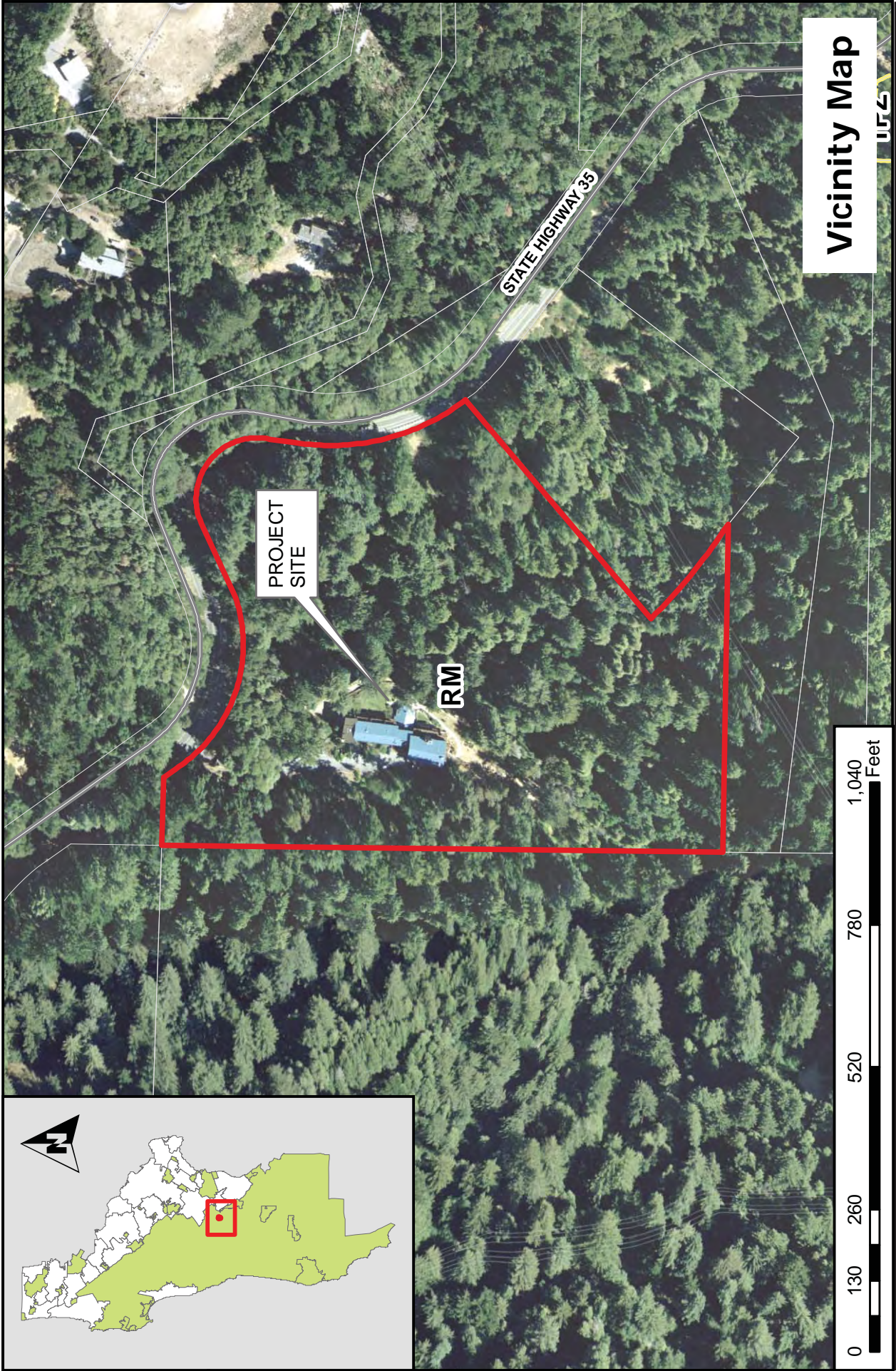




County of San Mateo - Planning and Building Department

ATTACHMENT B



San Mateo County Board of Supervisors Meeting		
Owner/Applicant: STILLHEART INSTITUTE	Attachment: B	
File Numbers: PLN2006-00181		



County of San Mateo - Planning and Building Department

ATTACHMENT C

Application for Appeal**Planning and Building Department**

County Government Center • 455 County Center, 2nd Floor
 Redwood City • CA • 94063 • Mail Drop PLN 122
 Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

☐ To the Planning Commission

☒ To the Board of Supervisors
1. Appellant Information

Name: **Ellen J Wise, Attorney at Law**
 Community of Interested Neighbors (COIN)
 Phone, W: **650-851-0131** H: **650-851-0131**

Address: **285 Allen Rd**
Woodside, CA
 Zip: **94062**

2. Appeal Information

Permit Numbers involved:

County File: **PLN 2006-00181**

I have read and understood the attached information regarding appeal process and alternatives.

☒ yes

☐ no

I hereby appeal the decision of the:

- ☐ Staff or Planning Director
☐ Zoning Hearing Officer
☐ Design Review Committee
☒ Planning Commission

Appellant's Signature:

Ellen J. Wise, Counsel for COIN
 Date: *January 30, 2014*

made on **January 22** **20** **14**, to approve
 the above-listed permit applications.

3. Basis for Appeal

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

See Attached

(Request for Appeal De Novo)

- Supplemental documentation including substantive facts, arguments & citations will follow as appropriate.

Ellen J. Wise

Section. 3 Basis for Appeal

Appellant COIN (the "Community of Interested Neighbors") hereby requests that the San Mateo County Board of Supervisors review the San Mateo County Planning Commission 1/22/2014 "Approval" of Stillpath's Application for a Use Permit Amendment, as memorialized in its 1/27 Letter of Decision, including the entire Public Record and available Ex Parte Communications. Based on that review, Appellant requests that the Board of Supervisors set the matter for hearing and **DECIDE THE ISSUE DE NOVO.**

We offer the following facts and legal arguments:

SUMMARY:**I. PROJECT DEFINITION: PLANNING STAFF HAS NOT CORRECTLY DEFINED THE STILLHEART APPLICATION AS A NEW COMMERCIAL PROJECT**

By allowing the Applicant to define their proposed NEW USE of the Stillheart facility as an "Amendment" to a prior "Conditional Use Permit," Planning Staff has complied with the Applicants' procedural preference to attempt to utilize an Amendment to an existing Use Permit rather than file under a new Use Permit. The language in the staff report stated the purpose as an amendment "to allow a change in use for the Stillheart Retreat Facility, to a non-medical residential treatment center."

(Supplemental Staff Report,

"Subject")

Appellant COIN submits that this description of the Stillpath Project is deliberately intended to misguide San Mateo County Officials and citizenry so as to facilitate a quick and easy approval by Planning rather than the more rigorous procedure that would be required if correctly filed as a new Use Permit. Stillpath's proposed new use in point of fact constitutes a NEW PROJECT, thereby requiring a **New Use Permit Application** and a **new Environmental Impact Report under CEQA.** ((*San Mateo County Ordinance Code Chapter 20A. "RM" District (RESOURCE MANAGEMENT DISTRICT, SECTION 6315.)*))

II. PROCEDURAL ANALYSIS : By Incorrectly Defining the Project as an Amendment, Planning does not address the PROJECT's FAILURE TO CONFORM with RM Zoning as envisioned under the San Mateo County General Plan.

Because Stillpath's proposed use is in fact as a for-profit commercial "**residential non-medical** facility" it is simply **not an allowed use** in the RM Zone pursuant to the General Plan. Planning and the applicant have attempted to categorize the project as "closest to a Sanitorium" in order to justify it as an allowed use under Chapter 24 of the SMC Zoning Ordinance when in fact Stillpath has nothing whatsoever to do with a "Sanitorium" in accordance with the intended use of the word in the Zoning Ordinance.

"Sanitorium" is actually an outdated term that is sometimes loosely defined as "a facility for the

treatment of chronic disease.” It is easy to argue that a drug rehab treatment would fall into this category were it not for the fact that a “sanatorium” involves treatment under medical care. When attempting to evaluate the *intent* of the listed uses allowable under a use permit per Chapter 24 of the SMC Zoning Ordinance, it is easy to understand that the listed and approved uses of “Hospital”, “Rest Home” and “Sanatorium” are each intended to mean caring for the sick and infirm under supervised medical care.

Standard Sanatorium Definitions:

“(A)n institution for treatment of sick persons, **especially a private hospital** for convalescents or patients who are not extremely ill; often applied to an institution for the treatment of tuberculosis.”

Miller-Keane Encyclopedia and Dictionary of Medicine, Nursing, and Allied Health, Seventh Edition

“An institution for the treatment of chronic disorders and a place for recuperation **under medical supervision.**”

Medical Dictionary for the Health Professions and Nursing

“An institution for the treatment of chronic diseases or for **medically supervised recuperation.**”

The American Heritage® Medical Dictionary Copyright © 2007

Regardless the exact term of it's equivalent use model, the important consideration is both planning's and the applicant's claim that the use is “Residential non-medical”. Fundamentally, there is no allowed use under the SMC Zoning Ordinance “Chapter 24 Use Permits” for “Residential non medical facilities”. The closest definition that applies to Stillpath is a “Boarding House” as defined in the SCM Zoning Ordinance Section 6102.17. In point of fact, uses such as “Residential non-medical” or “Boarding House” may ONLY BE GRANTED under a Use Permit through a zoning change or a variance.

This use not only violates the intent of the General Plan, it is a clear violation of the purpose of the SMC Zoning Ordinance for the designation of “General Open Space”.

III. CONFORMANCE WITH THE GENERAL PLAN:

The use of the Stillheart Facility as a residential drug rehab business in the proposed locations is not allowed under the SMC General Plan.

The project fails the “General Plan Consistency Standard” in regard to conformance with the San Mateo County General Plan:

“Although use permits are not explicitly made subject to a general plan meeting the requirement of state law, that condition is necessarily to be implied from the hierarchical relationship of land use laws. Thus, use permits are struck from the mold of the zoning law, the zoning law must comply with the adopted general plan, and the adopted general plan must conform with state law; the validity of the permit process derives from compliance with this hierarchy of planning laws.”

(Neighborhood Action Group v. County of Calaveras (1984) 156 Cal.App.3d 1176).

The project site is designated "General Open Space" under San Mateo County's General Plan. Under the *San Mateo County Zoning Ordinances*, Each zone's description includes a statement it's purpose is to "*Implement the policies of the San Mateo County General Plan*".

Under RM zoning, the wording is even stronger than in the other zones. (Take special note of the references to "Open Space") :

"SECTION 6310. PURPOSES OF RESOURCE MANAGEMENT DISTRICT. *The purposes of this chapter are to carry out the objectives and policies of those San Mateo County General Plan Chapters that fulfill the requirements for State-mandated Open Space and Conservation Elements, as well as other elements adopted as part of the General Plan of San Mateo County, to meet the requirements of Section 65910 of the Government Code of the State of California requiring formulation of an open space zoning ordinance, and to ensure consistency between the General Plan and the zoning ordinance"*

<http://www.co.sanmateo.ca.us/Attachments/planning/PDFs/Regulations/9441580Zregs-wp.pdf>
(Page 328)

The previous facility, Stillheart, could be considered inconsistent with the General Plan Designation of General Open Space were it not for the fact that as a meditation retreat that was open to the general public it actually enhanced public accessibility to the General Open Space.

The conversion of Stillheart to a private high end residential drug rehab facility constitutes an entirely different use that is most certainly inconsistent with the General Plan designation of "General Open Space".

This use not only violates the intent of the General Plan, it is a clear violation of the purpose of the SMC Zoning Ordinance for the designation of "General Open Space".

IV. DENSITY ANALYSIS: Stillpath's Application for an Amended Use Permit did not include the required "**Density Analysis**" Application which is required before approval of any NEW PROJECT located in an RM zone. (***"Density analysis is required in all areas zoned RM"***, ***"What is density analysis? -San Mateo County"*** www.co.sanmateo.ca.us/.../1036936721008.pdf) Stillpath's **proposed intensity of use exceeds the allowable density for both residential and non-residential uses in the Resource Management (RM) Zoning District.** A new project, which, by its own project description, is a new commercial "nonresidential development" must be subject to the Density Analysis Requirement.

The applicant may argue that as a single family residence with 32 bedrooms, Stillpath's bedrooms could legally be rented to a large number of unrelated individuals. In such a situation, except for health violations, San Mateo County would have a difficult time legally limiting such a use. Furthermore, if the residents were recovering addicts, the county could not use that as a material fact for enacting further restrictions. What is entirely within the County's authority is to deny a use permit for the purpose of operating a State Licensed Non-Medical Residential Drug Rehab business.

The denial of a use permit is the County's primary enforcement power in limiting the density of use and in so doing may ensure conformance of density of use with the SMC Zoning Ordinance and General Plan.

V. USE PERMIT FINDINGS: The Use Permit Findings are Incorrect (Supplemental Staff Report, Attachment A).

A) **The project fails the "General Welfare Standard":** The Planning Commission FAILED TO FIND that "establishment, maintenance and/or conducting of the (proposed new) use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements IN SAID NEIGHBORHOOD."*(emphasis added)*

Hawkins v. County of Marin (1976) 54 Cal.App.3d 586)

Testimony has, and will continue to show that the project will be injurious to the public welfare and injurious to property in the immediate area surrounding the proposed use. In summary, these injuries include but are not limited to: potential of wildfire resulting in damage to the scenic corridor, destruction of property both public and private, potential cost to the State and County in fire fighting, loss of local property value, loss of sense of security and seclusion of neighbors, loss of right of peaceful enjoyment of property by neighbors, loss of an asset in the Public Trust, potential of environmental damage and destruction of the rural environment from excessive density.

B) The Planning Commission FAILED TO FIND that "the proposed (new) project is NECESSARY for the health, safety, convenience or welfare."*(emphasis added)* Certain uses are allowed in the RM zone "when found to be necessary for the public health, safety, convenience, or welfare". Even if we can make the stretch to classify the Stillpath proposal as a "Sanitorium", planning has not proven or even attempted to show that the proposed use can be considered "necessary."

It is particularly difficult to prove the proposed use to be "necessary" when the applicant's stated intent is to accept only private pay, non-court mandated cases and intends to charge \$45,000 per month per client. This can hardly be shown to be "necessary" to more than a handful of very wealthy individuals residing within San Mateo County. The existing use as a spiritual retreat that is open to the general public is much more necessary than the conversion of use to a high end drug rehab facility.

VI. CONDITIONS OF APPROVAL ARE INADEQUATE: Planning failed to develop sufficient restrictions and conditions of use in accordance with their legal responsibility.

A) Water Supply: The property has been shown to have inadequate Public water supply, yet planning approved the use permit regardless of the evidence. A condition of approval and continued operation must be tightly tied to ensuring that neighbors are not negatively affected by the facility's water consumption.

B) Septic System: Planning considered the need for a re-certification of the On-Site Waste Treatment System (OWTS) in light of the proposed 420% increase in use. A condition of approval and continued operation must be tightly tied to re-certification and Continued certification of the OWTS.

C) Trespass: Another real and valid concern of neighbors is trespass through Stillpath's open borders onto adjacent private property. It has been shown to be a continuing problem with the prior operation of Stillheart. Planning failed in its obligation to mitigate the problem by establishing meaningful methods of controlling trespass. The only way to attempt to control the problem is through enforceable conditions which, among others, include the construction of a fence along the boundaries of adjoining private property as well as fencing any trails leading from public lands onto neighboring private property. Fencing, mandatory client Bed Checks as well as phased in client occupation, with freezes in occupancy tied to trespass violations by Stillpath clients are, at a bare minimum, conditions required to mitigate trespass concerns. For example see conditions imposed by the City of Pleasanton in approving a far smaller rehabilitation facility. (*City Council Minor Conditional Use Permit no. UP 08-008 & Reasonable Accommodation Request Conditions Approval, January 25, 2010*)

D) Fire: A legitimate concern is fire related to both the behaviors and increase in density of the proposed client population. Mitigation factors include prohibition of smoking anywhere on the site tied to aggressive expulsion policies, maintenance of the forest floor surrounding the residential outbuildings (sometimes called "Tree houses"), installation of fire hydrants and fire hoses at the base of each of the residential outbuildings, automatic fire sprinklers on the forest floor surrounding the residential outbuildings, OR prohibition of use of the residential outbuildings for sleeping rooms or other unsupervised activities.

VII. CONDITIONS OF APPROVAL ARE UNENFORCEABLE:

Section 6503 Procedure in the SMC Zoning Regulations states: "In approving the granting of any use permit, the Planning Commission shall designate such conditions in connection therewith, as will in its opinion, secure substantially the objectives of this part as to light, air, and the public health, safety, morals, convenience, and general welfare. Such commission shall require such evidence said guarantees, including bonds, as it may deem to be necessary to obtain compliance with the conditions designated therewith." (*SMC Zoning Ordinance, Para 24.7, Page 472*)

Enforceable conditions would be those that are tied to items such as levels of occupancy, installation or establishment of additional mitigation measures, and right of revocation of the use permit. Further enforcement techniques include allowing increases in occupancy levels if certain conditions are met and/or maintained. For example, the Planning Commission has directed Counsel Fox to draft a new condition of approval forbidding Applicant Stillpath from accepting court-mandated clients who seek rehabilitation in lieu of criminal sentence. This condition, if added, amounts to nothing more than an unenforceable empty promise. Both Federal and California law protect the "right of confidentiality of each person receiving services from a residential alcoholism or drug abuse recovery or treatment facility." (*CFR Title 42 Section 201-2.61-1 and CA Title 9, Chapter 4, Section 10569.*)

VIII. BIAS AND UNLAWFUL ABUSE OF PROCESS have inured to the Public Detriment:

A) Ex Parte Contacts between the StillPath Applicants and the Planning Commission:

It is clear that the Planning Commission has had ex parte contacts with the Stillpath Applicants, their consultants and/or counsel which were not disclosed to the public before or during January Public Hearing, thereby preventing the Public and Appellants from rebutting the contents of those communications. For example, in the January 22, 2014 Public Hearing, Chairman Ranken admitted to receipt of a communication informing him of the presence of new legal Counsel for the Appellant.

That communication has never been made public. The new legal Counsel was then permitted to present new arguments on behalf of the Applicant. Were it not for the interruption by Commissioner Simonson, Chairmen Ranken would have closed the hearing, thereby preventing ANY rebuttal by Appellant's Counsel. Following a 25 minute break in which the Commissioners retired for closed discussion but Laurie Simonson instead researched the case law raised ad hoc by Applicant's new Counsel, the Public Hearing was reopened solely to give Ms. Simonson an opportunity to ask both Counsel for both Applicant and Appellant further questions. Appellant's Counsel Anne E. Mudge was limited to one minute to rebut the 5 minute argument (including new case law) which had been presented by Applicant's new Counsel as a result of an ex parte communication. (audio not yet available)

B) Procedural Maneuvers and Statements by the Chairman are Indicative of Bias:

Throughout each of the three prior Public Hearings on this matter, Chairman Ranken has voiced his concern for Due Process. At the same time, he has made veiled references to discussions between Planning Commissioners and Staff behind closed doors, following review of "thousands of pages" of submitted documents. (e.g., audio of 12/11/2013 Public Hearing, [@ 4:28.30 - 4:29](https://www.hightail.com/download/OGhkanZONmNTSURWUThUQW))

IX. LACK OF CONFORMANCE WITH CEQA REGULATIONS.

Approving the Use Permit Amendment without requiring a thorough CEQA is improper. Combined with the deceptions and abuse of process by planning, a lack of CEQA analysis is illegal. Planning ignored the requirements of CEQA in spite of clear wording in the CEQA law requiring a CEQA review. In fact, the bar for requiring a CEQA analysis is quite low. The language in CEQA Article 19 related to allowing exemptions is full of language such as "reasonable possibility" and "potential for" that make it clear that granting an exemption is not to be considered a regular occurrence by the governing body.

According to CEQA article 19, section 15300 a categorical exemption is not allowed for the following reasons:
see: <http://ceres.ca.gov/ceqa/guidelines/art19.html>
(Text of CEQA Article 19 covering Exemptions)

a) **Location:** An exemption is not allowed when the area is environmentally sensitive: **The Stillpath site is adjacent to La Honda Creek which drains into San Gregorio Creek, listed as "an Impaired waterbody that flows into a Marine Protected Area".**

http://www.coastal.ca.gov/nps/Web/cca_pdf/sfbaypdf/CCA30SanGregorioCreek.pdf
(Article 19 15300.2 (a))

b) **Cumulative Impact:** An exemption is not allowed when there has been cumulative impact. **There have been numerous expansions with an EIR only in 2008. The current use is another expansion of use and another "cumulative impact"**

http://ceres.ca.gov/ceqa/flowchart/exemptions/exceptions_index.html
(Article 19 15300.2 (b))

c) **Significant Effect:** An exemption is not allowed when there is a "reasonable possibility that the activity will have a significant effect on the environment" **"Reasonable possibility" is a low bar. The community has proven that there is a reasonable possibility that issues of sewage, erosion & sedimentation into La Honda Creek; fire potential; loss of habitat. (Article 19 15300.2 (c))**

d) **Scenic Highways:** An exemption is not allowed when there is **a potential** for damage to the Scenic Corridor: *"A categorical exemption shall not be used for a project which **MAY** result in damage to scenic resources"* (Litter, Traffic, Pedestrian Traffic, Truck Traffic for regular deliveries, Increased fire danger) (Article 19 15300.2 (d))

e) **Not a Class 1 Project:** An exemption is not allowed because the project is not a "Class 1" project. Class 1 is limited to project changes *"involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination."* **In other words, if the new use is a significant use over the current use at the time of application, A CEQA analysis is required. Current use is determined to be current actual use, not current permitted or approved use. Stillpath represents a 420% increase in occupancy over Stillheart's current use.**

Note: Class 1 is the "standard Exemption class. The project does not fall into **ANY** of the other classes. http://qcode.us/codes/placercounty/view.php?topic=18-18_36-18_36_030&frames=on

f) Under CEQA's flowchart found at <http://ceres.ca.gov/ceqa/flowchart/exemptions> the project simply does not meet the "bar" for a categorical exemption. "A project is exempt from CEQA if it can be seen with certainty that there is no possibility of a significant effect." **"NO POSSIBILITY"** Planning cannot stand by such a statement. (possible effects include: potential sewage issues from increased use, increased fire danger, sedimentation and contamination of La Honda Creek from the existing land slide on the property, soil stability, lack of adequate domestic water supply, Pedestrian traffic, increased vehicular traffic, environmental damage from trespass and hiking on private property along La Honda Creek, "spontaneous" development of hiking trails creating potential for erosion, littering and loitering and parking along Skyline Blvd, etc.

CONCLUSION

As the result of a wide variety of issues including intentional deception and abuse of process, the Planning Commission "Decision" is a violation of Zoning, Environmental Law, Non-Conformance with the General Plan, wanton disregard for the General Welfare, Safety, Neighborhood Character, and local citizens right to quiet enjoyment of property. Planning Staff has enabled the Planning Commission to approve a project that is in no way beneficial to anyone other than the Applicant.

The reasons and justifications for reversal of this travesty are simple, plain, and obvious. We, the **Community of Interested Neighbors**, IN CONCERT WITH the **Skyline Neighborhood Coalition** (whose Appeal will be filed shortly), request that you, the Board of Supervisors, set the matter for hearing and DECIDE THE ISSUE DE NOVO.



County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@smcgov.org
www.co.sanmateo.ca.us/planning

Payment Receipt

Check #: 9112
Receipt #: 204298
Name: STILLHEART INSTITUTE
Address: 16350 SKYLINE BLVD
Parcel #: 072331010

Case Number	Account Number	Description	Date Paid	Amount Due	Amount Paid
Planning Department					
PLN2006-00181	38430-1269	Public Noticing	1/30/14	\$136.00	\$136.00
	38430-2116	Appeal	1/30/14	\$451.00	\$451.00
				Total Paid:	\$587.00
IT Department					
PLN2006-00181	80110-2215	IT Surcharge	1/30/14	\$23.48	\$23.48
				Total Paid:	\$23.48
Legal Department					
PLN2006-00181	16111-2093	Legal Counsel Surcharge	1/30/14	\$29.35	\$29.35
				Total Paid:	\$29.35
				Grand Total:	\$639.83
				Balance Due:	\$765.00



County of San Mateo - Planning and Building Department

ATTACHMENT D

Application for Appeal**Planning and Building Department**

County Government Center • 455 County Center, 2nd Floor
 Redwood City • CA • 94063 • Mail Drop PLN 122
 Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

☐ To the Planning Commission

☒ To the Board of Supervisors

Name: Skyline Neighborhood Coalition

Address: c/o Cox, Castle & Nicholson LLP

555 California Street, 10th Fl, San Francisco, CA

Phone, W: (415) 262-5100

H: (415) 262-5100

Zip: 94104

Permit Numbers Involved: PLN2006-00181

I hereby appeal the decision of the:

- ☐ Staff or Community Development Director
☐ Zoning Hearing Officer
☐ Design Review Committee
☒ Planning Commission

made on January 22 2014 to approve/deny
 the above-listed permit applications.

RECEIVED
 I have read and understood the attached information
 regarding appeal process and alternatives.

☒ yes

☐ no

 SAN MATEO COUNTY
 Planning and Building Department

Appellant's Signature:

June E. Nudge

Date:

1/31/14
*On behalf of Skyline
 Neighborhood Coalition*

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

Skyline Neighborhood Coalition ("Coalition") hereby appeals the January 22, 2014 decision of the San Mateo Planning commission to approve Stillpath Recovery Center, LLC's application for a use permit amendment to allow operation of a 76-bed residential substance abuse and mental health treatment center at the current location of Stillheart institute, an existing meditation and retreat center located at 16350 Skyline Boulevard. The reasons for the Coalition's appeal are explained in more detail in the attached letter, and include, among others: (1) the Planning Commission failed to comply with CEQA; (2) the Planning Commission approved the use permit amendment despite a clear history of use permit noncompliance on the property; and (3) the Planning Commission's factual findings were in error. Additionally, on account of substantial irregularities that occurred at the January 22, 2014 Planning Commission hearing, the Board of Supervisors must set this matter for hearing before itself pursuant to section 6504 of the San Mateo County Zoning regulations.

Anne E. Mudge
415.262.5107
amudge@coxcastle.com

File No. 069010

January 31, 2014

Members of the Board of Supervisors, San Mateo County
County Government Center
455 County Center, 2nd Floor
Redwood City, CA 94063

Re: Use Permit Amendment, Stillpath Recovery Center, PLN 2006-00181

Honorable Members of the Board of Supervisors:

This firm represents the Skyline Neighborhood Coalition (“Coalition”), a group of San Mateo County citizens and the individual members of the group formed to preserve and protect the scenic value and ecological well-being of the Skyline Scenic Corridor and adjacent lands. The Coalition hereby appeals the January 22, 2014 decision of the San Mateo Planning Commission to approve Stillpath Recovery Center, LLC’s (“Stillpath”) application for a use permit amendment to allow operation of a 76-bed residential substance abuse and mental health treatment center at the current location of the Stillheart Institute, an existing meditation and retreat center at 16350 Skyline Boulevard (“Property”). This appeal of the decision of the Planning Commission is proper pursuant to section 6504 of the San Mateo County Zoning Regulations.

As explained below, the Coalition and its members are strongly opposed to any amendment of the existing use permit for the Property. The Planning Commission’s decision violated the California Environmental Quality Act (Public Resources Code §§ 21000 et seq.) (“CEQA”), California’s Planning and Zoning Law (Government Code §§ 65000 et seq.) and San Mateo County Zoning Regulations. We therefore urge the Board of Supervisors to reverse the Planning Commission’s decision.

1. Establishment of the CEQA Baseline is a Question of Law

The Planning Commission wrongfully assumed that the Project is exempt from CEQA pursuant to the existing facilities categorical exemption based on the mistaken conclusion that the proper baseline for determining whether the existing facilities exemption applies is maximum approved use of the Property.¹ But the exemption on which the Planning Commission relied only applies to “the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of *existing* public or private structures [or] facilities . . . *involving negligible or no expansion*

¹ Notably, at the January 22, 2014 Planning Commission hearing, Stillpath’s counsel conceded that the proper baseline is existing conditions, rather than maximum approved use of the Property. Yet the Planning Commission nonetheless used maximum approved use as the baseline.

of use beyond that existing at the time of the lead agency's determination." (14 Cal. Code Regs., § 15301 (emphasis added).) "The key consideration is whether the project involves negligible or no expansion of an existing use." (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 967 (quoting 14 Cal. Code Regs, § 15301); see also *Bloom v. McGurk* (1994) 26 Cal.App.4th 1307, 1311-17 (no expansion in use).)

Contrary to the Planning Commission's conclusion, the law is clear that the baseline for comparing both the scope and intensities of existing and proposed uses is the physical conditions that exist at the time of the CEQA analysis, rather than the maximum allowable use of a property. Indeed, this requirement is embodied in the language of the exemption itself, which plainly states that the baseline is "the use . . . existing at the time of the lead agency's determination." (14 Cal. Code Regs., § 15301; see also *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310, 321 & 322 (concluding that environmental baseline for CEQA review should reflect "real conditions on the ground" rather than "merely hypothetical conditions allowable under [] permits").)

Likewise, in *Communities for a Better Environment v. South Coast Air Quality Management District*, for example, the Supreme Court recently found that comparing project impacts to what could happen under existing permits, rather than comparing project impacts to what was actually occurring, constituted reliance on an impermissible hypothetical baseline that would mask the proposed project's true impacts. (*Id.* at 322; see also *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 457 (use of baseline reflecting future conditions only appropriate where lead agency determines use of existing conditions would be misleading or provide no informational value).) Thus, the proper question is not whether an increase in use would occur relative to hypothetical, previously permitted conditions on the Property, or whether any expected impacts would be significant. Instead, the proper question is whether the Project would result in *any* non-negligible increase in use *relative to existing conditions*.

Nor is this matter – as Stillpath's incorrectly counsel asserts – resolved by the Court of Appeals' opinion in *Committee for a Progressive Gilroy v. State Water Resources Control Bd.* (1987) 192 Cal.App.3d 847. In *Committee for a Progressive Gilroy*, the court concluded that supplemental CEQA analysis was not required – and that the existing facilities exemption therefore applied – where operational capacity for a municipal sewage wastewater treatment plant merely was restored to a level originally approved, and at which the treatment plant originally had operated. (*Id.* at 864- Here, however, the Project is not to restore the Stillheart Institute to a level originally approved, and at which it previously operated. Instead, the Project is to convert the Stillheart Institute into Stillpath, that is, a new facility with its own, and as of yet unanalyzed, environmental impacts. Indeed, at the January 22, 2014 Planning Commission hearing, Deputy County Counsel Fox stated that Stillpath could not rely on the existing 2007 Mitigated Negative Declaration *because the conversion would be a new project*. (See *Communities for a Better Environment*, 48 Cal.4th 310 at 326 (noting that at issues in *Committee for a Progressive Gilroy* was "merely the continued operation of an existing facility without significant expansion of use").) The myriad ways in which this conversion would result in an intensified and distinct pattern of use on the Property previously were explained in detail in this firm's December 9, 2013, and January 13, 2014 letters (attached hereto as Exhibit A

and Exhibit B, respectively), and is further described below. In any event, the logic of the *Committee for a Progressive Gilroy* court certainly does not extend to such an expansive change in use. Rather, the law is clear that where a project involves an increase in use or major change in focus – as plainly is the case here – the existing facilities categorical exemption does not apply. (See *County of Amador*, 76 Cal.App.4th at 967 (hydroelectric project that would result in change from nonconsumptive to consumptive use of water not appropriate for existing facilities exemption because resulted in “major change in focus”).)

Accordingly, the Planning Commission failed to properly apply the correct CEQA baseline in assessing whether the existing facilities categorical exemption applies to Stillpath’s application for a use permit amendment. Instead, the County is required to perform a robust and transparent analysis of the environmental impacts of the Project.

2. **Existing Conditions at the Time of the Lead Agency’s Determination Should be Determined by a Reasonable Method, Such as Average Use over the Immediately Preceding Year or Years**

While the law is clear that, where a lead agency is evaluating a proposed change to an existing facility, the proper baseline is the physical conditions that exist at the time of the CEQA analysis, the rules governing the date for establishing the baseline is not rigid and inflexible. (*Communities for a Better Environment*, 48 Cal.4th 310 at 328.) Had the Planning Commission properly evaluated the physical conditions as they currently exist, however, we think that a reasonable method for determining the baseline would have been the average use of the Property over the immediately preceding year (or years).

Broadly, CEQA Guidelines section 15125 directs that the lead agency “normally” use a measure of physical conditions “at the time the notice of preparation [of an EIR] is published, or if no notice of preparation is published, at the time environmental analysis is commenced.” Such language “reflect[s] and clarify[ies] a central concept of CEQA, widely accepted by the courts, that the significance of a project’s impacts cannot be measured unless the EIR first establishes the actual physical conditions on the property.” (*Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 125.)

But, as the Supreme Court recently noted, “the date for establishing baseline cannot be a rigid one. Environmental conditions may vary from year to year and in some cases it is necessary to consider conditions over a range of time periods.” (*Communities for a Better Environment*, 48 Cal.4th 310 at 328; *Save Our Peninsula Committee*, 87 Cal.App.4th at 125.) As a result, courts have noted that “an agency enjoys the discretion to decide, in the first instance, exactly how the existing physical conditions without the project can most realistically be measured, subject to review, as with all CEQA factual determinations, for support by substantial evidence.” (*Communities for a Better Environment*, 48 Cal.4th 310 at 328.) And in certain circumstances, when a project may change the operations of an existing facility, a discussion of past operational patterns may be necessary to establish the existing operational conditions and assess project impacts that would be created by the change in operations. (See *County of Amador*, 76 Cal.App.4th at 953 (EIR

for water supply project should have provided information on historical water release schedules from storage lakes to determine if project releases would alter historical baseline pattern of water releases).

As was required in *County of Amador*, a proper baseline analysis in this matter should involve a discussion of past operational patterns. More specifically, we think that a reasonable method for determining the baseline would have been the average use of the Property over the preceding year (or years).

Moreover, had the Planning Commission applied the proper baseline to this Project, there was no substantial evidence (in fact no evidence at all) to support its finding that there was “negligible or no expansion of use.” Rather, the Coalition submitted myriad compelling evidence demonstrating the enormous expansion in use that will occur if Stillpath’s use permit amendment is approved. This evidence was presented in detail in this firm’s December 9, 2013 letter, as well as summarized in a table included in this firm’s January 13, 2014 letter. In addition, Coalition members presented “posters” at the January 22, 2014 Planning Commission hearing, which contained similar metrics on traffic, occupancy, staffing, parking, water usage, and smoking. (See Exhibit C.) None of this evidence ever was rebutted and no counter-evidence ever was provided in order to demonstrate that the increase merely was “negligible.” Accordingly, it is clear that there was no substantial evidence supporting the Planning Commission’s finding that there was “negligible or no expansion of use.”

3. Even if the Proper CEQA Baseline were Maximum Approved Capacity Under the Existing 2007 Use Permit, the Existing Facilities Categorical Exemption Would Not Apply

We have established that the proper baseline for determining whether the existing facilities categorical exemption applies is existing conditions at the time of the lead agency’s determination. We also have established that a reasonable method for determining this baseline is average use over the immediately preceding year or years. But even if, as the Planning Commission erroneously determined, the baseline is maximum approved use, the Planning Commission’s decision that there was “negligible or no expansion of use” likewise was not supported by substantial evidence. In fact, there was no evidence at all before the Planning Commission showing that the proposed use would fit within the maximum approved use envelope in terms of traffic, occupancy, staffing, or fire risk. Rather, as evidenced in this firm’s prior letters and in the foregoing analysis, even under the maximum approved use standard, Stillpath certainly will have a bigger environmental footprint than Stillheart. Accordingly, even under the wrong test, the existing facilities categorical exemption does not apply

a. Increased On-Site Population Over Maximum Approved Use

In 2007, the County approved the addition of 24 guest rooms to the then-existing spa/fitness center located on the Property, which raised the total number of guest rooms on the Property to 38.. In doing so, the County concluded that the use was “functionally equivalent” to a “hotel,” which is an allowed use in the RM zone. With double occupancy, the maximum number of retreat guests on the Property at any one time therefore is 76. The County’s 2007 Initial

Study/Mitigated Negative Declaration assumed, however, that even with an increase in the number of guestrooms, the number of staff (6 full-time and 3 part-time) would remain constant. (See Exhibit D (attributing “increase in traffic volume due to the increase in the number of guest rooms,” not to increase in staffing); see also Exhibit E, Traffic Study dated April 18, 2006 (assumes that staff levels would remain constant; only analyzes increase in number of guests and concludes that “the addition of 22 new guest rooms will generate less than 10 new vehicle trips during peak traffic hours of a typical workday.”)) The current proposed Project, on the other hand, contemplates that, with 76 guests, there will be 32 total staff. For the “hotel” use as a meditation and retreat center, therefore, the maximum on-site population was assumed to be 85 people. For the currently proposed Project, however, the maximum on-site population would be 108 people – a 22% increase in maximum on-site population, with attendant increased traffic, parking, water, and sewer demand. Such an increase in on-site population certainly does not constitute “negligible or no expansion of use,” *even when compared to the maximum approved use under the existing 2007 use permit.*

b. Increased Need for Police Services Over Maximum Approved Use

Second, the maximum approved use under the existing 2007 use permit would create less demand for police services than would an amended use permit that allowed the operation of a substance abuse and mental health treatment facility with the same number of beds. Notably, no mention of demand for any police services is made in the County’s 2007 Mitigated Negative Declaration analyzing the addition of the 24 guest rooms under the hotel use permit. In contrast, the Pleasant Hill Initial Study/MND, which analyzes the conversion of an existing convent into a drug and alcohol recovery facility, devotes significant analysis to the “potential security and safety impacts associated with these types of facilities.” (See Exhibit F.) Specifically, the City of Pleasant Hill collected data on seven drug and alcohol treatment residential facilities throughout the Bay Area, including facilities in Oakland, Bay Point, Concord, Pittsburgh, Santa Rosa, and two in San Mateo. The facilities ranged in size from 6 to 99 beds, and the data shows that a high number of police service calls are required in order to respond to incidents at these types of facilities. The incidents to which police service calls were required included:

- “a stolen vehicle report”
- “a display of a weapon”
- “welfare checks”
- “audible alarm”
- “a disturbance”
- “mental; health commitments”
- “a probation violation”
- “violations pertaining to narcotic registration”
- “vandalism”
- “drunkenness in public”
- “tampering with a vehicle”

In the Santa Rosa facility (99 beds), there were 31 incidents in three years. In the Pittsburgh facility (15 beds), there were 49 calls. At the Elms, a San Mateo facility with 15 beds, there were 29 police cases over a four-year period. And in the Oakland facility, there were no police calls. To provide additional insight into what level of police calls could be considered significant, the IS/MND also reviewed three years of data for a transitional housing facility with approximately 73 residents and up to four staff members at any one time. There, it was found that the Pleasant Hill police department responded to 227 calls over three years (an average of over 6 calls a month) between 2006 and 2009 (See Exhibit F; see also Exhibit G).

The Pleasant Hill IS/MND then concluded that "if the facility is not properly managed and not operated in compliance with applicable conditions and license provisions, there is potential for unlawful or unauthorized activities to occur on or near the site that could impact neighborhood safety and security." (See Exhibit F.)

To address this, the City imposed the following operational conditions on the facility, including but not limited to:

- Maximum occupancy limits, including staff
- 8 foot high perimeter fencing
- No court-ordered involuntary clients
- No sexual offenders
- Phase in of occupancy and potential freezing of occupancy if Zoning Administrator determines lack of compliance
- No on-site detoxification services
- No personal vehicle use
- No illuminated facility identification signage
- No smoking either inside or outside the facility
- Limitation on outdoor activities between 9:00 p.m. and 7:30 a.m.
- Third party screening of clients including drug testing of residents, criminal history, known violent behavior
- Verification of disability
- Zero tolerance for violations of facility rules
- Bed checks (minimum once/night)
- No personal cell phones in rooms
- Funding of supplemental police services if circumstances warrant
- Requirement that facility prove it is state licensed

(See Exhibit H, City of Pleasant Hill Resolution Approving Use Permit and Imposing Conditions of Approval, Exhibit A.1.)

By way of comparison, we investigated the incidence of police calls at a women's substance abuse facility located at 900 Laurel Avenue in San Mateo. Over the last two years, there

were 9 police calls for incidents ranging from a “disturbance” to a “suspicious vehicle.” (See Exhibit I.) In contrast, we researched the number of police calls via crimereports.com at the existing Stillheart facility over the past 6 months and found out there were 0 calls.

c. Increased Smoking Incidence and Fire Risk Over Maximum Approved Use

Finally, the fire risk is greater at a 76-bed substance abuse and mental health treatment facility than at a 76-bed meditation and retreat center “hotel.” It is known, for instance, that incidence of cigarette smoking is significantly higher in populations recovering from drug and alcohol addiction than in the general population. (See Exhibit J indicating an 80-90% prevalence rate of smoking in substance abuse disorder treatment programs). In contrast, smoking incidence in the general California population is 11.9%. (See Exhibit K: “Smoking in California Hits a Record Low.”) Thus, exempting the proposed Project from CEQA deprives the public the opportunity to understand this increased fire risk and prevents an intelligent discussion of what conditions might be imposed to mitigate this impact.

As detailed in this firm’s January 13, 2014 letter, the issue before the County at this time is not whether the above-referenced Project impacts are “significant.” That instead is a question to be analyzed in the CEQA document, which the County to this point has refused to prepare. Rather, whether compared to existing conditions (the proper baseline) or maximum approved use (the baseline erroneously applied by the Planning Commission), it is clear that the change in use from a meditation and retreat center to a substance abuse and mental health treatment facility will greatly expand the intensity of use of the Property. Thus, under either standard, the proposed use amendment is not exempt from CEQA. And therefore, by improperly applying the existing facilities categorical exemption, the County has failed to meet CEQA’s primary purpose of informing the public and has deprived the public of the opportunity to participate in the environmental review process. (See 14 Cal. Code Regs., § 15002(a) (basic purposes of CEQA include “inform[ing] governmental decision makers and the public about the potential, significant environmental effects of proposed activities.”))

4. The Planning Commission Was Prohibited from Approving the Use Permit Amendment on Account of a Clear History of Use Permit Noncompliance on the Property

The Planning Commission was required by section 6105.1 of the San Mateo County Zoning Regulations to consider the Property’s zoning compliance. But neither the Planning Staff’s 2013 Staff Report nor the Planning Commission itself properly analyzed any potential compliance issues. As noted in this firm’s December 9, 2013, and January 13, 2014 letters, however, there are a number of zoning violations on the Property. Among such violations, these include a failure to: (1) maintain a 3-foot wide improved trail around the Property to protect against fire, as required by item 49 in the 2011 use permit amendment conditions of approval; (2) provide access to all building exteriors to within 150 feet of fire apparatus, as required by item 50; (3) maintain a 30 to 100 foot firebreak around the perimeter of all structures or to the property line where it is less than 30 feet

from a structure, as required by item 41(b); and (4) comport with the scenic corridor requirements of the General Plan and area plans. Because the Property currently is out of compliance with the conditions of approval listed above and with section 6105 of the County Zoning Regulations, the Planning Commission was prohibited from approving Stillpath's application for a use permit amendment.

5. The Planning Commission Findings Were in Error

In order to approve the use of the Property as a substance abuse rehabilitation facility in the RM zone, the Planning Commission was required to find that the: (1) facility is necessary for the public health, safety, convenience or welfare; and (2) establishment, maintenance and/or conducting of the proposed use, under the circumstances of the particular case and as conditioned, will not be detrimental to the public welfare or injurious to property or improvements in said neighborhood. (San Mateo County Zoning Regulations, § 6500(c) ("When May Be Issued").) The Planning Commission, however, approved Stillpath's application despite the fact that the proposed Project is not necessary for public health, safety, or welfare, and it would be detrimental to the public welfare and injurious to the surrounding neighborhood. This was in error.

The finding required by San Mateo County Zoning Regulations section 6500(c) sets a higher bar by requiring that certain limited types of facilities, including hospitals, rest homes and sanitariums, be found "necessary" for public health, convenience, welfare, or safety if they are to be located in the Resource Management (RM) zone. This higher standard is not applied to every use but only to uses that are likely – as is the case here – to have higher impacts. But neither Stillpath, the 2013 Staff Report, nor the Planning Commission identified any evidence demonstrating that the Project absolutely is needed for public health, convenience, welfare, or safety. (See, e.g., Merriam-Webster Online Dictionary (defining "necessary" as "of an inevitable nature," or "absolutely needed").)

As detailed in this firm's December 9, 2013 letter, such failure is unsurprising given that there are already over 30 drug rehabilitation facilities in San Mateo County. In fact, relative to other counties in the Bay Area, San Mateo County already has a much higher per capita residential rehabilitation capacity. Further, even if there was evidence that the County needs an additional drug rehabilitation facility, there is no evidence that such a facility is "absolutely needed" in the area of the County where the Property is located. The Property is located in a remote area of the County with high fire risk, accessible only by Skyline Boulevard, a winding road with a high incidence of accidents, limited water supply and no public transportation whatsoever. Given its remoteness and limitations, it is not a suitable location for a facility housing large numbers of people on a continual basis.

Nor can the County properly conclude that the Project would not be detrimental to the public welfare or injurious to property in the area. Rather, as noted in this and previous letters from this firm, the Project almost certainly would be injurious to property in the area. Among various harms, the Project would: (1) raise the already high fire hazard in the area by increasing human presence; (2) cause substantial detrimental impacts to traffic and traffic safety in the area; (3) severely increase water demand; and (4) increase the regularity of trespassing on neighboring lands

by guests or clients of the Property. Further, there is no evidence in the record to support the Planning Commission's findings, nor is there any basis on which to understand the "analytic bridge" between the evidence and the Planning Commission's decision. (See *Topanga Association for a Scenic Community v. County of Los Angeles* (1989) 214 Cal.App.3d 1348, 1356.) And at the least, the County would need to impose the kinds of operational conditions imposed by the City of Pleasant Hill, as described in this and previous letters. But no such conditions were imposed.

6. The Board of Supervisors Must Set this Matter for Hearing Before Itself Because the Planning Commission Failed to Allow the Coalition an Adequate Opportunity to be Heard

Upon receiving a notice of appeal, the Board of Supervisors either may: (1) review the record and transcript or minutes of the Planning Commission proceedings and affirm or reverse the action of the Planning Commission, or refer the matter back to the Planning Commission for further proceedings; or (2) set the matter for hearing before itself. Where the Board of Supervisors decides to set the matter for hearing, it must "decide the matter de novo as if no other hearing had been held." (San Mateo County Zoning Regulations, § 6504 ("Appeal to Board of Supervisors – Use Permits").) Here, in light of substantial procedural irregularities both leading up to and as well as during the January 22, 2014 Planning Commission hearing, the Board of Supervisors should set the matter for hearing before itself.

The County is required to comply with procedural due process restraints. (U.S. Const., 5th Amend. ("No person shall . . . be deprived of life, liberty, or property without due process of law."); U.S. Const., 14th Amend. (providing that no state may make or enforce any law that would "deprive any person of life, liberty or property without due process of law"); Cal. Const., art. I, § 7 ("A person may not be deprived of life, liberty, or property without due process of law").) And both the federal as well as California due process clauses, respectively, have been interpreted to require reasonable notice and an opportunity to be heard before governmental deprivation of a significant property interest. (*Goldberg v. Kelly* (1970) 397 U.S. 254, 267; *Horn v. County of Ventura* (1979) 24 Cal.3d 605, 612.)

Procedures before the Planning Commission, however, plainly did not comport with procedural due process requirements. On November 26, 2013, for instance, Ellen Wise (at the time, a Coalition member) submitted a request to the County Planning and Building Department, seeking to be copied "via email on all documents [received] from the Applicant for the subject use permit amendment." The Planning and Building Department staff initially complied with this request, and on December 2, 2013, provided a number of documents regarding Stillpath's application. The Coalition, however, was not provided a copy of a January 21, 2014 letter submitted by Stillpath's counsel, outlining Stillpath's position and responding to this firm's December 9, 2013, and January 13, 2014 letters. The Coalition thereby was denied an opportunity to learn Stillpath's position on certain issues and to prepare a response to such arguments.

At the subsequent January 22, 2014 Planning Commission hearing, the Commission allowed Stillpath to hold off on being heard until after the public already had spoken (a reversal of the normal sequence of events at Commission hearings). The result of this unusual procedure was that the public never was allowed a meaningful opportunity to comment on what Stillpath said.² And since Stillpath's statements went un rebutted, Deputy County Counsel advised the Commissioners that these points could be taken at face value.

Thus, in order to remedy these substantial procedural irregularities, the Board of Supervisors must set the matter for hearing before itself. Such would allow the public adequate opportunity to respond to Stillpath's contentions, and is necessary in order to cure the procedural problems that occurred before the Planning Commission.

Finally, the Board of Supervisors also should consider the lack of forthrightness exhibited by Stillpath's application for a use permit amendment, as described in our December 9, 2013 letter. Throughout the County's application review process, the applicant consistently has provided information that appears designed to minimize the perceived impacts of the Project. As a result, we are concerned that the true impacts of the proposed Project remain unknown. For instance, the applicant's reported staffing levels and occupancy rates for the Property's current use as a meditation retreat have changed dramatically throughout the application process. Relatedly, the applicant's reported staffing levels for the proposed Project also have changed radically throughout the application process. And while the applicant subsequently attempted to develop a more accurate assessment of staffing levels (when challenged by concerned neighbors), the misinformation it provided during the application process placed the County in a position where it is forced to consider project approval without adequate or accurate information. Further, the applicant apparently originally reported to the County that water for the Property was provided by an onsite well. *See* October 23 Staff Report at 2. And while the latest Staff Report accurately reports that the Property actually receives its water from the California Water Service Company, the applicant has not demonstrated the vastly increased water requirements of the Stillpath project can be met without substantial adverse effects on neighbors in the area who are also served by California Water Service Company. Each of these misrepresentations regarding staffing levels and water supply appears to be designed to obfuscate the environmental review process and may constitute an unfair business practice under Business and Professions Code § 17200 et seq.

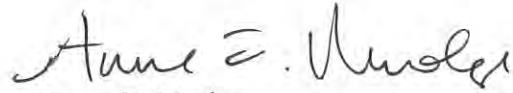
These and further grounds for the Coalition's appeal are set forth in more detail in the oral presentation made by this firm to the Planning Commission at its January 22, 2014 hearing on the matter, and in the written letters of this firm dated December 9, 2013, and January 13, 2014.

² Commissioner Simonson did ask counsel for the Coalition one specific question at the very end of the Planning Commission hearing, thereby allowing counsel to comment on one limited item, and with very limited time. No one else from the public ever got an opportunity to comment on what was said by Stillpath.

Members of the Board of Supervisors, San Mateo County
January 31, 2014
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In summary, approval of this use permit amendment was a violation of CEQA, California's Planning and Zoning law, and San Mateo County Zoning Regulations. For these reasons, the Coalition urges the Board of Supervisors to reverse the Planning Commission's approval of the use permit amendment.

Sincerely,


Anne E. Mudge

AEM

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Exhibit A

Anne E. Mudge
415.262.5107
amudge@coxcastle.com

December 9, 2013

Members of the Planning Commission, San Mateo County
555 County Center
Redwood City, CA 94063

Re: Use Permit Amendment, Stillpath Recovery Center, PLN 2006-00181

Honorable Members of the Planning Commission:

We represent the Skyline Neighborhood Coalition ("Coalition"), a group of San Mateo County citizens and the individual members of the group formed to preserve and protect the scenic value and ecological well-being of the Skyline Scenic Corridor and adjacent lands. On December 11, 2013, the San Mateo County Planning Commission will consider approval of a use permit amendment to allow operation of a 76-bed residential substance abuse and mental health treatment center at the current location of the Stillheart Institute, a meditation and retreat center at 16350 Skyline Boulevard. ("Property"). As explained below, the Coalition and its members are strongly opposed to any amendment of the existing use permit for the Property. Approval would violate the California Environmental Quality Act (Public Resources Code §§ 21000 et seq.) ("CEQA"), California's Planning and Zoning Law (Government Code §§ 65000 et seq.) and San Mateo County Zoning Regulations. We urge the Planning Commission to deny Stillpath's application.

1. The Proposed Project Would Include Substantial Changes to the Type and Intensity of Use of the Property and Construction of Additional Residential Structures.

Applicant Stillpath Recovery Center, LLC ("Stillpath") is seeking an amendment to the Property's existing use permit to allow conversion of the existing Stillheart Institute meditation and retreat center. Currently, according to the applicant, the Property hosts approximately 60 groups per year of approximately 30 people for stays averaging three days in length. There are currently 26 guestrooms containing 57 beds on the Property, and the Stillheart Institute currently operates with 6 full-time and 3 part-time staff members.

If the Stillpath Project were approved, the following substantial changes would occur on the Property:

- Stillpath would complete construction of additional large, tree-mounted residential structures, resulting in an increase from 57 to 81 total beds on the Property.
- Up to 76 clients would be housed on the Property around the clock for average stays 45 days in length.

- Based on information provided by Stillpath at a recent community meeting, and information on staffing ratios from other similar facilities, staffing levels would likely increase from 9 employees under the current use of the Property, to at least 25 staff members under the Stillpath project. This does not include food service or housekeeping staff.
- There would be a significant increase in visitor traffic that does not currently exist.

As detailed below, these changes will lead to substantial traffic impacts along Skyline Boulevard, substantial increase in fire hazard in this high risk area, increased incidence of trespassing on lands surrounding the Property, and a dramatic increase in water demand that will impact surrounding neighbors.

2. Misinformation Provided by the Applicant Continues to Frustrate Review and Consideration of the Proposed Use Permit Amendment.

Throughout the County's application review process, the applicant has consistently provided information that appears designed to minimize the perceived impacts of the project. As a result, we are concerned that the true impacts of the proposed Stillpath project remain unknown. The applicant's shifting depiction of facts regarding staffing levels and water sources have resulted in obfuscation and a misleading analysis of impacts in the supplemental staff report.

For example, the applicant's reported staffing levels and occupancy rates for the Property's current use as a meditation retreat have changed dramatically throughout the application process. In a letter to planner Mike Schaller dated April 21, 2013, the applicant stated that "the current operation hosts on average 60 groups of 30 people per year," and that "current operation of the Stillheart Institute has a total of 6 full-time and 3 part-time employees" for a total of 9 employees. See Attachment C to October 23, 2013 Staff Report. However, the traffic analysis the applicant recently provided to the County reports minimum staffing levels of 16.5 employees when only 17 overnight guests are present and staffing levels of 19 employees when 33 overnight guests are present. These newly reported current staffing levels are approximately 80% to over 110% higher than those reported by the applicant in April 2013. This drastic increase in current staffing levels serves the applicant well by obscuring the changes in traffic that would be generated by the Stillpath project. They also raise the question of whether the factual information provided by the applicant has been or will be trustworthy going forward.

Relatedly, the applicant's reported staffing levels for the proposed Stillpath project have also changed radically throughout the application process. In the same April 21, 2013 letter referenced above, the applicant reported to the County that Stillpath would only require 6 full-time staff and 6 part-time staff. See Attachment C to October 23, 2013 Staff Report. Now, the applicant reports staffing levels between 26 and 61 total daily staff, resulting in an approximate 117% to 410% increase in staffing requirements relative to what the applicant originally reported to the County. This increase in staffing requirements aids the applicant in supporting its promises that adequate staff will be present to ensure that clients will be supervised during use of trails on the Property and that the applicant's newly minted smoking policy will be enforced. Unfortunately, the proposed conditions of approval

do not require the applicant to maintain staffing levels to ensure that these promises are kept. These new, vastly increased staffing levels still fall far below the 1:1 staffing levels reported at the Alta Mira rehabilitation facility in Sausalito, another rehabilitation program owned by the applicant. The vastly increased staffing also means that project does not qualify for an “existing facilities” exemption under CEQA as explained further below.

