



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 August 25, 2016

SUBJECT: Initial Study Application No. 6291 and Classified Conditional Use Permit Application No. 3302-R

Allow an existing religious facility sited on a 4.83-acre parcel in the R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District to be expanded by the construction of a kitchen addition, prayer hall, and outdoor stage facility with audience area. The proposed expansion of the existing religious facility also includes the incorporation of a southerly adjacent 2.01-acre parcel zoned R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) that will provide the existing religious facility with overflow parking for festival event days and a memorial gate. Operational changes are also proposed for the existing religious facility, which include modified hours of operation, monthly sale of food and crafts, and six additional festival events.

LOCATION: The project site is located on the west side of Valentine Avenue, between Clinton Avenue and Princeton Avenue, approximately 215 feet northwest of the nearest city limits of the City of Fresno (2533 N. Valentine Avenue, 2497 N. Valentine Avenue) (Sup. Dist. 1) (APNs 442-060-08, 442-060-43).

OWNER: Fresno Cambodian Buddhist Society, Inc.
APPLICANT: Fresno Cambodian Buddhist Society, Inc.

STAFF CONTACT: Derek Chambers, Planner
(559) 600-4205

Chris Motta, Principal Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 6291; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3302-R, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1, with inclusion of an additional Condition of Approval limiting fund-raising activities to a specified day of the week and time each month; 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. Assessor’s Map
6. Site Plan
7. Floor Plans and Elevation Drawings
8. Applicant’s Operational Statement
9. Summary of Initial Study Application No. 6291
10. Staff Report dated April 24, 2014
11. Public Comment

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Rural Residential in the County-adopted Fresno High-Roeding Community Plan	No change
Zoning	R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay)	No change
Parcel Size	<u>APN 442-060-08:</u> 4.83 acres <u>APN 442-060-43:</u> 2.01 acres	No change
Project Site	<u>APN 442-060-08:</u> 4,617 square-foot celebration hall; 1,792 square-foot pagoda; 1,800 square-foot dwelling unit; 720 square-foot dwelling unit; 1,800 square-foot storage building; 602 square-foot office	<u>APN 442-060-08:</u> 993 square-foot kitchen addition to the existing 648 square-foot dining hall; 3,200 square-foot prayer hall; 2,772 square-foot outdoor stage with a 7,200 square-foot audience

Criteria	Existing	Proposed
	<p>building; 648 square-foot dining hall with kitchen; 880 square-foot restroom building; paved parking lot with 120 parking spaces and paved driveway access from Valentine Avenue; septic system; water well</p> <p><u>APN 442-060-43:</u> 1,917 square-foot dwelling unit; 805 square-foot dwelling unit; septic system; water well; paved driveway access from Valentine Avenue</p>	<p>area</p> <p><u>APN 442-060-43:</u> 35-foot-tall memorial gate; 110 unsurfaced parking spaces to serve as overflow parking for festival event days</p>
Structural Improvements	<p><u>APN 442-060-08:</u> 4,617 square-foot celebration hall; 1,792 square-foot pagoda; 1,800 square-foot dwelling unit; 720 square-foot dwelling unit; 1,800 square-foot storage building; 602 square-foot office building; 648 square-foot dining hall with kitchen; 880 square-foot restroom building</p> <p><u>APN 442-060-43:</u> 1,917 square-foot dwelling unit; 805 square-foot dwelling unit</p>	<p><u>APN 442-060-08:</u> 993 square-foot kitchen addition to the existing 648 square-foot dining hall; 3,200 square-foot prayer hall; 2,772 square-foot outdoor stage with a 7,200 square-foot audience area</p> <p><u>APN 442-060-43:</u> 35-foot-tall memorial gate</p>
Nearest Residence	Approximately 15 feet north of APN 442-060-08	No change
Surrounding Development	Residential developments; churches; mobile home parks; State Route 99 and Southern Pacific railroad line approximately three quarter-miles to the east; adult school operated by the Central Unified School District approximately one quarter-mile to the northwest; high school (Central Unified High School East Campus) approximately one and a half miles to the northwest	No change
Operational Features	Facility open to visitors from 9:00am until 5:00pm, seven days per week year-round (excluding annual festival	Facility open to visitors from 7:00am until 7:00pm, seven days per week year-round (excluding annual festival

Criteria	Existing	Proposed
	<p>events)</p> <p>Short-term quarters for occasional out-of-town visitors</p> <p>Three annual festival events commencing at 9:00am and ending at 5:00pm:</p> <ul style="list-style-type: none"> • Lunar New Year in April (three day event) • Festival of the Dead in September • Donation in October <p>Use of outdoor sound amplification during festival events is prohibited</p>	<p>events)</p> <p>Six additional annual festival events (resulting in nine total annual festivals):</p> <ul style="list-style-type: none"> • Western New Year in January • Vestments in August • Buddha's Birthday in March • Buddha's Enlightenment in July • Moon Festival in November • Buddha's Stories in Spring <p>All annual festival events to commence at 8:00am and end at 10:00pm</p> <p>Use of outdoor sound amplification for live music and speeches from 8:00am until 10:00pm during four annual festival events:</p> <ul style="list-style-type: none"> • Western New Year in January • Lunar New Year in April • Buddha's Enlightenment in July • Donation in October <p>Use of APN 442-060-43 for 110 unsurfaced parking spaces to serve as overflow parking for festival events</p> <p>Selling of food and crafts once per month for fund-raising purposes</p>
Employees	None (up to five monks and up to three nuns live on site)	No change
Customers/Visitors	Up to 15 visitors per day, year-round (excluding annual festival events)	Up to 1,500 visitors during the course of each festival event day (no more than 500 people on-site at any given time)

Criteria	Existing	Proposed
	Occasional out-of-town visitors Up to 100 visitors allowed during each of the three annual festival events authorized by Classified CUP Nos. 2383, 2445 and 2730	during a festival event day per Staff discussion with Applicant Representatives)
Traffic Trips	Up to 30 one-way visitor trips (15 round trips) per day, year-round (excluding annual festival events) Up to 200 one-way visitor trips (100 round trips) allowed during each of the three annual festival events authorized by Classified CUP Nos. 2383, 2445 and 2730	Up to 3,000 one-way visitor trips (1,500 round trips) during each of the nine annual festival events, if each visitor drives a vehicle to the site (no more than 500 people on site at any given time during a festival event per Staff discussion with Applicant Representatives)
Lighting	Outdoor lighting in open space areas at the existing facility and the existing parking lot	Additional outdoor lighting at the proposed outdoor stage and proposed overflow parking area
Hours of Operation	Facility open to visitors from 9:00am until 5:00pm, seven days per week year-round (excluding annual festival events) Annual festival events commence at 9:00am and end at 5:00pm	Facility open to visitors from 7:00am until 7:00pm, seven days per week year-round (excluding annual festival events) All annual festival events to commence at 8:00am and end at 10:00pm

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

There are no active Code Enforcement Violations issued to the parcels associated with this proposal. However, staff acknowledges that there is a history of the facility not operating within the parameters of the Conditions of Approval and Operational Statements approved with Classified Conditional Use Permit (CUP) Nos. 2383, 2445 and 2730 which authorize the existing facility. This history of operational non-compliance includes the use of outdoor sound amplification during annual festival events, hosting more annual festival events than authorized, and visitors utilizing Valentine Avenue right-of-way and neighboring properties for parking during annual festival events.

The Applicant filed Classified CUP Application No. 3302-R in order to avoid future operational non-compliance. As such, this Classified CUP application proposes to authorize six annual festival events in addition to the three annual festival events currently allowed, proposes to authorize outdoor sound amplification for live music and speeches from 8:00am until 10:00pm during four annual festival events (Western New Year in January, Lunar New Year in April, Buddha's Enlightenment in July, and Donation in October), and proposes to authorize the use of

a southerly-adjacent 2.01-acre parcel (APN 442-060-43) owned by the Applicant for 110 parking spaces to serve as overflow parking for annual festival events. Another operational change being requested with this proposal is the selling of food and crafts once per month for fund-raising purposes (designated day of week and time limit for fund-raising activities to be set by Planning Commission).

The existing temple facility has up to five monks and three nuns living on site, receives up to 15 visitors per day (excluding festival events), and is currently open to visitors from 9:00am until 5:00pm, seven days per week year-round. The Applicant proposes to modify these hours of operation so that the temple facility will be open to visitors from 7:00am until 7:00pm, seven days per week year-round; however, an increase in daily visitors is not anticipated as a result of the modified hours of operation.

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is below and included as Exhibit 9.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: July 25, 2016

PUBLIC NOTICE:

Notices were sent to 106 property owners within 600 feet of the project site, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Classified Conditional Use Permit (CUP) may be approved only if four 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 CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

At the Planning Commission's regularly-scheduled April 24, 2014 Hearing, the Commission expressed concern that the Applicant proposed to lease a northerly-adjacent 3.38-acre parcel (APN 442-060-07) in order to provide 80 parking spaces thereon to serve as overflow parking for annual festival events. Further, the Commission approved a motion continuing the Hearing to a date uncertain to allow the Applicant an opportunity to secure permanent overflow parking for annual festival events. As such, the Applicant revised their proposal in order to provide 110 parking spaces on a southerly-adjacent 2.01-acre parcel (APN 442-060-43) which is owned by the Applicant.

The existing temple facility associated with this proposal is located on a 4.83-acre parcel (APN 442-060-08, address 2533 N. Valentine Avenue), and was originally authorized by Classified Conditional Use Permit (CUP) No. 2383, modified by CUP No. 2445, and later expanded and modified by CUP No. 2730. As previously stated, there is a history of the facility not operating within the parameters of the Conditions of Approval and Operational Statements approved by

Classified CUP Nos. 2383, 2445, and 2730. This history of operational non-compliance includes the use of outdoor sound amplification during annual festival events, and visitors utilizing Valentine Avenue right-of-way and neighboring properties for parking during annual festival events.

The existing temple facility has been improved with a 4,617 square-foot celebration hall, a 1,792 square-foot pagoda, a 1,800 square-foot dwelling unit with paved driveway access from Valentine Avenue, a 720 square-foot dwelling unit, a 1,800 square-foot storage building, a 602 square-foot office building, a 648 square-foot dining hall with kitchen, an 880 square-foot restroom building, paved parking lot with 120 parking spaces and paved driveway access from Valentine Avenue, septic system, and water well. Proposed improvements to be sited on the 4.83-acre parcel include a 993 square-foot kitchen addition to the existing 648 square-foot dining hall, a 3,200 square-foot prayer hall, and a 2,772 square-foot outdoor stage facility with a 7,200 square-foot audience area. It is noted by staff that the proposed 7,200 square-foot audience area will be partially located on the 4.83-acre parcel and a southerly-adjacent 2.01-acre parcel (APN 442-060-43, address 2497 N. Valentine Avenue).

This proposal also entails the incorporation of a southerly-adjacent 2.01-acre parcel (APN 442-060-43, address 2497 N. Valentine Avenue) into the existing temple facility. The 2.01-acre parcel has been improved with a 1,917 square-foot dwelling unit, an 805 square-foot dwelling unit, septic system, water well, and paved driveway access from Valentine Avenue. Proposed improvements to be sited on the 2.01-acre parcel include a 35-foot-tall memorial gate, and overflow parking for festival events consisting of 110 unsurfaced parking spaces.

There is an existing six-foot-tall block wall along the perimeter of the project site, with the exception of the eastern boundary of the 4.83-acre parcel which has an existing six-foot-tall wrought iron fence, and the eastern boundary of the 2.01-acre parcel which has an existing six-foot-tall chain-link fence. This existing six-foot tall chain-link fence will be replaced with a six-foot-tall wrought iron fence to match the eastern boundary of the 4.83-acre parcel.

The existing temple facility has up to five monks and three nuns living on site, receives up to 15 visitors per day (excluding festival events), and is currently open to visitors from 9:00am until 5:00pm, seven days per week year-round. The Applicant proposes to modify these hours of operation so that the temple facility will be open to visitors from 7:00am until 7:00pm, seven days per week year-round; however, an increase in daily visitors is not anticipated as a result of the modified hours of operation.

Other operational changes being requested with this proposal include the recognition of six annual festival events in addition to the three annual festival events identified in the previously-approved Conditional Use Permits which authorize the existing temple facility (nine total annual festival events), and the use of outdoor sound amplification equipment for live music and speeches from 8:00am until 10:00pm during four of the nine festival events which include Western New Year in January, Lunar New Year in April, Buddha's Enlightenment in July, and Donation in October. Another operational change being requested is the aforementioned proposal to allow overflow parking for festival events consisting of 110 unsurfaced parking spaces on the southerly-adjacent 2.01-acre parcel. This request has been made in order to prevent festival attendees from parking their vehicles off site. With regard to festival attendance, according to Applicant representatives, there may be up to 1,500 total people visiting the temple facility during the course of a festival event; however, there are no more than 500 people on-site at any given time during a festival event.

Another operational change being requested with this proposal is the selling of food and crafts

once per month for fund-raising purposes. Staff does recommend that should the Commission approve the Applicant's request to include monthly fund-raising, that after considering public testimony and testimony from the Applicant, that fund-raising activities be conditioned to a specified day of the week each month and for a specified period of time. This can be included as an additional Condition of Approval.

