

Dharma Realm Buddhist University International Institute for Philosophy and Ethics (IIPE)

UM_2019-0003/V_2019-0005

Addendum to previously adopted EIR (SCH# 1996062086)

This shall serve as the environmental documentation for a previously adopted Environmental Impact Report (SCH Number 1996062086) which is the governing document for #UR 51-78/2009 and UM_11-99/2009 and V 7-99/2009. This addendum acknowledges that the analysis contained in the EIR adequately addressed the potential physical impacts associated with the approval of the current proposal to modify an existing Use Permit and accepts the findings made in the associated Staff Report to support a Variance from previously entitled actions and to ensure that none of the conditions described in California Environmental Quality Act (CEQA) Guidelines Section 15162 calling for the preparation of a subsequent EIR or Negative Declaration have occurred.

Per CEQA Section 15164, the Lead Agency (Mendocino County) has the authority to prepare an Addendum to a previously adopted EIR, provided no substantial changes to the project that would involve significant environmental effects or substantially increase the severity of previously identified significant environmental effects are identified by the new proposal.

Project Background:

In 1999, the Dharma Realm Buddhist Association (DRBA), submitted #U 1-99/V 7-99, which established a comprehensive vision for the International Institute for Philosophy and Ethics (IIPE). The Planning Commission reviewed a conceptual design of the proposed campus in February, 2004. In 2009, Condition of Approval (B1) was continued from 2002. This condition restricted the maximum height of related structures. A portion of Condition B1 reads, "Maximum heights of structures are limited to the height limits provided for within the applicable Zoning Districts. Emphasis in selecting the final building site shall focus on preservation and protection of wetlands, significant trees and prime agricultural soils, as well as consideration of drainage related concerns and visual impacts." In this form, the Condition is less restrictive than its previous iteration from 2002, which added at that time, "The final building design and footprint shall be reviewed and approved by the Planning Commission. Should a variance be requested by the applicant based on the design, said variance shall be within the original jurisdiction of the Planning Commission."

In 2016, staff facilitated an immaterial modification of the Use Permit to reposition the building footprints of the ~~IIPE~~ **IIPE** to environmentally superior locations ensuring protective buffers for wetlands identified in an updated Wetland Delineation Report that was provided to staff as part of the Conditions of Approval. In 2016, the decision to relocate the ~~IIPE~~ **IIPE** to this alternative location was appealed, but the Board of Supervisors upheld the decision to relocate the ~~IIPE~~ **IIPE** on November 14, 2016.

Project Summary:

The current request has two (2) components:

(1) Modification of previously approved Use Permit (U 11-99/2009) and Variance (V 7-99/2009) to modify and remove a portion of Condition B1, which included a limitation that the "Maximum heights of structures [be] limited to the height limits provided for within the applicable Zoning Districts";

(2) A Variance to Mendocino County Code Chapter 20.052.055 (Agricultural Zoning District - Building Height Limit) to increase the height of the proposed Assembly Hall from the present maximum of 50 feet to 65 feet.

Project Consistency:

According to CEQA Guidelines Section 15164(a), an addendum shall be prepared if some changes or additions to a previously adopted EIR are necessary, but none of the conditions enumerated in CEQA Guidelines Sections 15162(a)(1)–(3) calling for the preparation of subsequent EIR have occurred. As stated in CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations):

When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or negative declaration was adopted, shows any of the following:
 - (a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project would fulfill none of the conditions outlined in CEQA Guidelines Sections 15162(a)(1)-(3) as these changes would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects requiring major revisions to the previously adopted EIR for the project. Analysis of the project and previous alternative location discussion provides the substantial evidence required by CEQA Guidelines Section 15164(e) to support the finding that a subsequent EIR is not required and an addendum to the previously adopted EIR is the appropriate environmental document to address changes to the project.

As stated in CEQA Guidelines Section 15164 (Addendum to an EIR):

- a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 5162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Findings:

The discussion in this addendum confirms that the proposed modification to the Use Permit and the Variance request to deviate from the adopted height restrictions of the Agricultural Zoning district have been evaluated for significant impacts pursuant to CEQA. The discussion is meaningfully different than a determination that a project is "exempt" from CEQA review, as the proposed Use Permit modification and Variance request are not exempt. Rather, the determination here is that the potential impacts of the proposed Use Permit modification and Variance were analyzed in a previously certified EIR (SCH# 1996062086) and that the EIR provides a sufficient and adequate analysis of the germane environmental impacts of the modification and Variance. In fact, the mitigations required by the Conditions of Approval resulted in the relocation and re-siting of the tower at a lower elevation than previously proposed, and therefore resulted in a higher overall tower height, but one that is proportional to the scale and form of the proposed campus design. Thus, the County determined that an addendum rather than an exemption is the appropriate environmental document.

There are no substantial changes in the circumstances or new information that was not known and could not have been known at the time of the adoption of the previously certified EIR. The previously adopted mitigation measures associated with the Use Permit would be required to be implemented, and no new or previously considered mitigation measures would be required to be adopted. The proposed project consists entirely of land uses permitted by project sites' existing General Plan land use designation and zoning and represents no change from the impacts that were assumed and analyzed by the previously certified EIR.

As a result, and for the reasons enumerated in the Staff Report, the project would not cause any new significant environmental impacts or substantially increase the severity of significant environmental impacts disclosed in the previously adopted EIR. Thus, the proposed project does not trigger any of the conditions in CEQA Guidelines Section 15162 allowing the preparation of a subsequent EIR, and the appropriate environmental document as authorized by CEQA Guidelines Section 15164(b) is an Addendum.

The relocation of the ~~IPPE~~ **IPE** to this present location (400 feet to the North) was previously reviewed as an alternative during the 1999 EIR. This alternative location was studied considerably as part of the EIR to understand project impacts if the site was selected. A review of the EIR indicates that this alternative location was reviewed for 'Geology & Soils', 'Hydrology', 'Vegetation & Wildlife', 'Aesthetics', 'Noise', and 'Land Use'. The required 600 foot setback from the identified wetlands is being observed and has been codified by the Applicant in BU_2017-0880, which has been submitted for review to the Mendocino County Building Department. The required screening between the proposed building and Gudiville Road per Conditions 23-27 of UR_2009-0002 are also represented in that landscape submittal, dated March 24, 2021.

Staff has reviewed the previous environmental assessments for the site and the potential for the new proposal to provide additional effects that were not previously identified or mitigated and found that the project, as proposed, does not substantially increase any effects known nor introduces new effects that were not known at the time of the development of the EIR.