In addition, the applicant apparently originally reported to the County that water for the Property was provided by an onsite well. See October 23 Staff Report at 2. This misrepresentation was convenient for the applicant because it deflected neighbor concerns regarding the impacts of the proposed project on water pressure and availability in the area. See **Exhibit A** [email to PC regarding water pressure issues]. While the current Staff Report accurately reports that the Property actually receives its water from the California Water Service Company, the applicant has not demonstrated the vastly increased water requirements of the Stillpath project can be met without substantial adverse effects on neighbors in the area who are also served by California Water Service Company.

3. The County Cannot Rely on the Existing Facilities Categorical Exemption to Avoid CEQA Compliance.

Except in certain limited circumstances, CEQA requires public agencies to analyze the environmental impacts of a proposed project by preparing and circulating for public comment an Environmental Impact Report (“EIR”). This requirement applies to any project that may have a significant effect on the environment and that is not statutorily exempted from CEQA. Completion of an EIR “serves not only to protect the environment but also to demonstrate to the public that it is being protected” and “to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” 14 Cal. Code Regs §15003(b) & (d). Here, by improperly relying on the existing facilities categorical exemption to avoid preparation of an EIR, the County has skirted its responsibilities under CEQA and has deprived itself and the public of meaningful consideration of the project’s environmental impacts.

The Planning Commission staff report claims that the project is exempt from CEQA pursuant to the existing facilities categorical exemption found in CEQA Guidelines section 15301. However, the existing facilities exemption only applies to the “operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures [or] facilities ... *involving negligible or no expansion of the use beyond that existing at the time of the lead agency’s determination.*” 14 Cal. Code Regs § 15301 (emphasis added). When applying this exemption, “the key consideration is whether the project involved negligible or no expansion of an existing use.” *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 967. Where a project involves an increase in use or major change in focus, the existing facilities exemption does not apply. See *id.* (hydroelectric project that would result in change from nonconsumptive to consumptive use of water not appropriate for existing facilities exemption because resulted in “major change in focus”).

Reliance on the existing facilities exemption is inappropriate because the Stillpath project would involve both construction of new structures that do not currently exist and a significant

intensification of use of the Property relative to its current use as a predominantly weekend-oriented meditation retreat center. To reach the conclusion that the Stillpath project would qualify for the existing facilities exemption, the Staff Report appears to rely on the conclusion that the proposed change in use would not increase the intensity of use or construction of structures above that already approved by the County. October 23 Staff Report at 3, 5. However, the County may not use previously approved conditions as the baseline against which impacts of the Stillpath project are measured. To do so is at odds with the plain language of Section 15301, which states that the existing facilities exemption applies only where there would be a negligible expansion in use “beyond that existing at the time of the lead agency’s determination.” 14 Cal. Code Regs § 15301.¹ In all events, even if the correct baseline were full use under the existing use permit (as opposed to use under existing conditions, the proposed use contemplates a much more intensive operation than the existing use as well as significant changes in focus, making reliance on a categorical exemption under CEQA entirely inappropriate.

Here, the Stillpath project would greatly expand the existing use of the Property by completing construction of several tree-mounted residential structures that have not previously been used to house guests, and by creating a substantial increase in daily use of the property due to the presence of a substantially enlarged staff and many more guests who would reside at the facility full time for an average of 45 days. Letter from Raymond Blatt to Mike Schaller, dated October 8, 2013 (noting 12 unfinished tree-mounted residential structures, up to 76 bed facility upon completion, assuming current group size of 30 people per group); information provided by applicant at King Mountain Association Meeting, November 20, 2013 (recognizing need for increased staff levels relative to staffing of existing use of Property). This increase in use intensity will lead to significant impacts by drastically increasing area traffic, water demand, wastewater production, fire hazard and need for police services.

4. **A Robust and Transparent Examination of the Environmental Impacts of the Proposal is Required.**

We have attached as **Exhibit B** an Initial Study and Mitigated Negative Declaration prepared in 2009 by the City of Pleasanton for a similar project that involved a change in use of an existing retreat center to a substance abuse rehabilitation facility. As here, the project contemplated conversion of existing facilities. The City of Pleasant Hill recognized, as the County must do here, that reliance on a categorical exemption to avoid CEQA review is inappropriate and unlawful under these circumstances.

In particular, Pleasant Hill’s IS/MND comprehensively analyzed the recovery center’s impacts on traffic, noise, water, police and fire services, parking and a host of other issues. The County concluded that the traffic generated by a 20-bed rehabilitation facility would generate traffic like an

¹ We also note that the right to construct previously permitted but not yet constructed improvements appears to have expired. Section 6505(a) of the County’s zoning regulations requires the County to revoke any use permit that is not exercised within one year of initial approval. Pursuant to this provision, the right to complete construction of unbuilt or uncompleted facilities under the existing use permit, such as the large, multistory tree-mounted residential structures or meditation temple, has expired. Although the use permit was renewed in 2011, more than a year has passed since that renewal and the previously unbuilt or uncompleted facilities are still unfinished more than a year later.

assisted living facility –or up to 50 trips per day and would also result in an increased fire risk. As a result of this analysis, the City imposed a number of significant conditions on the facility, including but not limited to, a ban on smoking throughout the facility and requirement that due to lack of sufficient parking, visitors meet with patients at an off-site location.

a. Increased Staffing Levels, Visitors, and Vendors Will Cause Substantial Traffic Impacts Along the Skyline Scenic Corridor.

Existing staffing levels at comparable substance abuse and mental health treatment centers show that Stillpath would require substantially more staff than Stillheart's current staffing of 6 full-time and 3 part-time employees. At a recent meeting of the King Mountain Association, the applicant admitted as much but did not provide a staffing plan.² In information recently submitted by the applicant, it indicated day shift staffing levels between 14 and 32 employees (7 to 21 clinical staff), evening staffing levels between 7 and 16 employees (5-12 clinical staff), and night shift staffing levels between 5 and 13 employees (3-9 clinical staff). Altamira, another facility owned by the applicant, has a clinical staff-to-client ratio of 1:1 during the day, 1:3 during evening hours, and 1:6 at night. See Exhibit C. The table below provides staffing ratios from comparable facilities in California and the proposed Stillpath project.

Staffing of Comparable Residential Rehabilitation Facilities

FACILITY	STAFF MEMBERS		PATIENTS	
Passages Malibu	2	PER	1	
Promises Malibu	3	PER	1	
Cliffside Malibu	4	PER	1	
Narconon Santa Cruz	1	PER	1	
Beacon House Pacific Grove	2	PER	1	
Mountain Vista Farm (Glenn Ellen, CA)	1	PER	2	
Alta Mira Sausalito (clinical staff)	1	PER	1	Day
	1	PER	3	Evening
	1	PER	6	Night
Stillpath Recovery Center (clinical staff)	1	PER	2.3-3.7	Day
	1	PER	3.2-6.3	Evening

² Under State law, the facility is required to submit a staffing plan to obtain a license to operate a drug and alcohol treatment facility. Health and Safety Code §11834.30. Here, the County should require the applicant to submit similar information about staffing levels as part of the use permit process to ensure that accurate information is being provided to both County and the licensing entity about number of staff per patient. It would be an abuse of process if the County were to allow the applicant to underestimate staffing levels to evade environmental review knowing that the applicant is required to submit accurate staffing information to the state to obtain an operating license.

	1	PER	5.3-8.4	Night
--	---	-----	---------	-------

Based on these the staffing figures Stillpath recently provided the County, the Property will now be staffed by 26 to 61 total employees daily, resulting in an approximate 117% to 410% increase in staffing requirements relative to what the applicant originally reported to the County. Despite this substantial increase, these staffing levels are still below those of Stillpath's sister facility, Alta Mira Sausalito, and well below those of the other facilities included in the chart above. As a result, and given the applicant's shifting story regarding several aspects of the project, we question whether the most recent staffing information is accurate or is instead designed to artificially minimize traffic and other impacts of the proposed project.

Increased traffic will also arise from visitors and vendors. In a review of Case Status, documented in the On-Line Permit Center dated 9/26/13, County Public Works asks "Where are the visitors parking?" See **Exhibit D**. That is a fair question that will go unanswered without the environmental review required by CEQA. For example, at the King Mountain Association meeting referenced above, the applicant indicated that Stillpath would hold "Family Weekends" every other weekend. Conservatively assuming that each client stays at Stillpath for an average of six weeks and is visited by family only once during that time, then approximately 1/3 of all clients—or 25 clients--would be visited by family during each Family Weekend. At a minimum, this would require 25 more parking spaces than are required during normal operations. Currently, the Property only includes 39 parking spaces, and the applicant has not demonstrated that sufficient parking is available for the estimated 25 staff members and at least 25 family members who would be present during these proposed Family Weekend events. Without adequate onsite parking, the Coalition is concerned that visitors would park along Skyline Boulevard, thereby significantly increasing the hazards drivers face along that steep, curving road. While the Supplemental Staff Report indicates that the applicant now proposes to run a shuttle from a designated hotel to transport visitors to the facility, the applicant has not provided any information regarding the feasibility of this proposal, and the proposed conditions of approval do not require use of a shuttle. As a result, the Planning Commission cannot reasonably assume that a shuttle system will be used.

The increase in staffing levels relative to the existing use of the Property will substantially increase trip generation, as explained more fully in the Letter Report prepared by traffic engineer Ray Davis, attached as **Exhibit E** to this letter.

As Davis explains, the proposed use at full build-out could generate up to 202 daily trips in contrast to 83 trips under existing conditions (the appropriate baseline) or 122 trips under full build-out of the retreat function. Even at the staffing levels proposed by the applicant, the facility would generate 174 trips per day, a more than doubling of trips over existing conditions. Even a cursory review of this study shows a dramatic increase in usage over existing conditions.³ In summary, it is clear that

³ The applicant prepared trip generation numbers in an attachment to a November 25, 2013 letter. These trip generation rates are unlikely to be accurate as they appear to have been self-generated and have not been prepared by a traffic engineer. They also do not appear to be based on recognized trip generation rates established by the Institute of Traffic Engineers.

there will be a more intense use of the property as a recovery center than a retreat center, and that a categorical exemption from CEQA cannot be used.

b. Intensification of Use on the Property Will Cause a Substantial Increase in Water Demand and Forest Fire Hazard.

The Stillpath project will also stress the area's already heavily impacted water delivery system. Though the Staff Report suggests the Property obtains its water from a private well, it actually receives water through piped conveyance from the California Water Service Company, as do many residents in the area. According to notes by Environmental Health dated 7/19/11, the on-site well drilled in 2009 was drilled "for ag[ricultural] purposes only." **Exhibit D.** The County has already received complaints from neighbors regarding the precipitous drop in water pressure that often occurs when the Property hosts weekend groups. See **Exhibit A.** Water flow tests conducted when the meditation retreat center was originally approved in 2006 indicate "recent water flow tests indicating significant lower flow than originally provided." See **Exhibit G.** This problem will only be exacerbated by the proposed intensification of use.

A study by the American Hotel and Lodging Association (2012) found that the average hotel consumes about 209 gallons of water per occupied hotel room each day --- almost as much as the 243 gallons consumed by the typical US household. Other studies range from 150 – 225 gallons of water per occupied hotel room each day. Under the current retreat facility model, the Stillheart Institute hosts an average of 60 groups per year, each with roughly 30 people, which stay for an average of 3 days. Assuming that these 30 people stay in 15 guestrooms (2 guests per room), for an average of 180 days/year (60 groups x 3 days), the current use of the Property would require 405,000 gallons of water per year. For the Stillpath project, assuming occupancy 365 days per year, the Property would require approximately 2.1 million gallons of water per year. If we assume that only 30 guest rooms would be occupied 250 days per year, the Property would require almost 1.1 million gallons of water per year. Therefore, the County can reasonably expect a 2.7- to over 5-fold increase in the Property's water demand if the Stillpath project were approved.

The applicant has not demonstrated that these demands can be met, and the Staff Report does not consider how this increase in water demand would affect area residents who also rely on California Water Supply Company to meet daily needs and to protect against forest fire hazards in the area. Residents already experience substantial drops in water pressure during weekend events at the Property. See **Exhibit A.** In this area of high fire hazard, lost water pressure places nearby residents at substantial risk by hampering firefighting efforts that could be required in the event of a forest fire.

The Coalition is gravely concerned that Planning Staff have not adequately addressed the fire hazard issue, particularly because the Stillpath project would also increase fire hazard by introducing large numbers of around-the-clock residents and full-time staff into the area. As noted above, the City of Pleasant Hill was sufficiently concerned about the increased fire hazards related to a drug and alcohol rehabilitation center that it imposed a no smoking condition on the entire facility. While the applicant recently advised the County that it would enforce a smoking policy aimed at reducing fire danger, there is no condition of approval requiring implementation of the policy. In addition, the

proposed conditions of approval would eliminate the vast majority of current conditions on the Property designed to minimize fire hazard. The Staff Report fails to explain why those conditions were eliminated and how fire risk will still be adequately addressed given the significant intensification of use that would occur under the Stillpath project.

Prior to approving the intensification of this use, the County must also demonstrate that the septic system is adequate to handle the increased waste water production and will not leach into any of the nearby creeks. In the 2006 approvals, there were concerns raised that “proposed drainfields may interfere with drainage pits.” **Exhibit D.**

As this discussion shows, approval of the Stillpath project is hardly a minor alteration to an existing facility that would involve “negligible or no expansion of use.” 14 Cal. Code Regs § 15301. Instead, the project would cause a major change in the focus of use on the Property and would cause substantial environmental impacts related to traffic, water demand, septic use and fire hazard that have not been adequately analyzed. See *County of Amador*, supra, 76 Cal.App.4th 931 (project that results in “major change in focus” of use not appropriate for existing facilities exemption). As a result, the Planning Commission cannot rely on this categorical exemption and must instead prepare an EIR to ensure compliance with CEQA.

c. Erosion Caused by Compliance with Conditions of Approval Necessary to Protect Against Fire Hazard Will Significantly Impact La Honda Creek.

Immediately below, we discuss various zoning noncompliance issues and explain that the Property is currently out of compliance with several of the 2011 use permit amendment conditions of approval that are necessary to minimize fire hazard. For example, the Property is required to maintain a trail around the property to provide an extra firebreak and is also required to maintain a firebreak of 30 to 100 feet around the perimeter of all structures. See 2011 Use Permit Amendment Conditions of Approval 41(b) & 49. Many structures and the required firebreak trail are located on or above very steep hillsides that drop directly in La Honda Creek, and clearance of vegetation to create fire breaks and fire trails will dramatically increase the incidence of erosion and landslide by destabilizing these slopes. For example, on a recent visit to the Property’s border, Coalition members found evidence of a large landslide of 25-30 feet in width and 75-100 feet in height just below units 17 and 18. See **Exhibit F.** This landslide slumps onto the adjacent Eberhard property and into La Honda Creek. Coalition members also found pressure treated wood scraps that appeared to be construction debris littering the hillside and creek below some of the large tree-mounted residential structures.

La Honda Creek ultimately flows into San Gregorio Creek. Both of these streams are within the San Gregorio Creek hydrologic subunit and have been identified by the California Department of Fish and Wildlife as containing several miles of potentially usable rearing habitat for the Federally and State endangered Central California Coast Coho Salmon evolutionarily significant unit (“ESU”). California Department of Fish and Game, Recovery Strategy for California Coho Salmon: Report to the Fish and Game Commission (2004) at 6.46. In 1999, the National Marine Fisheries Service identified critical habitat for the California Coast Coho Salmon ESU including accessible reaches of all rivers, estuarine areas, and tributaries between Punta Gorda and the San Lorenzo River.

Designated Critical Habitat; Central California Coast and Southern Oregon/Northern California Coasts Coho Salmon, 64 Fed. Reg. 24,049 (May 5, 1999), as codified at 50 C.F.R. § 226.210. “Recovery Strategy for California Coho Salmon: Report to the Fish and Game Commission” makes several recommendations to improve conditions for coho salmon in the San Gregorio Creek watershed, including recommendations designed to reduce erosion. *Id.* at 8.48.

Fire risk reduction measures necessary to protect against increased fire risk on the Property will undoubtedly result in increased erosion and siltation of La Honda Creek, and construction along the steep hillsides on the Property is resulting in the deposit of toxic pressure treated wood in the creek and erosion of the area’s steep slopes. Despite these issues, the Staff Report fails to consider potential impacts of the project on this endangered species and its critical habitat. Given the sensitivity of this species and the importance and legal significance of protecting critical habitat, the County must consider the potential need for federal and state incidental take permits and/or a habitat conservation plan to ensure that the Stillpath project will not result in unauthorized take of the species or adverse modification of its critical habitat in violation of the California Endangered Species Act (Fish and Game Code §§ 2050 et seq.) and the federal Endangered Species Act (16 U.S.C. §§ 1531 et seq.)

d. The County Must Analyze Police Response Impacts.

As noted above, the Pleasant Hill IS/MND attached as **Exhibit B** analyzed potential police response impacts of the proposed rehabilitation facility. To analyze the issue, Pleasant Hill analyzed police response at several similar facilities and considered whether the project was likely to require police resources such that a significant impact to police service levels would occur. Here, no such analysis has been completed. This is especially troublesome, given the long distance between the Property and the nearest emergency response facilities.

5. The Planning Commission Cannot Approve the Use Permit Amendment Because There is a History of Use Permit Noncompliance on the Property.

In consideration of Stillpath’s use permit amendment application, the Planning Commission is required by San Mateo County Zoning Regulations to consider the Property’s zoning compliance. Section 6105.1 of those regulations prohibits approval of a use permit amendment where there are existing zoning violations. Consistent with this requirement, the 2011 use permit renewal staff report included a detailed analysis of compliance with existing conditions. Inexplicably, the 2013 Staff Report fails to analyze potential compliance issues.

Had Planning Staff inquired into the Property’s current compliance status, it would have identified a number of zoning violations on the Property.

First, item 49 in the 2011 use permit amendment conditions of approval requires the Property to maintain a 3-foot wide improved trail around the Property to protect against fire, and item 50 requires the Property to provide access to all building exteriors “to within 150 feet of fire apparatus.” However, these conditions have not and cannot be met. The trail referenced in condition 49 is located outside the Property boundaries on the adjacent Eberhard property, and neither the Property

owner nor the Stillheart Institute has been granted a right to access the Eberhard property. In addition, based on the detailed site plan included in Attachment B to the Staff Report, no access is provided below several structures including units 21, 22, 23, and 24. The area beneath these structures is quite steep and covered in flammable vegetation and debris. Without the trail and access below these structures, the fire access fails to "encircle all buildings" as required by notes from CDF dated 5/11/06 with respect to this perimeter trail. **Exhibit D.**

Second, item 41(b) in the 2011 use permit amendment conditions of approval requires the Property to maintain a 30 to 100 foot firebreak around the perimeter of all structures or to the property line where it is less than 30 feet from a structure. As the pictures attached as **Exhibit G** shows, these fire breaks around several structures have not been cleared in quite some time, if ever. Currently, there is a thick layer of flammable debris covering the ground along the downhill side of several structures. Notably, the Supplemental Staff Report relies on this condition to assuage concerns regarding fire hazard. See Supplemental Staff Report at pp. 2-3.

Finally, the existing signage does not comport with the scenic corridor requirements of the General Plan and area plans. Skyline Boulevard is a state designated Scenic Corridor. The General Plan emphasizes the goal of preserving the quiet, pristine rural settings (General Plan, Visual Resources, p. 4.33); visual harmony with adjacent surroundings (p. 4.34.); and, prohibition of use of materials or lighting that detract from the quality of the natural setting) (p. 4.34.). At page 4.40., the General Plan states "[W]hen visual corridors contain such scenic features they need special protection from the adverse impacts of development." In the RM zone in particular, current language requires building materials and colors to be rough textured and of deep earth hues in forested areas (p. 4.41.). While the Coalition appreciates the addition of condition of approval number 5 requiring the replacement of the existing signage, the condition does not ensure consistency with applicable plans and do not remedy the continuing violation caused by the current signage. There may be several other zoning and planning violations of the existing use permit conditions that would have come to light, had the County properly investigated zoning compliance when considering Stillpath's application. However, even without evidence of further noncompliance, the Planning Commission is prohibited from approving this application while the Property is in noncompliance with these conditions aimed at addressing the substantial fire risk posed by human presence on the Property.

Because the Property is currently out of compliance with the conditions of approval listed above and with section 6505, the Planning Commission is prohibited from approving Stillpath's application for a use permit amendment. Section 6105.1.

6. The Planning Commission Cannot Make the Findings Required to Approve the Use Permit Amendment.

The Staff Report incorrectly reports the findings that must be made to approve Stillpath's application for a use permit amendment. As drafted in Attachment A to the Staff Report, the Planning Commission would only be required to find "that the establishment, maintenance and/or conducting of the proposed use, under the circumstances of the particular case and as conditioned, will not be detrimental to the public welfare or injurious to property or improvements in said neighborhood." While this finding is certainly required by San Mateo County Zoning Regulations §

6503, it is not the only required finding. To approve the use of the Property as a substance abuse rehabilitation facility in the RM zone, the Planning Commission must also find that location of the Stillpath facility on the Property is "necessary for the public health, safety, convenience or welfare." San Mateo County Zoning Regulations § 6500(c). Therefore, as was required in 2011 when the Planning Commission renewed the Property's use permit, here it must also find that:

- the facility is necessary for the public health, safety, convenience or welfare, and
- that the establishment, maintenance and/or conducting of the proposed use, under the circumstances of the particular case and as conditioned, will not be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

As explained below, the Planning Commission must deny Stillpath's use permit amendment application because the proposed project is not necessary for public health, safety, or welfare, and it would be detrimental to the public welfare and injurious to the surrounding neighborhood.

a. The Proposed Project is Not Necessary for the Public Health, Safety, Convenience, or Welfare.

The finding required by San Mateo County Zoning Regulations § 6500(c) sets a higher bar by requiring for certain limited types of facilities, including hospitals, rest homes and sanitariums, to be found "necessary" for public health, convenience, welfare, or safety if they are to be located in the Resource Management (RM) zone. This higher standard is not applied to every use but only to uses that are likely, as here, to have higher impacts. For many reasons, the County cannot reasonably conclude that the proposed Stillpath rehabilitation facility is "necessary" under section 6500(c). This is because "necessary" means something more than merely wanted or desirable. "Necessary" means "of an inevitable nature," or "absolutely needed." See, e.g., Merriam-Webster Online Dictionary; see also, definition of a "necessary party," meaning a party essential to be included in litigation. Black's Law Dictionary; see also *Carson Harbor Village, Ltd. V. Unocal Corp.*, 270 F.3d 863, 871 (9th Cir. 2001) (determining response costs were only "necessary" pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA] if "an actual and real threat to human health or the environment exist[ed] before initiating a response action"). Here, the applicant has not presented and the Staff Report does not identify any evidence showing that the Stillpath project is absolutely needed for public health, convenience, welfare, or safety.

This is not surprising, given that there are already over 30 drug rehabilitation facilities in San Mateo County. With so many existing facilities, it is clear that the Stillpath project is not "absolutely needed" to protect the public health, safety, convenience, or welfare. As of August 20th, 2013, the State of California, Department of Health Care Services identified 31 Licensed Residential Facilities and/or Certified Alcohol Drug Programs in San Mateo County. These facilities have a combined resident capacity of 287 beds. Stillpath's proposed total of 76 beds would account for over 26% of the total listed beds (76/287) in San Mateo County.

Relative to other counties in the Greater Bay Area, San Mateo County's ratio of beds to population is quite high. As the table below shows, compared to other counties in the Bay Area, San Mateo County already has a much higher per capita residential rehabilitation capacity.

Prevalence of Residential Rehabilitation Facilities in the Bay Area

	Contra Costa County	Alameda County	Santa Clara County	San Mateo County
Population	1,079,597	1,554,720	1,837,504	739,311
No. of Facilities	28	17	16	31
No. of Beds	351	403	272	287
Beds to Population	1:3,076	1:3,858	1:6,756	1:2,576

Source: California Department of Health Care Services Licensing and Certification Branch Status Report.

Even if there were evidence that the County needs an additional drug rehabilitation facility, there is no evidence that such a facility is "absolutely needed" in the area of the County where the Property is located. The Property is located in a remote area of the County with high fire risk, accessible only by Skyline Boulevard, a winding road with a high incidence of accidents, limited water supply and no public transportation whatsoever. Given its remoteness and limitations, it is not a suitable location for a facility housing large numbers of people on a continual basis. For these reasons and because the County already has a sufficient number of similar facilities, the Planning Commission cannot find that the Stillpath project is necessary for the public health, safety, convenience or welfare.

b. The Proposed Project Would Be Detrimental to the Public Welfare and Injurious to Property in the Area.

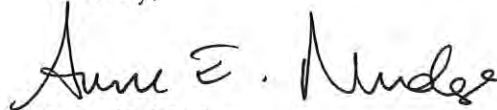
To approve the use permit amendment, the Planning Commission must also find that the Stillpath project would not be detrimental to the public welfare or injurious to property in the area. It cannot do so. As discussed above, the Stillpath project will substantially increase the already high fire hazard in the area by increasing human presence and will cause substantial detrimental impacts to traffic and traffic safety in the area. These concerns are amplified by the remote area's lengthy emergency response times. Stillpath would also severely increase water demand and has not provided any evidence that its water demand could be met without impacting the water supply of neighboring residents. Given the fire-, traffic-, and water-related impacts of the project, the Planning Commission must find that Stillpath would be detrimental to the public welfare and injurious to property in the area.

In addition, the Stillpath project would almost certainly increase the regularity of trespassing on neighboring lands by guests or clients of the Property. On a number of occasions, neighboring residents have discovered trespassers who were visiting the Stillheart Institute and followed the Institute's maps onto neighboring private property. In fact, the Stillheart Institute published trail maps inviting guests to use trails that are located outside their Property boundaries on land owned by others. **Exhibit H.** Neighboring residents also routinely find trash and litter left behind by trespassers. The nuisance caused by trespassers would only increase with increased human presence in the area, and the Coalition is concerned about the impacts of those trespassers on biological resources in the area and about their safety in area's steep and difficult-to-navigate terrain. In light of this concern, the Planning Commission must find that Stillpath would be injurious to property in the area.

In considering whether to approve this application, the Planning Commission should also consider the lack of forthrightness exhibited by Stillpath's application, as we outlined above. While the applicant subsequently attempted to develop a more accurate assessment of staffing levels (when challenged by concerned neighbors), the misinformation it provided during the application process placed the County in a position where it is forced to consider project approval without adequate or accurate information. It also apparently indicated that no new construction was proposed but in fact new construction is proposed. Stillpath's misrepresentations regarding staffing levels and water supply appear to be designed to obfuscate the environmental review process and may constitute an unfair business practice under Business and Professions Code § 17200 et seq.

In summary, approval of this use permit amendment would violate CEQA, County zoning regulations, and California's Planning and Zoning Law. For these reasons, we urge the Planning Commission to deny Stillpath's application.

Sincerely,


Anne E. Mudge

AEM

Exhibit A

From: Marc Kaufman <kaufman@cs.stanford.edu>

Subject: PLN2006-00181 Stillpath Recovery Center

Date: November 29, 2013 at 9:08:14 AM PST

To: planning-commission@smcgov.org, hhardy@smcgov.org, mschaller@smcgov.org

Reply-To: Marc Kaufman <kaufman@cs.stanford.edu>

Chairman Chris Ranken and Honorable Planning Commissioners
San Mateo County Planning Commission

Dear members of the commission:

My wife and I live in the neighborhood of the proposed recovery center. We are familiar with this project since its original construction, and subsequent conversions and upgrades. We have concerns with regard to the intensity of use as a recovery center.

Representatives of the applicant came to a meeting of the Kings Mountain Association on the evening of November 20. We appreciate their attendance, but came to realize that they have not provided accurate information to the planning commission. One item in particular on the original application appears to be in error.

In the report to the planning commission from planning staff, dated October 23, 2013, the background information states:

"Water Supply: Private (on-site) domestic water supply (well)."

This is incorrect. The facility receives its water from California Water Service (previously Skyline County Water District) via a 6" mainline from tanks located near Skyline Blvd. and Swett Road, approximately 3 miles away. The tanks, in turn, are supplied from pumps near Edgewood Road at Crystal Springs. We know this to be correct because my wife, Marguerite Kaufman, was a member of the board of Skyline Water for 12 years, during construction and upgrades of the facility, and was also a member of LAFCO during that period.

Water use at this facility has always been a problem for us, even at the current use level. We live at an elevation of 2200', and are near the high point of the water system. It is a common experience that we receive very low or no water pressure when the tank at Stillheart is being filled. That tank, which was installed as part of the Stillheart expansion, is supposed to be for fire protection, but at least some of the capacity is being used for daily water use.

The Traffic Impact Analysis (Exhibit G) submitted to the planning staff on November 25, 2013, can be used to estimate the daily attendance at the facility. We were told at the KMA meeting that Stillheart is currently running at about 30% capacity. Looking at the Revised Exhibit G (November 10, 2013) we can see that this equates to about 25 people (just counting overnight guests plus full time staff). At 100% occupancy the population would be 65 people. I contend that if they ever got to that number there would be severe water supply problems. But at the proposed occupancy of 80% we

would already see 62 users, and at 100% occupancy we would have 76. Upon completion of the treehouses the number would rise again to 108 full time occupants. That's over 4 times the current load for water usage. This does not account for additional staff water usage over and above my conservative estimate.

The applicant has stated that average daily water use is 100 gallons per person per day (GPCD). If we accept that number, the water use at Stillpath will rise from 2,500 gallons per day to 6,200 gallons per day, and possibly as much as 10,800 gallons per day. However, 100 gallons is a residential number, and does not take into account the additional load due to institutional use, which could rise to 150 GPCD. In which case, the maximum water use could be as high as 16,200 gallons per day. That's really too much to expect the system to be able to provide without a major upgrade to larger mainline pipes.

We request that the planning staff consult with California Water Service and restrict the maximum occupancy of Stillpath to a number that can be accommodated by the available water system without impacting the existing customers.

Respectfully submitted,
Marc Kaufman
Marguerite Kaufman
17 Mountain Meadow
Woodside, CA 94062
(650) 851-5777
kaufman@cs.stanford.edu

Exhibit B

Attachment B

Final Initial Study and Mitigated Negative Declaration and Mitigation Monitoring Plan

Environmental Impact Analysis Initial Study

1. **Project title:** St. Theresa Retreat – Congregate Care, General Facility – Conditional Use Permit
2. **Lead agency name and address:**
City of Pleasant Hill, 100 Gregory Lane, Pleasant Hill, CA 94523
3. **Contact person and phone number:**
Troy Fujimoto, Phone: 925-671-5224, email: tfujimoto@ci.pleasant-hill.ca.us
4. **Project location:** 2059 Pleasant Hill Road (with off-site visitation at 2115 Pleasant Hill Road)
5. **Applicant's name and address:** Dr. Michael Jordan, 2059 Pleasant Hill Road, Pleasant Hill, CA 94523
6. **General plan designation:** Single Family Medium Density
7. **Zoning:** R-10 (Single Family Residential, 10,000 square foot lots)
8. **Description of project:**

The project is a request for a conditional use permit for a 20-person congregate care, general, facility providing non-medical drug and alcohol treatment and recovery services that will also be licensed by the State of California Department of Alcohol and Drug Programs. The project includes locating the proposed use within an existing 6,747 square foot building (with up to 12 proposed bedrooms, 10 to be used by clients, 2 by facility staff) that was previously used as a convent/nunnery and retreat center permitted for use by up to 25 persons and is currently used as a single family residence. The facility would restrict enrollment to adult women only and would not include a detoxification component. The project also proposes to not allow any clients to have vehicles during their stay; would be staffed 24 hours a day; would not have physical restrictions on ingress/egress (i.e. a "locked facility"); would include a Residential Admission Agreement and Good Neighbor Policy; would not have regularly planned on-site visitations for clients; would have limited outdoor activities including cooking, eating, reading, gardening, etc.; and no smoking would be allowed inside or outside the facility.

In addition, to the conditional use permit request, the applicant is also requesting reasonable accommodations from various City regulations and requirements including:

- o Relief from the City's standard condition of approval requiring an applicant to indemnify the City from future claims, actions or proceedings against the City.
- o Relief from referral of this minor conditional use permit to the Planning Commission or City Council in reference to P.H.M.C. Section 18.95.020. The accommodation requested is for the Zoning Administrator to grant Use Permit Number UP 08-008 for St. Theresa's Retreat, a long-term residential treatment facility for women suffering from drug and alcohol addiction disorders at 2059 Pleasant Hill Road, Pleasant Hill, CA filed September 2008. This accommodation also requests that no additional conditions relating to security, property improvements, public improvements, operations, extraordinary regulation, reporting, and oversight related to women in recovery be included with the issuance of this permit aside from those imposed by Land Use Permit NO. 337-83.

- Relief from the City's requirement to construct sidewalk improvements along the street frontage of the property.
- Relief from the City's requirement that the applicant construct an eight foot tall perimeter fence around the property (PHMC § 18.25.040.A.4 & 18.55.140.A).
- Relief from the following City parking related requirements as set forth in various sections of Chapter 18.55:
 - Parking and Loading supply requirements.
 - Parking and loading space dimensions include width and depth and buffer area adjacent to obstructions.
 - Adding wheel stops for each parking space that abuts a fence, curb, wall, or landscape walkway.
 - Parking aisle dimensions including driveway widths.
 - Driveway widths and clearances, including width for one and two-way access.
 - Driveway visibility requirements.
 - Parking area screening, lighting and landscaping requirements including:
 - Screening with an eight foot tall wall or fence from adjacent residential "R"-districts.
 - Complying with lighting requirements for parking lots.
 - Providing 10% of the parking lot area as landscaping.
 - Installing planting strips along property lines adjoining residential "R"-districts and along street property lines.
 - Installing a landscape planter at the end of parking rows.
 - Installing a minimum of 1 tree for every 3 parking spaces in the parking area.
 - Providing any other paving, surfacing, drainage, lighting, signs, striping, etc. that is deemed necessary within the parking and driveway area.
 - Complying with loading space regulations include size dimensions and location within a required front yard.

In addition, 2115 Pleasant Hill Road (First Christian Church) is proposed to be used to accommodate visits (by client family members, friends, etc.) and as a venue for educational presentations to clients and family members once a week on Saturday's from 9:00am through 12:00pm. Residents of the proposed facility at 2059 Pleasant Hill Road would walk from the facility to 2115 Pleasant Hill Road under supervision of facility staff. The First Christian Church parking lot would also be available for overflow parking for up to five parking spaces pursuant to a proposed agreement between the applicant and the Church. No physical changes/improvements are proposed for 2115 Pleasant Hill Road and all proposed visits and educational presentations would occur within existing Church facilities.

9. **Surrounding land uses and setting:** Surrounding land uses include single family residential uses. The project is located along a major two lane road in a single family residential neighborhood.
10. **Congestion Management Program - Land Use Analysis:** Any project involving a General Plan Amendment or Notices of Preparation (NOP) and Environmental Impact Reports for large-scale projects must be submitted to the Contra Costa County Transportation Authority (CCTA) for review. If a positive response is given to any of the following questions, information on the project and its environmental document (accompanied by appropriate support documentation/plans) will be transmitted to the CCTA.

<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	This project includes a request for a General Plan Amendment. If yes, send appropriate information to Contra Costa County Transportation Authority.
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	A Notice of Preparation is being prepared for this project.
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	An Environmental Impact Report is being prepared.

11. **Other public agencies whose approval is required:** (e.g., permits, financing approval, or participation agreement.) State of California Department of Alcohol and Drug Programs, Contra Costa County Fire Prevention District.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture Resources	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology / Soils
<input type="checkbox"/>	Hazards & Hazardous Material	<input type="checkbox"/>	Hydrology / Water Quality	<input type="checkbox"/>	Land Use / Planning
<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise	<input type="checkbox"/>	Population / Housing
<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation	<input checked="" type="checkbox"/>	Transportation / Traffic
<input type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance		

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.
--

Signature: _____

Date: _____

Printed Name: Troy Fujimoto

For: City of Pleasant Hill

I. AESTHETICS -- Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
a.	Have a substantial adverse effect on a scenic vista?			X	
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Comment:

The proposed project would not include any significant construction work or significant alteration to the physical landscape since the proposed use would be located within an existing building; existing driveways and parking areas on-site are proposed to be utilized; only minor changes including new fencing and a new sidewalk and curb and gutter and minor changes to the existing site landscaping are proposed. None of the changes would significantly alter the appearance of the site. More specifically:

- 1a. The site is located on Pleasant Hill Road, which the City General Plan notes is a scenic corridor that merits landscaping and other improvements that will enhance the visual quality of the area; however it is not considered a State Scenic Highway. The proposed project would not include any significant changes to the existing landscape along Pleasant Hill Road except installation of a new sidewalk, curb and gutter (that would be required by conditions of approval to ensure consistency with the Pleasant Hill Road Corridor Study); therefore, no impact to scenic resources would occur.
- 1b. The site/building is not on any Federal, State or Local register for site or historic significance and Pleasant Hill Road is not considered a State Scenic Highway. In addition, since the exterior of the existing building is not proposed to be modified, and any proposed site improvements would be minor in scope (e.g. fencing, additional landscaping, walkways, etc), there would be no impact on scenic resources.
- 1c. The project does not propose any substantial physical changes to the exterior of the building or to the site therefore no impact to the visual character or quality of the site and its surroundings would occur.
- 1d. The project does not propose any new lights, signs or any other structures at this time that could generate new sources of light or glare. Any new lights or signs that may be installed in the future would be required to comply with City ordinance requirements regarding shielding and restrictions on light spillover to adjoining properties; therefore, any potential adverse effects on day or nighttime views in the area would be less than significant.

- II. AGRICULTURE RESOURCES** - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

Comment:

The proposed project would be located on a site that is already developed with an urban use (building and related site improvements). In addition the site is not currently used for any type of agricultural uses, and will not result in any conversion of farmland; therefore, the project would not have any impact on agriculture resources.

- III. AIR QUALITY** -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Conflict with or obstruct implementation of the applicable air quality plan?			X	
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
d.	Expose sensitive receptors to substantial pollutant concentrations?			X	
e.	Create objectionable odors affecting a substantial number of people?			X	
f.	Cause a substantial increase in green house gas emissions?			X	

Comment:

- 3a. The project as proposed would not conflict with any applicable air quality plan since it would not generate significant amounts of emissions due to the minimal number of vehicle trips that would be generated by the facility on a daily basis. The proposed project would also be consistent with the City of Pleasant Hill General Plan, which is also consistent with the State Clean Air Plan. The proposed use would be no more intense than anticipated in the General Plan, which, through the corresponding zoning, may allow this type of use through a conditional use permit. In addition, the project would involve minimal construction or grading and the project would not generate a significant number of vehicle trips (no more than 55 average daily trips). Therefore no conflict or obstruction of the air quality plan would occur and any effects on air quality related to the project would be less than significant.
- 3b. Residents at the facility would not be allowed to drive or have personal vehicles on site. Residents would walk from the facility to the off-site visitation location, so no vehicle trips would be involved in that activity. Approximately 20 vehicles from visitors would come to the off-site visitation location on a weekly basis during off-peak times. The planned number of staff and volunteers on site at any one time would not exceed eight (but could be as much as 11 if shifts are allowed to overlap). The amount of pollutants generated from staff and volunteer and visitor vehicle trips would be well below the amount of pollutants that would be generated at the 100 net peak hour trip threshold that would begin to be considered significant (Contra Costa Transportation Authority Technical Procedures Update).

In addition, on a daily basis, evaluating the specific characteristics of the proposed use, the total number of staff and volunteers on-site for all shifts during an entire 24 hour period would not exceed 13. The staff and volunteers would arrive at the facility during three shifts, 5 during the day, 3 for the evening shift and up to three for the overnight shift, with up to 3 volunteers visiting the facility at various times throughout the day. Thus, total daily staff and volunteer trips ($13 \times 2 = 26$), when added to one delivery (equates to 2 trips) and 3 facility round trips ($3 \times 2 = 6$) per day would equate to 34 trips per day spread over a 24 hour period. If the trips from the weekly visitors to the off-site visitation location are included, an additional 40 trips per week (20×2) would occur equating to an additional 6 average trips per day for a total of 40 average trips per day.

If generalized trip generation factors for an "assisted living facility" are used (ITE Trip Generation Manual, 7th Edition) rather than basing trip estimates on project specific characteristics, up to 55 average daily trips would be expected from a facility of this size.

Assisted Living (summarized below from ITE Manual):

- Located in residential setting
- Provide routine protective oversight or assistance
- Are for mentally or physically limited persons
- Have separate living quarters (single room)
- Staffed 24 hours a day
- One study showed <5% of residents own cars
- Most traffic generated by employees, visitors, and delivery trucks

Assuming 20 occupied beds

Total weekday trips 55

Total combined am/pm weekday peak hour trips 7

OR

Assuming 13 employees/volunteers

Total weekday trips 51

Total combined am/pm weekday peak hour trips 14

55 trips generated all day is 0.6% of the total trips on Pleasant Hill Road (the Average Daily Trips (ADT) on Pleasant Hill Road is 9,943 based on 1999/2000 data).

Since, under any analyzed scenario, the average daily trips and peak hour trips would be well below the threshold for concern, the impact to air quality from the project generated vehicle trips would be less than significant (see also third party traffic engineering review letter from Fehr & Peers dated September 2, 2009)..

- 3c. As mentioned in response 3b. above, the number of vehicle trips generated from the proposed use would be limited. Assuming a typical day that may include 40(or 55 if ITE Trip Generation factors are used) or fewer average daily vehicle trips, distributed over 24 hours, an average of approximately 1.7 trips per hour (or 2.3 using ITE Trip Generation factors) would be generated by the project. Any impact on air quality resulting from these trips would be considered less than significant.
- 3d. The proposed project would not generate a large number of vehicle trips in the area (as noted above) and the project site itself is not located along a freeway or arterial roadway. Future residents would not be exposed to substantial pollutant concentrations; therefore, sensitive receptors are not expected to be adversely affected and this would be considered a less than significant impact.
- 3e. The proposed project request is for a congregate care, general facility, which would be similar to a residential use, in terms of creation of objectionable odors. The facility would not generate any odor other than ordinary odors from food preparation. Residents and staff would not be allowed to smoke indoors or outdoors. Any impacts would be less than significant.

- 3f. Global climate change refers to the change in the average weather of the earth that may be measured by changes in wind patterns, storms, precipitation, and temperature. Climate changes can affect California's public health through changes in air quality, weather related disasters, and a possible an increase in infectious diseases. Climate change is believed to be caused, at least in part, by Greenhouse Gas Emissions (GHG), which are gases emitted from various sources that trap heat in the atmosphere and include water vapor, carbon dioxide, methane, nitrous oxides, chlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, ozone, and aerosols.

There are currently no locally adopted thresholds for determining the significance of GHG's effects on the environment with respect to individual development projects. The Governor's Office of Planning and Research (OPR) is charged with developing, and the California Resources Agency (Resources Agency) will certify and adopt, amendments to the Guidelines implementing the California Environmental Quality Act ("CEQA Guidelines"), on or before January 1, 2010, pursuant to Senate Bill 97 (Dutton, 2007). These new CEQA Guidelines will provide further regulatory guidance on the analysis and mitigation of GHG emissions in CEQA documents. In the interim, OPR has issued informal guidance regarding the steps lead agencies should take to address climate change in their CEQA documents. This guidance was developed in cooperation with the Resources Agency, the California Environmental Protection Agency (Cal/EPA), and the California Air Resources Board (ARB). The OPR Guidelines are advisory for local jurisdictions and were considered in completing this analysis.

The OPR Guidelines state:

"Each public agency that is a lead agency for complying with CEQA needs to develop its own approach to performing a climate change analysis for projects that generate GHG emissions. A consistent approach should be applied for the analysis of all such projects, and the analysis must be based on best available information. For these projects, compliance with CEQA entails three basic steps: identify and quantify the GHG emissions; assess the significance of the impact on climate change; and if the impact is found to be significant, identify alternatives and/or mitigation measures that will reduce the impact below significance. Lead agencies should determine whether greenhouse gases may be generated by a proposed project, and if so, quantify or estimate the GHG emissions by type and source. Second, the lead agency must assess whether those emissions are individually or cumulatively significant. When assessing whether a project's effects on climate change are "cumulatively considerable" even though its GHG contribution may be individually limited, the lead agency must consider the impact of the project when viewed in connection with the effects of past, current, and probable future projects. Finally, if the lead agency determines that the GHG emissions from the project as proposed are potentially significant, it must investigate and implement ways to avoid, reduce, or otherwise mitigate the impacts of those emissions." (*OPR Technical Advisory Publication, June 19, 2008, p. 5*).

The proposed project would generate GHG's mainly from motor vehicle use and energy consumption. However, the site once was approved for use by up to 25 people in years past when energy consumption and vehicle emissions were generally greater per capita than in current times and restrictions on automobile usage as proposed by the current project were not in effect. Even if the facility were to continue to be used as a single family

residence (its current use), given its size, the number of existing bedrooms within the building, the existing number of parking spaces on-site and the lack of any zoning ordinance restrictions on the number of family members (related or unrelated) who may live on the premises, it is likely that a residential use could generate a similar number of average daily trips to the proposed congregate care use (particularly with the proposed prohibition on client vehicles, restricted visitation policy, and availability of a facility van for group excursions) resulting in similar GHG emissions. In addition, although the proposed capacity of the facility is up to 20 client residents, due to potential turnover and vacancies, actual occupancy could often be less than 20 client residents.

Consequently, the anticipated change in green house gas emissions resulting from the proposed project would be less than significant in comparison to the historic use of the site as a retreat facility or its existing allowed use as a single family residence.

When distributed over a 24 hour period, an average of 40 to 55 trips per day from the proposed project would not create substantial amounts of new GHG emissions, particularly if offset by the average number of trips per day that could be generated by permitted uses of the existing building

Based on the preceding analysis, it is determined that the proposed project would not result in a substantial increase in GHG emissions and would therefore have a less than significant impact on climate change and GHG emissions at either a project specific or cumulative level.

IV. BIOLOGICAL RESOURCES -- Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Comment:

The proposed project would be located in a developed portion of the City. The project does not propose to remove any existing trees or significantly modify the existing landscaping. The subject site does not accommodate any type of riparian habitat. Lastly the proposed project would not conflict with any known conservation plan. Thus, the project would not have any impacts to biological resources.

V. CULTURAL RESOURCES -- Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				X
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d.	Disturb any human remains, including those interred outside of formal cemeteries?				X

Comment:

5a The proposed project would be located within an existing structure that does not meet the criteria for being a historical resource as identified in §15064.5 of the Guidelines for the Implementation of the California Environmental Quality Act. The building is not listed in the California Register or Historical Resources; it is not considered a locally historic significant structure; and it is not on the list of potentially historic structures identified in the City General Plan. In addition, no demolition of any existing structures is proposed by the applicant nor is there any proposal to significantly modify the exterior of the existing structure, leaving the site relatively unchanged. Thus, the project would not have an impact on cultural resources.

5b – 5d. The proposed project would not include any physical changes, including any excavation or grading thus, the project would not have any impacts on cultural resources.

VI. GEOLOGY AND SOILS -- Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
	ii) Strong seismic ground shaking?				X
	iii) Seismic-related ground failure, including liquefaction?				X
	iv) Landslides?				X
b.	Result in substantial soil erosion or the loss of topsoil?				X
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

Comment:

The proposed project would not involve construction of any new structures, or remove or modify any existing structures. In addition, the proposed project would not include any substantial physical modifications to the site. Thus, the proposed project would not have any impacts to geology or soils.

VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Comment:

7a. The proposed project would not include routine use, transport, or disposal of hazardous materials; therefore, there would be no impact related to hazardous materials.

7b 7d. The proposed project would not include the use or storage of hazardous materials, thus, there would be no chance for the project to release hazardous materials; therefore, there would be no impact related to hazardous materials.

- 7e & 7f. The site of the proposed project is not within two miles of a public use airport, nor within a private airstrip; therefore, there would be no impact on the safety of people in the area related to airport use.
- 7g. The proposed project would not impair or interfere with an adopted emergency response or evacuation plan; therefore, there would be no impact on emergency response or evacuation planning.
- 7h. The proposed project would not be located in an area that would expose future residents to wildland fires as the site is located within an urbanized area and not near any wildland areas; therefore, there would be no impact related to exposure of people to fire hazards or to risk of significant loss, injury or death related to potential wildland fires.

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Violate any water quality standards or waste discharge requirements?				X
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f.	Otherwise substantially degrade water quality?				X
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
j.	Inundation by seiche, tsunami, or mudflow?				X

Comment:

8a – 8j. The proposed project would not include any significant modifications to the proposed site, nor would it include any grading or add soil fill to the site. The proposed project would add small amounts of new hardscape areas (walkways) at the site. The proposed project would include housing for up to 20 client residents and the site is not located within a 100 yard flood boundary. Lastly, the project site is not vulnerable to seiche, tsunami or mudflow since it is not located near the shore of any body of water; therefore, the project would not have any impacts to hydrology or water quality.

IX. LAND USE AND PLANNING - Would the project:

		Potentiall y Significan t Impact	Less Than Significant with Mitigation Incorporated	Less Than Significa nt Impact	No Impact
a.	Physically divide an established community?				X
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Comment:

9a. The proposed project would be located within an existing building and would not involve any significant construction or obstruction or alterations to the site that would physically divide an established community. In addition, the proposed facility is intended to provide treatment within a residential setting; consequently even though it may be a commercial enterprise, it is intended to be located among residential uses. Therefore, the project would have no impacts relating to the physical division of the community.

9b. The proposed project would conform with the City's General Plan and in particular with the following General Plan goals, policies and programs:

General Plan Community Development Goal 1: Preserve and enhance residential neighborhoods.

The project would not conflict with this goal, as this goal is mainly related to aesthetics, design, and density of development. While the project proposes to have 20 persons living at the facility at any one time, the zoning ordinance may allow this type of use subject to conditional use permit approval.

Through the conditional use permit process, the Planning Commission must confirm that:

- a. The proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use;
- b. The proposed use will not be injurious or detrimental to adjacent properties or to property in the neighborhood or to the general welfare of the city; and
- c. The proposed use is consistent with the policies and goals established by the general Plan.

The Planning Commission can impose conditions of approval on the project to ensure that it would comply with all of these requirements and ensure consistency with this policy. In addition, no physical changes are proposed that would negatively impact the neighborhood.

Community Development Policy 1A encourages aesthetic enhancement of residential areas, while retaining the charm and character of individual neighborhoods. Through the conditional use permit review process, the project would be conditioned to address aesthetics that would improve the appearance of the property ensuring consistency with this policy.

General Plan Community Development Policy 2A encourages uses needed by the community at appropriate locations. The proposed project is not in conflict with this policy as a facility of this nature currently does not exist within the City and could serve a local and/or regional need. In addition, these State licensed facilities are purposefully sited within residential areas to provide opportunities for drug and alcohol treatment and recovery in a non-institutional setting; thus, since this is a residential location and located along a main thoroughfare, this could be found to be an appropriate location ensuring consistency with this policy.

General Plan Housing Policy 4A states the City should strive to provide incentives and encourage development of senior housing, housing for the developmentally, mentally, and physically disabled at sites where proximity to services and other features make it desirable. The proposed project would provide housing for persons with disabilities and the project site is located with easy access to various services and includes features (such as an existing large building that has a residential appearance, along a main thoroughfare rather than on a local residential street) that make the site desirable ensuring consistency with this policy.

Circulation Policy 5A notes installation or upgrade of sidewalks, warning devices, crosswalks, and other pedestrian aids where appropriate should be provided. In this case, standard engineering conditions of approval requiring appropriate frontage and safety improvements would ensure consistency with this policy.

Circulation Policy 6A calls for projects to improve sidewalks and facilitate access by persons with disabilities, as the project would be required pursuant to applicable City engineering standards to install an ADA compatible sidewalk and provide ADA access from the sidewalk to the facility it would be consistent with this policy.

Growth Management Policy 2A requires new development to contribute to or participate in the improvement of park, school, fire, police, sanitary, water and flood control services in proportion to the demand generated by project occupants and users. The project would be

required to pay all applicable City development impact fees to offset the proportional demand for these public services that would be generated by the project ensuring consistency with this policy. In addition, through the conditional use permit process, conditions of approval may be imposed on the project to address any other potential impacts to public health, safety or welfare. further ensuring consistency with this policy.

Safety and Noise Policy 7A and 7B requires new development projects to be designed and constructed to meet acceptable noise level standards and evaluate the noise impacts of development based on the potential for significant increases in noise levels. Through regulation of the proposed use through the conditional use permit process, adherence to the applicant proposed "Good Neighbor Policy" and through compliance with City noise ordinance requirements, the project would be required to maintain noise at levels acceptable for a residential neighborhood ensuring consistency with this policy.

General Plan Housing Goal 7 and Housing Policy 7A states the City shall ensure equal housing opportunities for all and ensure that individuals and families seeking housing in Pleasant Hill are not discriminated against on the basis of age, disability, gender, etc or other similar factors, respectively. The project would not conflict with this component of the General Plan as it would provide housing for the disabled ensuring consistency with this policy.

In addition to being consistent with the General Plan as noted above, the project would also be required to comply with all applicable zoning ordinance requirements and conditions of approval if a conditional use permit is approved by the Planning Commission. Thus, project's potential to conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect would be less than significant.

- 9c. The project site is not within the boundaries of a habitat conservation plan or a natural community conservation plan. No conflicts with either of these plans would occur.

X. MINERAL RESOURCES -- Would the project:

		Potential y Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Comment:

- 10a & 10b. The project site is located in an urbanized area and is not in an area that is delineated as a locally important mineral resource location. The site is not known to contain any significant mineral resource and the proposed use would be located within an existing building; therefore, the proposed use would not result in any impact to, or loss of, any mineral resource.

XI. NOISE -- Would the project result in:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b.	Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			X	
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Comment:

11a - 11d. To thoroughly analyze the noise impacts of the proposed project, an acoustical study was completed by Illingworth & Rodkin (Attachment 4). The report includes an analysis of current noise levels and any expected project impacts pertaining to noise. The study concludes that, as proposed, the project could generate noise from the loud playing of amplified music (both indoors and outdoors), outdoor activities (including loud talk, music, and gardening) that, if not properly minimized and controlled, could violate the City's noise standards (as noted in Chapter 9.15 of PHMC). However, the study also finds that adherence to the applicant proposed "Good Neighbor Policies," and compliance with the City noise ordinance requirements, (such as limiting the hours of outdoor activities, minimize loud talk, being of aware whenever amplified sounds are produced and the noise levels created) would ensure that the ongoing operations/activities related to the project would not have any significant impacts on noise. The noise study also notes that incorporating a solid noise barrier around the main outdoor gathering (eating and drinking) area and implementing limitations on allowable outdoor uses and activities would further reduce any outdoor noise impacts.

In addition, the project would not include significant construction other than the installation of fences, restriping of the parking lot and potentially adding a new sidewalk and curb and gutter in the public right-of-way to comply with City

engineering requirements. Compliance with the City's hours of construction and noise ordinance would ensure that there would not be any significant impacts associated with this work, including generation of any significant vibration or noise. Any impacts would be considered less than significant

- 11e & 11f. The project site is not within the boundaries of the nearest airport land use planning area, in this case the airport land use plan for Buchanan Field Airport. In addition, the proposed project is not within the vicinity of any private airstrip. Therefore, the project would not be exposed to any significant airport noise or result in safety impacts on facility residents.

XII. POPULATION AND HOUSING – Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Comment:

- 12a. The proposed use would be located within an existing building with that was previously used as a convent/nunnery and is currently used as a single family residence. The project would not involve any expansion or construction of new structures that would result in a substantial increase in population; therefore no impact would occur.

12b. & 12c.

The proposed use would be located within an existing single family residence, thus, no existing housing would be removed and only the existing resident, who is the applicant, would be displaced. Therefore no impact would occur.

