



Inter Office Memo

DATE: February 16, 2017
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12628 - INITIAL STUDY APPLICATION NO. 7090,
DIRECTOR REVIEW AND APPROVAL APPLICATION NO. 4431 and
VARIANCE APPLICATION NO. 4009

APPLICANT/
OWNER:

Roman Catholic Bishop of Fresno

REQUEST:

Allow a church with a 76-foot building height (maximum 35 feet allowed) with related facilities including daycare in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION:

The project site is located on the west side of N. Thompson Avenue approximately 460 feet south of the N. Thompson Avenue and E. Ashlan Avenue intersection and 1,940 feet east of the nearest city limits of the City of Clovis (SUP. DIST. 5) (APN 309-021-25).

PLANNING COMMISSION ACTION:

At its hearing of February 16, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Chatha to adopt Mitigated Negative Declaration prepared for the project, adopt the required Findings for approval of a Director Review and Approval and its associated Variance to waive the height requirement of the AE-20 Zone District, and approve Director Review and Approval No. 4431 and Variance No. 4009, subject to the Conditions listed in Exhibit B.

EXHIBIT A

Initial Study Application No. 7090
Director Review and Approval Application No. 4431
Variance Application No. 4009

Staff: The Fresno County Planning Commission considered the Staff Report dated February 16, 2017, and heard a summary presentation by staff.

Applicant: The owner's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:

- We started working on the project in November 2016 in light of the area's growing religious needs.
- We conducted neighborhood meetings for the project and received no opposition.
- The project site is located within the City of Clovis Loma Vista Community Plan Area.
- The subject property and adjacent properties will be annexed to the City of Clovis in the near future.
- The second level in the church building is a loft with elevator; the loft will be used as storage area.
- Phase 1 of the project will have seating capacity for 860 people.
- The Traffic Impact Study prepared for the project requires widening of Thompson Avenue to accommodate the proposal; we will improve the road accordingly and install curb, gutter, and street lighting.
- We will comply with the mitigation measures relating to outdoor sound-generating devices.

Others: No other individuals presented information in support of or in opposition to the application.

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

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EXHIBIT B

Mitigation Monitoring and Reporting Program
Initial Study Application No. 7090/ Director Review and Approval Application No. 4431/ Variance Application No. 4009
(Including Conditions of Approval and Project Notes)

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 (PW&P)	As long as the project lasts
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 should 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.	Applicant	Applicant/PW&P	As noted
3*	Geology and Soils	The proposed facility is within the City of Clovis Sphere of Influence and within one half-mile of the current City boundary. Prior to occupancy, the facility shall connect to the City of Clovis sanitary sewer system. Such connection would require a Local Agency Formation Commission (LAFCo) approval action, abandonment of the septic system to City standards, and payment of development fees upon annexation of the site into the City of Clovis.	Applicant	Applicant/ City of Clovis/ Local Agency Formation Commission (LAFCo)	As noted
4*	Geology and Soils	If there are existing water wells and septic systems on the parcel, they shall be properly destroyed under permit and inspection by the County of Fresno.	Applicant	Applicant/Department of Public Health, Environmental Health Division	As noted
5*	Hydrology and Water Quality	The proposed facility is within the City of Clovis Sphere of Influence and within one half-mile of the current City	Applicant	Applicant/City of Clovis/LAFCo	As noted

		boundary. Prior to occupancy, the facility shall connect to the City of Clovis water system. Such connection would require a LAFCo approval action, abandonment of all water wells to City standards, and payment of development fees upon annexation of the site into the City of Clovis. Such connection may not preclude the need for on-site water storage to meet fire flow/fire safety requirements.		
6*	Noise	No outdoor sound-generating devices such as bells, carillon, or loudspeakers shall be utilized at this time. Prior to the installation of such equipment, an acoustical analysis shall be prepared by a qualified acoustical consultant with experience in evaluating community noise levels and standards to determine if noise levels will exceed acceptable standards, and offer mitigation measures to comply with Fresno County Noise Ordinance standards. The results of the acoustical analysis shall be submitted to both the County Department of Public Works and Planning and the Environmental Health Division of the Department of Public Health for review and approval.	Applicant	Applicant/Department of Public Health, Environmental Health Division As noted

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations and Operational Statement approved by the Commission.
2.	Prior to occupancy, a Site Plan Review 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: design of parking and circulation areas, access, on-site grading and drainage, fire protection, right-of-way, landscaping, signage and lighting.
3.	Landscaping, including trees and shrubs, shall be provided and maintained along the Thompson Avenue frontage of the property to buffer the property from the adjacent roadway. Landscaping shall meet City of Clovis landscaping requirements for width, type of plantation, and irrigation system. A Landscaping and Irrigation Plan shall be submitted to and approved by Fresno County and the City of Clovis as part of the Site Plan Review. All landscaping shall be planted prior to occupancy and maintained in healthy condition.
4.	The Applicant shall coordinate with the City of Clovis and the County of Fresno for off-site improvements, including, but not limited to, road pavement, curb and gutter, sidewalks, etc. All off-site improvements as required by the City shall be completed prior to occupancy unless deferred. In case of deferment, a deferment of construction agreement shall be executed between the County and the Applicant as part of the Site Plan Review.
5.	Per the Design Division of the Fresno County Department of Public Works and Planning, the Applicant shall pay the Major Street Development Fees for the intersection of Ashlan and Leonard Avenues to the City of Clovis.

