

## **FINDINGS**

### **Special Use Permit S13-0007/Dieu Nhan Buddhist Convent and Meditation Center Planning Commission/May 26, 2016**

#### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Division - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

#### **2.0 GENERAL PLAN FINDINGS**

##### **2.1 The project is consistent with General Plan Policy 2.2.1.2.**

The Medium Density Residential (MDR) land use designation establishes areas suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land management activities. This designation shall be applied where the character of an area is single-family residences; where the absence or reduced level of infrastructure including roads, water lines, and sewer lines does not justify higher densities; where the topography poses a constraint to higher densities; and as a transitional land use between the more highly developed and the more rural areas of the County. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.

The El Dorado County General Plan designates the subject site Medium Density Residential (MDR) and as being within the Rescue Rural Center. The overall density allowed under MDR is one dwelling unit per acre. The 10-acre site could allow up to 10 dwellings units for a residential development or 60 inhabitants by right, calculated as six per dwelling under state definition of a “family”. By their nature, church facilities and convents especially require the housing of their religious/pastoral community on site. Therefore, the request to house 28 nuns and two visiting monks would fall within the conceptual residential density allowed in the MDR land use designation. The addition of 50 temporary residents twice per year would also be allowed through the conditional use permit process. The proposed use is consistent with the intent of the MDR land use designation and the defined Rescue Rural Center, as the Zoning Ordinance allows a church with a conditional use permit.

**2.2 The project is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Churches are generally regarded as compatible uses in residential areas, providing gathering spaces and contributing benefits to public health, safety, and welfare. The nuns have resided at the site since 2002 and are members of a quiet contemplative religion. Conditions of approval limiting the use of the facility to church-related activities and requiring the conversion of the buildings to a school or daycare subject to a revision to the Conditional Use Permit will maintain the compatibility of the use with the surroundings. Churches are a use consistent with uses anticipated to be in a Rural Center.

**2.3 The project is consistent with General Plan Policy 5.1.2.1.**

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

The project was reviewed by the County Transportation Division, El Dorado Hills Fire District (on behalf of the Rescue Fire Department), El Dorado Irrigation District, and PG&E for adequate public services capacity. The new construction will utilize existing electrical facilities and public services. The proposed church facilities will necessitate additional septic system capacity and a septic capability study has been reviewed by the Environmental Health Division. In order to access public water infrastructure currently adjacent to the site, the project parcel will be required to annex into the El Dorado Irrigation District. The project would not generate a substantial increase in solid waste, however, the project would be required to comply with construction and demolition debris recycling standards during the construction phase and follow CalGreen requirements during operation.

**2.4 The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

The proposed project is within a moderate fire hazard area. Standards for construction and vegetation maintenance will apply during the construction and operation phases of the project. Additional water storage will be provided at the site as required by the Fire District. The project will connect to a public water system.

**2.5 The project is consistent with General Plan Policy 6.2.3.2.**

Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

The Transportation Division and El Dorado Hills Fire District (on behalf of the Rescue Fire Department) reviewed the application materials and do not require significant site access or improvement to the existing roads. Development plans for emergency ingress and egress capabilities will be reviewed by the El Dorado Hills Fire District for compliance with County and fire codes and will be constructed consistent with conditions of approval. A new encroachment onto Deer Valley Road will give the site two points of access. Therefore, the project is in compliance with the General Plan Policy.

**2.6 The project is consistent with General Plan Policy 6.5.1.7.**

Policy 6.5.1.7, Noise Standards, require that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses.

Noise levels are not expected to substantially increase as a result of the project. The project is conditioned to not allow the use of outdoor amplified speech or music and although the Conditional Use Permit will allow groups up to 100 attendees, it is not anticipated to exceed noise levels as the site will be a meditation center. The facility would be open to the public from 8 A.M. to 5 P.M. daily and attendees of events are required to exit the premises before 10 P.M. ensuring consistency with night time noise levels. Noise generated during construction and operation is exempted consistent with General Plan Policy and Zoning Ordinance Section 130.37.020.I.

**2.7 The project is consistent with General Plan Policy 7.4.4.4.**

According to policy 7.4.4.4 of the General Plan, all new development projects that would result in soil disturbance on parcels that are over an acre and have at least 1 percent total canopy cover shall adhere to the tree canopy retention and replacement standards.

The site contains some trees, but no trees are within the proposed area of construction. No oaks or other trees are proposed for removal. With the implementation of the conditions of approval, the project is consistent with policy 7.4.4.4 of the General Plan.

