance of construction permits or installation of utilities. During construction, the role of the County is to ensure conformance of

the project with provisions of the California Building Code, grading ordinance and conditions of approval. This task routinely involves review of plans and calculations prior to issuance of permits. The mitigation measure calls for a specific review to also ensure that there is effective implementation of the Mitigation Measures. This review will ensure that provisions of the Mitigation Monitoring Program are enforced prior to and throughout the construction period. The fact that there is a review implies that technical documents submitted by the applicant will be reviewed and rejected if they are generalized or incomplete, and that additional documentation would be required from the project proponent where warranted.

Foundation Design

A commenter suggests that the project utilize a "bath tub" foundation system that would not require control of groundwater beneath the foundation. In response, the County does not select foundation systems for private projects or provide design recommendations for foundations. The role of the County is properly limited to review of building plans/ foundation plans and the associated calculations to ensure that the design is compliant with the provisions of the California Building Code. With that said, a letter from the project geotechnical engineers (GeoEngineers, dated August 9, 2011; see **Appendix R**) indicates that the design of the building is to be waterproofed and would in effect serve as a "bath tub" foundation. Use of waterproofing and a bathtub foundation would allow the project to address groundwater without the need for dewatering once construction is complete. Within **Appendix R**, the applicant has clarified to the County that no operational dewatering is proposed and further provided evidence that no such dewatering is needed.

With regard to the "bath tub" foundation, an August 22, 2007 addendum to the geotechnical report states that the design groundwater elevation for the project is +222.5 feet. In other words, the project design assumes that groundwater would be at this level. Based on borings and groundwater monitoring wells, water levels on the site range on the site have been confirmed to range from 7.5 feet below to 1.5 feet above the proposed elevation of the basement floor (proposed for an elevation of +220.5 feet)

The structural engineers for the project, Thornton Tomasetti, Inc., have issued a letter-report dated August 21, 2011 (included within **Appendix R**) with calculations that analyze hydrostatic forces acting on the building for the scenario where the groundwater level is at elevation +222.5 feet (in other words, 1.5 feet above the level of the basement floor). The structural engineer concludes that the proposed sanctuary building can resist hydrostatic uplift (or "floating") assuming no dewatering. The engineer's calculations include a safety factor of 1.5. The design

recommended by the structural engineer includes 18-inches of gravel and a topping slab over the mat foundation. The purpose of the gravel and topping slab is to add additional ballast that will further resist hydrostatic uplift or floating. The structural engineers calculations indicate that the analysis is based on a concourse floor level at elev. +217.5 feet and the mech./ electrical room at elev. +215.67 feet. In its final plan check prior to clearance of the building permit, County DCD will verify that project plans reflect these changes and that the overall building height above ground is not increased over the proposed 35 feet.

Support of Excavations/ Vibrations Associated with Construction

Some comments have been received suggesting that supportive measures associated with the proposed excavation should be to a higher standard than those which would normally be required due to the history of drainage and stability problems in the neighborhood. Additionally, there have been several comments expressing concern about the possible effect of vibrations during the construction period on the adjacent homes.

With regard to the support of excavations, the applicant must comply with all applicable requirements of the California Building Code and the California Occupational Safety & Health standards. The County has no separate standards that address the support of excavations. In an August 9, 2011 memorandum included within **Appendix R**, the applicant's geotechnical engineer indicates that the shoring system is anticipated to be a soil nail wall that is constructed in segments as the excavation is made. The County finds that equipment utilized for construction of the soil nail wall would be relatively small and would thus generate minimal vibration during construction. In addition the building foundation will be a poured in place reinforced mat foundation.

The project does not involve pile driving foundation. That type of foundation would generate substantial vibration. However, removal of soils from the site is expected to be accomplished by use of excavators, dozers, and dump trucks. The excavation of the sanctuary will be completed early during the construction period, and the types of equipment that are anticipated would result in vibrations that are distinctly perceptible to people within 15 feet of the vibration source and barely perceptible to people at distances greater than 15 feet.

Table 3 of the August 9, 2011 GeoEngineers memorandum (included in **Appendix R**) indicates that the acoustical experts classify vibrations in terms of peak particle velocity (PPV). A PPV of 0.24 is "distinctly perceptible" to people. A PPV of 0.035 is "barely perceptible" to people. The County has not adopted any regulations regarding vibration intensity. Nonetheless, Table 4 within the August 9, 2011

GeoEngineers memorandum presents vibration thresholds used by the American Association of State Highway and Transportation Officials (AASHTO). Based on the vibration estimates for the range of equipment that is anticipated to be used on the site during project construction, buildings set back 15 feet (or more) from a vibration source would not be exposed to vibration capable of resulting in damage. As two buildings are approximately 20 feet or less from the area to be excavated, the pre-construction survey conducted by the geotechnical engineer may require additional measures to avoid any damage to existing structure. As for potential vibration effects at Las Trampas Creek, the shortest distance from the project site to the creek is approximately 250 feet, well beyond a distance in which project site ground vibration could have any effect on creek bank stability.

Master Response 11: Hydrology and Drainage Issues

Potential for Project to Alter Groundwater Flow and Negatively Affect Nearby Properties

The geotechnical investigation for the project included the logging and sampling of six (6) exploratory borings that were drilled to depths of 33 to 40.5 feet. These borings penetrated fill underlain by clayey deposits. The clayey deposits were irregularly interbedded with clayey sand, and clayey sand with gravel. There was no clean sand or gravel layers within the clayey deposits. Groundwater moves most quickly through clean sand and gravel. The clayey deposits are underlain by bedrock at depths of 23 to 30 feet below the ground surface (bgs) at elevations of 212 feet to 203.5 feet above mean sea level (amsl). The bedrock consists of weathered claystone and siltstone.

A memorandum issued by GeoEngineers (dated November 4, 2009) presented the results of infiltration tests, which show the clayey deposits and weathered bedrock to have very low permeability. Technical data on the groundwater conditions are presented in a memorandum from GeoEngineers dated August 9, 2011, included within **Appendix R**:

- Groundwater levels were measured in the borings in June 2007 at the end of a winter rainy season that was heavier than normal. Groundwater was encountered in the borings at depths ranging from 15 to 24 feet bgs.
- Three monitoring wells were installed on site in January 2011. In monitoring well MW-1, the water level has ranged from 19.5 -20 feet bgs. In MW-2 the water level has ranged from 25.5 -26 feet bg ; and in MW-3 the water level has ranged from 20- 28 feet bgs. The groundwater levels in the monitoring wells have been equal to or lower that the water levels measured in the borings.
- The groundwater levels in the borings have ranged from 1.5 to 7.5 feet below the level of the proposed basement floor, with the exception of Boring B-5. That boring encountered groundwater 1.5 ft. higher than the level of the proposed basement floor.
- GeoEngineers have recommended a design groundwater elevation of 222.5 feet amsl for permanent subsurface structures (per a memorandum dated December 21, 2010 included within Appendix R). The highest groundwater level measured on the site was elevation 219 feet amsl (in boring B-5).

In summary, the lowest reach of the proposed sanctuary building would be above the expected groundwater level. As detailed within **Appendix R**, GeoEngineeers has analyzed the potential need for dewatering (in other words, extracting

groundwater), both during the construction period and following construction. The August 9, 2011 memorandum within **Appendix R** provides the technical data and assumptions used in the analysis.

The results of the analysis indicate that during the construction period, pumping is expected to be 2 gallons per minute (gpm). If clean, highly permeable sand is encountered in the walls of the excavation and amounts to at least 5% of the soils profile (a worst case assumption), the estimated flow rate could be as high as 25 gpm. After the construction period the estimated flow rate is projected at 0.7 gpm. If clean sands are exposed on the perimeter of the exterior of the walls (worst case 5% of soil profile), the flow rate would be expected to reach 3.5 gpm. The analysis also examines a scenario ("Case 3") where the groundwater level is higher than encountered in any of the borings or monitoring wells. The flow rate associated with this worst case scenario is 46 gpm.

As noted above, test borings on the project site did not encounter any clean sands or gravel layers that would be associated with a higher groundwater flow rate. Based on the technical data and engineering analysis presented in the geotechnical and structural engineering reports of the applicant, it is reasonable to conclude that the project can be completed relying on a "bath tub" foundation and avoid the need for pumping of groundwater. Only one area of seepage was noted above the project's design water level of +222.5 feet (precisely, a seepage zone in Boring B-5). This seepage area is logically interpreted as "perched" groundwater that is elevated above the water table. During the construction period, this perched water can be expected to flow of a period of days to a few weeks until it is drained. In summary, the risk of damage to nearby properties from the project can be deemed to be less-than-significant.

Potential for use of Pervious Pavers to Contribute to Groundwater Contamination

Some commenters have suggested that pervious pavers, which are intended to allow surface runoff on the site to be detained and allowed to permeate the ground, may result in groundwater contamination. This comment fails to recognize that the Contra Costa County Clean Water Program (CCCWP) is intended to protect water quality and control runoff. The San Francisco Bay Regional Water Quality Control Board (RWQCB) issued NPDES Permit #CAS612008, revised Order #R2-2003-022 to the CCCWP. It contains requirements to prevent stormwater pollution and to protect and restore creek and wetland habitat. Consequently, the NPDES permit regulates new construction in the County. Specifically, the regulations impose new, more stringent requirements to control runoff from land development projects. The RWQCB added provision C.3 in the permit requiring that, as a condition of development approvals, project drainage plans must include specific stormwater

treatment measures, as well as implement treatment features to reduce pollutants in stormwater discharges. Provision C.3 establishes thresholds and criteria for implementation of stormwater treatment measures. The C.3 requirements are not only intended to reduce short-term construction-related runoff and resultant pollution, but are also intended to reduce the long-term adverse effects by requiring runoff control measures as a part of project approvals. The applicant has not requested any exceptions to the C.3 requirements of the County.

The Stormwater Control Plan (SCP)and associated hydrologic analysis and calculations have been reviewed by the County Public Works Department (PWD). After initial review by PWD, the applicant made a series of revisions to the SCP to bring into conformance with the regulations administered by PWD. Ultimately the SCP was considered adequate and the project was deemed to be complete and ready for (a) environmental analysis and for the purposes of (b) taking the project to hearing. For projects that are approved by the County, PWD will review the specifics of the final design of the project and may require additional adjustments in the SCP.

In summary, a project that is designed in accordance with the C.3 requirements and other provisions of the CCCWP is not expected to create significant short-term or long-term water quality impacts. Typically, drainage design of new projects requires some type of detention facility to allow for infiltration of runoff into the ground. Pollutants are captured by plant materials and by the natural filtering of surface waters as it percolates through soils.

Potential for the project to adversely affect water wells lower in the watershed

One commenter questioned whether there are any existing potable water wells in the project's downstream watershed that could be adversely affected by any degradation of water quality that results from the project. In response to that question, staff contacted the County Health Services Department, Environmental Health Division. That division administers regulations pertaining to groundwater wells, along with issuing permits for geotechnical exploration wells and monitoring wells. According to Ed Diaz, Environmental Health Specialist II, the County has no record of potable water wells within the watershed that includes the Sufism Reoriented project site. Mr. Diaz did confirm that the applicant for the Sufism Reoriented project drilled two unsuccessful water wells on their project site in 2008. Those wells were properly abandoned. Additionally, the applicant secured permits for the geotechnical exploration wells and for the three monitoring wells.

In summary, the commenters did not identify any potable water wells in the project's watershed, and the County agency that regulates potable water wells has not issued permits for potable water wells in this portion of the Saranap area. Furthermore, no technical data or engineering analysis has been provided by commenters relevant to the issue of degradation of groundwater quality. The applicant has not requested any exceptions to the standards of the County's Clean Water Program. There is no reason to believe that a project that complies with those regulations will adversely affect water quality.

Compatibility of proposed pervious parking areas with County Ordinance 82-16

Some commenters have questioned whether the use of open, pervious pavers can be consistent with the County's Ordinance Code, which specifies use of concrete or asphalt for off-street parking. Commenters state that there has been no discussion of stripping the pavers to define parking spaces. Other comments have suggested that the proposed design does not promote optimum conditions to support the growth of grasses between the pavers.

In this regard, it should be noted that the compliance of a project with off-street parking standards associated with impervious and pervious design is reviewed by the Public Works Department. The County has approved land development projects in the unincorporated area where similar pervious pavers have been employed to comply with C.3 requirements. In those cases PWD had determined that the pavers provide an appropriate surface to support the planned transportation-related use. PWD review of the Sufism Reoriented project has not identified the use of pavers to be inappropriate for the on-site parking areas.

The parking areas on the site will require a striping plan. Those details are not needed to complete the environmental review of the project, but will be needed prior to construction of the parking areas on site. These details of a project are routinely addressed by the recommended Conditions of Approval. With regard to the ability of the narrow areas between pavers to support adequate plant growth, the County can be expected to require the project proponent to submit a landscape plan for the project, prepared by a licensed landscape architect. That plan will identify both suitable plants for use on the site, along with an efficient irrigation system.

Compliance of the Stormwater Control Plan with the prevailing regulations and expectations of County's Clean Water Program

One commenter has noted that the clean water requirements of the San Francisco Bay Regional Water Quality Control Board are evolving rapidly, and the commenter questions if the Stormwater Control Plan for the project adequately addresses

current standards. Additionally, several commenters have expressed concerns regarding the importance of control of erosion and sedimentation, and the effect of the project on drainage facilities that link the site with La Trampas Creek.

Consultation with the staff of the Clean Water Program (David Swartz, Watershed Management Planning Specialist) indicates that the SCP submitted by the project proponent is unusually thorough. With regard to changes in the regulations, under the old standards, C.3 compliance was required where a project created 10,000 square feet (or more) of impervious surface. For certain land uses that threshold has been lowered to 5,000 square feet. Under the old permit standard, projects that were required to install permanent stormwater management facilities, were generally able to utilize landscaped-based "bioretential facilities." The new permit requires projects to capture runoff on site and manage it through such measures as infiltration and/or evapotransporation. The SCP for the Sufism Reoriented project includes these measures.

As a Condition of Approval, the County process requires that the applicant submit a final Stormwater Control Plan (SCP) and a stormwater Control Operation and Maintenance Plan to the Public Works Department (PWD). These submittals are then reviewed by PWD staff engineers for compliance with the County's NPDES permit, and shall be deemed consistent with the County's "Stormwater Management and Discharge Control" Ordinance prior to issuance of the first building permit. Additionally, improvement plans shall be reviewed to verify consistence with the final SCP and compliance with Provision C.3 of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance.

Finally, PWD routinely requires as a Condition of Approval that the property owner enter into a standard Stormwater Management Facility Operation and Maintenance Agreement with the County. In that agreement, (a) the property owner accepts responsibility for and related to operation and maintenance of the stormwater facilities, and (b) formally grants access to relevant public agencies for inspection of stormwater management facilities.

Master Response 12: Regulations/Merits of the Project and the Scope of the Environmental Impact Report

Several commenters state that the proposed religious land use is inconsistent with County regulations and requires some form of variance approval for the building itself or the proposed reduction of required off-street parking spaces. Other commenters have stated that the EIR should review the project in terms of all findings a County legislative body must make in approving a land use permit, particularly in terms of the projected long-term usage of the property by the applicant.

This EIR addresses the question whether a likely consequence of project approval would be eventual abandonment of the building, leaving it vacant, not maintained and comprising a blighted presence in the neighborhood. The County has considered evidence of the applicant's long-term presence in the neighborhood (more than 30 years) and the related investment by approximately 224 individual members to move to the Saranap community in an effort to live close to the current (and proposed) facility. These represent substantial institutional and personal investments in the community. Based on these factors, the County projects that there is reasonable certainty that the project would be occupied by the applicant for the long term; project approval would not foreseeably result in the abandonment of the building and potential blighting conditions.

The project's compliance or non-compliance with other County requirements presents regulatory issues that are not part of the analysis of physical impacts on the environment. Normally, such issues would be addressed in a staff report. However, the County has directed that in light of the interest expressed in these issues, that the Draft and Final EIRs contain discussions of these regulatory matters, which will likely be supplemented in staff reports. The issues remain regulatory and not relevant to the CEQA analysis.

County Code and religious uses

Per County Code Division 84, churches and religious institutions are allowed in all single-family residential districts with a land use permit.

County Code Section 26-2.2008 spells out the findings the County must make in approving a land use permit request:

(1) That the proposed conditional land use shall not be detrimental to the health, safety and general welfare of the county;
(2) That it shall not adversely affect the orderly development of property within the county;

(3) That it shall not adversely affect the preservation of property values and the protection of the tax base within the county;
(4) That it shall not adversely affect the policy and goals as set by the general plan;
(5) That it shall not create a nuisance and/or enforcement problem within the neighborhood or community;
(6) That it shall not encourage marginal development within the neighborhood;
(7) That special conditions or unique characteristics of the subject property and its location or surroundings are established. Failure to so find shall result in a denial.

Several commenters stated that the Draft EIR should have considered each of these findings in its analysis. This is not the role of an environmental impact report under CEQA. While the significance thresholds set forth at **Appendix G** of the CEQA Guidelines include several questions related to land use policy, none specifically require analysis of a project relative to the findings a legislative body must make in approving or denying a project application. The EIR has been prepared to assist County decision makers and the public to understand the environmental effects of the proposed project. In considering approval of the project, County decision makers will have three general classes of information before them:

1. The Project Application: plans, narrative description, and supporting studies.
2. The EIR: analysis of the environmental impacts of the proposed project, including all pertinent technical analyses.
3. A Staff report summarizing the Project Application and the EIR, identifying the requested permits and actions, and potentially identifying a staff recommended action on the project in light of the findings needed to grant or deny the requested permits and actions.

To the extent commenters believe that the County cannot make the required findings needed to approve the project as proposed, these comments are noted in this Final EIR but are not themselves CEQA issues requiring a detailed response.

In this vein, several commenters stated that findings for approval could or should not be made because there is no assurance that the Sufism Reoriented organization will remain long-term in the neighborhood after the project is built and that given this uncertainty, the County cannot or should not make certain findings to approve the project.

Several commenters also express opinions regarding the merits of the project, and urge approval or denial of the land use permit or tree removal permit. The decision-makers will take environmental considerations into account in reviewing the merits

of the project, but the merits of the project are not themselves an environmental issue. All comments submitted within the comment period are reproduced within this Final EIR and will therefore be presented to decision-makers for their consideration. In considering approval or denial of the project, County legislative body members are free to consider other information or evidence that may become available.

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3.0 INDIVIDUAL RESPONSE TO COMMENTS

3.1 INTRODUCTION

This chapter provides responses to comments received during the public review period for the Draft EIR. Copies of all comment letters received up to the end of the public review period are included in **Section 3.2 Comment Letters and Responses**.

Table 3-1 Index to Comments

Number	Commenter
Individuals & Organizations*	
1	Abbott, Margaret
2	Adair, Jan
3	Bradbury, Stacey A.
4	Breed, Martha H.
5	Burlingame, Barry
6	Burnett, Mr. and Mrs. Robert
7	C & H Development Co.
8	Chiu, Andrew
9	Chuckovich, Carole (oral testimony at April 18 Zoning Administrator hearing)
10	Chuckovich, Carole (April 18, 2011 letter)
11	Chuckovich, Carole (May 27, 2011 letter)
12	Coleman, Joyce A. S.
13	Conner, Carol
14	Cooper, Marie (April 26, 2011 letter)
15	Cooper, Marie (May 16, 2011 letter)

Number	Commenter
15	Cooper, Marie (May 16, 2011 letter)
16	Cowles, Chris
17	Dacus, David J. (oral testimony at April 18 Zoning Administrator hearing)
18	Darabian, Mike and Rosemary
19	Fassler, Judy
20	Fettig, Wayne (oral testimony at April 18 Zoning Administrator hearing)
21	Fettig, Wayne (May 26, 2011 letter)
22	Flashman, Stuart
23	Galton, Richard (oral testimony at April 18 Zoning Administrator hearing)
24	Galton, Richard (May 26, 2011 letter)
25	Gaponenko, Igor
26	Gray, Brian
27	Hartshorn, Teresa
28	Hasselfeld, Emelyn Jewett
29	Hay, D. Roger
30	Hedgepath, Joy
31	Hutchins, Carl, Jr.
32	Isaacs, Matt
33	Johnson, Robert A. and Terry Hogan
34	Kershaw, Miranda and Jeremy
35	Kilian, Brian (oral testimony at April 18 Zoning Administrator hearing)
36	Kilian, Brian (May 5, 2011 letter)
37	Kilian, Brian (May 26, 2011 letter)
38	Kirkpatrick, James and Brigitte
39	Liu, Ted
40	Longchamps, Robin and Ron
41	Lowande, Debra

Number	Commenter
42	Lyons, Wm. D. and Sharon W. (April 3, 2011 letter)
43	Lyons, Wm. D. and Sharon W. (May 15, 2011 letter)
44	Mack, Mary
45	Marchus, Jay R. and Margarita W. de Marchus
46	Mitchell, Kathleen M.
47	Mona, Judith
48	Nawata, Barbara (oral testimony at April 18 Zoning Administrator hearing)
49	Nawata, Barbara (May 24, 2011 letter)
50	Nuzum, Robert (oral testimony at April 18 Zoning Administrator hearing)
51	Nuzum, Robert C. and Judith M. and Jeriann Alexander (May 23, 2011 letter)
52	Nuzum, Robert (May 26, 2011 letter)
53	Odell, Barbara
54	Ogg, Ronald
55	Perry, Patricia R. (May 25, 2011 letter)
56	Perry, Patricia R. (May 26, 2011 letter)
57	Perry, Patricia R. (May 27, 2011 letter)
58	Rasmussen, Carol
59	Rasmussen, Marvin
60	Redmond, Mark (May 24, 2011 letter)
61	Redmond, Mark (May 25, 2011 letter)
62	Roberts, Judy (oral testimony at April 18 Zoning Administrator hearing)
63	Roberts, Art and Judy (April 18, 2011 letter)
64	Roberts, Art and Judy (May 23, 2011 letter)
65	Robinson, Bridget
66	Rogers, Kathy (oral testimony at April 18 Zoning Administrator hearing)
67	Rogers, Kathy and Frank (May 10, 2011 letter)
68	Rogers, Kathy and Frank (May 23, 2011 letter)

Number	Commenter
69	Rowley, Lucille M.
70	Russell, Jennifer
71	Ryan, Lisa (oral testimony at April 18 Zoning Administrator hearing)
72	Ryan, Lisa and Clint Shaw (May 25, 2011 letter)
73	Saranap Community Association
74	Schiller, Gayle
75	Schwartz, Bernard
76	Scott's Seafood Restaurant
77	Segal, Jeanette
78	Simmons, Bart and Kathy
79	Smayda, Patricia
80	Staley, Ann F.
81	Summers, Ivy
82	Trenor, Curtis (oral testimony at April 18 Zoning Administrator hearing)
83	Trenor, Curtis (April 18, 2011 letter)
84	Trenor, Curtis and Deborah (May 27, 2011 letter)
85	Wood, Michael
86	Wurth, Linda Jean (May 23, 2011 letter)
87	Wurth, Linda Jean (May 24, 2011 letter)
88	Wurth, Linda (additional May 24, 2011 letter)
89	Alley, Janice and David Mays*
State Agencies	
90	Governor’s Office of Planning and Research

* Comment letter 89 from Janice Alley and David Mays is presented out of alphabetical order.

Source: County Department of Conservation and Development, 2011.

3.2 COMMENT LETTERS AND RESPONSES

The following pages include a copy of each letter received during the Draft EIR public review and comment period and the corresponding responses. The responses below reference master responses and individual responses that are the ones most closely tied to the issue raised in the corresponding comments. However, all responses should be reviewed for information pertinent to each comment.

May 25, 2011

LETTER 1

CONTRA COSTA
2011 MAY 27 A 11:01

Attn: Ms. Lashun Cross
Senior Planner
Contra Costa County Dept. of
Conservation & Development
651 Pine Street
4th Floor, North Wing
Martinez, CA 94553

RE: County File Nos. LP082034 and MS090008
Sufism Reoriented-EIR

Dear Ms. Cross:

My name is Margaret Abbott and I live at 1502 Sunset Loop, Lafayette. I have lived in my home since 1966. My home was originally in the unincorporated area of Walnut Creek until my voting precinct became part of the City of Lafayette in the late 1970's. I am still part of the area known as the Saranap Neighborhood.

1.1

I am writing to show my objection to the building of the Sufism Reoriented Sanctuary. My primary objection is based on land use in our semi-rural residential area. The domed design and large size of the building is inappropriate for our neighborhood. The numbers just don't add up – 74 parking places for a building of 66,000 sq.ft. There is something wrong with this picture. Over the years I have seen the impact of the parking on Blvd. Way at the existing sanctuary when the congregation has events.

I find it interesting that after all these years that the fence on the curve of Blvd. Way has been pulled back from a very dangerous corner (Blvd. Way and Kinney). I am thankful but not appeased at this last minute recognition of how dangerous this fenced corner has been over the years. 1.2

Please accept my letter as part of the objections to this project. I implore the Planning Dept. to review this project very carefully in relationship to the Saranap Neighborhood.

Thank you,

Margaret Abbott

Margaret Abbott
1502 Sunset Loop
Lafayette, CA 94549
mabbott117@sbcglobal.net

Responses to Comment Letter 1 – Margaret Abbott

1.1 See Master Responses 4 and 12.

1.2 See Master Responses 6 and 7.

Date: 4/30/2011

LETTER 2

To: Lashun Cross, Senior Planner
Contra Costa County Department of Conservation and Development
651 Pine St, 4th Floor – North Wing
Martinez, CA 4553

Subject: New Sanctuary for Sufism Reoriented Project, Environmental Impact Report
County File Numbers LP082034 and MS09008

I am writing to you in response to the draft environmental impact report #2010032038 and to my opposition of this project. Having been an abutting neighbor to the Lucy Lane housing project that was constructed here in Saranap a few years back, I have several concerns and objections to the size and scope of the proposed sanctuary. Listed below are the main reasons for my opposition: 2.1

- **Trucks - soil removal and soil compaction.** Not only will the unimaginable 3,310 (approximate) trucks moving in and out to haul soil away cause a great deal of vibration, pollution, traffic conjestion and noise. The trucks used to dig the soil and the trucks with large rollers that will be used to compact the remaining soil will cause incredible seismic shaking. I can only speak to my experience with the damage that was caused to my home and cottage from 4 weeks of constant shaking while the Lucy Lane (2 acre) project was being excavated. Most of the damage was to the rear of my house and my little cottage that is closest to the property line where all of the digging and compacting trucks were working. (Note: Originally 8ft. of soil was removed then the developers decided they took out too much and came back and added back 4ft. of soil). I am listing some of the damage to my property - I could probably use a whole page but will keep these to the most serious.
    1. Broken water and drain pipes that flooded underneath of my house – wasn't obvious until the tile on my floor started popping up and I was noticing a strange smell in my house. I just happened to see water coming out of the crawl space opening in my garage - opened it up to find at least a foot of standing water under my house that had to be pumped out.
    2. The seal in my kitchen dual glazed skylight window was broken from the vibration and again, it wasn't obvious to me until it started raining and I had water coming down the inside of the skylight well walls. I had to replace the entire skylight window. 2.2
    3. Cracked/fractured tile and broken grout on kitchen walls and counter tops.
    4. The water connections to my water heater and clothes washer came loose and my garbage disposal was almost completely disconnected from my sink.

  It has been noted in the report that the seismic activity to the surrounding neighbors that will be caused by this project is considered to be "less that significant". It is very hard for me to believe that the vibration/shaking from thousands of trucks can be mitigated. The Lucy Lane project pales in comparison to this project. If the surrounding homes are as old as my house with aging water and sewer pipes, I believe there will be damage. Also, anyone that has a problem with vertigo will have to leave their house while all of this is going on – the vibration will make people dizzy and nauseous.

- **Destruction of habitat – removal of approximately 43 trees.** Many species of wildlife (not just birds and bats) live in those trees and the ground surrounding them. Many beneficial ground nesting native bees, frogs, beetles and salamanders among several others will be destroyed. (Orioles used to nest in the trees that were cut down on the Lucy Lane project and I haven't seen one since). 2.3

Jan Adair

Jan Adair
51 Iris Lane
Walnut Creek, CA 94595

Responses to Comment Letter 2 – Jan Adair

2.1 See Master Responses 8 and 10.

2.2 See Master Responses 8 and 10

2.3 Potential indirect biological resources impacts related to tree removal are fully addressed in **Section 4.3** of the EIR. Also see Master Response 9. Please note that orioles are not a special status species under state or federal law.

Contra Costa County Department of Conservation and Development
651 Pine St, 4th Floor North Wing
Martinez, Ca 94553

CONTRA COSTA
2011 MAY 25 P 12: 31

LETTER 3

Attn: Ms. LaShun Cross

Dear Ms. Cross,

Thank you for the extended two weeks time allotted to read the Draft EIR for LP#082034 and MS090008. I own my home at 1443 Boulevard Way, approximately 310 feet from the proposed religious facility.

3.1

After careful study of this Draft, I ask, please, for your negative endorsement of this wholly inadequate document. The problems and violations in the EIR are too numerous and great to mitigate. Because there are so many issues in the Draft which are non-compliant to code to address, I will bring to your attention only a couple of them: others in such opposition will address the additional issues.

As an aside: it is especially wrong that no alternative plan has been submitted by Sufism Reoriented. Is this usual, or highly unusual? The proponent claims that their design is non-negotiable: it must reflect their spiritual tenets. This is not true: Sufism Reoriented's "sister congregation" in the Washington, D.C. area owns a brick building of the "federalist" architectural style. That is because it is compatible with the architecture of the **SURROUNDING** structures. The proposed design in Walnut Creek is in **NO WAY COMPATIBLE** to our area. 3.2 3.3

My comments regarding the California Environmental Quality Act:

I don't pretend to have the knowledge of the engineers on this project, however; is it not almost obvious that displacing 43,000 cubic yards of soil in a problematic zone, could have grave consequences? The proposed Project's situation and scope render the studies performed inadequate. The earth that is down slope from the created crater has a **HISTORY** of instability which is **DOCUMENTED,** going back **DECADES**. You may reference for yourself at Public Works, Maintenance and Flood Control. Several developments have been denied because of the hydrology and instability along the creek and upward to the Project Area. 3.4

The CEQA portion **ASSUMES** the adequacy of mitigations; but the ramifications of pursuing such an undertaking could be horrific. Should you pass such a plan that trusts in specialists' **PRESUMPTION** when humans reside in these down slope/downstream structures? The CEQA Section is seriously **INCOMPLETE.**

Section 4.8, "Hydrology and Water Quality" begs the question of the implementation of the relatively new engineering solution of **PERVIOUS MATERIALS.** This ground cover requires maintenance which, once again, makes an **ASSUMPTION** for the **FUTURE,** leaving the consequences of ground water (and all water) misplacement to the residents who are down slope/downstream. 3.5

Another appalling problem is that the project, as proposed, is under-parked. This cannot be mitigated; there is too great a discrepancy between the reasonable number of vehicles used for attendees, and the 3.6

number, for which the structure is intended to accommodate. To apply a "Traffic Demand Management Plan" is, respectfully I submit, absurd: how can a law be established, if it is **UNENFORCEBLE**? By virtue of being unenforceable, the law is made void. 3.6, cont.

This Draft EIR must be made complete in **SO MANY** sections: these are only a couple. Please consider them. I will look for forward to being reassured by you that my (our) beautiful part of the Contra Costa County remains a healthy, safe, green, and peaceful place in which to live. 3.7

Thank you for your time and consideration.

Sincerely,

Stacey A. Bradbury
May 23 2011

Stacey A. Bradbury
1443 Boulevard Way
Walnut Creek, CA 94595

cc: Catherine Kutsuris
Honorable Gayle Uilkema, Supervisor

Responses to Comment Letter 3 – Stacey A. Bradbury

3.1 In this portion of the comment, the commenter expresses criticism of the EIR but does not identify with specificity any claimed deficiencies. Accordingly, no response can be provided other than to address the subsequent specific criticisms. See responses to comments 3.2 through 3.5.

3.2 See Master Response 2.

3.3 See Master Response 4.

3.4 See Master Responses 10 and 11.

3.5 See Master Response 11.

3.6 See Master Response 7.

3.7 In this portion of the comment, the commenter expresses criticism of the EIR but does not identify with specificity any claimed deficiencies. Accordingly, no response can be provided other than to address the preceding specific criticisms. See responses to comments 3.2 through 3.5.

LETTER 4

MARTHA H. BREED
1285 CLOVER LANE
WALNUT CREEK, CA 94595
(925) 935-3634

May 13, 2011

Ms. LaShun Cross
Senior Planner
Community Conservation and Development Dept.
651 Pine St., 4th floor, North Wing
Martinez, CA 94553-1229

Re: County file numbers LP082034/MS090008
Sufism Reoriented proposed new sanctuary

I am writing to you about SUFISM REORIENTED's expansion plan for their property on Boulevard Way in Walnut Creek (unincorporated).

I am strongly opposed to the size and scale of their proposal. It is not appropriate for our residential neighborhood. 4.1

Their current presence in the neighborhood is quiet and welcome; their expansion plan is not welcome.

The plan for below-grade construction that calls for more than 3,300 truck loads of soil to be hauled away would be a massive noise and traffic nightmare. 4.2

This building plan is monstrously out of proportion to its surroundings, and we live here! 4.3

Yours truly,

Martha H Breed

CONTRA COSTA
2011 MAY 16 PM 12:23

Responses to Comment Letter 4 – Martha H. Breed

4.1 See Master Responses 3, 4, and 12.

4.2 See Master Responses 6, 8, and 12.

4.3 See Master Responses 3, 4, and 12.

LETTER 5

May 7, 2011

CCC Dept. of Conservation & Development
651 Pine St., 4th Floor – N. Wing
Martinez, CA 94553
attn: Ms. Lashun Cross, Sr. Planner

CONTRA COSTA
2011 MAY -9 P 2:57

RE: Cnty. File Nos. LP082034 and MS090008; Comments regarding "Sufism Sanctuary Project, draft EIR"

Dear Ms. Cross:

The draft subject EIR, particularly "Aesthetics" [4.1] does nothing to address or allay my concerns that the project's architectural design is totally out of keeping with the character/nature/history and culture of the Saranap neighborhood — past and present. 5.1

I've lived in this area (W.C. & Saranap) since the early '50s. Homesteads, classic gas stations, railroad lines, and rural family homes (have made) make our neighborhood what it is today. How many of the Sufi's actually live in Saranap? Their "alien spaceship docking station" is akin to nothing that ever existed or is in Saranap. It's like putting a bright purple-yellow house in the middle of a conservative single family residence community. It doesn't fit. It's obtrusive and blatant. 5.2 5.3

Sincerely,
Barry A. Burlingame

Barry Burlingame
2755 Acacia Rd.
Walnut Creek, CA 94595-1002
925 - 939 - 1014

Responses to Comment Letter 5 – Barry Burlingame

5.1 See Master Response 4.

5.2 Please refer to Draft EIR page 3-3, which notes that there are approximately 500 members of Sufism Reoriented in the D.C. and California congregations. Approximately 350 of these members are associated with the facility in Saranap. As reflected in **Appendix P**, approximately 224 Sufism Reoriented participants reside within one half mile of the site. See Master Responses 7 and 12.

5.3 See Master Response 4.

LETTER 6

Contra Costa County Dep't of Conservation/Development
Martinez, CA

File numbers LP082034 and MS090008

May 12, 2011

CONTRA COSTA
2011 MAY 13 P 2: 35

Ms. Lashun Cross,

In regard to the proposed sanctuary project for Sufism Reoriented, we appreciate and applaud the very thorough EIR presented to all the neighbors. We see no problem whatsoever with the plan, other than loss of trees, which, we realize, would occur no matter WHO built on the property.

So, we approve and support the church's building plans. The members have been tirelessly diligent and patient in presenting all plans to everyone and allowing time (too much, in our opinion) for comment and review. 6.1

Please consider us strongly IN FAVOR of getting started with the building as soon as possible. It will be a great improvement to the present unpleasant-looking SE corner of Boulevard Way and Kinney.

No, we are NOT members of the Sufism Reoriented church.

Mr. and Mrs. Robert Burnett
1012 Juanita Dr.
Walnut Creek, CA

L Burnett

Responses to Comment Letter 6 – Mr. and Mrs. Robert Burnett

6.1 See Master Responses 9 and 12.

C&H Development Co.

LETTER 7

CONTRA COSTA

2011 APR -6 P 3:57

DEPT. OF CONSERVATION & DEVELOPMENT

43 Panoramic Way
Walnut Creek, California 94595
(925) 906-1960
Fax: (925) 906-1955

April 4, 2011

Attn: Ms. Lashun Cross, Senior Planner
Contra Costa County Department of Conservation & Development
651 Pine Street, 4th Floor – North Wing
Martinez, CA 94553

RE: COUNTY FILE NUMBERS: LP082034 & MS090008

We are writing in response to your letter regarding the proposed construction of a 46,074 square foot sanctuary in the Saranap neighborhood of the unincorporated neighborhood of Walnut Creek.

We STRONGLY OPPOSE this construction for the following reasons: 7.1

- The congestion will increase due to more cars on the quiet two lane county road.
- Increased noise from traffic not only during normal business hours, but after hour use on a 24/7 basis 7.2
- Air quality will be impaired due to more visitors frequenting the sanctuary 7.3
- The rural integrity and serenity of the neighborhood on the whole will be compromised by congestion

Based on the reasons above, we hope the county will consider the existing neighbors and surrounding residents and businesses before issuing the green light on this project. 7.4

We plan on attending the public hearing to learn more about the EIR findings.

Sincerely,

Robin Rahkonen

Basil Christopoulos
Dan Christopoulos
Sonja Bowling
Robin Rahkonen
Courtney Patrick

Responses to Comment Letter 7 – C & H Development Co.

7.1 The proposed new sanctuary is 66,074 square feet, as stated on page 3-1 of the Draft EIR, not 46,074 square feet. See Master Responses 6 and 8.

7.2 Traffic volumes are not expected to produce any significant noise. The proposed program of uses (please refer to Draft EIR **Table 3-1**) is similar to current uses at 1300 Boulevard Way in terms of the typical sequencing of events. Uses would typically conclude by 10 PM and would not generate any substantial nighttime or early morning noise as suggested by the commenter. The project description does not include any major outdoor events. The project would be subject to the same noise regulation as all other homes and facilities in the zone, and thus is not projected to produce noise that would exceed the allowed noise levels. See Master Response 6.

7.3 As a religious facility, and as stated on page 4.2-13 of the Draft EIR, the only anticipated operational period air pollutant emissions would be from motor vehicles accessing the site, heating and cooling devices, and generators. Please refer to Draft EIR page 4.2-13, which notes that the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines provide screening criteria for determining if a project's operational emissions could exceed the BAAQMD's thresholds. If a project's size falls below the BAAQMD CEQA Guidelines' screening criteria, quantitative analysis of operational emissions is not required, and impacts are assumed to be less than significant.

As discussed in the Draft EIR, the project size (66,074 square feet) falls well below the BAAQMD CEQA Guidelines' screening criteria for a place of worship (439,000 square feet). Under the BAAQMD critieria, no further analysis is required and the impact is considered less-than-significant.

7.4 See Master Responses 4 and 6.

LETTER 8

4-27-11

Dear Ms. Cross,

Thank you for your notice on the Sufism Sanctuary & its potential for environmental impact.

I have seen the proposed design of the sanctuary and its grounds, and though I am not a Sufi, I welcome this project for its uplifting beauty. 8.1

Thanks for inviting comments -

Andrew Chin household
1871 Glenview Dr.
Walnut Creek

Responses to Comment Letter 8 – Andrew Chiu

8.1 See Master Response 12.

a part of this EIR. I understand it is a massive document. It took a while for me to get an electronic copy of the DEIR. Basically I've been making copies one by one and hand distributing to people in the neighborhood, so I would also like to request an extension of the comment period. I think it's a massive document. Again, we have a lot of lay people that are just muddling through this document. We got a late start on it because of the difficulty of its distribution. I would also support previous speakers in the sense that I think we need to see story poles on this project. The artist conceptions we've been seeing in the neighborhood are almost comical, they just have nothing to do with what I've seen in elevation drawings. They are like two different projects. I definitely support seeing story poles on this. Thank you.

PAT ROCHE: Okay. Alright, I have two remaining speaker cards, green cards, so if anyone is still interested in providing testimony today, please do fill out a green card. The next speaker card I have is for Carole (inaudible voice in background). Okay.

CAROLE CHUCKAVICH: My name is Carole Chuckavich, if that will help you out. I have some submitted some comments in writing based on what I was able to glean. I haven't had sufficient time really to poor through what is available, and I didn't even know how to find the appendices. I only was able to …

PAT ROCHE: Okay, Ms. Chuckavich, could you just for the record give us your address too just so we make sure have it.

CAROL CHUCKAVICH: Oh, sure. I'm at 1115 Juanita Drive. 9.1

PAT ROCHE: Okay. Continue then.

CAROL CHUCKAVICH: Yeah, so I don't even know, I couldn't even find the appendices so maybe it's my insufficiency at the computer, but I do, I have submitted some things in writing related to section 4 and section 5. These are primarily, my chief concern at this point after what I've reviewed is for the safety of people in motor vehicles as well as people in pedestrian and cyclists. This road, I think it's misrepresented and I've alluded to that in my document. I think there are several misrepresentations in the traffic study and also some disregard for visual, range of vision on some of the maneuvers required to get off of the main two-way road. Let's see, how do I say it? It's in my report, but basically, Boulevard Way is a streaming road of traffic. There are, streaming into this road at a critical point on a curve at the point of where this sanctuary is going to be built is a really concerning to me, a blind spot because when they construct the fence or the wall there, it's going to further obstruct the vision of motorists to see oncoming traffic and pedestrians. And I feel that there, as someone else mentioned, inadequate alternatives for the traffic pattern there and inadequate reverence for the safety features that are not addressed. Secondly, I think that it's very admirable from what I read in the Draft that there are what, I think I some something in the order of 168 residents who are willing to, I believe, what I read was that they want to sign an affidavit telling, promising that they would be walking or riding their bicycle there. This to me where there is no bicycle lanes on Olympic Boulevard and there is really no place to

9.2

9.3

safely walk is a frightening concern for safety. And also, it concerns me that people have may promise this and I think it's so admirable but twenty years from now or thirty years from now if this project is constructed, those people will cease to be a part of the dynamic of the area. They may move. They may become deceased, they may become incapacitated to walk or whatever. I feel that the parking, zoning needs to be respected fully. I don't understand and perhaps I need to talk to my district Supervisor about the TDM implications. Is that in the report? The TDM, what do they call it, waiver for the parking? I don't see that. Did I miss something in the Draft? 9.3, cont.

PAT ROCHE: I'm just taking your comments, so if you have a question I think you would want to direct that …

CAROL CHUKAVICH: Okay, my question is that it's not clear in the Draft, what modifications for parking are being considered. Here it's just a general statement. Just so many things are not clear. And I concur with former speakers, and I'm not as polished. I'm just a little neighborhood person. So, I appreciate your patience with my remarks. Thank you. 9.4

PAT ROCHE: Okay. Alright, I have one last green speaker card, so again, just a reminder that if anyone is interested in speaking today, please do fill out a card. The last speaker I have is J. David Dacus.

J. DAVID DACUS: Hi. My name is J. David Dacus, and I live at 1308-C Boulevard Way in Walnut Creek. I'm a board member of the Saranap Community Association and I am chairperson of their SCA Application Review Committee. I have a Bachelor in Environmental Design from Texas A&M University and a Masters in Architecture from UC Berkeley and was on staff at the Center for Environmental Structure there. I was licensed as a California Architect in 1985 and have practiced in the Saranap since that time. I have performed hundreds of design reviews under contract to master developers, municipal planning and public works departments, and county planning departments. I'm here with my colleague, Charles Huddleston, who is also an experienced project manager and building designer in Northern California, and formerly on staff at the very well known Owner/Builder Center in Berkeley. The DEIR comprises almost 1600 pages of study. These studies were performed over nearly a 3-year period, and to describe it as thorough would be fair. I have read almost the entire document with interest and considerable amount of caffeine, and we have met on numerous occasions to review it and to share our understanding with the SCA board of directors. The SCA has held two community meetings on this project. These meetings were advertised to the entire community and open to all, and all the issues raised in these meetings were documented and supplied to the DCD and included in the scoping of the DEIR. All have been addressed in the document and in every case they were either dismissed as having no impact, as not applicable, such thing as heritage trees and historic architecture, or if the cause of an impact, one or more mitigations have been described. There are no unavoidable impacts and all significant impacts are less than significant once mitigated. To our understanding, no environmental issues remain unaddressed and from our perspective, no environmental issues were inadequately addressed. We would like to

Responses to Comment Letter 9 – Carole Chuckovich (Zoning Administrator Hearing)

9.1 See Master Responses 1 and 6. Appendices were available at the locations identified in the Notice of Availability, and on the County's website at www.cocoplans.org. In addition, CDs were available to purchase at the County's office for $2. Provisions of the EIR have been amended and corrected as reflected in these responses to comments, as shown in Volume I of this Final EIR. The commenter does not identify what figures or statements she believes are misrepresentations, so no further response can be provided.

9.2 See Master Responses 2 and 6.

9.3 See Master Responses 6, 7, and 12.

9.4 See Master Response 7.

Carole Muckovich

RECEIVED 4/18/11

ZONING ADMINISTRATOR HEARING LETTER 10

AGENDA ITEM # 16

The vehicles traveling **west on Blvd. Way are the bulk of the motorists** and are moving **with right of way proceeding at a primarily constant rate of speed**. This illustration is designed to focus on **movement northbound at the curve of Blvd Way** onto Garden Court or turning across traffic onto Kinney Drive.

Concern for vehicles exiting Garden Court or merging onto the main flow of traffic from Kinney Dr heading **across northbound traffic on Blvd Way heading toward Mt. Diablo Blvd** are also addressed **.**

Attachment #1 Legend: Addressing Safety for Vehicles, Cyclists and Pedestriahs
Purple / (visual barrier) to the right

This represents a **visual obstruction** to **north bound traffic turning left**

To safely turn left onto Kinney. The driver must significantly reduce speed and advance cautiously along the curve in the road, (going past the Purple **visual barrier)** causing the driver to make **a sharp left turn radius of** 45degrees onto Kinney Drive. 10.1

This awkward left turn maneuver is necessary in order to safely verify by sight that there are no oncoming vehicles before proceeding onto Kinney Drive

Northbound traffic continuing on Blvd Way has no issue with the wall on the right but may be effected by the unusual speed and actions of the car that is seemingly following the curve going forward but signaling left and trying to proceed safely to the left..

Green /(clear vision zone) to the left has a **stop sign that is needed** for vehicles **proceeding East from Kinney Drive** east onto **Blvd Way Northeast.** Again, **field of vision is needed to safely merge into traffic flowing Northeast on Blvd Way.**

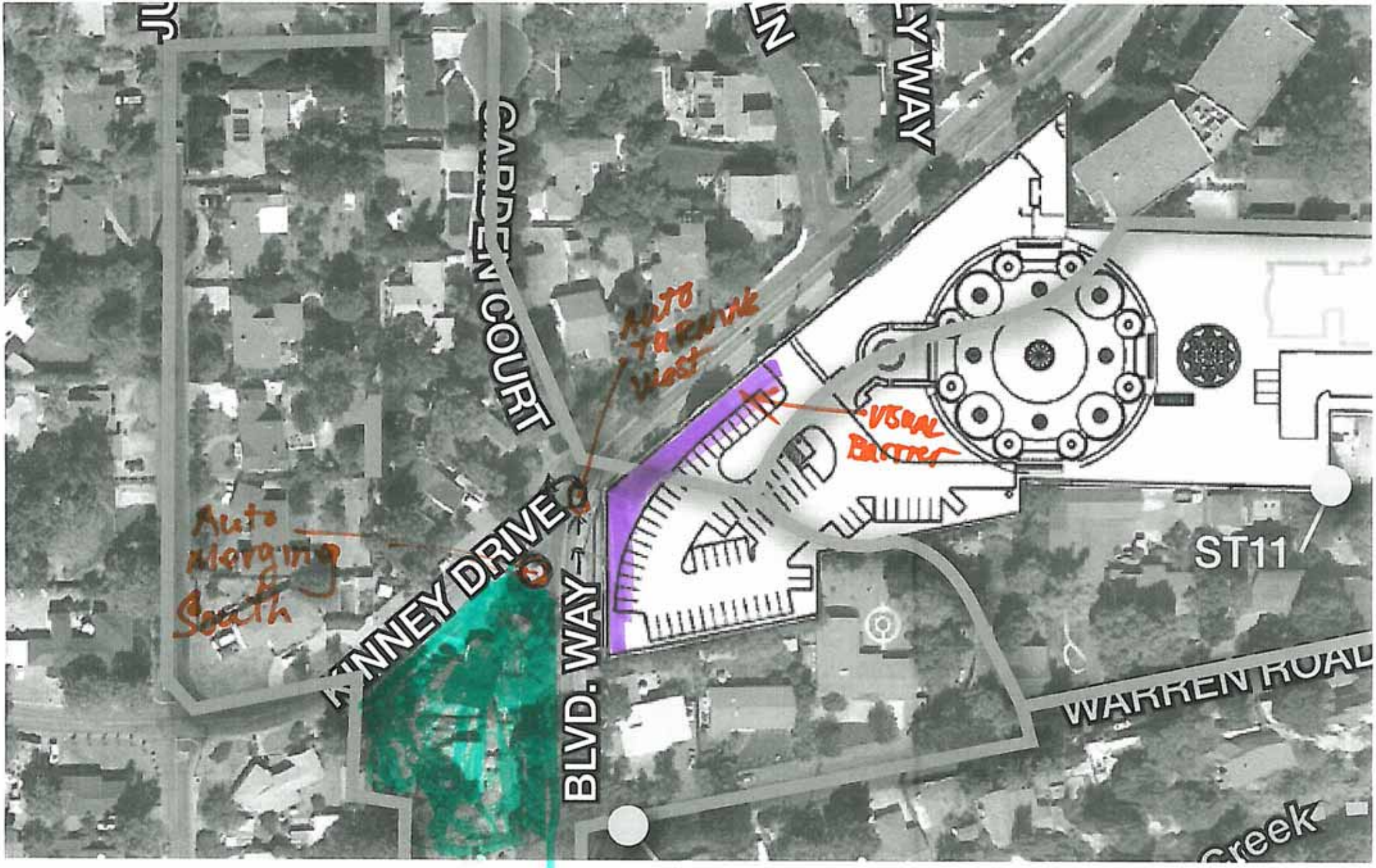
THESES PROBLEMS CONTINUE TO BE UNRESOLVED IN THE PROPOSED MODIFICATIONS. Further analysis is needed. Field of vision is addressed for the entry and exit of the sanctuary, but not for the barrier presented by the walls planned at the curve where eight directions of auto movement are dependant on clear visual angles to safely proceed along their course of travel.

I am relspectfully requesting that all those whose names appear on the EIR Draft personally drive north on Blvd Way from Olympic Blvd and turn left onto Kinney to directly experience the unaddressed blind turn across oncoming traffic. Also observe item 4.13-7 regarding lack of safety for cyclists and pedestrians. 10.2

Page 5-7 refers to a 4-way intersection. This is a mis-characterization. Vehicles traveling on Blvd. Way represent unbroken traffic on a single street. **The accurate description is that at the curve of Blvd. Way, two side streets are also present.** 10.3
An additional weakness is that the planned crosswalks are placed at locations of greatest vehicle activity and thereby presenting the greatest vulnerability to pedestrians .

Page 4.13-7 needs to be revisited. Blvd Way going north is NOT safe for bicycle traffic or pedestrians. It has unimproved shoulders far too narrow to SAFELY bike or walk – especially considering the curves and volume of traffic. This problem is minimized in the report and compared to less active areas of traffic. 10.4

N


CADDEN COURT
WAY
Auto to Drive West
Visual Barrier
Auto Merging South
WINNEY DRIVE
BLVD. WAY
ST11
WARREN ROAD
Creek

S

Responses to Comment Letter 10 – Carole Chuckovich (April 18, 2011)

10.1 See Master Response 6.

10.2 See Master Response 6.

10.3 Please see page 5-7 of the Draft EIR which describes Alternative 3: Modified Right-of-Way Alternative and the modifications to Boulevard Way and Kinney Drive. This cited discussion does not describe the existing condition of the intersection nor the conditions under Project Variants A and B but rather describes a conceptual alternative. CEQA requires that an EIR consider alternatives to a proposed project. See Master Response 2.

10.4 See Master Response 6.

10.5 Page 4.13-7 of the Draft EIR describes the existing circumstances and acknowledges the lack of sidewalks and bicycle lanes. See Master Response 6.

LETTER 11

TO: **Ms. Lashun Cross, Senior Planner**
CCC Dept., of Conservation and Development

FROM: Carole Chuckovich
1115 Juanita Drive

RE: **County File # LP082034 & # MS090008**

The size and scope of the Sufism Reoriented project on Boulevard Way is of great concern to local homeowners. This project will require excessive destruction to the environment both above and below the ground. 11.1

In addition, this structure is excessive in size, even for an urban community, and yet proposes to impose upon our rural residential neighborhood with architectural features that clearly clash with the surrounding established traditional homes. 11.2

Over 40 heritage trees and habitat will be stripped from the land and replaced by immature trees that will take decades to become significant. EIR impact 4.3 mitigates these concerns. The mitigations are weak and several, "if" this -then that, proposals are provided, requiring considerable oversight of the DCD staff and other resources. It appears throughout these mitigations, that significant tax dollars will be spent on a project that is not prudent in it's scope or design for either the petitioning party or for the community at large. 11.3

Stark white walls surrounding tall domes towering over 22,000 sq.ft. of surface area and a bunker style area below encompassing 44,000 sq.ft are in this project plan. The emissions, dust, noise, ground vibrations and traffic affected by an excavation of this magnitude will be beyond realistic mitigation. The volume of earth being carved from the existing land has been recognized as S (significant) by the EIR. Again, mitigations are subjective and require considerable taxpayer cost and expense to accommodate. The construction of the special interest plans will still have an unavoidably negative impact the quality of life for the surrounding residents in the course of the proposed project, regardless of well intentioned mitigations. 11.4 11.5

Traffic and Circulation issues are poorly addressed and not convincing.
If this proposal is allowed to go forward as planned, the 66,000 sq.ft. permanent structure located on 3 ½ acres proposes to provide less than 80 parking spaces. Planned spaces for parking should be closer to 300% greater than submitted. 11.6

The petitioners expect unrealistic mitigation on parking standards by providing "signed affidavits" of it's members to carpool,walk , bike or use public transportation. That is very nice but, not realistic, permanent or enforceable. People can relocate, change their minds, and expand their local and affiliated populations over time. Ownership and function can change over time as well.

The parking allocation of any permanent structure should be determined based on square footage, not good intentions or fixed occupancy. Given the size and washroom projections of the blueprints, large special events are anticipated. Parking is insufficient for the size and future potential of this massive structure. 11.7

The 32,000 sq ft libraries of Lafayette and also of Walnut Creek are less than the half the size of this project. Both provide parking according to established code. Both of these libraries have sidewalks and parking along ALL the surrounding streets for miles in each direction. They also have public transportation and bicycle accommodations, yet the proposed building on Blvd. Way with double the sq.ft. is projecting only a fraction of parking spaces of buildings that are only half it's size.

There are no domed homes or any modern or contemporary buildings anywhere in the community. Even the newest of homes here are harmonious and traditional in their design.

The petitioner sees the saucer domes in the proposed plan as a source of pride and compares the height to some of the neighboring houses. What is not addressed is that the neighboring houses are spaced apart, not a contiguous structure of 22,000 sq,ft, of 17+ to 33+ feet in height. The neighboring structures are also surrounded by old growth greenery and traditional in design and appearance. 11.8

When asked to provide story poles, none were provided by the petitioners or insisted upon by the EIR. The choice was made, to use words tell the story rather than to actually present it with a visual demonstration using story poles. 11.9

With well over a thousand pages of study and mitigation, I am not convinced that this project is environmentally friendly either above the surface, or below. If it was truly friendly there would not be a need for so much mitigation and extreme oversight. The approval of this special interest project would clearly place an added burden and high demand on the county regulatory agencies. Tax payers are, in effect subsidizing of the added costs of mitigation oversight for a project that clearly poses serious environmental concerns and is not harmonious with the surrounding structures. 11.10 11.11

Responses to Comment Letter 11 – Carole Chuckovich (May 27, 2011)

11.1 See Master Responses 3 and 4.

11.2 See Master Responses 3, 4, and 12.

11.3 See Master Response 9 regarding the analysis of proposed tree removal. There are no trees on the site that have "heritage" status as claimed. The commenter also expresses concern about the amount of tax dollars that would be spent to oversee compliance with mitigation measures. Development review and enforcement of mitigation in the County is performed on a cost-recovery basis, with project proponents assuming responsibility for the cost of work incurred. This comment does not raise any significant environmental issues. See Master Response 12.

11.4 For a discussion of potential construction period vibration effects, please see Draft EIR page 4.10-13, **Impact 4.10-2**, which acknowledges limited potential for vibration during construction and imposes mitigation reducing identified effects to a less-than-significant level. Please also see Master Responses 4 and 8.

11.5 Please refer to the response to comment 11.3 above. See Master Response 12.

11.6 See Master Response 7.

11.7 See Master Responses 3 and 7.

11.8 See Master Responses 3 and 4.

11.9 See Master Responses 1 and 5.

11.10 The commenter is concerned with the number of pages of the environmental review as well as the number and extent of mitigation measures set forth. The County notes this comment and further notes that all identified project impacts can be successfully mitigated to a less-than-significant level, leaving no significant or unavoidable impacts. See Master Response 12.

11.11 Please refer to the response to comment 11.3 above.

LETTER 12

CONTRA COSTA COUNTY

May 25, 2011

Attn: Ms. Lashun Cross, Senior Planner
Contra Costa County
Department of Conservation & Development
651 Pine Street, 4th Floor - North Wing
Martinez, CA 94553

Subject: Proposed 66,074 Square Ft. Sanctuary Project in Contra Costa County (County File #s LP082034 and MS090008) – Comments on Draft EIR (DEIR)

Dear Ms. Cross:

Please find below my comments and concerns regarding the DEIR:

I. TRAFFIC & CIRCULATION SECTION OF THE DEIR

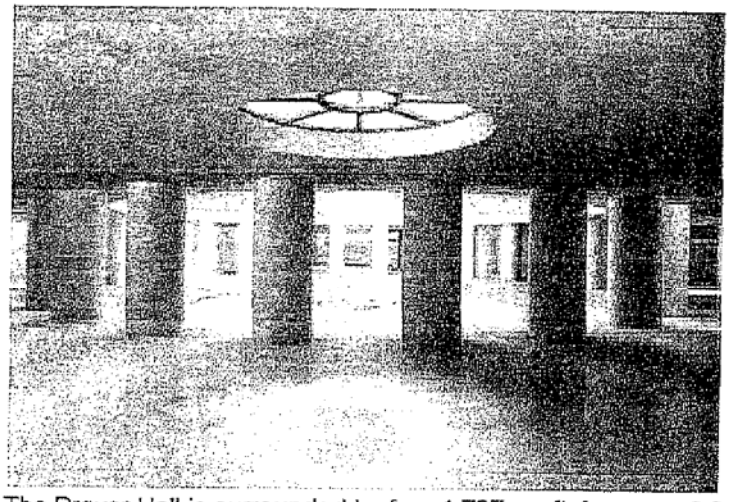
A. Traffic Study (Appendix O) and DEIR (page 3-9 under "Parking") Erroneously Calculates and Accepts Required Off-Street Parking is 125 Spaces for a Facility of this Type and Size

Within the Traffic & Circulation Section of the DEIR, project off-street parking demand is not calculated using "Gross Floor Area" as is specified by the Contra Costa County Ordinance Code, Chapter 86-16 "*Off-Street Parking* ", Section .018, "*Number of required spaces.*" This Contra Costa County Ordinance Code states: "*Assembly halls without fixed seats: One space for each forty square feet* ***of gross floor area***." (Emphasis Added.) This Contra Costa County standard was used in the Traffic Study and DEIR. 12.1

By using an inaccurate gross floor area calculation (through omitting a very large amount of available occupiable space that should be included in the gross floor area calculation), a large deficiency results in the number of off-street parking spaces required for the proposed project sanctuary within the Traffic Study and DEIR. Consequently, page 3-9 of the DEIR, under the title, Parking, incorrectly states, "*The Contra Costa County Zoning Code (Zoning Code) establishes parking requirements for all land uses, and would typically require a total of 125 spaces for a facility of this type and size.*"

The gross floor area calculation of 5,000 sq. ft. used in the Traffic Study (Appendix O, page 0.1-37, paragraph "County Code Requirements") to arrive at the 125 off-street parking spaces mentioned on page 3-9 of the DEIR is inaccurate for the proposed project sanctuary Prayer Hall. To arrive at a gross floor area of 5,000

sq. feet, only the center circular area of the proposed sanctuary Prayer Hall – the area inside the pillars was included in the calculation. The actual and accurate gross floor area of the proposed project Sanctuary is 11,948 sq. ft. (5,000 sq. feet center area + 1,737 sq. feet North Foyer + 1737 sq. feet East Foyer + 1737 sq. feet South Foyer + 1737 sq. feet West Foyer for a total of 11,948 sq. ft. gross floor area). **Using the accurate gross floor area for the Sanctuary Prayer Hall of 11,948 sq. ft., in accordance with Contra Costa Zoning Code, would require the proposed project to require 299 off-street parking spaces** (11,948 sq. ft. divided by 40 equals 299 parking spaces being required) **for the proposed project sanctuary.** Below is a picture of the proposed project sanctuary Prayer Hall. As can be seen in the picture, the very large area surrounding the center area of the Prayer Hall is definitely "*occupiable*" space, but this "*occupiable*" space is incorrectly not included in the Gross Floor Area calculation used to determine required parking demand for the proposed project.



The Prayer Hall is surrounded by four 1,737 sq. ft. foyers or 6,948 sq. ft. of open space.

12.1, cont.

The DEIR is incomplete in that it does not begin to consider the potential use of the Plaza area for dining and entertainment events. If one were to calculate the gross floor area for the available and occupiable lower level Plaza area, it would be a total of 9,842 sq. feet (4,536 sq. ft. for the seating area, 1,548 sq. ft. for the West Gallery, 1,908 sq. ft. for the East Gallery, and 1,850 sq. ft. for the Rotunda for a total of 9,842 sq. ft. gross floor area). **Using an accurate gross floor area for the available and occupiable Plaza area of 9,842 sq. ft., in accordance with Contra Costa Zoning Code, would require 246 parking spaces** (9,842 sq. ft. divided by 40 equals 246 parking spaces) for the proposed project sanctuary.

I cannot see how this proposed project can comply with the County Ordinance Code and justify a calculation of less than 246 parking spaces based on the huge contiguous

spaces within their proposed building that are available for occupation during a special event such as a wedding or other large group event in both its Prayer Hall and Plaza areas. The Plaza area calculation I used to calculate the 246 parking spaces was conservative and did not include the Kitchen area of 1,850 sq. ft. that would also be used for a special event. Please remember that there is nothing preventing the applicant from renting out the use of their Plaza area to outside groups putting on a large event. The proposed project sanctuary has a very large kitchen (larger than many homes) and would easily comfortably seat a very large group of people in addition to providing a lot of standing room for a very large crowd with bathroom facilities adequate for more than 2,800 people based on the Uniform Plumbing Code (see paragraph below regarding Restroom Facilities). Since there is no fixed seating and there is ample storage space available (to hold large amounts of folding chairs or cushions), in addition to standing room, the total available occupiable space allows an extremely large number of people to use the sanctuary at a single time or event. The DEIR does not address this possibility and should be amended to do so. 12.1, cont.

The DEIR required parking demand should be based on Contra Costa County Zoning Code and on the standard definition of "*gross floor area*" unless the County has specified otherwise within its code. **Section 1002.1 of the International Building Code defines the term "Gross Floor Area" as, "*The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features.*** *The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.* ***The gross floor area shall not include shafts with no openings or interior courts."*** In my calculations of the Gross Floor Area, I did not include closets or other enclosed spaces (such as an interior court). The "*circulation*" areas on the proposed project plan are not corridors; they are open rooms and are clearly "*occupiable*" space that should be included in gross floor area calculations.

Finally, the DEIR should be amended to require the applicant to provide a minimum of 246 to 299 parking spaces for its proposed project sanctuary instead of the 125 (then reduced to74 parking spaces based on the TDM plan that cannot be guaranteed into perpetuity or for the life of the building) the DEIR incorrectly cites (on page 3-9) would be required according to Contra Costa County Zoning Code for a facility of this type and size. A facility with colossal united rooms, a huge kitchen, multiple offices, library, classroom, video, audio, and dance studios, with enough bathrooms for 2,800 people, and totaling more than 66,000 sq. ft. certainly would not typically require 125 parking spaces of off-street parking according to Contra Costa County Zoning Code/Ordinance.

B. Projecting Future Project Sanctuary Traffic Generation Based on Current Sanctuary Traffic Generation is Faulty Because the Availability of Additional Space in the Proposed New Sanctuary will Create New Uses as well as Allow for the Accomplishment of Activities Currently Performed Elsewhere (i.e., homes and the Meher School, etc.) and Those Postponed Due to Inadequate Space at the Current Sanctuary

Once the proposed 66,074 sq. ft. sanctuary is built, simple human nature will cause members to continue to come up with ways to use the new space. The simple fact that 66K+ sq. ft. of space is available for use will allow members to think of additional things they could accomplish using the proposed project sanctuary site and will guarantee, over time, increased project sanctuary use and vehicle traffic.

1. Sufism Reoriented's current sanctuary is only 5,000 sq. ft. According to Appendix B (pages B-5 & B-6), Sufism Reoriented: Analysis of Why Additional Space is Needed, they do not have adequate space for all of the activities that Sufism Reoriented has been performing or wants to perform including (1) projects postponed indefinitely for lack of space, and (2) activities currently housed elsewhere (in private homes or at the Meher School, etc.) that can be brought under the roof of the new sanctuary. These activities include:

   a. **Art Cataloging, Maintenance, Display, reproduction, storage, and packing and shipping of art** housed by Sufism Reoriented; 12.2
   b. **Library for large collection of spiritual literature used for inspirational reading, publications research and to prepare teaching materials to be cataloged and made accessible to readers and researchers in a reading library;**
   c. **Second Library for the storage and preservation of thousands of audio and video recordings, rare photographs and irreplaceable films of Meher Baba or pertaining to the history of Sufism Reoriented;**
   d. **Archives to preserve and maintain our extensive collection of traditional personal relics associated with Meher Baba, such as articles of clothing, sandals, chairs, personal physical objects, letters, cables and so forth requiring space to prepare these objects for archival storage, or to catalogue, maintain, and display them;**
   e. **Publishing, administration, sales and distribution of over 50 books and other written materials – they have a number of major publications planned that are completely on hold awaiting adequate space for writers, editors and production staff. Multi-purpose areas will be utilized for the work;**
   f. The Searchlight Bookstore currently housed in an office at the Meher Schools will be located on the lower level where it will continue be open to the public. There visitors will find books, video and audio recordings, photographs and

artwork displayed and sold. The bookstore also packs for shipping and distribution. The space allocated to bookstore activities also provides for adequate storage of these materials, now kept in commercial storage units in Walnut Creek;

g. Rehearsal, devotional art, film and audio production – At present, chorus sectional rehearsals are regularly held in individual members' houses due to inadequate space. **Art studios and art classes, which produce devotional artwork, are also maintained outside the current building due to lack of space**, as are music scoring, sound mixing, and video editing and production. 12.2, cont.

h. **Classes – Sunday school classes for younger children, teen classes and study groups are currently held at the Meher Schools and in private homes. The Classroom will be used for these various non-concurrent uses and will also be used for prospective member classes, which are now held in a private reception area.**

According to Appendix B (page B-6), a total of 8,766 sq. ft. of the new sanctuary will be dedicated to the above activities (stated to be postponed indefinitely for lack of space and currently housed elsewhere in private homes or the Meher Schools). It should be obvious that these activities will add to the current levels of traffic experienced by the neighbors of the current sanctuary.

According to Traffic Study Appendix O, page 0.1-26, Project Trip Generation, "*Daily and weekday peak hour vehicle trip generation for the proposed project has been based on driveway counts conducted at the existing facility off Boulevard Way (1300 Boulevard Way) and the most recent project description and activity schedule submitted to Contra Costa County as part of the required Transportation Demand Management (TDM) plan.*" Table 8, "Proposed Sufism Reoriented Sanctuary Use and Frequency Patterns", lists activities and frequency, but does not include the many activities not occurring in the current sanctuary that are listed in paragraphs 1a-h above and planned to be accomplished at the proposed project sanctuary. It is obvious that with 8,766 sq. ft. dedicated to these functions in the proposed project sanctuary that additional people will be working at and using the new building creating additional traffic at the proposed sanctuary. The project trip generation information also does not include special events, like the recent Children's Spring Party, open to the public. 12.3

In addition, the DEIR does not discuss the potential impacts to the neighborhood should Sufism Reoriented ever decide to sell or move away from the proposed project sanctuary. Would any other group be willing to purchase the property with the current TDM plan that would be forever tied to the property due to the severely undersized small parking lot for such a large facility? Would a new use 12.4

have low traffic and would a future owner or tenant be willing to follow the TDM plan which relies on people walking to their facility instead of being able to take public transit? 12.4, cont.

2. Restroom Facilities: According to the Uniform Plumbing Code (UPC), Table 4-1 Minimum Plumbing Facilities, the Proposed Sanctuary has enough toilet facilities for more than 2,800 people.

(http://www.americanrestroom.org/code/code_upc_table4-1.pdf),

Worship Places Principal Assembly Place:
1 Female Restroom per 75 women;
1 Male Restroom per 150 men;
1 Male Urinal per 150 men

Assembly Places: Theatres, Auditoriums, Convention Halls, etc. – for public use:

3 Female Restrooms serve 1-50 women
4 Female Restrooms serve 51-100 women
8 Female Restrooms serve 101-200 women 12.5
11 Female Restrooms serve 201-400 women
Over 400, add one fixture for each additional 125 females

1 Male Restroom serves 1-100 men
2 Male Restrooms serve 101-200 men
3 Male Restrooms serve 201-400 men
Over 400, add one fixture for each additional 500 males

1 Male Urinal serves 1-100 men.
2 Male Urinals serve 101-200 men
3 Male Urinals serve 201-400
4 Male Urinals serve 401-600
Over 600, add 1 fixture for each additional 300 males

The proposed project sanctuary has a total of 19 women's restrooms, 9 men's restrooms, and 9 men's urinals. According to the UPC, the proposed sanctuary would allow for event attendance of more than 2,800 persons. The proposed project limited parking availability of 74 vehicles would be totally inadequate and the current TDM plan will not begin to mitigate the negative transportation impacts from this level of attendance.

3. The DEIR traffic and circulation section does not take into account traffic impacts for special events like the recently held Children's Spring Party which took place on May 22, 2011 (from 11a.m. to 2:30 p.m.), where a large sign was posted on Boulevard Way saying "*Children's Spring Party on the Lawn*" ... "*All are welcome*" and "*Games, Puppets & Music*," and "*Potluck & Egg Hunt*."

   While these events benefit some members of the local community, they do result in a lot of additional traffic coming into the neighborhood surrounding the proposed project sanctuary. Seeing all of the vehicle traffic on Boulevard Way tends to make one feel that not a lot of the people attending this event are walking from their homes to attend. The Transportation Demand Management (TDM) plan will easily fail when events are open to the general public. Yes, Sufism Reoriented offered a shuttle service from their current sanctuary to their parsonage entrance, where the event was held, and there were people walking to the activity from Kinney Drive. However, there was still a lot of additional traffic on Boulevard Way and a lot of cars parked in the parking lot of the permanently closed La Rosa's Market on Boulevard Way and in the nearby business building parking lot. All sections of the DEIR do not currently address these types of events and should take into account these types of special events and others like weddings, funerals, etc. that will be held at the newly proposed sanctuary throughout the year where non-members (not following the TDM plan) will participate. 12.6

   In addition, the DEIR must take into account and include evaluation of the fact that at some point in time Sufism Reoriented may find itself in a financial situation (like many other churches have including the church I attend) where they later, after building their facility, find it is necessary to rent out their kitchen and dining area with their available and included galleries and rotunda in order to help pay down the construction bills and maintenance of the facility (the kitchen and available Plaza area with galleries and rotunda and ample restrooms for 2,800 people in the proposed project sanctuary). The DEIR currently does not address this possibility and it should be amended to do so. This has happened to many a church that expected to only use the facilities themselves (for their members) and it is a very realistic possibility for the proposed project Sanctuary. In fact, the facility can even be rented out to a member for a special event, maybe for a charity; it does not even have to be rented out to a non-member for the building to be occupied to capacity. It is important to remember that it is the available space that should form the basis for potential impacts, not simply the current number of members. Only basing usage on current membership numbers denies the potential use of the facility and understates the related impacts on the environment from the proposed project sanctuary. 12.7

4. A close look at the existing Special Event Trip Generation for Special Event (page 4.13-12 of the DEIR) confirms that 74 parking spaces would be totally inadequate 12.8

even with existing TDM plan. Table 4.13-4 states that on March 20, 2009, a total of 103 vehicles came in and out of the existing sanctuary parking lot from 7-8 p.m. and a total of 118 vehicles came in and out of the parking lot between 9:30 and 10:30 p.m. From these numbers alone, it is clear that more than 74 parking spaces are needed because the surrounding neighbors, given the above counts, would experience 15 to 22 vehicles coming to their existing sanctuary, dropping off people or picking them up, and driving away back through the neighborhood, which amounts to neighbors experiencing two trips for each of these 15-22 vehicles versus having all of the people be able to just drive to the sanctuary, park there for the 8-10 p.m. event, and then depart at the end of the activity. The proposed parking of 74 spaces is not even adequate with the existing TDM plan. Based on the above vehicle counts, if there were adequate parking, the neighborhood would have experienced no more than 89 vehicles (74+15) driving through their neighborhood before 8 p.m. to park at the sanctuary and no more than 96 vehicles (74+22) exiting through their neighborhood around 10:30 p.m. This amounts to 185 vehicle trips through the neighborhood. Instead, with only 74 parking spaces, the neighborhood would experience 74 vehicles driving through their neighborhood before 8 p.m. to park, an additional 15 vehicles (103-74/2) driving through their neighborhood to the parking lot and these extra 15 vehicles (103-74/2) driving back through the neighborhood because there is no room to park, in addition to the 22 vehicles (118-74/2) that drive through their neighborhood to the parking lot before 10:30 p.m. and the extra 22 vehicles (118-74/2) that leave before 10:30 p.m. in addition to the 74 parked vehicles that would then exit through the neighborhood around 10:30 p.m. This scenario with only 74 parking spaces would cause 222 vehicle trips through the neighborhood. With a 74 parking space lot instead of a 100 parking space lot, the March 20th event would cause an additional 37 vehicle trips (222-185) to be experienced by the neighborhood. 12.8, cont.

This is why it is so important for the proposed sanctuary project to have an adequate sized parking lot. The larger the event, the greater the number of extra vehicle trips the neighborhood would experience due to a lack of parking. People will drive around an area multiple times looking for an open parking space. The whole idea of requiring off-site parking is to reduce the impact to the surrounding neighbors of having people making multiple trips through their neighborhood because there is not adequate parking available. The DEIR does not adequately evaluate the effect of previously experienced traffic at the existing sanctuary upon the neighborhood, while the TDM plan was in effect, with only 74 parking spaces available at the sanctuary. The DEIR should be amended to include this analysis.

C. The Transportation Demand Management (TDM) Plan is Flawed

The TDM plan does not account for the aging membership of Sufism Reoriented. It does not take into account that in a number of years, a certain percentage of the membership may no longer be able to walk to the proposed project Sanctuary. It also does not account for the increase in short term injuries that will result as the membership ages increasing the need for convenient close parking spaces for the membership.

The TDM plan also does not take into account special events that involve members of the general public such as the recent Children's Spring Party. Members of the general public attending their events will not always be following their TDM plan as was observed at the Children's Spring Party where some attendees parked or attempted to park along Boulevard Way. At this event, Sufism Reoriented had about 10 people monitoring and directing parking along Boulevard Way in order to prevent a parking issue. The greater the crowd attending an event, the harder it will be for Sufism Reoriented to prevent people from legally parking on the side of the roadway or parking further away along Kinney Drive or in other businesses' parking lots or on a side street in order to attend one of their public events if they do not provide adequate parking in their parking lot. Once this development has been approved, will the same level of diligence always be shown toward monitoring parking? If the facility is rented out, will Sufism Reoriented be there directing traffic along Boulevard Way? Is Sufism Reoriented legally allowed to act as parking monitors for people parking along Boulevard Way or to direct traffic on Boulevard Way on County roadways? 12.9

D. Project Proponent Recommended Project Variant A (also DEIR Alternative 3) Creates Unsafe Kinney Drive/ Boulevard Way Intersection 12.10

Project Variant A (also called Traffic Study Variant #2 and DEIR Alternative 3) is an accident waiting to happen. People driving on Boulevard Way in the southwestern direction (heading toward Rossmoor) will not expect to encounter uncontrolled vehicles crossing directly in their path from Kinney Drive (Kinney Drive vehicles headed in the northeastern direction toward downtown Walnut Creek) as these Boulevard Way drivers follow the Boulevard Way curve in front of the Kinney Drive intersection. Boulevard Way, an arterial roadway (average daily traffic of 4,230 vehicles), is the major roadway while Kinney Drive is only a minor local collector street (average daily traffic of 1,800 vehicles). Driver's on a major arterial roadway should not have to and will not expect to encounter uncontrolled vehicles crossing directly into their path from a minor roadway. The number of accidents at this intersection will likely increase substantially if Project Variant A (also called Traffic Study Variant #2 and Alternative 3 (incorrectly chosen by the DEIR as the Environmentally Superior Alternative) is allowed to be implemented as proposed. 12.11

Project Variant B (Traffic Study Variant #1) proposed by the Contra Costa County Public Works Department correctly recognizes that Boulevard Way is the major arterial roadway and correctly leaves the stop sign to control minor street Kinney Drive vehicles crossing over onto Boulevard Way in a northeasterly direction. Project Variant B also requires the Applicant to move the proposed perimeter wall and landscaping about 30 feet further away from the Boulevard Way right-of-way than it originally was (Appendix O, page 0.1-42). SR has recently moved their fence about 25 ft. further away from the Boulevard Way right away. Out of the inadequate number of project alternatives currently presented in the DEIR, Project Variant B (Traffic Study Variant #1), would undoubtedly be the environmentally superior alternative. In consideration of the safety of the 4,230 daily drivers of Boulevard Way (plus the 1800 drivers of Kinney Drive) , the project proponent must be prevented from implementing the proposed Project Variant A (also called Traffic Study Variant #2 and DEIR Alternative 3) and must be required to implement Project Variant B to provide for the safety of motorists using Kinney Drive, Garden Court, and Boulevard Way. 12.12

How does the environmentally superior Alternative within this DEIR allow a minor street to enter a major street without any traffic controls such as a traffic light, stop sign, or even a yield sign? Why is the Kinney Drive/ Garden Court/ Boulevard Way intersection viewed as a standard "*two-way-stop-control*" intersection when this intersection is anything but standard? The southbound leg of Boulevard Way is the continuation of Boulevard Way and is not the continuation of Garden Court just as the northeast bound leg of Boulevard Way is not the continuation of Kinney Drive. Treating this intersection as a standard "*two-way-stop-control*" intersection and removing the stop sign from minor collector street Kinney Drive would allow uncontrolled Kinney Drive vehicles to enter directly into the path of oncoming major arterial Boulevard Way vehicles turning along with the curve directly in front of the Kinney Drive vehicles in order to remain on Boulevard Way. This is not a standard intersection of two streets. This is an oblique intersection of three streets with one being a major roadway and the other two not being a major roadway. Apparently, in June of 2009, the Applicant commissioned a right-of-way modification study from Design, Community, and Environmental (D, C & E) for the Kinney Drive/ Garden Court/ Boulevard Way intersection study which resulted in Project Variant A (also Traffic Study Variant #2 and Project Alternative 3). In a review of the resumes of all D, C, & E staff members, I was unable to identify any transportation engineers on staff. It would seem that a transportation issue as important as right-of-way should be conducted by an experienced transportation consultant or certified transportation engineer. It should be noted that in March of 2010, when the applicant wanted to verify future Levels of Service (LOS) at the Boulevard Way & Kinney Drive & Garden Court intersection, the applicant hired Hexagon Transportation Consultants. 12.13

E. Increased Night and Weekend Traffic at the Proposed Sanctuary Would Greatly Impact Neighboring Properties

The proposed project sanctuary night and weekend traffic is a greater environmental impact for nearby neighbors than increased peak hour traffic would be because a lot of the sanctuary traffic disturbs its neighbors during the evening and night hours and on weekends when nearby residents spend more time in their homes and look forward to peace and quiet in their neighborhood instead of increased traffic noise and vehicle lights. Level of Service (LOS) studies will not register the traffic impact to the neighborhood surrounding the proposed project Sanctuary. The DEIR should be amended to evaluate this impact for large events being held at the proposed project sanctuary. 12.14

F. The DIER Does Not Address or Correct the Substantial Discrepancy Between the Applicants Stated Needs for 66,000+ sq. ft. (Appendix B) and Their Stated Planned Use of the Proposed Project Sanctuary (Existing Transportation Demand Management Plan)

If you look at Appendix B and review all of the activities the applicants says they need the new proposed project sanctuary for and the space they say they need (see Ground Floor Level Sq. Ft. and Concourse Underground Sq. Ft. list below) and then you review **TABLE 8** - Proposed Sufism Reoriented Sanctuary Use and Frequency Patterns (**page O.1-27 of Appendix O**), you will see that the proposed 66,000+ sq. ft. project sanctuary, according to the numbers in Table 8, will be barely occupied the majority of the time. The applicant cannot have it both ways in claiming they need 66,000+ sq. ft. while at the same time saying they will not be using the space in terms of transportation or other impacts. The DEIR must be amended to correct this discrepancy. 12.15

GROUND FLOOR LEVEL SQ. FT. (from Page B-11)

Occupiable

Prayer Hall 5,000
Murshida's Office 1,079
Library 1,065
Art Vault 394
Archive 408
Class Room 1,065
Total Occupiable 9,011

Support

Bath/Dressing/Pantry 258
Total Support 258

Storage

Prayer Hall Storage 394
Prayer Hall Storage 304
Prayer Hall Storage 394
Class Room Storage 408
Total Storage 1,500

Circulation
Elevator Lobby 255
Foyers (north, east, south, west) 6,948
Main Staircase 1,065
Total Circulation 8,268
Ground Floor Net Square Footage 19,037

CONCOURSE UNDERGROUND LEVEL (SQ. FT.) (from Page B-13)
Occupiable
Plaza 4,536
Flower Prep 400
Kitchen Pantry 1,850
Studio for Music, Drama, Dance 2,200 12.15. con't
Rehearsal 265
Rehearsal 270
Coach 74
Coach 80
Film/Photo/Audio Combined Library 1,400
Video Post 325
Video Post 275
Music Scoring 300
Sound Mixing 230
Video Studio 770
Office 250
Office 250
Office 250
Office 250
Office 250
Office 250
Office 250
Office 280
Office 340
Multi-Purpose 1,440
Multi-Project 465
Remote Audio/Visual Tech. Room 850
Art Studio 700
Art Studio 225
Bookstore 1,450
Total Occupiable 20,475

Support
Coffee 290
Pump Room 67
Bathroom 85
Toilet 51
Coat Room 1,750
Women's Restroom 850
Women's Restroom 478
Men's Restroom 480
Men's Restroom 450
Mechanical (Pump) Electrical Room 1,500
Mechanical Room 500
Janitor/Laundry 560
Total Support 7,061

Storage
Building Storage 460
Building Storage 1,220
Storage 100
Storage 250
Storage 45
File Room 180
Bookstore Storage 929
Total Storage 3,184

12.15. con't

Circulation
Rotunda 1,850
West Gallery 1,548
East Gallery 1,908
Elevator Lobby 437
Video/Music/Sound Hallway 204
Main Staircase Exit C1 107
Staircase Exit C2 230
Corridor 537
Staircase Exit C3 321
Corridor 881
Staircase Exit C4 185
Corridor 881
Staircase Exit C5 225
Total Circulation 9,314
Concourse Level Net Square Footage 40,034

Building Total Net Square Footage 59,071

TABLE 8
PROPOSED SUFISM REORIENTED SANCTUARY USE AND FREQUENCY PATTERNS

Frequency Of Activity	Time of Year	Use/Activity	Days	Time Period	People Per Day
Regular	January - December	Administration, Cleaning, Landscaping, Day Classes, Bookstore	Monday through Sunday	9:00 a.m.-6:00 p.m.	25
	Oct. – June	Chorus Rehearsal	Wednesdays	8:00-9:00 p.m.	70
	Oct. – June	Review Classes	Thursdays	8:00-9:00 p.m.	30-50
	Oct. – June	Night Classes	Fridays	8:00-9:30 p.m.	357
	Oct. – June	Devotional Gatherings	Sundays	8:00-9:00 p.m.	200-250
Once Per Year	Feb. – Mar (1 month)	Rehearsals for Annual Celebration	Saturday and Sunday	9:00 a.m.-5:00 p.m.	100
			Monday through Friday	8:00-10:00 p.m.	100
	March (4 days)	Annual Celebration	Friday	8:00-10:00 p.m.	400
			Saturday	8:00-10:30 p.m.	400
			Sunday	2:00-5:00 p.m.	200
			Monday	8:00-9:00 p.m.	200
Twice Per Year	Oct. – June	Taverns	Thursday to Monday	6:30-10:00 p.m.	175

Source: DC&E Associates, Sufism Reoriented, Transportation Demand Management Plan, Table 1, Sanctuary Travel Patterns, March 11, 2009

12.15. con't

According to Table 8 above (which was used to determine the transportation impacts of the proposed project sanctuary and is the basis of the Transportation Demand Management (TDM) plan), the occupancy of this 66,000+ sq. ft. building (with circulation space of 17,582 sq. ft.) will only be used by:

25 people using building for 365 days a year (9 a.m. – 6 p.m. 7 days a week);

30-70 people rehearsing choral or attending review class for 9 mos. a year (8-9 p.m. Wed. & Thu.);

100 people using **Prayer Hall** for 1 mo. a year to rehearse for Annual Celebration (9 a.m. - 5 p.m. Sat. & Sun and 8-10 p.m. Mon.-Fri.);

200-400 people using **Prayer Hall** for 4 days a year for Annual Celebration (8-10 p.m. Fri., 8-10:30 p.m. Sat., 2-5 p.m. Sun., and 8-9 p.m. Mon.);

357 people using **Prayer Hall** for 9 mos. a year for Night Classes (8-9:30 p.m. Fri.);

200-250 people using **Prayer Hall** for 9 mos. a year for Devotional Gatherings (8-9 p.m. Sun.); and

175 people using **Plaza** and **Kitchen** for 10 nights a year for Taverns (6:30-10:00 p.m. Thu. – Mon.).

The most interesting fact that can be seen from reviewing Appendix B (particularly page B-26 where it details the uses of the Prayer Hall) and Table 8 from Appendix O, is that all of the large crowd uses identified in Table 8 (when between 100-400 people attend the proposed project sanctuary), except for the Taverns, are uses of the ground level 5,000 sq. ft. Prayer Hall and the large surrounding 6,948 sq. ft. of foyers (north, east, south, and west) called circulation areas and ground floor storage areas of 1,500 sq. ft., and presumably the underground kitchen area (1,850 sq. ft.), restrooms (2,343 sq. ft.), coat room (1,750 sq. ft), and remote Audio/Visual Tech. Room (850 sq. ft.) for a total sq. footage of approx. 20,300. According to Table 8, the 9,842 sq. ft. underground Plaza dining and entertainment area is indicated to only be used for 10 days a year by 175 people for the Taverns.

12.16

The rest of the time, according to Table 8, the entire remainder of the building with offices, work areas, libraries, storage space, bookstore, etc. (over 20,000 sq. ft.) would be used by only 25 people during the day and an additional 3,265 sq. ft. (classroom plus music/drama/dance studio) would only be used by 30-70 people attending review classes or performing choral rehearsals in the evenings a couple days a week. This is not a justifiable requirement for space nor is it believable. The applicant's lack of willingness to implement shared-use space when calculating space requirements and demanding that each activity have its own space, when so few employees working within the building, needs to be questioned and analyzed within the DEIR. The idea that Taverns that are performed in the Plaza area could not be performed in the Prayer Hall if the kitchen area were also moved up to the ground floor level should also be questioned within the DEIR. Many significant impacts that will result from placing the large concourse level underground could be reduced by seeking a reduced-size project alternative or a campus alternative.

Table 8 needs to be corrected to reflect actual planned use of the huge 66,000 sq. ft. facility. For example, on page B-8 of Appendix B, it states, "*The Tavern programs* ***and other large church dinner programs*** *require the ability to prepare and serve up to 125 dinners at one time.*" (Emphasis Added.) What other large church dinner programs are they referring to? There are no other large church dinner programs mentioned in Table 8. On page B-31 of Appendix B, under the heading "Kitchen and Pantry, it states, "*The kitchen is used primarily for five days twice yearly for church suppers and programs in the Plaza.* ***It will also be used for special occasions, such as weddings, bazaars, The Meher Schools graduation dinners, and so forth.*** *It is also available to staff and full time volunteers for daily use. The pantry is used primarily to store the dishes and other supplies needed for church suppers in the Plaza.*" (Emphasis Added.) Table 8 certainly does not discuss all of these uses and the resulting transportation impacts from these planned uses. The DEIR must be modified to discuss the many additional uses that the large Prayer Hall and Plaza area will and could be used for and evaluate the resulting significant impacts in terms of traffic and parking demand. The idea that the applicant's membership is not going to use their 66,000+ sq. ft. facility for amounts of people greater than their own 350-400 membership or that the TDM plan addresses all uses of this building is not accurate and should not be allowed to remain in an unbiased Environmental Impact Report. 12.17

G. The Traffic Study (Appendix O), and DEIR Should be Amended to Use the Same Names When Referring to the Project Variants to Prevent Mistakes When Referring to Them

The names of the various project variants should be consistent throughout the Traffic and Circulation Study and the DEIR to prevent confusion among those trying to read and understand the DEIR and determine which specific roadway design the documents are referring to. I'm thinking that Traffic Study Project Variant #1 is equivalent to DEIR Project Variant B and that Traffic Study Project Variant #2 is equivalent to DEIR Project Variant A and DEIR Alternative 3. I'm sure I'm not the only one capable of making a mistake due to this problem; it is likely the DEIR writers themselves have also made mistakes due to this problem. Request that the Traffic Study and DEIR be amended to make the names of the project variants consistent throughout the document. 12.18

II. CULTURAL RESOURCES SECTION OF THE DEIR IS INADEQUATE

A. The Holman & Associates Archaeologist was Unable to Visually Inspect the Project Site Due to the Fact that 75% of the Project Site is Covered by Houses, Pavement, Lawn, or Other Landscaping

Within Appendix H, the Cultural and Historic Resources Study, Miley Paul Holman states, "*Survey conditions varied throughout the project borders; portions of the existing center are currently either covered by pavement and/or lawn and other forms of landscaping,* ***making visual inspection impossible***."