XIII. PUBLIC SERVICES -- Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable				

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
	service ratios, response times or other performance objectives for any of the following public services:				
	Fire protection?			X	
	Police protection?			X	
	Schools?				X
	Parks?			X	
	Other public facilities?				X

Comment:

13a.

Fire Protection: The site is located within the service area of the Contra Costa County Fire Protection District. The proposed project has been reviewed by the Fire District and would be required to comply with all applicable fire safety requirements prior to commencement of operations. No new equipment or personnel are required to serve the proposed project. With adherence to Fire District requirements, impacts on fire protection would be less than significant.

Police Protection:

Attempts by third parties to make unauthorized visits or rendezvous with clients for unlawful activities raises security and safety concerns and raises questions regarding the project's impact on City police services. Ingress and egress for the site and the facility would not be physically controlled or restricted by locked gates or fences since all clients would reside at the facility on a voluntary basis. House rules would prohibit clients from leaving the facility without a chaperone. Visits between clients and friends and family are proposed to occur off-site at 2115 Pleasant Hill Road (First Christian Church) on a weekly basis. Clients are proposed to be screened for convictions (involving violent felonies, misdemeanor assault with aggravation and sexual offenses), a history of violence, physical assault or abusive behavior at a previous treatment program or facility, and eligibility for facilities services.

In order to gain additional insight into potential security and safety impacts associated with these types of facilities, and identify potential impacts and solutions, the City researched 7 comparator facilities in the greater bay area (including Contra Costa County). The research was completed by the environmental consulting firm of Lamphier-Gregory (Attachment 1) and supplemented by research from the Police Department (Attachment 2).

The facilities reviewed are located in Oakland, Bay Point, Concord, Pittsburg, Santa Rosa, and two in San Mateo. These specific facilities were selected by Lamphier-Gregory in consultation with the City staff and the Police Department to provide illustrative contrasts and comparisons with the proposed St. Theresa's facility with a focus on security and safety issues. These seven facilities were selected after a review of the characteristics of all similar licensed facilities in the region (approximately 57 total facilities). Five of the seven comparator facilities are for adult women only. One facility allows adult women and their children (under the age of 5) and one

facility allows both men and women to illustrate whether a noticeable difference in impacts exists. Two facilities have 6 clients or fewer clients. One facility has a capacity of up to 99 persons). All of the facilities are located in residential neighborhoods. A summary of the data obtained by Lamphier-Gregory for each facility follows below:

Santa Rosa Facility – Capacity of up to 99, allows both men and women, with currently mostly men at the facility. There were 13 incidents that required police reports over the course of the past six years. Over the past three years there were approximately 31 incidents (less than one incident per month), of which 5 required police reports. Of the two police reports that were identified, one was for a stolen vehicle report and one for a display of a weapon.

Oakland Facility – Capacity of up to 6, allows adult women only. The facility is located within a high crime area of the City, with 30 crimes committed within a quarter mile of the facility over a 90 day period. Further investigation reveals that there have not been any calls for police assistance to the facility over the past 3 years.

Concord Facility – Capacity of up to 6, allows adult women only. Over the past three years there were 16 calls for service, of which 6 resulted in a case (police report). According to Concord police, most of the calls were related to issues within the facility and not neighborhood related.

Bay Point Facility – Capacity of up to 16, allows adult women, plus their children up to age 5 and 4 additional occupants comprised of a mix of males and females in adjacent locations. There have been four reports filed within the past three years. Data for service calls was only provided over a period of the most recent 90 days, during which time there were four, including welfare checks, audible alarm, unknown and a disturbance.

Pittsburg Facility – Capacity of up to 15, allows adult women only (in adjacent locations). Over a year and a half period, there were 49 calls (average of fewer than 3 calls a month) that resulted in 5 police reports. The police reports were related to mental health commitments and a probation violation.

San Mateo Facility (Laurel House) – Capacity of up to 12, allows adult women only. Since 2005, there have been 15 police cases, of the 15 most were involving violations pertaining to narcotic registrants (i.e. whenever a person is convicted of certain drug offenses, they are required to contact local police or sheriff authorities and register their new place of residency, failure to register constitutes a violation), with one report involving a vandalism issue.

San Mateo Facility (The Elm's) – Capacity of up to 15, allows adult women only. Since 2005, there have been 29 police cases, and similar to the other San Mateo facility, most involved violations pertaining to narcotic registrants and one report involving drunkenness in public and one involving tampering with a vehicle.

To provide additional insight into what level of police calls could be considered a significant impact on police services in Pleasant Hill, the number of calls received related to an existing transitional housing facility on Lisa Lane within Pleasant Hill was compared with the data gathered by Lamphier-Gregory and Pleasant Hill Police for the seven comparator facilities. This data was then compared with the total number of police calls received for the entire City. Staff, with assistance from the Police Department, reviewed the past 3 years of data for the Lisa Lane transitional housing facility for the homeless in the City with approximately 73 residents (including families). The facility has controlled access and has up to 4 on-site staff (1 overnight). The data revealed the Police Department responded to 227 calls over the most recent three year period

(average of over 6 calls a month). This number of police calls represented 0.37% of the total calls for the entire City during this same time period (Attachment 3). This transitional housing facility is also located in close proximity to a residential neighborhood and a school. Consequently, even if the St. Theresa's facility generates the same number of police calls as this transitional housing facility for the homeless with nearly four times the number of occupants (with male, female and minor occupants), it would represent less than one percent of all police calls received by the City. The Police Department has reviewed this data and concurs that the proposed facility would not be likely to significantly impact overall police service levels.

Nevertheless, if the facility is not properly managed and not operated in compliance with applicable conditions and license provisions, there is a potential for unlawful or unauthorized activities to occur on or near the site that could impact neighborhood safety and security. This is a particular concern due to the applicant's relative inexperience in operating these types of facilities and due to the proposed size and resulting higher level of operational complexity of the proposed facility. Conditions of approval can be imposed through the conditional use permit process addressing safety and security issues to address these potential neighborhood concerns (e.g. phasing, enhanced client screening, clarifications/modifications to the proposed "good neighbor policy," and residential admission agreement, supplemental compliance monitoring, zero tolerance policies for violations of certain house rules, security systems, contingency for supplemental police services, fencing, lighting, etc.).

Thus, based on the analysis above, the impact of the project on police services would be less than significant.

Schools: The proposed project would accommodate 20 adult women and they would be housed on a temporary basis. Children would not be allowed to live at the facility. Without children living at the facility, there would be no impacts to schools.

Parks: The proposed project would house 20 adult women who would be on a strict treatment and recovery program that would normally not allow substantial time to visit or make use of the area recreation and park facilities; thus, there would be a less than significant impact to these types of facilities.

Other public facilities: The proposed project would be relatively self-contained. Treatment and recovery services would be provided by the facility. The residents would not be permanent and would reside within the confines of the facility. The residents would not rely heavily on other public services; thus, there would be no impacts.

XIV. RECREATION – Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
a.	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b.	Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

Comment:

14a. & 14b.

The proposed facility would house up to 20 adult women for stays not exceeding 12 months for the purpose of undergoing drug and/or alcohol treatment and recovery. Based on the project description provided by the applicant, residents are expected to stay on-site for the majority of their term of residency at the facility. As a result, facility residents would not be expected to make significant use of public park and recreational facilities; thus, there would be a less than significant impact on recreation resources.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
a.	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b.	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e.	Result in inadequate emergency access?				X
f.	Result in inadequate parking capacity?		X		
g.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Comment:

- 15a. The proposed project would include a maximum of 20 client residents who would not be allowed to drive or maintain vehicles on-site while in treatment at the facility. Most of the vehicle trips associated with the project would originate from employees, deliveries, and volunteers and visitors to the off-site visitation location. Because of the minimal number of trips (average of 40 to 55 per day, less than 15 during all peak hour periods combined) that would be generated by the project (significantly less than 100 peak hour trips which is the threshold for requiring a formal traffic study) and the lack of affected transportation facilities in the area, the project impact would be less than significant. This

is a conservative analysis since net increase in trip generation would be further reduced if offset by the average number of trips that are and could be permitted to be generated by the existing use of the site. The minimal amount of net new vehicle trips can be accommodated by the existing transportation network.

In addition, the applicant is proposing to have weekly (Saturday at 9:00 am) client visitations (for family, friends, etc) at an off-site facility. The applicant is proposing to hold the off-site visitations at 2115 Pleasant Hill Road (First Christian Church). There would not be any impacts to peak hour traffic since the visitations would occur on a Saturday morning, which is not during a peak hour period, and traffic volumes are lower during this time of the day and week. Therefore, the project impacts to traffic load and capacity would be less than significant.

- 15b. The project site and off-site visitation location is located in an area where no County Congestion Management Agency designated roads or highways would be impacted since those in the area are operating at acceptable levels and the proposed project (with an average of 40 to 55 daily trips and less than 15 combined am/pm peak hour trips) would not significantly impact these facilities due to the minimal amount of vehicle trips generated from the proposed facility. The amount of new vehicle trips that would be added to the existing transportation network would result in a less than significant impact particularly when the existing trips that are/could be generated by the existing use of the site are taken into account.
- 15c. The proposed project would not impact air traffic patterns as the structure is not of a significant height that could impact air traffic; therefore no impacts would occur.
- 15d. The proposed project would not modify an existing road or construct a new road nor would there be any significant changes proposed to the existing on-site vehicle layout and circulation pattern. . Due to specific design features and existing conditions of Pleasant Hill Road (see attached third party review by the licensed traffic engineering firm of Fehr and Peers), it has been determined that there is sufficient stopping sight distance for south bound vehicle traffic and there is sufficient stopping sight distance for the northbound traffic for vehicles traveling up to 38 mph (note the posted speed limit for this segment of roadway is 30 mph and 30 mile per hour speed calls for a desired 200 foot stopping sight distance per accepted traffic engineering standards). The existing stopping sight distance measured in a north direction from the project driveway approach is 285 feet. Based on the existing city traffic speed survey for this road segment, the 85th percentile speed along this section of Pleasant Hill Road is 39 mph, which calls for 290 feet of stopping sight distance. In order to provide a conservative analysis, 300 feet of stopping sight distance is used for the sight distance analysis.

Standard engineering conditions of approval would ensure that any vegetation, or other significant visual obstructions within the right of way would be removed or minimized to the extent feasible to maximize available stopping sight distance along the existing road at this location. In addition, the City Engineer may recommend restricting the project driveway to right in/right out only turning movements through engineering conditions of approval to further ensure that the potential for traffic conflicts (based on the conservative 300 feet stopping sight distance) is minimized. The project is expected to generate less than 15 total peak hour trips per day (am+pm peak combined) similar to the number of trips that could have been generated under past use of the site as a convent (which did not have any restrictions on resident vehicles or restrictions on

visitation) and similar to the peak hour trips that could be generated from full utilization of the site as a 6,000+ square foot, 12 bedroom single family residence. With adherence to engineering standards that would be implemented through conditions of approval of the conditional use permit, the potential project impact is determined to be less than significant under even a conservative scenario (see also Fehr and Peers third party review for additional details).

- 15e. The project site is located adjacent to a public street. No impediments to emergency access would occur as a result of the proposed use. In addition, the project would require review and approval from the Fire District and Police Department ensuring that any potential concerns regarding emergency would be addressed; therefore, there would be no impacts to emergency access.
- 15f. According to the applicant's project description, facility residents would not be allowed to drive or keep vehicles as part of their stay at the facility and visits between residents and non-residents would not occur at the facility. The staffing shifts are in three time periods, day 730am to 530pm (5 staff), evening 500pm to 1130pm (3 staff) and overnight 1130pm to 730am (up to 3 staff). Thus, during the 500pm to 530pm time period, the project could have up to 11 employees/volunteers on-site together at any one time due to overlap of facility staffing shifts of half an hour and because there could be up to 3 volunteers on-site at any one time. With the site providing 9 parking spaces (including one space for a facility vehicle and one space for loading), there would be inadequate parking for the proposed use under the worst case scenario if shifts are allowed to overlap, all volunteers are on-site during the period of shift overlap, all on-street parking in front of the project site and immediately adjacent to the site is occupied, and planned restrictions on on-site visitation are not enforced allowing for greater parking spillover into the surrounding neighborhood. However, to ensure that parking does not become a significant impact the following mitigation measures are proposed:
- To prevent off-site parking impacts to the neighborhood, staffing levels shall be scheduled (including volunteers and outside assistance personnel) to ensure that demand for parking shall not exceed the number of parking spaces available at the site. A schedule of staffing levels (include volunteers and outside personnel) shall be provided to the City on an annual basis or as personnel levels change.
 - To prevent off-site parking impacts, scheduled on-site visitations shall not be allowed at the facility, due to inadequate parking supply on-site to accommodate 20+ visitors for up to 20 on-site residents.
 - To prevent off-site parking and circulation impacts, the project shall provide one dedicated loading space with dimensions of 10' x 20' x 10' to discourage off-site parking of delivery vehicles and to minimize delivery vehicles movements on the property.
 - To prevent off-site parking impacts to the neighborhood, persons who are not clients residing at the facility are not permitted to receive treatment or recovery services, counseling, training, attend meetings, or engage in any similar activities at the facility, as there would not be adequate parking supply to accommodate visitors of any significant number in addition to on-site staff and personnel.

In addition, the applicant is proposing to have weekly (Saturday at 9:00 am) client visitations (for family, friends, etc) at an off-site facility. The applicant is proposing to

hold the off-site visitations at 2115 Pleasant Hill Road (First Christian Church). There would not be any parking impacts at the facility since the church already has a large parking lot, and there would be minimal church activities occurring at this time. Thus, there should be adequate parking supply to accommodate client visitors. The applicant is also proposing to secure up to five (5) additional off-site parking spaces at the First Christian Church for use as additional overflow parking during regular facility operations. However, to ensure that parking at the off-site visitation location remains adequate, the applicant shall be required to provide the City with a schedule indicating that visitations would not occur simultaneously with Church events such that on-site parking would become insufficient for both uses. In addition, the applicant shall be required to provide the City with a written agreement with the Church consenting to the proposed schedule for off-site parking and facility use. Any changes to the schedule or written agreement would require review and approval by the Zoning Administrator. With incorporation of these measures, project impacts on parking would not be significant.

- 15g. The proposed project would be required to provide a new sidewalk to ensure consistency with the Pleasant Hill Road Corridor Concept Study, thereby improving pedestrian access at the site. In addition, there is currently no bus stop and the local transit agency does not have any near-term plans to install a bus stop in this area due to low demand. As a result, the project would not conflict with any policies, plans, or programs that support alternative transportation and no impact would occur.

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:

		Potentially Significant Impact	Less Than Significa nt with Mitigatio n Incorpor ated	Less Than Significant Impact	No Impact
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	

g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X
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Comment:

- 16a-b,e The proposed project site is served by the existing sanitary sewer system and would not install any new bathroom fixtures. In addition the project would be located at a site that previously accommodated up to 25 persons in a different capacity (convent/nunnery and retreat center). However, additional people (staff and volunteers) at the project site may increase overall water usage. Since the number of people involved would be minimal (up to 13 staff and volunteers), any impact on wastewater treatment requirements, facilities and capacity would be considered a less than significant impact.
- 16c. The proposed project would add minimal new hardscape to the site (including new walkways); however, it would not involve any substantial physical changes to the site. No impacts to stormwater drainage facilities would occur.
- 16d. The proposed project would not install any new toilets, showers, sinks, or other facilities that would be connected to the water system. Therefore, the City believes the existing water system would be sufficient to serve the proposed project. The project would be required to comply with the requirements of the East Bay Municipal Utilities District. The project would install new landscaping that is consistent with the requirements and water usage for a single family home. Therefore any impacts to water facilities and water system capacity would be considered less than significant.
- 16f. The proposed project solid waste needs would ultimately be provided at the Keller Canyon landfill in Pittsburg, CA. This site has a life expectancy of approximately 50 years and has been in service for only 13 years. Any solid waste generated by the project would be considered to be less than significant.
- 16g. The proposed project would be required to comply with all requirements of the local solid waste pick up provider (Allied Waste); therefore, no inconsistencies or conflicts with federal, state or local solid waste requirements would occur.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE – Does the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
b.	Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c.	Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

Comment:

- 17a. Project impacts related to the quality of environment, including fish and wildlife, flora and fauna were addressed in previous sections of this document. As mentioned, the project would not have any impacts to biological resources as the project would not include any physical changes to the site or the building and the site does not contain any rare or endangered plant or animal species.
- 17b. The proposed project would have cumulative impacts related to traffic, air quality and noise. However, the amount of new traffic, and correspondingly the amount of pollutants and noise generated from new traffic would be less than significant because the amount of new trips generated during a 24 hour period would be significantly less than the 100 peak hour trip threshold established by the Contra Costa Transportation Authority; consequently, the project, would result in less than significant cumulative impacts.
- 17c. The project, with proposed mitigation addressing parking impacts, would not have significant project specific or cumulative impacts to human beings from project related impacts including noise and air quality as the proposed outdoor activities will not generate noise to a significant level and the amount of new vehicles trips will not be in any amount to significantly affect cumulative air quality impacts. The project could potentially have significant impacts related to parking; however, with mitigation measure (as proposed) related to facility staff limitations, non-resident use of the facility, including a loading space and not allowing client visitations at the site the project impacts would be less than significant.

GENERAL SOURCE REFERENCES:

1. St. Theresa's Retreat Use Permit Application, submitted by Applicant.
2. Bay Area Air Quality Plan, 2000.
3. Contra Costa Transportation Technical Procedures Manual.
4. City of Pleasant Hill General Plan.
5. City of Pleasant Hill Municipal Code, including City Zoning Ordinance and Maps.
6. City of Pleasant Hill Accela Permit Database
7. Site Visits to Subject Site, Adjacent Properties and Surrounding Bay Area Facilities.
8. Alquist-Priolo Earthquake Fault Zoning Act.
9. National Pollutant Discharge Elimination System (NPDES) Permit.
10. Flood Insurance Rate Map.
11. Pleasant Hill Road Corridor Concept Study, 1999 (City of Pleasant Hill), including technical documents.
12. Trip Generation, 7th Edition, Institute of Transportation Engineers, 2003
13. California Department of Transportation, Highway Design Manual, 5th Edition,

ATTACHMENTS *(Attachments are available for review at Pleasant Hill City Hall – Planning Division):*

1. St. Theresa Retreat – Facility Study, Lamphier-Gregory, May 1, 2009, including Public Records Request to California Department of Alcohol & Drug Programs, May 1, 2009.
2. Memorandum from City of Pleasant Hill Police Department, dated June 5, 2009.
3. Police Summary of Calls to 2387 Lisa Lane.
4. Environmental Noise Assessment, Completed by Illingworth & Rodkin Inc., May 29, 2009.
5. Fehr and Peers Peer Review of Transportation Assessment for St. Theresa Retreat Project, September 2, 2009
6. Lamphier-Gregory Response Letter for St. Theresa Retreat, dated August 28, 2009
7. City of Pleasant Hill – Responses to Comments, September 8, 2009 Planning Commission Staff Report, Attachment A

The applicant is requesting reasonable accommodations from the following City requirements pursuant to PHMC Chapter 18.112 and state and federal fair housing laws:

- Relief from the City's standard condition of approval requiring an applicant to indemnify the City from future claims, actions or proceedings against the City.
- Relief from referral of this minor conditional use permit to the Planning Commission or City Council in reference to P.H.M.C. Section 18.95.020. The accommodation requested is for the Zoning Administrator to grant Use Permit Number UP 08-008 for St. Theresa's Retreat, a long-term residential treatment facility for women suffering from drug and alcohol addiction disorders at 2059 Pleasant Hill Road, Pleasant Hill, CA filed September 2008. This accommodation also requests that no additional conditions relating to security, property improvements, public improvements, operations, extraordinary regulation, reporting, and oversight related to women in recovery be included with the issuance of this permit aside from those imposed by Land Use Permit NO. 337-83.
- Relief from the City's requirements as set forth in the Pleasant Hill Corridor Concept Study, regarding the requirement to construct sidewalk, curb and gutter improvements along the street frontage of the property.
- Relief from the City's requirement that the applicant construct an eight foot tall perimeter fence around the property (PHMC § 18.25.040.A.4 & 18.55.140.A).
- Relief from the following City parking related requirements as set forth in various sections of Chapter 18.55:
 - Parking and loading supply requirements
 - Parking and loading space dimensions include width and depth and buffer area adjacent to obstructions.
 - Adding wheel stops for each parking space that abuts a fence, curb, wall, or landscape walkway.
 - Parking aisle dimensions including driveway widths.
 - Driveway widths and clearances, including width for one and two-way access.
 - Driveway visibility requirements.
 - Parking area screening, lighting and landscaping requirements including:
 - Screening with an eight foot tall wall or fence from adjacent residential "R"-districts.
 - Complying with lighting requirements for parking lots.
 - Providing 10% of the parking lot area as landscaping.
 - Installing planting strips along property lines adjoining residential "R"-districts and along street property lines.
 - Installing a landscape planter at the end of parking rows.
 - Installing a minimum of 1 tree for every 3 parking spaces in the parking area.
 - Providing any other paving, surfacing, drainage, lighting, signs, striping, etc. that is deemed necessary within the parking and driveway area.
 - Complying with loading space regulations include size dimensions and location within a required front yard.

In addition, 2115 Pleasant Hill Road (First Christian Church) is proposed to be used to accommodate visits (by client family members, friends, etc.) and as a venue for educational presentations to clients

and family members once a week on Saturday's from 9:00am through 12:00pm. Residents of the proposed facility at 2059 Pleasant Hill Road would walk from the facility to 2115 Pleasant Hill Road under supervision of facility staff. The First Christian Church parking lot would also be available for overflow parking for up to five parking spaces pursuant to a proposed agreement between the applicant and the Church. No physical changes/improvements are proposed for 2115 Pleasant Hill Road and all proposed visits and educational presentations would occur within existing Church facilities.

LOCATION OF PROJECT: The Proposed Project is located in the City of Pleasant Hill, in Contra Costa County, California. The project site address is 2059 Pleasant Hill Road and is designated as (APN 166-330-015) and is located on the west side of Pleasant Hill Road, south of the intersection of Pleasant View Drive and Pleasant Hill Road. The site is surrounded by existing single-family residences. Off-site visits would occur at 2115 Pleasant Hill Road (First Christian Church).

NAME OF APPLICANT: Dr. Michael Jordan

MAILING ADDRESS: 2059 Pleasant Hill Road, Pleasant Hill, CA 94523

PHONE: (925) 360-4732

TYPE OF ENTITLEMENT SOUGHT: Minor Use Permit and Reasonable Accommodation

MITIGATION MEASURES INCLUDED IN THE PROJECT TO AVOID POTENTIALLY SIGNIFICANT IMPACTS:

Mitigation Measure 1

To prevent off-site parking impacts to the neighborhood, staffing levels (including volunteers and outside assistance personnel) shall not exceed the number of parking spaces available at the site. A schedule of staffing levels (include volunteers and outside personnel) shall be provided to the City on an annual basis or as personnel levels change.

Mitigation Measure 2

To prevent off-site parking impacts, scheduled on-site visits to residents shall not be allowed at the facility, due to inadequate parking supply on-site to accommodate 20+ visitors for up to 20 on-site residents.

Mitigation Measure 3

To prevent off-site parking and circulation impacts, the project shall provide one dedicated loading space with dimensions of 10' x 20' x 10' to discourage off-site parking of delivery vehicles and to minimize delivery vehicles movements on the property.

Mitigation Measure 4

To prevent off-site parking impacts to the neighborhood, persons who are not clients residing at the facility are not permitted to receive treatment or recovery services, counseling, training, attend meetings, or engage in any similar activities at the facility, as there is not adequate parking supply to accommodate visitors of any significant number in addition to on-site staff and personnel.

Mitigation Measure 5

To prevent parking issues at the off-site facility, the applicant shall be required to provide the City with a schedule indicating that visitations would not occur simultaneously with Church events such that on-site parking would become insufficient for both uses. In addition, the applicant shall be required to provide the City with a written agreement with the Church consenting to the proposed schedule. Any changes to the schedule or written agreement would require review and approval by the Zoning Administrator

EXPLANATION OF REASONS FOR THE FINDING: A finding is proposed that this project will not have a significant effect on the environment if the appropriate mitigation measures are adopted to abate or lessen any potential environmental impacts to a level determined to be insignificant or determined to have no impact at all.

PUBLIC HEARINGS: The project was reviewed by the Planning Commission at its public hearing on August 18, 2009 AT 6:30 PM, September 8, 2009 & September 29, 2009 both at 7:30 PM. Public hearings are held in the City Council Chambers at the City Hall located at 100 Gregory Lane. Any comments as to whether the draft mitigated negative declaration should become final or whether an Environmental Impact Report (EIR) should be prepared for the project must be submitted within twenty days of the posting of this mitigated negative declaration on or prior to **August 18, 2009**.

If this mitigated negative declaration becomes final by Planning Commission action, any person who disagrees with Planning Commission action may seek judicial review. Copies of the mitigated negative declaration and public record of the project are available for review and may be obtained at the Public Works and Community Development Department at the cost of reproduction.

Posted within the City of Pleasant Hill, City Hall, 100 Gregory Lane on July 24, 2009.

Statement of Mitigated Negative Declaration was reviewed and finally adopted on September 29, 2009 by the Pleasant Hill Planning Commission.

Signed: _____

Greg Fuz
Title: City Planner

Notice of Determination to be sent to:

☒ Posting of Notice ☒ County Clerk ☐ Mailed to owners of contiguous property
☐ Secretary of Resources ☐ Publish Notice

IF THERE ARE ANY QUESTIONS OR COMMENTS, PLEASE CONTACT:

Troy Fujimoto	Senior Planner	(925) 671-5224
NAME	TITLE	PHONE NUMBER

St. Theresa's Retreat Mitigation Monitoring and Reporting Program (September 2009)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule
Mitigation Measure 1: To prevent off-site parking impacts to the neighborhood, staffing levels (including volunteers and outside assistance personnel) shall not exceed the number of parking spaces available at the site. A schedule of staffing levels (include volunteers and outside personnel) shall be provided to the City on an annual basis or as personnel levels change.	Project Applicant	Planning Division	As needed, but at a minimum once a year.
Mitigation Measure 2: To prevent off-site parking impacts, scheduled on-site visitations shall not be allowed at the facility, due to inadequate parking supply on-site to accommodate 20+ visitors for up to 20 on-site residents.	Project Applicant	Planning Division	Ongoing.
Mitigation Measure 3: To prevent off-site parking and circulation impacts, the project shall provide one dedicated loading space with dimensions of 10' x 20' x 10' to discourage off-site parking of delivery vehicles and to minimize delivery vehicles movements on the property.	Project Applicant	Planning Division	Prior to opening of the facility.
Mitigation Measure 4: To prevent off-site parking impacts to the neighborhood, persons who are not clients residing at the facility are not permitted to receive treatment or recovery services, counseling, training, attend meetings, or engage in any similar activities at the facility, as there is not adequate parking supply to accommodate visitors of any significant number in addition to on-site staff and personnel.	Project Applicant	Planning Division	Ongoing.
Mitigation Measure 5: To prevent parking issues at the off-site facility, the applicant shall be required to provide the City with a schedule indicating that visitations would not occur simultaneously with Church events such that on-site parking would become insufficient for both uses. In addition, the applicant shall be required to provide the City with a written agreement with the Church consenting to the proposed schedule. Any changes to the schedule or written agreement would require review and approval by the Zoning Administrator.	Project Applicant	Planning Division	Written Agreement and Schedule Prior to Facility Occupancy. Notification of Any Schedule Changes Ongoing.

Exhibit C

Are family members involved in treatment?

With the patient's consent, we include the family and referral source in our evaluation, treatment and discharge planning. We believe that outside support is crucial for long-term recovery. Our model for family therapy is comprehensive and unique. With the client's authorization family members receive weekly updates and inclusion in our 4-day family program, which includes private family therapy, psychoeducation and multi-family process groups.

Learn more about our family program >

[Top](#)

Does Alta Mira provide aftercare?

Yes, we offer comprehensive discharge planning and lifetime continuing care and alumni support. Clients who successfully complete treatment are encouraged to return to attend weekly alumni support groups.

[Top](#)

Is there a full-time psychiatrist on staff?

While we are not primary medical or psychiatric facility, Alta Mira has an American Society of Addiction Medicine (ASAM) certified psychiatrist who is a licensed independent affiliate and on call seven days a week. 24 hours a day for medical and/or psychiatric emergencies. Our on-site medical office is staffed 24 hours per day seven days a week with licensed detox specialists that have extensive experience treating addiction in the treatment setting.

[Top](#)

What is the staff-to-client ratio?

During the day, our clinical staff to client ration is approximately 1:1. During the evenings, the ratio is 1:3 and overnight 1:6.

Exhibit D



Online Permit Center

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View Case Status

The information below summarizes the case you selected.

Case Number: PLN2006-00181 **Status:** Approved

Name:	STILLHEART INSTITUTE
Application Date:	04/25/2006
Address:	16350 SKYLINE BLVD
Description:	7/29/2013 - UP Amendment to change use of the facility from Health/Meditation Spa, to non-medical residential treatment center for individuals who suffer from substance use and mental health disorders. No new buildings or other structures proposed. 6/15/11 - UP Renewal Phase 2 - Use Permit Amendment, RMD Permit, Grading Permit & Architectural Review to construct an underground parking garage, 12 duplex tree houses, new entry way, handicapped facilities, loop access drive, emergency fire road & turn-around, revamped sewage disposal system, fire water storage, spa, trails, other amenities & removal of 47 trees.

Activities

Type	Requested	Scheduled	Completed	Status	Done By
Assign Planner			4/25/2006	DONE	JKE
<i>Assigned to Mike Schaller.</i>					
General Application Received			4/25/2006	DONE	JKE
Review by Public Works	5/8/2006		9/25/2006	DONE	KSA
<i>5-18-2006 ksa-waiting for CDF ok access road. See also conditions for grading permit.</i>					
Review by Building	5/8/2006		8/28/2006	DONE	WJC
<i>8/28/2006 WJC - No additional comments. See comments below. This does NOT include any new or remedial work to the main facility described as Phase 1B. Comments: 5/9/06 WJC (gpf) - At the time of application for a BLD permit, the following will be required: 1) Prior to placing any foundation concrete, written verification from a licensed surveyor will be required confirming the setbacks, as shown on the approved plans, have been maintained. 2) An automatic fire sprinkler system will be required for the Parking Garage & Tree Houses. This permit must be issued prior to, or in conjunction with the BLD permit. 3) If a water main extension, upgrade or hydrant is required, this work must be completed prior to issuance of the BLD permit or the applicant must submit a copy of an agreement & contract with the water purveyor that will ensure the work will be completed prior to finalizing the permit. 4) The Parking Garage will require a drain/oil separator connected to the site drainage plan. 5) Sediment & erosion control measures must be installed prior to beginning any site work and maintained throughout the term of the permit. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made & fees paid for staff enforcement time. 6) The accessible (to the disabled) Tree House guest rooms shall comply with Chapter 11 of the CA Building Code.</i>					
Review by Environmental Health	5/8/2006		7/26/2006	DONE	SXL
<i>5/8/06 SSL - The proposed septic system is incomplete. Need calculations for septic design, perc data, etc. Applicant shall submit revised grading & drainage plans to include the design of the septic drainfields, its expansion lines and the soil percolation test locations. The percolation test data shall be affixed onto the plans. Proposed drainfields may interfere with drainage pits. 7-26-06 (S.Low) Received above. See conditions.</i>					
Review by CDF	5/8/2006		5/25/2006	DONE	MAC
<i>8/17/06 JAR: Reviewed a revised water supply plan. The plan responds to the Skyline Water recent water flow tests indicating significant lower flows than originally provided. See attached letter in tidemark 5/11/06 MAC: Conditions added. Prior to issuance of a building permit for Phase 2, the BLD permit for permit PLN2006-00084, Phase 1B, is to be finalized. At time of application for a BLD permit for Phase 2, submitted plans shall indicate the following corrections: 1) Provide access to all sides of building from areas that fire apparatus would park for fire operations. Minimum 4' paved walkways from access points. Show this on plans. 2) Improve trail around perimeter of property to 3' width & encircle all buildings. Show this on plans. 3) Add note that each fire hydrant to flow 1500 gpm at 20 psi. 4) Turnout shown is 20' wide by 30' in length. Turnout minimum is 20' wide by 35' in length. Change this on plans. 5) Tree houses to have class A roofs, ignition resistant siding & area under tree houses to be enclosed. Add this to plans. 6) Building is to be 1hr fire resistive construction throughout, R-1 more than 2 stories. CBC 310.2.2. Change building construction type on cover page to reflect this.</i>					
Review by Geotechnical	5/8/2006		5/23/2006	DONE	JFD
<i>osb - Notes per Jean DeMouth: Further review comments will be made at the building stage. This review sheet (attached) for grading only. 9-11-2006 JFD - geotech. file 15G-28; applicant's consultant must submit data & recommendations specific to this project prior to grading or septic upgrade.</i>					
(F) Print Permit File Cover Sht			5/9/2006	DONE	IPC
(F) Incomplete Application			5/25/2006	DONE	OSB

Faxed to applicant 5/25/06: Please note the following comments regarding your Phase 2 application. BLD Inspection Division: This does NOT include any new or remedial work to the main facility described as Phase 1B. Comments: 5/9/06 WJC (gpf) - At the time of application for a BLD permit, the following will be required: 1) Prior to placing any foundation concrete, written verification from a licensed surveyor will be required confirming the setbacks, as shown on the approved plans, have been maintained. 2) An automatic fire sprinkler system will be required for the Parking Garage & Tree Houses. This permit must be issued prior to, or in conjunction with the BLD permit. 3) If a water main extension, upgrade or hydrant is required, this work must be completed prior to issuance of the BLD permit or the applicant must submit a copy of an agreement & contract with the water purveyor that will ensure the work will be completed prior to finalizing the permit. 4) The Parking Garage will require a drain/oil separator connected to the site drainage plan. 5) Sediment & erosion control measures must be installed prior to beginning any site work & maintained throughout the term of the permit. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made & fees paid for staff enforcement time. 6) The accessible (to the disabled) Tree House guest rooms shall comply with Chapter 11 of the CA Building Code. Dept. of Public Works: 5-18-2006 ksa-waiting for CDF to OK access road. See also conditions for grading permit. Env. Health: 5/8/06 SSL - The proposed septic system is incomplete. Need calculations for septic design, perc data, etc. Applicant shall submit revised grading and drainage plans to include the design of the septic drainfields, its expansion lines & the soil percolation test locations. The percolation test data shall be affixed onto the plans. Proposed drainfields may interfere with drainage pits. CDF: 5/11/06 MAC: Conditions added. Prior to issuance of a building permit for Phase 2, the BLD permit for permit PLN2006-00084, Phase 1B, is to be finalized. At time of application for a BLD permit for Phase 2, submitted plans shall indicate the following corrections: 1) Provide access to all sides of building from areas that fire apparatus would park for fire operations. Minimum 4' paved walkways from access points. Show this on plans. 2) Improve

trail around perimeter of property to 3' width & encircle all buildings. Show this on plans. 3) Add note that each fire hydrant to flow 1500 gpm at 20 psi. 4) Turnout shown is 20' wide by 30' in length. Turnout minimum is 20' wide by 35' in length. Change this on plans. 5) Tree houses to have class A roofs, ignition resistant siding & area under tree houses to be enclosed. Add this to plans. 6) Building is to be 1hr fire resistive construction throughout, R-1 more than 2 stories. CBC 310.2.2. Change building construction type on cover page to reflect this. Geotechnical Section (Notes per Jean DeMouthe): Further review comments will be made at the BLD permit stage. Please reference Geotechnical review sheet dated May 16, 2006 for grading only. The Geotechnical review sheet was previously mailed to J.R. Rodine. If you would like another copy, please contact Olivia Boo at 650/363-1852.

(F) Print Planning ref. Sheets			5/31/2006	DONE	OSB
Referral to MidpenROSD					
Review by MROSD	5/31/2006		12/13/2007	DONE	MJS
Referral mailed 6/1/06.					
(F) Complete Application			7/31/2006	DONE	JKE
Application deemed complete today.					
(F) Print Planning ref. Sheets			8/24/2006	DONE	MAR
Public Works, Geo, Environmental Health, CDF, Building					
Approved Pending Appeal			1/24/2007	DONE	MJS
Appeal Period	1/24/2007	2/7/2007	2/7/2007	DONE	MJS
Payment of Fish and Game Fee			1/24/2007	DONE	MJS
(F) File NOD, County Clerk	1/24/2007		2/1/2007	DONE	MJS
Final Approval			2/7/2007	DONE	MJS
File to Cabinets			12/13/2007	DONE	MJS
File to Cabinets			11/16/2009	DONE	MJS
Box of background files/materials moved to basement.					
Renewal Fee Received		6/15/2011	6/15/2011	DONE	MAR
General Application Received			6/15/2011	DONE	MAR
Use Permit Renewal. Using previously approved plans for renewal.					
(F) Print Permit File Cover Sht			6/16/2011	DONE	LJC
Assign Planner			7/7/2011	DONE	DJH
7/7/11 - Reassigned to Summer Burlison. 6/21/11 - UP Renewal assigned to Olivia Boo.					
(F) Incomplete Application			6/21/2011	DONE	DJH
We need a full set (11"x17" reduced size OK) of plans showing what eventually (or so far) got built per the last full approval of this permit on 1/24/2007. This is to ensure/confirm what has been built so far, as well as to show any minor modifications (that PLN has approved as part of your last UP approval) that have occurred.					
Received			7/7/2011	LOOK	DJH
JR Rodine contacted me & also emailed 8.5x11 reductions for project (still being built in phases; last UP approval was vested in that it included the entire project). He's also having 11x17 copies sent over from Mr. Matthews (by 7/11/11). Also reassigned to SummerB.					
Received			7/12/2011	DONE	SSB
7/11/11 SSB - Rec'd site plan requested on 6/21/11.					
Field Inspection			7/21/2011	DONE	SSB
7/12/11 SSB - Site visit w/applicant scheduled for 10:00 a.m. on Thur. July 21, 2011.					
(F) Print Planning ref. Sheets			7/13/2011	DONE	SSB
Referral sent to DPW, EHD, BLD, CDF, & MROSD.					
Review by Public Works	7/13/2011		7/13/2011	DONE	DYS
7/13/11 dys: no comments, no conditions: existing facility use permit only no new construction.					
Review by Environmental Health	7/13/2011		7/19/2011	DONE	SSB
8/17/11 SSB - Domestic water actually provided on-site, not from Skyline County Water District. 7/19/11 - Rec'd response from EHD - no conditions; Domestic water from Skyline County Water District, ag well drilled in 2009 for ag purposes only. Will send project referral to Skyline Water District.					
Review by CDF	7/13/2011		7/27/2011	DONE	MAC
Review by MROSD	7/13/2011		8/16/2011	DONE	SSB
No response rec'd to date.					
Review by Building	7/14/2011		7/14/2011	DONE	CEC
10/3/2013 CEC- Chief Jolley and I met with the new property owner. If there are no existing penetrations in the rated walls and none are required, then the change of use/amendment is fine. A Building permit will be required for any building changes/modifications. Please provide plans for the change of Use, what was approved, and what is being proposed, so a Plan Checker can make comment on this proposed Use. 7/14/2011 CEC. OK for renewal.					
(F) Print Planning ref. Sheets			7/19/2011	DONE	SSB
Referral being sent to Skyline County Water District, since EHD has confirmed that this for water service.					
Planning commission			10/12/2011	DONE	SSB

10/12/11 SSB - Approved by PC (4-0) as consent item. 8/10/11 SSB - Per JKE, UP Renewal will go to PC (in keeping with tradition for this project); can be

put on consent.

Approved Pending Appeal			10/13/2011	DONE	SSB
Appeal Period	10/12/2011	10/26/2011	10/28/2011	DONE	SSB
<i>No appeals filed.</i>					
Project Notes			10/13/2011	DONE	SSB
<i>10/6/11 SSB - Received email from neighbor concerned about signage installed along Skyline; replied that signs were permitted under BLD permit (both the sign on the entrance gate and separate freestanding sign & structure w/led lights at the front entrance.</i>					
(F)File Notice of Categrci Exe			11/1/2011	DONE	SSB
Final Approval			11/28/2011	DONE	SSB
File to Renewable Cabinets			11/23/2011	DONE	SSB
<i>11/23/11 SSB - Renewal approved; file referred to Deb to log expiration/next renewal due by 10/26/2018.</i>					
File to Renewable Cabinets			2/6/2012	DONE	DER
File to Cabinets			10/16/2012	DONE	DER
<i>File one of two is in a box in the basement dated October 19, 2012.</i>					
Permit Amendment Received			7/29/2013	DONE	MJS
<i>Recieved application this day for change of use for this permit, from Health/Meditation Spa to non-medical residential treatment center for individuals who suffer from substance use and mental health disorders.</i>					
Assign Planner			9/16/2013	DONE	MJS
<i>UP Amendment assigned to Mike Schaller</i>					
(F) Planning Referral Sheet			9/16/2013	DONE	MJS
Review by Public Works	9/20/2013		9/26/2013	DONE	DYS
<i>9/25/13 dys: thx..there is enough room for spillover parking on site. 9/20/13 dys: need to understand what the new scope of work is. 26+12 rooms = 38 rooms 2 patients per room = 76 clients plus 9 -12 staff. Available parking 38 less staff approx 26-29 spaces remaining. Where are the visitors parking? lte 0.35-0.48 per bed.</i>					
Review by CalFire	9/23/2013		10/1/2013	DONE	MAC
<i>10/1/13 MAC: Letter dated May 17, 2013, has inspection report for change in occupancy requirements. Items to be addressed at building permit stage. 9-23-13 ROA: Applicant has been working with Marc Colbert and they need to work on some issues with their 1 hr seperations in their corridors.</i>					

Fees

Item	Fee Amount	Fee Remaining
Grading Permit	5,783.00	0.00
Use Permit - Renewal/Amend.	3,489.00	0.00
Use Permit - Renewal	3,489.00	0.00
Use Permit - Renewal/Amend.	3,489.00	0.00
Geotech.Revie Fee-Report Req'd	2,656.00	0.00
Env.Rev.-Initial Study/Neg.Dec	2,234.00	0.00
Arch Rvw- Add Existing Use Fee	1,782.00	0.00
5% Legal Counsel Surcharge Fee	835.90	0.00
Planning Health Fees (CDP,PLN)	765.00	765.00
RMD Permit	572.00	0.00
Dept. of Public Works Review	400.00	0.00
DPW Initial Review Fee	400.00	0.00
2% Credit Card Surcharge	364.68	0.00
Env.Rev.-Categorical Exemption	287.00	0.00
CEQA - Categorical Exemption	287.00	0.00
5% Legal Counsel Surcharge Fee	195.60	0.00
5% Legal Counsel Surcharge Fee	195.60	0.00
Fire CDF Review Fee	173.00	0.00
Fire (CalFire) Review Fee	173.00	0.00
4% IT Surcharge	156.48	0.00
Public Noticing Fee	136.00	0.00
Public Noticing Fee	136.00	0.00
Public Noticing Fee	136.00	0.00
Health Fees	107.00	0.00
Archeological/HistoricResearch	66.00	0.00
General Plan Update Surcharge	40.00	0.00
General Plan Update Surcharge	40.00	0.00

Conditions

Title	Id	Tag	Status
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Statement/Sprinklers (Fire)	0500:1		Unmet
Sprinkler System - Comm. (Fire)	0530:2		Unmet
Waterflow Alarm - Comm. (Fire)	0560:2		Unmet
Fire Sprinkler Conditions (Fire)	0580:2		Unmet
Occupancy Separation (Fire)	0595:1		Unmet
Title 19 (Fire)	0660:1		Unmet
Exits (Fire)	0680:1		Unmet
Prot.Comm.Cook.Hood/duct(Fire)	0610:1		Unmet
Fire Lanes (Fire)	0690:1		Unmet
Fire Flow (Fire)	0620:1		Unmet
Manual Alarms (Fire)	0700:1		Unmet
Portable Fire Extinguishers(Fire)	0705:1		Unmet
Port. Kitchen Fire Exting. (Fire)	0710:1		Unmet
Fire Hydrant Specifications(Fire)	0640:1		Unmet
Public Water Certification (Fire)	0755:1		Unmet
Water Plans (Fire)	0757:1		Unmet
Water Storage Tanks (Fire)	0759:1		Unmet
Water Tank Location (Fire)	0761:1		Unmet
Smoke Detection (Fire)	0767:1		Unmet
Roof Assembly (Fire)	0771:1		Unmet
Address (Fire)	0773:1		Unmet
General Fire Safety (Fire)	0785:1		Unmet
Hazardous Fire Area (Fire)	0787:1		Unmet
Turn-Arounds (Fire)	0791:1		Unmet
Road Access (Fire)	0799:1		Unmet
Driveway Plan (Fire)	0901:1		Unmet
Propane Tanks (Fire)	0907:1		Unmet
Occupancy Loads (Fire)	0913:1		Unmet
Lock Box (Fire)	0919:1		Unmet
Additional Comments (Fire)	0923:1		Unmet
FIRE PERSONNEL ACCESS (FIRE)	0923:1		Unmet
TURNOUTS (FIRE)	0923:1		Unmet
HEALTH CONDITION	9999:1		Unmet
HEALTH CONDITION	9999:1		Unmet
Road Access (DPW)	0035:1	PWKS	Unmet
Grading Ordinance (DPW)	0040:1	PWKS	Unmet
Grading Permit (DPW)	1294:1	PWKS	Unmet
Grading Plan (DPW)	1308:1	PWKS	Unmet
Erosion/Sediment Control (DPW)	1322:1	PWKS	Unmet
Erosion Control Inspection (DPW)	1336:1	PWKS	Unmet
Grading Inspection (DPW)	1350:1	PWKS	Unmet
Grading Schedule (DPW)	1364:1	PWKS	Unmet
Winter Grading (DPW)	1378:1	PWKS	Unmet
Off-Site Hauling (DPW)	1392:1	PWKS	Unmet
Certification (DPW)	1406:1	PWKS	Unmet
As-Graded Plan (DPW)	1420:1	PWKS	Unmet
Road Escrow Account (DPW)	1434:1	PWKS	Unmet
Additional Comments (Fire)	0923:1		Unmet
HEALTH CONDITION	9999:1		Unmet
OCCUPANCY CHANGE (FIRE)	0923:1		Unmet

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- To pay fees for this case, click **Pay Fees**.
- If your jurisdiction allows you to view parcel information as a map, click **View GIS**.

Exhibit E

RED3 Consulting, LLC
2436 Fiji Way
San Leandro, California 94577
MEMORANDUM

Subject: Proposed Stillpath Recovery Center (16350 Skyline Boulevard)

This memorandum provides you with an analysis of the potential trip generated by the proposed Stillpath Recovery Center located at 16350 Skyline Boulevard in Woodside, California. The existing retreat facility has 38 parking spaces on-site and an additional 30 spaces located at an off-site location. The following scenarios were analyzed:

Existing Conditions as a Retreat Center: This scenario assumes the existing use as a retreat center. This scenario assumes that there are 26 guestrooms, 57 beds, 30 guests, 6 Full-time staff, and 3 part-time staff.

Approved Retreat Center: This scenario assumes the full use and build out of the retreat center as approved by the 2007 Use Permit Amendment by the County of San Mateo. The Use Permit did not contain a maximum overnight occupancy limit. This scenario assumes that there 38 guestrooms, 81 beds, 6 full-time staff, and 3 part-time staff.

Proposed Recovery Center: This scenario assumes the proposed use as an alcohol and drug recovery center with 38 guestrooms, 76 beds, and 24 full-time staff as proposed by the applicant's November 23, 2013 analysis. All clients will be driven to the center by staff or family/friends where the average stay is 45 days. One to two clients arrive daily.

Proposed Recovery Center at build-out and with 1:1 staffing: This scenario is the same as Project Scenario A except that it assumes a 1:1 staffing ratio consistent with the applicant's Alta Mira Facility in Sausalito. Thus, it is assumed that there will be 76 full-time staff during the daytime. It should be noted that the total number of staff that will be driving to the project site is limited to the total number of available parking spaces (38 spaces).

Trip Generation Analysis

The Institute of Transportation Engineer's (ITE) Trip Generation Manual is the accepted standard used in evaluating the number of trips generated by a particular land use. The ITE Trip Generation Manual does not have any data specifically related to retreat or alcohol and drug treatment facilities. Traffic Engineers typically will use trip rates of land

uses in the ITE Trip Generation Manual that are similar in their characteristics and/operations of the land use to be analyzed. It should be noted that trip rates are based on the number of rooms not the number of employees.

The Traffic Impact Analysis for the Stillheart Retreat Center prepared in April, 2006, assumed that the trip generation rate for the retreat center would be similar to the previous use of a hotel. It was assumed that the daily trip rate is 3.2 trips per room (RKH Traffic Analysis, 2006). The analysis of the Stillpath Recovery Center by the County Planning staff assumed that the trip rates would be similar to the Stillheart Retreat Center.

It is my opinion that a more appropriate trip generation rate for the Stillpath Recovery Center is an Assisted Care Facility rather than a hotel or the existing retreat. The primary reason that an Assisted Care facility has a higher staffing requirement than a retreat center. The daily trip rate for an Assisted Care facility is 4.58 trips per room based upon the analysis of another assisted care facility in the Bay Area. One could argue that a higher staffing ratio could increase the number of daily trips to the proposed Recovery Center. However, the total number of trips associated to staff would be limited to the total number of on-site parking spaces (38 spaces). It is conceivable that some staff may try to park on Skyline Boulevard rather than the off-site parking location.

The daily trip rates and the total daily trips generated for the different scenarios are outlined in the following table:

<u>Scenario</u>	<u>Daily Trip Rate</u>	<u>Number of Rooms</u>	<u>Daily Trips</u>
Existing Conditions	3.20 trips/room	26	83
Approved Retreat	3.20 trips/room	38	122
Recovery Center	4.58 trips/room	38	174
Recovery At Max BO	4.58 trips/room	38	202

The Recovery Center at Maximum Build-Out scenario assumes the same trip rate as the Recovery Center and adds an additional 28 trips per day based upon the maximum number of on-site parking spaces. The Recovery at Maximum Build Out scenario assumes that there will be an additional 14 daytime staff members parking on-site. It further assumes a vehicle occupancy rate of one person per vehicle. This would translate to an additional 28 vehicle trips per day (each employee would be two vehicle trips, 1 arriving and 1 departing). Therefore the total daily trips associated with the Recovery at Maximum Build-out scenario would be 202 daily trips.

The average daily traffic on Skyline Boulevard in the area of the proposed Recovery Center is approximately 850 vehicles per day (RKH Traffic Impact Analysis, 2006). Approximately 70 vehicles (8 percent of daily total) travel along Skyline Boulevard during the AM Peak Hour and 80 vehicles (9 percent of the daily total) during the PM

Peak Hour. The following table indicates the AM and PM Peak Hour trips that would be added to the street system for each of the scenarios:

<u>Scenario</u>	<u>AM Peak Hour Trips</u>	<u>PM Peak Hour Trips</u>
Existing Conditions	7 trips	8 trips
Approved Retreat	10 trips	11 trips
Recovery Center	14 trips	16 trips
Recovery at Max BO	28 trips	30 trips

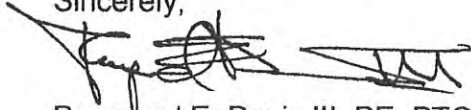
The Recovery Center at Maximum Build-out scenario adds the additional 14 trips to both the AM and PM Peak Hours for the additional employees who would be able to park on-site.

Conclusion:

The Stillpath Recovery Center will generate more trips per day and during the AM and PM Peak Hours than the existing Stillheart Retreat Center.

Please feel free to telephone if I may be of any further assistance.

Sincerely,



Raymond E. Davis III, PE, PTOE



Exhibit F









Exhibit G



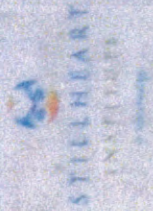








Exhibit H



STILLHEART INSTITUTE
TRAIL PATH

● YOU ARE HERE

NOVEMBER 2009

THIS IS A COPY OF THE STILL-HEART TRAIL GUIDE.
THE MARKED ITEMS ARE ON EGBERTSON PROPERTY, AND OTHERS

POINTS OF INTEREST

- [1] The Redwood Cathedral is a 25-foot circle of redwoods which has been decked-in. It is a cool and shady place in the summer months. Lights lead the way down at night for stargazing.
- [2] The Rainbow Bridge arches over a pool of water just below the confluence of La Honda and Winter Creeks. The tallest redwood groves are in this area.
- [3] As a sapling, the Bent Tree had to grow out and around the fallen log. Now it has become a tribute to the persistence of life or the fact that we can all overcome back problems.
- [4] The Hermit's Cabin has been standing for almost a century — which shows why redwood is so popular as a building material. Many interesting details of its construction are easily visible, but please do not go inside.
- [5] Near the headwaters of the Honda Creek is a forty foot cascading waterfall. It swells noticeably after each rain.
- [6] This charred, moss-covered stump, almost 12 feet in diameter, is the largest (former) tree on the property. It once stood well over 200 feet tall.

ON STATE OF CALIF.
LAND



ON EGBERTSON LAND



ON EGBERTSON LAND



STILLHEART
Sanctuary

TRAIL MAP & HIKING
INFORMATION

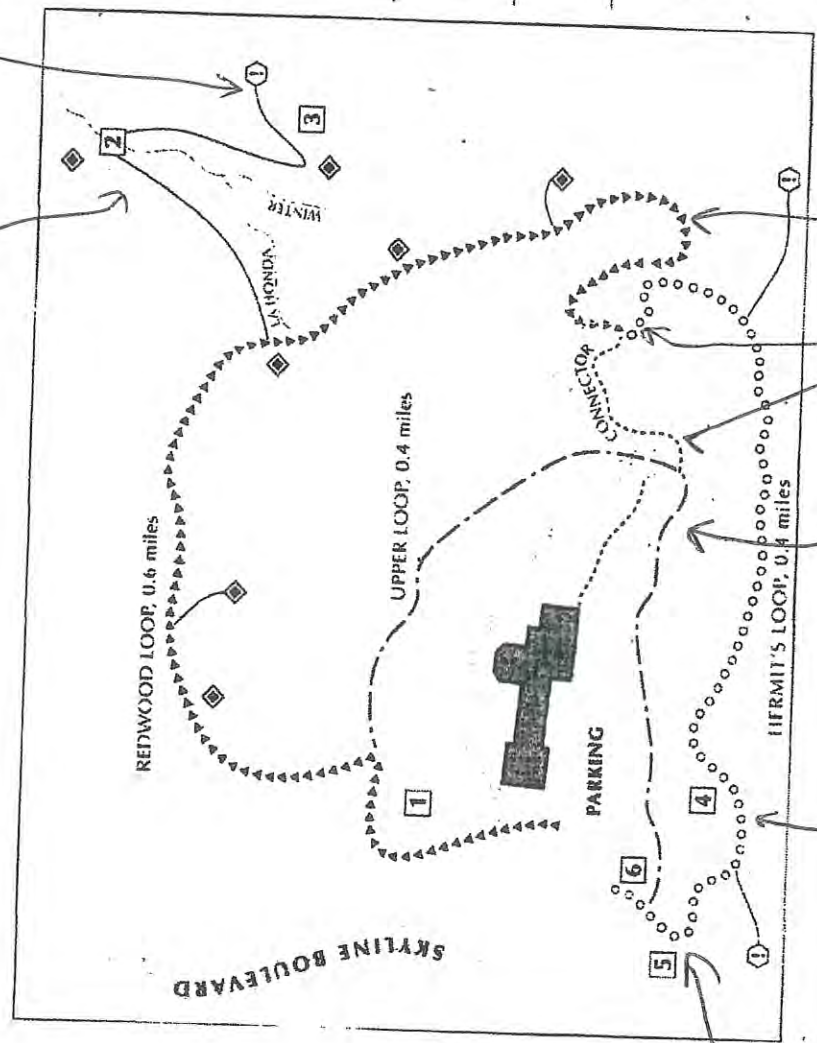


16350 Skyline Blvd.
Woodside, CA 94062
650.851.6622/877.322.3881

Information and Reservations 650.851.6622
www.stilheart.net

THIS TRAIL CROSSES IMPROVED LAND, AND CONTINUES INTO BUILT EBERHARD LAND - (TRAIL STILL HEART ON ITS BY PREDECESSORS)

THIS PORTION IS STATE OF CALIFORNIA ON LAND.



