

FROM THE PLANNING COMMISSION MINUTES OF MAY 26, 2016

AGENDA ITEMS

5. 16-0530 Hearing to consider the Dieu Nhan Buddhist Convent and Meditation Center project [Special Use Permit S13-0007]* to allow a convent and meditation center on property identified by Assessor's Parcel Number 069-150-14, consisting of 10.05 acres, in the Rescue area, submitted by Dieu Nhan Buddhist Meditation Association; and staff recommending 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.
- (Supervisory District 4)

Aaron Mount presented the item to the Commission with a recommendation for approval. He spoke on public comment concerns on traffic circulation and noise. Mr. Mount identified a typographical error in Condition #14 and recommended replacing the word "driveway" with "access roadway".

James Wilson, applicant's agent, made the following comments:

- Project has gone through several revisions in order to accommodate Fish and Wildlife's concerns;
- Spoke on the different phases; and
- Has worked with the Fire Department on the fire flow access.

Jin Ngo, member of the Temple and a retired Registered Civil Engineer, acknowledged that members have parked on the roads and, as a result, during the design phase their intent was to eliminate that from happening in the future. He spoke on access and circulation.

Ken Humphreys made the following comments:

- Most neighbors had been surprised by the zoning change;
- Penny Lane and Duncan Hill Road have been blocked in the past by members of the Temple using a shuttle bus;
- Concerned on delays during emergencies if road is blocked by parked cars or during the construction phase;
- Onsite parking at Temple must be made available during the construction phase;
- Spoke on various water concerns, including meeting Fire Department requirements;
- Spoke on right of way for Penny Lane and how it related to Duncan Hill Road; and
- Spoke on the volunteer maintenance of the two roads.

Bill Teie made the following comments:

- Lives adjacent to the project;

- Monks are very quiet and nice neighbors;
- Concerned about the area's wells and the potential for contamination from the leach fields;
- Main concern is on the size of the project for the area; and
- Project is not consistent with the Rescue area.

Jeffrey Rinek, 25 year Duncan Hill Road resident, made the following comments:

- Concurred with Mr. Humphreys' and Mr. Teie's comments on water issues;
- Applicants are wonderful people but main concern is that the proposal is for bringing large numbers of people to the property;
- Spoke on past experience of buses blocking the road and other drivers unwilling to share the road with other vehicles;
- Spoke on Buddhist visitors who have caused damage to his property;
- Suggested that Center's visitors have no access to the site from Penny Lane and Duncan Hill Road; and
- Voiced concern on emergency vehicles having access.

Ron Duncan made the following comments:

- Spoke on the history of property;
- Nuns have been good neighbors;
- Spoke on the definition of "retreats:"
- Had no issues except for the parking;
- Plan seems to be robust, but understood that a Special Use Permit application typically covered all desired activities in order to avoid coming back for revisions and that the intention was to not build out all at once; and
- Spoke on wells.

Dennis Crane spoke on his pleasant experience living next to a different Buddhist monastery in a rural setting outside this area and is located on a two-lane road.

Gail Hesselgesser made the following comments:

- Participant of the convent over many years;
- Retreats are silent, with noise being very unusual;
- Appreciated the availability of the convent and it is considered a highly valued resource; and
- All the practical problems have been resolved.

Dr. Phe Bach, Mira Loma High School teacher, made the following comments:

- Spoke on mindfulness practice;
- Ethical and moral obligation to have this;
- Can't change the past but we can learn from it and transform it; and
- Supported the project.

True Lin (?), registered nurse, made the following comments:

- Spoke on the mindfulness practice that she learned from the convent and how she used it with her patients; and
- Apologized for past mistakes and requested that they be given a chance.

Danh Tuyen (?), psychotherapist and professor, made the following comments:

- Spoke of the need of having another meditation center in the area;
- This was a pride for the area; and
- This was a spiritual issue.

Moira Magneson made the following comments:

- Echoed support heard today;
- Participant of convent for the past 10 years;
- Wonderful community and pulls people from other diverse areas;
- Nuns have been working long and hard to work on this and have made accommodations to resolve the neighbors' concerns;
- There is a growing and expanding Buddhist community in Placerville; and
- This is a vibrant, strong and gentle community.