Why does the DEIR, on page 4.4-2, under Archaeological Resources, state, "*Field inspection of the project site did not identify any archaeological resources.*" when, in fact, due to how much of the site was covered and not available for inspection, Miley Paul Holman indicated he was unable to conduct a satisfactory field inspection of the project site. The DEIR should not be written in a way to make it appear as if the archaeologist were truly able to conduct a field inspection and did not find anything when, in fact, the archaeologist was unable to conduct the field inspection due to the structures and pavement and landscaping covering the ground. **Miley Paul Holman said, "*Since perhaps 75% of the project area is currently covered by landscaping, pavement, gravel or buildings, the question remains regarding the potential for the discovery of archaeological materials buried under these materials.*"** This is exactly why the Archaeologist recommended an inspection of the property by an archaeologist after all buildings, pavement, and ground coverings had been removed from the land. At a minimum, the DEIR should incorporate the archaeologist's recommendation into the DEIR. 12.19

B. Inadequate Inspection of Project Site Prior to Project Approval in Light of the Fact that 44,000+ sq. ft. of the Project Sanctuary will be Located Below Ground Level Resulting in Massive Excavation

Within Appendix H, the Cultural and Historic Resources Study by Holman & Associates, regarding the project site, Miley Paul Holman states,

> "***There are at least four recorded prehistoric archeological sites recorded within a mile of it*** *...The project area has not been surveyed for cultural resources in the past. There have been a total of three archaeological studies in the immediate vicinity however, with negative findings. Two of them however, state that* ***the proximity of the project to either Tice or San Ramon Creek suggest that there remained some potential that the project area could contain buried archaeological materials, even though their surveys of the properties failed to turn up surface evidence ... It is the opinion of this author that the project area has a moderate potential for containing buried archaeological materials based upon its proximity to the water courses sited earlier in this report. Given the elevations of the project area above the riparian zones*** *and the fact that all the nearby prehistoric archaeological sites are located directly adjacent to the drainages, the archaeological sensitivity of the property does not rise to a level which would warrant mechanical subsurface presence/absence testing.*" (Emphasis Added.) All of the above statements from the Appendix H, Holman report, should be stated in the DEIR Section 4.4. 12.20

It is especially important that the DEIR be modified to state, "***It is the opinion of this author that the project area has a moderate potential for containing buried archaeological materials.***" and "***Survey conditions varied throughout the project borders; portions of the existing center are currently either covered by pavement and/or lawn and other forms of landscaping, making visual inspection impossible.***" It is also very important that the DEIR be modified to contain the following statement from the Holman report, "***This report does recommend that a qualified archaeologist be retained to inspect the property after all the buildings and other ground coverings have been removed to search for buried archaeological deposits.*** *If any are found, a plan should be submitted to the Contra Costa Planning Department to evaluate the discovery to determine its eligibility for placement on the CRHR. If it is determined through a program of limited hand excavation that further earthmoving will affect an eligible resource, a plan for mitigation of impacts to the*

resources should also be submitted to the Contra Costa Planning Department for approval before work is allowed to recommence inside the zone designated as archaeologically sensitive by the project archaeologist." **It is especially concerning that the DEIR does not even include, at the least, Miley Paul Holman's recommendation for inspection of the property, to search for buried archaeological deposits, after all of the building and other ground coverings have been removed.** 12.20, cont.

C. Mechanical Subsurface Testing Should be Required Prior to the Completion of the EIR so that County Decision Makers will have the Necessary Information to Decide Whether to Approve the Project Sanctuary as Proposed by the Applicant

Also, is the author of this cultural resources study, Miley Paul Holman, aware of the fact that approximately 44,000 sq. ft. of this building will be located below the surface of the lot causing massive excavation of this potential resource? It is doubtful, from the author's report, that the author is aware of the extent that the project site will undergo excavation as part of the building process. *"At your request I have completed an archaeological literature review, field inspection and Native American consultation for the above referenced project area located in unincorporated lands in Walnut Creek, Contra Costa County, California."* The proposed project Sanctuary will not be located primarily on the surface of the subject property, as is the case with many developments, but instead two-thirds of the extremely large building will be located underground causing extensive excavation. It would seem that if Miley Paul Holman were aware of this fact, he may have recommended mechanical subsurface testing because the elevation will not be high after all of the excavating. To protect these potential cultural resources, as the Native American Heritage Commission (NAHC) would likely recommend that the project area undergo substantial mechanical subsurface testing to determine whether it qualifies as a protected resource prior to completion of the CEQA process and approval of the Environmental Impact Report and of the proposed development. 12.21

From the Native American Heritage Commission website:

From California Public Resources Code Statutes 2006, Chapter 863, Section 1:

"*(d)* ***It is the intent of the legislature...to accomplish the following:***

(1) ***Encourage landowners to consider preservation or avoidance of***

California Native American human remains in place, whenever feasible." (Emphasis Added.)

According to CEQA Technical Advice Series, "*CEQA and Archaeological Resources,*" dated April 1994, "***Where field survey results are inconclusive, a test excavation of some type may be necessary to determine whether unique, subsurface components exist. When a unique resource is found, the archaeologist should recommend means of avoiding or mitigating impacts, including excavation plans if necessary. In such cases, the archaeologist's report should also estimate the cost of mitigation.***" (Emphasis Added.)

Section 21083.2 of the Public Resources Code states:
"*(a) As part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources.* ***If the lead agency determines that the project may have significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources.*** *An environmental impact report, if otherwise necessary, shall not address the issue of nonunique archaeological resources. A negative declaration shall be issued with respect to a project if, but for the issue of nonunique archaeological resources, the negative declaration would be otherwise issued.*
(b) ***If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit***
any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:
(1) Planning construction to avoid archaeological sites.
(2) Deeding archaeological sites into permanent conservation easements.
(3) Capping or covering archaeological sites with a layer of soil before building on the sites.
(4) Planning parks, greenspace, or other open space to incorporate archaeological sites.
(c) To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision. ***The project applicant shall provide a guarantee to the lead agency to pay one-half the estimated cost of mitigating the significant effects of the project on unique archaeological resources.***" 12.21, cont.

Does all reasonable development of this property require massive excavation as is proposed with this project? Should projects requiring massive excavation be approved in areas that may contain significant archaeological deposits without any subsurface

testing? Wouldn't subsurface testing also help the Applicant to be able to consider other options if the applicant was made aware of potential archaeological costs prior to beginning construction work if subsurface testing were to reveal protected archaeological resources? Is Contra Costa County following the intent of CEQA if no subsurface testing is performed prior to approval of this project when the County is aware of the extensive excavation that will be required for the proposed project Sanctuary? If California Native American human remains are found on the property, would the Applicant be willing to consider preservation or avoidance in place and modify their proposed excavation plans? These are questions that should be addressed within the DEIR and when determining the environmentally superior alternative. 12.21, cont.

D. No Record of Telephone Follow-up with Contacts Provided by Native American Heritage Commission

The letter from Debbie Pilas-Treadway of the Native American Heritage Commission stated, "*Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group.* ***if a response has not been received within two weeks of notification, the Commission requests that you follow-up with telephone call to ensure that the project information has been received.***" (Emphasis Added.) 12.22

In the Cultural Resources Study, Miley Paul Holman states, "*On April 2, 2008, letters were sent to Mr. Andy Galvan, Ms. Katherine Perez and Ms. Mona Garibay requesting any information they might have regarding your project.* ***To date there have been no responses from any of these individuals.***" **If Miley Paul Holman followed-up with telephone calls to ensure that the Native American Heritage Association suggested contacts received the project information as Ms. Debbie Pilas-Treadway recommended, it is not so stated in the Cultural and Historic Resources Study**. The NAHC recommended contacts should be contacted again prior to the completion of the EIR and confirm this contact in the EIR.

III. PROJECT DESCRIPTION AND AESTHETICS SECTION OF THE DEIR

A. Proposed Substantial Nighttime Lighting will Negatively Affect Nearby Neighborhoods

The project proposal, specifically Figure 3-11, identifies 116 uplight bullet lights on the proposed project site as well as lighting on top of the proposed sanctuary building to include12 flood lights and14 well lights. The project proposal also includes 48 path/post lights and 7 wall sconces on the project site. The 116 uplight bullet lights and the 12 flood lights and 14 well lights cannot help but result in a new source of light pollution for the surrounding neighborhoods of the proposed development. The project applicant has said they will plant trees to shield the view of the Sanctuary, but the DEIR indicates they plan to light up the sanctuary domes during the night with 12 flood lights and 14 well lights. Doesn't this defeat the goal of making the sanctuary not visible through the shielding of trees during evenings and nights? The 116 uplight bullet lights proposed for the sanctuary project site will add to light pollution for the neighbors and are not required for path lighting as there are an additional 48 path/post lights being proposed. The decorative uplight bullet lights will shine upward creating a new source of light for the surrounding neighborhoods obstructing otherwise clear views of the night skies and celestial objects. This project will bring the currently distant light pollution of downtown Walnut Creek right into the backyards of nearby neighborhoods. One of the things people who live in this community like is the fact that it is dark at night. **The night lighting of the proposed project sanctuary, including all 116 uplight bullet lights, the 12 flood lights, and the 14 well lights, must not be allowed to remain lit after 10:00 p.m. PDT/PST. The 48 path/post lights and 7 wall sconces must not be allowed to remain lit after 11 p.m. PDT/PST.** The residential neighbors surrounding the proposed sanctuary project should not have to be impacted by significant new source of nighttime light pollution. 12.23

B. Deciduous Trees will Not Shield View of Sanctuary During the Fall/Winter Season

Two-thirds of the proposed trees listed in the Figure 3.9 palette of trees are deciduous trees (15 out of 22 types of trees listed) and project proponent states not all trees in list will necessarily be used and they reserve the right to substitute different trees that conform to the basic size and growth pattern of these trees. As the DEIR is now written, all trees could end up being deciduous since the project proponent does not promise that the trees that are being used to shield the view of the sanctuary will, in fact, be non-deciduous. Throughout the DEIR, the authors talk about the trees shielding the view of the sanctuary from the surrounding neighborhood, but when it ends up being all or mostly deciduous trees being planted, they will not shield the view of the sanctuary in the fall/winter season unless there is a forest of them planted around the sanctuary blocking out light and views. **The DEIR does not adequately discuss the visual and light/glare** 12.24

impact to the surrounding neighborhood in the fall/winter due to primarily deciduous trees being planted to shield the view of the sanctuary. The DEIR also does not adequately discuss the potential loss of scenic views, such as that of mature valley oak trees, to the neighborhood surrounding the proposed project sanctuary building. The proposed sanctuary building is not compatible with the surrounding buildings in architecture, stark white color, or in having a high white wall surround them. The core of the problem, creating the need to shield the view of the Sanctuary building, is that the proposed design and color scheme of the proposed project sanctuary building along with its high wall surrounding it is not compatible with the surrounding neighborhood. The DEIR should discuss this problem and its impacts on the surrounding neighborhoods? Why does the proposed project Sanctuary need to have a privacy wall around it? Why can't the Sanctuary just be shielded by trees? Why can't the outside of the building be a color that blends with the landscaping? It would appear that the outside color of the current sanctuary is a "*tan*" color and is not stark white. The DEIR should question why the proposed project sanctuary should have a high privacy wall surrounding it when all properties on Boulevard Way do not have high walls surrounding them with the exception of two small properties that are currently owned by Sufism Reoriented. **High privacy walls surrounding buildings is not compatible with the current residential character of the Boulevard Way neighborhood and the DEIR should mention this fact. The DEIR should discuss a natural landscape border of the property as an alternative to surrounding the property with a high white wall.** High privacy walls along the perimeter of a building serve to separate it from the rest of the neighborhood and imply that people should keep out. 12.24, cont. 12.25

IV. THE PROJECT ALTERNATIVES ARE INADEQUATE

A. The Project Alternatives Need to Include a Reduced Size Project Sanctuary on the Proposed Project Site and One that Does Not Require Extensive Excavation of the Project Site and a Campus Alternative and an Off-Site Development Alternative of the Project Sanctuary

The DEIR alternatives should include a reduced size project alternative for development on the proposed project site in addition to a project sanctuary that does not require such extensive excavation in light of the drainage issues and archaeological sensitivity of the project site. The DEIR should also contain a campus alternative as well as an off-site development alternative. Reading the DEIR, I only see no project alternatives and Applicant Proposed Project Variant A. What happened to the reduced size project on-site alternative? Where is the proposed project off-site development alternative? There must be an on-site reduced size project that is capable of providing adequate parking in relation to the size of the structure being built. 12.26

B. The Project Alternatives do not appear to include Project Variant B Proposed by County Public Works

The required Contra Costa County Public Works Department changes to the Applicant proposed Project Variant A are not reflected in the Alternative 3 that was selected to be the environmentally superior alternative. It is not right that the environmentally superior alternative appears to not reflect the advice of County Public Works in terms of the Kinney Drive/ Garden Court/ Boulevard Way intersection operation (leaving the stop sign on Kinney Drive) and the recommended/required 30 ft. movement of the fence along the interior curve of Boulevard Way. Suggest Public Works required changes be added to Alternative 3. 12.27

C. The Project Alternative 3 (Applicant Proposed Project Variant A) as Currently Stated in the DEIR Makes the Kinney Drive/ Boulevard Way Intersection Unsafe

By removing the stop sign from Kinney Drive at its intersection with Boulevard Way and Garden Court, this intersection is made unsafe and dangerous. Alternative 3, also deemed the environmentally superior alternative within the DEIR, does not incorporate the required Contra Costa County Public Works Department recommendations of leaving the stop sign at Kinney Drive and moving the fence (the one that was preventing adequate sight distance) back 30 feet further from the right of way. I could not find, within Applicant Proposed Variant A and Alternative 3, the amount that this same fence was going to be moved back from where it originally was. Does Project Variant A and Alternative 3 say that the fence will be moved back 30 feet further from where it was when County Public Works said it should be moved back 30 feet further to satisfy sight distance requirements for the design speed? 12.28

Personally, I believe that Sufism Reoriented has a right to build a sanctuary on their property and welcome them to do so in our neighborhood. My concern is that their proposed project must undergo an unbiased CEQA review just like all other large projects in order to prevent significant negative impacts from occurring. The sanctuary project, as proposed, has many significant negative impacts to the local community. 12.29

Sincerely,

Joyce A. S. Coleman
781 Hilton Road
Walnut Creek, CA 94595
925-408-4638 (cell)

Responses to Comment Letter 12 – Joyce A.S. Coleman

12.1 See Master Responses 3 and 7.

12.2 See Master Responses 3, 6, and 7.

12.3 See Master Responses 3, 6, and 7. The project does not include the Children's Spring Party, as the applicant has no present plans to repeat that function.

12.4 See Master Response 7.

12.5 See Master Responses 3 and 7.

12.6 See Master Responses 6 and 7. The project does not include Spring Parties.

12.7 See Master Response 7.

12.8 See Master Response 7.

12.9 See Master Response 7. The project does not include Spring Parties.

12.10 Project Variant A is the applicant's proposed project, without any change to the current roadway widths, stop sign controls, or pedestrian amenities, excepted as provided for via mitigation. Project Variant A is not equivalent to Traffic Study Variant #2. Please see **Appendix O**, page O.1-3 for an explanation of nomenclature. Alternative 3 was separately proposed by the applicant as an alternative to Project Variant A, and is also referred to in the Draft EIR as Alternative 3: Modified Right of Way Alternative. Alternative 3 includes stop signs, sidewalks and crosswalks. See Master Response 6.

Please also see Draft EIR **Table 3-2** which summarizes key differences between Project Variant A and B.

12.11 Please see the response to comment 12.10 above as well as Master Response 6.

12.12 Please see Draft EIR **subsection 5.5.4**, which described the County's reasoning in selecting Alternative 3 as the environmental superior alternative pursuant to CEQA Guidelines Section 15126.6(e)(2). Also see Master Response 6.

12.13 Please see Draft EIR **subsection 5.5.4**, which described the County's reasoning in selecting Alternative 3 as the environmental superior alternative pursuant to CEQA Guidelines Section 15126.6(e)(2). Alternative 3, as well as all proposed roadway modifications addressed in the EIR were proposed or reviewed by transportation engineers. Should the County

approve the project, whatever alternative is selected for construction would be subject to appropriate review by the County PWD to ensure long-term safe operations. See Master Response 6.

12.14 Traffic volumes are not expected to produce any significant noise. Please refer to Draft EIR page 4.10-10. The reasonably foreseeable program of uses (please refer to Draft EIR Table 3-1) is similar to current uses at 1300 Boulevard Way in terms of the typical sequencing of events. Uses would typically conclude by 10 PM and would not generate any substantial nighttime or early morning noise as suggested by the commenter. Please also see Master Response 6.

12.15 See Master Response 3. The project proposes to use different spaces at different times, and proposes some sacred space intended to remain essentially unoccupied. See **Appendix B** to this EIR. See Master Response 12 regarding the County's consideration of the merits of the project.

12.16 See Master Responses 2, 3, and 12.

12.17 See Master Responses 3, 7, and 12.

12.18 Please refer to page O.1-3 in **Appendix O** for a table providing cross-references to terminology used in the EIR and the Traffic Impact Analysis. This table is intended to clarify the different terminology in each document.

12.19 As described on pages H-3 and H-4 of **Appendix H**, a field inspection of the project site was completed by a qualified archaeologist who determined that there is no direct evidence and only a moderate potential that prehistoric archaeological materials are present. The archaeologist's associated literature and database search found no records indicating any earlier finds on the project site. Given existing development on much of the site, and the lack of any known resources on this site, and the moderate potential for the site to harbor such resources, the project archaeologist, in his professional judgment, concluded that the particulars of the project site did not justify the need for survey pits or other similar subsurface investigation in order to adequately assess the property. Nonetheless, construction activities in vast portions of the Bay Area (developed and undeveloped areas both) have the potential to encounter previously unrecorded or otherwise unknown archaeological resources. To address the possibility that unknown resources are discovered in the course of construction, **Mitigation Measure 4.4-1** is included to ensure that all construction activities would be halted immediately in the event that any archaeological resources are encountered. The measure further provides

for a qualified archaeologist to assess the significance of any find and provide further management recommendations and next steps before construction activities resume. Please also see the response to comment 12.20.

12.20 As described in **Appendix H**, there is moderate potential that the project area contains archaeological materials. Consistent with pertinent federal and state regulations and standards, Holman & Associates completed an archaeological literature review, a field inspection, and a Native American consultation for the project area. **Mitigation Measure 4.4-1** is included to ensure that all construction activities would be halted immediately in the event that any archaeological resources are encountered. The measure further provides for a qualified archaeologist to assess the significance of any find and provide further management recommendations and next steps before construction activities resume.

Mitigation Measure 4.4-1 has been revised to include, following demolition, a site inspection by a qualified archaeologist. **Mitigation Measure 4.4-1** has been revised as follows:

> ***Mitigation Measure 4.4-1:*** **When demolition and site clearing activities are complete, a qualified archaeologist, hired by the applicant, shall reinspect the project site to ascertain whether clearance activities exposed any previously undetected archaeological resources.** In the event that **any** ~~buried~~ cultural (historical, archeological, and/or paleontological) resources are encountered, the Contra Costa County Department of Conservation and Development (DCD) shall ensure that construction, excavation, and/or grading activities within 100 feet of the find are temporarily halted until a qualified archaeologist or paleontologist, hired by the applicant, can assess the significance of the find and provide proper management recommendations to be incorporated in to the Project Variant ultimately selected. Prehistoric cultural materials include, but is not limited to, shell midden deposits, hearth remains, stone and/or shell artifacts, and/or burials. Historic materials, including but not limited to, whole or fragmentary ceramic, glass or metal objects, wood, nails, brick, or other materials may occur on the project site in deposits such as old privies or dumps. If the site is found to contain significant cultural or paleontological resources (as determined by the CEQA Guidelines) by a qualified archaeologist or paleontologist, funding shall be provided by the applicant to identify, record, report,

evaluate, and recover the resources as necessary. Construction within the area of the find shall not recommence until impacts to the cultural or paleontological resource are mitigated. Additionally, as required by Public Resources Code Section 5097.993, the applicant must inform project personnel that collection of any Native American artifact is prohibited by law.

12.21 Please see the responses to comments 12.19 and 12.20. As noted, a qualified archaeologist did not advise the need for survey pits or other similar investigation in order to adequately assess the property prior to construction. **Mitigation Measure 4.4-1** was amended as described in response 12.20. Additionally, according to project archaeologist Holman & Associates, the depth of excavation is irrelevant to the potential discovery of unknown cultural resources. If previously unknown prehistoric archaeological resources are present, given the ethnographic history of the region, such resources are most likely to be found within the first three to four feet from the original ground surface.

12.22 Holman & Associates documented its written requests for information to the Native American individuals/organizations provided by the Native American Heritage Commission pursuant to Senate Bill 18. No responses were received. Whether or not follow-up telephone calls were made is beyond the requirements of Senate Bill 18 and does not introduce any new physical environmental effect under CEQA.

12.23 Please refer to Draft EIR page 4.1-18, which states that the County has not adopted any standards or regulations pertaining to the measurement or control of light "spillover." However, CEQA requires the County to determine if the project would create a new source of substantial light which would adversely affect nighttime views. Please refer to **Section 4.1**, Aesthetics, for a discussion of the project's impact on nighttime views. This discussion indicated that the project could have a significant impact to nighttime views. Accordingly, mitigation was provided that would reduce the impact to a less-than-significant level. The County finds that it is reasonable to add consideration of timing provisions to further reduce the significance of nighttime light impacts. To this end, **Mitigation Measure 4.1-1** has been revised as follows:

> ***Mitigation Measure 4.1-1***: The applicant shall submit a lighting plan and a photometric study which shall demonstrate, to the satisfaction of the Department of Conservation and Development, that no bare bulbs will be visible from offsite. The plan shall also

demonstrate that no lighting will be directed across property lines, and all lighting visible from offsite—including spillover onto adjacent properties—will be compatible with offsite private and public right-of-way lighting in the vicinity. **If needed, the plans may include recommendations for turning off lights at specific times to reduce effects to nighttime views.**

12.24 Please see **Figure 3-9** of the Draft EIR, which showed that the perimeter of the project site would be lined with non-deciduous (i.e., evergreen) trees. Final project plans would need to conform to this project description; the County would verify this during the plan check process prior to issuance of permits. At maturity, the proposed trees would range in height from 15 to 40 feet. The eventual growth of these non-deciduous trees will provide for privacy and shielding between properties.

The Contra Costa County General Plan does not identify either a single or a group of valley oak trees as a protected scenic resource. Please see Master Response 9 for a discussion of tree removal proposed for the project.

12.25 See Master Responses 4 and 5. An alternative that would be configured differently, such as without a perimeter wall or with a different color building, would not be substantially different from the project, would not lessen or avoid any significant environmental impacts, and is not needed to ensure that the County studied a reasonable range of alternatives. See Master Response 2. CEQA is concerned with whether the project as proposed would have significant impacts and, if so, whether those impacts can feasibly be mitigated or avoided through one or more project alternatives.

12.26 See Master Response 2.

12.27 Please see Draft EIR **subsection 5.3.3**, which describes the evolution of Alternative 3. Alternative 3 fundamentally rethinks the configuration of adjacent roadways and thus presents solutions that need not integrate all features of Project Variants A or B. See Master Response 6.

12.28 See Master Responses 2 and 6. Please see Draft EIR **subsection 5.5.4**, which described the County's reasoning in selecting Alternative 3 as the environmental superior alternative under CEQA Guidelines Section 15126.6(e)(2).

12.29 The EIR has been prepared in accordance with the CEQA statute and guidelines. See response to comment 18.1.

COPY

LETTER 13

May 17, 2011

CONTRA COSTA
2011 MAY 23 PM 2:35

Ms. Lashun Cross
Senior Planner
Contra Costa County
Conservation and Development Department
651 Pine Street, 4th Floor, North Wing
Martinez, CA 94553-1290

Re: Sufism Reoriented New Sanctuary Project
County File Nos. LP082034 and MS090008

Dear Ms. Cross:

I am writing in response to a letter sent to the county by Mr. Brian Kilian in which he requested that story poles be erected to represent the Sufism Reoriented sanctuary project. I was copied on that letter.

The issue of using story poles as a way of representing this building design was settled in March, 2009, at a meeting between the county planning staff, its EIR consultants, CirclePoint, and Sufism Reoriented. That meeting inaugurated what was then planned to be the required Initial Study for the project. At that meeting, it was determined that story poles would not be an appropriate way to provide the county and other interested parties with an accurate representation of how the proposed new sanctuary would actually look. Instead, it was concluded that computer generated visual simulations, even though more costly, were the state of the art in providing this kind of information, and would create the most accurate representation of the proposed new sanctuary given the building's design and location for the following reasons:

- Because of the Sanctuary's multiple domes, low flat roof and curvilinear shape, story poles could only give a misleading idea about the massing and appearance of the Sanctuary. Each viewer would come away with a different idea of what was being proposed. 13.1
- It would take scores of story poles to begin to provide an outline of this complex structure. Because of existing trees and buildings, many crucial poles (e.g. for domes) could not even be put in place.
- On the other hand, visual simulations provide an exact, scientific representation of just what the viewer's eye will see if he or she were standing in the spot chosen by the simulator. Nothing need be imagined and the scientific method prevents any distortion.
- The visual simulation allows the viewer to see the whole Sanctuary in the context of its actual proposed setting.

The conclusion reached at that meeting was based on the above points and is consistent with the policy of the county not to require the use of story poles on building projects. 13.1, cont.

Sincerely,

(signed) *Carol Conner*

Carol Conner, Ph.D.
Sufism Reoriented

cc: Supervisor Gayle Uilkema
Ms. Catherine Kutsuris
Mr. Brian Kilian

Responses to Comment Letter 13 – Carol Conner, Ph.D.

13.1 The issue of story poles was not settled previously. The County has carefully and in good faith considered the requests of commenters for story poles. The County determined that photo simulations for aesthetic analysis were adequate without the installation of story poles. See Master Responses 1 and 5.

LETTER 14

CONTRA COSTA COUNTY

Perkins Coie

2011 APR 27 A 11:09
DEPARTMENT OF CONSERVATION AND DEVELOPMENT

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April 26, 2011

VIA FACSIMILE (925) 335-1222

Ms. Lashun Cross
Contra Costa County
Dept. of Conservation and Development
651 Pine Street 4th Floor, North Wing
Martinez, CA 94553-0095

Re: New Sanctuary for Sufism Reoriented
Comments On Draft EIR, SCH #20110032038
Client-Matter No. 76921-0001

Dear Ms. Cross:

I am writing on behalf of Sufism Reoriented, the applicant for this project. We appreciate the extensive analysis and detailed evaluation that is reflected in the EIR. We have the following comments.

1. *Truck Haul Route.* Figure 3-14 (on page 3-36) shows a truck haul route heading on to 680 North from the Boulevard Way / Mt. Diablo intersection. There is no 680 onramp at that location. The applicant submitted a truck haul route for the County to analyze that had trucks heading northeast on Boulevard Way, turning left on to 24 West, turning around at the Pleasant Hill Road exit, heading east on 24, and then connecting with 680 North. Because this was the route provided for study, and because the EIR proposes a performance standard to which any truck haul route must conform, no changes in the EIR's analysis or conclusions are required. However, Figure 3-14 should be corrected if doing so can be accomplished promptly; if not a text note should be added explaining the error akin to footnote 2 on page 4.1-9. 14.1

2. *Sidewalk and Bus.* Table 3-2 (on page 3-9) states that Variant A does not include sidewalks or a bus pullout. Our application proposes a bus pullout, and a sidewalk along the project frontage from the western edge of the site to a point across from Kinney. These are already depicted in Figure 3-3 (on page 3-19). These attributes are fully evaluated in the EIR. Accordingly, changes in the EIR's analysis or conclusions are not required, but the statements in Table 3-2 should be corrected. 14.2

3. *Views Of Mt. Diablo.* Page 4.1-9 describes the visual resources of the area. We wish to add that the Project will open up views of Mt. Diablo. As shown in the Landscape Plan (Figure 3-9 on page 3-27), there is a gap in the trees, depicted as a yellow "planting area," that will allow easterly views of Mt. Diablo from Kinney Drive. This factual addition does not affect the EIR's analysis or conclusions. 14.3

4. *Location Of Large Tree.* Figure 4.1-7 (on page 4.1-15) depicts a large redwood tree as being located behind the project when it is in fact located in front of the proposed building from that viewpoint. Please correct the figure if doing so can be accomplished promptly, or add a text note indicating the error. Since the view impacts are less than significant without this correction, this correction does not require any changes in the EIR's analysis or conclusions. 14.4

5. *Make Feasibility Explicit.* Finally, we request some edits to the following mitigation measures to make express that the measures require only what is feasible, in keeping with CEQA's requirement that the County impose only feasible mitigation measures.

> *Mitigation Measure 4.1-2 (on page 4.2-15)* . . . . All roadways, driveways, and sidewalks to be paved shall be completed as soon as feasible ~~possible~~. Building pads shall be laid as soon as feasible ~~possible~~ after grading unless seeding or soil binders are used;
>
> *Mitigation Measure 4.4-2a (on page 4.5-12)* . . . . . The inspection shall include an assessment of the condition of the following structures and facilities where permitted by the owner (or tenant in possession) of those structures and facilities: 14.5
>
> *Mitigation Measure 4.10-1 (on page 4.10-12)* . . . Equipment and trucks used for construction shall utilize the best available noise control techniques (e.g. improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds), wherever feasible~~)~~.
>
> *Mitigation Measure 4.10-2 (on pages 4.10-12 and following)* The DCD shall ensure that applicant adheres to the following

mitigation measures in order to generate the least noise impacts feasible during construction: . . . . .

Impact tools (e.g. jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever ~~possible~~ feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is not feasible, ~~unavoidable~~, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible. 14.5, cont.

Stationary noise sources shall be located as far from adjacent receptors as ~~possible~~ feasible, and shall be muffled and enclosed within temporary sheds, insulation barriers, or other measures to the extent feasible.

Prior to the start of construction, the applicant shall construct a temporary sound barrier along those portions of the northern and southern property lines that do not, at the time of grading and construction, already have a wall that meets the following standards, to provide the maximum protection feasible for the residential uses to the north and south. The barriers can be constructed out of wood or other materials as long as they have a minimum surface weight of . . . . .

Because these edits only make explicit what was already implicit in the measures, and conform the edited phrases to the other phrases used in the mitigation measures, these edits require no changes to the EIR's conclusions or analysis.

Thank you for the opportunity to provide these comments. 14.5, cont.

Very truly yours,

Marie A. Cooper

cc: Robert W. Carpenter
Sanford M. Skaggs
(via email)

76921-0001/LEGAL20627915.3

Responses to Comment Letter 14 – Marie Cooper (April 26, 2011)

14.1 See Master Response 8, which clarifies to provide the correct truck haul route and associated required revisions to the EIR.

14.2 The commenter is correct that Project Variant A includes a bus pullout. **Table 3-2** on page 3-9 of the Draft EIR has thus been revised. Other revisions to **Table 3-2** are also reflected below.

Table 3-2 Project Variants: Key Differences

	Existing Conditions	Project Variant A	Project Variant B
Width of Boulevard Way eastbound lane	12 feet	12 feet	17 feet (12 feet plus 5 foot shoulder)
Traffic Control at Blvd./Kinney/Garden	Stop sign at Kinney Road and Garden Court	No change	No change
Cross walks for pedestrians	None	None **proposed by applicant– but required in Boulevard Way per Mitigation Measure 4.13-1.**	New crosswalk across Boulevard Way, somewhere between Garden Court and Molly Way (location TBD)
Sidewalk Pedestrian Improvements	None	None proposed – but required along Boulevard Way frontage per **Mitigation Measure 4.13-1.**	Yes –along Boulevard Way frontage
Utility undergrounding and street lighting	Utilities above ground, no street lights along project frontage	None proposed	Utilities **relocated to accommodate frontage improvements** ~~undergrounded~~, new streetlights installed per County standards.
Sight-distance setback	None	None proposed, but required per **Mitigation Measure 4.13-2.**	Yes
Bus Pullout	None	**Yes** ~~None~~	Yes

Source: Circlepoint, 2011.

14.3 **Subsection 4.1.3** of the Draft EIR has been revised to clarify that the project would expand views of Mt. Diablo from Kinney Drive. The County notes that this comment and resultant text revisions to the Draft EIR do not address any physical environmental effect of the project but rather provide a more complete characterization of the visual resources in the project area. The third paragraph under CEQA checklist question (b) on page 4.1-9 has been revised as follows:

> In the short term, either Project Variant would remove trees from the project site, which would temporarily broaden the extent of views towards area ridgelines. Over time, as proposed landscaping reaches maturity, views of area ridgelines would resemble existing conditions. **The gap between the trees along Boulevard Way at Kinney Drive (see Figure 3-9) would allow for views of Mt. Diablo from Kinney Drive.** Furthermore, the proposed landscaping plan has been designed specifically so that newly planted trees on the project site would provide veiling of the sanctuary building from off-site. No mitigation is necessary.

14.4 Due to an editing error, an incorrect version of **Figure 4.1-7** was included in the Draft EIR. The incorrect figure placed an existing redwood tree behind the proposed building. Given the tree's location, this tree would actually be in front of the proposed building when viewed from this location. **Figure 4.1-7** of the Draft EIR has been revised to depict the accurate location of the redwood tree relative to the proposed building. The corrected figure is shown below and is included on page 4.1-15 in Volume I of this Final EIR.

14.5 The commenter suggests a number of revisions to the wording of several mitigation measures. The County agrees with the commenter's assertions regarding mitigation measure feasibility and the recommended language changes. The excerpted revisions below also incorporate other modifications to the EIR text. Please also see Master Response 8.

The fifth bullet under **Mitigation Measure 4.2-1** on page 4.2-15 has been revised as follows:

- All roadways, driveways, and sidewalks to be paved shall be completed as soon as **feasible** ~~possible~~. Building pads shall be laid as soon as **feasible** ~~possible~~ after grading unless seeding or soil binders are used;

Viewpoint 3: Existing View

Viewpoint 3: Former Simulated View

Viewpoint 3: Revised Simulated View

Revised Viewpoint 3: Existing and Simulated View

Figure 4.1-7

Source: Square One Productions, 2009.

Mitigation Measure 4.5-2a on page 4.5-12 has been revised as follows:

Mitigation Measure 4.5-2a: ~~Prior to the issuance of a grading permit~~ **Where permitted by the owner or tenant in possession,** the County Building Official shall direct the applicant or their contractor to complete the following actions:

Mitigation Measure 4.10-1 on page 4.10-12 has been revised as follows:

Mitigation Measure 4.10-1: The DCD shall ensure that applicant adheres to the following mitigation measures in order to generate the least noise impacts **feasible** during construction:

- All construction activities shall be limited to the hours of 8:00 AM to 5:00 PM, Monday through Friday, and shall be prohibited on state and federal holidays**, except as provided below**;
- The applicant shall hold a pre-construction meeting with the job inspectors and the general contractor/onsite manager to confirm that all noise mitigation measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed prior to beginning construction;
- The applicant shall notify neighbors within 300 feet of the construction area, at least 30 days in advance of ~~extreme noise generating~~ **excavation and grading** activities, about the estimated duration of the activity;
- The applicant shall designate a construction noise coordinator who will be responsible for implementing the noise control measures and responding to complaints. This person's name and contact information shall be posted clearly around the project site and shall also be distributed to properties within 200 feet of the site boundaries. The construction noise coordinator shall be available during all times during construction activities and shall maintain a log of complaints. A copy of the log shall be provided to the DCD monthly on the 30th day of each month;
- The applicant shall require construction contractors to limit noise generating construction activities as required by the DCD. No construction activities shall be allowed **before 8 AM or after 5 PM, or** on weekends without prior authorization of the Zoning Administrator, and no ~~extreme noise generating~~ **excavation and grading** activities shall be allowed **after hours or** on weekends and holidays;

- The applicant shall require construction contractors to implement the following measures to reduce daytime noise due to construction activities:
  - Equipment and trucks used for construction shall utilize the best available noise control techniques **wherever feasible** (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds~~, wherever feasible~~).
  - Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever **feasible** ~~possible~~ to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is **not feasible** ~~unavoidable~~, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
  - Stationary noise sources shall be located as far from adjacent receptors as **feasible** ~~possible~~, and shall be muffled and enclosed within temporary sheds, insulation barriers, or other measures to the extent feasible.
- Prior to the start of construction, the applicant shall construct a temporary sound barrier along **those portions of** the northern and southern property lines **that do not, at the time of grading and construction, already have a wall that meets the following standards,** to provide the maximum protection **feasible** for the residential uses to the north and south. The barriers can be constructed out of wood or other materials as long as they have a minimum surface weight of approximately 2.5 pounds per square foot. Possible materials include 1-1/8-inch-thick plywood or fully overlapping 1x redwood boards (1-1/2-inch-thick total). The barriers would likely be 6 to 8 feet tall but this would be refined and approved by a qualified acoustician prior to the issuance of grading permits. Issues to consider when determining the ultimate height, length, and location of the barriers are the actual construction practices, including equipment to be used and the location and

duration of noisier activities. The topography will also need to be considered in the final determination of barrier heights and effectiveness.

LETTER 15

Perkins Coie

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May 16, 2011

VIA EMAIL

Ms. Lashun Cross
Contra Costa County
Department of Conservation and Development
651 Pine Street,4th Floor, North Wing
Martinez, CA 94553-1290

Re: Sufism Reoriented New Sanctuary
Information Related To Comments on EIR
County File Nos. LP082034 and MS090008
Client-Matter No. 76921-0001

Dear Ms. Cross:

On behalf of the applicant, Sufism Reoriented, I address some issues raised in comments submitted on the Draft EIR.

A. Visual Simulations Are Accurate While Story Poles Would Be Misleading Or Impossible. 15.1

Story poles represented an outdated methodology for assessing visual impacts. Computer modeling is more exact and gives a fuller representation.[1]

[1] Some project opponents claim that story poles would be relatively inexpensive. We strongly disagree, but the cost is not the major factor that determines the inappropriateness of story poles. The factors referenced in this letter make story poles inadvisable no matter what their cost.

1. Story Poles Would Not Help Evaluate Height Issues As The Height Is Already Allowed By Law, And The Le Boulevard Apartment Buildings Provide A Physical Indication Of Height In Any Event.

Height is not an issue here as the project height fits within the height allowed as of right by the applicable zoning. However, if someone needed a physical reference for the highest point of the proposed structure, they could view the Le Boulevard Apartment building adjacent to the site. That building is right on the street, its height extends almost the entire roofline, and the building is much more massive than the aboveground portion of the project. However, its height from existing grade is very similar to the apex of the highest dome of the project.

2. Installing Only A Few Story Poles Would Present Misleading Information About The Mass And Design Of The Building.

Because height is not an issue, story poles would be relevant only if they provided useful information about massing and appearance. Putting up a few story poles would provide only misleading information about massing and appearance. The silhouette of the sanctuary is varied and complicated, with thirteen domes appearing at numerous elevations, and flat rooflines in between. If only a few poles were installed, either the poles would create the misimpression that the entire building reached to those heights, or the viewer would have to imagine the heights of the other parts of the building, defeating the purpose of the story poles. And, again, if the viewer wants a physical reference for the highest point of this complex structure, he or she could use the height of the Le Boulevard apartment building as that reference. 15.1, cont.

3. Installing Scores of Story Poles Would Be Impractical And Would Present Legal Difficulties.

Putting up sufficient story poles to create a useful visual reference would require, in essence, that the entire silhouette be reflected in story poles. Any such undertaking would require scores of story poles. Putting up that many story poles would be impracticable on a vacant lot, but is impossible on the project site, where existing buildings and trees stand at the site of the apexes of some proposed domes and other crucial features. For those buildings and trees to be removed and replaced with story poles, the County would need to issue permits. Because those permits would be for aspects of this project, the County would be required to complete its environmental review and certify the EIR before it could issue those permits.[2] Accordingly, the story poles could not legally be constructed before the EIR is completed and certified.

---

[2] *Orinda Ass'n v Board of Supervisors*, 182 CA3d 1145 (1986) (CEQA review required before issuance of ministerial demolition permit when that permit was part of the project).

4. Visual Simulations Are Comprehensive And Present Useful Information.

Using a methodology that employs visual simulations provide a realistic and complete rendition of what the new facility will look like in relation to the other structures, landscaping and topographical features that are nearby. That is, rather than creating misleading impressions as story poles would, the visual simulations demonstrate what the entire building would look like, in context. 15.1, cont.

5. The Visual Simulations Are Realistic, And Follow Standard Industry Practices For Accuracy And Perspective.

Some commenters discredited the EIR's visual simulations. Their claims are ironic, as their only evidence of inaccuracy is their belief that the project cannot possibly be as visually unobtrusive as is depicted in the EIR. In other words, their objections confirm that the project depicted in the EIR will not have significant visual impacts. In any event, we note that the County did not simply accept our simulations, but had another set of simulations prepared by an independent consultant for the EIR. The accuracy of the County's visual simulations is supported by the fact that the simulations prepared by the County and by the church's consultant are almost identical. 15.2

Enclosed is a report from the church's consultant, detailing how the simulations were prepared and how their accuracy was verified. As he explains, the modeling followed standard industry practices for ensuring accuracy , and it accounted for perspective based on the distance from the viewer to the object in the view.

B. The County's Range Of Alternatives Is Adequate And Appropriate, And Includes A Reduced Development Alternative.

We support the range of alternatives the County studied. This is a unique project with well-defined project objectives. The suggestions made by commenters – of building elsewhere, building a smaller Sanctuary on the proposed site, redeveloping the current site or creating a campus complex of several buildings including the current site – would not meet the project objectives.

15.3

1. Reduced Development Alternative.

A reduced development alternative would not meet the project objectives. The Applicant's need for space is documented in the report attached as Appendix B to the EIR. A substantially reduced alternative would not accommodate those needs.

Moreover, the County *did* include a reduced development alternative in the EIR in that it evaluated Alternative 1, the No Project - No Build Alternative. That alternative consists of

continued use of the existing facility, which is smaller than the proposed new sanctuary. If using a smaller space were a feasible option, the church would simply stay put. Accordingly, Alternative 1 represents the reduced development alternative.

2. Alternative Neighborhood.

Building a new Sanctuary outside of the immediate neighborhood would defeat a key objective of the project, which is to have a new Sanctuary where a majority of the Applicant's members reside and at a location that allows members to volunteer at The Meher Schools. The Meher Schools is only able to carry out its educational role for the community because of the involvement of hundreds of the Applicant's members as teachers, administrators and volunteer cleaning and maintenance staff for the school. Approximately two-thirds of the membership lives within a half mile of the project site and within a mile of the school. Without this proximity, the work of the Applicant, which relies on thousands of hours of volunteer service to its Sanctuary and to The Meher Schools, could not be carried forward.

3. Alternate Site In This Neighborhood.

The church attempted to identify alternative sites within the immediate neighborhood, but no such sites are available. The Applicant purchased the office complex and two adjoining lots across Boulevard Way from its current church, but there is not enough area in these combined parcels to build a Sanctuary that meets the Applicant's space needs. Those parcels aggregate only 1.3 acres compared to the proposed project site of approximately 3 acres. 15.3, cont.

West of 1300 Boulevard Way, separated from the church by a parking area for nearby condominiums, is a small commercial piece, which the Applicant purchased when first trying to aggregate parcels for a site that would be sufficient. That commercial piece is much too small to be of any use as a site for the new Sanctuary.

The Applicant was not able to purchase other properties in the immediate neighborhood that comprise a large enough site until, finally, it was able to purchase the parcels comprising the project site.

4. Redevelop 1300 Boulevard Way

There is not enough area at 1300 Boulevard Way to build a building large enough to meet the Applicant's needs, even presuming excavation and presuming expansion into the rear portion of the site. The Applicant's architects were unable to design a building large enough for its purposes on that site.

Furthermore, any proposal to redevelop 1300 Boulevard Way would leave the congregation with no facility to house its functions during the two years or so of construction.

5. Expanding Onto Parcels Adjacent to 1300 Boulevard Way.

The Applicant is unable to expand its current site on to adjacent properties. A number of years ago the Applicant tried to purchase the office building to its east but was unable to do so because the sellers were unable to move forward without an acceptable exchange property. No acceptable exchange property was identified.

To the southeast of the Applicant's site is a large complex, the Oakmont Condominiums. That complex has not been for sale and it houses numerous residents who would be displaced by any redevelopment.

15.3, cont.

To the south of 1300 Boulevard Way is a 24-four-unit condominium complex, and the parking area for that complex lies immediately west of 1300 Boulevard Way. The condominiums in that complex are owned exclusively by members of the Applicant, and house 38 people. To displace 38 members would defeat a key objective of the project to have members living in close proximity to the Sanctuary.

6. Campus Arrangement.

Using non-adjacent properties near the current site to comprise a campus-like facility would not meet the primary project objective of consolidating all operations under one roof.

-o0o-

We hope the County finds this information useful in responding to comments submitted on the EIR.

Very truly yours,

Marie A. Cooper

cc: Robert W. Carpenter
Sanford M. Skaggs
(via email, w/ encl)

Encl.

LEGAL20741384.4

JOHN COLE, ARCHITECT
1318 Boulevard Way ♦ Walnut Creek, CA 94595 ♦ 925 360-7336 ♦ mojocole@gmail.com

Mechanics of Constructing Sufism Reoriented's Visual Simulation

Cole Architecture (John Cole, Principal - California license C19,195. Dated 1988), was engaged by Sufism Reoriented to prepare visual simulations of the project. We started simply: construct the model in Sketchup, a software distributed by Google, which makes it available to anyone. Therefore, anyone who may want to verify the model's accuracy has the means to do so. In fact, The County asked for, and received, a copy of the Sketchup model which we understand was made available to the EIR consultant and its subconsultants. The visual simulations in the EIR were prepared by SquareOne, which specializes in graphic visuals.

The actual construction of the Sketchup model followed the industry standard practice for ensuring accuracy. Conceptually, the finished grade was established at 236.5 feet above sea level; the height of structure was established as 33.5 feet above finished grade, or 270.0 feet above sea level. These elevations were provided by Aliquot Associates, Inc. Pursuant to standard engineering practice, these elevations will be noted in grading and building plans, which the County will review to determine both that the plans comport with the project studied in the EIR, and that the grading and construction are completed according to plan.

Perspective was created by the software, based on the distance from the viewer to objects in the view. The software accounts for distances between objects and applies the laws of perspective. The simulations depict what a viewer would actually see from each Viewpoint, including the fact that objects in the foreground appear larger and taller than objects in the mid- to far-distance ranges.

Listed below are the steps involved in arriving at the finished visual simulations:

1. Receive a topographic 3d digital file of the existing grades, from the Surveyor, a blueprint of which is included with the project applications.
2. Add to that the proposed grades from Aliquot Associates, Inc., civil engiineer, to create a digital file of the new site, accurate to within one tenth of a foot.
3. Bring that digital file of the engineered site into Sketchup, to form the 3d surface (termed the terrain), by locating the topographic lines at the actual number of feet above sea level as stated in the survey.
4. Confirm that the building pad, or finished grade, is 236.5 feet above sea level

5. Construct a 3D model of the Sanctuary structure itself, obtained from digital drawings our office prepared. Confirm that the height of the structure, from finished grade to apex of the tallest dome, is 33.5 feet

6. Place the Sanctuary model onto the 3D site within the Sketchup software at the established grade elevation of the building pad, 236.5 feet above sea level. Confirm that the top, or highest point of the Sanctuary structure, is 270.0 feet above sea level.

The Sketchup model given to the County is also accurate to within a tenth of a foot, similar to the Survey. This can be verified by using the Identification Tool in Sketchup, which when touched on an object, displays a reading of the object's elevation above sea level.
By using this tool, the sea level elevations of the buildings, and of points on the site, were created and verified. The visual snapshots of the model were then taken within the software by locating the camera at different locations on the site, from viewpoints 5'-6" above the grade of the viewpoint, which is industry standard height for eye level.

The two domes pictured in Viewpoint 1 are 19 and 27 feet high, respectively. The main dome, at 33.5 feet high, is veiled by trees (on the viewer's right). In Viewpoint 2, the dome of the Sanctuary is at the finished elevation of 270.0 feet above sea level.

The visual simulations prepared by SquareOne, which appear in the EIR, are almost identical to those we prepared. For example, the street edge of pavement and the telephone poles in Viewpoint 2 agree in both images. Copies of our visual simulations and the EIR simulations appear below.

EIR Viewpoint 1 Simulation - Boulevard Way at White Horse Court

Sufism Reoriented 3-D Model from the Same Viewing Location

EIR Viewpoint 2 Simulation - Boulevard Way at Kinney Drive Intersection

Sufism Reoriented 3-D Model from the Same Viewing Location

EIR Viewpoint 3 Simulation - Warren Road

Sufism Reoriented 3-D Model from the Same Viewing Location

Responses to Comment Letter 15 – Marie Cooper (May 16, 2011)

15.1 See Master Responses 1 and 5.

15.2 See Master Response 5.

15.3 On behalf of the applicant, the commenter provides additional evidence of the infeasibility of certain alternatives. See Master Response 2.

To: Ms. Lashun Cross, Senior Planner
C.C.C. Dept. of Conservation & Development

LETTER 16

From: Chris Cowles
Regarding: New Sanctuary for Subisa Reoriented EIR

I am Chris Cowles and I have lived at 1397 Blvd. Wy. Walnut Creek since 1965. I am not a Sofi, I have no intentions of becoming one. Many Sofi's have been neighbors for 20-30 yrs or so and have been good neighbors. I feel that the New Sanctuary will be a wonderful addition to the neighborhood. I have felt that much of Blvd. way all the way to Olympic is in need of upgrading for many years. If the project is approved maybe it can be a model for future development along Blvd. Wy. 16.1

Thanks!
Chris Cowles
1397 Blvd. Wy.
5/20/11

CONTRA COSTA
2011 MAY 23 P 12:35

Responses to Comment Letter 16 – Chris Cowles

16.1 The letter does not raise any significant environmental issues requiring further response. See Master Response 12.

safely walk is a frightening concern for safety. And also, it concerns me that people have may promise this and I think it's so admirable but twenty years from now or thirty years from now if this project is constructed, those people will cease to be a part of the dynamic of the area. They may move. They may become deceased, they may become incapacitated to walk or whatever. I feel that the parking, zoning needs to be respected fully. I don't understand and perhaps I need to talk to my district Supervisor about the TDM implications. Is that in the report? The TDM, what do they call it, waiver for the parking? I don't see that. Did I miss something in the Draft?

PAT ROCHE: I'm just taking your comments, so if you have a question I think you would want to direct that …

CAROL CHUKAVICH: Okay, my question is that it's not clear in the Draft, what modifications for parking are being considered. Here it's just a general statement. Just so many things are not clear. And I concur with former speakers, and I'm not as polished. I'm just a little neighborhood person. So, I appreciate your patience with my remarks. Thank you.

PAT ROCHE: Okay. Alright, I have one last green speaker card, so again, just a reminder that if anyone is interested in speaking today, please do fill out a card. The last speaker I have is J. David Dacus.

J. DAVID DACUS: Hi. My name is J. David Dacus, and I live at 1308-C Boulevard Way in Walnut Creek. I'm a board member of the Saranap Community Association and I am chairperson of their SCA Application Review Committee. I have a Bachelor in Environmental Design from Texas A&M University and a Masters in Architecture from UC Berkeley and was on staff at the Center for Environmental Structure there. I was licensed as a California Architect in 1985 and have practiced in the Saranap since that time. I have performed hundreds of design reviews under contract to master developers, municipal planning and public works departments, and county planning departments. I'm here with my colleague, Charles Huddleston, who is also an experienced project manager and building designer in Northern California, and formerly on staff at the very well known Owner/Builder Center in Berkeley. The DEIR comprises almost 1600 pages of study. These studies were performed over nearly a 3-year period, and to describe it as 17.1
thorough would be fair. I have read almost the entire document with interest and considerable amount of caffeine, and we have met on numerous occasions to review it and to share our understanding with the SCA board of directors. The SCA has held two community meetings on this project. These meetings were advertised to the entire community and open to all, and all the issues raised in these meetings were documented and supplied to the DCD and included in the scoping of the DEIR. All have been addressed in the document and in every case they were either dismissed as having no impact, as not applicable, such thing as heritage trees and historic architecture, or if the cause of an impact, one or more mitigations have been described. There are no unavoidable impacts and all significant impacts are less than significant once mitigated. To our understanding, no environmental issues remain unaddressed and from our perspective, no environmental issues were inadequately addressed. We would like to

thank both the DCD and the Applicant for once again proving the validity of the CEQA process provided under law for the protection of the environment in California and for the protection of the neighborhood surrounding this project. The SCA will hold its third advertised open-community meeting on this project tomorrow night at 7:00 PM, and as always, we will forward the results to the DCD to help inform the County's decision process. I thank you on behalf of the Saranap Community Association. 17.1, cont.

PAT ROCHE: Okay, thank you. Alright, well that was the last speaker. If there are no other speakers, I am going to close the hearing. I do want to note for the record, we do have, we have received written comments from Mr. Curtis Trenor and we did receive written comments but the name, there is no name associated with the submittal of this. It would be helpful if whoever submitted this, if they could give us their name that would be helpful for our records. So with that, I'm going to close the hearing today. Thank you all for your time, and thank you for coming.

(" as given ")

RECEIVED 4/18/11

ZONING ADMINISTRATOR HEARING
AGENDA ITEM # 4/18

insert 1308C BLUD WAY NC 94595.

ZA Hearing April 18, 2011

My name is J. David Dacus, ~~and~~ I'm a board member of the Saranap Community Association. I'm ~~the~~ Chairperson of the SCA Application Review Committee. I have a Bachelor of Environmental Design from Texas A&M University, and a Masters in Architecture from UC Berkeley, ~~[illegible]~~ and on staff at the Center for Environmental Structure, ~~in Berkeley~~. I was licensed as an CA architect in 1985, and have practiced ~~in [illegible] California and~~ the Saranap, since that time. I have performed hundreds of design reviews under contract to master developers, municipal planning & public works departments, and county planning departments. I'm here with my colleague Charles Huddleston, who is also an experienced Project Manager and building designer in northern California, and formerly on staff at the very well known Owner Builder Center in Berkeley.

17.1, cont.

The DEIR comprises ~~a 346 page narrative document, with a 24 page executive summary, and additionally includes 1,233 pages of Appendices, for a total of almost 1,600 pages of study on the project~~. The studies were performed over nearly a three year period. ***To describe it as ~~simply~~ thorough would ~~be an~~ fair. ~~understatement.~~*** I have read almost the entire document with interest, and caveats and we have met on numerous occasions to review it, and ~~to~~ share our understanding with the SCA board of directors.

almost 1600 pages of study.

The SCA has held two Community Meetings on this project. These meetings were advertised to the entire community and open to all. ~~They included presentations by the County~~

~~DCD, and by the Applicant~~. All issues raised in these meetings were documented, supplied to the DCD, and included in the scoping for the DEIR. All have been addressed in the document. In every case, they were either dismissed as having no impact, as not applicable (such things as heritage trees and historic architecture), or, if the cause of an impact, one or more mitigations have been described. There are no unavoidable impacts, and all significant impacts are less than significant once mitigated. To our understanding, no environmental issues remain **unaddressed**, and from our perspective, no environmental issues were **inadequately** addressed.

We would like to thank both ~~the Applicant and~~ the DCD for once again proving the validity of the CEQA process provided under law for the protection of the environment in California, and for the ~~specific~~ protection of the neighborhood surrounding this project. 17.1, cont.

The SCA will hold its third advertised open Community Meeting on this project tomorrow night at 7 pm. As always, we will forward the results to the DCD to help inform the County's decision process.

I thank you on behalf of the Saranap Community Association. ~~for this opportunity to speak on this important milestone in the ongoing process of review and decision making by the County~~.

Thanks,
David Dacus

Responses to Comment Letter 17 – J. David Dacus (Zoning Administrator Hearing)

17.1 The testimony does not raise any significant environmental issues requiring further response. See Master Response 12.

LETTER 18

Mr. & Mrs. M. Darabian
150 Ponderosa Lane
Walnut Creek, CA 94595

CONTRA COSTA
2011 MAY 27 P 3:34

May 27, 2011

Ms. Lashun Cross, Senior Planner
Contra Costa County Department of Conservation & Development
651 Pine Street, 4th Floor-North Wing
Martinez, CA 94553

County File Numbers: LP082034 & MS090008

Dear Ms. Cross,

The **Executive Summary of Draft EIR** that was reprinted by **New Sanctuary for Sufism Reoriented** raises many questions. It is rather curious to say that knowing significant **(S)** environmental impacts exist, the EIR using mitigation measures can reduce the impact of the project to less than significant **(LTS)**. What does "less than significant" mean (as on a scale of 0 to 5 for instance)? The question remains whether the county has done its own evaluation to compare with the independent experts or merely concluded that report as valid. We as residents of this neighborhood of almost 20 years are well aware of the how much the population and traffic have increased here and how dangerous is the portion of Boulevard Way at the crosswalk opposite of the proposed Sufi property at Kinney Drive. This is a bus route and a major thorough way to Walnut Creek and I-24 West to Oakland and San Francisco. 18.1

Our letter of reaction to the Draft of the Environmental Impact Report **(EIR)** for the proposal of the new sanctuary for **Sufism Reoriented Project** is **twofold**. The **first concern** involves the pedestrian/traffic hazard currently existing and not corrected by the county when the permit was given to build new townhouses, both sides of the resident at 20 Iris Lane and Molly Way – both developers gave adequate space for a sidewalk that was way overdue. The resident at 20 Iris Lane, however, has a few feet of his property extended right to the edge of the roadway (covering the shoulder), but his fence is behind this extended land. This is a great hazard for pedestrians and those with wheelchairs, bicycles, or strollers and for all traffic. The photos attached to this letter help to support this statement. **This eyesore ("tumor" in the road) at the junction of Iris Lane and Boulevard Way should be public domain and provide a hazardless walkway**. The Sufi project will make a greater impact on the safety at this spot. The **second concern** of this letter is to question **the impact of the Sufi project not only on the above mentioned hazardous pathway, but on contributing to heavier traffic on Boulevard Way** during and after the project construction and the 18.2 18.3

subsequent reduction of land available for further residential housing in the Saranap area. 18.3, cont.

Sufism Reoriented is a welcomed part of our community, but its expansion project for developing a 3.12-acre campus is a major encroachment in the residential neighborhood. The existing Sufi facilities could be upgraded to serve their larger membership, not a massive center in this residential community. It is much kinder to our community to allow **Alternative 2 – No Project – Existing General Plan and Zoning** and not override the county's Existing General Plan and Zoning for developing 15 new residential units (5 single family homes and 10 "duet units"). We need more affordable housing in Walnut Creek and the Saranap area. The best interest of the majority in a community should take priority over any special interest from one group. We need that land to be developed for people of all faiths to live! 18.4

In the **Executive Summary Impact 4.11 Population and Housing**, it states no significant impact on population and housing, but **the project does impact housing**! 18.5

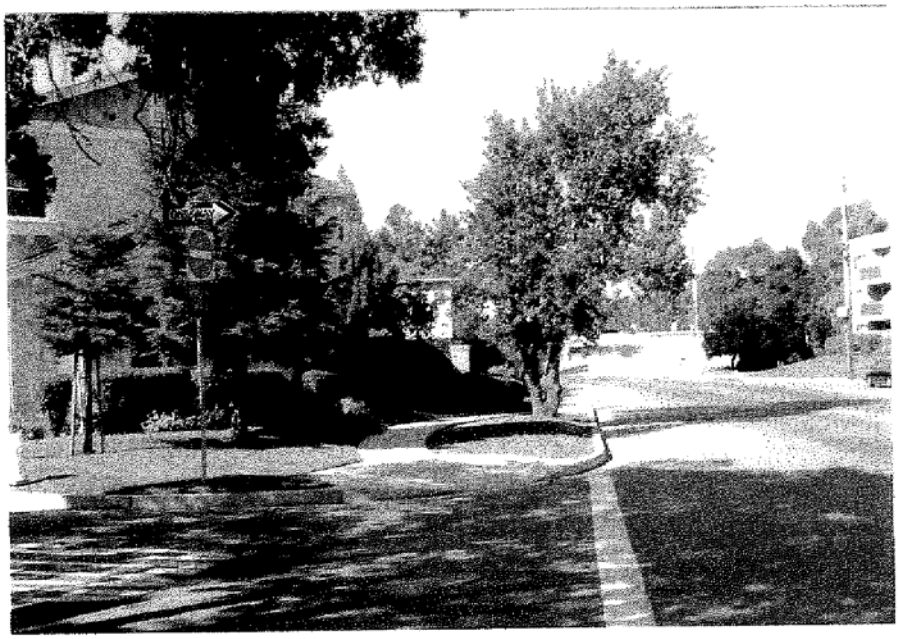
Also, in the **Executive Summary Impact 4.13 Traffic and Circulation**, there is no mention of increased traffic on Boulevard Way during both the construction period and after completion of the Sufism Reoriented headquarters (for not just the local members but nationwide). Currently Boulevard Way at the junction of Saranap Avenue toward Kinney Drive is a narrow, curved two-lane road with no sidewalks. There definitely needs to be a county upgrade for safety features on Boulevard Way! If the expanded sanctuary/headquarters becomes a reality, there will indeed be more traffic. Saranap residents west of Boulevard Way will be facing greater challenges getting into Walnut Creek from Kinney Drive. 18.6

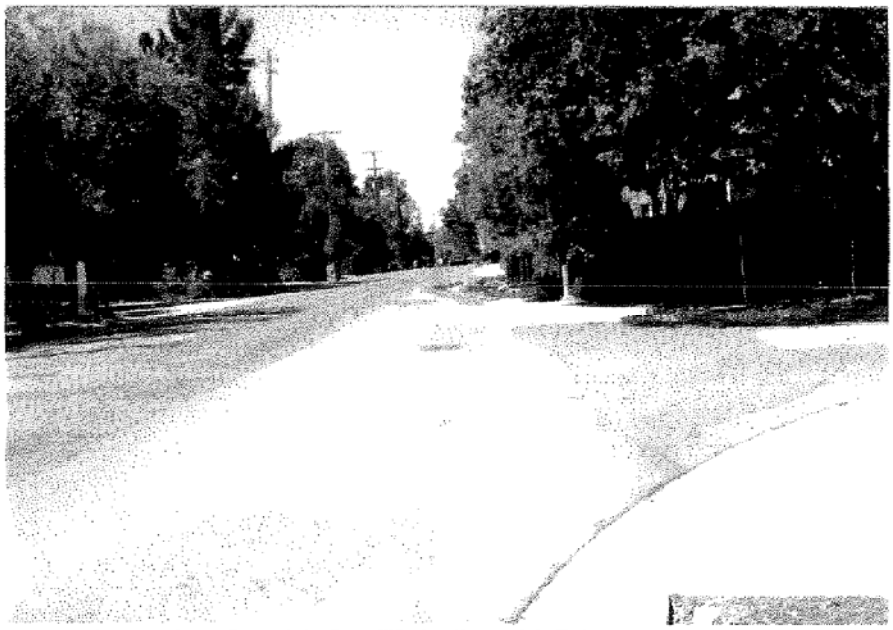
Please take into consideration our two primary concerns: the current hazard at Iris Lane and Boulevard Way and the best interest of the majority of residents in Saranap versus the special interest of one group.

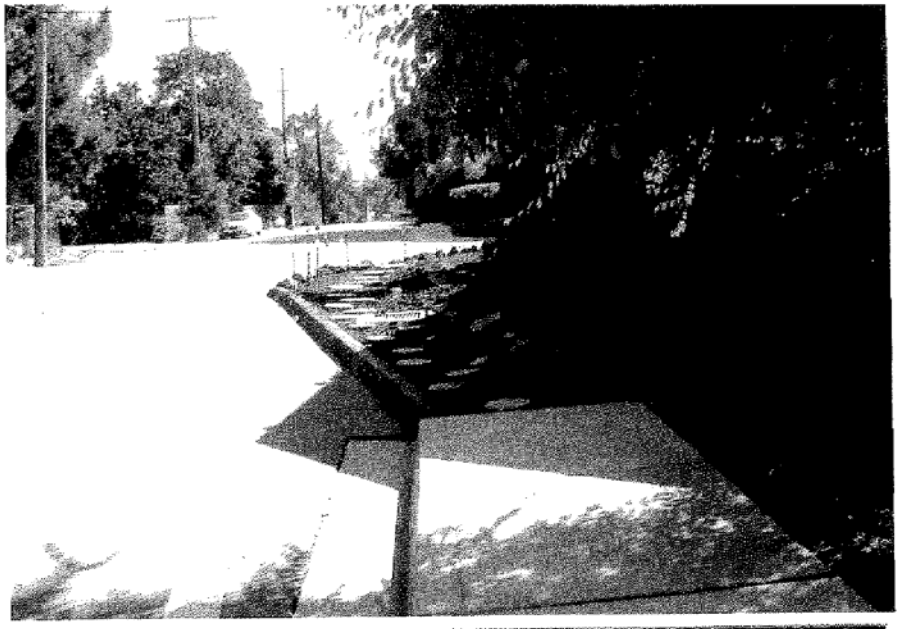
Thank you,

M. Darabian & Rosemary Darabian

Mike and Rosemary Darabian







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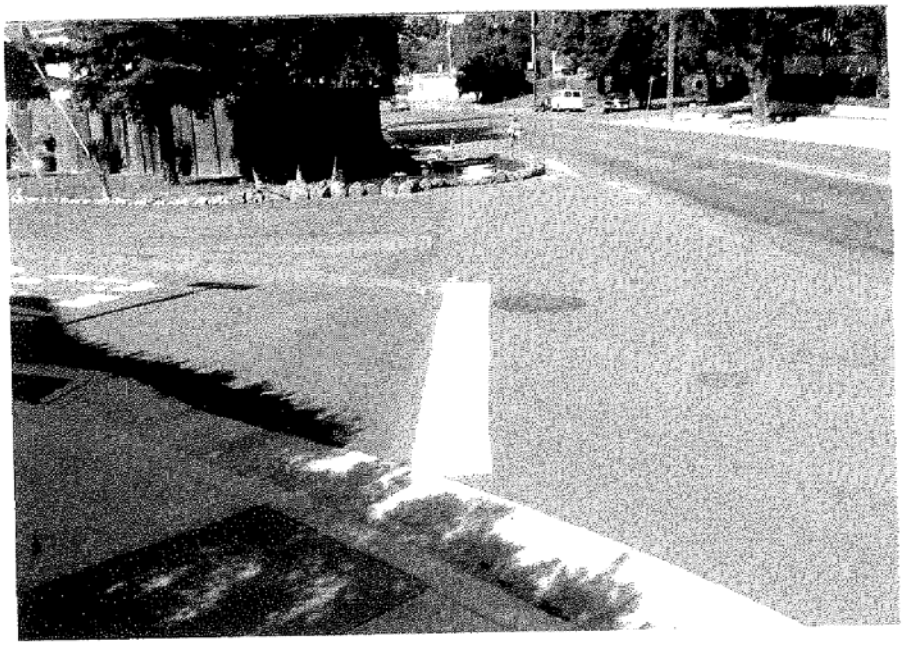


Responses to Comment Letter 18 – Mike and Rosemary Darabian

18.1 The EIR has been prepared in accordance with environmental laws and the CEQA statute and guidelines. "Significant" means the impact exceeds the stated threshold, and "less than significant" means the impact does not exceed the stated threshold. The methodologies utilized in the EIR for determining significance thresholds are in accordance with the requirements of the agencies responsible for managing and regulating the specific environmental resources, and conform to protocols established within the professions conducting the evaluations. CEQA asks whether a project will have any "significant" environmental effects and compels a lead agency to mitigate for any significant effects, as feasible. Thresholds of what constitutes a "significant" effect are set forth in **Appendix G** of the CEQA Guidelines, in the guidance of relevant agencies (such as the Bay Area Air Quality Management District) and in County plans, policies and regulations. Effective mitigation measures are those that will reduce an impact to a "less-than-significant" level, meaning that the impact is not considered "significant" under CEQA.

18.2 See Master Response 6. The County notes the observation and request regarding the existing situation, which is not an impact of the project. The letter and request will be included in the EIR and presented to decisionmakers for their consideration.

18.3 See Master Responses 6 and 8. Please also see Draft EIR **Section 4.11**, Population and Housing, which discusses how the project might affect the availability of housing in the local area. Also see Master Response 2 regarding the proposed project alternatives.

18.4 See Master Responses 2 and 12.

18.5 To clarify, the cited **Table 2-1** lists only *significant* impacts for which mitigation is required. *Less-than-significant* impacts do not require mitigation and are thus not listed in **Table 2-1**. Please also see the response to comment 18.3 above.

18.6 For a full discussion of traffic impacts, please see **Section 4.13** of the Draft EIR. The cited Executive Summary does not include the detail set forth in **Section 4.13**. Please also see Master Response 6. Regarding the interests of Saranap residents, see Master Response 12.

May 25, 2011

CONTRA COSTA COUNTY LETTER 19

2011 MAY 27 P 2:21

DEPARTMENT OF CONSERVATION AND DEVELOPMENT

Ms. Lashun Cross
Senior Planner
Contra Costa County Department of
Conservation and Development
651 Pine Street
4th floor, North Wing
Martinez, CA 94553

RE: LP082034 & MS090008

Dear Ms. Cross,

I am writing you regarding the Sufism Reoriented proposal to build a 66,000 square foot facility in the heart of the Saranap Residential area in unincorporated Walnut Creek. My concern is the limited number of available onsite parking spaces on the proposed development (74 spaces).

I have been a resident of the Saranap area for 30 years. During this time, the Sufis have had various facilities in this area for various functions which they want to consolidate. They have always been very generous to invite residents from Walnut Creek as well as other Sufi members throughout the Bay Area who attend the events.

I have observed on many occasions the parking congestion from these events along Boulevard Way in Walnut Creek. All parking along Boulevard becomes occupied. It makes nearly impossible to find parking to conduct normal daily business with the local merchants along the street. Furthermore, the traffic on Boulevard Way increases proportionately, making it a dangerous road to cross for pedestrians and bicyclists. 19.1

Last Sunday, May 22, 2011, the Sufi's held their Spring Children's event on the very site that the facility is to be built. Rather than park all of the participants on the street the vehicles were parked in the following locations:

1. The existing Sufi facility.
2. The next door business park building to the north of the existing Sufi facility.
3. The previous La Rossa Grocery Store lot to the south of the existing Sufi Facility.
4. Along the street leading to the event site.

The combination of the parking sites in the private lots and on the street for this event exceeded the number of parking spaces proposed for the new site. Using alternate parking sites did in fact minimize some of the inconvenience to the neighborhood, but my concern is that the number of parking spaces being requested in the Sufi Plan has already been demonstrated to be inadequate. In order to truly make a transparent foot-print on the local community and environment, the structures should be built in proportion to

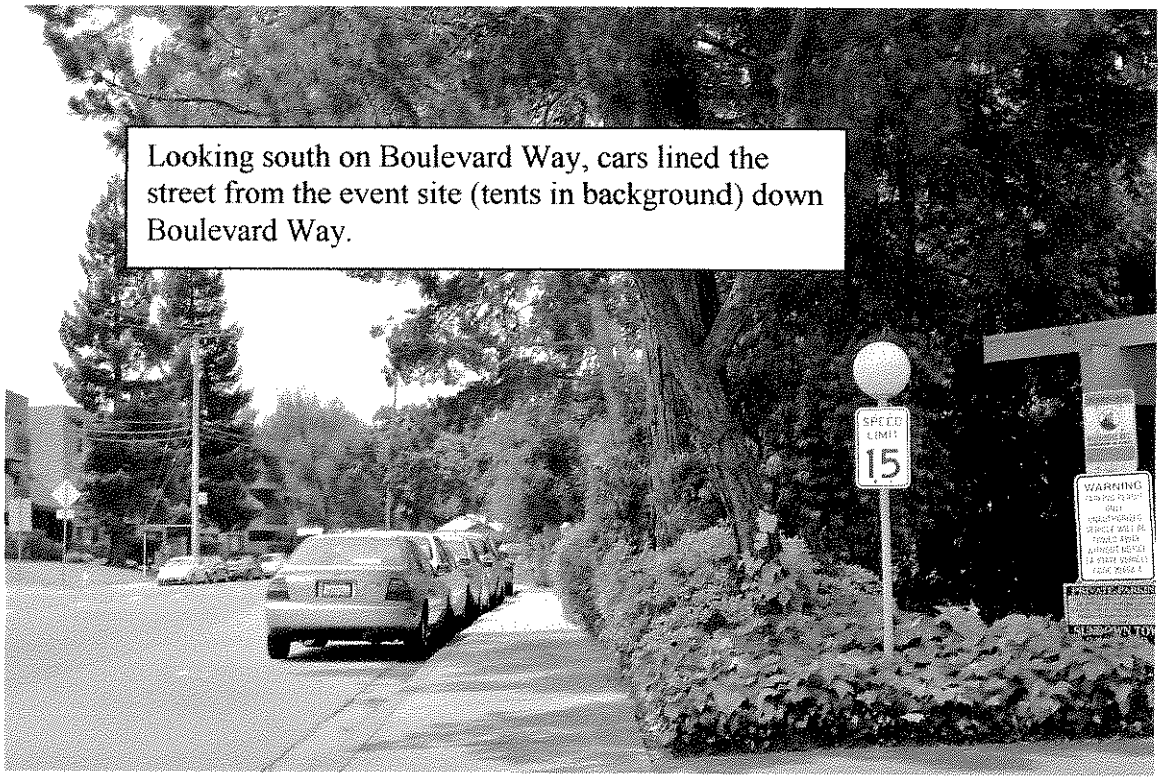
handle the participant's vehicles who will be attending events. I request that you take an additional look at the proposed parking for this facility. The Saranap neighborhood will be impacted with your decision on the facility and the parking spaces. The capacity planning for the facility must be ***in proportion*** to the availability of onsite parking. 19.1, cont.

Lastly, I have included several pictures of the recent spring event. Please note the photos of the 15 foot awnings that were erected for the event. They are placed behind the site wall where the actual facility will be built. I wanted to illustrate to you that the mature trees that are on the site do not mitigating any of the presence of stark white structures. The presence of the stark white 15 ft awnings are quite visible to the street and do not blend with any of the surrounding construction. One can only imagine how a 33ft white dome will dominate the local skyline. We need story poles to help assess the impact of the proposed dome structure. 19.2

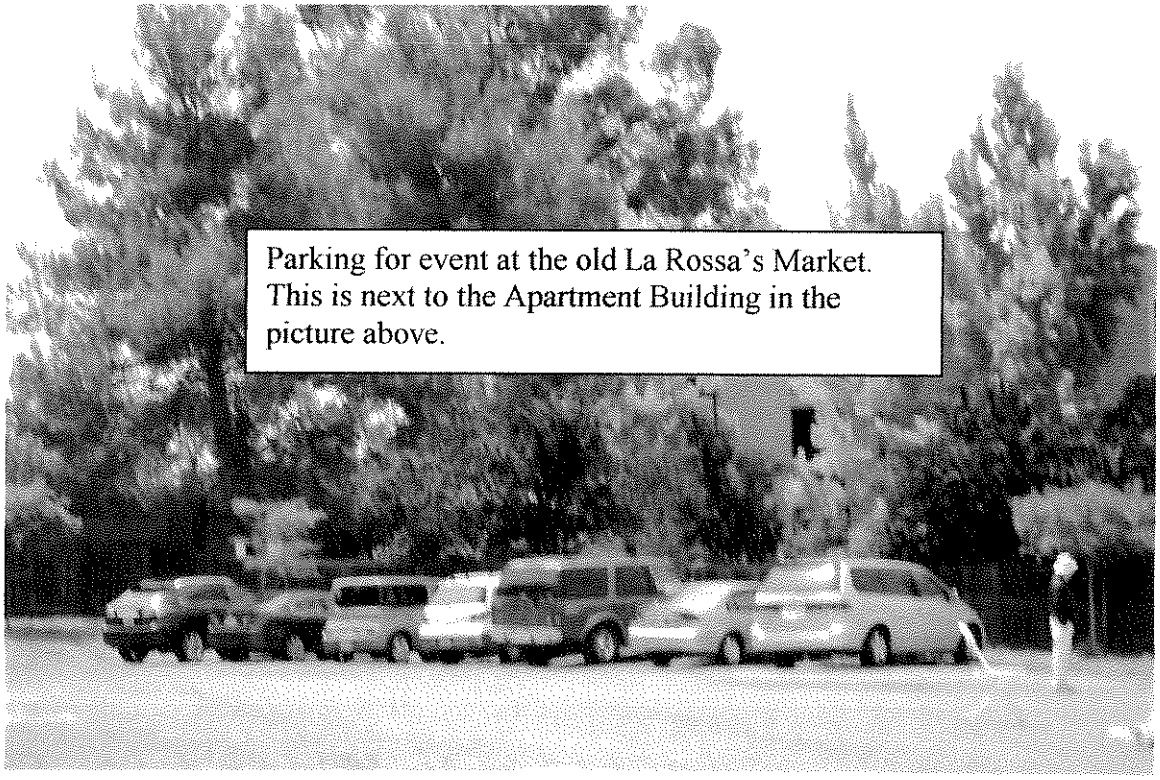
Thank you in advance for considering my responses.

Sincerely,

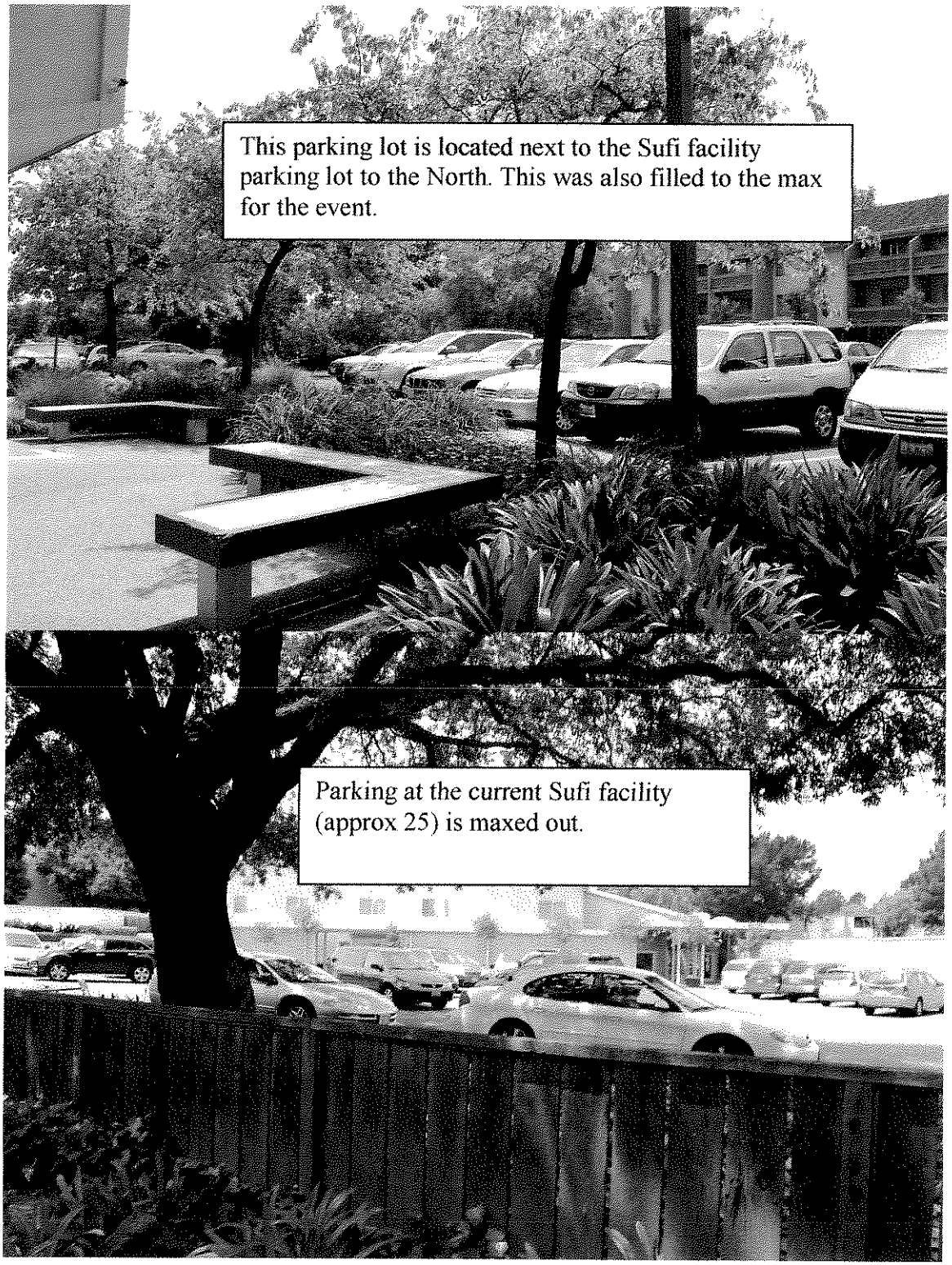
Judy Fassler

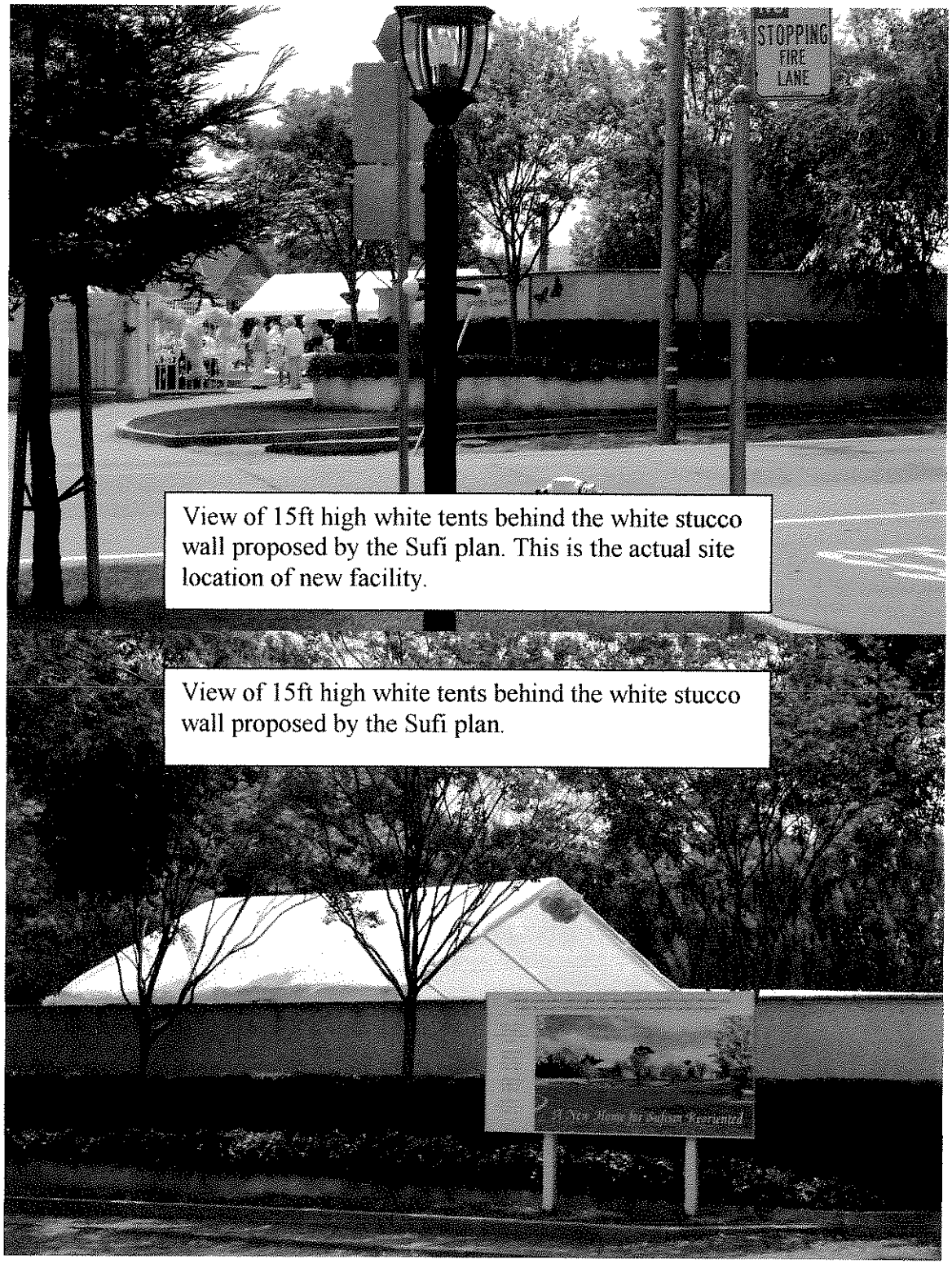


Looking south on Boulevard Way, cars lined the street from the event site (tents in background) down Boulevard Way.



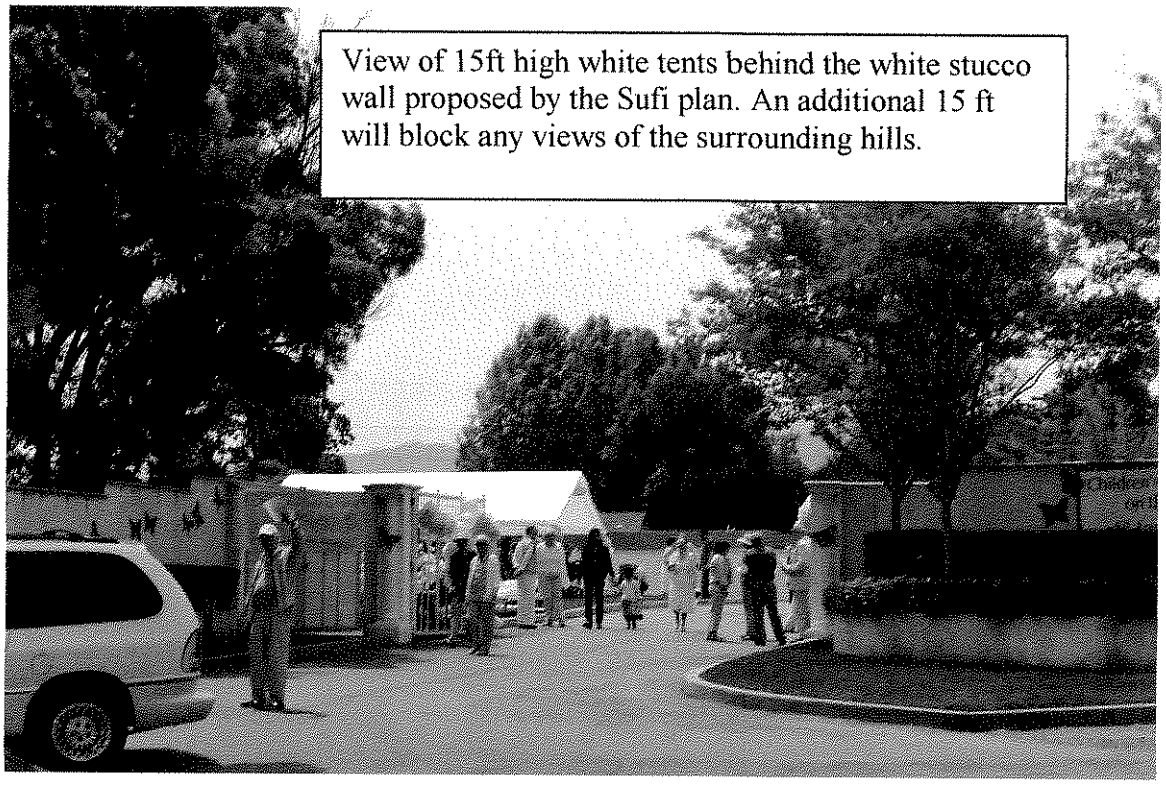
Parking for event at the old La Rossa's Market. This is next to the Apartment Building in the picture above.


This parking lot is located next to the Sufi facility parking lot to the North. This was also filled to the max for the event.
Parking at the current Sufi facility (approx 25) is maxed out.



View of 15ft high white tents behind the white stucco wall proposed by the Sufi plan. This is the actual site location of new facility.

View of 15ft high white tents behind the white stucco wall proposed by the Sufi plan.



View of 15ft high white tents behind the white stucco wall proposed by the Sufi plan. An additional 15 ft will block any views of the surrounding hills.

Responses to Comment Letter 19 – Judy Fassler

19.1 See Master Responses 3, 6 and 7. The Spring Children's Event is not part of the proposed program of activities identified in Draft EIR **Table 3-1**. Activities not included in **Table 3-1** have not been considered or analyzed as the activities in **Table 3-1** represent a reasonably likely projection of future uses at the site. The project does not include large outdoor events which would require compliance with the Temporary Events Ordinance (Chapter 82-44).

19.2 See Master Responses 1 and 5.

extensively excavated. And also all of the cement trucks to put all of the, it just seems to me that it's going to have, just the building of this big project is going to have a huge impact on the lifestyle of our neighborhood. I've got a few comments but I will wait to submit those. Thank you.

PAT ROCHE: Thank you. The next speaker is Bob Nuzum.