▶▶▶▶▶ **REDWOOD LOOP**
Hike through a redwood forest along a gentle flowing Creek. Be sure to make a round trip to Rainbow Bridge and the Bent Tree.

○○○○○ **HERMIT'S LOOP**
Hike through more open landscape. The Hermit's Cabin and a seasonal waterfall await you along the trail.

--- **UPPER LOOP**
Hike and look out over the forest. Flatter terrain but expect some elevation gain.

----- **CONNECTOR TRAIL**
Connects the loops and leads to Stillheart.

① **Private Property Ahead**
Please go no further.

◆ **Benches and nooks for meditation, picnics or reading a book.**

Please see reverse side...

THIS IS BOGUS. ALMOST THE ENTIRE TRAIL IS ON EBERHARD LAND

THESE TRAILS WANDER ONTO EBERHARD LAND

ALMOST THE ENTIRE "HERMIT'S LOOP" IS ON EBERHARD LAND

A BIT OF THIS TRAIL IS ON BOGART LAND

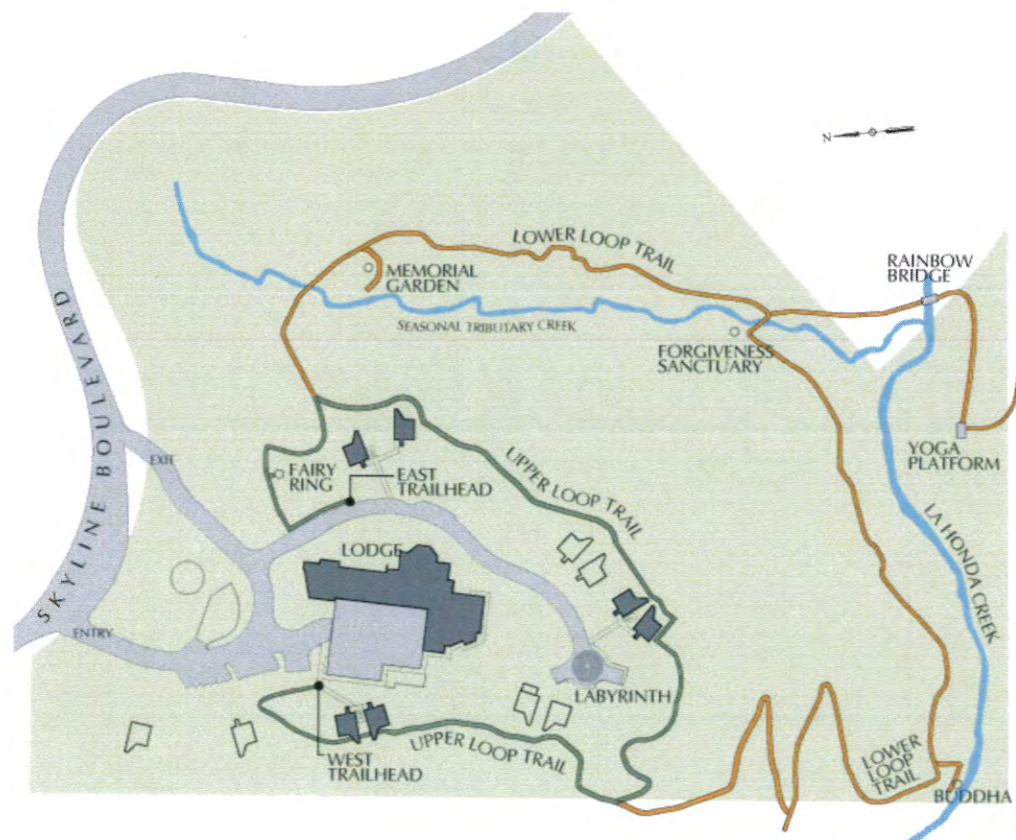
[CONTACT](#) [BOOKING](#) [DIRECTIONS](#) [HOME](#)[Stillheart](#) * [Programs & Events](#) * [Facilities](#) * [Blog](#)

FACILITIES

[Public Rooms](#)[Guest Rooms](#)[Amenities](#)[The Grounds](#)[Booking](#)[Visitor Information](#)[Join Mailing List](#)[Support](#)[Contact](#)

STILLHEART'S HIKING TRAILS

A walk in the woods helps refocus both mind and body. On Stillheart's property are 16 acres of forested grounds, with hiking trails offering the peace, serenity and beauty of the redwoods.



A sanctuary where the body can rest and the soul can reveal itself.



STILLHEART INSTITUTE
N

● YOU ARE HERE

M & C Eberhard

LEAVING
STILLHEART
PROPERTY



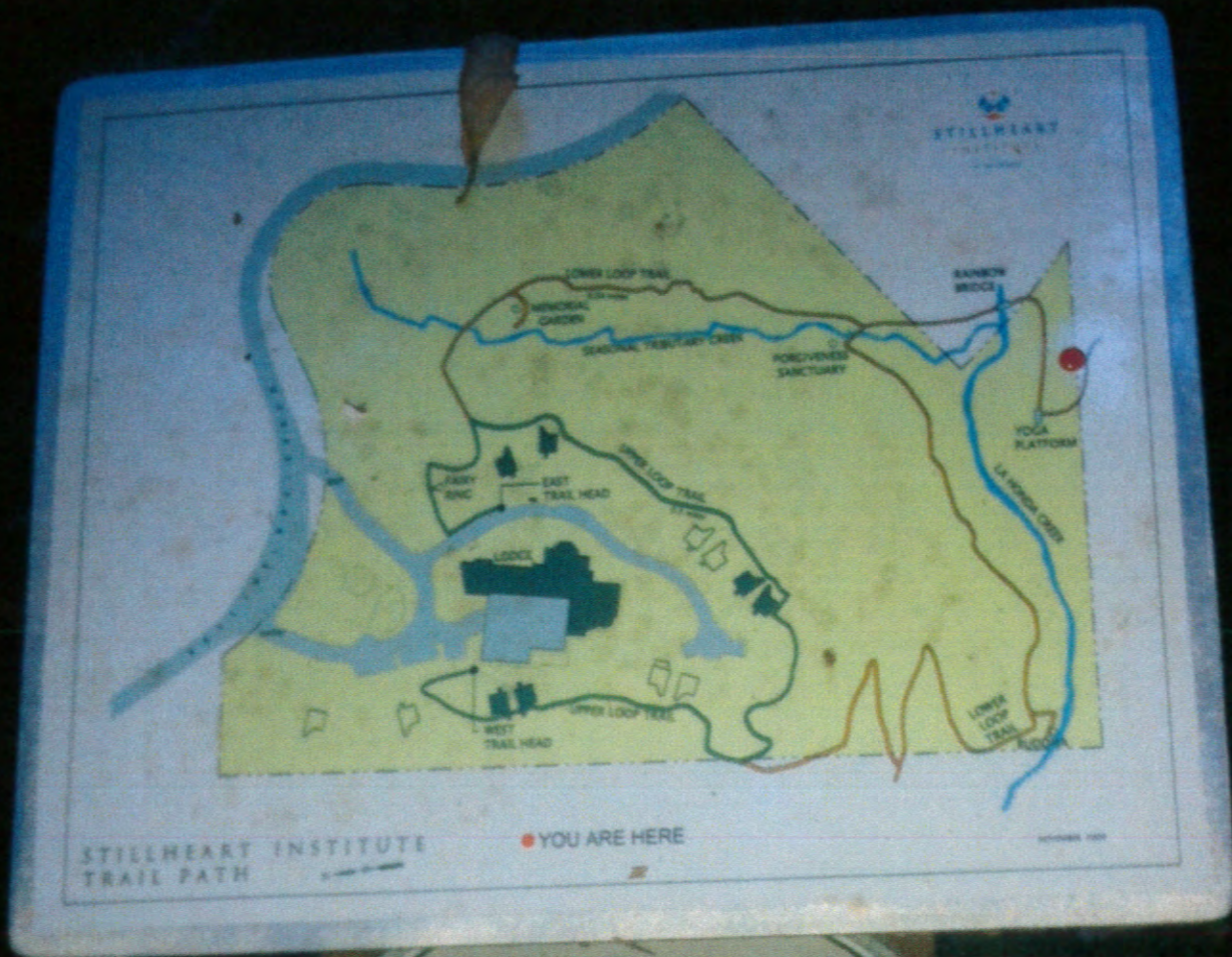




Exhibit B



Cox, Castle & Nicholson LLP
555 California Street, 10th Floor
San Francisco, California 94104-1513
P: 415.262.5100 F: 415.262.5199

Anne E. Mudge
415.262.5107
amudge@coxcastle.com

File No. 69010

VIA EMAIL AND FIRST CLASS MAIL

January 13, 2014

Members of the Planning Commission, San Mateo County
455 County Center, 2nd Floor
Redwood City, CA 94063

Re: Use Permit Amendment Application, Stillpath Recovery Center, PLN 2006-00181

Honorable Members of the Planning Commission:

This firm represents the Skyline Neighborhood Coalition ("Coalition"), a group of San Mateo County citizens and the individual members of the group formed to preserve and protect the scenic value and ecological well-being of the Skyline Scenic Corridor and adjacent lands. This letter follows our December 9, 2013 letter on the proposed Stillpath Recovery Center.

On October 23 and December 11, 2013, this Commission considered approval of a use permit amendment to allow development of the Stillpath Recovery Center (the "Project") on the current site of the Stillheart Institute (the "Property"). At these meetings, members of the Coalition and other members of the community voiced many serious concerns, such as the potential for the Project to increase traffic and parking problems along on the area's steep, curving roads, likely impacts to water supply and water pressure in the area, and increased forest fire hazard associated with the intensification of use caused by the Project.¹ At that meeting and in a separate letter submitted prior to that meeting, we also alerted the Commission of the County's failure to comply with the California Environmental Quality Act ("CEQA") in association with consideration of the Project. Ultimately, the Commission was unable reach a decision on the Project either in the October or December meetings, and the matter was continued until January 22, 2014.

¹ We reiterate our request that any approval include a strict no smoking condition on the entire facility, as was applied to the St. Theresa facility analyzed in the IS/MND attached as Exhibit B to our December 9, 2013 letter. Contrary to the most recent staff report's assertion, the Pleasant Hill IS/MND states at page 8 that "[r]esidents and staff would not be allowed to smoke indoors or outdoors." The condition added to the recommended conditions of approval states that the applicant would be required to implement its restricted smoking policy "as proposed." As proposed, that policy did not include a strict ban on smoking throughout the premises. The new condition likewise would allow smoking in the converted pool area and is confusing as to whether smoking in other areas would be allowed, given the inclusion in the applicant's smoking policy of an outdoor designated smoking area. See Attachment C to the December 11, 2013 Staff Report.

As we have stated previously, the County cannot rely on the existing facilities categorical exemption from CEQA to approve this project. Any such approval would be invalid. To validly approve the proposed use, the County must prepare an environmental impact report ("EIR") analyzing the project's environmental impacts. Project approval in the absence of any CEQA review would be a clear violation of CEQA that would deprive the public and the County of any meaningful consideration of the Project's impacts on the surrounding area. An EIR is appropriate because there is substantial evidence in the record to support a fair argument that the proposal may result in significant environmental impacts, particularly with respect to water usage, as well as other impacts.

1. **The Existing Facilities Exemption Does Not Apply.**

According to the January, 2014 staff report, the County continues to assume that the Project is categorically exempt from CEQA. Staff Report at 8. But the existing facilities exemption, on which the County relies, only applies to "the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing facilities... involving *negligible or no expansion of the use beyond that existing at the time of the lead agency's determination.*" 14 Cal. Code Regs § 15301 (emphasis added). "The key consideration is whether the project involves negligible or no expansion of an existing use." *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 967 (quoting 14 Cal. Code Regs § 15301). The baseline for comparing the scope and intensities of existing and proposed uses is provided in the exemption itself: the baseline is "the use ... existing at the time of the lead agency's determination." The "time of the lead agency's determination" is today--not some future day. The question is thus whether this proposal would result in "negligible or no" expansion in use relative to today's actual use, not maximum permitted use. If the answer to the question of whether there is "no or negligible expansion" is "no," the project cannot be exempt under the existing facilities exemption.

The law is clear that the County may not apply the exemption on the ground that a proposed new project is within the envelope of hypothetical, permitted uses, or whether, in staff's opinion, the project would cause significant environmental impacts. The California Supreme Court recently confirmed that the environmental baseline for CEQA review should reflect "real conditions on the ground," and not "merely hypothetical conditions allowable under [] permits." *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310, 321 & 322 (internal quotations omitted). In *Communities for a Better Environment v. South Coast Air Quality Management District*, the Supreme Court said "[a]n approach using hypothetical allowable conditions as the baseline results in an illusory comparison that can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts, a result at direct odds with CEQA's intent." *Id.* at 322 (internal quotations omitted); *see also Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 457 (use of baseline reflecting future conditions only appropriate where lead agency determines use of existing conditions would be misleading or provide no informational value).

The staff report entirely fails to address this key issue. For example, in responding to the traffic study we submitted, the staff report focuses on staff's opinion that the increase in traffic

resulting from a 76-bed drug rehabilitation facility would not cause a significant traffic impact relative to the Skyline Boulevard's maximum vehicle capacity. Staff report at 2-3. Setting aside for the moment the fact that the staff report's back-of-the-envelope calculations do not constitute substantial evidence that the Project would not cause significant traffic impacts, the staff report's analysis is irrelevant to whether the facility is exempt from CEQA analysis. Analyzing whether an impact is significant (or not) is the key purpose of conducting CEQA review. Staff would apparently cut the public out of this process and make this determination without compliance with CEQA's requirements. But the only relevant question before the County at this time is whether the Project would cause more than a non-negligible increase in traffic, not whether traffic impacts would be significant. *See County of Amador*, 76 Cal.App.4th at 967 ("The key consideration is whether the project involves negligible or no expansion of an existing use.") As the traffic study we previously submitted shows, the Project would more than double daily trips required under existing conditions, and therefore would cause more than a non-negligible change relative to existing conditions. Under these facts, the existing facilities exemption does not apply.

In similar fashion, the most recent staff report concludes that the project would not cause any significant impacts related to waste water production based upon a study performed by the applicant's consultant. The study estimated the Project's waste water production and compared that to the alleged maximum capacity of the Property's current waste water system. As with the traffic impacts analysis, this analysis considers the wrong question. When determining applicability of the existing facilities exemption, the question is not whether impacts would be significant, but whether there would be a non-negligible increase in use intensity. *See County of Amador*, 76 Cal.App.4th at 967 ("The key consideration is whether the project involves negligible or no expansion of an existing use.") As we noted in our letter of December 9, 2013, the Project would result in a 2.7 to 5-fold increase in water usage, which will almost certainly result in a non-negligible increase in waste water production.

The January staff report also appears to conclude that completion of the new, large residential outbuildings on the Property would not cause a significant intensification of use of the Property because those outbuildings were previously approved. Staff report at 3. However, in determining the applicability of the existing facilities exemption, the County must compare use intensity under the Project to use intensity under existing conditions, not hypothetically possible permitted conditions. *See Communities for a Better Environment*, 48 Cal.4th at 321, 322. It is undeniable that making currently uninhabitable structures habitable would dramatically intensify use of the Property by increasing the number of beds from 57 to 76, and by accommodating up to 76 clients at a time for stays 45 days in length. Currently, the Property only hosts approximately 60 groups per year of approximately 30 people for stays averaging three days in length.

As these examples show, the County is engaging in the wrong analysis. The question is not whether impacts would be significant or whether an increase in use would occur relative to hypothetical, previously permitted conditions. Instead, the question is whether the Project would result in any non-negligible increase in use relative to existing conditions.

2. The Proposed Drug and Alcohol Recovery Facility is a Significant Intensification of Use Over Existing Use as a Meditation Retreat.

In our December 9, 2013 letter, we explained the many ways in which the proposed very large drug and alcohol recovery facility would result in a significant intensification of use of the Property relative to existing conditions, which is as a meditation retreat, used chiefly on the weekends. The table below highlights these changes. Figures included in the table were calculated using information found in Stillheart's own marketing materials, publicly available IRS filings, various staff reports on the Project, and other publicly available information.

Subject	Existing Conditions (Stillheart)	Project Conditions (Stillpath)	Percent Increase
Average Occupancy Per Day (clients + staff)	22	108	391%
Average Length of Stay	3 days	45 days	1,400%
Occupancy with Visitors	38	133	250%
Staffing	8 full-time staff	32 full-time staff/day shift	300%
Traffic	83 daily trips	Up to 202 daily trips	143%
Water Use*	405,000 gallons per year	2.1 million gallons per year	414%

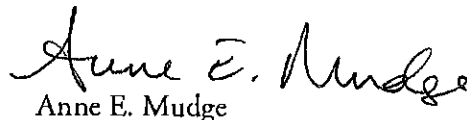
* This water usage estimate conservatively assumes that each room would only use 150 gallons of water per day. At the average water usage rate of 209 gallons per day reported by the American Hotel & Lodging Association, water usage would increase from approximately 564,000 gallons per year to approximately 2.9 million gallons per year.

As this table shows, the Project would result in a considerable intensification of use of the Property, yet the County has failed to acknowledge this simple fact or engage in the correct analysis to determine whether reliance on the existing facilities exemption is proper in this case. For the reasons stated above and in our December 9, 2013 letter, substantial evidence shows that the Project will result in far more than a non-negligible intensification of use. For that reason, reliance on the existing facilities exemption is improper.

By purporting to make a determination about the significance of potential Project impacts when it should be asking only whether it would result in more than a non-negligible

increase in use, the County has put the cart before the horse. After completing a CEQA analysis, it may at some point in the future determine that the project would not result in significant environmental impacts, but that decision must be subject to CEQA's public review and comment requirements. *See, e.g.*, 14 Cal. Code Regs § 15073(a) (stating that for a negative declaration or mitigated negative declaration, "[t]he lead agency shall provide a public review period pursuant to Section 15105 of not less than 20 days"); 14 Cal. Code Regs § 15087 (requiring lead agency to provide a public review period for draft EIR "as provided in section 15105" of at least 30 days). Accordingly, by improperly applying the existing facilities exemption, the County has failed to meet CEQA's primary purpose of informing the public and has deprived the public of the opportunity to participate in the environmental review process. *See* 14 Cal. Code Regs § 15002(a) (basic purposes of CEQA include "inform[ing] governmental decision makers and the public about the potential, significant environmental effects of proposed activities.") We urge the Planning Commission to reject the staff reports' conclusions regarding applicability of the existing facilities exemption and to direct staff to comply with CEQA by completing an appropriate review of the Project's potential environmental impacts.

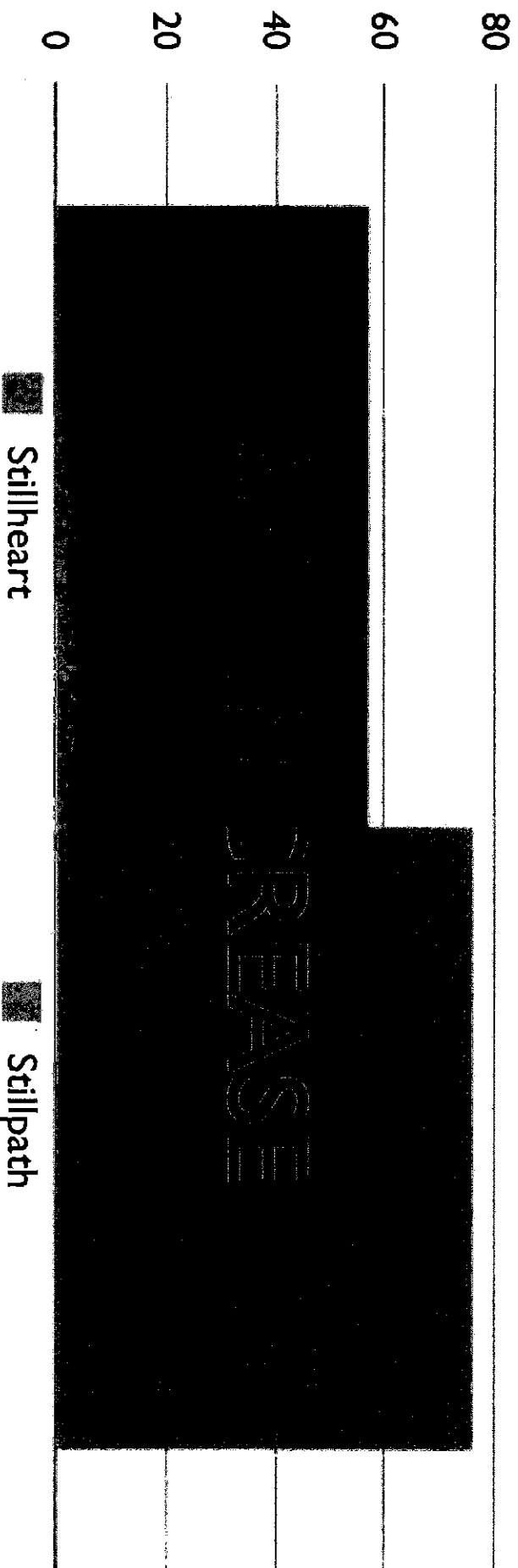
Sincerely,


Anne E. Mudge

AEM

Exhibit C

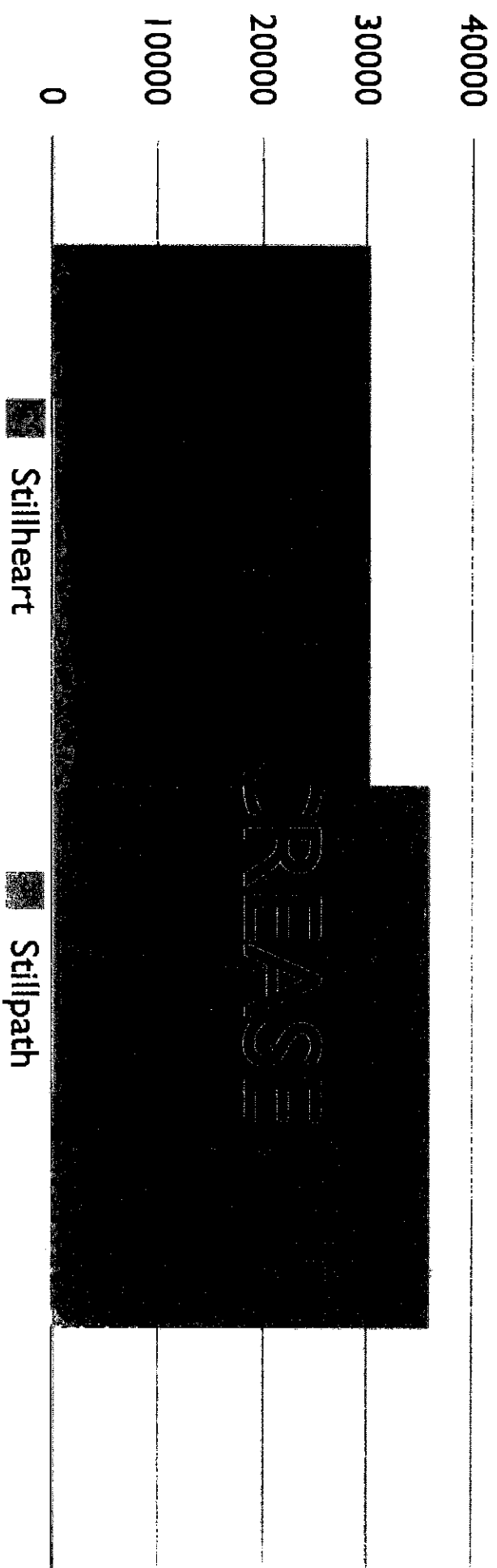
Number of Beds



SOURCE: Stillheart mktg mat: 57 Beds
Stillpath 12/11/13 staff rpt: 76

NOT NEGLIGIBLE EXPANSION

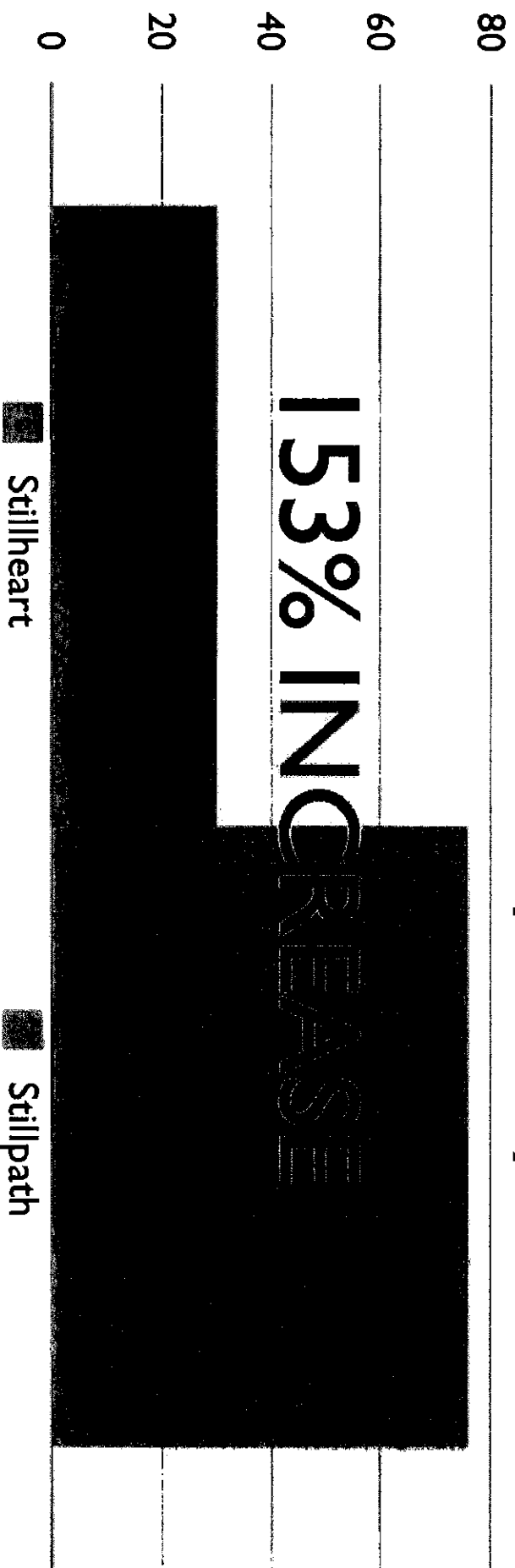
Habitable Square Footage



Source: Stillheart mktg material &
County building permits BLD2000-00221
36k sq ft less unfinished units
(12 units @ 480 incomplete = 5,760)

NOT NEGLIGIBLE INCREASE

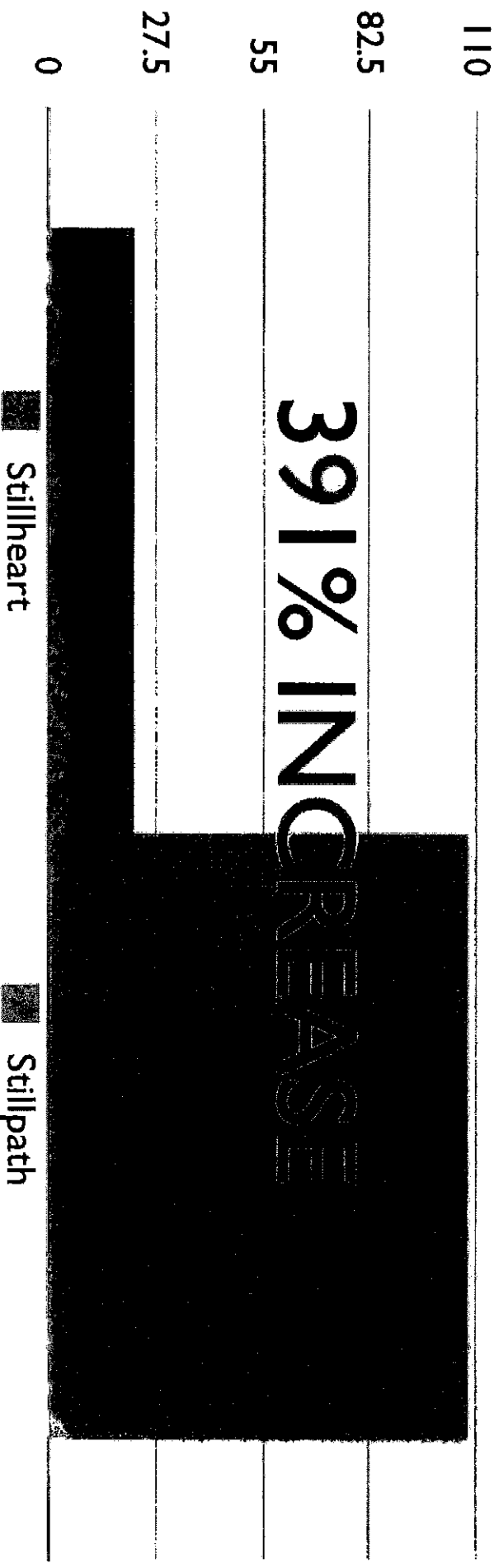
Clients on Occupied Day



SOURCE: Stillheart mktg material: 30 (avg)
Stillpath 12/11/13 staff rpt: 76

NOT NEGLIGIBLE INCREASE

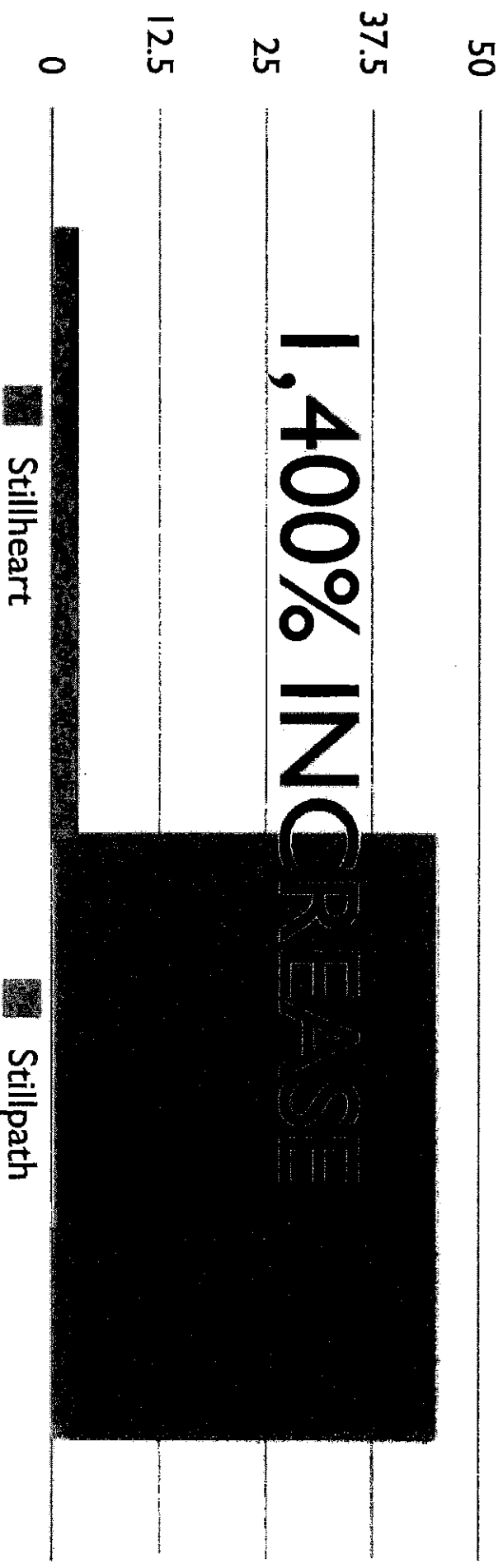
Average Occupancy Per Day



Source: Stillheart **IRS Filing** & mktg mat:
8 f/t staff + 14 daily guests = 22
Stillpath 12/11/13 staff rpt:
32 f/t staff + 76 clients = 108

NOT NEGLIGIBLE INCREASE

Length of Average Stay

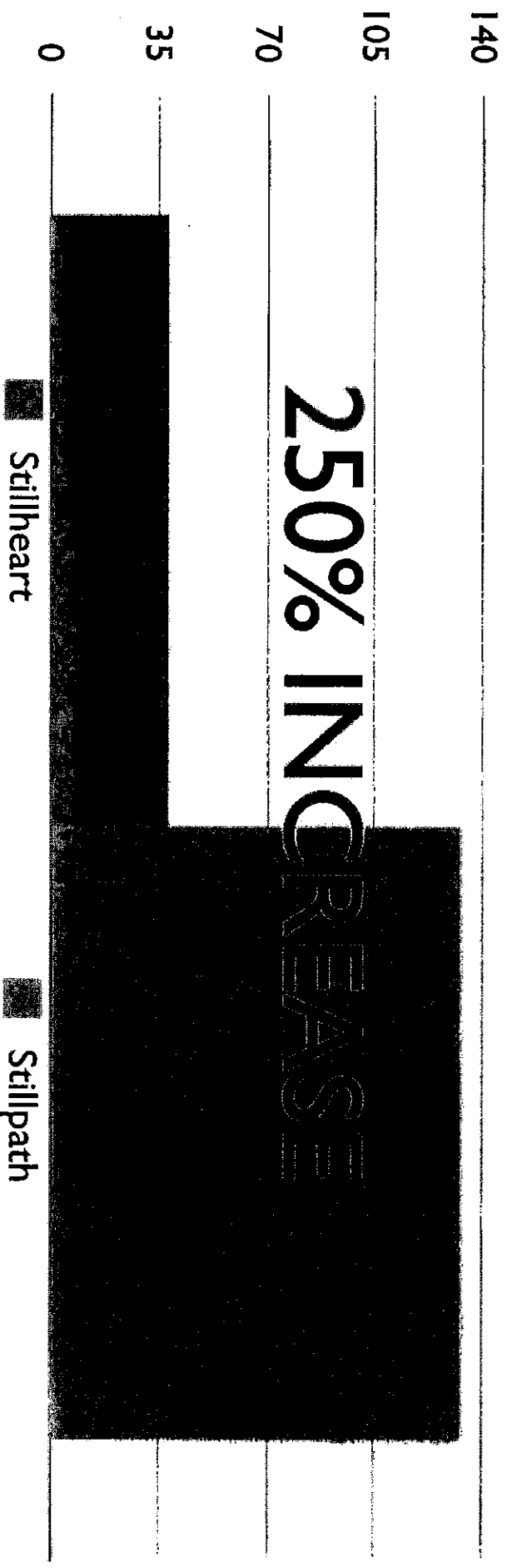


SOURCE: Stillheart mktg mat: Avg 3 days
Stillpath 12/11/13 staff rpt: 45 days

NOT NEGLIGIBLE INCREASE

Family Weekends

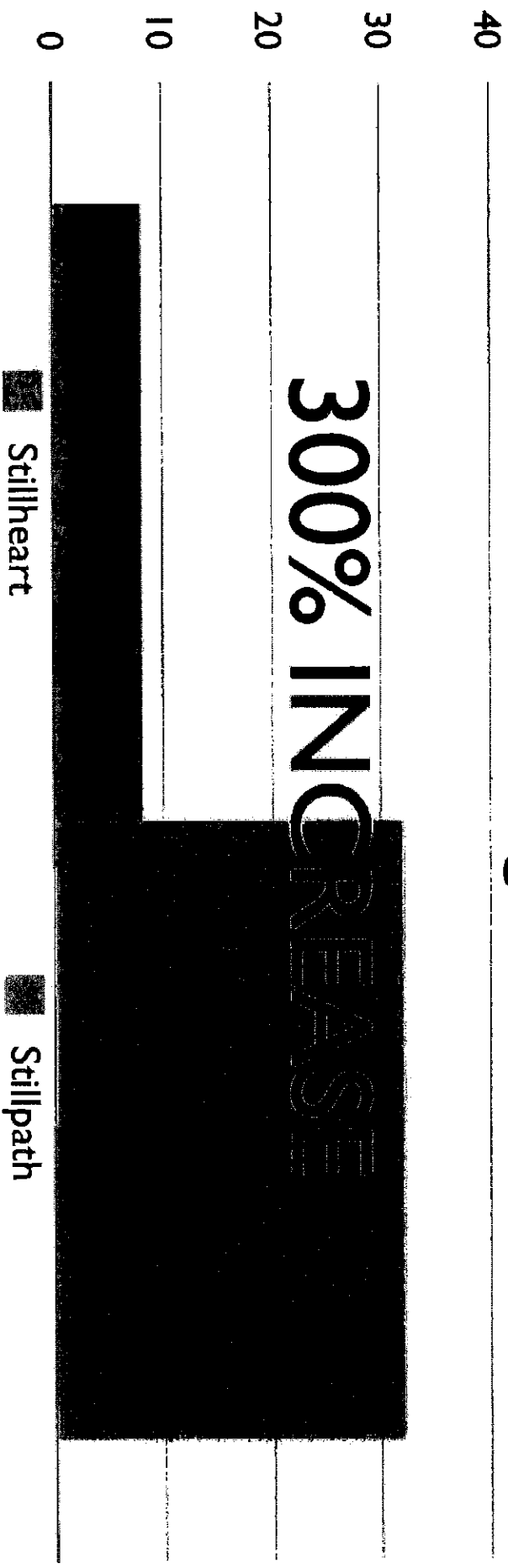
(Visitors + Clients + FT Staff)



**SOURCE: Stillheart does not have visitors:
 30 guests + 8 f/t staff = 38
 Stillpath 12/11/13 staff rpt:
 25 visitors + 76 clients + 32 f/t staff = 133**

NOT NEGLIGIBLE EXPANSION

Staffing



Source: Stillheart mktg material:

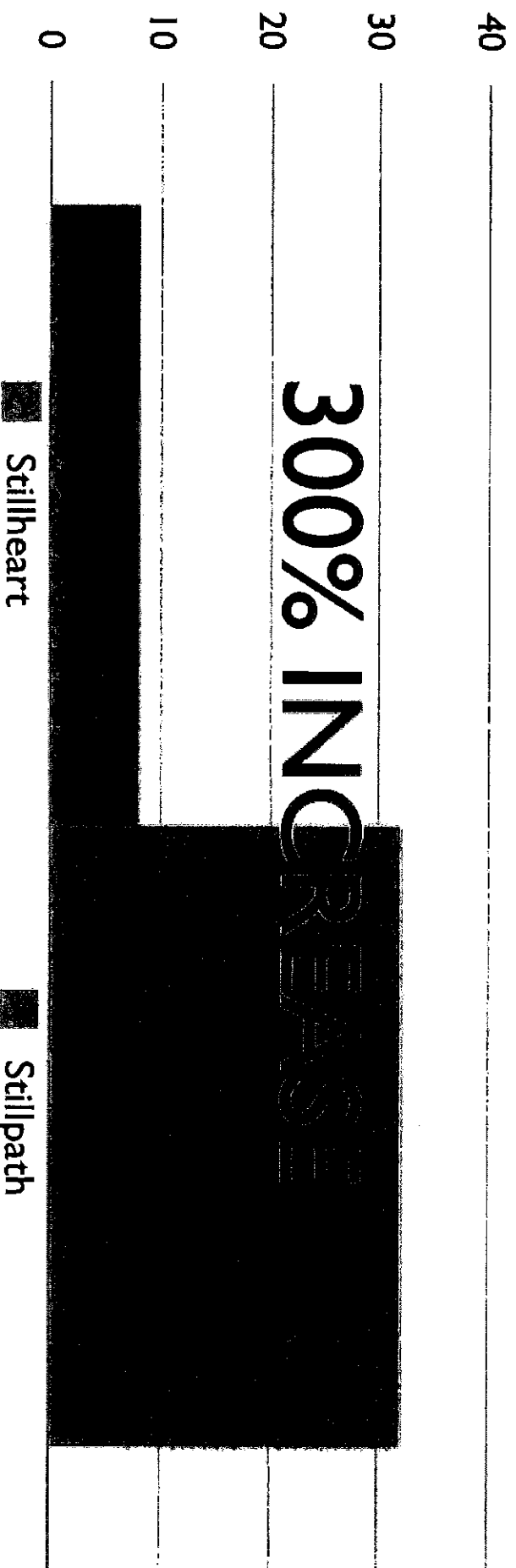
8 f/t staff

Stillpath 12/11/13 staff rpt:

32 f/t staff on-site/day shift

NOT NEGLIGIBLE INCREASE

Full-Time Staff Parking Per Day



Source: Stillheart mktg material:

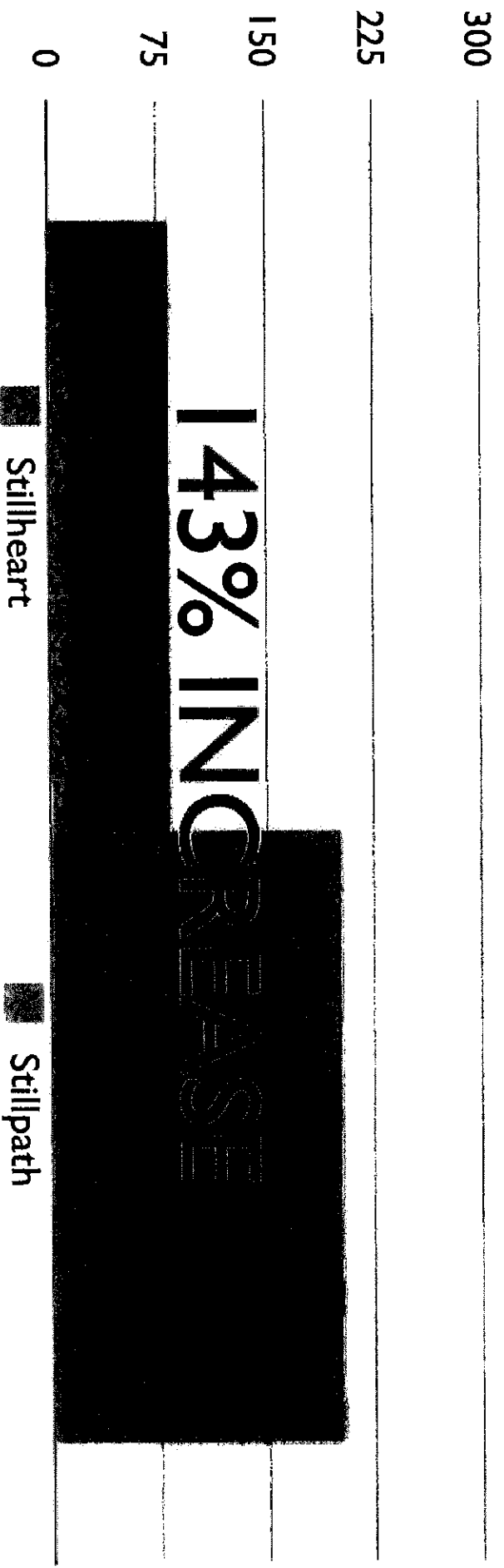
8 f/t staff

Stillpath 12/11/13 staff rpt:

32 f/t staff on-site/day shift

NOT NEGLIGIBLE INCREASE

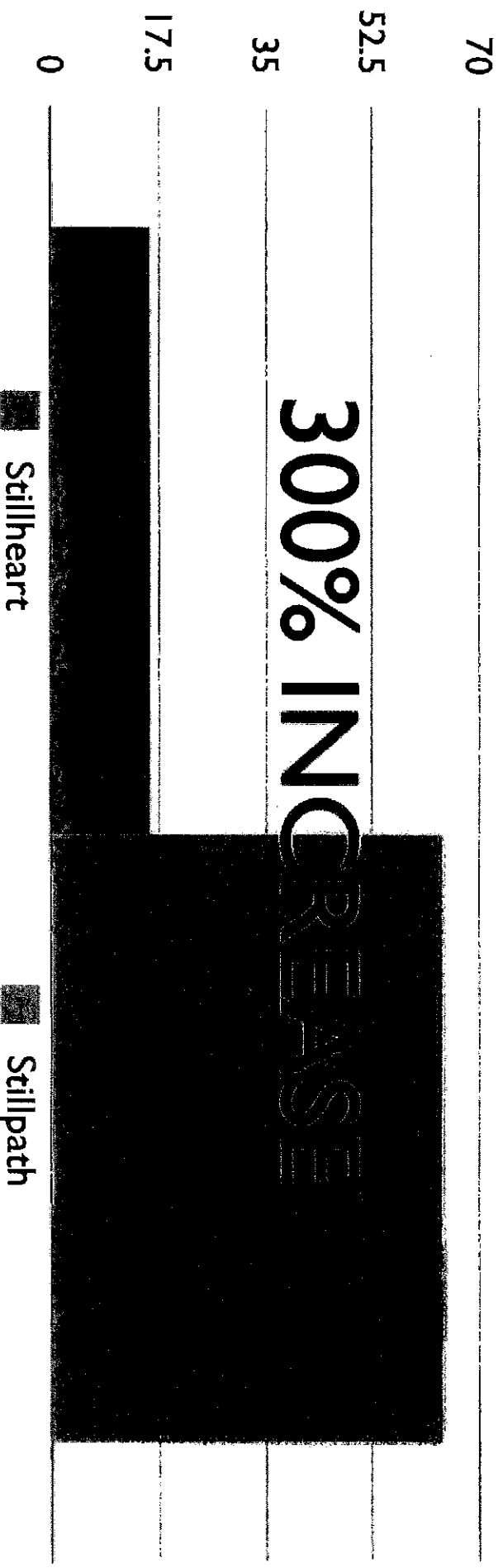
Trips per Day - Traffic Study



SOURCE: RED3 Consulting, LLP Memorandum (2012)

NOT NEGLIGIBLE EXPANSION

Trips per Day - Full-Time Staff Only



Source: Stillheart mktg material:

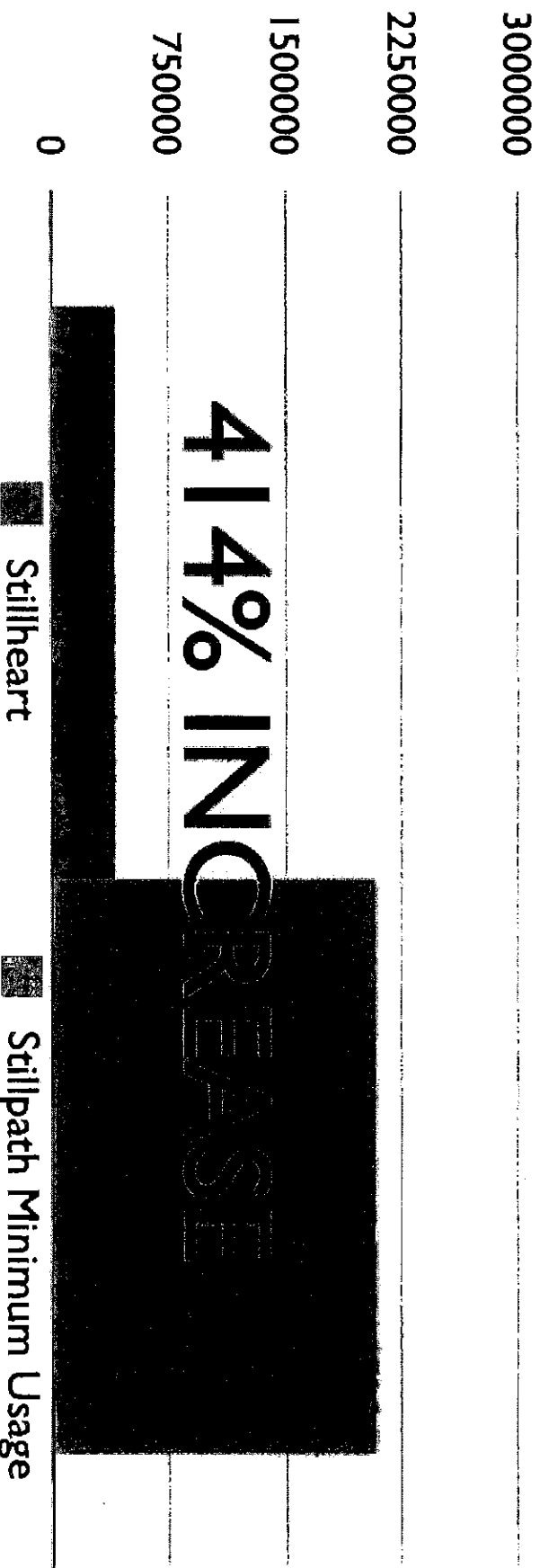
8 f/t staff (8 x 2 trips/day = 16)

Stillpath 12/11/13 staff rpt:

32 f/t staff (32 x 2 trips/day = 64)

NOT NEGLIGIBLE INCREASE

Average Water Usage Per Year (Minimum)



Source: American Hotel & Lodging Assoc. (2012):

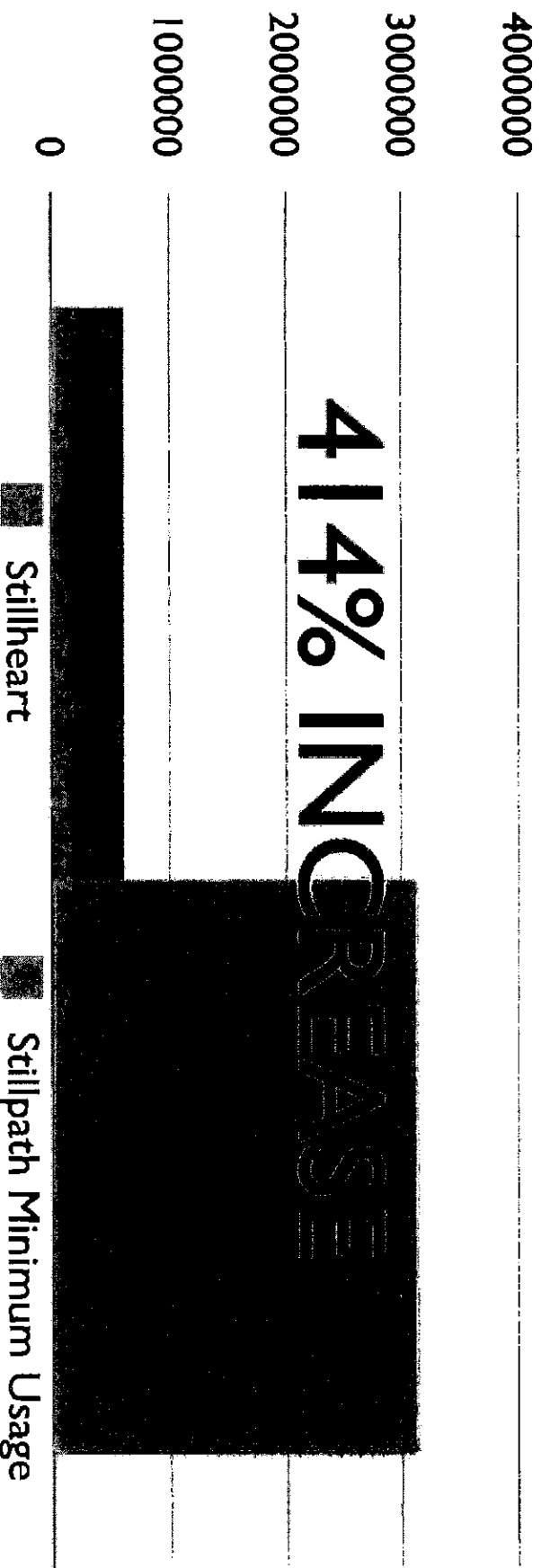
Avg 209 gallons of water/occupied hotel room
(double occupancy). Range is 150-225 gallons:

Stillheart-(30 guests/15 rms x 150 gal)*(60 grps x avg 3 days)
= 405k gallons a year

Stillpath-(76 guests/28 rms x 150 gal)*(365 days)
= 2.1M gallons a year

NOT NEGLIGIBLE EXPANSION

Average Water Usage Per Year (Maximum)



Source: American Hotel & Lodging Assoc. (2012):

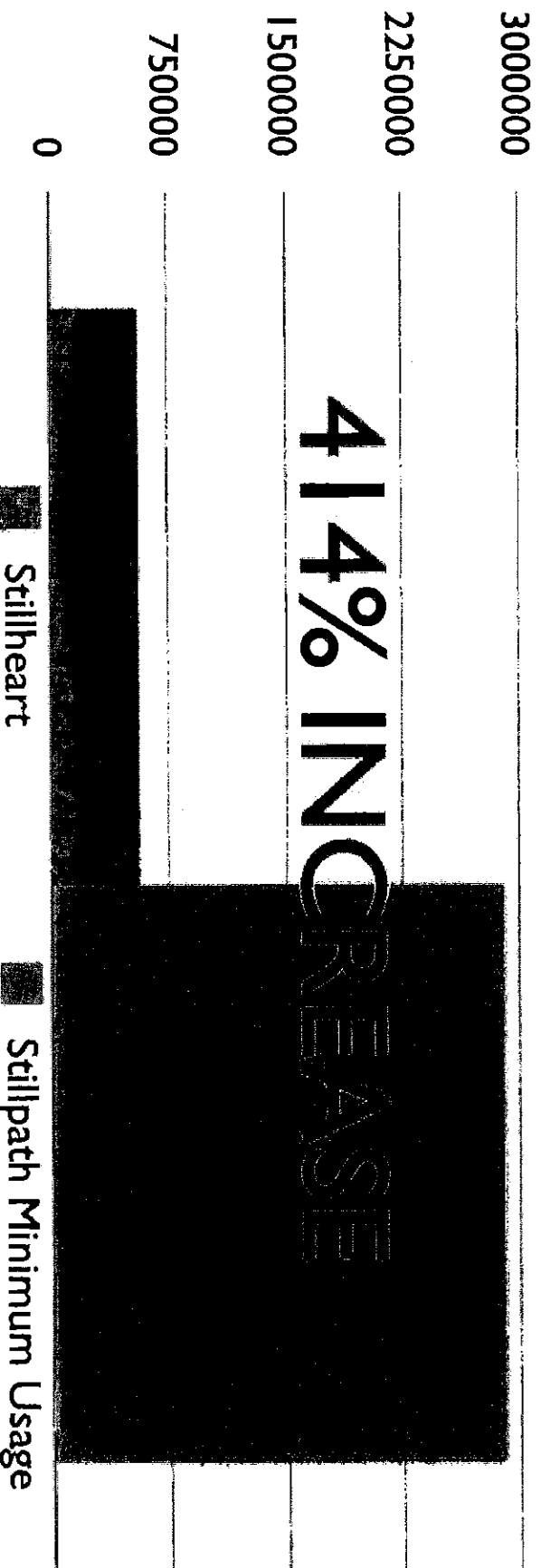
Avg 209 gallons of water/occupied hotel room
(double occupancy). Range is 150-225 gallons:

Stillheart-(30 guests/15 rms x 225 gal)*(60 grps x avg 3 days)
= 607k gallons a year

Stillpath-(76 guests/28 rms x 225 gal)*(365 days)
= 3.1M gallons a year

NOT NEGLIGIBLE EXPANSION

Average Water Usage Per Year (Average)



Source: American Hotel & Lodging Assoc. (2012):

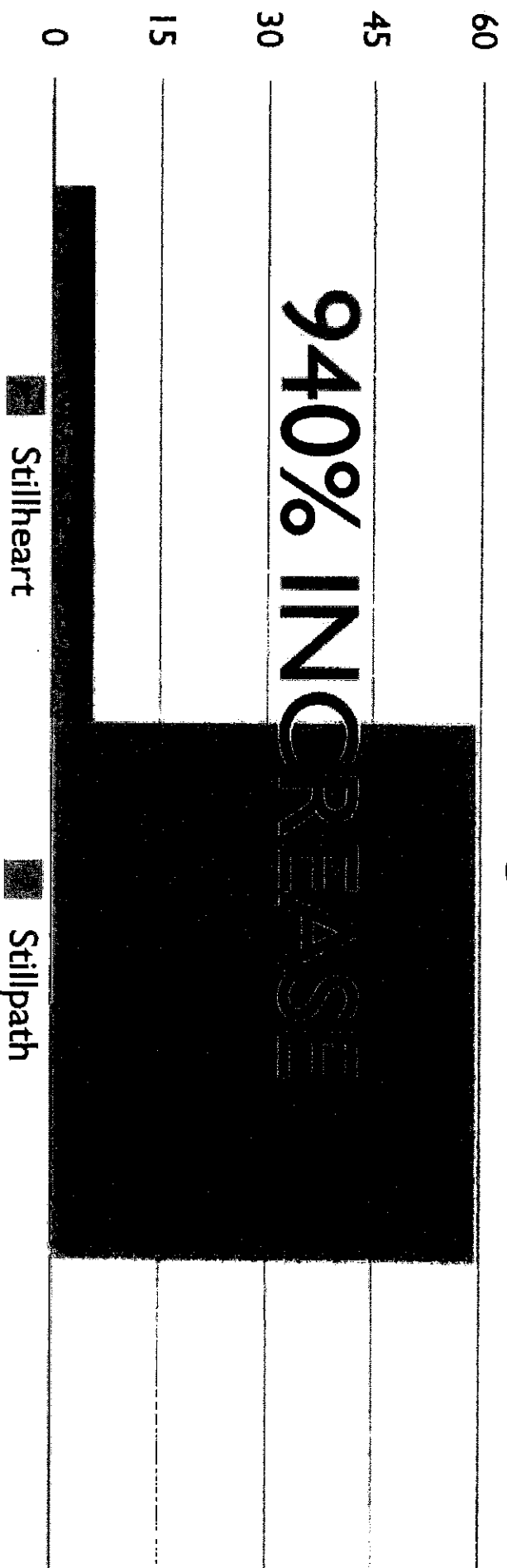
Avg 209 gallons of water/occupied hotel room
(double occupancy). Range is 150-225 gallons:

Stillheart-(30 guests/15 rms x 209 gal)*(60 grps x avg 3 days)
= 564k gallons a year

Stillpath-(76 guests/28 rms x 209 gal)*(365 days)
= 2.9M gallons a year

NOT NEGLIGIBLE EXPANSION

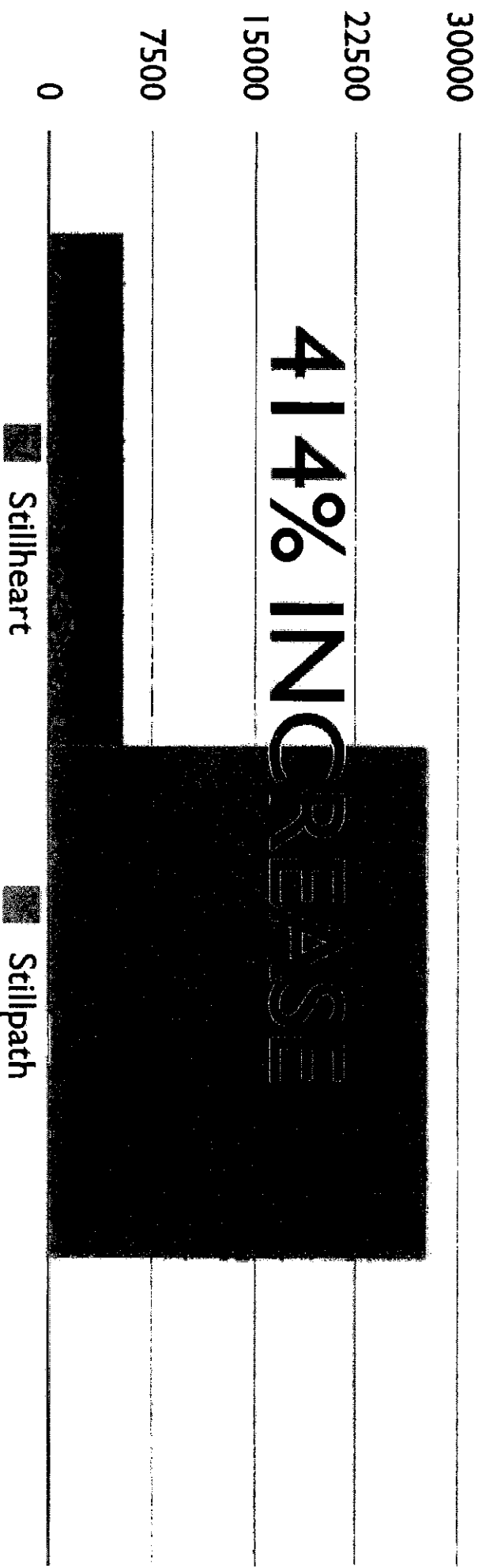
Smoking



Source: 2011 Center for Disease Control:
19% American Adults were smokers
(Avg 30 participants)
May 2011 Ohio State University study:
78% of rehab patients were smokers

NOT NEGLIGIBLE INCREASE

Occupied Bed Nights Per Year



Source: Stillheart mktg material:

30 avg ppl x 3 days x 60 grps = 5,400

Stillpath 12/11/13 staff rpt:

76 clients x 365 days = 27,740

NOT NEGLIGIBLE INCREASE

of Beds Per County vs.

