

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: May 26, 2016

Staff: Aaron Mount

SPECIAL USE PERMIT

FILE NUMBER: S13-0007/Dieu Nhan Buddhist Convent and Meditation Center

APPLICANT: Dieu Nhan Buddhist Meditation Association

AGENT: Jim Wilson, Site Consulting

REQUEST: Special use permit to allow a convent and meditation center (Zen Buddhist Meditation Center) to include housing for 28 nuns, Sunday service for 30 people, three special events and two organized retreats each year with attendance of up to 100 people, with half staying on the site.

LOCATION: The property is located on the east and west side of Deer Valley Road, south of the intersection with Duncan Hill Road, in the Rescue area, Supervisorial District 4 (Exhibit A).

APN: 069-150-14 (Exhibit B)

ACREAGE: 10.05 acres

GENERAL PLAN: Medium Density Residential (MDR) (Exhibit C)

ZONING: RE-5 (Estate Residential-5 Acre) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the Conditions of Approval and mitigation measures; and

3. Approve Special Use Permit S13-0007, based on the Findings and subject to the Conditions of Approval as presented.

PROJECT INFORMATION

Background: The Dieu Nhan Buddhist Convent and Meditation Center is a Vietnamese Zen Buddhist convent. A group of Buddhist nuns living as a family have resided in a residence on the property since 2002. The existing structures consist of two mobile homes, a public restroom facility, two storage sheds, and a gazebo. One mobile home is currently being used as a meditation center, office and meeting room and the other mobile home is being used as the residence. The mobile homes are old, dilapidated, and need to be replaced. The public restroom was added in 2009 and is used to provide restroom facilities for visitors. The application was submitted by the Dieu Nhan Buddhist Meditation Association in order to bring the existing and proposed uses into consistency with the Zoning Ordinance which requires a Conditional Use Permit for a church on an RE-5 zoned parcel.

Site Description: The Dieu Nhan property is situated between 1200 and 1320 feet (366 to 402 meters) elevation. The property encompasses a knoll and its northerly and easterly slopes that average 17 percent grade, leveling to about 6 percent near and across Deer Valley Road. There are no ephemeral drainages or wetlands on the property. Soils on the project site are derived from the Pine Hill gabbro complex underlain by gabbroic rock. The parcel supports about 1.3 acres of oak woodland habitat, 7.3 acres of chaparral, 0.9 acre of grassland, and 0.5 acre utilized as a residence with related structures. Several improvements are on the parcel, including two mobile homes, a gazebo, two storage sheds, and a restroom facility.

Project Description: A special use permit is being requested to allow a church and convent (Buddhist Meditation Center) with the following uses:

1. Housing for 28 nuns.
2. Sunday service for 30 people.
3. Three special events celebrating the Vietnamese Lunar New Year around late January or early February, Buddha's birthday in May, and Buddhist Mother's Day in August with up to 50 attendees.
4. Two organized retreats, one in May and another in October, with up to 100 attendees with half staying on the site.
5. The facility would be open to the public from 8 A.M. to 5 P.M. daily.
6. Housing for two visiting monks once or twice a year.
7. Retreat housing for up to 56 overnight guests.

The following existing and proposed structures are included in the request as labeled on Exhibit E:

- A. Existing Meditation Hall/office/library (existing mobile home): 1,536 square feet to be removed in Phase 1.
- B. Existing Nuns' Residence (existing mobile home): 1,696 square feet to be removed in Phase 1 after completion of Main Meditation Hall C.
- C. Proposed Main Meditation Hall with a total occupancy of 100 people: Main floor: 3,866 square feet; Basement: 2,939 square feet.
- D. Proposed Nun Residence #1 to house 14 nuns: Main floor: 1,480 square feet; 2nd floor: 1,172 square feet.
- E. Proposed Common Kitchen & Restroom to prepare meals for visitors: Kitchen: 640 square feet; Restroom: 320 square feet.
- F. Proposed Guest Cottage #1 to house nuns until residence completed then to house 14 visitors: Main floor: 1,480 square feet; 2nd floor: 1,172 square feet.
- G. Proposed Retreat Cottages for use by resident nuns only: #1 at: 320 square feet; #2 at: 620 square feet.
- H. Proposed Nun Residence #2 to house 14 nuns: Main floor: 1,480 square feet; 2nd floor: 1,172 square feet.
- I. Proposed Guest Cottages #2-4 to house 14 visitors each: Main floors: 1,480 square feet; 2nd floors: 1,172 square feet.
- J. Proposed Public Restroom Facility: 320 square feet.
- K. Proposed Monk Residence Cottage for visiting monks: 320 square feet.
- L. Proposed Tea Pavilion: 510 square feet.
- M. Existing Public Restroom to be converted to storage: 280 square feet.
- N. Existing Gazebo: 260 square feet.
- O. Proposed Private Caretaker Residence: 1,800+ square feet.
- P. Proposed Buddha Pavilion: 260 square feet.