ROBERT NUZUM: Good Afternoon. My name is Robert Nuzum. My wife Judy and I live at 1072 Juanita Drive. It's fairly close to the project area. I agree with the comments that have been made previously and would much prefer just seeing the project remain (inaudible). Keep it residential and keep the character of the neighborhood the same as we have it now. Thank you very much.

PAT ROCHE: Thank you. The next speaker is Stacey Bradbury. (Inaudible voice in background.) Okay. I've got the next speaker as Kathy Rogers.

KATHY ROGERS: Hi. Kathy Rogers. 1496 Boulevard Way in Walnut Creek in fairly close proximity to this project. We've been talking about this for a long time in our organization and we are very desirous of seeing story poles to actually show everyone what this is. We've had I don't know how many depictions, artistic renderings of this project. I truly believe a picture is not worth a thousand words but the story poles are. And I think the neighbors can have a true feeling of the impact of this extremely large project on our humble and quiet residential neighborhood. Thank you.

PAT ROCHE: Okay. The next speaker is Lisa Ryan.

LISA RYAN: My name is Lisa Ryan. I've lived in the Saranap neighborhood for fifteen years. My address is 1430 Boulevard Way. My house is about three houses away from the proposed sanctuary. I'm very concerned specifically about the impact of drainage on my house and the houses of my neighbors. In the fifteen years that I've lived there, we've put in over a hundred thousand dollars in retaining walls due to surface runoff and drainage. I want further assurance that the project that's being proposed will not substantially increase the runoff issues that we already have at the property. And also increase the drainage and the runoff to my home in particular. I haven't had adequate opportunity to review the complete Draft EIR, so I would like to request some additional time to do that as well. I agree with the others that have asked for an additional 45 days. I would also like the reserve the right to submit further comments in writing at a later date. Thank you for your time.

PAT ROCHE: Okay. Alright, the next speaker I have is Wayne Fettig.

WAYNE FETTIG: Good Afternoon. My name is Wayne Fettig. I live at 178 Kendall Road. That's in Walnut Creek. I'm also president of the Saranap Homeowners Organization. And I agree with the previous speakers. I am personally involved in distributing the Draft EIR. I purchased a few copies of the paper version pretty much when it came out. It was a couple of days later, we realized that the appendices were not 20.1

a part of this EIR. I understand it is a massive document. It took a while for me to get an electronic copy of the DEIR. Basically I've been making copies one by one and hand distributing to people in the neighborhood, so I would also like to request an extension of the comment period. I think it's a massive document. Again, we have a lot of lay people that are just muddling through this document. We got a late start on it because of the difficulty of its distribution. I would also support previous speakers in the sense that I think we need to see story poles on this project. The artist conceptions we've been seeing in the neighborhood are almost comical, they just have nothing to do with what I've seen in elevation drawings. They are like two different projects. I definitely support seeing story poles on this. Thank you. 20.1, cont.

PAT ROCHE: Okay. Alright, I have two remaining speaker cards, green cards, so if anyone is still interested in providing testimony today, please do fill out a green card. The next speaker card I have is for Carole (inaudible voice in background). Okay.

CAROLE CHUCKAVICH: My name is Carole Chuckavich, if that will help you out. I have some submitted some comments in writing based on what I was able to glean. I haven't had sufficient time really to poor through what is available, and I didn't even know how to find the appendices. I only was able to …

PAT ROCHE: Okay, Ms. Chuckavich, could you just for the record give us your address too just so we make sure have it.

CAROL CHUCKAVICH: Oh, sure. I'm at 1115 Juanita Drive.

PAT ROCHE: Okay. Continue then.

CAROL CHUCKAVICH: Yeah, so I don't even know, I couldn't even find the appendices so maybe it's my insufficiency at the computer, but I do, I have submitted some things in writing related to section 4 and section 5. These are primarily, my chief concern at this point after what I've reviewed is for the safety of people in motor vehicles as well as people in pedestrian and cyclists. This road, I think it's misrepresented and I've alluded to that in my document. I think there are several misrepresentations in the traffic study and also some disregard for visual, range of vision on some of the maneuvers required to get off of the main two-way road. Let's see, how do I say it? It's in my report, but basically, Boulevard Way is a streaming road of traffic. There are, streaming into this road at a critical point on a curve at the point of where this sanctuary is going to be built is a really concerning to me, a blind spot because when they construct the fence or the wall there, it's going to further obstruct the vision of motorists to see oncoming traffic and pedestrians. And I feel that there, as someone else mentioned, inadequate alternatives for the traffic pattern there and inadequate reverence for the safety features that are not addressed. Secondly, I think that it's very admirable from what I read in the Draft that there are what, I think I some something in the order of 168 residents who are willing to, I believe, what I read was that they want to sign an affidavit telling, promising that they would be walking or riding their bicycle there. This to me where there is no bicycle lanes on Olympic Boulevard and there is really no place to

Responses to Comment Letter 20 – Wayne Fettig (Zoning Administrator Hearing)

20.1 See Master Responses 1 and 5.

To: Ms. Lashun Cross
Department of Conservation and Development
Contra Costa County
651 Pine Street, North Wing
Martinez CA 94553

CONTRA COSTA COUNTY LETTER 21

2011 MAY 26 P 4:28

DEPARTMENT OF COMMUNITY

From: Wayne Fettig
178 Kendall Road
Walnut Creek, CA 94595

The following comments are provided on the Proposed Sufism Reoriented Sanctuary Project in the Saranap area of Contra Costa County (County File #'s LP082034 and MS090008).

Dear Ms. Cross,

Although I have many concerns about what I believe to be lacking in the DEIR document, these comments are made in addition to comments I have seen from my neighbors in the Saranap area that have already been submitted to the County and I limit my comments out of respect for the efforts of County staff: 21.1

• In view of the direct relationship between indoor seating and the number of parking spaces allotted for this project, how many portable chairs and other seating devices will be kept at this facility? For example, the seating estimate noted in Appendix B, page B-26, for Friday night gatherings in the Prayer Hall is for 320 people yet there are only 275 chairs noted in the Prayer Hall Storage areas. Are more chairs to be made available for these attendees? If so, how many total chairs will be stored in other areas? How can an accurate formula for parking spaces based on seating be determined if the opportunity for abuse is so easy? A thousand portable chairs could easily be stored in this facility. 21.2

• Appendix B – Sanctuary for Sufism Reoriented Rooms and Area List. –
The Concourse Level plan in the DEIR is different than plans I obtained from the County last dated 6/12/09 which show a corner of the sanctuary cut off, presumably to comply with the Boulevard Way easement and includes three more toilets than the Appendix B plan. Why aren't the plans in the DEIR current? Have there been any other changes in the plan that haven't been noted in the DEIR? 21.3

• The Traffic Demand Management plan needs to be updated. Walk and carpool lists are a couple of years old and are now obsolete. Many participants have moved, died, or otherwise changed their commitments. To accurately evaluate and monitor this plan, it should be regularly updated. 21.4

Thank you for your attention,
Wayne Fettig

Cc. Supervisor Gayle B. Uilkema

Responses to Comment Letter 21 – Wayne Fettig (May 26,2011)

21.1 The commenter expresses concerns about the Draft EIR. The commenter identifies issues in the second, third and fourth paragraphs of the comment letter, to which response are provided below. The commenter also references comments from his neighbors. To the extent comments from the neighbors were timely presented to the County, they are included in this Final EIR and responses to significant environmental issues are provided. The commenter provides insufficient information about any other concerns to allow a more detailed response. See Master Responses 3 and 7.

21.2 See Master Responses 3 and 7.

21.3 Please see **Figures 3-1** through **3-14**. The commenter refers to a change in building plans that was made between 2009 and 2011 to respond to concerns County staff expressed about the sufficiency of setbacks as applied to the underground portion of the building. The "project" studied in the EIR remains stable and constant. However, it is common and necessary for plans and designs to evolve as the project applications are processed. For example, if this project is approved, County Connection will determine the precise location of the bus pull-out, and the County Public Works Department will refine the details of any roadway improvements or crosswalks required by decision-makers. Project plans and designs would then be adjusted to accommodate those requirements.

These refinements and the increasing level of detail produce, in essence, variants of the "project" studied in the EIR. They do not affect the environmental analysis unless, unlike here, they are substantial and relevant to an environmental resource. From the first application submittal to final sign-off on the development project itself, the County is constantly checking and verifying building, grading and landscaping plans and the development itself to ensure there are no substantial changes that might cause significant impacts that have not been studied and disclosed. Likewise, while it is possible that decisionmakers could approve a variant of the "project" studied in the EIR, they could not do so if the changes caused significant adverse impacts substantially different from those the EIR studied.

21.4 See Master Response 7, which describes how the proposed Conceptual TDM program would be finalized and also describes ongoing evaluation and monitoring to adjust to changing conditions such as are described by the commenter.

Law Offices of
Stuart M. Flashman
5626 Ocean View Drive
Oakland, CA 94618-1533
(510) 652-5373 (voice & FAX)
e-mail: stu@stuflash.com

CONTRA COSTA COUNTY
2011 MAY 27 P 12:53
DEPARTMENT OF PLANNING

LETTER 22

May 26, 2011

Ms. Lashun Cross, Sr. Planner
Contra Costa County Dept. of
Conservation & Development
651 Pine Street, 4th Floor – North Wing
Martinez, Ca 94553

RE: Draft Environmental Impact Report for New Sanctuary for Sufism Reoriented Project (SCH #2010032038).

Dear Ms. Cross,

I am writing on behalf of my client, the Saranap Homeowners Organization, to comment on the Draft Environmental Impact Report ("DEIR") for the above-referenced project (hereinafter "Project'). My client, and its members, are greatly concerned about the impacts that this large, 66,074 sq.ft. project will have on a residential neighborhood consisting almost entirely of small single-family homes and small-scale apartment buildings. The DEIR asserts that the Project will have no significant environmental impacts that cannot be mitigated to a less than significant level. My client respectfully disagrees. The remainder of this letter will identify and discuss the defects, deficiencies and problems in the DEIR's analysis of the project, its impacts, and possible feasible alternatives.

22.1

PROJECT SETTING

The project setting (p.3-2) is inadequate for failing to identify the area surrounding the Project as consisting entirely of small-scale residential buildings. The only building even approaching the size of the Project is a 36-unit apartment building located adjacent to the northeast side of the Project. The remainder of the buildings directly surrounding the Project consist almost entirely of small one and two-story single-family homes. The DEIR's description of the project setting fails to capture the small-scale residential setting into which this large project is being dropped. The project setting also fails to indicate the significant change that will occur when this almost 70,000 square foot project replaces three residences and a much smaller existing church facility.

PROJECT DESCRIPTION

The Project Description is deficient in several regards. Perhaps the most glaring deficiency is the failure to include a listing or chart showing all the various project facilities with their individual sizes and capacities. Currently, the DEIR only identifies the capacity of one facility, the prayer hall. (DEIR at p. 3-5.) While it lists various other facilities, including a plaza and rotunda area, offices, a classroom, library, bookstore, kitchen, art, music, and video studios, and storage and ancillary spaces, no sizes or capacities are indicated. The EIR should be revised to include a chart showing all the various components with the size and capacity of each.

22.2

The Project Description includes several elements that appear to act as mitigation measures. Yet these measures do not appear to be enforceable in the long term. Thus, for example, on page 3-14, the DEIR states that one of the project objectives is that the new sanctuary be, "within walking distance of at least 167 members of Sufism Reoriented who live near the existing facility and have pledged to walk to the facility." This "objective" is obviously aimed at reducing the Project's parking and traffic impacts, and specifically justifying a dramatic reduction in on-site parking spaces compared to what would otherwise be required by the County's parking standards.

While this may be a laudable objective, and one that the Project might initially meet, it is unclear how the Project can *guarantee* that it will continue to meet, or even come close to meeting, this objective in the long term, unless the church mandates that new members may not be accepted unless their residence locations and their commitment to walking allow the church to continue to meet this objective. The EIR gives no indication that the church has committed itself to this requirement. Even then, it is unclear how the church would meet this objective if, at a future time, existing members moved to residences that were no longer within walking distance or, for one reason or another, became unable or unwilling to walk to and from the Project. In short, this objective, while it seeks to mitigate Project impacts, fails to meet CEQA's requirement that a mitigation measure be both feasible and able to be relied upon to reduce an otherwise-significant project impact. 22.3

Similarly, the EIR states that an objective is that the sanctuary be feasibly accessed by bicycles or other alternative transportation means. (page 3.14.) What exactly those alternative transportation means would be is left undefined. If it means public transportation, the Project site is served by only one bus line, the #1, which operates only on weekdays, only between 5:55 AM and 7:30 PM, and operates on one hour headways. (page 4.13-7.) Yet, the devotional gatherings occur weekly on Sunday evenings, the "Taverns" occur between 6:30 and 10 PM, review classes and chorus rehearsals occur weekly from 8 to 9 PM, and celebration rehearsals occur either on weekdays between 8 and 10 PM or on weekends. (Page 3-6.) During none of these time periods would bus service be available to take participants to and from the Project. It should also be noted that, as the DEIR points out, bicycle facilities are minimal to nonexistent in the Project vicinity, and there are no proposals for significant improvements, making it very unlikely that bicycle use will be either popular or safe.[1]

While the project description indicates that many of the Project activities are currently scheduled for nights or weekends, nowhere in the DEIR does it indicate that the Project sponsor has committed itself to maintaining this schedule. Without that commitment, the projections of traffic impacts based on the existing schedule are no more than a "best case" scenario. The EIR should either indicate that the Project sponsor has committed itself to maintaining the present schedule of activities indefinitely and is willing to have that schedule included as a condition of approval on the use permit, or the EIR needs to be revised to address possible alternative schedules, including the potential for events to overlap with peak traffic on surrounding roadways (e.g., early weekday evenings). 22.4

[1] Note particularly that many of the Project activities take place in evening hours which will be dark during much of the year, making bicycle travel unsafe. The DEIR includes absolutely no discussion of bicycle safety impacts.

AESTHETIC/VISUAL IMPACTS

The DEIR asserts that the Project will have no significant visual/aesthetic impacts. It does so solely on the basis that the Project's extensive tree plantings around the periphery of the Project site would eventually screen the Project from all but its immediate neighbors. The DEIR does not, however, address the visual/aesthetic impact on the Project's numerous immediate and close neighbors, nor the interim impact over the next five to ten years before the newly-planted trees grow tall enough to hide the facility. Another weakness in the analysis is that the DEIR shows the proposed screening trees as being deciduous, which means they will provide little screening during the winter months after they have shed their leaves. The DEIR therefore greatly underestimates the significance of the visual impacts. Even so, several of the photosimulations indicate that even after the landscaping has matured, the Project will jut out significantly and in a jarring way. (See Figures 4.1-5 and 4.1-7.) Further, comparison of the photosimulations in the DEIR with the elevations shown in Figures 3-4 through 3-6, suggests that the photosimulations may not accurately reflect the actual size and shape of the Project as seen from nearby areas. As an additional check on this, and to assure that potentially significant visual impacts have been fully accounted for, story poles should have been placed on the Project site to indicate the locations and maximum heights of the various Project structures. 22.5 22.6 22.7

The visual effects would be even more glaring (literally as well as figuratively) at night, when it is proposed to illuminate the many domes contained in the Project. Not only will this illumination contribute to nighttime glare in this residential area, it will also emphasize the intrusive nature of the domes. The DEIR proposes as mitigation that a lighting plan be prepared and approved by the Department of Conservation and Development. However, the DEIR admits that the County has no standards for considering or approving such a plan, and the only standards proposed in the DEIR are that "no bare bulbs will be visible from offsite," and that "no lighting will be directed across property lines, and all lighting visible from offsite – including spillover onto adjacent properties – will be compatible with offsite private and right-of-way lighting in the vicinity." These standards are so nebulous as to be unenforceable, and certainly do not ensure that the proposed nighttime lighting of the project will not, either directly or cumulatively, significantly increase nighttime glare in the project vicinity. They therefore cannot be considered effective mitigation and are certainly insufficient to ensure that nighttime lighting and glare impacts will be reduced to a level of insignificance. 22.8

AIR QUALITY IMPACTS

The DEIR identifies three potentially significant impacts, all related to Project construction: fugitive dust emission, NOx emissions, and objectionable odors. It claims to mitigate all three to levels of insignificance. However the mitigation is either ineffective or illusory.

22.9

For dust emissions, the mitigation consists of following the BAAQMD's BMPs for construction activity. However, these BMPs are generic and do not deal with the impacts of conducting major construction in the middle of a residential community. This is particularly important when the construction involves extensive excavation and hauling away of excavated materials. Particularly ineffective is the BMP of posting telephone numbers for the construction manager and the BAAQMD, and requiring corrective action within 48 hours [of a reported violation]. While construction would

apparently generally be limited to 8 AM to 5 PM on weekdays only[2] (DEIR at p.4.10-12), allowing 48 hours to correct a dust complaint could still result, during strong winds and dry conditions, in severe impacts on the surrounding neighborhood. Mitigation measures to address this should include: 1) requiring presence on-site, at all times when construction is active, of a supervisor with responsibility for halting construction activities until any dust complaint is adequately addressed, and 2) halting construction activities when windy conditions cause significant dust generation unless or until sufficient measures have been taken to abate dust generation. 22.9, cont.

The DEIR also notes that the construction activities would exceed the BAAQMD's threshold for significant NOx generation. The DEIR's mitigation is simply to limit daily emission to the threshold amount by limiting the number of daily hauling trips by dump trucks. This, of course, does not reduce the total project emissions, but only spreads them out over a longer time period. Under normal conditions, this might arguably suffice to reduce the project's contribution to air quality impacts (although it would also lengthen the extent of those impacts, perhaps resulting in increased cumulative impacts over time). However, during the summer, reverse air flow [i.e., east-to-west] is a common occurrence. During such times, stagnant conditions occur in the Bay Area and air pollutants accumulate from day to day. This would result in a significant impact even with the proposed mitigation. Given the significant amount of construction emissions from the Project, an additional condition should be added requiring that the use of all diesel trucks and other diesel-powered construction equipment cease on all "spare the air" days. 22.10

The DEIR identifies diesel exhaust odors from construction equipment as another potentially significant impact. As mitigation, the DEIR proposes that trucks and other diesel-powered construction equipment be limited to a maximum of two-minutes of idling time. This mitigation measure, while easy to state, would be almost impossible to enforce without the continuous presence of an <u>independent</u> on-site monitor with the power to shut down construction in the case of violations. The posting of telephone numbers for the BAAQMD and for the construction manager is not an adequate substitute for such an independent on-site monitor. Without enforceability, the proposed mitigation measures would be ineffective and therefore the impact would remain significant. 22.11

In addition to the impacts identified as potentially significant in the DEIR, another potentially significant impact would be the vehicle automotive exhaust fumes from travel to attend events at the Project. The DEIR dismisses these emissions as insignificant based on the church's proposed TDM program. However, as already discussed, much of the TDM program is premised on church membership being focused heavily within walking distance of the church. There is, however, no guarantee that this distribution of members will continue to be the case later on. For example, in five or ten years, church membership may have turned over and very few of the members live within walking distance. If this were the case, it would be likely that many, if not most, church members would use private autos to get to and from the church. Consequently, vehicle emissions could be considerably higher than as analyzed in the DEIR. 22.12

In addition, the DEIR only considers regularly scheduled church activities. Once the Project has been fully permitted and constructed, there would be nothing to stop the church from renting out its facilities for special events such as weddings, concerts, 22.13

[2] On that same page, however, the DEIR also indicates that weekend construction activities would be allowed if authorized by the zoning administrator. During such weekend work, of course, neither the BAAQMD nor general construction offices would be open to accept or act on complaints.

dances, etc. These events might or might not be associated with church members, but would not, a priori, be limited to church members in their attendance. Given the large size of the facility, it is reasonably foreseeable that such events would occur regularly and have attendance far in excess of that discussed in the DEIR for church-sponsored events. Further, given that such non-church-sponsored special events would not be subject to the church's TDM Program, vehicle emissions associated with such events would likely vastly exceed the amounts identified in the DEIR.

For example, if a large concert or wedding event used both the prayer hall, with a seating capacity of roughly 400 (DEIR at p.3-5) as well as other portions of the site such as the plaza and rotunda, classroom, and studios, it would seem not unlikely that such an event could have as many as 700-1000 attendees.[3] Even assuming that 2/3 of the attendees came 2 per car, and that 100 attendees walked to the event, this would mean somewhere between 400 and 600 vehicles. This is far in excess of the vehicles addressed in the DEIR's analysis, and even if only two or three such events were held per month, the amount of automotive emissions would be far above those discussed in the DEIR. 22.13, cont.

The DEIR needs to be revised to analyze and discuss vehicle emissions under a worst-case scenario where church membership has disbursed itself across a wider area and is more similar to that found in a standard church. For this purpose, the standard ITE trip generation rate for a church (ITE 8th Edition, Code 560) should be used to calculate traffic and consequent vehicle emissions. In addition, the analysis should take into account vehicle emissions generated by attendance at non-church-sponsored special events. These emissions should then be compared to the BAAQMD threshold.[4] 22.14

GEOLOGY AND SOILS IMPACTS

The DEIR identifies a number of potentially significant geological/soils impacts related to the Project's construction. However, the proposed mitigation measures are not necessarily sufficient to reduce the impacts to a level of significance.

As the DEIR points out, the Project's construction, and specifically the extensive excavation required, could destabilize nearby structures or improvements. This would be a significant impact. The DEIR properly requires documentation of existing conditions prior to start of construction. However, there is no corresponding requirement for inspection after construction has been completed to ensure that no damage has resulted. Without such a post-construction inspection, the pre-construction inspection is essentially worthless. Further, if a post-construction inspection indicated damage, there is no requirement that the applicant repair the damage or compensate the owner for the damage. In addition, there is no assurance, in the event damage occurs, that the applicant will have sufficient funds to repair or compensate for construction-related damage. As additional mitigation, the Project sponsor should be required to post a bond sufficient to cover potential damage to nearby structures and/or improvements. The amount of the bond should be determined by the County Building Official and Geologist after review of the pre-construction inspection documentation. 22.15 22.16

[3] Given the lack of detailed information on the sizes of the various facilities, a more accurate estimate is, at present, not possible.

[4] In the alternative, any CUP issued for the Project must prohibit non-church-sponsored special events and cap attendance and auto use for church-sponsored events at the estimates used in the DEIR. The mitigation monitoring and reporting program should then include an enforceable mechanism for ensuring that these conditions will be met.

The requirement of a bond should be made a condition of approval for the project. Once construction is completed, a post-construction inspection should be required and the results submitted to the County and made available to all adjacent property owners, with notice to all adjacent property owners and sufficient opportunity for those property owners (and the County) to conduct their own inspections and submit any claims for damages. The bond would only be released upon certification by the County Building Official and Geologist that any identified damage had been fully repaired or appropriately compensated. 22.16, cont.

HYDROLOGY AND WATER QUALITY IMPACTS

As the DEIR acknowledges, the Project has the potential to cause significant impacts to area hydrology and water quality. These impacts relate to the new building, its construction, and the parking lot associated with the Project. The DEIR proposes a number of mitigation measures to reduce the significance of identified impacts. However, the DEIR fails to identify some potentially significant impacts, and the proposed mitigation measures are insufficient to ensure there will be no significant impacts from the project. 22.17

One undisclosed potentially significant impact is the impact to groundwater quantity and quality. As the DEIR notes, the Project proposes to replace much of the Project site's currently impermeable surface with permeable pavers. These pavers would allow water on the site, including irrigation water and storm water, to permeate into the ground and enter the subsurface groundwater flows. Of particular concern is that the water from the site may contain contaminants that, without treatment, would flow into the groundwater and potentially cause groundwater contamination. This would be a significant impact. The DEIR needs to be revised to consider the potential direct and cumulative impact of contamination from the site contributing to groundwater contamination. In addition, the EIR needs to discuss groundwater uses in the area, particularly whether there are any wells used for potable water or crop irrigation that might be adversely affected by additional contaminants. 22.18

The DEIR also contains no information on the nature of groundwater flows after leaving the Project site. It is not uncommon for groundwater flows to resurface as a spring or seep and become part of the downstream surface water flows. In this case, such surface flows would most likely flow into Las Trampas Creek. Such groundwater to surface water transition is particularly likely given the area's dense, clay-rich soil, which would impede percolation into lower groundwater strata. Given the insufficiency of Las Trampas Creek to hold existing flows during a major storm, this could cause significant impacts, depending on whether, where, and when groundwater resurfaced. The EIR needs to explain the nature of groundwater flows in the area, and specifically identify any potential seeps or springs in the project vicinity and discuss how increases in groundwater flows by the project might affect such seeps or springs. 22.19

The DEIR appropriately notes that the pervious pavers proposed to be used to decrease surface runoff from the Project are subject to degradation if not properly maintained. Such degradation would decrease their permeability and lead to increased storm runoff, with potentially significant associated impacts. The DEIR proposes as mitigation that the applicant prepare a maintenance plan to ensure that the pavers continue to function properly. The EIR also needs to include, as part of the mitigation monitoring and reporting program provisions for the County to receive periodic reports documenting the maintenance, including period reports confirming the continued functioning of the pervious pavers, as well as provisions requiring the applicant to repair or replace the pavers if their function becomes impaired. The DEIR is also deficient in 22.20 22.21

failing to analyze and discuss the soil composition and its potential effect on the functioning of pervious pavers. As mentioned, the soils in the area tend to be clay-rich. This makes for very slow infiltration of surface water into the subsurface. Unless this clay-rich soil is replaced by more permeable soil, the pervious pavers amy well be relatively ineffectual. The EIR needs to consider and discuss the permeability of the soil at the Project site. If its permeability is low, mitigation, such as removal and replacement with a more loamy or sandy soil should be considered. 22.21, cont.

A related concern is the effect of the site excavation and large new buildings on surface and groundwater flows from the site onto nearby properties. Several neighboring property owners have had difficulties with drainage across their properties from the Project site, and have had to make drainage improvements to alleviate impacts. There is concern that the excavation and other changes on the Project site may alter drainage patterns and create new impacts. The EIR is also silent on this issue, which needs to be discussed. 22.22

LAND USE AND PLANNING IMPACTS

The DEIR's land use and planning impacts section concludes that the Project will have no significant impacts. As the DEIR notes, this Project location is in a residential portion of the County's unincorporated area. There is a nearby commercial area along Boulevard Way. While the zoning for the area allows uses such as churches, that is only with a land use permit. In other words, it is a conditional use, and specific findings are needed in order to grant such a permit. Thus the DEIR's statement that the Project is consistent with the R-10 zoning is not accurate. It should be revised to indicate conditional consistency. Further, the DEIR provides no discussion of the required findings and whether the Project would be able to meet the requirements for making those findings. Those findings are the following: 22.23

(1) That the proposed conditional land use shall not be detrimental to the health, safety and general welfare of the county;

(2) That it shall not adversely affect the orderly development of property within the county;

(3) That it shall not adversely affect the preservation of property values and the protection of the tax base within the county;

(4) That it shall not adversely affect the policy and goals as set by the general plan; 22.24

(5) That it shall not create a nuisance and/or enforcement problem within the neighborhood or community;

(6) That it shall not encourage marginal development within the neighborhood;

(7) That special conditions or unique characteristics of the subject property and its location or surroundings are established. Failure to so find shall result in a denial.

This is a crucial question that the EIR must address. In particular, items (1), (3), (4), (5), (6), and (7) need to be addressed in the EIR. Otherwise, the EIR must identify the Project as being inconsistent with the zoning. In addition, The General Plan requires that "Existing residential neighborhoods shall be protected from incompatible uses and traffic levels exceeding adopted service standards." Unless the County can make the required findings for a use permit, the Project would violate this general plan policy and therefore be inconsistent with the general plan. In considering whether there is a significant land use impact, public controversy should be considered. The

controversy surrounding this Project has been considerable. Therefore, the DEIR is wrong to blithely dismiss all land use impacts as insignificant. 22.24, cont.

The DEIR also does not discuss the zoning and general plan consistency of the various non-church uses that would be associated with the Project. These include various types of public assembly and social events. The EIR needs to discuss the consistency of these non-church uses with the site's R-10 zoning. 22.25

In addition, as was discussed somewhat under the DEIR's biological impacts section, the Project would require removal of numerous protected oak trees. This should also have been discussed as a land use impact, and the criteria for issuing a tree removal permit should have been identified and discussed. 22.26

NOISE IMPACTS

The DEIR identifies potentially significant construction noise impacts for the Project. This is primarily because it is located in the midst of a residential area. If the Project location were moved to a nonresidential (e.g., commercial) area, these impacts would be far less significant. The DEIR identifies a series of mitigation measures that it claims will reduce impacts to a level of insignificant. However, that is not necessarily the case. Certainly, Mitigation Measure 4.10-1 restricting construction to 8 AM to 5 PM weekdays would help considerably, since these are times of less noise sensitivity, even in a residential area. However, the mitigation allows for an unquantified exception, allowing weekend construction with prior approval by the Zoning Administrator. Nor are hour restrictions placed on weekend construction activity. While the mitigation measure prohibits "extreme" noise generating activities on weekends or holidays, it does not define what constitutes such activities. Would 90 dBA be considered "extreme"; 85 dBA; 80 dBA; 75 dBA; 70 dBA? All of these noise levels are beyond what is considered even conditionally acceptable for residential areas, but are in the range of "normal" construction equipment noise generation levels. 22.27

The DEIR requires the contractor to utilize "best available" noise control techniques "wherever feasible", but apparently leaves it to the contractor to interpret what that means. It is also apparently left to the contractor to determine when it is possible to use hydraulic or electric, rather than pneumatic equipment. In a similar vein, while the mitigation measure requires construction of a noise barrier, it sets no standards for the amount of noise reduction that must be achieved by such a barrier. In short Mitigation Measure 4.10-1, as proposed, will not necessarily reduce noise levels to insignificant. Either the mitigation measure needs to be clarified and specific standards identified, or construction noise impacts should be identified as significant. 22.28

As for vibrational impacts, the same comments apply as have already been discussed for geological and soils impacts, and for noise impacts. Again, while the DEIR makes a start at addressing Project construction impacts, the mitigation measures, as set forth in the DEIR, are in sufficient to demonstrate that impacts will be reduced to insignificance.

POPULATION AND HOUSING

The DEIR asserts that the Project will have no significant population and housing impacts. This is not necessarily true. While the Project may not directly cause population or housing impacts, it could indirectly increase the pressure for additional population and housing in this unincorporated area if the new church facility proved popular and induced potential members to move into the immediate area. This would 22.29

be particularly true if the church insisted on enforcing the TDM proposals requiring that a high proportion of church members walk to and from the Project. The resulting population increase might cause inconsistency with the existing R-10 zoning in the area, as well as potentially putting strain on area infrastructure and utilities, which are sized to accommodate the R-10 zoning. The EIR needs, therefore, to address the potential of the project to induce additional residential growth in the area and the impacts that would be associated with such growth. 22.29, cont.

PUBLIC SERVICES IMPACTS

As mentioned above, while the Project appears generally consistent with available public services in the area, additional growth induced by the Project could cause overall demand to exceed available service capacity. This should be addressed in the EIR. In addition, especially with the Project's emphasis on its TDM program, existing public transit service appears inadequate to service the Project. The EIR needs to address the need to add public transit service, and how the increased demand would be met and the additional transit service financed. 22.30

The DEIR also incorrectly concludes that the Project would have no impact on fire or emergency services. However, the Project design indicates the need for an emergency vehicle access ("EVA") along a private right-of-way leading to the Project from Warren Road. As I indicated in earlier correspondence, this private right-of-way is a mutual easement intended to service the adjoining residential properties. It was not set up to provide EVA access for a 66,000 square foot religious and social facility. In fact, the proposed use of this right-of-way as an EVA would appear to overburden the easement on the properties involved in the easement, and therefore not be allowable. Consequently, the Project design needs to be modified to provide an alternative EVA to the Project that would not violate the property rights of Project neighbors. If this cannot be done, the EIR needs to discuss the impacts related to the lack of such an EVA. 22.31

TRAFFIC AND CIRCULATION IMPACTS

As mentioned earlier under air quality impacts, the DEIR assumes that the combination of the proximity of most current church members to the Project and the proposed TDM for the Project would reduce Project traffic to a level of insignificance. However, without some binding commitment on the part of the Project sponsor to limiting church membership and requiring that a certain percentage of members live within easy walking distance of the Project, the current situation cannot be relied upon to sustain itself into the future. No such commitments are indicated in the DEIR. Unless such commitments are forthcoming, the EIR needs to be revised to assume both reasonably foreseeable growth in church membership and a shift in the residency of church members to that found more commonly among area churches. The traffic analysis will then need to be revisited, including consideration of whether there will be significant traffic impacts. 22.32

In addition, if the TDM Program is to be relied upon in reducing traffic impacts and allowing reduced parking at the Project site, the Mitigation Monitoring and Reporting Program must include provisions for monitoring the effectiveness of the program and for corrective action in the event the program loses effectiveness. In particular, the project sponsor should be required to submit quarterly reports summarizing the results of the TDM program, and there should be an annual independent measurement and assessment, paid for by the project sponsor, of the program and its effectiveness. In the event the program becomes less effective in the

future, there needs to be a mechanism to ensure that traffic and parking impacts do not become significant. This mechanism needs to be laid out in the EIR and included as a condition of approval for the project. Options could include putting a cap on the number of participants in large-scale events on the site, instituting restrictions on on-street parking by nonresidents during period when high-volume events occur, and levying a per-vehicle fine on the project sponsor if events exceed the TDM Program cap.

As also pointed out in the air quality impacts discussion above, the DEIR provides no discussion of the potential use of Project facilities for non-church sponsored events, including weddings, lectures, receptions, concerts, or dances. Such events, without specific restrictions on their occurrence, could vastly exceed the traffic generation analyzed in the DEIR, with as many as 600 or more vehicles entering and leaving the Project area during a short time period. Obviously, the traffic impacts of such events need to be considered and analyzed if decision makers, and the public, are to have an accurate understanding of the potential impacts of the Project. 22.32, cont.

Further, it should be obvious that such events would vastly exceed the parking capacity of the facility. If such events are to be allowed at all, the EIR needs to discuss how the parking overflow will be handled to avoid major impacts, including illegal parking, double-parking, and excessive traffic due to attendees "cruising" the neighborhood seeking parking spaces[5], are to be avoided. In short, if special events involving others than church members and their immediate families are to be allowed, the EIR needs to consider and discuss the significant traffic impacts that would be associated with such events.

ALTERNATIVES

Perhaps the most deficient part of the DEIR is its discussion of project alternatives. The DEIR discusses only four alternatives. One is the Project itself. The second is the legally-required no project alternative. The third is build-out under the existing zoning, which is only slightly different from the no project alternative.[6] The final "alternative" is not really an alternative, but merely a variation on the project itself. In short, there is little in the alternatives section to offer the public or decision makers any insight about how else the parcel might be used or how else something akin to the project could be accommodated. In particular, no consideration was given to either a reduced-scale project alternative or an alternative Project site. 22.33

The DEIR provides a rationalization of why other alternatives were discarded as "infeasible". The DEIR argues that virtually all of the potentially significant project impacts, except air quality, are independent of project size, and therefore would not be significantly reduced by a reduced project alternative. This is clearly not the case. A reduced project alternative would involve less construction. As such, it would reduce not only potential air quality impacts, but also potential noise and geology/soils impacts. A reduced project alternative would also reduce the parking and traffic needs of the project, reducing those potential impacts. A reduced project alternative would also involve smaller structures, which would reduce the potential visual/aesthetic impact[7].

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[5] See, e.g., Managing Urban Traffic Congestion, authored by the Transport Research Center, (2007, OECD Press), at p. 203. [copy attached]

[6] It would eliminate the existing parsonage and sanctuary and replace them with fifteen new dwelling units, essentially reconstituting the area to its situation before the project sponsor took possession of the site.

[7] The DEIR claims this impact is insignificant. This letter argues otherwise.

While it might be that a reduced project alternative would not fully satisfy the project sponsor's purposes, it would nevertheless satisfy CEQA's mandate that an EIR include feasible alternatives that might reduce the project's potentially significant impacts.

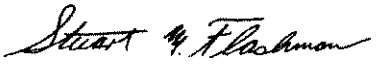
The DEIR also rejects an alternative site alternative, arguing that unless the project is located at its current location, many of the project's aims could not be met. This is demonstrably false. As the DEIR notes, there are commercial properties located a short distance down Boulevard Way from the project site. If the project were located in that commercial area, it would still be within walking distance of virtually all of the church's members living in the vicinity of the Saranap neighborhood. Location in a commercially-zoned area would eliminate the need to tear down existing residences and would also place the project in a location less sensitive to noise, traffic, and other project-associated impacts. The DEIR does not even attempt to consider any off-site locations. At least one, and preferably two off-site locations[8] should be evaluated in the EIR. 22.33, cont.

Finally, the EIR could have considered an alternative use consistent with the zoning that might have different characteristics, such as, for example, a community center. This would have provided a contrasting but somewhat similar use whose impacts could have been usefully compared with those of the project.

CONCLUSION

The DEIR is unsatisfactory in numerous ways. In its current form, it cannot perform the function that an EIR is intended to perform, providing decision makers and the public with an accurate picture of the project, its impacts, how they might be mitigated, and other alternatives to development of the proposed project. The EIR needs to be extensively rewritten, and then recirculated, in order to fulfill its function under CEQA.

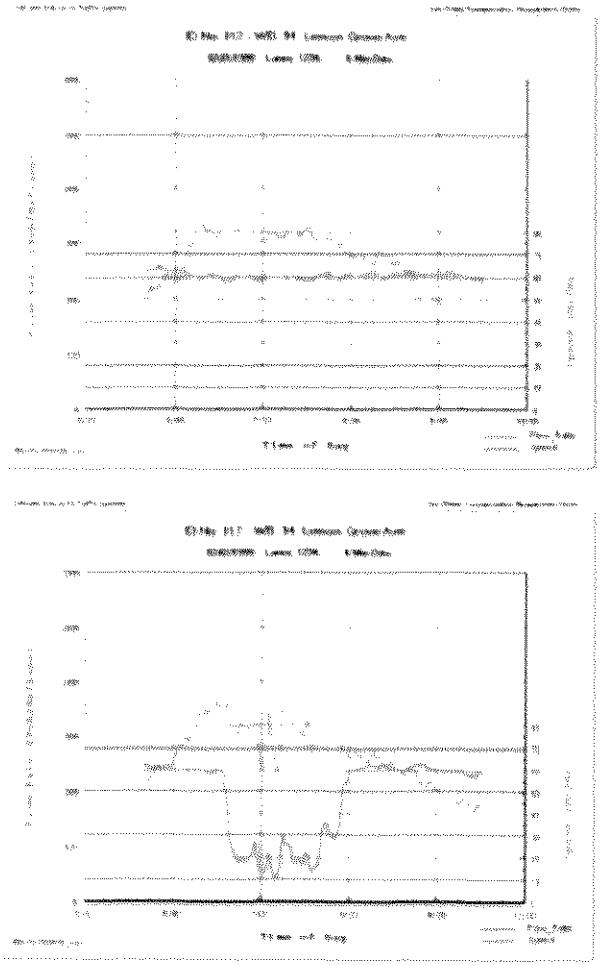
Most sincerely,



Stuart M. Flashman

[8] One of the locations should be a site with better transit accessibility.

Figure 8 **Access Control: Ramp-Metering, impacts on Traffic Volume and Speed in San Diego, California**



Source: San Diego Transportation Management Center, [illegible]

8.4 Parking Management and Control

Parking management and control is a policy lever that is readily available to one which often seems greatly under-utilised by authorities seeking to tackle traffic congestion.

Like road-pricing and other demand-side approaches, parking management and control can help tackle traffic congestion by reducing the demand for travel into the area concerned. Parking management, due to the considerable flexibility this approach has, can also be quite specific in targeted in the sense that it can be applied on the basis of location and time. Parking management and control is therefore important because, unlike many supply-side measures, parking management has the potential to modify demand on a wide area basis.

Parking control is generally accepted as a means of managing the use of limited parking space in high activity locations (e.g. with 2 hour parking limits). However, it is less readily accepted by the general public as a means of controlling overall car use and thus may be used in preference of other measures to less effective by managing congestion on principal thoroughfares or routes.

This section will address the effectiveness of parking management and control in tackling traffic congestion. The section focuses on two different but potentially complementary approaches: physical limits on the parking spaces available, and increases in parking costs by limiting the spaces available or in use. Parking control aims to reduce the number of vehicles on the road network. While not directly addressed, control measures parking policy to allowing or encourage choices from congestion road and off-road parking, can be seen as a indirect form of access control.

Unrestricted free parking in town centres, especially at work places, is considered to be one of the more direct causes of traffic congestion in large urban areas. Such abundantly available free parking draws cars into urban areas and hampers efforts to promote the use of alternative modes of urban transport. Alternatively, lower or inflexible parking supply in the face of high demand can lead to congestion due to 'cruising' or searching for available parking spaces in some large cities, such 'cruising' has been estimated to account for a significant portion of traffic at any given moment. Therefore parking management as part of a bigger demand management strategy is crucial in balancing demand and supply.

There are a number of fundamental tensions inherent to urban parking management. The first is that cities want to ensure a high level of accessibility – including car accessibility by car – while at the same time wishing to not flood the city with traffic or pave it over with excess parking. There is a second tension between the level of parking that local transport authorities may wish to see provided and the level of parking that businesses feel are essential for their viability and/or other branches of government (e.g. economic development) may wish to have available. Related to the last point is the tension between what local authorities might control for street parking and what the private sector may control over their parking. Finally, there is a very real and important tension between the parking expectations of city 'users' (e.g. to have sufficient parking as a right to drive to carry out their activities).

These tensions have oftentimes resulted in a form of command or natural situation and a set of situations in which parking rules and policies have evolved within and across urban areas as a result. This situation has served to undermine competitive management strategies to the end. A comprehensive approach parking management can address this situation and to thus be consistent (ideally) in a balanced competitive management strategy.

Responses to Comment Letter 22 – Stuart Flashman

22.1 See Master Response 4. The County disagrees with the commenter's description of the setting and assertion that the EIR's discussion of the project setting is inadequate. Please refer to Draft EIR page 3-2, which noted that the project site is surrounded by single- and multi-family housing as well as commercial development to the east of the project site along Boulevard Way.

22.2 The Draft EIR describes the capacity of the prayer hall. The prayer hall is designed to accommodate the entire congregation. The Draft EIR also describes the size of the facility, describes a reasonably likely use of that facility, and lists the estimated number of participants for each type of activity (please refer to Draft EIR, **Table 3-1**). The exact size of each area within the facility does not materially affect the analysis of environmental impacts. Nonetheless, the Final EIR has been revised to include the sizes of other rooms within the sanctuary. The second paragraph in **subsection 3.4**, Project Components, on page 3-5 of the Draft EIR has been revised as follows:

> **Figure 3-3** shows the proposed site plan. About one-third of the sanctuary building's area would be above grade, including the prayer hall **(5,000 sf)**, which would have seating for about 400 people. The remaining two-thirds of the sanctuary building's area would be located underground, including a plaza and rotunda area **(9,100 sf)**, administrative offices **(3,095 sf)**, classroom **(1,065 sf)**, office **(1,079 sf)**, library **(2,656 sf)**, bookstore **(1,450 sf)**, kitchen **(1,850)**, studios **(4,950 sf)** for art, music, and videos; and various other storage and ancillary/utility spaces.

Please refer to **Appendix B** for the applicant's documentation of why it needs a larger, consolidated facility. See Master Response 6 regarding traffic and Master Response 7 regarding the TDM program. Please also see this information within **Appendix P**, the conceptual TDM program submitted as part of the project application.

22.3 See Master Responses 6 and 7. Also please see **Appendix P**, which reiterates the commenter's observations about bus service to the area and accordingly notes that bus service would not play a substantial role in serving transportation demand, particularly during evening and weekend periods.

22.4 See Master Responses 6 and 7. The schedule of activities represents a reasonable projection of future use, based on evidence of prior use at the applicant's existing facility as well as other activities currently conducted elsewhere in the neighborhood. If the County decides to approve the project it will issue a Land Use Permit that will be tied to the program of activities listed in **Table 3-1**. The County has a Temporary Events Ordinance (Chapter 82-44) which would govern consideration of qualifying events not included in **Table 3-1**.

22.5 Please refer to Draft EIR pages 4.1-9 through 4.1-16, which note that the project would have a high-quality building design with a finished appearance. Please refer to Draft EIR page 3-2, which describe the project location. Views of the sanctuary prior to mature tree growth would be temporary; owing to the quality of the design, such temporary views would not rise to the level of being considered a significant adverse effect on the physical environment. In other words, any potential views of the proposed building from adjacent or nearby properties cannot be construed as a significant adverse environmental impact. See Master Responses 1 and 5.

22.6 As shown in **Figure 3-9** of the Draft EIR, the perimeter of the project site is lined with evergreen trees. At maturity, these trees would range in height from 15 to 40 feet. This is reiterated in the Draft EIR on page 3-11, which states that the perimeter trees would be primarily evergreen trees and would not drop foliage seasonally. See Master Response 5 regarding the accuracy and validity of the visual simulations.

22.7 See Master Response 1.

22.8 Please refer to Draft EIR page 4.1-18, which states that the County has not adopted any standards or regulations pertaining to the measurement or control of light "spillover." However, CEQA requires the County to determine if the project would create a new source of substantial light which would adversely affect nighttime views. This discussion indicated that the project lighting could have a significant impact to nighttime views. Accordingly, mitigation was provided that would reduce the impact to a less-than-significant level. Please note that **Mitigation Measure 4.1-1** has been revised; please see the response to comment 12.23.

22.9 The BAAQMD has published CEQA guidelines for use by member agencies (comprising most of the nine-county Bay Area, including the project area). As is the case with all jurisdictions within BAAQMD's area, Contra Costa County has not adopted its own guidelines for air quality analysis and thus uses those of the BAAQMD. BAAQMD is an agency with extensive

experience and expertise in studying and addressing air quality impacts, and its thresholds are supported by extensive evidence and analysis referenced in "*BAAQMD CEQA Air Quality Guidelines.*"

Please refer to Draft EIR page 4.2-11 and **Table 4.2-5**, which notes that according to the BAAQMD CEQA Guidelines, incorporation of the Basic Construction Mitigation Measures contained in **Mitigation Measure 4.2-1** constitutes full and complete mitigation for fugitive dust emissions (PM_{10} and $PM_{2.5}$) for the duration of the project. The Basic Construction Mitigation Measures are effective mitigation and include such measures as watering down the project site and putting caps on vehicle idle times. The application of best management practices at construction sites have significantly controlled fugitive dust emissions. The BAAQMD does not require additional mitigation measures for emissions of particulate matter related to dust. Additional construction mitigation measures are only required when construction-related emissions would exceed the applicable thresholds of significance after incorporation of the Basic Construction Mitigation Measures.

22.10 See Master Response 8. The BAAQMD construction-related emissions thresholds are based on maximum daily emissions. The BAAQMD does not have a threshold for total project or annual construction emissions, and the daily thresholds apply regardless whether construction will take a few weeks or a few years and regardless of the time of year. These thresholds were factored into extensive analysis and review conducted by BAAQMD, an agency with expertise in air quality impacts and charged by law with planning to achieve compliance with air quality standards, when BAAQMD adopted new CEQA thresholds and considered whether the proposed thresholds would be adequate to help achieve compliance with air quality standards. The thresholds were adopted by BAAQMD and deemed adequate for a broad range of construction projects conducted within its jurisdiction. Because the NOx threshold is a daily standard, a practical mitigation would be to reduce daily emissions below the relevant threshold. Please see Draft EIR **Table 4.2-6**, which indicates that the BAAQMD threshold for NOx is 54 pounds per day. As shown in **Table 4.2-7** of the Draft EIR (and discussed in Master Response 8), incorporation of **Mitigation Measure 4.2-2** reduces emissions of NOx below the BAAQMD CEQA threshold. Furthermore, NOx emissions would occur over the course of the trip to the Acme Landfill. Regardless of the final destination point, emissions would not be excessively concentrated in any single location, not

least the project site. BAAQMD regulations do not call for further measures as suggested by the commenter (i.e., no work stoppage on Spare-the-Air days, etc.).

22.11 See Master Response 8. According to the BAAQMD CEQA Guidelines, there is no threshold for construction-related odors. However, **Section 4.2**, Air Quality, recognizes the potential for diesel-powered vehicles to create localized odors. These odors would be considered temporary in nature. **Mitigation Measures 4.2-3** requires diesel-powered vehicles to limit their idling time in an effort to minimize odor annoyances to nearby residences. Furthermore, the County expects that the construction manager would be present or near the project site during any active construction time, expediting any response to potential concerns. With mitigation, this impact is rendered less-than-significant.

22.12 See Master Responses 6 and 7. Air pollutant emissions from motor vehicles are considered operational emissions. Please refer to Draft EIR page 4.2-13, which states that the BAAQMD CEQA Guidelines provide screening criteria for determining if a project's operational emissions could exceed the BAAQMD's thresholds. If a project's size falls below the BAAQMD CEQA Guidelines' screening criteria, quantitative analysis of operational emissions is not required, and impacts are assumed to be less than significant.

As discussed in the Draft EIR, the project size (66,074 square feet) falls well below the BAAQMD CEQA Guidelines' screening criteria for a place of worship (439,000 square feet). Therefore, even putting aside the question of trip reduction associated with the TDM program, no further analysis is required and the impact is considered less than significant.

22.13 See Master Response 7.

22.14 Please see response to comment 22.12 and Master Response 7.

22.15 See Master Response 10.

22.16 See Master Response 10.

22.17 See Master Response 11.

22.18 See Master Response 11.

22.19 See Master Response 11.

22.20 See Master Response 11.

22.21 The County disagrees with the commenter's assertion that the Draft EIR is deficient insofar as the drainage and hydrological studies for the site have

taken into account existing soil types in the area. Please also refer to **Mitigation Measures 4.8-1b** and **4.8-1c** which address the effectiveness of the pervious pavers. See Master Response 11.

22.22 See Master Response 11.

22.23 See Master Response 12.

22.24 See Master Response 12.

22.25 See Master Responses 3 and 7.

22.26 See Master Response 9.

22.27 See Master Response 8.

22.28 See Master Response 8.

22.29 The commenter's assertion that the project would result in an increased population is not supported by any evidence. There is no credible evidence from the 30 years of the church being in the community that the population is likely to surge in such a manner that would inexorably lead to a need to increase allowable residential density in the vicinity. If the project is approved, the land use permit and TDM program would run with land and any future user would be bound by these conditions. The land use regulatory changes noted by the commenter are thus purely speculative and no further response is required.

22.30 See Master Responses 3, 7 and 12, and the response to comment 22.29 above.

22.31 See Master Response 12. The memorandum in **Appendix C** was prepared by the Fire Marshal of the Contra Costa County Fire Protection District (CCCFPD) following a review of project plans and a reconnaissance of existing conditions. The Fire Marshal reviewed and approved the project's emergency vehicle access (EVA) pending the conditions noted in **Appendix C**. These include the provision of an approved fire truck turn around at the Parsonage building, the placement of "no parking" signage along the private access roadway, tree trimming and maintenance to preserve a minimum vertical clearance of 13 feet, 6 inches, and other conditions. As the Fire Marshal has extensive experience and expertise in addressing issues related to access for emergency vehicles, and is charged by law with ensuring adequate access, the County finds credible his conclusion that emergency access will be sufficient.

22.32 See Master Responses 6 and 7.

22.33 See Master Response 2.

LETTER 23

TRANSCRIPT OF:
CONTRA COSTA COUNTY ZONING ADMINISTRATOR MEETING
MONDAY, APRIL 18, 2011, 3:30 PM
ITEM #16 – SUFISM REORIENTED

PAT ROCHE: Good Afternoon. This is going to be a public hearing on the contents of the Draft Environmental Impact Report for the Sufism Reoriented project. Francisco, if you for the record could you read the project description?

FRANCISCO AVILA: Agenda item #16, Sufism Reoriented. Applicant & Owner. County File #s MS09-0008 and LP08-2034: This is a hearing to accept public comments on the content of the Draft Environmental Impact Report that was prepared for the proposed Sufism Reoriented 66,074 square foot sanctuary and merging of seven parcels to create one lot for a total of approximately 3.12 acres. The proposed new religious facility is located within the Saranap Walnut Creek area of the County. Seven abutting parcels form the project site. The sites are 11 White Horse Ct., 1354, 1360, 1364, 1366 and 1384 Boulevard Way.

PAT ROCHE: Thank you Francisco. A couple of points to explain about this process: This is a point in which we are allowing public comment on the contents on the Draft Environmental Impact Report, so we are asking anybody who is interested in submitting comments, oral comments, please fill out a green speaker card and submit it. I will be calling the names as they are presented to me on the cards in the order that I receive them. Also, it's an important underscore that due to the number of people here today that if you could keep your comments to no more than three minutes that would be very helpful. Also, we would ask that if you have written comments, that you please not read them verbatim, but to summarize them and include your written comments. You can submit those today if you would like to. And then also just to reiterate, the comment period for this project runs from March 29, 2011 thru Friday, May 13, 2011 so you will have an opportunity to submit written comments up to that closed comment period on Friday, May the 13th. To get started, I'm going to call the first name and if you please come forward. State your name and address and then provide your comment. The first name I have here is a Mr. Richard Galton.

RICHARD GALTON: My name is Richard Galton. I live at 2808 Kinny Drive in Walnut Creek in relatively close proximity to the proposed project. For the first item, the comment period is scheduled to end on May 13th. With respect, I'm also vice president of Saranap Homeowners Organization. We respectfully request a continuation of the project for an additional 45 days. The reason is, the volume and complexity of material present in the Draft EIR and the fact that citizens who also work have to have a chance, a reasonable amount of time, to digest and analyze it. I think, provide a reasonable justification for extending the period in which we can analyze the project. The appendices when going over the project, were not immediately available to us. We've had to do the copying and distribution ourselves and are still in the process of doing so. 23.1

So again, we would like a total period for consideration of 90 days instead of 45. Second item: We believe that insufficient alternatives are presented for the project, have been presented. Essentially, its build, no build plus alternative B which involves changing the line of sight on Boulevard Way and moving one wall. We think the intention of CEQA is to allow the planning authority of Contra Costa County true alternatives to weigh, a variety of alternatives. We believe that those alternatives are not yet present in this Draft EIR, and we look forward to seeing them in the Draft EIR. It's basically do it or don't do it. As the last item, and there are plenty of other people to speak, we think that the portrayal of the project and the visual rendition in the Draft EIR, it does not accurately represent important aspects of it. For example, the height, the max height which is 34 feet of the domes. And therefore, we would like story poles to be installed so the entire neighborhood can get an accurate idea of the impact, the visual impact, of the project. I'm going to go and leave my space to the next speaker. Thank you very much.

23.1, cont.

23.2

23.3

PAT ROCHE: Thank you. Alright, the next speaker I have is Brian Kilian.

BRIAN KILIAN: Hi. My name is Brian Kilian. I live at 21 Blade Lane in Walnut Creek. I'm also here to request an extension of the 45-day review period for a couple of reasons. As was just said, the length and the scope of the document warrants a longer review period. It's not reasonable to expect lay people to be able to read through and digest over 334 pages of issues plus an additional 1200 pages of appendices in a short time. We are not professional planners and we cannot allocate 8 hours a day to review this document which may have a profound impact on our neighborhood. As flaws have been identified in the early chapters of the Draft, it stands to reason that a thorough review is warranted to provide the County with a complete and comprehensive list of issues that will need to be addressed. These are a few examples of flaws that have already been identified: The Draft did not address a reasonable alternative as was mentioned earlier. The sustainability of such a large mansion-size church has not been addressed. It has not been addressed either in the terms of a smaller campus. A reasonable alternative might be a 30,000 square foot church. And another alternative might be to use the existing buildings as part of their structure where they can still accommodate their program. Another issue is the haul-out is incorrect and impacts the mitigation measure on Air Quality which will have to be revised. The traffic and circulation identifies one problem, but in its mitigation measures, the solution creates new impacts that haven't been addressed. The TDM Plan is incomplete and not enforceable and contradicts the parking assumptions. Overlap activities have been shown, but not analyzed for their impact. The TDM solutions are flawed and not workable beyond the boundaries of the project. For the mansion-sizing of this project proposed, the potential use that can be reasonably expected to occur has not been addressed. The Draft is also flawed in its acceptance of the grass paver two system as its storm drain solution, its parking solution and a landscape solution all rolled in one. And finally, as was also stated earlier, with the conflicting images of the artist's rendering, I too request that story poles be erected prior the Planning Commission meeting. My comments are not complete and I reserve the right for additional written comments to be submitted to the County at the appropriate time. Thank you.

Responses to Comment Letter 23 – Richard Galton (Zoning Administrator Hearing)

23.1 See Master Response 1.

23.2 See Master Response 2.

23.3 See Master Responses 1 and 5.

LETTER 24

To: Ms. Lashun Cross
Department of Conservation and Development
Contra Costa County
651 Pine St., North Wing
Martinez, CA 94553

CONTRA COSTA COUNTY
2011 MAY 27 P 2:31
DEPARTMENT OF

From: Richard Galton
2808 Kinney Drive
Walnut Creek, CA 94595

Date: May 26, 2011

RE: Response to Draft Environmental Impact Report for the Proposed Sufism Reoriented Sanctuary Project (County File numbers LP082034 and MS090008)

Parking and the TDM Plan-Introduction

The proposed Sufism Reoriented (SR) religious facility is a unique project suited to the uses of a single group. The 66,000 sq. ft. building would accommodate 357 members, and 74 parking spaces. Other churches of similar facility size have much larger congregations, and greater parking. The Lafayette Orinda Presbyterian Church, for example, has 54,000 sq. ft. of building space, 1900 members, and 209 parking spaces. Sufism Reoriented reduces parking though a TDM Plan enabled by a large percentage of members who live close enough to walk to the facility to, or who carpool. The reduced parking requirement allows the building to occupy more of the 3.12 acre parcel than it otherwise would. *The entire project hinges on parking and the TDM Plan.*

Any significant change in the factors that impact parking and transportation could bring about a violation of the TDM Plan, and the Conditional Land Use Permit, which would put the continued use of the facility by Sufism Reoriented at risk. And, if SR were to leave the facility one day, it is questionable whether any other group could ever meet the requirements of the TDM Plan, for example, that half the group live within walking distance of the building. 24.1

Unaddressed impacts on parking demand, and insufficient explanation of mitigation

The DEIR does not address the following impacts, nor are the (implied) mitigations presented in the document adequate (page 3-3).

1. Growth of membership could increase parking demand beyond capacity.

   It is a reasonable to assume that SR membership could grow in the future. A large new modern religious facility could easily attract greater numbers of visitors and new

members. The building could accommodate 2,000 new members. Bathroom facilities alone when rated by the Uniform Plumbing Code are sufficient to serve over 2,000 users. Any significant growth in membership would easily overwhelm existing parking facilities.

Mitigation is implied on page 3-3 of the Project Description which states, "Sufism Reoriented reports that its local membership has been relatively stable since the mid-1980's, rarely deviating significantly above or below the current membership of 350 people." Sufism Reoriented has not promised that there will be no growth. They have not said what they would do if it occurs. No reason is given why this stability exists. Another thing to keep in mind is that decisions about membership growth may be made by another generation of Sufis 10, 20, 30 or more years from now, and they may have different attitudes and priorities than their present leaders.

2. Members may choose or be obliged to move out of the neighborhood, thereby increasing parking demand because they no longer live within walking distance.

   There are many reasons why people change their place of residence; among them are: a change in economic conditions, employment, to be with family, to seek specialized care facilities in old age. 24.1, cont.

   The mitigation for this unaddressed impact is simply SR's statement that "the overwhelming majority of its total area membership currently resides within a 2-mile radius of the proposed project site, with a vast majority of this membership residing within 0.5 miles." (DEIR, page 3-3) Without understanding what keeps them here, we cannot be sure that they may not leave at some point. Remember that the conditions supporting the TDM Plan have to remain in place "in perpetuity" or at least over a period of time that may encompass the long term. The proposed new building may be occupied by members of SR who haven't even been born yet.

   The problems posed by ageing, in particular, seem to be denied by SR on page B-3, "We have found that new members tend to find their way to us naturally at about the same rate as life changes take former members from us." This implies that the average age of their members remains spontaneously stable, which is essential to their assertion that their population will never grow. In fact, the average age in developed countries like the U.S. is steadily increasing. Absent proof to the contrary, Sufism Reoriented cannot be exempt from this phenomenon. As their population ages, members will cease walking and a greater percentage will become handicapped. The allocation of parking will have

to change. Why does the DEIR make no mention of handicapped persons or of ADA requirements, now or in the future, in its discussion of parking? Given the potential long life of the building and the demands of the TDM Plan, this discussion is appropriate.

TDM Plan provides insufficient mitigation for the impact of parking demand

The TDM Plan is integral to Conditional Land Use Permit. A key concept of this plan is *sustainability*. The TDM Ordinance Guide (p.7) states that, "It is important that the project sponsor establish mechanisms that guarantee the *perpetuity* of the program."

The TDM Plan proposes 74 parking places and estimates parking demand for 65-69 vehicles. (TDM Plan, Table 4 Summary of Parking Demand, p.20). This translates to 88-93% use of capacity, not in 30 years, but now. There is very little flexibility in the case of unforeseen growth, or an increased number of visitors.

As mitigation, Sufism Reoriented proposes to provide overflow parking at the Meher School (40-42 spaces). For several years SF has been using two overflow parking lots on an ongoing basis (page 0.1-20) : 1280 Boulevard Way (86 spaces) owned by Greater East Bay Properties, Inc. in Emeryville, and Meher, owned by Lafayette School District (LAFSD), and leased to SR. The TDM Plan (page 16) speaks of remote shuttle service which "would allow the Sanctuary to utilize existing off-site parking spaces to increase parking capacity.", especially for the Sanctuary's "large night-time events." Multiple shuttle trips on the narrow streets between the Meher School and the Sanctuary will occur on nights and weekends, when people are more likely to be at home, expecting a respite from the volume and noise of daytime traffic. This is the equivalent of establishing a private bus line in our neighborhood. 24.1. cont.

Overflow Parking is not sustainable because it is not owned by Sufism Reoriented or any affiliated organization. They cannot count on being able to use it for the life of the building. The TDM Plan makes no mention of future use of the 1280 Boulevard Way lot. If they plan to use this lot, it should be stated in the DEIR, and properly analyzed. Only the Meher School is mentioned. The LAFSD was not aware of ongoing use of the Meher School for overflow parking by SR, nor of future plans to continue such use—until Richard Galton and Wayne Fettig, officers of the Saranap Homeowners Organization, met with Dr. Fred Brill, Superintendant of LAFSD on May 17, 2011. According to Dr. Brill, *more than two years after writing their TDM Plan, Sufism Reoriented had not told the District of its intentions to use District property in perpetuity.*

LAFSD does not plan to sell this property. Furthermore, the lease agreement between LAFSD and the Meher Schools (copy attached) expires in 2014, and has the following provisions, neither of which had been addressed by Sufism Reoriented as of May 17:

"E 6. (a) No third-party organization shall be permitted to use the School Site for any purpose other than related educational services and programs in conformance with federal and state law unless Lessee first obtains written consent from Lessor" (please note that the school is leased to the Meher Schools, a California non-profit corporation, not to Sufism Reoriented)

"E6 (g) Lessee shall not use the School Site in any manner that will constitute waste, nuisance or unreasonable annoyance to occupants of adjacent properties . . ."

Since overflow parking arrangements are not sustainable, neither is the TDM Plan. Any significant part of a construction project that is regularly loaded at 88-93 % of capacity should be questioned. A basic principle in building codes and zoning is that the maximum load that a system is designed to handle should exceed the expected load by a margin of safety. Infrequent or unforeseen circumstances eventually can and do happen, for example, a 25-year storm. Plans should be robust enough to handle them; the Sufism Reoriented TDM plan does not meet this standard. 24.1, cont.

Conclusion

This TDM plan is not just a document. It is literally shapes the concrete and mortar of a building that could last more than a century. The Sufism Reoriented TDM Plan is fatally flawed because it does not provide a sufficient margin of safety above the present demand for on-site parking, and because off-site overflow parking arrangements have not been demonstrated to be sustainable over the life of the project. Since this TDM Plan is an integral part of the application by Sufism Reoriented Draft Environmental for a Conditional Land Use Permit to build this project, I respectfully request that this Draft Environmental Impact Report be rejected in its present form by the Contra Costa County Department of Conservation and Development. A new TDM Plan should be submitted that provides viable long term alternatives for parking.

Sincerely,

Richard Galton

Richard Galton

LAFAYETTE LEASE AGREEMENT

This LEASE AGREEMENT ("Lease") is entered into between The Meher Schools, a California nonprofit corporation ("Lessee") and the LAFAYETTE SCHOOL DISTRICT, a California public school district ("Lessor").

RECITALS

A. **WHEREAS**, Lessee previously provided preschool and K-9 educational services and presently provides preschool, K-5 and related educational services.

B. **WHEREAS**, Lessee is a non-profit corporation pursuant to Section 501(c)(3) of Internal Revenue Code of United States of America;

C. **WHEREAS**, the parties previously entered into a lease ("Previous Lease") with a renewal term of five (5) years for school facilities at the Montecito School located at 999 Leland Drive, Lafayette, California ("School Site") that has been renewed annually on a year-to-year basis;

D. **WHEREAS**, the Previous Lease expires on June 30, 2004 and the parties desire to enter into a new lease; with a ten year term.

E. **WHEREAS**, the Lessor is authorized pursuant to Education Code Section 17458 to enter into this Lease.

NOW, THEREFORE, the parties hereto agree as follows:

1. **School Site.**

a. Subject to the following terms and conditions, Lessor leases to Lessee and Lessee leases from Lessor the School Site depicted in Attachment 1, and any applicable easements for access to the School Site and related utilities (the "School Site").

b. Lessee agrees to take the School Site "as is" and to make any necessary improvements, repairs and/or maintenance, at Lessee's sole cost, subject to the provisions set forth in this Lease. Lessee acknowledges that Lessor has no independent information concerning the physical condition of the School Site other than that information that is already known to Lessee. Prior to taking any action to physically alter the School Site excepting those actions authorized herein, Lessee shall obtain the written consent of Lessor, which consent shall not be reasonably withheld.

2. **Use.**

a. Subject to the terms of this Lease, Lessee shall have the right to use the School Site for the provision of Preschool and K-5 services and may allow Lessee's invitees to use facilities for educational services that will not result in damage to the School Site.

b. Lessee shall at all times comply with all applicable laws, codes, rules and regulations relating to Lessee's use of the School Site; and conduct of business on the School Site including without limitation, Public Resources Code Sections 21000 et seq. (the "California Environmental Quality Act."); Education Code Sections 17280 et seq. (the "Field Act."); Government Code Section 65402; Education Code Section 17368.

3. **Term.**

a. The initial term of this Lease ("Initial Term") shall be for a ten (10) year term commencing on July 1, 2004 ("Commencement Date"):

b. Six months prior to end of the term of the lease, if Lessee expresses a desire to continue to occupy and use the School Site, Lessee and Lessor shall meet to discuss the possibility of entering into a new lease therefor, including terms and rent calculation.

c. If Lessee remains in possession of the School Site at the expiration of this Lease, except as otherwise provided herein, this Lease shall continue in force upon the same terms and conditions until and unless terminated by giving the District, at least a six (6) months written notice.

4. **Rent.**

a. In consideration for the terms contained in this Lease Agreement, and for other valuable consideration, Lessee shall make a one-time pre-payment to Lessor of two hundred thousand dollars and no cents ($200,000.00) upon execution of this Agreement. The annual rent for the first five years for the School Site ("Rent") initially shall be $90,248 dollars. The yearly rent due may increase on July 1, 2009 by the following formula: A percentage equal to the average percentage of the Bay Area CPI for the years 2004-2009 will be computed. If this amount is greater than 3.07%, then the rent shall increase by the difference for the remaining period of the lease July 1, 2009 – June 30, 2014, provided however that any such rent increase shall not exceed that difference plus an additional 3.07%.

b. Rent shall be payable semiannually on the first day of July and January. Rent shall be payable to Lessor at its address specified at the end of this Lease, or as Lessor may otherwise direct from time to time in writing at least 30 days prior to any rent payment date. Any payment of Rent received ten (10) or more calendar days after the due date shall accrue

interest at the rate of ten percent (10%) per annum from the due date until payment in full is received by Lessor.

5. **Improvements; Access.**

a. Lessor, its trustees, employees and authorized agents may enter Lessee's school site with reasonable advance notice and may enter upon any other portion of the School Site used by Lessee pursuant to this Agreement at any time, with or without advance notice, for the purpose of determining whether Lessee is complying with the terms and conditions hereof or for any other purpose incidental to the rights of the Lessor.

b. The Lessee may improve the School Site but only with prior written consent of the Lessor. The final plans for any modification shall be subject to the prior written consent of Lessor, which may be given by initialing and returning to Lessee a copy of the final plans. Lessor's approval of the plans shall only be construed as its approval of the location of Lessee's School Site and consent to modification of Lessee's School Site as shown on the plans. Such approval shall not be construed as a warranty of the plans for any purpose, including but not limited to the fitness, functionability or suitability of any component of Lessee's School Site or the suitability of the location of Lessee's School Site as shown on the plans for Lessee's purposes.

c. Lessee shall do all work necessary to prepare, add, maintain and alter the School Site for Lessee's use. Any of Lessee's site improvement work shall be performed at Lessee's sole cost and expense by licensed and bondable contractors in a good and workmanlike manner including any utility connections. Lessee shall require all contractors performing work on the School Site to provide evidence of general liability insurance with policy limits of a minimum of $1 million per occurrence, and shall require that Lessor be listed as an additional named insured on said insurance. Lessor may post a notice of non-responsibility in accordance with Civil Code 3904 on the School Site prior to the commencement of any work.

d. Lessee shall not assign or sublet the School Site for any new reason or purpose without the prior written consent of Lessor. Lessee shall not hypothecate or encumber the School Site. Any assignment, sublease, encumbrance or hypothecation of the School Site shall be void and constitute a default.

6. **Conduct and Activity.**

Lessee agrees to the following with respect to Lessee's conduct upon the School Site.

a. No third-party organization shall be permitted to use the School Site for any purpose other than related educational services and programs in conformance with federal and state law unless Lessee first obtains written consent from Lessor.

b. No use by Lessee of the School Site shall be permitted where such use is inconsistent with the provisions of the Education Code of the State of California.

c. Lessee agrees to utilize the School Site in conformance with Federal and State law.

d. Reasonable rules of conduct are expected of participants in any Lessee sanctioned activity at the School Site.

e. Lessee shall not sanction the possession or use of any alcoholic beverages or other controlled substances in any form on the School Site. Any person in possession or under the influence of intoxicating liquors or other controlled substances shall be denied participation in any Lessee sanctioned activity at School Site.

f. Smoking is prohibited at the School Site.

g. Lessee shall not use the School Site in any manner that will constitute waste, nuisance or unreasonable annoyance to occupants of adjacent properties including, without limitation, the storage of toxic, noxious, odorous, dangerous or waste materials or refuse inside or outside Lessee's School Site.

7. **Taxes, Utilities and Maintenance.**

a. Lessee shall fully and promptly pay for all utilities furnished to the School Site for the use, operation and maintenance of Lessee's School Site.

b. Lessee shall maintain and keep clean, including without limitation the provision of custodial and grounds services, the School Site and surrounding area, throughout the Lease , ordinary wear and tear excepted.

c. Notwithstanding any other provision herein, Lessor shall maintain the upper playing field and the hillside adjoining the upper playing field, including the path on the hillside leading to the upper playing field. The upper playing field is reserved for community use on weekends and non-school days, and after 4:00 p.m. on school days.

8. **Termination.**

a. This Lease may be terminated by Lessee on 30 days prior written notice to Lessor (or any shorter notice expressly set forth below), if:

(i) Lessee determines at any time after the Commencement Date that any governmental or non-governmental license, permit, consent, approval, easement or restriction that is necessary to enable Lessee to install and operate Lessee's School

Site cannot be obtained or renewed at acceptable expense or in an acceptable time period; or

(ii) Lessor commits a default under this Lease and fails to cure such default within the 30-day notice period, provided that if the period to cure takes longer than 30 days and Lessor commences to cure the default within the 30-day notice period, then Lessor shall have such additional time as shall be reasonable necessary to diligently effect a complete cure; or

(iii) Lessee's School Site is totally destroyed by fire or other casualty at any time so as in Lessee's judgment to hinder Lessee's normal operations; or

(iv) Lessee's program funding ceases or becomes subject to claims of judgment creditors.

b. This Lease may be terminated by Lessor if:

(i) Lessee commits a default under this Lease and fails to cure such default within ten (10) business days after Lessee receives written notice of the default, where the default is a failure to pay rent when due; or

(ii) Lessee commits a default other than nonpayment of rent under this Lease and fails to cure such default within thirty (30) days after Lessee receives written notice of the default, provided that if the period to cure takes longer than 30 days and Lessee commences to cure the default within the 30-day notice period, then Lessee shall have such additional time as shall be reasonable necessary to diligently effect a complete cure.

c. Upon termination, neither party shall have any further rights, obligations or liabilities to the other except:

(i) with respect to provisions of this Lease which by their sense and context survive termination; and/or

(ii) where termination is by reason of breach or default of the other party; and/or

(iii) with respect to the rights and remedies of the parties relating to the period prior to termination; and/or

(iv) with respect to the provisions of Article 10 of this Lease.

9. **Destruction or Condemnation.**

a. If School Site is damaged or destroyed so as, in Lessee's judgment, to hinder

Lessee's normal operations in said portions, Rent shall abate on a pro rata basis for the portion of the School Site damaged or destroyed from the date such damage or destruction occurs until Lessee is able to commence normal operations.

b. If the whole of the School Site, or any portion thereof which, in Lessee's judgment, renders the balance of the School Site unsuitable for Lessee's normal operations, is taken by any public or quasi-public authority by condemnation, or sold under threat or in lieu of any such taking, whether separately or as part of School Site, this Lease shall terminate as of the date possession is delivered to the condemning authority.

10. **Title to and Removal of Lessee's School Site.**

a. Title to Lessee's School Site and any equipment placed on the School Site by Lessee shall be held solely by Lessee. All of Lessee's School Site shall remain the personal School Site of Lessee and shall not be treated as real School Site or become a part of the School Site even though affixed thereto.

b. On or before the expiration of this Lease, or within 30 days after any earlier termination of this Lease, Lessee shall remove any equipment and/or structure and repair any damage to the School Site, beyond ordinary wear and tear. Prior to the repair or removal of any equipment and/or structures, the Lessee will meet with Lessor to determine what the scope of such work will be and what, if any, equipment and/or structures will be left in place.

11. **Insurance/Bonds.**

a. Insurance.

Lessee shall purchase and maintain in force during the term of the Lease and any extension thereof, at its expense, public liability insurance, workers compensation and employee liability insurance in companies and through brokers approved by Lessor, which approval shall not be unreasonably withheld, adequate to protect against liability for damage claims through public use of or arising out of accidents occurring in or around the School Site, in a minimum amount of $1,000, 000 combined single limit for bodily injury, personal injury and property damage liability per occurrence. Said insurance policy shall provide for coverage for Lessor's contingent liability on such claims or losses. The policy or certificates evidencing coverage shall be delivered to Lessor for keeping. Lessee agrees to obtain a written obligation from insurers to notify Lessor in writing at least 30 days prior to cancellation or refusal to renew any such policy. Lessee agrees that if such insurance policies are not kept in force during the entire term of the Lease and any extension thereof, Lessor may, upon ten (10) days written notice to Lessee, Cancel the Lease.

b. The insurance limit referred to herein may be increased from time to time by Lessor in accordance with changes in California law.

12. **Indemnification; Waiver of Subrogation.**

a. Lessee shall indemnify, defend, protect and hold harmless Lessor, and each of its directors, trustees, employees, or agents, from and against any claim, cause of action, demand, injury, damage, liability, loss, cost or expense (including but not limited to reasonable attorneys' fees) to the extent arising out of or resulting from:

(i) the use or occupancy of the School Site, including without limitation the condition or operation of Lessee's School Site, by Lessee or its employees, agents, contractors, subcontractors, subtenants or invitees, except that Lessee shall have no obligation to the extent that such claim, cause of action, demand, injury, damage, liability, loss, cost or expense arises out of or results from the primary negligence or willful misconduct on the part of Lessor, its directors, trustees, employees and agents;

(ii) any mechanics or materialman's liens, stop notices or other liens filed in connection with any work done on the School Site;

(iii) any claims or actions challenging either the validity of this Lease or any action taken or not taken by either Lessor or Lessee in furtherance of this Lease.

(iv) the failure to comply with any applicable laws, codes, rules or regulations including without limitation, Public Resources Code Sections 21000 et seq. (the California Environmental Quality Act.); Education Code Sections 17280 et seq. (the Field Act); Government Code Section 65402; Education Code Section 17368; requirements to pay prevailing wages pursuant to the Labor Code; and any land use approval required by the Local Agency.

13. **Title; Quiet Enjoyment; Subordination.**

a. Lessor warrants that:

(i) it owns good and sufficient title to and interest in the School Site; and

(ii) it is not aware of any liens, encumbrances, covenants, restrictions or judgments affecting the School Site which impede or adversely affect Lessee's intended use of the School Site; and

(iii) Lessor has full right, power and authority to execute, deliver and perform this Lease; and

(iv) so long as Lessee is not in material default under this Lease, Lessee shall have undisturbed, quiet and peaceful use and enjoyment of the School Site throughout the Initial Term.

14. **Environmental.**

Lessor represents that to the best of its knowledge the School Site has not been used for the generation, storage, treatment or disposal of Hazardous Materials. In addition, Lessor represents that to the best of its knowledge no Hazardous Materials or underground storage tanks are located on or near the School Site. Lessee shall not handle or store upon the School Site any Hazardous Materials. "Hazardous Materials" means any substance, chemical, pollutant or waste that is presently identified as hazardous, toxic or dangerous under any applicable federal, state or local law or regulation and specifically includes but is not limited to asbestos and asbestos containing materials, polychlorinated biphenyls (PCBs) and petroleum or other fuels (including crude oil or any fraction or derivative thereof).

15. **Resolution of Disputes.**

a. Any controversy arising out of the performance of this Lease Agreement or regarding the interpretation of this Lease Agreement is subject to a good faith effort at resolution through mediation before any petition for arbitration may be filed. Mediation is a process in which the parties attempt to resolve a dispute by submitting it to an impartial, neutral mediator who is authorized to facilitate the resolution of the dispute but who is not empowered to impose a settlement on the parties. The mediation fee, if any, shall be divided equally between Lessor and Lessee. Lessor and Lessee agree to limit the admissibility in any subsequent arbitration of anything said, any admissions made, and any documents prepared, in the course of mediation, consistent with Evidence Code Sections 1115 et seq.

IF EITHER LESSOR OR LESSEE COMMENCES AN ARBITRATION PROCEEDING BASED ON A DISPUTE OR CLAIM TO WHICH THIS SECTION APPLIES WITHOUT FIRST ATTEMPTING TO RESOLVE THE MATTER IN GOOD FAITH THROUGH MEDIATION, THEN THAT PARTY SHALL NOT BE ENTITLED TO RECOVER ATTORNEY'S FEES EVEN IF THEY WOULD OTHERWISE BE AVAILABLE TO THAT PARTY IN A SUBSEQUENT ARBITRATION PROCEEDING.

b. Except as set forth in subsection (d) below, all controversies arising out of or relating to this Lease or any related instruments shall be resolved by submission to final and binding arbitration at the offices of JAMS/Endispute ("JAMS") in Contra Costa County, the parties may agree upon an individual located in either the San Francisco or San Jose offices of JAMS to serve as arbitrator. Such arbitration shall be conducted in accordance with the then most recent version of the JAMS Rules of Practice and Procedure for the Arbitration of Commercial Disputes ("JAMS Rules") before a single arbitrator selected according to the JAMS Rules. The final decision of the arbitrator shall be binding on the parties and shall not be subject to appellate review.

c. The aggrieved party shall initiate arbitration by sending written notice of it's intention to arbitrate to the other party to this Lease and to JAMS. Such notice shall contain a description of the dispute, the amount in controversy, and the remedy sought. The parties shall execute any and all documents and statements required by JAMS for the arbitration or

settlement of the dispute in accordance with the JAMS Rules. In no event shall any demand for arbitration be made after the date when institution of a legal or equitable proceeding based on such claim would be barred by the applicable statue of limitations.

d. Notwithstanding any provision of this Article 15 to the contrary, Lessor and Lessee shall be entitled to obtain immediate equitable relief, such as by temporary restraining order and injunction, in state or federal court to prevent any violation of any of the covenants, conditions or provisions contained in this Lease. In addition, notwithstanding any provisions of the Article 15 to the contrary, Lessor shall be able to maintain an unlawful detainer action in any appropriate court of law.

e. The arbitrator shall have no right or power to award punitive damages or to award any relief that could not be awarded by a court or other tribunal of competent jurisdiction, but shall have the right and power to award costs and expenses, including but not limited to attorneys' fees pursuant to Article 17.

f. Once a written request for arbitration has been made, each party shall have the right to conduct discovery pursuant to the procedures set forth in the Civil Discovery Act of 1986, as amended, even if an action has not been filed.

16. **Notices.**

a. All formal notices, demands, and communications between the parties shall be given either by (i) personal service, (ii) delivery by reputable document delivery service such as Federal Express that provides a receipt showing date and time of delivery, or (iii) mailing in the United States mail, certified mail, postage prepaid, return receipt requested, addressed to:

If to Lessor: SUPERINTENDENT
LAFAYETTE SCHOOL DISTRICT
3477 School Street
Lafayette, California 94549

If to Lessee: PRESIDENT
THE MEHER SCHOOLS
999 Leland Drive
Lafayette, CA 94549

b. Notices personally delivered or delivered by document delivery service shall be deemed effective upon receipt. Notices mailed shall be deemed effective at Noon on the second business day following deposit in the United States mail. Such written notices, demands, and communications shall be sent to such other addresses as any party may from time to time designate in a notice delivered in accordance with the requirements of the Section.

17. **Attorneys' Fees.**

a. In any action between the parties respecting this Agreement, the prevailing party in such action shall be entitled to have and to recover from the other party its reasonable attorneys' fees and other reasonable expenses in connection with such action or proceeding in addition to its recoverable court costs and expert witness fees, whether or not said action is prosecuted to completion.

18. **No Partnership.**

a. Lessee and Lessor are not partners, and nothing herein contained shall be construed to create a partnership or joint venture in any sense.

19. **Miscellaneous.**

a. **Severability.** If any provision of this Lease, the deletion or modification of which would not adversely affect the receipt of any material benefit by either party, is declared by a court of competent jurisdiction (or by an arbitrator) to be invalid or unenforceable, then the remainder of this Lease shall not be affected thereby and shall continue to be valid and enforceable to the fullest extent permitted by law. In lieu of each provision of this Lease that is invalid or unenforceable, there shall be added as part of this Lease an enforceable provision as similar in terms to such invalid or unenforceable provision as possible.

b. **No Assignments; Successors.** This Lease shall be binding on and inure to the benefit of the successors and permitted assignees of the respective parties. Notwithstanding the foregoing, Lessee shall not assign all or any portion in the Lease, whether voluntarily, by operation of law or otherwise, including without limitation, entering into any new sublease for any portion of Lessee's School Site or granting a license to use any portion of Lessee's School Site without the prior written consent of Lessor which Lessor may withhold for any reason whatsoever in it sole discretion.

c. **Approval.** Except for consent or approval in which a party has sole discretion, where the consent or approval of either Lessor or Lessee is required, such consent or approval shall not be unreasonably withheld or delayed.

d. **Binding Law.** This Lease shall be governed, construed and interpreted under the laws of the State of California. This Lease shall be construed simply, as a whole and in accordance with its fair meaning and not strictly for or against either party. This Lease shall not be interpreted or construed against the party preparing it.

e. **Survivor.** Terms and conditions of this Lease which by their sense and context survive the termination, cancellation or expiration of this Lease will so survive.

f. **Authority.** Each person executing this Lease for either Lessee or Lessor represents, for himself or herself and for the party for which the person purports to act, that such person is authorized to execute the Lease on behalf of such party, that such person is acting within the scope of such person's authority, and that all necessary action has been taken to give such party the authority, and the party has the authority, to enter into this Lease and to be bound by the terms of this Lease.

g. **Time.** Time is of the essence of this Lease.

h. **Entire Agreement**. This Lease including all attachments and riders constitutes the entire agreement and understanding between the parties, and supersedes all offers, negotiations and other leases and agreements, written or oral, concerning the subject matter contained herein. There are no representations or understandings of any kind not set forth herein. Any amendments to this Lease shall be effective only if in writing and executed by both parties.

i. **Waivers.** No delay or omission in the exercise of any right or remedy of Lessor on default by Lessee shall impair such a right or remedy or be construed as a waiver of such default. The receipt and acceptance by Lessor of delinquent payment shall not constitute a waiver of any other default; it shall constitute only a waiver of timely payment for the particular payment involved, regardless of Lessor's knowledge of other defaults at the time of acceptance of such payment.

j. **Cumulative Remedies.** No remedy or election hereunder shall be deemed exclusive but shall, wherever possible, be cumulative with all other remedies at law, in equity, or bankruptcy.

IN WITNESS WHEREOF, the parties have executed this Lease as of April 26, 2004.

LESSOR:
LAFAYETTE SCHOOL DISTRICT, a public school district

By: _____
Superintendent

LESSEE:
THE MEHER SCHOOLS, a California non-profit corporation

By: _____

Responses to Comment Letter 24 – Richard Galton (May 26, 2011)

24.1 See Master Responses 3, 7, and 12.

LETTER 25

Igor Gaponenko
141 Molly Way
Walnut Creek, CA 94595
May 9, 2011

Ms. Lashun Cross
Senior Planner
CCC Department of Conservation and Development
651 Pine St., 4th Floor-North Wing
Martinez, CA 94553

Dear Ms. Cross:

I am an owner and a resident of a property at 141 Molly Way of the city of Walnut Creek, and I am writing to express my concern about widening of Boulevard Way as proposed in Variant B of the planned construction of Sufism Reoriented Sanctuary at Boulevard Way. This option is mentioned in item 4.13.1-2 of the draft EIR. I understand that an implementation of this option will result in significantly faster traffic at a curve of Boulevard Way near Kinney Drive. 25.1

I'm concerned about potential safety implications of the street widening at the above mentioned street curve which I have always considered unsafe ever since our family moved to 141 Molly Way in August 2010. A subsequent increase of the speed limit at the curve would make it less safe for pedestrians and bicyclists. My second concern is about potential safety implications for residents of Molly Way where I have my property. Molly Way is a one-way street. At its exit it connects directly to Boulevard Way at a location which is very close to the intersection of Boulevard Way and Kinney Drive. Increasing the traffic speed at Boulevard Way will make the left turn from Molly Way to Boulevard Way very unsafe due to high speed traffic towards freeway 24 and Walnut Creek Downtown. I suspect the very same (if not more severe) issue will be created for residents of Iris Lane, which is even closer to the above mentioned intersection. 25.2

Overall I see no clear benefits of widening Boulevard Way and/or increasing the traffic speed along the Boulevard Way as there is presently no need to accommodate more traffic along the corridor at the curve. Right now this is the quiet street with very light traffic. On a constructive note, I would be more in favor of installing four-ways stop signs at the above mentioned curve to calm the traffic near the curve. 25.3

Just to make it clear, I'm not a member of Sufism Reoriented Church.

Sincerely,

Igor Gaponenko

2011 MAY 10 A 11:37
CONTRA COSTA

Responses to Comment Letter 25 – Igor Gaponenko

25.1 See Master Responses 2 and 6.

25.2 See Master Responses 2 and 6.

25.3 See Master Responses 2, 6, and 12.

LETTER 26

Brian Gray
<brianandsylvia @hotmail.com>
03/30/2011 03:44 PM

To <lashun.cross@dcd.cccounty.us>
cc
bcc
Subject New Sanctuary for Sufism Reoriented Project.

I am looking on line for EIR for file number LP082034 and MS090008. New Sanctuary for Sufism Reoriented Project. The only PDF file I find will not open? 26.1

The reasoning being is I am very puzzled how 5000 truck loads of dirt being remove can be classified under" "All potentially significant impacts can be mitigated to less then significant levels." 26.2

Explain to me how I am suppose to navigate the tucks when trying to leave my street daily to pick up my boys from pre-school and regular school. Is the county prepared to have a traffic officer available ? I realize that most people in your position or on the board can not personally visit each site and must really on reports. But any common sense will tell all that this project will create problems, along with safety issues, at the intersection of Boulevard, Kinney and Garden Court. It is a dangerous off set three way blind intersection as it is. To increase traffic would be a recipe for accidents etc. That cover traffic, then the noise for created for a un-reasonable amount of time, not just the digging machines, but then add in the traffic. Then throw in the diesel exhaust! Again I ask how does the EIR pass????? 26.3 26.4

In the end I hope people on the board can step back and ask themselves, if these trucks were to drive by my house, could I answer be All potentially significant impacts can be mitigated to less then significant levels"? 26.5

Again this scope of project has no business being done in this type of community. This is a residential community, with the expatiation all projects would be done in a scope of residential standard and living. This does not benefit the whole community, only a very small subsection. 26.6

Sincerely
Brian Gray

RECEIVED
APR 1 2011
CONTRA COSTA COUNTY
CONSERVATION & DEVELOPMENT

Responses to Comment Letter 26 – Brian Gray

26.1 Copies of the Draft EIR were available at the locations identified in the Notice of Availability, and on the County's website at www.cocoplans.org, and CDs were available to purchase at the County's office for $2.

26.2 The commenter incorrectly states the project's number of truck trips. Please refer to Draft EIR page 3-13, which stated that the project would remove approximately 3,310 truckloads of dirt. See Master Response 8.

