



Inter Office Memo

ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISORS' ACTION SUMMARY MINUTES.

DATE: June 10, 2021
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: Resolution No. 12887 - Initial Study No. 7705, and Classified Conditional Use Permit Application No. 3657

APPLICANT/
OWNER: Govinder K. Singh

REQUEST: Allow a religious facility with related improvements on an approximately 1.52-acre portion of a 5.02-acre parcel in the RR (Rural Residential, two-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the west side of N. Brawley Avenue approximately 435 feet north of its intersection with W. Olive Avenue and 1,864 feet south of the nearest city limits of the City of Fresno (1501 N. Brawley Avenue, Fresno) (APN 312-112-26) (Sup. Dist. 1).

PLANNING COMMISSION ACTION:

At its hearing of June 10, 2021, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Eubanks and seconded by Commissioner Ede to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings of Fact for approval of a Conditional Use Permit, and approve Classified Conditional Use Permit No. 3670, subject to the Conditions listed in Exhibit B. The motion failed on the following vote, and the project was deemed denied:

VOTING: Yes: Commissioners Eubanks, Ede, Ewell
No: Commissioners Abrahamian, Burgess, Chatha, Hill, Woolf
Absent: Commissioner Carver
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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Attachments

EXHIBIT A

Initial Study No. 7705
Conditional Use Permit Application No. 3657

- Staff: The Fresno County Planning Commission considered the Staff Report dated June 10, 2021 and heard a summary presentation by staff.
- Applicant: The Applicant and his representatives concurred with the Staff Report and the recommended Conditions. They described the project and offered the following information to clarify the intended use:
- We bought the property to establish a religious facility; we have been utilizing private residences for religious activities.
 - The Fresno area was picked due to its central location in the State; the project location makes it easier for families from Fresno as well as those coming from Los Angeles and Sacramento.
 - Economic reasons dictate that the building shall be a metal structure; also, such structure come with an open interior which provides some degree of flexibility in the use of spaces.
 - The building is designed to accommodate religious services once or twice a month and includes a kitchen for food preparation.
 - The facility will be visited by a maximum of 100 people on Sundays and is provided with an adequate number of onsite parking spaces to meet the need.
 - Our service hours are 9 a.m. to 4 p.m. on Sundays only; the services will end at 2 p.m. and by 4 p.m. the site will be vacated.
 - A Traffic Impact Study was prepared for the project and was based on the total number of automobile trips in and out of the site twice a month.
 - We will have two employees for cleaning and taking care of the facility.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: A letter from California Department of Fish and Wildlife received after the Staff Report was circulated was provided to the Commission at the beginning of the meeting.

EXHIBIT "B"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Classified Conditional Use Permit Application No. 3657
Initial Study Application No. 7705

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Classified Conditional Use Permit Application	\$ 4,569.00 ¹
Initial Study Application	\$ 3,901.00 ²
Public Health Department Review	<u>\$ 992.00³</u>
Total Fees Collected	<u>\$ 9,462.00</u>

¹ Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
² Review proposal to provide appropriate California Environmental Quality Act (CEQA) analysis and include documentation to prepare a Mitigated Negative Declaration.
³ Review of proposal by the Department of Public Health, Environmental Health Division to provide comments.



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 June 10, 2021

SUBJECT: Initial Study No. 7705 and Classified Conditional Use Permit
Application No. 3657

Allow a religious facility with related improvements on an approximately 1.52-acre portion of a 5.02-acre parcel in the RR (Rural Residential, two-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the west side of N. Brawley Avenue approximately 435 feet north of its intersection with W. Olive Avenue and 1,864 feet south of the nearest city limits of the City of Fresno (1501 N. Brawley Avenue, Fresno) (SUP. DIST. 1) (APN 312-112-26).

OWNER/APPLICANT: Govinder K. Singh

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) No. 7705; and
- Approve Classified Conditional Use Permit No. 3657 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map

4. Existing Land Use Map
5. Site Plan/Floor Plan/Elevation
6. Applicant's Operational Statement
7. Summary of Initial Study Application No. 7705
8. Proposed Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Rural Residential	No change
Zoning	RR (Rural Residential; two-acre minimum parcel size)	No change
Parcel Size	5.02 acres	No change
Project Site	Single-family residence with related improvements	A religious facility with related improvements on a 1.52-acre portion of a 5.02-acre parcel
Related Structural Improvements	Single-family residence	See above
Nearest Residence	30 feet north of the project boundary	No change
Surrounding Development	Single-family residences	No change
Operational Features	N/A	Per the applicant's Operational Statement, the proposed religious facility will operate: <ul style="list-style-type: none"> • Within a 5,000 square-foot building. • On Sundays from 9 a.m. to 4 p.m. bringing 100 attendees once or twice in a month. • On using individual sewage disposal system and well.
Employees	N/A	Two
Customers or Visitors	None	100
Traffic Trips	N/A	<ul style="list-style-type: none"> • 27 Weekend Peak Hour roundtrips (54 one-way trip) entering the site

Criteria	Existing	Proposed
		<ul style="list-style-type: none"> • 27 Weekend Peak Hour roundtrips (54 one-way trip) exiting the site
Lighting	N/A	Outdoor lighting around the building and inside parking area
Hours of Operation	N/A	9 am to 4 pm (two times a month; Sundays only)

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL ANALYSIS:

Initial Study No. 7705 was prepared for the project by County Staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 7.

A Notice of Intent to adopt a Mitigated Negative Declaration was published on May 5, 2021.

PUBLIC NOTICE:

Notices were sent to 32 property owners within 600 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Classified Conditional Use Permit may be approved only if five Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission. The decision of the Planning Commission on a Classified Conditional Use Permit No. 3657 Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

County records indicated that the existing Single-family residence on the property was constructed in 1950's.

Site Plan Review No. 2455 was approved in 1970's to allow a roping arena operation on the property. The use was abandoned in later years.

The subject proposal (CUP No. 3657) would allow a religious facility consisting of a 5,000 square-foot building, onsite parking, landscaping, and a block masonry wall along the south property line adjacent to the parking area. The property will gain access from Brawley Avenue.

Finding 1: That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	<ul style="list-style-type: none"> • Front (Brawley Ave; east property line): 329 feet • Side (North property line): 197 feet • Side (South property line): 67 feet • Rear (West property line): 266 feet 	Yes
Parking	One (1) parking space for every forty (40) square feet of area within the main meeting hall.	94 parking spaces required (96 parking spaces provided)	Yes
Lot Coverage	No Requirement	N/A	N/A
Separation Between Buildings	Minimum of six (6) feet between the main building and accessory building	N/A	N/A
Wall Requirements	<ul style="list-style-type: none"> • Six feet (maximum) on rear and side property lines • Three feet (maximum) in any required front yard 	A six-foot-tall block masonry wall on the south property line	Yes
Septic Replacement Area	100 percent	100 percent	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change to the existing onsite wells and no new well to be drilled	N/A

Reviewing Agency/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements meet the building setback requirements of the AE-20 Zone District.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis Finding 1:

Staff review of the Site Plan demonstrates that the subject 5.02-acre parcel is adequate to accommodate the proposed 5,000 square-foot building to be used for religious activities. The building will exceed the minimum setback requirements of the AE Zone District by setting back approximately 329 feet from the east property line (35 feet required), 197 feet from the north property line (20 feet required), 67 feet from the south property line (20 feet required), and 266 feet from the west property line (20 feet required).

The subject parcel is also adequate to accommodate the required number of parking for the project. The project requires 94 standard parking spaces including four parking spaces for the disabled. The Site Plan for the project (Exhibit 5) depicts 96 parking spaces, including four parking spaces for the disabled, which is sufficient to meet the requirement.

Recommended Conditions of Approval:

None.

Conclusion Finding 1:

Based on the above information and with adherence to a Site Plan Review, recommended as a Condition of Approval, staff believes the site is adequate to accommodate the proposal.

***Finding 2:** That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use*

		Existing Conditions	Proposed Operation
Public Road Frontage	Yes	Brawley Avenue; fair condition	No change
Direct Access to Public Road	Yes	Brawley Avenue; fair condition	No change
Road ADT (Average Daily Traffic)		4500	No change
Road Classification		Collector Road	No change
Road Width		50 feet total (Existing: 30 feet west of section line; Required: 42 feet west of section line)	An additional 12-foot right-of-way west of section line is required
Road Surface		Asphalt concrete paved; pavement width: 32 feet	No change
Traffic Trips		N/A	<ul style="list-style-type: none"> • 27 Weekend Peak Hour roundtrips (54 one-way trip) entering the site • 27 Weekend Peak Hour roundtrips (54 one-way trip) exiting the site

		Existing Conditions	Proposed Operation
Traffic Impact Study (TIS) Prepared	Yes	N/A	Per the TIS prepared for the project, the project will pay for an equitable share of the cost of installing all-way stop control at Valentine and Olive Avenues. This requirement has been included as a Mitigation Measure.
Road Improvements Required		Brawley Avenue; fair condition	No improvements required

Reviewing Agency/Department Comments:

City of Fresno Public Works Department, Engineering Division/Traffic Planning: The project shall pay Traffic Signal Mitigation Impact Fee per the City’s Master Plan Schedule, Fresno Major Street Impact Fee and Regional Transportation Mitigation Fee. This requirement has been included as a Condition of Approval.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Brawley Avenue is classified as a collector road in the County’s General Plan requiring 84 feet of road right-of-way (42 feet west and 42 feet east of section line). Currently, Brawley Avenue has a total right-of-way with 30 feet west of centerline. An additional 12-foot right-of-way is needed along parcel frontage to meet the ultimate right-of-way for Brawley Avenue. This requirement has been included as a Condition of Approval.

An encroachment permit shall be obtained for any work in the County road right-of-way and for the construction of the proposed driveway approaches to Brawley Avenue. This requirement has been included as a Project Note.

City of Fresno Public Works Department: The property shall dedicate the necessary right-of-way per the City of Fresno standards for the roadway classification. (Note: The project will dedicate right-of-way per County standards; however, consideration is also given to the City standard in the project design; Exhibit 5).

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Analysis Finding 2:

Access to the subject parcel is from Brawley Avenue which is classified as a Collector road on the circulation element of the Fresno County General Plan. This 50-foot wide road is in fair condition with pavement width of 32 feet. Average Daily Traffic of Brawley Avenue is 4,500 vehicles per day.

Brawley Avenue has an existing right-of-way of 30 feet west of the section line along the parcel frontage. Being a collector road, the ultimate right-of-way required of Brawley Avenue west of section line is 42 feet. As required by Road Maintenance and Operations Division, the project will dedicate an additional 12 feet right-of-way west of section line and will obtain encroachment permit for all work conducted in the County right-of-way.

As determined by the Traffic Impact Study prepared for the project, the project will generate fewer than an average of 110 trips per day, requires no left-turn lane at the site access driveway, and will pay for an equitable share of the cost of installing all-way stop control at Valentine and Olive Avenues.

The Design Division or the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, expressed no concerns regarding traffic impact on County roadways. Regarding impact on City of Fresno roadways, the project will pay Traffic Signal Mitigation Impact (TSMI) Fee per the City’s Master Plan Schedule, Fresno Major Street Impact (FMSI) Fee and Regional Transportation Mitigation Fee (RTMF) prior to issuance of building permits.

Recommended Conditions of Approval:

See Mitigation Measures and recommended Conditions of Approval attached as Exhibit 1.

Conclusion Finding 2:

Based on the above information, staff believes Brawley Avenue will remain adequate in width and pavement to accommodate the traffic generated by this proposal.

Finding 3: That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	Two acres 2.6 acres	Single-family residence	RR	30 feet
South	7.1 acres	Single-family residence	RR	267 feet
East	0.87-acre	Single-family residence	RR	107 feet
West	2.3 acres	Single-family residence	RR	280 feet

Reviewing Agency/Department Comments:

State Water Resources Control Board, Division of Drinking Water (SWRCB -DDW): Prior to the occupancy granted for the religious facility, a drinking water permit shall be obtained from State Water Resources Control Board – Division of Drinking Water (SWRCB-DDW). The project will require compliance with Senate Bill (SB) 1263 and prior to applying for a water permit for a proposed new public water system, shall submit a preliminary technical report to SWRCB-DDW a minimum of six (6) months prior to initiating construction of any water-related improvement.

Site Plan Review Section: 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 submit Landscape and Irrigation plans per the Governor's Drought Executive Order of 2015. All unpaved parking and circulation areas shall be treated with a dust palliative to prevent the creation of dust.

Fresno County Department of Agriculture: The Fresno County Right-to-Farm Ordinance shall be acknowledged regarding the inconveniencies and discomfort associated with normal farm activities surrounding the proposed development.

The above noted requirements have been included as Conditions of Approval.

Fresno County Department of Public Health, Environmental Health Division: Sewage disposal system for the proposed building shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. The existing septic tanks should be pumped, and the tank and leach lines be evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties and be retained on-site per County standards. A grading permit or voucher may be required for any grading that has been done without a permit and any grading proposed with this application. Any existing or proposed gate shall be setback a minimum of 20 feet from the ultimate road right-of-way line or the length of the longest truck entering the site and shall not swing outward.

Fresno Irrigation District (FID): The FID's active Victoria Colony E. Branch No. 43 runs approximately 4,600 feet northeast; Victoria Colony W. Branch No. 43 runs approximately 2,400 feet northeast; Houghton No. 78 run approximately 3,100 feet southwest of the project site. Plans for any street and/or utility improvements along or in the vicinity of these facilities shall require F.I.D. review and approval. A privately-owned canal (Tracy S. Branch No. 44) runs 2,000 feet northwest of the project site. This is an active canal and shall be treated as such.

Fresno Metropolitan Control District (FMFCD): Temporary on-site storm water storage facility shall be provided until permanent FMFCD facilities become available and drainage can be directed to the street.

Zoning Department of the Fresno County Department of Public Works and Planning: A special Inspection Permit is required to verify the removal of previous mobile home and various other structures on the property. Any modifications to the existing onsite residence would require building permits and inspections.

North Central Fire Protection District (NCFPD): The project shall comply with California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19. Construction plans shall be submitted to the County for prior to receiving NCFPD conditions of approval for the project.

San Joaquin Valley Air Pollution Control District: To identify San Joaquin Valley Air Pollution Control District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant shall contact the District's Small Business Assistance Office.

The above-noted requirements have been included as Project Notes.

Native American Heritage Commission; Table Mountain Rancheria; U.S. Fish and Wildlife Service; California Department of Fish and Wildlife; Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: Expressed no concerns with the proposal.