Staff Report Recommended # of Beds

	# of Beds	Staff Recommended # of Beds
San Mateo County	287	65,798
Contra Costa County	351	96,084
Alameda County	403	138,370
Santa Clara County	272	163,537
State of California		3,411,594
United States		28,135,466

Source: 1/22/14 Staff Rpt: "According to the 2012 National Survey on Drug Use & Health (U.S. Department of Health & Human Services) 8.9% of the national population (all persons 12 & older) needed treatment for substance abuse (illicit drugs and/or alcohol). In San Mateo County that translates into 65,798 people, yet our County only has 287 beds in treatment facilities."

Exhibit D

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: January 24, 2007

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of a Use Permit Amendment, Resource Management Permit, Grading Permit, Architectural Review Exemption and certification of a Mitigated Negative Declaration, to allow the construction of a parking structure, 12 "tree house" buildings, a meditation temple, spa facility, and trails to connect these various outbuildings, construction of a 100,000-gallon water tank for fire protection and a 2,500-gallon pressurized water tank for domestic use, improvements to the existing access roads and associated landscaping. The project is located at 16350 Skyline Boulevard, in the unincorporated Woodside area of San Mateo County.

PROPOSAL

The project consists of several components: (1) the existing western entrance into the site will be re-graded and the centerline elevation lowered approximately 10-12 feet from Skyline Boulevard to the western side of the lodge; (2) the existing dirt road on the east side of the lodge will be expanded to 16 feet in width and paved from the intersection with Skyline Boulevard to a turnaround at the southern portion of the project site; (3) the modification of the western access road will allow for the provision of 13 surface parking spaces along the edge of the road; (4) the area immediately adjacent to the north and west sides of the existing lodge will be graded and new landscape and hardscape installed, additionally a 25-space parking structure will be added to the lodge. The top of the garage will be landscaped and accessible from the second floor of the lodge, thus allowing its use as a terrace area; (5) 12 "tree house" buildings will be constructed along the perimeter of the lodge area. Each tree house will contain two guestroom units, for a total of 24 new guestrooms on-site; (6) construction of a meditation temple, spa facility, and trails to connect these various outbuildings; and (7) modifications to the existing on-site water distribution, septic, and storm drainage systems, including the construction of a 100,000-gallon water tank for fire protection and a 2,500-gallon pressurized water tank for domestic use. Grading of the site will involve approximately 2,500 cubic yards of cut and 1,750 cubic yards of fill. Construction of the project as proposed will require the removal of 94 trees, with the arborist recommending an additional 12 trees be removed due to severe decline in health/risk of failure. The applicant's preliminary landscape plan indicates approximately 50 replacement trees will be planted in and around the main lodge and utility yard.

RECOMMENDATION

That the Planning Commission approve the proposed Use Permit Amendment, Resource Management Permit, Grading Permit, Architectural Review Exemption and certify the Mitigated Negative Declaration, County File Number PLN 2006-00181, by adopting the required findings and conditions of approval.

SUMMARY

The proposed project consists of the expansion of the existing access roads on the parcel, the construction of a parking garage adjacent to the main lodge, and the construction of several detached tree houses. Staff has determined that the additions and new structures will not be visible from Skyline Boulevard, and has proposed conditions of approval requiring these to be painted to match the existing structure. The project also involves 4,250 cubic yards of grading which requires a public hearing level grading permit because the total amount of grading exceeds the 25 cubic yards permitted in the Standards for Architectural and Site Control for the Skyline State Scenic Corridor. The grading portion of this project has been reviewed by the Department of Public Works and the County Geotechnical Section. Both departments recommended approval. Planning staff has also reviewed the proposal against the required findings and found the project conforms to the criteria for review contained in the Grading Ordinance, including submittal of an erosion and sediment control plan. Staff has also reviewed the proposal against the policies of the General Plan, Zoning Regulations, Parking Regulations, and Architectural Review Standards and found the project, as conditioned, in compliance.

MJS:fc – MJSR0073_WFU.DOC

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: January 24, 2007

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit Amendment and Resource Management Permit, pursuant to Sections 6500 and 6313 of the County Zoning Regulations, respectively; a Grading Permit, pursuant to Section 8602.1 of the County Ordinance Code; an Architectural Review Exemption, pursuant to the State Highways Code; and certification of a Mitigated Negative Declaration, pursuant to the California Environmental Quality Act, to allow the construction of a parking structure, 12 "tree house" buildings, a meditation temple, spa facility, and trails to connect these various outbuildings, construction of a 100,000-gallon water tank for fire protection and a 2,500-gallon pressurized water tank for domestic use, improvements to the existing access roads and associated landscaping. The project is located at 16350 Skyline Boulevard, in the unincorporated Woodside area of San Mateo County.

County File Number: PLN 2006-00181 (Rodine/Skylight LLC)

PROPOSAL

The project consists of several components: (1) the existing western entrance into the site will be re-graded and the centerline elevation lowered approximately 10-12 feet from Skyline Boulevard to the western side of the lodge; (2) the existing dirt road on the east side of the lodge will be expanded to 16 feet in width and paved from the intersection with Skyline Boulevard to a turn-around at the southern portion of the project site; (3) the modification of the western access road will allow for the provision of 13 surface parking spaces along the edge of the road; (4) the area immediately adjacent to the north and west sides of the existing lodge will be graded and new landscape and hardscape installed, additionally a 25-space parking structure will be added to the lodge. The top of the garage will be landscaped and accessible from the second floor of the lodge, thus allowing its use as a terrace area; (5) 12 "tree house" buildings will be constructed along the perimeter of the lodge area. Each tree house will contain two guestroom units, for a total of 24 new guestrooms on-site; (6) construction of a meditation temple, spa facility, and trails to connect these various outbuildings; and (7) modifications to the existing on-site water distribution, septic, and storm drainage systems, including the construction of a 100,000-gallon water tank for fire protection and a 2,500-gallon pressurized water tank for domestic use. Grading of the site will involve approximately 2,500 cubic yards of cut and 1,750 cubic yards of fill. Construction of the project as proposed will require the removal of 94 trees, with the

arborist recommending an additional 12 trees be removed due to severe decline in health/risk of failure. The applicant's preliminary landscape plan indicates approximately 50 replacement trees will be planted in and around the main lodge and utility yard.

RECOMMENDATION

Approve the Use Permit Amendment, Resource Management Permit, Grading Permit, Architectural Review Exemption, and certify the Mitigated Negative Declaration, County File No. PLN 2006-00181, by making the required findings and adopting the conditions of approval in Attachment A.

BACKGROUND

Report Prepared By: Michael Schaller, Senior Planner, Telephone 650/363-1849

Applicant: J. R. Rodine

Owner: Skylight LLC

Location: 16350 Skyline Boulevard, Woodside

APN: 072-331-010

Parcel Size: 16.4 acres

Existing Zoning: RM (Resource Management)

General Plan Designation: General Open Space

Existing Land Use: Improved with a 3-story retreat lodge consisting of 14 bedrooms, an indoor pool, outdoor spa, great room, dining hall, caretaker unit and on-site parking. Surrounding areas include open space covered with native vegetation, mature trees and walking trails.

Water Supply/Sewage Disposal: Domestic well and septic system

Flood Zone: FEMA Flood Zone C, area of minimal flooding, Community Panel No. 060311 0250 B, effective date July 5, 1984.

Environmental Evaluation: Initial Study and Mitigated Negative Declaration issued with a public review period of November 17, 2006 to December 7, 2006. As of the publication of this report, no comments were received. In preparation of this staff report, it was discovered that the biological survey prepared for this document was inadvertently not included as an attachment to the Initial Study. Nevertheless, the recommended mitigation measures included in the biological survey have been included as Conditions of Approval 20 through 24.

Setting: The subject property is improved with a 3-story retreat lodge, an indoor pool, outdoor spa and on-site parking. Surrounding areas on-site include open space covered with native vegetation, mature trees and walking trails. The site is located on the west side of Skyline Boulevard, within the Skyline State Scenic Corridor, opposite Wunderlich County Park. Adjacent lands are developed with large single-family residences.

Chronology:

<u>Date</u>	<u>Action</u>
December 5, 1991	- Original use permit application for Spa/Fitness Center is approved.
June 14, 2006	- Planning Commission approves PLN 2006-00084: amendment of permits to allow addition to existing structure (Phase 1B).
January 24, 2007	- Planning Commission public hearing for PLN 2006-00181 (Phase 2).

DISCUSSION

A. KEY ISSUES

1. Conformance with General Plan

The project complies with all applicable General Plan policies, with specific discussion of the following:

Chapter 1 – Vegetative, Water, Fish and Wildlife Resources

Policy 1.24 (*Protect Vegetative Resources*) requires that development will minimize the removal of vegetation, reduce surface water runoff, erosion and sedimentation. The proposed project will result in the removal of approximately 94 trees of various size and species. While this appears to be a large number of trees, it should be noted that the applicant has made significant efforts to minimize tree removal as much as practicable and still achieve their goal. In addition, the site is heavily vegetated and with implementation of the proposed landscape plan, the visual impact of the tree removal will be minimal. The applicant's arborist has recommended several tree protection measures to address potential construction impacts to remaining trees. These recommendations have been included as Condition 10. The applicant has proposed an extensive landscaping plan to offset, as much as possible, the removal of the identified trees. Staff has included a condition (No. 11) requiring implementation of this plan before a final sign-off on the building permits for this project. No nesting raptors or other bird nests were identified during site surveys conducted in April 2006. However, nests might have been constructed during the intervening time period. To ensure that no impact occurs to nesting raptors, staff recommends Condition 21, which requires pre-construction surveys for nesting raptors.

Chapter 2 – Soil Resources

Policy 2.23 (*Regulate Excavation, Grading, Filling, and Land Clearing Activities Against Accelerated Soil Erosion*) requires the regulation of grading and land clearing activities to protect against accelerated soil erosion and sedimentation. Staff has included a condition of approval requiring the applicant to submit an erosion and sediment control plan for the project, prior to the issuance of the building permit.

Chapter 4 – Protection of Visual Quality

Policy 4.21 (*Scenic Corridors*) requires protecting and enhancing the visual quality of scenic corridors by managing the location and appearance of structural development. The project site is located within the Skyline State Scenic Corridor. The applicant has installed story poles in the proposed location of the main water tank, and staff has made a site inspection and determined that the project, as proposed, will not be visible from Skyline Boulevard. The proposed additions/new structures will also not be visible from Skyline Boulevard due to intervening topography and thick vegetation. The most prominent feature of the site is a large knoll adjacent to Skyline Boulevard. The project site slopes downhill in a westerly direction from this point. This knoll and the dense forest canopy hide the site from motorists using Skyline. The proposed tree houses and meditation temple will not be visible due to their lower elevation from Skyline.

Policy 4.51 (*Colors and Materials*). This policy requires the use of colors and materials which: (1) blend with or complement the surrounding natural environment, (2) do not dominate or overpower the site, and (3) are compatible with the size, scale, and architectural style of the structure. The applicant is proposing to use stone and natural wood for facade treatments of all new structures. These will match the existing building. Proposed colors are earth tone in nature and will blend with the surrounding vegetation. Staff has included a condition requiring the submittal of color and material samples prior to the issuance of building permits. The colors and materials will be confirmed prior to a final sign-off on all building permits.

2. Conformance with the Resource Management District Zoning Regulations

a. Conformance with Development Review Criteria

The project parcel is located in the Resource Management (RM) Zoning District. The RM Zoning District requires a review of the proposal against criteria outlined in Chapter 20A.2 of the County Zoning Regulations. The primary criteria applicable to this project are Site Design, Primary Scenic Resources and Primary Natural Vegetative Areas. The project has been found to conform to these criteria as discussed below.

Site Design Criteria: *The development shall be constructed with and employ colors and materials that match the existing structure and blend with the*

surrounding structure and vegetative cover of the site. In grassland, or grassland/forest areas, all exterior materials shall be of the same earth and vegetative tones as the predominant colors of the site (as determined by on-site inspections). Highly reflective surfaces and colors are discouraged.

Staff has conditioned the project to be constructed of colors and materials that will match the existing structure and are compatible with the vegetation in the area.

Utilities: *There must be either a public water supply available or the existence of an adequate local water supply must be demonstrated.* Due to supply/pressure constraints within the Skyline Water District, the applicant is required to store a large amount of water on-site for fire protection purposes. The applicant is proposing to construct a 100,000-gallon water tank adjacent to the main access driveway (see Attachment C). This tank will be partially buried to reduce its visual mass as viewed from the lodge. The tank will not be visible from Skyline Boulevard due to intervening topography and vegetation. Staff has included a condition of approval that requires the tank, as well as all other new structures, to be constructed of colors and materials that will match the existing structure and are compatible with the vegetation in the area (Condition 19).

Suitability for septic tank installation or other treatment facility must be demonstrated where no sewer system exists. The applicant has identified septic system expansion areas around the main lodge. These have been tested and confirmed as viable by the County's Environmental Health Division.

Water Resources Criteria: *Site preparation procedures and construction phasing shall be carefully controlled to reduce erosion and exposure of soils to the maximum extent possible.* With the large amount of grading proposed for the improvements to the access roads and installation of the water tank on the site, there is the potential for accelerated erosion. This potential impact was identified in the Initial Study. To address this impact, staff is requiring the submittal of an erosion control plan (Condition 9) prior to the issuance of the grading and building permits.

Projects shall utilize methods to maintain surface water runoff at or near existing levels. The project will increase the amount of impermeable surfaces on the project site, potentially resulting in increased surface runoff. To address this impact, staff is requiring the submittal of a post-construction stormwater control plan (Condition 15), prior to the issuance of building permits for Phase 2.

Primary Scenic Resources Areas Criteria: *Public views within and from scenic corridors shall be protected and enhanced, and development shall not be allowed to significantly obscure, detract from, or negatively affect the quality of*

these views. After reviewing the proposed plans and visiting the site, staff has determined the additions to the main structure and the proposed accessory buildings will not be visible from Skyline Boulevard. All new buildings and structures shall be painted to match the existing facility and to blend in with the existing vegetation and will not negatively affect the scenic quality of the area.

b. Conformance with Development Standards

The lodge and the proposed accessory buildings are considered a hotel and therefore is a permitted use within the RM District. As noted in the chart below, the additions to the lodge and the proposed accessory buildings will comply with the required height limit and setbacks.

	Required	Proposed
Minimum Front Setback	50 ft.	189 ft. (Lodge) 53 ft. (Water Tank) 100 ft. (nearest Accessory/Tree House Building)
Minimum Side Setback	20 ft.	45.66 ft. right side yard (nearest Accessory/Tree House Building) 350 ft. left side yard (nearest Accessory/Tree House Building)
Minimum Rear Setback	20 ft.	380 ft. (nearest Accessory/Tree House Building)
Maximum Building Height	36 ft.	32.5 ft. (Addition)

3. Conformance with Parking Regulations

Staff has reviewed the submitted parking plan and determined that the proposed parking is in compliance as noted in the chart below.

Use	Required	Quantity	Required
Office (Office #1, #2 and Reception)	1 space/200 sq. ft.	1,100 sq. ft.	5.5 parking spaces
Hotel	1 space for each 4 guest rooms	14 guest rooms	3.5 parking spaces
Tree Houses	1 space for each 4 guest rooms	24 guest rooms	6 parking spaces
Caretaker Unit	1 space for studios/1 BR units	1 single bedroom unit	1 parking space
Totals			16 required/38 parking spaces proposed

4. Conformance with Use Permit Findings

Under the provisions of Section 6315 of the Zoning Regulations, hotels are permitted in the RM Zoning District upon issuance of a use permit, in accordance with Section 6500 of the Zoning Regulations. The current use of the site as an overnight retreat center is functionally equivalent to a hotel. The retreat center operates under an approved use permit (originally approved in 1991). The current proposal will increase the intensity of use on the site, thus triggering this amendment to the use permit. Two findings are required to be made for amendment of the use permit:

Find that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

This project will have minimal impacts upon surrounding lands. The nature of the project site (topography and heavy vegetation) severely limits the visibility of any new or existing structures from surrounding public viewing points. While there will be some increase in traffic volume due to the increase in the number of guest rooms, this increase will be less than significant, particularly in light of the already low traffic volumes on Skyline Boulevard. The project's Initial Study included the following discussion regarding traffic impacts:

The retreat center currently has a total of six full time and three part time employees who perform administrative, maintenance, and housekeeping duties. On average, the center hosts approximately 60 groups per year. The average group size is between 25 and 30 people. The average length of stay is three nights. The proposal will increase the number of guest rooms from 16 to 38. On-site parking will be expanded to a total of 38 spaces. Based upon a traffic study prepared by RKH Engineering, the Level of Service of Skyline Boulevard at the project site is "A". At the project site's driveway, the measured average speed on Skyline Boulevard is approximately 35 mph in both directions due to the short radius curves at the site.

Because of the nature of the use on the site, a retreat center, traffic flows are not typical of the area. Groups usually arrive around 3:00 p.m. for overnight stays and around 9:00 a.m. for day-only activities. Departure time for overnight guests is around 11:00 a.m. Saturday is usually the peak occupancy day of the week. Between 30 and 40 percent of the guests come from the airport by some form of taxi. A higher vehicle occupancy is expected for the retreat center operation than for the previous hotel operation because of the parking and traffic control procedures required by the applicant. This translates to a lower trip generation rate per occupied room. The traffic analysis concludes that

the net increase in guest rooms will not result in a discernible effect upon Level of Service during peak traffic hours.

While there will be no discernible increase in traffic volumes, there will be a change in the location of site egress. Currently, all vehicles enter and exit the site via the primary driveway. The redesign of the project site will route exiting vehicles onto the lower (easterly) driveway. At the observed 35 mph travel speed through the curves on Skyline Boulevard at the project site, the stopping distance is 246 feet. Given the distances and speeds involved, there may not be sufficient distance for southbound cars on Skyline to recognize slow accelerating vehicles turning south out of the project site. To mitigate this potential impact, the traffic study recommends a short acceleration taper to allow southbound vehicles leaving the site an opportunity to get up to travel speed as they enter Skyline Boulevard. The acceleration taper is shown on Attachment D at the top driveway entrance.

This mitigation measure has been included as Condition 16. The traffic study referenced above is included as Attachment I. Upon completion of construction, the retreat center will not create any additional noise or other types of impacts above existing ambient levels.

5. Architectural Review; Conformance with State Scenic Corridor Provisions

Under the provisions of the Streets and Highways Code of the State of California, all projects in the State Scenic Corridor require architectural review and consideration by the Planning Commission. The project site is located within the Skyline Boulevard State Scenic Corridor. Staff completed a preliminary site visit in October 2006, and determined that the addition, parking structure, and "tree house" buildings will not be visible from the Skyline Boulevard Scenic Corridor and therefore are exempt from architectural review. Although the project is exempt, as discussed above in Section 1, it is in compliance with General Plan Policy 4.21 (*Scenic Corridors*), and Policy 4.51 (*Colors and Materials*), which govern the architectural review portion of the proposed project. As stated, the addition to the main building and the new accessory buildings will be painted to match the existing structure and blend in with the existing vegetation, and utilities will be required to be installed underground.

6. Conformance with County Grading Regulations

The improvement and realignment of the existing driveways require a grading permit, in accordance with Section 8602 of the County Grading Regulations. The applicant's geotechnical engineer has estimated 2,500 cubic yards of cut and 1,750 cubic yards of fill to construct the driveway improvements and the water tank. The grading permit application was reviewed by both the Department of Public Works and the County Geotechnical Section. After review and consultation with the applicant's geotechnical consultant, both departments believe the project can be completed

without significant harm to the public or property of adjacent landowners. Planning staff reviewed the proposal against the required findings for a grading permit. After conducting an environmental review as required by CEQA, staff found that, as conditioned, there will not be a significant adverse effect on the environment. Staff concluded that the project conforms to the criteria for review contained in the Grading Ordinance. Finally, as outlined above, the project conforms to the General Plan. In order to approve this project, the Planning Commission must make the required findings contained in the Grading Regulations. The findings and supporting evidence are outlined below:

a. That the project will not have a significant adverse effect on the environment.

After conducting an environmental review as required by CEQA, staff found that, if all mitigation measures are implemented, there will not be a significant adverse effect on the environment. These mitigation measures have been included as conditions of approval:

- (1) Implementation of an erosion and drainage control plan (Condition 9).*
- (2) Implementation of a tree protection plan (Condition 10).*
- (3) Implementation of a dust control plan during grading operations (Condition 13).*

b. That the project conforms to the criteria of the San Mateo County Grading Ordinance and is consistent with the General Plan.

The project, as conditioned, conforms to the criteria for review contained in the Grading Ordinance, including an erosion and sediment control plan, dust control measures, and tree protection plans. As outlined above, the project conforms to the General Plan.

B. ENVIRONMENTAL REVIEW

An Initial Study and Negative Declaration were prepared and circulated, with that review and comment period running from November 17, 2006 to December 7, 2006. As of the writing of this report, no comments have been received. In preparation of this staff report, it was discovered that the biological survey prepared for this document was inadvertently not included as an attachment to the Initial Study. Nevertheless, the recommended mitigation measures included in the biological survey have been included as Conditions of Approval 20 through 24.

C. REVIEWING AGENCIES

County Building Inspection Section
County Department of Public Works
County Geotechnical Section
County Environmental Health Division
San Mateo County Fire Marshal
Mid-Peninsula Open Space District

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Site Plan
- D. Detailed Site Plan
- E. Lodge Elevations
- F. Tree House Elevations and Floor Plans
- G. Initial Study and Mitigated Negative Declaration
- H. Project Biological Report
- I. Project Traffic Study

MJS:fc – MJSR0074_WFU.DOC

Exhibit E



Civil and Transportation Engineering

TRAFFIC IMPACT ANALYSIS

**STILLHEART RETREAT CENTER
16350 SKYLINE BOULEVARD
WOODSIDE, CALIFORNIA**

APRIL 18, 2006

Prepared for –
Skylight, LLC
16350 Skyline Boulevard
Woodside, CA 94062-4450

TRAFFIC IMPACT ANALYSIS

STILLHEART RETREAT CENTER 16350 SKYLINE BOULEVARD WOODSIDE, CALIFORNIA

APRIL 18, 2006

STUDY PURPOSE

Purpose of this study is to quantify any impacts to traffic flow on Skyline Boulevard and any impacts to site access, circulation, and parking that the proposed additions and reconfiguration might create, and to present measures to mitigate any identified impacts.

PROJECT DESCRIPTION

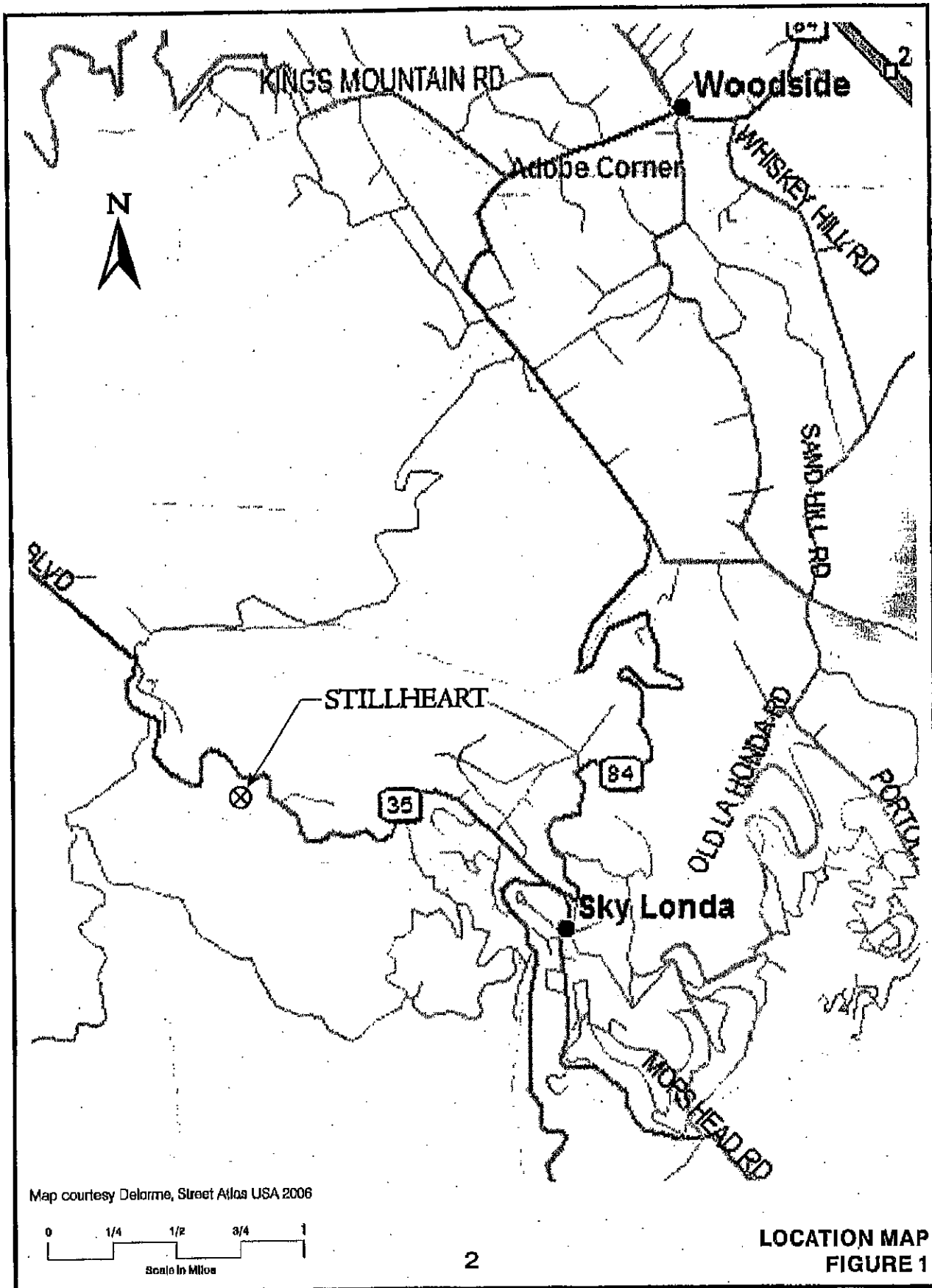
The 15+ acre site located at 16350 Skyline Boulevard was originally built as a 16 room hotel, the Skylonda Lodge. See Figure 1, Location Map, page 2.

This project proposes to reconfigure the existing building, reduce the number of guest rooms in the main building to 14, and add 24 guest rooms in 12 tree houses around the perimeter of the site for a total of 38 guest rooms. On-site parking will be expanded to a total of 38 spaces. See Figure 2, Site Plan, page 3.

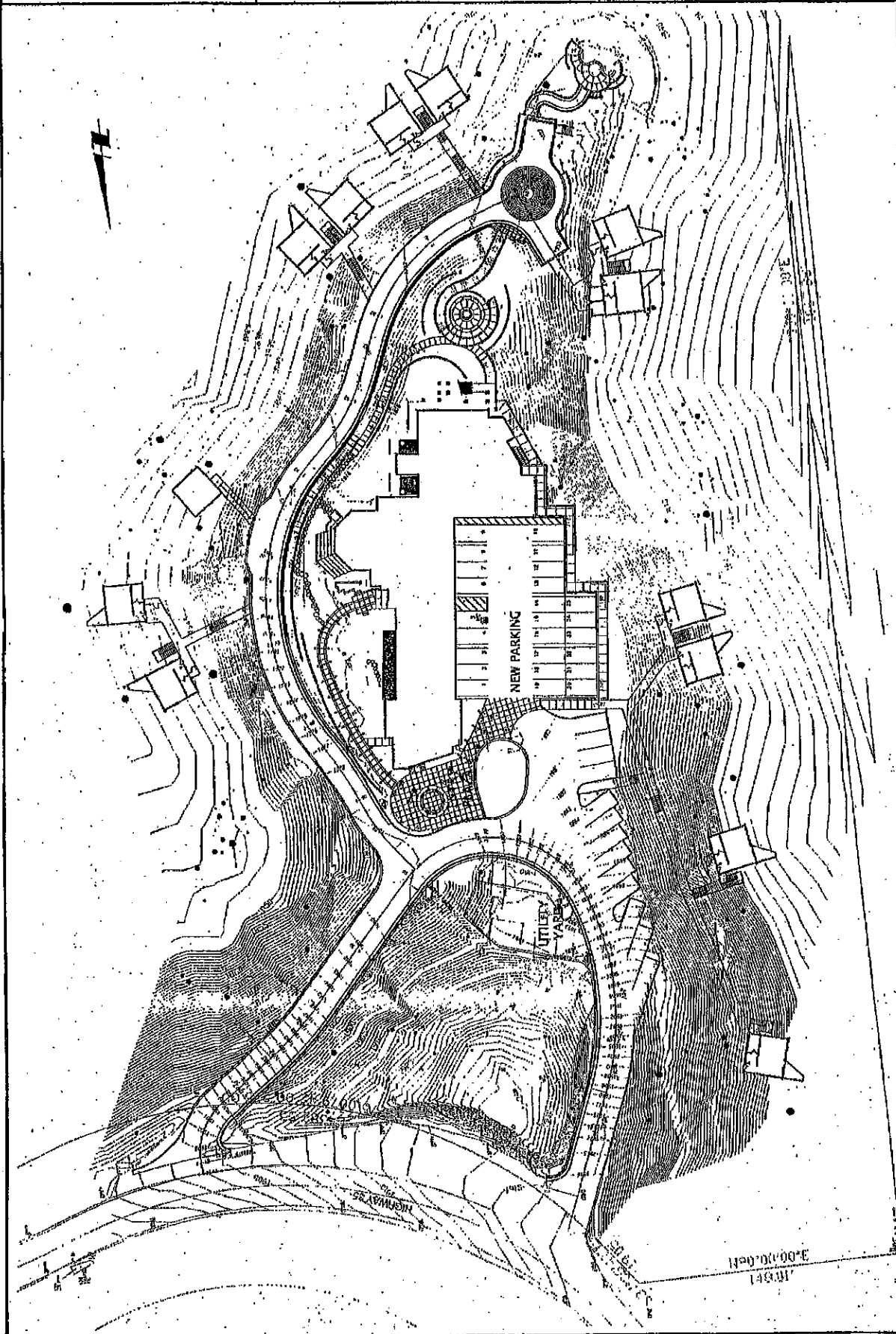
EXISTING TRAFFIC CONDITIONS

Skyline Boulevard, State Route 35, in the vicinity of the project site is a 2-lane highway running along the crest of the Coast Range of mountains on the San Francisco Peninsula. Stillheart is located approximately one mile northerly of the intersection of Routes 35 and 84 in Sky Londa. See Location Map, page 2. At the retreat center the highway carries 850 vehicles per day based on a 2-day directional traffic count taken in April of 2005. The morning street peak hour is from 8:00-9:00 a.m. with 67 vehicles in that hour and the afternoon peak hour is from 5:00-6:00 p.m. time period with 78 vehicles. Traffic count data is provided in Appendix A. The posted speed limit on Route 35 north of Route 84 is 45 mph. At Stillheart the measured average travel speed is approximately 35 mph in both directions due to the short radius curves at the site.¹

¹ Radar speed measurements by RKH, 3/22/06.



RKH



The determination of how well or how poorly a traffic facility is operating is based on criteria contained in the *Highway Capacity Manual (HCM)*.² Skyline Boulevard is considered a Class II 2-lane highway according to the HCM. For Class II highways the Levels of Service (LOS) are defined in terms of Percent Time-Spent-Following. Table A below shows the definitions of the five levels of service.

Table A: Levels of Service Definitions for Class II 2-Lane Highways	
LOS	Percent Time-Spent-Following (PTSF)
A	≤40%
B	>40-55
C	>55-70
D	>70-85
E	>85

Exhibit 20-4, HCM2000

Skyline Boulevard at Stillheart operates at LOS A during both peak hours of the day with a PTSF of 29% during the morning peak hour and a PTSF of 32% during the afternoon peak hour. Appendix B contains the LOS calculation worksheets.

PROJECT TRAFFIC CONDITIONS

The project will increase the number of guest rooms from the current 16 rooms to a total of 38 rooms, 24 in the new perimeter outbuildings and 14 rooms in the main building. While the previous operation of the site was as a hotel, the Stillheart retreat center will function somewhat differently, but in terms of traffic generation the retreat center has similar characteristics to that of the previous use. Groups of 5 to 50 people with the average being between 25 and 30 people in each group staying an average of three nights is typical. Groups usually arrive around 3:00 p.m. for overnight stays and around 9:00 a.m. for day-only activities. Departure time for overnight guests is around 11:00 a.m. Saturday is usually the peak occupancy day of the week. Between 30 and 40 percent of the guests come from the airport either by Super Shuttle or Taxi.³ It is expected that 85-95% of the trips to and from the retreat center will be via Route 84 from Routes 101 and 280 to Skyline Boulevard, then north on Skyline Boulevard to the site.

²Transportation Research Board, *HCM2000*, ©2000.

³ Source: Stillheart and J.R. Rodine

A higher vehicle occupancy is expected for the retreat center operation than for the previous hotel operation because of the parking and traffic control procedures required by Stillheart. This translates to a lower trip generation rate per occupied room. Table B below shows the estimated vehicle trip generation for Stillheart.

Table B: Project Net Vehicle Trip Generation							
Land Use	Size (Net Increase)	8-9 AM Street Peak Hour			5-6 PM Street Peak Hour		
		In	Out	Total	In	Out	Total
Retreat Center	22 RM	1	3	4	1	2	3
		11-12 AM Peak Hour			1-2 PM Peak Hour		
		In	Out	Total	In	Out	Total
		4	3	7	4	3	7

PROJECT TRAFFIC IMPACTS

The net increase of 22 guest rooms to the site will have no effect on LOS during the peak traffic hours of the day. PTSF will remain at the current levels. LOS calculation sheets are provided in Appendix B.

SITE ACCESS, CIRCULATION AND PARKING

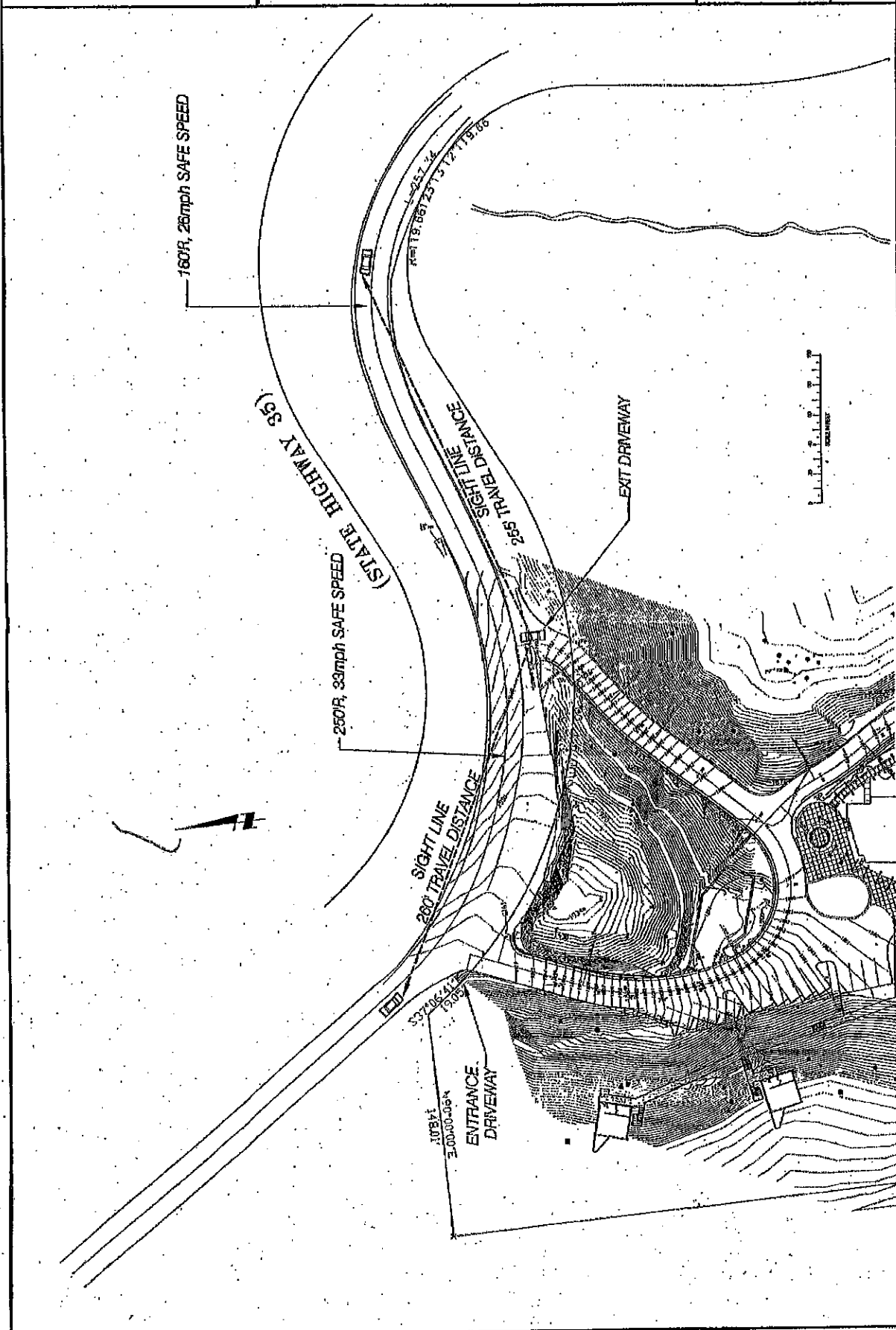
Site Access. Presently the site has one primary point of ingress/egress off of Skyline Boulevard and one secondary, unimproved emergency access off of Skyline Boulevard. The master plan calls for the existing driveway to become an entrance-only driveway. The existing secondary access will be improved and will become the exit-only driveway onto Skyline Boulevard providing a one-way circular traffic flow through the site from entrance to exit.

While the location of site ingress remains the same the location of site egress will be new. At the observed 35 mph travel speed through the curves on Skyline Boulevard at the project site the stopping sight distance is 246 feet. Figure 2, Driveway Sight Distance, page 6, shows the sight line travel distances of vehicles approaching the new exit driveway from both directions on Skyline Boulevard. The travel distances are within the stopping sight distance requirements. Because most of the vehicles exiting the site will be turning right onto Skyline Boulevard a short (120 ft.) acceleration taper should be provided to facilitate vehicles accelerating into the travel way.

**STILLHEART
 DRIVEWAY SIGHT DISTANCE
 WOODSIDE, CALIFORNIA**

PROJECT	200501
DATE	APRIL 06
SCALE	1" = 60'

Figure 3
 Page 6



Site Circulation. The main ingress-egress roadway as shown on Figure 1 will be 20 feet wide. The perimeter roadway on the east and south side of the main building will be 16 feet wide ending in a Y-type terminus allowing large vehicles to turn around in one backing maneuver. These roadways will serve secondarily as fire lanes to provide fire and emergency vehicle access to all of the existing and proposed structures on the site. In emergencies the circular roadway will provide two points of access to the site.

Busses and vans will be able to drop off visitors and guests at the new entry plaza at the north end of the main building. Busses and vans dropping off people at the entry plaza should not be left unattended as they will block a portion of the roadway in case of emergencies. With signage and strict enforcement by Stillheart personnel the potential for extended blocking of the roadway at the entry plaza should be minimized.

Delivery and service vehicles will have full, unobstructed access to the on-site facilities. Grades on the circular roadway will be -17% on the entrance roadway and +17% on the exit roadway. The steepest grade on the perimeter roadway will be about 10%. While these grades are steep they are within the parameters for local rural roads in mountainous terrain.⁴

Parking. Presently there are 20 on-site parking spaces supplemented by a 30 space off-site lot. The site will be closed for an 18 month period during which time the new tree houses and other improvements will be constructed. Upon completion of the construction use of the off-site parking lot will be terminated. On-site parking will be expanded to provide a total of 38 spaces, 12 of which will be tandem parking.

With an estimated 30-40% of the non-Bay area guests coming to Stillheart via taxi or Super Shuttle type vehicles, the demand for parking should be less than one space per guest room. This demand should be further reduced by the fact that activities at the site will be in organized groups averaging 25-30 people. Group organizers have the ability to require their people to come to the site in personal vans or car pools.


⁴ American Association of State Highway and Transportation Officials, *A Policy on Geometric Design of Highways and Streets*, Fourth Edition, © 2001.

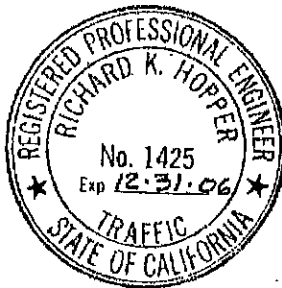
CONCLUSIONS AND RECOMMENDATIONS

Conclusions. The addition of 22 new guest rooms will generate less than 10 new vehicle trips during the peak traffic hours of a typical weekday and will increase the daily traffic volume in and out of the site by about 70 trips per day. The increase in traffic will have no significant effect on traffic flow on Skyline Boulevard. Vehicles on the new exit driveway will have adequate visibility of traffic on Skyline Boulevard. Vehicles on the highway will have visibility of the driveway in excess of the safe stopping sight distance.

Recommendations:

1. An acceleration taper should be provided to facilitate vehicles accelerating into the travel way in the southbound direction from the new exit driveway subject to obtaining the requisite encroachment permit(s) from Caltrans.
2. At the entry plaza location where busses and vans could be parked for extended periods of time, post signs prohibiting vehicles from being left unattended and limit the time for loading and unloading to 10 minutes.


Richard K. Hopper, P.E., PTOE



APPENDIX A TRAFFIC DATA

2-DAY AVERAGE TRAFFIC COUNTS

LOCATION: 16350 Skyline Boulevard
 State Route 35
 CITY: Woodside
 START DATE: 04/12/2005
 START DAY: Tuesday
 COUNTED BY: Morl
 COMPILED BY: RKH

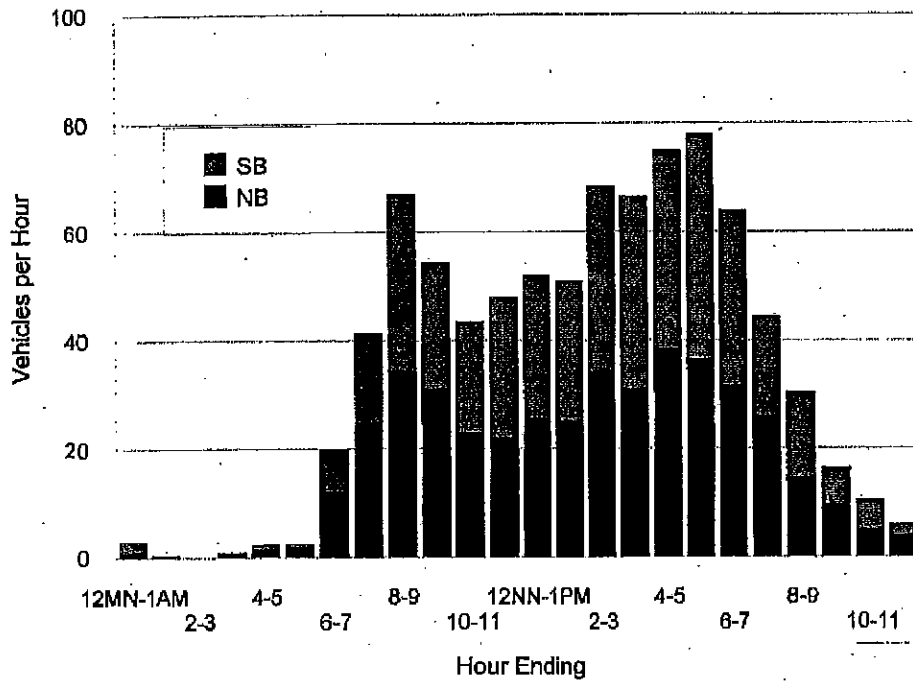
HOUR	Tues., 04/22/05			Wed., 04/13/05			2-Day Avg.		
	NB	SB	Total	NB	SB	Total	NB	SB	Total
12MN-1AM	0	1	1	2	3	5	1	2	3
1-2	1	0	1	0	0	0	1	0	1
2-3	0	0	0	0	0	0	0	0	0
3-4	1	1	2	0	0	0	1	1	1
4-5	1	1	2	2	1	3	2	1	3
5-6	1	1	2	3	0	3	2	1	3
6-7	11	7	18	13	9	22	12	8	20
7-8	25	18	43	24	16	40	25	17	42
8-9	35	34	69	34	31	65	35	33	67
9-10	32	25	57	30	22	52	31	24	55
10-11	16	25	41	30	16	46	23	21	44
11AM-12NN	21	31	52	23	21	44	22	26	48
12NN-1PM	26	29	55	25	24	49	26	27	52
1-2	29	22	51	21	30	51	25	26	51
2-3	32	38	70	36	31	67	34	35	69
3-4	25	30	55	37	41	78	31	36	67
4-5	35	34	69	42	39	81	39	37	75
5-6	33	41	74	40	42	82	37	42	78
6-7	34	24	58	29	41	70	32	33	64
7-8	28	22	50	24	15	39	26	19	45
8-9	12	12	24	17	20	37	15	16	31
9-10	11	7	18	8	7	15	10	7	17
10-11	8	5	13	2	6	8	5	6	11
11PM-12MN	5	1	6	3	3	6	4	2	6
Total:	422	409	831	445	418	863	434	414	847

2-DAY AVERAGE TRAFFIC COUNT SUMMARY

LOCATION: 16350 Skyline Boulevard
 State Route 35
 CITY: Woodside
 START DATE: 04/12/2006
 START DAY: Tuesday
 COUNTED BY: Morl
 COMPILED BY: RKH

HOUR	DIRECTION		TOTAL	
	NB	SB		
12MN-1AM	1	2	3	
1-2	1	0	1	
2-3	0	0	0	
3-4	1	1	1	
4-5	2	1	3	
5-6	2	1	3	
6-7	12	8	20	
7-8	25	17	42	
8-9	35	33	67	AM Pk.Hr.
9-10	31	24	55	
10-11	23	21	44	
11AM-12NN	22	26	48	
12NN-1PM	26	27	52	
1-2	25	26	51	
2-3	34	35	69	
3-4	31	36	67	
4-5	39	37	75	
5-6	37	42	78	PM Pk.Hr.
6-7	32	33	64	
7-8	26	19	45	
8-9	15	16	31	
9-10	10	7	17	
10-11	5	6	11	
11PM-12MN	4	2	6	
Total:	434	414	847	

16350 Skyline Boulevard
State Route 35



847
04/12/2005

APPENDIX B

CALCULATION WORKSHEETS

STILLHEART, 13650 SKYLINE BOULEVARD, WOODSIDE
VEHICLE TRIP GENERATION

STILLHEART - MASTER PLAN

PROJECT LAND USE	SIZE	UNITS	WEEKDAY TRIP GENERATION RATE				WEEKDAY TRIP GENERATION VOLUME					
			8-9 A.M. STREET HOUR		5-6 P.M. STREET HOUR		8-9 A.M. STREET HOUR		5-6 P.M. STREET HOUR		DAILY	TOTAL
			IN	OUT	IN	OUT	IN	OUT	IN	OUT		
Retreat Center	38	RM	0.07	0.13	0.07	0.08	0.07	0.13	0.07	0.08	3.20	6
												122

PROJECT LAND USE	SIZE	UNITS	WEEKDAY TRIP GENERATION RATE				WEEKDAY TRIP GENERATION VOLUME					
			11-12 AM PEAK HOUR OF GENERATOR		1-2 PM PEAK HOUR OF GENERATOR		11-12 AM PEAK HOUR OF GENERATOR		1-2 PM PEAK HOUR OF GENERATOR		DAILY	TOTAL
			IN	OUT	IN	OUT	IN	OUT	IN	OUT		
Retreat Center	38	RM	0.17	0.14	0.17	0.14	0.17	0.14	0.17	0.14	3.20	11
												11

STILLHEART - NET CHANGE

PROJECT LAND USE	SIZE	UNITS	WEEKDAY TRIP GENERATION RATE				WEEKDAY TRIP GENERATION VOLUME					
			8-9 A.M. STREET HOUR		5-6 P.M. STREET HOUR		8-9 A.M. STREET HOUR		5-6 P.M. STREET HOUR		DAILY	TOTAL
			IN	OUT	IN	OUT	IN	OUT	IN	OUT		
Retreat Center	22	RM	0.07	0.13	0.07	0.08	0.07	0.13	0.07	0.08	3.20	70
												70

PROJECT LAND USE	SIZE	UNITS	WEEKDAY TRIP GENERATION RATE				WEEKDAY TRIP GENERATION VOLUME					
			11-12 AM PEAK HOUR OF GENERATOR		1-2 PM PEAK HOUR OF GENERATOR		11-12 AM PEAK HOUR OF GENERATOR		1-2 PM PEAK HOUR OF GENERATOR		DAILY	TOTAL
			IN	OUT	IN	OUT	IN	OUT	IN	OUT		
Retreat Center	22	RM	0.17	0.14	0.17	0.14	0.17	0.14	0.17	0.14	3.20	7
												7

STILLHEART, 13650 SKYLINE BOULEVARD, WOODSIDE
VEHICLE TRIP GENERATION

PREVIOUS USE - LODGE AT SKYLONDA

PROJECT LAND USE	SIZE	UNITS RM	WEEKDAY TRIP GENERATION RATE				WEEKDAY TRIP GENERATION VOLUME					
			8-9 A.M. STREET HOUR		5-6 P.M. STREET HOUR		A.M. PEAK HOUR		P.M. PEAK HOUR		DAILY	TOTAL
			IN	OUT	IN	OUT	IN	OUT	IN	OUT		
Hotel	16		0.06	0.13	0.06	0.08	1	2	1	1	3.13	50
			TOTAL		TOTAL		TOTAL		TOTAL			
			0.19		0.14		3		2			

Source: 7-day directional driveway count, 3/20/98-3/26/99

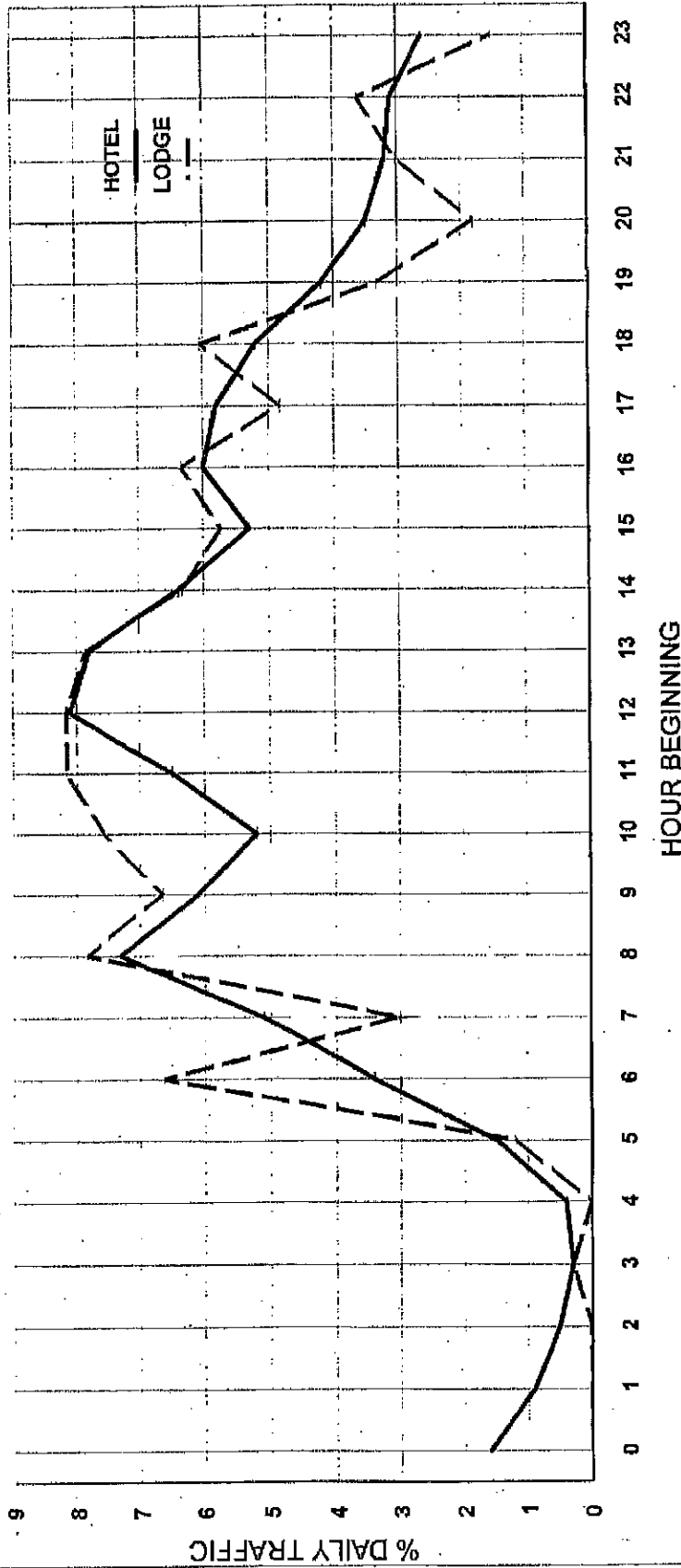
PREVIOUS USE - LODGE AT SKYLONDA

PROJECT LAND USE	SIZE	UNITS RM	WEEKDAY TRIP GENERATION RATE				WEEKDAY TRIP GENERATION VOLUME					
			8-9 A.M. STREET HOUR		5-6 P.M. STREET HOUR		A.M. PEAK HOUR		P.M. PEAK HOUR		DAILY	TOTAL
			IN	OUT	IN	OUT	IN	OUT	IN	OUT		
Hotel	16		0.16	0.10	0.24	0.21	3	2	4	3	8.49	136
			TOTAL		TOTAL		TOTAL		TOTAL			
			0.26		0.45		4		7			

Source: 7-day directional driveway count, 3/05/98-3/11/98

Driveway counts included construction vehicles

HOURLY VARIATION IN TRAFFIC



TWO-WAY TWO-LANE HIGHWAY SEGMENT WORKSHEET

General Information		Site Information	
Analyst	Richard Hopper	Highway	Route 35
Agency or Company	RKH	From/To	At Stillheart
Date Performed	3/23/2008	Jurisdiction	Caltrans
Analysis Time Period	PM Peak Hour	Analysis Year	2008 + Project
Project Description:			
Input Data			
<p>Shoulder width _____ ft</p> <p>Lane width _____ ft</p> <p>Lane width _____ ft</p> <p>Shoulder width _____ ft</p> <p>Segment length, L_1 _____ mi</p>		<input type="checkbox"/> Class I highway <input checked="" type="checkbox"/> Class II highway Terrain <input type="checkbox"/> Level <input checked="" type="checkbox"/> Rolling Two-way hourly volume 84 veh/h Directional split 54 / 46 Peak-hour factor, PHF 0.88 No-passing zone 100 % Trucks and Buses, P_T 1 % % Recreational vehicles, P_R 2 % Access points/ mi 2	
Average Travel Speed			
Grade adjustment factor, f_G (Exhibit 20-7)		0.71	
Passenger-car equivalents for trucks, E_T (Exhibit 20-9)		2.5	
Passenger-car equivalents for RVs, E_R (Exhibit 20-9)		1.1	
Heavy-vehicle adjustment factor, f_{HV} $f_{HV} = 1 / (1 + P_T(E_T - 1) + P_R(E_R - 1))$		0.993	
Two-way flow rate ¹ , v_p (pc/h) $v_p = V / (PHF * f_G * f_{HV})$		137	
v_p * highest directional split proportion ² (pc/h)		74	
Free-Flow Speed from Field Measurement		Estimated Free-Flow Speed	
Field Measured speed, S_{FM}	35 mi/h	Base free-flow speed, $BFFS_{FM}$	mi/h
Observed volume, V_f	67 veh/h	Adj. for lane width and shoulder width ³ , f_{LS} (Exhibit 20-5)	mi/h
Free-flow speed, FFS $FFS = S_{FM} + 0.00776(V_f / f_{HV})$	mi/h	Adj. for access points, f_A (Exhibit 20-6)	mi/h
		Free-flow speed, FFS $(FFS = BFFS - f_{LS} - f_A)$	35.5 mi/h
Adj. for no-passing zones, f_{np} (mi/h) (Exhibit 20-11)		2.4	
Average travel speed, ATS (mi/h) $ATS = FFS - 0.00776 v_p f_{np}$		32.1	
Percent Time-Spent-Following			
Grade Adjustment factor, f_G (Exhibit 20-8)		0.77	
Passenger-car equivalents for trucks, E_T (Exhibit 20-10)		1.8	
Passenger-car equivalents for RVs, E_R (Exhibit 20-10)		1.0	
Heavy-vehicle adjustment factor, f_{HV} $f_{HV} = 1 / (1 + P_T(E_T - 1) + P_R(E_R - 1))$		0.992	
Two-way flow rate ¹ , v_p (pc/h) $v_p = V / (PHF * f_G * f_{HV})$		125	
v_p * highest directional split proportion ² (pc/h)		68	
Base percent time-spent-following, BPTSF(%) $BPTSF = 100(1 - e^{-0.000879 v_p})$		10.4	
Adj. for directional distribution and no-passing zone, $f_{d/no}$ (Exh. 20-12)		22.1	
Percent time-spent-following, PTSF(%) $PTSF = BPTSF + f_{d/no}$		32.5	
Level of Service and Other Performance Measures			
Level of service, LOS (Exhibit 20-3 for Class I or 20-4 for Class II)		A	
Volume to capacity ratio v/c $v/c = V_p / 3,200$		0.04	
Peak 15-min veh-miles of travel, VMT_{15} (veh-mi) $VMT_{15} = 0.25 L_1 (V / PHF)$		12	
Peak-hour vehicle-miles of travel, VMT_{80} (veh-mi) $VMT_{80} = V * L_1$		42	

Peak 15-min total travel time, TT_{15} (veh-h) $TT_{15} = VMT_{15} / ATS$

0.4

Notes

1. If $V_p \geq 3,200$ pc/h, terminate analysis-the LOS is F.
2. If highest directional split $V_p \geq 1,700$ pc/h, terminated analysis-the LOS is F.