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	<u>APN 442-060-08 (new improvements):</u> Front (eastern property line): 105 feet Side (northern property line): 82 feet Side (southern property line): 20 feet Rear (western property line): 25 feet	Yes
Parking	One parking space for every 40 square feet of area within the main auditorium or meeting hall; one parking space for the physically handicapped for every 25 parking spaces required	<u>APN 442-060-08:</u> 117 existing standard parking spaces and three existing parking spaces for the physically handicapped <u>APN 442-060-43:</u> 110 unsurfaced parking spaces to serve as overflow parking for festival events	Yes - see analysis below
Lot Coverage	No requirement	N/A	N/A
Space Between Buildings	Six feet minimum (75 feet minimum between human habitations and structures utilized to house animals)	No change	Yes
Wall Requirements	No requirement	N/A	N/A
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100	No change	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	feet; Seepage pit: 150 feet		

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: Existing and proposed improvements satisfy the setback requirements of the R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District. Completion of a Site Plan Review is recommended to ensure compliance with development standards.

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

Analysis:

Staff review of the Site Plan demonstrates that the existing and proposed improvements satisfy the minimum building setback requirements of the R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District.

With regard to off-street parking for religious facilities, the Zoning Ordinance requires at least one parking space to be provided for every 40 square feet of area within the main auditorium or meeting hall. Additionally, California Building Code currently requires the provision of at least one parking space for the physically handicapped per every 25 parking spaces required at a facility; however, California Building Code only required one parking space for the physically handicapped per every 40 parking spaces when Classified CUP Nos. 2383, 2445 and 2730 were approved. As such, when the 4,617 square-foot celebration hall was utilized to analyze parking requirements for Classified CUP Nos. 2383, 2445 and 2730, it was determined that the facility needed at least 115 standard parking spaces and three parking spaces for the physically handicapped. Therefore, the 117 standard parking spaces and three parking spaces for the physically handicapped located on the 4.83-acre parcel (APN 442-060-08) were determined to be sufficient when Classified CUP Nos. 2383, 2445 and 2730 were approved. However, in light of current California Building Code parking requirements for the physically handicapped, at least two additional parking spaces for the physically handicapped shall be provided. This requirement has been included as a mandatory Project Note to be reviewed for approval during Site Plan Review (SPR), which has been required as a Condition of Approval.

With regard to overflow parking for festival events, the Applicant proposes to provide 110 unsurfaced parking spaces on a southerly-adjacent 2.01-acre parcel (APN 442-060-43) owned by the Applicant in order to prevent festival attendees from parking vehicles within the Valentine Avenue right-of-way or on neighboring properties. According to Applicant Representatives, there may be up to 1,500 people visiting the temple facility during the course of a festival event; however, there are no more than 500 people on-site at any given time during a festival event. Considering that the County Zoning Ordinance does not have standards addressing overflow parking requirements for festival events, that the existing temple facility has 120 existing parking spaces, and the likelihood that some festival attendees carpool to the facility during festival events, Staff believes that the amount of overflow parking proposed by the Applicant will be adequate to accommodate visitors during festival events.

Based on the above information and with adherence to a Site Plan Review (SPR) required as a

Condition of Approval, staff finds that the project site is adequate in size and shape to accommodate the proposed use. Conditions of the SPR may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 1 can be made.

***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
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Valentine Avenue: Excellent condition	No change
Direct Access to Public Road	Yes	<u>APN 442-060-08:</u> Valentine Avenue: 26-foot wide paved driveway; 15-foot wide paved driveway <u>APN 442-060-43:</u> Valentine Avenue: 20-foot wide paved driveway	<u>APN 442-060-08:</u> Valentine Avenue: No change <u>APN 442-060-43:</u> Valentine Avenue: New 26-foot wide paved driveway; Existing 20- foot wide paved driveway will be reconstructed as a 24-foot wide paved driveway
Road ADT		Valentine Avenue: 1,200	Less than significant traffic increase
Road Classification		Valentine Avenue: Collector	No change
Road Width		<u>APN 442-060-08:</u> Valentine Avenue: 84-foot total existing right-of- way <u>APN 442-060-43:</u> Valentine Avenue: 60-foot total existing right-of- way	No change

		Existing Conditions	Proposed Operation
Road Surface		Valentine Avenue: Paved (pavement width: 28.4 feet)	No change
Traffic Trips		Up to 30 one-way visitor trips (15 round trips) per day, year-round (excluding annual festival events) Up to 200 one-way visitor trips (100 round trips) allowed during each of the three annual festival events authorized by Classified CUP Nos. 2383, 2445 and 2730	Up to 3,000 one-way visitor trips (1,500 round trips) during each of the nine annual festival events, if each visitor drives a vehicle to the site (no more than 500 people on site at any given time during a festival event per Staff discussion with Applicant Representatives)
Traffic Impact Study (TIS) Prepared	No	N/A	Not required by the Design Division of the Fresno County Department of Public Works and Planning; Staff also notes that preparation of a TIS was not required for Classified CUP Nos. 2383, 2445 and 2730 which authorize the existing temple facility
Road Improvements Required		N/A	None required

Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:

City of Fresno Public Works Department: The Applicant should be required to provide an irrevocable offer of additional right-of-way dedication for Valentine Avenue so as to satisfy the ultimate right-of-way prescribed for said roadway; the Applicant should be required to pave the proposed overflow parking area.

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal. The subject Classified CUP Application was filed in part to address existing parking issues associated with annual festival event days that occur at the existing facility.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Valentine Avenue is a County-maintained road which is classified as a Collector. The minimum total width for a Collector road right-of-way is 84 feet. Valentine Avenue has a total existing right-of-way of 84 feet at APN 442-060-08, with 42 feet east and 42 feet west of the center line. Valentine Avenue has a total existing right-of-way of 60 feet at APN 442-060-43, with 30 feet east and 30 feet west of the center line. A ten-foot by ten-foot corner cutoff shall be

maintained for sight distance purposes at any driveway accessing Valentine Avenue. This requirement has been included as a Project Note.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way. This requirement has been included as a Project Note. An additional 12 feet of right-of-way dedication is needed from the eastern side of the southerly-adjacent 2.01-acre parcel (APN 442-060-43) which abuts Valentine Avenue in order to satisfy the ultimate right-of-way requirement for the Collector road classification.

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

Analysis:

The existing temple facility located on the 4.83-acre parcel (APN 442-060-08) currently has a paved parking lot with 120 parking spaces and a 26-foot-wide paved driveway access from Valentine Avenue. Additionally, the existing temple facility also has an existing dwelling unit with a separate 15-foot-wide paved driveway access from Valentine Avenue.

The southerly-adjacent 2.01-acre parcel (APN 442-060-43) to be incorporated into the existing temple facility currently has two dwelling units that share a 20-foot-wide paved driveway; however, this driveway will be reconstructed as a 24-foot-wide paved driveway. Further, a separate 26-foot-wide paved driveway will be constructed to provide access to the proposed overflow parking area which will consist of 110 unsurfaced parking spaces.

With regard to traffic, the existing temple facility has up to five monks and three nuns living on site, receives up to 15 visitors per day (excluding festival events), and is currently open to visitors from 9:00am until 5:00pm, seven days per week year-round. The Applicant proposes to modify these hours of operation so that the temple facility will be open to visitors from 7:00am until 7:00pm, seven days per week year-round; however, an increase in daily visitors is not anticipated as a result of the modified hours of operation.

Other operational changes being requested with this proposal include the selling of food and crafts once per month for fund-raising purposes, and the recognition of six annual festival events in addition to the three annual festival events allowed by the previously-approved Conditional Use Permits which authorize the existing temple facility (nine total annual festival events).

With regard to festival attendance, according to Applicant representatives, there may be up to 1,500 total people visiting the temple facility during the course of a festival event; however, there are no more than 500 people on site at any given time during a festival event, and many festival attendees carpool to the facility. This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which expressed no traffic-related concerns regarding the project, nor did said agency require preparation of a Traffic Impact Study (TIS).

According to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, and the City of Fresno Public Works Department, the Applicant should be required to provide an irrevocable offer of additional right-of-way dedication for

Valentine Avenue so as to satisfy the ultimate right-of-way requirement for the collector road classification.

With regard to right-of-way dedication, Staff acknowledges that an irrevocable offer of additional right-of-way dedication for Valentine Avenue would help to bring the roadway into further compliance with the Collector right-of-way standard. Staff also acknowledges that a substantial amount of vehicles may potentially travel to the project site during festival events; however, the frequency of festival events is limited in scope to nine events per year. Further, no substantial traffic hazard issues were identified by any agency reviewing this proposal. As such, no irrevocable offers of additional right-of-way dedication are required for this project.

Based on the above information, and with adherence to the mandatory Project Notes described above, staff finds that the portion of Valentine Avenue serving the project site will remain adequate to accommodate the proposed use.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 2 can be made.

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	3.38 acres	Single-family residence	R-R(nb)	Approximately 15 feet
South	2.06 acres	Single-family residence	R-R(nb)	Approximately 40 feet
East	Five approximately one-acre parcels	Single-family residences	R-R(nb)	Approximately 70 feet
West	4.62 acres	Vacant	R-R(nb)	None

Reviewing Agency/Department Comments:

Building and Safety Section of the Fresno County Department of Public Works and Planning: If approved, plans related to construction and development of the project prepared by a licensed design professional shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections. This requirement has been included as a Project Note.

City of Fresno Public Works Department: The Applicant should be required to connect to community sewer and community water systems operated by the City of Fresno, when said

utilities are made available to the project site.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 1565H, the project site is not subject to flooding from the 100-year storm. Any additional run-off generated by development cannot be drained across property lines or into County right-of-way, and must be retained on site per County Standards. An Engineered Grading and Drainage Plan shall be provided to Development Engineering staff for review and approval, and a Grading Permit or Voucher shall be required for any grading activity associated with this proposal. These requirements have been included as Project Notes.

Fresno County Department of Public Health, Environmental Health Division: The Fresno County Department of Public Health, Environmental Health Division, reviewed the Acoustical Analysis prepared for this proposal by Brown-Buntin Associates, Inc. (BBA Report 09-037 ANCP), and shall require the Noise Monitoring and Reporting Requirements identified in the Noise Control Plan described in the Conclusions and Recommendations section of said Acoustical Analysis to be required as a Mitigation Measure. The following requirements shall also be included as Mitigation Measures: 1) Complaints received by the Fresno County Department of Public Health, Environmental Health Division, as a result of noise generated during festivals will necessitate the Applicant to retain a qualified acoustical consultant to be present during future events to determine whether a violation exists and/or provide necessary training and direction in maintaining noise levels in compliance with the Fresno County Noise Ordinance; 2) Inability to maintain compliance with the Fresno County Noise Ordinance may result in a recommendation by the Fresno County Department of Public Health, Environmental Health Division, for the Department of Public Works and Planning to pursue revocation of the Conditional Use Permit.

Fresno County Sheriff's Department: No objections to the proposal.

Fresno Irrigation District (FID): FID's Victoria Colony West Branch Canal crosses through the limits of APN 442-060-08, and is adjacent to the westerly edge of APN 442-060-43. FID requests that the Applicant be required to replace this existing pipeline with a new 30-inch inside diameter ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP) in accordance with FID standards, and that the Applicant be required to enter into an agreement with FID for that purpose.

Fresno Metropolitan Flood Control District (FMFCD): Due to the project site being located within FMFCD Drainage Area AL, project development will require payment of a \$20,654.00 Drainage Fee to FMFCD. If construction associated with this proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity will be required. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before construction begins, the Applicant must submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP must include descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMPs) implemented to prevent pollutants from discharging with storm water into waters of the United States. These requirements have been included as Project Notes. Outdoor storage areas shall be constructed and maintained in such a manner that material that may generate contaminants will be prevented from contact with rainfall and run-off, thereby preventing the conveyance of contaminants in run-off into the

storm drain system. This requirement has been included as a Mitigation Measure to reduce potential impacts to water quality to less than significant.

North Central Fire Protection District (Fire District): The following requirements shall be included as Project Notes: 1) two means of ingress/egress shall be provided; 2) all required fire access lanes shall be provided and maintained with an approved "all weather" surface capable of supporting 80,000 lb. vehicles; 3) provide an approved firefighting water supply or fire sprinkler all proposed structures; 4) provide approved emergency vehicle drive access to within 150 feet of all building openings; 5) turns in private drives for fire apparatus access shall have minimum 44 foot centerline turn radius; 6) all driveways that are provided for common access and are required for Fire District access shall be constructed to a minimum unobstructed width of 20 feet; 7) driveways less than 28 feet wide shall be identified as fire lanes as provided in the California Vehicle Code, Section 22500.1 with curbs designated as fire lanes (red curb with "Fire Lane" in 3 inch white letters every 50 feet or approved signs every 50 feet); 8) provide signs (17" x 22" minimum) at all public entrance drives to the property which state "Warning – Vehicles stopped, parked or left standing in fire lanes will be immediately removed at owner's expense – 22658(a) California Vehicle Code – Fresno Police Department 621-2300."; 9) walking access is required to reach building openings within 150 feet of a paved surface designed for fire apparatus use, required walking access shall be designed to prevent sharp turns or obstacles that would hinder the carrying of ground ladders and other hand-held equipment, gates shall be a minimum of 4 feet in width if they are used in the walking access path; 10) provide approved Police/Fire bypass lock on drive access gates; 11) the entire width of a required access way shall remain unobstructed to a vertical height of 13 feet, six inches; 12) a minimum 20-foot clear opening in vehicle gates is required for emergency vehicle access; 13) any pedestrian gate shall remain unlocked or be provided with Police/Fire bypass locks.