Analysis Finding 3:

The project site is developed with a single-family residence. The surrounding area is also developed with single-family residences on parcels ranging from less than one-acre to five acres in size. The nearest single-family residence on a 2.3-acre parcel to the north is approximately 35 feet from the site's north boundary. Other single-family residences on approximately one half-acre parcels are approximately 113 feet from the site's east boundary across Brawley Avenue. The abutting 7.1-acre parcel to the south is largely undeveloped and has a single-family residence within its frontage along Olive Avenue. Except for a storage building located in the rear and a single-family residence located along Olive Avenue, the 2.3-acre parcel to the west is also largely undeveloped.

The proposed 5,000 square feet religious facility consists of an assembly hall, a kitchen, and restrooms. Related onsite improvements include parking along front and south property lines, landscaping within parking area and along property frontage on Brawley Avenue, and paved access drive off Brawley Avenue. All proposed improvements will occupy approximately a 1.52-acre portion of a 5.02-acre project site. The building, 14-foot-tall with metal roof panels and metal wall panels, will be setback 329 feet from Brawley Avenue, 197 feet from north property line, 67 feet from south property line, and 266 feet from west property line.

The appearance of this building, as depicted in the elevation drawings (Exhibit 5) will be like the most other structures in the area. With the substantial setback from Brawley Avenue (329 feet), the building should not have an adverse visual impact on surrounding parcels. The zoning Ordinance requires a 35-foot landscaped front yard setback which will further enhance the project appearance from the road. The Ordinance also requires construction of a five to six-foot-tall block masonry wall along the south property line, adjacent to the parking area. The wall will shield parking area from the abutting property to the south and vehicles headlights shining across property line into that parcel.

An Initial Study prepared for this project has identified potential impacts to aesthetics, cultural resources, and transportation. To mitigate aesthetics impact, all outdoor lighting will be hooded and be directed downward to avoid glare on adjoining properties. To mitigate cultural resources impact, if artifacts are uncovered during the construction, all work will be stopped, and a qualified archeologist will be contacted to evaluate the finds. To mitigate transportation impact, the project will pay its fair share towards the cost of installing all-way stop control. These requirements have been included as Mitigation Measures (Exhibit 1).

Potential impacts related to energy, geology and soils, hydrology and water quality, noise, and public services are less than significant. The project will adhere to California Green Building Standards Code (CCR, Title 24, Part 11-CALGreen), will install sewage disposal system for the temple building under permit and inspection by the Department of Public Works and Planning Building and Safety Section, will obtain drinking water permit from the State Water Resources Control Board, Division of Drinking Water, adhere to Fresno County Noise Ordinance with no outdoor amplification system allowed, and comply with the California Code of Regulations Title 24 – Fire Code, for construction of the building. These requirements, have been included as

Mitigation Measures, Condition of Approval and Project Notes (Exhibit 1) and will be addressed through Site Plan Review. The Site Plan Review will also address design of parking and circulation areas, wall/fencing, site access, grading and drainage, road right-of-way dedication, fire protection, landscaping, signage, and lighting.

Pursuant to Assembly Bill (AB) 52, the project was routed to Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation for the project located in an area not determined to be highly or moderately sensitive to archeological resources. No further action was required on the part of the County. However, the Table Mountain Rancheria (TMR), requested to be informed in the unlikely event that cultural resources are identified on the site. This is addressed as a Mitigation Measure included in the CULTURAL ANALYSIS section of Exhibit 7, and as stipulated by the second Mitigation Measure of Exhibit 1.

Recommended Conditions of Approval:

See Mitigation Measures, recommended Conditions of Approval, and Project Notes attached as Exhibit 1.

Conclusion Finding 3:

Based on the above information, and with adherence to the Mitigation Measures, Conditions of Approval, and mandatory Project Notes, staff believes that the proposal will have no adverse effect upon surrounding properties.

Finding 4: *That the proposed development is consistent with the General Plan*

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p>	<p>The project is not located in a water-short area of Fresno County and will use an estimated 1,200 gallons of water per day. Per the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning, the current water supply is adequate to support the project. The project meets this policy.</p>
<p>Policy PF-D.6: The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils and other characteristics that permit installation of such systems without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.</p>	<p>No community sewer is available to serve the project. As such, an onsite sewage disposal system will be required for the temple building under permit and inspection by the Department of Public Works and Planning Building and Safety Section. The proposal meets this policy.</p>
<p>General Plan Policy LU-G.1: The County acknowledges that the cities have</p>	<p>The project is located within the City of Fresno Sphere of Influence in the Ground</p>

Relevant Policies:	Consistency/Considerations:
primary responsibility for planning within their LAFCo-adopted spheres of influence and are responsible for urban development and the provision of urban services within their spheres of influence.	Water Sustainability Act (GWSA) of 2014, Growth Area 2 which allows no new development until the year 2035. Per the City, the project can utilize the existing onsite well to provide for fire flow and domestic needs of the project. The City's nearest sanitary sewer main to serve the proposed project is a 12-inch sewer main located 0.9 mile from the project site. The City expressed no concerns with the project utilizing a private septic system. The proposal meets this policy.
General Plan Policy TR-A.7: The County shall assess fees on new development sufficient to cover the fair share portion of the development's impacts on the local and regional transportation system.	Per the Traffic Impact Study prepared for the project and approved by the Design Division and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, the project will pay its equitable share of the cost to install all-way stop control at Valentine and Olive Avenues. The project will also pay the City of Fresno Traffic Signal Mitigation Impact (TSMI) Fee per the City's Master Plan Schedule, Fresno Major Street Impact (FMSI) Fee and Regional Transportation Mitigation Fee (RTMF). The proposal meets this policy.

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject property is designated Rural Residential in the County General Plan. Policy PF-C.17 requires sustainable water supply for the project. Policy PF-D.6 requires individual on-site sewage disposal systems without having adverse effects on groundwater quality. Policy LU-G.1 requires the cities be responsible for providing urban services within their spheres of influence. Policy TR-A.7 requires new development to pay a fair-share portion of the development's impacts on the local and regional transportation system.

Analysis Finding 4:

The project entails establishment of a religious facility (temple) which include a 5,000 square-foot building with related improvements on a 5.02-acre parcel.

The project meets General Plan Policies PF-C.17, PF-D.6, LU-G.1, and TR-A.7. Regarding consistency with Policy PF-C.17 and Policy PF-D.6, the project will use limited groundwater and will utilized onsite sewage disposal system. Regarding consistency with Policy LU-G.1, the project will be utilizing onsite well and sewage disposal system as no community water and sewer is available in the area. Regarding consistency with Policy TR-A.7, the project will pay its share of the cost of traffic improvements at Valentine and Olive Avenues. The project will also pay the City of Fresno Traffic

Signal Mitigation Impact Fee, Fresno Major Street Impact Fee and Regional Transportation Mitigation Fee.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion Finding 4:

Based on the above information, staff believes that this is consistent with the General Plan policies.

Finding 5: That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare.

Reviewing Agency/Department Comments:

Refer to Reviewing Agency/Department Comments in Finding 3 of this report.

Analysis Finding 5:

The proposed mitigation measures and conditions of approval were developed based on studies and consultation with specifically qualified staff, consultants, and outside agencies. They were developed to address the specific impacts of the proposed project and were designed to address the public health, safety, and welfare. Additional comments and project notes have been included to assist in identifying existing non-discretionary regulations that also apply to the project. The Applicant has signed an acknowledgement agreeing to the proposed mitigation measures and has not advised staff of any specific objection to the proposed conditions of approval.

Recommended Conditions of Approval:

None.

Conclusion Finding 5:

Based on the above information, staff believes that the public health, safety and general welfare can be protected through the conditions of approval recommended for this project. Finding 5 can be made.

PUBLIC COMMENT:

None.

SUMMARY CONCLUSION:

Staff believes that the proposal to allow the proposed religious facility in the RR Zone District is consistent with the Fresno County General Plan and will have less than significant impacts on the surrounding properties.

SUMMARY RECOMMENDATION:

Based on the factors cited in the analysis, all the required Findings for granting the Classified Conditional Use Permit can be made. Staff therefore recommends adoption of the proposed Mitigated Negative Declaration prepared for the project based on Initial Study No. 7705, and approval of Classified Conditional Use Permit No. 3657, subject to the recommended Mitigation Measures and Conditions of Approval.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared based on Initial Study No. 7705; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3657, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit No. 3657; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

EA:im

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7705
Classified Conditional Use Permit Application No. 3657**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting shall be hooded and directed downward as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PWP)	On-going; for duration of the project
*2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PWP	As noted
*3.	Transportation	Prior to the issuance of building permits for the proposed use on the property, the applicant shall enter into an agreement with the County of Fresno agreeing to participate on a pro-rata basis per acreage developed in the funding of future off-site traffic improvement defined in items 'a' below. The traffic improvement and the project's maximum pro-rata share is as follows: a. Install all-way stop control at Valentine and Olive Avenue. The project's maximum share is \$330.00 for a total cost of \$12,000.00.	Applicant	Applicant/PWP	As noted

EXHIBIT 1

		The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall annually adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.			
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Elevations, and Operational Statement approved by the Planning Commission.				
2.	Prior to the issuance of building permits, a Site Plan Review application shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include but not limited to the design of parking and circulation areas, wall/fencing, access, on-site grading and drainage, right-of-way dedication, fire protection, landscaping, signage, and lighting.				
3.	Prior to issuance of building permits, the project shall pay the project proponent shall be pay Traffic Signal Mitigation Impact (TSMI) Fee per the City's Master Plan Schedule, Fresno Major Street Impact (FMSI) Fee and Regional Transportation Mitigation Fee (RTMF) to the City of Fresno and shall provide proof of payment to the County.				
4.	<p>The Brawley Avenue fronting the project site has a total existing right-of-way of 30 feet west of section line. Brawley Avenue is classified as a Collector road requiring an ultimate road right of way of 42 feet west of the section line. The owner of the property shall record a document irrevocably offering the 12 feet as future right-of-way from the eastern side of the subject parcel which abuts Brawley Avenue.</p> <p>Note: A Preliminary Title Report or Lot Book Guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.</p>				
5.	Prior to the occupancy granted for the religious facility (temple), a drinking water permit shall be obtained from State Water Resources Control Board – Division of Drinking Water (SWRCB-DDW). In that regard, the shall comply with Senate Bill (SB) 1263 which requires that prior to applying for a water permit for a proposed new public water system, a preliminary technical report shall be submitted to SWRCB-DDW a minimum of six (6) months prior to initiating construction of any water-related improvement.				
6.	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 the issuance of building permits.				

7.	Prior to issuance of any building permit the property owner shall record a document on the subject property incorporating the provisions of the County Right-To-Farm Notice (Fresno County Ordinance Code Section 17.04.100).
8.	All parking and circulation areas that are not concrete or asphalt concrete paved shall be treated with a dust palliative to prevent the creation of dust.
9.	The use of outdoor amplification system shall be prohibited on the property.
10.	Items 4 and 5 from "Project Note" shall be completed prior to the issuance of building permit or granting of occupancy for the use.

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period in excess of two years.
2.	Construction plans, building permits and inspections are required for all proposed improvements on the property. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for plans, permits and inspections.
3.	A special Inspection Permit is required to verify the removal of previous mobile home and various other structures on the property noted in Zoning comment letter dated January 22, 2020. Any modifications to the existing onsite residence shall require building permits and inspections.
4.	As required by section 855-E.3.a of the Zoning Ordinance, a solid masonry wall not less than five (5) feet nor more than six (6) feet in height shall be constructed along the south property line adjacent to the parking area of the subject property. The wall shall not exceed three feet (3) in height where it is in the front yard area of the abutting residential district. Note: This requirement shall be addressed through Site Plan Review
5.	The entire 35-foot property frontage along Brawley Avenue shall be landscaped in conjunction with Condition of Approval No. 6 and be maintained. Note: This requirement shall be addressed through Site Plan Review
6.	To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:

EXHIBIT 1 Page 3

Notes

	<ul style="list-style-type: none"> • An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties and be retained on-site per County standards. • A grading permit or voucher may be required for any grading that has been done without a permit and any grading proposed with this application. • Any existing or proposed gate shall be setback a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
7.	<p>To address public health impacts resulting from the project, Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following:</p> <ul style="list-style-type: none"> • Sewage disposal system for the proposed building shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. • The applicant should consider having the existing septic tanks pumped and have the tank and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system. • Churches currently do not meet the definition of a retail food facility in the California Retail Food Code (Cal Code 113789(c)(3)), provided that the church gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three (3) days in any ninety-day period. However, it is recommended that the applicant consider constructing the kitchen to commercial standards. This would allow future use of the facility for approved community events. • The project shall adhere to the County noise ordinance for construction-related noise.
8.	<p>The project shall comply with California Code of Regulations Title 24 - Fire Code and California Code of Regulations Title 19. Prior to receiving North Central District conditions of approval for the project, construction plans shall be submitted to the Fresno County Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of one set of plans to NCFPD.</p>
9.	<p>The Fresno Irrigation District (FID) active Victoria Colony E. Branch No 43 runs approximately 4,600 feet northeast; Victoria Colony W. Branch No 43 runs approximately 2,400 feet northeast; Houghton No. 78 run approximately 3,100 feet southwest of the project site. Plans for any street and/or utility improvements along or in the vicinity of these facilities shall require FID review and approval. A privately-owned canal (Tracy S. Branch No. 44) runs 2,000 feet northwest of the project site. It is an active canal and shall be treated as such.</p>
10.	<p>Temporary on-site storm water storage facility shall be provided until permanent Fresno Metropolitan Control District facilities become available and drainage can be directed to the street.</p>
11.	<p>An encroachment permit shall be obtained from Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for any work in the County road right-of-way and for the construction of the proposed driveway approaches to Brawley Avenue.</p>

Notes

12.	To identify San Joaquin Valley Unified Air Pollution Control District (District) rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant shall contact the District's Small Business Assistance Office at (559) 230-5888.
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EA:

G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3600-3699\3657\SR\CUP 3657 MMRP (Ex 1).docx