Phasing as shown on the site plan Exhibit E and detailed in Exhibit F. Phase 1 would consist of the construction of the meditation hall, one nun's residence, kitchen and restroom facilities, and one guest cottage. The two existing mobile homes would be removed at completion of the meditation hall and one of the nun's residences.

STAFF ANALYSIS

Project Description: The project request is for a meditation center and convent that will be a Buddhist Meditation Center. Up to 28 nuns will reside on the site. In general their schedule will be from 4:00 A.M. to 9:30 P.M. with various activities related to meditation and studying of sutras. Sunday there is a service for lay person practitioners from 9:00 A.M. to 4:30 P.M. Two retreats a year are proposed that start around 12 noon on a Friday and end on 4:30 P.M. on Sunday. The three special events/holidays generally start at 9:00 A.M. and end at 1 P.M. All activities consist of meditation and education through lectures.

Special events would have an attendance of 30 to 50 people. Retreats are expected to have an attendance of up to 100 people with half staying on site in guest housing and the other half leaving and returning the next day.

Two existing mobile homes, one of which is the current nun's residence, would be removed as they are in poor condition. The existing restroom facility built in 2009 would be converted to storage. The construction of the site would be in two stages: Stage 1 would construct the entrance road, associated parking, water and sewer lines, Guest Cottage "F", and partial construction of the Nuns' Residence "D", which will serve as a temporary Meditation Hall. Phase 2 would include the widening of Penny Lane and Duncan Hill Road, the construction of the road leading to the Meditation Hall, and extension of the water and sewer lines into this area. It would also include the construction of the new Meditation Hall "C" and the Common Kitchen "E" with attached restroom. Once the Meditation Hall "C" is completed, the nuns' residence would be completed to accommodate the nuns.

Environmental Review: Staff has determined that the Mitigated Negative Declaration is adequate for this project (Exhibit Z). Staff has determined that the proposed project would not have a significant effect on the environment with inclusion of the proposed performance standards that include payment of Rare Plant Mitigation Fees for Area 1 in the total amount of \$10,489.60 and issuance of an Incidental Take Permit (ITP) through the State Dept. of Fish and Wildlife Services (F&WS). The mitigation fees that would be collected at the time of permit issuance for each structure are calculated as follows:

- \$3,409.60 (for 7,315 square feet of commercial use (Meditation Hall and Tea Pavilion) minus credit for 1,536 square feet of existing meditation hall to be removed)
- \$7,080.00 (for nine new residential units minus credit for existing nun's residence to be removed)

The ITP will be issued subject to negotiations between the applicant and F&WS on the proposed mitigations measures for impacts to rare plants. Development of the site would require incidental take of Pine Hill endemic plant species. Mitigations include creation of two conservation easements which would encompass most of the state and federal-listed plants on the site. The total proposed conservation easement area is 1.88 acres, approximately 1.6 times larger than the area that would be permanently impacted upon project build-out. The mitigation measures have been reviewed and found to be acceptable by the California Department of Fish and Wildlife.

General Plan Consistency: Staff has determined that the proposed project is consistent with the applicable policies and requirements in the El Dorado County General Plan, as discussed below in Section 2.0, General Plan findings.

Zoning Ordinance Consistency: Staff has determined that the proposed project is consistent with the applicable regulations and requirements in Title 130 of the El Dorado County Code, as discussed below in Sections 3.0 and 4.0, Zoning and Special Use Permit findings.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....	Location Map
Exhibit B.....	Assessor's Parcel Map
Exhibit C.....	General Plan Map
Exhibit D.....	Zoning Map
Exhibit E.....	Site Plan; August 2014
Exhibit F.....	Applicant's Project Description
Exhibit G.....	Proposed Sign Detail
Exhibit H.....	Proposed Sign Photograph
Exhibit I.....	Main Hall Front Elevation
Exhibit J.....	Main Hall Left Elevation
Exhibit K.....	Main Hall Right Elevation
Exhibit L.....	Nuns Residence Elevations
Exhibit M.....	Retreat Cottages Elevations
Exhibit N.....	Kitchen Attached to Nun's Residence Floor Plan
Exhibit O.....	Guest Cottage Floor Plan
Exhibit P.....	Kitchen and Restroom Floor Plan
Exhibit Q.....	Main Hall Basement Floor Plan
Exhibit R.....	Main Hall Upper Floor Plan
Exhibit S.....	Monk Residence Floor Plan
Exhibit T.....	Nuns Residence Floor Plan
Exhibit U.....	Retreat Cottage 4 Unit Floor Plan
Exhibit V.....	Retreat Cottage 2 Unit Floor Plan
Exhibits W-1 - W-4.....	Preliminary Grading Plans; August 2014 and May 2014
Exhibit X.....	Preliminary Landscape Plan; August 2014
Exhibit Y.....	Final Biological Resources Report Update; May 2015
Exhibit Z.....	Proposed Mitigated Negative Declaration and Initial Study
Exhibit AA.....	Mitigation Monitoring and Reporting Program
Exhibit BB.....	Mitigation Measures Agreement