San Joaquin Valley Unified Air Pollution Control District (Air District): This proposal may be subject to the following Air District Rules: Regulation VIII (Fugitive Dust Rules), 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).

State Water Resources Control Board, Division of Drinking Water: This proposal requires a public water system classified as a Transient Non-community Water System which requires permitting by the State Water Resources Control Board, Division of Drinking Water. The Applicant shall submit a permit application, technical report, and application fee to the State Water Resources Control Board, Division of Drinking Water prior to construction and operation of the required water system. As a public water system, the Applicant must be able to demonstrate adequate technical, managerial and financial capacity to operate and maintain the water system in compliance with all State and federal regulations. An assessment of the technical, managerial and financial capacity of the proposed water system shall be included with the permit application submitted to the State Water Resources Control Board, Division of Drinking Water. The Applicant shall also demonstrate to the State Water Resources Control Board, Division of Drinking Water that the well proposed to provide drinking water meets drinking water standards. These requirements have been included as Project Notes.

U.S. Fish and Wildlife Service: No concerns with the proposal.

Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning: No concerns with the proposal, as the project site is not located in a designated water-short area.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

The project site is located within the sphere-of-influence of the City of Fresno, approximately 215 feet northwest of the nearest city limits of the City of Fresno, and is located in a predominately urbanized area marked by residential developments, churches, and mobile home parks. Additionally, State Route 99 and a Southern Pacific railroad line are located approximately three quarter-miles east of the project site, an adult school operated by the Central Unified School District is located approximately one quarter-mile to the northwest, and a high school (Central Unified High School East Campus) is located approximately one and a half miles to the northwest.

There is existing landscaping along the perimeter of the project site, with the exception of the southern boundary of the 2.01-acre parcel; however, there is an existing six-foot-tall block wall located along the southern boundary of the 2.01-acre parcel. Considering the urban character of the area surrounding the project site in conjunction with the visual screening of the project site provided by the existing landscaping and block walls which surround the project site, staff does not believe this proposal will degrade the existing visual character or quality of the site and its surroundings. Further, the project site is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the analysis.

This proposal includes a request to utilize outdoor sound amplification equipment for live music and speeches from 8:00am until 10:00pm during four of the annual festival events which include Western New Year in January, Lunar New Year in April, Buddha's Enlightenment in July, and Donation in October.

The Applicant submitted an Acoustical Analysis for this proposal which was prepared by Brown-Buntin Associates, Inc. (BBA Report 09-037 ANCP). The Fresno County Department of Public Health, Environmental Health Division, reviewed the Acoustical Analysis and identified Mitigation Measures that are necessary to ensure that the use of outdoor sound amplification equipment will not violate the Fresno County Noise Ordinance. Further, the Noise Monitoring and Reporting Requirements identified in the Noise Control Plan described in the Conclusions and Recommendations section of the Acoustical Analysis is also required as a Mitigation Measure.

According to the Fresno Irrigation District (FID), their Victoria Colony West Branch Canal crosses through the limits of APN 442-060-08, and is adjacent to the westerly edge of APN 442-060-43. Additionally, FID requests that the Applicant be required to replace this existing pipeline with a new 30-inch inside diameter ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP) in accordance with FID standards, and that the Applicant be required to enter into an agreement with FID for that purpose. However, Staff notes that this pipeline passes under the existing paved parking lot at the existing temple facility, and that there are no improvements proposed with the subject CUP Application that would encroach upon the pipeline. As such, Staff does not believe that there is a nexus to require replacement of the pipeline as requested by FID.

Based on the above information, and with adherence to the Mitigation Measures, recommended Conditions of Approval and mandatory Project Notes identified in the Initial Study (IS) prepared for this project and discussed in this Staff Report, staff finds that the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.3: County may allow by discretionary permit in areas designated Agriculture, certain agricultural uses and agriculturally-related activities, including certain non-agricultural uses, subject to the following Criteria: a) Use shall provide a needed service to the surrounding area which cannot be provided more effectively within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics; b) Use shall not be sited on productive agricultural land if less productive land is available in the vicinity; c) Use shall not have a detrimental impact on water resources or the use or management of surrounding properties within a one quarter-mile radius; d) a probable workforce should be located nearby or readily available; g) Evaluation for proposed religious facilities under criteria LU-A.3.a shall include consideration of the size of the facility. Such facilities should be no larger than needed to serve the surrounding agricultural community.</p>	<p>According to the Non-Agricultural Rural Development section of Fresno County’s General Plan Agriculture and Land Use Element, Policies found in Section LU-A of the General Plan can be applicable to development proposals located in areas designated for Rural Residential land use in the General Plan.</p> <p>With regard to Criteria “a” and Criteria “g”, the existing temple facility is located on a 4.83-acre parcel (APN 442-060-08, address 2533 N. Valentine Avenue), and was originally authorized by Classified Conditional Use Permit (CUP) No. 2383, modified by CUP No. 2445, and later expanded and modified by CUP No. 2730. This proposal entails the incorporation of a southerly-adjacent 2.01-acre parcel (APN 442-060-43, address 2497 N. Valentine Avenue) into the existing temple facility. The 2.01-acre parcel has been improved with a 1,917 square-foot dwelling unit, an 805 square-foot dwelling unit, septic system, water well, and paved driveway access from Valentine Avenue. Proposed improvements to be sited on the 2.01-acre parcel include a 35-foot tall memorial gate, and overflow parking for festival events consisting of 110 unsurfaced parking spaces.</p> <p>With regard to Criteria “b”, the project site is not located on forest land, is classified as Urban and Built-Up Land on the Fresno County Important Farmland Map (2012), and is not enrolled under a Williamson Act contract. Further, this proposal entails the expansion and modification of an existing temple facility located in an urbanized area.</p> <p>With regard to Criteria “c”, this proposal was</p>

Relevant Policies:	Consistency/Considerations:
	<p>reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the proposal as the project site is not located in a designated water-short area. Further, with adherence to the Conditions of Approval, Mitigation Measures and Project Notes identified in this Initial Study, staff believes the proposal will not have a detrimental impact on the use or management of surrounding properties.</p> <p>With regard to Criteria “d”, the project site is located within the City of Fresno Sphere-of-Influence and is approximately 215 feet northwest of the nearest city limits of the City of Fresno, which has the ability to provide an adequate workforce.</p>
<p>General Plan Policy LU-G.1: County acknowledges that the cities have 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.</p>	<p>According to the City of Fresno Public Works Department, the Applicant should be required to provide an irrevocable offer of additional right-of-way dedication for Valentine Avenue in order to satisfy the ultimate right-of-way prescribed for said roadway; the Applicant should be required to pave the proposed overflow parking area; the Applicant should be required to connect to community sewer and community water systems operated by the City of Fresno, when said utilities are made available to the project site.</p> <p>Staff acknowledges that an irrevocable offer of additional right-of-way dedication for Valentine Avenue would help to bring the roadway into further compliance with the collector right-of-way standard. Staff also acknowledges that a substantial amount of vehicles may potentially travel to the project site during festival events; however, the frequency of festival events is limited in scope to nine events per year. Additionally, no substantial traffic hazard issues were identified by any agency reviewing this proposal. Further, City of Fresno community sewer and community water services are not available to serve the project site.</p>
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation,</p>	<p>This proposal was reviewed by the Water/Geology/Natural Resources Section of</p>

Relevant Policies:	Consistency/Considerations:
including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.	the Fresno County Department of Public Works and Planning, which expressed no concerns with the proposal as the project site is not located in a designated water-short area.

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The project site is designated Rural Residential in the County-adopted Fresno High-Roeding Community Plan. According to General Plan Policy LU-A.3, certain non-agricultural uses such as the proposed temple expansion project may be allowed in agricultural and rural residential areas by means of a discretionary use permit.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Analysis:

This proposal entails the expansion of an existing religious facility and operational changes for said facility which include modified hours of operation, the selling of food and crafts once per month for fund-raising purposes, six annual festival events in addition to the three annual festival events currently allowed by the previously-approved Classified CUPs which authorize the existing facility (resulting in nine total annual festival events), outdoor sound amplification for live music and speeches from 8:00am until 10:00pm during four of the annual festival events (Western New Year in January, Lunar New Year in April, Buddha’s Enlightenment in July, and Donation in October), and use of a southerly-adjacent 2.01-acre parcel (APN 442-060-43) owned by the Applicant for 110 parking spaces to serve as overflow parking for annual festival events.

The project site is designated Rural Residential in the County-adopted Fresno High-Roeding Community Plan and is zoned R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay). Provisions for non-agricultural uses such as the proposed temple expansion project in Rural Residential areas have been provided for in the Fresno County Zoning Ordinance and General Plan to serve the needs of the Rural Residential population.

Typically, a proposal for a new religious facility of this size would not normally be appropriate in a Rural Residential area as it would likely attract visitors from outside the area rather than the neighborhood in which it is located. However, this proposal entails the expansion and modification of an existing religious facility that was previously authorized and expanded through the approval of Classified CUP Nos. 2383, 2445 and 2730.

Based on the above information, staff finds that the proposal is consistent with the Fresno County General Plan and the County-adopted Fresno High-Roeding Community Plan.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

One letter in opposition included as Exhibit 11.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Classified Conditional Use Permit can be made. Staff therefore recommends approval of Classified Conditional Use Permit No. 3302-R, subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 6291; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3302-R, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1, with inclusion of an additional Condition of Approval limiting fund-raising activities to a specified day of the week and time each month; 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. 3302-R; 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.

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Mitigation Monitoring and Reporting Program
Initial Study (IS) No. 6291 / Classified Conditional Use Permit Application No. 3302-R
(Including Conditions of Approval and Project Notes)

EXHIBIT 1

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 as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
*2.	Cultural Resources	In the event cultural resources are unearthed during ground-disturbing activity, all work shall be halted in the area of the find, and an archaeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant	Ongoing
*3.	Hydrology and Water Quality	Outdoor storage areas shall be constructed and maintained in such a manner that material that may generate contaminants will be prevented from contact with rainfall and run-off, thereby preventing the conveyance of contaminants in run-off into the storm drain system.	Applicant	Applicant	Ongoing
*4.	Noise	Complaints received by the Fresno County Department of Public Health, Environmental Health Division, as a result of noise generated during festivals will necessitate the Applicant to retain a qualified acoustical consultant to be present during future events to determine whether a violation exists and/or provide necessary training and direction in maintaining noise levels in compliance with the Fresno County Noise Ordinance.	Applicant	Applicant/Fresno County Department of Public Health	Ongoing
*5.	Noise	Inability to maintain compliance with the Fresno County Noise Ordinance may result in a recommendation by the Fresno County Department of Public Health, Environmental Health Division, for the Department of Public Works and Planning to pursue revocation of the Conditional Use	Applicant	Applicant/Fresno County Department of Public Health	Ongoing

		Permit.	<p>The following Noise Monitoring and Reporting Requirements shall be complied with for the utilization of outdoor sound amplification equipment:</p> <p>a. Instrumentation: The Fresno Cambodian Buddhist Society (FCBS) shall obtain a sound level meter that meets the requirements of the American National Standards Institute for Type 1 or Type 2 sound level meters (ANSI S1.4-1971). The sound level meter must be capable of measuring A-weighted sound levels at "slow" meter response and recording the maximum sound level (Lmax) during noise sample periods. An appropriate acoustic calibrator shall also be obtained for use in field-checking the accuracy of the noise monitoring system. The sound meter, microphone and calibrator shall be certified by the manufacturer or an accredited laboratory that they are in compliance with applicable standards at the time of purchase and calibrated routinely as per the manufacturer's specifications. All records pertaining to calibration of the equipment shall be maintained on the premises and made available upon request.</p> <p>b. Training: The FCBS staff that will be conducting noise monitoring during outdoor festivals (and any back-up staff) must receive "hands-on" training in the proper use of the noise monitoring equipment from a qualified acoustical consultant. The FCBS shall at all times maintain adequately trained staff for their festivals.</p> <p>c. Reference Noise Monitoring Site: An appropriate reference noise monitoring site must be identified for conducting noise monitoring during outdoor festivals. The site must be easily identified and must be accessible during festival events. A proposed site has already been identified that is west of an existing water pressure system approximately 210 feet southeast of the center of the proposed outdoor stage structure.</p> <p>d. Noise Standard: The recommended approach to determining compliance with the statistical standards of the noise ordinance consists of using noise measurement data collected by BBA during the outdoor festival on April 17, 2010 to identify a maximum sound level that should not be exceeded at the reference site to ensure compliance with the various statistical categories of the ordinance at the</p>	Applicant	Applicant/Fresno County Department of Public Health	Ongoing
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closest residences. The proposed maximum noise level standard takes into account the normal attenuation of sound from a point source (6 dB per doubling of distance), the observed relationship between measured Lmax values and the other statistical categories of the noise ordinance (measured Lmax was 19 dB higher than measured L50), and minimal acoustic shielding (-5 dB) of the closest residences to the southeast and east due to existing sound walls or intervening buildings. Specifically, a maximum noise level standard of 72 dBA is recommended at the proposed reference noise monitoring site.

e. Noise Monitoring Schedule: Noise levels from amplified outdoor festivals should be monitored at the reference site immediately after the amplification system is put into operation and thereafter at 30 minute intervals during each outdoor festival. If it is determined during any of the measurements that the maximum sound levels produced by the amplification system are approaching or exceeding 72 dBA, the amplification system must be turned down until compliance with the 72 dBA standard is achieved at the reference site.

f. Sound Amplification Systems: The FCBS must have control over the use and volume of any sound amplification systems to be used during outdoor festivals. This means that the FCBS must have the right to adjust amplification settings at any time prior to and during outdoor festivals. It is recommended that FCBS include language to this effect within contractual agreements made with performers, as they will often provide their own amplification equipment.

g. The FCBS shall complete a noise monitoring log that reports the time and date measurements were made and measured maximum noise levels during each sample for all festivals. The noise monitoring log should describe actions that were taken if measured noise levels were found to be in excess of 72 dBA (Noise Control Plan- Fresno Cambodian Buddhist Society 09•037ANCP, dated 8/15/11) at the reference noise monitoring site. The noise monitoring log should also report weather conditions at the time of the festival and when the sound level meter was last calibrated. The noise monitoring log should be available for inspection by Fresno County at any time.

