



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

March 2, 2020

Lao Dhamma Sacca Temple, Inc.  
2710 S. Fruit Avenue  
Fresno, CA 93722

Dear Applicant:

Subject: Resolution No. 12815 – Director Review and Approval Application No. 4592 and  
Variance Application No. 4077

On February 13, 2020, the Fresno County Planning Commission approved your project with  
Conditions. A copy of the Planning Commission Resolution is enclosed.

The Planning Commission's decision is final.

The approval of this project will expire one year from the date of approval unless a  
determination is made that substantial development has occurred. When circumstances  
beyond the control of the Applicant do not permit compliance with this time limit, the  
Commission may grant an extension not to exceed one additional year. Application for such  
extension must be filed with the Department of Public Works and Planning before the expiration  
of the Director Review and Approval.

If you have any questions regarding the information in this letter please contact me at  
TKobayashi@FresnoCountyCA.gov or 559-600-4224.

Sincerely,

Thomas Kobayashi, Planner  
Development Services and Capital Projects Division

TK:ksn  
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Enclosure

cc: Scott Vincent



## Inter Office Memo

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DATE: February 13, 2020  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12815 - DIRECTOR REVIEW AND APPROVAL  
APPLICATION NO. 4592 and VARIANCE APPLICATION NO. 4077

APPLICANT/  
OWNER:

Lao Dhamma Sacca Temple Inc.

REQUEST:

Amend Director Review and Approval Application No. 3280 to allow relocation and expansion of a Stupa and Social Hall, and waive the 35-foot maximum building height limit to allow construction of the Social Hall to a maximum height of 58 feet and the Stupa to a maximum height of 66 feet on a 9.62-acre parcel in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION:

The project site is located on the west side of South Fruit Avenue, approximately 650 feet north of its nearest intersection with West Annadale Avenue and is approximately 1,340 feet south of the nearest city limits of the City of Fresno (2710 S. Fruit Avenue, Fresno, CA) (Sup. Dist. 1) (APN 328-050-17).

### PLANNING COMMISSION ACTION:

At its hearing of February 13, 2020, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

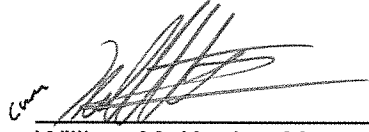
A motion was made by Commissioner Woolf and seconded by Commissioner Carver to adopt the recommended Findings for approval of a Director Review and Approval and determine the required Findings for approval of a Variance could be made, stating that Finding 1 could be made based on the nature of the use and the religious significance of the spires, which is an exceptional circumstance; and Finding 2 could be made because the Variance is necessary for the preservation and enjoyment of a substantial property right, which is the expression of religious beliefs associated with the use of this site. Based on the ability to make all four of the required findings, a motion was made to approve Director Review and Approval No. 4592 and Variance No. 4077, subject to the Conditions listed in Exhibit B.

RESOLUTION # 12815

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Woolf, Carver, Abrahamian, Burgess, Chatha, Ede, Eubanks, Hill, and Lawson.
	No:	None
	Absent:	None
	Abstain:	None

STEVEN E. WHITE, DIRECTOR  
Department of Public Works and Planning  
Secretary-Fresno County Planning Commission

By:   
 \_\_\_\_\_  
 William M. Kettler, Manager  
 Development Services and Capital Projects Division

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NOTE: The approval of this project will expire two years from the date of approval. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Director Review and Approval and Variance.

Attachments

EXHIBIT A

Director Review and Approval Application No. 4592  
Variance Application No. 4077

Staff: The Fresno County Planning Commission considered the Staff Report dated February 13, 2020, and heard a summary presentation by staff.

Applicant: The Applicant's representative did not concur with the Staff Report and staff's recommendations. He described the project and offered the following information to clarify the intended use:

- The Social Hall expansion includes roofed walkways surrounding the Social Hall on all sides; and the Stupa is slightly enlarged to accurately represent an authentic design.
- The Stupa was historically considered a burial mound where the ashes of Buddha were laid; the center of the Stupa can hold relics of the Buddhist religion; and the design of the proposed Stupa is similar to the one located at the Pha That Luang.
- The entire project site is considered a temple; and the property is master planned with religious beliefs and values engrained into the design.
- The spires on both the Social Hall and the Stupa are symbolic to religious beliefs; reduced height would not have the same religious symbology; adjustments have been made to the main structures to blend both the religious architecture and underlying development standards; removing the spires from this religious site is likened to removing spires from other prominent religious sites throughout Fresno.

Others: Four individuals presented information in support of the application and provided additional information regarding the proposal.

- Culturally, the Buddhist temple consists of a Social Hall and Stupa; the Stupa is used as a place for meditation and associated with aspects of enlightenment; the spire is high to symbolize heavenly aspiration; and the Social Hall is a place of gathering for our community to pray and hold cultural ceremonies.
- We have reached out to our neighbors and received positive comments; the project will have great community benefit.
- There is deep religious symbology of the structure of the Stupa; the shape of the Stupa symbolizes a crowned Buddha sitting on a throne; removing the spires would have a negative effect on the cultural significance of the structures.

RESOLUTION # 12815

- There is another Lao temple that has a spire approximately 65 feet high in the City of Fresno.

No individual spoke in opposition to the application.

Correspondence: One letter was presented to the Planning Commission in support of the application. No letters were presented in opposition.

