

S13-0007/Dieu Nhan Buddhist Convent and Meditation Center – As approved by the Planning Commission on May 26, 2016

Conditions of Approval

Development Services Division - Planning Services

1. The Special Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

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

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

A special use permit request to allow a church and convent (Zen 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 Cottage #2-4 to house 14 visitors each: Main floor: 1,480 square feet; 2nd floor: 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 will consist of the construction of the meditation hall, one nun's residence, kitchen and restroom facility, 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.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. The following mitigation measures are required as conditions of approval to reduce potential significant environmental effects. The project shall be required to obtain an Incidental Take Permit (ITP) from California Department of Fish and Wildlife (CDFW). Mitigation measures, BIO-1, BIO-2, and BIO-3 provide performance measures for on-site mitigation that reduces the impact to Less Than Significant. Alternative mitigation measures, including payment of in-lieu fees, off-site mitigation, or other mitigation, subject to review and approval by CDFW by means of the ITP, will be acceptable as alternative mitigation pursuant to 15126.4(a)(1)(B) of the CEQA Guidelines. The mitigation measures shall be completed as identified in the adopted Mitigation Monitoring and Reporting Program (MMRP) (Exhibit AA).

A. BIO-1: Special Status Plant Species:

- 1) **Location and Size of Proposed Conservation Easements.**
A conservation easement, encompassing most of the state- and federal-listed plants on the site, shall be established over 58,935 square feet (1.35 acres) on the west side of Deer Valley Road, and an additional area of 23,460 square feet (0.53 acres) is proposed on the east side of Deer Valley Road (Figure 7). The total proposed conservation easement area is 82,395 square feet, 1.6 times larger than the area that would be permanently impacted upon project build-out (Table 3 of Exhibit Y).
- 2) **Management Plan for Proposed Conservation Easements.**
The Dieu Nhan Buddhist group will comply with a management plan to be decided during “take” permit negotiations with State and Federal agencies. It is recommended that soil disturbance, livestock grazing, and irrigation be prohibited within the easements. Removal of common chaparral shrubs, especially chamise (*Adenostoma fasciculatum*), white-leaf manzanita (*Arctostaphylos viscida*), and buck brush (*Ceanothus cuneatus*), should be required to aid the proliferation of the listed species, which tend to decline in number and distribution when the chaparral canopy closes.
- 3) **Signage.**
Signs will be placed along pathways to encourage visitors to stay on pathways to avoid damage to rare plants and their habitat.

Monitoring Responsibility: Planning Services

Monitoring Requirement: Planning Services shall verify the inclusion of this requirement on the grading, building, and landscape plans, prior to issuance of those permits. There shall be no final approval of the grading permit until Planning has verified the conservation easement has been established, a maintenance plan has been established, and the area has been developed as stated above. If an off-site mitigation program is approved by the applicable agencies that oversee the Pine Hill preserves, the program shall be evaluated for an alternative to on-site easements. If the applicable agencies determine that off-site mitigation can have the same effect as on-site easements, it may be utilized as an alternative mitigation to the requirements within this mitigation.

B. BIO-2 Preconstruction Surveys: A special-status plant survey of the construction zone shall be conducted before Incidental Take Permits are obtained, in order to assure that the number and species of plants to be “taken” are correct. The plant survey must be done between March 15 and August 15, to assure that the plants are both evident and identifiable.

Monitoring Responsibility: Planning Services

Monitoring Requirement: Planning Services shall verify the inclusion of this requirement on the grading plans, prior to issuance of the grading permit.

C. BIO-3 Construction Restrictions: All construction activities can be accessed from existing roadways; thus, plants outside of the actual construction site will not be disturbed. Mitigation measures to assure protection of plants outside of the actual construction zone require the following:

- 1) Education.
Prior to construction activities, an education program will be conducted for all persons employed or otherwise working on the project site. The program will include information about the distribution and habitat needs of special status species found on-site, legal protections for those species, and protective measures for the species. Interpretation will be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing work on-site.
- 2) Protective Fencing.
Prior to construction activities, protective fencing will be placed to protect special-status species to be preserved (Figure 6). The fencing shall be maintained throughout construction activities. All construction and material storage will be outside the protective fencing.