Conditions of Approval

1. Development and operation shall be in substantial conformance with the approved Site Plan, Floor Plans, Elevation Drawings and Operational Statement, except as modified by the Conditions of Approval and Site Plan Review.
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, landscaping, signage, and lighting.

*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

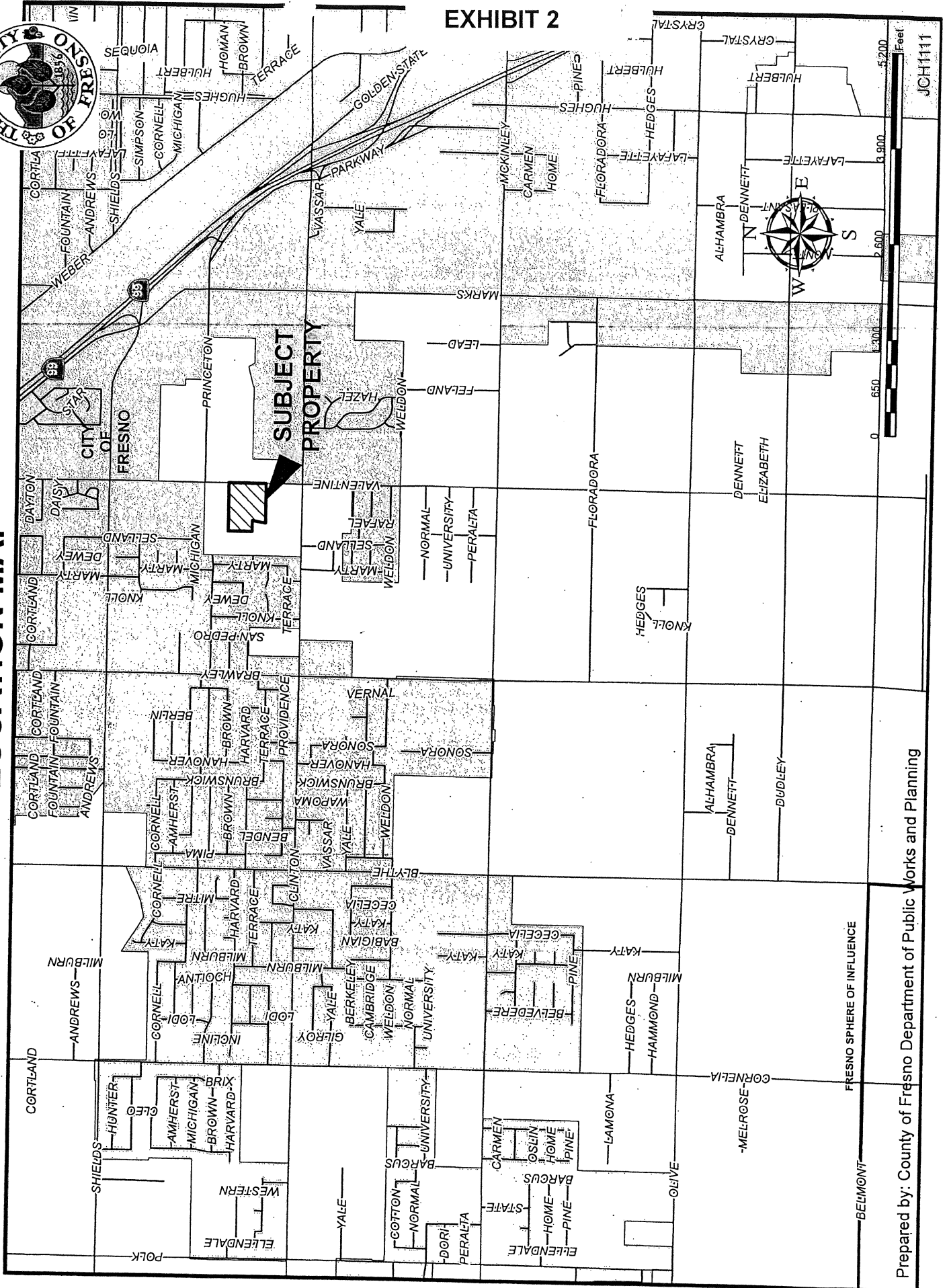
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.

1. Plans related to construction and development of the project prepared by a licensed design professional shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections.
2. An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way.
3. A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Valentine Avenue.
4. This proposal requires a public water system classified as a Transient Non-Community Water System which requires permitting by the State Water Resources Control Board, Division of Drinking Water. The Applicant shall submit a permit application, technical report, and application fee to the State Water Resources Control Board, Division of Drinking Water prior to construction and operation of the required water system. As a public water system, the Applicant must be able to demonstrate adequate technical, managerial and financial capacity to operate and maintain the water system in compliance with all State and federal regulations. An assessment of the technical, managerial and financial capacity of the proposed water system shall be included with the permit application submitted to the State Water Resources Control Board, Division of Drinking Water. The Applicant shall also demonstrate to the State Water Resources Control Board, Division of Drinking Water that the well proposed to provide drinking water meets drinking water standards.
5. Any additional run-off generated by development cannot be drained across property lines or into County right-of-way and must be retained on site per County Standards.
6. An Engineered Grading and Drainage Plan demonstrating how additional storm water run-off generated by the proposal will be handled without adversely impacting adjacent properties shall be provided to Development Engineering staff for review and approval prior to the issuance of Building Permits.
7. A Grading Permit or Voucher shall be required for any grading activity associated with this proposal.
8. Requirements of the North Central Fire Protection District: 1) two means of ingress/egress shall be provided; 2) all required fire access lanes shall be provided and maintained with an approved "all weather" surface capable of supporting 80,000 lb. vehicles; 3) provide an

Notes

<p>approved fire fighting water supply or fire sprinkler all proposed structures; 4) provide approved emergency vehicle drive access to within 150 feet of all building openings; 5) turns in private drives for fire apparatus access shall have minimum 44 foot centerline turn radius; 6) all driveways that are provided for common access and are required for Fire District access shall be constructed to a minimum unobstructed width of 20 feet; 7) driveways less than 28 feet wide shall be identified as fire lanes as provided in the California Vehicle Code, Section 22500.1 with curbs designated as fire lanes (red curb with "Fire Lane" in 3 inch white letters every 50 feet or approved signs every 50 feet); 8) provide signs (17" x 22" minimum) at all public entrance drives to the property which state "Warning – Vehicles stopped, parked or left standing in fire lanes will be immediately removed at owner's expense – 22658(a) California Vehicle Code – Fresno Police Department 621-2300"; 9) walking access is required to reach building openings within 150 feet of a paved surface designed for fire apparatus use, required walking access shall be designed to prevent sharp turns or obstacles that would hinder the carrying of ground ladders and other hand-held equipment, gates shall be a minimum of 4 feet in width if they are used in the walking access path; 10) provide approved Police/Fire bypass lock on drive access gates; 11) the entire width of a required access way shall remain unobstructed to a vertical height of 13 feet, six inches; 12) a minimum 20-foot clear opening in vehicle gates is required for emergency vehicle access; 13) any pedestrian gate shall remain unlocked or be provided with Police/Fire bypass locks.</p>	
<p>9. If construction associated with this proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity will be required. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before construction begins, the Applicant must submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP must include descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States.</p>	
<p>10. Due to the project site being located within Fresno Metropolitan Flood Control District (FMFCD) Drainage Area AL, project development will require payment of a \$20,654.00 Drainage Fee to FMFCD.</p>	
<p>11. This proposal may be subject to the following San Joaquin Valley Unified Air Pollution Control District Rules: Regulation VIII (Fugitive Dust Rules), 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).</p>	

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EXISTING ZONING MAP

EXHIBIT 3

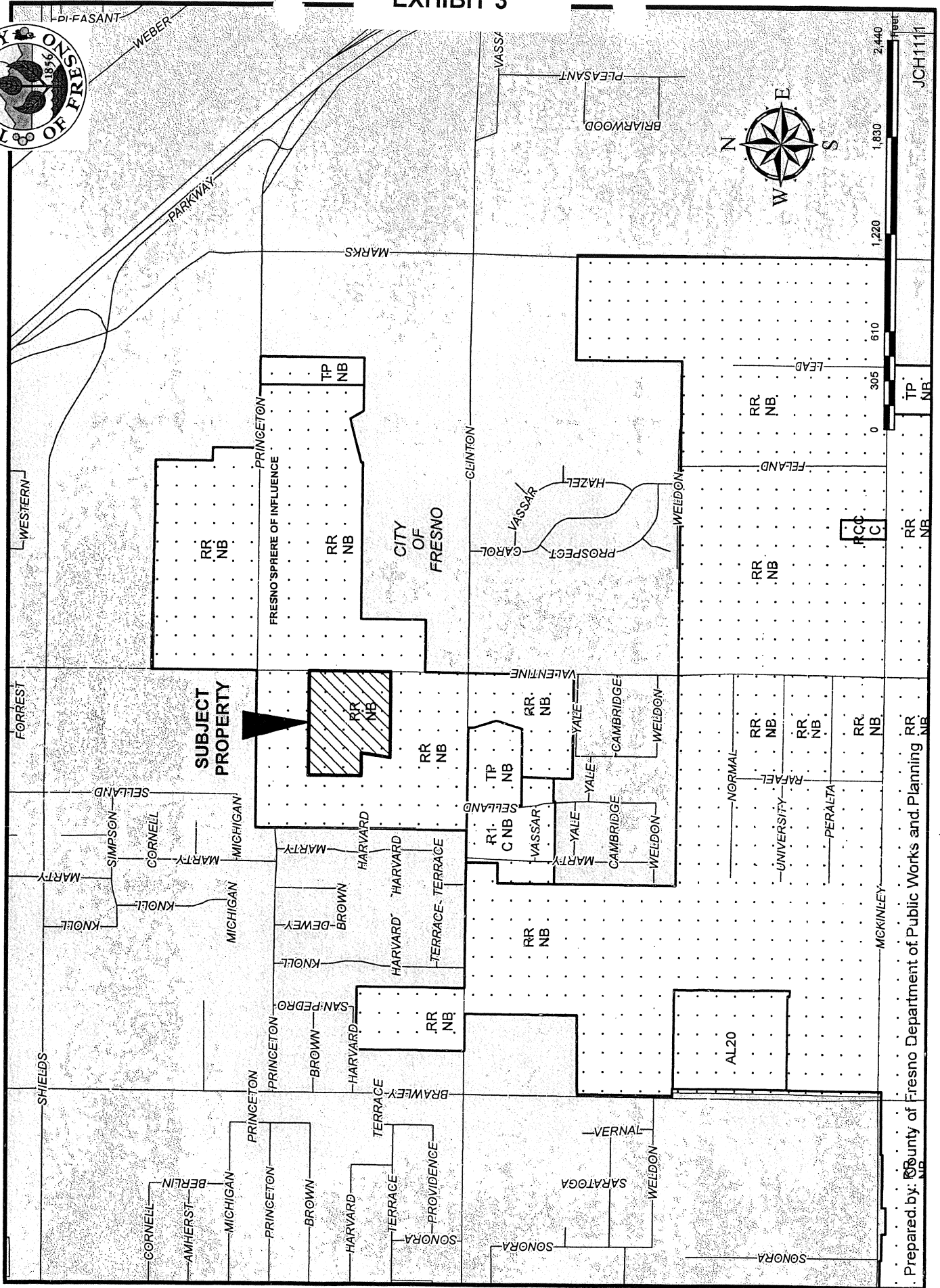





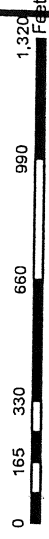
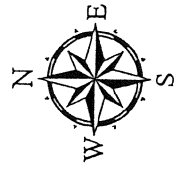
EXHIBIT 4