26.3 See Master Response 8.

26.4 See Master Response 6.

26.5 See Master Response 8.

26.6 See Master Responses 3, 4, and 12.

LETTER 27

2011 MAY 13 P 2:35
CONTRA COSTA

Ms. Lashun Cross, Senior Planner
CCC Dept. of Conservation and Development
651 Pine St., 4th floor-North wing
Martinez, CA 94553

Dear Ms. Cross

I am one of the neighbors that live across the street from the proposed Sufism Reoriented worship sight. I am not however a member of Sufism Reoriented. I have received in the mail detailed studies of the project and am very happy with what I have read. I am looking forward to the upcoming project. 27.1

I think the only concern I have is a discussion on possibly widening the current road (Boulevard Way). I feel that this would be a mistake. Since, just the small amount of widening that has happened in front of Iris lane and Boulevard way, I have seen an increase in the speed that people drive while taking the turn on Boulevard Way near Garden court. Instead of widening the street to make it more comfortable for drivers, I would rather see a 4 way stop (Iris Lane, Kinney, and both sides of boulevard Way approaching the project sight)making it SAFER for pedestrians. 27.2

Thank you very much for your concern and time in this request.

Again, I am looking very forward to the start of this project.

Thank you,

Teresa Hartshorn
50 Iris Lane
Walnut Creek, CA

Responses to Comment Letter 27 – Teresa Hartshorn

27.1 The comment does not raise any significant environmental issues requiring further response. See Master Response 12.

27.2 See Master Responses 2 and 6.

LETTER 28

Emelyn Jewett Hasselfeld
aka Emelyn Jewett Carothers
2366 Warren Road
Walnut Creek, CA 94595
(925) 944-1244

April 27, 2011

Lashun Cross
Senior Planner
Community Conservation and Development Department
651 Pine Street, 4th Floor, North Wing
Martinez, CA 94553-1229

Re: Proposed Sufi Project on Boulevard Way, Walnut Creek, CA

Dear Ms. Cross:

I write in support of the proposed construction of the new sanctuary for Sufism Reoriented on Boulevard Way in the Walnut Creek area of Contra Costa County. 28.1

I am **not a member of Sufism Reoriented.** I am a **neighbor** and have lived at 2366 Warren Road (only 2-3 blocks from the proposed center) since July, 1986.

I have reviewed the EIR summary for the proposed project and was pleased to see that, after detailed studies, the engineers and other professionals have concluded that the project will not have a negative effect on our neighborhood - and that all of the concerns identified in the report can successfully mitigated to the point where they are not significant.. 28.2

I like the view from the street, and was happy to see that there is not likely to be any glare from the dome. Similarly, I was pleased (although not surprised) to read that there will not be a significant increase in traffic. And, for the sake of my neighbors on the other side of Warren Road, I was happy to see that the project is not likely to negatively impact soil stability in the vicinity of the creek.

For the record, I do hope that the alternative selected does not include any widening of Boulevard Way. My fear would be that extra width would only encourage drivers to drive faster and that the proposed widening might create more problems than it solves. 28.3

I believe the proposed Center is good for our neighborhood and very good for our property values. Property in our neighborhood is very desirable precisely because of its proximity to the Sufi Center - and those who wish to sell usually find that they have many buyers interested in their property. This should not be overlooked, especially in this economy. 28.4

As a broker and former manager of one of the major real estate companies in the area, as well as a homeowner, I am especially aware of this benefit. 28.4, cont.

I look forward to watching this project move forward. I am very impressed by how various concerns have been addressed by the Sufism project managers and am confident that any problems which might arise during the construction phase will be greatly outweighed by the continuing presence of the Sufi community, as well as by the aesthetic benefit to the entire neighborhood. 28.5

I hope you will seriously consider the benefits of the proposed project and keep things moving forward. Thank you for your anticipated consideration of this letter.

Very truly yours,

Emelyn J. Hasselfeld

Emelyn J. Hasselfeld
aka Emelyn ("Lyn") J. Carothers

Responses to Comment Letter 28 – Emelyn Jewett Hasselfeld

28.1 The comment does not raise any significant environmental issues requiring further response. See Master Response 12.

28.2 The comment does not raise any significant environmental issues requiring further response. See Master Response 12.

28.3 See Master Responses 2 and 6.

28.4 The comment does not raise any significant environmental issues requiring further response. See Master Response 12.

28.5 The comment does not raise any significant environmental issues requiring further response. See Master Response 12.

LETTER 29

May 15, 2011

CONTRA COSTA COUNTY
2011 MAY 17 A 8:59
DEPARTMENT OF CONSERVATION AND DEVELOPMENT

Ms. Lashun Cross
Senior Planner,
Department of Conservation and Development,
651 Pine Street, 4th Floor-North Wing
Martinez, CA 94553

Re: COMMENTS ON THE DRAFT EIR
New Sanctuary for Sufism Reoriented Project

Dear Ms. Cross:

I am a Lafayette resident who resides and works at 1271 Sunset Loop, and am in no way associated with either Sufism Reoriented nor the New Sanctuary for Sufism Reoriented Project. I drive twice a day, almost every day, from my house via Kinney Drive onto Boulevard Way to Walnut Creek. I have been doing this for nearly 14-years and am very familiar with the many traffic issues along entire length of Boulevard Way. 29.1

The fundamental concepts of both site and street planning that I continue to practice professionally as an urban planner and architectural designer for over 25-years, as well as, in my teachings in design studio at UC-Berkeley lead me to support the findings of the draft EIR. This I understand to be referenced under the term Variant A.

Boulevard Way is an unfortunate example of a properly designed street, in that at Olympic Boulevard end, it is an appropriately narrow street without sidewalks. This fits the general character of the larger neighborhood street pattern appropriately and, frankly , it is the charm of why people move into these neighborhoods. However, from the intersection of Kinney Drive, Garden Crescent, and Boulevard Way, the quality of the street begins to decline all the way to the end at the intersection of Mt. Diablo Boulevard. This latter section is unsightly, poorly designed, overly wide for actual traffic counts, and neither contributing to the quality of the residential nor pedestrian experience. Frankly, this is where the County should put its money and concerns, not elsewhere. 29.2

Boulevard Way is generally plagued with excessive speeding along it entire length on an average day. This condition worsens in both directions along the widened leg of Boulevard Way near the Walnut Creek side. Any proposal to widen Boulevard will only serve to exacerbate the propensity to speed, worsen the address for life safety, and have the opposite effect to actually increase the speed of traffic. My suggestion is to implement stop signs at the Kinney Drive intersection as an instrument to stop traffic which should reduce the average speed along this street. A least cost and very effective tool.

Healthcare Design & Planning Consulting

1271 Sunset Loop
Lafayette, CA 94549
415-254-3893
rhay@rhofficeinc.com

www.rhofficeinc.com

In conclusion, I welcome my new neighbors Sufism Reoriented and their new sanctuary project as a positive contribution to our neighborhood, and give my full support to the findings of the draft EIR as proposed in Variant A. I am not in support of Variant B as I know from personal and professional experience that it will not work, and only realize the unintended opposite affect. 29.3

Respectfully,
RHO

D. Roger Hay
Principal

Responses to Comment Letter 29 – D. Roger Hay

29.1 See Master Responses 2 and 12.

29.2 See Master Response 6.

29.3 See Master Responses 6 and 12.

LETTER 30

May 8, 2011

Ms. Lashun Cross, Senior Planner
Dept. of Conservation and Development
651 Pine Street, 4th Floor, North Wing
Martinez, CA 94553

Dear Ms. Cross:

Re: Draft EIR/Sufism Reoriented's proposed sanctuary

I live at 2480 Warren Road, adjacent to the new sanctuary proposed by Sufism Reoriented. I am a member of Sufism Reoriented and first read the Draft EIR just prior to attending the Saranap Community Association's meeting about the document, last month. I was very impressed by the thoroughness and thoughtfulness of the report. Issues that I was concerned about, and ones that I hadn't even considered were addressed. I was especially pleased that the County found "no significant unavoidable impacts related to either Project Variant." 30.1

The two concerns that initially concerned me were: the emissions of fugitive dust (Impact 4-2-1) and noise (Impact 4.10-1). In both cases, the proposed mitigation measures seemed very comprehensive, and I also appreciated that in the event there is a problem, a contact person's name and telephone number is to be posted. 30.2

It is important to have not only a beautiful and functional building for members of Sufism Reoriented, but also a structure and process that respects the community and environment. 30.3

I look forward to the county's approval of a new, lovely church that I will be able to walk to and enjoy on many levels. Kudos to you and your department for a job well done.

Sincerely,

Joy Hedgepath

Joy Hedgepath
2480 Warren Road
Walnut Creek, CA 94595

CONTRA COSTA
2011 MAY 10 A 11:37

Responses to Comment Letter 30 – Joy Hedgepath

30.1 The comment does not raise any significant environmental issues requiring further response.

30.2 See Master Response 8.

30.3 See Master Response 12.

LETTER 31

CARL HUTCHINS, JR.
172 KENDALL ROAD
WALNUT CREEK, CALIFORNIA
94595
925 933 9854
carl.hutchins1@sbcglobal.net

CONTRA COSTA
2011 MAY -9 P 2:57

May 4, 2011

Contra Costa county
Department of Conservation and Development
County Administration Building
651 Pine Street
North Wing, Fourth Floor
Martinez, California
94553 -1210

Re: Proposed 66,074 Square Foot Sanctuary project
LP 082034 MS 090008
Draft Environmental Impact report

Lashaun Cross:

This EIR is voluminous and impressive. But, it misses the totality of the project and it's impact on the semirural community of Saranap. Think of it as an industrial or even an office park. That would be a huge impact. Same here! 31.1

Now, if one were to seek to make an oil refinery tank farm more aestheticaly pleasing, this design would fit the bill marvelously. But, I don't think the residents of Saranap and the surroundings want a structure that appears to be sensitzed tank farm.

The last topic area, "cumulativc Impacts" misses in considering the size of the overall control by the applicant. The present Sanctuary, the condominium, owned and controlled by Sufi Reoriented members, the former LaRossa Market, the three residential buildings . There is mention of acquiring additional property south of the present holdings. This doesn't even mention the site of the old Mobil station on the corner of Saranap and Boulevard way. And the school ? The largest single holding, by far of any. Where does it stop? Where does control of the community go. And there is more. 31.2

Now, as to construction. Yeah, it looks good on pper as to mitigation of dust, traffic and noise.
In the real world, it isn't so. Whatever they say, the trucks used for dirt hauling are far from state of the art. They are dirty and noisy and some are even dangerous. The owner operators are paid by the load/tonnage./trip. The loads are heavy Either part of Boulevard way will suffer damage. 31.3

The part past Kinney more so. It isn't anywhwere near wide enough to handle traffic of this type with any degree of safety. 31.3, cont.

The excavation will be extensive, noisy and dirty. Excavation equipment isn't quiet, it is very noisy. Now, if this were in a community when most folks were away during daylight hours at their places of work, the disturbances would be moderated. But, that is not the fact. Many retired folks live and seek to continue to enjoy the bucolic peace of the neighborhood. That is what brought many of us here. Now, many folks work nearby, home offices and business offices. The noise and dust will be extremely intrusive, EIR, not withstanding. The contractor, inspite of all restrictions will stall any complaints until he is done. In my former profession, I investigated many claims arising from construction. I know of what I speak and write. 31.4

Safety at the Kinney – Boulevard Way intersection is a major concern. While some proposals seem to be better, we have to look at past performance. On acquisition of the corner property, the new property owners, Sufi Reoriented erected a wooden fence to screen the property in addition to the wire fence already in place. Not only does it look awful, it makes the tricky intersection even more difficult than it was. So, would a masonry wall and vegetation do better ? Of course not. 31.5

Reflection from the domes: I understand that a study was made. That study may have included a computer model from observed measurements. However, that is a clear extrapolation on a limited basis, and as many extrapolations, can be quite misleading. Therefore, glare from the big domes might not be what the study reflects, pun intended! 31.6

Parking. It is unfair to grant an exception as to parking based on representations that most members reside nearby snd walk to church. There is every liklihood that the membership is ecpected to increase and that this expansion is in expectation of that growth. Any other applicant would be expected to comply with the rules as to adequate on site parking. 31.7

Air Quality. Mature trees will be removed. The largely decorative trees used by most landscapers will never approach the beneficial effects of large mature trees. 31.8

Future Growth. I recall no comment in the EIR as to provision for future growth. Yet the expansion itself is indicative that it is expected. 31.9

Therefore, I can not support Alternative 2 or 3 as described in 2.5 of the executive summary or any of the variants from them.

31.10

I believe Alternative 1 is the best choice.

Sincerely,

Carl Hutchins, Jr.
CH/ms
CC Gayle B. Uilkema

Responses to Comment Letter 31 – Carl Hutchins, Jr.

31.1 See Master Responses 3 and 4, and responses to the commenter's other comments. Because this paragraph does not identify any specific deficiencies, no further response can be provided.

31.2 The cumulative analysis in **Chapter 6**, Cumulative Impacts, was conducted in accordance with CEQA Guidelines Section 15130. According to CEQA Guidelines Section 15355, "The cumulative impact from several projects is the change in the environment which results from the incremental impacts of the project when added to other closely related past, present, and reasonable foreseeable probable future project." The Draft EIR includes the type of cumulative analysis which is required by CEQA. Mere ownership of additional properties is not part of what can reasonably be considered past, present or reasonably foreseeable future development.

31.3 See Master Response 8.

31.4 See Master Responses 4 and 8, and response to comment 11.3. Compliance with mitigation measures will be overseen by the County, not just the applicant.

31.5 See Master Response 6. Please also see Draft EIR **Section 4.1** for a discussion of the project's visual impacts under CEQA.

31.6 To assess potential glare effects, a glare study was conducted (see **Appendix E**). The glare study was conducted using the U.S. Naval Observatory Astronomical Applications Department's online service. The County considers the conclusions of the report to be credible and reliable and thus an adequate basis for pertinent conclusions in the EIR. The commenter provides no specific evidence that would cause the County to reconsider use of this study.

31.7 See Master Responses 2 and 7.

31.8 The project would result in the planting of approximately 165 new trees, more than three times the number currently on-site. The biological resource value of existing trees on the site was addressed in the Draft EIR, **Section 4.3**. The aspects of the trees that are protected by County Ordinance are addressed in the EIR and in Master Response 9. The Draft EIR biological resources discussion indicated that trees could harbor the nests of protected migratory birds and duly proposed mitigation to protect this identified habitat value by requiring nesting surveys prior to tree removal. These surveys would provide protection for any identified nesting migratory

birds by postponing tree removal until any nest or fledgings have been removed or relocated from the tree. The commenter does not identify any other beneficial effects, so no further response can be provided.

31.9 Please refer to **Chapter 7**, CEQA Required Discussions, for a description of the growth inducing potential of the project. **Section 7.4** of the Draft EIR analyzes growth in terms of the economy, population, and housing. The analysis concludes that the project would not result in substantial growth in the project vicinity. Please also see Master Responses 2 and 3. The fact that a project is built is not, standing alone, a sufficient basis for projecting that other projects will be built.

31.10 The comment does not raise any significant environmental issues requiring further response. See Master Response 12 regarding the merits of the project.

May 10, 2011

CONTRA COSTA
2011 MAY 11 P 4: 03

LETTER 32

Lashun Cross
Department of Conservation and Development
651 Pine Street
4th Floor, North Wing
Martinez, CA 94553

Dear Ms. Cross,

I just wanted to say thanks for the great job the county did on the Draft EIR for the New Sanctuary for Sufism Reoriented. As an investigative reporter, I've read several EIRs over the years, and was particularly impressed with this one's careful attention to detail.

32.1

I live at the corner of Kinney and Boulevard Way, just across the street from the proposed site, so we will be immediately affected by the project. My wife is sensitive to air particulates, so we were relieved to see there would be provisions made to limit dust and diesel fumes.

A big issue for us already is the wild intersection at Boulevard Way. At night we can hear cars screeching around that curve. We have two kids who regularly have to cross it, and it's always with a fair dose of apprehension. I shudder at the prospect of widening the road to encourage vehicles to drive even faster. I dearly hope we can slow the traffic down, preferably with stop signs and crosswalks. 32.2

As a member of Sufism Reoriented, I was hoping the EIR would avoid becoming the subject of controversy. I see now that I need not have worried. Thank you.

Best,

Matt Isaacs

Responses to Comment Letter 32 – Matt Isaacs

32.1 The comment does not raise any significant environmental issues requiring further response. See Master Response 12 regarding the merits of the project.

32.2 See Master Response 6.

Robert A. Johnson, M.D.
Terry Hogan Johnson, M. A.
5 Iris Lane
Walnut Creek, California 94595
925-212-7835

LETTER 33

May 11, 2011

CONTRA COSTA
2011 MAY 13 P 2:35

Lashun Cross
Community Development Department
651 Pine Street
4th floor, North Wing
Martinez CA 94553

Dear Ms. Cross,

We live directly across the street from where Sufism Reoriented wishes to build their new sanctuary, so we were very appreciative of the comprehensive and thoughtful work the County did in studying and reporting on this proposed project. As members of Sufism Reoriented and long-time residents of the Saranap area, we were naturally eager to read the draft EIR. In addition, we attended the neighborhood Saranap Homeowners Association meeting to learn more about the report. 33.1

We enjoy walking in the neighborhood with our friends and grandchildren. And sometimes he rides his bike to the hospital. We were therefore particularly thrilled with the Coutny's suggestion that the intersection at Boulevard Way and Kinney include a four-way stop sign. This is a genius idea and will dramatically improve safety for bicyclists and pedestrians. However, we were both concerned by the Public Works' suggestion to widen the road. We would appreciate it if you would please register our concern about that. We live very near that curve. People already travel at accelerated speeds there, so widening the road will only encourage greater driving speeds, resulting in greater danger. We are actually befuddled that the Public Works Department suggested such a thing! 33.2

We could go on about all the things that impressed us about the report. So many details were considered. For example, I had adult asthma for many years, so when I read your mitigations for dust control, I was impressed and grateful. 33.3

Sincerely yours,

Terry H Johnson

Robert A Johnson

Responses to Comment Letter 33 – Robert A. Johnson and Terry Hogan Johnson

33.1 The comment does not raise any significant environmental issues requiring further response.

33.2 See Master Response 6. Alternative 3, cited by the commenter, was presented by the applicant as an alternative intersection improvement plan for the County to consider, and was not formulated by the County Department of Public Works. Project Variant B was proposed by Public Works.

33.3 The comment does not raise any significant environmental issues requiring further response.

LETTER 34

Lashun Cross, Senior Planner
Department of Conservation and Development
651 Pine Street
4th Floor, North Wing
Martinez, CA 94553

CONTRA COSTA
2011 MAY 13 P 2:35

Miranda & Jeremy Kershaw
1336 Boulevard Way #103
Walnut Creek, CA 94595

May 11, 2011

Dear Ms. Cross,

We are writing in response to the recently published Draft EIR for the New Sanctuary for Sufism Reoriented. As residents of the Le Boulevard apartment complex on Boulevard Way, we live directly adjacent to the proposed site for the New Sanctuary. We are also long-time members of Sufism Reoriented, and have lived in the Saranap neighborhood for many years.

34.1

Both as residents and as members of Sufism Reoriented, we wanted to thank those responsible for the EIR. As members of the Sufi congregation we wish to have a positive impact on our neighborhood and to live in harmony with those around us. The county has, in effect, aided us in these goals by highlighting potential negative impacts and explaining how we can mitigate them. Thanks to your expertise and its careful application in this EIR, we're better able to minimize our impact on those around us (flora and fauna included) and, of course, on the land itself.

For ourselves, living in the neighborhood and planning to start a family here in the near future, we're particularly concerned about issues such as air quality, noise, and water pollution. We, too, will benefit from the recommended mitigations. We were especially grateful for the careful attention afforded to questions of air quality and noise pollution during the construction phase, and felt that the proposed mitigations, such as watering down the construction site every day, would go a long way towards reducing the impact on the health and welfare of those of us living nearby. We feel confident that the project can move forward in a way that will benefit everyone in the neighborhood, and hope one day to stroll through the park outside the Sanctuary with our new baby.

34.2

With warm regards, and thanks for your efforts,

Miranda + Jeremy

Miranda and Jeremy Kershaw

Responses to Comment Letter 34 – Miranda and Jeremy Kershaw

34.1 The comment does not raise any significant environmental issues requiring further response. See Master Response 12.

34.2 See Master Response 8 and Draft EIR **Sections 4.2**, **4.8**, and **4.10**.

So again, we would like a total period for consideration of 90 days instead of 45. Second item: We believe that insufficient alternatives are presented for the project, have been presented. Essentially, its build, no build plus alternative B which involves changing the line of sight on Boulevard Way and moving one wall. We think the intention of CEQA is to allow the planning authority of Contra Costa County true alternatives to weigh, a variety of alternatives. We believe that those alternatives are not yet present in this Draft EIR, and we look forward to seeing them in the Draft EIR. It's basically do it or don't do it. As the last item, and there are plenty of other people to speak, we think that the portrayal of the project and the visual rendition in the Draft EIR, it does not accurately represent important aspects of it. For example, the height, the max height which is 34 feet of the domes. And therefore, we would like story poles to be installed so the entire neighborhood can get an accurate idea of the impact, the visual impact, of the project. I'm going to go and leave my space to the next speaker. Thank you very much.

PAT ROCHE: Thank you. Alright, the next speaker I have is Brian Kilian.

BRIAN KILIAN: Hi. My name is Brian Kilian. I live at 21 Blade Lane in Walnut Creek. I'm also here to request an extension of the 45-day review period for a couple of reasons. As was just said, the length and the scope of the document warrants a longer review period. It's not reasonable to expect lay people to be able to read through and digest over 334 pages of issues plus an additional 1200 pages of appendices in a short time. We are not professional planners and we cannot allocate 8 hours a day to review 35.1
this document which may have a profound impact on our neighborhood. As flaws have been identified in the early chapters of the Draft, it stands to reason that a thorough review is warranted to provide the County with a complete and comprehensive list of issues that will need to be addressed. These are a few examples of flaws that have already been identified: The Draft did not address a reasonable alternative as was mentioned earlier. The sustainability of such a large mansion-size church has not been addressed. It has not been addressed either in the terms of a smaller campus. A 35.2
reasonable alternative might be a 30,000 square foot church. And another alternative might be to use the existing buildings as part of their structure where they can still accommodate their program. Another issue is the haul-out is incorrect and impacts the mitigation measure on Air Quality which will have to be revised. 35.3 The traffic and circulation identifies one problem, but in its mitigation measures, the solution creates new 35.4
impacts that haven't been addressed. The TDM Plan is incomplete and not enforceable and contradicts the parking assumptions. Overlap activities have been shown, but not 35.5
analyzed for their impact. The TDM solutions are flawed and not workable beyond the boundaries of the project. For the mansion-sizing of this project proposed, the potential 35.6
use that can be reasonably expected to occur has not been addressed. The Draft is also flawed in its acceptance of the grass paver two system as its storm drain solution, its parking solution and a landscape solution all rolled in one. 35.7 And finally, as was also stated earlier, with the conflicting images of the artist's rendering, I too request that story poles be erected prior the Planning Commission meeting. My comments are not 35.8
complete and I reserve the right for additional written comments to be submitted to the County at the appropriate time. Thank you.

Responses to Comment Letter 35 – Brian Kilian (Zoning Administrator Hearing)

35.1 See Master Response 1.

35.2 See Master Responses 2 and 3.

35.3 See Master Response 8.

35.4 See Master Response 6.

35.5 See Master Responses 7 and 12.

35.6 See Master Responses 2 and 3.

35.7 See Master Response 11.

35.8 See Master Responses 1 and 5. The County relies upon its own visual simulations in its analysis of the project's potential visual effects. The simulations used in the County's analysis do not conflict with those prepared by the applicant. The analysis presented in the attachment to Comment Letter 15 (submitted by the applicant) show that the applicant's visual simulations do not conflict with the County's simulations. The commenter does not further specify the nature of the claimed conflict, so no further response can be provided.

LETTER 36

May 5, 2011

Copy to Catherine Kutsuris

Lashun Cross, Senior County Planner
651 Pine Street, 4th Floor – North Wing
Martinez, California 94553

Re: Sufism Reoriented Proposed Project
Application LP 08-2034
Page One of Two

CONTRA COSTA
11 MAY -9 A 8:5

Dear Ms. Cross:

As the process continues to inch along towards the public hearing for the proposed Sufism Reoriented project, I am again requesting that the County require story poles be erected on-site prior to the Planning Commission meeting. The timing could not be better – The Draft EIR has been released, and the Saranap neighborhood, along with the County planners and Sufism Reoriented, are all awaiting comments.

With much confusion over the actual massing and exact location of the proposed structure, the story poles will provide clear and concise information for all to observe. By installing the story poles now, both the County decision-makers and local Saranap residents will be equipped with the visual knowledge of the actual footprint and height prior to the public meeting. Without this information, requests for delays and continuances will be requested, unnecessarily prolonging the approval process.

As the DEIR implies, there is confusion regarding the size and volume of the proposed building. There have been several artist's renderings provided by the applicant, all of course showing perspectives that are favorable to the proposed project. This was recognized in the DEIR, with the acknowledgement that another rendering be provided to accommodate the DEIR's study on visual impacts. However, with all these conflicting images floating around, the layperson in the Saranap neighborhood does not know what to believe, and many have expressed bewilderment for such a large mansion-size church. Even the Planning Commissioners, who may not be familiar with the neighborhood and/or site, will have to pick and choose between multiple images, all submitted on glossy paper designed to sway them to whoever's point of view is being expressed. 36.1

Just as I am claiming the images do not reflect the actual massing that the public will see, there are others in support of the project that claim landscaping and other proposed measures will completely screen the building within a couple of years. This opposing argument alone should be reason enough to require story poles to be installed; the poles are independent, not favoring one side or the other. They are completely neutral, just stating the facts of their being - the boundaries and height of the proposed structure. With theses vertical indicators in place,

everyone is free to make their own independent conclusions, based not on public-relation images, but on wood poles that tell a simple story.

Being such a easily accomplished task, commonly required in most communities around the County, I would think this should be an automatic condition of approval, prior to any public meeting for such a project of this size in a residential area. Prior research has shown to erect story poles for this project would cost approximately $1,200.00. For such a large project costing over $18 million dollars, and potentially creating huge impacts to the surrounding neighborhood, this is a very minor inconvenience to the applicant. If completed within the next several months, no delays to the project would be expected, as we are all in a waiting period until the final EIR is certified. 36.1, cont.

So again, I ask, why not install story pole? Besides providing independent verification on the size and height of the proposed building, the more complete and clear information provided to the Planning Commission will certainly contribute to a better decision that can be accepted by all parties.

I am copying all parties noted below, with the intent to speed up this simple request. Again, there is no need for future delays if this can be accomplished now, prior to the public hearing.

Thank you for your consideration, I look forward to your reply.

Brian Kilian
21 Blade Way
Walnut Creek, CA 94595

(925) 639-7696

cc: Gayle Uilkema, County Supervisor
Catherine Kutsuris, Director of Department of Conservation and Development
Carol Conner, Sufism Reoriented

Responses to Comment Letter 36 – Brian Kilian (May 5, 2011)

36.1 See Master Responses 1 and 5, and response to comment 35.8.

May 26, 2011

CONTRA COSTA COUNTY
2011 MAY 27 P 12:24
DEPARTMENT OF

LETTER 37

Ms. Lashun Cross
Department of Conservation and Development
Contra Costa County
651 Pine Street, 4th Floor, North Wing
Martinez CA 94553

New Sanctuary for Sufism Reoriented
Draft EIR
Comments – request for clarifications/revisions to DEIR
Page One of Eight

2.0 Executive Summary

2.1 Project Under Review states: ..."Sufism Reoriented would cease its use of 1300 Blvd. Way, selling or leasing that property to another"...

This is an assumption that cannot be proved until the sale of the property happens. The DEIR does not address the cumulative impact of the property remaining part of the Sufism organization, which would add major impact to traffic, parking, additional uses, and increased visual impairments. 37.1

2.5 Alternatives. The DEIR had not addressed a real alternative. The Modified Right-of-Way is not an alternative in the sense of addressing any changes to the building, the use, or the required parking, etc. The public has consistently requested that the proposed design and massing of the building be modified to be more compatible with the residential neighborhood. This option has not been addressed in analyzing the potential reduced impacts of the environment on a small building footprint or use. 37.2

Table 2-1, Aesthetics states: ..."that no bare bulbs will be visible from offsite."

The intent is to not see the source of any lighting, not necessarily just the actual light bulb. Modify mitigation to address concealing the source of lighting. 37.3

Table 2-1, Air Quality, Impact 4.2-1 states: "Idling time shall be minimized either by shutting equipment of when not in use or reducing the maximum idling time to two minutes. Clear signage shall be provided..."

Signage is not an adequate mitigation measure, and does not address how this requirement can be enforced. A program needs to be identified by the EIR that can realistically monitor and enforce this impact. 37.4

Table 2-1, Air Quality, Impact 4.2-1 states: ..."All construction equipment and haul trucks shall be checked by a certified mechanic and determined to be running in proper condition..."

The EIR does not address how this will be verified and deemed to be in compliance with the request. 37.5

Table 2-1, Air Quality, Impact 4.2-2 assumes ..."13 cubic-yard trucks and delivery to the Acme landfill,..."

The haul route identified by Figure 3-14 is incorrect and not possible. When the correct haul route has been provided, the revised mileage may impact the number of trips per day. This error needs to be corrected in the DEIR. 37.6

Table 2-1, Air Quality, Impact 4.2-3 provides for a requirement that limits the allowable idling time. How will this be enforced? The EIR needs to provide a reasonable policy that addresses this problem. 37.7

Table 2-1, Geology and Soils, Impact 4.5-2 states: "...excavation shoring and dewatering systems meet minimum performance requirements."
Minimum performances are not an encouraging standard to use when the County is supposed to be protecting the neighboring homes from potential damage from proposed excavation. The EIR should address more stringent standards. 37.8

Table 2-1, Hydrology and Water Quality, Impact 4.8-1 states: "...final landscape plans...shall:
Be designed to minimize irrigation and runoff and to minimize use of fertilizers and pesticides that can contribute to storm water pollution.

"Include pest-resistant plants." 37.9

These statements are vague and provide no direction or specific standards against which to measure results. The DEIR provides no industry standards that will qualify whether the proposed landscape design can minimize the stated impacts. The statement regarding pest-resistant plants is meaningless unless further defined, as any and all plants will attract some sort of insects.

Mitigation Measure 4.8-1b states: "permeable paver surfaces will be kept clean of organic materials. Leaves and other organic material shall be swept and removed form the paver surfaces periodically when debris accumulates..." 37.10
This is in conflict with the use of the GrassPave2 system. The EIR does not address how the constant use of vehicles will compact the soil and reduce the infiltration rate.

Table 2-1, Noise, Impact 4.10-1 states: "...and no extreme noise generating activities shall be allowed on weekend..."

37.11

The EIR does not define the acceptable noise levels, and does not define what constitutes an extreme noise.

Table 2-1, Noise, Impact 4.10-1 states: "Impact tools...shall be hydraulically or electrically powered wherever possible to avoid noise..."

How will this measure be determined? "Wherever possible" is ambiguous and subject to different interpretations, and needs to be defined. (In a general sense, the use of phrases such as: "best available", "wherever possible", "where feasible" and "to the extent feasible" in the EIR is subjective and does not provide any set standard that a person can measure results from.) 37.12

Table 2-1, Traffic and Circulation, Impact 4.13-2 states: "...final plans reflect the inclusion of adequate sight distance to the West...This can be achieved be relocating the proposed perimeter wall from its current location to the same location as shown in the plan for Project Variant B..."

While the EIR addresses one problem concerning the sight distance, by doing so it creates other impacts that have not been addressed. For example, by relocating the wall further into the property, the landscaping is dramatically reduced or deleted, and the parking space count will be reduced. This has an effect on the screening component of both the exterior perimeter wall and the main sanctuary building, and places additional burden on the lack of adequate parking spaces within the project. This mitigation now creates additional negative impacts not addressed in the DEIR. 37.13

3.0 Project Description

As noted previously, the EIR erroneously assumes that the applicant would cease its uses at 1300 Boulevard Way, and would sell or lease the property to another spiritual organization. Past history proves this not true, as one of the previous tenants of 1300 Blvd. Way was a restaurant. The EIR does not analyze the impacts of a more realistic scenario of Sufism Reoriented keeping the property and expanding its uses between properties. 37.14

The DEIR evaluates two Project Variants (A and B), which only differ in terms of improvements to the Boulevard Way Right-of-Way frontage. From an aesthetic, size and use point-of-view, the DEIR hasn't evaluated any alternative, nor has the DEIR analyzed the option of retaining the existing buildings from a sustainability perspective. 37.15

The DEIR is silent on the aesthetic impacts, from a strong mono-color exterior palette to industrial, non-residential compound style architecture. The closest the DEIR attempts to analyze the aesthetics value is to suggest that the landscaping will screen the surrounding neighborhood from having to view this mansion-size church project. But then, the DEIR goes on to suggest that the landscaping on the West side be reduce/deleted to accommodate the traffic sight distance issue, rendering the value of the landscaping mute for any future screening measures. 37.16

The DEIR does not analyze the impact of size, either from an environmental, or from a land use perspective. There will be a tremendous impact of natural resources used to construct this project, all for a small number of people. The savings in resources, carbon expenditure, and resources in future maintenance has not been addressed by analyzing a building with a smaller building footprint. A smaller project, while still maintaining the desired program for the applicant, will have significant less impact on the amount of resources requires to build, will have less impact on the C3 storm water plan, less impact on heating and cooling requirements, and have less demand on traffic, parking and the surrounding neighborhood. 37.17

The DEIR is also negligent on analyzing the potential use of the mansion-size church project. While the applicant describes individual uses, and provides separate use times, it is reasonable to expect that a building of this size will be used at some time to its maximum capacity. The potential use of a 66,000 sq. ft. building, either as the proposed mansion-size church or some other future use, has not be addressed in the DEIR. This omission by the DEIR severely impacts the credibility of the document and raised questions about the contents and methods used to establish the mitigations measures. The DEIR ignores the potential impacts of additional group gatherings, alternative uses 37.18

such as concerts/weddings/theater plays/conventions, and increased vehicular and pedestrian traffic. The impact generated by additional parking demand from the greater potential use has not been addressed. As identified in the DEIR 'Project Components', there will be uses beyond the stated individual activities. The applicant's own TDM plan admits that there will be periods of "substantial attendance" above the proposed use, of which the impacts have not been addressed by the DEIR. 37.18, cont.

No assessment has been made of the environmental effects of different design options and material mixes, or account of operating energy use, including pre-combustion effects. The retention of existing structures, which can account for a substantial portion of the materials-related environmental footprint of a building, has not been addressed. It should seem obvious that retaining and renovating the existing structures has environmental merit, which should be explored. The adaptation of the existing structures to meet some of the applicant's requirements will reduce the need for new construction, impacting the environmental benefits. 37.19

No assessment has been made on the environmental effects of renovation relative to new construction, or on a smaller-scaled project, sometimes referred to as life cycle assessment (LCA).

In LCA, the effects associated with making, transporting, using, and disposing of products are referred to as 'embodied effects'. All of the extractions from and releases to nature are embodied effects, and there are also embodied effects associated with the production and transportation of energy itself (known as pre-combustion effects).

In the case of buildings, the energy required to operate a large, mansion-size church over its life greatly overshadows the energy attributed to the products used in its construction. And for other embodied effects such as toxic releases to water, effects during the resource extraction and manufacturing stages can outweigh any releases associated with building operations. The value of addressing LCA is to capture all of the relevant effects associated with this proposed project over its full life cycle, focusing on environmental performances. This would apply to both an alternative for keeping the existing structures, and/or for a smaller building footprint alternative. (see footnote) 37.20

The DEIR has not addressed this issue and is lacking information to be properly complete as a certified document.

3.1 Location

The DEIR implies that the Boulevard Way corridor becomes increasingly residential to the South towards Olympic Valley Rd. The proposed project is actually sited within an existing residential area, trying to consolidate several R-10 zoned lots into one large project. 37.21

3.3 Site Characteristics

The DEIR states that the Parsonage has a private driveway from Warren Road that utilizes an access easement through a neighboring private property.

37.22

Has the DEIR verified that this easement is limited to access only the Parsonage property, and may not be adequate for a larger, consolidated property as proposed?

3.4 Project Components
Figure 3.3 shows a prayer hall, which would have seating for about 400 people.

This will accommodate 50 more people that the applicant's own 350 congregation. See previous note regarding potential use. The DEIR does not address the impact of potential use that is greater than the stated use by the applicant. With only 167 of the congregation pledging to walk, this leaves 233 potential cars and users scrambling to find parking, creating additional noise, and adding to the overall impact of the neighborhood. 37.23

The DEIR states that: "The color scheme of the proposed building will feature a light color palette."

There is a difference between a "light color" and white. Per the plans, the entire exterior building will be clad in white materials. The visual impact of a stark, polarizing mono-color has not been addressed. 37.24

Per Table 3-1, most of the proposed activity will occur in late evening, during Fall, Winter and Spring. With nighttime darkness occurring around 6:00 in the Winter, the applicant proposes that 220 members may be walking between 0.5 and 2 miles from the project to their homes after 9:30 pm. The DEIR does not address the safety problems associated with this action, or the impact of pedestrians mixing with vehicular activity on dark, rural roads, or perhaps during inclement weather with reduce visibility. 37.25

Per Table 3-1, the use overlaps on Friday evening, with an estimated 457 people on site. Again, see previous concern about impacts not being addressed by the DEIR on potential use. 37.26

Parking
The County requires 125 spaces for this project. The applicant has included a TDM plan, which is flawed in its assumptions. As previously noted, less than half of the applicants members have signed the pledge to walk to the project. And as noted previously, the TDM plan does not address the concern of members walking from the project late in the evening on a dark, rainy Winter night. The DEIR does not address the fact that some members who signed the pledge to walk are not homeowners, but renters, and some are no longer living in the area. So even during the review process, the basis of the TDM plan by the applicant is changing and not valid; it certainly can not be relied on for a long-term parking solution that will negatively impact the neighborhood. 37.27

The DEIR's own field observations (Table 4.13-4) highlights the glaring discrepancy between the applicant's use of vehicles vs. pedestrian activity, which suggests that the TDM plan is not being followed even now, much less in the future. 37.28

The TDM plan offers "spillover" parking at the Meher School, which will create more impact on the residential streets. But the plan, nor the DEIR, does not address how the membership will get to the School, as it is located approximately 1 mile West of the project. Obviously the members will not be walking to the School, which again implies the TDM plan will not be adhered to. Another point regarding the TDM plan is that the applicant, Sufism Reoriented, is pledging the availability 37.29

of extra parking at the Meher School. However, Sufism Reoriented does not own the Meher School, and cannot pledge or otherwise control any parking at the school. The school is owned by the Lafayette School District, who has not given any permission or rights to Sufism Reoriented for long-term overflow parking. Without this guarantee, the TDM plan is not valid, and the DEIR needs to revise its analysis of the parking. 37.29, cont.

The TDM plan also designates parking spaces for carpools, which will reduce the already under-parked site further. The impact of how this program will really work or be enforced has not been thoroughly analyzed. 37.30

Landscaping

The DEIR indicates, "...about half of the trees species ...are drought tolerant and would thus not require substantial summer watering."

This is a flawed statement, which will have a negative impact on the visual screening of the project. It has been a proven fact within the landscape industry that trees, especially nursery grown trees, require regular watering during the establishment period, and will be more healthy and less prone to disease and stress if provided with a constant and regular watering program throughout their life cycle. The DEIR is misleading in its statement, and contradicts its own mitigation measure of having less "pest-resistant" plants. By limiting the summer watering, the trees will more likely be prone to pest infestation and limited growth, reducing their visual screening impact on the proposed building. 37.31

Storm Drainage

The DEIR is flawed in its acceptance of Grasspave2 as a storm drain solution, parking and a landscape solution. The DEIR states: "The remainder of the parking area (60 spaces) would be finished with the pervious paving system which would allow grass to grow on the surface, giving it the appearance of a grassy area and allowing for rainwater infiltration."

First, the County ordinance, 82-16 (Off-street Parking) states that all off-street parking shall be asphalt or concrete or similar material. It also states that the parking spaces shall be marked or maintained on the pavement. 37.32

Grasspave 2 is neither asphalt or concrete, nor a suitable material for day-to-day parking. It will not be marked with lines delineating parking spaces. This has not been addressed in the DEIR.

The horticultural requirements of plants are in direct contrast to the requirements of paving and storm water treatment. The applicant is proposing to install lawn within the cells of the Grasspave2 pavers, which are set over 12" of AB over 12" of compacted drain rock. Other than a slim 1" layer of soil, the lawn will have no opportunity to grow – the roots will be confined between the concrete cells on all sides, with a dense layer of rock below. Added to this inhospitable growing condition will be vehicular traffic on a daily basis, compacting whatever soil is provided, crushing the blades of grass, blocking sunlight to the lawn, and depositing oil and other solvents. Not exactly a healthy growing environment for a "green garden". The Grasspave2 system is designed for use in areas such as EVA, (Emergency Vehicle Access) where it may be used only rarely over the lifetime of the project. With this recipe for disaster, the Grasspave2 system is designed for failure as proposed. However, the DEIR does not even explore the possibility of an improper design, or address the impact of a failed "green" parking lot. 37.33

3.5 Project Objectives

While this section provides a project description by the applicant, there is no mention of how this is to be maintained. The DEIR does not address the environmental impacts of having to heat, cool, and maintain such a large structure, or the environmental costs of using natural resources to continue the upkeep of this mansion-size church. What are the environmental options of maintaining a smaller structure, that still allows the applicant to accommodate their programs? 37.34

4.1.2 Regulatory Setting

Open Space Element 9-15 states: "...Public and private projects shall be designed to minimize damages to significant trees and other visual landmarks."

The DEIR ignores this policy, briefly stating "...The proposed siting for the facility and the implementation of these landscaping features would be consistent with policies 9-15 and 9-27." How can the DEIR be taken seriously when the applicant is proposing on clear cutting all 43 trees on site, of which there are significant large, protected native Oak trees. The impact of clear cutting all the trees on the project will be tremendous. 37.35

The potential loss of habit and nesting for raptors, the loss of food supply for the local animals, the visual loss of the massing of large trees, all have not been addressed recently by the DEIR. The biological resource assessment report referred to for this DEIR was prepared specifically for Meher School in June, 2008, and states that the report may not be used by anyone else. I don't believe the applicant for this project is the Meher School? Further, the report states that no focused wildlife survey was conducted. 37.36

Whether this report is valid or not, it is outdated. For the last two years, there is a family of Cooper hawks that have made their home in the neighborhood. The report was completed prior to this happening. The report states that in the event protected birds are nesting; there will be adequate areas in the existing trees to be saved. However, since that report, the applicant's plans have changed, and there are no existing trees to be saved. The DEIR should reconsider its mitigation measures, and base its recommendations on a current document that is prepared specifically for the applicant and the proposed project as submitted. 37.37

4.1.3 Impacts and Mitigation Measures

c) Substantially degrade the existing visual character or quality of the site and its surrounding; or
d) Create a new source of substantial light or glare which would adversely affect day nighttime views in the area.

The DEIR notes that neither project variants would substantially degrade the quality or character of the site and its surroundings. This is a flawed statement, as the entire character of Boulevard Way will be changed from single family, ranch-style homes to a stark white, mansion-size church, completely walled off from public access. While the architectural style is subjective, there is no doubt that the character of the streetscape will no longer be compatible with the existing residential homes. 37.38

Add to this the loss of every existing tree on the site; the recommendation to not plant trees within the public right-of-way; the existing visual character and quality of the site will certainly be impacted in a significant negative way. The DEIR, unfortunately, has missed another opportunity to address a significant impact, which adds to the fact the DEIR is a flawed document in general. 37.38, cont.

I request that the DEIR be revised to incorporate the noted changes and corrections.

Thank you for your consideration.

Sincerely,

Brian Kilian
21 Blade Way
Walnut Creek, CA 94595

Footnote: Information regarding LCA was adapted from a presentation by Wayne B. Trusty, "Renovation vs. Building New: The Environmental Merits"

Responses to Comment Letter 37 – Brian Kilian (May 26, 2011)

37.1 The facility at 1300 Boulevard Way is existing, is currently in use, and its impacts are included in the baseline. No approvals from the County are pending or requested with respect to 1300 Boulevard Way, so there is no "project" associated with that facility.

The applicant plans to sell the 1300 Boulevard Way property and move its operations to the new facility. There is no evidence that the applicant would continue its use of the 1300 Boulevard Way property while also occupying the project. The use of the facility at 1300 Boulevard Way is controlled by existing zoning and an existing use permit, and any occupant of that site would need to comply with those existing regulations, just as the buyer of any property anywhere in the County would need to comply with the land use regulations applicable to that property.

37.2 See Master Responses 2 and 4.

37.3 Please refer to Draft EIR page 4.1-18, which states that the County has not adopted any standards or regulations pertaining to the measurement or control of light "spillover." However, CEQA requires the County to determine if the project would create a new source of substantial light which would adversely affect nighttime views. This discussion indicated that the project could have a significant impact to nighttime views. Accordingly, mitigation was provided that would reduce the impact to a less-than-significant level. Please note that **Mitigation Measure 4.1-1** has been revised as shown in response to comment 12.23. The measure assures that nighttime lighting will be compatible with lighting in the surrounding area. Existing single family homes and multifamily buildings in the neighborhood have lighting sources that are visible from off-site. Accordingly, the visibility of lighting sources is deemed acceptable in this area and cannot be completely prohibited. However, the amount and intensity of such sources will be addressed in implementation of **Mitigation Measure 4.1-1**.

37.4 Adherence and compliance with a Mitigation Monitoring and Reporting Program (MMRP) that identifies the mitigation measures, time period of application, and parties responsible for their implementation will be a condition of project approval. The MMRP is included as **Chapter 4** in Volume II of this Final EIR. The County is responsible for ensuring that

implementation of the mitigation measures occurs in accordance with the MMRP. Please also see Master Response 8.

37.5 Please see response to comment 37.4.

37.6 See Master Response 8.

37.7 Please see response to comment 37.4.

37.8 See Master Response 10. "Minimum performance standards" means the absolute minimum standards the applicant must meet, not performance standards that are the lowest ones in the industry.

37.9 The mitigation measures provided for **Impact 4.8-1** include Best Management Practices (BMPs) provided in the Storm Water Control Plan found in **Appendix M**. The County Department of Public Works would verify the implementation of these BMPs. Please refer to **Section 4.8** for a complete discussion of the project's impacts to water quality.

"Pest-resistant plants" are those plants that will not need an excessive amount of pesticides such that they will not result in an excessive amount of pesticides being washed into the storm drain system, triggering water quality violations. The quality of operational water discharges will be regulated and overseen in accordance with the San Francisco Bay Regional Water Quality Control Board Municipal Regional Permit for Contra Costa County. Oversight will be facilitated and funded by required annexation of the project into Community Facilities District (CFD) 14, which provides funding for County oversight of private stormwater management facilities. To ensure compliance, **Mitigation Measure 4.8-2** is amended as follows:

> ***Mitigation Measure 4.8-2***: Prior to the issuance of a grading permit, the **Public Works Department and the** County Building Official shall approve a Storm Water Pollution Prevention Plan a (SWPPP) prepared by the applicant. The SWPPP shall comply with current San Francisco Bay Regional Water Quality Control Board guidelines and shall adopt acceptable best management practices (BMPs) for control of sediment and stabilization of erosion in the project area. The SWPPP shall include acceptable BMPs for the protection of water quality. **PWD shall ensure that the project site is annexed into Community Facilities District 14.**

37.10 See Master Response 11.

37.11 See Master Response 8.

37.12 See Master Response 8. Please refer to response 14.5 which includes revisions to **Mitigation Measure 4.10-1**.

37.13 All impacts from Project Variants A and B are analyzed throughout the technical sections of the Draft EIR. To address the commenter's specific examples, Project Variant A and Project Variant B would have similar parking and landscaping scenarios. Though the environmental analysis is affected only by the area of parking and not the number of parking spots (See Master Response 7), the discussion on pages 3-9 and 3-10 of the Draft EIR (under the subheading *Parking*) explains that both Project Variants would have the same number of parking spaces. The discussion on page 3-11 of the Draft EIR, (under the subheading *Landscaping*) indicates that Project Variant B would have a largely similar landscaping plan as Project Variant A (see **Figures 3-9** and **3-10**). As shown in **Figures 3-10** and **4.1-6b**, Variant B, which includes the relocated wall, includes in the preliminary landscape plan trees sufficient to screen the project. Moreover, **Mitigation Measure 4.13-2** requires final plans for Project Variant A (if selected as the Preferred Alternative) to relocate the wall to a similar location as Project Variant B in order to provide adequate stopping sight distance. See Master Response 6.

37.14 Please see response to comment 37.1.

37.15 See Master Response 2 and the response to comment 37.13 above.

37.16 The County disagrees that aesthetic impacts were not considered. Please refer to **Section 4.1**, Aesthetics, of the Draft EIR for a complete discussion of aesthetics impacts. Please also see Master Responses 4 and 5. As described on page 4.1-8 of the Draft EIR, CEQA has specific standards and criteria as to what constitutes significant aesthetics impacts. Significant impacts would occur if a project would damage scenic resources, affect scenic vistas, detract from visual character or quality, or create substantial new sources of light or glare.

37.17 See Master Responses 2 and 3. The project includes several features which have energy usage benefits. Approximately two-thirds of the building would be underground, thereby requiring less heating and cooling as the ground would provide some insulation. Additionally, the building would be equipped with a more efficient heating and cooling system than a comparably sized above ground building. The applicant's HVAC engineer, MHC Engineers, estimated that the proposed system would provide annual

energy savings of approximately 50 percent as compared to a standard HVAC system on an above-ground building.[1] The proposed light-colored roof is designed such that it would absorb less solar heat, thereby decreasing the need for air conditioning during summer months. Please refer to **Section 4.6,** Greenhouse Gas Emissions and Energy, for a complete discussion of the project's impacts to energy.

37.18 See Master Responses 3 and 7.

37.19 See Master Response 2 and response to comment 37.17.

37.20 See Master Response 2. Life-cycle assessment (LCA) is an evolving science that is not embodied in the CEQA statute or any pertinent regulations of the State of California or Contra Costa County. According to the U.S. Environmental Protection Agency, LCA is a technique used to assess environmental impacts from raw material acquisition, materials manufacture, production, use/reuse/maintenance, and waste management. The County has not adopted LCA as a tool to evaluate development proposals. The concept of an LCA is typically related to the evaluation of greenhouse gas emissions. See response to comment 37.17.

37.21 See Master Response 4. The commenter's description conforms to the description in the Draft EIR.

37.22 See Master Response 7.

37.23 See Master Responses 3 and 7.

37.24 For a discussion of the visual impacts of the project as a whole, including its white surfaces, please refer to **Section 4.1** of the Draft EIR. For a discussion of the potential for the project to result in daytime glare, please refer to pages 4.1-16 through 4.1-19 of the Draft EIR and **Appendix E**. Please see the response to comment 37.16 regarding aesthetics significance criteria under CEQA.

37.25 See Master Responses 6 and 7.

37.26 There would not be 457 people on the project site at one time. During high-attendance events (held on nights and weekends), administrative activities would not occur simultaneously as members could not participate in both at the same time. Please see Master Responses 3 and 7.

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[1] Letter from Meng-Hsiu Chen, P.E. of MHC Engineers, to Robert Carpenter of Sufism Reoriented dated October 25, 2010.

37.27 See Master Responses 6 and 7.

37.28 See Master Response 7. Please note that the applicant is not currently required by any governmental agency to implement a TDM program, but has voluntarily implemented at its current site several of the TDM measures that are in the proposed conceptual TDM program.

37.29 See Master Response 7.

37.30 See Master Response 7.

37.31 "Drought-tolerant" plants are typically native plants that are accustomed to the natural climate and do not require excessive watering. This does not mean that drought-tolerant plants do not require any type of irrigation. More irrigation is generally required to establish plants initially than to maintain them, but the temporary nature of that situation makes its effect on the environmental analysis insubstantial. Please see response to comment 37.9 regarding the inclusion of "pest-resistant" plants as a mitigation measure**. Mitigation Measure 4.8-1a** directs the applicant to include pest-resistant plants, not have fewer pest resistant plants. Drought-tolerant plants are, in fact, often pest-resistant as well.[2]

37.32 See Master Response 11. The January 2011 Drainage Report included as **Appendix L** to this EIR indicates that Grasspave2 can perform in a manner similar to concrete or asphalt in terms of supporting vehicles (please see pages L-94 to L-95).

37.33 Grasspave2 has been commercially available since 1982 and has proven to be effective. There are numerous examples of the Grasspave2 system in use across the country (see **Appendix L**). Grass will continue to grow despite vehicles periodically driving and parking on the parking area. As stated on page L-96, "parking for churches…[is] ideal for Grasspave2…" It is important to note that there would not be 74 cars filling up the parking lot on a daily basis. Furthermore, the Draft EIR includes mitigation that would require regular reporting and maintenance of the Grasspave2 system to ensure its functionality (**Mitigation Measures 4.8-1b** and **4.8-1c**).

According to Aliquot, the parking area paved with Grasspave2 can be parked at full capacity for an average of two days a week or more frequently at a lower capacity without affecting the health of the turf. Grasspave2 is

[2]IMPACT, UC Davis, College of Agriculture and Environmental Sciences. Available at http://caes.ucdavis.edu/NewsEvents/News/Impact/impact_18.pdf

designed such that roots are protected from compaction while providing strength to support cars and trucks. The project's parking area would consist of both EV paver (a ceramic-based permeable paver) and Grasspave2. The paver area of the parking lot would be the primary parking area; the Grasspave2 area of the lot would be secondary.[3]

37.34 See Master Response 2 and the response to comment 37.17.

37.35 See Master Response 9. Please refer to Draft EIR page 4.3-15 through 4.3-17 for a discussion of protected trees on the project site.

37.36 The Biological Resources Assessment was included in the applicant's development application submittal to the County. Sufism Reoriented, the applicant, is administratively affiliated with The Meher Schools. The Biological Resource Assessment is prepared by a qualified biologist and reviews the proposed project site on Boulevard Way.

Please refer to page 4.3-15 of the Draft EIR for a list of the CEQA significance criteria pertaining to biological resources. As described in **subsection 4.3.3** of the Draft EIR, CEQA does not require an analysis of food supply. Furthermore, the project would plant many more trees than would be removed. These new trees would offer habitat to the same animals that could be temporarily removed during project construction. The evidence presented by the project site (largely developed, within a developed area) led the biologist completing the Biological Resources Assessment to conclude that no focused wildlife assessment was necessary (please refer to page G-8 in **Appendix G**). See **Section 4.1** of the Draft EIR for a discussion of visual impacts, and Master Response 9 regarding trees.

37.37 The Draft EIR includes **Mitigation Measure 4.3-2b** (please see page 4.3-20), which requires pre-construction surveys for nesting birds prior to the issuance of demolition permits and no more than one week prior to tree removal. This mitigation would ensure that any nesting bird would be protected until the young have successfully fledged.

37.38 See Master Responses 4, 5, 9, and 12.

[3] Aliquot Associates Inc. Information that Address Comments. Received June 30, 2011.

James and Brigitte Kirkpatrick
2480 Warren Road, Walnut Creek, California 94595-1249

LETTER 38

Lashun Cross, Senior Planner
Department of Conservation and Development
651 Pine Street
4th floor, North Wing
Martinez, CA 94553

Dear Ms. Cross,

We live at 2480 Warren Road in Walnut Creek and the house shares a back fence with the site for Sufism Reoriented's new Sanctuary project. The two of us are members of Sufism Reoriented. Accordingly, we have a couple of perspectives on the Draft EIR for the New Sanctuary for Sufism Reoriented.

38.1

The Draft EIR is surprisingly thorough and quite helpful in understanding potential environmental concerns. You deserve thanks for a comprehensive exploration of those concerns. As members of Sufism Reoriented we're very happy to know that a 30-year dream is closer to coming true. It will be an elegant and useful home for our devotion and activities.

As residents in the neighborhood we are grateful for the detailed consideration of the various aspects involved in construction of the project - especially noise. There is one area of particular interest and concern for us - traffic. As we read the full EIR, the proposal for the roads near the site described as variant B concerns us. Rather than making a difficult intersection safer, it seems to concentrate on making it faster (35 mph vs. the current 30 mph). We walk and bike the area frequently and can assure you that faster would not be better for the residents or the drivers. The Alternative 3: Modified right-of-way Alternative found in section 5.3.3 makes much more sense to us as residents and as walkers/bikers. This redesign of the roadway better serves both drivers *and* pedestrians because it is safer for both. 38.2

We are looking forward to County approval of our new home.

Sincerely,

James & Brigitte Kirkpatrick

CONTRA COSTA
2011 MAY 12 P 12:24

Responses to Comment Letter 38 – James and Brigitte Kirkpatrick

38.1 The comment does not raise any significant environmental issues requiring further response. See Master Response 12.

38.2 The County notes the comment in support of Alternative 3. Also see Master Responses 6 and 12.

LETTER 39

Ms. Lashun Cross
Senior Planner
CCC Dept. of Conservation & Development
651 Pine St.
4th Floor - North Wing
Martinez, CA 94553

Dear Ms. Cross:

I am writing to comment on the Sufism Reoriented project proposed in the Saranap neighborhood at Boulevard Way near Warren Road.

I live at 11 Iris Lane, which is well within the 300-foot radius of the proposed project. I am not a member of Sufism Reoriented. 39.1

In general, I am fully supportive of this project. I have read the Draft EIR and only have comments pertaining to Traffic and Circulation. I am in support of the existing proposal to install a sidewalk along the entire project frontage to Warren Rd. I am not in favor of widening that curve on Blvd Way for the purpose of increasing vehicle turn speed. I am also not in favor of making that curved intersection at Kinney Dr. into a 4-way stop, as doing so may increase traffic back-up at peak travel times. My biggest concern, though, is the existing intersection between Kinney Dr. and Boulevard Way. When stopped on Kinney Dr. traveling east to enter Boulevard Way (SW corner of intersection), vehicles must lurch forward dangerously far in order to see northbound Blvd Way traffic (to determine if it's safe to enter Blvd Way). This is both dangerous and inconvenient and has sadly been the situation for quite some time, making for an extremely dangerous intersection. With increased traffic resulting from this project, my fear is this situation will be worsened by impatient drivers who may have longer wait times at the stop sign. My understanding is that some of the property at that corner actually belongs in the public right of way, which means the county has the authority, right, and duty to improve line-of-sight visibility there. I realize this property is not owned by the Sufi's; however, given the increased traffic load the project will generate for that intersection, the County has the obligation to address a long-standing defect occurring at the intersection of Kinney Dr. and Boulevard Way. 39.2

Thank your for your attention.

Sincerely,

Ted Liu
11 Iris Ln., WC 94595
925-709-4006

CONTRA COSTA
2015 MAY 17 P 12:13

Responses to Comment Letter 39 – Ted Liu

39.1 See Master Responses 6 and 12.

39.2 See Master Responses 2 and 6.

LETTER 40

May 18, 2011

Ms. LaShun Cross,
Senior Planner
CONTRA COSTA COUTY DEPARTMENT
Conservative and Development
Commercial Const. Dev. Dept.
651 Pine Street
Martinez, CA 94553

CONTRA COSTA
2011 MAY 20 P 12:50

LICENSE/COUNTY FILE NUMBERS:
LP082034
Ms090008
MS080011

Sufism Reoriented Application to Build Large Sanctuary

Dear Ms. Cross,

We still **FIERCELY DO NOT** want this large complex constructed in our "quaint and small" home residence neighborhood due to its enormity, its underground secretive meetings, and its impact on traffic which could involve fatalities. There are so many more other reasons why we don't want this MONSTER BUILDING in our neighborhood! MY HUSBAND, MYSELF AND OUR FAMILY MUST VIGOROUSLY DEFEND THE UNIQUE CHARACTER OF OUR NEIGHBORHOOD!

We **DO NOT** like that so many trucks will block and destroy our streets with taking out 43,000 cubic yards of soil to build the underground facility. Would if there are Indian remnants there? History there? 40.1

This area already looks too industrial. The properties that this organization has bought out has further made this area look abandoned, sad, and has enticed robbers to come into our neighborhood because of its appearance. 40.2

VERY ALARMING because it is a very secretive, weird, and cult-like suggestion to build underground and have it not be available for seeing by the public. Yes, we can go to the Library but not allowed to see what is underground which is **TWO THIRDS** of this complex. This complex is not only underground but hidden behind massive 6 foot white masonry walls! Shall I say WACO? This is very frightening for our family. I called them and asked if I could come down and see the underground once it was built and was told that only members may be down there. It is not open to public unless you join them. And, how do I know I would be accepted? **THIS IS REALLY SCARY!** 40.3

Do not take down any Heritage Oaks that may be on this property. I believe it is a law to not remove these trees. 40.4

Another major concern is would they acquire more properties over the years and "take over" our neighborhood? Would they sell in time of crisis to another real estate grand company to buy and acquire more properties to enlarge their agenda. Say shopping malls, gas stations, fast food, apartment complexes? Lets not open the book. 40.5

This complex detracts from our semi-rural residential nature of our lovely Saranap neighborhood! We love our rural area and it's beauty. Plans are to make Boulevard way be more beautiful and less industrial looking. This building is NOT RURAL, AND NOT CONSISTENT TO OUR AREA. Our property values will go down. I'll worry about my children being in this area. It will negatively destroy our neighborhood with its enormity and look 40.6

My children and I drive in this neighborhood and there are ALREADY MANY ACCIDENTS AT THIS BOULEVARD WAY/KINNEY DRIVE intersection. Please check the traffic accident records! We know the traffic situation and dangers of it now. To add onto traffic and dangerous situations isn't an invitation we'd accept. I have three children. One is driving now, another two are on their way. Don't allow this to make more traffic to endanger our children in our neighborhood. 40.7

I have written other letters that must be on file. January 25, 2011, January 7, 2009, July 21, 2008, and July 14, 2008 letters previously sent of the other reasons not wanting this in our neighborhood. 40.8

- NOT ZONED FOR COMMERCIAL DEVELOPMENT 40.9
- A SECRETIVE GATHERING PLACE. WACO? BOMBS? TIES WITH TERRORISTS? HOW CAN ONE KNOW IF THIS LARGE ESTABLISHMENT IS HIDING?

40.10

Do not allow this secretive overtaking of our family occupied residential neighborhood. We have neighborhood watch signs but how do we watch something that is built underground and doesn't allow viewing of this space?

Sincerely, Robin and Ron Longchamps

Responses to Comment Letter 40 – Robin and Ron Longchamps

40.1 See Master Responses 8, 4 and 12. The Draft EIR describes potential impacts to cultural resources including historical and archaeological resources (**Impact 4.4-1**) and human remains (**Impact 4.4-2**) and requires mitigation to address these impacts (**Mitigation Measures 4.4-1** and **4.4-2**). Please refer to Draft EIR page 4.4-2, which described that a literature review and a field inspection were conducted on the project site for potential previously unknown cultural resources. While it is unlikely that those resources would be present on the project site, **Mitigation Measures 4.4-1** and **4.4-2** are provided to address any potential discoveries once ground-disturbance begins.

40.2 See Master Response 4 regarding the project's compatibility with the neighborhood. See Master Response 12 regarding the County's consideration of the merits of the project.

40.3 The proposed below-grade construction would minimize the appearance of the building. See Master Response 12.

40.4 There are no heritage designated trees on the project site, so none would be removed. See Master Response 9.

40.5 The potential future ownership of other property by the applicant does not affect the environmental impacts of the project. Should the applicant (or any other owner) wish to change the use of existing facilities or develop new facilities, the applicant or owner would need to comply with existing land use regulations or process applications to change those regulations. The prospects suggested by the commenter would be subject to the County's normal development procedures, including environmental review under CEQA. See Master Response 12 regarding the County's review of the merits of the project.

40.6 See Master Response 4.

40.7 See Master Response 6.

40.8 The letters cited by the commenter are acknowledged by the County. The comment does not raise any significant environmental issues requiring further response.

40.9 The commenter is correct that the project site is not zoned for commercial development. The project building is a religious facility and is not

considered commercial development. The proposed religious land use is allowable in this zone (R-10) as well as all other single-family residential zones in the unincorporated County with the issuance of a land use permit. See also Master Response 12.

40.10 See Master Response 12 regarding the County's consideration of the merits of the project.

LETTER 41

"Lowande, Debra"
<debra.lowande@hp.com>
05/26/2011 07:08 PM

To "lashun.cross@dcd.cccounty.us"
<lashun.cross@dcd.cccounty.us>
cc
bcc
Subject Response to Draft Environmental Impact Report for the Proposed Sufism Reoriented Sanctuary Project (County File numbers LP082034 and MS090008)

Ms Cross,

Unfortunately, due to business travel and illness in the family, I have not had time to draft a formal letter to you and the County. However, I have several comments that I think are important to highlight, so I am sending this email for your consideration. 41.1

I live directly across the street from the proposed site and this will impact me directly - possibly more than most in the neighborhood. Here are my concerns:

1. I oppose taking down mature Oak trees. There is no reason to do this that I can see other than to make room for a parking lot and/or ornamental trees that will not see full maturity for at least 10 years. I thought that Oaks were protected? 41.2
2. The style and size of the building and its proposed fencing is inconsistent with this neighborhood and would pose a harsh contrast to the view the neighborhood currently enjoys. 41.3
3. I do not want 320 people walking, biking or driving in front of my house multiple times a week. This corner is busy enough and dangerous enough without adding to traffic. 41.4
4. An alternative should be offered – such as building a sanctuary that is more consistent in look/feel with the single family home environment it seeks to impact, i.e., a frame house like structure may be more palatable. 41.5
5. I oppose ANY lighting at night. This is a neighborhood, not the Las Vegas strip. I already have a street light shining into my back yard. The proposed upward lighting at night would still cast light into my home and greatly add to the already undesirable light at night. 41.6

Sincerely,

Debra Lowande
3 Garden Ct.
Walnut Creek, CA 94595
debra.lowande@hp.com

Responses to Comment Letter 41 – Debra Lowande

41.1 The comment does not raise any significant environmental issues requiring further response.

41.2 See Master Response 9.

41.3 See Master Response 4.

41.4 See Master Responses 6 and 7.

41.5 See Master Response 2.

41.6 See response to comment 37.3.

LETTER 42

CONTRA COSTA
2011 APR -5 P 1:05

April 3, 2011

CONTRA COSTA COUNTY DEPT. OF CONSERVATION AND DEVELOPMENT
651 Pine Street, 4th Floor – North Wing
Martinez, CA 94553

Attn: Ms. Lashun Cross, Senior Planner

RE: County File Numbers. LP082034 and MS090008, Sufism Reoriented Sanctuary

The physical changes that this project will bring to a dominantly residential neighborhood are not acceptable to us. We are the owners of the property at 2495 Warren Road, Walnut Creek, (Floraland Tract Parcel 08), which abuts a portion of this proposed project. The access roads in this area are narrow, two lane streets, several with no sidewalk or parking areas on the streets. It is an older comfortable area with single family dwellings and small commercial area. This proposal asks the county to compromise its existing building code requirements in a neighborhood of neighbors living in individual single family dwellings (please, note the word "families"). 42.1

The long period of time this project has taken to get to the decision stage is indicative of the changes that will come to the area if the project is approved. We are against this approval and ask you to respect the need for this area to remain family oriented and not masked off large walled areas which serve as divisions and statements of isolation in an area of neighborhood activity. 42.2

Sincerely, Wm. D. and Sharon W. Lyons

William D Lyons

Sharon W Lyons

Responses to Comment Letter 42 – Wm. D. and Sharon W. Lyons (April 3, 2011)[4]

42.1 See Master Responses 4 and 12. The County has adopted the 2010 California Building Code. The project would be subject to all applicable provisions of the building code. The project applicant is not requesting any waiver from this building code. The commenter may be referring to zoning. The site is zoned R-10. Religious facilities are allowed in an R-10 zone with the issuance of a Land Use Permit. The applicant has applied for a Land Use Permit, and this EIR evaluates the impacts that would occur if that permit were granted.

42.2 See Master Responses 4 and 12. The comment does not raise any significant environmental issues requiring further response.

[4] In this letter, Wm. D. and Sharon W. Lyons state that they own the property at 2495 Warren Road. In Comment Letter 43, Mr. and Mrs. Lyons state that they own the property at 2496 Warren Road. According to a review of Assessor Maps, it is assumed that the property in question is located at 2496 Warren Road, as no there is no property with a 2495 Warren Road address.

LETTER 43

May 15, 2011

CONTRA COSTA COUNTY DEPT. OF CONSERVATION AND DEVELOPMENT
651 Pine Street, 4th Floor – North Wing
Martinez, CA 94553

Attn: Ms. Lashun Cross, Senior Planner

RE: County File Numbers LP082034 and MS090008, Sufism Reoriented Sanctuary

This is an additional letter of objection to this project based on recently received information.. We are owners of property at 2496 Warren Road (Floraland Tract Parcel 08), abutting a portion of this proposed project. We are in receipt of the Executive Summary of the new sanctuary project of Sufism Reoriented at the Boulevard site.

In the Traffic and Circulation [4:13] we note the incorporation of a SIDEWALK along the project frontage and extending to Warren Road (along property lines NOT part of the project). This is along our property line. No one has ever approached us about this intrusion on our property. We are not in favor this project as stated in previous letters of objection. Now, we are dead set against this project and the loss of any of our property. 43.1

Under Biological Resources {4.3} the potential of purchasing "adjacent Odell property" again puts the traffic situation on Warren into question. This is a narrow street, no sidewalks, limited street parking and already requires moving vehicles to pass each other with care or even give way to allow single passage. Should the fire department get involved street problems will become a major issue.

This project is too much for Saranap.

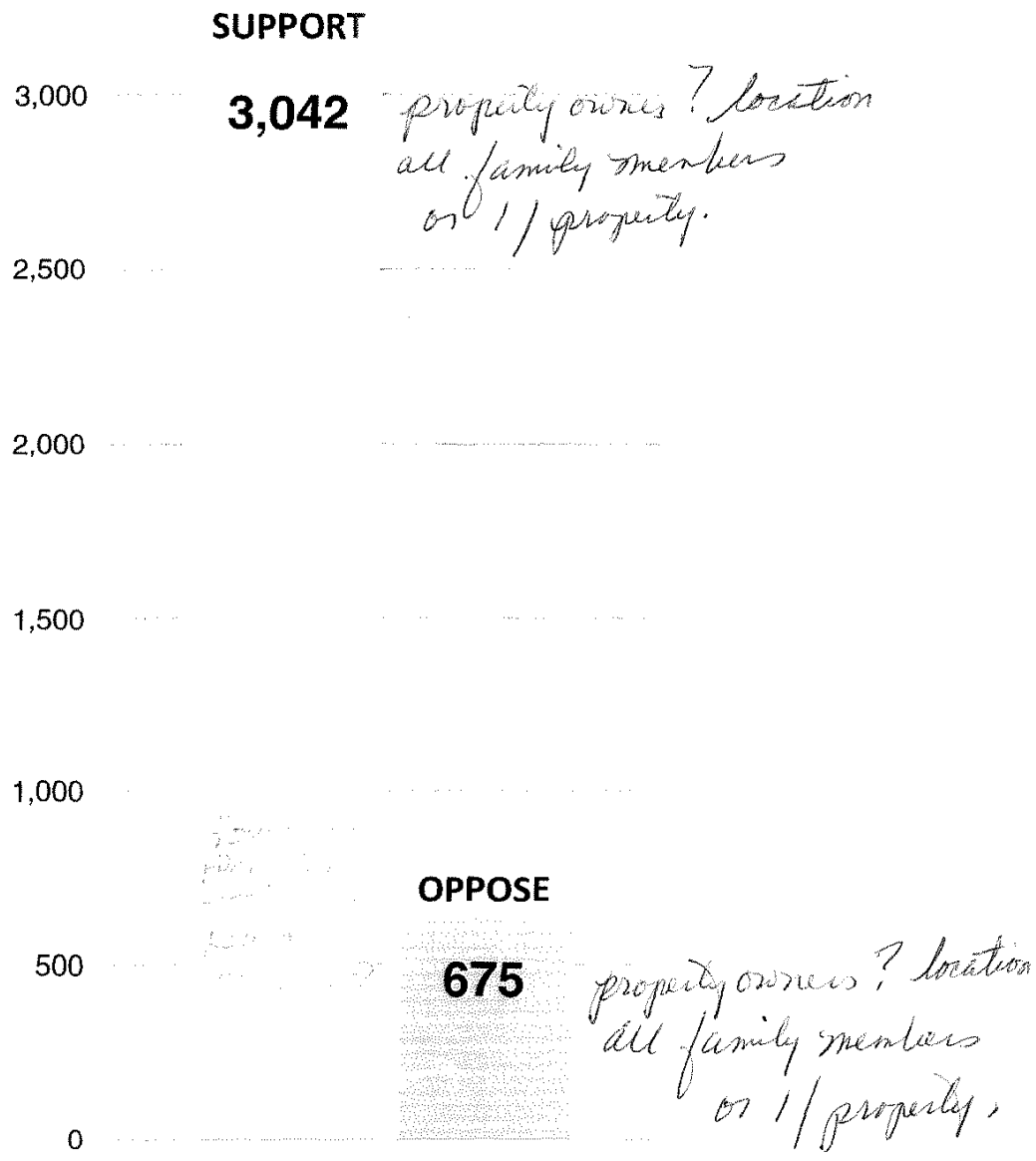
Graphs included in the mailing we received were very misleading (misinformation made to look meaningful). There was insufficient information on the origin of these "votes" – were they property owners in the vicinity, the general public, Sufi members – how many per family were counted. A copy is attached. 43.2
Again, the fact that the county must make so many compromises/changes in codes for this project to go forward speaks to the reason to reject this expansion. 300 Sufi members do not need this expansive estate in a residential neighborhood.

Sincerely, Wm. D. and Sharon W. Lyons

Wm D and Sharon W Lyons

CONTRA COSTA
2011 MAY 17 P 12:17

UPDATE ON SANCTUARY SUPPORT



property owners? location
all family members
or 1/property.

property owners? location
all family members
or 1/property.

Source: Letters and petitions submitted to the Department of Conservation and Development, Contra Costa County, as of April 2011 (duplicates not counted)

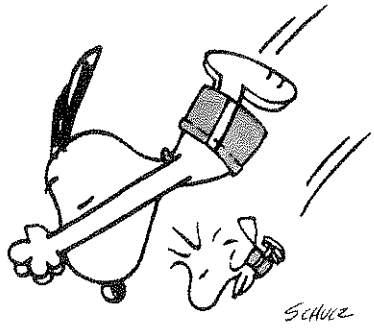
Responses to Comment Letter 43 – Wm. D. and Sharon W. Lyons (May 15, 2011)

43.1 The proposed sidewalk along the project frontage and extending to Warren Road was not part of the project application (and is not included within Project Variant A). The Contra Costa County Department of Public Works has included this sidewalk as a recommended condition of approval (included within Project Variant B). The addition of the sidewalk would not involve the taking of any private property. The existing public right-of-way extends beyond the existing edge of pavement of Boulevard Way. The right-of-way includes sufficient width to accommodate the sidewalk without requiring any take of private property.

43.2 The commenter is referring to the Contra Costa County Fire Protection District's requirements regarding the secondary access/emergency vehicle access (EVA) road that would serve the project site from Warren Road. The EVA would only be used as a secondary access by emergency vehicles and there would be no access to the main parking lot. As the EVA would only be used in limited circumstances, there would be no substantial impact to traffic on Warren Road. Please also see Master Response 6 and the response to comment 79.10. See Master Response 12 regarding the County's consideration of the merits of the project.

Re - E.I.R.
File Nos.
LP082034 and
MS 090008

5/26/11



LETTER 44

Attn: Ms. Joshua Ross, Senior Planner

I am Mary P. Mack, 1305 Boulevard Way, Walnut Creek. I am not a member of Sierism Reoriented. I have been looking forward to this project getting under way.

I like that surfaces will be watered 1-2 times per day and loose material off site will be covered. (Impact 4.2) 44.1

It is good that the actions under Mitigation measure - 4.5-2a be completed.

I like the Mitigation measure 4.7-1 and dealing the lead, asbestos etc - re the demolition

I like that Mitigation measure for 4.10-1 - includes sound barriers along the northern and southern property lines.

PEANUTS Characters:
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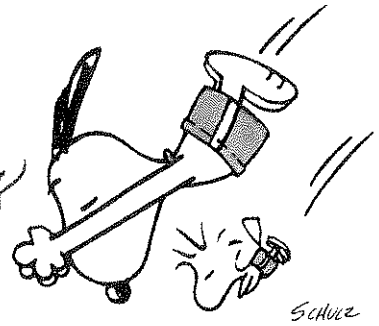
United Feature Syndicate, Inc.

RECEIVED
MAY 27 2011
CONTRA COSTA COUNTY
CONSERVATION & DEVELOPMENT

Re E.I.R.
File Nos.
L 08 2037 - MS 09 000 8



Re Traffic 4.13
Proj. Variant re. fence & sidewalk to warrant items sufficient. I cannot see any increase in bicyclists or pedestrians along the project site.

44.1, cont.

I think this project should move ahead quickly based on the outcome of this E.I.R. Executive Summary Report.

Mary B. Mark
1305 Boulevard Way
#210
Walnut Creek Ca
94595

PEANUTS Characters:
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Responses to Comment Letter 44 – Mary Mack

44.1 The comment does not raise any significant environmental issues requiring further response. See Master Response 12 regarding the County's consideration of the merits of the project.

Mrs.Lashun Cross,Senior Planner
CCC Dept of Conservation and Development
651 Pine St. , 4th Floor - North Wing
Martinez, CA 94553

May 1, 2011 LETTER 45

CONTRA COSTA
2011 MAY 10 A

Dear Mrs.Cross;

I am writing to you as a resident of the Saranap Neighborhood of Contra Costa County. My wife and I reside at 1271 Juanita Drive, located within a quarter mile of the proposed Sufi Reoriented Sanctuary, now under consideration. I've lived in Saranap for some 50 of the last 60 years - since 1951, My wife has lived here for the past 27 years. We have raised a family here. Thus, we have an ample historical sense of the attractions and virtues of the Saranap Neighborhood. We desire only the best in quality of life for this unique region of the county.

Recently we have had the opportunity to peruse the EIR referenced to the construction of a new Sufi Sanctuary and grounds along Boulevard Way. 45.1

While not belonging to the Sufis per se, as long term residents and neighbors of the many friends and acquaintances who are Sufis, we are pleased to note the thorough and meticulous planning by the Sufi Community in addressing Saranap concerns regarding the construction phase of the sanctuary project. The Sufis have been integral and responsable neighbors in Saranap for over 30 years. They are as dedicated as all of us to preserve and enhance the semi rural ambiance of our community. Extraordinary care in the mitigation of the inevitable process of construction activity, pertaining to noise, air quality, geology, drainage and traffic circulation are detailed in the EIR document.

Our Sufi neighbors largely reside within, and serve through, the White Pony School, located at the heart of the same Saranap Neighborhood which we all enjoy. Their contribution as a group to the enhancement of the educational and cultural well-being of Saranap has been unparalleled over the past 30 years. I sincerely believe that I can objectively state from an historical perspective of over a half century of living in Saranap, that no group, association or organization equals the Sufis for the enrichment of the educational and cultural life of Saranap. The Sufis are remarkably sensitive to preserving and enhancing the qualities which make our neighborhood unique and an attractive place to live and raise families. This same philosophical integrity extends to the care shown in the EIR document pertaining to construction concerns and collateral impacts upon the environmental quality for residents of our neighborhood. It is all about a proven track record of integrity, Mr. Cross. 45.2

We note the time, effort and resources invested in the improvement of traffic and pedestrian safety along Boulevard Way - particularly at the intersection with Kinney Drive - as an example of a well-thought out plan to better an awkwardly existing thoroughfare. The 45.3

suggestions to build sidewalks, install new stop signs and amplify line of sight will measurably improve traffic safety along the streets mentioned. Similarly, in each category of the EIR, can be seen the same care and attention to quality of life as shown in the traffic study. I would support the idea of erecting "story poles" to give neighbors an idea of the actual physical dimensions of the project, however. 45.3, cont. 45.4

Therefore, we are looking forward with great expectation and anticipation to the approval by the CCC Department of Planning for the Sufi Reoriented Sanctuary construction. 45.5

Sincerely,

Jay R. Marchus Margarita W. de Marchus

Jay R. Marchus Margarita W. de Marchus

Responses to Comment Letter 45 – Jay R. Marchus and Margarita W. de Marchus

45.1 The comment does not raise any significant environmental issues requiring further response. See Master Response 12 regarding the County's consideration of the merits of the project.

45.2 The comment does not raise any significant environmental issues requiring further response. See Master Response 12 regarding the County's consideration of the merits of the project.

45.3 The comment does not raise any significant environmental issues requiring further response. See Master Response 6.

45.4 See Master Responses 1 and 5.

45.5 The comment does not raise any significant environmental issues requiring further response. See Master Response 12 regarding the County's consideration of the merits of the project.

Attn: Ms Lashun Cross, Senior Planner
Contra Costa County Dept. of Conservation and Development
651 Pine Street, 4th Floor, No. Wing
Martinez, Ca. 94553

LETTER 46

Regarding Proposed Sufi Reoriented Building LP082034 and M MS090008

I am a resident of 61 Blade Way Walnut Creek for over 50 years. Four generations of my family have lived in this neighborhood. While I have seen many changes in the neighborhood in these years, nothing compares to the proposed, out of place building which the Sufi Reoriented group wants to build. While I know many of the Sufi members in the area and they are good people, the building is not a good idea for the following reasons: 46.1

1. Saranap is one of the few neighborhoods remaining that still has its small town charm.

2. There is still a minimum of traffic in this area. 46.2

3. The Sufi Reoriented group approach to getting this building constructed has been not only rude but bordering on abusive. They took over a long standing neighborhood association and turned it into a lobbying and PR group to get the building constructed. The neighborhood association up to that point has been focused on the preservation of the Saranap area. 46.3

4. Drive down into our area and see its charm. The last thing we need is a large organization which will include building noise, traffic and a further takeover of the neighborhood by a group that has done more to impose their will than fit in. Not to mention this is an architectural monstrosity which look like a Space Ship. 46.4

5. They already have a large site in the area which is a large public school (formerly Montecito) which was turned into their private school the private K-5 Meher School. Enough is enough. It would make much more sense to turn an already large organization and site which they currently own into their gathering place. 46.5

Please do not be responsible for the further decline of the beautiful Saranap Area. You will find a number of books written about this neighborhood including Including Saranap then and now by Dorothy Ligata.. I would hope that future editions of this book and others do not have the names of the people from local government listed as the ones who turned a small cozy area into weird architectural local. Please do not allow this to be built. The best solution is to use their school for this gathering place. 46.6 46.7

Sincerely,

Kathleen M. Mitchell
61 Blade Way
Walnut Creek, Ca

Kathleen M. Mitchell
5-7-11

CONTRA COSTA
2011 MAY 10 A 11:38

Responses to Comment Letter 46 – Kathleen M. Mitchell

46.1 See Master Response 4.

46.2 See Master Response 6.

46.3 The comment does not raise any significant environmental issues requiring further response.

46.4 See Master Responses 3, 4, 6, and 8.

46.5 See Master Responses 2 and 3.

46.6 See Master Response 4 and 12.

46.7 See Master Responses 2, 3, and 12.

LETTER 47

To: Ms. Kashun Cross, Senior Planner
Countra Costa County Department of Conservation and Dev.
615 Pine Street, 4th Floor - Nort Wing
Martinez, Ca 94553

From: Judith L. Mona
2435 Warren Road
Walnut Creek, Ca 94595

CONTRA COSTA
2011 MAY 25 P 12:32

Date: May 24, 2011

RE: County File LP082034 and M5090008

I am a long time resident homeowner on Warren Road across from Island Court and the Odell driveway. In recent years there has been more traffic on Warren Rd. and Island Court, as well as on Blvd. Way. My concern is with the use of the Odell driveway as access to the Sufi property. This would increase traffic, noise, perhaps parking on Warren Rd. and Island Court, besides being an impingement of privacy for the homeowners on Odell driveway and for those who live on the West end of Warren Rd. and Island Court. Added parking and traffic would make unsafe conditions for homeowners getting in and out of homes/driveways. 47.1
Thank you for considering my concerns.

Sincerely,
Judith Mona

Responses to Comment Letter 47 – Judith Mona

47.1 See Master Response 6.

PAT ROCHE: Thank you. The next speaker I have is Curtis Trenor.

CURTIS TRENOR: Hello. I am Curtis Trenor and I reside at 2450 Warren Road along with my wife Debra. We received the Draft EIR approximately 10 days ago and are trying to muddle through it. As a result of the significant impacts on our property, because we're abutting the project, we would like time for our engineers and my land use consultant to review it (inaudible). I need more time as well so I would echo and build off of that additional 45-day request that it is put before the Commission. I'm not really ready to make comments, but I will just paraphrase a couple of things that I've noticed that are real concerns to me. One, my land use consultant advised me that the DEIR is so fatally flawed, it cannot be certified as filed due to its failure to adequately analyze alternatives to the build, no build scenario. Secondly, sections 4.5.2 and 4.5.4 regarding soils instability as a result of construction and the threat to life and property afterwards. The minimal mitigation measures that the DEIR consultant relies upon to deem these significant impacts less than significant doesn't include underpinnings as appropriate to adjacent properties and a plan check prior to construction and a concrete slab floor on the proposed sanctuary. Quite frankly sir, I'm not interested in having a project constructed near our home that's of such a massive size scale and scope that requires additional underpinnings to mine or other neighboring homes and creates a risk to life afterwards as noted in the DEIR. Despite minimal litigation measures imposed including underpinning, pre-construction meeting and a concrete slab floor, the inherent risks associated with the project convenience only a minority of the community who are members of Sufism Reoriented and expose the majority to additional and unnecessary risk without the benefit and to the detriment. I reserve the right to make comments in the future. Thank you very much.

PAT ROCHE: Thank you sir. The next speaker I have is Barbara Nawata, if I am pronouncing that correctly.

BARBARA NOWATA: I agree with the first three speakers.

PAT ROCHE: Ma'am, could you give your name and address for the record?

BARBARA NOWATA: Barbara Nawata. 761 Hilton Road.

48.1

PAT ROCHE: Okay.

BARBARA NOWATA: So, I agree with the first three speakers, so I just won't waste anymore of your time.

PAT ROCHE: Very good. Thank you. Alright, the next speaker is Judy Robert.

JUDY ROBERT: Hello. My name is Judy Robert. I live at 1501 Sunset Loop and have resided in the neighborhood for about 43 years. One of my major concerns is the construction and the excavation of the ground and the inconvenience for a long period of time of so many dump trucks moving property out of a site that is going to be so

Responses to Comment Letter 48 – Barbara Nawata (Zoning Administrator Hearing)

48.1 Please see responses to comment letters 23, 35, and 82.

Monday, May 23, 2011

LETTER 49

CONTRA COSTA
2011 MAY 25 P 12: 30

Contra Costa County Department of Conservation and Development
651 Pine St, 4th Floor North Wing
Martinez, Ca 94553

Attn: Ms. LaShun Cross

Dear Ms. Cross,

I am responding to Draft EIR #LP082034 and MS090008. My husband and I have lived in this area since 1967. We love this safe, green, and peaceful place and are concerned about the proposed project by Sufism Reoriented which seems inappropriate for our neighborhood in many ways.

49.1

One great concern is the inadequacy of parking at this very large building with restroom facilities for over 2000 people. I understand that the local membership is less, but this very large space opens up the possibility of regional or national conferences. Sometimes organizations even rent out their facilities to others for special events.

The mitigated solution seems to be a promise to walk and carpool if attendees use up more than the very few parking places that they have planned. I don' think our neighborhood should have to rely on a **promise**. An unenforceable promise is not an adequate mitigation. The assumption we are expected to accept seems to be that there will be little to no public on-street parking. I understand that the number of parking spaces required is determined by the number of seats in a facility. Certainly, in the case of this organization, it is foolish to assume that the number of attendees at any function will be limited to the number of permanent seats. The minimum number of parking spaces should be at least 250. 49.2

Another concern is the placement of the driveway in the bend of Boulevard Way. This is the very worst place it could be put along the extensive frontage of the property that seems to have been acquired. They have a large and perfectly adequate driveway that would be much more suitable to use nearby. I fear that the influx of traffic on this bend of Boulevard Way will eventually cause a need for additional stop signs or a traffic light to ensure safety for all those walkers. In the event that this organization continues to acquire more land for needed parking or other things, even more traffic would enter at this bad curve. This is inconsistent with the quiet rural nature of our neighborhood. 49.3

Please consider this very small representation of the many problems in this draft and deny approval of this document.

Sincerely,

Barbara Nawata

Barbara Nawata
761 Hilton Road
Walnut Creek, Ca 94595

cc: Catherine Kutsunis
Gayle Uikema, Supervisor

Responses to Comment Letter 49 – Barbara Nawata (May 23, 2011)

49.1 See Master Responses 3 and 7.

49.2 See Master Response 7.

49.3 The project driveway is located approximately 175 feet east of the bend in Boulevard Way, not in the bend, as stated by the commenter. Please also see Master Response 6.

extensively excavated. And also all of the cement trucks to put all of the, it just seems to me that it's going to have, just the building of this big project is going to have a huge impact on the lifestyle of our neighborhood. I've got a few comments but I will wait to submit those. Thank you.

PAT ROCHE: Thank you. The next speaker is Bob Nuzum.

ROBERT NUZUM: Good Afternoon. My name is Robert Nuzum. My wife Judy and I live at 1072 Juanita Drive. It's fairly close to the project area. I agree with the comments that have been made previously and would much prefer just seeing the project remain (inaudible). Keep it residential and keep the character of the neighborhood the same as we have it now. Thank you very much. 50.1

PAT ROCHE: Thank you. The next speaker is Stacey Bradbury. (Inaudible voice in background.) Okay. I've got the next speaker as Kathy Rogers.

KATHY ROGERS: Hi. Kathy Rogers. 1496 Boulevard Way in Walnut Creek in fairly close proximity to this project. We've been talking about this for a long time in our organization and we are very desirous of seeing story poles to actually show everyone what this is. We've had I don't know how many depictions, artistic renderings of this project. I truly believe a picture is not worth a thousand words but the story poles are. And I think the neighbors can have a true feeling of the impact of this extremely large project on our humble and quiet residential neighborhood. Thank you.

PAT ROCHE: Okay. The next speaker is Lisa Ryan.

