

**AMENDED BY STAFF 5/11/94**

**P94-002 - Buddhist Temple**

- REQUEST:
- A. Negative Declaration
  - B. Mitigation Monitoring Plan
  - C. Special Permit to allow a church to occupy an existing 2,052 square foot structure on 2.67± acres in the Standard Single Family (R-1) and Two Family (R-2) zone;
  - D. Variance to defer (until Phase II) the required six foot masonry wall separating residential from non-residential uses in the Standard Single Family (R-1) and Two Family (R-2) zone.

LOCATION: 4845 Rio Linda Boulevard  
APN:226-0240-025  
North Sacramento Community Plan Area  
Grant Joint Union School District  
Council District 2

APPLICANT:	Sang Le (916) 324-2753 4845 Rio Linda Boulevard Sacramento, CA 95838
OWNER:	Bounnhong Phanthavong, Khammy Chanthapoumy 4845 Rio Linda Boulevard Sacramento, CA 95838
APPLICATION FILED:	January 3, 1994
STAFF CONTACT:	Hilary Perry, 264-5698

**SUMMARY/RECOMMENDATION:**

The applicant is proposing to utilize an existing 2,052 square foot structure that is presently used as a place of worship. It is the intention of the project proponent to

continue to use the subject site for a 50 seat Buddhist Church. The subject proposal is one of three phases and consists of the construction of outside restrooms with a sewer line connection and the paving of 26 parking spaces. Phases II and III are anticipated by the applicant to be completed in five to ten years and consist of construction of a fellowship hall and construction of a wall around the project site (Phase II), and construction of a multipurpose hall and classroom building, and paving of an additional 22 parking spaces (Phase III). Entitlements for the future phases will be required under separate application.

**Staff recommends approval of the project.** This recommendation is based the project's consistency with the General Plan and the Zoning Ordinance regarding the church location on residentially zoned land. Furthermore, the proposed use is compatible with the existing residential land uses that are in the project vicinity.

**PROJECT INFORMATION:**

General Plan Designation:	Low Density Residential(4-15 du/na)
Community Plan Designation:	Residential(7-15 du/na)
Existing Land Use of Site:	church
Existing Zoning of Site:	R-1 and R-2

**Surrounding Land Use and Zoning:**

North: Residential; R-1  
 South: Industrial; R-1  
 East: Vacant; C-1  
 West: Residential; R-1

Setbacks:	Required	Provided
Front:	25'	75+'
Side(Int):	5'	160±'
Side(St):	5'	93'
Rear:	15'	368±'

Property Dimensions:	330' x 330'
Property Area:	2.67 gross acres 2.57 net acres
Height of Structure:	18' (1 story)
Exterior Building Materials:	Stucco/wood
Roof Material:	Composition
Parking Provided:	25 spaces
Parking Required:	13 spaces(1 space per 4 people)
Topography:	Flat

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Street Improvements: Existing  
Utilities: Existing

OTHER APPROVALS REQUIRED:

In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

<u>Permit</u>	<u>Agency</u>
Certificate of Occupancy	Building Division
Building Permit	Building Division

BACKGROUND INFORMATION:

In October of 1986, City Council approved a Tentative Map to subdivide two lots into one lot and a Subdivision Modification to create a lot in excess of 160 feet deep, to defer parkland dedication requirements, and to waive standard street improvements. The subject parcel was one of the parcels created as a part of this approval. The City of Sacramento Zoning Ordinance allows churches to be located in any zone with the granting of a Special Permit. Therefore, the applicant has requested a Special Permit to allow a church to use the subject site within the Standard Single Family (R-1) zone.

STAFF EVALUATION:A. Policy Considerations

The General Plan designates the subject site as Low Density Residential (4-15 du/na). The proposed Buddhist church is consistent with the land use designations. The General Plan does not have specific goals and policies related to churches. However, the General Plan has a specific goal which states "Maintain and improve the quality and character of residential neighborhoods in the City." Churches in a neighborhood area can also provide more neighborhood stability. The proposed church will provide a transition of intensity and a buffer between the residential area to the north and west of the site and the parcel to the south of the site that is zoned for residential use but utilized for industrial use and the vacant site to the east of the subject site that is zoned for commercial use.

The project site is bordered on the north, south, and west by parcels zoned for single family residential use. The property to the north is developed with the Contractor's Supply Depot and residential development. To the south of the project site is a parcel that is developed with an industrial land use. The property to the west of the project site is developed with residential land use. To the east of the project site is a parcel that is presently vacant and that is zoned for Limited Commercial (C-1) use.