EXHIBIT 2 LOCATION MAP

CUP 3657

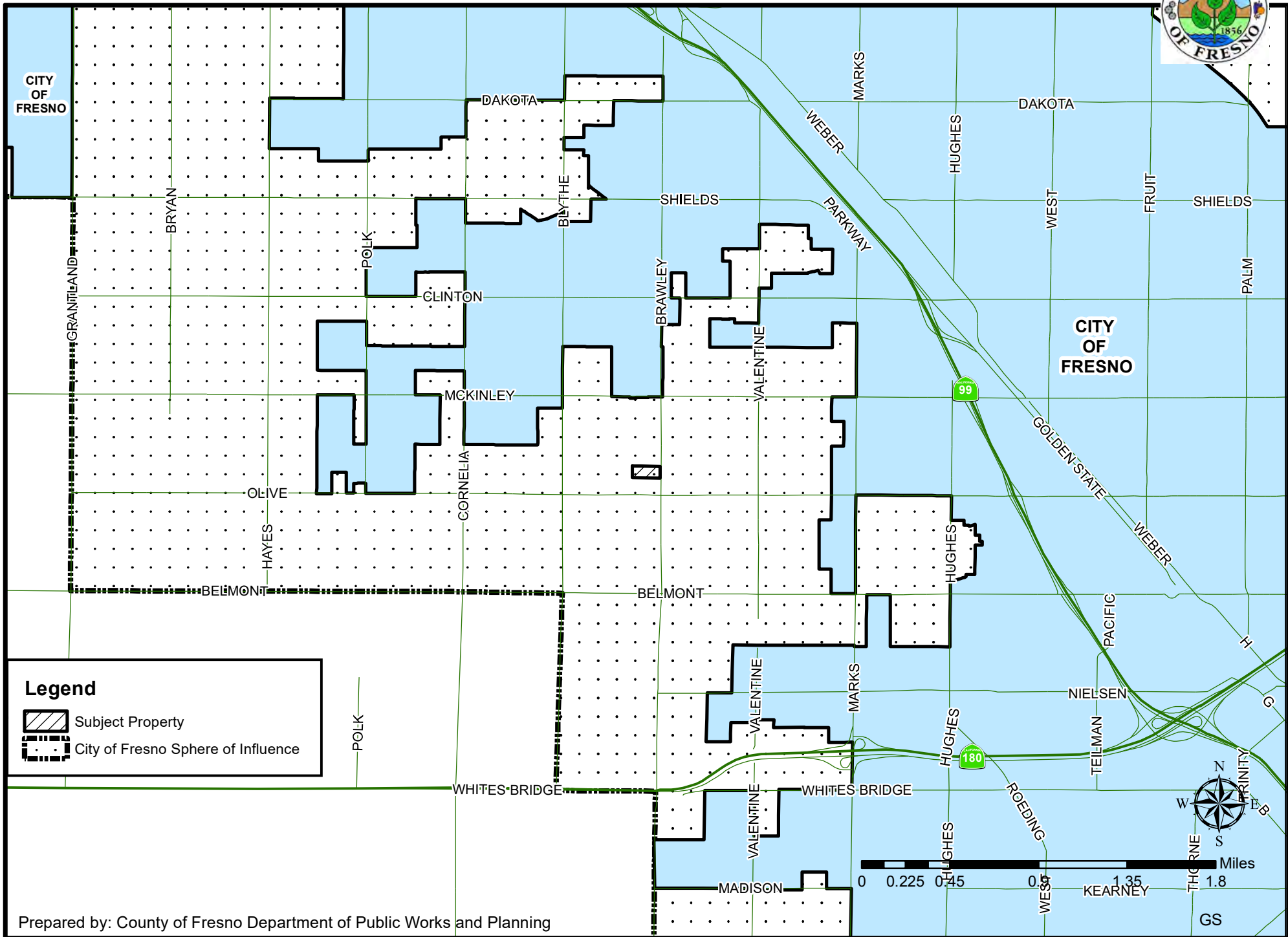


EXHIBIT 3
EXISTING ZONING MAP

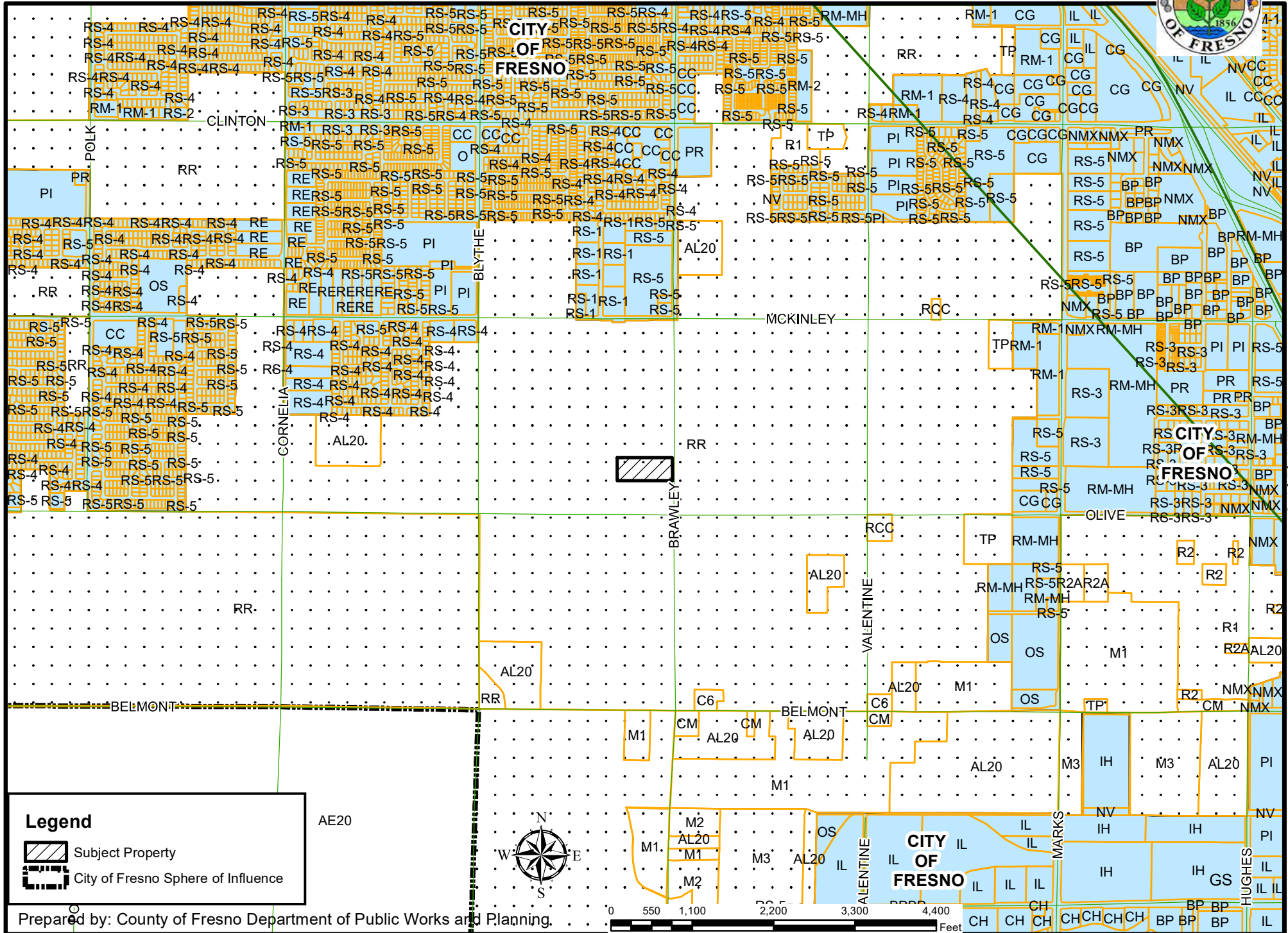


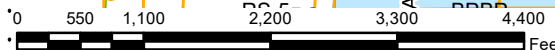


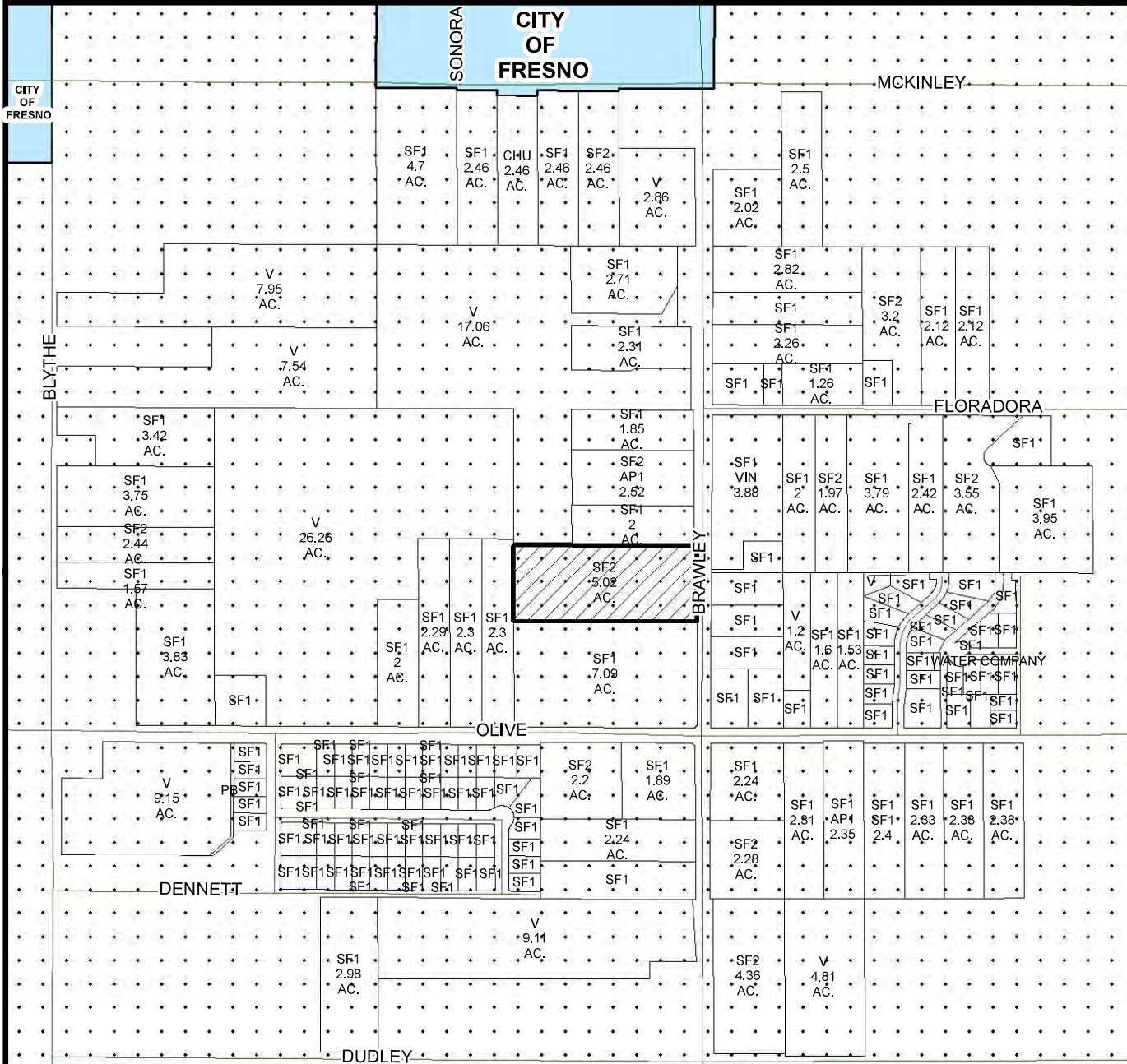
EXHIBIT 3

Legend

-  Subject Property
-  City of Fresno Sphere of Influence





EXISTING LAND USE MAP



LEGEND	
AP1	- APARTMENT
CHU	- CHURCH
PONDING BASIN	
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT
VIN	- VINEYARD

Legend

-  Subject Property
-  City of Fresno Sphere of Influence

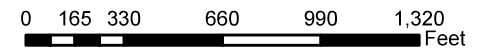
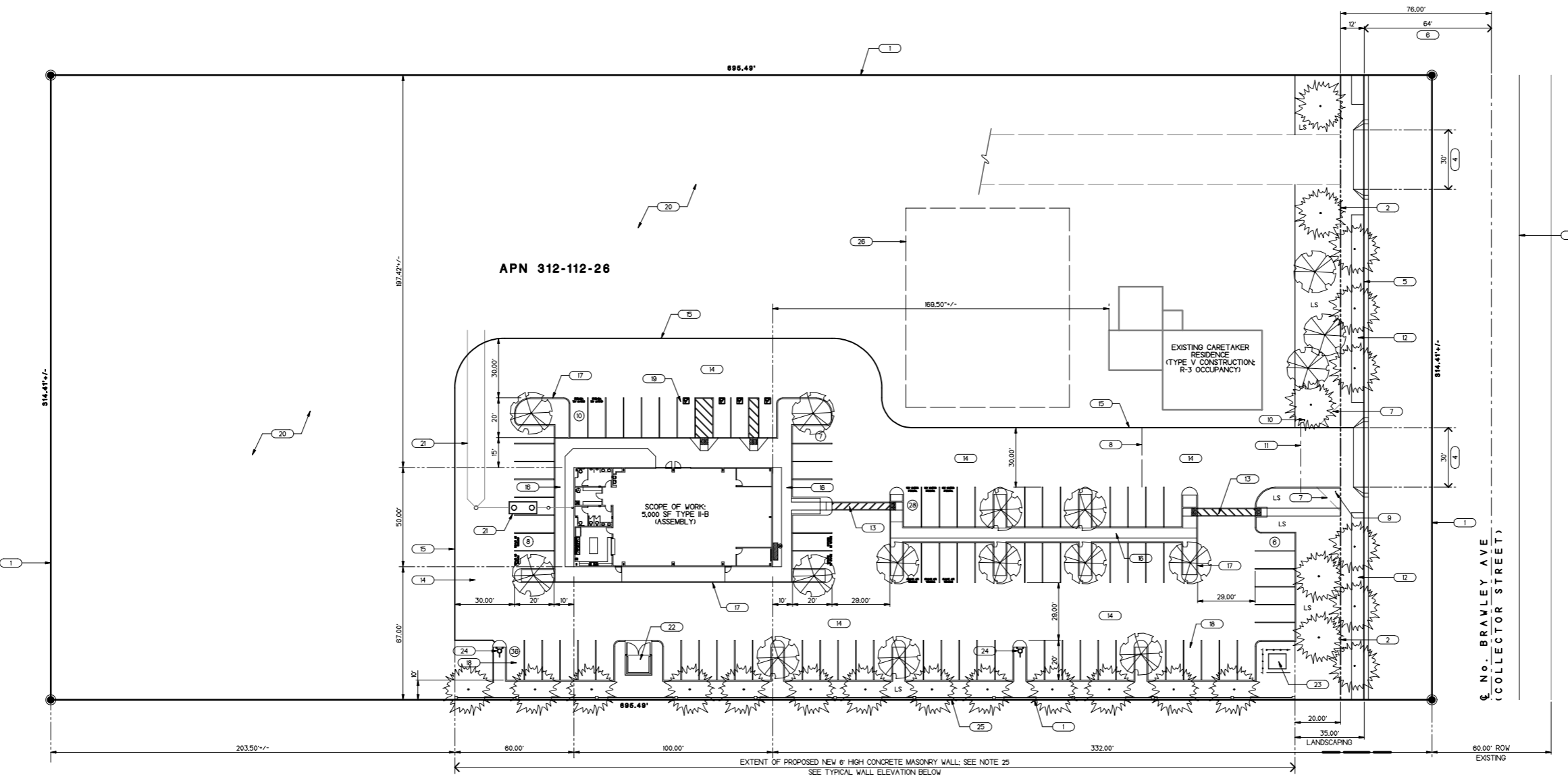
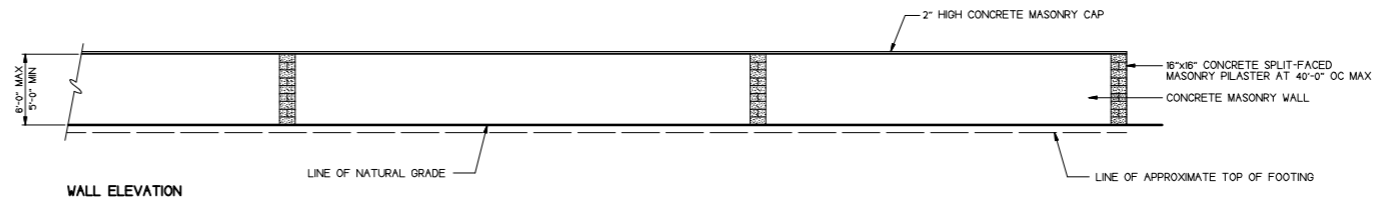