LISA RYAN: My name is Lisa Ryan. I've lived in the Saranap neighborhood for fifteen years. My address is 1430 Boulevard Way. My house is about three houses away from the proposed sanctuary. I'm very concerned specifically about the impact of drainage on my house and the houses of my neighbors. In the fifteen years that I've lived there, we've put in over a hundred thousand dollars in retaining walls due to surface runoff and drainage. I want further assurance that the project that's being proposed will not substantially increase the runoff issues that we already have at the property. And also increase the drainage and the runoff to my home in particular. I haven't had adequate opportunity to review the complete Draft EIR, so I would like to request some additional time to do that as well. I agree with the others that have asked for an additional 45 days. I would also like the reserve the right to submit further comments in writing at a later date. Thank you for your time.

PAT ROCHE: Okay. Alright, the next speaker I have is Wayne Fettig.

WAYNE FETTIG: Good Afternoon. My name is Wayne Fettig. I live at 178 Kendall Road. That's in Walnut Creek. I'm also president of the Saranap Homeowners Organization. And I agree with the previous speakers. I am personally involved in distributing the Draft EIR. I purchased a few copies of the paper version pretty much when it came out. It was a couple of days later, we realized that the appendices were not

Responses to Comment Letter 50 – Robert Nuzum (Zoning Administrator Hearing)

50.1 See Master Response 4 and responses to earlier commenters at the hearing.

LETTER 51

May 23, 2011

Attn: Ms. Lashun Cross, Senior Planner

Contra Costa County Department of Conservation and Development

651 Pine Street, 4th Floor – North Wing

Martinez, Ca 94553

Dear Ms. Cross:

The following comments are provided on the Proposed 66,074 Square Foot Sanctuary Project in Contra Costa County (County File #'s LP082034 and MS090008).

A. Comments Regarding the California Environmental Quality Act:

CEQA Section 15204C requires reviewers to explain the basis of their comments and to support their data or references with facts, reasonable assumptions based on facts, or expert opinion supported by facts. As such, please consider the following comments regarding information contained in the DEIR for the Religious Facility for Sufism Reoriented located along the south side of Boulevard Way near its intersection with Kinney Drive. 51.1

1) The existing conditions assessment described in Section 4.1.1 of the DEIR is inadequate given the extensive excavation planned. This excavation of 43,000 cubic yards of soil (3,310 truckloads) and the manner in which it will be removed is going to modify existing conditions both onsite and offsite and the engineering studies conducted to date do not adequately address these environmental conditions. For example:

    a) The onsite drainage studies are based on standard models using limited site data to develop input parameters. This might be an appropriate approach for constructing a small structure or one requiring the removal of a minimal amount of soil, but it is not appropriate for the size and depth of the planned

excavation and subsequent construction of a 46,074 square foot subterranean structure. Infiltration rates as well as surface and subsurface flow regimes are ASSUMED throughout the 3.13 acre Project site, and there are NO mitigation methods discussed for when the bioswales and below paver cooling systems proposed for the construction site collect more water than what has been assumed. 51.1, cont.

b) Offsite issues are assumed to be caused by overland flow without due consideration of subsurface flows. No one has contacted downstream neighbors to understand what types of issues they have been dealing with due to subsurface flows. Some neighboring properties have retained engineers to assist them to mitigate these conditions. What will happen when the subsurface flow regime is significantly changed and the engineered repair is no longer adequate to deal with the new subsurface conditions? These and other issues need to be completely assessed through the CEQA process so there is a balanced understanding of the environmental impacts both onsite and offsite. As such the CEQA process is incomplete. 51.2

c) The Geotechnical Report by DCM Engineering requires pre-project and post-project structural assessments for adjacent structures. Will the same structural assessment by the Project proponent be conducted for on-site structures and off-site private structures? Structural foundation systems and their repairs can be extensive and expensive and potential impacts to existing conditions need to be fully understood through the CEQA process. As such, the assessment of geotechnical issues should be deemed incomplete as no structural assessments have been completed and there are no mitigation measures considered. 51.3

d) Has there been any consideration of a Project alternative that does not alter the subsurface flow regime as significantly as the proposed plan? Why haven't Project proponents considered using the concept of a "Bath Tub" foundation, where water flows around the foundation system? This water should not be captured and rerouted to a surface collection area as proposed. "Bath Tub" foundation elements are becoming very popular to alleviate changes in subsurface flow conditions for large foundation systems such as those planned for this project. 51.4

e) Very sensitive, long-term and damaging hydrologic conditions in the Project Area and adjacent to it are well known to the County (Public Works, Maintenance Division and Flood Control) and to the neighboring homeowners. Altering the underground soils and groundwater flow will have a major impact upon downstream property owners. The hydrology of the Project site is being substantially modified by the proposed project and this environmental impact has not been assessed in the DEIR and mitigated. 51.5

f) The Stormwater Management Plan (SMP) was prepared in 2009 and is out of date. There have been significant changes in the permitting and monitoring process, which this project will need to be managed under, for both construction and long term given the hydrologically sensitive environment. This SMP in point of fact does more to describe the project than it does to provide a roadmap to how the project is going to comply with the new General Construction Permit (GCP) requirements. It is not acceptable for a construction project of the magnitude of this project to be EXEMPT from the requirements of this important new ruling if that is being considered. On September 2, 2009 the State Water Resources Control Board established Order No. 2009-0009-DWQ where if you have grading, street, utility or vertical construction disturbing more than one acre, then you must obtain a GCP. As such the County should be requiring the Project proponents, through the CEQA process to clearly show how a major construction project in a clayey environment, with a known and significant surface runoff problem, can successfully meet any of the turbidity requirements including those at the property limits and ALL downstream flow points where sediment load must be NIL as the water enters the creek for a period of up to 5 years after construction is completed. Without site specific information and a lack of consideration of the new General Construction Permit requirements, this SMP does not meet the intent of being CEQA compliant in 2011. 51.6

g) Traffic Management Plan (Plan) – This Plan was developed in 2009 and is no longer adequate for the Religious Facility Project as presented in the 2011 DEIR. How will the County verify that this Plan is updated and followed or that the 167 people identified in the Plan will continue to follow the Plan over time or that their replacements will follow the same Plan? What County official will specifically have the responsibility to insure that this Plan is implemented as it is described? What is the remedy for the Saranap 51.7

Residential Community if this Plan fails? As presented in 2009 this Plan does not meet the intent of being CEQA compliant as it has not been updated based on new design changes, it does not contain the same level of event detail as other project documents suggest, and the Plan does not provide any mitigation measures. 51.7, cont.

h) The Traffic Management Plan (Figure 4) indicates that the great majority of the 167 members of Sufism Reoriented that have agreed to walk to the new Religious Facility (100% of the time, rain or shine) rent apartments close (within ¼ mile) to the Project site. As such the assessment of the existing use patterns of foot and automobile traffic is not deemed adequate for the purpose of CEQA. 51.8

i) The Traffic Management Plan supports the extension of a sidewalk along the Project side of Boulevard Way. Why is there no consideration of an additional sidewalk on the other side of Boulevard Way (from Molly Way to the intersection of Kinney Drive and Boulevard Way)? There is a well worn path there that is currently used by the public, including members of Sufism Reoriented. In addition, what happens to the new sidewalk being proposed along the south side of Boulevard Way when it reaches Warren Road? This new sidewalk plan has not been thought out sufficiently in the CEQA planning document and this is just another reason the Traffic Management Plan is deemed inadequate. 51.9 51.10

j) A letter that many Saranap residents recently received, dated April 8, 2011 from Bob Carpenter of Sufism Reoriented, included a graph (attached) that states that letters and petitions submitted to the Department of Conservation and Development in support of this Project number 3,042 and those opposed number 675. Considering that the 350 members of Sufism Reoriented make up only 9% of the people who live in the Saranap Residential Community then most of the support letters are from Project supporters who are located outside the Project area and boundary of the Saranap residential community. We therefore respectfully request that the County either eliminate the support letters and petitions from people who do not live within the Saranap Residential Community or require the Project proponent to provide the names and addresses of these people to our Saranap Homeowners Organization so we can contact them to determine 51.11

what their interest is in our residential community. Further, the County should refrain from using any summation or recounting of the use of these data that they did not independently validate. 51.11, cont.

k) CEQA litigation cases have already named numerous DEIRs as inadequate, wherein the Project proponents did not consider any alternatives other than the "Project as Planned" and the "No Project". Why is the County not requiring a scaled back version of the Religious Facility project? Maybe one that does not represent such a significant negative outcome for the community residents that in good faith purchased their homes in a quiet neighborhood with few nighttime lights, and neighbors that genuinely care about how their home improvement projects might affect other homeowners in the neighborhood. 51.12

B. Section 4.1.3 -- Impacts and Mitigation Measure

Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?

1. As stated in the DEIR," both Project variants (A & B) would change the visual quality of the site but neither would substantially degrade the quality or the character of the site and its surroundings". This statement ends with a subjective conclusion that is NOT supported by the viewpoints expressed by the majority of the homeowners within the Saranap Residential Community. These homeowners point to several facts that document that the size, shape and color of the Religious Facility is not appropriate for our residential neighborhood, as follows: 51.13

    a) A stark white perimeter wall surrounding the 3.13 acre Sufism Reoriented compound. This wall is approximately 2,205 feet long and is like nothing else in this residential community. We have looked at the current white wall that Sufism Reoriented has erected on site at the Parsonage entrance. Is the proposed new white wall the same height? And, what height is that exactly as this wall height dimension is not included in the DEIR?
    b) A stark white Religious Facility in our neighborhood that incorporates 13 large stark white domes on top. In terms of 51.14

specifics: The large central dome in this complex is (according to the scaled drawings provided by the Project proponent) 112 feet in diameter and will be 35 feet above the existing grade; the 4 medium domes are 40 feet in diameter and will be 24 feet above the existing grade; and, the 8 smaller domes are 24 + feet in diameter and will be 21 feet above the existing grade. For a size comparison, the large single dome of the Jefferson Memorial in Washington, D.C. (143 feet in diameter) that was patterned after the Roman Pantheon (142 feet in diameter) are larger but not by much. And, the area of the 13 white domes for the Religious Facility being planned for our neighborhood is much greater than either of these historically significant buildings. Many of the Saranap homeowners, including my wife and me, attend churches in this area that are located in neighborhoods similar to the Saranap residential area. However, these churches have endeavored to make every concession so that their church's size, architecture and color blend into the neighborhood. Nowhere can we find an enormous sized stark white Religious Facility with 13 large white domes and a white perimeter wall in a residential area like ours. This Religious Facility is simply too large, the architecture is too different from our residential homes and the stark white color does not match anything in the immediate area. 51.14, cont.

c) The stark white color selected by Sufism Reoriented for their Religious Facility and its perimeter wall was said to be selected by the Project proponents, to symbolize "unity" but to us and hundreds of our Saranap neighbors this Religious Facility's size, design and color has created nothing but heartache in this residential neighborhood since the Project was unveiled. 51.15

d) See page 4.1-16 and 3-10 of the DEIR: Removing all of the mature "protected status" Oak trees. Our neighbors still can't believe this could happen. Like us they are asking how this wholesale removal of mature 'protected status' trees could be seriously considered by the County? Most of us would never dare to cut down a mature oak tree unless there was a clear hazard that we could adequately demonstrate? And, why do these protected trees have to be cut down? After looking at the design and layout of the Sufism Project and the current location of these trees we 51.16

speculate that it is because these trees are growing in the wrong place and won't provide a viable screen to hide the enormous white Religious Facility. It is not because they are not healthy or are not providing viable habitat for local wildlife. They are simply not wanted and the Project proponent is offering to offset this loss of 43 mature native oaks by planting 165 new and smaller trees. Most of the trees that would be planted would be established just inside the perimeter wall, so that in 6 years the neighborhood won't be able to see most of the enormous white building any longer. We would respectfully refer the reader to the Sufism Reoriented Landscaping Plan and list of trees that would be planted (Figure 3-9). After looking at this Figure the question that came to mind was – Is Sufism Reoriented trying to screen the residential community out or screen themselves in? And, the follow up question is -- Since when does offering to plant 165 mainly exotic trees (even if they are drought resistant) allow a Project proponent to remove 43 mature drought tolerant native trees that have "protected status" in Contra Costa County? Alternatives exist for protecting all of these mature native oaks and the DEIR has simply avoided that consideration in favor of gaining parking spaces they badly need. Again, to suggest as the DEIR does that the impacts to visual quality and character are considered Less Than Significant is a biased viewpoint by someone who does not live in the Saranap neighborhood that we care so much about. 51.16, cont.

e) Environmental Impact 4.1-1 on page 4.1- 16 of the DEIR regarding nighttime lighting. It is stated that either Project variant (A or B) would result in adversely affected nighttime views. The proposed Lighting Plan shown in Figure 3-8, including flood lighting of the white domes, LED lighting of the ring on top of the largest dome, lighting of the Parsonage, pathways, parking areas, reflecting pool, landscaping and maintenance areas would be a substantial increase in nighttime lighting. Mitigation Measure 4.1-1 does NOT provide adequate mitigation of the adverse affect of lighting up a large area that is not lit up today. According to the information provided by the Project proponent this substantial 51.17

increase in nighttime lighting will be due to: 47 path/post lights, 116 uplight bullets for lighting the new trees and sides of the enormous white building, 14 well lights between the small and medium sized domes to highlight building architecture, 7 wall sconces to light stairs and the dumpster enclosure, 12 roof mounted flood lights to light up the large dome and a highlight LED band on top of the main dome skylight. Yes, we agree that the Lighting Plan should be capable of lighting up the Religious Facility and its domes, the paths, the parking area, the roads, the Parsonage and the landscaping. Similar to the Luxor Hotel in Las Vegas, this Religious Facility should be visible from space at night but the Project proponent feels this Lighting Plan will have an impact that is Less Than Significant. The statements by the Project proponent is that they can light up the Religious Facility as they see fit as long as they do not have any BARE BULBS that can be seen and as long as the new light that will be created from their Project lighting would be compatible with offsite private and public right-of-way lighting in the vicinity? However, we are talking about an environmental impact from a new source of nighttime lighting from the Religious Facility and its grounds. It is obvious that the Lighting Plan would increase the nighttime light in this area substantially and that light cannot be mitigated by shrouding bare bulbs and trying to compare the new lighting with what is already in the area. 51.17, cont.

2. Section 4.8 -- Hydrology and Water Quality (Referenced by the Geotechnical Study, the Stormwater Management Plan and the Drainage Report in the Appendices to the DEIR).

The key problem with developing a substantial construction project within this particular Project area is that surface runoff and to some unknown extent the groundwater, have substantially impacted many of the surrounding residential homeowner structures and drainage facilities for many years. This has been well documented by various County departments and by engineering consultants who have worked on these surface and groundwater problems for years for the residential homeowners living within the three drainage areas. The homeowners have reports, pictures and videos demonstrating the extent of the problems in this 51.18

exact area. We would surmise that the consultants hired by the Project proponent knew this Religious Facility Project would not be approved if there was any "net project effect" on the three impacted drainage areas identified on pages 4.8-2 and 4.8-3. Or, alternatively the County might require the Project proponent to fix all of these drainage area issues. In addition, this' fix-it' alternative would carry substantial liabilities that the Project proponent would certainly not want to assume. The work of Project proponent consultants, especially that of Aliquot in 2011, focused on changing prior work results to remove an excess of surface water from one area and put it in another area on the Project Site. They did this to demonstrate (on paper at least) a "no net impact" to the surrounding three impacted drainage areas as a result of constructing the Religious Facility. One might argue that their designs would be a net improvement to the surrounding neighborhood owners. However, one could also ask if it is appropriate for a Project proponent to put forward a drainage plan to meet a 10-year recurrence interval (County requirement) to avoid having to assist the neighboring homeowners take care of their MUTUAL surface and groundwater problems? One might also ask what would happen during rainfall events when the 10-year design event is exceeded? Such as having a 25 year event where the 24 hour rainfall could be 4.9 inches instead of 3.5 inches or a 50 year event where the 24 hour rainfall could be 5.5 inches instead of 3.5 inches? Given the recent rainfall events, the 10 year design storm may be an inadequate design storm event for this area. One possible scenario would be that the 10 year designed facilities could not contain the surface runoff on site and the impacted drainage areas would be further impacted. The DEIR should include what would likely happen with regard to a 25 year and 50 year recurrence interval event. 51.18, cont.

The other issue identified by Aliquot is that meticulous maintenance is required of the greatly increased pervious materials on site (to 72% of the site area). Are the surrounding homeowners to assume that the maintenance and pressure cleaning of these pervious drainage facilities is going to be conducted as it needs to be forever and what is the rate at which the pervious materials will be impacted by the deposition of fine particles over time? Engineered solutions like these sometimes fail over time and the DEIR does not provide any mitigation of the natural and gradual decrease in pervious materials and what should be done when these hydromodification facilities cannot handle the surface flows that occur. 51.19

Another key issue mentioned herein is the degree that groundwater plays in the impacts that have been identified by surrounding homeowners. This is a great unknown and the DEIR is practically silent in this regard. Some reports that 51.20

homeowners have obtained indicate that there is too much groundwater and others indicate that surface water and not groundwater is the problem. Still other homeowners have had structures designed and constructed as part of their homes that are based on the current level of groundwater. The design for handling the subterranean portion of the Religious Facility will reduce the groundwater naturally leaving the Project site, and the impacts associated with this change in the local groundwater regime must be identified in the CEQA process and mitigated. In addition, the design engineer points out the care that must be exercised to not have water infiltrating in and around the new Sanctuary building. But, the engineering plans do not identify the differences this planned treatment of groundwater will have on neighboring structures. In some cases the decrease in groundwater may be very problematic and this impact from the Religious Facility's treatment of groundwater should be identified throughout the three drainage areas and mitigated. 51.20, cont.

Comments provided by:

Robert C. and Judith M. Nuzum
1072 Juanita Drive
Walnut Creek, Ca 94595

(Mr. Nuzum is a certified natural resource scientist and is the owner and lead scientist for Applied Natural Resource Management in Walnut Creek. Mr. and Mrs. Nuzum have lived in the Saranap area for over 40 years and Mr. Nuzum is a current Board Member of the Saranap Homeowners Organization)

And

Jeriann Alexander – Mrs. Alexander is a registered Professional Engineer and until recently was a long term resident of the Saranap neighborhood and Board Member of the Saranap Homeowners Organization.

Sincerely,

Robert C. Nuzum

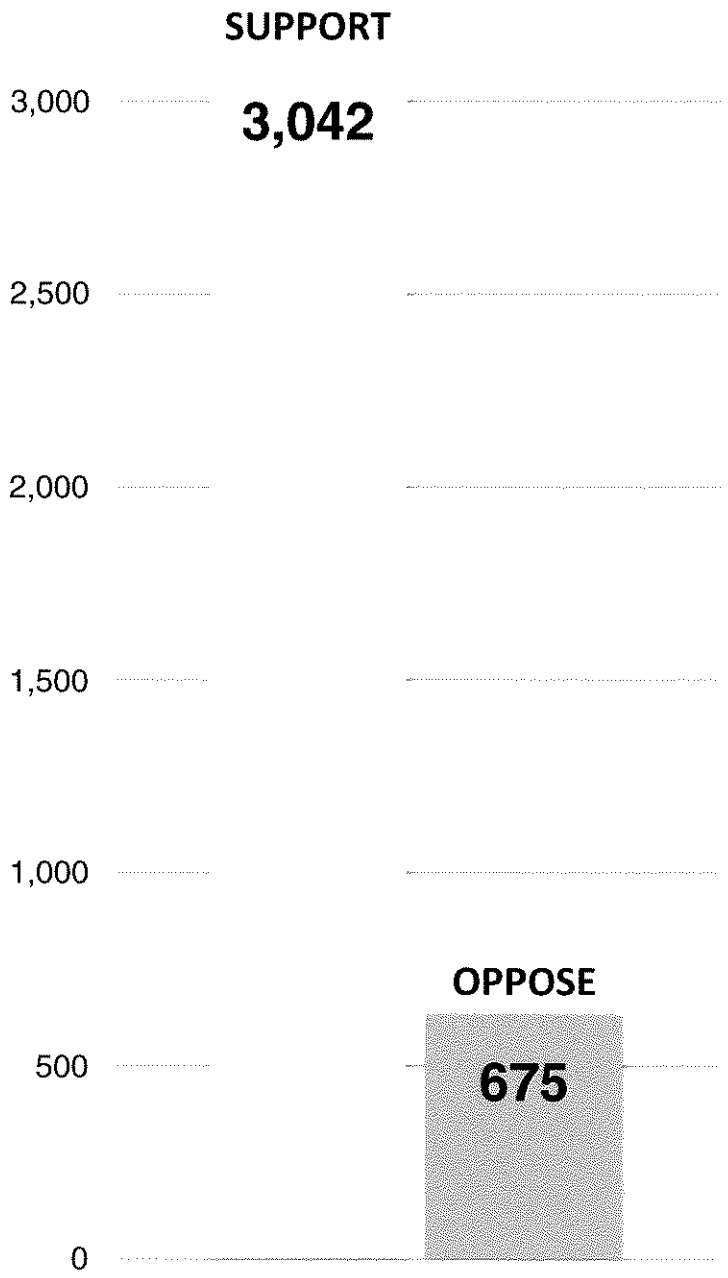
Judith M. Nuzum

Jeriann Alexander

cc. The Honorable Gayle B. Uilkema

Board Members – Saranap Homeowners Organization

UPDATE ON SANCTUARY SUPPORT



Source: Letters and petitions submitted to the Department of Conservation and Development, Contra Costa County, as of April 2011 (duplicates not counted)

Responses to Comment Letter 51 – Robert C. and Judith M. Nuzum and Jeriann Alexander (May 23, 2011)

51.1 See Master Response 10 and 11.

51.2 See Master Response 11.

51.3 See Master Response 10.

51.4 See Master Responses 2 and 10.

51.5 See Master Response 11.

51.6 See Master Response 11.

51.7 See Master Response 7.

51.8 See Master Response 7. Existing vehicle and pedestrian traffic comprise the baseline, not the impacts of the project.

51.9 See Master Response 6.

51.10 See Master Response 6.

51.11 The comment about purported levels of community support for or opposition to the project has no bearing on any specific physical environmental issue that need be considered further within the EIR. See Master Response 12 regarding the County's consideration of the merits of the project.

51.12 See Master Responses 2 and 5. See Master Response 12 regarding the County's consideration of the merits of the project.

51.13 Per project plans included in the Draft EIR, the height of the perimeter wall would be approximately 6 feet tall. This description has been explicitly added to the text of **Chapter 3**, Project Description. The fourth paragraph in **Section 3.4**, Project Components, on page 3-5 has been revised as follows:

> **Figures 3-5** and **3-6** depict elevation views of the proposed facility. The proposed design includes thirteen domes arranged in a circular pattern, with heights ranging from 20 to 35 feet from existing grade. The plan includes at-grade skylights to provide natural light. The color scheme of the proposed building will feature a light color palette. The main entrance will be framed by a marble plaza with a reflecting pool.

Sidewalks made of permeable pavers would circle the sanctuary building. **A wall running along the perimeter of the project site would be approximately 6 feet tall.**

51.14 See Master Responses 3 and 4.

51.15 Please refer to **Section 4.1**, Aesthetics, of the Draft EIR for a complete discussion of aesthetics impacts. As described on page 4.1-8 of the Draft EIR, CEQA has specific standards and criteria as to what constitutes significant aesthetics impacts. Significant impacts would occur if a project would damage scenic resources, affect scenic vistas, detract from visual character or quality, or create substantial new sources of light or glare. See Master Response 5.

51.16 See Master Responses 2 and 9.

51.17 Please refer to the response to comment 37.3.

51.18 See Master Response 11.

51.19 See Master Response 11.

51.20 See Master Response 11.

LETTER 52

May 26, 2011

Attn: Ms. Lashun Cross, Senior Planner

Contra Costa County Department of Conservation and Development

651 Pine Street, 4th Floor – North Wing

Martinez, Ca 94553

CONTRA COSTA
2011 MAY 27 A 11:44

Dear Ms. Cross:

The following comments are provided on Sufism Reoriented's Proposed 66,074 Square Foot Sanctuary Project in Contra Costa County (County File #'s LP082034 and MS090008).

I would like to draw your attention to the Omni Means Traffic Study in the DEIR (Appendix O -- especially page 27 – Vehicle Sight Distance and Measured Vehicle Speed).

The problem identified by the Omni Means traffic engineer is that the driveway into the Proposed Sufism Reoriented Religious Facility is only 175 feet east of the Boulevard Way/Kinney Drive intersection with the sharp corner. His conclusion was that westbound vehicles on Boulevard Way traveling 25 MPH would need 190 feet to stop in order to avoid vehicles exiting the Religious Facility parking lot. His finding was that having the driveway only 175 feet away from this corner does not meet the minimum design safety standards prescribed by Caltrans. If Decision Sight Distance is used in this suburban setting the distance increases to 280 feet for a vehicle travelling 25 MPH and 425 feet for a vehicle travelling 35 MPH. (See reference below.) 52.1

In addition, other studies indicate that far more stopping distance might be required due to other roadway complications such as: bad weather, limited headlight sight distance on sharp curves, negotiating the sharp curve involved and physical obstructions such as fences and landscaping. Sufism Reoriented has recently moved the roadside fence on this corner back some unknown distance which resulted in being able to turn onto Kinney Drive more safely when travelling west bound on Boulevard Way. However, even this modest set-back does not provide westbound drivers with adequate sight distance for avoiding vehicles exiting the Religious Facility driveway that is only 175 feet away from this corner, especially

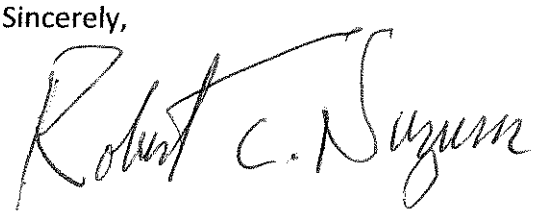
at night. The safety risk associated with this particular corner for westbound drivers is rated as "Major" by the Federal Highway Administration report on Stopping Sight Distance (Chapter 13).

It appears that the sharp corner is going to remain an obstacle for westbound drivers on Boulevard Way. To limit the known liability associated with the location of the entrance/exit driveway into the Religious Facility it seems most prudent to redesign and locate the driveway much further west to give west bound drivers utilizing Boulevard Way a safe site distance to stop or avoid a vehicle exiting the project area or a pedestrian crossing Boulevard Way. 52.1, cont.

Reference:

Stopping Sight Distance and Decision Sight Distance – Oregon Department of Transportation -- Prepared by the Kiewit Center for Infrastructure and Transportation, Oregon State University, Corvallis, Oregon, September 2004.

Sincerely,



Robert C. Nuzum

1072 Juanita Drive

Walnut Creek, Ca 94595

Responses to Comment Letter 52 – Robert C. Nuzum (May 26, 2011)

52.1 In evaluating the project, County PWD directed that stopping sight distance be used in determining the need for any modification of the area near the proposed project driveway. This direction was based on County PWD's review of the Caltrans Highway Design Manual. The Caltrans Highway Design Manual states that decision sight distance, suggested by the commenter, should be used at "major decision points." The Caltrans Highway Design Manual notes that such major decision points include locations along freeways and expressways, particularly at entrances and exits.

Boulevard Way is a relatively low volume street, with posted vehicle speed limits of 20 or 25 miles per hour along the project frontage. The Boulevard Way curve thus does not constitute a "major" decision point, such as might be found at a freeway or expressway entrance or exit.

Based on its interpretation of the requirements of the Caltrans Highway Design Manual, County PWD determined that stopping sight distance was the most appropriate and applicable measurement for the proposed project, assuming a design speed of 35 mph. That standard resulted in a proposed mitigation measure requiring that the perimeter wall be pulled back to allow more sight distance for north- and east-bound drivers on Boulevard Way. The analysis did not reveal any sight distance problems for westbound drivers, who would be approaching the project driveway from the area of Mt. Diablo Boulevard. The analysis in **Appendix O** concludes that vehicle sight distance east of the proposed driveway is in excess of 700 feet (please refer to **Appendix O**, page O.1-36). Please also see Master Response 6.

May 23, 2011

CONTRA COSTA LETTER 53

2011 MAY 25 P 12: 30

Contra Costa County
Department of Conservation and Development
County Administration Building
651 Pine Street
North Wing, Fourth Floor
Martinez, CA 94553-1229

Attention: Ms. Lashun Cross, Senior Planner

SUBJECT: **Proposed 66,074 Square Foot Sanctuary Project in Contra Costa County, County File #s LP082034 and MS090008 For Sufism Reoriented**

Dear Ms. Cross,

I have lived at 2438 Warren Rd. for 45 years and my property is in close proximity to the purposed Sufism Reoriented religious facility building site. I own the private drive way that serves four private residences off of Warren Rd. The other three homes on the drive have a deeded easement for access to their homes. At one time there was talk about the need to widen the drive way to 20 ft. for fire access with the loss of my trees and front yard. It is my understanding that the county and fire department will not require widening to 20 ft. in front of my house but only to 1-2 feet instead. I appreciate this very much. I will remind the Sufism Reoriented organization that my easement is for four private residences only and not for use as an access to the sanctuary grounds. 53.1

I support the development of Sufism Reoriented's property. The members of Sufism Reoriented have been quiet neighbors for over 30 years; for the most part they are respectful and kind. I do not object to the expansion of their facility or their continued presence in the Saranap area.

However, I do have **several major concerns** about the plans for their new facility.

I object to the size and scope of the new sufism project. This massive 66,000 Sq. Ft. compound with its 6 foot white masonry wall will have a long term impact and will forever change the look and feel of our the Saranap neighborhood. 53.2

Its presence would dominate this neighborhood of modest homes. I purchased in the Saranap because of the semirural nature and natural feel of the area. That will all change if the proposed facility is allowed. 53.2, cont.

In addition, the Transportation Demand Management Program which allows for only 74 parking places and the promotion of car pools and walking to the facility is not realistic. Will the county monitor and enforce the plan? What if over time, the members do not follow their plan? What will occur if the compound is sold and the new owners do not adhere to the transportation plan? I am very concerned about the increased traffic if a building of this size is allowed. 53.3

Many of the mitigations on the DEIR seem vague and weakly stated. Will the county have the staff to monitor the noise levels during construction, the diesel idling time of 2 minutes, the 74 round trip truck loads of dirt, and the strong seismic ground shaking? Will you arrive in a timely manner if the neighbors have concerns during construction? 53.4

Some of the properties across Warren Rd. on the south side of the proposed excavation site are precariously perched on the edges of their properties above the creek. These properties have suffered land slides in the past; they are on unstable soil. Are you, the county, certain that these houses will not be damaged from the strong seismic ground shaking? With the enormous excavation that is needed for this project, I believe all of the adjacent properties will be greatly impacted. 53.5

Again, I do not object to the construction of some type of sanctuary but the massiveness of their planned compound is troubling, it is too much for this neighborhood. I am hopeful that the leadership of Sufism Reoriented will cooperate with their neighbors to find ways to make the project more acceptable to all.

53.6

Due to the massive nature of the compound, the increased traffic during and after construction, and the need for the enormous excavation, I do not support the development as planned by Sufism Reoriented. It would forever change the look and feel of Saranap.

It is my hope that the county will also look to the needs of individual property owners and not only to Sufism requests as important decisions are made concerning our future lives in the Saranap area. Compromises are needed on all sides. 53.7

One last request. Since many of the homeowners can not visualize the size of this proposed building, I request that story poles be required before a final decision is made.

Thank you for considering my concerns and requests.

Respectfully,

Barbara Odell
2438 Warren Rd.
Walnut Creek, Ca. 94595

Responses to Comment Letter 53 – Barbara Odell

53.1 The comment does not raise any significant environmental issues requiring further response. The private driveway serves four private residences, including the parsonage. There is no plan to increase regular usage. The Contra Costa County Fire Protection District would use the private driveway as secondary emergency access only.

53.2 See Master Responses 3 and 4.

53.3 See Master Response 7.

53.4 For a discussion of potential construction period vibration effects, please see Draft EIR page 4.10-13, **Impact 4.10-2**, which acknowledges limited potential for vibration during construction and imposes mitigation reducing identified effects to a less-than-significant level. Please also see Master Response 8.

53.5 See Master Response 10.

53.6 See Master Responses 3 and 4.

53.7 See Master Responses 1 and 5.

LETTER 54

<jeffiew@astound.net>
05/26/2011 10:34 PM

To <lashun.cross@dcd.cccounty.us>
cc
bcc
Subject Sufism Project EIR Truck Haul Route Maps

Ms. Lashun Cross, Senior Planner
Contra Costa County Department of Conservation & Development
651 Pine Street, 4th Floor - North Wing
Martinez, CA 94553
lashun.cross@dcd.cccounty.us

RE: Draft Environmental Impact Report for New Sanctuary for Sufism Reoriented Project (SCH #2010032038).

Dear Ms. Cross,

I am concerned that the DEIR does not require that the haul route for dump trucks be certified prior to certification
of the EIR itself, and instead the Contra Costa County Public Works Department is to certify the truck haul routes after
the EIR certification is complete. That means recognition, review, and mitigation or elimination of environmental
impacts of the chosen haul routes will not be included in the completed and certified EIR.

The following quote is from the Construction section on page 3-13 of the DEIR (page 55 when viewing the EIR file
with Adobe Acrobat Reader):

"Two-thirds of the proposed sanctuary building (approximately 46,000 square feet) would be located below ground level,
requiring the excavation and removal of approximately 43,000 cubic yards of soil. Assuming an average dump truck
capacity of 13 cubic yards, this amount of excavation would require approximately 3,310 truckloads. Sufism Reoriented
estimates that this amount of excavation can be completed in approximately 6 weeks (assuming a 5-day work week). 54.1

Figure 3-14 shows the anticipated route dump trucks would utilize in removing excavated soil. Soils from the site will be
transported via Boulevard Way to State Route 24 and I-680 and onward to the Acme Landfill in Martinez. Assuming the
project is approved and this EIR is certified, the County PWD would review and approve a final

haul route plan as a
ministerial approval."

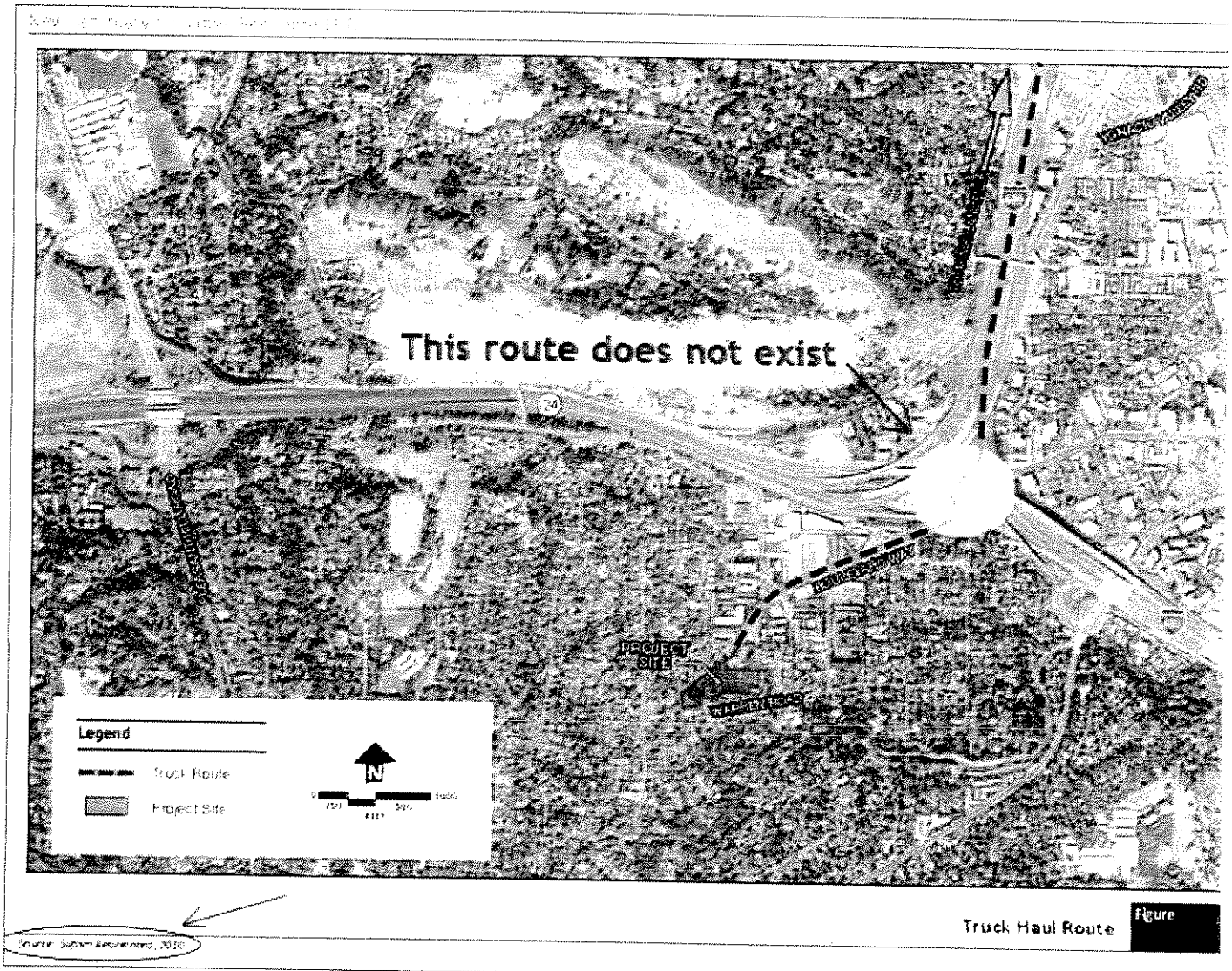
Unfortunately, certifying the EIR prior to review and approval of a final haul route plan prevents any environmental
impacts related to the approved haul route from being considered and mitigated by all impacted parties, including
residents of unincorporated Contra Costa County along the eventual truck haul route including Saranap, the County 54.1, cont.
Department of Conservation and Development, the City of Walnut Creek, the City of Lafayette, the Acalanes Union
High School District, and the California Department of Transportation.

I also noticed that the calculation for the 6 weeks for the 3,310 truckloads did not have a calculation for the number
of truckloads per day. That number is 111 (rounding up to the next whole number) in each direction, a total of 222
truck arrivals and departures every work day, or a truck movement every 2.16 minutes. This is a number that should
be evaluated in the DEIR for the amount of exhaust pollution, noise pollution, dust, impeding of traffic on Boulevard 54.2
Way and other arterials, the impacts on residents of Saranap and surrounding cities, and the mitigation of these
environmental issues would then be determined and included in the DEIR.

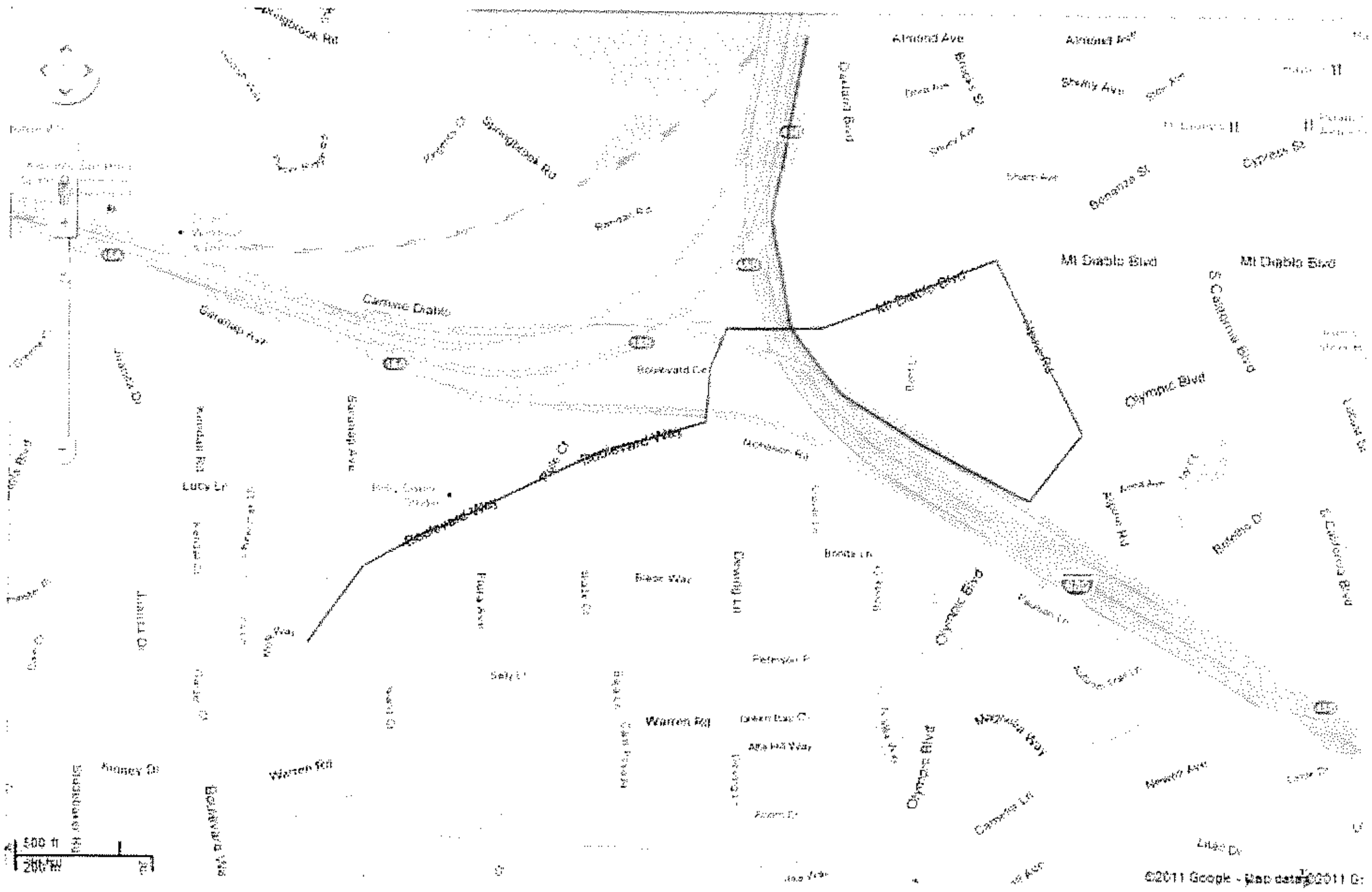
The following are maps of the proposed and potential haul routes related to DEIR figure 3-14 on page 3-36 (page 78
when viewing the EIR file with Adobe Acrobat Reader). My discussion and conclusions about each haul route follow
each map. I have only addressed the haul routes; I have similar concerns about the return 54.3
routes for the trucks.

I've also attached larger format JPG versions of each of these maps.

Ronald Ogg
1294 Laurel Oak Lane
Walnut Creek, CA 94595-1170
925-287-8844
jeffiew@astound.net

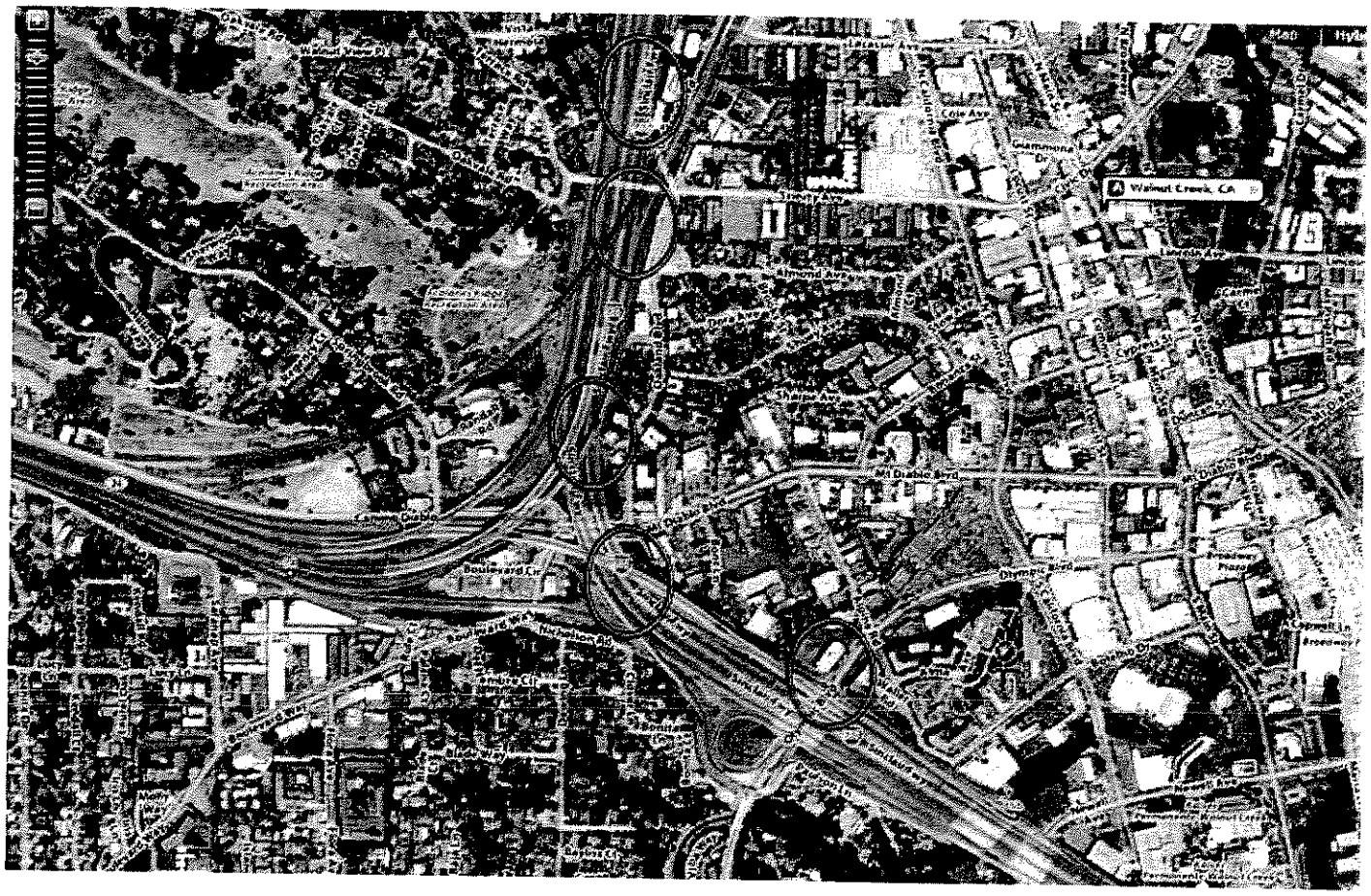


The map above is a copy of DEIR figure 3-14, and shows the proposed truck haul route from the site on Boulevard Way
to Highway 680 northbound. The portion of the route shown on this map provided by Sufism Reoriented does not exist.
There is no direct route between Boulevard Way and Highway 680 northbound as shown on the map in figure 3-14.
This non-existent route was provided by Sufism Reoriented as noted at the lower left corner of the map. In my opinion,
it is disingenuous of Sufism Reoriented to have provided information that is patently incorrect, the haul route from
Boulevard Way to Highway 680 North that does not now and has never existed, something certainly known to the
project manager for Sufism Reoriented. Use of this non-existent route appears to have been used to justify the plan
to certify the haul route after certification of the EIR. 54.3, cont.



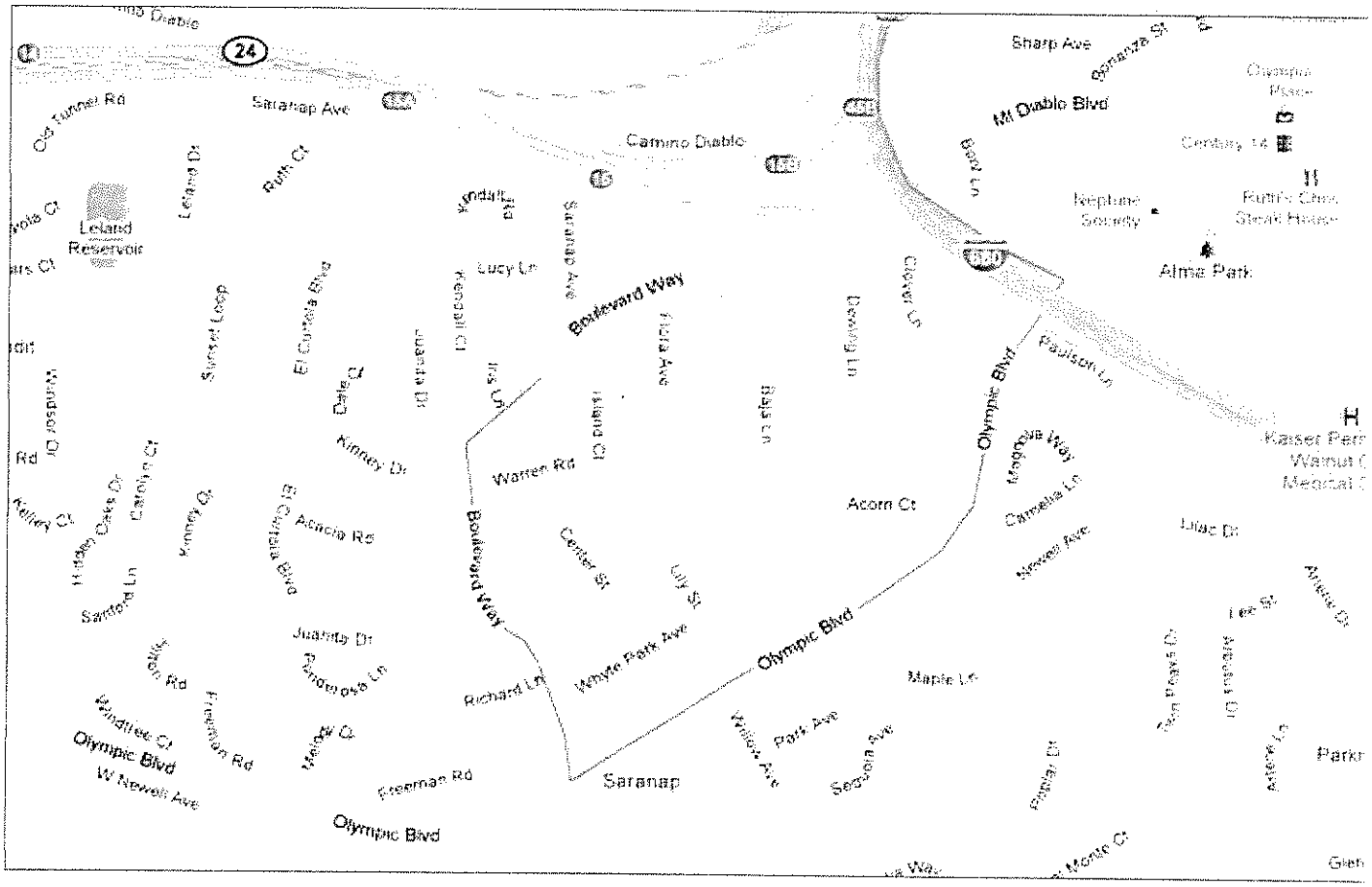
The map above shows the shortest and most direct route from the project site to Highway 680 northbound using
Boulevard Way to Mt. Diablo Blvd. to Alpine Way to Olympic Blvd. to the on ramp to 680 North. This portion of
Mt. Diablo Blvd. has four lanes and is very heavily traveled at all times of the day and evening. It has a mix of
retail and commercial businesses, a motel, a church, and an elementary school. Alpine Road is a narrow two lane
road with a mix of businesses, office buildings, and apartment buildings, and has a relatively steep downhill slope 54.3, cont.
in the last half from Mt. Diablo Blvd. approaching Olympic Blvd. The turn from Alpine Road onto Olympic Blvd.
requires that vehicles turn directly into the rightmost lane of Olympic Blvd. in order to make the turn onto
Highway 680 Northbound. Alpine Road has two narrow southbound lanes at the Olympic Blvd. intersection, one for
traffic turning left and continuing across Olympic Blvd., and a narrow right turn lane for traffic turning right onto
Olympic Blvd. Mt. Diablo Blvd., Alpine Road, and Olympic Blvd. are heavily traveled during commute hours in the

morning and evening. Alpine Road is impractical for use as part of a haul route. 54.3, cont.



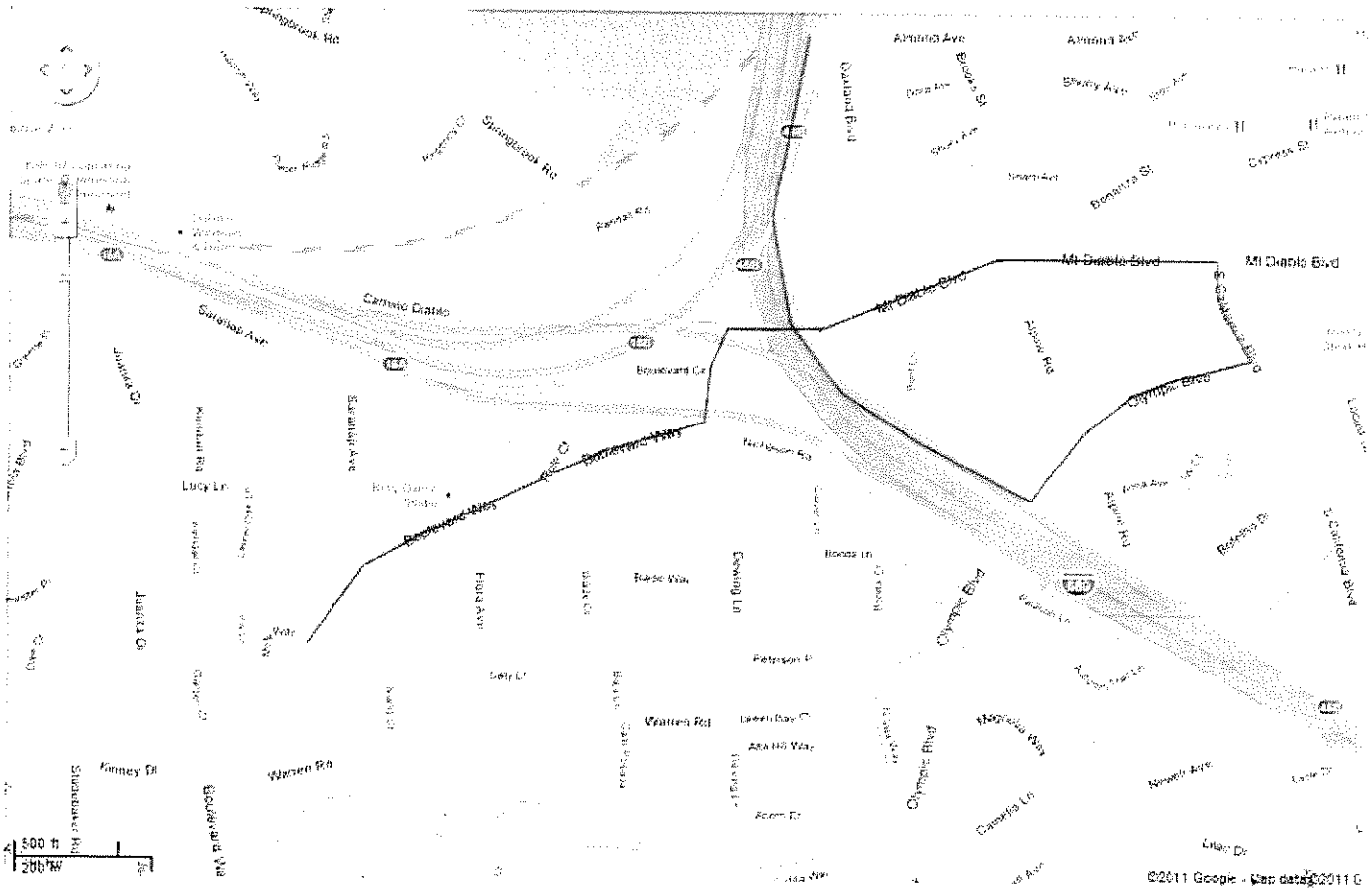
Several routes include use of the on ramp from Olympic Blvd. to Highway 680 North. This route encounters a series
of merges with other traffic. The map above has several of these circled. The first is the on ramp from Olympic Blvd.
to Highway 680 North; this ramp has three entering flows: 1) Olympic Blvd. westbound, 2) Olympic Blvd. eastbound,
3) Highway 680 northbound traffic that exits onto the Olympic Blvd. off ramp and can continue across Olympic Blvd.
to the on ramp to Highway 680 North. The signals at this intersection do not prevent those traveling eastbound on 54.3, cont.
Olympic Blvd. from turning right to enter the on ramp at any time. Then the on ramp to Highway 680 North is
coincident with a heavily traveled merge of traffic from Highway 680 North exiting to Ygnacio Valley Road; there
is traffic entering from Ygnacio Valley Road merging onto Highway 680 Northbound entering onto the on ramp from
Olympic Blvd. The on ramp then merges with traffic from Highway 680 North followed closely by traffic merging

from Highway 24 on the left, followed by traffic merging to the right to exit onto North Main Street, followed by
traffic from North Main Street merging onto Highway 680 North on the right. These merges have very heavily
traffic during both the morning and evening commutes, making merging complicated, especially for large haul
trucks with heavy loads. 54.3, cont.

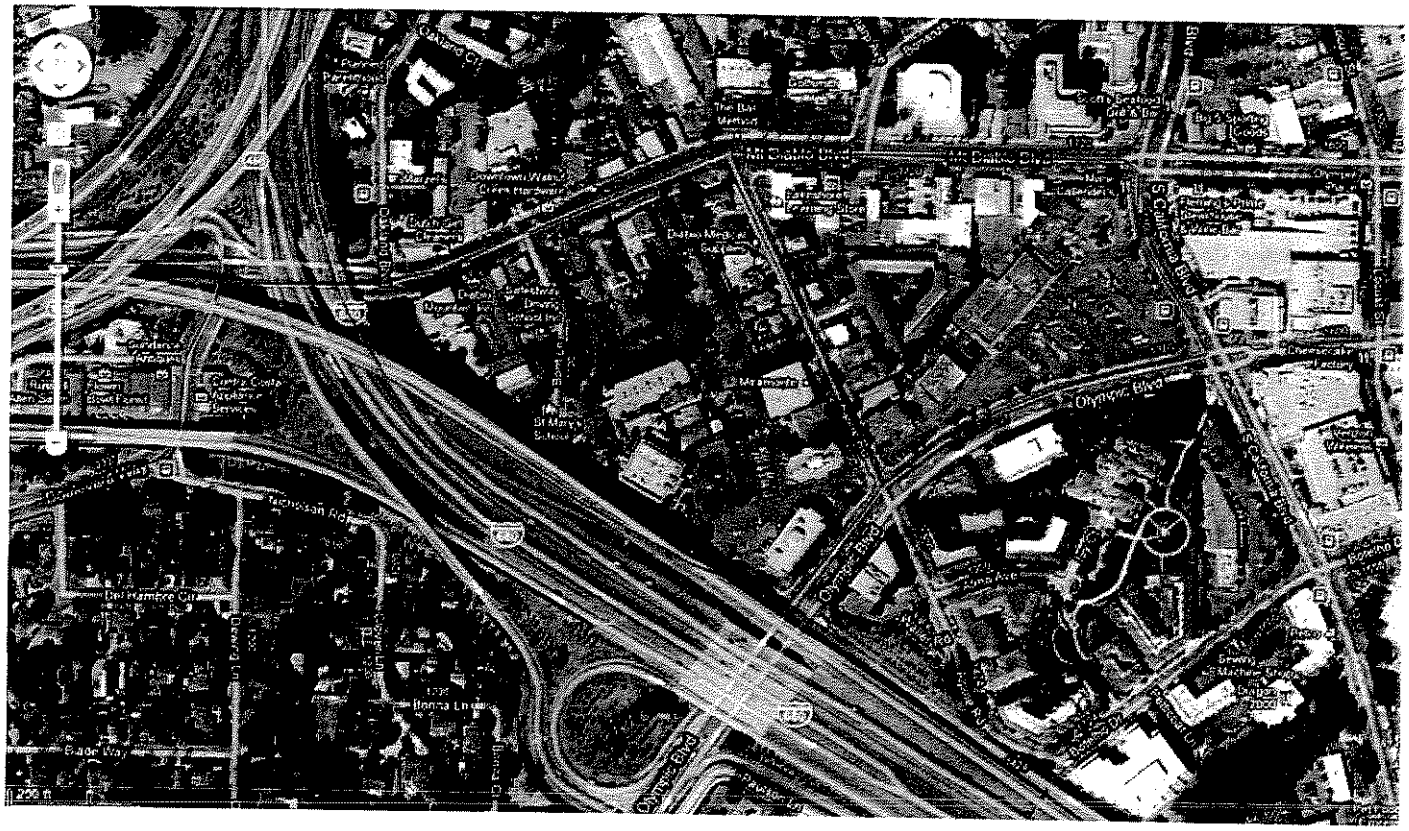


The map above shows another seemingly direct route from the project site to Highway 680 northbound using
Boulevard Way south to Olympic Blvd. to the on ramp to Highway 680 North. Beginning at the intersection at Kinney
Drive, Boulevard Way is a very narrow two-lane road with two relatively steep downhill slopes and limited visibility
in areas of the route that would be used by haul trucks, is used by school children walking to and from Olympic Blvd. 54.3, cont.
and has moderately heavily travel during commute times. This section of Boulevard Way is residential with a mixed
commercial and residential section from Whyte Park Avenue to Olympic Blvd. is inappropriate for heavy truck traffic.

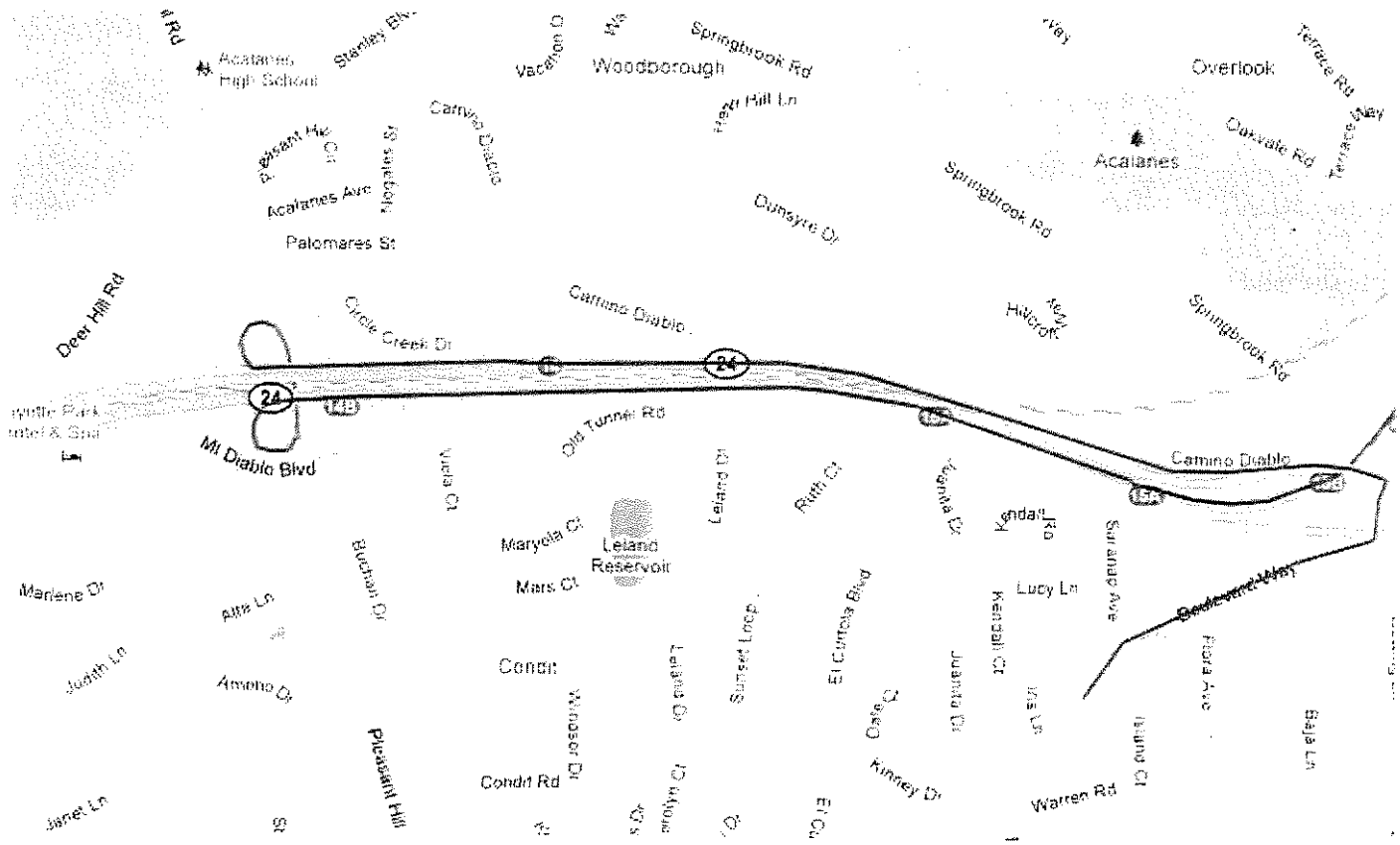
The turn from Olympic Blvd. onto the on ramp to Highway 680 Northbound is heavily traveled including commute hours
in the morning and evening. 54.3, cont.



The map above shows a direct route from the project site to Highway 680 northbound using California Blvd. as the
connecter between Mt. Diablo Blvd. and Olympic Blvd. instead of Alpine Road. This portion of Mt. Diablo Blvd. has
a mix of retail, commercial businesses, office buildings, a motel, a church, and an elementary school. California
Blvd. and Olympic Blvd. are both six lane divided roads with a mix of retail and office buildings, and adjacent
apartment buildings, and are heavily traveled all times of the day and evening. California Blvd. and Olympic Blvd. 54.3, cont.
are very heavily traveled during commute hours in the morning and evening. Both Mt. Diablo Blvd. and Olympic
Blvd. are accessed by direct freeway exits that make them the primary gateways to the downtown business and
residential district of the City of Walnut Creek.



The map above shows the heavy commercial and residential nature of the truck haul routes (Mt. Diablo/Alpine/Olympic
and Mt. Diablo/California/Olympic) that would extend into the City of Walnut Creek's western business and residential
district for any haul route that uses the Highway 680 North on ramp from Olympic Blvd. 54.3, cont.



The map above shows an indirect route from Boulevard Way to the Mt. Diablo Blvd. on ramp to Highway 24 westbound,
Continuing to the Pleasant Hill Road exit, returning to Highway 24, eastbound, and then to Highway 680 northbound.
This route is longer but eliminates significant encroachment in the city of Walnut Creek. However, the impact of the
number of truckloads of excavated soil traveling this route, and traveling the routes shown above, are not included in
the DEIR. This needs to be included in the EIR so the City of Lafayette can evaluate this truck haul route that uses a
city street, Pleasant Hill Road, and both the City of Lafayette and the Acalanes Union High School District because
this route impacts students going to and from Acalanes High School on foot and by bicycle on that route. This haul
route also has impacts that require review and approval by the California Department of Transportation. 54.3, cont.

Again, the final haul route plan needs to be included in the review of the DEIR and fully certified as a condition of final
approval and certification of the EIR itself. Leaving the haul routes out of the DEIR review process and leaving it to a
ministerial approval is unjustifiable.

truck-route-proposed-by-sufism-reoriented-in-eir.jpg

truck-route-sufism-project-to-680N-corrected.jpg

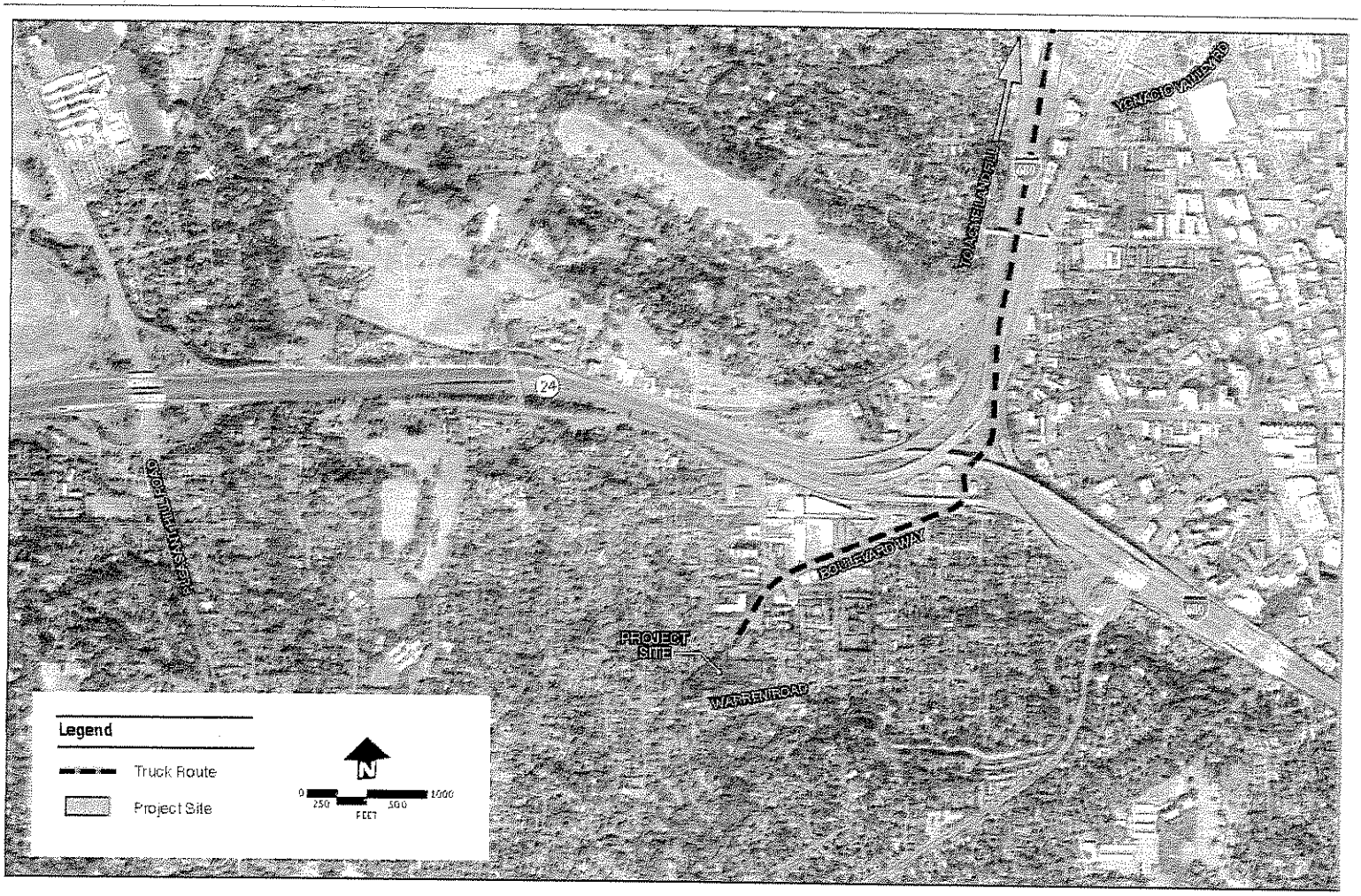
truck-route-sufism-project-to-680N-alternate.jpg

truck-route-sufism-project-residential-and-commercial-density.jpg

truck-route-sufism-project-to-680N-optimal.jpg

truck-route-sufism-project-to-680N-via-boulevard-way.jpg

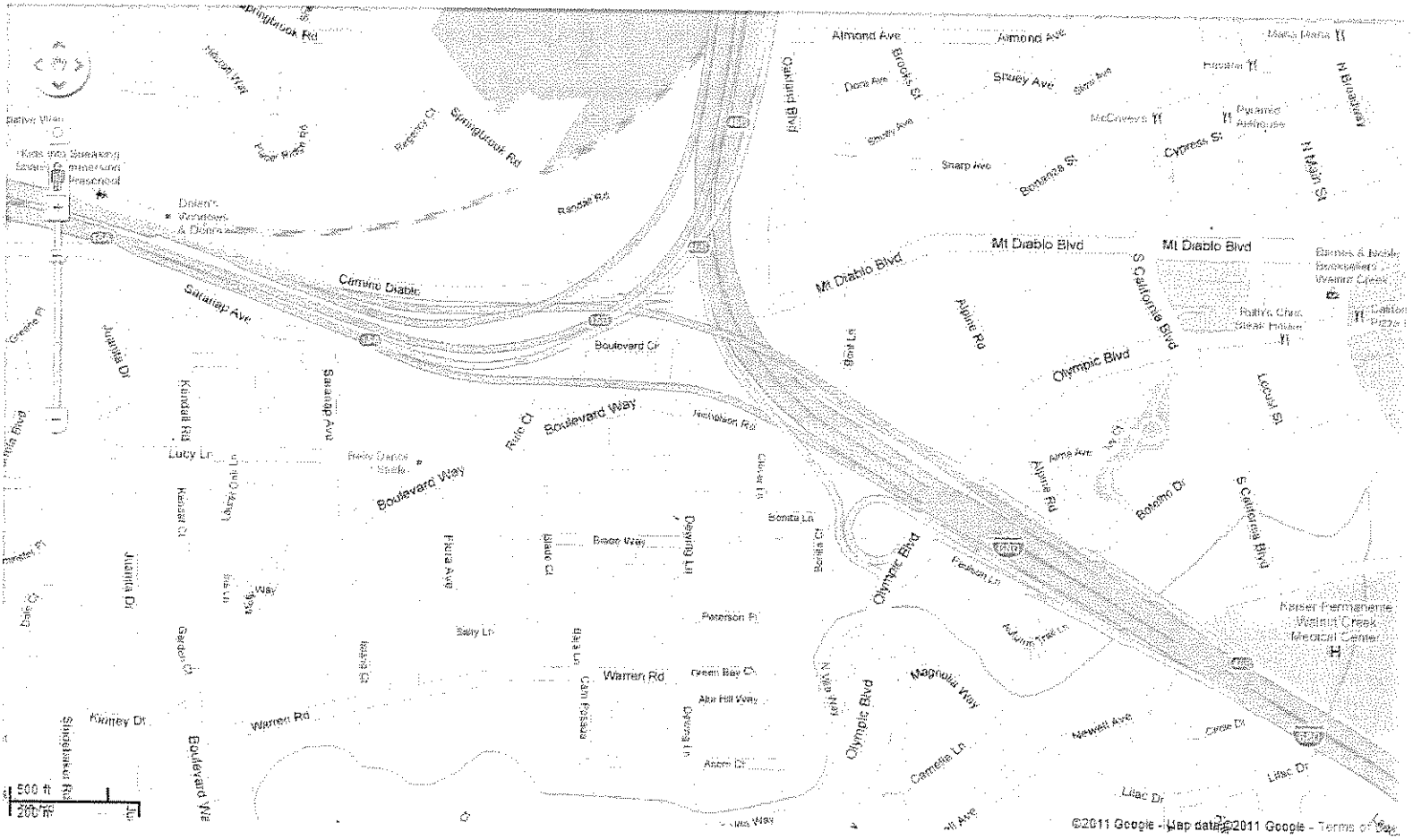
truck-route-sufism-project-to-680N-merge-view.jpg

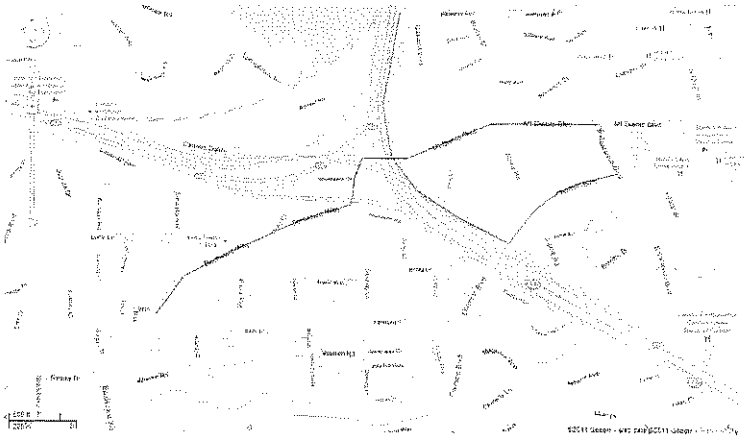


Truck Haul Route

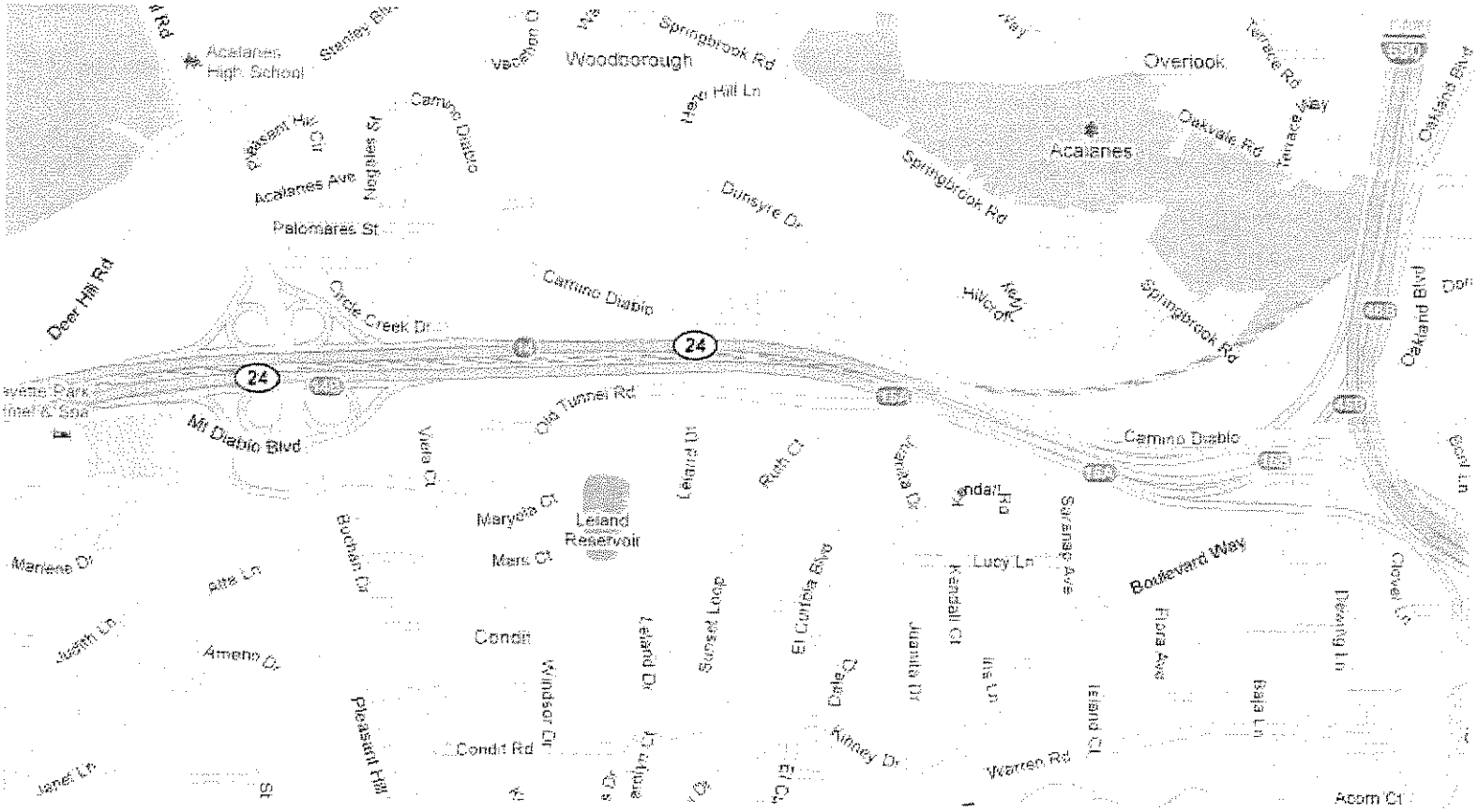
Figure 3-14

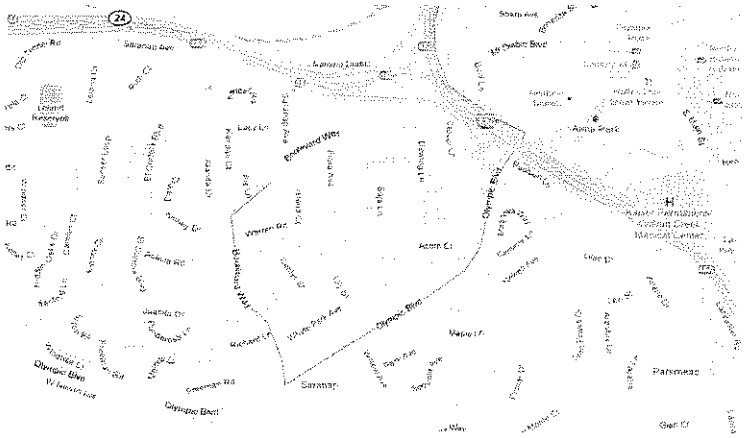
Source: Sufism Reoriented, 2010.


Springbrook Rd
Almond Ave
Oakland Blvd
Brooks St
Shuey Ave
Cypress St
Bonanza St
Sharp Ave
Randall Rd
Mt Diablo Blvd
S California Blvd
Camino Diablo
Saranap Ave
Boulevard Cir
Alpine Rd
Olympic Blvd
Boulevard Way
Jackson Rd
Lucy Ln
Kimball Rd
Juanita Dr
Bonita Dr
Bonita Ln
Peterson Pl
Warren Rd
Green Bay Ct
Alpine Hill Way
Magnolia Way
Carrotte Ln
Maxwell Ave
Lilac Dr
Kinney Dr
Shingleback Rd
Kaiser Permanente Walnut Creek Medical Center
500 ft
200 m
©2011 Google - Map data ©2011 Google - Terms of Use



Map
Traffic
Mt Diablo Blvd
Mt Diablo Blvd
Oakland Blvd
Olympic Blvd
Olympic Blvd
Olympic Blvd
S California Blvd
S California Blvd
Boulevard Way
Nicholson Rd
Dell'Hambre Cir
Blade Way
Bonita Ln
Botelho Dr
Locust St
Planned Parenthood
Downtown Walnut Creek Hardware
Lakeshore Learning Store
Diablo Medical Supplies
Diablo Mountain Inn
Safeway Driving School Inc
St Mary's School
Miramonte
Fleming's Prime Steakhouse & Wine Bar
Barnes & Noble Booksellers Walnut Creek
Verizon Wireless
The Container Store
Sewing Machine Shop
Trader Joe's
Pet Food
Pizza Guys


Acalanes High School
Stanley Blvd
Woodborough
Springbrook Rd
Overlook
Terrace Rd
Acalanes
Oakvale Rd
Oakland Blvd
Camino Diablo
Heath Hill Ln
Pleasant Hill Cir
Acalanes Ave
Palomares St
Dunsyre Dr
Deer Hill Rd
Circle Creek Dr
Hillcroft
24
Old Tunnel Rd
Mt Diablo Blvd
Vista Ct
Leland Dr
Ruth Ct
Kendall Rd
Lucy Ln
Boulevard Way
Maryella Ct
Leland Reservoir
Mars Ct
Marlene Dr
Buchan Dr
Condit
Sunset Loop
El Cerrito Blvd
Dale Ct
Kinney Dr
Warren Rd
Condit Rd
Pleasant Hill
Janet Ln
Acorn Ct


24
Olympic Blvd
Broadway
Saranap
Parnassus

Responses to Comment Letter 54 – Ronald Ogg

54.1 See Master Response 8. The truck haul route does not require approval from each of the agencies that the commenter lists. The truck route would be considered by the County Public Works Department (PWD) as part of building and grading permit approval. County PWD has reviewed the proposed haul route and has not indicated to County DCD any potential objections to the proposal.

54.2 Please refer to Draft EIR **Section 4.2** for a discussion of the number of daily roundtrip truckloads from the project site to the Acme Landfill. The analysis on pages 4.2-16 through 4.2-18 explains the total number of permitted round trips per day. Please also see Master Response 8, which includes revisions to some of this discussion.

54.3 See Master Response 8 and the response to comment 54.1.

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MAY 27 2011
CONTRA COSTA COUNTY
CONSERVATION & DEVELOPMENT

LETTER 55

May 25, 2011

To: Ms. Lashun Cross
Department of Conservation and Development
Contra Costa County
651 Pine Street, 4th Floor, North Wing
Martinez CA 94553

From: Patricia R. Perry
30 Meek Place
Lafayette CA 94549

Subject: **Failure to Include Suitable and Adequate Alternatives in the DEIR for the Proposed Sufism Reoriented Sanctuary**

Summary

These comments are submitted as part of a process which will help Contra Costa County determine whether a conditional use permit should be issued for the proposed Sufism Reoriented Sanctuary--in other words, to ascertain whether a 66,000 square foot sanctuary is a reasonable use for this particular site.

The DEIR, however, fails to provide sufficient information to evaluate the reasonableness of this project. It, indeed, rejects out-of-hand any reduced sanctuary or campus alternative. Furthermore, the EIR does not explain this decision in any defensible way, which unfortunately can be viewed as somewhat arbitrary.

The inclusion of a reduced, or lesser, sanctuary alternative is a critical input for determining whether the proposal is reasonable. Much case law on the approval of conditional use permits for churches is based upon the determination of whether a proposal is reasonable. Some of Contra Costa County's own ordinances and permits, in fact, require the determination of reasonability. 55.1

The DEIR includes an essay, Appendix B, on the reasons why the Sufism Reoriented Community desires a 66,000 square foot facility. Presenting one's motivation is not, however, sufficient data to justify such a major project. Sufism Reoriented is absolutely entitled to want, and feel they need, a 66,000 square foot facility. But, the job of the decision makers is to determine whether this particular proposal should be approved for this particular location. That is a separate matter. To that end, the DEIR must provide impartial, reasoned information upon which such a decision can be based.

Since the DEIR has not included any reduced Sanctuary alternatives, I strongly request that it be revised to include this alternative, and possibly other alternatives, Once revised, the EIR needs to be recirculated as a draft document. Failure to do so leaves standing a flawed document and a process that cannot withstand judicial or public scrutiny.

The discussion below outlines the following.

- What alternatives are included in the DEIR
- Why a Reduced Square Footage Alternative should not have been rejected
- Why a Campus Alternative should not have been rejected
- Legal reasons why Contra Costa County can and should expand the alternatives

Alternatives Selected for Inclusion in the DEIR

The Sufism Reoriented DEIR includes three alternatives:

1) No Project
2) Existing General Plan and Zoning (housing only)
3) Modified Right of Way

I would like to point out that for the purposes of evaluating this 66,000 square foot Sanctuary proposal, there is basically no difference to the public and decision makers between the No Project and the Existing General Plan and Zoning proposals. The number of additional housing units is assumed to be fifteen. Relative to what is proposed in a non residential context, the second alternative does no not provide for a reasonable range of meaningful nonresidential alternatives. 55.1, cont.

CEQA Section 15126.6 explains that an EIR should include a range of alternatives that:

> "that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects."

A reduced square footage alternative could lessen aesthetic impacts, drainage impacts, parking impacts, cultural resources impacts, traffic impacts, etc. These impacts could not be minimized in the same way by the Modified Right-of-Way Alternative.

CEQA specifically states in Section 15126.6 that alternatives may be considered "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."

Rejection of a Reduced Sanctuary Alternative

On Page 5-7 of the DEIR, a Reduced Development Alternative is rejected. The name of this alternative is "Reduced Development Alternative/Alternative Site." This name demonstrates how little consideration was given to this alternative.

Clearly, these are two very different alternatives. One would reduce the size of the proposed sanctuary. Another would be to build the proposed 66,000 square foot building on a different site. These two alternatives cannot be lumped into one proposal as they would yield very different impacts.

Continuing on to what is said about the rejection of this alternative, the DEIR's description of the rejected Reduced Development Alternative is almost nonexistent and totally non sequitur. On page 5-7, the DEIR states that:

> "The Reduced Development Alternative would reduce the size of the proposed sanctuary to a point where significant impacts would be avoided."

55.1, cont.

Since a reduced development alternative could have fewer, rather than no significant impacts, the above statement does not explain in any way why a reduced development alternative was rejected. This statement is actually a reason why The County should add, and consider, two additional alternatives evaluating a sanctuary building with less square footage. One alternative should have no probable significant impacts, and the other should be less than what is proposed.

Then the DEIR goes on to state in the very next sentence that:

> "As discussed in this Draft EIR, neither Project Variant would result in any significant and unavoidable impacts."

This statement makes no sense as well since the project variants address right-of-way issues and have nothing to do with a reduction to the size of the proposed building.

On page 5-9, the DEIR states that:

> "Key project objectives could not be satisfied if the size of the sanctuary building were reduced to a level where impacts were consistently below those of the Project Variants. These objectives—developing a centralized facility in proximity to where the vast majority of members reside and also in proximity to the Meyer Schools – could not be achieved with a smaller design."

55.2

As to this statement, it is as if the DEIR takes the words of the applicant, as stated, without any analysis whatsoever. Any applicant, any time, wants to have his or her project approved exactly as is proposed. The job of the DEIR is to dissect such statements and propose reasonable alternatives. I see no factual information whatsoever that substantiates the applicant's contention that 66,000 square feet is the absolute

minimum number of square feet which is needed rather than 60,000, or 50,000 or 40,000. While the applicant has provided a many page essay,[1] the essay is no more than that--an essay or a report. It lists activities and provides drawings, but is short on factual, persuasive information. There is little in the way of reasoning as to why any particular use needs a particular amount of square footage. Furthermore, their essay implies that only one activity can occupy a given space when most organizations and businesses use space for multiple activities when an activity or work can be accomplished at different times. For example, why is it not possible for the choir to rehearse within the space where they will ultimately perform? And, no matter what information the applicant has submitted, the county must present the public and decision makers with information on what could be included in a smaller facility, were one to be built on this site. Otherwise, how can a reasoned decision be made at the time of approval?

55.2, cont.

So, looking further at the reasonableness of the applicant's contention that the project will not be acceptable without being built exactly as proposed, the examples below are intended to demonstrate that there is room to reasonably investigate a reduced building size alternative.

Appendix B, page 12, reports that the Prayer Hall is 5,030 square feet. The DEIR calculates the estimated total parking needed for the project based upon the square footage of the Prayer Hall (5030/40=125).