**2.8 The project is consistent with General Plan Policy 7.4.1.6.**

Policy 7.4.1.6 requires all development projects involving discretionary review shall be designed to avoid disturbance or fragmentation of important habitats to the extent reasonably feasible. Where avoidance is not possible, the development shall be required to fully mitigate the effects of important habitat loss and fragmentation.

The site contains Pine Hill endemic plants and their associated habitat. The project has been analyzed and fully mitigated under the Mitigated Negative Declaration (Exhibit Z) to the satisfaction of the California Department of Fish and Wildlife and consistency with County policies for conservation of biological resources. Mitigation Measures BIO-1, 2, and 3 have been agreed to by the applicant and added as a condition of approval (Condition 2.a-c). With compliance, the impacts to rare plants and their habitat have been found to be less than significant.

**3.0 ZONING FINDINGS**

**3.1 The project is consistent with Title 130.**

The project has been analyzed in accordance with Zoning Ordinance Section 130.70.110 (Development Standards) for dimensions, buffers, and building setbacks. The project, as proposed, is consistent with the Zoning Ordinance because the project will comply with building setbacks and other applicable design standards.

The parcel is zoned Estate Residential Five-Acre (RE-5). No maximum building coverage is specified for the RE-5 zone. The maximum building height is 45 feet for this zone. The minimum property line setback is 30 feet on all sides. As shown on the site plan, all structures would meet the 30 foot setback and all elevations show the structures being less than 45 feet in height.

**3.2 The project is consistent with Chapter 130.35: Off-Street Parking and Loading.**

Table 130.35.030.1 of the Zoning Ordinance establishes off-street parking requirements by use. Churches are required to have one parking space per four seats, plus one space for each Sunday school classroom. As a retreat and meditation center, Sunday school is not within the project description, so that parking requirement would not be applicable. The greatest use of the property would be for the two organized retreats per year with up to 100 attendees, which would require 25 spaces under the ordinance. In addition, the most similar use to the convent would be "sorority housing" that requires one space per bedroom plus one space per bed. With eight bedrooms proposed in each of two convent buildings and 28 beds total, 20 additional spaces to accommodate the resident nuns would

be required. Therefore, a total number of 45 spaces would be required for the proposed project. Of these, two spaces must be ADA compliant pursuant to the California Building Code.

The project proposes 54 parking spaces, including two ADA compliant spaces, which would exceed the requirements under the Zoning Ordinance.

**3.3 The project is consistent with Chapter 130.33.**

Section 130.33.020 requires all ministerial and discretionary development for industrial, research and development, commercial, multi-unit residential, civic, or utility uses shall provide landscaping for the areas of a lot that do not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or impervious hardscapes, and other non-irrigated areas designated for non-development.

Churches are considered civic uses under the Zoning Ordinance. As the site is sensitive habitat for rare plants, the project is proposing to use natural habitat as landscaping as much as possible. This would reduce the impact to rare plants and would naturally be drought resistant. Landscape plans have been submitted that meet County standards and will be further reviewed at the building permit stage.

**3.4 The project is consistent with Title 130.16.**

Section 130.16.070.2a specifies the standards for permanent on-site signs within rural areas.

The project proposes a freestanding sign at the entrance to the meditation center with a sign size of 15 square feet and a height of 7.33 feet. The sign is conditioned to be reduced in sign size to 12 square feet in order to be consistent with the Sign Ordinance. The sign design is consistent with the architecture of the proposed buildings and would be consistent with other signs in the Rescue Rural Center.

**4.0 SPECIAL USE PERMIT FINDINGS**

**4.1 The issuance of the permit is consistent with the General Plan.**

As discussed above in Section 2.0 General Plan Findings, the special use permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.

**4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.**

The use will not significantly conflict with surrounding uses. The proposed church will comply with the Development Standards of the RE-5 zone district. The proposed use is consistent with the surrounding neighborhood which includes large-lot single-family residences. Churches are generally regarded as compatible uses in residential areas, providing gathering spaces and contributing benefits to public health, safety, and welfare. As conditioned and mitigated, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding residents.

4.3 **The proposed use is specifically permitted by Special Use Permit.**

The subject property is located in the RE-5 zone district (Estate Residential 5-acre minimum). Section 130.24.020 of the Zoning Ordinance establishes the uses requiring approval by a Conditional Use Permit in the RE-5 zone which includes "churches and community assembly."