- 3) Excavation and Grading.
 - a) Equipment

Small to medium excavation equipment will be used, such as an excavator, backhoe, bulldozer, dump truck, and compactor. Careful pathways avoiding fenced and designated areas of protection will be used to excavate and move spoils to surveyed sites designated for fill. All laws and ordinances relating to excavation and transport of soils will be observed. More delicate areas closer to fenced protected plant zones will use smaller equipment. Great care will be made in particular with placement of backhoe outriggers so as not to endanger any protected plant species.
 - b) Utilities

The main water lines will be placed within existing and proposed roadways. Service lines from the water meter to proposed structures will be maintained either adjacent to roadways or within proposed pathways. Sewer lines will also be placed within existing and proposed roads and paths to the parking area, then distributed into leach fields shown on the site plan. Power and telephone are currently being served through an existing overhead powerline along the south property boundary to the top of the hill, near the southwest property corner. The project site can be served from this location alongside existing and proposed roadways and pathways.
- 4) Seed-bank Preservation.

To preserve the existing rare plant seed-bank, topsoil will be removed from proposed construction areas and spread on-site, in areas currently without rare plants.
- 5) Landscaping.

Landscaping will be limited to areas immediately surrounding proposed building and parking areas. No landscaping is planned for areas within the protective fencing. The landscaping plan will not knowingly introduce invasive exotic plant species, including those identified in the California Exotic Pest Plant Council's database, which is accessible at <http://www.cal-ipc.org/paf>.

Monitoring Responsibility: Planning Services

Monitoring Requirement: Planning Services shall verify the inclusion of this requirement on the grading, building, and landscape plans, prior to issuance of those permits.

3. No activity authorized by this special use permit may commence until all of the conditions of approval have been complied with in full, except as applied to phasing of buildings. Additionally, this special use authorizes only those activities typically

associated with a church. Day care or a school operating during week days will require a revision to the conditional use permit.

4. No outside amplification of voice or music is allowed without approval of a Temporary Use Permit and submittal of a noise study. If outside amplification of voice or music is to become a regular use at the site, revision to this conditional use permit shall be required.
5. All attendees of events at the site that are not overnight guests shall exit the project parcel by 9 P.M.
6. The proposed free standing sign shall have a reduced sign face size of 12 square feet. This will be verified at the building permit stage.
7. Any proposed changes to the approved site plan shall be submitted to the Development Services Director for review and approval. Minor changes may be approved by the Development Services Director.
8. In order to obtain a connection to public water, the project will require annexation into the El Dorado Irrigation District. This shall be completed prior to issuance of any building permits.
9. In Compliance with County Code Section 130.22.250, implementation of the project must occur within 24 months of approval of this Special Use Permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
10. The applicant shall meet all parking lot construction standards as outlined in Resolution 202-2015. The improvement/ grading plan provided to the Community Development Agency shall contain information showing compliance with the above standards. All proposed signs and structures must be kept out of the County right-of-way.
11. Any proposed building or parking lot lighting fixtures shall be designed and located so that no light and glare shall spill over property lines and adversely impact adjoining properties and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of the Development Services Division. A lighting plan shall be submitted for review and approval by the Development Services Division.
12. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a special use permit.

Transportation Division

13. The applicant shall obtain an encroachment permit from El Dorado County Transportation Division and shall construct the roadway encroachments from the driveway onto Deer Valley Road to the provisions of County Design Standard 103C. The improvements shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved improvement agreement with security, prior to the issuance of the grading permit.
14. The applicant shall obtain an encroachment permit from El Dorado County Transportation Division and shall construct the roadway encroachments from the access roadway onto Deer Valley Road to the provisions of County Design Standard 103C if Penny Lane is required to meet Fire Safe regulations. The improvements shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved improvement agreement with security, prior to the issuance of the grading permit.
15. If road way improvements are required for Duncan Hill Road and Penny Lane to meet Fire Safe regulations then the roads shall be constructed consistent with the El Dorado County Design and Improvements Manual (DISM) 101C prior to initiation of use.
16. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Transportation Division for review and approval. The plan shall be in conformance with the County of El Dorado Design and Improvement Standards Manual, the Grading, Erosion, and Sediment Control Ordinance, the Drainage Manual, the Off-Street Parking and Loading Ordinance, and the State of California Handicapped Accessibility Standards.
17. The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to the commencement of any work performed. The parking area gradient shall not exceed 6 percent in any direction, and the handicap parking gradient shall not exceed 2 percent grade in any direction.
18. The new grading and construction shall comply with the Phase II Small Project MS4 General Permit to the satisfaction of the Transportation Division. A drainage Study may be required at the time of building permit application. The onsite drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance.

Environmental Health Division

19. All food service must comply with the California Retail Food Code. A Health Permit to operate is required when food is served to the residents and guests. Plans must be submitted for review and approval and a yearly permit to operate must be obtained from Environmental Health.