The Prayer Hall assembly area is contained <u>within the circular area of the pillars</u> as shown in below.[2]

[1] Appendix B
[2] See Joyce Coleman Comments, page 2. Image from the Sufism Reoriented Website.

If that is the extent of the space which will be used for assembly, then the other interior space surrounding the assembly area is a nicety, not an imperative. If that is true, then approximately 6,900[3] square feet of the open interior space near the Prayer Hall, but not within the confines of the assembly area, is not absolutely essential and could be reduced or removed from the building in a reduced-size alternative.

Likewise, downstairs on the Concourse Level, the plaza contains 4,500 square feet. It is surrounded by a west gallery, an east gallery, and a rotunda area, all of which contain another 5,300 square feet. Therefore, the total amount of open space on the Concourse Level devoted to open areas is approximately 9,800 square feet.[4] These are grand interior spaces, but the question remains what is essential and what is optional. 55.2, cont.

To give a way to compare the open areas on the Concourse Level to that available in a hotel, the Grand Ballroom of the Sheraton-Palace Hotel in San Francisco is 8,964 square feet and can accommodate 600 guests for a seated dinner and dancing.[5]

Since the proposed Sufism Reoriented facility is reported by the applicant to not need to seat more than 400, it would seem that a Reduced Sanctuary Alternative could reasonably consider a somewhat lesser amount of open areas not devoted to specific uses. In fact, on Appendix B, page 26, the Sufism Reoriented reports that it will be storing only 275 chairs for the Prayer Hall. If storage is only planned for 275 chairs, it would seem that having a lesser amount of open interior spaces would be a reasonable assumption for a reduced square footage alternative.

Pictures of other Sufism Reoriented worship facilities in Washington, D.C. and formerly in San Francisco do not, I believe, indicate such massive, open interior areas.

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[3] Appendix B, Page B-12: four foyers of 1,737 square feet each, or 6,948 total square feet.
[4] Appendix B, Page B-13.
[5] http://www.sfpalace.com/Wedding-Facilities

Washington, D.C. Facility

Former San Francisco Facility

Here is another example. The proposed kitchen/pantry will be approximately 1,850 square feet.[6] What would happen if the kitchen/pantry was 1,500 square feet or 1,000? Would the County even know the typical size of a kitchen/pantry in a church facility that serves 350-400 members? How can the County assume that no reduction in the proposed kitchen/pantry space is possible? 55.2, cont.

I have also been told that the facility has over 28 restrooms and 9 men's urinals. That is fine, but could the facility be functional with fewer? Probably.

And, frankly, while the 66,000 square foot facility will look less imposing by having an underground story at the Concourse Level, an alternative which explores a larger footprint above ground is also reasonable given: 1) the drainage issues already experienced by the neighborhood, and 2) the moderate potential as identified by the consulting archeologist of finding cultural resources and remains on site.

My point is that the County's job is to craft alternatives that examine a reasonable variation in what is proposed. Obviously, there is room for some variation while still meeting most or all of the project objectives. The DEIR rejects any reduced alternative when that is precisely what the document must have to give decision makers a handle on the context of what is being proposed.

Again, I want to point out that the Right-of-Way alternative is not a substitute for a reduced building square footage alternative.

Without a full analysis of the Reduced Development alternative, the DEIR fails to meet the test of including one or more reasonable, non residential alternatives that could meet most of the basic project objectives. 55.3

Rejection of the Campus Alternative

Many parties will be affected by a proposed project, not just the applicant. The DEIR is supposed to be an impartial document which provides all parties with reliable information.

Remember, this project is not without impacts. And, regardless of those impacts, the applicants are willing to introduce a degree of inconvenience to the surrounding community. That is why the DEIR should include alternatives which involve a degree of inconvenience to the applicant beyond what they want to accept. Why? This is often how compromise is initiated and alternative solutions are uncovered.

---

[6] Appendix B, Page B-16.

The DEIR states that a campus alternative was rejected because, "it would not meet the primary project objective to consolidate operations at a single facility."[7]

A question that the public might reasonably ask is to what degree the applicant would be inconvenienced if, for example, the bookstore was located on the lot which used to contain La Rosa's Market. That lot is nearby and commercially zoned and is purportedly owned by Sufism Reoriented.

If the bookstore could be relocated, what else could be located offsite, but only a block or so away? This has not been considered whatsoever by an independent party. 55.3, cont.

To reject a plausible alternative out of hand because it does not fully meet the project objectives is not in the public interest. Furthermore, CEQA states that the range of alternatives can include ones which "would impede to some degree the attainment of the project objectives, or would be more costly."

This is why a Campus Alternative should be included and evaluated to the same degree as the selected alternatives and a Reduced Sanctuary Alternative. Again, considering the CEQA statement on meeting most of the project objectives, a Campus Alternative could probably meet most of the project objectives within reason.

DEIR and the Religious Nature of the Application

I cannot determine whether the inadequacy of the alternatives analysis in this DEIR is based upon a fear that the applicant will claim religious discrimination. I want to urge the County to serve the public and the decision makers by providing a comprehensive and complete document founded upon fact and not unsubstantiated, broad sweeping generalizations. To that end, I supply the following information.

In October 2010, in Public Law News, Jen Faught, summarized the state of legal decisions involving churches and zoning.[8] She concluded, 55.4

> ""The Court, pointing out that "no Supreme Court case holds the failure to comply with a neutral zoning application process is a substantial burden on the exercise of religious freedoms," held that neither the requirement that the school apply for a conditional use permit nor the denial of its clean hands application substantially burdens its exercise of religious practices within the meaning of RLUIPA. Similarly, compliance with CEQA is not a substantial burden under the Act.""

[7] New Sanctuary for Sufism Reoriented DEIR, Page 5-10
[8] http://www.publiclawnews.com/public_law_news/2010/10/requiring-religious-institutions-to-comply-with-neutral-conditional-use-permit-processes-is-not-a-su.html

The Ninth Circuit decided in SAN JOSE CHRISTIAN COLLEGE v. CITY OF MORGAN HILL:[9]

> "If the zoning law is of general application and is not targeted at religion, it is subject only to rational basis scrutiny, even though it may have an incidental effect of burdening religion…
>
> Finally, if the zoning law only incidentally burdens the free exercise of religion, with the law being both neutral and generally applicable, it passes constitutional muster unless the law is not rationally related to a legitimate governmental interest."[10]

Also, an Amicus Curiae Brief for Case 04-55320, Ninth Circuit Court of Appeals submitted by the League of California Cities, the National League of Cities, International Municipal Lawyers Association, and the American Planning Association, states that: 55.4, cont.

> "By their very nature, every application for a conditional use permit, special use permit, planned unit development application, and/or variance – and the vast majority of zone change applications (collectively "land use permit applications") – requires an "individualized assessment of the proposed use of the property involved."[11]

Conclusion

What is needed in the case of the Sufism Reoriented application is a fair and comprehensive analysis of whether this particular site is appropriate for a building of this proportion, built partially underground in an area with drainage issues, near a dangerous curve on Boulevard Way, where the site distance may not meet Caltrans standards, and relying upon a traffic demand management plan to meet parking requirements. This is not a typical application for a residential neighborhood, and it is generally why the County requires a conditional use permit for non conventional uses in residential areas. 55.5

It is imperative that the alternatives analysis in the DEIR be circumspect and thorough. I again request that the EIR be revised to include the reduced square footage alternatives and a campus alternative. Then the EIR needs to be recirculated as a draft EIR. 55.6

[9] http://caselaw.findlaw.com/us-9th-circuit/1207239.html
[10] http://caselaw.findlaw.com/us-9th-circuit/1207239.html (See Miller, 176 F.3d at 1206.)
[11] http://www.planning.org/amicus/pdf/elsinore.pdf, page 24.

Responses to Comment Letter 55 – Patricia R. Perry (May 25, 2011)

55.1 See Master Response 2. Also see Master Response 12 regarding the County's consideration of the merits of the project.

55.2 See Master Response 3.

55.3 See Master Response 2.

55.4 The scope of Alternatives was not based on any fear of engaging in religious discrimination. See Master Response 2 for a discussion of the range of alternatives evaluated in the Draft EIR. Also see Master Response 12 regarding the County's consideration of the merits of the project.

55.5 See Master Responses 4, 6, 7, and 11.

55.4 See Master Response 2.

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LETTER 56

May 26, 2011

To: Ms. Lashun Cross
Department of Conservation and Development
Contra Costa County
651 Pine Street, North Wing
Martinez CA 94553

From: Patricia R. Perry
30 Meek Place
Lafayette CA 94549

Subject: **Comments on DEIR[1] for Sufism Reoriented Sanctuary Related to Transportation**

1) Parking Demand for the Project must be calculated according to County Codes

Section 82-16.018 of the Contra Costa County code states that:

> "Off-street parking spaces shall be provided for each land use on the basis of the following schedules: .....(18) Assembly halls without fixed seats: one space for each forty square feet of gross floor area."

There is no definition of "gross floor area" within the Contra Costa County codes. Nor, is there any other adopted standard in use by Contra Costa County which would authorize an exception to how parking is calculated for the Sufism Reoriented Project.

While some jurisdictions have exclusions in their codes for stairwells, hallways, etc. in their codes, Contra Costa County does not.

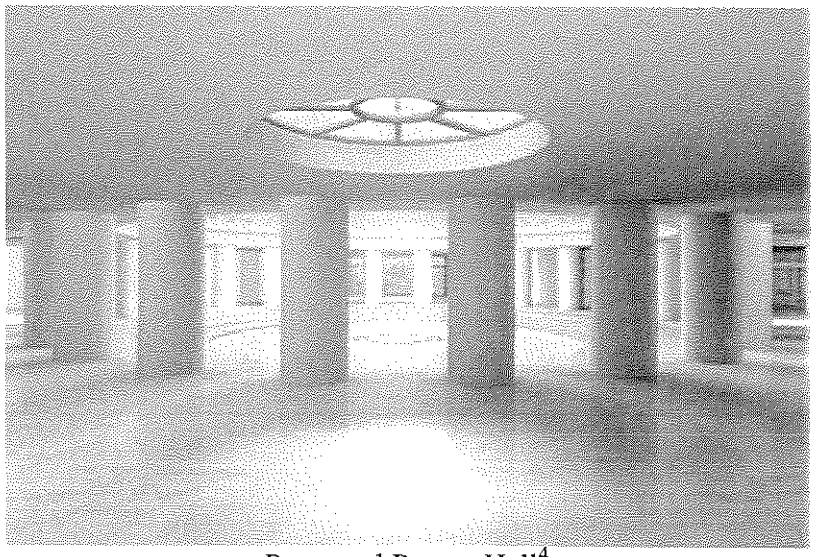
The factor of 40 square feet is used by the DEIR to calculate parking demand. The Prayer Hall is 5,030 square feet according to Appendix B. Using this information, the DEIR reports parking demand at 125 before application of the TDM ordinance.[2] 56.1

However, the gross floor area in the vicinity of the Prayer Hall should include not only the square footage in the Prayer Hall, but the square footage in the nearby foyers as well. According to Appendix B, the four foyers total another 6,948 square feet. Including the foyers and the Prayer Hall, the total gross square footage is 11,978 square feet. Parking demand based on 11,978 square feet would be 299 spaces, using a standard of 40 gross square feet per parking place.[3]

---

1 SCH No. 2010032028.
2 5030 / 40 = 125.75.
3 11978 / 40 = 299.45.

The inclusion of the foyers in the parking calculation is entirely appropriate. These areas are not separated by any walls from the Prayer Hall. Were an assembly to occur, nothing prevents the seating from occurring in the foyers, especially were a larger than expected crowd to be present. If the event was less formal, perhaps a reception, nothing would constrain the participants to the center area within the pillars.



Proposed Prayer Hall[4]

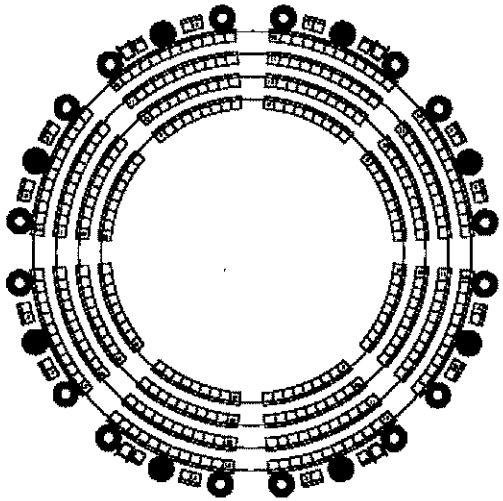
56.1, cont.

A drawing from Appendix B (reproduced on page 3 of this document) even indicates that seating is planned beyond the center area, between the pillars. What if one or two more rows of seating needs to be added?[5]

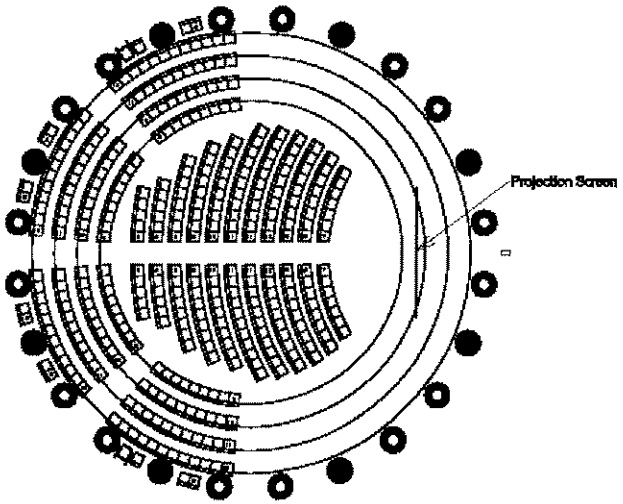
2) Amount of ADA Parking

The DEIR indicates that two spaces have been set aside for ADA parking. The standards that I can find, indicate that three ADA spaces are required for 75 parking places. This would indicate that the project is deficient. Also, the standards indicate that one of the three ADA parking places must be Van Accessible. These spaces need to be separated by 96 inches rather than 72 inches. The plans need to clearly mark the ADA spaces and which ones are intended to be van accessible. Given the tight nature of the proposed parking, providing, three instead of two ADA parking spaces, and providing a Van Accessible space, may change the possible number of proposed parking spaces.

[4] http://www.sufismreoriented.org/new_sanctuary/look-inside.htm
[5] Appendix B, Page 10.



368 SEATS



372 SEATS

Appendix A
Prayer Hall Seating Study

PHILIP ADMIRAL ALAN DITTMER ARCHITECTS	PROJECT: SANCTUARY for SUFISM REORIENTED		PROJECT No.: 8353
	TITLE: PRAYER HALL SEATING PLANS		DRAWING No.: 0013a
	SCALE: 1/8"	DATE: 2-8-2007	DRAWN BY: JM / AT

E-10

Were ADA parking based on 299 spaces, using gross floor area as calculated above, seven ADA parking spaces would be required. One of those seven would have to be Van Accessible.

3) Reduction of ADA Parking Due to Traffic Demand Management

I do not believe that the number of ADA required parking spaces should be reduced because of a proposed traffic demand management plan. The DEIR should cite the authority for doing so. Otherwise, even using the DEIR calculation of 125 needed parking places, pre TDM, the number of ADA spots would need to be five. The proposed parking plan for 71 spaces would need to be revised accordingly due to the larger size of ADA spaces. 56.1, cont.

I mention this issue because a TDM plan cannot assure that the same proportion of the disabled will walk, use shuttles, or ride bicycles as the general population.

4) Provision of ADA spaces on Solid Pavement

The DEIR seems to indicate that the ADA parking will be located on the paved portion of the parking lot. The drawings seem to indicate that 11 parking spaces will be paved. Whether or not there is agreement about whether 2, 3, or 7 ADA spaces are required, I request that the EIR report on how many ADA spaces could be provided in the paved portion of the parking area since ADA spaces take slightly more space.

5) Service Entrance and Truck Deliveries

The service entrance as depicted on the drawings does not seem to have a turnaround. Therefore, the EIR needs to discuss how truck deliveries are envisioned to be handled.

Will trucks have to back out, and what length truck could do a Y turnaround at the service entrance without backing into any part of the traffic lane? A range of trucks may make deliveries, from UPS, USPS, FedEx, furniture trucks, supply trucks, etc. 56.2

If trucks do not pull down the service entrance to avoid backing out, what if a second delivery truck arrives? Where will it park? Can two trucks be parked side by side? If so, what size trucks?

If a truck backs down the service entrance, will one or both lanes of traffic be blocked to accommodate the truck as it backs in?

Given the sight distance issues, and the slow speed of trucks exiting the service entrance as they start from a complete stop, the DEIR needs to provide information on the safety of this situation. 56.2, cont.

6) Bus Stop Improvements

The DEIR shows a new bus stop in front of the Sanctuary facility heading toward BART. However, no corresponding bus stop improvement is shown heading toward Olympic Boulevard. Anyone taking the bus from BART, going to this facility, will be likely to exit, and cross the road.

One of the purposes of traffic demand management is to increase use of public transit. Once the sanctuary is built, there is likely to be a more frequent demand for a passing bus to stop, given the size of this facility. Therefore, more pedestrians will be crossing the road

56.3

The EIR should describe the conditions under which pedestrians will likely have to cross the street from the bus stop, including the distance from marked cross walks, etc. Will those exiting the bus have a safe shoulder on which to stand until oncoming cars pass by? Is there a sufficiently safe shoulder on which to walk to the nearest marked crosswalk?

I request that the DEIR evaluate the need for bus stop improvements in the both directions rather than only one direction.

7) Need for a Protected Left Turn In to and Out of the Sanctuary Parking Lot

Since the DEIR includes estimates of how much traffic will exit or enter from the left or right at the street access point, it should be possible to quantify the number of cars which can be expected to enter or exit the parking lot before or after an event.

I request that the EIR add some data and analysis regarding what amount of expected traffic, within what time period, would warrant a protected left turn into and out of the Sanctuary parking lot. Surely, there must be quantifiable standards for various sizes of roadways with various numbers of lanes. The discussion should also explain how any standards for a protected turn would vary in situations like the sharp curve on Boulevard Way. 56.4

The DEIR fails to analyze the impact of driver behavior in situations where multiple cars are waiting to enter or exit a facility due to a timed event. A driver responding to the stress of having multiple cars waiting behind could choose to exit or enter when a shorter interval is available than they would normally consider safe. Given the nature of the

curve, the site distance issues, and the fact that the timing of events may create situations where multiple cars wish to enter or exit the parking lot simultaneously, this possibility of a protected-turn solution needs to be discussed within the EIR. Providing such a turn could mitigate some of the safety issues.

I realize that amount of the right of way available for a protected left turn is limited, but this is no reason for rejecting this potential traffic improvement without analysis. The EIR needs to address this issue in some depth.

56.4, cont.

I assume that left turns are somewhat more dangerous than right turns into or out of a driveway. The DEIR estimates that 35 percent of the trips exiting the Sanctuary will turn left toward Kinney Dr.[6] Since the sharp curve is also to the left, and since the vehicles exiting will be starting from a complete stop, the EIR should be able to explain how many seconds are needed per vehicle to safely exit at varying speeds of oncoming cars. Neighborhood opinion is that traffic frequently exceeds the speed limit in this area.

How pedestrians and bicyclists fit into this complex situation should also be analyzed, particularly since there will be so many more than in an average situation due to the TDM provisions.

8) DEIR Needs More Information about Potential and Existing Pedestrian Activity

On Sunday, May 22, I observed two families attempting to safely cross Boulevard Way from Kinney with a stroller and small children. They were walking to the Children's event at the existing Sufism facility. Even during daylight hours, they had to dodge traffic to cross this busy intersection. Imagine the difficulty and danger of crossing safely at dusk or later.

This is an example of why I believe that the DEIR needs to include more information about existing and potential pedestrian activity on both sides of Boulevard Way. By positioning the new facility near the curve on Boulevard Way, the potential for accidents and fatalities involving pedestrians and cyclists is greatly increased over the existing situation at 1300 Boulevard Way. 56.5

While the number of pedestrians coming from the south can be expected to be substantially less than the number coming from the direction of the commercial district, those pedestrians have a more dangerous crossing because it is near the curve. Where and how will they cross?

[6] Appendix O, page 21.

The DEIR states that,

> "Pedestrian counts did not account for all pedestrian traffic to/from the site due to limitations in the field (multiple access, limited daylight).[7]

Since a much greater than average proportion of the access to the project will not be vehicular due to the inclusion of the TDM plan, it is imperative that the field studies regarding pedestrians and cyclists be repeated without the limitations mentioned above. Those limitations are surmountable.

If the pedestrian surveys are repeated, they need to be repeated at a time of year when regular trips are being made to the existing facility. Since the EIR indicates that usage is highly seasonal, and does not occur in the same way in the summer, it may be necessary to delay the surveys to Fall when lighting and usage conditions most will be most similar with what normally occurs. 56.6

As to the safety of pedestrians crossing Boulevard Way, I request that the EIR include both typical and more conservative measures of sight distance. Limited sight distance at the curve and the visibility of pedestrians is an issue because the curve is so sharp. Normal sight distance standards may not provide an adequate measure of safety because on, an unlit curve, particularly after dark, a driver will have less time to see pedestrians than he would on a straightaway.

Most of the evening events at the proposed Sanctuary will occur at dusk or after dark since the events occur mostly between October and June. Research by Mark Green, Ph.D.,[8] concludes that how drivers see pedestrians at night is much more complex than during the day. He comments that:

> "At night, the problems are exacerbated by the lack of ambient illumination, the limited power and aim of headlights, the conflict between positive and negative contrast and by night myopia and glare."

Now, take that general statement and add in:

- the sharpness of the curve on Boulevard Way,
- the fact that the proposed sanctuary entrance is only 175 feet from the curve,
- the fact that there is not much street lighting before the curve,
- the absence of a sidewalk for the other side of the street from the Sanctuary, and
- the fact that more than an average number of drivers on this stretch will probably have night vision issues due to the proximity to Rossmoor.

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[7] DEIR Page 4.13-11.
[8] http://www.visualexpert.com/Resources/pedestrian.html

- it is clear that the situation for pedestrians will be fraught with danger.

The DEIR needs to include pedestrian counts, bus stop counts, cycling counts, etc., so that the need for additional pedestrian crossings can be evaluated as well as the need for a sidewalk on both sides of the street. Just as field operations were conducted for driveway traffic counts and parking surveys,[9] adequate field studies are needed for pedestrians. This is particularly true since the project is relying on people walking to the facility. 56.6, cont.

Once the information for the existing situation is obtained, then the EIR needs to estimate how pedestrian pattern will change based upon the fact that activities are being consolidated at this location, possibly causing more trips. Also, patterns may change due to the TDM measures.

9) Inclusion of Parking for the Parsonage in Project Totals

When the parsonage was approved, I suspect that the county required as a minimum, two parking places outside of setbacks.[10] Therefore, including those two spaces as part of the parking provided by the facility seem inappropriate. Besides, I believe that all three parking spaces at the parsonage will only be accessible from the easement on Warren Road. Using this easement to meet the parking requirements of a non-residential facility should not be permissible. 56.7

10) Comparability of Traffic between the New and Old Facility

This statement on Page 4.13-23 needs correction or clarification. The DEIR states:

> "Given the proximity and existing long-term operation of Sufism Reoriented's current facility at 1300 Boulevard Way, the operation of either Project Variant at 1364 Boulevard Way would be similar to what is now experienced in the neighborhood."

I disagree with this conclusion, because 1300 Boulevard Way is located on a four-lane stretch of road, with two lanes either direction. A driver can see either direction for a long distance without impairment. At the new location, the sight distance is greatly impaired and there is only one lane each direction. 56.8

I do not have information about this, but I suspect that the 1300 Boulevard Way location is lit by street lights on both sides of the street. There are very few street lights in the

[9] DEIR, Page 4.13-11.
[10] Contra County Code Section 84-4.1202. "Every dwelling unit shall have at least two off-street automobile storage spaces on the same lot." This section is referenced by Section 84-8.1202.

residential and curved portion of Boulevard Way. While the Sanctuary is proposed to be illuminated, I am not sure that the other side of the street will be lit any differently that it is now.

At the 1300 Boulevard Way location, multiple cars arriving simultaneously can wait to turn into the parking lot without disrupting through traffic. The through traffic can use the other lane. However, at the proposed facility, if multiple cars arrive simultaneously, any cars who come up behind, and are not turning, will have to wait.

Another reason that traffic may not be the same at the new facility as the existing facility is that more operations are being consolidated at the new location. There is greater potential for simultaneous meetings and events. 56.8, cont.

Reading this statement in the DEIR made me wonder if the writer had ever visited the site, or driven on the curve near Kinney either at day or night.

For the above reasons, please correct or clarify the statement that traffic under either variant would be similar to what is now experienced in the neighborhood.

11) Proposed Parking is Inadequate for Potential Demand at the Site

The DEIR, on page 4.13-20, supplies a trip generation table. I note that it is difficult to analyze the data because the traffic studies did not employ consistent time periods. For example, one part of the table uses 7:30 to 8:30 PM. Another part of the table uses 7:00 to 8:00 PM. People who arrive before or after the observed time frame are not included. Since an accurate count by license number could have been kept, but is not reported, I am trying to interpret the data as from the DEIR as reasonably as I can.

The trip generation table reports that on an average night, 106 vehicles exit the facility between 7:30 and 10:00 PM. On special event nights, the number exiting is 223, using slightly different hours. Since the new project is proposed to have only 71 dedicated parking places, [11] it would appear that the proposed parking is not adequate to meet existing demand. Given that TDM measures are already being implemented at the existing facility, the trips which were reported in the trip generation table already represent a reduced demand. 56.9

The number of trips in the trip-generation table also understates potential demand because one of the applicant's objectives is to consolidate all of its activities in one

[11] The applicant proposed to provide 74 parking places. I am not including the three parking places associated with the parsonage since they do not have a non residential access.

location. This would imply that some number of existing trips related to Sufism activities do not come to the existing facility and would not have been counted in the studies prepared for the DEIR.

Whether you interpret the data as I have, or the way my colleague has who reports that the parking lot will be at 90 percent of capacity when the new facility opens, it would not be in the best interests of the community to have so little parking available to meet demand at a 66,000 square foot facility. 56.9, cont.

12) Stability of Church Ownership

I grew up in Oakland. One church by my parent's house has had three different owners since 1960, and this is in a nice neighborhood of Oakland near Piedmont.

Churches often do not intend to change location, or close due to finances or a lack of members, but this does occur. The first website that I checked shows almost 200 churches for sale in California.[12] I am not suggesting that Sufism try to buy another church. I am merely pointing out that churches do change ownership. Since a conditional use permit runs with the property, any new owners will be obligated to the same TDM conditions as were granted to the original applicant. It would behoove Contra Costa County to grant any TDM application for this property using moderate assumptions about what is practical, enforceable, and sustainable for an average place of worship of this magnitude. That is a reasonable and prudent approach to considering the TDM portion of the plan. 56.10

To this end, I request that the EIR include information about parking at comparably sized worship facilities in the County. I also request that the County provide data from other conditional use permit applications to allow religious facilities in residentially zoned areas. The reasonableness of the TDM proposal associated with this application has to be ascertainable. If this information requested in this paragraph is not provided in the EIR, the proposed TDM plan cannot be adequately analyzed, nor can the magnitude of the future impacts cannot be put into context.

Would the County authorize a 66,000 square foot office building which is not in walking distance of BART with only 71 parking places? I suspect not. Would the county authorize a non profit facility of 66,000 square feet with only 71 parking places? I suspect not. Has the County ever authorized any 66,000 square foot facility with only 71 parking spaces which is not in walking distance of BART? I suspect not.

[12] As of May 27, 2011. http://www.loopnet.com/California_Churches-For-Sale/8/

To understand the reasonableness of the TDM request for this project, information has to be provided which places the proposal in a context. The DEIR fails in this regard. Since the TDM approval will affect the proponent and the neighborhood for decades to come, the EIR must provide further information about parking at comparably sized buildings and the conditions of comparable TDM applications. Decision makers and the public can not reasonably evaluate this proposal without such information. 56.10, cont.

The omission of this information from the DEIR is a fatal flaw. The DEIR needs to be revised and recirculated once the information is included.

13) Proposed Overflow Parking Related to the TDM Proposal

As part of the TDM plan for this project, the DEIR indicates that overflow parking would be provided offsite at two locations, White Pony School, referred to as the Meyer School, and the rear of the H&R Block building.

I live very near White Pony School. I was appalled to see that the applicant was willing to bring the impacts of this project all the way over to my part of the neighborhood. I cannot see where the impacts of this project can be deemed to be mitigated by adding traffic on streets which are: 1) a substandard width and cannot handle parking for existing cars safely, 2) have no sidewalks, and 3) already have a higher than average preponderance of walkers than most neighborhoods.

The problem of not having sidewalks is more important by the school than anywhere else in the neighboring vicinity. The Sun Valley Community Swimming Pool is around the corner from me and across the street from the White Pony School where the overflow parking will occur. Many families and unescorted children walk to the pool on a regular basis. The swimming pool is open from about Easter vacation into the Fall. We already have a safety problem in that most pedestrians have to walk in the street since there are no sidewalks. 56.11

Therefore, I request that the EIR include information about the proposed route for trips between the sanctuary and the overflow parking at White Pony School. The EIR should estimate how many times a year the overflow parking would be needed, the times of day, etc. Also, the EIR should be specific about whether the overflow parking route will be 1) announced in advance, 2) signed, 3) if signed, how long signs will be posted and when they will be removed. The EIR needs to estimate the number of trips which can be expected and provide an estimate of how the trips will be divided between vans and cars.

The EIR should also include an estimate of the number of trips based upon the possibility of events at the Sanctuary exceeding 400. This could happen. It is only reasonable to plan for the neighborhood to know what could happen.

Last, I would like to point out that Sufism Reoriented does not own the school, and therefore cannot guarantee the availability of the school for overflow parking in perpetuity. Since any conditions of the TDM plan run with the property, all aspects of the TDM must be sustainable and enforceable over the very long term.

I also believe that it is the case that the operators of White Pony School have not received the permission of the Lafayette School District, the property owner, to use the school parking lot for overflow parking for the Sanctuary. Nevertheless, Sufism Reoriented has included the proposal in the TDM plan. What does that portend for the entire enforceability of the TDM proposal over time? 56.11, cont.

14) Design Speed Calculations: 35 or 40 MPH?

It is my understanding that the County periodically takes speed surveys on arterials. I request that the results of the last two speed surveys for Boulevard Way be included in the EIR. It is critical to know whether the observed speed exceeds 25 miles per hour and by how much. This affects the interpretation of the sight distance calculations in the DEIR.

56.12

The DEIR uses a design speed calculation for Boulevard Way of 35 miles per hour. In 2002, for Subdivision MS 02-0007, the Contra Costa Public Works Department requested a design speed of 40 miles per hour be used for Boulevard Way. This was reported on page 72 of the Sufism DEIR Appendix A.

The EIR should explain how the resulting conclusions would vary had a design speed of 40 miles per hour been used for Boulevard Way.

15) Facility Capacity and Parking Requirements

The DEIR indicates that no more than 400 people are expected to use the facility at any one time according to the project proponent. This contention is based on the contention that membership in the organization has not varied much is the last 20 or 30 years.

56.13

When the Lafayette Park Hotel was built along Pleasant Hill Road, the parking needed was severely underestimated, resulting in continued and severe impacts which have taken years to remedy. I asked one of the members of the City of Lafayette staff how the project could have been approved without more parking. The answer was, "The applicant hoodwinked us."

I do not believe that Sufism Reoriented is hoodwinking the County by reporting that its members total 350-400. However, this is only part of the information that is required in analyzing the impacts for a facility of this size.

There are any number of reasons why the DEIR should include information based upon possible, reasonable, and projected usage for this building:

- Having a new facility may stimulate interest in the organization and result in increased membership.
- The maximum fire capacity is likely to be substantially higher than 400.
- Approval of a conditional use permit runs with the property, not the owners. An estimate is needed of the reasonable use a 66,000 square foot building.
- While Sufism Reoriented is not anticipating more than 400 attendees it is possible that more people could show up for an event, especially if extended family members or the public attends.
- Sufism Reoriented has not proposed or consented to any absolute condition which would restrict its future use of the building to 400. 56.13, cont.
- In the past and recently, Sufism actually has actually held and promoted events which were open to the public. In the early 80s, a weekend festival was held at White Pony School which brought in a lot of people who were not members. Another event was held on the parsonage property in May 2010 for families and children. The sign promoting the event said that it was open to everyone.

So, basing parking for this facility on 400 should be considered an estimate of attendees, not an absolute threshold. The DEIR should include information about how much parking is normally required when a project of this size is approved.

The DEIR should also present this information in the context of the location. Very little offsite street parking will be available nearby. And, the curve limits sight distance to the facility entrance.

16) Sight Distance Issues Related to this Project

On Page 4.13-24 and 25, the DEIR states that a sight distance of 250 feet is needed exiting the project to the left. Only 175 feet was available when the DEIR was written. Since that time, a fence has been moved to increase the sight distance. I do not know how much longer of a sight distance was achieved.

56.14

The standards used in the DEIR for sight distance are just one measure of the safety of an intersection or driveway egress. I believe that the DEIR uses SSD, or stopping sight

distance. A paper by Paul Barricklow[13] explains why it is important to use a better measure referred to as "Decision Site Distance." Here is an excerpt from his paper:

> **"Stopping Sight Distance**
>
> The most basic sight distance guideline provided is stopping sight distance (SSD). The SSD is the distance required, at a given speed, for a motorist to recognize a stationary object in the roadway and come to a complete stop prior to striking the object. Based on previous studies, AASHTO recommends using a perception-reaction time of 2.5 seconds and a deceleration rate of 11 feet per second squared. In addition, a driver's eye height of 3.5 feet and an object height of 2.0 feet are recommended. Using these recommended values, the design guidelines for required SSD at various speeds are shown in Table 1 (*1*).
>
> **Decision Sight Distance**
>
> While the provision of SSD should be sufficient in most cases for the average driver to comprehend a possible conflict and appropriately react, there are circumstances where additional sight distance is needed. When additional distance is necessary, the guidelines for decision sight distance (DSD) should be used. The TxDOT *Roadway Design Manual* defines DSD as follows: 56.14, cont.
>
>> *Decision sight distance is the distance required for a driver to detect an unexpected or otherwise difficult-to-perceive information source, recognize the source, select an appropriate speed and path, and initiate and complete the required maneuver safely and efficiently (2).*1"

Where the "Stopping Site Distance" is recommended to be 250 feet at 35 MPH using the standard in the DEIR, using "Decision Site Distance," as recommended by AASHTO, the required distance would be from 275 to 590 feet.[14] The difference between 275 and 590 feet is the difference between an avoidance maneuver on an urban versus rural road.

I request that the EIR include data for the curve and the proposed access using both sight distance and decision distance measures. Data should also be presented on other pertinent factors such as the degree of the curve, the rural versus urban setting, the angle

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[13] http://tti.tamu.edu/documents/0-4084-P2.pdf
Many such papers are available on the Internet about the same issue.
http://safety.fhwa.dot.gov/geometric/pubs/mitigationstrategies/chapter3/3_stopdistance.htm
http://kiewit.oregonstate.edu/access/dp8a_2004.pdf

[14] http://tti.tamu.edu/documents/0-4084-P2.pdf, page 3.

of headlights, etc. What is at stake is the safety of our community. To not include such information in the EIR is a matter of full disclosure. 56.14, cont.

17) Long-Term Implications of Approving a Traffic Demand Management Plan

When a building is built it often stays on the ground for 50 to 100 years. A building of this design quality and import is likely to stay on the ground much longer. Because of that, the conditions associated with the project need to be enforceable, reliable, defensible, and reasonable.

So, the basic issue underlying the TDM proposal is that the proponent needs a parking reduction in order to feasibly locate on this particular 3.2 acre group of parcels.

The general idea of Traffic Demand Management is reasonable. The problem is that many of its provisions cannot easily be enforced, are not absolute, and are not even possibly feasible.[15] 56.15

And, as neighbors, we should be willing to consider a reasoned and reasonable proposal for parking reduction.

The problem that I am having is that I do not believe that providing only 71 spaces is anywhere near sufficient. Because of that conclusion, I would like to associate myself with the comments of Richard Galton on the matter of the TDM proposal.

[15] Approval of the overflow parking has not been secured.

Responses to Comment Letter 56 – Patricia R. Perry (May 26, 2011)

56.1 See Master Response 7.

56.2 Delivery trucks are expected to back into the service entrance, and pull forward to exit. The trucks are not expected to block more than one lane of traffic during the few minutes it will take them to back in.

While the County acknowledges that the proposed building will necessitate occasional deliveries by trucks, the number and frequency of such deliveries is expected to be commensurate with the proposed religious activity use – in other words, commensurate with those of religious facilities located in residential zones throughout the County and not at an excessive level. During the operational period, truck deliveries are likely to occur with the same frequency as they occur at the existing Sufism Reoriented facility at 1300 Boulevard Way. The type of trucks making such deliveries is expected to be similar to those that make deliveries to residential properties in the area. Those deliveries consist of Fed Ex, UPS, office supplies, and the like. Deliveries are expected to take place during day time hours, when there would be relatively little demand for the parking spaces in the main parking lot, and generally during off-peak hours.

While a secondary service entrance is indeed provided from a driveway leading from Boulevard Way, delivery trucks could also access the proposed facility from the main Boulevard Way driveway.

The project is not projected to attract such a large number of large trucks that special provisions are needed. For uses that are reasonably likely to attract frequent (daily or multiple daily) deliveries from large trucks, such as grocery stores, other large retailers, or certain institutional uses, additional service entrance provisions might be appropriate if potential environmental effects were found to be likely to occur.

Given the reasonably foreseeable program of activities set forth in **Table 3-1**, the County projects that it is not reasonably foreseeable that a substantial number of trucks would make deliveries to the proposed facility such that a significant environmental effect could occur.

56.3 See Master Response 6.

56.4 See Master Response 6. First, as stated in the Draft EIR traffic section, the projected number of peak-hour vehicle trips associated with the project falls beneath the County's threshold for conducting a quantitative traffic impact

analysis (TIA). The threshold was established in recognition that project generating low volumes of peak period traffic would be extremely unlikely to result in any significant adverse environmental effect.

Notwithstanding, the County Department of Conservation and Development commissioned a quantitative TIA. The TIA indicated that given the anticipated program of activities, the project would not result in any significant traffic impacts at intersections or roadway segments. For the same reason, the TIA indicated that given existing low traffic volumes on Boulevard Way and the relatively small contribution of additional trips related to the project, there was no need for the provision of any special traffic turning or stacking facilities, such as a left turn pocket as suggested by the commenter.

Moreover, all left turns into the proposed project driveway would occur from westbound Boulevard Way. As discussed in the TIA (**Appendix O**), stopping sight distance was examined for both westbound and eastbound Boulevard Way traffic. The analysis indicated that stopping sight distance for westbound traffic exceeds 700 feet, which the analysis concluded provided for more than adequate reaction and stopping time if needed. As stopping sight distance was shown to be more than adequate for westbound traffic, the TIA concluded that the project would not introduce any unsafe conditions for westbound traffic. See also response to comment 52.1.

56.5 See Master Response 6.

56.6 See Master Responses 6 and 7.

56.7 See Master Response 7. The referenced language on page 4.13-23 of the Draft EIR is revised as follows:

> **As indicated in Table 4.13-8, traffic increases caused by the project would be minimal, so that** ~~Given the proximity and existing long-term operation of Sufism Reoriented's current facility at 1300 Boulevard Way~~, the operation of either Project Variant at 1364 Boulevard Way would be **insignificantly different from** ~~similar to~~ what is now experienced in the neighborhood.

56.8 See Master Response 6.

56.9 See Master responses 3 and 7. Please also see **Table 3-1** of the Draft EIR for a reasonably foreseeable program of activities.

56.10 See Master Responses 2 and 7.

56.11 See Master Response 7. There is no parking for the project proposed at the H&R Block Building only at The Meher Schools

56.12 See response to comment 52.1. The 2002 subdivision approval cited by the commenter is in a substantially different location and at the time, County PWD determined that a stopping sight distance based on a different design speed was warranted.

56.13 See Master Response 2, 3 and 7. Please also see the response to comment 56.10 above.

56.14 See response to comment 52.1

56.15 See Master Response 7. See also responses to comment 24.1.

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MAY 27 2011
CONTRA COSTA COUNTY
CONSERVATION & DEVELOPMENT

LETTER 57

May 27, 2011

To: Ms. Lashun Cross
Department of Conservation and Development
Contra Costa County
651 Pine Street, North Wing
Martinez CA 94553

From: Patricia R. Perry
30 Meek Place
Lafayette CA 94549

Subject: **Comments on DEIR[1] for Sufism Reoriented Sanctuary Related to Water, Fire, Parsonage Easement, Times of Building Usage, Lighting, Tree Removal**

1) Adequacy of the DEIR's Analysis of Water Usage

I note that Appendix J provides an estimate of the water which will be needed for interior versus exterior use. The baseline amount for total use is estimated at 733,264 gallons a year. There is no distinction between interior and exterior usage. The estimate of future water use at the Sanctuary site is: [2]

	Gallons per Year
Interior	2,355,112
Exterior	1,397,539
Total	3,752,652

The DEIR fails to explain how the baseline figure was obtained and how the projected use was calculated. This needs to be documented in the EIR. 57.1

An EBMUD representative[3] told me that, if the existing water connections on the seven lots proposed for the new sanctuary cannot supply the projected water use, then the Sanctuary will need to comply with newer regulations and standards. In particular, the project will need to meet the specifications of the Urban Water Management Plan which was updated in 2010.[4] I am unable to ascertain from the DEIR whether this will be the case. I suspect that the project will need a higher capacity water connection than the existing residential connections can provide. If this is the case, then I find the EIR deficient in its water analysis.

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[1] SCH No. 2010032028.
[2] Appendix J, Page 7.
[3] Conversation with David Rehnstrom, May 25, 2011.
[4] On Page 4.14-1, the DEIR refers to the 2005 version, but the plan was updated in 2010.

The EIR needs to include data about number and capacity of existing water connections on site and whether they can supply 3,752,692 gallons per year.

Last year, the State adopted a 2020 Water Conservation Plan. The goal of that plan is to achieve a 20 percent per capita reduction in urban water demand by 2020.[5] Whether it is required or not, each and every project which is approved from now on needs to address this goal in principle. We do not live in an era of unlimited water.

I also note that the DEIR references the California 2010 Green Building Codes. However the DEIR only mentions implications for interior construction. The California 2010 Green Building Code also includes provisions related to water usage and landscaping. Nonresidential water use is discussed on CalGreen Page 31 in Section 5.303. The need for a water budget is discussed. This information needs to be covered in the EIR.

I request that a detailed water budget be included in the EIR whether or not it is required by code. According to EBMUD, such information is often supplied in EIRs whether or not the information is required. Decision makers who are approving this project need information about how water usage will change. Merely, stating that future usage is estimated to be 3,752,692 gallons a year is not sufficient. How can any cogent comments on water use be formulated without: 1) further and more detailed information about the assumptions behind this figure and 2) information about how the number was calculated? 57.1, cont.

According to the arborist's report, 43 trees currently are planted on the proposed site. They are proposed to be replaced with 165 trees. I particularly want to know the water implications of this proposal. I would also like to know the expected water usage for the proposed turf areas.

I also note that on page 4.14-5, the DEIR states that: "A WSA is not required because the water demand associated with the project is not equivalent to 500 or more dwelling units." How this was calculated needs to be documented in the EIR. What amount of water per potential dwelling unit was assumed on an annual basis?

According to the DEIR, a water supply assessment evaluates the water supply available for new developments. I am not requesting a water supply assessment. I am requesting detailed information about projected water usage onsite.

[5] http://www.swrcb.ca.gov/water_issues/hot_topics/20x2020/index.shtml, Paragraph 2.

2) Fire District Access to the Parsonage after the Sanctuary is Built

The feasibility of eliminating the access on White Horse Court for the parsonage affects the feasibility of entire Sanctuary project as designed. Adequate emergency access to the parsonage, located at 11 White Horse Court, must be discussed in the EIR. It is not sufficient to merely attach the letter from the fire district because the letter does not address all the applicable issues.

Fire District Issues Which Are Not Addressed

57.2

Turning Radius into the Easement on Warren Road

Appendix C, the letter from the Fire District, indicates that the access easement must be capable of handling a 37-ton truck. According to the fire district, those trucks are approximately 40-feet long. The needed interior turning radius is 25 feet. The outside turning radius would be 45 feet. The Orinda Moraga Fire District uses 28 feet and 48 feet.[6] The Letter from the Fire District does not address the issue of turning radii.

The easement off of Warren Road has impediments to the ability of the fire truck to turn into the easement. Note the tree in the picture below.

Easement Entrance on Warren Road (May 2011)

[6] http://www.mofd.org/content/ordinances/file/Fire%20Apparatus%20Access%20Roads%20standard%2008.pdf, Page 3.

I am unable to determine from Appendix C if the amount of turning radius available for a fire truck to enter the easement is adequate. In addition to the tree constricting access, I am told by neighbors that vehicles are often parked on the road in this area.

The entrance to the easement as shown in the plans in Appendix C depicts a Y situation. I am not sure this is the case and needs to be accurately depicted. See above picture. 57.2, cont.

Therefore, I request that the adequacy of the turning radius into the easement be determined by a site visit, rather than an overlay of maps in an office situation.

Proposed Construction Materials for the Turnaround near the Parsonage

Also, when I examine the plans in Appendix C, the fire truck turnaround near the parsonage appears to be proposed to be made partly of pavement and partly of another material. The plans specify GRASSPAVE2,[7] and I am told that this does not meet Contra Costa County Fire Protection District requirements. The EIR needs to report on: 1) the nature of the other material, and 2) whether this other material meets Contra Costa Fire Protection District weight requirements for a 37-ton truck. 57.3

Time and Distance for Emergency Access to the Parsonage via Easement

Also, the DEIR comments states that it is the goal of the fire department to be no more than 1.5 miles, or three minutes from the closest fire station. Since the DEIR states that this project is 1.7 miles, I request that the EIR report on the approximate time it would take a fire truck to reach the parsonage through the easement on Warren Road. Please report this separately from the amount of time to reach the Sanctuary entrance on Boulevard Way. I suspect that the time to reach the parsonage is more than the time to reach the proposed sanctuary. 57.4

3) Maximum Occupancy of the Building

I also request that the EIR report separately what the maximum occupancy of the open areas of both floors would be under fire regulations. All assumptions and numbers used in this calculation should be shown, and should be separated into open areas versed closed areas such as offices. This would be a telling factor in evaluating the reasonableness of the proposed parking and the proposed Traffic Demand Management Plan. 57.5

[7] Appendix C, Page 4.

4) EIR Needs to Include Information on any Easement Restrictions

The EIR needs to report whether the easement for the parsonage to use the access on Warren Road contains any restrictions. At issue is whether the easement can be used as the primary access rather than merely a secondary access. After the construction of the proposed sanctuary, the parsonage's entry to Boulevard Way will be forfeited. 57.6

5) Dates and Times of Highest Expected Usage of the Facility

On page 3-6 of the DEIR, the highest evening usage is reported to be Sunday night. On page 4.13-11, the highest evening usage is reported to be Friday night. This discrepancy needs to be corrected. 57.7

6) Effect of Project Variants on Lighting

It is unclear from reading the DEIR how the lighting will be altered if Project Variant B is adopted. The EIR needs to clearly distinguish the impacts on landscaping of the wider right of way. Figure 3-11 shows the proposed lighting plan for Variant A. A similar plan is needed for Variant B. 57.8

7) Proposed Tree Removal

The DEIR indicates that all 36 trees on this site are proposed for removal. Another 7 trees in the right of way will also be removed. The applicant also proposes to trim the canopy of 11 trees on other properties which overhang any portion of the seven-lot Sanctuary property.

Is the trimming of the canopies of the trees on other properties reasonable? How can we tell from the information in the DEIR? The arborist's report states that these 11 trees are "expected to experience a slight or minimal impact."[8] The DEIR states that "the overhanging portions would be trimmed as part of project implementation."[9] Perhaps, it is merely a choice of words, but when I read the statement from the DEIR, I assumed that the project applicant was intending to trim all of the overhanging portions. It needs to be clear in the EIR exactly what amount of trimming is being proposed when. Are the 11 trees on other properties going to be cut back to the property line, or not? And, the DEIR needs to explain whether these 11 trees will be cut back before the project commences, or when circumstances dictate that trimming is absolutely necessary. 57.9

As to the issue of the 36 trees onsite, is the removal of <u>all</u> these trees absolutely necessary? The arborist's report indicates that nine trees out of the 54 are worth

[8] Appendix G, page G-75.
[9] DEIR, page 3-4.

retaining.[10] The data below are taken from the arborist's report. The map on page G-77 of Appendix G shows where Zones 1-4 are located.

Information from Arborist Report on Trees with a Retention Rating of 7+

Tree Number	Zone	Retention Rating	Type	Location Notes
102	1	7	Siberian Elm	In road, under lines
178	4	9	Valley Oak	In parking
181	4	9	Valley Oak	In parking, sidewalk
182	4	7	Coast Oak	In parking
194	3	7	Gum	In parking
985	4	10	Coast Oak	In drainage swale
1926	2	9	Valley Oak	In Building
1929	1	8	Valley Oak	Depends on sidewalk, lines
2477	3	8	Coast Oak	Must be removed

As the arborist's location notes indicate, some of the nine trees with ratings of 7+ are outside the footprint of the building. Why are none of those trees proposed to be retained? I believe that the five trees in Zones 3 and 4 are entirely outside the footprint of the building. Even the Valley Oak in Zone 1 says that its location depends on the sidewalk and lines. Why is it not being retained? 57.9, cont.

The Contra Costa Tree Ordinance states that one of the factors which shall be considered in granting or denying a tree removal permit is:

> "Reasonable development of the property would require the alteration or removal of the tree and this development could not be reasonably accommodated on another area of the lot."[11]

I understand that the footprint of the sanctuary is large, but not all the trees occur within the footprint of the sanctuary. If the approval of the tree permit for this application is to be anything more than a ministerial action without forethought, the DEIR needs to report on why not one of the trees rated for retention, and outside the footprint of the building is proposed to be kept.

Just because the applicant wants to place a 66,000 square foot building on a 3.2 acre property and cannot provide the amount of parking which would normally be required, does not mean that this is reason enough to remove every tree from the parking lot.

[10] Appendix G, page G-79. Retention rating of 7 or more.
[11] Contra Costa County Tree Ordinance, Chapter 816-6, pages 4-5.

Sidewalks can be directed around trees. It is not clear what could be done with the tree in the drainage swale or those under power lines, but some accommodation is possible in reasonable, normal circumstances.

In my mind, the reason that none of the trees will be retained is that, frankly, the proposed application does not represent a reasonable proposal for this site. Is space really so tight that not one existing tree with a retention rating of 7 or more can be kept? This observation gets to the heart of the above requirement in the tree ordinance that removal is necessitated by the "reasonable development of the property."

So, why did Contra Costa County adopt a tree ordinance? The County tree ordinance includes the following purposes:[12]

> "(1) The county finds it necessary to preserve trees on private property in the interest of the public health, safety and welfare and to preserve scenic beauty.
>
> (2) Trees provide soil stability, improve drainage conditions, provide habitat for wildlife and provide aesthetic beauty and screening for privacy.
>
> (3) Trees are a vital part of a visually pleasing, healthy environment for the unincorporated area of this county."

57.9, cont.

Reading the above purposes, it is clear that we as a society have chosen to put a value on trees. This is clear from the purposes of the ordinance. Many, many property owners voluntarily, or by requirement are able to protect and retain existing trees onsite. Why is this applicant unable or unwilling to do so?

Frankly, it makes me wonder if the applicant prefers to not be bothered to keep any trees, does not value existing native species such as valley and coastal oaks, and would rather plant the particular trees that they prefer, many of which are deciduous and will not screen the Sanctuary 4-5 months of the year.

The information in the EIR about tree removal needs to be expanded. I request that the document include a figure and a list which depicts the trees outside the footprint of the building and the retention rating of each. This needs to be within the body of the document and not the Appendices.

Then I request that the EIR include an alternate parking and sidewalk plan which retains some of the trees recommended for retention by the arborist.

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[12] Contra Costa County Tree Ordinance, Chapter 816-6, pages 1.

Responses to Comment Letter 57 – Patricia R. Perry (May 27, 2011)

57.1 The commenter asks how the water usage projections were obtained and calculated.

Appendix J presents the results of a greenhouse gas model (the BGM model developed by the Bay Area Air Quality Management District). The model provides default inputs for many factors associated with development, including estimated water usage. The model is based on statewide averages and typically overstates the actual usage. The model allows users to override the default assumptions if more accurate information is available; however, in the case of the Sufism Reoriented project, the defaults were left in place to provide the most conservative estimate of greenhouse gas emissions associated with water consumption and wastewater conveyance.

Section 4.14, Utilities and Service Systems is based on regional and local calculations from the local water purveyor, East Bay Municipal Utilities District (EBMUD). The East Bay Municipal Utilities District (EBMUD) has sufficient water supply to meet expected demand of its water customers through Year 2030 under normal water year conditions. The assumption of future demand is based on existing development and a growth factor for new development that is based on adopted land use designations. As the project is allowed within the R-10 zone district, the project is included in the EBMUD calculations for future water use. These calculations are made according to land use plans for the local jurisdictions. As the project does not trigger the need for a Water Supply Assessment (WSA), it does not require an individualized assessment. However, the project is required to incorporate drought-tolerant landscaping and would be required to comply with the State Model Water Efficient Landscape Ordinance. In addition, the project would be required to comply with whatever provisions have been incorporated into building and landscaping laws and codes to implement the 20 percent reduction by 2020 laws to which the commenter refers.

Actual water usage at the proposed facility is expected to be far lower than the default assumptions inherent in the BGM model. As stated on page 4.14-9 of the Draft EIR, the County sought the opinion of the Central Contra Costa Sanitary District (CCCSD) in estimating potential wastewater flow. CCCSD estimated that the proposed project would produce approximately 1,000 gallons of wastewater per day (gpd) on average. Wastewater calculations are typically a function of projected water use/demand. A

common rule of thumb is that 90 percent of water used on site become wastewater. Wastewater includes all water flushed down toilets, run through drains, or otherwise introduced into the sanitary sewer system.

Even assuming that only 50 percent of the water used by the project became wastewater, imputed water demand would be substantially lower than the BGM defaults for places of worship. A 50 percent factor would translate to water demand of 2,000 gallons per day or 730,000 gallons per year. To provide context, an average household in the EBMUD service area uses 178.6 gallons of water per day or about 65,200 gallons of water per year. Based on these factors, it is assumed that the project would generate water demand roughly equivalent to that of 11 households. The BGM model's prediction of project water demand of 3.7 million gallons per day thus substantially overstates realistic water demand for the facility.[5]

The commenter states that the DEIR refers to an out-of-date UWMP by EBMUD. In fact, as of the publication date of the Draft EIR, EBMUD's 2010 UWMP remained in draft form. The EBMUD Board of Directors adopted the 2010 UWMP at a meeting on June 28, 2011, well after the March 2011 publication of the Draft EIR. The UWMP is a plan EBMUD is required by law to adopt, to assess the adequacy of its water supplies and plan for any water shortages. It does not regulate individual water connections. Any connections the project obtains from EBMUD will be required to meet EBMUD's then-current requirements. **Mitigation Measure 4.14-1** is amended to reflect the requirement that the project comply with the drought management plan in effect at the time of drought, as follows:

> ***Mitigation Measure 4.14-1***: In the event of multiple drought years, the applicant shall comply with EBMUD's **then-applicable** Drought Management Program ~~and reduce water usage by 20 percent~~. In the event of critical shortages (shortages of 25 percent or more), the applicant shall comply with reduction goals based on customer categories set by EBMUD.

The project does not qualify as one that would require a Water Supply Assessment. A typical rule of thumb for the amount of water demanded by dwelling units is one-half-acre-foot per home per year. This equates to 250-

[5] East Bay Municipal Utility District, Draft 20-10 Urban Water Management Plan. Accessed at www.ebmud.com on June 29, 2011.

acre-feet per year for a 500-unit project. This project's demand is far less than that. The other projects that require a WSA are as follows:

(1) A proposed residential development of more than 500 dwelling units.

(2) A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.

(3) A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.

(4) A proposed hotel or motel, or both, having more than 500 rooms.

(5) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.

(6) A mixed-use project that includes one or more of the projects specified in this subdivision.

Water Code § 10912. The project is far too small to qualify as any of these types of projects.

57.2 The memorandum in **Appendix C** was prepared by the Fire Marshal of the Contra Costa County Fire Protection District (CCCFPD) following a review of project plans and a reconnaissance of existing conditions. The Fire Marshal reviewed and approved the proposed the project's emergency vehicle access (EVA) pending the conditions noted in **Appendix C**. These include the provision of an approved fire truck turn around at the Parsonage building, the placement of "no parking" signage along the private access roadway, tree trimming and maintenance to preserve a minimum vertical clearance of 13 feet, 6 inches, and other conditions. See response to comment 22.31.

57.3 The CCCFPD prepared the notes on page C-2 of **Appendix C** indicating that the western portion of the EVA shall be paved with concrete or Grasspave2 capable of supporting an apparatus loading of 37 tons (see note FD.01). As described in **Appendix L** (please see page L-96), it is common to find fire lanes installed with Grasspave2. Tests have been conducted establishing credibility of Grasspave2 for fire lanes. The Fire Marshal has reviewed project plans that indicate the surfaces that will be used, and has not indicated any required changes. See response to comment 22.31.

57.4 The commenter appears to misinterpret a statement in the Draft EIR. Draft EIR page 4.12-1 notes that the closest CCCFPD facility to the project site is Station 3, at 1520 Rossmoor Parkway, about 1.5 miles south of the project site. This distance represents the estimated distance to the Boulevard Way driveway. Given the location of Station 3 to the south of the project site, the distance to the private access drive off of Warren Road is shorter, about 1.3 miles. In either case, the distances comport with Contra Costa County General Plan Policy 7-62, which strives to achieve no more than a 1.5 mile distance from a first-response fire station.

57.5 **Table 3-1** in the Draft EIR sets forth a reasonably foreseeable occupancy of the facility. Please see Master Responses 3 and 7.

57.6 The private driveway from Warren Road is used now for secondary access. The commenter is correct that with project implementation, there would no longer be access to the parsonage from Boulevard Way. Please also see Master Response 7. See also response to comment 79.10.

57.7 **Table 3-1** on page 3-6 of the Draft EIR lists reasonably foreseeable activities, and the number of participants at each. According to this table, 357 participants would attend night classes on Friday evenings between October and June; between 200 and 250 participants would attend devotional gatherings on Sunday evenings between October and June. The information in this table is consistent with the statement on page 4.13-11 of the Draft EIR indicating that the highest attended activity during a typical weekday is Friday evenings.

57.8 **Section 3.4**, Project Components, of the Draft EIR describes the lighting plan for each of the Project Variants. Please refer to page 3-11 of the Draft EIR for a discussion of the differences between lighting for each Project Variant.

The landscaping plans for Project Variant A and Project Variant B are shown in **Figures 3-9** and **3-10**, respectively. As described on page 3-11 of the Draft EIR, no trees would be permitted within the Boulevard Way public right-of-way, per County regulation. Accordingly, there would be little overall change in lighting plans. See response to comment 37.3.

57.9 See Master Response 9. With regard to the proposed trimming of trees that overhang or encroach into the project site, such activities in California are limited to the trimming or branches or cutting of roots of encroaching neighboring trees that do not damage the overall health of the tree. The amount of trimming would accordingly not create a significant impact in

terms of aesthetics or biological value of the trees. See response to comment 12.24 regarding deciduous trees.

May, 17 2011

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LETTER 58

Attn: Ms Lashun Cross
Contra Costa County of Conservation and Development
651 Pine St. 4TH floor-North Wing
Martinez, Ca. 94553

Sufism Reoriented Sanctuary Project EIR
County file numbers-LP082034and MS090008

Dear Ms Cross,

My name is Carol Rasmussen and I live at 2434 Warren Rd in Walnut Creek. I am very much against the size, color and design of the sanctuary that Sufism Reoriented has planned for our modest neighborhood.

The tree removal, displaced wildlife, inadequate parking, excavation, drainage, air quality, traffic, dust and noise levels while construction is in process are majors concerns that I have should this project move forward.

My husband and I purchased our home approximately 40 years ago with the intention of living in a quite and peaceful environment. We purposely chose this area because of the country like appeal that the Saranap area offered. The many trees that we have in the area was a definite attraction. Over the years that we have lived in the Saranap area I expected normal infill but I never imagined that a project of this magnitude could ever be allowed in a residential setting. 58.1

The following items are my concerns:

1. The applicant wants to remove several mature trees that have been standing for years and that support all kinds of wildlife. Surly if they were really concerned about the environment they would make other plans for the size of the project so that the integrity and character of the neighborhood could be maintained and that the wildlife would not be displaced due to the tree removal.

2. Inadequate parking for the amount of members: What happens to the building when their members are deceased and the need for the building no longer exits? By their own admission they don't have plans for adding new members and it could stand vacant for years due to the parking limitations. This is a real big reality that should be considered when the project comes up for review. 58.2

3. The amount of dirt that is going to be excavated may cause the water table to be effected and drainage problems could be in sued due to a major down slope where water would drain into Las Trampas Creek. I am very concerned with the size of the hole that is to be excavated, this is not appropriate with residents living so near to the project since major runoff could be an issue for those homes. 58.3

4. Diesel fuel and exhaust will be increased during construction and the air quality will be compromised for people with breathing limitations or for anyone else for that matter. The applicant states that the trucks will not idle when not in use. The loaders and the digging machines are going to be running all day. Who is going to monitor the air quality for the diggers and the loaders? 58.4

5. Traffic would be increased due to the amount of trucks needed to move the excavated dirt to a dump site. Construction workers coming and going to the job site would impact traffic in the area. Traffic piling up on Blvd. Way during morning and evening commute hrs. and causing the probability of drivers using Warren Rd. to avoid backups on Blvd. Way would be a major concern for me as well as my neighbors 58.5

who live on Warren Rd. 58.5, cont.

6.. Raising the traffic on a dangerous bend on Blvd. Way could have disastrous outcomes due to unsafe driving conditions. 58.6

7. Noise and dust is another major concern during construction, since I live within 70 ft. of the project it would be very difficult to maintain a good quality of life for the time it takes to build the project. 58.7

8. I would also like to ask that story poles be implemented so that it would be apparent for residents in the neighborhood to see the magnitude of the proposed project and any impacts could be addressed. 58.8

9. The size and design is completely out of character for the semi rural area that we live in and I would ask you to have them redesign the project,. This particular architecture is not complimentary or compatible to the rustic nature of our neighborhood. This design would be better suited for a more commercial setting and definitely not in our Saranap neighborhood. 58.9

I hope that you will take my comments into consideration and deny the project as proposed.

Sincerely,

Carol Rasmussen

Carol Rasmussen
2434 Warren Rd.
Walnut Creek, Ca. 94595
925-939-6424

Cc: The Honorable Gale Uilkema
Supervisor District 2
Contra Costa Board of Supervisors
651 Pine St. Rm. 108 A
Martinez, Ca. 94533

Responses to Comment Letter 58 – Carol Rasmussen

58.1 See Master Response 12 regarding the County's consideration of the merits of the project, Master Response 8 regarding construction noise and **Section 4.10** of the Draft EIR regarding construction and operational noise, Master Response 4 regarding compatibility with the neighborhood, and Master Response 9 regarding trees.

58.2 See Master Responses 3 and 7.

58.3 See Master Response 10 and 11.

58.4 Adherence and compliance with a Mitigation Monitoring and Reporting Program (MMRP) that identifies the mitigation measures, time period of application, and parties responsible for their implementation will be a condition of project approval. The MMRP is included as **Chapter 3** of this Final EIR. The County is responsible for ensuring that implementation of the mitigation measures occurs in accordance with the MMRP. Please also see Master Response 8.

58.5 See Master Responses 6 and 8.

58.6 See Master Response 6. According to the California Highway Patrol (CHP), between 2006 and 2010, there was one reported traffic incident on Kinney Drive and Boulevard Way in 2007 which involved a motor vehicle and a fixed object and was concluded to be the result of an improper turn. The accident did not result in any injuries; vehicle damage was superficial and did not require the car in question to be towed away.

58.7 See Master Response 8.

58.8 See Master Responses 1 and 5.

58.9 See Master Responses 3 and 4.

May 25, 2011

LETTER 59

Attn. Ms Lashun Cross
Contra Costa County Department of
Conservation and Development
651 Pine St. 4th floor-North Wing
Martinez, Ca. 94553

CONTRA COSTA
2011 MAY 27 A 11:46

Sufism Reoriented Sanctuary Project EIR
County file numbers -LP082034andMS090008

Dear Ms. Cross,

My name is Marvin Rasmussen and I live at 2434 Warren Rd in Walnut Creek. I have many concerns about the project that the applicant has planned and the mitigation measures that they say will satisfy the county in their DEIR. 59.1

1. Aesthetics 4-1 The lighting mitigation measure is a good read but in reality you can't stop light from crossing property lines or interfering with a persons view of the stars if lights are to be lit every night all night long.

2. Air quality 4.2-2 Air quality will be compromised because the digging and loading equipment will be running all day long everyday during working hours. The soil hauling trucks are to be capped at 74 round trips per day for 35 to 45 days. This in a neighborhood on streets that normally do not have 74 trucks of that size and weight on them. The applicant does not address other types of diesel equipment that will be running during the 18 months to 2 years of construction. i.e. "cement trucks and material delivery trucks". 59.2

3. Geology and soils 4.5 The size and type of earth moving equipment required to dig a hole this size to remove the dirt will in my opinion vibrate the soil in a large area around the project site, especially after the hole has been excavated and the bottom of the hole has to be compacted. This could have serious consequences for the homes on the south side of Warren Rd. if not immediately maybe years from when the project is completed. It could also have a negative effect on Las Trampas Creek from slides and cave ins on the north side of the creek. 59.3

4. Noise 4.1 States " construction activities a temporary increase in noise in the project vicinity" This is going to be a considerable amount of noise for a long period of time for the homeowners living near the construction site, in a neighborhood that is normally quiet and peaceful. 59.4

5. Traffic and circulation 4.13 Traffic on Blvd. Way will be greatly effected in a negative way by this project. I believe drivers will be looking for an alternative route and most likely choose Warren Rd. to Flora to Blvd. Way to avoid the project area. This could cause a variety of problems for the folks living on Warren Rd. Another concern that I have is construction 59.5

workers parking. Where are they going to park while at work? Is the applicant providing off site parking other than side streets? My concern is they will park on Warren Rd. blocking mail boxes and making for congested streets. 59.5, cont.

6.Drainage: My concern is according to their EIR the applicants property has a 2 and a half % grade to the southeast side of their property, this borders my property and in past years during rainy weather water would pour under their 9 ft. block wall onto my property. My hope is that the county will address and correct this occurrence. 59.6

7. I would like to ask that you have the applicant install story poles so that the neighborhood can have a clear idea of the size and height of the building above ground. 59.7

I have worked in the construction trades for 30 plus years and understand problems that can arise from a project of this size and how it can negatively effect an area or neighborhood.

The size and design of the project is completely out of character for the Saranap area. It is not compatible with any other structure in the area. 59.8

Thank you for your consideration in this matter and I would ask you to deny this project.

Sincerely,

Marvin Rasmussen

Marvin Rasmussen
2434 Warren Rd.
Walnut Creek, Ca. 94595

Cc. The Honorable Gale Uilkema
Supervisor District 2
Contra Costa Board of Supervisors
651 Pine St. Rm.108 A
Martinez, Ca. 94553

Responses to Comment Letter 59 – Marvin Rasmussen

59.1 See response to comment 37.3.

59.2 See Master Response 8.

59.3 See Master Response 10.

59.4 See Master Response 8.

59.5 See Master Response 6, 7, and 8. The project is not projected to affect traffic Levels of Service significantly, and the streets have sufficient capacity. Accordingly, there are no indications that drivers would be pushed to alternate routes. Given the size of the project site, there would be ample space available for construction workers to park their vehicles, with no secondary environmental effects resulting.

59.6 See Master Response 11.

59.7 See Master Responses 1 and 5.

59.8 See Master Responses 3 and 4. See Master Response 12 regarding the County's consideration of the merits of the project.

May 24, 2011

CONTRA COSTA

LETTER 60

Ms. LaShun Cross, Planner
Community Conservation and Development Department
651 Pine Street
Martinez, CA 94553-1229

Draft EIR New Sanctuary for Sufism Reoriented

Dear Ms. Cross,

I am writing this letter to request you ***reject*** the draft EIR for the following reason:

The EIR does not adequately address parking and traffic and the TDM is not a viable nor a workable solution. I urge the County to require the mandated parking for this type of facility. 60.1

According to the EIR the zoning code requires 125 parking spaces yet only 74 are provided. The ADA also requires a certain amount of parking stalls to be handicap accessible. 60.2

The mitigating measures proposed are :

The report states: "TDM program was based on actual field observations and takes into account the existing transportation network, the current addresses of the membership, and the travel choices utilized by the membership." This criteria is not valid for the following reasons: 60.3

1. It is unenforceable. Although it may reflect current travel choices there is no way to enforce those travel choices in the future.
2. Membership will change for any number of reasons and there is no assurance future members will exhibit the same "travel choices"
3. The building could be sold some day to people with completely different preferences and it won't be possible to retroactively add parking spaces.

The report states; "According to a map provided within its TDM plan, more than 220 Sufism Reoriented members reside within 0.5-mile of the proposed sanctuary building site, with the vast majority of these members residing less than 0.25-mile away." Again this may be true today but may very likely change in the future and it would be impossible to enforce a condition of use permit that requires all members to live within 0. 5 miles. 60.4

The report states: "Sufism Reoriented provides additional "spillover" parking at the Meher Schools. During events that attract a significant component of the membership, Sufism Reoriented would operate a shuttle service between the Meher Schools and the new sanctuary building." Meher Schools, I understand, leases the school building therefore it would be impossible to make a binding condition of use permit on a building that is not owned. The school building is also in the City of Lafayette. There is no way to assure Sufism Reoriented will always operate the current school. Furthermore, shuttling people from one building to 60.5

another down narrow streets that are already too small for the existing traffic, and dangerous for pedestrians when cars pass, is not a solution and exacerbates an already poor, existing condtion. 60.5, cont.

The EIR also does not address traffic conditions created by "activities" that "draw many people from out of town", as stated in the Sufism Reoriented letter by Mike Meleyco dated April 2008, attached. When this activities occur the local streets will be jammed with out of town people parking where ever they can find space as a result of inadequate parking at the facility. 60.6

Sincerely,

Mark Redmond
1222 Sunset Loop
Lafayette, CA 94549

Sufism Reoriented

1300 Boulevard Way Walnut Creek, CA 94595 Fax: (925) 938-1137

April 2008

Dear Neighbor,

I'm writing to invite your support for our plan to build a beautiful new church one block west of our current location at 1300 Boulevard Way in Walnut Creek.

Our group is a non-profit spiritual organization. We are recognized by the federal government and the State of California as a church. We have been in this neighborhood for more than three decades, and we're about to submit a request to the county for a land use permit to build our new sanctuary. We would very much appreciate your support.

Our members have been patronizing local businesses for over 30 years. We have more than 350 members, and our organization brings people to the neighborhood when we have activities. We also draw many people from out of town who stay in local lodgings and dine and shop in our area.

To help you learn more, I'm enclosing:

1. A brochure describing the new sanctuary and our organization.
2. A fact sheet answering frequently asked questions.
3. A brochure about our Meher Schools, which have educated thousands of our community's children over the past 32 years.

The new sanctuary has been designed by Alan Ritchie of the world-famous architectural firm of Philip Johnson/Alan Ritchie. Its design is graceful and timeless and fits sensitively into the neighborhood. The building's roofline will be lower than that of several other neighboring buildings. The property will be beautifully landscaped, and the building will be seen only partially from the street. It will be very "green" with many environmental innovations. The plan won't increase traffic or affect street parking, and it will meet all zoning requirements.

Spiritual and religious organizations bring "social capital" to a neighborhood, building a sense of community and increasing local safety. We believe this new building will be an outstanding addition to our community and a place of pride for area residents.

I thank you for your consideration. I hope you will feel free to call or write to me with any questions you have.

Sincerely,

Mike Meleyco
2806 Kinney Drive
Walnut Creek, CA 94595
925-708-2391

Responses to Comment Letter 60 – Mark Redmond (May 24, 2011)

60.1 See Master Responses 6 and 7.

60.2 See Master Responses 6 and 7.

60.3 See Master Response 7.

60.4 See Master Response 7.

60.5 See Master Response 7.

60.6 See Master Responses 6 and 7. The applicant has clarified that Mr. Meleyco's letter was addressing the annual celebration, which is attended by some members of the D.C. congregation and invited guests. The annual celebration may result in attendance of 400 people at the facility, in excess of the approximately 350 members. Driveway counts and parking surveys were conducted during the annual celebration.

May 25, 2011

CONTRA COSTA
LETTER 61

Ms. LaShun Cross, Planner
Community Conservation and Development Department
651 Pine Street
Martinez, CA 94553-1229

Draft EIR New Sanctuary for Sufism Reoriented

Dear Ms. Cross,

This is an update of my letter of May 24, 2011.

I am writing this letter to request you ***reject*** the draft EIR for the following reason:

The EIR does not adequately address parking and traffic and the TDM is not a viable nor a workable solution. I urge the County to require the mandated parking for this type of facility. 61.1

According to the EIR the zoning code requires 125 parking spaces yet only 74 are provided. I believe the correct number to be 246 and urge the county to enforce this requirement because the mitigating measures will not be effective. The ADA also requires a certain amount of parking stalls to be handicap accessible.

First, I do not believe 125 spaces is correct for a facility of this size. This Contra Costa County standard is used in the Traffic Study and DEIR. However, when it comes to the gross floor area calculation used, 5,000 sq. feet (only the center circular seating area of the new Sanctuary Prayer Hall – the area inside the pillars) is used to achieve the Sanctuary off-street parking demand of 125 parking spaces when the actual gross floor area of the proposed project Sanctuary is 11,948 sq. ft. (5,000 sq. feet seating area + 1,737 sq. feet North Foyer + 1737 sq. feet East Foyer + 1737 sq. feet South Foyer + 1737 sq. feet West Foyer for a total of 11,948 sq. ft. gross floor area). 61.2 **Using the accurate gross floor area for the Sanctuary Prayer Hall of 11,948 sq. ft. would require 299 parking spaces** (11,948 sq. ft. divided by 40 equals 299 parking spaces being required). Below is a picture of the proposed project Sanctuary Prayer Hall. As can be seen in the picture, the very large area surrounding the center seating area of the Prayer Hall is definitely "occupiable" space, but this "occupiable" space is incorrectly not included in the parking demand calculation.

The Prayer Hall is surrounded by four 1,737 sq. ft. foyers or 6,948 sq. ft. of open space.

The Plaza area is used for dining and entertainment events. If one were to calculate the gross floor area for the Plaza area, it would be a total of 9,842 sq. feet (4,536 sq. ft. for the seating area, 1,548 sq. ft. for the West Gallery, 1,908 sq. ft. for the East Gallery, and 1,850 sq. ft. for the Rotunda for a total of 9,842 sq. ft. gross floor area). **Using the accurate gross floor area for** 61.3

the proposed project Plaza area of 9,842 sq. ft. would require 246 parking spaces (9,842 sq. ft. divided by 40 equals 246 parking spaces). 61.3, cont.

The mitigating measures proposed are :

The report states: "TDM program was based on actual field observations and takes into account the existing transportation network, the current addresses of the membership, and the travel choices utilized by the membership." This criteria is not valid for the following reasons:

1. It is unenforceable. Although it may reflect current travel choices there is no way to enforce those travel choices in the future. 61.4
2. Membership will change for any number of reasons and there is no assurance future members will exhibit the same "travel choices"
3. The building could be sold some day to people with completely different preferences and it won't be possible to retroactively add parking spaces.

The report states; "According to a map provided within its TDM plan, more than 220 Sufism Reoriented members reside within 0.5-mile of the proposed sanctuary building site, with the vast majority of these members residing less than 0.25-mile away." Again this may be true today but may very likely change in the future and it would be impossible to enforce a condition of use permit that requires all members to live within 0. 5 miles. 61.5

The report states: "Sufism Reoriented provides additional "spillover" parking at the Meher Schools. During events that attract a significant component of the membership, Sufism Reoriented would operate a shuttle service between the Meher Schools and the new sanctuary building." Meher Schools, I understand, leases the school building therefore it would be impossible to make a binding condition of use permit on a building that is not owned. The school building is also in the City of Lafayette. There is no way to assure Sufism Reoriented will always operate the current school. Furthermore, shuttling people from one building to another down narrow streets that are already too small for the existing traffic, and dangerous for pedestrians when cars pass, is not a solution and exacerbates an already poor, existing condition. 61.6

The EIR also does not address traffic conditions created by "activities" that "draw many people from out of town", as stated in the Sufism Reoriented letter by Mike Meleyco dated April 2008, attached. When this activities occur the local streets will be jammed with out of town people parking where ever they can find space as a result of inadequate parking at the facility. (Please see the copy of Mr Meleyco's letter sent in my letter of 5.24.11) 61.7

Sincerely,

Mark Redmond
1222 Sunset Loop
Lafayette, CA 94549

Responses to Comment Letter 61 – Mark Redmond (May 25, 2011)

Comment letter 61 is an update to comment letter 60 dated May 24, 2011 by the same commenter. Comment letter 61 largely reiterates comments made in comment letter 60.

61.1 See Master Response 7.

61.2 See Master Response 7.

61.3 See Master Response 7.

61.4 See Master Response 7.

61.5 See Master Responses 3 and 7.

61.6 See Master Response 7.

61.7 See Master Responses 6 and 7, and response to comment 60.6.

PAT ROCHE: Thank you. The next speaker I have is Curtis Trenor. LETTER 62

CURTIS TRENOR: Hello. I am Curtis Trenor and I reside at 2450 Warren Road along with my wife Debra. We received the Draft EIR approximately 10 days ago and are trying to muddle through it. As a result of the significant impacts on our property, because we're abutting the project, we would like time for our engineers and my land use consultant to review it (inaudible). I need more time as well so I would echo and build off of that additional 45-day request that it is put before the Commission. I'm not really ready to make comments, but I will just paraphrase a couple of things that I've noticed that are real concerns to me. One, my land use consultant advised me that the DEIR is so fatally flawed, it cannot be certified as filed due to its failure to adequately analyze alternatives to the build, no build scenario. Secondly, sections 4.5.2 and 4.5.4 regarding soils instability as a result of construction and the threat to life and property afterwards. The minimal mitigation measures that the DEIR consultant relies upon to deem these significant impacts less than significant doesn't include underpinnings as appropriate to adjacent properties and a plan check prior to construction and a concrete slab floor on the proposed sanctuary. Quite frankly sir, I'm not interested in having a project constructed near our home that's of such a massive size scale and scope that requires additional underpinnings to mine or other neighboring homes and creates a risk to life afterwards as noted in the DEIR. Despite minimal litigation measures imposed including underpinning, pre-construction meeting and a concrete slab floor, the inherent risks associated with the project convenience only a minority of the community who are members of Sufism Reoriented and expose the majority to additional and unnecessary risk without the benefit and to the detriment. I reserve the right to make comments in the future. Thank you very much.

PAT ROCHE: Thank you sir. The next speaker I have is Barbara Nawata, if I am pronouncing that correctly.

BARBARA NOWATA: I agree with the first three speakers.

PAT ROCHE: Ma'am, could you give your name and address for the record?

BARBARA NOWATA: Barbara Nawata. 761 Hilton Road.

PAT ROCHE: Okay.

BARBARA NOWATA: So, I agree with the first three speakers, so I just won't waste anymore of your time.

PAT ROCHE: Very good. Thank you. Alright, the next speaker is Judy Robert.

JUDY ROBERT: Hello. My name is Judy Robert. I live at 1501 Sunset Loop and have resided in the neighborhood for about 43 years. One of my major concerns is the construction and the excavation of the ground and the inconvenience for a long period of time of so many dump trucks moving property out of a site that is going to be so 62.1

extensively excavated. And also all of the cement trucks to put all of the, it just seems to me that it's going to have, just the building of this big project is going to have a huge impact on the lifestyle of our neighborhood. I've got a few comments but I will wait to submit those. Thank you. 62.1, cont.

PAT ROCHE: Thank you. The next speaker is Bob Nuzum.

ROBERT NUZUM: Good Afternoon. My name is Robert Nuzum. My wife Judy and I live at 1072 Juanita Drive. It's fairly close to the project area. I agree with the comments that have been made previously and would much prefer just seeing the project remain (inaudible). Keep it residential and keep the character of the neighborhood the same as we have it now. Thank you very much.

PAT ROCHE: Thank you. The next speaker is Stacey Bradbury. (Inaudible voice in background.) Okay. I've got the next speaker as Kathy Rogers.

KATHY ROGERS: Hi. Kathy Rogers. 1496 Boulevard Way in Walnut Creek in fairly close proximity to this project. We've been talking about this for a long time in our organization and we are very desirous of seeing story poles to actually show everyone what this is. We've had I don't know how many depictions, artistic renderings of this project. I truly believe a picture is not worth a thousand words but the story poles are. And I think the neighbors can have a true feeling of the impact of this extremely large project on our humble and quiet residential neighborhood. Thank you.

PAT ROCHE: Okay. The next speaker is Lisa Ryan.

LISA RYAN: My name is Lisa Ryan. I've lived in the Saranap neighborhood for fifteen years. My address is 1430 Boulevard Way. My house is about three houses away from the proposed sanctuary. I'm very concerned specifically about the impact of drainage on my house and the houses of my neighbors. In the fifteen years that I've lived there, we've put in over a hundred thousand dollars in retaining walls due to surface runoff and drainage. I want further assurance that the project that's being proposed will not substantially increase the runoff issues that we already have at the property. And also increase the drainage and the runoff to my home in particular. I haven't had adequate opportunity to review the complete Draft EIR, so I would like to request some additional time to do that as well. I agree with the others that have asked for an additional 45 days. I would also like the reserve the right to submit further comments in writing at a later date. Thank you for your time.

PAT ROCHE: Okay. Alright, the next speaker I have is Wayne Fettig.

WAYNE FETTIG: Good Afternoon. My name is Wayne Fettig. I live at 178 Kendall Road. That's in Walnut Creek. I'm also president of the Saranap Homeowners Organization. And I agree with the previous speakers. I am personally involved in distributing the Draft EIR. I purchased a few copies of the paper version pretty much when it came out. It was a couple of days later, we realized that the appendices were not

Responses to Comment Letter 62 – Judy Roberts (Zoning Administrator Hearing)

62.1 See Master Response 8.

LETTER 63

Sent: Monday, April 18, 2011 2:17 PM
Subject: Sufi Sanctuary

~~We~~ I am writing to let you know that ~~we~~ I oppose the planned Sufism Sanctuary on Boulevard Way. My concerns are:

1. The amount of excavation that is required. Large dump trucks will be on local streets for and extended amount of time...and then the cement trucks. 63.1

2. I wonder how that amount of excavation will affect the local environment. 63.2

3. The scope of the project seems too big for the local neighborhood. It seems that with 350 members the size could be made more compatible with the existing neighborhood. 63.3

4. The type of structure seems inappropriate for a neighborhood setting. 63.4

5. There does not seem to be sufficient parking in their proposed plans. 63.5

6. I think the increase in traffic at that corner would be a local hazard. 63.6

7. I do believe there should be a requirement of story poles and an Environmental Impact Report. 63.7

Thank you for considering my concerns.

Art and Judy Roberts
1501 Sunset Loop
Lafayette, Ca

Local residents for 43 years.

RECEIVED 4/18/11

ZONING ADMINISTRATOR HEARING
AGENDA ITEM # 6

4/18/2011

Responses to Comment Letter 63 – Art and Judy Roberts (April 18, 2011)

63.1 See Master Response 8.

63.2 The Draft EIR fully considered all potential environmental effects of the project, including the proposed excavation. Please refer to the relevant technical sections of the Draft EIR regarding the impacts of excavation on the physical environment (4.2, Air Quality; 4.4, Cultural Resources, 4.5, Geology and Soils; 4.6 Greenhouse Gas Emissions and Energy; 4.7, Hazards and Hazardous Materials; 4.8, Hydrology and Water Quality; and 4.10, Noise).

63.3 See Master Responses 3 and 4.

63.4 See Master Responses 3 and 4.

63.5 See Master Response 7.

63.6 See Master Response 6.

63.7 See Master Responses 1 and 5.

LETTER 64

From: "The Roberts" <wb6knb@comcast.net>
To: Lashun Cross, Senior Planner
Sent: Monday, May 23, 2011 8:36 PM
Subject: Sufi Project Letter

CONTRA COSTA

I am prompted to write regarding the plan for a Sufi Center in our neighborhood. The Sufi Organization has been a good neighbor and provided an excellent day care, preschool and alternative elementary school. I have no problem with their desire to build a new center, but I am concerned with the size and scope of their plan. 64.1

I simply do not understand the need for a group of 350 congregant to have a 66,000 square foot sanctuary. Also it is hard to believe their assertion that they will not grow and therefore need only 75 parking spots. I believe they are being sincere when they say they will encourage walking and car pooling, but who will "police" their activity if this does not happen? 64.2

I am also writing because I can not visualize such a large structure in my neighborhood and wonder if you could explain why the organization persists in stating that they will not and do not need to erect story poles. I would hope the county would at least require this as an obligation to build. 64.3

In addition it is hard to understand why an extensive environmental impact report is not a requirement especially since they are planning to excavate so much land. 64.4 *We lost a huge old oak tree that housed a wonderful family of barn owls due to an excavation on neighboring land.* 64.5

Finally, I believe the scope of the project will place an undue burden on the surrounding families and their homes and roads. An enormous amount of dirt will need removal and hauling over the streets with a constant stream of dump trucks and then cement trucks with subsequent damage, congestion and noise. 64.6

If this project was for a public need such as power or medical care the inconvenience would still be scrutinized and many would object. But, this huge endeavor will only benefit 350 people. What if this group came to a point that it could no longer financially maintain such a structure. Will it then become the county's responsibility to maintain or demolish? It would not have many alternative uses.

Adjacent homes will certainly bare the brunt of these inconveniences and I would hope that you take the time to imagine a structure such as this being built in your neighborhood. 64.7

Thank you for considering my thoughts on this proposed construction.

Judith Roberts

...resident for 42 years in a modest 1,4 50 sq.ft. home on Sunset Loop

Art and Judy Roberts
1501 Sunset Loop
Lafayette, CA 94549
5/23/2011

Responses to Comment Letter 64 – Art and Judy Roberts (May 23, 2011)

64.1 See Master Response 3.

64.2 See Master Responses 3 and 7.

64.3 See Master Responses 1 and 5.

64.4 An environmental impact report was prepared for the project. This document is the Final Environmental Impact Report for the project. The Draft EIR and this Final EIR were prepared in accordance with the CEQA Guidelines.

64.5 Please see page 4.3-20 of the Draft EIR, where **Mitigation Measure 4.3-2b** would require a biologist to conduct pre-construction surveys for nesting birds prior to the issuance of demolition permits and no more than one week prior to tree removal.

64.6 See Master Response 8.

64.7 See Master Responses 7 and 12.

April 3, 2011

CONTRA COSTA
2011 APR -5 P 1:41

LETTER 65

Lashun Cross, Senior Planner
Contra Costa County Department
of Conservation and Development
651 Pine Street, 4th Floor - North Wing
Martinez, CA 94553

RE: EIR for Proposed Sufism Reoriented Sanctuary
File # LP082034 and # MS090008

Dear Ms. Cross:

After reviewing the EIR summary and draft report available on your website, I would like to commend the County and its independent consultant for the level of completeness with which they approached this report on behalf of my neighborhood.

While I am not a member of the Sufism congregation, I have twice written in support of their project, as I believe the neighborhood will be highly improved by this structure, both aesthetically and communally. I continue to hold that view.

I have had the opportunity in the past to read several EIRs, having taken a core of four environmental classes while in graduate school, including Environmental Law. As such, I feel I have sufficient knowledge to offer to you my belief that this EIR was sufficiently scoped, more than adequately specific, and complete in all aspects that are required by an EIR. 65.1

I believe the EIR provides ample options for the County and the applicant to mutually resolve any and all concerns about construction and transportation. I believe the EIR also fairly and adequately addressed all concerns that were surfaced by others who live close to the construction site; it is my opinion that all of those concerns were shown in the EIR to be relatively minor and/or resolvable issues capable of being adequately mitigated to less than significant levels.

In sum, I strongly feel the results of the EIR support that the applicant should be allowed to proceed unhampered with the project and I encourage the County to approve the application.

Thank you for your time and attention.

Sincerely,

Bridget E. Robinson

Bridget Robinson
925-935-9482

Responses to Comment Letter 65 – Bridget Robinson

65.1 The letter does not raise any significant environmental issues requiring further response. See Master Response 12 regarding the County's consideration of the merits of the project.

extensively excavated. And also all of the cement trucks to put all of the, it just seems to me that it's going to have, just the building of this big project is going to have a huge impact on the lifestyle of our neighborhood. I've got a few comments but I will wait to submit those. Thank you.

PAT ROCHE: Thank you. The next speaker is Bob Nuzum.

ROBERT NUZUM: Good Afternoon. My name is Robert Nuzum. My wife Judy and I live at 1072 Juanita Drive. It's fairly close to the project area. I agree with the comments that have been made previously and would much prefer just seeing the project remain (inaudible). Keep it residential and keep the character of the neighborhood the same as we have it now. Thank you very much.

PAT ROCHE: Thank you. The next speaker is Stacey Bradbury. (Inaudible voice in background.) Okay. I've got the next speaker as Kathy Rogers.

KATHY ROGERS: Hi. Kathy Rogers. 1496 Boulevard Way in Walnut Creek in fairly close proximity to this project. We've been talking about this for a long time in our organization and we are very desirous of seeing story poles to actually show everyone what this is. We've had I don't know how many depictions, artistic renderings of this project. I truly believe a picture is not worth a thousand words but the story poles are. And I think the neighbors can have a true feeling of the impact of this extremely large project on our humble and quiet residential neighborhood. Thank you. 66.1

PAT ROCHE: Okay. The next speaker is Lisa Ryan.