Conditions of Approval

6.	<p>Per the City of Clovis, Traffic Engineering Department:</p> <ul style="list-style-type: none"> • The project shall pay its proportionate share of Development Impacts Fees according to the Memorandum of Understanding (MOU) between the City and the County. • Along the Thompson Avenue frontage of the property, the Applicant shall provide right-of-way acquisition for 52 feet (existing 20 feet) west and 22 feet (existing 20 feet) east of the centerline, and improve with curb, gutter, sidewalk, curb return ramps, street lights, 48 feet (30 feet + 18 feet) permanent paving, 3-foot paved swale, and transitional paving as needed. • For non-adjacent major street requirements, the Applicant shall provide between the north property line and Ashlan Avenue for 22 feet west and 22 feet east of the centerline and improve with 36 feet (18 feet + 18 feet) of permanent paving, 2- to 3-foot paved swales and all transitional paving as required, or provide another City-approved alternate route. • Alternative temporary cross sections and dedications for Thompson Avenue shall require approval of the City Engineer.
7.	<p>Prior to occupancy, the project proponent shall enter into an agreement with Fresno County incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) for acknowledgement of the inconveniences and discomfort associated with normal farm activities in the surrounding of the proposed development.</p>

*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

<p>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</p>	
1.	<p>This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.</p>
2.	<p>Plans, permits and inspections are required for all proposed structures, including, but not limited to, accessible elements and site development based upon the codes in effect at the time of plan check submittal. Fences over six feet in height are also subject to building permit and inspections. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.</p>
3.	<p>Per Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning:</p> <ul style="list-style-type: none"> • Any work done within the road right-of-way shall require an encroachment permit from the Road Maintenance and Operations Division. • Fences associated with drive/entry approaches shall be constructed with a 10-foot by 10-foot corner cutoff each side to promote sight visibility during exit movements. • Gated drive/entry approaches to the site shall be set back a minimum of 20 feet from the ultimate road right-of-way for Thompson Avenue.
4.	<p>Per Site Plan Review Section of the Fresno County Department of Public Works and Planning:</p> <ul style="list-style-type: none"> • The secondary parking lot (phase 2) may be utilized to satisfy required parking prior to completion of said parking lot. That portion of the secondary parking lot utilized for parking shall incorporate a dust palliative for dust control until secondary parking lot is constructed. • Asphalt concrete driveway approaches shall be required. Two-way driveways are to be 24 to 35 feet in width. • Driveway widths greater than 35 feet must be approved by the Road Maintenance and Operations Division. • If only the driveways are to be paved, the driveways should be concrete or asphalt concrete paved a minimum width of 24 feet for

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the first 100 feet off of the edge of the road right-of-way.

- All parking and circulation areas not concrete or asphalt concrete paved should be treated with a dust palliative to prevent the creation of dust.

5. Per Fresno County Department of Public Health, Environmental Health Division, churches currently do not meet the definition of a retail food facility in the California Retail Food Code [CalCode 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.

6. Per the San Joaquin Valley Air Pollution Control District (Air District), the project shall pay any applicable off-site mitigation fees prior to the issuance of the first building permit and be subject to the following District Rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished, or removed.

7. Per the Development Engineering Section of the Fresno County Department of Public Works and Planning:

- An Engineered Grading and Drainage Plan is required to show how the additional storm water run-off generated by the proposed development will be handled without adversely impacting the adjacent properties.
- A Grading Permit or Voucher is required for any grading proposed with this application.

8. Per the Fresno Metropolitan Flood Control District:

- The project site lies within the District's Drainage Area "DP" and shall be subject to applicable District fees prior to issuance of building permits.
- All additional run-off generated by the project shall stay on site in a temporary on-site storm water storage facility as required by the County, and once permanent FMFCD facilities become available, drainage can be directed to the street.
- FMFCD shall review and approve all improvement plans for any proposed construction of curb and gutter or storm drainage facilities for conformance to the Master Plan within the project area.
- Redbank Creek Tributary No. 10 (natural stream course) traversing the easterly and southerly perimeter of the proposed development shall be protected and preserved as part of the proposed development.
- Modification or relocation of the channel shall require compliance with the regulations of California Fish & Wildlife, Regional Water Quality Control Board and the U.S. Army Corps of Engineers.
- A Clean Water Act Section 404 permit application if prepared for the project shall be reviewed by FMFCD.
- Construction activity, including grading, clearing, grubbing, filling, or excavation that results in a disturbance one acre or more of total land area, shall require a storm water discharge permit in compliance with the US Environmental Protection Agency's National Pollutant Discharge Elimination System regulations, secured by filing a Notice of Intent (NOI) for the State General Permit for Construction Activity with the State Water Resources Control Board.

9. The proposal shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Protection District for review and approval. The Applicant shall submit evidence that their Plans were approved by the Fresno County Fire Protection District, and all fire protection

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improvements shall be installed prior to occupancy being granted for the use. The project may also be subject to joining the Community Facilities District (CFD).

10. Fresno Irrigation District's active Redbanks No. 388 runs southwesterly, and crosses Ashlan Avenue approximately 650 feet northwest and Thompson Avenue approximately 1300 feet north of the subject property. All plans for any street and/or utility improvements along Ashlan Avenue, Thompson Avenue, or in the vicinity of the pipeline crossing shall require FID's review and approval.

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County of Fresno

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

April 3, 2017

Roman Catholic Bishop of Fresno
1550 N. Fresno Street
Fresno CA 93703

Dear Applicant:

Subject: Resolution No. 12628 - Initial Study Application No. 7090, Director
Review and Approval Application No. 4431 and Variance Application No. 4009

On February 16, 2017, the Fresno County Planning Commission approved your project with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

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

If you have any questions regarding the information in this letter please contact me at eahmad@co.fresno.ca.us or 559-600-4204.

Sincerely,

Ejaz Ahmad, Planner
Development Services Division

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Enclosure