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TWO-WAY TWO-LANE HIGHWAY SEGMENT WORKSHEET

General Information		Site Information	
Analyst	Richard Hopper	Highway	Route 35
Agency or Company	RKH	From/To	At Stillheart
Date Performed	3/23/2008	Jurisdiction	Caltrans
Analysis Time Period	AM Peak Hour	Analysis Year	2008 + Project
Project Description:			
Input Data			
<p>Diagram showing a two-way two-lane highway segment. The segment length is L_s in miles. The diagram labels the following dimensions: Shoulder width (ft), Lane width (ft), Lane width (ft), and Shoulder width (ft).</p>		<input type="checkbox"/> Class I highway <input checked="" type="checkbox"/> Class II highway Terrain <input type="checkbox"/> Level <input checked="" type="checkbox"/> Rolling Two-way hourly volume veh/h 50 / 50 Directional split 0.88 Peak-hour factor, PHF 100 No-passing zone % Trucks and Buses, P_T 1 % % Recreational vehicles, P_R 2 % Access points/ mi 2	
Average Travel Speed			
Grade adjustment factor, f_G (Exhibit 20-7)		0.71	
Passenger-car equivalents for trucks, E_T (Exhibit 20-9)		2.5	
Passenger-car equivalents for RVs, E_R (Exhibit 20-9)		1.1	
Heavy-vehicle adjustment factor, f_{HV} $f_{HV} = 1 / (1 + P_T(E_T - 1) + P_R(E_R - 1))$		0.983	
Two-way flow rate ¹ , v_p (pc/h) $v_p = V / (PHF * f_G * f_{HV})$		109	
v_p * highest directional split proportion ² (pc/h)		55	
Free-Flow Speed from Field Measurement		Estimated Free-Flow Speed	
Field Measured speed, S_{FM}	35 mi/h	Base free-flow speed, $BFFS_{FM}$	mi/h
Observed volume, V_f	67 veh/h	Adj. for lane width and shoulder width ² , f_{LS} (Exhibit 20-5)	mi/h
Free-flow speed, $FFS = S_{FM} + 0.00778(V_f / f_{HV})$	mi/h	Adj. for access points, f_A (Exhibit 20-6)	mi/h
		Free-flow speed, FFS ($FFS = BFFS - f_{LS} - f_A$)	35.5 mi/h
Adj. for no-passing zones, f_{np} (mi/h) (Exhibit 20-11)		1.9	
Average travel speed, ATS (mi/h) $ATS = FFS - 0.00778 v_p - f_{np}$		32.8	
Percent Time-Spent-Following			
Grade Adjustment factor, f_G (Exhibit 20-8)		0.77	
Passenger-car equivalents for trucks, E_T (Exhibit 20-10)		1.8	
Passenger-car equivalents for RVs, E_R (Exhibit 20-10)		1.0	
Heavy-vehicle adjustment factor, f_{HV} $f_{HV} = 1 / (1 + P_T(E_T - 1) + P_R(E_R - 1))$		0.992	
Two-way flow rate ¹ , v_p (pc/h) $v_p = V / (PHF * f_G * f_{HV})$		100	
v_p * highest directional split proportion ² (pc/h)		50	
Base percent time-spent-following, $BPTSF$ (%) $BPTSF = 100(1 - e^{-0.000878 v_p})$		8.4	
Adj. for directional distribution and no-passing zone, f_{dnp} (%) (Exh. 20-12)		20.3	
Percent time-spent-following, $PTSF$ (%) $PTSF = BPTSF + f_{dnp}$		28.7	
Level of Service and Other Performance Measures			
Level of service, LOS (Exhibit 20-3 for Class I or 20-4 for Class II)		A	
Volume to capacity ratio w/o $v/c = V_p / 3,200$		0.03	
Peak 15-min veh-miles of travel, $VM_{T_{15}}$ (veh-mi) $VM_{T_{15}} = 0.25 L_s (V / PHF)$		10	
Peak-hour vehicle-miles of travel, $VM_{T_{60}}$ (veh-mi) $VM_{T_{60}} = V * L_s$		34	

Peak 15-min total travel time, $TT_{15}(\text{veh-h})$ $TT_{15} = VMT_{15}/ATS$

0.3

Notes

1. If $V_p \geq 3,200$ pc/h, terminate analysis-the LOS is F.
2. If highest directional split $V_p \geq 1,700$ pc/h, terminated analysis-the LOS is F.

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TWO-WAY TWO-LANE HIGHWAY SEGMENT WORKSHEET

General Information		Site Information	
Analyst	Richard Hopper	Highway	Route 35
Agency or Company	RKH	From/To	At Stillheart
Date Performed	3/23/2006	Jurisdiction	Caltrans
Analysis Time Period	PM Peak Hour	Analysis Year	2006
Project Description:			
Input Data			
<p>Diagram showing a two-lane highway segment with lane widths, shoulder widths, and segment length L_1 in miles.</p>		<p><input type="checkbox"/> Class I highway <input checked="" type="checkbox"/> Class II highway</p> <p>Terrain <input type="checkbox"/> Level <input checked="" type="checkbox"/> Rolling</p> <p>Two-way hourly volume 78 veh/h</p> <p>Directional split 54 / 46</p> <p>Peak-hour factor, PHF 0.88</p> <p>No-passing zone 100</p> <p>% Trucks and Buses, P_T 1%</p> <p>% Recreational vehicles, P_R 2%</p> <p>Access points/mi 2</p>	
Average Travel Speed			
Grade adjustment factor, f_G (Exhibit 20-7)		0.71	
Passenger-car equivalents for trucks, E_T (Exhibit 20-9)		2.5	
Passenger-car equivalents for RVs, E_R (Exhibit 20-9)		1.1	
Heavy-vehicle adjustment factor, f_{HV} $f_{HV} = 1 / (1 + P_T(E_T - 1) + P_R(E_R - 1))$		0.983	
Two-way flow rate ¹ , v_p (pc/h) $v_p = V / (PHF * f_G * f_{HV})$		127	
v_p * highest directional split proportion ² (pc/h)		69	
Free-Flow Speed from Field Measurement		Estimated Free-Flow Speed	
Field Measured speed, S_{FM}	35 mph	Base free-flow speed, $BFFS_{FM}$	mph
Observed volume, V_f	67 veh/h	Adj. for lane width and shoulder width ³ , f_{LS} (Exhibit 20-5)	mph
Free-flow speed, FFS $FFS = S_{FM} + 0.00776(V_f / f_{HV})$	mph	Adj. for access points, f_A (Exhibit 20-6)	mph
		Free-flow speed, FFS ($FFS = BFFS * f_{LS} * f_A$)	35.5 mph
Adj. for no-passing zones, f_{np} (mph) (Exhibit 20-11)		2.2	
Average travel speed, ATS (mph) $ATS = FFS - 0.00776 v_p * f_{np}$		32.3	
Percent Time-Spent-Following			
Grade Adjustment factor, f_G (Exhibit 20-8)		0.77	
Passenger-car equivalents for trucks, E_T (Exhibit 20-10)		1.8	
Passenger-car equivalents for RVs, E_R (Exhibit 20-10)		1.0	
Heavy-vehicle adjustment factor, f_{HV} $f_{HV} = 1 / (1 + P_T(E_T - 1) + P_R(E_R - 1))$		0.992	
Two-way flow rate ¹ , v_p (pc/h) $v_p = V / (PHF * f_G * f_{HV})$		118	
v_p * highest directional split proportion ² (pc/h)		63	
Base percent time-spent-following, $BPTSF$ (%) $BPTSF = 100(1 - e^{-0.000878 v_p})$		9.7	
Adj. for directional distribution and no-passing zone, f_{dnp} (%) (Exh. 20-12)		22.1	
Percent time-spent-following, $PTSF$ (%) $PTSF = BPTSF + f_{dnp}$		31.7	
Level of Service and Other Performance Measures			
Level of service, LOS (Exhibit 20-3 for Class I or 20-4 for Class II)		A	
Volume to capacity ratio w/c $w/c = V / 3,200$		0.04	
Peak 15-min veh-miles of travel, VMT_{15} (veh-mi) $VMT_{15} = 0.25 L_1 (V / PHF)$		11	
Peak-hour vehicle-miles of travel, VMT_{60} (veh-mi) $VMT_{60} = V * L_1$		39	

Peak 15-min total travel time, $TT_{15}(\text{veh-h})$ $TT_{15} = VMT_{15}/ATS$

0.3

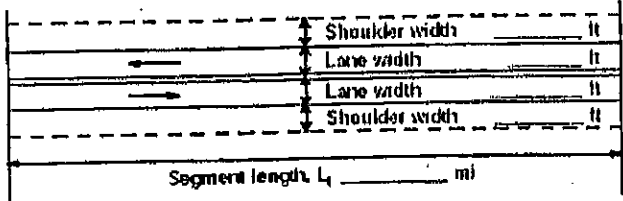

Notes

1. If $V_p \geq 3,200$ pc/h, terminate analysis-the LOS is F.
2. If highest directional split $V_p \geq 1,700$ pc/h, terminated anlysis-the LOS is F.

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TWO-WAY TWO-LANE HIGHWAY SEGMENT WORKSHEET			
General Information		Site Information	
Analyst	Richard Hopper	Highway	Route 35
Agency or Company	RKH	From/To	At Stillheart
Date Performed	3/23/2006	Jurisdiction	Caltrans
Analysis Time Period	AM Peak Hour	Analysis Year	2008
Project Description:			
Input Data			
 <p>Diagram showing a two-lane highway segment with lane widths, shoulder widths, and segment length L_1 in miles.</p>		 <p>Class I highway <input type="checkbox"/> Class II highway <input checked="" type="checkbox"/></p> <p>Terrain <input type="checkbox"/> Level <input checked="" type="checkbox"/> Rolling</p> <p>Two-way hourly volume 67 veh/h</p> <p>Directional split 50 / 50</p> <p>Peak-hour factor, PHF 0.88</p> <p>No-passing zone 100</p> <p>% Trucks and Buses, P_T 1 %</p> <p>% Recreational vehicles, P_R 2 %</p> <p>Access points/ mi 2</p>	
Average Travel Speed			
Grade adjustment factor, f_G (Exhibit 20-7)		0.71	
Passenger-car equivalents for trucks, E_T (Exhibit 20-9)		2.5	
Passenger-car equivalents for RVs, E_R (Exhibit 20-9)		1.1	
Heavy-vehicle adjustment factor, f_{HV} $f_{HV} = 1 / (1 + P_T(E_T - 1) + P_R(E_R - 1))$		0.983	
Two-way flow rate ¹ , v_p (pc/h) $v_p = V / (PHF * f_G * f_{HV})$		109	
v_p * highest directional split proportion ² (pc/h)		55	
Free-Flow Speed from Field Measurement		Estimated Free-Flow Speed	
Field Measured speed, S_{FM}	35 mi/h	Base free-flow speed, $BFFS_{FM}$	mi/h
Observed volume, V_f	veh/h	Adj. for lane width and shoulder width ³ , f_{LS} (Exhibit 20-5)	mi/h
Free-flow speed, FFS $FFS = S_{FM} + 0.00776(V_f / f_{HV})$	mi/h	Adj. for access points, f_A (Exhibit 20-6)	mi/h
		Free-flow speed, FFS $(FFS = BFFS - f_{LS} - f_A)$	35.0 mi/h
Adj. for no-passing zones, f_{np} (mi/h) (Exhibit 20-11)		1.9	
Average travel speed, ATS (mi/h) $ATS = FFS - 0.00776 v_p * f_{np}$		32.2	
Percent Time-Spent-Following			
Grade Adjustment factor, f_G (Exhibit 20-8)		0.77	
Passenger-car equivalents for trucks, E_T (Exhibit 20-10)		1.8	
Passenger-car equivalents for RVs, E_R (Exhibit 20-10)		1.0	
Heavy-vehicle adjustment factor, f_{HV} $f_{HV} = 1 / (1 + P_T(E_T - 1) + P_R(E_R - 1))$		0.992	
Two-way flow rate ¹ , v_p (pc/h) $v_p = V / (PHF * f_G * f_{HV})$		100	
v_p * highest directional split proportion ² (pc/h)		50	
Base percent time-spent-following, $BPTS_F$ (%) $BPTS_F = 100(1 - e^{-0.000879 v_p})$		8.4	
Adj. for directional distribution and no-passing zone, f_{dnp} (%) (Exh. 20-12)		20.3	
Percent time-spent-following, PTS_F (%) $PTS_F = BPTS_F + f_{dnp}$		28.7	
Level of Service and Other Performance Measures			
Level of service, LOS (Exhibit 20-3 for Class I or 20-4 for Class II)		A	
Volume to capacity ratio v/c $v/c = V_p / 3,200$		0.03	
Peak 15-min veh-miles of travel, VM_{15} (veh-mi) $VM_{15} = 0.25 L_T (V / PHF)$		10	
Peak-hour vehicle-miles of travel, VM_{60} (veh-mi) $VM_{60} = V * L_T$		34	

Peak 15-min total travel time, $TT_{15}(\text{veh-h})$ $TT_{15} = VMT_{15}/ATS$

0.3

Notes

1. If $V_p \geq 3,200$ pc/h, terminate analysis-the LOS is F.
2. If highest directional split $V_p \geq 1,700$ pc/h, terminated analysis-the LOS is F.

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Exhibit F

Attachment B

Final Initial Study and Mitigated Negative Declaration and Mitigation Monitoring Plan

Environmental Impact Analysis Initial Study

1. **Project title:** St. Theresa Retreat – Congregate Care, General Facility – Conditional Use Permit
2. **Lead agency name and address:**
City of Pleasant Hill, 100 Gregory Lane, Pleasant Hill, CA 94523
3. **Contact person and phone number:**
Troy Fujimoto, Phone: 925-671-5224, email: tfujimoto@ci.pleasant-hill.ca.us
4. **Project location:** 2059 Pleasant Hill Road (with off-site visitation at 2115 Pleasant Hill Road)
5. **Applicant's name and address:** Dr. Michael Jordan, 2059 Pleasant Hill Road, Pleasant Hill, CA 94523
6. **General plan designation:** Single Family Medium Density
7. **Zoning:** R-10 (Single Family Residential, 10,000 square foot lots)
8. **Description of project:**

The project is a request for a conditional use permit for a 20-person congregate care, general, facility providing non-medical drug and alcohol treatment and recovery services that will also be licensed by the State of California Department of Alcohol and Drug Programs. The project includes locating the proposed use within an existing 6,747 square foot building (with up to 12 proposed bedrooms, 10 to be used by clients, 2 by facility staff) that was previously used as a convent/nunnery and retreat center permitted for use by up to 25 persons and is currently used as a single family residence. The facility would restrict enrollment to adult women only and would not include a detoxification component. The project also proposes to not allow any clients to have vehicles during their stay; would be staffed 24 hours a day; would not have physical restrictions on ingress/egress (i.e. a "locked facility"); would include a Residential Admission Agreement and Good Neighbor Policy; would not have regularly planned on-site visitations for clients; would have limited outdoor activities including cooking, eating, reading, gardening, etc.; and no smoking would be allowed inside or outside the facility.

In addition, to the conditional use permit request, the applicant is also requesting reasonable accommodations from various City regulations and requirements including:

- o Relief from the City's standard condition of approval requiring an applicant to indemnify the City from future claims, actions or proceedings against the City.
- o Relief from referral of this minor conditional use permit to the Planning Commission or City Council in reference to P.H.M.C. Section 18.95.020. The accommodation requested is for the Zoning Administrator to grant Use Permit Number UP 08-008 for St. Theresa's Retreat, a long-term residential treatment facility for women suffering from drug and alcohol addiction disorders at 2059 Pleasant Hill Road, Pleasant Hill, CA filed September 2008. This accommodation also requests that no additional conditions relating to security, property improvements, public improvements, operations, extraordinary regulation, reporting, and oversight related to women in recovery be included with the issuance of this permit aside from those imposed by Land Use Permit NO. 337-83.

- Relief from the City's requirement to construct sidewalk improvements along the street frontage of the property.
- Relief from the City's requirement that the applicant construct an eight foot tall perimeter fence around the property (PHMC § 18.25.040.A.4 & 18.55.140.A).
- Relief from the following City parking related requirements as set forth in various sections of Chapter 18.55:
 - Parking and Loading supply requirements.
 - Parking and loading space dimensions include width and depth and buffer area adjacent to obstructions.
 - Adding wheel stops for each parking space that abuts a fence, curb, wall, or landscape walkway.
 - Parking aisle dimensions including driveway widths.
 - Driveway widths and clearances, including width for one and two-way access.
 - Driveway visibility requirements.
 - Parking area screening, lighting and landscaping requirements including:
 - Screening with an eight foot tall wall or fence from adjacent residential "R"-districts.
 - Complying with lighting requirements for parking lots.
 - Providing 10% of the parking lot area as landscaping.
 - Installing planting strips along property lines adjoining residential "R"-districts and along street property lines.
 - Installing a landscape planter at the end of parking rows.
 - Installing a minimum of 1 tree for every 3 parking spaces in the parking area.
 - Providing any other paving, surfacing, drainage, lighting, signs, striping, etc. that is deemed necessary within the parking and driveway area.
 - Complying with loading space regulations include size dimensions and location within a required front yard.

In addition, 2115 Pleasant Hill Road (First Christian Church) is proposed to be used to accommodate visits (by client family members, friends, etc.) and as a venue for educational presentations to clients and family members once a week on Saturday's from 9:00am through 12:00pm. Residents of the proposed facility at 2059 Pleasant Hill Road would walk from the facility to 2115 Pleasant Hill Road under supervision of facility staff. The First Christian Church parking lot would also be available for overflow parking for up to five parking spaces pursuant to a proposed agreement between the applicant and the Church. No physical changes/improvements are proposed for 2115 Pleasant Hill Road and all proposed visits and educational presentations would occur within existing Church facilities.

9. **Surrounding land uses and setting:** Surrounding land uses include single family residential uses. The project is located along a major two lane road in a single family residential neighborhood.
10. **Congestion Management Program - Land Use Analysis:** Any project involving a General Plan Amendment or Notices of Preparation (NOP) and Environmental Impact Reports for large-scale projects must be submitted to the Contra Costa County Transportation Authority (CCTA) for review. If a positive response is given to any of the following questions, information on the project and its environmental document (accompanied by appropriate support documentation/plans) will be transmitted to the CCTA.

<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	This project includes a request for a General Plan Amendment. If yes, send appropriate information to Contra Costa County Transportation Authority.
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	A Notice of Preparation is being prepared for this project.
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	An Environmental Impact Report is being prepared.

11. **Other public agencies whose approval is required:** (e.g., permits, financing approval, or participation agreement.) State of California Department of Alcohol and Drug Programs, Contra Costa County Fire Prevention District.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture Resources	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology / Soils
<input type="checkbox"/>	Hazards & Hazardous Material	<input type="checkbox"/>	Hydrology / Water Quality	<input type="checkbox"/>	Land Use / Planning
<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise	<input type="checkbox"/>	Population / Housing
<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation	<input checked="" type="checkbox"/>	Transportation / Traffic
<input type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance		

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.
--

Signature: _____

Date: _____

Printed Name: Troy Fujimoto

For: City of Pleasant Hill

I. AESTHETICS -- Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
a.	Have a substantial adverse effect on a scenic vista?			X	
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Comment:

The proposed project would not include any significant construction work or significant alteration to the physical landscape since the proposed use would be located within an existing building; existing driveways and parking areas on-site are proposed to be utilized; only minor changes including new fencing and a new sidewalk and curb and gutter and minor changes to the existing site landscaping are proposed. None of the changes would significantly alter the appearance of the site. More specifically:

- 1a. The site is located on Pleasant Hill Road, which the City General Plan notes is a scenic corridor that merits landscaping and other improvements that will enhance the visual quality of the area; however it is not considered a State Scenic Highway. The proposed project would not include any significant changes to the existing landscape along Pleasant Hill Road except installation of a new sidewalk, curb and gutter (that would be required by conditions of approval to ensure consistency with the Pleasant Hill Road Corridor Study); therefore, no impact to scenic resources would occur.
- 1b. The site/building is not on any Federal, State or Local register for site or historic significance and Pleasant Hill Road is not considered a State Scenic Highway. In addition, since the exterior of the existing building is not proposed to be modified, and any proposed site improvements would be minor in scope (e.g. fencing, additional landscaping, walkways, etc), there would be no impact on scenic resources.
- 1c. The project does not propose any substantial physical changes to the exterior of the building or to the site therefore no impact to the visual character or quality of the site and its surroundings would occur.
- 1d. The project does not propose any new lights, signs or any other structures at this time that could generate new sources of light or glare. Any new lights or signs that may be installed in the future would be required to comply with City ordinance requirements regarding shielding and restrictions on light spillover to adjoining properties; therefore, any potential adverse effects on day or nighttime views in the area would be less than significant.

- II. AGRICULTURE RESOURCES** - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

Comment:

The proposed project would be located on a site that is already developed with an urban use (building and related site improvements). In addition the site is not currently used for any type of agricultural uses, and will not result in any conversion of farmland; therefore, the project would not have any impact on agriculture resources.

- III. AIR QUALITY** -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Conflict with or obstruct implementation of the applicable air quality plan?			X	
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
d.	Expose sensitive receptors to substantial pollutant concentrations?			X	
e.	Create objectionable odors affecting a substantial number of people?			X	
f.	Cause a substantial increase in green house gas emissions?			X	

Comment:

- 3a. The project as proposed would not conflict with any applicable air quality plan since it would not generate significant amounts of emissions due to the minimal number of vehicle trips that would be generated by the facility on a daily basis. The proposed project would also be consistent with the City of Pleasant Hill General Plan, which is also consistent with the State Clean Air Plan. The proposed use would be no more intense than anticipated in the General Plan, which, through the corresponding zoning, may allow this type of use through a conditional use permit. In addition, the project would involve minimal construction or grading and the project would not generate a significant number of vehicle trips (no more than 55 average daily trips). Therefore no conflict or obstruction of the air quality plan would occur and any effects on air quality related to the project would be less than significant.
- 3b. Residents at the facility would not be allowed to drive or have personal vehicles on site. Residents would walk from the facility to the off-site visitation location, so no vehicle trips would be involved in that activity. Approximately 20 vehicles from visitors would come to the off-site visitation location on a weekly basis during off-peak times. The planned number of staff and volunteers on site at any one time would not exceed eight (but could be as much as 11 if shifts are allowed to overlap). The amount of pollutants generated from staff and volunteer and visitor vehicle trips would be well below the amount of pollutants that would be generated at the 100 net peak hour trip threshold that would begin to be considered significant (Contra Costa Transportation Authority Technical Procedures Update).

In addition, on a daily basis, evaluating the specific characteristics of the proposed use, the total number of staff and volunteers on-site for all shifts during an entire 24 hour period would not exceed 13. The staff and volunteers would arrive at the facility during three shifts, 5 during the day, 3 for the evening shift and up to three for the overnight shift, with up to 3 volunteers visiting the facility at various times throughout the day. Thus, total daily staff and volunteer trips ($13 \times 2 = 26$), when added to one delivery (equates to 2 trips) and 3 facility round trips ($3 \times 2 = 6$) per day would equate to 34 trips per day spread over a 24 hour period. If the trips from the weekly visitors to the off-site visitation location are included, an additional 40 trips per week (20×2) would occur equating to an additional 6 average trips per day for a total of 40 average trips per day.

If generalized trip generation factors for an "assisted living facility" are used (ITE Trip Generation Manual, 7th Edition) rather than basing trip estimates on project specific characteristics, up to 55 average daily trips would be expected from a facility of this size.

Assisted Living (summarized below from ITE Manual):

- Located in residential setting
- Provide routine protective oversight or assistance
- Are for mentally or physically limited persons
- Have separate living quarters (single room)
- Staffed 24 hours a day
- One study showed <5% of residents own cars
- Most traffic generated by employees, visitors, and delivery trucks

Assuming 20 occupied beds

Total weekday trips	55
Total combined am/pm weekday peak hour trips	7

OR

Assuming 13 employees/volunteers

Total weekday trips	51
Total combined am/pm weekday peak hour trips	14

55 trips generated all day is 0.6% of the total trips on Pleasant Hill Road (the Average Daily Trips (ADT) on Pleasant Hill Road is 9,943 based on 1999/2000 data).

Since, under any analyzed scenario, the average daily trips and peak hour trips would be well below the threshold for concern, the impact to air quality from the project generated vehicle trips would be less than significant (see also third party traffic engineering review letter from Fehr & Peers dated September 2, 2009)..

- 3c. As mentioned in response 3b. above, the number of vehicle trips generated from the proposed use would be limited. Assuming a typical day that may include 40(or 55 if ITE Trip Generation factors are used) or fewer average daily vehicle trips, distributed over 24 hours, an average of approximately 1.7 trips per hour (or 2.3 using ITE Trip Generation factors) would be generated by the project. Any impact on air quality resulting from these trips would be considered less than significant.
- 3d. The proposed project would not generate a large number of vehicle trips in the area (as noted above) and the project site itself is not located along a freeway or arterial roadway. Future residents would not be exposed to substantial pollutant concentrations; therefore, sensitive receptors are not expected to be adversely affected and this would be considered a less than significant impact.
- 3e. The proposed project request is for a congregate care, general facility, which would be similar to a residential use, in terms of creation of objectionable odors. The facility would not generate any odor other than ordinary odors from food preparation. Residents and staff would not be allowed to smoke indoors or outdoors. Any impacts would be less than significant.

- 3f. Global climate change refers to the change in the average weather of the earth that may be measured by changes in wind patterns, storms, precipitation, and temperature. Climate changes can affect California's public health through changes in air quality, weather related disasters, and a possible increase in infectious diseases. Climate change is believed to be caused, at least in part, by Greenhouse Gas Emissions (GHG), which are gases emitted from various sources that trap heat in the atmosphere and include water vapor, carbon dioxide, methane, nitrous oxides, chlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, ozone, and aerosols.

There are currently no locally adopted thresholds for determining the significance of GHG's effects on the environment with respect to individual development projects. The Governor's Office of Planning and Research (OPR) is charged with developing, and the California Resources Agency (Resources Agency) will certify and adopt, amendments to the Guidelines implementing the California Environmental Quality Act ("CEQA Guidelines"), on or before January 1, 2010, pursuant to Senate Bill 97 (Dutton, 2007). These new CEQA Guidelines will provide further regulatory guidance on the analysis and mitigation of GHG emissions in CEQA documents. In the interim, OPR has issued informal guidance regarding the steps lead agencies should take to address climate change in their CEQA documents. This guidance was developed in cooperation with the Resources Agency, the California Environmental Protection Agency (Cal/EPA), and the California Air Resources Board (ARB). The OPR Guidelines are advisory for local jurisdictions and were considered in completing this analysis.

The OPR Guidelines state:

"Each public agency that is a lead agency for complying with CEQA needs to develop its own approach to performing a climate change analysis for projects that generate GHG emissions. A consistent approach should be applied for the analysis of all such projects, and the analysis must be based on best available information. For these projects, compliance with CEQA entails three basic steps: identify and quantify the GHG emissions; assess the significance of the impact on climate change; and if the impact is found to be significant, identify alternatives and/or mitigation measures that will reduce the impact below significance. Lead agencies should determine whether greenhouse gases may be generated by a proposed project, and if so, quantify or estimate the GHG emissions by type and source. Second, the lead agency must assess whether those emissions are individually or cumulatively significant. When assessing whether a project's effects on climate change are "cumulatively considerable" even though its GHG contribution may be individually limited, the lead agency must consider the impact of the project when viewed in connection with the effects of past, current, and probable future projects. Finally, if the lead agency determines that the GHG emissions from the project as proposed are potentially significant, it must investigate and implement ways to avoid, reduce, or otherwise mitigate the impacts of those emissions." (*OPR Technical Advisory Publication, June 19, 2008, p. 5*).

The proposed project would generate GHG's mainly from motor vehicle use and energy consumption. However, the site once was approved for use by up to 25 people in years past when energy consumption and vehicle emissions were generally greater per capita than in current times and restrictions on automobile usage as proposed by the current project were not in effect. Even if the facility were to continue to be used as a single family

residence (its current use), given its size, the number of existing bedrooms within the building, the existing number of parking spaces on-site and the lack of any zoning ordinance restrictions on the number of family members (related or unrelated) who may live on the premises, it is likely that a residential use could generate a similar number of average daily trips to the proposed congregate care use (particularly with the proposed prohibition on client vehicles, restricted visitation policy, and availability of a facility van for group excursions) resulting in similar GHG emissions. In addition, although the proposed capacity of the facility is up to 20 client residents, due to potential turnover and vacancies, actual occupancy could often be less than 20 client residents.

Consequently, the anticipated change in green house gas emissions resulting from the proposed project would be less than significant in comparison to the historic use of the site as a retreat facility or its existing allowed use as a single family residence.

When distributed over a 24 hour period, an average of 40 to 55 trips per day from the proposed project would not create substantial amounts of new GHG emissions, particularly if offset by the average number of trips per day that could be generated by permitted uses of the existing building

Based on the preceding analysis, it is determined that the proposed project would not result in a substantial increase in GHG emissions and would therefore have a less than significant impact on climate change and GHG emissions at either a project specific or cumulative level.

IV. BIOLOGICAL RESOURCES -- Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Comment:

The proposed project would be located in a developed portion of the City. The project does not propose to remove any existing trees or significantly modify the existing landscaping. The subject site does not accommodate any type of riparian habitat. Lastly the proposed project would not conflict with any known conservation plan. Thus, the project would not have any impacts to biological resources.

V. CULTURAL RESOURCES -- Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				X
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d.	Disturb any human remains, including those interred outside of formal cemeteries?				X

Comment:

5a The proposed project would be located within an existing structure that does not meet the criteria for being a historical resource as identified in §15064.5 of the Guidelines for the Implementation of the California Environmental Quality Act. The building is not listed in the California Register or Historical Resources; it is not considered a locally historic significant structure; and it is not on the list of potentially historic structures identified in the City General Plan. In addition, no demolition of any existing structures is proposed by the applicant nor is there any proposal to significantly modify the exterior of the existing structure, leaving the site relatively unchanged. Thus, the project would not have an impact on cultural resources.

5b – 5d. The proposed project would not include any physical changes, including any excavation or grading thus, the project would not have any impacts on cultural resources.

VI. GEOLOGY AND SOILS -- Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
	ii) Strong seismic ground shaking?				X
	iii) Seismic-related ground failure, including liquefaction?				X
	iv) Landslides?				X
b.	Result in substantial soil erosion or the loss of topsoil?				X
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

Comment:

The proposed project would not involve construction of any new structures, or remove or modify any existing structures. In addition, the proposed project would not include any substantial physical modifications to the site. Thus, the proposed project would not have any impacts to geology or soils.

VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Comment:

7a. The proposed project would not include routine use, transport, or disposal of hazardous materials; therefore, there would be no impact related to hazardous materials.

7b 7d. The proposed project would not include the use or storage of hazardous materials, thus, there would be no chance for the project to release hazardous materials; therefore, there would be no impact related to hazardous materials.

- 7e & 7f. The site of the proposed project is not within two miles of a public use airport, nor within a private airstrip; therefore, there would be no impact on the safety of people in the area related to airport use.
- 7g. The proposed project would not impair or interfere with an adopted emergency response or evacuation plan; therefore, there would be no impact on emergency response or evacuation planning.
- 7h. The proposed project would not be located in an area that would expose future residents to wildland fires as the site is located within an urbanized area and not near any wildland areas; therefore, there would be no impact related to exposure of people to fire hazards or to risk of significant loss, injury or death related to potential wildland fires.

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

		<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a.	Violate any water quality standards or waste discharge requirements?				X
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f.	Otherwise substantially degrade water quality?				X
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
j.	Inundation by seiche, tsunami, or mudflow?				X

Comment:

8a – 8j. The proposed project would not include any significant modifications to the proposed site, nor would it include any grading or add soil fill to the site. The proposed project would add small amounts of new hardscape areas (walkways) at the site. The proposed project would include housing for up to 20 client residents and the site is not located within a 100 yard flood boundary. Lastly, the project site is not vulnerable to seiche, tsunami or mudflow since it is not located near the shore of any body of water; therefore, the project would not have any impacts to hydrology or water quality.

IX. LAND USE AND PLANNING - Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Physically divide an established community?				X
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Comment:

9a. The proposed project would be located within an existing building and would not involve any significant construction or obstruction or alterations to the site that would physically divide an established community. In addition, the proposed facility is intended to provide treatment within a residential setting; consequently even though it may be a commercial enterprise, it is intended to be located among residential uses. Therefore, the project would have no impacts relating to the physical division of the community.

9b. The proposed project would conform with the City's General Plan and in particular with the following General Plan goals, policies and programs:

General Plan Community Development Goal 1: Preserve and enhance residential neighborhoods.

The project would not conflict with this goal, as this goal is mainly related to aesthetics, design, and density of development. While the project proposes to have 20 persons living at the facility at any one time, the zoning ordinance may allow this type of use subject to conditional use permit approval.

Through the conditional use permit process, the Planning Commission must confirm that:

- a. The proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use;
- b. The proposed use will not be injurious or detrimental to adjacent properties or to property in the neighborhood or to the general welfare of the city; and
- c. The proposed use is consistent with the policies and goals established by the general Plan.

The Planning Commission can impose conditions of approval on the project to ensure that it would comply with all of these requirements and ensure consistency with this policy. In addition, no physical changes are proposed that would negatively impact the neighborhood.

Community Development Policy 1A encourages aesthetic enhancement of residential areas, while retaining the charm and character of individual neighborhoods. Through the conditional use permit review process, the project would be conditioned to address aesthetics that would improve the appearance of the property ensuring consistency with this policy.

General Plan Community Development Policy 2A encourages uses needed by the community at appropriate locations. The proposed project is not in conflict with this policy as a facility of this nature currently does not exist within the City and could serve a local and/or regional need. In addition, these State licensed facilities are purposefully sited within residential areas to provide opportunities for drug and alcohol treatment and recovery in a non-institutional setting; thus, since this is a residential location and located along a main thoroughfare, this could be found to be an appropriate location ensuring consistency with this policy.

General Plan Housing Policy 4A states the City should strive to provide incentives and encourage development of senior housing, housing for the developmentally, mentally, and physically disabled at sites where proximity to services and other features make it desirable. The proposed project would provide housing for persons with disabilities and the project site is located with easy access to various services and includes features (such as an existing large building that has a residential appearance, along a main thoroughfare rather than on a local residential street) that make the site desirable ensuring consistency with this policy.

Circulation Policy 5A notes installation or upgrade of sidewalks, warning devices, crosswalks, and other pedestrian aids where appropriate should be provided. In this case, standard engineering conditions of approval requiring appropriate frontage and safety improvements would ensure consistency with this policy.

Circulation Policy 6A calls for projects to improve sidewalks and facilitate access by persons with disabilities, as the project would be required pursuant to applicable City engineering standards to install an ADA compatible sidewalk and provide ADA access from the sidewalk to the facility it would be consistent with this policy.

Growth Management Policy 2A requires new development to contribute to or participate in the improvement of park, school, fire, police, sanitary, water and flood control services in proportion to the demand generated by project occupants and users. The project would be

required to pay all applicable City development impact fees to offset the proportional demand for these public services that would be generated by the project ensuring consistency with this policy. In addition, through the conditional use permit process, conditions of approval may be imposed on the project to address any other potential impacts to public health, safety or welfare. further ensuring consistency with this policy.

Safety and Noise Policy 7A and 7B requires new development projects to be designed and constructed to meet acceptable noise level standards and evaluate the noise impacts of development based on the potential for significant increases in noise levels. Through regulation of the proposed use through the conditional use permit process, adherence to the applicant proposed "Good Neighbor Policy" and through compliance with City noise ordinance requirements, the project would be required to maintain noise at levels acceptable for a residential neighborhood ensuring consistency with this policy.

General Plan Housing Goal 7 and Housing Policy 7A states the City shall ensure equal housing opportunities for all and ensure that individuals and families seeking housing in Pleasant Hill are not discriminated against on the basis of age, disability, gender, etc or other similar factors, respectively. The project would not conflict with this component of the General Plan as it would provide housing for the disabled ensuring consistency with this policy.

In addition to being consistent with the General Plan as noted above, the project would also be required to comply with all applicable zoning ordinance requirements and conditions of approval if a conditional use permit is approved by the Planning Commission. Thus, project's potential to conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect would be less than significant.

- 9c. The project site is not within the boundaries of a habitat conservation plan or a natural community conservation plan. No conflicts with either of these plans would occur.

X. MINERAL RESOURCES -- Would the project:

		Potential y Significan t Impact	Less Than Significant with Mitigation Incorporate d	Less Than Significa nt Impact	No Impact
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Comment:

- 10a & 10b. The project site is located in an urbanized area and is not in an area that is delineated as a locally important mineral resource location. The site is not known to contain any significant mineral resource and the proposed use would be located within an existing building; therefore, the proposed use would not result in any impact to, or loss of, any mineral resource.

XI. NOISE -- Would the project result in:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b.	Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			X	
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Comment:

11a - 11d. To thoroughly analyze the noise impacts of the proposed project, an acoustical study was completed by Illingworth & Rodkin (Attachment 4). The report includes an analysis of current noise levels and any expected project impacts pertaining to noise. The study concludes that, as proposed, the project could generate noise from the loud playing of amplified music (both indoors and outdoors), outdoor activities (including loud talk, music, and gardening) that, if not properly minimized and controlled, could violate the City's noise standards (as noted in Chapter 9.15 of PHMC). However, the study also finds that adherence to the applicant proposed "Good Neighbor Policies," and compliance with the City noise ordinance requirements, (such as limiting the hours of outdoor activities, minimize loud talk, being of aware whenever amplified sounds are produced and the noise levels created) would ensure that the ongoing operations/activities related to the project would not have any significant impacts on noise. The noise study also notes that incorporating a solid noise barrier around the main outdoor gathering (eating and drinking) area and implementing limitations on allowable outdoor uses and activities would further reduce any outdoor noise impacts.

In addition, the project would not include significant construction other than the installation of fences, restriping of the parking lot and potentially adding a new sidewalk and curb and gutter in the public right-of-way to comply with City

engineering requirements. Compliance with the City's hours of construction and noise ordinance would ensure that there would not be any significant impacts associated with this work, including generation of any significant vibration or noise. Any impacts would be considered less than significant

11e & 11f. The project site is not within the boundaries of the nearest airport land use planning area, in this case the airport land use plan for Buchanan Field Airport. In addition, the proposed project is not within the vicinity of any private airstrip. Therefore, the project would not be exposed to any significant airport noise or result in safety impacts on facility residents.

XII. POPULATION AND HOUSING – Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Comment:

12a. The proposed use would be located within an existing building with that was previously used as a convent/nunnery and is currently used as a single family residence. The project would not involve any expansion or construction of new structures that would result in a substantial increase in population; therefore no impact would occur.

12b. & 12c.

The proposed use would be located within an existing single family residence, thus, no existing housing would be removed and only the existing resident, who is the applicant, would be displaced. Therefore no impact would occur.

XIII. PUBLIC SERVICES -- Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable				

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
	service ratios, response times or other performance objectives for any of the following public services:				
	Fire protection?			X	
	Police protection?			X	
	Schools?				X
	Parks?			X	
	Other public facilities?				X

Comment:

13a.

Fire Protection: The site is located within the service area of the Contra Costa County Fire Protection District. The proposed project has been reviewed by the Fire District and would be required to comply with all applicable fire safety requirements prior to commencement of operations. No new equipment or personnel are required to serve the proposed project. With adherence to Fire District requirements, impacts on fire protection would be less than significant.

Police Protection:

Attempts by third parties to make unauthorized visits or rendezvous with clients for unlawful activities raises security and safety concerns and raises questions regarding the project's impact on City police services. Ingress and egress for the site and the facility would not be physically controlled or restricted by locked gates or fences since all clients would reside at the facility on a voluntary basis. House rules would prohibit clients from leaving the facility without a chaperone. Visits between clients and friends and family are proposed to occur off-site at 2115 Pleasant Hill Road (First Christian Church) on a weekly basis. Clients are proposed to be screened for convictions (involving violent felonies, misdemeanor assault with aggravation and sexual offenses), a history of violence, physical assault or abusive behavior at a previous treatment program or facility, and eligibility for facilities services.

In order to gain additional insight into potential security and safety impacts associated with these types of facilities, and identify potential impacts and solutions, the City researched 7 comparator facilities in the greater bay area (including Contra Costa County). The research was completed by the environmental consulting firm of Lamphier-Gregory (Attachment 1) and supplemented by research from the Police Department (Attachment 2).

The facilities reviewed are located in Oakland, Bay Point, Concord, Pittsburg, Santa Rosa, and two in San Mateo. These specific facilities were selected by Lamphier-Gregory in consultation with the City staff and the Police Department to provide illustrative contrasts and comparisons with the proposed St. Theresa's facility with a focus on security and safety issues. These seven facilities were selected after a review of the characteristics of all similar licensed facilities in the region (approximately 57 total facilities). Five of the seven comparator facilities are for adult women only. One facility allows adult women and their children (under the age of 5) and one

facility allows both men and women to illustrate whether a noticeable difference in impacts exists. Two facilities have 6 clients or fewer clients. One facility has a capacity of up to 99 persons). All of the facilities are located in residential neighborhoods. A summary of the data obtained by Lamphier-Gregory for each facility follows below:

Santa Rosa Facility – Capacity of up to 99, allows both men and women, with currently mostly men at the facility. There were 13 incidents that required police reports over the course of the past six years. Over the past three years there were approximately 31 incidents (less than one incident per month), of which 5 required police reports. Of the two police reports that were identified, one was for a stolen vehicle report and one for a display of a weapon.

Oakland Facility – Capacity of up to 6, allows adult women only. The facility is located within a high crime area of the City, with 30 crimes committed within a quarter mile of the facility over a 90 day period. Further investigation reveals that there have not been any calls for police assistance to the facility over the past 3 years.

Concord Facility – Capacity of up to 6, allows adult women only. Over the past three years there were 16 calls for service, of which 6 resulted in a case (police report). According to Concord police, most of the calls were related to issues within the facility and not neighborhood related.

Bay Point Facility – Capacity of up to 16, allows adult women, plus their children up to age 5 and 4 additional occupants comprised of a mix of males and females in adjacent locations. There have been four reports filed within the past three years. Data for service calls was only provided over a period of the most recent 90 days, during which time there were four, including welfare checks, audible alarm, unknown and a disturbance.

Pittsburg Facility – Capacity of up to 15, allows adult women only (in adjacent locations). Over a year and a half period, there were 49 calls (average of fewer than 3 calls a month) that resulted in 5 police reports. The police reports were related to mental health commitments and a probation violation.

San Mateo Facility (Laurel House) – Capacity of up to 12, allows adult women only. Since 2005, there have been 15 police cases, of the 15 most were involving violations pertaining to narcotic registrants (i.e. whenever a person is convicted of certain drug offenses, they are required to contact local police or sheriff authorities and register their new place of residency, failure to register constitutes a violation), with one report involving a vandalism issue.

San Mateo Facility (The Elm's) – Capacity of up to 15, allows adult women only. Since 2005, there have been 29 police cases, and similar to the other San Mateo facility, most involved violations pertaining to narcotic registrants and one report involving drunkenness in public and one involving tampering with a vehicle.

To provide additional insight into what level of police calls could be considered a significant impact on police services in Pleasant Hill, the number of calls received related to an existing transitional housing facility on Lisa Lane within Pleasant Hill was compared with the data gathered by Lamphier-Gregory and Pleasant Hill Police for the seven comparator facilities. This data was then compared with the total number of police calls received for the entire City. Staff, with assistance from the Police Department, reviewed the past 3 years of data for the Lisa Lane transitional housing facility for the homeless in the City with approximately 73 residents (including families). The facility has controlled access and has up to 4 on-site staff (1 overnight). The data revealed the Police Department responded to 227 calls over the most recent three year period

(average of over 6 calls a month). This number of police calls represented 0.37% of the total calls for the entire City during this same time period (Attachment 3). This transitional housing facility is also located in close proximity to a residential neighborhood and a school. Consequently, even if the St. Theresa's facility generates the same number of police calls as this transitional housing facility for the homeless with nearly four times the number of occupants (with male, female and minor occupants), it would represent less than one percent of all police calls received by the City. The Police Department has reviewed this data and concurs that the proposed facility would not be likely to significantly impact overall police service levels.

Nevertheless, if the facility is not properly managed and not operated in compliance with applicable conditions and license provisions, there is a potential for unlawful or unauthorized activities to occur on or near the site that could impact neighborhood safety and security. This is a particular concern due to the applicant's relative inexperience in operating these types of facilities and due to the proposed size and resulting higher level of operational complexity of the proposed facility. Conditions of approval can be imposed through the conditional use permit process addressing safety and security issues to address these potential neighborhood concerns (e.g. phasing, enhanced client screening, clarifications/modifications to the proposed "good neighbor policy," and residential admission agreement, supplemental compliance monitoring, zero tolerance policies for violations of certain house rules, security systems, contingency for supplemental police services, fencing, lighting, etc.).

Thus, based on the analysis above, the impact of the project on police services would be less than significant.

Schools: The proposed project would accommodate 20 adult women and they would be housed on a temporary basis. Children would not be allowed to live at the facility. Without children living at the facility, there would be no impacts to schools.

Parks: The proposed project would house 20 adult women who would be on a strict treatment and recovery program that would normally not allow substantial time to visit or make use of the area recreation and park facilities; thus, there would be a less than significant impact to these types of facilities.

Other public facilities: The proposed project would be relatively self-contained. Treatment and recovery services would be provided by the facility. The residents would not be permanent and would reside within the confines of the facility. The residents would not rely heavily on other public services; thus, there would be no impacts.

XIV. RECREATION – Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
a.	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b.	Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

Comment:

14a. & 14b.

The proposed facility would house up to 20 adult women for stays not exceeding 12 months for the purpose of undergoing drug and/or alcohol treatment and recovery. Based on the project description provided by the applicant, residents are expected to stay on-site for the majority of their term of residency at the facility. As a result, facility residents would not be expected to make significant use of public park and recreational facilities; thus, there would be a less than significant impact on recreation resources.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
a.	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b.	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e.	Result in inadequate emergency access?				X
f.	Result in inadequate parking capacity?		X		
g.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Comment:

15a. The proposed project would include a maximum of 20 client residents who would not be allowed to drive or maintain vehicles on-site while in treatment at the facility. Most of the vehicle trips associated with the project would originate from employees, deliveries, and volunteers and visitors to the off-site visitation location. Because of the minimal number of trips (average of 40 to 55 per day, less than 15 during all peak hour periods combined) that would be generated by the project (significantly less than 100 peak hour trips which is the threshold for requiring a formal traffic study) and the lack of affected transportation facilities in the area, the project impact would be less than significant. This

is a conservative analysis since net increase in trip generation would be further reduced if offset by the average number of trips that are and could be permitted to be generated by the existing use of the site. The minimal amount of net new vehicle trips can be accommodated by the existing transportation network.

In addition, the applicant is proposing to have weekly (Saturday at 9:00 am) client visitations (for family, friends, etc) at an off-site facility. The applicant is proposing to hold the off-site visitations at 2115 Pleasant Hill Road (First Christian Church). There would not be any impacts to peak hour traffic since the visitations would occur on a Saturday morning, which is not during a peak hour period, and traffic volumes are lower during this time of the day and week. Therefore, the project impacts to traffic load and capacity would be less than significant.

- 15b. The project site and off-site visitation location is located in an area where no County Congestion Management Agency designated roads or highways would be impacted since those in the area are operating at acceptable levels and the proposed project (with an average of 40 to 55 daily trips and less than 15 combined am/pm peak hour trips) would not significantly impact these facilities due to the minimal amount of vehicle trips generated from the proposed facility. The amount of new vehicle trips that would be added to the existing transportation network would result in a less than significant impact particularly when the existing trips that are/could be generated by the existing use of the site are taken into account.
- 15c. The proposed project would not impact air traffic patterns as the structure is not of a significant height that could impact air traffic; therefore no impacts would occur.
- 15d. The proposed project would not modify an existing road or construct a new road nor would there be any significant changes proposed to the existing on-site vehicle layout and circulation pattern. Due to specific design features and existing conditions of Pleasant Hill Road (see attached third party review by the licensed traffic engineering firm of Fehr and Peers), it has been determined that there is sufficient stopping sight distance for south bound vehicle traffic and there is sufficient stopping sight distance for the northbound traffic for vehicles traveling up to 38 mph (note the posted speed limit for this segment of roadway is 30 mph and 30 mile per hour speed calls for a desired 200 foot stopping sight distance per accepted traffic engineering standards). The existing stopping sight distance measured in a north direction from the project driveway approach is 285 feet. Based on the existing city traffic speed survey for this road segment, the 85th percentile speed along this section of Pleasant Hill Road is 39 mph, which calls for 290 feet of stopping sight distance. In order to provide a conservative analysis, 300 feet of stopping sight distance is used for the sight distance analysis.