The subject site is in an area that is developed with predominantly detached single family

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residences. Churches are allowed in the (R-1) zones with a special permit. Keeping the R-1 zoning designation will allow for the possibility of future residential development should the phasing of the project not be developed as proposed.

B. Site Plan Design/Zoning Requirements

1. Special Permit

A Special Permit is required to locate a church use in any zone. The proposed Buddhist Church will operate every day from 8:00 a.m. to 6:00 p.m.. The Buddhist Church will have a maximum of 50 people attending church at the same time. However, only two times a month are there actual church services held. The remainder of the time, parishioners do not attend a service at a set time, rather they come individually to use the church (Pers. Comm. Sang Le, 2-9-94). It is the intention of the project proponent to construct the subject Buddhist church in three phases. These phases are proposed to occur as follows:

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|-----------|--|
| Phase I   | 1) Construction of outside restrooms/showers with sewer line connection.<br>2) Paving of 26 parking spaces   |
| Phase II  | 1) Construction of a fellowship hall that will be utilized as a worship hall.<br>2) Demolition of the existing wood fence that is located around the perimeter of the project site.<br>3) Construction of a cement wall around the project site and erection of a reenforced steel gate. |
| Phase III | 1) Construction of a multipurpose hall and classroom building.<br>2) Paving of an additional 22 parking spaces.  |

The applicant estimates that Phase I will be completed as soon as possible. Phase II and Phase III are anticipated to be completed in 5 to 10 years. Each of the phases of development will require discretionary entitlements. Staff supports the presently proposed church use that will not significantly impact the adjacent residential development.

2. Variance

As part of the present proposal, a 26 space parking lot is proposed to be located on the southeast portion of the site. As part of Phase III an additional 22 parking spaces will be located on the northeast portion of the site. These parking lots will

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be located next to parcels that are zoned for residential use. The Zoning Ordinance requires a six foot masonry wall between residential and non-residential uses. There is a solid wood fence surrounding the entire project site. As part of Phase II, the project proponent intends to demolish this fence and replace it with a masonry wall. Staff has no objections to deferring the masonry wall, especially since the applicant intends to construct a wall as part of Phase II and since there is an existing wood fence along the perimeter of the project site.

### 3. Setbacks

There is an existing 2,052 square foot structure on the project site that is currently being used for a prayer area. The subject structure was previously used as a residence. It is the intention of the project proponent to further develop the site in Phase II and Phase III.

The setbacks of the building that will be used as the church are existing and conform to the Zoning Ordinance regulations and the PUD Guidelines. The proposed project is not anticipated to result in an encroachment upon the required front setbacks, rearyard setbacks, or lot coverage.

### 4. Parking/Circulation

There is one driveway entrance/exit off of Rio Linda Boulevard. Twenty-six parking spaces will be provided on the south-east portion of the project site. Although fixed seating is not provided in the prayer hall, staff uses the proposed number of people who stand or kneel as if they were provided seats. The City of Sacramento Zoning Ordinance requires that for every four seats in a church one parking space must be provided. Therefore, at least 13 parking spaces are required for the proposed church. The Buddhist Temple services are held twice a month. However, a majority of the time parishioners do not attend church all at one time. The church is available for worship every day between 8:00 a.m. and 6:00 p.m.. It is anticipated that ample parking will be available for the parishioners. Presently, there is ample unpaved parking available on the proposed project site. Because the Zoning Ordinance parking requirements are met, it is anticipated that adequate parking will be provided.

### 5. Landscaping

The proposed project site is presently developed with a 2,052 square foot structure. A landscape plan has not been submitted for staff's review. It is recommended that a landscape and irrigation plan be submitted that incorporates the requirements of the water conserving landscaping ordinance for Planning staff's review and approval prior to issuance of building permits. All new

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designated parking areas shall meet the 50 percent shading requirements. Staff recommends that the shading requirement be met as part of the construction of the 26 space parking lot associated with Phase I. Additional landscaping should be added as Phase II and Phase III occur.

6. Signage

There was no signage indicated on the submitted site plan nor as a part of the application. Any signage must meet all the requirements set forth by the City's Sign Ordinance and the project proponent must obtain a sign permit from the City of Sacramento Planning and Development Department for any signage associated with the Buddhist church.