EXHIBIT 5



SITE PLAN

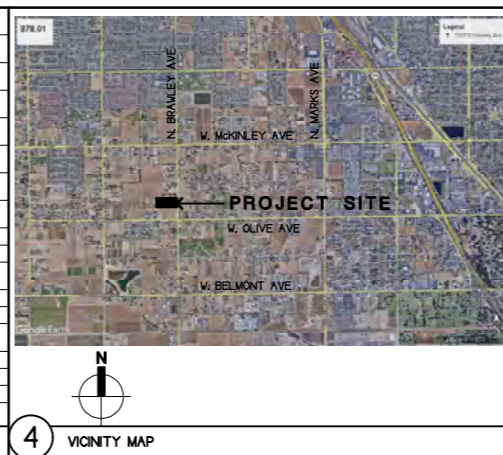
1" = 30'



1. PROPERTY LINE TYPICAL	11. PROVIDE MIN 20' FROM ANY FUTURE GATE TO BACK OF SIDEWALK
2. STREET RIGHT-OF-WAY: DEDICATE 76' FROM SECTION LINE PER "SPECIFIC PLAN OF STREETS AND HIGHWAYS #82" FOR BRAWLEY AVENUE	12. PROVIDE 5"x8" TREE WELLS PER PUBLIC WORKS STANDARD P-8
3. EXTENT OF EXISTING ROAD PAVING	13. ACCESSIBLE PATH OF TRAVEL AND EXIT DISCHARGE: CONTINUOUS, COMMON AND SMOOTH SURFACE WITH MAX 2% CROSS SLOPE, MAX 5% SLOPE IN THE DIRECTION OF TRAVEL. ROUTE PER CBC 11B-206 FROM SITE ARRIVAL POINT, WITHIN THE SITE AND BETWEEN BUILDINGS
4. NEW DRIVEWAY APPROACH PER CITY OF FRESNO PUBLIC WORKS STANDARDS P-2 AND P-6. PROVIDE 10' OF PAINTED RED CURBING ON BOTH SIDES OF DRIVE APPROACHES	14. NEW ASPHALT PAVEMENT α / AGGREGATE BASE
5. CONSTRUCT CURB, GUTTER AND SIDEWALK PER CITY OF FRESNO PUBLIC WORKS STANDARD P-5. SIDEWALK SHALL BE CONSTRUCTED TO A 12' COMMERCIAL PATTERN.	15. LIMIT OF ASPHALT PAVEMENT
6. CONSTRUCT 64' OF PERMANENT PAVING PER CITY OF FRESNO PUBLIC WORKS STANDARD P-53 WITH MODIFIED 12' TWO-WAY LEFT TURN LANE	16. CONCRETE SIDEWALK
7. PROVIDE 12' CLEAR VISIBILITY TRIANGLE EACH SIDE	17. RAISED 6" CONCRETE CURB
8. PROVIDE MIN 100' PAVED SHAKE-OFF PER PW STANDARD P-XX	18. STANDARD PARKING SPACE (9'-0"x20'-0")
9. INSTALL 30" STATE STANDARD "STOP SIGN" AND 30"x36" STAND STANDARD SIGN IMMEDIATELY BELOW THE STOP SIGN ON THE SAME POST. SIGNS SHALL BE MOUNTED ON 2" GALVANIZED POST WITH BOTTOM OF LOWEST SIGN 7'-0" ABOVE FINISH GRADE	19. ACCESSIBLE PARKING SPACE WITH OFF LOAD AREA
10. ADDITIONAL SIGN AT PROJECT ENTRY PER CBC 11B-	20. NATURAL GRADE
	21. PROPOSED SEPTIC SYSTEM WITH TANK AND TRAFFIC RATED LIDS
	22. REFUSE BIN ENCLOSURE
	23. UTILITY COMPANY TRANSFORMER
	24. MASONRY WALL NOT TO EXCEED 6' (MINIMUM HEIGHT 5')
	25. TEMPORARY ON-SITE DRAINAGE BASIN
	26.

LAND USE DESIGNATION	RURAL RESIDENTIAL
ZONING CLASSIFICATION	RR (RURAL RESIDENTIAL)
ZONE MAP	
ADDRESS	1501 No. Brawley Avenue
ASSESSOR PARCEL	APN 312-112-26 (PORTION SEC 35; T13S; R16E)
LEGAL DESCRIPTION	
SITE DEVELOPED AREA	5.02 ACRES
GROSS FLOOR AREA: BUILDING	
	ASSEMBLY 3,575 SF
	STAGE/SUPPORT 1,425 SF
PARKING REQUIRED	90 SPACES
	ASSEMBLY 3,575 SF/40 90 SPACES
PARKING PROVIDED	95 SPACES
	STANDARD SPACES 91 SPACES
	ACCESSIBLE SPACES 4 SPACES
LANDSCAPING	REQUIRED
	PROVIDED

3 SITE ANALYSIS



A.	ANY SURVEY MONUMENTS WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR RESET BY A PERSON LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF CALIFORNIA
B.	TWO WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS W/ THE STREET RIGHT-OF-WAY AND/OR UTILITY EASEMENTS, ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES
C.	DEEDS ARE REQUIRED TO PROVIDE EASEMENTS TO THE COUNTY FOR REQUIRED PUBLIC IMPROVEMENTS THEY SHALL BE PREPARED BY THE OWNER/DEVELOPER'S ENGINEER. EXECUTED COPIES SHALL BE SUBMITTED TO THE COUNTY WITH VERIFICATION OF OWNERSHIP PRIOR TO THE ISSUANCE OF BUILDING PERMITS.
D.	UNDERGROUND ALL EXISTING OFF-SITE OVERHEAD UTILITIES WITHIN THE LIMITS OF THIS APPLICATION AS PER FMC SECTION 15-2017.
E.	SUBMIT STREET CONSTRUCTION PLANS TO THE PUBLIC WORKS DEPARTMENT
F.	SUBMIT STREET LIGHTING PLANS TO THE PUBLIC WORKS DEPARTMENT
G.	ALL DEVELOPMENT SHALL TAKE PLACE IN ACCORDANCE WITH ALL CITY, COUNTY, STATE AND FEDERAL LAWS AND REGULATIONS
H.	CONSTRUCT AN UNDERGROUND STREET LIGHTING SYSTEM TO PUBLIC WORKS STANDARD E-1. SPACING AND DESIGN SHALL CONFORM TO STANDARD E-8 (APPROXIMATE 2 LIGHTS FOR STREET FRONTAGE)

5 GENERAL NOTES

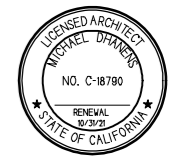


BAKERSFIELD
304 BUCK OWENS BLVD BAKERSFIELD, CALIFORNIA 93301
805 327-8987

VISALIA
802 NORTH PLAZA DRIVE VISALIA, CALIFORNIA 93278
PHONE 805 695-6500 FAX 805 695-3417

MICHAEL DHANENS ARCHITECT

661/324-4141
P.O. BOX 82155
BAKERSFIELD, CALIFORNIA
93380
C-18790



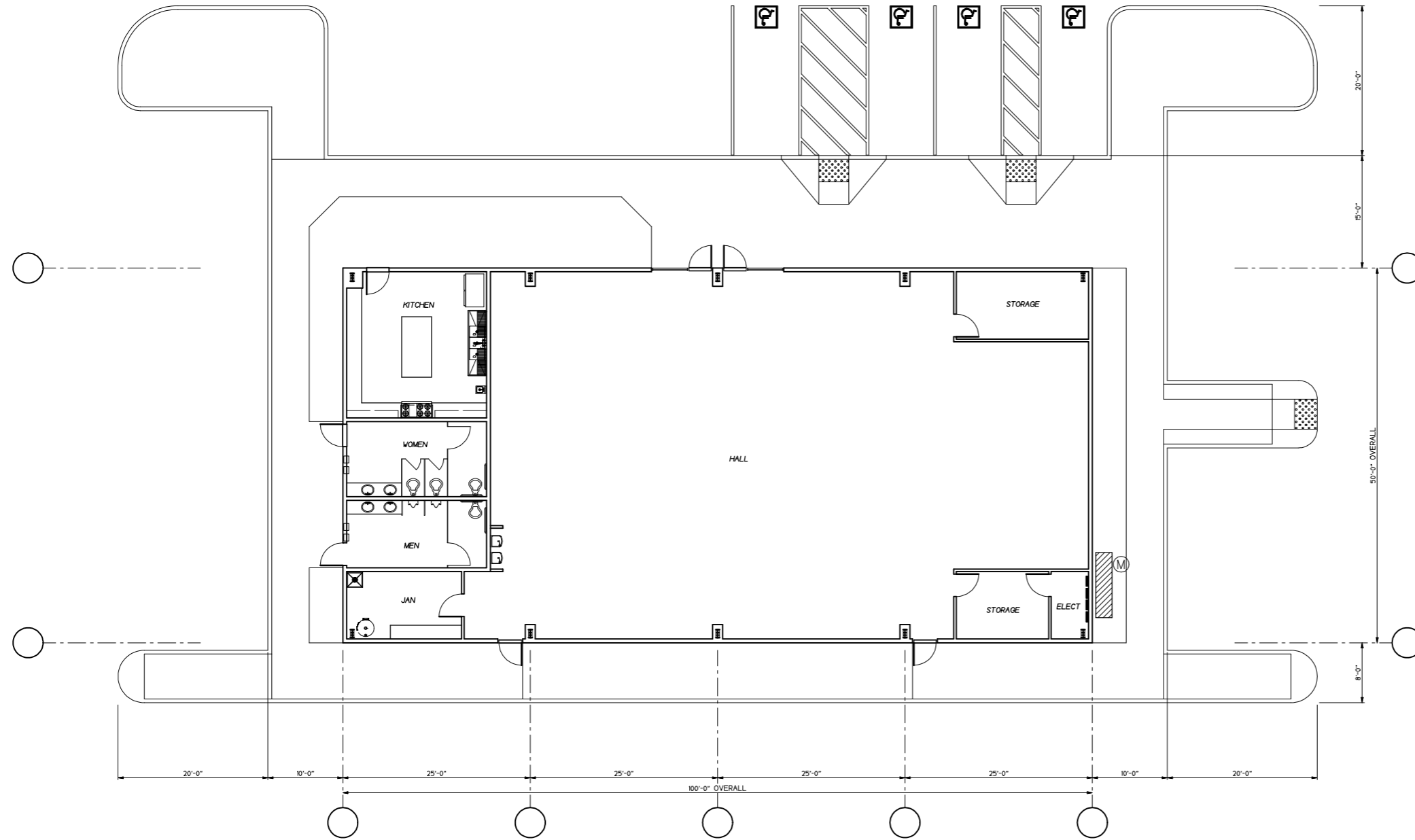
Sikh Community Hall

1501 No. Brawley Avenue
APN 312-112-26
Fresno, California

WORSHIP CENTER

SITE PLAN

NO.	REVISIONS	
1		
2		
3		
4		
5		
NO.	ISSUED FOR	
1		
2	CUP REVISIONS (08/18/21)	
3	CUP REVISIONS (12/02/19)	
4	CUP (08/18/19)	
DATE	ISSUED FOR	SHEET
12/02/19		878.01
PROJECT NUMBER		A-1.00
DRAWN		ARCHITECTURE



FLOOR PLAN

1/8"