LISA RYAN: My name is Lisa Ryan. I've lived in the Saranap neighborhood for fifteen years. My address is 1430 Boulevard Way. My house is about three houses away from the proposed sanctuary. I'm very concerned specifically about the impact of drainage on my house and the houses of my neighbors. In the fifteen years that I've lived there, we've put in over a hundred thousand dollars in retaining walls due to surface runoff and drainage. I want further assurance that the project that's being proposed will not substantially increase the runoff issues that we already have at the property. And also increase the drainage and the runoff to my home in particular. I haven't had adequate opportunity to review the complete Draft EIR, so I would like to request some additional time to do that as well. I agree with the others that have asked for an additional 45 days. I would also like the reserve the right to submit further comments in writing at a later date. Thank you for your time.

PAT ROCHE: Okay. Alright, the next speaker I have is Wayne Fettig.

WAYNE FETTIG: Good Afternoon. My name is Wayne Fettig. I live at 178 Kendall Road. That's in Walnut Creek. I'm also president of the Saranap Homeowners Organization. And I agree with the previous speakers. I am personally involved in distributing the Draft EIR. I purchased a few copies of the paper version pretty much when it came out. It was a couple of days later, we realized that the appendices were not

Responses to Comment Letter 66 – Kathy Rogers (Zoning Administrator Hearing)

66.1 See Master Responses 1 and 5.

LETTER 67

May 10, 2011

CONTRA COSTA

2011 MAY 11 P 4: 04

Ms. LaShun Cross, Planner
Community Conservation and Development
651 Pine St., 4th Floor
Martinez, Ca 94553

Dear Ms. Cross:

I want to reiterate the need for story poles at the Sufism Reoriented proposed building site in the Saranap area of Walnut Creek. There is such a discrepancy between artistic renderings that there is no hope of objectively knowing the true size and scope of this project. Surely the affected neighborhood population deserves to know what they will have to live with for many decades to come. And the County should also have a true representation of the project under consideration. 67.1

In addition, I want to address Land Use issues. This project defines locally undesirable land use. I will be referring to the County Conditional Use Permit Standards, 26-2.2008 to elucidate.. #1: That the proposed conditional land use will not be detrimental to the health, safety and general welfare of the county. Thundering trucks transporting tons of soil for months on end present a significant health and safety issue to the neighborhood. There is an existing problem with drainage here which cannot help but be exacerbated by the immense excavation slated for this project. #2 that the project does not affect the orderly development of county property. Dropping down a huge ,white exclusive building (surrounded by a forbidding white wall) into a quiet, semi-rural neighborhood will certainly affect the ambience of our quietly evolving community. #5 That it shall not create a nuisance/enforcement problem within the community. The proposed Traffic Management mitigation is impossible to enforce. There are only 72 parking spaces proposed for this mammoth structure. There is no mandate to walk to this structure for services as promised, and no way to enforce it. And what about 20 years down the road? Who has "promised to walk" then? What about the parking and traffic hazards that the presence of this outsized institution will cause the neighborhood? #6 that it shall not cause marginal development in the neighborhood. People have moved into the Saranap community for the semi-rural, residential feel. There is simply no place or desire for something

67.2

67.3

67.4

67.5

67.6

almost as large as the Mormon Tabernacle! A city planner friend of ours gives perspective to this project: The ENTIRE block of buildings at Broadway Plaza containing David M Brian's, Gap for Kids, Baby Gap, Swarovski, Betsey Johnson, Sur La Table, PLUS the PF Chang's building, PLUS the Chico building--- is smaller than the proposed 66,000 sq. ft. domed structure! And the stores are only 23-36 feet high. I am not opposed to the religion—I am opposed to ANY structure of this size in our cozy little area. And there is a plan to encircle this monstrosity, all 3.5 acres of it , with a white concrete wall. It is exclusionary, and aesthetically horrifying to contemplate. And what about the tax-exempt status of the proposed compound? The corporate/church ownership of previously taxed residences actually represent a drain on county revenue and thus services to the neighborhood. And it sets a dangerous precedence for more out-sized, commercial buildings, which indeed marginalizes this community. 67.6, cont. 67.7 67.8

Thank you for your thoughtful consideration.

Kathy and Frank Rogers
1496 Boulevard Way
Walnut Creek, Calif. 94595

Cc: Gayle Uilkema, County Supervisor

Cc: Catherine Kutsuris, Director of Dep't. of Conservation and Development

Responses to Comment Letter 67 – Kathy and Frank Rogers (May 10, 2011)

67.1 See Master Responses 1 and 5.

67.2 See Master Response 8 and 12.

67.3 See Master Response 10 and 11.

67.4 See Master Responses 4 and 12.

67.5 See Master Responses 7 and 12.

67.6 See Master Responses 4 and 12.

67.7 See Master Responses 3 and 12.

67.8 The commenter appears to be concerned about the decrease in County revenue due to the replacement of tax-paying residents with a tax exempt religious facility. This is not a CEQA issue.

May 23, 2011 LETTER 68

Ms. LaShun Cross, Planner
Community Conservation and Development
651 Pine St., 4th Floor
Martinez, Ca 94553

Dear Ms. Cross:

I am astonished that the recent Sufism Reoriented DEIR concluded that mitigation had eased concerns over this community-altering project, stating that no significant problems remained.

First of all, there will be clear-cutting of heritage oaks and other mature trees. In my experience of being actively involved in our community's organizations for over 30 years, the County has always been concerned and proactive about cutting even ONE heritage tree, and various proposed projects have had to be altered or abandoned because of it! 68.1

Secondly, the sheer size of this 66,000 square foot building is staggering, and absolutely changes the rural ambience of our sleepy R-10 zoned neighborhood, and sets the stage for huge development in the future. Certainly an environmental impact on the residents! 68.2

Thirdly, church comparables in the surrounding neighborhood are NOT in keeping with a Sufi 350- member congregation supposedly requiring 66,000 square feet of space for worship. Grace Presbyterian on Tice Valley Blvd. has 5 acres of land (not 3, like the Sufis), 240 members, and 14,617 square feet of buildings. It also has 85 parking spaces. Hillside Covenant on Magnolia St has 3 acres, 25,000 square feet of buildings, a congregation of 600, and 150 parking spaces. B'nai Tikvah on Hilllcroft Ave. has 18,000 square feet of buildings for a congregation of 1,900. Plus the Sufi project does not have the required parking spaces in its plan. And the proposed Traffic Management mitigation is impossible to enforce now, and in the years to come. Who has "promised to walk" because there aren't enough parking spaces in the years to come, and what price will our neighborhood continue to pay for parking and traffic hazards caused by this poorly conceived plan? 68.3

Next, the excavation required will adversely affect the already compromised drainage system of the neighborhood. For years, residents have had to contend with substandard pipes and unresolved erosion control issues, and the presence of a wild creek situated very close to the Sufi project. Drainage issues resulted in the rejection of a previous incompatible development (Lion's Gate) fairly recently, which was proposed in the immediate vicinity of the Sufi proposal. See the Ryan Shaw Appeal, April 2005 findings. Removing so much soil adversely affects water absorption, obviously. 68.4

Finally, this planned campus is architecturally incompatible with the surrounding Walnut Creek and Lafayette area. The flying-saucer-shaped domes, extremely long, high, WHITE wall, and the overall height are out of character with nearby homes, and are also inconsistent with the commercial property in the area. The proposed development adversely affects the orderly development of Saranap area property. 68.5

In closing, these objections should in no way be construed as anti-religion. The Sufi adherents have lived amicably in this neighborhood for years, attending services in their present building. No one has protested their residency or religious practices. It is the threatened presence of this huge, inappropriate, and unnecessary structure that causes such grave concern. And what of the potential for future use? Who will want this monstrosity in the future? What guarantee could there possibly be that this organization will be lodged there forever? If adherents die or move on, I can think of no conceivable tenant who would be interested in assuming ownership—and the neighborhood is stuck with something that gives the term "White Elephant" a brand new and horrifying impact. 68.6

Thank you for your thoughtful consideration.

Kathy and Frank Rogers
1496 Boulevard Way
Walnut Creek, Calif. 94595

Cc: Gayle Uilkema, County Supervisor

Cc: Catherine Kutsuris, Director of Dep't. of Conservation and Development

Responses to Comment Letter 68 – Kathy and Frank Rogers (May 23, 2011)

68.1 See Master Response 9.

68.2 See Master Responses 3 and 4.

68.3 See Master Response 12 regarding the County's consideration of the merits of the project. Also see Master Responses 3 and 7.

68.4 See Master Response 11.

68.5 See Master Response 4.

68.6 See Master Response 12.

Lucille M. Rowley

LETTER 69

37 Acorn Court
Walnut Creek, CA 94595
925 934-3230

CONTRA COSTA
MAY 27 A 11:45

TO: Contra Costa County Department of Conservation & Development

RE: Proposed 66,074 Square Foot Sanctuary Project in CCC
County File #s LP082034 and MS090008

Unincorporated Saranap is being assaulted, and who is coming to our defense?

It is difficult to believe that a behemouth, over-sized structure of 66,074 square feet, known as the "New Sanctuary for Sufism Reoriented Project," might be plopped down in the middle of unincorporated Saranap – a semi rural, low-density neighborhood in Walnut Creek. 69.1

There seems to be little concern about what it will do to the residential feel of the adjoining properties and historic nature of an area where many of us have lived our entire lives. Some of these homes, built over 70 years ago, have been passed down from generation to generation. Some homes are just a few years old. Blithely changing the zoning of a neighborhood to accommodate this "sanctuary" is a betrayal to the neighborhood where these families have invested their lives. 69.2

Homeowners have spent money, time and sweat to keep up their homes that are currently shaded by majestic centennial oak trees that will be cut down and replaced by new trees that will take decades to grow to the size of the original trees. 69.3

Most frightening to my family: What is the point of any citizen of our county purchasing a home in an area that is zoned as Single Family Residential District when someone with money can come into the area and simply ask to have that changed? Where is the trust in government protecting its citizens when outsiders from other states can elbow there way in with no regard for its fellow citizens? 69.4

The organizers of the Sufism reoriented project quietly slipped into our neighborhood, purchasing property without revealing their intent to combine the land to build this giant structure that looks like a sanitation plant. Then, in order to stop any opposition to the building of their sanctuary, the Sufi group organized a number of their members, who rent property now owned by the Sufi organization, and encouraged them to attend a meeting of the original Saranap Home Owners Organization. This group of renters overwhelmed the regular homeowner membership and took over the organization by voting themselves into office. These underhanded dealings are a telling sign of their dishonesty and lack of integrity in dealing with the people of Walnut Creek. 69.5

By the Sufi's own admission, there is not adequate parking for a project of this size. They are merely promising that their members plan to walk to events at this proposed site. Where is the guarantee that people will not be driving and requiring parking? Is the county so naïve as to believe this promise when we live in a society built around the convenience of automobiles? How much outdoor lighting generated from this development and the parking area will now spill over onto the rural environment that once prevailed on the surrounding single family homes? 69.6

My husband and I have lived in Saranap since 1947. We love the quaint simplicity of this unique area of Walnut Creek that is now threatened by the inappropriate building of a structure unbefitting the peaceful look and feel of the current cottages and homes that populate the area.

69.7

I hope you will look long and hard at the true intentions this group has in store for our community. Don't be fooled. This will not just affect Saranap, it will affect the entire community of Walnut Creek and Contra Costa County.

Why does a group of less than 280 people need 66,074 square feet of meeting space? Perhaps it is because this is a building meant to reach an international audience, not just their local members who live within walking distance. This is a nonprofit organization. What are they bringing to our community? What is the cost to patrol this area? Who will build the sidewalks 69.8
their walking members will want? This is one of the few rural areas left in close proximity to downtown Walnut Creek -- A true gem, that is being assaulted by an organization whose leader currently operates from the East coast of the U.S.

Please don't let this happen.

Most sincerely,

Lucille M. Rowley

Lucille M. Rowley
Homeowner

Responses to Comment Letter 69 – Lucille M. Rowley

69.1 See Master Responses 3 and 4.

69.2 See Master Responses 4 and 12.

69.3 See Master Response 9.

69.4 See Master Response 12.

69.5 The comment does not raise any significant environmental issues requiring further response.

69.6 See Master Response 7.

69.7 See Master Response 4.

69.8 See Master Responses 3 and 4.

CONTRA COSTA
COUNTY LETTER 70

2011 MAY 27 P 2:21

DEPARTMENT OF
CONSERVATION
AND DEVELOPMENT

May 26, 2011

To: Ms. Lashun Cross
Department of Conservation and Development
Contra Costa County
651 Pine Street, North Wing
Martinez CA 94553

From: Jennifer Russell, Saranap Resident for 28 years
178 Kendall Road
Walnut Creek, CA 94595

RE: Proposed Sufism Reoriented Sanctuary and DEIR
(County File #'s LP082034 and MS090008).

I have concerns about the proposed Sufism Reoriented Sanctuary for the following reasons:

1) It is unclear as to the number of people who will occupy and visit the site because, unlike other churches in the area, it lacks permanent seating. Based on the size of the kitchen and the number of toilets, it appears there could be very large numbers of cars and people. It looks more like a conference center than a church for 350 members. 70.1
2) The dome structure and massive underground area is bizarre and, given the fact the membership has shrunk over the years, there is a great risk the group could dissolve leaving the Saranap community with a white elephant that no other church group would want or use because of inadequate parking and other undesirable features. 70.2
3) The large amount of real estate owned by Sufism Reoriented provides them with alternative church locations in the commercial zone of Saranap instead of in the middle of modest, single family homes that will have their views and quality of life substantially altered. 70.3
4) I saw a list that Sufism Reoriented has submitted with names of people who support the project. My name was on the list and I have never supported this project. I recognized other people on the list who also have never supported this project. If Sufism Reoriented references this list, it should be noted their support list is inaccurate. 70.4

Jennifer Russell

Responses to Comment Letter 70 – Jennifer Russell

70.1 See Master Response 3.

70.2 Please see Draft EIR page 3-3, which states that Sufism Reoriented's local membership has been relatively stable since the mid-1980s. Please see Master Response 7 regarding parking.

70.3 See Master Response 2.

70.4 The comment does not raise any significant environmental issues requiring further response.

extensively excavated. And also all of the cement trucks to put all of the, it just seems to me that it's going to have, just the building of this big project is going to have a huge impact on the lifestyle of our neighborhood. I've got a few comments but I will wait to submit those. Thank you.

PAT ROCHE: Thank you. The next speaker is Bob Nuzum.

ROBERT NUZUM: Good Afternoon. My name is Robert Nuzum. My wife Judy and I live at 1072 Juanita Drive. It's fairly close to the project area. I agree with the comments that have been made previously and would much prefer just seeing the project remain (inaudible). Keep it residential and keep the character of the neighborhood the same as we have it now. Thank you very much.

PAT ROCHE: Thank you. The next speaker is Stacey Bradbury. (Inaudible voice in background.) Okay. I've got the next speaker as Kathy Rogers.

KATHY ROGERS: Hi. Kathy Rogers. 1496 Boulevard Way in Walnut Creek in fairly close proximity to this project. We've been talking about this for a long time in our organization and we are very desirous of seeing story poles to actually show everyone what this is. We've had I don't know how many depictions, artistic renderings of this project. I truly believe a picture is not worth a thousand words but the story poles are. And I think the neighbors can have a true feeling of the impact of this extremely large project on our humble and quiet residential neighborhood. Thank you.

PAT ROCHE: Okay. The next speaker is Lisa Ryan.

LISA RYAN: My name is Lisa Ryan. I've lived in the Saranap neighborhood for fifteen years. My address is 1430 Boulevard Way. My house is about three houses away from the proposed sanctuary. I'm very concerned specifically about the impact of drainage on my house and the houses of my neighbors. In the fifteen years that I've lived there, we've put in over a hundred thousand dollars in retaining walls due to surface runoff and drainage. I want further assurance that the project that's being proposed will not substantially increase the runoff issues that we already have at the property. And also increase the drainage and the runoff to my home in particular. I haven't had adequate opportunity to review the complete Draft EIR, so I would like to request some additional time to do that as well. I agree with the others that have asked for an additional 45 days. I would also like the reserve the right to submit further comments in writing at a later date. Thank you for your time. 71.1 71.2

PAT ROCHE: Okay. Alright, the next speaker I have is Wayne Fettig.

WAYNE FETTIG: Good Afternoon. My name is Wayne Fettig. I live at 178 Kendall Road. That's in Walnut Creek. I'm also president of the Saranap Homeowners Organization. And I agree with the previous speakers. I am personally involved in distributing the Draft EIR. I purchased a few copies of the paper version pretty much when it came out. It was a couple of days later, we realized that the appendices were not

Responses to Comment Letter 71 – Lisa Ryan (Zoning Administrator Hearing)

71.1 See Master Response 11.

71.2 See Master Response 1.

CONTRA COSTA COUNTY

LETTER 72

To: Ms. Lashun Cross
Department of Conservation and Development
Contra Costa County
651 Pine Street, North Wing
Martinez, CA 94553

From: Lisa Ryan and Clint Shaw
1430 Boulevard Way
Walnut Creek, CA 94595

Date: May 25, 2011

RE: Response to the Draft Environmental Impact Report for the Proposed Sufism Reoriented Sanctuary Project (County File #LP08-2034 and #MS09-0008)

Summary

We have read the Draft Environmental Impact Report for the Proposed Sufism Reoriented Sanctuary Project ("Sanctuary") and would like to submit comments regarding the impact on drainage. Based on the documented history of erosion, landslides, and flooding issues in the area, we trust that the County will require that the Sanctuary designs and constructs drainage facilities that not only comply with Ordinance 914 but protect the surrounding neighbors from potential damages.

The proposed development of the Sanctuary will have a detrimental environmental impact on our property and that of our neighbors if the continuing drainage issues are not resolved as part of the Sanctuary project. Based on the history in the area, and the scope of the proposed development, we request that the DEIR be updated to include expanded soils and drainage information so we can better evaluate the project.

Background

72.1

There is a documented history of substantial drainage issues that resulted in property damages in the area, dating back to the 1970s and earlier, that will be significantly magnified, and potentially dangerous, if an adequate drainage solution is not implemented as part of the development of the Sanctuary. Contra Costa County records for several surrounding parcels including APN 184-150-029, APN 184-150-059, and APN 184-150-060 indicate significant drainage issues dating back decades. We have included one from 1985 for your perusal.

We have lived downslope on Boulevard Way adjacent to the area of the proposed Sanctuary since 1996 and have experienced significant runoff from the Sanctuary parcels and surrounding area, particularly in 1997, 2003, 2004, 2005, and 2011 as evidenced by the videos and pictured submitted herein.

As homeowners down slope from the Sanctuary, we are concerned that additional cumulative sheet flow of storm water runoff and collected water from the new sidewalks, curbs, and surfaces from the proposed Sanctuary, together with the slow draining clay soils in the area and proposed drainage plan, will compromise an already inadequate drainage system and further damage our property and that of our neighbors. The Contra Costa County Public Works Department and Contra Costa County Flood Control have both stated in the past that the drainage issues must be addressed and compliant with Ordinance 914 before development of the parcels, and/or adjoining parcels, are approved.

Sheet-flow from the Proposed Sanctuary and Las Trampas Creek, January 1997

The video and pictures submitted clearly show that storm water from the surrounding area (particularly portions of the proposed Sanctuary parcel) flows downhill from parcel #184-450-007 (1384 Boulevard Way, one of several parcels to be merged with other parcels to create the new 3.12 acre Sanctuary parcel), to APN 184-150-029 (2501 Warren Road, adjacent to the proposed Sanctuary at Warren and Boulevard Way), then ultimately to APN 184-150-048 (1430 Boulevard Way, the Ryan/Shaw parcel) before discharging into Las Trampas Creek. (See video, January 1997)

Findings of the Public Works Department, Contra Costa County, July 2002 72.1 cont.

The Sanctuary will be partially constructed on APN 184-450-007. In 2002, the previous owners of this parcel planned to build a single family home there. On July 8, 2002, Lawrence Gossett, Consulting Civil Engineer, Engineering Services, Contra Costa County, stated in a letter to Ryan Hernandez, Project Planner, Community Development, Contra Costa County that:

"Storm water runoff from the project site currently drains southerly to a culvert and storm drain system at the intersection of Boulevard Way and Warren Road. This system ultimately discharges into Las Trampas Creek. The drainage requirements of the County Subdivision Ordinance will require all storm water runoff be conveyed to an adequate drainage facility ... On-site drainage may be required to intercept storm water runoff ... to prevent it from sheet flowing onto neighbors parcels to the south."

Gossett further stated,

"The applicant shall collect and convey all storm water entering and/or originating on this property without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility which conveys the storm waters to a natural watercourse, in accordance with Division 914 of the Ordinance Code. The nearest public drainage facility is located off-site. The applicant shall be required to show that the downstream drainage system is adequate for the existing development plus this project, or upgrade it to accommodate ultimate development of the watershed."

Division 914 of the Ordinance Code states:

All surface waters flowing from the subdivision in any form or manner shall be collected and conveyed without diversion or damage to any improvement, building or dwelling to a natural watercourse having a definable bed and banks, or to an existing public storm drainage facility having adequate capacity to its point of discharge into a natural watercourse, or the advisory agency, in its discretion, may require that flows from the subdivision be regulated so as not to exceed the capacity of watercourses downstream when considered with regard to the development potential of the drainage basin or watershed.

If the surface water is not collected and conveyed to a "natural watercourse having a definable bed and banks" or "to an existing public storm drainage facility having adequate capacity" the increased sheet flow from the 66,000 square foot Sanctuary will exceed the capacity of the existing drainage system (which at present is a combination of surface flow and private culverts). Why are the current owners of the parcel not required to meet the same drainage requirements as the previous owners of the parcel?

Findings of the Saranap Homeowners Association, June 2003

On June 18, 2003, the Saranap Homeowners Association noted in a letter to Candi Wensley, Planner, the Contra Costa County Community Development Department, that the drainage on parcel APN 184-150-029 (the parcel that receives a majority of the runoff from the proposed Sanctuary) *"... must be rebuilt to contemporary engineering standards. The design of this system must reasonably take into account the planned future developments in the neighborhood upstream of the property."* "Upstream" is the proposed Sanctuary. 72.1 cont.

The letter further states that the Vesting Tentative Map for Parcel 184-150-029 (the parcel that receives a majority of the sheet flow from the proposed Sanctuary) shows a junction box being fed by two separate 16" CMP drains. One crosses Warren Road, the other crosses Boulevard Way. These underground drains are in very poor repair and do not have leaf covers. They feed into a junction box on the corner of Boulevard Way and Warren Road. Per Stan Matsumoto (Senior Civil Engineer for the Public Works Department in Contra Costa County in 1997) this junction box and the drainage culverts running to Las Trampas creek are not public drainage systems as he could not find records they belong to the County. It is this drainage system that will receive the increased runoff from the new sidewalks and curbs installed on Boulevard Way for the Sanctuary. This drainage system is not adequate to support the increased collection and conveyance of runoff.

Findings of the Flood Control and Water Conservation District, Contra Costa County, August 2003

On August 5, 2003, Paul R. Detjens, Associate Civil Engineer, Contra Costa County Flood Control noted in a letter to the Contra Costa County Community Development Department, that *"The (creek) bank in this area has severely eroded and has been partially armored using construction debris. Without a properly engineered outfall, this area is expected to further erode."*

History

The DEIR for the proposed Sanctuary project does not adequately address the management of storm water runoff. In fact, the pumping and releasing of water as proposed could further compromise an already unstable environment as shown by the photographs and videos submitted. 72.1 cont.

The area directly adjacent to the proposed Sanctuary has experienced floods, landslides, failing retaining walls, cracked gunite, erosion, and unstable soils for years.

If adequate drainage is not provided for the Sanctuary further issues can be expected including property and personal damages.

Left to Right:

1. View of Las Trampas Creek facing North toward Warren Road. Note failed 12' high retaining wall at the base of 2497 and 2499 Warren Road (approximately 300 feet downslope from the Sanctuary) This wall has not been repaired. (1997)

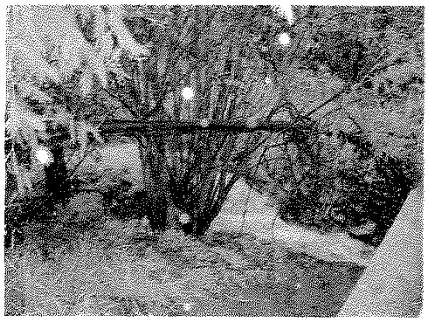
2. View of landslide 1430 Boulevard Way. Note 16' ladder. Has been repaired at a cost of $100k. (1997)

3. View of failed Gunite adjacent to 2497 Warren Road approximately 300 feet from proposed Sanctuary development. Repaired. (1997)

Thursday, May 26, 20117vSheet-flow from the Proposed Sanctuary and Las Trampas Creek, March 2011

72.1 cont.

Significant sheet flow from storm water from the surrounding area of Kinney and Boulevard Way, Warren and Boulevard Way, and the Sanctuary parcels flows downhill in a southwestern direction toward Las Trampas Creek.



Above: *Surface water originating from the Sanctuary and surrounding properties flowing toward Boulevard Way and Warren Road. Sheet flow is approximately 2 ft deep x 4 to 6 feet wide. March 24, 2011*

In light of the ongoing drainage issues and their impact on the surrounding parcels we respectfully request that the drainage plan for the Sanctuary be upgraded to include a comprehensive drainage plan that includes either 1) plans to collect all surface waters flowing from the Sanctuary in any form or manner and convey without diversion or damage to any improvement, building or dwelling to a natural watercourse having definable bed and banks (Las Trampas Creek) or 2) to an existing public storm drainage facility having adequate capacity (the City of Walnut Creek's drainage facilities to the northeast via Boulevard Way). 72.1 cont.

We appreciate the opportunity to provide comments and trust that the County will require that the Sanctuary designs and constructs drainage facilities that not only comply with Ordinance 914 but protect the surrounding neighbors from potential damages.

Sincerely,

Lisa Ryan and Clint Shaw
Enc.
cc: Gayle B. Uilkema

Google maps

To see all the details that are visible on the screen, use the "Print" link next to the map.

Supporting Documents and Video

1. Copy of letter dated July 8, 2002 by Lawrence Gossett, Consulting Civil Engineer, Engineering Services, Contra Costa County.
2. Copy of letter dated August 5, 2003 by Paul R. Detjens, Associate Civil Engineer, Contra Costa County Flood Control.
3. Copy of letter dated June 18, 2003 by the Saranap Homeowners Association.
4. Copy of letter dated February 13, 1997 by Stan Matsumoto, Senior Civil Engineer, Maintenance Division, Public Works Department, Contra Costa County.
5. Video #1: January 1, 2004, February 25, 2004: Sheet flow from Sanctuary area on parcels 184-150-048, 184-150-059, and 184-150-029 and Las Trampas Creek.
6. Video #2: January 1, 1997, and February 25, 2004: Sheet flow from Sanctuary area on parcels 184-150-048, 184-150-059, and 184-150-029 and Las Trampas Creek.
7. Copy of letter dated March 6, 1985 by Milton F. Kubicek, Deputy Director, Operations and Flood Control, Contra Costa County.

1

PUBLIC WORKS DEPARTMENT
CONTRA COSTA COUNTY

DATE: July 8, 2002

TO: Ryan Hernandez, Project Planner, Community Development

FROM: Lawrence Gossett, Consulting Civil Engineer, Engineering Services

SUBJECT: **SUBDIVISION MS 02-0007**
STAFF REPORT & CONDITIONS OF APPROVAL
(Rickard/Boulevard Way/Saranap Area/AP# 184-450-007)

FILE: MS 02-0007

We have reviewed the tentative map received by Community Development on May 1, 2002 and submit the following comments:

Background Information

The proposed subdivision will create two R-10 lots along the inside curve of Boulevard Way at the intersection with Kinney Drive and Garden Court in the Saranap Area.

An existing residence occupies Parcel A. A single-family home with detached garage is proposed on Parcel B.

Traffic/Circulation

The Public Works Department is currently in the process of revising the Precise Alignment of Boulevard Way to reduce the ultimate width along the subject property to a 34-foot half-width. This is a reduction of 8 feet from the currently adopted plan. This proposed plan also calls for channelization improvements at the intersection of Kinney Drive. It appears that the proposed right of way dedication delineated on the tentative map conforms to the County's proposed alignment.

In light of the magnitude of the pavement widening, utility relocations and off site transitions necessary to construct the channelization and ultimate roadway alignment along the subject frontage, it would not appear that such improvements could be installed at this time. In light of this, we are recommending an exception be granted from the frontage improvement requirements of Title 9, provided the applicant executes a deferred improvement agreement to participate in installing frontage improvements at some future date as part of a larger road improvement project.

Drainage

Storm water runoff from the project site currently drains southerly to a culvert and storm drain system at the intersection of Boulevard Way and Warren Road. This system ultimately discharges to Las Trampas Creek The drainage requirements of the County Subdivision Ordinance will require all storm water runoff be conveyed to an adequate drainage facility. This may require verification as to the adequacy of off-site facilities and possible improvements.

On-site drainage may be required to intercept storm water runoff from Parcel B to prevent it from sheet flowing onto neighboring parcels to the south.

LG:lg:

G:\GrpData\EngSvc\Larry Gossett\2002\June\MS020007a

cc: H. Ballenger, Engineering Services
M. Martin, Engineering Services
Cathryn Rickard, 1630 N. Main St., #450, Walnut Creek, CA 94596

PUBLIC WORKS RECOMMENDED CONDITIONS OF APPROVAL FOR SUBDIVISION MS 02-0007

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO RECORDATION OF THE PARCEL MAP

General Requirements:

- In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the Tentative Map dated May 1, 2002.

- Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. These plans shall include any necessary traffic signage and striping plans for review by the Transportation Engineering Division.

Road Dedications:

- Applicant shall convey to the County, by Offer of Dedication, the right of way necessary for the planned roadway improvements along Boulevard Way in accordance with drawing PA3851-00 on file at the Public Works Department.

Exception - Roadway Improvements (Frontage):

- The Ordinance Code requires construction of frontage improvements. Due to the extensive realignment and channelization proposed in this area, construction of improvements at this time is not feasible. An exception is granted provided a Deferred Improvement Agreement is executed requiring the owner(s) of the property involved in this subdivision to:

  1. Construct curb, 4.5-foot sidewalk (width measured from curb face), necessary longitudinal and transverse drainage, street lighting, and 20 feet of pavement widening along the frontage of Boulevard Way. The face of curb alignment shall be in accordance with drawing PA3851-00 on file at the Public Works Department.

  2. At the time the a Deferred Improvement Agreement is called up, submit improvement plans to the Public Works Department, Engineering Services Division, for review; pay the inspection fee, plan review fee and applicable lighting fees.

Access to Adjoining Property:

Proof of Access

- Applicant shall furnish necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.

Intersection Design/Sight Distance:

- Provide sight distance at the driveway connections to Boulevard Way for a through traffic design speed of 40 mph. Landscaping, walls, fences and signs must be placed to maintain adequate sight distance.

Bicycle – Pedestrian Facilities

- The applicant shall design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act.

Street Lighting

- Property owner shall apply for annexation to County Service Area L-100 Lighting District by submitting a letter of request; a metes and bounds description; and, pay current LAFCO fees. Annexation shall occur prior to filing of the Parcel Map. The applicant shall be aware that this annexation process must comply with State Proposition 218 requirements that state that the property owner must hold a special election to approve annexation. This process takes approximately 4 to 6 months to complete.

Utilities/Undergrounding:

- All new utility distribution facilities shall be installed underground.

Drainage Improvements:

Collect and Convey

- The applicant shall collect and convey all storm water entering and/or originating on this property without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility which conveys the storm waters to a natural watercourse, in accordance with Division 914 of the Ordinance Code.

- The nearest public drainage facility is located off-site. The applicant shall be required to show that the downstream drainage system is adequate for the existing development plus this project, or upgrade it to accommodate ultimate development of the watershed.

- Storm drainage facilities required by Division 914 shall be designed and constructed in accordance with specifications outlined in Division 914 and in compliance with design standards of the Public Works.

- Storm drainage originating on the property and conveyed in a concentrated manner shall be prevented from draining across the sidewalk(s) and driveway(s).

National Pollutant Discharge Elimination System (NPDES) Requirements:

- The applicant shall comply with the County's Storm Water Management and Discharge Control Ordinance (Ord. # 96-21) and all rules, regulations and procedure of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or the San Francisco Bay Regional Water Quality Control Board.

  A "Best Management Practices" (BMP) plan shall be developed in conjunction with a Storm Water Pollution Prevention Plan and submitted for review and approval by the Public Works Department and Grading Section of the Building Inspection Department.

  BMPs to be considered shall include, but not be limited to:

  - Provide educational materials to new homebuyers.
  - Stencil advisory warnings on all catch basins
  - Provide options for grass pavers or other semi-pervious paving systems for walks, drives and patios.
  - Slope pavements to sheet flow onto planted surfaces.
  - Prohibit or discourage direct connection of roof and area drains to storm drain systems or through-curb drains.
  - Other alternatives, equivalent to the above, as approved by the Public Works Department

ADVISORY NOTES

- This project may be subject to the requirements of the Department of Fish and Game. It is the applicant's responsibility to notify the Department of Fish and Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.

- This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.

- Comply with the Bridge/Thoroughfare Fee Ordinance requirements for the South Walnut Creek Area of Benefit as adopted by the Board of Supervisors. These fees must be paid prior to issuance of building permits.

(2)

CONTRA COSTA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
255 GLACIER DRIVE, MARTINEZ, CALIFORNIA

DATE: August 5, 2003

TO: Candi Wensley, Planner, Community Development Department

FROM: Paul R. Detjens, Associate Civil Engineer, Flood Control PRD

SUBJECT: 30-Day Comments –Lionsgate Development (MS 030015)

FILE: 1003-0015-03 (APN 184-150-029)

We have reviewed the revised vesting tentative map for the Lionsgate Development (Minor Subdivision 15-03) located in the Walnut Creek area, which our office received on July 17, 2003. We submit the following comments to you:

1. The proposed project is located within Drainage Area 121 (DA 121), an unformed Flood Control District drainage area. No drainage area fees are required for this project.

2. The developer should design and construct storm drain facilities to adequately collect and convey stormwater runoff, without diversion of the watershed, entering or originating within the development to the nearest adequate man-made drainage facility.

3. The revised tentative map shows this project will drain to a relocated 15-inch storm drain line, which ties into an existing 10-inch pipe that discharges over the bank of Las Trampas Creek. The bank in this area has severely eroded and has been partially armored using construction debris. Without a properly-engineered outfall, this area is expected to further erode. **Before accepting the application as complete, please have the applicant show the location of the existing outfall (including topography) and show an engineered outfall (including dimensions) at this location.** A new outfall will be required to adequately satisfy the project's collect and convey requirements. The impacts of a new outfall need to be identified and addressed by this project's CEQA document.

4. The applicant will need a County Drainage Permit for any work in Las Trampas Creek. The applicant may contact Bob Hendry of our Permit Center at (925) 335-1375 for an application.

5. Especially for cross-section AA, we disagree that the creek bank qualifies as an "improved channel." As such we do not agree with the delineation of the creek structure setback line shown on the plans. The developer's engineer should revise the creek structure setback line to be in accordance with Section 914.14.012 of the Ordinance code. The structure setback line for unimproved channels should be 45-feet away from the top of the bank when height of the top of bank above the channel invert is between 40-feet and 49.99-feet. The creek structure setback limit should be revised on the tentative map.

6. The submitted cross-sections of the creek bank should show the topography for the eastern creek bank. The design storm water surface elevation of Las Trampas Creek should also be shown.

7. We recommend the applicant be conditioned to dedicate development rights over the creek structure setback area to Contra Costa County.

Please feel free to call me at (925) 313-2394 or Hannah Wong at (925) 313- 2381 if you have any questions or concerns.

PRD:HW:cjd
G:\GrpData\FldCtl\CurDev\CITIES\Walnut Creek\MS 0015-03\tentativemap2-Lionsgate Dev.doc
C: E. Whan, Flood Control
J. Fahy, Engineering Services
Lionsgate Development Corp., P.O. Box 400, Alamo, CA 94507
James Diggins, DeBolt Civil Engineering, 811 San Ramon Valley Blvd., #201, Danville, CA 94526
Clint Shaw, 1430 Boulevard Way, Walnut Creek, 94595

SARANAP

Historical Contra Costa Railroad Station sign along Sacramento Northern Railroad in the vicinity of Olympic and Boulevard Way.

Saranap Homeowners' Association
Post Office Box 2506
Walnut Creek, California 94595-2539

Telephone: (925) 946-9185

June 18, 2003

Ms. Candi Wensley, Planner
Contra Costa County
Community Development Department
651 Pine Street, 4th Floor NW
Martinez, CA 94553-0095

RE: County File MS 03 0015
0.91 Acre Lot Split @ 2501 Warren Road
Assessor's Parcel Number 184-150-029

Dear Ms. Wensley:

We are in receipt of your Agency Comment Request dated May 27, 2003 requesting comments by our "community organization" representing the neighborhood in the vicinity of this property. Our comments that follow start out with some background on this parcel that we have pieced together in our discussions with nearby and adjacent property owners.

Background

Assessor's Parcel Number 184-150-029 of the Floraland Tract is characterized as a down-sloping lot known to have many drainage problems over the years. Rain water traversing the lot, either through the subsurface drain system or on the surface, runs down to Las Trampas Creek at the east apex of the parcel where it meets the properties owned by the Looney and Shaw/Ryan families.

There is a subsurface drain line on the property and shown on the applicant's "Vesting Tentative Map" dated 05/12/03 prepared by DeBolt Civil Engineering. This map shows an existing 16" Corrugated Metal Pipe running from the Storm Drain Collection Box at the corner of Warren Road and Boulevard Way to a Drain Inlet on Parcel "A." At the Shaw/Ryan property line, however, this line is only 10" in diameter (Exhibit #1). There is apparently a transition piece *narrowing* the diameter of this storm drainpipe as it runs down hill.

It is apparent to the neighbors that besides not being designed properly, this line has also not been maintained for years. On Parcel "A," the existing 16" CMP has apparently collapsed allowing escaping water to flood the basement of the existing house on the site every winter with heavy rains. Neighbors have witnessed ponding outside the house, and former residents had to sandbag the area by the garage in order to prevent intrusion of floodwaters.

Another situation worth noting is the discharge of water from the storm drain line at the most down-hill (southern end) portion of the line into Las Trampas Creek. Due to a combination of waters emanating from the drain and the sheet-flow off the property, a large "sink-hole" has developed below the outfall at the apex of Parcel "C" at the intersection of the property lines with the Looney and Shaw/Ryan parcels (Exhibit #2). The erosion from all the water off the applicant's parcel has created a hole somewhere between 8 – 13 feet deep (Exhibits #3 and #4). Already, this large undercut has undermined the private retaining wall built along Las Trampas Creek (Exhibit #5).

At the top of the property, we earlier referred to in this letter the existing Storm Drain Collection Box (noted by the County in Exhibit #6). The DeBolt Vesting Tentative Map shows that box being fed by two separate 16" CMP drains. One crosses Warren Road from the north and the second crosses Boulevard Way from the west. These underground drains are crushed, dilapidated and generally in poor condition now having elliptical cross-sections. There are apparently no leaf covers over the inlet structure and accumulated organic debris tends to collect inside the collection box. A layman might also ask why a hydraulic system that has two incoming 16" diameter feed lines was designed with only a 16" diameter outlet that then transitions down to 10" diameter?

It is also of historical interest to note that there was formerly an Olympic-sized swimming pool built on the site decades ago (Exhibit #7). This pool was in use until the early 1980's when it was filled in. Apparently, the storm drain line mentioned above was laid over the top of the pool. There still exist a few remains of the porcelain sides of this large swimming pool that had been dumped (most likely illegally) into Las Trampas Creek below the property. It is not known how much of the pool was demolished before filling.

In recent years, a previous owner of the applicant's property, Flavia Meredith Zaro, Grantor, entered into an Easement Agreement with Lisa Gail Ryan and Clinton S. Shaw (access easement agreement for maintenance/repair of drainage, roadway and pedestrian use). This has been recorded by the County Recorder's office as document 2001-0248819-00 along with Easement Grant Deed document 2001-0248820-00. The DeBolt Vesting Tentative Map does not show any of the easements that now exist on APN 184-150-029. In the body of the Easement Agreement, the second paragraph in section 15 reads as follows: *Not withstanding the above provisions, grantor and their assigns or successors, including any purchasers, shall be required to comply with all mandatory requirements to the City of Walnut Creek and/or County of Contra Costa, including any other government entities, as to grading and drainage.*

We are uncertain as to how sewage from the existing structure on the site is removed. The DeBolt Vesting Tentative Map shows a sewage pump at the southeast corner of the existing house. We trust that sewage is properly pumped up to the sanitary lines running in either Warren Road or Boulevard Way.

Recommendations:

The Saranap Homeowners' Association requests the following recommendations are implemented as conditions of approval for the requested subdivision of APN 184-150-029 and prior to the issuance of any building permits:

1) The drainage line crossing the property must be rebuilt to contemporary engineering standards. The design of this system must reasonably take into account the planned future developments in the neighborhood upstream of the property. For example, the current application by Cathryn M. Rickard for a Minor Subdivision at 1384 Boulevard Way (MS 02 0007). It is understood that there are currently at least 17 parcels/homes in the neighborhood whose rainwaters drain into APN 184-150-029. It is clear to us that this project has to allow for other future developments as the absorption capacity of the earth will be reduced by further upstream housing on adjacent properties and in the future we will see even more run-off.
2) As a part of the drainage system to be installed on this property, the County should require any necessary upgrades to the drainage lines crossing both Boulevard Way and Warren Road.
3) At the downstream (southeast) corner of the property, the County should require that the new outflows to Las Trampas Creek not cause any erosion of the creek bank, through use of approved energy dissipators of sufficient capacity. These outflows will increase for three reasons: (a) from the existing and anticipated upstream water flows onto the property, (b) from the corrected upstream water flows (replacement of damaged piping) onto the property, and (c) from runoff from the subject parcel due to construction of three new homes and their attendant paved driveways, patios, and walk ways. The County should also place adequate approval conditions to ensure that the stability and functionality of the existing retaining wall is not further compromised by water emanating from the applicant's property, or require the applicant to build a proper retaining wall.
4) Measures must be taken to insure that any facilities installed in recommendations #1, #2 and #3 above are properly maintained in the future. We recommend that the County require a special taxing district be set up (possibly along the lines of a Lighting and Landscaping District) requiring the owners of the future three subdivided parcels to fund any and all maintenance costs of these facilities by the County. We do not believe that the County should rely on either CC&R's or any homeowner's association for these three new parcels to take responsibility for such an important undertaking.
5) Rubble from the former swimming pool that has been dumped in Las Trampas Creek should all be removed, provided that an engineering analysis determines that such removal does not cause further erosion of the banks.
6) The applicant should revise the Vesting Tentative Map for the subject parcel to show all existing easements and requirements.
7) The construction of three new homes will require sewage lift pumps for all three homes (there being no sewer line downhill at the Creek). As such, a sewer line easement would need to be created from the lower lots, uphill across the upper lots, if a Warren Road sewer connection is to be used.

Lastly, we suggest that the professional staff of Contra Costa County perform an in-depth field review of the subject property and interview neighboring property owners to ascertain the veracity of the statements made in this letter and to better understand and appreciate the erosion problem at the outfall of the existing 10-inch diameter drain on the applicant's property.

We appreciate the opportunity to provide comments on the subject application for a Minor Subdivision on Warren Road. We trust that any development on the property will result in eliminating problems for the neighborhood as opposed to creating any more.

Sincerely,

John B. Ruzek, President
SARANAP HOMEOWNERS' ASSOCIATION

Attachments

c. (w/a) Supervisor Gayle B. Uilkema
County Planner Ryan Hernandez
Mr. & Mrs. Ronald Looney
Ms. Lisa Gail Ryan
Mr. Clinton S. Shaw

c. (w/o a) Deputy Director Catherine Kutsuris, Community Development

Pertinent Exhibits Relating to Lot Split at 2501 Warren Road - County File MS 03 0015

Exhibit No.	Description
1.	Photograph of boundary point of three parcels.
2.	Department of Public Works letter to Ms. Lisa Ryan, February 13, 1997, "File 3015-06 APN 184-150-048."
3.	Photograph of drainpipe outfall on Shaw/Ryan property.
4.	Photograph taken from East Side of Las Trampas Creek showing sinkhole.
5.	Photograph taken from East Side of Las Trampas Creek showing collapsed retaining wall.
6.	Department of Public Works letter to Mr. Ryan Hernandez of Community Development, July 8, 2003, "Subdivision MS 02-007 Staff Report and Conditions of Approval."
7.	Metroscan Property Profile, APN 184-150-029, circa 1996.

EXHIBIT 1

Overhead photograph taken at southeast corner of subject property (APN 184-150-029) showing the intersection of three parcels (Lionsgate, Looney and Shaw/Ryan) and existing 10-inch drain pipe. Top of photograph shows sinkhole visibly including the top rung of an extension ladder placed inside the hole.

Contra
Costa
County

Public Works Department

Maintenance Division
2475 Waterbird Way
Martinez, California 94553-1457
FAX: (510) 313-7014
Telephone: (510) 313-7000

J. Michael Walford
Public Works Director

Milton F. Kirkicali
Deputy – Engineering

Patricia R. McFarren
Deputy – Operations

Maurice M. Shiu
Deputy – Transportation

S. Clifford Hansen
Deputy – Administration

February 13, 1997

Our File: 3015-06
APN 184-150-048

Lisa Ryan
1430 Boulevard Way
Walnut Creek, CA 94596

Dear Ms. Ryan:

This letter is a follow up to our meeting of February 4, 1997 regarding the drainage situation affecting your property adjacent to Las Trampas Creek.

First of all, the drainage facilities that the County maintains are generally those facilities located within the County road rights of way and established easements. This includes the storm drain pipe under Boulevard Way and Warren Road at its intersection and possibly the concrete junction box since it appears to be located within the road right of way. The storm drain pipe that is connected to the junction box and traversing your neighbor's property at 2501 Warren Road and terminating on your property at Las Trampas Creek is considered a "private" storm drain system since it is not located within a public storm drain easement. Therefore, the portion of the storm drain lying within the respective properties is the maintenance responsibility of the respective property owners. We do not have any information on who installed this portion of the storm drain system.

As I indicated at our meeting, I suggested that rock riprap be used to repair the eroded outfall at the end of the pipe and the eroded bank of Las Trampas Creek. There are other alternative repair methods, but I would recommend that an engineer be consulted to repair the severely eroded banks of the creek. Please be reminded that a Department of Fish and Game permit (they can be reached at (707) 944-5500) and a County drainage permit (call 646-1607) is required for any work within the creek.

Since the storm drain system on your property is a private facility and Las Trampas Creek is a natural unimproved creek, I am sorry that we cannot assist you in the improvements of these facilities.

Should you desire additional information please call me at 313-7006.

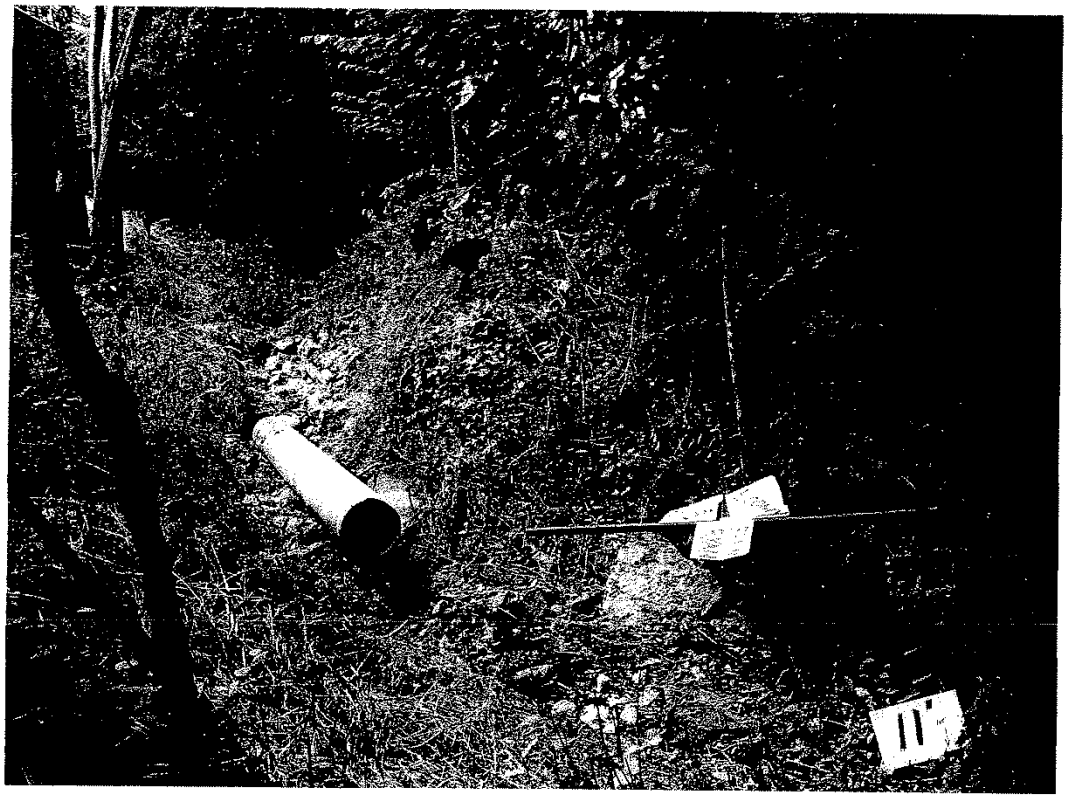
Very truly yours,

Stan Matsumoto
Senior Civil Engineer
Maintenance Division

SM:pc
ryan.l2

cc: V. Alexeff, CMEDA
D. Pellegrini, Maint.
D. Reza, Maint.

EXHIBIT 3



Elevation looking north from the Shaw/Ryan property with an 11-foot extension ladder placed in sinkhole below outfall adjacent to the intersection of three parcels (Lionsgate, Looney and Shaw/Ryan).

EXHIBIT 4

Photograph looking west from east bank of Las Trampas Creek showing the 13-foot sinkhole as it drains into the creek. Note the 11-foot extension ladder placed against the west side of sinkhole on Shaw/Ryan property.

EXHIBIT 5

Photograph taken downstream of photograph in Exhibit 4 also from the east bank of Las Trampas Creek showing remnants of former retaining wall on Looney's property line in the creek.

Contra
Costa
County

Public Works Department
Maintenance Division
2475 Waterbird Way
Martinez, California 94553-1457
FAX: (510) 313-7014
Telephone: (510) 313-7000

J. Michael Walford
Public Works Director

Milton R. Kubicek
Deputy – Engineering

Patricia R. McNamee
Deputy – Operations

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Deputy – Transportation

S. Clifford Hansen
Deputy – Administration

February 13, 1997

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Should you desire additional information please call me at 313-7006.

Very truly yours,

Stan Matsumoto
Senior Civil Engineer
Maintenance Division

SM:pc
ryan.l2

cc: V. Alexeff,GMEDA
D. Pellegrini, Maint.
D. Reza, Maint.

Contra
Costa
County

Public Works Department
255 Glacier Drive
Martinez, California 94553-4897

J. Michael Walfo
Public Works Direc

Barton J. Gilbert
Chief Deputy

5

March 6, 1985

~~Ex. 100~~

Our File: Design/Cons--Drainage Permit
423-81

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Hillis H. Schlak
2497 Warren Road
Walnut Creek, California 94595

Dear Mr. Schlak:

A recent inspection of your retaining wall under construction under the above permit found evidence of failure. The failure itself and any contributing causes must be corrected immediately.

Virtually all of the rebar tiebacks to the deadman have broken and the wall has rotated. Movement at the tiebacks is now about 4 to 5 inches. Several of the WF H piles have deformed. One of the piles has rotated about 45 degrees around a vertical axis and the concrete lagging is in immediate danger of coming free. When this happens, the adjacent posts will be even more severely overstressed and the entire wall could collapse.

We have repeatedly warned you for almost two years that this failure may happen. We now consider this to be an urgent condition which must be immediately rectified.

Your structural engineer, Thomas Christian, told us in January that he had not received soils calculations from you and is therefore unable to investigate the wall as requested. You must have this investigation completed as soon as possible. Repair and corrective work must be undertaken before total failure of the wall.

Please notify us of your scheduled work on the wall. If you have any questions, please call Mr. Richard Nugent at 372-4480.

Very truly yours,

Milton Kubicek

Milton F. Kubicek
Deputy Director
Operations and Flood Control

MFK:RJN:bw
SCHLAKLTR.T3

cc: Thomas P. Christian

Responses to Comment Letter 72 – Lisa Ryan and Clint Shaw (May 25, 2011)

72.1 The comment letter provides a history of drainage related issues on properties near or within the project area. Please see Master Response 11 for a comprehensive response to all drainage related issues pertinent to the proposed project.

Saranap Community Association

LETTER 73

May 16, 2011

CONTRA COSTA

Ms. Lashun Cross, Senior Planner
Department of Conservation and Development
651 Pine Street, 4th Floor – North Wing
Martinez, CA 94553

Dear Ms. Cross,

The Saranap Community Association on April 19 held its third community meeting on Sufism Reoriented's proposed Boulevard Way sanctuary. The purpose of this meeting was to provide an opportunity for the Saranap community to address the adequacy of the EIR draft. About 1,500 homes, apartments, and businesses in the Saranap were notified of the meeting via first-class postcard. The executive summary of the EIR was available for download from the SCA's Website, and a link to the full EIR was included on the site as well. The URLs of both sites were included on the postcard.

About 140 neighbors attended the meeting, which began with a 40-minute overview of the EIR by David Dacus, an architect and chair of the SCA's Application Review Committee. This was followed by a period during which attendees were invited to comment orally or in writing on *1)* whether the EIR draft addresses all their environmental concerns and *2)* whether there are environmental issues they feel are not adequately addressed in the draft. Twenty-three individuals spoke, and 102 gave written comments on a form provided. Oral comments were transcribed. 73.1

Eighty-five respondents marked a checkbox on the form indicating that "The EIR draft addresses all environmental concerns I may have had about this project"; one checked the box indicating that s/he has "environmental concerns about the project that are not addressed in the EIR draft"; and two indicated that they "have environmental concerns … that I feel are not adequately addressed …"

All but two of the environmental concerns raised at the meeting are addressed in the EIR document: drainage; sewage; glare; noise and dust from construction; possible damage to roads by construction vehicles; dewatering at the construction site causing subsidence on adjacent properties. It is the view of our Application Review Committee that these are addressed adequately in the EIR draft.

The two issues raised that do not appear to be addressed:

- One person voiced concern over a possible rodent infestation at the site resulting from construction. She noted that construction of the Highway 24/680 overpass resulted in a "large influx of rodents" in her neighborhood, which is adjacent to that juncture. 73.2

- Another speaker stated that "Lots of people in the area are retired or work at home. Can something be done for them in the daytime?" In a written comment, she asked if neighbors "who work at home will be offered a place to work if noise makes this impractical." 73.3

Interestingly, the issue mentioned most often in comments has nothing to do with the sanctuary itself: proposed changes at the Boulevard Way–Kinney Drive intersection and the addition of sidewalks in that area. There were 34 positive comments about these changes; no voiced opposition to them. 73.4

All environmental concerns raised at the two earlier community meetings, held in November 2008 and January 2009 and outlined our April 9, 2010 letter to you, are addressed in the EIR draft. We feel that they are all addressed adequately.

Following last month's community meeting, the SCA board met to consider its position on the EIR draft. Based on the Application Review Committee's analysis of the document and input from the three community meetings, it is our unanimous view that the draft EIR more than adequately addresses all expected environmental issues related to the Sufism Reoriented sanctuary project. Finally, we would like to compliment your department on the quality and thoroughness of the EIR draft. 73.4, cont.

Respectfully submitted,

Lee S. Schroeder

Lee S. Schroeder,
President

J. David Dacus,
Chair, Application Review Committee

P.O. Box 2506, Walnut Creek CA 94595-0506 ☎ 925.946.9185

Responses to Comment Letter 73 – Saranap Community Association

73.1 The comment does not raise any significant environmental issues requiring further response.

73.2 Please refer to **Section 4.3**, Biological Resources, of the Draft EIR for a discussion of biological impacts related to project construction. Please refer to page G-13 of **Appendix G** which discusses what types of animals would typically be found on the project site. Investigation of potential project impacts did not identify any concerns associated with construction causing a rodent infestation and there is no other credible evidence suggesting that the project would lead to such an infestation.

73.3 As described in the Draft EIR, there will be several measures in place to mitigate construction-related impacts. Please refer to **Section 4.10**, Noise, for a complete discussion of impacts and mitigation measures related to construction period noise and vibration (**Impacts 4.10-1** and **4.10-2** and **Mitigation Measures 4.10-1** and **4.10-2**). The County considers these mitigation measures adequate to protect nearby residents from construction period noise impacts. The County did not find the impacts to be at such a level where other mitigation was needed to reduce impacts below a level of significance. Please also see Master Response 8.

73.4 The comment does not raise any significant environmental issues requiring further response.

LETTER 74

May 23, 2011

Joshua Cross, Sr Planner
C & C Dept of Conservation + Developement

Re: Co file #LP082034
+ MS090008

Gentlemen,

I have lived in the Sarasota area since March 1966. Moved here from San Francisco to raise a family in the country. 74.1

The purpose Sufism Center does not fit into our rural community as purposed. 66,000 sq ft center for 350 members is outrageous

According to the EIR report there will be a sidewalk around the center - road widen. Where is the bike lane? The 350 members will be walking 74.2

is growth taken in consideration?

In Yuba City, Sutter Co, Calif - people drive into their temple from miles around. Huge temple.

Several people at the meeting that I was at. Thought it was great the protection of the Bats + Birds. 74.3

How about us the human beings that live in this rural community that pays property tax, sales tax on our purchase?

Our neighborhood was here before Walnut Creek due to the ~~Sway~~ Saranap train station on Olympic Blvd. This area was summer homes and cabins - some of them are still here with additions. It's a very unique area. 74.4

The Sufism Center states they want to be a good neighbor. To start with they need to have their building blend into the neighborhood with our magnificent trees. Ranch style look or inconspicuous 74.5

The design they have created look likes a space ship. Does not fit!

Due to this space ship design by some well know architect - will that mean tour buses coming into our rural area to look on tour the center?

The center is 66,000 sq ft for 350 members but what is the limit that the Fire Marshall will put on the facility. Which will allow them to expand to how many members? 74.6

I understand that there are 36 bathrooms in this center. For 350 members or for how many? I don't think they are really telling the truth on the future desires of this group. 74.7

All the churchs in the area want to expand to spread the Good News. They work with the community, they open their doors to groups such 74.8

as AAA, Boy Scouts, Weight Watchers, Senior activities, lecture series. Have not seen this with this group. 74.8, cont.

There are churches in this area that you can drive by due to the design. They do not stand out like a sore thumb.

Our Saviors Lutheran Carol Lane, Lafayette 94549
Sun Valley Bible Chapel Leland Dr Walnut Creek 94595
Hillside Covenant Church Magnolia Way Walnut Creek, 94595
North Creek Ygnacio Valley Rd Walnut Creek 94598
60,000 sq ft
over 1500 members.

These are just a few listing, they just fit into the landscape and you can pass them & not really know that they are a church. 74.9

Thank you for listening to me. I hope you will take my statements in consideration. The Sufism Center should not be built with the space ship design. It should blend in to the ~~co~~ rural community and our magnificent trees and nature.

Gayle Schiller
20 Stanley Ct
Walnut Creek, Ca
94595

Responses to Comment Letter 74 – Gayle Schiller

74.1 See Master Responses 3 and 4.

74.2 See Master Responses 6 and 7. The Contra Costa Transportation Authority's (CCTA's) 2009 Countywide Bicycle and Pedestrian Plan identifies existing and proposed bicycle facilities. This plan shows a proposed "Class III" bike route proposed for Kinney Drive, continuing easterly onto Boulevard Way (tracing the project's Boulevard Way frontage) into downtown Walnut Creek. A "Class III" bike route means that signs on the street advise travelers of the bicycle route, but no separate lanes or paths are provided. In a Class III bike route, bicyclists simply travel on the roadway shoulder. Project Variant B would widen the shoulder of Boulevard Way along the immediate project frontage, providing additional space for bicyclists.

74.3 The Draft EIR fully considered all potential environmental effects of the project, which may have an impact on human health and safety. Please refer to the relevant technical sections of the Draft EIR regarding the impacts of the project on people (4.2, Air Quality; 4.5, Geology and Soils; 4.6 Greenhouse Gas Emissions and Energy; 4.7, Hazards and Hazardous Materials; 4.8, Hydrology and Water Quality; 4.10, Noise, 4.11, Population and Housing, 4.12, Public Services, 4.13, Traffic and Circulation, and 4.14, Utilities and Service Systems). See Master Responses 4 and 9.

74.4 See Master Responses 3 and 4.

74.5 Please refer to **Section 4.1**, Aesthetics, of the Draft EIR, which analyzes the project's potential visual effects. This comment will be considered by the County Zoning Administrator when making a decision about requested permits. Please also see Master Response 12.

Please refer to Draft EIR pages 3-10 and 3-11, which described that project's landscaping would provide visual screening between the project site and roadways. The commenter's assertion that the project would attract tour buses is not supported by any evidence.

74.6 The Contra Costa County Fire Protection Department Fire Marshal reviewed and considered the project plans as shown in **Appendix C**. The review was based on understanding of the expected Program of Activities consistent with **Table 3-1** of the Draft EIR, which represents a reasonably foreseeable use of the facility.

74.7 See Master Response 3.

74.8 The County is evaluating land uses based on its conclusion that the activities set forth in **Table 3-1**, Program of Activities, of the Draft EIR represents a reasonably foreseeable use of the facility. Activities not included in this projection of reasonably foreseeable uses were not analyzed. The County, like most CEQA lead agencies, does not typically analyze every conceivable or theoretically possible use of the facility, and for most projects it would not be practical or even possible to project all conceivable or theoretically possible future events. The County has a Temporary Events Ordinance (Chapter 82-44) which would govern consideration of qualifying events not included in **Table 3-1**. See Master Responses 3 and 7 regarding growth projections and future use of the facility.

74.9 See Master Response 4.

LETTER 75

2430 Warren Road
Walnut Creek, CA 94595
May 10, 2011

Lashun Cross, Senior Planner
Department of Conservation and Development
651 Pine Street
4th Floor, North Wing
Martinez, CA 94553

Dear Ms. Cross,

I live at 2430 Warren Road, directly adjacent to the new sanctuary proposed by Sufism Reoriented, on the east side of the property. I have lived at this location for 38 years, and have been a member of Sufism Reoriented for 43 years, in fact having moved here one and a half years before Sufism relocated here from its previous location in San Francisco. I have read through the Executive Summary of the draft EIR and am quite impressed with the thoroughness of this report.

75.1

Although I am not looking forward to the noise and dust during the construction phase, being a retired person who is home most days, I am pleased with the mitigations presented to alleviate these issues for me. I am certainly looking forward the completion of this beautiful new sanctuary, which will be a wonderful addition to our neighborhood.

I look forward to the approval of our new home by the County.

Sincerely,

Bernard Schwartz

Bernard Schwartz

CONTRA COSTA
2011 MAY 12 P 12:23

Responses to Comment Letter 75 – Bernard Schwartz

75.1 The letter does not raise any significant environmental issues requiring further response.

LETTER 76

April 29, 2011

Ms. Lashun Cross, Senior Planner
Community Development Division
Department of Conservation and Development
651 Pine Street, 4th Floor--North Wing
Martinez, CA 94553

Dear Ms. Lashun Cross,

I am writing to express Scott's support of Sufism Reoriented's plans to build a new sanctuary in the County near Walnut Creek.

I have reviewed the plans for the project, and I believe that this will be a beautiful building designed by world-class architects. The gardens will be open to the public, the green features are impressive, and their traffic management program is innovative. In addition, they have arranged for fully adequate overflow parking at the Meher Schools, although they're not likely to need it. 76.1

The Draft Environmental Impact Report on the sanctuary project shows the care and respect that this organization has for the neighborhood and the environment. I am also impressed that the EIR concludes that no unavoidable impacts were identified, and that mitigations will reduce all potential impacts to a "less-than-significant level."

This is a project we can be proud to have in Walnut Creek and in Contra Costa County. I urge you to support approval of Sufism Reoriented's new sanctuary.

Sincerely,

Steve Fagalde
Scott's Seafood Restaurant

Cc: Lashun Cross, Department of
Conservation and Development

Corporate Office
255 Third Street, Suite 102 Oakland, CA 94607-4328
(510) 302-0999 Fax (510) 302-0995
www.scottsrestaurants.com

Responses to Comment Letter 76 – Scott's Seafood Restaurant

76.1 The letter does not raise any significant environmental issues requiring further response.

Jeanette Segal
1336 Boulevard Way Apt. 310
Walnut Creek, CA 94595
925-932-0435

LETTER 77

Lashun Cross, Senior Planner
Department of Conservation and Development
651 Pine Street
4th Floor, North Wing
Martinez, CA 94553

Dear Ms. Cross,

I'm writing to express my appreciation for the impressive work of the EIR for the New Sanctuary of Sufism Reoriented. As a member of Sufism Reoriented, I'm keenly aware of the need for a New Sanctuary and eager for continued progress toward the fulfillment of that dream. As a neighbor whose residence directly overlooks the property, I have had concerns about construction noise and the potential for compromised air quality and these worries were clearly addressed in the EIR report. I felt reassured and relieved to read the mitigations that address noise and polution issues and look forward to the time when I will be looking out over the graceful Sanctuary building and beautifully landscaped property. I commend your team on the care and attention to detail reflected in their report, including concern for the safety of nesting wildlife! 77.1

I know the anticipation of the New Sanctuary brings a sense of joy to the congregants and I believe will also bring a greater sense of beauty and value to the neighborhood. I support the project wholeheartedly.

With gratitude and regards,

Jeanette Segal

Jeanette Segal

CONTRA COSTA
2011 MAY -9 P 2:57

Responses to Comment Letter 77 – Jeanette Segal

77.1 The letter does not raise any significant environmental issues requiring further response.

May 11, 2011

LETTER 78

CONTRA COSTA
2011 MAY 16 P 12:23

ATTN: Lashun Cross, Senior Planner
Contra Costa County
Department of Conservation & Development
Community Development Division
651 Pine Street
4th Floor, North Wing
Martinez, CA 94553

Re: Sufism Reoriented Special Project

Dear Lashun Cross:

We are writing to express our support for Variant B as described in the Draft EIR for the proposed development by Sufism Reoriented. We live at 10 Boulevard Court, about two blocks south of the proposed project. Boulevard Way provides the route for people from our court who are walking to the bus stop and other destinations on Boulevard Way northeast of the project. This route is currently very hazardous since portions of the route have no sidewalk, shoulder, or crosswalk to aid the pedestrian.

The Variant B proposal would provide a sidewalk and shoulder along part of Boulevard Way, which would dramatically reduce the risk of walking from Boulevard Court to the bus stop and businesses along Boulevard Way, as well as to downtown Walnut Creek. In addition, Variant B would significantly improve the safety for bicyclists travelling from Olympic Boulevard (a very popular bicycle route) to Mt. Diablo Boulevard and access to the north gate of Mt. Diablo State Park (another very popular route). 78.1

Otherwise, we believe both variants provide adequate mitigation of environmental impacts, but we support the approval of Variant B.

Additionally, we urge the Community Development Department to develop a new alignment for Boulevard Way from Saranap Avenue to Olympic Boulevard. We understand from Public Works staff that there is no approved alignment for that section of Boulevard Way. Without a plan, the improvement of Boulevard Way will be piecemeal and uncoordinated. 78.2

We appreciate the extension of the comment period for comments on this EIR. Should you have any questions regarding these comments, feel free to contact Bart at (925) 209-1232.

Sincerely,

Bart Simmons

Kathy Simmons

Kathy Simmons

Responses to Comment Letter 78 – Bart and Kathy Simmons

78.1 The commenter supports Project Variant B. The letter does not raise any significant environmental issues requiring further response.

78.2 The commenter is requesting a new alignment for Boulevard Way from Saranap Avenue to Olympic Avenue. This is includes portions of Boulevard Way that are not part of the project area.

LETTER 79

May 21, 2011

CONTRA COSTA
2011 MAY 24 A 11: 35

Contra Costa County
Department of Conservation and Development
County Administration Building
651 Pine Street; North Wing, Fourth Floor
Martinez, CA 94553-1229

SUBJECT: County File #s LP082034 and MS090008
Proposed 66,074 Square Foot Sanctuary Project

Attn: Ms Lashun Cross, Senior Planner;

As a 43 year resident and homeowner of the Saranap area in Walnut Creek, Contra Costa County, I am urging the County Planning Commissioner to deny the application for the proposed 66,074 square foot Sanctuary. In my opinion, this large structure does not belong in the specific area where Sufism Reoriented is proposing to build.

REMOVAL OF OLD GROWTH OAK TREES

79.1

The construction would demolish several houses and will clear cut all vegetation in the area – including many old growth oak trees. In order to take down old growth oak trees of a certain size, homeowners must gain special permission from the County or City, has this met with County approval? I saw nothing in the mitigation measures regarding this specifically. It is my understanding that over 40 old growth oak trees will be affected and the promised tree replacement may be a positive thing, although in reality, it will take many years for the trees to reach their maximum growth and provide the rural feelings most of the residents in Saranap treasure.

CONSTRUCTION PROCESS

I have serious concerns about the actual construction which entails excavating 42,000 square feet of the property (larger than a football field) in order to provide office space, bathrooms, an area for the organization's archives, printing space, a recording studio, library and bookshop, etc. underneath the proposed 24,000 square foot plus sanctuary. The project will abut several homes and the ongoing 79.2
construction will be an enormous imposition....dust, noise, possible structural problems, vibration from construction and excavation vehicles, constant dump truck trips to remove the dirt, which will impact traffic – including school children, bicyclists, and people who walk in the area, to say nothing of automobile traffic...plus it will tear up our roads with the heavy equipment.

In the 43 years we have been here, we have endured massive building or remodeling on every immediate side of us. Most difficult was construction behind our property which entailed a huge amount of bulldozing and grading and removal of large trees, much of the procedure was not County approved. Another situation which was not carefully monitored by the County was a complete tear-down of a house on our street – the residue of which was put into a wood chipper creating a multitude of dust and debris and possible hazardous material being blown into the air! Despite many calls to the County on both these situations, the deed was completed by the time a County worker was able to come out. With current cut-backs and furloughs of County workers, I have serious concerns that
even though mitigation is promised, that the County will not be able to fulfill that duty. The dust and 79.3
noise from these projects creates breathing difficulties, but being at home most of the time, it was the

noise which was most unbearable....to listen to the constant beeps of the bulldozer eight hours a day does make one rather short tempered! 79.3, cont.

When the highway 24 freeway demolition and new construction was underway, CALTRANS offered to pay for hotel accommodations for those of us who would be bothered by the all night jack hammering. Construction for the Sanctuary will be during the work week, however many people next to the construction are home during the day (retired or caring for young children). Will there be alternate housing or accommodations made for those residents during the worst of the construction? 79.4

New construction can be a positive thing...time marches on, but one would hope that new projects would be in keeping with Saranap's rural feeling building around existing trees. The rural/suburban flavor is the reason most residents purchased homes here. If the end result would be a structure enhancing the oak trees, and even if it would be a structure which would be open (as my Church is open) for community events, such as Girl Scout meetings; voting; classes open to seniors or residents of Saranap; one might endure the mess of construction more easily. When news of the proposed Sanctuary became public, members of Sufism Reoriented made a real effort to reach out to Saranap residents, but historically, their compound has been enclosed with the area surrounded by concrete walls. There is no signage indicating what type of business or organization is within, and entry has been denied to non-members. It is my understanding that the new proposed structure will also be surrounded by concrete walls. 79.5

SIZE OF STRUCTURE

This enormous structure would seem to overwhelm and be out of sync with our modest suburban houses. Yes, there are large non-residential structures in Saranap, but residents have continuously tried to oppose developments which are not in keeping with the flavor of Saranap. Shortly after we moved here in 1968 there was a proposal to build the Jewish Community Center on Warren Road where Island Court is located. Residents were opposed and were successful in preventing the structure being built there, and it now occupies the space on Tice Valley Road in the old Tice Valley School. The JCC is an asset to the community as many community oriented events and meetings are held here as well as events specific to the Jewish faith. It is in constant use and the ensuing traffic would have been horrific on residential Warren Road. Another non-residential proposal which was overwhelmingly opposed by residents was a retail mall to be placed where many homes are...encircled by del Hambre Circle, Boulevard Way and Dewing Lane. This was in the City of Walnut Creek and traffic considerations were enormous as the turn from Boulevard Way to Nicholson is dangerous just with residential traffic. Neighbors attended hearings held by the City and were successful in halting the development. Many of us feel that approving the Sufism Reoriented structure would open the door to yet more huge developments, further denigrating the characteristics of Saranap. 79.6

Many of us have concerns that the Sanctuary will not be used just for the 350 members, it is very large and can accommodate many more individuals than their stated membership. They propose 47 or 37 bathroom stalls which seems to beg the question of only 350 members utilizing the space. When I questioned this, a letter written to me February 25, 2009 by a representative of Sufism Reoriented stated...*"We are providing more than the normal amount of bathroom stalls to make life more comfortable for our women members...it is often necessary for many people to use the facilities in a short time, during an intermission."* To me, this would seem to indicate large events, possibly on an ongoing basis. In regard to the large number of bathroom stalls, is the sewage hook-up adequate for 47 toilets to be flushed at the same time in a ten to fifteen minute break? 79.7

COUNTY RESPONSE

Although the mitigations listed in the EIR affirm that any problems concerning construction process will be attended to in a 48 hour period, by that time...the tree would have been taken down, the digging completed, the unapproved construction would have been done...cutbacks in the County have hand tied its ability to respond in a timely manner. We have experienced problems with comparatively small construction projects in the past, and it is questionable that response will be any more rapid if complaints are made about the Sanctuary construction. One person at the Saranap Community Association voiced the opinion that all the mitigation responses were looking at the project through rose colored glasses. 79.8

WAIVER OF PARKING SPACES

Sufism Reoriented has asked for a waiver of parking spaces, downsizing what would be the required spaces for a structure of this size, saying that the members of their organization will walk to the Sanctuary. This is admirable, however, the 66,074 square foot structure begs the question...will there be only the current members (350 according to their statistics) using this place which can accommodate many, many more persons. This group say they have no plans to proselytize. Conversely, athough they have been active in Saranap for over 30 years, if the group membership dwindles or disbands, our neighborhood will be burdened with their structure with inadequate parking space for a structure that size. Sadly, it is a fact that religious groups do lose membership, as population shifts, or moves away, leaving beautiful cathedrals and church structures empty and few of them are designed to be utilized for other inhabitants. It would be even more difficult to change the use of this structure with less than the County required parking spaces. 79.9

MURSHIDA STRUCTURE AND EASEMENT

The easement owned by the Odell residence allows access to four **private residences.** Several years ago, Sufism Reoriented purchased property behind the Odell property, combined two parcels, built the present Murshida structure, then connected it with another structure which is used, we believe, as a recording studio etc. (not a private residence) Now the easement is used for access to the Mushida place and the attached adjoining structure which seems to defy the deed language and perhaps even nullify the use of the easement by the combined structures built by Sufism Reoriented and would certainly prohibit any future access via the easement to the proposed Sanctuary.. Also there are six formal parking places....are these parking places to be used for access to the proposed Sanctuary and will the easement be a foot access to the proposed Sanctuary on a 24 hour basis? In previous meetings with Sufism Reoriented members, Saranap neighbors have proposed keeping access by fire and emergency vehicles by the present Boulevard Way entrance instead of via the Odell easement. However, Sufism members have refused to consider any alteration whatsoever to their architectural plans to accommodate this proposal. 79.10

DRAINAGE AND EARTH MOVEMENT

Because the construction will remove massive amounts of earth, it is hard to believe that it will not seriously impact the adjoining neighbors' homes even with proposed mitigation. I think of housing developments in neighboring cities where even when residents were assured that construction and 79.11 79.12

digging would not affect them, over time or perhaps in excessively rainy years, they were inundated with mud and hill slippage and their homes were rendered unlivable. There is a steep incline down to the creek on the south side of Warren Road, and some houses are perched rather precariously there, is there assurance that the massive excavation will not compromise either Warren Road or those houses? It is my understanding that there is already land slippage along this incline down to the creek and one would think that this massive excavation would exacerbate the land slippage. 79.12, cont.

TRAFFIC "MITIGATION"

Along with the construction concerns is the possible additional traffic being generated. Several mitigations had been suggested, one of which is placing a stop sign in both directions of Boulevard Way and removing the stop sign at Kinney. It has always been a tricky intersection, but allowing Kinney traffic to flow without stopping seems to add danger. 79.13

OTHER THOUGHTS

It seems that homeowners were left out of the loop as far as being informed of this project. We in the neighborhood first had an inkling of the project when a neighbor's trees were tagged for possible removal...this started the process of tracking down what was transpiring...and eventually we discovered that Sufism Reoriented had been buying up acreage, and an architect had already drawn up plans for the 60,074 square foot structure....rather a shock to learn by default that such an enormous project was planned without any notification to residents...especially residents immediately abutting the project. Now that word is out, Sufism Reoriented has made an enormous effort to educate and mollify Saranap residents, but it seems that this whole process would have gone more smoothly if neighbors had been informed beforehand and allowed input about the project proposal before final plans had been formed. 79.14

It was rather a shock to read in the EIR that the Odell property on Warren Road was specifically named..."if the Odell property was purchased...". Why was this even mentioned in the EIR if the idea had not been discussed with Contra Costa County...the owner of that home had never been informed of this possibility although there had been discussion concerning her easement. And the owner of the house on the corner of Warren and Boulevard Way had never been notified of a possible "mitigation" proposal of putting a sidewalk from Boulevard Way to Warren Road which would abut that particular property. 79.15

Obviously, there have been large developments previously in Saranap, apartment buildings and some businesses, but we residents are struggling to maintain the rural flavor of our neighborhood. Each large project means more loss of trees and vegetation and less acreage designed for residential housing and I feel that approving this particular project would open the door to yet even larger structures and projects. 79.16

Members of this group have been respectful and desirable neighbors for many years, I have no objection to their wish to build a new sanctuary, but **NOT** in the specific area where they propose. If it were located at their present site or on Boulevard Way across from 7-11 where some businesses are presently, I could support the proposal...it would not take down trees, it would not demolish residential houses, it would not be immediately abutting present homeowners...it would back up to the freeway and other businesses. It seems that if this project in its present size were approved, that the present homeowners' wishes are to be subjugated to this 350 member group's desires. Remember that homeowners are and have been taxpayers, Sufism Reoriented is registered as a religious group does not pay taxes, thus the County loses quite a bit of tax revenue on this property. 79.17 79.18

I ask that the Planning Commission take into consideration the "other" residents of Saranap and require that Sufism Reoriented downsize their plans or, in my mind…ideally, to put their structure in an area where homeowners would not be so impacted. 79.19 I respect Sufism's wish to have a new Sanctuary, but hope they will understand that their group is in the minority and that they could accommodate their plans to fit in with the many homeowners in the Saranap area. 79.20

Sincerely,

Patricia Smayda

Patricia Smayda
19 Blade Way
Walnut Creek, CA 94595

Responses to Comment Letter 79 – Patricia Smayda

79.1 See Master Response 9.

79.2 See Master Responses 3 and 8.

79.3 See Master Response 8 and responses to comments 11.3 and 37.4.

79.4 As described in the Draft EIR, there will be several measures in place to mitigate construction-related impacts. Please refer to **Section 4.1**, Air Quality, for a complete discussion of impacts and mitigation measures related to construction period air quality (**Impacts 4.2-1** through **4.2-3** and **Mitigation Measures 4.2-1** through **4.2-3**). Please refer to **Section 4.10**, Noise, for a complete discussion of impacts and mitigation measures related to construction period noise and vibration (**Impacts 4.10-1** and **4.10-2** and **Mitigation Measures 4.10-1** and **4.10-2**). The County considers these mitigation measures adequate to protect nearby residents from construction period impacts. The County did not find the impacts to be at such a level where other mitigation such as that proposed by the commenter, was needed to reduce impacts below a level of significance. See Master Response 8.

79.5 See Master Responses 4 and 9.

79.6 See Master Responses 3 and 4.

79.7 See Master Response 3.

79.8 Adherence and compliance with a Mitigation Monitoring and Reporting Program (MMRP) that identifies the mitigation measures, time period of application, and parties responsible for their implementation will be a condition of project approval. The MMRP is included as **Chapter 4** in Volume II of this Final EIR. The County is responsible for ensuring that implementation of the mitigation measures occurs in accordance with the MMRP. Furthermore, the only mitigation measure that allows for a 48 hour response time is **Mitigation Measure 4.2-1** regarding dust complaints. The Bay Area Air Quality Management District (BAAQMD) considers this measure a best management practice to reduce air quality impacts of particulate matter associated with grading and new construction. See responses to comments 11.3 and 37.4.

79.9 See Master Response 7.

79.10 The CCCFPD Fire Marshal deemed the easement to be adequate for emergency access to the properties the easement accesses, but in its

approval of the proposed plan for emergency access (see **Appendix C**), indicated a requirement to widen the easement in the event the applicant ever were to acquire the Odell property (which both Ms. Odell and the applicant report is not planned to occur). The Fire Marshal has determined that widening is not necessary, imposing other conditions of approval to ensure viability of access. Widening would entail the removal of trees that currently provide substantial screening for the Odell property. See Master Responses 6 and 7.

79.11 See Master Responses 10.

79.12 See Master Response 10 and 11.

79.13 See Master Response 6.

79.14 See Master Response 6 regarding vehicular and pedestrian safety issues.

79.15 Please see response to comment 79.10.

79.16 See Master Response 4. Please refer to Draft EIR **Section 4.11**, Population and Housing, for a complete discussion about housing in Saranap.

79.17 See Master Response 2.

79.18 The commenter appears to be concerned about the decrease in County revenue due to the proposed construction of a tax exempt religious facility. This comment does not raise any significant environmental issues requiring further response.

79.19 This comment does not raise any significant environmental issues requiring further response.

79.20 See Master Response 12 for a discussion of the County's consideration of the merits of the project.

April 6, 2011 LETTER 80

Attn: Ms. Lashun Cross, Senior Planner

Contra Costa County dept of Conservation and Development

651 Pine St, 4th Floor-North Wing

Martinez, CA 94553

I have become acquainted with some members of The Sufism Reoriented Church and I wish to affirm their desire to build their new church in Walnut Creek, a few blocks from their current church. These people try to live near their church and also carpool to church. They don't have a large parking lot at the current place and I see no need for extra parking spaces. They do not bother anyone and the one floor level of the planned facility would fit in well with the neighborhood. And it also has a fence round it. 80.1

So, please allow them to build this new church.

Thank you,

Ann F Staley

2609 Golden Rain Road #2

Walnut Creek, CA 94595

925 287-0459

Ann F Staley

Responses to Comment Letter 80 – Ann F. Staley

80.1 The letter does not raise any significant environmental issues requiring further response.

LETTER 81

Lashun Cross, Senior Planner
Department of Conservation and Development
651 Pine Street
4th Floor, North Wing
Martinez, CA 94553

May 12, 2011

Dear Ms. Cross,

I live at 1336 Boulevard Way, in the apartment building right next to the proposed new sanctuary for Sufism Reoriented. I live in a unit on the western end of the building, next to the current driveway for the parsonage.

I read the Executive Summary of the Draft EIR, and I am impressed by the thoroughness of the study. As a member of Sufism Reoriented, I am pleased that the Draft EIR identified no significant impacts that could not be mitigated. I am pleased to see that the Draft EIR confirms that, with the mitigations listed, the new building will not harm the local environment. I believe the beautiful design of the building and its grounds will enhance the neighborhood. I am committed to walking to our new sanctuary for all events. 81.1

As a neighbor, I am grateful for the provisions of the study to minimize the inconvenience of the construction of the building. I am impressed that issues such as noise and dust are addressed in such detail in the draft EIR, and that such clear, specific steps will be taken to minimize the impact of construction on the neighborhood. I am both surprised and pleased that so many of the mitigations seem relatively simple, such as washing construction vehicles before they leave the site to prevent the spread of dirt.

I am pleased that the County has carefully reviewed the project and thoroughly addressed concerns brought forth by neighbors. I look forward to the County approval of this lovely building.

Sincerely,

Ivy Summers

1336 Boulevard Way #311
Walnut Creek, CA 94595

CONTRA COSTA
2011 MAY 16 P 12:22

Responses to Comment Letter 81 – Ivy Summers

81.1 The letter does not raise any significant environmental issues requiring further response.

PAT ROCHE: Thank you. The next speaker I have is Curtis Trenor. LETTER 82

CURTIS TRENOR: Hello. I am Curtis Trenor and I reside at 2450 Warren Road along with my wife Debra. We received the Draft EIR approximately 10 days ago and are trying to muddle through it. As a result of the significant impacts on our property, because we're abutting the project, we would like time for our engineers and my land use consultant to review it (inaudible). I need more time as well so I would echo and build off of that additional 45-day request that it is put before the Commission. I'm not really ready to make comments, but I will just paraphrase a couple of things that I've noticed that are real concerns to me. One, my land use consultant advised me that the DEIR is so fatally flawed, it cannot be certified as filed due to its failure to adequately analyze alternatives to the build, no build scenario. Secondly, sections 4.5.2 and 4.5.4 regarding soils instability as a result of construction and the threat to life and property afterwards. The minimal mitigation measures that the DEIR consultant relies upon to deem these significant impacts less than significant doesn't include underpinnings as appropriate to adjacent properties and a plan check prior to construction and a concrete slab floor on the proposed sanctuary. Quite frankly sir, I'm not interested in having a project constructed near our home that's of such a massive size scale and scope that requires additional underpinnings to mine or other neighboring homes and creates a risk to life afterwards as noted in the DEIR. Despite minimal litigation measures imposed including underpinning, pre-construction meeting and a concrete slab floor, the inherent risks associated with the project convenience only a minority of the community who are members of Sufism Reoriented and expose the majority to additional and unnecessary risk without the benefit and to the detriment. I reserve the right to make comments in the future. Thank you very much.

82.1

82.2

82.3

PAT ROCHE: Thank you sir. The next speaker I have is Barbara Nawata, if I am pronouncing that correctly.

BARBARA NOWATA: I agree with the first three speakers.

PAT ROCHE: Ma'am, could you give your name and address for the record?

BARBARA NOWATA: Barbara Nawata. 761 Hilton Road.

PAT ROCHE: Okay.

BARBARA NOWATA: So, I agree with the first three speakers, so I just won't waste anymore of your time.

PAT ROCHE: Very good. Thank you. Alright, the next speaker is Judy Robert.

JUDY ROBERT: Hello. My name is Judy Robert. I live at 1501 Sunset Loop and have resided in the neighborhood for about 43 years. One of my major concerns is the construction and the excavation of the ground and the inconvenience for a long period of time of so many dump trucks moving property out of a site that is going to be so

Responses to Comment Letter 82 – Curtis Trenor (Zoning Administrator Hearing)

82.1 See Master Response 1.

82.2 See Master Response 2.

82.3 See Master Response 10.

RECEIVED 4/18/11

ZONING ADMINISTRATOR HEARING
AGENDA ITEM # 16

LETTER 83

Curtis Trenor
2450 Warren Road
Walnut Creek, CA 94595

Monday, April 18, 2011

Ms. Catherine Kutsuris, Director
Department of Conservation and Development
Contra Costa County
651 Pine Street, 4th Floor – North Wing
Martinez, CA 94553-1229

RE: Public Hearing April 18, 2011 – Sufism Reoriented – MS09-008 and LP-2034

Dear Ms. Kutsuris:

With regard to the notice of hearing and formal response to the DEIR, I respectfully request an additional 45 days beyond the 45 days already provided. The additional time is necessary so that my subject matter experts may review the DEIR in detail and explain to me the potential personal impacts of the significant impacts identified in the DEIR as well as the probability the proposed minimum mitigation measures will actually work and to what degree. According to the DEIR, there are significant impacts, particularly to our and other neighbors' properties that can create unnecessary risk to life and property if the construction and post-construction operation of applicant's proposed project were to actually commence. 83.1

Of initial concern to me are:

- My land use consultant has advised me that the DEIR is so fatally flawed that it cannot be certified as filed due to its failure to adequately analyze alternatives to the build/no build scenarios. 83.2
- Sections 4.5.2 and 4.5.4 regarding soils instability as a result of construction and the threat to life and property afterwards.
- The minimal mitigation measure that the DEIR consultant relies upon to deem these significant impacts less than significant. These include underpinnings as appropriate to adjacent properties, a plan check prior to construction, and a concrete slab floor in the proposed Sanctuary. .

I am not interested in having a project constructed near our home that is of such a massive size, scale and scope that it requires additional underpinning to my or other neighboring homes and creates a risk to life afterwards as noted in the DEIR. Despite minimal mitigation measures imposed including underpinning, a pre-construction meeting and a concrete slab floor, the inherent risks associated with this project convenience only a minority of the community who are members of Sufism Reoriented and expose the majority to additional and unnecessary risk without benefit and to their detriment. 83.3

Given the existing soils problems of many homes in the area, particularly on the creek side of Warren Road, the project has the potential to increase the probability of a land slide catastrophe not unlike what has already occurred in Pacifica, Hercules and Bay Point – despite applicant's good intentions and even if applicant follows the prescribed minimum mitigation measures.

Given the DEIR has already disclosed the likelihood of post construction soils instability even with minimum mitigation measures, it raises the question: What is the degree of risk to life and property that must be identified before the County will impose size and scale restrictions and parking requirements upon applicant consistent with the original intent of a neighborhood church as prescribed by County provisions? 83.4

For example, if the probability were only 1% that only one home were damaged or destroyed and (or) only one person were injured or killed as a result of applicant's project, would the County approve that?