C. Building Design

The exterior building materials consist of stucco and wood. The exterior colors are tan with blue trim. The roofing material consists of composition tile. The City of Sacramento Zoning Ordinance allows a maximum height limit of 75 feet in the Light Industrial Zone. The existing structure is in compliance with the 75 foot height limit. This structure has one floor. The subject proposal does not involve any changes to the existing building design.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The Environmental Services Manager has determined the project, as proposed, will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared in compliance with Section 15070(B)1 of the California Environmental Quality Act Guidelines. The applicant has incorporated a mandatory mitigation measure into the project plans to avoid identified impacts or to mitigate such impacts to a point where clearly no significant impacts will occur. The mitigation measure addresses cultural resources. The mitigation measure is listed in the attached Mitigation Monitoring Plan (Attachment 3-B).

B. Public/Neighborhood/Business Association Comments

The proposed project application packet was sent to the G.R.I.N. Neighborhood Association and no comments were received. The proposed project application packet was also sent to the surrounding land owners within a 500 foot radius of the project site and no comments were received.

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C. Summary of Agency Comments

The proposal was routed to the City's Traffic Engineer, Engineering Development Services Section, Building Division, Police Department, Fire Department and Utility Department. The following summarizes the comments received:

1. Engineering Development Services

The comments which are specifically listed as conditions in the resolution addressed compliance with the City's Cross Connection Control Policy, abandonment of the existing septic tank, on-site grading, paving, and drainage, extension of an off-site drainage pipe, and frontage improvements.

2. Traffic Engineering

The comments which are specifically listed as conditions in the resolution addressed the requirement for the parking spaces to be to City Standards, for handicap spaces to be to American Disability Act standards, and for a standard driveway. *As an advisory comment, previous subdivisions have been approved that have established a street network that would eventually connect to Rio Linda Blvd. through this site. Approval of this project would limit the ability to provide a street connection to Rio Linda Blvd (Amended by Staff 4/28/94).*

3. Fire Department

The comments which are specifically listed as conditions in the resolution addressed the direction of opening of the existing door in the hall, the requirement for another door in the hall, and the need for lit exit signs prior to issuance of a Certificate of Occupancy.

4. Building Division

The comments which are specifically listed as conditions in the resolution addressed the need to obtain a Building Permit for the change in the type of occupancy.

PROJECT APPROVAL PROCESS:

The Planning Commission has the authority to approve or deny the requested Special Permit and Variance. The decision of the Planning Commission may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

RECOMMENDATION:

Staff recommends approval of the proposed development for the following reasons:

- The proposed project will be consistent with the General Plan and the North Sacramento Community Plan and policies.
- The proposed project will provide adequate setbacks, and is compatible with adjacent land uses and development.
- The proposed project meets the density for the site.
- The proposed church will provide a transition of intensity and a buffer between the existing residential and industrial development and vacant commercial areas.

Staff recommends the Planning Commission take the following actions:

- A. Ratify the Negative Declaration
- B. Adopt the Mitigation Monitoring Plan.
- C. Adopt the attached Resolution approving the Special Permit to allow a church to occupy an existing 2,052 square foot structure in the Standard Single Family (R-1) Zone.
- D. Approve the Variance to defer the required six foot masonry wall separating residential from non-residential uses subject to conditions and based upon findings of fact which follow.

Report Prepared By,

Report Reviewed By,

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Hilary Perry  
Assistant Planner

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Scot Mende  
Senior Planner

Attachments

- Attachment 1 Vicinity Map
- Attachment 2 Land Use and Zoning Map



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Attachment 3	Resolutions
Exhibit 3-A	Site Plan
Exhibit 3-B	Floor Plan
Exhibit 3-C	Mitigation Monitoring Plan

## RESOLUTION NO.

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION

ON DATE OF APRIL 28, 1994

A RESOLUTION ADOPTING FINDINGS OF FACT  
AND APPROVING A SPECIAL PERMIT FOR  
PROPERTY LOCATED AT 4845 RIO LINDA  
BOULEVARD (P94-002)(APN:226-0240-025)

WHEREAS, the City Planning Commission on April 28, 1994, held a public hearing on the request for approval of a special permit to allow a church to use an existing 2,052 square foot structure at the property located at the above described location;

WHEREAS, the City Environmental Coordinator has determined that the proposed project will not have a significant effect on the environment, and has provided notice to the public of the preparation of a Negative Declaration.