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**Director Review and Approval Application No. 4592  
 Variance Application No. 4077  
 Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan approved by the Planning Commission.
2.	All Conditions of Approval for any previous applications shall be implemented if not already in place.
Conditions of Approval reference Conditions for the project.	
Notes	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	The proposed Social Hall and Stupa will require plans, permits, and inspections.
2.	There are no permit records for the existing arbor building or 4-car carport, and no permit for the removal of one of the three mobile homes. Prior to issuance of building permits for the proposed Social Hall and Stupa, plans, permits, and inspections will be required for any identified unpermitted structure or removed structure. Additionally, there are no permit records for the conversion of the old school building into an office, activity hall and hall building; and service center building as indicated on the submitted site plan. Prior to issuance of building permits, copies of historical building permits from the County of Fresno Assessor's Office shall be submitted to verify the school buildings and their use.
3.	<p>The following requirements have been set forth by the Site Plan Review Section of the Department of Public Works and Planning:</p> <ul style="list-style-type: none"> <li>A. ADA parking stalls for the physically disabled shall be placed adjacent to facility access ramps or in strategic areas where the disabled shall not have to travel behind parking spaces other than to pass behind the parking space in which they are parked.</li> <li>B. Based on the number of parking stalls in the operational statement and depicted in the site plan, there will be a total of nine (9) ADA stalls; of those stalls, a minimum of two (2) are required to be van-accessible stalls per state standards. ADA stall(s) must be provided for the physically disabled and shall be served by an access aisle 96 inches wide, minimum, and shall be designated van accessible. These spaces must be concrete or asphalt concrete paved and must be located on the shortest possible route to the main entrance so disabled persons do not cross the driveway into the parking lot.</li> <li>C. A four (4)-foot path of travel for disabled persons shall be constructed and striped in accordance with state standards.</li> <li>D. Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per the Governor's Drought Executive Order of 2015. The Landscape and Irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review unit for review and approval prior to issuance of Building Permits.</li> <li>E. All parking and circulation areas that are not concrete or asphalt concrete paved should be treated with a dust palliative.</li> <li>F. Outdoor lighting should be hooded and directed away from adjoining streets and properties.</li> <li>G. All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.</li> </ul>
4.	Plans, permits and inspections will be required for onsite improvements.

**Notes**

5.	<p>The following requirements have been set forth by the Development Engineering Section of the Department of Public Works and Planning:</p> <ul style="list-style-type: none"> <li>A. An Engineered Grading Plan will be required when moving more than 1,000 cubic yards of material.</li> <li>B. A Grading Permit or Voucher is required for any grading proposed with this application.</li> <li>C. Typically, any access driveway should be set back a minimum of 10 feet from the property line.</li> <li>D. Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.</li> <li>E. For any unpaved or gravel surface access roads, the first 100 feet off the edge of the road right-of-way must be graded and asphalt concrete paved or treated with a dust palliative.</li> <li>F. The project is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary and Drainage Zones District AU. FMFCD should be consulted for their requirements, and any additional runoff generated by development cannot be drained across property lines.</li> <li>G. Any additional runoff generated by the proposed development of this site cannot be drained across property lines or into County right-of-way, and must be retained on site per County Standards.</li> </ul>
6.	<p>If not already on file, the Applicant shall submit a Traffic Management Plan(s) (TMP) for their special events. As they are all under 500 trips or less, it would be acceptable to generate one TMP that covers up to 500 trips to be utilized for all their events.</p>
7.	<p>The following requirements have been set forth by the Road Maintenance and Operations Division of the Department of Public Works and Planning:</p> <ul style="list-style-type: none"> <li>A. Fruit Avenue is classified as a Collector road in the County's General Plan, requiring an ultimate road right-of-way of 84 feet. Currently, Fruit Avenue has a right-of-way of 60 feet to 72 feet along parcel frontage. An additional 12 feet of right-of-way is required along parcel frontage in areas where there is only 30 feet of road right-of-way west of the centerline. Setbacks for new construction should be based upon the ultimate right-of-way for Fruit Avenue.</li> <li>B. Drainage surface water must be held on site. The proposed ponding basin should be engineered to accommodate surface waters generated by proposed improvements.</li> <li>C. An Engineered Grading and Drainage Plan is required to show how additional runoff is being handled and verify compliance with Fresno County's Ordinance.</li> <li>D. An Encroachment Permit from the Road Maintenance and Operations Division is required for any work performed in the County's road right-of-way.</li> </ul>
8.	<p>It is recommended that the Applicant consider having the existing septic tank pumped and have the tank and leach field evaluated by an appropriately-licensed contractor if they have not serviced and/or maintained it within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system(s).</p>
9.	<p>The Fresno County "Right to Farm" Ordinance shall be presented to the Applicant so that any necessary Mitigation Measures can be considered by the facility to minimize any potential discomfort or risk to training staff. The Fresno County "Right to Farm" Notice states that "it is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products." Residents or property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right-to-farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years.</p>
10.	<p>For information purposes, FID's Fresno Colony Canal No. 24 runs westerly along the north side of Annadale Avenue and crosses Fruit Avenue approximately 600 feet south of the subject property. Should any street improvements be required along Fruit Avenue and in the vicinity of the canal, FID requires it review and approve all plans.</p>

**Notes**

11.

The following requirements have been set forth by the Fresno Metropolitan Flood Control District:

- A. Any Drainage and Grading Plans should be reviewed and approved by the Fresno Metropolitan Flood Control District (FMFCD) prior to approval by the County.
- B. Should street improvements become a requirement of this entitlement, Master Plan facilities may be required, and the County and developer should contact FMFCD.
- C. In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm drain system.
- D. The District encourages, but does not require, that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.
- E. Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be treated before discharging off site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas shall not be connected to the District's system. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to the requirements.

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