EXISTING LAND USE MAP

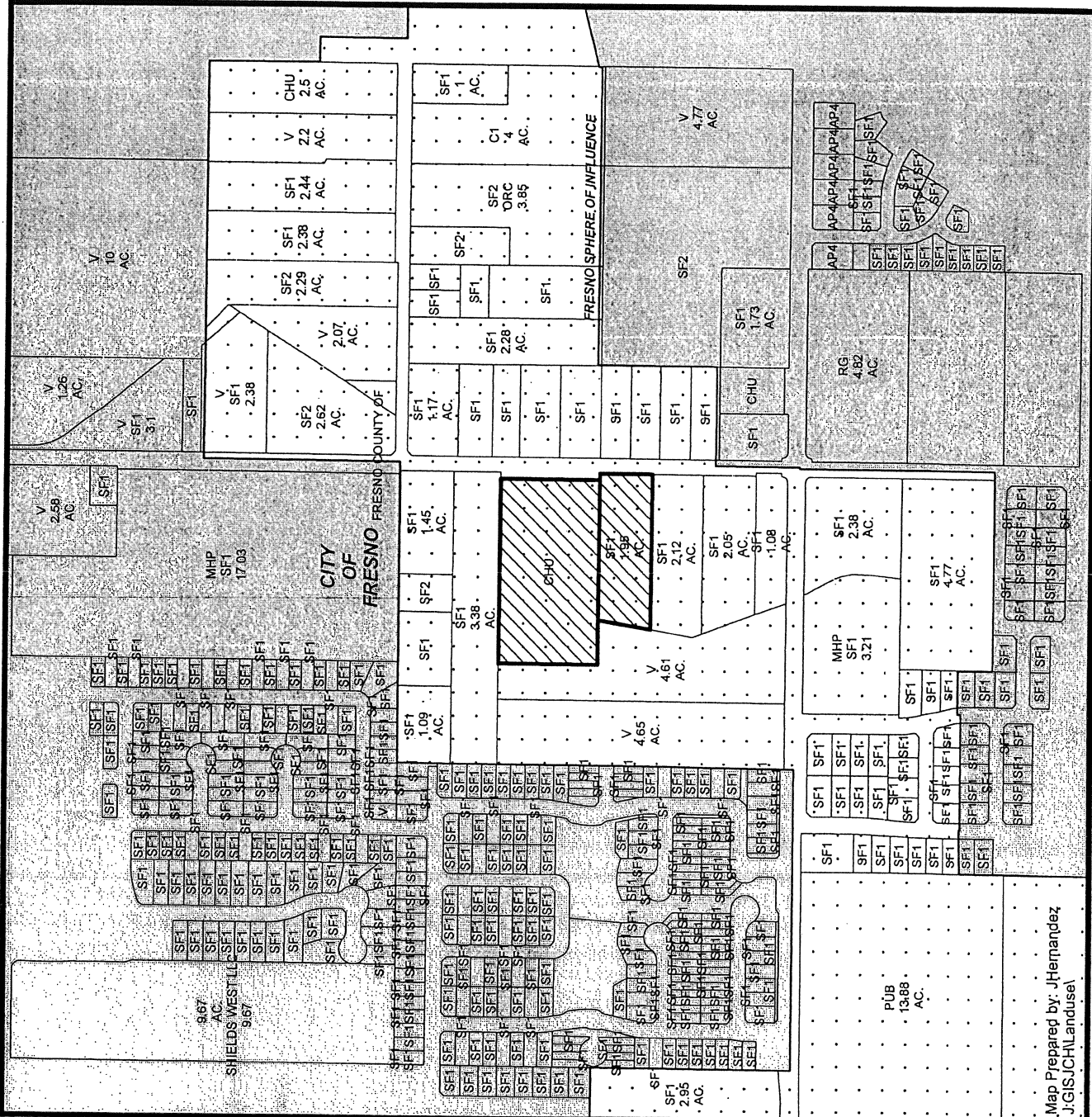
CUP 3302

LEGEND	
ORC - ORCHARD	
AP1 - APARTMENT	
C# - COMMERCIAL	
CHU - CHURCH	
MHP - MOBILE HOME PARK	
PUB - PUBLICLY OWNED	
RG - RESIDENTIAL GROUP FA	
SF# - SINGLE FAMILY RESIDE	
V - VACANT	

LEGEND:
 Subject Property



Department of Public Works and Planning
 Development Services Division



Map Prepared by: JHernandez
 J.GISJCHLanduse

This map is for Assessment purposes only. It is not to be construed as portraying legal ownership or divisions of land for purposes of zoning or subdivision law.

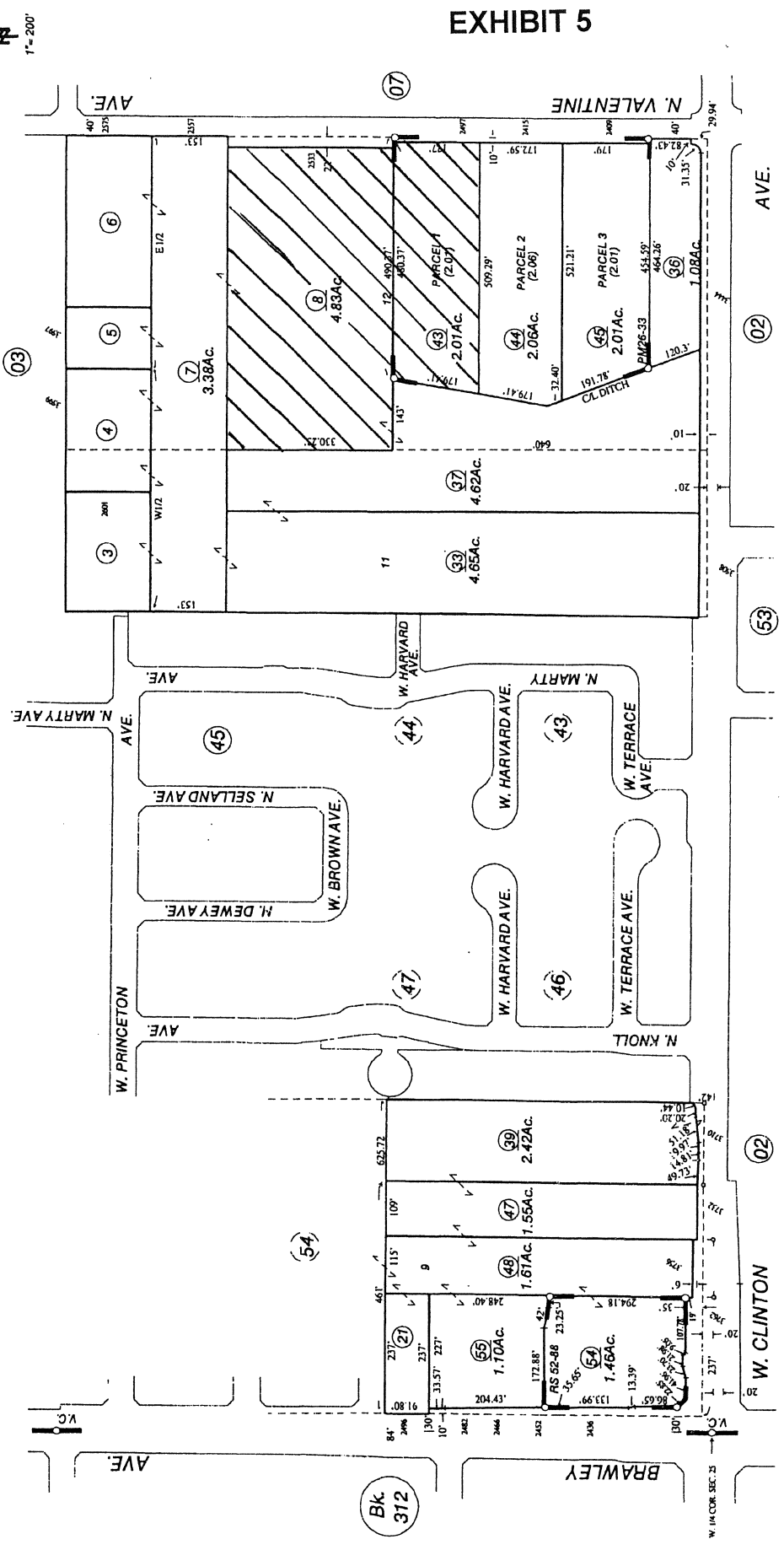
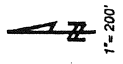


EXHIBIT 5

Parcel Map No. 3970 - Bk. 26, Pg. 33
Record of Survey - Bk. 52, Pg. 88
Victoria Colony - Plat Bk. 4, Pg. 61

Assessor's Map Bk. 442 - Pg. 06
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

JAMES K. LEONG, ARCHITECT
 AND PLANNING
 4670 N. EL CAPITAN SUITE 207
 FRESNO, CA 93722
 (559) 271-3223

JUDHIST SOCIETY
 4670 N. EL CAPITAN SUITE 207
 FRESNO, CA 93722

EXHIBIT 9

SITE PLAN

DRAWN BY	PK FROM WORK
SCALE	1"=30'-0"
DATE	09/28/2011
SHEET #	S-1

OWNER
 FRESNO CAMBODIAN BUDDHIST SOCIETY
 2533 AND 2487 N. VALENTINE
 FRESNO, CA 93722
 (559) 776-2901

SITE AREA= 6.84 AC
 NEW BUILDINGS:
 PRAYER HALL- 4,000 S.F.
 TOILET, STORAGE & CHANGING ROOMS • 885 S.F.
 STAGE • 508 S.F.
 GUEST ROOMS • 3,387 S.F.
 KITCHEN • 993 S.F.

LEGEND
 □ (E) BUILDING
 ■ (N) BUILDING & MONUMENT

SHEET INDEX:
 S-1 SITE PLAN
 A-1 GUEST ROOM FLOOR PLAN AND ELEVATIONS
 A-2 PRAYER HALL FLOOR PLAN AND ELEVATIONS
 A-3 TOILET, STORAGE & CHANGING ROOMS FLOOR PLAN AND ELEVATIONS
 A-4 STAGE FLOOR PLAN AND ELEVATIONS
 A-5 SHRINE FLOOR PLAN AND ELEVATIONS
 A-6 GATE AND FENCE ELEVATIONS

C.A.S. 3004
 RECEIVED
 MAR 15 2016

REVISED COPY



SITE PLAN
 SCALE: 1"=30'-0"