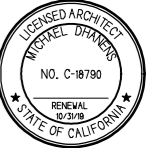
WWW.VALLEYCON.COM

BAKERSFIELD
 3304 BOX OVERS BLVD BAKERSFIELD, CALIFORNIA 93311
 805 837-0807 FAX 805 837-0400

VISALIA
 803 NORTH PLAZA DRIVE VISALIA, CALIFORNIA 93277
 PHONE 805 891-8800 FAX 805 891-3417

MICHAEL DHANENS ARCHITECT

661/324-4141
 P.O. BOX 82155
 BAKERSFIELD, CALIFORNIA
 93380
 C-18790



Sikh Community Hall

1501 No. Brawley Avenue
 APN 312-112-26
 Fresno, California

WORSHIP CENTER

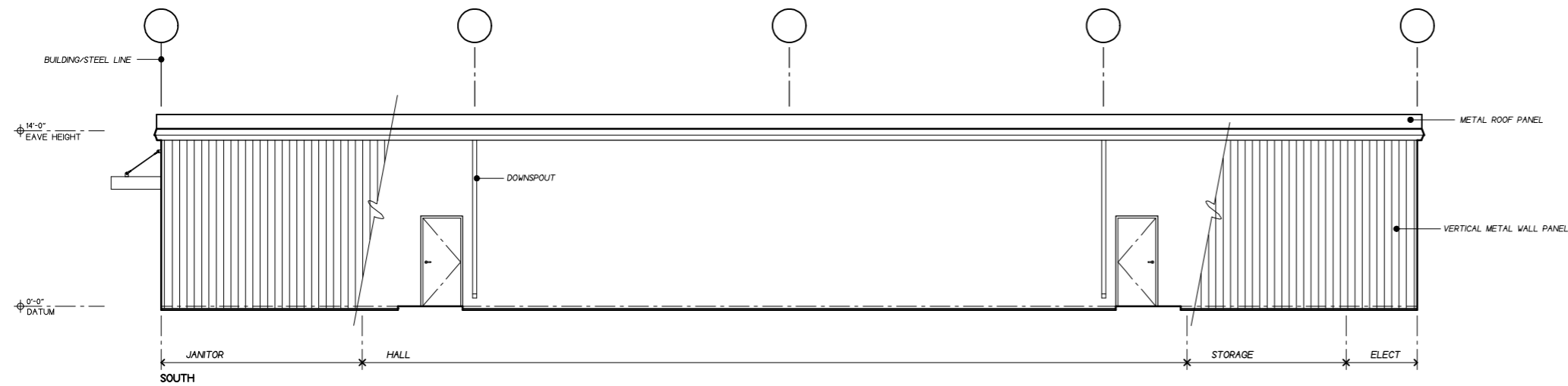
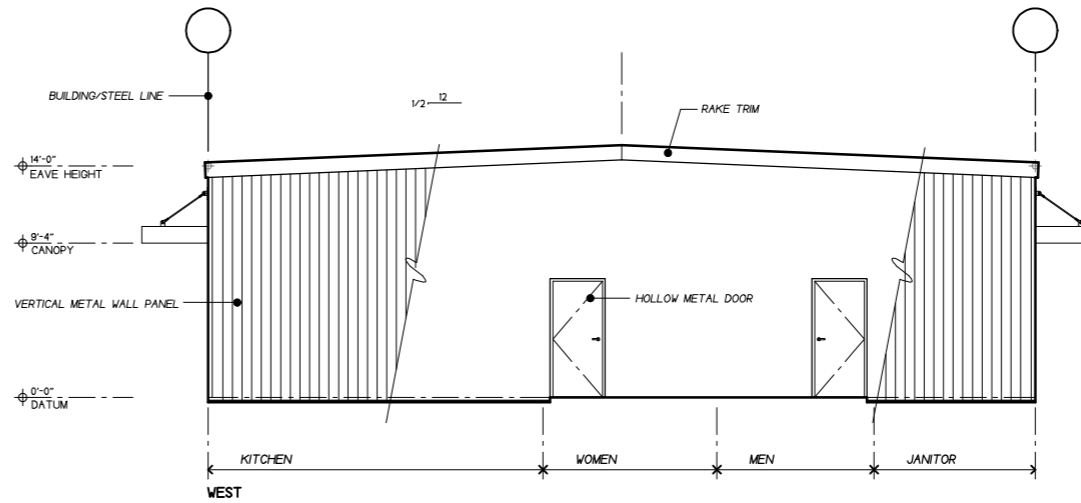
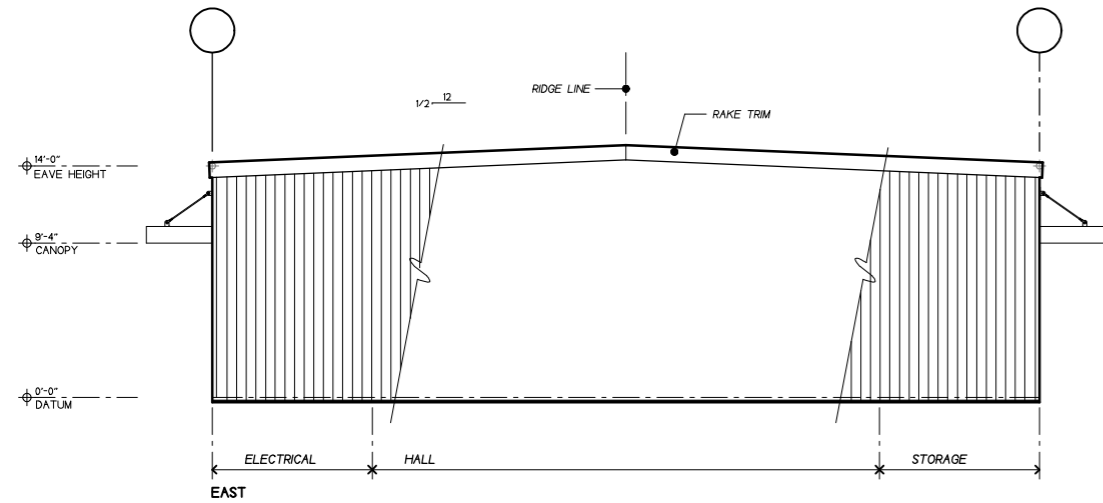
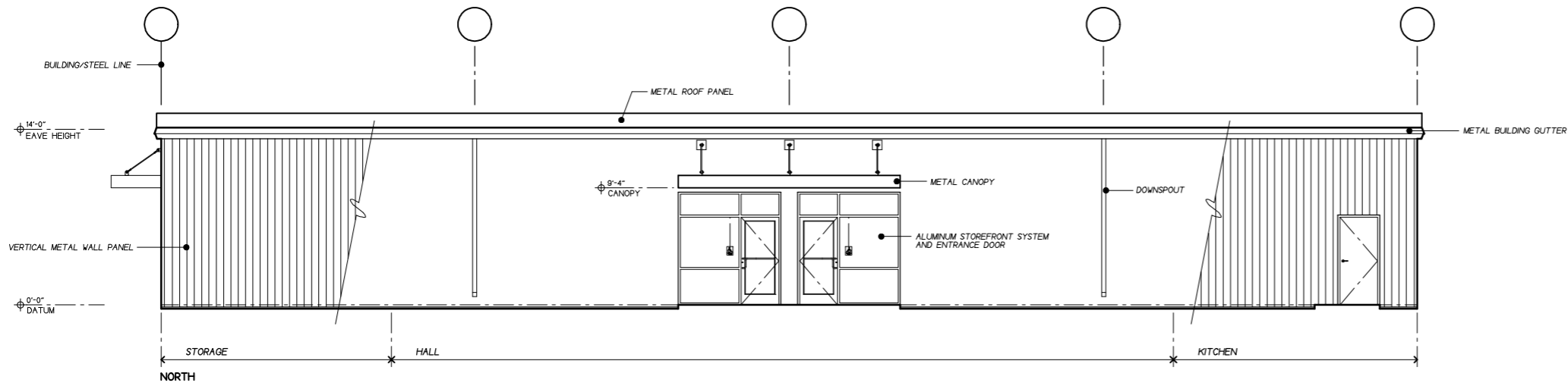
FLOOR PLAN

NO.	REVISIONS

NO.	ISSUED FOR

CUP (08/18/19)
 DATE 08/09/19 SHEET

DRAWN
 PROJECT NUMBER 878.01
A-2.00
 ARCHITECTURE



EXTERIOR ELEVATIONS

1/8"



BAKERSFIELD
3304 BOX OWENS BLVD
BAKERSFIELD, CALIFORNIA 93305
PHONE 805 835-8207 FAX 805 837-9400

VISALIA
800 NORTH PLAZA DRIVE
VISALIA, CALIFORNIA 93276
PHONE 805 851-8200 FAX 805 851-9407

MICHAEL DHANENS ARCHITECT
661/324-4141
P.O. BOX 82155
BAKERSFIELD, CALIFORNIA
9 3 3 8 0
C-18790



PROJECT
Sikh Community Hall
1501 No. Brawley Avenue
APN 312-112-26
Fresno, California

WORSHIP CENTER

EXTERIOR ELEVATIONS

NO.	REVISIONS

NO.	ISSUED FOR

DATE	08/12/19	SHEET	
DRAWN		PROJECT NUMBER	878.01
			A-4.00
			ARCHITECTURE

EXHIBIT 6

THE SANT ZORA SINGH LOPON CHARITABLE TRUST USA
1501 n. Brawley Ave
Fresno, CA 93722

Operational Statement

RECEIVED
COUNTY OF FRESNO

AUG 28 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

To Whom It May Concern:

We have Property located at 1501 N. Brawley Ave, Fresno Ca 93722. Here we are planning on developing a building for a community service / Sikh Temple. There will be around One Hundred (100) people coming to this center once or twice a month as needed. This is where we will hold our Sikh religious services from 9 am to 4 pm on Sundays. These religious services will have someone preaching the Sikh religious teachings through a microphone on stage inside the newly developed building. Included in this service will be the singing of prayers, or reciting the prayers as a group. Furthermore, there will be no noise coming out of the building. All noise will be produced and contained inside the building during service. During such services all attendees will be seated inside the building unless arriving or leaving the service.

We anticipate the buildings dimensions to be 50' wide x 95' long x 14' high. On the interior of the building we will have non fixed table and chair assemblies for the attendees, and a small stage for out ceremonies. In addition to the building we anticipate on setting up a kitchen area for the reheating of food and or drinks brought in by our service members and restroom facilities to accommodate 100 +/- attendees. On the exterior of the building in the open area we anticipate on having a paved parking lot to accommodate approximately 50 vehicles. Currently on the property we have an existing residence that the manager to resides in. Please advise on what actions we should take next so we can move forward with our plans without disturbing our neighbors.

Operational Statement checklist

1. See above Explanation.
2. Operation time limits:
 - a. Days per week: Sundays only
 - b. Hours per day: 9 am to 4 pm
 - c. Total hours per day: 7 Hours
 - d. Special Activities: Religious activities Two (2) times a month.
3. Number of Visitors:
 - a. Average visitors per day: 100

- b. Maximum number of people per day: 100
- c. Hours: 9 am to 4 pm
- 4. Number of Employees:
 - a. Current: 2
 - b. Future: 2
 - c. Hours worked : N/A
 - d. Do any live on site as the caretaker: Yes
- 5. Service and delivery vehicles: N/A
- 6. Access to site
 - a. Public Roads
- 7. Number of parking spaces for employees, customers, and service/delivery vehicles.
 - a. 50 paved parking spaces
- 8. Are there any goods sold on site?
 - a. No goods sold on site.
- 9. What equipment is to be used: N/A
- 10. What supplies or materials are to be used? N/A
- 11. Does the use cause an unsightly appearance?
 - a. No All activities will be held inside.
- 12. List any solid or liquid waste to be produced: N/A
- 13. Estimated volume of water to be used (Gallons per Day)
 - a. 200 Gal +/- during hours of operation.
- 14. Describe any proposed advertising including size, appearance, and placement.
 - a. Sign on Building face. Name of Assembly Hall.
- 15. Will the existing building be used or will new buildings be constructed.
 - a. 1 - New building 50' x 95' x 14' Pre Engineered Metal Building.
- 16. Explain which building or what portion of building will be used in operations.
 - a. The New building will be used for the operations.
- 17. Will any outdoor lighting or an outdoor sound amplification system, be used.
 - a. Outdoor lighting will be used for security purposes.
- 18. Landscaping or fencing proposed.
 - a. Landscaping and or fencing will be determined by Fresno County requirements.
- 19. Any other information that will provide a clear understanding of the project or operation.
 - a. Additional information can be provided pre request.
- 20. Identify all Owners, Offices and /or Board members for each application submitted:

Govinder Kaur Sidhu
 (661) 978-1184
 11123 Snowcreek Falls Ave
 Bakersfield, CA 93312

Jagroop Kaur
 (661) 444-6271
 8232 Aden Way
 Sacramento, CA 95828

Please let us know if there is any future information or question that we may be able to answer in regards to this application.

Thank you



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Govinder K. Sidhu

APPLICATION NOS.: Initial Study Application No. 7705 and Classified Conditional Use Permit Application No. 3657

DESCRIPTION: Allow a religious facility with related improvements on an approximately 1.52-acre portion of a 5.02-acre parcel in the RR (Rural Residential, two-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of N. Brawley Avenue approximately 435 feet north of its intersection with W. Olive Avenue and 1,864 feet south of the nearest city limits of the City of Fresno (1501 N. Brawley Avenue, Fresno) (SUP. DIST. 1) (APN 312-112-26).

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

The project site borders with Brawley Avenue which is not designated as state scenic highway in the County General Plan (Scenic Roadways, Figure OS-2). There are no scenic vistas or scenic resources including trees, rock outcroppings, or historic buildings on or near the site that may be impacted by the subject proposal. No impact on scenic resources would occur.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project entails construction of a 5,000 square-foot building (comprised of assembly hall, kitchen, and restrooms) with parking and related improvements on a 1.52-acre portion of a 5.02-acre parcel. The building will be used as a place of worship. The existing improvement on the property include a single-family residence and a detached garage.

The project site is in a rural residential area developed with single-family homes and related improvements. Construction of the proposed 14-foot-tall single-story building would not significantly change the visual characteristics of the project area. The building will be set back approximately 278 feet from Brawley Avenue and be comparable in height and construction with existing improvements in the area. The visual impact would be less than significant.

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

Use of outdoor lighting for the project has the potential of generating new sources of light and glare in the area. To minimize any light and glare impact resulting from this proposal, the project will adhere to the following Mitigation Measure.

* **Mitigation Measure**

1. *All outdoor lighting shall be hooded and directed downward as to not shine toward adjacent properties and public streets.*

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not convert Prime Farmland to non-agricultural use. The project site is designated as Unique Farmland and Rural Residential Land on 2016 Fresno County Important Farmland Map.

Per the Fresno County Department of Agriculture comments on the project, the project site has existing nearby agricultural crops to the north and south. Given the concern that normal agricultural practices may create dust and require scheduled pesticide treatments, a Right-to-Farm Notice shall be recorded for the project. This requirement will be included as a Condition of Approval.

B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: NO IMPACT:

The project is not in conflict with current zoning and is an allowed use on land designated for rural residential with discretionary approval and adherence to the applicable General Plan Policies. The project site is not in Williamson Act Land Conservation Contract.

C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or

D. Result in the loss of forest land or conversion of forest land to non-forest use?

E. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forestland to non-forest use?

FINDING: NO IMPACT:

The project site is not in an area designated for timberland or zoned for timberland production. No forests occur in the vicinity; therefore, no impacts to forests, conversion of forestland, or timberland zoning would occur because of the subject proposal.

According to the County Zoning Ordinance, the project site is zoned RR (Rural Residential, two-acre minimum parcel size) for residential development. The project would not result in conversion of farmland to non-agricultural use.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

A. Conflict with or obstruct implementation of the applicable Air Quality Plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Air Quality Plan (AQP) contains several control measures that are enforceable requirements through the adoption of rules and regulations. To identify San Joaquin Valley Air Pollution Control District (SJVAPCD) rules or regulations that apply to this project including but not limited to Regulation VIII (Fugitive PM10 Prohibitions); Rule 4601 (Architectural Coatings); and Rule 9510-Indirect Source Review, or to obtain information about District permit requirements, the applicant will be required to consult with SJVAPCD.