Additionally, I ask the following of the County:

1. That the DEIR specify the criteria used to arrive at the conclusion rendered in section 4.1 wherein it states:

   "Taking into account all of the visual simulations; the Project Variants' effects on area visual quality vary somewhat by viewpoint. Both Project Variants propose high quality landscaping and building design that differ in architectural style from other buildings in the area but would not degrade the visual character or quality of the site or its surroundings." 83.5

   This finding appears inconsistent with the recent sales prices of properties in the neighborhood subject to transfer disclosure requirements regarding applicant's proposed project. It is also inconsistent with the majority of real estate and appraisal professionals aware of the project's unique architectural design and who believe it adversely affects already depressed prices another three to six percent. This is further substantiated by the fact that applicant has failed to sell its own properties subject to these same disclosure requirements at current market value and within the current market time, despite its representatives claims to need the sales proceeds to fund construction of its proposed project.

2. Due to these conflicting professional opinions, I respectfully request that the County require the applicant to do the following:
   a) Install story poles so all neighbors whose property values are affected by the potential of this project may see the size, scale and mass on its site prior to its approval. In the spirit of full disclosure, each of the many individuals impacted may decide for him or herself if the project is of an appropriate size, scale and mass without having to rely on assurances from applicant and simulated visuals rendered years out as displayed in the DEIR. 83.6
   b) Revise the simulation photos in Section 4 of the DEIR to include foliage at year 0, 1, 2, 3, 4, and 5. Although this may seem insignificant to applicant, its members, DEIR consultants and County Officials, it is of paramount importance to me and most other average homeowners who typically remain in a home seven years or less. The visual effect at each of these time points can have an impact on neighborhood home values according to real estate experts. 83.7
   c) As noted in the DEIR, some of applicants properties associated with the project are dilapidated. Others are not being maintained. All are vacant. Please request applicant to maintain its existing properties, including landscape and structure, until such time as applicant's project, or any variation thereof, is definitively decided. In this way, applicant will help its neighbors mitigate the negative impact its project is having on property values. If applicant's project is ultimately denied, and after exhausting all appeals and the litigation that will undoubtedly ensue if the project is approved as submitted, those properties currently not maintained will be in even worse condition years later thus exerting additional downward pressure on area property values beyond what the project is already causing. 83.8

I reserve the right to comment further on the DEIR during the 45-day time period or any extension thereof.

Thank you in advance for your consideration.

Respectfully,

Curtis Trenor

Digitally signed by: Curtis Trenor
DN: CN = Curtis Trenor
Date: 2011.04.18 14:07:16 -08'00'

Responses to Comment Letter 83 – Curtis Trenor (April 18, 2011)

83.1 See Master Response 1.

83.2 See Master Response 2.

83.3 See Master Response 10.

83.4 The Draft EIR includes appropriate mitigation employing technically sound practices that have been shown to avoid or reduce environmental effects in practice. See Master Response 10.

83.5 The sales price of homes is not a physical environmental impact that CEQA addresses. See Master Response 4 regarding the architectural style of the project.

83.6 See Master Responses 1 and 5.

83.7 Please refer to Draft EIR pages 3-11 and 4.1-16, which acknowledge that it will take three to six years for the proposed landscaping to effectively shield the building. The purpose of the landscaping is not to address CEQA environmental effects, but to screen for mutual privacy. Views of the proposed building would not be considered adverse effects under CEQA. Please refer to Draft EIR pages 4.1-9 through 4.1-16 which discusses the project's visual quality. While temporary views are not deemed significant, the County may consider the temporary views of the sanctuary and other design criteria when granting the land use permit.

83.8 All property in the County, including these existing homes, is subject to regulations addressing blight, nuisance, and maintenance of vacant buildings. The project, if approved, would include demolition of those homes.

CONTRA COSTA COUNTY

LETTER 84

May 27, 2011

Ms. Lashun Cross, Senior Planner
Contra Costa County Department of Conservation and Development
651 Pine Street, 444th Floor – North Wing
Martinez, CA 94553

Re: Sufi Reoriented Project, File Numbers LP082034 and MS090008

Dear Lashun,

Within the attached Draft Environmental Impact Report are our comments/questions.

Of significance is the fact that the DEIR fails to consider no real alternatives to build vs. no build which could accommodate the applicant. This, coupled with numerous other deficiencies noted in the attachment renders the DEIR useless as any sort of credible, objective study upon which one could reasonably rely upon to accurately anticipate the true impacts this project would have. 84.1

The DEIR fails to disclose the criteria used to determine how its authors conclude significant impacts become less significant. It also fails to address the risks inherent with a project over two-thirds the size of the 95,000 square foot Mormon Temple (which sits on over 18 acres and has the required amount of onsite parking) constructed on an assemblage of residential lots totally just over 3 acres net in a semi-rural residential neighborhood and fails to meet County minimum required parking standards. 84.2 84.3

Instead, the DEIR concludes there are no cumulative impacts despite the fact that the project ostensibly fails to meet at least six of seven conditions necessary to obtain a conditional use permit and instead relies upon a Traffic Demand Management plan to circumvent County parking requirements. This creates needless hazards and sustainability issues. Underground construction is necessary to accommodate the 54' tall structure in order to circumvent County building height restrictions. This creates risk of soils instability. 84.4 84.5

The DEIR leads a reader to conclude that mitigation measures equate to NO RISK. This simply is beyond reason. The DEIR needs to be revised to provide a truly objective, unbiased assessment. It needs to better disclose the risk inherent with this project including the probability and extent of loss of life and property it references, but fails to adequately address. 84.6

Sincerely,

Curtis and Deborah Trenor

Digitally signed by: Curtis and Deborah Trenor
DN: CN = Curtis and Deborah Trenor C = US
Date: 2011.05.27 10:21:19 -08'00'

Curtis and Deborah Trenor

Table 2-1 Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance with Mitigation
Aesthetics			
Impact 4.1-1: Either Project Variant would result in the potential for substantial nighttime lighting which could adversely affect nighttime views.	S	Mitigation Measure 4.1-1: The applicant shall submit a lighting plan and a photometric study which shall demonstrate, to the satisfaction of the Department of Conservation and Development, that no bare bulbs will be visible from offsite. The plan shall also demonstrate that no lighting will be directed across property lines, and all lighting visible from offsite including spillover onto adjacent properties will be compatible with offsite private and public right-of-way lighting in the vicinity. The plans shall reflect the effect of lighting both before and after proposed site landscaping achieves maturity.	LTS
Air Quality			
Impact 4.2-1: Construction would result in emissions of fugitive dust.	S	Mitigation Measure 4.2-1: Prior to the approval of a grading plan, County DCD shall ensure that grading and demolition plans include the following measures for all phases of construction as recommended by BAAQMD to reduce the air quality impacts of particulate matter (PM_{10} and $_{PM2.5}$) associated with grading and new construction: • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered a minimum of two times per day; • All haul trucks transporting soil, sand, or other loose material off-site shall be covered; • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. No dry power sweeping shall be performed (i.e., prohibited);	LTS

84.7

Comment [CT1]: What is the criteria used to conclude that nighttime light pollution would be less than significant since no approved lighting plan has been evaluated and provided in the DEIR?

This project is over two-thirds the size of the 95,000 square foot Oakland Mormon Temple which has significant, recurring complaints about nighttime light pollution.

Perhaps if the DEIR adequately analyzed additional alternative, such as a campus arrangement of applicants 11 properties within walking distance or a smaller structure built above ground used in concert with the other five existing structures on the site this significant impact of light pollution would be eliminated.

84.8

Comment [CT2]: Again, no standards provided to quantify how these measures make post-mitigation dust less than significant even if there is less of it.

Perhaps if the DEIR adequately analyzed additional alternative, such as a campus arrangement of applicants 11 properties within walking distance the need for the extensive excavation necessary to accommodate subterranean construction required to circumvent a variance for the 54' tall structure would be eliminated and fugitive dust could actually be reduced to a level sufficient to honestly categorize its effects as less than significant.

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance with Mitigation
Air Quality (continued)			
Impact 4.2-1 continued		All vehicle speeds on unpaved roads shall be limited to 15 mph; • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes. Clear signage shall be provided for construction workers at all access points; • All construction equipment and haul trucks shall be maintained and properly tuned in accordance with manufacturer's specifications. All construction equipment and haul trucks shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and • A publicly visible sign shall be posted with the telephone number of the Construction Manager and BAAQMD to report dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD complaint line telephone number shall also be visible to ensure compliance with applicable regulations.	
Impact 4.2-2: Emissions of diesel exhaust during construction would exceed BAAQMD thresholds for NO_R.	S	Mitigation Measure 4.2-2: Emissions of NOx from construction activities shall be limited to less than 54 pounds per day. This performance standard would be achieved by limiting vehicle miles travelled (VMT) for standard hauling trucks to 1,764 VMT per day. Assuming 13 cubic-yard-trucks and delivery to the Acme landfill, this would mean that soil hauling would be capped at 74 round trips per day, which would extend the excavation schedule from an earlier projection by the applicant of 35 working days to 45 working days. If other sites were identified to accept the fill, the schedule could be revised accordingly to fit within the same VMT limitation.	LTS

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance with Mitigation	
Air Quality (continued)				
Impact 4.2-3: The Project Variant ultimately selected could create objectionable odors affecting a substantial number of people during construction.	S	Mitigation Measure 4.2-3: Prior to the approval of a grading permit, County DCD shall verify that grading plans include a requirement that limits the allowable idling time of diesel-powered construction equipment to two minutes or less	LTS	84.9
Biological Resources				
Impact 4.3-1: Potential future purchase of the adjacent Odell property would trigger a County Fire Protection District requirement to widen the existing secondary road providing access to the project site from Warren Road. This would result in the removal of and/or damage to several existing trees.	S	Mitigation Measure 4.3-1: If the applicant purchases the Odell property, compliance with the CCCFPD condition to widen the secondary access drive to Warren Road shall be required. In compliance with Chapter 816-6.8002 of the Tree Protection and Preservation Ordinance, a permit shall be obtained for the removal of all protected trees. If the applicant purchases the Odell property after August 2012, a qualified arborist shall examine the property and the recommendations of the arborist reports dated June 22, 2009 and August 4, 2009, included as **Appendix G** to this EIR, to confirm and/or append to the conditions included in the earlier reports.	LTS	84.10
Impact 4.3-2: Demolition and tree removal activities could have an adverse effect on special-status species including roosting bats that are potentially nesting in trees and/or abandoned buildings found on the project site, as well as migratory birds and raptors that may nest in mature trees. .	S	Mitigation Measure 4.3-2a: Given the potential for occurrence of roosting bats on the project site, the Contra Costa County Department of Conservation and Development (DCD) shall require a qualified biologist to conduct pre-construction surveys for roosting bats prior to issuance of demolition permits. If roosting bats are detected, DCD shall require that a qualified biologist, in consultation with the California Department of Fish and Game (CDFG), shall exclude/evict the bats prior to removal of the occupied structure or tree. Abandoned structures or trees that are proposed for removal shall be removed before ground-disturbing activities begin to avoid conflicts	LTS	84.11

Comment [CT3]: How does limiting idle time eliminate the odor during idle time? How does an odor that has a significant impact on a large number of people become less than significant during idle times?

Comment [CT4]: This is not a mitigation measure at all because it assumes:

1) the property will be sold pre-construction to applicant; and/or
2) the County will impose the same requirement on any purchaser other than applicant;
3) no diminution in value will occur. It assumes that purchaser will pay market price only to move in and have applicant destroy all mature trees, foliage and widen the driveway to near the doorstep and;
4) applicant has legal right to use the driveway not originally intended to service a 66,000 SF multi-purpose building to be used as Religious Facility on an assemblage of residential parcels non-contiguous to the Odell property.

It is not clear how these assumptions inherent in consultant's conclusion could reduce this significant impact to less than significant.

Perhaps if the DEIR consultant had adequately analyzed additional alternative beyond the Build/No Build scenarios, such as a campus arrangement of applicants 11 properties within walking distance or a smaller structure built above ground used in concert with the other five existing structures on the site, this significant impact could be eliminated as fire access from the Boulevard Way entry would not be blocked by the size of the proposed structure.

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance with Mitigation
Biological Resources (continued)			
Impact 4.3-2 continued		with potential nesting periods. Immediately prior to construction, DCD shall require another pre-construction survey to be conducted to detect presence and confirm absence of active nesting in the trees that will remain. During the pre-construction survey, the qualified biologist may enact other measures to protect roosting bats on the project site. These measures must be followed throughout the pre-construction and construction period. Mitigation Measure 4.3-2b: Given the potential for occurrence of special-status bird species on the project site and the possibility for overlap of demolition and tree removal with the nesting season, DCD shall require a qualified biologist to conduct pre-construction surveys for nesting birds prior to issuance of demolition permits and no more than one week prior to tree removal. If an occupied bird's nest is detected, a buffer zone of 50 to 300 feet shall be implemented to protect adults and nestlings from construction disturbances. If occupied nests are detected, exclusion areas are required until young birds have fledged. During the pre-construction survey, the qualified biologist may enact other measures to protect raptors and birds on the project site. These measures must be followed throughout the pre-construction and construction period. Destruction of occupied nests would be in violation of the Migratory Bird Treaty Act (MBTA) and the CDFG Code.	
Impact 4.3-3: Construction activities could disturb potential nesting habitat in trees that are not proposed for removal.	S	Implement Mitigation Measures 4.3-2a and 4.3-2b.	LTS

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance with Mitigation
Cultural Resources			
Impact 4.4-1: Demolition of existing structures and construction activities could inadvertently damage previously unidentified historical, archaeological, and paleontological resources on the project site.	S	Mitigation Measure 4.4-1: In the event that buried cultural (historical, archeological, and/or paleontological) resources are encountered, the Contra Costa County Department of Conservation and Development (DCD) shall ensure that construction, excavation, and/or grading activities within 100 feet of the find are temporarily halted until a qualified archaeologist or paleontologist, hired by the applicant, can assess the significance of the find and provide proper management recommendations to be incorporated in to the Project Variant ultimately selected. Prehistoric cultural materials include, but is not limited to, shell midden deposits, hearth remains, stone and/or shell artifacts, and/or burials. Historic materials, including but not limited to, whole or fragmentary ceramic, glass or metal objects, wood, nails, brick, or other materials may occur on the project site in deposits such as old privies or dumps. If the site is found to contain significant cultural or paleontological resources (as determined by the CEQA Guidelines) by a qualified archaeologist or paleontologist, funding shall be provided by the applicant to identify, record, report, evaluate, and recover the resources as necessary. Construction within the area of the find shall not recommence until impacts to the cultural or paleontological resource are mitigated. Additionally, as required by Public Resources Code Section 5097.993, the applicant must inform project personnel that collection of any Native American artifact is prohibited by law.	LTS
Impact 4.4-2: Construction activities could inadvertently uncover human remains.	S	Mitigation Measure 4.4-2: In accordance with Public Resource Code Section 5097.98, should human remains be found on the site at any time during pre-construction or construction activities, the Contra Costa County Department of Conservation and Development (DCD) shall	LTS

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance with Mitigation
Cultural Resources (continued)			
Impact 4.4-2 continued		ensure that no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall be disturbed until: • The County Coroner in which the remains are discovered is contacted and determines that no investigation of the cause of death is required; and • If the County Coroner determines the remains to be Native American then: (1) The coroner shall contact the Native American Heritage Commission within 24 hours; (2) The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased native American; and (3) The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. The landowners or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the following conditions occur: • The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission; • The descendent identified fails to make a recommendation; or	

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance with Mitigation
Cultural Resources (continued)			
Impact 4.4-2 continued		* The landowners or their authorized representative reject the recommendation of the descendent, and the mediation by the NAHC fails to provide measures acceptable to the landowner.	
Geology and Soils			
Impact 4.5-1: Either Project Variant could expose people and structures to potential adverse effects from strong seismic ground shaking.	S	Mitigation Measure 4.5-1: Prior to the issuance of a building permit, the County Building Official shall verify that plans incorporate the following CBC seismic site categorization and design coefficients, in conformance with the most recent version of the California Building Code:	LTS

Categorization/Coefficient	Design Value
Site Class (Table 1613.5.2)	C
0.2 Second Spectral Response Acceleration, S_s (Figure 1613.5(3))	1.5g
1.0 Second Spectral Response Acceleration, S_1 (Figure 1613.5(4))	1.6g
Seismic Site Coefficient, F_a (Table 1613.5.3(1))	1.0
Seismic Site Coefficient, F_v (Table 1613.5.3(2))	1.3
Long-period Transition Period, T_l (Figure 22-6)[1]	1.0

[1] From ASCE/SEI 7-05 (2006)

Source: DCM Engineering, October 2008.

The County Building Official shall certify that a qualified geotechnical engineer has reviewed final plans and specifications for consistency with CBC and UBC design standards. The County Building Official shall verify that all pertinent recommendations of the geotechnical engineer are incorporated into final building plans.

84.12

84.13

Comment [CT5]: What is the probability that these mitigation measures will be effective and to what degree?

How would strong seismic ground shaking be determined to have a less than significant impact on people and structures just by adhering to CBC seismic site categorization and design coefficients?

How does adhering to these coefficients reduce the probability of loss of life or property, and to what degree?

How could this impact be deemed less than significant without answers to these questions?

Would this be a significant factor if the structure was built above ground?

Perhaps if the DEIR adequately analyzed additional alternative, such as a campus arrangement of applicants 11 properties within walking distance or a smaller structure built above ground used in concert with the other five existing structures on the site this significant impact would be eliminated

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance with Mitigation
Geology and Soils (continued)			
Impact 4.5-2: The project site is located on soil that could become unstable as a result of construction activities, and potentially result in instability on neighboring sites.	S	Mitigation Measure 4.5-2a: Prior to the issuance of a grading permit, the County Building Official shall direct the applicant or their contractor to complete the following actions: inspect existing structures/utilities to document any evidence of existing damage, cracking, distortion, weaknesses in structural elements, deterioration, corrosion, excessive stress, overloading, or use of the structure in a manner which may not have been intended by its design prior to issuance of any construction permits. The inspection shall include an assessment of the condition of the following structures and facilities: • the parsonage • structures on neighboring properties to the south along Warren Road • Boulevard Way • potentially affected utilities within the project site, as determined by a qualified engineer All inspections and notations of pre-existing damages shall be thoroughly documented prior to the issuance of a demolition or grading permit by photographs and mapping, and reference markings or measurement points shall be established on critical or previously damaged structures/utilities to assist in determining whether any damage or movement has occurred as a result of construction. Where existing structures are in close proximity to the excavation, additional measures beyond pre-construction inspection, such as building underpinning, shall be required as determined by the geotechnical consultant.	LTS

84.13, cont.

84.14

84.15

84.16

84.17

Comment [CT8]: No criteria given to deem this significant impact less than significant.

Comment [CT6]: What about post-construction soils instability on applicant's site? What mitigates the probability of injury or loss of life to its members post-construction? A concrete slab floor? What would cause this soils instability? Subterranean construction?

Perhaps if the DEIR adequately analyzed additional alternative, such as a campus arrangement of applicants 11 properties within walking distance or a smaller structure built above ground used in concert with the other five existing structures on the site this significant impact of soils instability from construction would be dramatically reduced or eliminated.

Comment [CT7]: This is not a mitigation measure. It is an investigative measure.

Comment [CT9]: This is not a mitigation measure. It is an assessment measure.

Comment [CT10]: This is a mitigation measure, but the DEIR does not specify the criteria used to measure the effectiveness of it and deem the significant impact less than significant.

For example, if there is 67% probability of $300,000 damage to a neighboring home, and underpinning the structure reduces the probability of damage to 33%, and the extent of the damage to $100,000, then the expected value of all potential damage outcomes to the home would still be $233,000.

On what basis would the DEIR consultant decide this amount to be insignificant? More importantly, without this sort of risk assessment/ expected value analysis, how does the consultant conclude any significant impact in the DEIR is less than significant?

What provisions would be in-place such as a bond or other insurance to compensate for damaged properties or the economic value of lost lives?

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance With Mitigation
Geology and Soils (continued)			
Impact 4.5-2 continued.		Mitigation Measure 4.5-2b: Prior to the issuance of a grading permit, the County Geologist shall review the final plans to ensure that proposed excavation shoring and dewatering systems meet minimum performance requirements. These minimum performance requirements include: a. Protect personnel that enter excavations; b. Protect adjacent existing utilities, pavements, and structures; c. Installation should not cause settlement or heave of the ground surface nor produce construction vibrations that could damage adjacent utilities or structures; d. Prevent caving or lateral movement of excavation walls and associated loss of adjacent ground and adjacent ground surface settlement, even when subjected to construction vibration; e. Prevent heave and or piping (boiling) of the excavation bottom; and f. Where applicable, resist hydrostatic pressures and lateral loads for adjacent structural foundations, vehicular traffic, construction equipment and spoils. Mitigation Measure 4.5-2c: Prior to the issuance of a grading permit, the County Building Official shall ensure that grading plans show a requirement that a qualified geotechnical engineer monitor and document soil and groundwater conditions on an ongoing basis during excavation, grading, and construction. The geotechnical engineer shall anticipate changes and modifications to shoring systems and sloping (on the west side) in response to changes in soil and groundwater conditions. All sheeting and shoring shall be evaluated for stability by the geotechnical consultant prior to entry by personnel. The County		

84.18

Comment [CT11]: This is an assessment measure not a mitigation measure. Items a through f following are but preventive measures and/or descriptive of the desired outcome.

They do not provide standards, benchmarks or explanation of how these action lessen the probability of soils instability on neighboring sites or to what extent.

Consultant fails to provide a basis for concluding the significant impact of soils instability as a result of construction is less significant as a result of these preventive and assessment measures.

84.19

Comment [CT12]: These are preventive, monitoring and evaluation measures. There is no way to determine if the impacts are less than significant pre-construction and therefore no basis to conclude these measures reduce the significant impact to less than significant ahead of time.

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance with Mitigation
Geology and Soils (continued)			
Impact 4.5-2 continued.		Building Official and County Geologist shall review and consider the recommendations of the geotechnical engineer and incorporate any or all recommendations into final grading plans.	
Impact 4.5-3: Either Project Variant would result in substantial soil erosion.	S	Incorporate Mitigation Measure 4.8-2.	LTS
Impact 4.5-4: Either Project Variant would be located on expansive soils that could create a risk to life and property.	S	Mitigation Measure 4.5-4a: Prior to the issuance of a grading permit, the County Building Official shall ensure that plans for building foundations have been reviewed by a qualified geotechnical engineer to ensure measures are included to reduce potential future structural damage to the religious facility from expansive soils. Such measures shall include but are not limited to minimum requirements for the expansion potential of fill material, soil compaction, and soil moisture content. The County Building Official and County Geologist review and approval shall ensure that all pertinent recommendations of the geotechnical engineer are incorporated into final grading plans. Mitigation Measure 4.5-4b: Prior to the issuance of a building permit, the County Building Official shall ensure that plans are revised as necessary to show that foundations for the new facility consist of a reinforced concrete floor slab or a mat slab, consistent with recommendations of the County Geologist.	LTS
Greenhouse Gas Emissions			
There would be no significant impacts to greenhouse gas emissions.			

84.20

Comment [CT13]: I am unclear how consultant deemed pre-construction conditions of approval, plan reviews and pre-construction meetings are mitigation measures that would effectively reduce the risk of loss of life and property due to post construction soils instability. I also do not see the connection for the consultant to use this as a basis to reclassify this impact less than significant.

There seem to be no assessment performed to predict the effectiveness of these measures and to what degree.

For example, if there is a 100% probability of loss of 10 lives and 10 properties over the next five years, and having meetings, plan reviews and monitoring construction activities via County inspections reduces the probability of those losses to 10%, then the risk tolerance ceiling would have to be set at one life lost and one property damaged maximum over the next five years to deem this impact less than significant (assuming of course that the County Officials are willing to put at risk one or more voters lives and homes to approve the project).

The effectiveness of this proposed measure cannot be determined less than significant until the death count and damage assessment is compiled post-construction and at the end of whatever period is chosen to evaluate.

Those results would then need to be compared to the risk tolerance ceiling established. Only then, can the effectiveness or lack thereof of these measures be determined.

I could not find any sort of risk assessment of this nature anywhere in the DEIR. Nor could I find any sort of qualitative analysis that clearly leads the reader to the conclusions consultant derives by categorizing significant impacts less than significant.

Perhaps if the DEIR adequately analyzed additional alternatives, one may have been found that would reduce or eliminate the significant impact of potential loss of life and property that the DEIR discloses approval of this project will create.

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance with Mitigation
Hazards and Hazardous Materials			
Impact 4.7-1: Demolition of existing structures on the site could result in the release of lead, asbestos, and other contaminants.	S	Mitigation Measure 4.7-1a: At least fifteen days prior to issuance of a demolition permit, a state certified contractor shall complete an asbestos and lead-based paint survey for all structures proposed for demolition that were constructed prior to 1980. The survey shall be submitted to the Department of Conservation and Development, Community Development Division for review and approval. If LBP or asbestos-containing materials are identified in the survey, they shall be removed from the site and properly disposed of in accordance with CAL/ OSHA requirements: • Known or suspected asbestos-containing materials shall be abated by a certified asbestos abatement contractor in accordance with BAAQMD regulations and notification requirements. • Intact lead-based paint found to be secure (not flaking, peeling or cracked) may be discarded along with demolition debris during the demolition of the structure. • Loose and peeling paint shall be disposed of as state and/or federal hazardous waste if the concentration of lead exceeds applicable waste thresholds. • Hazardous wastes shall be appropriately managed, labeled, transported, and disposed of by trained workers in accordance with local requirements. • The demolition and removal of materials potentially containing lead-based paint would be required to follow the CAL/OSHA Lead in Construction Standard, Title 8, California Code of Regulations (CCR).	LTS

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance with Mitigation
Hazards and Hazardous Materials (continued)			
Impact 4.7-1 continued		• Other hazardous materials associated with buildings, such as fluorescent lights and electrical switches, shall be disposed of in accordance with DTSC hazardous waste regulations. Mitigation Measure 4.7-1b: Prior to the issuance of grading or demolition permit, the County Building Official and Community Development Division shall review a Risk Management Plan prepared for the Project Variant ultimately selected by a qualified professional. The plan shall include, but is not limited to the following conditions: • Should tanks, drums, free product, or other potential chemical hazards be encountered during excavation, the County, environmental consultant and the owner shall be consulted prior to proceeding. Excavated material shall be segregated and stockpiled in a designated area and covered in plastic. Stockpiles shall be maintained for profiling and disposal. A qualified environmental consultant shall take samples of each stockpile for analysis. Stockpiles and other hazardous wastes shall be appropriately managed, labeled, transported, and disposed of by trained workers in accordance with all applicable laws and regulations. • The contractor shall include specific information related to chemical hazards that could be present during the excavation. This information shall include, but shall not be limited to, the proper use of personal protective equipment (PPE), worker air monitoring, and action levels for use of PPE and stop work. Workers engaged in the excavation of petroleum-affected soil shall be trained per OSHA standards for hazardous waste operations and emergency response.	

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance with Mitigation
Hydrology and Water Quality			
Impact 4.8-1: Improvements, primarily the introduction of a parking area for 74 cars, could affect the quality of stormwater flowing from the project site.	S	Mitigation Measure 4.8-1a: : Prior to the approval of a building permit, the County Department of Conservation and Development shall ascertain that final landscaping plans for the Project Variant ultimately selected shall: • Be designed to minimize irrigation and runoff and to minimize use of fertilizers and pesticides that can contribute to stormwater pollution. • Specify plantings within planters and swales that are tolerant of the sandy loam soils and periodic inundation. • Include pest-resistant plants. • Include plantings appropriate to site soils, slopes, climate, sun, wind, rain, land use, air movement, ecological consistency and plant interactions. • Note that all on-site storm drain inlets shall be marked with the words "No Dumping! Drains to Creek" or similar language. Mitigation Measure 4.8-1b: Prior to the approval of a building permit, the applicant shall submit a Final Storm Water Control Plan to the Public Works Department in general conformance with the Preliminary Drainage Report for review and approval. The Final Drainage Report and Storm Water Control Plan shall demonstrate use of GrassPave2 and pervious pavers or pervious concrete with comparable or better infiltration and storage capacity. Mitigation Measure 4.8-1c: Prior to the approval of a building permit, the applicant shall submit a Maintenance Program to the Public	LTS

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance with Mitigation
Hydrology and Water Quality (continued)			
Impact 4.8-1 continued		Works Department. The Maintenance Program shall include procedures for maintaining the pervious surfaces employed within the project site in the Operation and Maintenance Plan of the SWCP. The Maintenance Program shall include the following measures: • Landscaping grades shall follow a post-project Sediment Control Plan. Landscape areas shall be designed to drain away from pervious surfaces in the parking lot area wherever possible in order to curtail run-off from carrying silt onto the pervious pavements. The Sediment Control Plan would be included in the Storm Water Control Plan and grades directing water away from the parking lot area shall be shown on the Grading plan. • The applicant shall engage an outside contractor experienced in maintenance of pervious pavers. The contractor will follow the procedures listed in the Operation and Maintenance Plan of the Storm Water Control Plan. • Permeable paver surfaces will be kept clean of organic materials. Leaves and other organic material shall be swept and removed from the paver surfaces periodically when debris accumulates and weekly during the rainy season (October 15 to April 15), or as otherwise directed by the Public Works Department for any other wet times of the year. • Periodic vacuuming should be used to clear out voids with conventional street sweepers or like equipment with vacuums and brushes, a minimum of two (2) times a year, but the actual required frequency will shall be determined by conditions of the site. With an interlocking paver system, additional aggregate fill material will be added after cleaning, if needed to return aggregate fill material to its initial installation levels.	

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance with Mitigation	
Hydrology and Water Quality (continued)				
Impact 4.8-1 continued		• The landowner shall be obligated to comply with the Operation and Maintenance Plan and Agreement. The landowner's maintenance obligations shall be reflected in such recorded documents as the County lawfully and routinely requires.		
Impact 4.8-2: During construction, excavated materials could contribute sediment to Las Trampas Creek that could adversely affect water quality.	S	Mitigation Measure 4.8-2: Prior to the issuance of a grading permit, the County Building Official shall approve a Storm Water Pollution Prevention Plan a (SWPPP) prepared by the applicant. The SWPPP shall comply with current San Francisco Bay Regional Water Quality Control Board guidelines and shall adopt acceptable best management practices (BMPs) for control of sediment and stabilization of erosion in the project area. The SWPPP shall include acceptable BMPs for the protection of water quality.	LTS	84.21
Land Use and Planning				
There would be no significant impacts to land use and planning.				
Noise				
Impact 4.10-1: Construction activities could generate a temporary increase in noise in the project vicinity.	S	Mitigation Measure 4.10-1: The DCD shall ensure that applicant adheres to the following mitigation measures in order to generate the least noise impacts during construction: • All construction activities shall be limited to the hours of 8:00 AM to 5:00 PM, Monday through Friday, and shall be prohibited on state and federal holidays; • The applicant shall hold a pre-construction meeting with the job inspectors and the general contractor/onsite manager to	LTS	84.22

Comment [CT14]: What is the penalty for non-compliance? How will this be tracked and enforced? How could this impact be deemed less than significant without a plan for enforcement and monitoring?

Comment [CT15]: This isn't a mitigation measure because it doesn't reduce the significance of the noise impact to less-than-significant between 8 am and 5 pm. It is a restrictive measure precluding significant noise after 5 pm, weekends and holidays.

Eight hours per day of significant noise, five days per week, for 18 months is not less than significant simply because applicant is restricted from creating significant noise 24/7.

There is no explanation or basis to determine how consultant concluded that a restrictive measure reduces a significant noise impact to less than significant at the time the noise is made.

Perhaps if the DEIR adequately analyzed additional alternatives, such as a campus arrangement of applicants 11 properties within walking distance or a smaller structure built above ground used in concert with the other five existing structures on the site the significant impact of noise would be dramatically reduced in duration.

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance with Mitigation
Noise (continued)			
Impact 4.10-1 continued		confirm that all noise mitigation measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed prior to beginning construction; • The applicant shall notify neighbors within 300 feet of the construction area, at least 30 days in advance of extreme noise-generating activities, about the estimated duration of the activity; • The applicant shall designate a construction noise coordinator who will be responsible for implementing the noise control measures and responding to complaints. This person's name and contact information shall be posted clearly around the project site and shall also be distributed to properties within 200 feet of the site boundaries. The construction noise coordinator shall be available during all times during construction activities and shall maintain a log of complaints. A copy of the log shall be provided to the DCD monthly on the 30th day of each month; • The applicant shall require construction contractors to limit noise generating construction activities as required by the DCD. No construction activities shall be allowed on weekends without prior authorization of the Zoning Administrator, and no extreme noise generating activities shall be allowed on weekends and holidays; • The applicant shall require construction contractors to implement the following measures to reduce daytime noise due to construction activities:	

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance With Mitigation
Noise (continued)			
Impact 4.10-1 continued		Equipment and trucks used for construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible). Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible. Stationary noise sources shall be located as far from adjacent receptors as possible, and shall be muffled and enclosed within temporary sheds, insulation barriers, or other measures to the extent feasible. Prior to the start of construction, the applicant shall construct a temporary sound barrier along the northern and southern property lines to provide the maximum protection for the residential uses to the north and south. The barriers can be constructed out of wood or other materials as long as they have a minimum surface weight of approximately 2.5 pounds per square foot. Possible materials include 1-1/8-inch-thick plywood or fully overlapping 1x redwood boards (1-1/2-inch-	

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance with Mitigation
Noise (continued)			
Impact 4.10-1 continued		thick total). The barriers would likely be 6 to 8 feet tall but this would be refined and approved by a qualified acoustician prior to the issuance of grading permits. Issues to consider when determining the ultimate height, length, and location of the barriers are the actual construction practices, including equipment to be used and the location and duration of noisier activities. The topography will also need to be considered in the final determination of barrier heights and effectiveness.	
Impact 4.10-2: Construction and operational activities could temporarily expose persons or structures to excessive groundborne vibration.	S	Mitigation Measure 4.10-2: The DCD shall ensure that the applicant isolates the equipment in the mechanical well per the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidelines. ASHRAE is considered the industry standard for mechanical system design standards.	LTS
Population and Housing			
There would be no significant impacts to population and housing.			
Public Services			
There would be no significant impacts to public services.			
Traffic and Circulation			
Impact 4.13-1: The proposed reliance on a TDM program would increase the number of pedestrians and bicyclists along the Boulevard Way frontage of the project site, thereby necessitating a sidewalk along this frontage.	S	Mitigation Measure 4.13-1: If Project Variant A is ultimately selected and approved, the County Department of Conservation and Development and County Public Works Department shall verify that final plans incorporate a sidewalk on the Boulevard Way frontage similar to that incorporated in Project Variant B. Plans shall show the sidewalk	LTS

84.23

Comment [CT16]: How could this be deemed as less than significant?

My understanding is that applicant's TDM plan relies on leased facilities – both public and private – to circumvent County requirements of one parking space for every 21 square feet of structure. And even the sum of those offsite leased parking facilities fall well short of the required count.

Moreover, unless the owners of the leased properties are willing to dedicate those facilities in perpetuity for the exclusive use of applicant's parking during specified times, I do not understand how a TDM plan could be considered a mitigation measure at all, let alone include its offsite parking count when deciding if to approve the project.

Additionally, the publicly owned property offered up by applicant as a leased parking facility, and without the School District's knowledge I understand, may be subject to public hearing, sphere of influence of the City of Lafayette, and a traffic study to determine the impact on neighbors in proximity to the Public facility.

If the County requires dedication of those facilities to park applicant's project at pre-determined times, then it seems that a public facility would have a fiduciary, if not legal obligation, to prove no diminution in value prior to dedicating right of use of a public facility to a private entity. This could be accomplished via a forward value appraisal of before and after dedication market valuations.

Until these uncertainties are resolved and offsite parking for applicant's project is dedicated in perpetuity, there is no basis to deem this impact less than significant. As leases for offsite parking expire, and ownerships change or opt for uses of the property other than leasing it to applicant, the certainty of parking is only interim and not guaranteed sustainable.

Perhaps if the DEIR adequately analyzed additional alternative, such as a campus arrangement of applicants 11 properties within walking distance or a smaller structure built above ground there could be sufficient onsite parking to meet county requirements and no need for applicant to attempt to circumvent County parking requirements with a TDM Plan.

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance with Mitigation
Traffic and Circulation (continued)			
Impact 4.13-1 continued		along all project frontage and extending to Warren Road. Sidewalk plans shall conform to prevailing County standards. In addition, if Project Variant A is approved, prior to the approval of any building or grading permit, the County Department of Conservation and Development and County Public Works Department shall verify that final plans for the public right-of-way area show a north-south crosswalk at a location mutually acceptable to the aforementioned County departments and the applicant. The crosswalk shall conform to any pertinent state or County regulations regarding crosswalk location and safety. As appropriate, final plans for the crosswalk shall incorporate features to help reduce conflicts between vehicles and pedestrians. Such features may include but are not limited to signage advising motorists of the crosswalk, lighting at the crosswalk, and the use of contrasting color and/or reflective paint to improve nighttime visibility of the crosswalk area.	
Impact 4.13-2: Project Variant A would not allow for adequate stopping sight distance, thus creating a potential safety concern.	S	Mitigation Measure 4.13-2: If Project Variant A is ultimately selected and approved, the County Department of Conservation and Development and County Public Works Department shall verify that final plans reflect the inclusion of adequate sight distance to the west of the project driveway. This can be achieved by relocating the proposed perimeter wall from its current location to the same location as shown in the plan for Project Variant B (Figure 3-8) and keeping the area north of the wall free of potential visual obstructions (trees or other tall vegetation).	LTS

84.24

Comment [CT17]: Wouldn't this reduce the number of parking spaces on the proposed building that already does not meet minimum County parking requirements and must rely on a TDM Plan to circumvent those parking requirements? How would this be deemed less than significant?

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance with Mitigation
Utilities and Service Systems			
Impact 4.14-1: The proposed sanctuary building would generate an increase in demand for water supply over existing uses on the project site.	S	Mitigation Measure 4.14-1: In the event of multiple drought years, the applicant shall comply with EMBUD's Drought Management Program and reduce water usage by 20 percent. In the event of critical shortages (shortages of 25 percent or more), the applicant shall comply with reduction goals based on customer categories set by EBMUD.	LTS
Cumulative Impacts			
There would be no considerable contributions to cumulative impacts.			

84.25

Comment [CT18]: How was this determined? What is the basis, the analysis, and the criteria used to render this determination?

Notes: LTS = Less Than Significant
S = Significant

Source: Circlepoint, 2011.

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Responses to Comment Letter 84 – Curtis and Deborah Trenor (May 27, 2011)

84.1 See Master Response 2.

84.2 The EIR has been prepared in accordance with the CEQA statute and guidelines. The methodologies utilized in the EIR for determining significance are in accordance with the requirements of the agencies responsible for managing and regulating the specific environmental resources, and conform to protocols established within the professions conducting the evaluations. See response to comment 18.1.

84.3 The Draft EIR fully considered all potential environmental effects related to the project size. Please refer to the relevant technical sections of the Draft EIR regarding the impacts of the project on people (4.2, Air Quality; 4.5, Geology and Soils; 4.6 Greenhouse Gas Emissions and Energy; 4.7, Hazards and Hazardous Materials; 4.8, Hydrology and Water Quality; 4.12, Public Services, 4.13, Traffic and Circulation, and 4.14, Utilities and Service Systems). Please refer to Draft EIR pages 3-9 to 3-10 for a discussion of the projects TDM program. Please also see Master Responses 3, 4, and 7.

84.4 Cumulative impacts are the combined impacts of two or more projects. The question whether the project meets the regulatory requirements for a Land Use Permit is not relevant to a study of cumulative impacts. The cumulative analysis in **Chapter 6**, Cumulative Impacts, was conducted per CEQA Guidelines Section 15130. Based on this analysis, it was concluded that the project would have no considerable contribution to any cumulative impacts. Please also see Master Response 12 regarding conditional land use permit conditions.

84.5 Please refer to Draft EIR **Table 4.9-2** which lists that the maximum building height allowed within the R-10 zoning district is 35 feet (County Code Sections 84-8.802 and 84-4.802). As shown in this table, the project's maximum height would be between 20 and 35 feet, thereby meeting County requirements. See Master Responses 7 and 10.

84.6 Please see the response to comment 83.4.

CEQA defines a significant environmental effect on the environment as a "substantial, or potentially substantial, adverse change in the environment" (CEQA Guidelines Section 21068). CEQA mandates lead agencies to mitigate any significant effects. CEQA defines mitigation as:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments. (CEQA Guidelines Section 15370)

After mitigation, the project would not have any significant environmental effects. The project would cause impacts, but these impacts would be less than significant. The Draft EIR does not conclude that there are no impacts. See response to comment 18.1.

84.7 See response to comment 37.3. See Master Response 2 regarding project alternatives considered in the EIR.

84.8 The BAAQMD has published CEQA guidelines for use by member agencies (comprising most of the nine-county Bay Area, including the project area). Contra Costa County has not adopted its own guidelines for air quality analysis and thus uses those of the BAAQMD. Please see Draft EIR page 4.2-11 and **Table 4.2-5**, which states that according to the BAAQMD CEQA Guidelines[6], incorporation of the Basic Construction Mitigation Measures contained in **Mitigation Measure 4.2-1** constitutes full and complete mitigation for fugitive dust emissions (PM_{10} and $PM_{2.5}$). The BAAQMD does not require additional mitigation measures for emissions of particulate matter related to dust.

84.9 See Master Response 8. According to the BAAQMD CEQA Guidelines, there is no threshold for construction-related odors. However, as described in **Section 4.2**, Air Quality, during construction, diesel-powered vehicles could create localized odors. These odors would be considered temporary in nature and would dissipate. This potential impact is addressed by **Mitigation Measure 4.2-3**, which requires diesel-powered vehicles to limit their idling time in an effort to minimize odor annoyances to nearby residences.

[6] Please refer to BAAQMD CEQA Guidelines, Table 2-1 and Section 8.1.2.

84.10 See responses to comments 27.31 and 79.10. Please also see Master Response 6. **Mitigation Measure 4.3-1** addresses the biological impacts associated with the possible future removal of these trees.

84.11 See Master Response 2 regarding project alternatives and response to comment 84.10.

84.12 The geotechnical report found in **Appendix I** looked at the project as proposed. The project site is located in a seismically active area; it is common for buildings to need geotechnical engineering to avoid seismic impacts whether constructed above or below grade. If the sanctuary were built above ground, the nature of the geotechnical effect would not change. Adherence to the design criteria found in the geotechnical report would help to ensure public and structural safety from ground shaking. See Master Response 2 regarding projects alternatives and the consideration of a campus arrangement. Please also see master response 10.

The EIR has been prepared in accordance with the CEQA statute and guidelines. Please refer to **Section 4.5**, Geology and Soils, of the Draft EIR for a complete discussion and analysis of geological impacts. **Subsection 4.5.3**, Impacts and Mitigation Measures, on pages 4.5-8 through 4.5-15 of the Draft EIR explains the significance criteria and provides substantial analysis of potential impacts pursuant to CEQA.

84.13 See response to comment 84.12

84.14 See Master Responses 2 and 10, and response to comment 18.1.

84.15 **Mitigation Measure 4.5-2a** has been revised to clarify that a post-construction follow-up will be required that will use data from the pre-construction survey to assess post-construction conditions. **Mitigation Measure 4.5-2a** on pages 4.5-12 and 4.5-13 has been revised as follows:

> Mitigation Measure 4.5-2a: ~~Prior to the issuance of a grading permit~~ **Where permitted by the owner or tenant in possession,** ~~-~~the County Building Official shall direct the applicant or their contractor to complete the following actions:
>
> - inspect existing structures/utilities to document any evidence of **then-**existing damage, cracking, distortion, weaknesses in structural elements, deterioration, corrosion, excessive stress, overloading, or use of the structure in a manner which may not have been intended by its design **prior to issuance of any construction permits**. The inspection shall include an

assessment of the condition of the following structures and facilities:

- ~~the parsonage~~
- structures on ~~neighboring~~ properties **adjacent to the project site**
- Boulevard Way
- potentially affected utilities within the project site, as determined by a qualified engineer

All inspections and notations of pre-existing damages shall be thoroughly documented, **to the extent permitted by the relevant owner or tenant in possession**, prior to the issuance of a demolition or grading permit by photographs and mapping, and reference markings or measurement points shall be established on critical or previously damaged structures/utilities to assist in determining whether any damage or movement has occurred as a result of construction.

Such inspections shall be completed before issuance of the grading permit and again, after construction of the building shell is substantially complete. To the extent required by Civil Code Section 832, the applicant shall be responsible to repair or compensate for damage caused by the project. The County Building Official shall, prior to issuance of an occupancy permit: (a) confirm that the applicant has undertaken a written obligation to repair or compensate for damage caused by the construction of the project as recommended by the architect of record, or has established procedures that assure such repairs will be made or such compensation will be paid; and (2) confirm that any such repairs or payment of compensation is planned to be completed within a time frame the Official deems reasonable under the circumstances.

Where existing structures are in close proximity to the excavation, additional measures beyond pre-construction inspection, such as building underpinning, shall be required as determined by the geotechnical consultant.

84.16 Please see the response to comment 84.15.

84.17 Please see the responses to comments 84.6 and 84.15. The measure would require the applicant to fund or perform work necessary to remedy damage clearly caused by the project, thus mitigating that damage.

84.18 See Master Response 10. **Mitigation Measure 4.5-2b** was drawn from the Geotechnical Report found in **Appendix I** of the Draft EIR (please see pages I-23 and I-24). The geotechnical report was prepared by a registered geotechnical engineer and was reviewed by geotechnical experts at the County. The county found the report to be satisfactory.

84.19 See Master Response 10. It is the opinion of the County that **Mitigation Measures 4.5-2a** through **4.5-2c** constitute a reasonable and feasible approach to mitigating all geological impacts of the project to a less-than-significant level. Please also see responses to comments 84.6, 84.15, and 84.18.

84.20 Please see responses to comments 84.6, 84.15, 84.18, and 84.19. See Master Response 2 regarding project alternatives.

84.21 Adherence and compliance with a Mitigation Monitoring and Reporting Program (MMRP) that identifies the mitigation measures, time period of application, and parties responsible for their implementation will be a condition of project approval. The MMRP is included as **Chapter 4** of this Final EIR. The County is responsible for ensuring that implementation of the mitigation measures occurs in accordance with the MMRP. County staff and officials would review grading and building plans to ensure the applicant has implemented the requirements of the mitigation measures. Meeting the requirements and implementing the recommendations of a geotechnical engineer is a common and accepted means of addressing geotechnical issues, and it assures that a licensed professional will be reviewing plans as they are developed and soils information as it is discovered, to ensure that the grading and construction meet industry standards for stability and adequacy. See Master Responses 10 and 11.

84.22 Mitigation measures themselves commonly do not include self-enforcement provisions. Rather, mitigation measures are made enforceable conditions of approval, and their implementation is overseen by the relevant regulatory officials. These requirements are all detailed in a Mitigation and Monitoring Plan, which specifies responsibility and timing for each mitigation measure. Please see responses to comments 37.4 and 11.3

84.23 The comment is placed adjacent to discussion of **Impacts 4.10-1**, **4.10-2**, and **4-13-1**. The text of the comment addresses the TDM plan and parking.

For a complete analysis and discussion of **Impact 4.10-1** and **Mitigation Measure 4.10-1**, please refer to pages 4.10-11 through 4.10-13 of **Section 4.10**, Noise, in the Draft EIR. Noise construction hours are considered useful

because they limit noise to daytime hours when most people are tolerant of louder noises than nighttime. For a complete analysis and discussion of **Impact 4.13-1** and **Mitigation Measure 4.13-1** please refer to pages 4.13-23 and 4.13-24 of **Section 4.13**, Traffic and Circulation, in the Draft EIR.

See Master Response 7 regarding the TDM, Master Response 8 regarding noise impacts during construction and Master Response 2 regarding project alternatives. The financial effects of the parking arrangements on the school district are not relevant to physical impacts on the environment. Property values likewise do not raise CEQA issues.

84.24 Parking adequacy in and of itself is outside the scope of the CEQA analysis. See Master Response 7. For a complete analysis and discussion of **Impact 4.13-2** and **Mitigation Measure 4.13-2** please refer to pages 4.13-24 and 4.13-25 of **Section 4.13**, Traffic and Circulation, in the Draft EIR.

84.25 Please refer to pages 6-1 through 6-14 of the Draft EIR for a complete analysis of potential cumulative impacts. The basis, analysis and criteria are described in that section insofar as cumulative impacts (impacts of several projects that cumulate together) are concerned. The basis, analysis and criteria of the project's contribution are its individual impacts, which are explained in **Chapter 4** of the Draft EIR. Based on this analysis, it was concluded that the project would have no considerable contribution to any cumulative impacts.

MICHAEL WOOD
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LETTER 85

CONTRA COSTA
2011 APR 14 P 12:29
DEPARTMENT OF CONSERVATION AND DEVELOPMENT

April 12, 2011

Contra Costa County Department of Conservation and Development
Attn: Ms. Lashun Cross
651 Pine Street, 4th Floor, North Wing
Martinez, CA 94553

RE: Sufism Reoriented DEIR, Co. File # LP082034 and MS090008

Dear Ms. Cross:

I wish to offer my support for the proposed new sanctuary for Sufism Reoriented project located in the Saranap neighborhood near Walnut Creek.

My wife, son and I are residents of the neighborhood, having lived on Alta Hill Way since 1997. We are familiar with the proposed project and fully support its implementation on several grounds. We are very grateful to the Sufi community in the Saranap for their involvement in education. Our son attended The Meher Schools from 1999 to 2006. During that time we became keenly aware of the tremendous social contributions made by this organization and their dedication to serving. We share a neighborhood, but they help make it a community.

Regarding the proposed project, we feel that the new sanctuary would help invigorate a relatively degraded area, both aesthetically and culturally. We have no concerns whatsoever regarding impacts on traffic, noise, air quality, or aesthetics, or changes to the "character" of that section of Boulevard Way. We are very much looking forward to the creation of a peaceful garden in which neighbors may pass time in quiet contemplation. We are grateful to the project proponents for their willingness to share such a place with the community. 85.1

I grew up in a beach town in northern San Diego County. On the bluffs overlooking the ocean is a place of worship and meditation known as the Self Realization Fellowship, founded by Paramahansa Yogananda in 1920. For more than 90 years, SRF has been dedicated to carrying on the spiritual and humanitarian work of its founder. Although neither a member nor follower, I often availed myself of their public garden, taking a few moments out of my hectic schedule to enjoy the beautiful landscaping, ponds and views. Whenever an out-of-town guest would visit, the garden at Swami's, as we called it, was always one of our first stops. I look forward to being able to show visitor's, with pride, a comparable place within walking distance of my home.

We hope the County will approve the proposed project and that the neighbors will come to appreciate the benefits both it and Sufism Reoriented offer our community. 85.1, cont.

Sincerely,

Michael Wood

Michael Wood

Responses to Comment Letter 85 – Michael Wood

85.1 The letter does not raise any significant environmental issues requiring further response.

LETTER 86

Linda Jean Wurth
2150 Whyte Park Ave. - Walnut Creek, CA 94595

CONTRA COSTA
2011 MAY 24 A 11:35

May 23, 2011

Ms. LaShun Cross
CCC Community Development Division
651 Pine Street, 4th Floor-North Wing
Martinez, CA 94553

Subject: Sufism Reoriented Project DEIR **Request for parking reduction**
County File #LPO82034 & # MSO90008

I have several questions & concerns about the proposed Sufism Reoriented sanctuary project as represented in the Draft EIR. One of which is in regard to their request for parking reduction. A 66,074 sq.ft. building should **not be granted** a parking reduction regardless of the transportation demand management program. 86.1

1. Who will **enforce** the transportation demand management program? I'm concerned with cutbacks in the county such supervision and enforcement would be unrealistic. Is the agreement a strategy to get approval now but then be disregarded in the future? 86.2

2. Would the county post "**No parking-Tow away**" signs in areas of the neighborhood where parking would be unsafe, a nuisance, or detract from the quality of residential life? If so, then the public might be able to help enforce the parking situation. 86.3

3. It should be noted that Sufism Reoriented **currently rents the parking lot** at 1280 Boulevard Way for their evening, weekend, & special activities. What would happen if the current owner of this office building decides to revoke their lease or the building is sold to a new owner who doesn't wish to rent the lot? 86.4

4. Sufism Reoriented also at times uses the nearby **Mehr School parking lot** for overflow. That lot may not be available in the future if the school moves into the proposed Sufi project. I realize the school is a separate entity but upon closer scrutiny they clearly are related and using the model of several churches in the area, they may both decide it would be beneficial to relocate the school into the new spacious facility. It appears that the excessive number of toilets in the proposed 66,074 sq. ft. project would support the school. 86.5 86.6

5. Should the **use of the building change or be sold** in the future the full number of parking spaces typically prescribed by the county would be necessary. If the county should grant this reduction now it will be too late to add adequate parking in the future. 86.7

Sincerely,

Linda Wurth

Linda Wurth

Responses to Comment Letter 86 – Linda Jean Wurth (May 23, 2011)

86.1 See Master Response 7.

86.2 See Master Response 7, and responses to comments 37.4 and 11.3.

86.3 Project plans for parking were reviewed by the Public Works Department (PWD). PWD would make a recommendation in their review if there were a need for no-parking signs. In accordance with County Code Chapter 46-10.6, the project area could be deemed eligible for consideration as a permit-parking area, if surveys and studies prepared for the area indicate that it is necessary during project operation.

86.4 The comment raises questions about the use of the existing facility at 1300 Boulevard Way and the office building at 1280 Boulevard Way. There are currently no development applications pending for either of these properties, accordingly there are no projects for the County to review. The issue is not relevant to the physical impacts of the new sanctuary.

86.5 See Master Response 7.

86.6 See Master Response 3 and 7.

86.7 See Master Response 3 and 7.

Linda Wurth
2150 Whyte Park Avenue - Walnut Creek, CA 94595

LETTER 87

May 24, 2011

Ms. LaShun Cross
CCC Conservation & Development Department
651 Pine street, 4th floor, north wing
Martinez, California 94553

Subject: Sufism Reoriented Project DEIR **Request four Transparency**
County file #LPO82034 & #MSO90008

As a homeowner in the Saranap community since 1975 I have several concerns regarding the lack of transparency around the proposed Sufism Reoriented project.

1. Why did they want a 66,074 square foot building when they report to have only 350 members? 87.1
    a. Local churches with this type of square footage serve 1,500 members
    b. The White House is only @ 55,000 square feet
2. Why does the proposed building have 32 toilets & 9 urinals for 350 members? 87.2
3. Why do they propose a 1,790 square foot kitchen for 350 members? 87.3
    a. If cooking for large crowds, shouldn't they be required to have adequate parking?
4. Are they now the national headquarters for Sufism Reoriented? If so:
    a. How many members do they expect to use the facility? 87.4
    b. Why would a parking variance be given if we don't know the use of the building?

As you may know, there is considerable controversy in the Saranap residential community around the compatibility of this proposed institutional project. I imagine you are aware of the expensive publicity campaign with glossy color self-promotional material that Sufism Reoriented, Inc. has put out in the Saranap neighborhood ever since their project was publicly proposed. Perhaps you're aware that the Sufi's orchestrated a hostile, all be it legal, takeover of the Saranap Community Organization in July, 2008. This community has good reason to be suspicious of the organization's intentions. 87.5

As I said, I have lived in the Saranap since 1975 and had never received a mailing, a visit, or heard of the public ever being invited into the existing Sufi facility. Now all of the sudden the Sufi's tell us they are our very best neighbors and seem to have endless community projects for us to join in. 87.6

It's time to wash the sugar off and let the community know what will go on in this enormous building. I ask the county to determine the actual use of the project before approving parking variances, height variances, clear cutting native trees, and attempting to mitigate legitimate community concerns. 87.7

Sincerely,

Linda Wurth

Responses to Comment Letter 87 – Linda Jean Wurth (May 24, 2011)

87.1 See Master Response 3.

87.2 See Master Response 3.

87.3 See Master Responses 3 and 7.

87.4 See Master Responses 3 and 7. As described in the Draft EIR, Sufism Reoriented has maintained a relatively stable membership since the mid-1980s. Please refer to page 3-3 of the Draft EIR for a complete discussion of Sufism Reoriented's membership size. The project is not requesting a parking variance, as the commenter asserts. The project is requesting a parking reduction through a TDM program (please refer to County Code Section 82-32.008).

87.5 See Master Response 4. See Master Response 12 regarding the County's consideration of the merits of the project.

87.6 The comment does not raise any significant environmental issues requiring further response.

87.7 Please refer to Draft EIR **Section 3.4** and **Table 3-1**, which set forth a reasonably foreseeable program of activities that would occur in the building. The Planning Commission will consider all project components when making a decision about the project.

LETTER 88

Linda Jean Wurth
2150 Whyte Park Ave. - Walnut Creek, CA 94595

CONTRA COSTA

2011 MAY 25 P 12: 36

May 24, 2011

Ms. LaShun Cross, Senior Planner
CCC Conservation and Development Department
651 Pine Street, 4th Floor-North Wing
Martinez, CA 94553-1229

Re: Request for Sufism Reoriented, Inc. proposed project to have **Story Poles**
County File #LPO82034 & # MSO90008

Ms. Cross,

I would like to request that Sufism Reoriented, Inc. be required to put up Story Poles on the property for their proposed 66,074 sq. ft. building. I think it's important for the Saranap community to have an opportunity to see:

1. The enormity of the footprint of the proposed project
2. The proposed height of the 13 domed building
3. The number of trees that will have to be clear-cut for the footprint
4. The shadow that will be cast over neighboring homes 88.1
5. How an institutional building of this size will intrude into the residential community

Story poles are the best way for the community and decision makers to get a sense of the proposed size of the project and therefore its compatibility or incompatibility with the surrounding Saranap neighborhood.

As a homeowner in the Saranap community since 1975, I request that **Story Poles be required** for the proposed Sufism Reoriented, Inc. project.

Sincerely,

Linda Wurth

Linda Wurth

Responses to Comment Letter 88 – Linda Jean Wurth (additional May 24, 2011)

88.1 See Master Response 1 for a discussion of the need for story poles, Master Response 4 for a discussion of compatibility of the project with the neighborhood and Master Response 5 for a discussion of the visual simulation methodology.

The County does not have any regulations or standards regarding potential shadow created by buildings. However, it should be noted that as stated in the Reflected Solar Glare Study included at **Appendix E**, the north side of the proposed building would rarely receive direct sunlight owing to its position relative to the sun. New shadows would similarly be related to the sun's position. Given little direct light from the north and existing tall trees and buildings to the east, the potential for shadow would be limited essentially to sunlight coming from the south and the west. Any shadows relating to a southern sun position could potentially cast some shadow towards Boulevard Way. Shadows relative to a western sun position would be cast largely within the project property (ie, on the parsonage). Even if the County had a regulation or threshold regarding shadow effects, the particulars of the proposed building make it highly unlikely that any excessive shadowing on residential properties to the south would occur.

LETTER 89

April 25, 2011

Ms. Lashun Cross, Senior Planner

CCC Dept. of Conservation and Development

651 Pine St., 4th Floor-North Wing

Martinez, Ca 94553

Dear Ms. Cross,

My husband David and I recently reviewed the Executive Summary of Sufism Reoriented's Environmental Impact Report. We are neighbors to many members of Sufism Reoriented as we own a condominium less than a block away from the proposed site. We were quite impressed with the level of detail involved in this environmental study. Specific to our interest was the intersection at Kinney Drive and Boulevard Way. The suggested improvements of adding a sidewalk to Warren Road and the possibility of added crosswalks would be such an improvement to the existing situation. Taking a walk in the neighborhood currently is unsafe as the pedestrian either walks in a ditch or risks personal safety to venture out into the street. In this vein, we would also like to recommend stop signs at the intersection of Boulevard Way and Kinney Avenue, which would add greatly to the safety of that intersection. 89.1 89.2

Additionally, procedures to be followed, as outlined in the mitigations in the soil and geology section, seems to assure safety during the excavation. The presence of a qualified geotechnical engineer to monitor and document soil and groundwater conditions on an ongoing basis during the excavation, grading and construction is also reassuring.

That construction will stop at 5 p.m. and be prohibited on weekends allays any apprehension about noise or traffic problems.

I was also happy to learn that a manager is available to register complaints as indicated in Impact 4.10-1 and a copy of the log shall be provided to the Department of Conservation and Development at the end of each month. 89.3

Sketches of the planned sanctuary are lovely. This development has the potential to upgrade our neighborhood significantly. Please let us know if we can provide any additional information or feedback.

Sincerely,

Janice Alley and David Mays

Responses to Comment Letter 89 – Janice Alley and David Mays

89.1 This comment does not raise any significant environmental issues requiring further response.

89.2 Draft EIR Alternative 3 is the Modified Right of Way Alternative, and includes stop signs, sidewalks and crosswalks. See Master Response 6.

89.3 This comment does not raise any significant environmental issues requiring further response.

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

JERRY BROWN
GOVERNOR

LETTER 90

May 16, 2011

Lashun Cross
Contra Costa County Department of Conservation & Development
651 Pine Street
4th Floor, North Wing
Martinez, CA 94553

Subject: Sufism Reoriented Religious Facility 66,046 sq. ft.
SCH#: 2010032038

Dear Lashun Cross:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on May 13, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. 90.1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2010032038
Project Title Sufism Reoriented Religious Facility 66,046 sq. ft.
Lead Agency Contra Costa County

Type EIR Draft EIR

Description The applicant has proposed to develop a religious facility (sanctuary building) on an approximate 3 acre site in the Saranap neighborhood of unincorporated Walnut Creek/Contra Costa County (County). The applicant is Sufism Reoriented, a non-profit California religious corporation recognized by the State of California and the Federal government as a church.
The proposed 66,074-square-foot sanctuary building includes a prayer hall, administrative offices, a library/bookstore, classroom and art program space, and would be located below ground, including the administrative offices, a library/bookstore, classroom, and art program space.

Lead Agency Contact

Name Lashun Cross
Agency Contra Costa County Department of Conservation & Development
Phone (925) 335-1229 **Fax**
email
Address 651 Pine Street
4th Floor, North Wing
City Martinez **State** CA **Zip** 94553

Project Location

County Contra Costa
City Walnut Creek, Lafayette
Region
Lat / Long
Cross Streets Kinney Drive & Garden Court
Parcel No. 184-450-006,007,012,031-034
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 24, 680
Airports No
Railways
Waterways No
Schools Acalanes/White Pony
Land Use Presently single family residential/R-10/SH

Project Issues Air Quality; Geologic/Seismic; Noise; Traffic/Circulation; Cumulative Effects

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Reviewing Agencies Resources Agency; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Resources, Recycling and Recovery; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission

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Date Received 03/29/2011 **Start of Review** 03/30/2011 **End of Review** 05/13/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.

Responses to Comment Letter 90 – Governor's Office of Planning and Research

90.1 The letter does not raise any significant environmental issues requiring further response.

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

The Mitigation Monitoring and Reporting Program (MMRP) is a CEQA-required component of the Environmental Impact Report (EIR) process for the project. The results of the environmental analyses, including proposed mitigation measures, are documented in the Final EIR.

CEQA requires that agencies adopting EIRs take affirmative steps to determine that approved mitigation measures are implemented subsequent to project approval.

As part of the CEQA environmental review procedures, Section 21081.6 requires a public agency to adopt a monitoring and reporting program to ensure efficacy and enforceability of any mitigation measures applied to a proposed project. The lead agency must adopt an MMRP for mitigation measures incorporated into the project or proposed as conditions of approval. The MMRP must be designed to ensure compliance during project implementation. As stated in Section 21081.6(a)(1):

> The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.

Table 4-1 is the final MMRP matrix. The table lists each of the mitigation measures proposed in the Final EIR and specifies the agency responsible for implementation of the mitigation measure and the time period for the mitigation measure.

Table 4-1 Mitigation Monitoring and Reporting Program

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Aesthetics			
Impact 4.1-1: Either Project Variant would result in the potential for substantial nighttime lighting which could adversely affect nighttime views.	Mitigation Measure 4.1-1: The applicant shall submit a lighting plan and a photometric study which shall demonstrate, to the satisfaction of the Department of Conservation and Development, that no bare bulbs will be visible from offsite. The plan shall also demonstrate that no lighting will be directed across property lines, and all lighting visible from offsite – including spillover onto adjacent properties – will be compatible with offsite private and public right-of-way lighting in the vicinity. The plans shall reflect the effect of lighting both before and after proposed site landscaping achieves maturity. If needed, the plans may include recommendations for turning off lights at specific times to reduce effects to nighttime views.	Department of Conservation and Development and project applicant	Prior to issuance of grading or building permit or installation of outdoor lighting system, whichever occurs first
Air Quality			
Impact 4.2-1: Construction would result in emissions of fugitive dust.	Mitigation Measure 4.2-1: Prior to the approval of a grading plan, County DCD shall ensure that grading and demolition plans include the following measures for all phases of construction as recommended by BAAQMD to reduce the air quality impacts of particulate matter (PM_{10} and $PM_{2.5}$) associated with grading and new construction: ▪ All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered a minimum of two times per day; ▪ All haul trucks transporting soil, sand, or other loose material off-site shall be covered; ▪ All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. No dry power sweeping shall be performed (i.e., prohibited);	Department of Conservation and Development	Prior to the approval of a grading plan

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Air Quality (continued)			
Impact 4.2-1 continued	▪ All roadways, driveways, and sidewalks to be paved shall be completed as soon as feasible. Building pads shall be laid as soon as feasible after grading unless seeding or soil binders are used; ▪ All vehicle speeds on unpaved roads shall be limited 15 mph; ▪ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes. Clear signage shall be provided for construction workers at all access points; ▪ All construction equipment and haul trucks shall be maintained and properly tuned in accordance with manufacturer's specifications. All construction equipment and haul trucks shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and ▪ A publicly visible sign shall be posted with the telephone number of the Construction Manager and BAAQMD to report dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD complaint line telephone number shall also be visible to ensure compliance with applicable regulations.		
Impact 4.2-2: Emissions of diesel exhaust during construction would exceed BAAQMD thresholds for NO_X.	Mitigation Measure 4.2-2: Emissions of NOx from construction activities shall be limited to less than 54 pounds per day. This performance standard would be achieved by limiting vehicle miles travelled (VMT) for standard hauling trucks to 1,872 VMT per day. Assuming 13 cubic-yard-trucks and delivery to the Acme landfill, , and assuming a round trip of 31.2 miles, this would mean that soil hauling would be capped at 60 round trips per day, which would extend the excavation schedule from an earlier projection by the applicant of 35 working days to 55 working days. If other sites at a different distance were identified to accept the fill, the schedule could be revised	Department of Conservation and Development	Approval of VMT calculations prior to excavation; VMT limitation during project construction

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Air Quality (continued)			
Impact 4.2-2 continued	accordingly to fit within the same VMT limitation. However, all hauling trucks must use a haul route that leaves the project site, heads east on Boulevard Way, and enters Highway 24 near Mt. Diablo and Boulevard Way.		
Impact 4.2-3: The Project Variant ultimately selected could create objectionable odors affecting a substantial number of people during construction.	Mitigation Measure 4.2-3: Prior to the approval of a grading permit, County DCD shall verify that grading plans include a requirement that limits the allowable idling time of diesel-powered construction equipment to two minutes or less	Department of Conservation and Development	Prior to the approval of a grading plan
Biological Resources			
Impact 4.3-1: Potential future purchase of the adjacent Odell property would trigger a County Fire Protection District requirement to widen the existing secondary road providing access to the project site from Warren Road. This would result in the removal of and/or damage to several existing trees.	Mitigation Measure 4.3-1: If the applicant purchases the Odell property, compliance with the CCCFPD condition to widen the secondary access drive to Warren Road shall be required. In compliance with Chapter 816-6.8002 of the Tree Protection and Preservation Ordinance, a permit shall be obtained for the removal of all protected trees. If the applicant purchases the Odell property after August 2012, a qualified arborist shall examine the property and the recommendations of the arborist reports dated June 22, 2009 and August 4, 2009, included as **Appendix G** to this EIR, to confirm and/or append to the conditions included in the earlier reports.	Department of Conservation and Development and project applicant	If the applicant purchase the Odell property
Impact 4.3-2: Demolition and tree removal activities could have an adverse effect on special-status species including roosting bats that are potentially nesting in trees and/or abandoned buildings found on the project site, as well as migratory birds and raptors that may nest in mature trees. .	Mitigation Measure 4.3-2a: Given the potential for occurrence of roosting bats on the project site, the Contra Costa County Department of Conservation and Development (DCD) shall require a qualified biologist to conduct pre-construction surveys for roosting bats prior to issuance of demolition permits. If roosting bats are detected, DCD shall require that a qualified biologist, in consultation with the California Department of Fish and Game (CDFG), shall exclude/evict the bats prior to removal of the occupied structure or tree. Abandoned structures or trees that are	Department of Conservation and Development	Prior to the issuance of demolition permits and throughout pre-construction and construction

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Biological Resources (continued)			
Impact 4.3-2 continued	proposed for removal shall be removed before ground-disturbing activities begin to avoid conflicts with potential nesting periods. Immediately prior to construction, DCD shall require another pre-construction survey to be conducted to detect presence and confirm absence of active nesting in the trees that will remain. During the pre-construction survey, the qualified biologist may enact other measures to protect roosting bats on the project site. These measures must be followed throughout the pre-construction and construction period.		
	Mitigation Measure 4.3-2b: Given the potential for occurrence of special-status bird species on the project site and the possibility for overlap of demolition and tree removal with the nesting season, DCD shall require a qualified biologist to conduct pre-construction surveys for nesting birds prior to issuance of demolition permits and no more than one week prior to tree removal. If an occupied bird's nest is detected, a buffer zone of 50 to 300 feet shall be implemented to protect adults and nestlings from construction disturbances. If occupied nests are detected, exclusion areas are required until young birds have fledged. During the pre-construction survey, the qualified biologist may enact other measures to protect raptors and birds on the project site. These measures must be followed throughout the pre-construction and construction period. Destruction of occupied nests would be in violation of the Migratory Bird Treaty Act (MBTA) and the CDFG Code.	Department of Conservation and Development	Prior to the issuance of demolition permits
Impact 4.3-3: Construction activities could disturb potential nesting habitat in trees that are not proposed for removal.	Implement Mitigation Measures 4.3-2a and 4.3-2b.	Department of Conservation and Development	Prior to the issuance of demolition permits

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Cultural Resources			
Impact 4.4-1: Demolition of existing structures and construction activities could inadvertently damage previously unidentified historical, archaeological, and paleontological resources on the project site.	Mitigation Measure 4.4-1: When demolition and site clearing activities are complete, a qualified archaeologist, hired by the applicant, shall reinspect the project site to ascertain whether clearance activities exposed any previously undetected archaeological resources. In the event that any cultural (historical, archeological, and/or paleontological) resources are encountered, the Contra Costa County Department of Conservation and Development (DCD) shall ensure that construction, excavation, and/or grading activities within 100 feet of the find are temporarily halted until a qualified archaeologist or paleontologist, hired by the applicant, can assess the significance of the find and provide proper management recommendations to be incorporated in to the Project Variant ultimately selected. Prehistoric cultural materials include, but is not limited to, shell midden deposits, hearth remains, stone and/or shell artifacts, and/or burials. Historic materials, including but not limited to, whole or fragmentary ceramic, glass or metal objects, wood, nails, brick, or other materials may occur on the project site in deposits such as old privies or dumps. If the site is found to contain significant cultural or paleontological resources (as determined by the CEQA Guidelines) by a qualified archaeologist or paleontologist, funding shall be provided by the applicant to identify, record, report, evaluate, and recover the resources as necessary. Construction within the area of the find shall not recommence until impacts to the cultural or paleontological resource are mitigated. Additionally, as required by Public Resources Code Section 5097.993, the applicant must inform project personnel that collection of any Native American artifact is prohibited by law.	Department of Conservation and Development	When demolition and site clearing activities are complete, and during grading.
Impact 4.4-2: Construction activities could inadvertently uncover human remains.	Mitigation Measure 4.4-2: In accordance with Public Resource Code Section 5097.98, should human remains be found on the site at any time during pre-construction or construction activities, the Contra Costa County Department of Conservation and Development (DCD)	Department of Conservation and Development	In the event that human remains are found on the project site

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Cultural Resources (continued)			
Impact 4.4-2 continued	shall ensure that no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall be disturbed until: ▪ The County Coroner in which the remains are discovered is contacted and determines that no investigation of the cause of death is required; and ▪ If the County Coroner determines the remains to be Native American then: (1) The coroner shall contact the Native American Heritage Commission within 24 hours; (2) The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased native American; and (3) The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. The landowners or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the following conditions occur: ▪ The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission; ▪ The descendent identified fails to make a recommendation; or		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Cultural Resources (continued)			
Impact 4.4-2 continued	▪ The landowners or their authorized representative reject the recommendation of the descendent, and the mediation by the NAHC fails to provide measures acceptable to the landowner.		
Geology and Soils			
Impact 4.5-1: Either Project Variant could expose people and structures to potential adverse effects from strong seismic ground shaking.	Mitigation Measure 4.5-1: Prior to the issuance of a building permit, the County Building Official shall verify that plans incorporate the following CBC seismic site categorization and design coefficients, in conformance with the most recent version of the California Building Code shown in the table below.:	County Building Official	Prior to the issuance of building permit

Categorization/Coefficient	Design Value
Site Class (Table 1613.5.2)	C
0.2 Second Spectral Response Acceleration, S_s (Figure 1613.5(3))	1.5g
1.0 Second Spectral Response Acceleration, S_1 (Figure 1613.5(4))	1.6g
Seismic Site Coefficient, F_a (Table 1613.5.3(1))	1.0
Seismic Site Coefficient, F_v (Table 1613.5.3(2))	1.3
Long-period Transition Period, T_l (Figure 22-6)[1]	1.0

[1] From ASCE/SEI 7-05 (2006)

Source: DCM Engineering, October 2008.

The County Building Official shall certify that a qualified geotechnical engineer has reviewed final plans and specifications for consistency with CBC and UBC design standards. The County Building Official shall verify that all pertinent recommendations of the geotechnical engineer are incorporated into final building plans.

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Impact 4.5-2: The project site is located on soil that could become unstable as a result of construction activities, and potentially result in instability on neighboring sites.	Mitigation Measure 4.5-2a: Where permitted by the owner or tenant in possession, the County Building Official shall direct the applicant or their contractor to complete the following actions: ▪ inspect existing structures/utilities to document any evidence of then-existing damage, cracking, distortion, weaknesses in structural elements, deterioration, corrosion, excessive stress, overloading, or use of the structure in a manner which may not have been intended by its design prior to issuance of any construction permits. The inspection shall include an assessment of the condition of the following structures and facilities: • structures on properties adjacent to the project site • Boulevard Way • potentially affected utilities within the project site, as determined by a qualified engineer All inspections and notations of pre-existing damages shall be thoroughly documented, to the extent permitted by the relevant owner or tenant in possession, prior to the issuance of a demolition or grading permit by photographs and mapping, and reference markings or measurement points shall be established on critical or previously damaged structures/utilities to assist in determining whether any damage or movement has occurred as a result of construction. Such inspections shall be completed before issuance of the grading permit and again, after construction of the building shell is substantially complete. To the extent required by Civil Code Section 832, the applicant shall be responsible to repair or compensate for damage caused by the project. The County Building Official shall, prior to issuance of an occupancy permit: (a) confirm that the applicant has undertaken a written obligation to repair or compensate for damage caused by the construction of the project as recommended by the architect of record, or has established procedures that assure such repairs will be made or such compensation will be paid;	County Building Official	Prior to the issuance of a grading permit

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Geology and Soils (continued)			
Impact 4.5-2 continued.	and (2) confirm that any such repairs or payment of compensation is planned to be completed within a time frame the Official deems reasonable under the circumstances. Where existing structures are in close proximity to the excavation, additional measures beyond pre-construction inspection, such as building underpinning, shall be required as determined by the geotechnical consultant.		
	Mitigation Measure 4.5-2b: Prior to the issuance of a grading permit, the County Geologist shall review the final plans to ensure that proposed excavation shoring and dewatering systems meet minimum performance requirements. These minimum performance requirements include: a. Protect personnel that enter excavations; b. Protect adjacent existing utilities, pavements, and structures; c. Installation should not cause settlement or heave of the ground surface nor produce construction vibrations that could damage adjacent utilities or structures; d. Prevent caving or lateral movement of excavation walls and associated loss of adjacent ground and adjacent ground surface settlement, even when subjected to construction vibration; e. Prevent heave and or piping (boiling) of the excavation bottom; and f. Where applicable, resist hydrostatic pressures and lateral loads for adjacent structural foundations, vehicular traffic, construction equipment and spoils.	County Geologist	Prior to the issuance of a grading permit
	Mitigation Measure 4.5-2c: Prior to the issuance of a grading permit, the County Building Official shall ensure that grading plans show a requirement that a qualified geotechnical engineer monitor and	Building Official and County Geologist	Prior to the issuance of grading permits

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Geology and Soils (continued)			
Impact 4.5-2 continued.	document soil and groundwater conditions on an ongoing basis during excavation, grading, and construction. The geotechnical engineer shall anticipate changes and modifications to shoring systems and sloping (on the west side) in response to changes in soil and groundwater conditions. All sheeting and shoring shall be evaluated for stability by the geotechnical consultant prior to entry by personnel. The County Building Official and County Geologist shall review and consider the recommendations of the geotechnical engineer and incorporate any or all recommendations into final grading plans.		
Impact 4.5-3: Either Project Variant would result in substantial soil erosion.	Incorporate Mitigation Measure 4.8-2.	The project applicant and the County Building Official	Prior to the issuance of a grading permit
Impact 4.5-4: Either Project Variant would be located on expansive soils that could create a risk to life and property.	Mitigation Measure 4.5-4a: Prior to the issuance of a grading permit, the County Building Official shall ensure that plans for building foundations have been reviewed by a qualified geotechnical engineer to ensure measures are included to reduce potential future structural damage to the religious facility from expansive soils. Such measures shall include but are not limited to minimum requirements for the expansion potential of fill material, soil compaction, and soil moisture content. The County Building Official and County Geologist review and approval shall ensure that all pertinent recommendations of the geotechnical engineer are incorporated into final grading plans.	County Building Official	Prior to the issuance of grading permits
	Mitigation Measure 4.5-4b: Prior to the issuance of a building permit, the County Building Official shall ensure that plans are revised as necessary to show that foundations for the new facility consist of a reinforced concrete floor slab or a mat slab, consistent with recommendations of the County Geologist.	County Building Official	Prior to the issuance of building permits

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Hazards and Hazardous Materials			
Impact 4.7-1: Demolition of existing structures on the site could result in the release of lead, asbestos, and other contaminants.	Mitigation Measure 4.7-1a: At least fifteen days prior to issuance of a demolition permit, a state certified contractor shall complete an asbestos and lead-based paint survey for all structures proposed for demolition that were constructed prior to 1980. The survey shall be submitted to the Department of Conservation and Development, Community Development Division for review and approval. If LBP or asbestos-containing materials are identified in the survey, they shall be removed from the site and properly disposed of in accordance with CAL/ OSHA requirements: ▪ Known or suspected asbestos-containing materials shall be abated by a certified asbestos abatement contractor in accordance with BAAQMD regulations and notification requirements. ▪ Intact lead-based paint found to be secure (not flaking, peeling or cracked) may be discarded along with demolition debris during the demolition of the structure. ▪ Loose and peeling paint shall be disposed of as state and/or federal hazardous waste if the concentration of lead exceeds applicable waste thresholds. ▪ Hazardous wastes shall be appropriately managed, labeled, transported, and disposed of by trained workers in accordance with local requirements. ▪ The demolition and removal of materials potentially containing lead-based paint would be required to follow the CAL/OSHA Lead in Construction Standard, Title 8, California Code of Regulations (CCR). Other hazardous materials associated with buildings, such as fluorescent lights and electrical switches, shall be disposed of in accordance with DTSC hazardous waste regulations.	Department of Conservation and Development and a state certified contractor	At least fifteen days prior to issuance of a demolition permit

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Hazards and Hazardous Materials (continued)			
Impact 4.7-1 continued	Mitigation Measure 4.7-1b: Prior to the issuance of grading or demolition permit, the County Building Official and Community Development Division shall review a Risk Management Plan prepared for the Project Variant ultimately selected by a qualified professional. The plan shall include, but is not limited to the following conditions: ▪ Should tanks, drums, free product, or other potential chemical hazards be encountered during excavation, the County, environmental consultant and the owner shall be consulted prior to proceeding. Excavated material shall be segregated and stockpiled in a designated area and covered in plastic. Stockpiles shall be maintained for profiling and disposal. A qualified environmental consultant shall take samples of each stockpile for analysis. Stockpiles and other hazardous wastes shall be appropriately managed, labeled, transported, and disposed of by trained workers in accordance with all applicable laws and regulations. ▪ The contractor shall include specific information related to chemical hazards that could be present during the excavation. This information shall include, but shall not be limited to, the proper use of personal protective equipment (PPE), worker air monitoring, and action levels for use of PPE and stop work. Workers engaged in the excavation of petroleum-affected soil shall be trained per OSHA standards for hazardous waste operations and emergency response.	County Building Official and Community Development Division	Prior to the issuance of grading or demolition permit

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Hydrology and Water Quality			
Impact 4.8-1: Improvements, primarily the introduction of a parking area for 74 cars, could affect the quality of stormwater flowing from the project site.	Mitigation Measure 4.8-1a: Prior to the approval of a building permit, the County Department of Conservation and Development shall ascertain that final landscaping plans for the Project Variant ultimately selected shall: ▪ Be designed to minimize irrigation and runoff and to minimize use of fertilizers and pesticides that can contribute to stormwater pollution. ▪ Specify plantings within planters and swales that are tolerant of the sandy loam soils and periodic inundation. ▪ Include pest-resistant plants. ▪ Include plantings appropriate to site soils, slopes, climate, sun, wind, rain, land use, air movement, ecological consistency and plant interactions. ▪ Note that all on-site storm drain inlets shall be marked with the words “No Dumping! Drains to Creek” or similar language	County Department of Conservation and Development	Prior to the approval of a building permit
	Mitigation Measure 4.8-1b: Prior to the approval of a building permit, the applicant shall submit a Final Storm Water Control Plan to the Public Works Department in general conformance with the Preliminary Drainage Report for review and approval. The Final Drainage Report and Storm Water Control Plan shall demonstrate use of GrassPave2 and pervious pavers or pervious concrete with comparable or better infiltration and storage capacity.	Project applicant and Public Works Department	Prior to the approval of a building permit
	Mitigation Measure 4.8-1c: Prior to the approval of a building permit, the applicant shall submit a Maintenance Program to the Public Works Department. The Maintenance Program shall include procedures for maintaining the pervious surfaces employed within the project site in the Operation and Maintenance Plan of the SWCP. The Maintenance Program shall include the following measures:	Project applicant and Public Works Department	Prior to the approval of a building permit

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Hydrology and Water Quality (continued)			
Impact 4.8-1 continued	▪ Landscaping grades shall follow a post-project Sediment Control Plan. Landscape areas shall be designed to drain away from pervious surfaces in the parking lot area wherever possible in order to curtail run-off from carrying silt onto the pervious pavements. The Sediment Control Plan would be included in the Storm Water Control Plan and grades directing water away from the parking lot area shall be shown on the Grading plan. ▪ The applicant shall engage an outside contractor experienced in maintenance of pervious pavers. The contractor will follow the procedures listed in the Operation and Maintenance Plan of the Storm Water Control Plan. ▪ Permeable paver surfaces will be kept clean of organic materials. Leaves and other organic material shall be swept and removed from the paver surfaces periodically when debris accumulates and weekly during the rainy season (October 15 to April 15), or as otherwise directed by the Public Works Department for any other wet times of the year. ▪ Periodic vacuuming should be used to clear out voids with conventional street sweepers or like equipment with vacuums and brushes, a minimum of two (2) times a year, but the actual required frequency shall be determined by conditions of the site. With an interlocking paver system, additional aggregate fill material will be added after cleaning, if needed to return aggregate fill material to its initial installation levels. ▪ The landowner shall be obligated to comply with the Operation and Maintenance Plan and Agreement. The landowner's maintenance obligations shall be reflected in such recorded documents as the County lawfully and routinely requires.		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Hydrology and Water Quality (continued)			
Impact 4.8-2: During construction, excavated materials could contribute sediment to Las Trampas Creek that could adversely affect water quality.	Mitigation Measure 4.8-2: Prior to the issuance of a grading permit, the Public Works Department and the County Building Official shall approve a Storm Water Pollution Prevention Plan a (SWPPP) prepared by the applicant. The SWPPP shall comply with current San Francisco Bay Regional Water Quality Control Board guidelines and shall adopt acceptable best management practices (BMPs) for control of sediment and stabilization of erosion in the project area. The SWPPP shall include acceptable BMPs for the protection of water quality. PWD shall ensure that the project site is annexed into Community Facilities District 14.	The project applicant and the County Building Official	Prior to the issuance of a grading permit
Noise			
Impact 4.10-1: Construction activities could generate a temporary increase in noise in the project vicinity.	Mitigation Measure 4.10-1: The DCD shall ensure that applicant adheres to the following mitigation measures in order to generate the least noise impacts feasible during construction: ▪ All construction activities shall be limited to the hours of 8:00 AM to 5:00 PM, Monday through Friday, and shall be prohibited on state and federal holidays except as provided below; ▪ The applicant shall hold a pre-construction meeting with the job inspectors and the general contractor/onsite manager to confirm that all noise mitigation measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed prior to beginning construction; ▪ The applicant shall notify neighbors within 300 feet of the construction area, at least 30 days in advance of excavation and grading activities, about the estimated duration of the activity;	County Department of Conservation and Development	During project construction

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Noise (continued)			
Impact 4.10-1 continued	▪ The applicant shall designate a construction noise coordinator who will be responsible for implementing the noise control measures and responding to complaints. This person's name and contact information shall be posted clearly around the project site and shall also be distributed to properties within 200 feet of the site boundaries. The construction noise coordinator shall be available during all times during construction activities and shall maintain a log of complaints. A copy of the log shall be provided to the DCD monthly on the 30th day of each month; ▪ The applicant shall require construction contractors to limit noise generating construction activities as required by the DCD. No construction activities shall be allowed before 8 AM or after 5 PM, or on weekends without prior authorization of the Zoning Administrator, and no excavation and grading activities shall be allowed after hours or on weekends and holidays; ▪ The applicant shall require construction contractors to implement the following measures to reduce daytime noise due to construction activities: • Equipment and trucks used for construction shall utilize the best available noise control techniques wherever feasible (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds). • Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Noise (continued)			
Impact 4.10-1 continued	electrically powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is not feasible, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible. • Stationary noise sources shall be located as far from adjacent receptors as feasible, and shall be muffled and enclosed within temporary sheds, insulation barriers, or other measures to the extent feasible. ▪ Prior to the start of construction, the applicant shall construct a temporary sound barrier along those portions of the northern and southern property lines that do not, at the time of grading and construction, already have a wall that meets the following standards, to provide the maximum protection feasible for the residential uses to the north and south. The barriers can be constructed out of wood or other materials as long as they have a minimum surface weight of approximately 2.5 pounds per square foot. Possible materials include 1-1/8-inch-thick plywood or fully overlapping 1x redwood boards (1-1/2-inch-thick total). The barriers would likely be 6 to 8 feet tall but this would be refined and approved by a qualified acoustician prior to the issuance of grading permits. Issues to consider when determining the ultimate height, length, and location of the barriers are the actual construction practices, including equipment to be used and the location and duration		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Noise (continued)			
Impact 4.10-1 continued	of noisier activities. The topography will also need to be considered in the final determination of barrier heights and effectiveness.		
Impact 4.10-2: Construction and operational activities could temporarily expose persons or structures to excessive groundborne vibration.	Mitigation Measure 4.10-2: The DCD shall ensure that the applicant isolates the equipment in the mechanical well per the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidelines. ASHRAE is considered the industry standard for mechanical system design standards.	County Department of Conservation and Development	During project construction
Traffic and Circulation			
Impact 4.13-1: The proposed reliance on a TDM program would increase the number of pedestrians and bicyclists along the Boulevard Way frontage of the project site, thereby necessitating a sidewalk along this frontage.	Mitigation Measure 4.13-1: If Project Variant A is ultimately selected and approved, the County Department of Conservation and Development and County Public Works Department shall verify that final plans incorporate a sidewalk on the Boulevard Way frontage similar to that incorporated in Project Variant B. Plans shall show the sidewalk along all project frontage and extending to Warren Road. Sidewalk plans shall conform to prevailing County standards. In addition, if Project Variant A is approved, prior to the approval of any building or grading permit, the County Department of Conservation and Development and County Public Works Department shall verify that final plans for the public right-of-way area show a north-south crosswalk at a location mutually acceptable to the aforementioned County departments and the applicant. The crosswalk shall conform to any pertinent state or County regulations regarding crosswalk location and safety. As appropriate, final plans for the crosswalk shall incorporate features to help reduce conflicts between vehicles and pedestrians. Such features may include but are not limited to signage advising motorists of the crosswalk, lighting at the crosswalk, and the use of contrasting color and/or reflective paint to improve nighttime visibility of the crosswalk area.	County Department of Conservation and Development and County Public Works Department	If Project Variant A is ultimately selected and approved and prior to the approval of any building or grading permit

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Traffic and Circulation (continued)			
Impact 4.13-2: Project Variant A would not allow for adequate stopping sight distance, thus creating a potential safety concern.	Mitigation Measure 4.13-2: If Project Variant A is ultimately selected and approved, the County Department of Conservation and Development and County Public Works Department shall verify that final plans reflect the inclusion of adequate sight distance to the west of the project driveway. This can be achieved by relocating the proposed perimeter wall from its current location to the same location as shown in the plan for Project Variant B (Figure 3-8) and keeping the area north of the wall free of potential visual obstructions (trees or other tall vegetation).	County Department of Conservation and Development and County Public Works Department	If Project Variant A is ultimately selected and approved and prior to the approval of any building or grading permit
Utilities and Service Systems			
Impact 4.14-1: The proposed sanctuary building would generate an increase in demand for water supply over existing uses on the project site.	Mitigation Measure 4.14-1: In the event of multiple drought years, the applicant shall comply with EMBUD's then-applicable Drought Management Program. In the event of critical shortages (shortages of 25 percent or more), the applicant shall comply with reduction goals based on customer categories set by EBMUD.	EBMUD and the project applicant	In the event of multiple drought years

Source: Circlepoint, 2011.