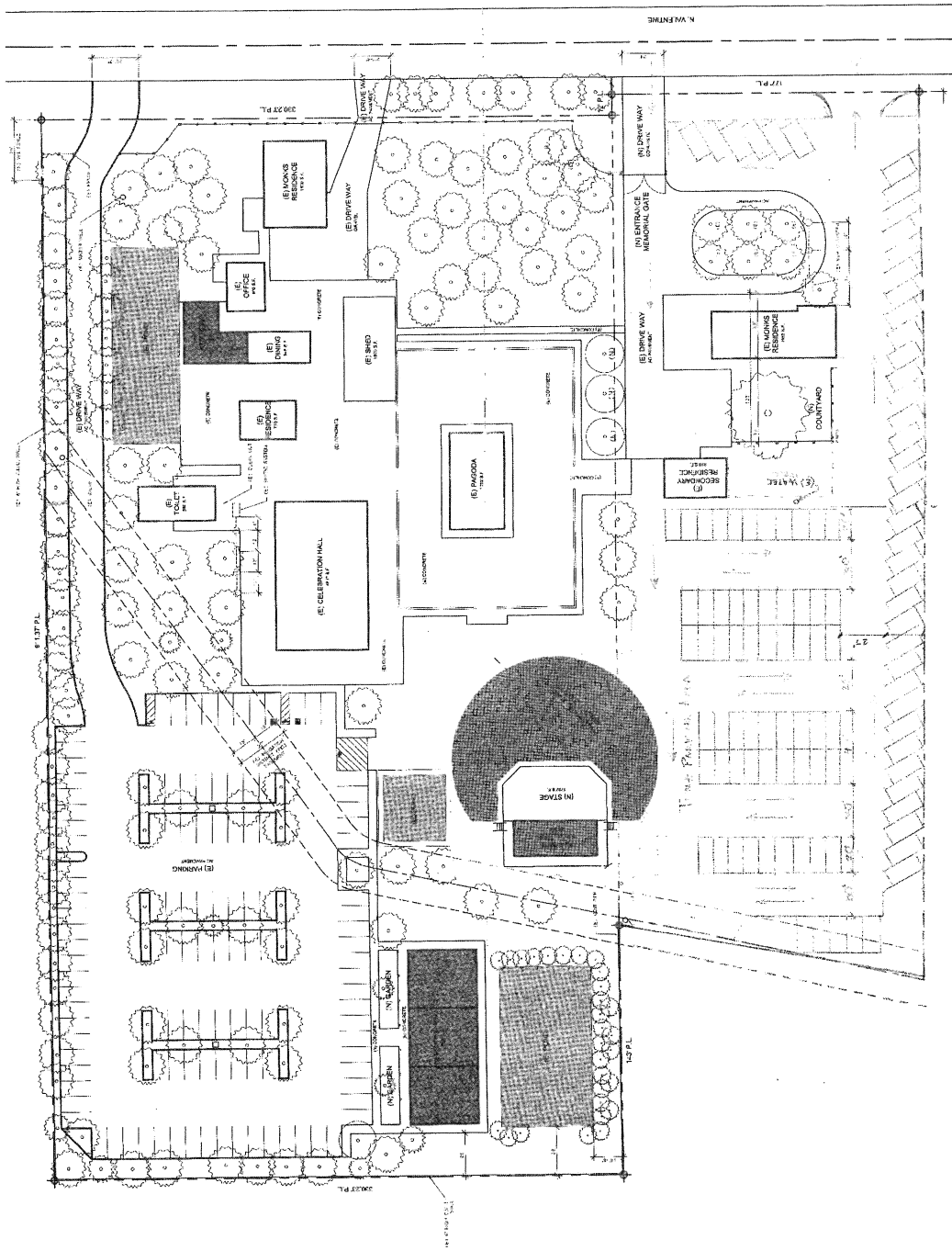


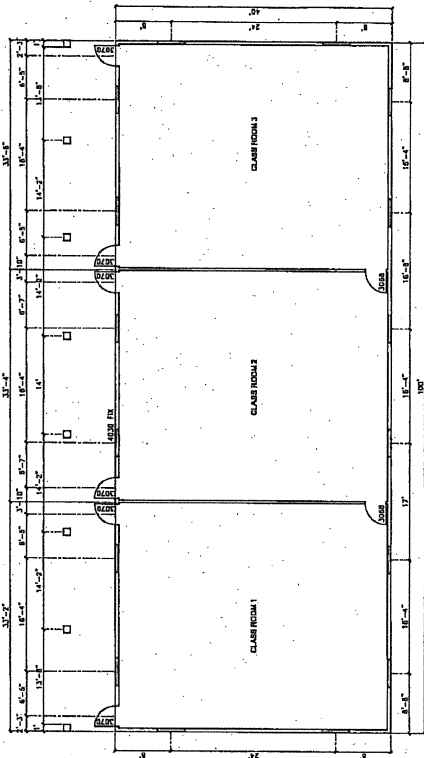
EXHIBIT 7

JAMES K. LEONG
ARCHITECT AND PLANNING
4570 EL CAPITAN BLVD
FRESNO, CA 93722
(559) 271-9223

FRESNO CAMBODIAN BUDDHIST SOCIETY
2533 N. VALENTINE, FRESNO, CA 93722

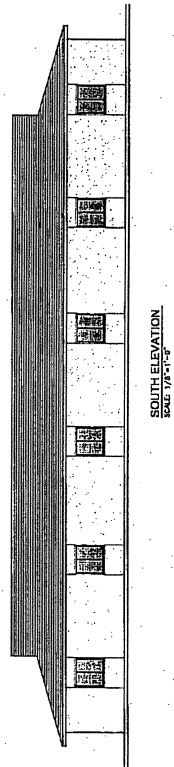
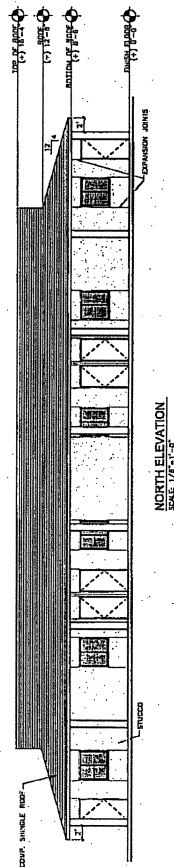
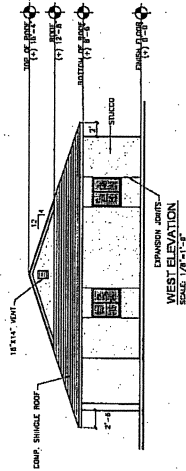
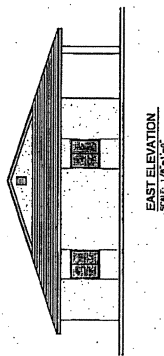
PRAYER HALL FLOOR PLAN & ELEVATIONS

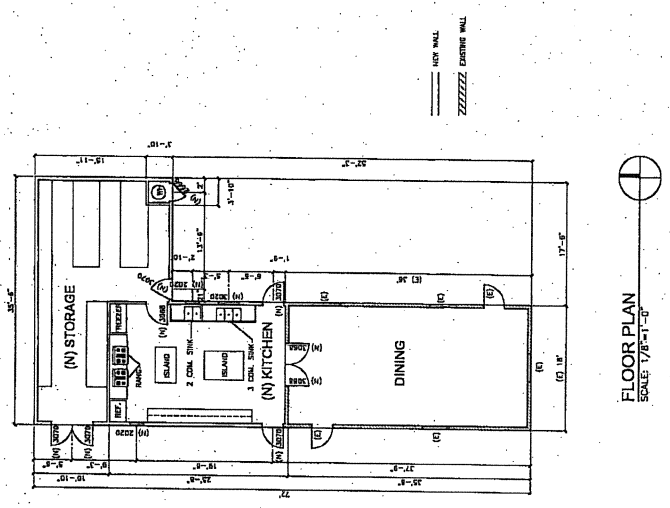
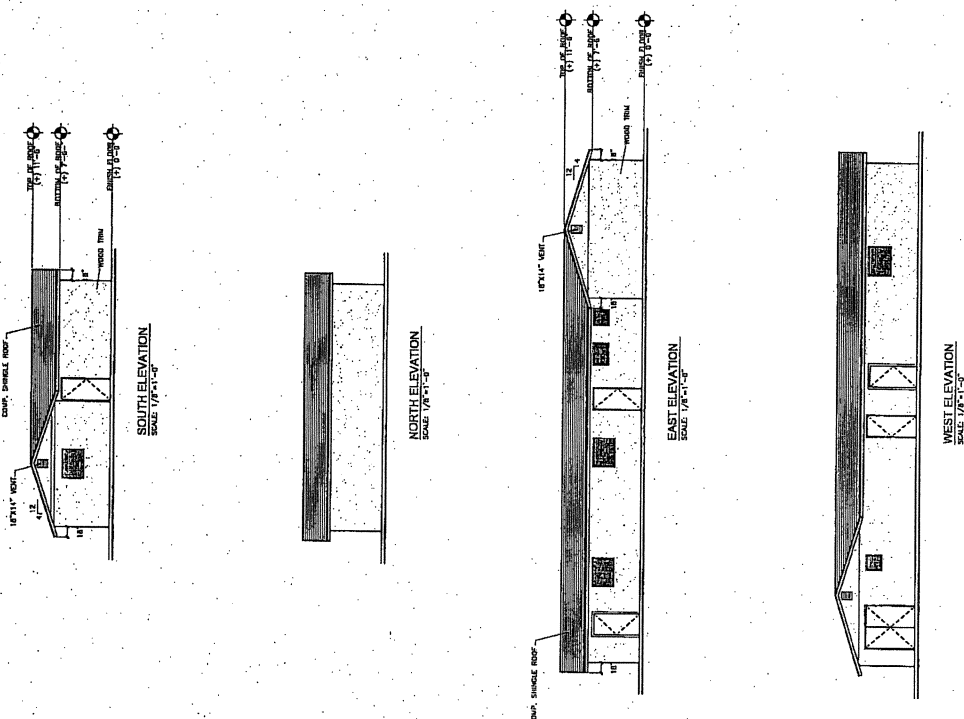
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SCALE	1/8" = 1'-0"
DATE	8/9/70
SHEET #	A-2



FLOOR PLAN
SCALE: 1/8" = 1'-0"

PRAYER HALL FLOOR PLAN & ELEVATIONS





KITCHEN FLOOR PLAN & ELEVATIONS

DRAWN BY PA FROM MODEL SCALE 1/8"=1'-0" DATE 8/9/10 SHEET # A-3	FRESNO CAMBODIAN BUDDHIST SOCIETY 2633 N. VALENTINE, FRESNO, CA 93722 (669) 276-2901	JAMES K. LEONG ARCHITECT AND PLANNING 4670 EL CAPITAN SUITE 207 FRESNO, CA 93722 (559) 271-3223
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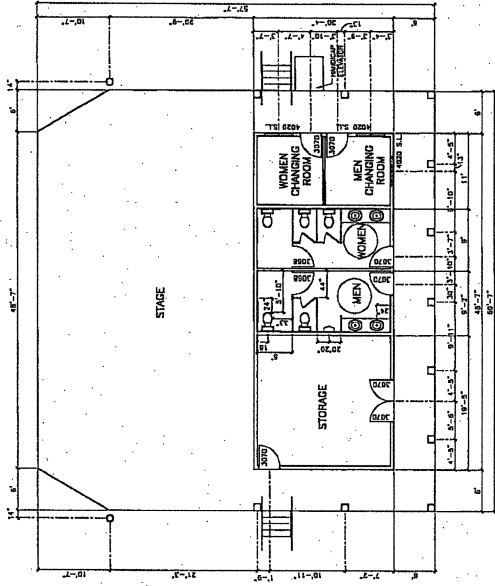
JAMES K. LEONG
 ARCHITECT AND PLANNING
 4870 EL CAPITAN SUIT 207
 TRENTO, CA 93722
 (569) 271-3223

FRESNO CAMBODIAN BUDDHIST SOCIETY
 2533 N. VALENTINE, FRESNO, CA 93722
 (569) 276-2901

TOILET, STORAGE, CHANGING ROOMS AND
 STAGE FLOOR PLAN AND ELEVATIONS

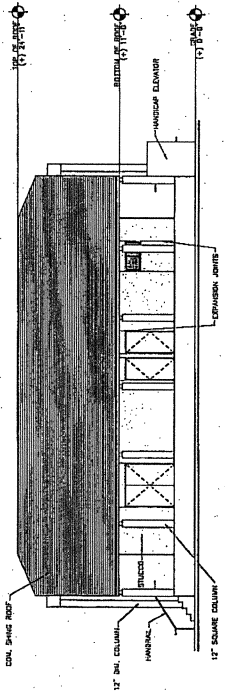
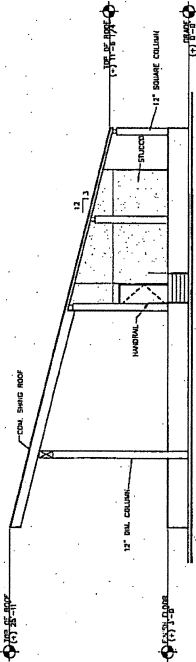
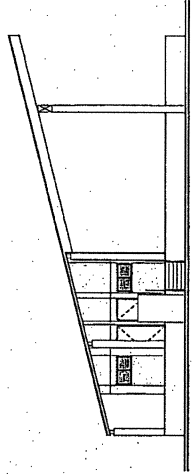
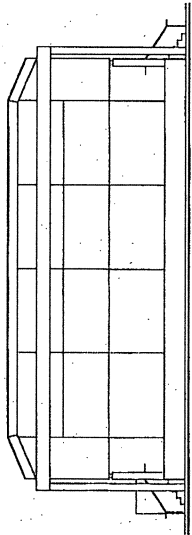
DRAWN BY
 PA TUN HONDA
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 DATE
 8/1/70