WHEREAS, the Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed development;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF SACRAMENTO THAT:

1. The Special Permit is hereby approved based upon the following findings of fact:
  - a. The Negative Declaration has been prepared in compliance with CEQA, State and City Guidelines, and the City Planning Commission has reviewed and considered the information contained herein.
  - b. Granting the Special Permit would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
    - 1) The proposed project does not result in an increase in the footprint of the existing structure and does not exceed the maximum setback requirements;
    - 2) The proposed church use is compatible with the surrounding residential and industrial land uses in the area.

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- c. The project is consistent with the General Plan and North Sacramento Community Plan which designate the site for residential land use.

2. The Special Permit for the proposed church is hereby approved subject to the following conditions:

- A. The Buddhist Temple shall participate in a good neighbor program that involves the notification by flyer of all neighbors within a 500 foot radius of the Buddhist temple one week prior to any activities that will have more than 100 participants. The notification (flyer) shall provide the date of the activity, the time the activity is scheduled to occur, whether the activity will be indoors or outdoors, and the name of a contact person should any of the neighbors have questions or complaints regarding the activity.
- B. The wall, which will not be constructed until Phase II if the Variance is approved, shall be constructed prior to the construction of Phase II if sufficient complaints are received regarding noise. If the Zoning Administrator determines that the noise is excessive and can be mitigated by a wall, the Zoning Administrator will convene a hearing to require that the wall be constructed.
- C. The applicant shall assure Engineering Development that the project is in compliance with the City's Cross Connection Control Policy prior to Certificate of Occupancy.
- D. The applicant shall receive approval for on-site grading, paving and drainage prior to issuance of a building permit.
- E. The applicant shall enter into an agreement to not protest any future assessment district to provide frontage improvements prior to issuance of the Certificate of Occupancy.
- F. Parking spaces that are to City standards shall be provided.
- G. Handicap parking spaces shall comply with the American Disabilities Act (ADA) requirements.
- H. The applicant will be required to provide a standard driveway.

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- I. The applicant shall submit a landscape and irrigation plan that incorporates the requirements of the water conserving landscaping ordinance for Planning staff's review and approval prior to issuance of building permits. All designated parking areas shall meet the 50 percent shading requirement.
  - J. Prior to issuance of the Certificate of Occupancy, the applicant shall modify the existing exit door in the prayer hall so that it opens in an exit direction. This door is required to be labeled "this door to remain unlocked during business hours".
  - K. Prior to Certificate of Occupancy, the applicant will be required to provide another door that has direct access outdoors. It is suggested that this door be located on the south west portion of the existing structure. It will be required that this door swing outward and be equipped with panic hardware.
  - L. Lighted exit signs are required at each exit.

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CHAIRPERSON

ATTEST:

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SECRETARY TO PLANNING COMMISSION

P94-002

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## RESOLUTION NO.

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION

ON DATE OF APRIL 28, 1994

A RESOLUTION ADOPTING A  
MITIGATION MONITORING PLAN  
FOR SPECIAL PERMIT FOR A  
CHURCH (P94-002) FOR  
PROPERTY LOCATED AT 4845  
RIO LINDA BLVD.  
(APN:226-0240-025)

WHEREAS, the City Planning Commission on April 28, 1994, held a public hearing on the request for approval of a Special Permit for property located at the above described location;

WHEREAS, the above described project has been given a Negative Declaration by the Environmental Coordinator;

WHEREAS, the proposed Negative Declaration finds that the proposed project will not have a significant effect on the environment because mitigation measures have been added to the project;

WHEREAS, in accordance with Section 21081.6 of the California Public Resources Code, the City of Sacramento requires that a Mitigation Monitoring Plan be developed for implementing mitigation measures as identified in the Initial Study for the project; and

WHEREAS, the applicant for the project has agreed to the provisions of the Mitigation Monitoring Plan as indicated on the Agreement contained in the attached Mitigation Monitoring Plan (Exhibit 3-C).

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

1. The Mitigation Monitoring Plan for the proposed project (P94-002) be approved and adopted as shown in the attached Mitigation Monitoring Plan (Exhibit 3-C) dated March 3, 1994.