Standard engineering conditions of approval would ensure that any vegetation, or other significant visual obstructions within the right of way would be removed or minimized to the extent feasible to maximize available stopping sight distance along the existing road at this location. In addition, the City Engineer may recommend restricting the project driveway to right in/right out only turning movements through engineering conditions of approval to further ensure that the potential for traffic conflicts (based on the conservative 300 feet stopping sight distance) is minimized. The project is expected to generate less than 15 total peak hour trips per day (am+pm peak combined) similar to the number of trips that could have been generated under past use of the site as a convent (which did not have any restrictions on resident vehicles or restrictions on

visitation) and similar to the peak hour trips that could be generated from full utilization of the site as a 6,000+ square foot, 12 bedroom single family residence. With adherence to engineering standards that would be implemented through conditions of approval of the conditional use permit, the potential project impact is determined to be less than significant under even a conservative scenario (see also Fehr and Peers third party review for additional details).

- 15e. The project site is located adjacent to a public street. No impediments to emergency access would occur as a result of the proposed use. In addition, the project would require review and approval from the Fire District and Police Department ensuring that any potential concerns regarding emergency would be addressed; therefore, there would be no impacts to emergency access.
- 15f. According to the applicant's project description, facility residents would not be allowed to drive or keep vehicles as part of their stay at the facility and visits between residents and non-residents would not occur at the facility. The staffing shifts are in three time periods, day 730am to 530pm (5 staff), evening 500pm to 1130pm (3 staff) and overnight 1130pm to 730am (up to 3 staff). Thus, during the 500pm to 530pm time period, the project could have up to 11 employees/volunteers on-site together at any one time due to overlap of facility staffing shifts of half an hour and because there could be up to 3 volunteers on-site at any one time. With the site providing 9 parking spaces (including one space for a facility vehicle and one space for loading), there would be inadequate parking for the proposed use under the worst case scenario if shifts are allowed to overlap, all volunteers are on-site during the period of shift overlap, all on-street parking in front of the project site and immediately adjacent to the site is occupied, and planned restrictions on on-site visitation are not enforced allowing for greater parking spillover into the surrounding neighborhood. However, to ensure that parking does not become a significant impact the following mitigation measures are proposed:
- To prevent off-site parking impacts to the neighborhood, staffing levels shall be scheduled (including volunteers and outside assistance personnel) to ensure that demand for parking shall not exceed the number of parking spaces available at the site. A schedule of staffing levels (include volunteers and outside personnel) shall be provided to the City on an annual basis or as personnel levels change.
 - To prevent off-site parking impacts, scheduled on-site visitations shall not be allowed at the facility, due to inadequate parking supply on-site to accommodate 20+ visitors for up to 20 on-site residents.
 - To prevent off-site parking and circulation impacts, the project shall provide one dedicated loading space with dimensions of 10' x 20' x 10' to discourage off-site parking of delivery vehicles and to minimize delivery vehicles movements on the property.
 - To prevent off-site parking impacts to the neighborhood, persons who are not clients residing at the facility are not permitted to receive treatment or recovery services, counseling, training, attend meetings, or engage in any similar activities at the facility, as there would not be adequate parking supply to accommodate visitors of any significant number in addition to on-site staff and personnel.

In addition, the applicant is proposing to have weekly (Saturday at 9:00 am) client visitations (for family, friends, etc) at an off-site facility. The applicant is proposing to

hold the off-site visitations at 2115 Pleasant Hill Road (First Christian Church). There would not be any parking impacts at the facility since the church already has a large parking lot, and there would be minimal church activities occurring at this time. Thus, there should be adequate parking supply to accommodate client visitors. The applicant is also proposing to secure up to five (5) additional off-site parking spaces at the First Christian Church for use as additional overflow parking during regular facility operations. However, to ensure that parking at the off-site visitation location remains adequate, the applicant shall be required to provide the City with a schedule indicating that visitations would not occur simultaneously with Church events such that on-site parking would become insufficient for both uses. In addition, the applicant shall be required to provide the City with a written agreement with the Church consenting to the proposed schedule for off-site parking and facility use. Any changes to the schedule or written agreement would require review and approval by the Zoning Administrator. With incorporation of these measures, project impacts on parking would not be significant.

- 15g. The proposed project would be required to provide a new sidewalk to ensure consistency with the Pleasant Hill Road Corridor Concept Study, thereby improving pedestrian access at the site. In addition, there is currently no bus stop and the local transit agency does not have any near-term plans to install a bus stop in this area due to low demand. As a result, the project would not conflict with any policies, plans, or programs that support alternative transportation and no impact would occur.

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:

		Potentially Significant Impact	Less Than Significa nt with Mitigatio n Incorpor ated	Less Than Significant Impact	No Impact
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	

g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X
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Comment:

- 16a-b,e The proposed project site is served by the existing sanitary sewer system and would not install any new bathroom fixtures. In addition the project would be located at a site that previously accommodated up to 25 persons in a different capacity (convent/nunnery and retreat center). However, additional people (staff and volunteers) at the project site may increase overall water usage. Since the number of people involved would be minimal (up to 13 staff and volunteers), any impact on wastewater treatment requirements, facilities and capacity would be considered a less than significant impact.
- 16c. The proposed project would add minimal new hardscape to the site (including new walkways); however, it would not involve any substantial physical changes to the site. No impacts to stormwater drainage facilities would occur.
- 16d. The proposed project would not install any new toilets, showers, sinks, or other facilities that would be connected to the water system. Therefore, the City believes the existing water system would be sufficient to serve the proposed project. The project would be required to comply with the requirements of the East Bay Municipal Utilities District. The project would install new landscaping that is consistent with the requirements and water usage for a single family home. Therefore any impacts to water facilities and water system capacity would be considered less than significant.
- 16f. The proposed project solid waste needs would ultimately be provided at the Keller Canyon landfill in Pittsburg, CA. This site has a life expectancy of approximately 50 years and has been in service for only 13 years. Any solid waste generated by the project would be considered to be less than significant.
- 16g. The proposed project would be required to comply with all requirements of the local solid waste pick up provider (Allied Waste); therefore, no inconsistencies or conflicts with federal, state or local solid waste requirements would occur.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE – Does the project:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporat ed	Less Than Significant Impact	No Impact
b.	Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c.	Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

Comment:

- 17a. Project impacts related to the quality of environment, including fish and wildlife, flora and fauna were addressed in previous sections of this document. As mentioned, the project would not have any impacts to biological resources as the project would not include any physical changes to the site or the building and the site does not contain any rare or endangered plant or animal species.
- 17b. The proposed project would have cumulative impacts related to traffic, air quality and noise. However, the amount of new traffic, and correspondingly the amount of pollutants and noise generated from new traffic would be less than significant because the amount of new trips generated during a 24 hour period would be significantly less than the 100 peak hour trip threshold established by the Contra Costa Transportation Authority; consequently, the project, would result in less than significant cumulative impacts.
- 17c. The project, with proposed mitigation addressing parking impacts, would not have significant project specific or cumulative impacts to human beings from project related impacts including noise and air quality as the proposed outdoor activities will not generate noise to a significant level and the amount of new vehicles trips will not be in any amount to significantly affect cumulative air quality impacts. The project could potentially have significant impacts related to parking; however, with mitigation measure (as proposed) related to facility staff limitations, non-resident use of the facility, including a loading space and not allowing client visitations at the site the project impacts would be less than significant.

GENERAL SOURCE REFERENCES:

1. St. Theresa's Retreat Use Permit Application, submitted by Applicant.
2. Bay Area Air Quality Plan, 2000.
3. Contra Costa Transportation Technical Procedures Manual.
4. City of Pleasant Hill General Plan.
5. City of Pleasant Hill Municipal Code, including City Zoning Ordinance and Maps.
6. City of Pleasant Hill Accela Permit Database
7. Site Visits to Subject Site, Adjacent Properties and Surrounding Bay Area Facilities.
8. Alquist-Priolo Earthquake Fault Zoning Act.
9. National Pollutant Discharge Elimination System (NPDES) Permit.
10. Flood Insurance Rate Map.
11. Pleasant Hill Road Corridor Concept Study, 1999 (City of Pleasant Hill), including technical documents.
12. Trip Generation, 7th Edition, Institute of Transportation Engineers, 2003
13. California Department of Transportation, Highway Design Manual, 5th Edition,

ATTACHMENTS *(Attachments are available for review at Pleasant Hill City Hall – Planning Division):*

1. St. Theresa Retreat – Facility Study, Lamphier-Gregory, May 1, 2009, including Public Records Request to California Department of Alcohol & Drug Programs, May 1, 2009.
2. Memorandum from City of Pleasant Hill Police Department, dated June 5, 2009.
3. Police Summary of Calls to 2387 Lisa Lane.
4. Environmental Noise Assessment, Completed by Illingworth & Rodkin Inc., May 29, 2009.
5. Fehr and Peers Peer Review of Transportation Assessment for St. Theresa Retreat Project, September 2, 2009
6. Lamphier-Gregory Response Letter for St. Theresa Retreat, dated August 28, 2009
7. City of Pleasant Hill – Responses to Comments, September 8, 2009 Planning Commission Staff Report, Attachment A

The applicant is requesting reasonable accommodations from the following City requirements pursuant to PHMC Chapter 18.112 and state and federal fair housing laws:

- Relief from the City's standard condition of approval requiring an applicant to indemnify the City from future claims, actions or proceedings against the City.
- Relief from referral of this minor conditional use permit to the Planning Commission or City Council in reference to P.H.M.C. Section 18.95.020. The accommodation requested is for the Zoning Administrator to grant Use Permit Number UP 08-008 for St. Theresa's Retreat, a long-term residential treatment facility for women suffering from drug and alcohol addiction disorders at 2059 Pleasant Hill Road, Pleasant Hill, CA filed September 2008. This accommodation also requests that no additional conditions relating to security, property improvements, public improvements, operations, extraordinary regulation, reporting, and oversight related to women in recovery be included with the issuance of this permit aside from those imposed by Land Use Permit NO. 337-83.
- Relief from the City's requirements as set forth in the Pleasant Hill Corridor Concept Study, regarding the requirement to construct sidewalk, curb and gutter improvements along the street frontage of the property.
- Relief from the City's requirement that the applicant construct an eight foot tall perimeter fence around the property (PHMC § 18.25.040.A.4 & 18.55.140.A).
- Relief from the following City parking related requirements as set forth in various sections of Chapter 18.55:
 - Parking and loading supply requirements
 - Parking and loading space dimensions include width and depth and buffer area adjacent to obstructions.
 - Adding wheel stops for each parking space that abuts a fence, curb, wall, or landscape walkway.
 - Parking aisle dimensions including driveway widths.
 - Driveway widths and clearances, including width for one and two-way access.
 - Driveway visibility requirements.
 - Parking area screening, lighting and landscaping requirements including:
 - Screening with an eight foot tall wall or fence from adjacent residential "R"-districts.
 - Complying with lighting requirements for parking lots.
 - Providing 10% of the parking lot area as landscaping.
 - Installing planting strips along property lines adjoining residential "R"-districts and along street property lines.
 - Installing a landscape planter at the end of parking rows.
 - Installing a minimum of 1 tree for every 3 parking spaces in the parking area.
 - Providing any other paving, surfacing, drainage, lighting, signs, striping, etc. that is deemed necessary within the parking and driveway area.
 - Complying with loading space regulations include size dimensions and location within a required front yard.

In addition, 2115 Pleasant Hill Road (First Christian Church) is proposed to be used to accommodate visits (by client family members, friends, etc.) and as a venue for educational presentations to clients

and family members once a week on Saturday's from 9:00am through 12:00pm. Residents of the proposed facility at 2059 Pleasant Hill Road would walk from the facility to 2115 Pleasant Hill Road under supervision of facility staff. The First Christian Church parking lot would also be available for overflow parking for up to five parking spaces pursuant to a proposed agreement between the applicant and the Church. No physical changes/improvements are proposed for 2115 Pleasant Hill Road and all proposed visits and educational presentations would occur within existing Church facilities.

LOCATION OF PROJECT: The Proposed Project is located in the City of Pleasant Hill, in Contra Costa County, California. The project site address is 2059 Pleasant Hill Road and is designated as (APN 166-330-015) and is located on the west side of Pleasant Hill Road, south of the intersection of Pleasant View Drive and Pleasant Hill Road. The site is surrounded by existing single-family residences. Off-site visits would occur at 2115 Pleasant Hill Road (First Christian Church).

NAME OF APPLICANT: Dr. Michael Jordan

MAILING ADDRESS: 2059 Pleasant Hill Road, Pleasant Hill, CA 94523

PHONE: (925) 360-4732

TYPE OF ENTITLEMENT SOUGHT: Minor Use Permit and Reasonable Accommodation

MITIGATION MEASURES INCLUDED IN THE PROJECT TO AVOID POTENTIALLY SIGNIFICANT IMPACTS:

Mitigation Measure 1

To prevent off-site parking impacts to the neighborhood, staffing levels (including volunteers and outside assistance personnel) shall not exceed the number of parking spaces available at the site. A schedule of staffing levels (Include volunteers and outside personnel) shall be provided to the City on an annual basis or as personnel levels change.

Mitigation Measure 2

To prevent off-site parking impacts, scheduled on-site visits to residents shall not be allowed at the facility, due to inadequate parking supply on-site to accommodate 20+ visitors for up to 20 on-site residents.

Mitigation Measure 3

To prevent off-site parking and circulation impacts, the project shall provide one dedicated loading space with dimensions of 10' x 20' x 10' to discourage off-site parking of delivery vehicles and to minimize delivery vehicles movements on the property.

Mitigation Measure 4

To prevent off-site parking impacts to the neighborhood, persons who are not clients residing at the facility are not permitted to receive treatment or recovery services, counseling, training, attend meetings, or engage in any similar activities at the facility, as there is not adequate parking supply to accommodate visitors of any significant number in addition to on-site staff and personnel.

Mitigation Measure 5

To prevent parking issues at the off-site facility, the applicant shall be required to provide the City with a schedule indicating that visitations would not occur simultaneously with Church events such that on-site parking would become insufficient for both uses. In addition, the applicant shall be required to provide the City with a written agreement with the Church consenting to the proposed schedule. Any changes to the schedule or written agreement would require review and approval by the Zoning Administrator

EXPLANATION OF REASONS FOR THE FINDING: A finding is proposed that this project will not have a significant effect on the environment if the appropriate mitigation measures are adopted to abate or lessen any potential environmental impacts to a level determined to be insignificant or determined to have no impact at all.

PUBLIC HEARINGS: The project was reviewed by the Planning Commission at its public hearing on August 18, 2009 AT 6:30 PM, September 8, 2009 & September 29, 2009 both at 7:30 PM. Public hearings are held in the City Council Chambers at the City Hall located at 100 Gregory Lane. Any comments as to whether the draft mitigated negative declaration should become final or whether an Environmental Impact Report (EIR) should be prepared for the project must be submitted within twenty days of the posting of this mitigated negative declaration on or prior to **August 18, 2009**.

If this mitigated negative declaration becomes final by Planning Commission action, any person who disagrees with Planning Commission action may seek judicial review. Copies of the mitigated negative declaration and public record of the project are available for review and may be obtained at the Public Works and Community Development Department at the cost of reproduction.

Posted within the City of Pleasant Hill, City Hall, 100 Gregory Lane on July 24, 2009.

Statement of Mitigated Negative Declaration was reviewed and finally adopted on September 29, 2009 by the Pleasant Hill Planning Commission.

Signed: _____

Greg Fuz
Title: City Planner

Notice of Determination to be sent to:

☒ Posting of Notice ☒ County Clerk ☐ Mailed to owners of contiguous property
☐ Secretary of Resources ☐ Publish Notice

IF THERE ARE ANY QUESTIONS OR COMMENTS, PLEASE CONTACT:

Troy Fujimoto	Senior Planner	(925) 671-5224
NAME	TITLE	PHONE NUMBER

St. Theresa's Retreat Mitigation Monitoring and Reporting Program (September 2009)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule
Mitigation Measure 1: To prevent off-site parking impacts to the neighborhood, staffing levels (including volunteers and outside assistance personnel) shall not exceed the number of parking spaces available at the site. A schedule of staffing levels (include volunteers and outside personnel) shall be provided to the City on an annual basis or as personnel levels change.	Project Applicant	Planning Division	As needed, but at a minimum once a year.
Mitigation Measure 2: To prevent off-site parking impacts, scheduled on-site visitations shall not be allowed at the facility, due to inadequate parking supply on-site to accommodate 20+ visitors for up to 20 on-site residents.	Project Applicant	Planning Division	Ongoing.
Mitigation Measure 3: To prevent off-site parking and circulation impacts, the project shall provide one dedicated loading space with dimensions of 10' x 20' x 10' to discourage off-site parking of delivery vehicles and to minimize delivery vehicles movements on the property.	Project Applicant	Planning Division	Prior to opening of the facility.
Mitigation Measure 4: To prevent off-site parking impacts to the neighborhood, persons who are not clients residing at the facility are not permitted to receive treatment or recovery services, counseling, training, attend meetings, or engage in any similar activities at the facility, as there is not adequate parking supply to accommodate visitors of any significant number in addition to on-site staff and personnel.	Project Applicant	Planning Division	Ongoing.
Mitigation Measure 5: To prevent parking issues at the off-site facility, the applicant shall be required to provide the City with a schedule indicating that visitations would not occur simultaneously with Church events such that on-site parking would become insufficient for both uses. In addition, the applicant shall be required to provide the City with a written agreement with the Church consenting to the proposed schedule. Any changes to the schedule or written agreement would require review and approval by the Zoning Administrator.	Project Applicant	Planning Division	Written Agreement and Schedule Prior to Facility Occupancy. Notification of Any Schedule Changes Ongoing.

Exhibit G

ATTACHMENT M

Type of Call	Description of Call	2387 Lisa Ln
PCOO	Penal Code, Other Offense	4
ASLS	Simple Assault	10
REST	Restraining Order	2
MSOA	Miscellaneous Outside Assist	5
OAFB	Child Abuse	1
THGR	Grand Theft	1
THRX	Threats	2
HSOO	Health and Safety Code	4
SUSC	Suspicious Circumstance	28
AIDX	Mental Committal	3
CIVL	Civil	8
SUPP	Supplemental information to an ex	5
MSFD	Family Disturbance	3
AUTR	Recovered Stolen Vehicle	3
BURA	Auto Burglary	1
NARC	Narcotics Violation	1
FIRE	FIRE	1
PROF	Found Property	1
ALRM	Alarm	1
PPTW	Private Property Tow	3
WRNO	Warrant from another agency	10
MSEP	Extra Patrol Request	2
FIED	Field Interview	2
PARK	Parking Complaint	2
AUTT	Stolen Vehicle	6
DRUN	Drunk	1
MSDS	Miscellaneous Disturbance	57
MALM	Vandalism	5
AIDE	Medical Aid Call	3
MSIN	Miscellaneous Information	3
MSOT	Miscellaneous Other Service	4
REPO	Vehicle Repossession	1
MSWC	Welfare Check	30
THUF	Theft Under \$50	3
WRNL	Local Warrant	1
MISP	Missing Person	6
VCOO	Vehicle Code Other Offense	3
BURR	Residential Burglary	1
PROL	Lost Property	0
CORN	Coroner Case	0
FORG	Forgery	0
ACCN	Non-Injury Accident	0
FRAU	Fraud Case	0
AUTS	Stored Vehicle	0
AUTA	Abandoned Vehicle	0
THOT	Theft of Two-Hundred Dollars	0
PROW	Prowler	0
ROBB	Robbery	0
	Totals	227
	Percent of Total City PD Calls (62,229 City Wide Calls over the same time period	0.3648%
	Number of Residents	73
	Number of Staff	up to 4 at any one time

Notes:

- 1) Data collected is from the past 3 years (2006-2009)
- 2) Source - City of Pleasant Hill Police Department

Exhibit H

RESOLUTION NO. 06-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANT HILL APPROVING A MITIGATED NEGATIVE DECLARATION AND APPROVING MINOR CONDITIONAL USE PERMIT 08-008 FOR OPERATION OF ST. THERESA'S RETREAT, A CONGREGATE CARE, GENERAL, FACILITY PROVIDING DRUG AND ALCOHOL TREATMENT AND RECOVERY SERVICES FOR UP TO 18 RESIDENT PERSONS AT 2059 PLEASANT HILL ROAD; APPROVING OFF-SITE PARKING, CLIENT VISITATION AND RELATED SERVICES AT 2115 PLEASANT HILL ROAD; APPROVING A REASONABLE ACCOMMODATION TO SPECIFIC PARKING-RELATED STANDARDS; AND DENYING REASONABLE ACCOMMODATION FOR RELIEF FROM OTHER SPECIFIED PARKING- RELATED STANDARDS; DENYING REASONABLE ACCOMMODATION FOR RELIEF FROM STANDARD INDEMNIFICATION AND HOLD HARMLESS REQUIREMENTS; DENYING REASONABLE ACCOMMODATION FOR RELIEF FROM INSTALLING A NEW EIGHT FOOT TALL PERIMETER FENCE ALONG THE NORTHERN PROPERTY LINE; DENYING REASONABLE ACCOMMODATION FOR RELIEF FROM CONSTRUCTION OF A NEW SIDEWALK ALONG THE PROJECT FRONTAGE; DENYING REASONABLE ACCOMMODATION FOR RELIEF FROM REVIEW AND APPROVAL BY THE PLANNING COMMISSION AND CITY COUNCIL FOR MINOR USE PERMIT 08-008 FOR THE PROPOSED FACILITY; AND DENYING REASONABLE ACCOMMODATION FOR RELIEF FROM IMPOSITION OF CONDITIONS BEYOND THOSE IMPOSED ON LUP 337-83.

WHEREAS, the applicant, Dr. Michael Jordan, requested review and approval of Minor Use Permit No. UP 08-008 to allow a state licensed (State Department of Alcohol and Drug Programs license) general congregate care facility providing drug and alcohol treatment and/or recovery services for a maximum of twenty (20) adult females, at 2059 Pleasant Hill Road, Assessor Parcel Number 166-330-015 and off-site parking, visitation and related services at 2115 Pleasant Hill Road, Assessor Parcel Number 166-105-006; and

WHEREAS, the applicant, Dr. Michael Jordan, has also requested review and approval of Reasonable Accommodations for:

1. Section 18.55.020 (Requirement for Off-Street Parking and Loading) and
2. Section 18.55.080 (Parking Space Dimensions) and
3. Section 18.55.090 (Parking Dimensional Requirements) and
4. Section 18.55.100 (Aisle and Parking Space Dimensions and Circulation) and
5. Section 18.55.120 (Driveway Widths and Clearance) and
6. Section 18.55.140 (Parking Area Screening, Lighting and Landscaping) and
7. Section 18.55.160 (Additional Design Standards for Parking Lots and Structures) and
8. Section 18.55.170 (Location and Design of Off-Street Loading Spaces) and
9. Section 18.25.040.A.4 (Fencing Requirements) and

10. Section (Schedule) 18.55.030A & 18.55.030B (Off-Street and Loading Spaces) and
11. Section 18.55.130 (Driveway Visibility) and
12. Relief from Section 18.95.020 (Use Permit Approval Authority) and the imposition of additional conditions beyond those imposed on the previous convent/retreat center use through Land Use Permit No. 337-83 and
13. Relief from the City's standard hold harmless and indemnification requirement and
14. Relief from providing a sidewalk along the property frontage; and

WHEREAS, a public informational meeting was held on March 11, 2009, where information was provided regarding the project by the applicant and where all interested persons were given the opportunity to comment on the proposal; and

WHEREAS, a second public informational meeting was held on May 27, 2009, where a presentation by State of California Department of Alcohol and Drug Programs staff was provided, and all interested persons were given the opportunity to ask questions and provide comments on the proposal; and

WHEREAS, pursuant to Article 6, California Code of Regulations, Title 14, Chapter 3, Guidelines for the Implementation of the California Environmental Quality Act of 1970, as amended, the City of Pleasant Hill prepared a draft Initial Study to determine whether the project will have a significant effect on the environment; and

WHEREAS, a Notice of Intent to issue a draft Mitigated Negative Declaration was published in the Contra Costa Times – Pleasant Hill/Martinez Record on July 23, 2009, and provided for posting to the County Clerk's office of Contra Costa County on July 24, 2009, and the draft Initial Study and Mitigated Negative Declaration were circulated for public review between July 23, 2009 and August 14, 2009; and

WHEREAS, a revised Notice of Intent extending the public review period to August 18, 2009 was provided for posting to the Contra Costa County Clerk on July 29, 2009 and notice of extension of the public review period was mailed to all interested parties; and

WHEREAS, after notice thereof having been duly, regularly and lawfully given, a public hearing on the proposed draft Initial Study and Mitigated Negative Declaration, Minor Use Permit No. UP 08-008 and a related Reasonable Accommodation request, was held at a special meeting of the Planning Commission on August 18, 2009, at which time all interested parties could appear and be heard. After receiving public testimony, the Planning Commission closed the public review period for the draft Initial Study and Mitigated Negative Declaration and

continued the public hearing on Minor Use Permit No. UP 08-008 and the related Reasonable Accommodation request to September 8, 2009; and

WHEREAS, on September 8, 2009, the Planning Commission received remaining testimony, closed the public hearing, conducted a discussion concerning various project issues and continued further consideration of this matter to a special meeting on September 29, 2009. In addition, the Planning Commission also directed staff by motion to prepare draft findings and conditions for the proposed project and directed staff to provide a courtesy notice to interested parties informing them that the public hearing would be re-opened on September 29, 2009; and

WHEREAS, on September 18, 2009, a courtesy notice was sent to all interested parties and on September 29, 2009, the Planning Commission re-opened the public hearing on this matter for the limited purpose of receiving testimony concerning the draft findings and conditions; and

WHEREAS, on September 29, 2009, the Planning Commission received a draft resolution with findings and conditions of approval and re-opened the public hearing to allow additional public comments on the draft resolution. After receiving public testimony, the Planning Commission closed the public hearing, and after further consideration and comment by the Commission, provided direction to staff to modify the resolution and return the findings and conditions to the Commission on October 13, 2009 for further consideration; and

WHEREAS, on October 13, 2009, the Planning Commission received a revised draft resolution with conditions of approval and after further consideration adopted the resolution approving the Mitigated Negative Declaration and associated Mitigation Monitoring Program, approving Minor Use Permit No. UP 08-008, and approving reasonable accommodations for specific parking-related standards and perimeter fencing requirements (south side) and denying reasonable accommodation for other specified parking-related standards, relief from standard indemnification and hold harmless requirements, relief from installing a new eight foot tall perimeter fence (west side), relief from installing a new sidewalk along the project frontage; relief from the use permit review process, and relief from conditions beyond those required for the previous Land Use Permit (LUP No. 337-83) granted at the property; and

WHEREAS, in accordance with Chapter 18.130 of the Pleasant Hill Municipal Code, the applicant, Dr. Michael Jordan, filed a timely appeal of the decision of the Planning Commission's approval of Minor Use Permit No. UP 08-008 and associated Reasonable Accommodations; and

WHEREAS, in accordance with Chapter 18.130 of the Pleasant Hill Municipal Code, Safe Neighborhoods Alliance Program (SNAP), filed a timely appeal of the decision of the Planning Commission's approval of Minor Use Permit No. UP 08-008 and associated Reasonable Accommodations and filed a separate complaint regarding alleged procedural violations by the City in connection with the processing of this Minor Use Permit; and

WHEREAS, after notice thereof having been duly, regularly and lawfully given, the City Council held a *de novo* public hearing at a special meeting on the appeals of the approval of Minor Use Permit No. UP 08-008 and associated Reasonable Accommodation requests on November 30, 2009, where all persons interested therein might appear and be heard. After receiving public testimony from all persons present, the City Council continued the public hearing to December 7, 2009 to allow an opportunity for additional public testimony; and

WHEREAS, on December 7, 2009, the City Council received remaining public testimony, closed the public hearing, conducted a discussion concerning various project issues and continued further consideration of this matter to a special meeting on December 14, 2009; and

WHEREAS, on December 14, 2009, the City Council held a special meeting and resumed its deliberations on the project and voted to approve the Final Mitigated Negative Declaration for the project, provided specific direction to City staff to modify findings and conditions of approval in the proposed resolution for further consideration and continued consideration of the findings and conditions in the revised resolution to the January 4, 2010 City Council meeting; and

WHEREAS, on January 4, 2010, the City Council postponed consideration of this matter at the request of the applicant, and with the concurrence of the appellant, to January 25, 2010 and indicated that the public hearing would be reopened on January 25, 2010 for the purpose of receiving public testimony on the revised draft resolution with findings and conditions of approval; and

WHEREAS, on January 8, 2010 a courtesy notice was mailed to all interested parties informing them that the public hearing would be reopened on January 25, 2010 and inviting them to attend and provide testimony; and

WHEREAS, on January 25, 2010, the City Council received public testimony, closed the public hearing and resumed deliberations on the appeals.

NOW, THEREFORE, BE IT RESOLVED that the City Council denies the appeals by the applicant and SNAP regarding the Final Mitigated Negative Declaration, and certifies and approves the Final Mitigated Negative Declaration and Mitigation Monitoring Program for this project, with minor revisions and clarifications noted in the attached errata sheet, based on the following findings:

1. The City Council finds on the basis of the whole record before it (including the Initial Study and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment and that the Final Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council.

2. The Final Mitigated Negative Declaration is complete and in compliance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the City's local CEQA Guidelines, and adequately addresses the expected environmental impacts of the proposed project.
3. The Final Initial Study/Mitigated Negative Declaration and all related records of proceedings upon which the decision is based shall be maintained and kept on file by the Secretary to the Planning Commission in the City of Pleasant Hill Public Works and Community Development Department in the City of Pleasant Hill City Hall, 100 Gregory Lane, Pleasant Hill, California.
4. The City Council finds that through implementation of mitigation measures relating to on and off-site parking, and through compliance with applicable laws, ordinances and regulations, there is no substantial evidence supporting a fair argument that the project will have a significant adverse effect on the environment.
5. Pursuant to Title XIV, California Code of Regulations ("CCR"), the City Council has determined that, after considering the record as a whole, including the proposed mitigation measures the proposed project will not have the potential for any adverse effects on wildlife resources or the habitat upon which the wildlife depends as defined in Fish and Game Code § 711.2.
6. The revisions to the Initial Study and Final Mitigated Negative Declaration reflected in the attached errata sheet are minor changes which clarify, amplify and/or make insignificant modifications to the Final Mitigated Negative Declaration and therefore recirculation of the Mitigated Negative Declaration is not required pursuant to Section 15073.5 of the Guidelines for the Implementation of the California Environmental Quality Act.

ADOPTED by the City Council of the City of Pleasant Hill at a special meeting of the Council held on the 14th day of December, 2009, by the following vote:

AYES:	Durant, Hanecak, Harris, Mitchoff
NOES:	None
ABSENT:	Williamson
RECUSED:	None

BE IT FURTHER RESOLVED, that the City Council of the City of Pleasant Hill denies the appeals by the applicant and SNAP (including the issues raised in the November 10, 2009 procedural complaint filed by SNAP but only as they relate to this Resolution, Findings and Conditions of Approval) and according to Sections 18.20.020 and 18.95 of the Zoning Ordinance, thereby approves Minor Use Permit UP 08-008 for an 18 client congregate care,

general, facility, based upon the following findings and subject to the conditions of approval attached as Exhibit A.1.

Use Permit Findings

1. The project will not be detrimental to the health, safety and general welfare of persons residing or working in the vicinity of the proposed facility at 2059 Pleasant Hill Road and the proposed off-site parking and visitation site at 2115 Pleasant Hill Road; nor will the proposed project be injurious or detrimental to adjacent properties or to property in the neighborhood or in the City because potential adverse impacts associated with the project will be addressed through mitigation measures, conditions of approval and/or applicable laws, ordinances, and regulations summarized below:
 - A. Occupancy levels at the facility will be phased over time to allow adequate time for the training of staff and to resolve any potential operational issues at the facility. To ensure continued operation of the facility in compliance with permit conditions, increases in occupancy beyond 12 clients can only occur with review and approval by the City. If problems at the facility arise at any time, occupancy levels can be frozen by the Zoning Administrator until adequately addressed (Condition No. 5).
 - B. Operational Restrictions shall be imposed as listed below:
 - i. Occupancy will be limited to no more than 18 adult female clients, phased as specified in the project conditions, to ensure that staff is fully trained and the facility is in full compliance with all applicable requirements prior to achieving full occupancy (Condition No. 5).
 - ii. Occupancy shall be phased over time and can be frozen at any time if non-compliance with project conditions of approval is identified. Occupancy levels can only be increased if in compliance with all requirements (Condition No. 5).
 - iii. Detoxification services will not be provided (Condition No. 1).
 - iv. Smoking will be prohibited on-site indoors and outdoors (Condition Nos. 1 and 28).
 - v. Outdoor activities will be limited in extent and duration (Condition Nos. 1 and 20).
 - vi. A "Good Neighbor Policy" will be implemented and enforced (Condition No. 10).

- vii. Clients will be screened for compliance with stringent eligibility criteria (Condition No. 7).
 - viii. Client screening will be performed by a qualified third party (Condition No. 8).
 - ix. Pre-admission and post-admission drug testing will be required and completed by a qualified independent third party (Condition Nos. 7 and 10).
 - x. Zero tolerance for serious violations of facility rules will be enforced ensuring clients that have proven to be disruptive at the facility are removed thus, not causing detrimental impacts to those living and working in the neighborhood (Condition No. 10).
 - xi. Clients will be required to adhere to the provisions of a "Residential Admission Agreement" (Condition No. 10).
 - xii. Special events will be restricted (Condition No. 31).
 - xiii. Scheduled on-site visitations will be restricted (Condition No. 29).
 - xiv. Minimum Staffing levels will be maintained during evening hours (Condition Nos. 1 and 6).
 - xv. Limits on services for non-residents of the facility will be implemented (Condition No. 17).
 - xvi. Off-site visitation will be limited in duration and scope (Condition No. 30).
- C. Security measures shall be required as listed below:
- i. An alarm system will be required (Condition No. 26).
 - ii. Outdoor motion lighting will be required (Condition No. 26).
 - iii. A secured gate and on and off-site fencing will be required (Condition No. 37).
 - iv. Bed checks will be performed (Condition No. 15).
 - v. Violation logs will be maintained (Condition No. 12).
 - vi. Communication devices will be restricted (Condition No. 16)
 - vii. Supplemental Police services will be required (Condition No. 23) in the event the project has a greater than anticipated impact on police services, also ensuring that police services in the remainder of the City are not affected by the project.
- D. Supplemental Monitoring and Dispute Resolution shall be required as listed below:

- i. A supplemental compliance monitor will be required (Condition No. 24).
 - ii. Periodic review and reporting to the Planning Commission will be required (Condition No. 25).
 - iii. Compliance with a "Mitigation Monitoring Program" will be required (Condition No. 35).
 - iv. An on-site "Neighborhood Liaison" will be required (Condition No. 14).
 - v. Alternative dispute resolution methods will be required (Condition No. 33).
 - vi. Participation in a stakeholder committee will be required (Condition No. 34).
- E. On and off-site parking shall be provided as specified below:
 - i. The project will include sufficient on-site parking for the use and will include sufficient off-site parking for client visitations, and any related environmental impacts have been mitigated to a level of insignificance as indicated in the Initial Study and Final Mitigated Negative Declaration.
 - ii. The project is required to comply with mitigation measures and conditions of approval related to parking, such as limiting the number of employees at any one time, requiring off-site visitations, obtaining a shared parking agreement for off-site parking needs for weekend visitations at an off-site facility, prohibiting scheduled on-site visitations, providing a loading/short-term parking space and prohibiting people who are not residents of the facility from receiving treatment at the facility. In addition, facility residents will not be allowed to have vehicles at the site. These conditions and mitigation measures will reduce impacts related to on-site parking and on-street parking by ensuring that there is adequate on-site parking for the facility and when parking needs are greatest, during weekend client visitation, requiring this to occur off-site at a location that can accommodate the additional parking demands (Condition Nos. 17, 29, 30, 35, 40, 41 and Mitigation Monitoring Plan).
 - iii. Not more than two vehicles per client visitor will be permitted at the off-site visitation location (Condition Nos. 30 and 41)
- F. Noise generated by the use shall be limited as specified below:

- i. Limits will be imposed on the duration and extent of noise generating indoor and outdoor activities (Condition Nos. 20, 21 and 31).
 - ii. Compliance with the City's noise ordinance will be required (Condition No. 21).
 - iii. Deliveries to the site will be restricted to certain days/times (Condition No. 20).
 - iv. Special events will be restricted (Condition No. 31).
 - v. Pets will be limited (Condition No. 43).
 - vi. Non-resident use of the facility will be limited (Condition No. 17).
 - vii. Limits to on and off-site visitation will be imposed (Condition Nos. 1, 29 and 30).
 - viii. Profanity and abusive and lewd speech and behavior will be prohibited (Condition No. 10).
 - ix. Mechanical equipment noise will be controlled (Condition No. 20 and 22).
- G. Environmental impacts shall be less than significant as specified below:
- i. According to the Initial Study and Final Mitigated Negative Declaration (Attachment B of the January 4, 2010 City Council Staff Report) the use will not generate any potentially significant impacts on the environment with the exception of impacts related to parking which have been addressed through mitigation measures included in the Final Mitigated Negative Declaration.
- H. Compatibility with surrounding properties is further demonstrated as specified below:
- i. The project site is located on a parcel that is more than twice as large as the minimum parcel size required within the R-10 zone district, and provides more than one half acre of useable area so the site is adequate in size to accommodate the proposed use by up to 18 adult female clients and associated facility staff provided that the property is not reduced in size (Condition No. 46). The proposed use will be conducted primarily within an existing building originally constructed as and used as a convent and subsequently expanded by the applicant with the addition of a great room. The intensity of the proposed use will be limited by the proposed conditions of approval and will not exceed the overnight resident occupancy allowed for this site pursuant to prior City approvals (LUP No. 337-83). Further, it is the policy of the State

of California that mentally and physically disabled persons are entitled to live in normal residential surroundings and should not be excluded therefrom because of their disability (Welfare & Institutions Code Section 5115). In addition, there is no evidence that any specific individual who will reside at the proposed facility will pose a direct threat to the health or safety of others. Conditions of approval will regulate operations to further reduce the potential for any adverse effects on public health or safety and the facility will also be licensed and regulated by the State of California Department of Alcohol and Drug Programs as a drug and/or alcohol treatment and/or recovery facility (Condition No. 1).

- ii. Conditions of approval are placed on the project ensuring that lighting (glare) is minimized (Condition No. 36), ensuring future grading will be in compliance with City requirements (Condition Nos. 44 and 57), and ensuring future signage will not be illuminated to avoid impacts from light and glare on surrounding properties (Condition Nos. 1 and 45).
 - iii. A condition of approval is placed on the project to improve the appearance of the site (additional landscaping) and ensure the site is maintained at acceptable levels (landscape maintenance agreement) which will have a positive effect on those that live adjacent to the site (Condition Nos. 38 and 39).
 - iv. A condition of approval related to providing perimeter fencing along the northern, western and southern property lines at a greater height is required to provide increased privacy and separation between adjacent properties (Condition Nos. 1, 37, 42 and 56).
 - v. To ensure no detrimental impacts to public access, a condition of approval (Condition No. 57) is placed on the project to require installation of a sidewalk along the street frontage which will ensure that pedestrian access along Pleasant Hill Road is extended southward, connecting to the existing sidewalk to the north and providing improved and safe access for clients of the facility to the off-site visitation facility at 2115 Pleasant Hill Road.
- I. To ensure that the 18 clients are not constrained to a smaller site, no subdivision of land at 2059 Pleasant Hill Road shall be allowed (Condition No. 46)
- 2. The proposed project is consistent with the following policies, programs, and goals established by the General Plan.

- A. Community Development Goal 1 - Preserve and enhance residential neighborhoods. The project does not conflict with this goal, as mainly this goal is related to aesthetics, design, and density of development. The project does not propose any significant change to the existing structure or to the improvements already located on the project site, so, with minor exceptions, it will remain nearly identical to its present appearance to the neighborhood. The project will have 18 residents and up to two overnight staff living at the facility at any one time. However, the existing structure has sufficient bedrooms and parking to accommodate the proposed number of overnight occupants (staff and clients). The facility will also not exceed the total number of overnight occupants previously approved for this site in 1983 through LUP (No. 337-83) and clients living on-site will not be allowed to have personal vehicles. The project does not involve a change in the maximum allowable residential density for the project site since all of the client residents will be housed within the existing single dwelling. No additional dwellings are proposed. The project will also extend an existing public sidewalk along the entire frontage of the site and widen the existing driveway to comply with current engineering standards. The zoning ordinance allows this type of use with the approval of a minor conditional use permit, and the conditions imposed on the project will reduce or minimize any significant or substantial adverse impacts related to the facility.
- B. Community Development Policy 1A - Encourages aesthetic enhancement of residential areas, while retaining the charm and character of individual neighborhoods. Conditions are imposed to repair and enhance an existing property fence, install enhanced landscaping and complete street frontage improvements that will improve the appearance of the property ensuring consistency with this policy.
- C. Community Development Policy 2A - Encourages uses needed by the community at appropriate locations. The proposed project will not conflict with this policy as this type of facility does not currently exist within the City and there could be area residents with drug or alcohol addiction issues; thus, the facility will address a potential local and regional need. In addition, residential treatment and recovery facilities, by definition and intent, are typically located within residential areas to provide clients with a residential (versus an institutional) setting for completion of treatment and recovery. The proposed facility is in a residential location and located along a main thoroughfare. Consequently, the project is consistent with this policy.
- D. General Plan Housing Policy 4A - The City should strive to provide incentives and encourage development of senior housing, housing for the developmentally, mentally, and physically disabled at sites where proximity to services and other features make it desirable. The project will provide housing for persons with disabilities as individuals who are recovering from

drug and/or alcohol addiction are considered disabled pursuant to the Americans with Disabilities Act (ADA). The project is located at a site that has access to all public services and utilities and includes features (existing large building that has a residential appearance, along a main thoroughfare) that allow use of the site for its intended purpose with minimal need for external physical changes to the structure or site. As a result, the project is consistent with this policy.

- E. Circulation Policy 5A and 6A - Installation or upgrade of sidewalks, warning devices, crosswalks, and other pedestrian aids where appropriate and to facilitate access by persons with disabilities. In this case the project is required to install a sidewalk at the front of the property, where there currently is none, providing improved access for the disabled to the facility. As a result, the project is consistent with both policies.
- F. Growth Management Policy 2A - Requires new development to contribute to or participate in the improvement of park, school, fire, police, sanitary, water and flood control services in proportion to the demand generated by project occupants and users. The project is conditioned to contribute to additional police services if it is found to be impacting overall police services. The project is also required to pay all other applicable standard City development impact fees. As a result, the project is consistent with this policy.
- G. Safety and Noise Policy 7A and 7B - Requires new development projects to be designed and constructed to meet acceptable noise level standards and evaluate the noise impacts of development based on the potential for significant increases in noise levels. The project includes various conditions of approval to address and mitigate noise impacts, including restrictions on late night outside events, construction of a noise attenuation fence with trellis, water features and facility policies to be sensitive to surrounding uses regarding noise levels. Consequently, the project is consistent with both policies.
- H. Housing Goal 7 and Housing Policy 7A - The City shall ensure equal housing opportunities for all and ensure that individuals and families seeking housing in Pleasant Hill are not discriminated against on the basis of age, disability, gender, etc or other similar factors, respectively. The proposed facility will provide housing, treatment and recovery services for the disabled and will include approval of various reasonable accommodations to ensure provision of equal housing opportunities for the disabled consistent with the General Plan.

BE IT FURTHER RESOLVED that the City Council of the City of Pleasant Hill denies the appeals by the applicant and SNAP regarding Reasonable Accommodations and, pursuant to applicable provisions of State and Federal law pertaining to consideration of reasonable

accommodations, approves the following requests for Reasonable Accommodation, based upon the following findings and subject to the conditions of approval attached as Exhibit A.1.:

Approved Reasonable Accommodations

1. Section (Schedule) 18.55.030.B (Loading Space Dimensions) and
2. Section 18.55.080 (Parking Space Dimensions) and
3. Section 18.55.090 (Parking Dimensional Requirements) and
4. Section 18.55.100 (Aisle and Parking Space Dimensions and Circulation) and
5. Section 18.55.120 (Driveway Widths and Clearance) and
6. Section 18.55.140.B (Lighting and Landscaping) and
7. Section 18.55.170 (Location and Design of Off-Street Loading Spaces) and

Reasonable Accommodation Findings

1. The housing *will be* used by a disabled person(s).

This finding can be made. The facility will be used for providing non-medical treatment and recovery services (not including any on-site services requiring a medical license) in a group residential setting to clients recovering from drug and alcohol addictions who qualify as disabled individuals under the Americans with Disabilities Act (ADA). The applicant also states that current users of unlawful substances will not be admitted to the facility; therefore this finding can be made. The applicant will also be required to annually certify that all clients residing at the facility are considered disabled under the ADA.

2. The requested accommodations *are necessary* to make specific housing available to a disabled person(s).

This finding can be made. The strict implementation of standard requirements for parking lot development, when considered on a cumulative basis for this particular site (illustrated in the exhibits and photographs presented by staff for consideration to the City Council), would result in inconsistencies with other City goals and policies, and would result in direct and indirect limitations on the applicants' ability to provide housing and related programs for the disabled. Removal of mature vegetation, trees, and reduction of open space on the site would be inconsistent with the City's general goals of preserving and protecting trees and natural features of a property and reducing additional run-off from impervious surfaces where feasible.

In addition, the following modifications to the site that would be necessary if strict compliance with the provisions of the zoning ordinance relating to parking lot and access improvements is required will result in substantial additional costs

to the applicant and will create significant physical limitations on the use of the property, thereby directly and indirectly limiting the applicant's ability to provide housing and related programs for the disabled on this site: a) removal and/or reconstruction of carport structures; b) removal of a large portion of the existing great room thereby restricting space available for programs for residents of the facility; c) potential removal of a portion of the room previously used as a chapel (further restricting space available for programs for residents of the facility); d) a significant reduction in the area and quality of available outdoor courtyard space that is an important component of the applicant's program for the facility; e) a potential shift of outdoor activities on the site toward the south and west in closer proximity to adjacent residences creating the potential for greater impacts to those properties; f) placement of more parking spaces, pavement and related parking lot improvements in the central, west and northwest corners of the site in closer proximity to adjacent existing residences creating the potential for greater impacts to those properties. Conditions of use permit approval imposing restrictions on vehicle use, off-site visitation, combined with required mitigation measures, will ensure that sufficient parking is available for the project.

3. The requested accommodation *will not* impose an undue financial or administrative burden on the City.

This finding can be made. Relieving the applicant from providing the aforementioned improvements will not require the City to expend funds to make the improvements nor will any off-site impacts require additional City services.

4. The requested accommodation *will not* require a fundamental alteration in the nature of a City program or law, including land use and zoning.

This finding can be made. The accommodations could have been sought through a use permit or variance and would be considered for other projects in similar circumstances. In this case, the requested accommodations will not have any significant off-site impacts, the project site already has mature landscaping and requiring strict adherence to required driveway and parking space dimensions would require significant modifications to the site that would directly and indirectly limit housing opportunities and related programs for the disabled.

In addition, if a site is already developed and a similar use replaces the previous use in the same building on the same site, the City typically does not require such improvements to be made. The new congregate care general use, as a semi-public land use classification contains elements of residential and non-residential uses similar in nature to the previously approved convent and retreat center uses that were located in the same building on the same site, so it is reasonable to apply discretion in requiring limited improvements to the existing parking and driveway areas especially because of the other limits placed on vehicular traffic to and from the site in the conditions of approval. In this case, since the previous use ceased and was replaced for a short period of time (from approximately 2007 to 2009)

with a single family residential use, the strict application of the zoning ordinance requires implementation of current parking requirements unless a variance is approved to either the specific improvement requirements themselves or to the applicable provisions of Chapters 18.65 (Legal Non-Conforming Uses) and 18.95 (Conditional Use Permits). The reasonable accommodation process recognizes that additional flexibility in administration of land use and zoning regulations is necessary at times to ensure equal housing opportunities for the disabled without requiring variance findings. Lastly, as the City was developed over a period of years, there are multiple sites throughout the City that do not comply with current requirements; thus, granting the above noted accommodations related to parking lot improvements is not a fundamental alteration to City practices.

BE IT FURTHER RESOLVED that the City Council of the City of Pleasant Hill denies the appeals by the applicant and SNAP regarding Reasonable Accommodations and, pursuant to applicable provisions of State and Federal law pertaining to consideration of reasonable, denies the following requests for Reasonable Accommodation, based upon the following findings:

Denied Reasonable Accommodations

1. Section 18.25.040.A.4 (Fencing Requirements) and
2. Section 18.55.020 (Requirements for Off-Street Parking and Loading) and
3. Section (Schedule) 18.55.030A & 18.55.030B (Off-Street and Loading Spaces, except loading space dimensions) and
4. Section 18.55.130 (Driveway Visibility) and
5. Section 18.55.140 (Parking Area Screening) and
6. Section 18.65.170 (Additional Design Standards for Parking Lots and Structures).

Reasonable Accommodation Denial Findings

1. The housing *will be* used by a disabled person(s).

This finding can be made as the facility will be used for providing non-medical treatment and recovery services (not including any on-site services requiring a medical license) in a group residential setting to clients with drug and alcohol addictions and qualify as disabled individuals under the Americans with Disabilities Act (ADA). The applicant also states that current users of unlawful substances would not be admitted to the facility, and will be required to certify annually that all clients are considered disabled pursuant to the ADA.

2. The requested accommodation *is necessary* to make specific housing available to a disabled person(s).

This finding cannot be made since the requirements the applicant is requesting accommodation from do not have any demonstrated direct or indirect impact on the provision of housing or programs for the disabled and there is no data provided by the applicant indicating that the cost of meeting these requirements would limit or preclude provision of housing for the disabled. The improvements can be completed without significantly affecting the applicant's ability to provide housing for the disabled. The improvements will not have significant impacts on the existing structure layout or site plan. The improvements are necessary to ensure safe ingress and egress from the project site, comply with City drainage requirements, and ensure that adequate parking for loading/deliveries is provided for the proposed use with appropriate screening to buffer adjacent residential properties.

3. The requested accommodation *will not* impose an undue financial or administrative burden on the City.

This finding cannot be made in its entirety. Granting the accommodation would not require the City to spend funds to make the improvements, nor would any off-site impacts occur requiring additional City services. However, the accommodation requested related to driveway visibility *would* impose an undue financial and administrative burden on the City, as this requirement has been determined to be necessary to provide safe visibility for ingress and egress to the project site. The applicant has not provided any information to justify removal of this requirement. If this accommodation is granted and future incidents occur related to visibility, this could have a financial and administrative impact to the City. Lastly, the accommodation requested to eliminate the required on-site loading space could result in deliveries occurring in Pleasant Hill Road, which may impact movements in the public right-of-way which could impact City services and traffic and bicycle safety.

4. The requested accommodation *will not* require a fundamental alteration in the nature of a city program or law, including land use and zoning.

This finding cannot be made. The regulation related to driveway visibility is normally not modified from current standards especially since there are safety issues if this requirement is not met. In addition, improvements related to fencing, drainage, and loading spaces are commonly required for other applicable discretionary land use approvals.

BE IT FURTHER RESOLVED that the City Council of the City of Pleasant Hill denies the appeals by the applicant and SNAP regarding Reasonable Accommodations and, pursuant to applicable provisions of State and Federal law pertaining to consideration of reasonable accommodations, denies the applicant's request for relief from the City's standard hold harmless and indemnification requirement, based upon the following findings:

Reasonable Accommodation Denial Findings

1. The housing *will be* used by a disabled person(s).

As previously noted above, this finding can be made.

2. The requested accommodation *is necessary* to make specific housing available to a disabled(s).

This finding cannot be made since the applicant has not established that denying this accommodation request would impact making housing available for disabled persons. The City uniformly applies this requirement to other discretionary land use actions and the requirement does not require the applicant to defend potential future litigation related to the City's action.

3. The requested accommodation *will not* impose an undue financial or administrative burden on the City.

This finding cannot be made since there is the possibility that any action by the City can be legally challenged, and if challenged, a significant financial and administrative burden could be placed on the City related to attorney fees and staff time. The City is not normally exposed to this potential liability and would not have to shoulder these burdens if not for the permit application.

4. The requested accommodation *will not* require a fundamental alteration in the nature of a city program or law, including land use and zoning.

This finding cannot be made since the indemnification requirement is currently a common requirement for discretionary land use approvals. Relieving the applicant of this obligation would be a fundamental change in policy.

BE IT FURTHER RESOLVED that the City Council of the City of Pleasant Hill denies the appeals by the applicant and SNAP regarding Reasonable Accommodations and, pursuant to applicable provisions of State and Federal law pertaining to consideration of reasonable accommodations, denies the applicant request for relief from providing a sidewalk along the property frontage in conformance with the City of Pleasant Hill Corridor Concept Study, based upon the following findings:

Reasonable Accommodation Denial Findings

1. The housing *will be* used by a disabled person(s).

This finding can be made. As mentioned previously, the facility will be used to house disabled persons.

2. The requested accommodation *is necessary* to make specific housing available to a disabled person(s).

This finding cannot be made as the applicant has not demonstrated that the accommodation is necessary to make specific housing available to the disabled. The improvements required are standard frontage improvements for development projects involving discretionary land use actions. Providing care for up to 18 persons with physical limitations and the applicant's plan to have clients walk north to the off-site visitation facility all establish a reasonable nexus for requiring frontage improvements.

3. The requested accommodation *will not* impose an undue financial or administrative burden on the City

This finding can be made as this type of improvement is often constructed by the City (if funding is available) as part of an area-wide corridor improvement or required to be constructed by a project applicant when there is the opportunity and a reasonable nexus for incorporating the improvements into a development project.

4. The requested accommodation *will not* require a fundamental alteration in the nature of a city program or law, including land use and zoning.

This finding cannot be made since it is common to require frontage improvements if necessary or planned as part of a discretionary land use entitlement approval if a reasonable nexus can be established. In addition, the City has required other sites involving discretionary land use approvals to provide appropriate frontage improvements even outside of the Pleasant Hill Corridor Concept Area (PHCCA). In this instance, the project area is within the PHCCA and a reasonable nexus can be demonstrated between the project's impacts and the need for frontage improvements since the applicant intends to have facility residents walk from the site to other locations and since future clients of the facility will be disabled, appropriate frontage improvements are needed to ensure safe, ADA compliant, pedestrian access is provided.

BE IT FURTHER RESOLVED that the City Council of the City of Pleasant Hill denies the appeals by the applicant and SNAP regarding Reasonable Accommodations and, pursuant to applicable provisions of State and Federal law pertaining to consideration of reasonable accommodations, denies the applicant request for relief from Section 18.95.020 (Use Permit Approval Authority) and the imposition of additional conditions beyond those imposed on the previous convent/retreat center use through Land Use Permit No. 337-83, based upon the following findings.

Reasonable Accommodation Denial Findings

1. The housing *will be* used by a disabled person(s).

This finding can be made. As mentioned previously, the facility will be used to house disabled persons.

2. The requested accommodation *is necessary* to make specific housing available to a disabled person(s).

This finding cannot be made as the applicant has not established that the City's review process for this application will deny equal housing opportunity for the disabled. In addition, there are no remaining vested rights to the prior use (Land Use Permit No. 337-83) and the City is exercising appropriate care and diligence in reviewing the proposed application and conducting the public hearing process in a manner that is consistent with how similar discretionary land use applications not involving the disabled would be reviewed. The City is required by law to conduct an environmental analysis of the proposal and to provide notice and opportunity for meaningful public input and involvement in the review process.