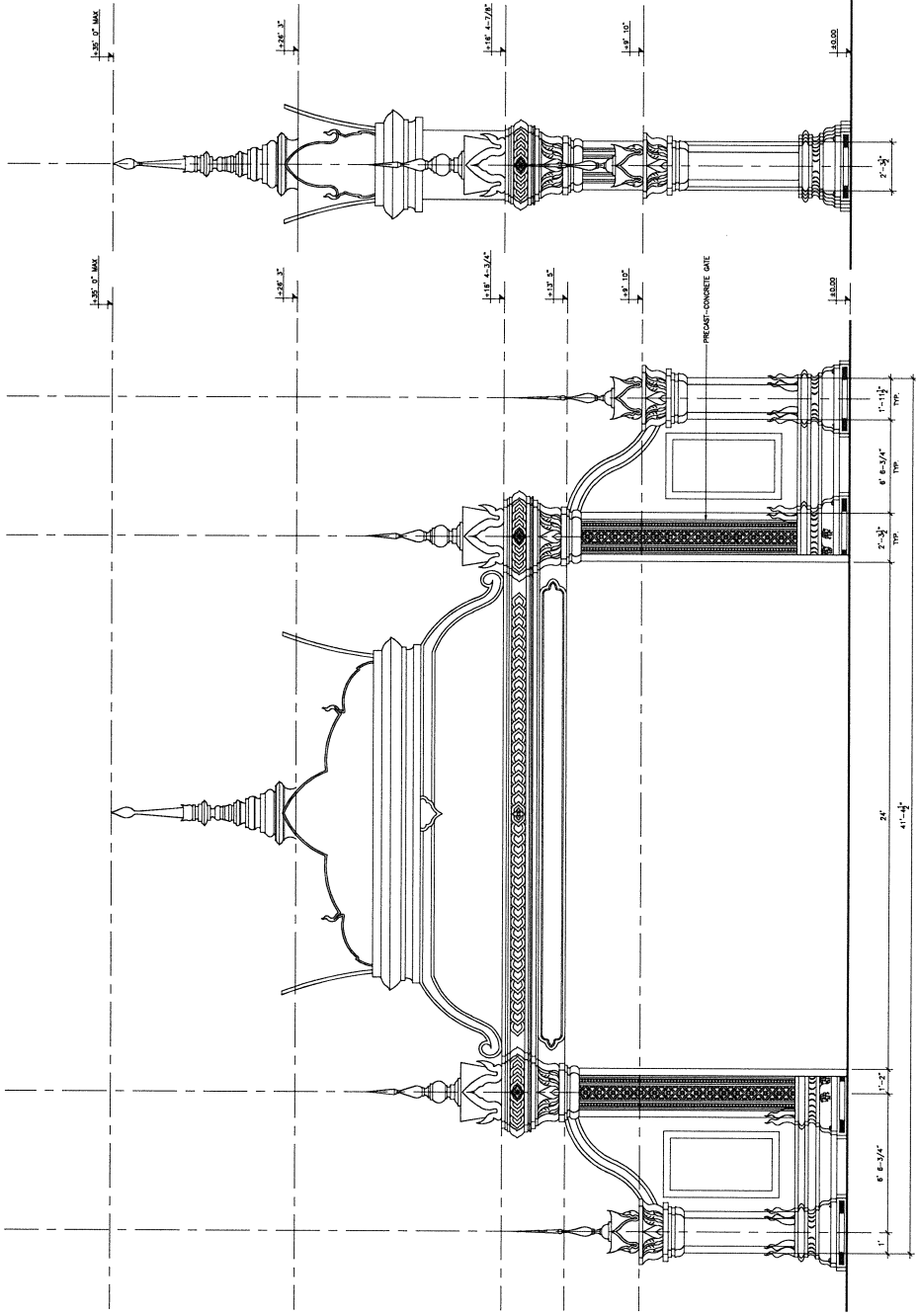
SHEET #
 A-4



FLOOR PLAN
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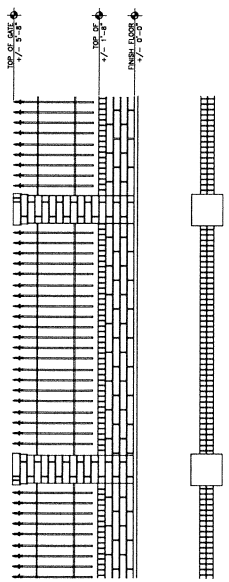
TOILET, STORAGE, CHANGING ROOMS AND
 STAGE FLOOR PLAN AND ELEVATIONS





LEFT ELEVATION
SCALE: 3/8" = 1'-0"

FRONT ELEVATION
SCALE: 3/8" = 1'-0"

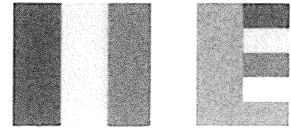


EXISTING FENCING
SCALE: 3/8" = 1'-0"

EXHIBIT 8



Fresno Cambodian Buddhist Society Inc.
A California Non-Profit Organization ID: 77-0144354
All Contributions Are Tax Deductible
2533 N. Valentine Ave. Fresno, CA 93722



March 15, 2016 (Revised)

Operational Statement for the
Fresno Cambodian Buddhist Society Inc.
2533 N. Valentine Ave. Fresno, CA

REVISED COPY

The Fresno Cambodian Buddhist Society of Fresno is currently operating a successful Buddhist temple serving the spiritual and social needs of its member. The temple has been in operation since 1988.

The current temple is built on 4.83 acres and has the following elements:

- a) Celebration hall for social gathering and prayer
- b) Pagoda: Meditation
- c) Monk's residence
- d) Nun's residence
- e) Office
- f) Dining and Kitchen
- g) Toilets
- h) Parking

CUP3302
RECEIVED
COUNTY OF FRESNO

MAR 15 2016

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

In this proposal the Society is requesting the following additions to the existing facility:

- a) Expand the current kitchen and dining room (phase-2)
- b) A new prayer hall (future phase)
- c) A new stage and support facilities (future phase)
- d) New overflow parking

The Cambodian Society has recently acquired the property to the south of the current site. This property is 2497 N. Valentine and is 2.01 acres in size. On this property is a main house of 1917 S.F. and a secondary house of 805 S.F. the rest is landscaped with trees and grass. The entire site except the north property line is fenced with a 6' high C.M.U. wall except the Valentine frontage which is chain link fencing. The chain link fencing will be replaced with a wrought iron gate and fencing to match the existing property to the north. (2533)

On the new site 2497 N. Valentine, the Society is requesting that this property be incorporated into existing, (2533) as a part of the temple function. The additional property will allow for the following new element to be developed to complete the needs of the temple. They are as follow:

- a) New entrance facilities: (memorial gate) (phase-1)
- b) Additional landscaping (phase-3)
- c) A new wrought iron fence to replace the existing chain link fence along N. Valentine (phase-1)
- d) New overflow parking

There will be no other employee other than the four monks and two nuns who will live on site and perform the task of caretakers.

No service or delivery to the site other than waste disposal at once a week.

The approach to the site is by way of N. Valentine.

The number parking spaces available for guest, staff and service is 120 and overflow parking is 110.

Food and crafts will be sold once a month for fund-raising.

No equipment will be used.

No supplies or materials will be used or store on site.

This use will not cause an unsightly appearance. We will increase the amount of landscaping to soften the effects of the new construction.

Currently the site is using septic systems and is disposed of 2 times a year. All other solid waste is contracted to disposal firm for weekly pick-ups.

The volume of water to be used on a daily is 400 gals per day. The water source is by well.

No on-site advertising to be used.

Both existing and new building will be used in this operation. Please see drawings for detailed descriptions of new buildings.

The proposed hours of operation will be 7am to 7pm every day of the year. All hours of operation are indoors except those occasions during festivals which would be outdoor activities.

We anticipate the number of visitors per day to be 10-15 on average. There are no weekly services held at this temple; the monks say daily prayers at the noon-time meal when guest is invited to participate.

Outdoor lighting will be used at public spaces and parking areas. Sound amplification will be used during occasional outdoor events during the festival days. This will be limited to the hours of 8 am to 10 pm in the evening.

We are requesting outdoor sound amplification as a part of this proposal. Sound amplification is for live music and speeches during festivals. There will be no more than four festivals at which outdoor sound amplification will be used.

Enclosed is a sound study by Brown-Buntin commissioned by the temple to address the concerns of noise as related to the above mentioned festivals. We will comply with the noise standards of Fresno County.

The following are the major festivals of the year:

- a) New Year: January (Western)*
- b) Lunar New Year: April*
- c) Vestments: August
- d) Buddha's birthday: March
- e) Buddha's enlightenment: July*
- f) Moon festival: November
- g) Donation: October*
- h) Buddha's stories: Spring
- i) Festival of the dead: September

*Outdoor sound amplification

New landscaping and new fencing will be added. Please see site plan for details.

End of operation statement.



Emsothon Meas
Board Member



Sokron Phang
Treasurer



EXHIBIT 9

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE
DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Fresno Cambodian Buddhist Society

APPLICATION NOS.: Initial Study Application No. 6291 and Classified Conditional Use Permit Application No. 3302

DESCRIPTION: Allow an existing religious facility sited on a 4.83-acre parcel in the R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District to be expanded by the construction of a kitchen addition, prayer hall, and outdoor stage facility with audience area. The proposed expansion of the existing religious facility also includes the incorporation of a southerly adjacent 2.01-acre parcel zoned R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) that will provide the existing religious facility with overflow parking for festival event days and a memorial gate. Operational changes are also proposed for the existing religious facility, which include modified hours of operation, monthly sale of food and crafts, and six additional festival event days. Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 6291, and approve Classified Conditional Use Permit Application No. 3302 with Findings and Conditions.

LOCATION: The project site is located on the west side of Valentine Avenue, between Clinton Avenue and Princeton Avenue, approximately 215 feet northwest of the nearest city limits of the City of Fresno (2533 N. Valentine Avenue, 2497 N. Valentine Avenue) (Sup. Dist. 1) (APNs 442-060-08, 442-060-43).

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway; or
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

DEVELOPMENT SERVICES DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 262-4893
The County of Fresno is an Equal Employment Opportunity Employer

FINDING: LESS THAN SIGNIFICANT IMPACT:

The existing temple facility associated with this proposal is located on a 4.83-acre parcel (APN 442-060-08, address 2533 N. Valentine Avenue), and was originally authorized by Classified Conditional Use Permit (CUP) No. 2383, modified by CUP No. 2445, and later expanded and modified by CUP No. 2730. This proposal entails the incorporation of a southerly-adjacent 2.01-acre parcel (APN 442-060-43, address 2497 N. Valentine Avenue) into the existing temple facility. The 2.01-acre parcel has been improved with a 1,917 square-foot dwelling unit, an 805 square-foot dwelling unit, septic system, water well, and paved driveway access from Valentine Avenue. Proposed improvements to be sited on the 2.01-acre parcel include a 35-foot tall memorial gate, and overflow parking for festival event days consisting of 110 unsurfaced parking spaces.

The existing temple facility has been improved with a 4,617 square-foot celebration hall, a 1,792 square-foot pagoda, a 1,800 square-foot dwelling unit with paved driveway access from Valentine Avenue, a 720 square-foot dwelling unit, a 1,800 square-foot storage building, a 602 square-foot office building, a 648 square-foot dining hall with kitchen, an 880 square-foot restroom building, paved parking lot with 120 parking spaces and paved driveway access from Valentine Avenue, septic system, and water well. Proposed improvements to be sited on the 4.83-acre parcel include a 993 square-foot kitchen addition to the existing 648 square-foot dining hall, a 3,200 square-foot prayer hall, and a 2,772 square-foot outdoor stage facility with a 7,200 square-foot audience area. It is noted by staff that the proposed 7,200 square-foot audience area will be partially located on the 4.83-acre parcel and the southerly-adjacent 2.01-acre parcel.

There is an existing six-foot tall block wall along the perimeter of the project site, with the exception of the eastern boundary of the 4.83-acre parcel which has an existing six-foot tall wrought iron fence, and the eastern boundary of the 2.01-acre parcel which has an existing six-foot tall chain-link fence. This existing six-foot tall chain-link fence will be replaced with a six-foot tall wrought iron fence to match the eastern boundary of the 4.83-acre parcel.

The existing temple facility has up to five monks and three nuns living on site, receives up to 15 visitors per day (excluding festival days), and is currently open to visitors from 9:00am until 5:00pm, seven days per week year-round. The Applicant proposes to modify these hours of operation so that the temple facility will be open to visitors from 7:00am until 7:00pm, seven days per week year-round; however, an increase in daily visitors is not anticipated as a result of the modified hours of operation.

Other operational changes being requested with this proposal include the selling of food and crafts once per month for fund-raising purposes, and the recognition of six annual festival days in addition to the three annual festival days identified in the previously-approved Conditional Use Permits which authorize the existing temple facility (nine total annual festival days). With regard to festival attendance, according to Applicant representatives, there may be up to 1,500 total people visiting the temple facility during the course of a festival day; however, there are no more than 500 people on-site at any given time during a festival day.

Another operational change being requested is the aforementioned proposal to allow overflow parking for festival days consisting of 110 unsurfaced parking spaces on the southerly-adjacent 2.01-acre parcel. This request has been made in order to prevent festival attendees from parking their vehicles off site. Further, this proposal also includes a request to utilize outdoor sound amplification equipment for live music and speeches from 8:00am until 10:00pm on four of the nine festival days which include Western New Year in January, Lunar New Year in April, Buddha's Enlightenment in July, and Donation in October.

The project site is located within the sphere-of-influence of the City of Fresno, approximately 215 feet northwest of the nearest city limits of the City of Fresno, and is located in a predominately urbanized area marked by residential developments, churches, and mobile home parks. Additionally, State Route 99 and a Southern Pacific railroad line are located approximately three quarter-miles east of the project site, an adult school operated by the Central Unified School District is located approximately one quarter-mile to the northwest, and a high school (Central Unified High School East Campus) is located approximately one and a half miles to the northwest.

There is existing landscaping along the perimeter of the project site, with the exception of the southern boundary of the 2.01-acre parcel; however, there is an existing six-foot-tall block wall located along the southern boundary of the 2.01-acre parcel. Considering the urban character of the area surrounding the project site in conjunction with the visual screening of the project site provided by the existing landscaping and block walls which surround the project site, staff does not believe this proposal will degrade the existing visual character or quality of the site and its surroundings. Further, the project site is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the analysis.

- D. Would the project 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:

This proposal will utilize outdoor lighting fixtures that have the potential of generating new sources of light and glare in the area. As such, all outdoor lighting fixtures shall be required to be hooded and directed as to not shine towards adjacent properties and public streets. This requirement will be included as a Mitigation Measure to reduce potentially adverse light and glare impacts to less than significant.

Headlights on vehicles utilizing the proposed overflow parking area on the 2.01-acre parcel also have the potential of generating new sources of light and glare in the area; however, these potential light and glare impacts will be less than significant considering that a majority of the proposed overflow parking spaces will be visually screened from view of the public by the existing six-foot tall block wall located along the western and southern boundaries of the 2.01-acre parcel, the two existing dwelling units located in proximity to the eastern boundary of the 2.01-acre parcel, and the existing temple facility located on the northerly-adjacent 4.83-acre parcel.

* **Mitigation Measure**

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

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of statewide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project site is not located on forest land, is classified as Urban and Built-Up Land on the Fresno County Important Farmland Map (2012), and is not enrolled under a Williamson Act contract. Further, this proposal entails the expansion and modification of an existing temple facility located in an urbanized area.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project isolate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the San Joaquin Valley Unified Air Pollution Control District (Air District) which commented that the project is expected to have a less than significant adverse impact on air quality. It is noted by staff that this proposal may be subject to the following Air District Rules: Regulation VIII (Fugitive Dust Rules), 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). Compliance with Air District Rules will reduce air quality impacts of the subject proposal to less than significant.