P94-002

April 28, 1994

ITEM #  
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CHAIRPERSON

ATTEST:

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SECRETARY TO PLANNING COMMISSION

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AMENDED BY CPC 4/28/94

## RESOLUTION NO.

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION

ON DATE OF APRIL 28, 1994

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING A VARIANCE FOR PROPERTY LOCATED AT 4845 RIO LINDA BOULEVARD (P94-002) (APN: 226-0240-025)

WHEREAS, the City Planning Commission on April 28, 1994 held a public hearing on the request for approval of a variance to defer the required six foot masonry wall for property located at the above described location;

WHEREAS, the City Environmental Coordinator has determined that the proposed project will not have a significant effect on the environment, and has provided notice to the public of the preparation of a Negative Declaration;

WHEREAS, the Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed development;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF SACRAMENTO THAT:

1. The variance to defer the required six foot masonry wall is hereby approved based upon the following findings of fact:
  - A. Granting the variance does not constitute a special privilege extended to an individual property owner in that variances would be granted to other property owners facing similar circumstances.
  - B. Granting the variance would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
    - 1) There is a six foot wood fence along the perimeter of the proposed project site; and;
    - 2) The project proponent proposes to demolish the existing wood fence

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and construct a six foot masonry wall as part of Phase II of the proposed project;

- C. Granting the Variance does not constitute a use variance in that church use is allowed in the Standard Single Family (R-1) zone.

2. The Variance is granted with the following conditions:

- A. The requirement for the masonry wall shall be reinstated when Building Permits for additional structural square footage is obtained in accordance with Phase II of the proposed site development.
- B. *In order to serve as a sound buffer, the project proponent is responsible for planting a shrub between the existing Eucalyptus trees on the south property boundary. The City of Sacramento Arborist has reviewed the subject site and recommends that Oleander shrubs be planted between the existing Eucalyptus trees (Amended by CPC 4/28/94).*

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CHAIRPERSON

ATTEST:

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SECRETARY TO PLANNING COMMISSION

P94-002



Recording  
Not  
Required  
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**MITIGATION MONITORING PLAN**

**FOR**

**Buddhist Church/ P94-002**

Type of Environmental Document:  
**Negative Declaration**

Prepared By:  
**City of Sacramento Planning Division**

Date:  
**March 3, 1994**

Adopted By:  
**City of Sacramento, Planning Commission**

Date:

\_\_\_\_\_  
Attest:

\_\_\_\_\_  
**Secretary**

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**CITY OF SACRAMENTO  
MITIGATION MONITORING PLAN**

This Mitigation Monitoring Plan has been required and prepared by the Department of Planning and Development, Planning Division, 1231 I Street, Suite 200, Sacramento, CA 95814, (916) 264-5604, pursuant to CEQA Guidelines Section 21081.

**SECTION 1: PROJECT IDENTIFICATION**

Project Name and/or File Number: Buddhist Church, P94-002  
Applicant - Name: Sang Le  
Address: 4845 Rio Linda Boulevard, Sacramento CA 95838  
Project Location / Legal description of Property (if recorded):

4845 Rio Linda Boulevard

**SECTION 2: GENERAL INFORMATION**

The project as approved includes one (1) mitigation measure. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within Attachment A of the Initial Study for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the proposed Buddhist Church.

**SECTION 3: PLAN COMPONENTS**

**CULTURAL RESOURCES**

**MITIGATION MEASURE:** Cultural Resources

- G) If subsurface archaeological or historical remains (including unusual amounts of bones, stones, or shells) are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.

**ENTITY RESPONSIBLE FOR ENSURING COMPLIANCE:**

Department of Planning and Development, City of Sacramento  
Department of Public Works, City of Sacramento

**MONITORING PROGRAM:**

Both the Public Improvement Plans and the Building Plans shall include notes stating that if subsurface

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archaeological or historical remains (including unusual amounts of bones, stones, or shells) are discovered during excavation or construction of the site, all work within 50 meters of the affected area shall stop immediately. The construction plans for the project shall include the phone number of the City inspector to be contacted in the event of such a discovery. The plans shall note that a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted in the event that any archeological materials are found.

Site inspections by the Building Division and the Department of Public Works shall inspect for any potential archeological resources during site visits. The Site Conditions Unit staff person/resident engineer in the Building Division/Public Works Department and a representative of the Environmental Services Division shall be notified in case of an archeological discovery. The Building Division shall include this measure as a random inspection item on the Special Conditions Attachment.

If subsurface archaeological or historical remains (including unusual amount of bones, stones, or shells) are discovered during excavation or construction of the site, work within 50 meters of the affected area shall stop immediately. The developer shall contact a qualified archaeologist and a representative of the Native American Heritage Commission to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction within the affected area continues. The City department responsible for inspection and approval of the construction project shall verify the adequacy of the proposed mitigation measures by referring the mitigation plans to the Environmental Services Division for approval. A six foot high construction barrier shall be placed around the affected area until such mitigation measures have been implemented.