The project would comply with all applicable Air Resources Board (ARB) and the San Joaquin Valley Air Pollution Control District (SJVAPCD) rules and regulations and would not conflict with or obstruct implementation of the applicable air quality attainment plan. The project's emissions would be less than significant for all criteria pollutants as discussed below in Section III. B. The project complies with all applicable rules and regulations from the applicable air quality plans and is not considered inconsistent with the AQP. The impact would be less than significant.

- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District reviewed the subject proposal and offered no comments except the project proponent shall contact the District to identify District rules/regulations that apply to the project, or to obtain information about District permit requirements.

An Air Quality and Greenhouse Gas Analysis Report was prepared for the project by Mitchell Air Quality Consulting, dated February 19, 2020. The Report along with the project information was provided to the San Joaquin Valley Air Pollution Control District (SJVAPCD) for review and comments. No response was received from the District.

Per the Air Quality and Greenhouse Gas Analysis Report, the proposed project's construction and operations would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and particulate matter (PM₁₀ and PM_{2.5}). Project operations would generate air pollutant emissions from mobile sources (automobile activity from employees) and area sources (incidental activities related to facility maintenance). Criteria and Greenhouse Gas (GHG) emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 [California Air Pollution Control Officers Association (CAPCOA) 2017] which is the most current version of the model approved for use by SJVAPCD.

Per the Air Quality and Greenhouse Gas Impact Analysis, the District's annual emission significance thresholds used for the project define the substantial contribution for both construction and operational emissions are 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NO_x), 10 tons per year of reactive organic gas (ROG), 27 tons per year of oxides of Sulphur (SO_x), 15 tons per year of particulate

matters of 10 microns or less in size (PM₁₀), and 15 tons per year of particulate matters of 2.5 microns or less in size (PM_{2.5}).

Construction emissions associated with the project from each year of construction activities (year 2020 through 2021) were compared with the significance threshold. Construction Air Pollutant Emission would be 2.85 tons per year of CO, 3.22 tons per year of NO_x, 0.43 ton per year of ROG, 0.39 ton per year of PM₁₀, and 0.22 ton per year of PM_{2.5} which is less than the threshold. The project does not contain sources that would produce substantial quantities of SO₂ emissions during construction and operation. Therefore, the project emissions would be less than significant.

Operational emissions occur over the lifetime of the project and are from primarily from mobile sources. Since the project is normally occupied on one day per week, and expected to be operational in 2021, mobile sources, and energy required for heating or cooling will be limited. Per the emissions modeling results for project Operational Air Pollutant Emissions (both from energy and mobile sources) would be a total of 0.16 ton per year of CO, 0.07 ton per year of NO_x, 0.06 ton per year of ROG, 0.04 ton per year of PM₁₀, and 0.01 ton per year of PM_{2.5} which is less than the annual emission significance thresholds. Therefore, the project emissions would be less than significant.

Speaking of cumulative health impacts, the Air Basin is in nonattainment for ozone PM₁₀ and PM_{2.5} which means that the background levels of those pollutants are at times higher than the ambient air quality standards. Therefore, when the concentration of those pollutants exceeds the standard, it is likely that some sensitive individuals (such as children, the elderly, and the infirm) in the population would experience health effects.

Since the Basin is nonattainment for ozone, PM₁₀, and PM_{2.5}, it is considered to have an existing significant cumulative health impact without the project. When this occurs, the analysis considers whether the project's contribution to the existing violation of air quality standards is cumulatively considerable. The SJVAPCD regional thresholds for NO_x, VOC, PM₁₀, or PM_{2.5} are applied as cumulative contribution thresholds. Projects that exceed the regional thresholds would have a cumulatively considerable health impact. As discussed earlier, the regional analysis of construction and operational emissions indicate that the project would not exceed the District's significance thresholds and the project is consistent with the applicable Air Quality Attainment Plan. Therefore, the project would not result in significant cumulative health impacts.

C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Sensitive receptor is considered a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. This includes hospitals, residences, convalescent facilities, and schools. The project may be considered a sensitive receptor location since it serves families with children.

Speaking of Localized Pollutant Analysis, emissions occurring at or near the project have the potential to create a localized impact, also referred to as an air pollutant hotspot. Localized emissions are considered significant if when combined with background emissions, they would result in exceedance of any health-based air quality standard.

Per the Air Quality and Greenhouse Gas Impact Analysis, an analysis of maximum daily emissions during construction and operation was conducted to determine if emissions would exceed 100 pounds per day for any pollutant of concern. Per the screening analysis the maximum Daily Air Pollutant Emissions during construction would be 22.37 pounds per day CO, 45.2 pounds per day of NO_x, 6.31 pounds per day of ROG, 10.56 pounds per day of PM₁₀, and 6.55 pounds per day of PM_{2.5} which is less than 100 pounds per day of screening threshold. Likewise, the maximum Daily Air Pollutant Emissions during 2021 operations (generated on-site by area sources such as consumer products, and landscape maintenance, energy use, and motor vehicle operation at the project site) would be 2.9 pounds per day CO, 1.0 pounds per day of NO_x, 0.64 pound per day of ROG, 0.66 pound per day of PM₁₀, and 0.18 pound per day of PM_{2.5} which is less than 100 pounds per day of screening threshold. The project would not exceed SJVAPCD screening thresholds for localized criteria pollutant impacts during construction and operation; therefore, the project's localized criteria pollutant impacts would be less than significant.

Speaking of Carbon monoxide hot spot analysis, localized high levels of CO are associated with traffic congestion and idling or slow-moving vehicles. Construction of the project would result in minor increases in traffic for the surrounding road network during the duration of construction. CO hotspot modeling conducted for the City of Fresno General Plan Master Environmental Impact Report found that no CO hotspot modeling is required unless projects exceed 36,000 peak hourly trips. The project is estimated to generate 183 trips per day on Sundays (the day of the week with the most trips per day) using CalEEMod defaults. This amounts to a small fraction of the peak hourly rate and would not require modeling to demonstrate that a CO hotspot is not possible. In addition, the highest background 8-hour average of carbon monoxide during the latest year CO was monitored is 2.06 ppm, which is 78 percent lower than the state ambient air quality standard of 9.0 ppm. Therefore, the project would not significantly contribute to an exceedance of state or federal CO standards.

Regarding Toxic Air Contaminants (TAC), the project is not a potential source of TAC emissions that would have a potential impact on nearby residences.

Speaking of Valley fever, it is an infection caused by inhalation of the spores of the fungus, *Coccidioides immitis* (*C. immitis*). Activities or conditions that increase the amount of fugitive dust contribute to greater exposure include dust storms, grading, and recreational off-road activities.

Per the Air quality and Greenhouse Gas Analysis Report, the project site is situated on previously disturbed farmland that does not provide suitable habitat for the spores. Therefore, implementation of the project would have a low probability of the site having *C. immitis* growth sites and exposure to the spores from disturbed soil. Although

conditions are not favorable, construction activities could generate fugitive dust that contain *C. immitis* spores. The project will minimize the generation of fugitive dust during construction activities by complying with the District's Regulation VIII. Therefore, this regulation, combined with the relatively low probability of the presence of *C. immitis* spores would reduce Valley fever impacts to less than significant. During operations, dust emissions are anticipated to be relatively small, because most of the project area would be occupied by the proposed church building, gravel surfaces, and pavement. This condition would lessen the possibility of the project from providing habitat suitable for *C. immitis* spores and for generating fugitive dust that may contribute to Valley fever exposure. Impacts would be less than significant.

Speaking of Naturally Occurring asbestos, the project site is not located in an area where naturally occurring asbestos in California are likely to occur (U.S. Geological Survey 2011). Development of the project will not expose receptors to naturally occurring asbestos. Impacts would be less than significant.

- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Air quality and Greenhouse Gas Analysis Report, land uses that are typically identified as sources of objectionable odors include landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roasters, asphalt batch plants, and rendering plants. The project entails establishment of a place of worship and its operation will not generate objectionable odors.

During construction, various diesel-powered vehicles and equipment in use on-site would create localized odors which would be temporary and not likely to be noticed for extended periods of time beyond the project's site boundaries. The potential for diesel odor impacts would therefore be less than significant. Also, no major odor-generating sources were identified within the screening distances of the site as recommended by SJVAPCD.

The project is not a major odor-generating source; therefore, the project would not cause significant odor impacts.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or

- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: NO IMPACT:

The project site is near the City of Fresno urban development. The site is pre-disturbed with a single-family residence and related improvements. The neighboring parcels are also pre-disturbed with residential development and as such do not provide habitat for state or federally listed species. Additionally, the site contains no riparian features or wetlands or waters under the jurisdiction of the United States.

This proposal was routed to the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service for comments. Neither agency offered any comments on the project during the prescribed comment period. Therefore, no impacts were identified in regard to: 1) Any candidate, sensitive, or special-status species; 2) Any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS; and 3) Federally-protected wetlands as defined by Section 404 of the Clean Water Act.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

The project area is close to the City of Fresno urban development and cannot be characterized as an area for migratory wildlife species or suitable for migratory wildlife corridors. As stated earlier, the project site is in a rural residential area developed with single-family homes.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING: NO IMPACT:

The project will not conflict with any local policies or ordinances protecting biological resources.

- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

The subject property is within the PG&E San Joaquin Valley Operation and Maintenance Habitat Conservation Plan (HCP) area which applies to the activities related to PG&E's operations. The project is not in conflict with HCP

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The project site is not within or near an area sensitive to historical, archeological, or paleontological resources. A record search of the Native American Heritage Commission (NAHC) Sacred Lands File was completed for the project and the results were negative. Although, Table Mountain Rancheria (TMR) declined participation in AB (Assembly Bill) 52 for the proposal but requested to be notified in the unlikely event that cultural resources are unearthed during ground disturbance. Given TMR concerns, the project will adhere to the following mitigation measure to ensure that impacts to cultural resources remain less than significant.

* **Mitigation Measure**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not result in inefficient, wasteful, or unnecessary energy use. As such, the energy consumption (gas, electricity, gasoline, and diesel) resulting from construction of 5,000 square feet building and related improvements would be less than significant.

The project will be subject to meeting California Green Building Standards Code (CCR, Title 24, Part 11-CALGreen) to achieve the goals of Assembly Bill (AB) 32, which has established a comprehensive program of cost-effective reductions of greenhouse gases (GHG) to 1990 levels by 2020.

B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

All project related construction activities would comply with the 2019 Building Energy Efficiency Standards effective January 1, 2020. Pursuant to the California Building Standards Code and the Energy Efficiency Standards, the County would review the design components of the project's energy conservation measures when the Project's building plans are submitted. These measures could include insulation; use of energy-efficient heating, ventilation, and air conditioning equipment (HVAC); solar-reflective roofing materials; energy-efficient indoor and outdoor lighting systems; and other measures.

VII. GEOLOGY AND SOILS

Would the project:

A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report, the project site is in an area which has 10 percent probability of seismic hazard in 50 years with peak horizontal ground acceleration of zero to 20 percent. The project development would be subject to building standards, which include specific regulations to protect improvements against damage caused by earthquake and/or ground acceleration.

4. Landslides

FINDING: NO IMPACT:

Per Figure 9-6 of the Fresno County General Plan Background Report, the project site is not in an area of landslide hazards. The site is flat with no topographical variations, which precludes the possibility of landslides.

- B. Result in substantial soil erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-3 of the Fresno County General Plan Background Report, the project site is not in an area of erosion hazards. Grading activities resulting from this proposal may result in loss of some topsoil due to compaction and overcovering of soil to prepare for the foundation for restroom and parking. However, the impact would be less than significant with the project requiring approval of an Engineered Grading and Drainage Plan and obtaining Grading Permit prior to the site grading.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: NO IMPACT:

As noted above, the project site is flat with no topographical variations. The site bears no potential for on-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse due to the project-related improvements. A soil compaction report, may be required prior to the issuance of building permits to ensure the weight-bearing capacity of the soils for the building.

- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-1 of the Fresno County General Plan Background Report, the project site is not in an area of expansive soils. However, the project construction will implement all applicable requirements of the most recent California Building Standards Code and will consider hazards associated with shrinking and swelling of expansive soils.

- E. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the City of Fresno, Department of Public Utilities, the nearest sanitary sewer main to serve the proposed project is a 12-inch sewer main located 4,800 feet

northeast of the project site at the intersection of N. Valentine and W. McKinley Avenue. The City expressed no concerns with the property utilizing private septic system.

Per the comments provided by the Fresno County Department of Public Health, Environmental Health Division (Health Department), the project will adhere to the following requirements included as Project Notes: 1) sewage disposal system for the proposed building shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section; and 2) the applicant should consider having the existing septic tanks pumped and have the tank and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years.

- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section V. CULTURAL RESOURCES above.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Human activities, including fossil fuel combustion and land-use changes, release carbon dioxide (CO₂) and other compounds cumulatively termed greenhouse gases (GHGs). GHGs are effective at trapping radiation that would otherwise escape the atmosphere. The San Joaquin Valley Air Pollution Control District (SJVAPCD), a California Environmental Quality Act (CEQA) Trustee Agency for this project, has developed thresholds to determine significance of a proposed project – either implement Best Performance Standards or achieve a 29 percent reduction from Business as Usual (BAU) (a specific numerical threshold). On December 17, 2009, SJVAPCD adopted *Guidance for Valley Land-Use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* (SJVAPCD 2009), which outlined SJVAPCD’s methodology for assessing a project’s significance for GHGs under CEQA.

Construction and operational activities associated with the proposed project would generate greenhouse gas (GHG) emissions. In the Air Quality and Greenhouse Gas Analysis Report, completed by Mitchell Air Quality Consulting and dated February 19, 2020, GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 [California Air Pollution Control Officers Association (CAPCOA) 2017], which is the most current version of the model approved for use by SJVAPCD.

Per the Air Quality and Greenhouse Gas Analysis Report, construction Greenhouse Gas Emissions during the construction year 2020 and 2021 would be 260.57 and 293.11 metric tons CO_{2e} per year respectively with a total of 553.67 MTCO_{2e}. When amortized over 30 years for non-residential, it would be 18.46 metric tons CO_{2e} per year which is less than significant.

Operational Greenhouse Emissions may include source of emission from motor vehicles, energy usage, waste generation, and area sources, such as consumer products and landscaping activities.

Per the Air Quality and Greenhouse Gas Analysis Report, the project would achieve a reduction of 28.1 percent from BAU (Business As Usual) by the year 2021 with various emission reduction regulations incorporated. This is 6.4 percent above the 21.7 percent average reduction from all sources of GHG emissions now required to achieve AB (assembly Bill) 32 targets. The 28.1 percent reduction from BAU is 6.4 percent beyond the average reduction required by the State from all sources to achieve the AB 32 2020 target. The project would achieve a reduction of 38.9 percent from BAU by the year 2030. This is 17.2 percent reduction and the project will achieve it beyond the 2020 target by 2030 through compliance with the existing regulations.