County Surveyor

20. Situs addressing for the project site shall be coordinated with the Rescue Fire District and the County Surveyor's Office prior to issuance of building permits.

Air Quality Management District

21. Fugitive Dust: The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction if a Grading Permit is required from the Building Department. (Rules 223 and 223.1)
22. Paving: Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
23. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
24. Open Burning: Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
25. Construction Emissions: During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm> An applicability flow chart can be found here: http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
26. New Point Source: Prior to construction/installation of any new point source emissions units (i.e., gasoline dispensing facility, emergency standby engine, etc.), Authority to

Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523)

27. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be under permit from the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

El Dorado Hills Fire Department (on behalf of the Rescue Fire Department)

28. The potable water system with the purpose of fire protection for this mixed commercial and residential development shall provide a minimum fire flow of 1,500 gallons per minute with a minimum residual pressure of 20 psi for a two-hour duration. This requirement is based on a commercial building 13,400 square feet or less in size, Type V-B construction. The Meditation Center shall be fire sprinklered in accordance with NFPA 13 and Fire Department requirements. All residential structures on this site shall be fire sprinklered in accordance with NFPA 13D and Fire Department requirements. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department for review and approval.
29. Per EID, the current water system will not supply the required fire flow of 1500 gpm. To achieve the required fire flow, the following shall occur (unless a Fire Department approved alternative is developed):
 - A. Replacement of the Deer Valley Road water main from a 6 inch to an 8 inch main that services this project site is required.
 - B. Installation of a water tank, pump system, with backup to supplement upon demand the needed fire flow of 1500 gpm is required.
 - 1) The size of the water tank will be approximately 84,000 gallons. The exact size will be determined by a hydraulic engineer with the intent of achieving a fire flow of 1500 gpm.
30. This development shall install Mueller Dry Barrel fire hydrants. This conforms to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants for this development shall not exceed 500 feet. One hydrant will be required near the Meditation Hall. Two hydrants will be located on the main entrance road. The exact location of each hydrant shall be determined by the Fire Department.

31. In order to enhance nighttime visibility, each hydrant shall be painted with red enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and State Fire Safe Regulations.
32. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to combustibles being brought onto the site as specified by the Fire Department, Standard B-003.
33. If any fencing is used that backs up to wildland open space, it shall be required to use non-combustible type fencing.
34. All fire apparatus access roads shall be an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 40,000 pounds.
35. No parking is allowed on the roadways. Parking shall be restricted to designated on-site parking spots. Construction vehicles will be restricted to on-site parking areas.
36. This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway.
37. Any Fire Department Connection (FDC) to the sprinkler/standpipe system shall be positioned so as not to be obstructed by a parked vehicle.
38. This development shall be conditioned to develop and implement a Wildland Fire Safe Plan that has been approved by the Fire Department.
39. The landscaping plan will be reviewed to ensure that no tree will impede fire apparatus access when fully grown.
40. Fire Protection Systems
 - A. Installation of all onsite fire protection systems shall be in accordance with NFPA 24 and Fire Department Standards.
 - B. All onsite fire protection systems shall be tested in accordance with the requirements of NFPA 24 and shall be witnessed by the Fire Department.
 - C. The installing contractor, or sub-contractor, for all onsite fire protection systems shall notify the Fire Department at least 24 hours in advance of requesting a date and time for inspections.
 - D. If plastic pipe is installed for fire protection systems, the pipe used shall be C-900 Class 200.
 - E. After installation, rods, nuts, bolts, washers, clamps, and other restraining devices, except truss blocks, used onsite fire protection systems shall be cleaned and thoroughly coated with an acceptable corrosion retarding material.

- F. The section of private fire service piping within five feet of the building foundation and the fire sprinkler riser shall be ductile iron piping.
41. A fire alarm is required in the Meditation Hall and Nun's Residence D (which will be a temporary Meditation Hall).
42. A Knox Box will be required for nighttime and afterhours access to the alarmed buildings.
43. The following phasing plan is approved:
- A. Stage 1 – construct entrance road to 20 feet wide, associated parking, water and sewer lines with associated hydrant(s), Guest Cottage F, and partial construction of the Nun's Residence D, which will serve as a temporary Meditation Hall.
 - B. Stage 2 – widening of Penny Lane and Duncan Hill Road to 20 feet wide, the full construction of the access road to the new Meditation Hall 'C' and extending water and sewer lines with associated hydrant(s) must occur prior to any additional building on this site.
44. Building plans will be required to be reviewed by the fire department for all structures on this site.
45. A PDF electronic copy of all plans shall be provided to the fire department for electronic storage and use for engine company pre-fire planning.