3. The requested accommodation *will not* impose an undue financial or administrative burden on the City.

This finding cannot be made since the requested accommodation *would* impose an undue administrative burden on the City as third party rights of appeal to the Planning Commission or City Council cannot be curtailed as a reasonable accommodation.

4. The requested accommodation *will not* require a fundamental alteration in the nature of a City program or law, including land use and zoning.

This finding cannot be made as the request would remove the Zoning Administrator's discretion to refer minor conditional use permits to the Planning Commission as specified in the Zoning Ordinance. Typically applications that are controversial or those that include policy determinations are referred to the Planning Commission.

ADOPTED by the City Council of the City of Pleasant Hill at a regular meeting of the Council held on the 25th day of January, 2010, by the following vote:

AYES:	Durant, Hanecak, Mitchoff
NOES:	Harris, Williamson
ABSENT:	None
RECUSED:	None


KAREN MITCHOFF, Mayor

Minor Use Permit UP 08-008 & Reasonable Accommodation
Resolution No. 06-10
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ATTEST:


MARTY C. McINTURF, City Clerk

APPROVED AS TO FORM:


DEBRA S. MARGOLIS, City Attorney

Exhibit A.1

CITY COUNCIL MINOR CONDITIONAL USE PERMIT NO. UP 08-008 & REASONABLE ACCOMMODATION REQUEST CONDITIONS OF APPROVAL

Project: St. Theresa's Retreat –18 resident person Congregate Care, General Facility
Application Number: UP 08-008
Location: 2059 Pleasant Hill Road
Review Date: January 25, 2010

The following conditions were approved by the Pleasant Hill City Council and are final. Any specific questions should be addressed to the Public Works & Community Development Department.

Planning Conditions of Approval

1. **Project Description** – Approval is based on, and shall be in accord with, information contained in the project file and presented to the City Council with plans and application stamped “Approved January 25, 2010.” This approval is for Minor Conditional Use Permit No. UP 08-008 to allow a state licensed (Department of Alcohol and Drug Programs license for an adult, non-medical, alcoholism or drug abuse recovery or treatment facility) general congregate care facility providing drug and alcohol treatment and recovery services for a maximum of eighteen (18) adult females who have voluntarily applied for admission to this facility. This project also includes approval of a Reasonable Accommodation for parking requirements as noted in condition of approval No. 4. The project approval includes allowing a maximum overnight (10:00 pm to 7:00 am) occupancy of up to eighteen (18) adult female clients and two (2) overnight facility staff only; an eight foot tall perimeter fence along the north and west sides and a six foot tall fence on the south side in compliance with applicable zoning setback standards; a solid fence or wall, up to 10 feet in height, designed to reduce noise transmission, partially covered with a trellis planted with sound deadening vegetation, partially enclosing the existing interior courtyard; an internal alarm system; exterior motion-activated lighting; landscape improvements and maintenance agreement; other site improvements including a new loading/short-term parking space, ADA parking space, provision of a facility vehicle for transporting clients off-site as needed, new sidewalk along the project's Pleasant Hill Road frontage; limitations on outdoor uses and activities between the hours of 9:00 p.m. and 7:30 a.m. daily; and use of the First Christian Church facility at 2115 Pleasant Hill Road for off-site parking and scheduled weekly visitations with related educational programming that may be allowed pursuant to the facility's State license. The approval also includes the Residential Admission agreement (identified in Attachment G of the August 18, 2009 Planning Commission Staff Report) and Good Neighbor Policy (identified in Attachment H of the August 18, 2009 Planning

Commission Staff Report) proposed by the operator/applicant (stamped and dated approved on January 25, 2010) *as amended by these conditions* and implementation of any other specific requirements included in the conditions of this conditional use permit.

In addition, this permit specifically **prohibits** the following: On-site detoxification services; on-site use or dispensing of medical marijuana; on-site services requiring a medical license; personal vehicle use or parking on or near the site by clients during their stay; smoking inside or outside the facility; any illuminated facility identification signage; and any scheduled on-site client visitations on the project site, other than occasional incidental visits with the approval of facility management if necessary for the health and well-being of a client.

2. **Project Modifications** - Any major changes to the project description or to any other project conditions or mitigation measures shall require an amendment to the use permit and shall require review and approval by the decision-body that gave final approval to the original use permit. Any minor changes shall require an application request from the operator/applicant for review and approval by the Zoning Administrator. The Zoning Administrator will determine if a change is considered major or minor.
3. **Local Resident Preference** – In the event that there are more applications for services than spaces available at the facility, the operator/applicant shall ensure that City of Pleasant Hill residents have first priority and Contra Costa County residents (outside of the City of Pleasant Hill) have second priority before any other applications from residents of other areas are considered for acceptance into the facility.
4. **Reasonable Accommodation** - Reasonable accommodations are granted only for the following specific code requirements:
 - Section (Schedule) 18.55.030.B (Loading Space Dimensions)
 - Section 18.55.080 (Parking Space Dimensions)
 - Section 18.55.090 (Parking Dimensional Requirements)
 - Section 18.55.100 (Aisle and Parking Space Dimensions and Circulation)
 - Section 18.55.120 (Driveway Widths and Clearance)
 - Section 18.55.140.B (Lighting and Landscaping)
 - Section 18.55.170 (Location and Design of Off-Street Loading Spaces)

This reasonable accommodation is only granted during the time period that the alcohol and drug recovery and rehabilitation facility is in operation. The reasonable accommodations become void if the use changes or if the nature of the clients' disabilities changes. A deed restriction specifying these requirements shall be recorded on the property prior to commencement of facility operations.

5. **Phasing** – The operator/applicant shall adhere to the phasing of facility occupancy as specified below:

- a. Up to 12 Clients – Once the facility reaches an occupancy level of twelve (12) clients, the applicant/operator shall immediately provide written notification to the Zoning Administrator that the twelve (12) client threshold has been reached. The maximum facility occupancy shall not exceed twelve (12) clients for a period of six (6) months from the time the Zoning Administrator receives written notification from the applicant/operator that the twelve (12) client threshold has been reached. At the conclusion of this six (6) month period, the Planning Commission shall conduct a noticed public hearing for the purpose of determining whether the facility has been operating in substantial conformance with all applicable conditions of approval and any other applicable legal requirements, and to determine if the facility shall be allowed to increase occupancy to fifteen (15) clients. If the Planning Commission determines the facility has not been operating in substantial compliance with all applicable conditions of approval and any other applicable legal requirements, the facility shall be required to maintain occupancy at not more than twelve (12) clients, until such time that the operator/applicant has demonstrated to the satisfaction of the Planning Commission that the facility is operating in substantial conformance with all applicable conditions of approval and any other applicable legal requirements.
- b. Up to 15 Clients – Once the facility reaches an occupancy of fifteen (15) clients, the applicant/operator shall immediately provide written notification to the Zoning Administrator that the fifteen (15) client threshold has been reached. The maximum facility occupancy shall not exceed fifteen (15) clients for a period of six (6) months from the time the Zoning Administrator receives written notification from the applicant/operator that the fifteen (15) client threshold has been reached. At the conclusion of this six (6) month period, if the Zoning Administrator determines that the facility has been operating in substantial conformance with all applicable conditions of approval and any other applicable legal requirements, the facility shall be allowed to increase occupancy to eighteen (18) clients. If the Zoning Administrator determines the facility has not been operating in substantial compliance with all applicable conditions of approval and any other applicable legal requirements, the facility shall be required to maintain occupancy at not more than fifteen (15) clients, until such time that the operator/applicant has demonstrated to the satisfaction of the Zoning Administrator that the facility is operating in substantial conformance with all applicable conditions of approval and any other applicable legal requirements.
- c. Up to 18 Clients – The facility's client occupancy capacity may not exceed twenty (18) clients without an amendment to the Use Permit.
- d. Occupancy Freeze - If, **at any time**, the Zoning Administrator determines that the facility is not operating in substantial conformance with the conditions of approval of this permit and/or any other applicable legal requirements, the Zoning Administrator may restrict admission of any new clients until an acceptable action plan or other alternative solution is submitted by the applicant/ operator for

resolving any outstanding concerns and the Zoning Administrator is satisfied that the concerns have been addressed.

6. **Overnight Staffing Levels** – Upon commencement of operations at the facility, overnight staffing shall consist of two qualified staff persons between the hours of 10:00 p.m. and 7:00 a.m. daily. The overnight staff shall be responsible for facility monitoring, security, enforcement of facility rules, client assistance and shall be available as a facility liaison with the City Police Department during overnight operations.
7. **Client Screening** – Prior to commencement of operations at the facility, the following shall be included (and submitted to the Zoning Administrator for review and approval) in the operator/applicant's client screening procedures:
 - a. Drug testing shall be conducted in compliance and in accordance with accepted industry standards for testing. Drug testing for all proposed clients of the facility shall be completed by a qualified independent third party and test results verified by the operator/applicant prior to admission. If the results are positive for any unlawful substance or alcohol, admission shall be denied. Any reconsideration for admission shall not occur until at least seven (7) days after the prior drug test was administered and shall include a letter from a qualified health care professional attesting that medical detoxification is not required. Those with urine drug tests positive only for drugs known to require a prolonged time for elimination after use shall be evaluated clinically by facility staff for signs of current usage. These clients, if admitted, shall be tested regularly by a qualified independent third party, as specified by facility staff, to accurately document the timeframe for clearance of such drugs from the client's urine.
 - b. The operator/applicant shall not admit any client that:
 - i. Has a conviction for a misdemeanor or felony involving a crime of violence or any sexual offense;
 - ii. Is on parole or probation as a result of conviction of a misdemeanor or felony involving a crime of violence or any sexual offense;
 - iii. Is required involuntarily by Court order to attend a drug and alcohol treatment and/or recovery facility and will be paid for by Federal, State or County funding;
 - iv. Has within the previous year, been known to the operator/applicant to have had two or more instances of aggressive and violent behavior or within the past six (6) months been known to the operator/applicant to have had at least one instance of aggressive and violent behavior;
 - v. Has a history of violence, physical assault or abusive behavior at a previous outpatient or residential treatment program or facility;
 - vi. Has not successfully completed a state licensed detoxification (or equivalent) program prior to admission (unless a written waiver is provided by a medical doctor);If any of these criteria are found to apply to a client after being accepted into the facility the client shall be immediately expelled from the facility.

8. **Third Party Client Screening** – Prior to commencement of operations at the facility, the operator/applicant of the facility shall contract with an independent firm specializing in performing background investigations to screen potential clients for conformance with all applicable facility restrictions and client screening criteria. The operator/applicant shall be required to maintain adequate records at all times to document to the satisfaction of the Zoning Administrator that client screening is occurring as required by this permit. The qualifications and experience of the third party firm shall be subject to review and approval by the Chief of Police and City Attorney prior to commencement of operations.
9. **Verification of Disability** - All clients of the facility shall be classified as disabled as that term is defined in federal and state fair housing laws. The operator/applicant shall execute and provide an affidavit annually (due by January 31 of every year) to the Zoning Administrator confirming that all clients receiving services from this facility are disabled.
10. **Residential Admission Agreement and Good Neighbor Policy (Operational Plan)** – Prior to commencement of operations at the facility, the operator/applicant shall amend the residential admission agreement and good neighbor policy to state the following:
 - a. On-going, random illegal/unlawful substance testing shall be done by a qualified independent third party a minimum of once a month and the results submitted to facility staff. Any client who tests positive for an unlawful substance shall be immediately expelled. Refusal by any client to submit to substance testing shall result in immediate expulsion. Adequate records shall be maintained by the operator/applicant to confirm compliance with this condition to the satisfaction of the Zoning Administrator;
 - b. Any client in possession of weapons, drugs or alcohol substances shall be immediately expelled;
 - c. Any client who commits a physical or sexual abuse or assault against any other person shall be immediately expelled;
 - d. Any client who leaves the facility without approval shall be immediately expelled;
 - e. Any client who receives unauthorized visitations at the site shall be immediately expelled, incidental visits for justified purposes shall be allowed on an occasional basis;
 - f. Any client who violates any component of the Residential Admission Agreement and Good Neighbor Policy (other than the items noted above which require immediate expulsion for any violation) more than three (3) times within any twelve (12) month period shall be immediately expelled;
 - g. Operator shall ensure that any client or resident removed from operator/applicant's program or facility has the resources necessary to return home.
 - h. The Operator/Applicant shall not tolerate lewd speech, lewd behavior, abusive speech or behavior or profanity at the subject property, nor shall the operator/applicant tolerate such actions by staff or clients at levels audible to neighboring residents on adjacent properties. The operator/applicant shall strictly enforce house rules and the good neighbor

policies relating to prohibiting such behavior through appropriate disciplinary action as specified in the house rules.

- i. Noise regulations consistent with Condition of Approval Nos. 20& 21 shall be included in the Good Neighbor Policy (Operational Plan).

The operator/applicant shall revise the Residential Admission Agreement and Good Neighbor Policy to incorporate the changes noted. The revised documents shall be submitted to the Zoning Administrator for review and approval prior to commencement of operations at the facility.

Any subsequent changes to these documents must be submitted to the Zoning Administrator in advance for review and approval to ensure that the changes are consistent with the requirements of this permit. If the Zoning Administrator determines that a proposed change(s) may be inconsistent with the requirements of this permit, the Zoning Administrator shall refer the proposed change(s) to the Planning Commission for consideration at a noticed public hearing. Minor modifications deemed acceptable to the Zoning Administrator shall not require an amendment to the conditional use permit.

11. **Posting of Rules** - Prior to commencement of operations, the operator/applicant shall post on-site in several conspicuous locations and enforce at all times the Good Neighbor Policy adopted by the facility and approved with this permit.
12. **Violation Log** - A log of all violations of the Residential Admission Agreement and Good Neighbor Policy shall be kept and maintained by the operator/applicant and be made available for review by City staff at any time. Components of the log shall include date and time of violation, violation description, name of violator, and resolution.
13. **Visitor Log** - A log of all visitors (onsite and off-site) shall be kept and maintained by the facility and be made available for review by City staff at any time. Components of the log shall include name, date and time of visitation, and purpose of visit.
14. **Neighborhood Liaison** - Prior to commencement of operations, the operator/applicant shall designate an on-site staff Neighborhood Liaison who will be available to respond to any community concerns regarding issues related to the facility that may arise. The contact information for the Neighborhood Liaison shall be prominently displayed at the facility, on its website, and in any written materials, newsletters or similar informational pamphlets provided to the community and submitted to the Zoning Administrator. The Neighborhood Liaison shall respond to any complaints or inquiries received within 24 hours of receipt. A log of all complaints and inquiries received and the method and timeframe for resolution shall be maintained by the Neighborhood Liaison for review by the City upon request.
15. **Bed Checks** - Overnight bed checks (minimum once a night) shall be completed by the operator/applicant to ensure that clients are in their rooms at the facility. A log of all bed checks shall be maintained on-site by the operator/applicant and shall be available for review by the City at all times. Operator/applicant shall not assign more than two (2) clients in one bedroom.

16. **Communication Devices** – The operator/applicant shall not allow communication devices, including but not limited to phones, pagers, computers with internet, wireless or other communication capabilities, and walkie-talkies, in individual rooms. Communication devices are permitted for use under supervision in a community/central location within the facility.
17. **Non-Resident Facility Use** – Persons who are not clients residing at the facility may not receive treatment or recovery services, counseling, training, attend unauthorized meetings, or engage in any similar activities at the facility. Neither the building nor any portion of the exterior grounds shall be used by anyone other than an employee of the facility, a client residing at the facility, or a volunteer authorized by the operator, for any purpose unless part of a special event approved by the Zoning Administrator through a Temporary Use Permit (repair, maintenance and/or deliveries excepted).
18. **Garbage Area** – The operator/applicant shall store garbage bins/carts in an area to be reviewed and approved by the Zoning Administrator prior to commencement of operations. The area shall be screened from view from the street and from adjacent residences to the extent practicable as determined by the Zoning Administrator. Garbage bins/carts shall be promptly returned to their designated storage area after pick-up. The garbage storage area shall be cleaned and deodorized as-needed to ensure that odors from the area do not affect adjacent residences.
19. **Medical Waste** - Any and all medical waste generated through the operation of the facility shall be disposed of by the operator/applicant in accordance with the City of Pleasant Hill's Municipal Code and all other applicable laws and best industry standards and practices.
20. **Noise** - To minimize noise impacts to adjacent properties and the neighborhood and to be in compliance with the Pleasant Hill Municipal Code, the project shall incorporate improvements and additional good-neighbor policies that include the following:
 - a. All outdoor uses and activities shall be limited to daytime hours (7:30 a.m. to 9:00 p.m.) unless expressly authorized by the Zoning Administrator. In no event shall outdoor uses and activities occur after 9:00 p.m. unless approved by the Zoning Administrator as part of a special event through a temporary use permit.
 - i. Radios, television sets, stereos, and other similar sound amplification devices shall not be operated within the residence in such a manner as to disturb the peace, quiet, or comfort of the neighboring inhabitants or to do so with a louder volume than is necessary for convenient hearing for persons in the room, vehicle, or chamber in which the device is operated. In addition, the operation of any such device between the hours of 9:00 p.m. and 7:30 a.m. in such a manner as to be plainly audible at any adjoining common property boundary shall not be allowed.
 - ii. Loud talk by staff or clients that is plainly audible at any adjoining common property boundary shall be prohibited between the hours of 9:00 p.m. and 7:30 a.m.
 - iii. Amplified sound outdoors shall be prohibited.

- b. Deliveries to the facility shall occur between the hours of 9:00 a.m. and 6:00 p.m., Monday through Friday.
- c. Prior to commencement of operation of the facility, a solid 10-foot tall noise barrier fence/wall shall be constructed on the northern and western edges of the outdoor patio area in the general location of, and to replace, the current white, wood-paneled fence in the rear yard to create a separate partially enclosed area adjacent to the main residence. The new noise barrier shall be constructed solidly over the entire surface and at the base of the barrier with no openings or gaps. Suitable materials for barrier construction shall have a minimum surface weight of 3 lbs./ft.² (such as one-inch thick wood, masonry block, concrete, or metal). In addition, a roof/trellis that will partially cover the patio/courtyard area of the property shall also be installed and covered with vines and/or a noise dampening/blocking material, and/or shall include a water feature such as a fountain or waterfall to assist in masking sound from the site, acceptable to the Zoning Administrator. The specific design of this enclosure and trellis and water feature shall be submitted to the Zoning Administrator for review and approval prior to construction. Noise generating outdoor group activities (consisting of 3 or more persons) shall be limited to this partially enclosed outdoor area only, except during special events approved by the Zoning Administrator with a Temporary Use Permit. The solid noise barrier fence/wall shall be completed on the open southern portion of the outdoor patio area prior to residency of the 13th client at the facility.

Specific and clear guidelines regarding these limitations shall be provided and noted in the facility Residential Admission Agreement and Good Neighbor Policy and posted at the facility (indoors and outdoors) by the operator/applicant to ensure the rules are clearly understood prior to commencement of operation of the facility.

- 21. **Noise Ordinance** - The operator/applicant shall ensure that the facility strictly adheres to the City's Noise Ordinance (PHMC Chapter 9.15).
- 22. **New Mechanical Equipment** - The central air conditioning unit for the residence shall be properly maintained and operational at all times. If new heating and/or air conditioning units are proposed to be installed on the property, a noise analysis shall be provided by the operator/applicant for review and approval by the Zoning Administrator to ensure that the noise produced by the equipment is in compliance with PHMC requirements. If found not to be in compliance, additional measures shall be incorporated to ensure compliance to the satisfaction of the Zoning Administrator.
- 23. **Supplemental Police Services** - At the discretion of the Chief of Police, the operator/applicant shall completely fund one extra police officer to provide a police presence, to the satisfaction of the Chief of Police, within the neighborhood surrounding the site, for a period of 90 days, after at least five (external) verified complaints concerning unlawful activities at the facility have been received over a 30 day period by the Police Department. At the end of the 90 day period a report shall be provided to the Planning Commission by the Chief of Police to determine if an extended police presence is necessary (based in part on the number of incidents and valid requests for service received). The Planning Commission

may, at the recommendation of the Chief of Police, conduct a noticed public hearing to modify the conditional use permit to require the operator/applicant to fund any additional police staff necessary to offset any effects on police services/response time resulting from the number of requests for service relating to the facility.

24. **Supplemental Compliance Monitoring** – The operator/applicant shall fund a third party compliance monitor administered by the City once occupancy for the facility exceeds six (6) clients. Once begun, the supplemental compliance monitoring shall continue for two (2) years from acceptance of the seventh (7th) client to the facility. A report documenting the results of the monitoring shall be reviewed by the Zoning Administrator to determine whether additional monitoring shall continue. The monitoring shall include, but not be limited to, additional compliance checks to assist in reviewing compliance with State licensing requirements, review for compliance with City conditions of approval, preparation of monthly reports to the Zoning Administrator, and assistance to respond to neighborhood complaints and facility issues. The specific scope of work for the compliance monitor shall be determined by the Zoning Administrator, in consultation with the operator/applicant, prior to occupancy of the 7th client of the facility. If the operator/applicant disputes the Zoning Administrator's determination, the matter shall be referred to the Planning Commission for review and decision at a noticed public hearing.
25. **Planning Commission Reporting** – Once the 7th client occupies the facility, the Zoning Administrator shall report to the Planning Commission at a noticed public hearing regarding compliance with all conditions of approval at six (6) month intervals for a period of 36 months.
26. **Motion Lighting & Alarm System** – Prior to commencement of operations, all entrances and gates shall be secured and monitored by the operator/applicant so that visitors may be properly identified and authorized by facility staff prior to entry. Motion-activated lighting shall be installed at all entrances to the building and an alarm system shall be installed that will allow the on-site staff to monitor all doors.
27. **Privacy** – Prior to commencement of facility operations, the operator/applicant shall apply curtains or blinds to all bedroom windows within the facility to protect privacy of the clients.
28. **Smoking** - The operator/applicant has designated the facility as a non-smoking facility, thus, smoking on-site (indoors or outdoors) shall be prohibited.
29. **On-Site Visitation** - The operator/applicant shall not allow on-site visits by family, friends, etc., of clients residing at the facility due to a lack of available on-site parking. Incidental visits and visits pre-approved by facility management shall be allowed, but shall be limited in duration and scope and shall be conducted in a manner that does not result in parking overflow beyond the boundaries of the facility, its street frontage, and the off-site parking facility at 2115 Pleasant Hill Road.
30. **Off-Site Visitation** - Off-Site visitation at 2115 Pleasant Hill Road shall be staggered and limited to weekends (Saturday and Sunday) between the hours of 9:00 am and 4:00 pm on Saturdays and 1:00 pm to 4:00pm on Sundays with not more than two (2) visitor vehicles per client at any time during scheduled off-site visitations. Any planned activities or

programs offered for clients and their visitors shall be in compliance with the terms of the State license issued for the facility and not in conflict with any existing activities occurring at the church. All activities or programs at the off-site visitation facility shall be conducted indoors. A minimum of one staff person shall remain on-site at the St. Theresa's facility during any off-site visitation periods. All activities at the off-site visitation facility shall comply with the STR Good Neighbor Agreement and shall also be subject to condition Nos. 32 (Nuisance) and 33 (Complaint Resolution). Any change to the location for off-site visits shall require an amendment to the conditional use permit.

31. **Special Events** - Special events involving persons who are not clients, staff, or volunteers at the facility, outdoors or indoors, shall only occur if reviewed and approved through a Temporary Use Permit in advance of the special event by the Zoning Administrator and shall be limited to no more than six (6) such events per year as specified in Section 18.20.020 and Chapter 18.100 of the PHMC. The operator/applicant shall provide advance notice (a minimum of 30 days) to the City regarding the planned date, time, location and scope of any such event and shall provide at least ten (10) days advance written notice of such events to all directly adjoining property owners. Special events may be limited to days, hours, duration, scope and type of activity specified by the Zoning Administrator to minimize the potential for adverse effects on neighboring properties and residents. Special events involving any type of amplified sound shall not be approved. Any action by the Zoning Administrator to approve, deny or condition a special event at the facility may be appealed to the Planning Commission by the operator/applicant or any other interested party as specified by the PHMC.
32. **Nuisances** - The operator/applicant shall ensure the subject property is not unsafe, unsightly or poorly maintained at all times. If operator/applicant receives a nuisance violation notice from the City in regard to any of these issues, operator/applicant shall correct the violation as required by the City or contact the Zoning Administrator directly to reach agreement on an acceptable action plan to correct any violations.
33. **Resolution of Complaints** - If complaints involving the facility and its on-site and off-site operations are received by the City, they will be forwarded to the operator/applicant for resolution within a timeframe specified by the Zoning Administrator. The operator/applicant's designated Neighborhood Liaison shall notify the Zoning Administrator in writing concerning how and when any complaint is resolved. If a complaint is not resolved to the satisfaction of the Zoning Administrator, the Zoning Administrator may require the operator/applicant to submit the matter to third party mediation or another similar alternative dispute resolution process. If a satisfactory resolution is not achieved through mediation or other alternative dispute resolution process, and the complaint involves a matter within the jurisdiction of the City, the operator/applicant shall be notified to appear before the Zoning Administrator (or designee) to provide evidence and testimony to allow the Zoning Administrator to determine if sufficient cause exists to initiate enforcement action and/or permit revocation proceedings pursuant to Section's 18.95.060 and 18.135.040 of the Pleasant Hill Municipal Code. The Zoning Administrator shall maintain a record of all

complaints received by the City regarding the facility and a brief description of how they have been resolved.

34. **Stakeholder Committee** - Upon commencement of operations, the operator/applicant shall participate in a stakeholder committee established by the City to provide recommendations for addressing any complaints and concerns pertaining to this facility. Neighbors and other parties affected by the facility operations will be invited to participate in this committee as determined by the Zoning Administrator. This committee shall remain active until twenty-four (24) months after the facility reaches a maximum occupancy of 18 clients at which time the term of the committee will terminate unless extended by the Zoning Administrator.
35. **Mitigation Measures** - The property owner shall comply, within the specified timeframes, with all mitigation measures contained in the Mitigated Negative Declaration and accompanying Mitigation Monitoring Program, as adopted by the Planning Commission on October 13, 2009 and as noted below:
 - a. Mitigation Measure 1: To prevent off-site parking impacts to the neighborhood, staffing levels (including volunteers and outside assistance personnel) shall not exceed the number of parking spaces available for the project (which includes all required parking for the facility at 2059 Pleasant Hill Road and the additional parking designated at the off-site visitation location at 2115 Pleasant Hill Road) taking into consideration use of alternative transportation modes, carpools, etc. A schedule of staffing levels (include volunteers and outside personnel) shall be provided to the City on an annual basis or as personnel levels change.
 - b. Mitigation Measure 2: To prevent off-site parking impacts, scheduled on-site visits to residents shall not be allowed at the facility, due to inadequate parking supply on-site to accommodate visitors for up to 18 on-site residents.
 - c. Mitigation Measure 3: To prevent off-site parking and circulation impacts, the project shall provide one dedicated, paved loading space with dimensions of 10' x 20' x 10' to discourage off-site parking of delivery vehicles and to minimize delivery vehicles movements on the property. This loading space may be used for short term non-employee parking (not to exceed thirty minutes) by visitors to the site.
 - d. Mitigation Measure 4: To prevent off-site parking impacts to the neighborhood, persons who are not clients residing at the facility are not permitted to receive treatment or recovery services, counseling, training, attend unauthorized meetings, or engage in any similar activities at the facility, as there is not adequate parking supply to accommodate visitors of any significant number in addition to on-site staff and personnel.
 - e. Mitigation Measure 5: To prevent parking issues at the off-site facility, the applicant shall be required to provide the City with a schedule indicating that visitations shall not occur simultaneously with Church events such that on-site parking would become insufficient for both uses. In addition, the applicant shall be required to provide the City with a written agreement with the Church consenting to the proposed schedule. Any changes to the schedule or written agreement would require review and approval by the Zoning Administrator.

36. **Lighting** - Any new exterior lighting installed at the facility shall require review and approval by the Zoning Administrator prior to installation. A photometric analysis (lighting plan) may be required, at the discretion of the Zoning Administrator, to ensure that light spillover from the project site does not exceed 0.5 foot candles at any property line.
37. **Fencing/Gate** - Prior to commencement of operations, the following shall occur:
- a. A solid (wood or concrete) 8 foot tall fence shall be installed along the north and west property lines except within front yard setback areas. The eight foot height can be accomplished by adding to the existing northern fence if done in a structurally sound manner.
 - b. A driveway gate (which shall be locked and have an intercom system) shall be installed outside of the front yard setback in compliance with Condition of Approval No. 26.
 - c. Plans for the fences and gates shall be submitted for review and approval by the Zoning Administrator and Building Official and a building permit shall be obtained, if required by the Building Official, prior to construction. All fences and gates shall be functional and in good repair at all times.
38. **Landscape Plan** - Prior to commencement of operations, a revised landscape plan shall be submitted for review and approval by the Zoning Administrator (and required landscaping installed) that includes additional landscaping (mix of shrubs and trees) along the west and southern property edges, and along the northern boundary where possible to provide additional screening for surrounding properties. In addition, the landscape plan shall include screening for the loading space required in Condition No. 35c. to the satisfaction of the Zoning Administrator, in consultation with the City Engineer, in a manner that will not cause any obstructions to required vehicle sight distance or cause any other vision safety issues.
39. **Landscape Maintenance Agreement** - Prior to commencement of operations at the facility, the operator/applicant shall record a landscape maintenance agreement at the Contra Costa County Recorder's office, subject to prior review and approval by the Zoning Administrator and City Attorney. The agreement shall include a clause that requires a letter to be submitted by a landscape professional on an annual basis confirming that the site remains in compliance with the approved landscape plans and is being maintained properly.
40. **Additional Staff/Volunteer Parking** - Prior to commencement of operations at the facility, the operator/applicant shall have adequate staff to appropriately and responsibly manage the facility and shall enter into a shared parking agreement (see condition no. 41) with First Christian Church (2115 Pleasant Hill Road) for up to five (5) additional off-site parking spaces to accommodate any potential additional parking needs if staffing is expanded. Staff and volunteers shall be required to park in designated parking spaces.
41. **Shared Parking** - Prior to commencement of operations at the facility, the property owner of 2115 Pleasant Hill Road and the property owner of 2059 Pleasant Hill Road shall record a Shared Parking Facility Agreement to provide for 5 additional parking spaces during daytime hours and in addition, provide for an appropriate number of parking spaces on weekends (9:00 am to 4:00 pm on Saturdays and 1:00 pm to 4:00 pm on Sundays) to accommodate the

staggering of visitation periods (Saturday and Sunday) at a minimum of 2 parking spaces per client visited at the church parking lot . The agreement shall be in accordance with Section 18.55.040 of the Zoning Ordinance, shall be for a minimum term of 10 years, and shall be recorded at the Contra Costa County Recorder's office. The agreement shall be prepared by the Zoning Administrator and shall be approved by the City Attorney prior to recordation. A copy of the recorded document shall be submitted to the Public Works & Community Development Department prior to commencement of operations.

If at any time, the shared parking is no longer available on Saturdays or Sundays, off-site visitations shall cease at that location, and an alternative solution and/or location shall be reviewed and approved by the Planning Commission as an amendment to this permit.

42. Parking Lot Improvements - Unless specifically not required as part of an approved reasonable accommodation, the project shall comply with the following sections within Chapter 18.55 PHMC (Off-Street Parking and Loading Regulations).

- a. Section 18.55.020 (Requirements for Off-Street Parking and Loading)
- b. Section (Schedule) 18.55.030A & 18.55.030B (Off-Street and Loading Spaces, Number of Spaces)
- c. Section 18.55.130 (Driveway Visibility)
- d. Section 18.55.140.A (Parking Area Screening – except on the southern property line)
- e. Section 18.55.160 (Additional Design Standards for Parking Lots and Structures)

Prior to commencement of operations, the operator/applicant shall submit plans for review and approval of the Zoning Administrator demonstrating compliance with Chapter 18.55. Installation of said improvements shall be completed prior to commencement of operations at the facility.

- 43. Pets/Animals** – The operator/applicant shall comply with PHMC Section 18.20.120 requirements pertaining to pets/animals which limit domestic and small animals to no more than 3 mature dogs and no more than 5 mature cats, hens, and/or rabbits. Farm animals are not permitted.
- 44. Grading** – The operator/applicant shall ensure that any future grading or construction (building, site of accessory structures) shall be reviewed by the City Engineer prior to work occurring on-site.
- 45. Signage** – The operator/applicant shall ensure that all signage shall comply with all applicable provisions of Chapter 18.60 of the PHMC. Illuminated signs are prohibited. If any new signage is proposed, an application shall be submitted to the City for review and approval prior to installation.
- 46. Subdivision Prohibition** - As long as the use permit is valid, no subdivision (land subdivision or condominium request) of land shall be allowed for the property.
- 47. Indemnification** - The operator/applicant shall defend, (with counsel acceptable to the City) indemnify and hold harmless the City of Pleasant Hill and its agents, officers, and employees

from any claim, action, or proceeding against the City and its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Public Works and Community Development Director, Zoning Administrator, or any other department, committee, or agency of the City concerning this permit.

48. **State Alcohol and Drug Programs License** - Prior to commencement of operations at the facility, the operator/applicant shall provide proof of license issuance by the State of California Department of Alcohol and Drug Programs shall be provided to the Zoning Administrator by the operator/applicant. The operator/applicant shall comply with all State Department of Alcohol and Drug Program licensing requirements at all times. Any violation of State license conditions or requirements shall also be considered a violation of this conditional use permit. Operator/applicant shall maintain State licensing throughout the duration of this conditional use permit.
49. **Outside Agencies** - The operator/applicant shall comply with the requirements of all other agencies having jurisdiction over this project. This shall include, but not be limited to the Contra Costa County Fire Protection District, PG&E, Central Contra Costa County Sanitation District, and Contra Costa Water District. Proof of approval from other agencies with jurisdiction over the project shall be provided to the Zoning Administrator prior to commencement of operations at the facility.
50. **Fire Safety** - Prior to commencement and during operations, the operator/applicant shall ensure that the facility complies with all Fire Department requirements. Fire exits shall be marked in accordance with the California Building Standards Code. Smoke detectors and fire extinguishers shall be kept in operable condition. Exit passages shall be kept clear at all times.
51. **Federal, State and Local laws** - Operator/applicant shall comply with all federal, state, and local laws. The issuance of this use permit shall not constitute a waiver of the requirements of any federal, state or local law, including the requirements of the California Building Standards Code.
52. **Revocation** - Failure to comply with any of the conditions of this permit and/or operating the facility in a manner that creates a public nuisance may result in modification or revocation of this permit by the Planning Commission pursuant to Section 18.95.060 and 18.135.040 of the Pleasant Hill Municipal Code. If the City determines that actions must be taken to fully or partially abate any public nuisance arising from operation of the facility, the property owner shall be required to reimburse the City for the full cost of conducting the abatement, including, but not limited to, all administrative costs.
53. **Compliance with Conditions of Approval** - Any changes in operational characteristics, including but not limited to the following, may, at the Zoning Administrator's sole discretion, require an amendment to this permit or constitute grounds for initiating revocation proceedings:
 - a. Modification, expiration without renewal, or loss of State license;
 - b. Increase in number, change in allowable age or change in gender of allowable clients.

- c. Increase or decrease in on-site staffing if adverse impacts to parking occur or if such changes in staffing result in violations of conditions of approval.
- d. Increase in physical capacity of facility including number of beds, number of bedrooms, floor area of facility, etc.
- e. Significant change in the Operations Plan, Residential Admission Agreement, Screening Procedures or Good Neighbor Policy.
- f. Alteration and/or loss of approved on-site or off-site parking.
- g. Any other material change in the operational characteristics that is not in substantial conformance with the Operation Plan, Residential Admission Agreement, Screening Requirements, or Good Neighbor Policy.

54. Notice: Notice shall be provided as follows:

- a. Written notice including updated contact information and verification of compliance with all applicable State licensing requirements shall be provided by the operator/applicant to the Zoning Administrator at least thirty (30) days prior to any change in facility management, facility ownership, or land ownership.
- b. Written notice of any Zoning Administrator actions, decisions and/or interpretations, concerning the implementation and administration of the conditions of this permit, shall be provided by the City to any interested party who has submitted a request for such notice. The notice shall specify any applicable appeal rights and timeframes for filing an appeal. Any appeals of the Zoning Administrator's actions shall be considered by the Planning Commission at a noticed public hearing pursuant to the provisions of Chapter 18.130 (Appeals and Calls for Review).

55. Property Survey: Prior to commencement of operations, should the Zoning Administrator receive documentation prepared by a licensed surveyor showing that the boundary lines of the project site are located such that the project cannot be implemented in substantial conformity with the approved minor conditional use permit, operations shall not commence until this matter is remedied to the satisfaction of the Zoning Administrator.

56. Fence on Southern Property Line: Prior to commencement of operations, the applicant shall, if requested by any adjacent property owner(s) abutting the southern boundary of the project site, construct an open style (ornamental iron, chain link or similar), six foot high fence along the property line shared by the applicant and the neighboring property owner(s) to the south. In addition, the applicant shall ensure that any access from Pleasant Hill Road onto the adjoining property to the south of the project site shall be blocked by a solid wood fence, six feet in height, set back twenty feet from the front property line, in the space between the new fence along the southern property line of the project site and the existing fence on the adjoining property south of the project site, should the existing fence on the property to the south remain after the new fence is constructed.

Engineering Conditions of Approval

57. The operator/applicant shall comply with the following Public Works' Special Conditions of Approval:

- a. Prior to commencement of operations, the operator/applicant shall pay all applicable City fees as established by City Council resolution and City ordinances.
- b. Prior to commencement of operations, the operator/applicant shall install wheel stops on all parking spaces which abut a fence, curb, wall or walkway.
- c. Prior to commencement of operations, the operator/applicant shall install ADA compliant pavement markings and signage appropriate for a van accessible stall at location no. 5 on plans submitted by the applicant stamped approved on October 13, 2009. The stall shall be relocated or reconfigured so the ADA landing area is on the passenger side of the stall.
- d. Prior to commencement of operations, the operator/applicant shall install ADA compliant markings and signage to delineate paths of travel from the parking area, and from the public right-of-way, to the main building.
- e. Prior to commencement of operations, the operator/applicant shall modify and reconstruct the existing driveway entrance to be ADA compliant and per City standard (20-foot minimum width).
- f. Prior to commencement of operations, the operator/applicant shall install a concrete sidewalk along the entire length of property frontage per City standards.
- g. Prior to work within any public right-of-way, the operator/applicant shall obtain an encroachment permit from the Engineering Division for all work in the public right-of-way.
- h. Prior to commencement of operations, the operator/applicant shall install red-stripping or no parking signs along the entire property frontage along Pleasant Hill Road, subject to the approval of the City Engineer.
- i. Prior to commencement of operations, the operator/applicant shall relocate all private improvements, including the existing handrails and steps, from the public right-of-way to private property.
- j. Prior to commencement of operations, the operator/applicant shall flush out all on-site drainage facilities, including, but not limited to, the storm drain located along the driveway, to the satisfaction of the City Engineer.

- k. Prior to approval of any building demolition or issuance of any encroachment permit, the operator/applicant shall submit a Waste Management Plan (WMP) for approval by the Chief Building Official. The WMP shall acknowledge that 50% of all construction and demolition debris shall be diverted, and shall include the applicable performance security.
- l. Prior to commencement of operations, the operator/applicant shall perform any grading and/or drainage improvements determined necessary by the City Engineer to satisfy the provisions of Section 18.55.160.D of the Zoning Ordinance.

Exhibit I

Police Call Premise Information for 900 Laurel Ave., San Mateo, California.

The Call types are defined as follows:

Asst - Citizen Assist

1184 - Traffic Accident/No Details

W/C - Welfare Check

415 - Disturbance

O/A - Outside Agency assist (typically for fire/paramedic response)

1154 - Suspicious Vehicle.

The following page contains the previous nine police response calls for a women's substance abuse rehabilitation facility, 900 Laurel Ave., San Mateo, California.

Premise History for 900 LAUREL AV in SMC

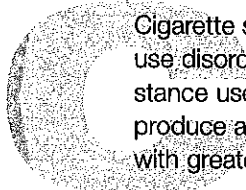
Call No.	Date	Time	Location	Call Type	Pty
<u>13051785</u>	08/19/13	17:34	900 LAUREL AV	ASST	3
<u>13049522</u>	08/10/13	00:49	900 LAUREL AV	1183	2
<u>13016009</u>	03/15/13	12:44	900 LAUREL AV	W/C	2
<u>13015493</u>	03/12/13	17:29	900 LAUREL AV	W/C	2
<u>13002558</u>	01/12/13	22:54	900 LAUREL AV	415	2
<u>12058011</u>	09/29/12	03:03	900 LAUREL AV	415	3
<u>12052633</u>	09/04/12	22:13	900 LAUREL AV	O/A	3
<u>12034862</u>	06/15/12	18:33	900 LAUREL AV	W/C	2
<u>12006511</u>	01/31/12	15:25	900 LAUREL AV	1154	2

as of: 12/02/2013 14:39

Exhibit J

SMOKING CESSATION TREATMENT AT SUBSTANCE ABUSE REHABILITATION PROGRAMS

Malcolm S. Reid, PhD, New York University School of Medicine, Department of Psychiatry; Jeff Selzer, MD, North Shore Long Island Jewish Healthcare System; John Rotrosen, MD, New York University School of Medicine, Department of Psychiatry



Cigarette smoking is common among persons with drug and alcohol use disorders, with prevalence rates of 80-90% among patients in substance use disorder treatment programs. Such concurrent smoking may produce adverse behavioral and medical problems, and is associated with greater levels of substance use disorder.

■ **Nicotine is a highly addictive substance that meets all of the criteria for drug dependence.**

Behavioral studies indicate that the act of cigarette smoking serves as a cue for drug and alcohol craving, and the active ingredient of cigarettes, nicotine, serves as a primer for drug and alcohol abuse (Sees and Clarke, 1993; Reid et al., 1998). More critically, longitudinal studies have found tobacco use to be the number one cause of preventable death in the United States, and also the single highest contributor to mortality in patients treated for alcoholism (Hurt et al., 1996).

Nicotine is a highly addictive substance that meets all of the criteria for drug dependence, and cigarette smoking is an especially effective method for the delivery of nicotine, producing peak brain levels within 15-20 seconds. This rapid drug delivery is one of a number of common properties that cigarette smoking shares with hazardous drug and alcohol use, such as the ability to activate the dopamine system in the reward circuitry of the brain. Besides its addictive properties, cigarette smoking is legal and socially acceptable in many settings, giving it greater availability than other drugs of abuse. With these factors in mind, it is not surprising that cigarette smoking is one of the most difficult addictions to beat, with quit and relapse rates no better than for alcohol or heroin (USDHHS, 1988).

A comprehensive approach

Treating nicotine addiction requires a comprehensive approach, similar to treating most other forms of drug dependence. Combined therapy, with both medication and counseling, is considered to be the optimal approach and numerous forms of medication and counseling are now available. Nicotine replacement, with either transdermal nicotine patches, nicotine gum, nicotine lozenges or nicotine inhalers, is perhaps the most common form of medication. Other medications include the antidepressant bupropion (Zyban®), and the recently approved nicotine receptor stabilizer varenicline (Chantix®). Counseling includes individual and group programs focused on mood management, relapse prevention, and cognitive behavioral management of craving and relapse, and can be obtained via primary care providers, specialized treatment programs, telephone quit lines, or even self-help internet sites and books. In the general population, smoking cessation quit rates range from 25-40% at the end of treatment.

Despite the evidence that cigarette smoking has an adverse impact on the health and use patterns of drug and alcohol use dependent individuals, and the extensive array of treatment options available for smoking cessation, cigarette smoking and other forms of tobacco use have traditionally been ignored in substance use disorder treatment settings in the United States. Resistance to nicotine dependence treatment in these settings is multifaceted, based on fear of detrimental effects on substance use disorder treatment outcomes, the belief that clients are not interested in quitting, a concern that program

referral rates will decrease while dropout rates increase, and traditional advice that one should quit using drugs or alcohol now and quit smoking later. In fact, many treatment programs do not routinely screen for the use of cigarettes, and most do not think about nicotine as a drug in the same way as they think about alcohol and other drugs of abuse. However, recent research suggests that attempting to quit smoking is feasible and does not adversely impact on recovery from other forms of substance use disorders.

■ **Besides its addictive properties, cigarette smoking is legal and socially acceptable in many settings, giving it greater availability than other drugs of abuse.**

Client surveys at substance use disorder treatment programs across the nation have indicated a strong interest, readiness and willingness to participate in concurrent cigarette smoking cessation treatment (Clarke et al., 2001; Joseph et al., 2004; Reid et al., 2004). Moreover, the effectiveness of cigarette smoking cessation treatment at substance use disorder programs has been examined and documented in several studies over the last decade including a recently completed multi-site study supported by the NIDA-funded National Drug Abuse Treatment Clinical Trials Network. These studies have reported smoking cessation quit rates of 10-15% at the end of treatment (see Prochaska et al., 2004) that, while somewhat lower than in the general public, demonstrate a clinically significant endpoint well worth pursuing. Concomitant with this, evidence for greatly reduced smoking in the non-abstainers has been found. The addition of cognitive behavioral, relapse prevention, and mood management counseling with the smoking cessation medication regimen (nearly all studies employed nicotine patches) has been shown to enhance the smoking quit rates in drug and alcohol dependent patients (Burling et al., 2001; Shoptaw et al., 2002; Garati et al., 2002).

Compliance and retention challenges

Substance use disorder treatment client compliance and retention in smoking cessation treatment is often a significant challenge, indicating the need to specially tailor smoking treatment for clients enrolled in substance use disorder treatment programs. Previous smoking cessation studies were primarily done in residential and inpatient treatment settings or at methadone maintenance programs. Recent efforts to investigate smoking cessation treatment in community-based outpatient treatment programs are ongoing, and preliminary evidence suggests that older patients, and those in methadone programs, are more interested and motivated to participate in smoking cessation treatment (Clarke et al., 2001; Reid et al., 2004).

■ **...cigarette smoking and other forms of tobacco use have traditionally been ignored in substance use disorder treatment settings in the U.S.**

The effect of smoking cessation treatment does not appear to be detrimental to substance use disorder treatment outcomes. There is no evidence that drug use disorder severity increases for clients involved in concurrent smoking cessation treatment. In fact, participants that are smoke-free during treatment and at follow-up are nearly twice as likely to have drug-free urine samples than those that are smoking (Shoptaw et al., 2002; Lemon et al., 2003). On the other hand, results with smoking cessation treatment in alcoholic patients have been mixed. A pair of earlier studies found higher abstinence, and lower relapse rates with alcoholic patients given smoking cessation treatment in an inpatient setting (Kalman et al., 2001; Burling et al., 2001). However, a recent multi-site study including numerous outpatient programs found relapse rates were higher in alcoholic patients assigned to concurrent smoking cessation treatment when compared with patients whose smoking cessation treatment was delayed (Joseph et al., 2004). These findings highlight the need to closely monitor the effects of smoking cessation treatment upon alcoholics enrolled in substance use disorder treatment programs.

In terms of substance use disorder treatment compliance, there is no evidence for reduced substance abuse rehabilitation treatment attendance, or greater dropout rates, for patients enrolled in smoking cessation treatment. In fact, some residential treatment programs have reported greater retention among clients that were assigned to receive smoking cessation treatment.

Success requires leadership commitment

Successful implementation of a smoking cessation treatment program begins with a commitment from program leadership that the implementation is worth the effort. Providing leadership with the information regarding the enormous health burden imposed by tobacco use, the large numbers of nicotine dependent people in substance use disorder treatment, and encouraging data on the effectiveness of interventions in this population should assist in gaining their support to implement smoking cessation programs. More challenging is securing a commitment from clinical staff. A good starting point in this process is to focus on what the clinical staff perceive as barriers to implementation of a tobacco cessation program. Leadership should anticipate common objections, as described above, from line clinical staff and be prepared to answer them. A discussion of these objections, bolstered by research that counters these objections, is an excellent and appropriate starting point for staff education. This is also a good time for program leadership to facilitate treatment for staff members who are nicotine dependent. Staff members should be encouraged to stop their own tobacco use to improve their own health and because research has shown that smoking status of staff may adversely influence treatment outcomes for nicotine dependent patients.

An implementation team including interested management and clinical staff should be formed. Tasks for this team include developing policies for a smoke-free treatment environment, developing protocols to screen and diagnose patients, and developing treatment protocols. Excellent evidence-based resources for smoking cessation are available from the departments of health in New Jersey, New York and Pennsylvania. Implementation of treatment protocols will be aided by keeping the protocols simple and compatible with other clinical practices. The implementation team also should decide on a limited number of the best staff training and patient education materials to disseminate.

Research has shown that important elements in successful implementation of any new intervention are performance feedback for those trying to adopt the new intervention and ongoing technical assistance to improve performance. A good way to approach this is to incorporate smoking cessation treatment into the program's set of performance improvement measures. Examples of potential indicators include: identification and tracking of patients who smoke; evidence-based treatment planning for identified patients; and outcomes for treated patients. The implementation team will then have the opportunity to refine processes, revise protocols, and provide more education when performance problems are identified.

“Implementation of an effective smoking cessation program will not be a quick or easy process. However, the process can be illuminating and enjoyable, and the effort expended is well spent for our patients.”



RESOURCES & FURTHER READING:

REFERENCES:

Exhibit K



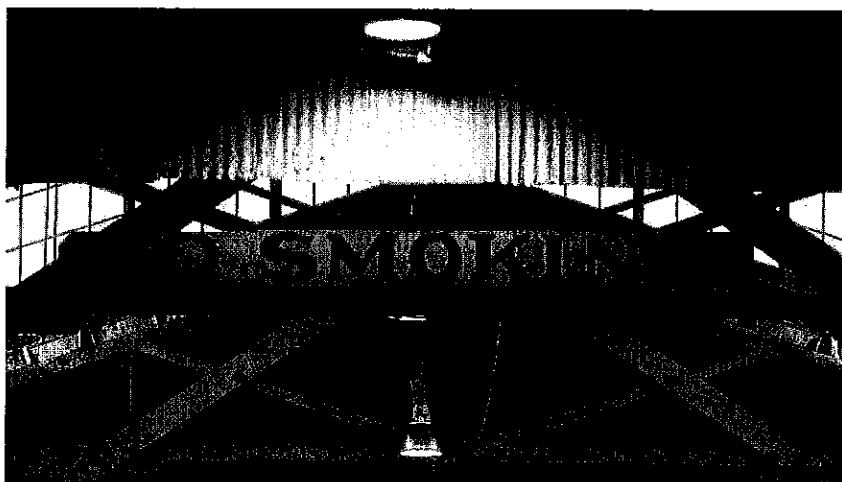
shots

public health

Smoking In California Hits Record Low

by PATTI NEIGHMOND

July 14, 2011 10:24 AM



Thomas Hawk/Flickr

California health officials say smoking rates in the state are down to 11.9 percent, a new low. And the latest figures make it only the second state so far to achieve a federal target of reducing adult smoking rates to 12 percent by 2020 so far. Utah got there first, in case you were wondering.

Across the nation, 1 in 5 Americans still smokes. And federal health officials say more than half of all children are regularly exposed to secondhand smoke, setting them up for future harm from cancer, heart disease and a variety of other ailments.

In California, health officials estimate that 1 million lives have been spared and more than \$86 billion have been saved in care for tobacco-related illness over the past two decades. Officials say the credit goes to aggressive antismoking campaigns and health promotion in the state.

"California has always been in the forefront", says Colleen Stevens, who heads the Tobacco Control Branch of the California Department of Public Health. Back in 1988 California taxpayers agreed to put a 25 cent tax on every pack of cigarettes. "No one had ever done this before," says Stevens. The money was earmarked to pay for medical

care for tobacco related illness. But it also funds tobacco research and tobacco control programs both in schools and local communities.

Today the California state tax on a pack of cigarettes is 87 cents. That's quite a bit lower than the \$2 in taxes charged by many other states. But California has reaped the benefits of other interventions over time, says Stevens. In addition to the tax, California became the first state in the nation to ban smoking at indoor work sites and restaurants in 1995 and then in bars in 1998, which was "absolutely unheard of at the time," says Stevens.

Many people thought mandating smoke-free environments in bars just "went too far," Stevens says. But today, she points to "a whole generation of 30- somethings who have never been to a smoky bar." It's expected now, she says, "that you can go to a bar and have a glass of wine and not come out smelling like smoke!" It all adds up to a social norm where tobacco is simply not acceptable.

The decline in smoking in 2010 was found among all races, including African Americans, Hispanics and Asians. Smoking among high school students decreased, and rates for both men and women declined across the board.

Unfortunately, men still smoke more than women, as do African American men and women and Hispanic men. The most significant decrease occurred among adults ages 25 to 44.

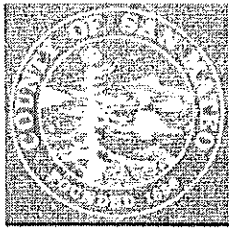
The health benefits are apparent and dramatic. Stevens says lung cancer rates are going down three times faster in California than in any other state. And California is the only state, she adds, where lung cancer rates are actually going down among women. Rates of heart disease and other tobacco related illnesses have also declined.

For more on the changes in California, take a look at the data charts.

smoking cancer

older

Twitter Provides A Trove Of Health Trends



County of San Mateo

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650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@smcgov.org
www.co.sanmateo.ca.us/planning

Payment Receipt

Check #: 2184
Receipt #: 204312
Name: STILLHEART INSTITUTE
Address: 16350 SKYLINE BLVD
Parcel #: 072331010

Case Number	Account Number	Description	Date Paid	Amount Due	Amount Paid
Planning Department					
PLN2006-00181	38430-1269	Public Noticing	1/31/14	\$136.00	\$136.00
	38430-2116	Appeal	1/31/14	\$451.00	\$451.00
				Total Paid:	\$587.00
IT Department					
PLN2006-00181	80110-2215	IT Surcharge	1/31/14	\$46.96	\$46.96
				Total Paid:	\$46.96
Legal Department					
PLN2006-00181	16111-2093	Legal Counsel Surcharge	1/31/14	\$58.70	\$5.87
				Total Paid:	\$5.87
				Grand Total:	\$639.83
				Balance Due:	\$817.83

No
balance
due
ya
1/31/14



County of San Mateo - Planning and Building Department

ATTACHMENT E

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

ALTERNATIVE FINDING FOR DENIAL

Permit File Number: PLN 2006-00181

Board Meeting Date: March 25, 2014

Prepared By: Michael Schaller
Senior Planner

For Adoption By: Board of Supervisors

RECOMMENDED FINDING:

Regarding the Use Permit Amendment, Find:

That the establishment, maintenance and/or conducting of the proposed use, under the circumstances of the particular case, will be detrimental to the public welfare or injurious to property or improvements in said neighborhood as follows:

1. The proposed change in use will heighten fire risks in the area by increasing the concentration of human population and activity within a confined area designated as "Very High Risk" by the County Fire Marshal.
2. The higher intensity of use on the site will also create significantly higher demands on the local water supply system, potentially impacting the ability to fight fires in the Skyline Area.
3. By increasing the number of people on the project site on a daily basis, the proposal will also increase the volume of traffic accessing the site which is located on a curve with limited sight distance in both directions. Increased traffic may give rise to heightened risks, given the limited sight visibility.
4. The project site is designated as General Open Space on the County General Plan Land Use Map. The Locational Criteria for this Use Category states that "General Open Space" Lands are suitable for very low density development because of hazards or conflict with surrounding resources. The proposed use is at a density that is higher than appropriate for General Open Space Lands, making the use incompatible with the surrounding, rural setting. The proposed use is appropriate for a more urbanized setting.