Douglas Pham, Modesto resident, has been attending the Temple for the past 11 years. He spoke on the benefits received from the practices he has learned. He wanted the Center to continue to grow and distributed handouts to the Commission.

Gary Garcia made the following comments:

- Had attended two retreats and it is a wonderful place for him and his family;
- Spoke on the benefits; and
- Gave regrets to the neighbors and stated that in the future he would not park on the two roads.

Charles Yan, San Jose resident and member, spoke on the benefits.

Marshall Cox, El Dorado Hills Fire Marshall, clarified Condition #29 and provided additional language for Condition #35.

The following comments were made during public testimony by individuals whose names were not clearly identifiable:

- Positive impact to youth organizations in the Sacramento area;
- Significant benefits to the practice of mindfulness;
- On behalf of the nuns, apologized to the neighbors for all of the problems they had caused;
- Spoke on the benefits of having a refuge like the convent;
- Although a San Jose resident, comes to the Center for the atmosphere and environment when practicing the mindfulness meditation;
- Can work on the differences with the neighbors;

- Crucial to have the mediation center;
- A nun from Escondido spoke on the benefits to others from what is learned at the Center and that everyone is welcome to restore their happiness and peacefulness; and
- Forgiveness was asked from the neighbors on issues that they didn't mean to cause.

Chair Stewart closed public comment.

Mr. Mount spoke on the requirements and process for LAFCO annexation as it related to the CEQA analysis.

Mr. Ngo made the following rebuttal comments:

- Once the project is completed, traffic would enter from Deer Valley Road;
- Handicapped and emergency vehicles would be the only ones allowed to use Penny Lane;
- Apologized to the neighbors;
- Proposed "No Parking" signs on the two roads;
- Would educate the members that they were not allowed to park on the roads; and
- Buses would be parking by the Deer Valley Road entrance.

Lillian MacLeod clarified that the existing access from the two roads would be "emergency only".

Head Nun of the convent made the following comments:

- Expressed heartfelt gratitude for welcoming them;
- Spoke on benefits of meditation;
- Addressed the deteriorating condition of existing structures and spoke on the need to expand the facilities in an urgent fashion;
- Grateful to the neighbors and expressed regret for the issues that had been caused by them; and
- Once project is complete, would like to invite everyone to the Center.

Commissioner Miller made the following comments during the hearing:

- Questioned what the plan was in addressing issues regarding Penny Lane, specifically blocking access and parking on others' property;
- Inquired on buses; and
- Voiced concern on the use of Penny Lane although it would be deemed as emergency access only.

Commissioner Shinault questioned when Deer Valley Road would be used for the primary access.

Chair Stewart made the following comments during the hearing:

- Inquired on a septic analysis report;
- Questioned if in a rural center;
- Requested clarification on access regarding Penny Lane;

- Great project for site;
- Appreciated the non-piecemeal approach;
- Concerned with the zoning;
- Project is huge for a RE-5 property and questioned why not a rezone;
- Special Use Permit runs with the land and inquired what extreme change could happen if the Buddhist center left; and
- Concerned on the intensity of the site due to the number of people that would be living there.

Mrs. MacLeod stated that the convent is considered a church, which typically are located in residential areas. She stated that this was part of the comprehensive Zoning Ordinance Update, is not over-built, and RE-5 zoning allows certain lodging facilities.

In response to discussion on requiring “No Parking” signs, Dave Spiegelberg, Transportation, stated that Penny Lane and Duncan Hill Road are not County-maintained roads. County Counsel Dave Livingston stated that if the Commission felt it would be a benefit to the project, they could condition it to require the applicant to work with the neighbors to place “No Parking” signs on those two roads. Commissioner Miller suggested that the Commission leave that up to the neighbors and applicant and not condition the project on that.

Mrs. MacLeod read into the record proposed language for Condition #35.

There was no further discussion.

Motion: Commissioner Miller moved, seconded by Commissioner Shinault, and carried (3-0), to 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 amended: (a) Amend Condition #14 to fix identified typographical error; and (b) Amend Condition #35 as read into the record.

AYES: Hansen, Shinault, Miller
NOES: None
ABSTAIN: Stewart
ABSENT: Williams

This action can be appealed to the Board of Supervisors within 10 working days.