The project is consistent with the 2017 Scoping Plan and will contribute a reasonable fair-share contribution to achieving the 2030 target through compliance with state regulations that apply to new development, such as Title 24 and CALGreen; regulations on energy production, fuels, and motor vehicles that apply to both new and existing development; and voluntary actions to improve energy efficiency in existing development. In addition, compliance with the VMT targets adopted to comply with SB (Senate Bill) 375 may be considered to adequately address GHG emissions from passenger cars and light-duty trucks. The state's Cap-and-Trade Program whose cost will be passed on to consumers of fuels, electricity, and products produced by regulated industries. Therefore, the greenhouse gas emissions impact on the environment would be less than significant.

- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Assembly Bill (AB) 32 adopted by the State of California in 2006 focuses on reducing GHGs (CO₂, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) to 1990 levels by the year 2020. Pursuant to the requirements in AB 32, the Air Resource Board (ARB) adopted the Climate Change Scoping Plan (Scoping Plan) in 2008, which outlines actions recommended to obtain that goal. The Scoping Plan calls for reduction in California's GHG emissions, cutting approximately 30 percent (currently 21.7 percent) from BAU emission levels projected for 2020, or about 10 percent from 2008 levels. The ARB has updated its emission inventory forecasts and now estimates a reduction of 21.7 percent is required from BAU in 2020 to achieve AB 32 targets.

The Scoping Plan contains a variety of strategies to reduce the State's emissions. The project is consistent with most of the strategies, while others are not applicable to the project.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: NO IMPACT:

Being a religious facility, the project does not involve in the routine transport, use, or disposal of hazardous materials. No Impact would occur.

The nearest school, McKinley Elementary School, is approximately 2, 696 feet (one half-mile) northwest of the project site.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

Per the U.S. EPA's NEPAassist, the project site is not listed as a hazardous materials site. No impact would occur.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

Per the Fresno County *Airport Land Use Compatibility* Plan Update adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, Fresno-Yosemite International Airport, is approximately 7.4 miles east of the project site. Given the distance, the airport will not be a safety hazard or source of excessive noise for the project.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT:

The project site is in an area where existing emergency response times for fire protection, emergency medical services, and sheriff protection meet adopted standards. The project does not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity. These conditions preclude the possibility of the proposed project conflicting with an emergency response or evacuation plan. No impacts would occur.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

The project will not expose persons or structures to wildland fire hazards. Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is outside of the State Responsibility area for wildland fire protection.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. Geology and Soils regarding waste discharge requirements.

Per the State Water Resources Control Board, Division of Drinking Water (SWRCB - DDW) comments related to water quality, the project will meet the definition of transient non-community public water system and must obtain a drinking water permit from SWRCB-DDW prior to operating the proposed facility (Sikh temple). As such, the project shall require compliance with Senate Bill (SB) 1263 which requires that prior to applying for a water permit for a proposed new public water system, the applicant first shall submit a preliminary technical report at least 6 months prior to initiating construction of any water-related improvement.

A Condition of Approval would require that the applicant shall submit a preliminary technical report to and obtain a drinking water permit from SWRCB-DDW prior to the issuance of building permits for the project by the County.

The Regional Water Quality Control Board, Central Valley Region also reviewed the subject proposal and expressed no concerns related to the degradation of surface or groundwater quality.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the City of Fresno, Department of Public Utilities, the project site is within the City of Fresno Sphere of Influence (SOI) in Growth Area 2 formally named South East Growth Area (SEGA) service zone. According to the Ground Water Sustainability Act (GWSA) of 2014, Growth Area 2, is not allowed new development until the year 2035. Therefore, the City requires that the existing well on the property shall provide for fire flow and domestic needs of the project.

The project will use an estimated 1,200 gallons of water per day. Per the comments provided by the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning, the project is not located in a water short area and the current water supply is adequate to support the project.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
1. Result in substantial erosion or siltation on or off site?
 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?
 3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
 4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Development of the project will not cause significant changes in the absorption rates, drainage patterns, or the rate and amount of surface run-off with adherence to the mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code. As noted in Section VII. B. Geology and Soils above, the project would require approval of an Engineered Grading and Drainage Plan and a grading permit or voucher prior to any onsite grading work.

No natural drainage channels run through the project site. The Fresno Irrigation District (FID) active Victoria Colony E. Branch No 43 runs approximately 4,600 feet northeast; Victoria Colony W. Branch No 43 runs approximately 2,400 feet northeast; Houghton No. 78 run approximately 3,100 feet southwest of the project site. A Project Note would require that plans for any street and/or utility improvements along or in the vicinity of these facilities shall require FID review and approval. Another Project Note would

require that a privately-owned canal (Tracy S. Branch No. 44) which runs 2,000 feet northwest of the project site is an active canal and shall be treated as such.

Furthermore, in accordance with the Fresno Metropolitan Control District comments on the project, a Project Note would require temporary on-site storm water storage facility until permanent FMFCD facilities become available and drainage can be directed to the street.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: NO IMPACT:

Per the Federal Emergency Management Agency (FIRM) Panel 1665H, the project site is not subject to flooding from the 100-year storm.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

Fresno County has no Water Quality Control Plan. As such, the subject proposal would not conflict with any water quality control plan. The project is within the North Kings Groundwater Sustainability Area (NKGSA) and was reviewed by that agency. As the City of Fresno allows the project to connect with the existing onsite well for fire and domestic needs of the project and the County Water and Geology Division determination that the project is not located in a water short area and the current water supply is adequate to support the project, the preparation of a water demand analysis for the project as suggested by NKGSA was not unnecessary.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community. The project is located approximately 1,871 feet south of the nearest boundary of the City of Fresno.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the project. The project site is within the City of Fresno Sphere of Influence (SOI). No concerns with the proposal were expressed the City of Fresno Planning and Development Department.

The project site is designated Rural Residential in the County General Plan and zoned RR (Rural Residential, two-acre minimum parcel size) in the County Zoning Ordinance. The proposed religious facility (temple) is considered as a compatible use on residentially zoned property subject to the approval of a discretionary land use application. The project is consistent with the following General Plan policies:

Regarding consistency with General Plan Policy PF-C.17, the project site is not in a water-short area. The project will continue using the existing onsite well as a source of water supply or may connect with the City of Fresno public water system, if deemed available by the State Water Resources, Division of Drinking Water.

Regarding consistency with General Plan Policy PF-D.6, the project site can accommodate a new sewage disposal system for the temple building under permit and inspection from the Department of Public Works and Planning Building and Safety Section.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

Per Figure 7-8 of the Fresno County General Plan Background Report, the project site is outside of a mineral-producing area of the County.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project has the potential to expose nearby residents to elevated noise levels during construction. A Project Note would require that all construction related noise shall adhere to the Fresno County Noise Ordinance.

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

The project is not located within two miles of a public airport or public use airport.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The project will not induce population growth in the area. No housing is proposed in addition to the existing single-family residence on the property.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

- 1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the North Central Fire Protection District (NCFPD), the project shall comply with California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19 and construction plans shall be submitted to the County for prior to receiving NCFPD conditions of approval for the project. This requirement will be included as a Project Note.

2. Police protection?

FINDING: NO IMPACT:

The project was routed to the Fresno County Sheriff's office which did not provide any comments. No impact on police protection would occur.

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

The project will not impact the existing public services or result in the need for additional public services related to schools, or parks.

XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project will not induce population growth which may require new or expanded recreational facilities in the area.

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The project will not conflict with any policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The project area is rural in nature and

is not planned for any transit, bikeways, or pedestrian facilities per the Transportation and Circulation Element of the Fresno County General Plan.

The Design Division of the Fresno County Department of Public Works and Planning reviewed the project and required that a Traffic Impact Study (TIS) shall be prepared to assess the project's potential impacts to County and State roadways.

Peters Engineering Group prepared a Traffic Impact Study (TIS), dated February 24, 2021 which determined the following:

The study intersections are currently operating at acceptable LOS (Level of Service) during the Sunday peak hours with acceptable calculated 95th-percentile queues. With construction of the project and other pending projects, the study intersections are expected to continue to operate at acceptable level of Service (LOS) during Sunday peak hours with acceptable calculated 95th-percentile queues. The intersection of Valentine and Olive Avenues is expected to operate at LOS E and F during Sunday peak hours by the year 2040 whether or not the project is constructed. Installation of all-way stop control is expected to result in LOS C or better during Sunday peak hours. The project will generate fewer than an average of 110 trips per day and is responsible for an equitable share of the cost of installing all-way stop control. A left-turn lane at the site access driveway is not warranted based on the cumulative year 2040 traffic volumes

The Design Division and Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning reviewed the TIS, consulted with the Peters Engineering Group and determined that the project is responsible for an equitable share of the cost of installing all-way stop control for a total cost of \$12,000. The project's share would be \$330 and this requirement has been included as a Mitigation Measure.

* **Mitigation Measure:**

1. *Prior to the issuance of building permits for the proposed use on the property, the applicant shall enter into an agreement with the County of Fresno agreeing to participate on a pro-rata basis per acreage developed in the funding of future off-site traffic improvement defined in items 'a' below. The traffic improvement and the project's maximum pro-rata share is as follows:*
 - a. *Install all-way stop control at Valentine and Olive Avenue. The project's maximum share is \$330.00 for a total cost of \$12,000.00.*

The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall annually adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.

The subject proposal is within City of Fresno Sphere of Influence. The City also commented on the TIS with regards to impact on City roadways/intersections and requires that the project shall be paying Traffic Signal Mitigation Impact (TSMI) Fee per the City's Master Plan Schedule, Fresno Major Street Impact (FMSI) Fee and Regional Transportation Mitigation Fee (RTMF) prior to issuance of building permits.

Per the comments provided by Road Maintenance and Operations (RMO) Division, Brawley Avenue is a Collector road with an existing 30 feet right-of-way west of section line along parcel's easterly frontage. The minimum width for a local right-of-way west of section line is 42 feet. A Condition of Approval would require that a 12-foot in additional right-of-way shall be provided for Brawley Avenue. The City of Fresno, right-of-way standards for Brawley Avenue west of section line is 76 feet.

- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The State of California Governor's Office of Planning and Research document entitled *Technical Advisory on Evaluating Transportation Impacts in CEQA* dated December 2018 (OPR Technical Advisory) indicates that projects that generate or attract fewer than 110 trips per day generally may be presumed to cause a less-than-significant transportation impact.

Per the Traffic Impact Study (TIS), the project will operate two times per month. The estimated daily number of trips is up to 132 trips per day that will occur approximately twice per month causes an average daily VMT of approximately nine vehicles (or nine trips per day). Since the Project will generate fewer than 110 trips per day, the impact on transportation would be less than significant.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: NO IMPACT:

The project site border with Brawley Avenue which intersects McKinley Avenue to the north and Olive Avenue to the south. The project access from Brawley Avenue will not create traffic hazards due to the current roadway configuration. As noted above, the project will be subject to providing additional right-of-way for Brawley Avenue.

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The project site will be provided with adequate number of access for general and emergency uses. Out of the two proposed access drives off Brawley Avenue one will be used for ingress and egress by the proposed building (Sikh temple).

The Fresno County Fire Protection District expressed no concerns related to the site emergency access and will conduct additional review prior to the issuance of building permits.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)?

FINDING: LESS THAN IMPACT:

The project site is not in an area determined to be highly or moderately sensitive to archeological resources. Pursuant to Assembly Bill (AB) 52, project information was routed to the Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, Table Mountain Rancheria and Santa Rosa Rancheria Tachi Yokut Tribe offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation, resulting in no further action on the part of the County. However, Table Mountain Rancheria (TMR) requested that in the unlikely event that cultural resources are identified on the property, the Tribe should be informed. The Mitigation Measure included in the CULTURAL ANALYSIS section of this report will reduce impact to tribal cultural resources to less than significant.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above. The project will not result in the relocation or construction of new electric power, natural gas, or telecommunications facilities.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section X. B. HYDROLOGY AND WATER QUALITY above.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The project development will not generate solid waste more than the capacity of local landfill sites.

All solid wastes produced by the proposed facility will be collected for the local landfill through regular trash collection service and adhere to local and state standards for disposal of solid wastes.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or

- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

The project site is not in or near state responsibility area or land classified as very high fire hazard severity zones. The Fresno County Fire Protection District expressed no concerns related to fire hazard.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will have no impact on biological resources. Impacts on cultural resources have been reduced to a less than significant level with the incorporation of a Mitigation Measure discussed in Section V. CULTURAL RESOURCES above.

- B. Have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Each of the projects located within Fresno County has been or would be analyzed for potential impacts, and appropriate project-specific Mitigation Measures are developed to reduce that project’s impacts to less than significant levels. Projects are required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code at the time development occurs on the property. No cumulatively considerable impacts relating to Agricultural and Forestry Resources, Air quality or Transportation were identified in the project analysis. Impacts identified for Aesthetics, Cultural Resources, and Transportation will be mitigated by compliance with the Mitigation Measures listed in Sections I., V., and XVII of this report.

- C. Have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly?

FINDING: NO IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the analysis.

CONCLUSION/SUMMARY

Based upon Initial Study No. 7705 prepared for Classified Conditional Use Permit Application No. 3657, staff has concluded that the project will not have a significant effect on the environment.

It has been determined that there would be no impacts to biological resources, hazards and hazardous materials, mineral resources, population and housing, recreation, tribal cultural resources, or wildfire.

Potential impacts related to agriculture and forestry resources, air quality, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, noise, public services, and utilities and service systems have been determined to be less than significant.

Potential impacts to Aesthetics, Cultural Resources, and Transportation have been determined to be less than significant with the identified Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Streets, Fresno, California.

EA:
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EXHIBIT 8

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below for County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7705	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION	County Clerk File No: E-	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Govinder K. Sidhu	Project Title: Classified Conditional Use Permit Application No. 3657		
Project Description: Allow a religious facility (temple) with related improvements on an approximately 1.52-acre portion of a 5.02-acre parcel in the RR (Rural Residential, two-acre minimum parcel size) Zone District. The subject parcel is located on the west side of N. Brawley Avenue approximately 435 feet north of its intersection with W. Olive Avenue and 1,864 feet south of the nearest city limits of the City of Fresno (1501 N. Brawley Avenue, Fresno) (SUP. DIST. 1) (APN 312-112-26).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7705) prepared for Classified Conditional Use Permit Application No. 3657, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to biological resources, hazards and hazardous materials, mineral resources, population and housing, recreation, tribal cultural resources, or wildfire. Potential impacts related to agriculture and forestry resources, air quality, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, noise, public services, and utilities and service systems have been determined to be less than significant. Potential impacts related to aesthetics, cultural resources, and transportation have been determined to be less than significant with the included Mitigation Measure. The Initial Study and Mitigated Negative Declaration (MND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – May 5, 2021		Review Date Deadline: Planning Commission – June 10, 2021	
Date: May 3, 2021	Type or Print Name: David Randall, Senior Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No. _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



June 3, 2021

Ejaz Ahmad, Planner
County of Fresno, Development Services and Capital Projects Division
2220 Tulare Street, 6th Floor
Fresno, California 93721
eahmad@co.fresnocounty.ca.gov

**Subject: Initial Study Application No. 7705 and Classified Conditional Use Permit
Application No. 3657 – Sidhu (Govinder K.) Project (Project)
SCH No.: 2021050044**

Dear Mr. Ahmad:

The California Department of Fish and Wildlife (CDFW) received an Initial Study (IS) from the County of Fresno for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish and G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

In this role, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

PROJECT DESCRIPTION SUMMARY

Proponent: Govinder K. Singh

Objective: This project proposes to construct a 5,000 square foot Sikh temple on an approximately 1.52-acres portion of a 5.02-acres parcel in the Rural Residential (RR, two-acre minimum parcel size) Zone District.

Location: The Project is located on the west side of N. Brawley Avenue approximately 435 feet north of its intersection with W. Olive Avenue and approximately 1,864 feet south of the nearest city limits of the City of Fresno (1501 N. Brawley Avenue, APN No. 312-112-26).

Timeframe: None specified.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist Fresno County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

There are special-status resources that may utilize the Project site, and these resources may need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities. CDFW is concerned regarding potential impacts to special-

status species including, but not limited to, the State threatened Swainson's hawk (*Buteo swainsoni*), and the State species of special concern burrowing owl (*Athene cunicularia*).

I. Environmental Setting and Related Impact

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or the United States Fish and Wildlife Service (USFWS)?

COMMENT 1: Swainson's Hawk (SWHA)

Issue: SWHA have been documented within 1-mile east of the proposed Project site (CNDDDB 2021) and have the potential to nest within and adjacent to the site as well as forage within the project site and surrounding area.

Specific impacts: Without appropriate avoidance and minimization measures for SWHA, potential significant impacts that may result from Project activities include nest abandonment, loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality. Any take of SWHA without appropriate incidental take authorization would be a violation of Fish and Game Code.

Evidence impact is potentially significant: SWHA exhibit high nest-site fidelity year after year and lack of suitable nesting habitat in the San Joaquin Valley limits their local distribution and abundance (CDFW 2016). The Project as proposed will involve noise, groundwork, and movement of workers that could affect nests and has the potential to result in nest abandonment, significantly impacting local nesting SWHA.

Recommended Potentially Feasible Mitigation Measure(s)

Because suitable habitat for SWHA is present within and near the Project site, CDFW recommends conducting the following evaluation of the Project site and that the following mitigation measures be made conditions of approval for the Project.

Recommended Mitigation Measure 1: Focused SWHA Surveys

To evaluate potential impacts, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to project implementation. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.

Recommended Mitigation Measure 2: SWHA Avoidance/No-disturbance Buffer

If ground-disturbing Project activities are to take place during the normal bird breeding season (March 1 through September 15), CDFW recommends that additional pre-activity surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of Project implementation. CDFW recommends a minimum no-disturbance buffer of ½ mile be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Recommended Mitigation Measure 3: SWHA Nest Trees

CDFW recommends that the removal of known raptor nest trees, even outside of the nesting season, be replaced with an appropriate native tree species planting at a ratio of 3:1 at or near the Project site or in another area that will be protected in perpetuity to reduce impacts resulting from the loss of nesting habitat.

Recommended Mitigation Measure 4: SWHA Take Authorization

CDFW recommends that in the event an active SWHA nest is detected during surveys and the ½-mile no-disturbance buffer around the nest cannot feasibly be implemented, consultation with CDFW is warranted to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is warranted to comply with CESA.

COMMENT 2: Burrowing Owl (BUOW)

Issue: Suitable BUOW habitat features are present within the Project site and BUOW have the potential to occur in the Project area. BUOW inhabit open grassland or adjacent canal banks, etc., containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. Review of aerial imagery indicates that the Project site contains disturbed grassland within and adjacent to Project limits along with rural residential housing. In addition, Houghton Canal, which is dirt-lined, is approximately 0.6-mile to the southwest of the proposed Project site.

Specific impact: Potentially significant direct impacts associated with subsequent activities include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Evidence impact is potentially significant: BUOW rely on burrow habitat year-round for their survival and reproduction. Habitat loss and degradation are considered the greatest threats to BUOW in California's Central Valley (Gervais et al. 2008). Subsequent ground-disturbing activities associated with the Project have the potential to

significantly impact local BUOW populations. In addition, and as described in CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact)

To evaluate potential impacts to BUOW, CDFW recommends conducting the following evaluation of the Project site, and that the following mitigation measures be made conditions of approval for the Project.

Recommended Mitigation Measure 5: BUOW Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine if the Project area or its vicinity contains suitable habitat for BUOW.

Recommended Mitigation Measure 6: BUOW Surveys

CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012). Specifically, the California Burrowing Owl Consortium (CBOC) and CDFW's Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

Recommended Mitigation Measure 7: BUOW Avoidance

CDFW recommends no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

Recommended Mitigation Measure 8: BUOW Passive Relocation and Mitigation

If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance, at a rate that is sufficient to detect BUOW if they return.

II. Editorial Comments and/or Suggestions

Nesting Birds: The Project contains and is adjacent to habitat that provides nesting habitat for birds. CDFW encourages that Project implementation occur during the bird non-nesting season. However, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes sections referenced above. To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. Prior to initiation of Project activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once Project activities begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography.

Ejaz Ahmad, Planner
County of Fresno
June 3, 2021
Page 7

CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

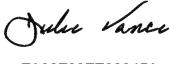
FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CDFW appreciates the opportunity to comment on the Project to assist Fresno County Department of Public Works and Planning in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead, or by electronic mail at Kelley.Nelson@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...
Julie A. Vance
Regional Manager

Attachment

cc: Office of Planning and Research, State Clearinghouse, Sacramento

LITERATURE CITED

SWHA Literature Citations

CDFW. 2016. Five Year Status Review for Swainson's Hawk (*Buteo swainsoni*). California Department of Fish and Wildlife. April 11, 2016.

CDFW. 2020. Biogeographic Information and Observation System (BIOS).
<https://www.wildlife.ca.gov/Data/BIOS>. Accessed May 19, 2021.

Swainson's Hawk Technical Advisory Committee (SWHA TAC). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000.

BUOW Literature Citations

California Burrowing Owl Consortium. 1993. Burrowing owl survey protocol and mitigation guidelines. April 1993.

CDFG. 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game.

Gervais, J.A., D.D. Rosenberg, and L.A. Comrack. 2008. Burrowing Owl (*Athene cunicularia*) in Shuford, W.D. and T. Gardali, editors.

Attachment 1

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)**

**PROJECT: Sidhu (Govinder K.) Project (IS-7705)
SCH No.: 2021050044**

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Mitigation Measure 1: Focused SWHA Surveys	
Mitigation Measure 3: SWHA Nest Trees	
Mitigation Measure 4: SWHA Take Authorization	
Mitigation Measure 5: BUOW Habitat Assessment	
Mitigation Measure 6: BUOW Surveys	
<i>During Construction</i>	
Mitigation Measure 2: SWHA Avoidance/No-disturbance Buffer	
Mitigation Measure 7: BUOW Avoidance	
Mitigation Measure 8: BUOW Passive Relocation and Mitigation	

ATTACHMENT D

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below for County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7705	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION	County Clerk File No: E-	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Govinder K. Sidhu	Project Title: Classified Conditional Use Permit Application No. 3657		
Project Description: Allow a religious facility (temple) with related improvements on an approximately 1.52-acre portion of a 5.02-acre parcel in the RR (Rural Residential, two-acre minimum parcel size) Zone District. The subject parcel is located on the west side of N. Brawley Avenue approximately 435 feet north of its intersection with W. Olive Avenue and 1,864 feet south of the nearest city limits of the City of Fresno (1501 N. Brawley Avenue, Fresno) (SUP. DIST. 1) (APN 312-112-26).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7705) prepared for Classified Conditional Use Permit Application No. 3657, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to biological resources, hazards and hazardous materials, mineral resources, population and housing, recreation, tribal cultural resources, or wildfire. Potential impacts related to agriculture and forestry resources, air quality, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, noise, public services, and utilities and service systems have been determined to be less than significant. Potential impacts related to aesthetics, cultural resources, and transportation have been determined to be less than significant with the included Mitigation Measure. The Initial Study and Mitigated Negative Declaration (MND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – August 11, 2021		Review Date Deadline: Board of Supervisors – August 24, 2021	
Date:	Type or Print Name: David Randall, Senior Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No. _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7705
Classified Conditional Use Permit Application No. 3657**

Mitigation Measures						
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span	
*1.	Aesthetics	All outdoor lighting shall be hooded and directed downward as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PWP)	On-going; for duration of the project	
*2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PWP	As noted	
*3.	Transportation	<p>Prior to the issuance of building permits for the proposed use on the property, the applicant shall enter into an agreement with the County of Fresno agreeing to participate on a pro-rata basis per acreage developed in the funding of future off-site traffic improvement defined in items 'a' below. The traffic improvement and the project's maximum pro-rata share is as follows:</p> <p>a. Install all-way stop control at Valentine and Olive Avenue. The project's maximum share is \$330.00 for a total cost of \$12,000.00.</p> <p>The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to</p>	Applicant	Applicant/PWP	As noted	

	Ordinance Code Section 17.88 shall annually adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.		
Conditions of Approval			
1.	Development of the property shall be in accordance with the Site Plan, Elevations, and Operational Statement approved by the Planning Commission.		
2.	Prior to the issuance of building permits, a Site Plan Review application shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include but not limited to the design of parking and circulation areas, wall/fencing, access, on-site grading and drainage, right-of-way dedication, fire protection, landscaping, signage, and lighting.		
3.	Prior to issuance of building permits, the project shall pay the project proponent shall be pay Traffic Signal Mitigation Impact (TSMI) Fee per the City's Master Plan Schedule, Fresno Major Street Impact (FMSI) Fee and Regional Transportation Mitigation Fee (RTMF) to the City of Fresno and shall provide proof of payment to the County.		
4.	The Brawley Avenue fronting the project site has a total existing right-of-way of 30 feet west of section line. Brawley Avenue is classified as a Collector road requiring an ultimate road right of way of 42 feet west of the section line. The owner of the property shall record a document irrevocably offering the 12 feet as future right-of-way from the eastern side of the subject parcel which abuts Brawley Avenue. Note: A Preliminary Title Report or Lot Book Guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.		
5.	Prior to the occupancy granted for the religious facility (temple), a drinking water permit shall be obtained from State Water Resources Control Board – Division of Drinking Water (SWRCB-DDW). In that regard, the shall comply with Senate Bill (SB) 1263 which requires that prior to applying for a water permit for a proposed new public water system, a preliminary technical report shall be submitted to SWRCB-DDW a minimum of six (6) months prior to initiating construction of any water-related improvement.		
6.	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 the issuance of building permits.		
7.	Prior to issuance of any building permit the property owner shall record a document on the subject property incorporating the provisions of the County Right-To-Farm Notice (Fresno County Ordinance Code Section 17.04.100).		
8.	All parking and circulation areas that are not concrete or asphalt concrete paved shall be treated with a dust palliative to prevent the creation of dust.		

9.	The use of outdoor amplification system shall be prohibited on the property.
10.	Items 4 and 5 from "Project Note" shall be completed prior to the issuance of building permit or granting of occupancy for the use.

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period in excess of two years.
2.	Construction plans, building permits and inspections are required for all proposed improvements on the property. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for plans, permits and inspections.
3.	A special Inspection Permit is required to verify the removal of previous mobile home and various other structures on the property noted in Zoning comment letter dated January 22, 2020. Any modifications to the existing onsite residence shall require building permits and inspections.
4.	As required by section 855-E.3.a of the Zoning Ordinance, a solid masonry wall not less than five (5) feet nor more than six (6) feet in height shall be constructed along the south property line adjacent to the parking area of the subject property. The wall shall not exceed three feet (3) in height where it is in the front yard area of the abutting residential district. Note: This requirement shall be addressed through Site Plan Review
5.	The entire 35-foot property frontage along Brawley Avenue shall be landscaped in conjunction with Condition of Approval No. 6 and be maintained. Note: This requirement shall be addressed through Site Plan Review
6.	To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following: <ul style="list-style-type: none"> • An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties and be retained on-site per County standards. • A grading permit or voucher may be required for any grading that has been done without a permit and any grading proposed with this application. • Any existing or proposed gate shall be setback a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.

Notes

7.	<p>To address public health impacts resulting from the project, Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following:</p> <ul style="list-style-type: none"> • Sewage disposal system for the proposed building shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. • The applicant should consider having the existing septic tanks pumped and have the tank and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system. • Churches currently do not meet the definition of a retail food facility in the California Retail Food Code (Cal Code 113789(c)(3)), provided that the church gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three (3) days in any ninety-day period. However, it is recommended that the applicant consider constructing the kitchen to commercial standards. This would allow future use of the facility for approved community events. • The project shall adhere to the County noise ordinance for construction-related noise.
8.	<p>The project shall comply with California Code of Regulations Title 24 - Fire Code and California Code of Regulations Title 19. Prior to receiving North Central District conditions of approval for the project, construction plans shall be submitted to the Fresno County Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of one set of plans to NCFPD.</p>
9.	<p>The Fresno Irrigation District (FID) active Victoria Colony E: Branch No 43 runs approximately 4,600 feet northeast; Victoria Colony W: Branch No 43 runs approximately 2,400 feet northeast; Houghton No. 78 run approximately 3,100 feet southwest of the project site. Plans for any street and/or utility improvements along or in the vicinity of these facilities shall require FID review and approval. A privately-owned canal (Tracy S. Branch No. 44) runs 2,000 feet northwest of the project site. It is an active canal and shall be treated as such.</p>
10.	<p>Temporary on-site storm water storage facility shall be provided until permanent Fresno Metropolitan Control District facilities become available and drainage can be directed to the street.</p>
11.	<p>An encroachment permit shall be obtained from Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for any work in the County road right-of-way and for the construction of the proposed driveway approaches to Brawley Avenue.</p>
12.	<p>To identify San Joaquin Valley Unified Air Pollution Control District (District) rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant shall contact the District's Small Business Assistance Office at (559) 230-5888.</p>