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project 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 Game (CDFG) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project 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; or
- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project 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: LESS THAN SIGNIFICANT IMPACT:

The project site is located in an urbanized area marked by residential land uses, and has been previously disturbed as said property has been improved with a temple and related facilities. Further, neighboring properties have also been improved with single family residences and, therefore, have also been previously disturbed. This proposal was reviewed by the U.S. Fish and Wildlife Service (USFWS), which commented that said agency has no concerns with the project. This proposal was also referred to the California Department of Fish and Wildlife (CDFW), which did not identify any concerns with the project. 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 the CDFW or USFWS; 3.) Federally protected wetlands as defined by Section 404 of the Clean Water Act; and 4.) 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. This proposal will not conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is not located within proximity of any area designated to be highly or moderately sensitive for archeological resources. However, in the event that cultural resources are unearthed during ground disturbing activity, all work shall be halted in the area of the find, and an Archeologist shall be utilized to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition of the remains. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours. A Mitigation Measure reflecting this requirement has been incorporated into the project. The Mitigation Measure will reduce potential impacts to cultural resources to less than significant.

* **Mitigation Measure**

1. *In the event that cultural resources are unearthed during ground disturbing activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.*

VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:
 1. Rupture of a known earthquake; or
 - (a.) Strong seismic ground shaking; or
 - (b.) Seismic-related ground failure, including liquefaction; or

(c.) Landslides?

FINDING: NO IMPACT:

The area in which the project site is located is designated as Seismic Design Category C in the California Geological Survey. No agency expressed concerns related to ground shaking, ground failure, liquefaction or landslides. Development of the project will be subject to the Seismic Design Category C Standards.

B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is predominately flat and while changes in topography and erosion may result from grading activities associated with this proposal, it is not likely. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, an Engineered Grading and Drainage Plan demonstrating how additional storm water runoff generated by the project will be handled without adversely impacting adjacent properties shall be provided to said Section for review and approval. This requirement will be included as a Project Note and shall be reviewed for approval during Site Plan Review which will be included as a Condition of Approval. Conditions of the Site Plan Review may include design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting. With adherence to these requirements, potential erosion impacts will be reduced to less than significant.

C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or

D. Would the project be located on expansive soils creating substantial risks to life or property?

FINDING: NO IMPACT:

The project site is not located within an area of known risk of landslides, lateral spreading, subsidence, liquefaction, collapse, or within an area of known expansive soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The existing temple facility and proposed expansion area are currently served by existing on-site sewage disposal systems and no additional on-site sewage disposal systems are proposed with this project. Further, this proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division, which expressed no concerns in regard to soils or wastewater disposal.

VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Unified Air Pollution Control District (Air District) reviewed this proposal and expressed no concerns related to greenhouse gas emissions. Further, compliance with Air District Rules and Regulations discussed in Section III (Air Quality) of this analysis will reduce air quality impacts from the subject proposal to less than significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment; or
- C. Would the project emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of a school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal entails expansion and modification of an existing temple facility located in an urbanized area. There is an adult school operated by the Central Unified School District located approximately one quarter-mile northwest of the project site, and a high school (Central Unified High School East Campus) is located approximately one and a half miles to the northwest. Further, this proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division, which expressed no concerns in regard to hazardous materials.

- D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT:

No hazardous materials sites are located within the boundaries of the project site.

- E. Would a project be located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or
- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within an Airport Land Use Plan or in the vicinity of a public or private use airport.

- G. Impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

This proposal will not impair the implementation of, or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan.

- H. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:

The project site is not located within a wildland area.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno Metropolitan Flood Control District, if construction associated with this proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity will be required. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before construction begins, the Applicant must submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP must include descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States. These requirements have been included as Project Notes.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the Water/Geology/and Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the project as the project site is not located in a designated water-short area.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off-site?

FINDING: NO IMPACT:

No streams or rivers are located near the project site.

- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Permanent improvements associated with the development of this proposal will not cause significant changes in absorption rates, drainage patterns or the rate and amount of surface run-off, with adherence to the Grading and Drainage Sections of the Fresno County Ordinance Code.

According to the Fresno Metropolitan Flood Control District (FMFCD), due to the project site being located within FMFCD Drainage Area AL, project development will require payment of a \$20,654.00 Drainage Fee. This requirement will be included as a Project Note. Additionally, outdoor storage areas shall be constructed and maintained in such a manner that material that may generate contaminants will be prevented from contact with rainfall and runoff, thereby preventing the conveyance of contaminants in runoff into the storm drain system. This requirement will be included as a Mitigation Measure to reduce potential impacts to water quality to less than significant.

* **Mitigation Measure**

1. *Outdoor storage areas shall be constructed and maintained in such a manner that material that may generate contaminants will be prevented from contact with rainfall and runoff, thereby preventing the conveyance of contaminants in runoff into the storm drain system.*

- F. Would the project otherwise substantially degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the State Water Resources Control Board, Division of Drinking Water, this proposal requires a public water system classified as a Transient Non-community Water

System which requires permitting by the State Water Resources Control Board, Division of Drinking Water. The Applicant shall submit a permit application, technical report, and application fee to the State Water Resources Control Board, Division of Drinking Water prior to construction and operation of the required water system. As a public water system, the Applicant must be able to demonstrate adequate technical, managerial and financial capacity to operate and maintain the water system in compliance with all State and federal regulations. An assessment of the technical, managerial and financial capacity of the proposed water system shall be included with the permit application submitted to the State Water Resources Control Board, Division of Drinking Water. The Applicant shall also demonstrate to the State Water Resources Control Board, Division of Drinking Water that the well proposed to provide drinking water meets drinking water standards. These requirements will be included as Project Notes.

G. Would the project place housing within a 100-year floodplain; or

H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?

FINDING: NO IMPACT:

According to FEMA FIRM Panel 1565H, the project site is not subject to flooding from the 100-year storm.

I. Would the project expose persons or structures to levee or dam failure; or

J. Would the project inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The project site is not prone to seiche, tsunami or mudflow, nor is the project site exposed to potential levee or dam failure. No such impacts were identified in the project analysis.

X. LAND USE AND PLANNING

A. Will the project physically divide an established community?

FINDING: NO IMPACT:

This proposal will not physically divide a community. The project site is located within the City of Fresno Sphere-of-Influence and is approximately 215 feet northwest of the nearest city limits of the City of Fresno.

B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is designated Rural Residential in the County-adopted Fresno High-Roeding Community Plan and is zoned R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay). Provisions for non-agricultural uses such as the proposed temple facility expansion in agricultural and rural residential areas have been provided for in the Fresno County Zoning Ordinance and General Plan. According to the Non-Agricultural Rural Development Section of the Fresno County General Plan Agriculture and Land Use Element, Policies found in Section LU-A of the General Plan can be applicable to development proposals located in areas designated for Rural Residential land use. Policy LU-A.3 of the General Plan provides that churches, and by extension similar religious facilities, may be allowed by discretionary permit subject to a number of specific criteria.

Criteria LU-A.3.a states that the use shall provide a needed service to the surrounding area which cannot be provided more effectively within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics. Criteria LU-A.3.b states that the use shall not be sited on productive agricultural land if less productive land is available in the vicinity. Criteria LU-A.3.c states that the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within a one quarter-mile radius. Criteria LU-A.3.d states that a probable workforce should be located nearby or readily available. Criteria LU-A.3.g states that the evaluation for proposed religious facilities under criteria LU-A.3.a shall include consideration of the size of the facility. Such facilities should be no larger than needed to serve the surrounding agricultural community.

With regard to Criteria “a” and Criteria “g”, the existing temple facility is located on a 4.83-acre parcel (APN 442-060-08, address 2533 N. Valentine Avenue), and was originally authorized by Classified Conditional Use Permit (CUP) No. 2383, modified by CUP No. 2445, and later expanded and modified by CUP No. 2730. This proposal entails the incorporation of a southerly-adjacent 2.01-acre parcel (APN 442-060-43, address 2497 N. Valentine Avenue) into the existing temple facility. The 2.01-acre parcel has been improved with a 1,917 square-foot dwelling unit, an 805 square-foot dwelling unit, septic system, water well, and paved driveway access from Valentine Avenue. Proposed improvements to be sited on the 2.01-acre parcel include a 35-foot tall memorial gate, and overflow parking for festival event days consisting of 110 unsurfaced parking spaces.

With regard to Criteria “b”, the project site is not located on forest land, is classified as Urban and Built-Up Land on the Fresno County Important Farmland Map (2012), and is not enrolled under a Williamson Act contract. Further, this proposal entails the expansion and modification of an existing temple facility located in an urbanized area.

With regard to Criteria “c”, this proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the proposal as the project site is not located in a designated water-short area. Further, with adherence to the Conditions of Approval, Mitigation Measures and Project Notes identified in this Initial Study, staff believes the proposal will not have a detrimental impact on the use or management of surrounding properties.

With regard to Criteria “d”, the project site is located within the City of Fresno Sphere-of-Influence and is approximately 215 feet northwest of the nearest city limits of the City of Fresno, which has the ability to provide an adequate workforce.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

This proposal will not conflict with any Land Use Plan or habitat or Natural Community Conservation Plan. No such Plans were identified in the project analysis.

XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

No mineral resource impacts were identified in the project analysis. The project site is not located in an identified mineral resource area identified in Policy OS-C.2 of the General Plan.

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise level; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

This proposal includes a request to utilize outdoor sound amplification equipment for live music and speeches from 8:00am until 10:00pm on four festival days which include Western New Year in January, Lunar New Year in April, Buddha’s Enlightenment in July, and Donation in October. The Applicant submitted an Acoustical Analysis for this proposal which was prepared by Brown-Buntin Associates, Inc. (BBA Report 09-037 ANCP). The Fresno County Department of Public Health, Environmental Health Division, reviewed the Acoustical Analysis and commented that mitigation is necessary in order to ensure that the use of outdoor sound amplification equipment will not violate the Fresno County Noise Ordinance. Further, the Noise Monitoring and Reporting Requirements identified in the Noise Control Plan described in

the Conclusions and Recommendations section of the Acoustical Analysis shall also be required as a Mitigation Measure.

* **Mitigation Measures**

1. *Complaints received by the Fresno County Department of Public Health, Environmental Health Division, as a result of noise generated during festivals will necessitate the applicant to retain a qualified acoustical consultant to be present during future events to determine whether a violation exists and/or provide necessary training and direction in maintaining noise levels in compliance with the Fresno County Noise Ordinance.*
2. *Inability to maintain compliance with the Fresno County Noise Ordinance may result in a recommendation by the Fresno County Department of Public Health, Environmental Health Division, for the Department of Public Works and Planning to pursue revocation of the Conditional Use Permit.*
3. *The following Noise Monitoring and Reporting Requirements shall be complied with for the utilization of outdoor sound amplification equipment:*
 - a. *Instrumentation: The Fresno Cambodian Buddhist Society (FCBS) shall obtain a sound level meter that meets the requirements of the American National Standards Institute for Type 1 or Type 2 sound level meters (ANSI S1.4-1971). The sound level meter must be capable of measuring A-weighted sound levels at "slow" meter response and recording the maximum sound level (L_{max}) during noise sample periods. An appropriate acoustic calibrator shall also be obtained for use in field-checking the accuracy of the noise monitoring system. The sound meter, microphone and calibrator shall be certified by the manufacturer or an accredited laboratory that they are in compliance with applicable standards at the time of purchase and calibrated routinely as per the manufactures' specifications. All records pertaining to calibration of the equipment shall be maintained on the premises and made available upon request.*
 - b. *Training: The FCBS staff that will be conducting noise monitoring during outdoor festivals (and any back-up staff) must receive "hands-on" training in the proper use of the noise monitoring equipment from a qualified acoustical consultant. The FCBS shall at all times maintain adequately trained staff for their festivals.*
 - c. *Reference Noise Monitoring Site: An appropriate reference noise monitoring site must be identified for conducting noise monitoring during outdoor festivals. The site must be easily identified and must be accessible during festival events. A proposed site has already been identified that is west of an existing water pressure system approximately 210 feet southeast of the center of the proposed outdoor stage structure.*
 - d. *Noise Standard: The recommended approach to determining compliance with the statistical standards of the noise ordinance consists of using noise measurement data collected by BBA during the outdoor festival on April 17, 2010*

to identify a maximum sound level that should not be exceeded at the reference site to ensure compliance with the various statistical categories of the ordinance at the closest residences. The proposed maximum noise level standard takes into account the normal attenuation of sound from a point source (6 dB per doubling of distance), the observed relationship between measured L_{max} values and the other statistical categories of the noise ordinance (measured L_{max} was 19 dB higher than measured L_{50}), and minimal acoustic shielding (-5 dB) of the closest residences to the southeast and east due to existing sound walls or intervening buildings. Specifically, a maximum noise level standard of 72 dBA is recommended at the proposed reference noise monitoring site.

- e. Noise Monitoring Schedule: Noise levels from amplified outdoor festivals should be monitored at the reference site immediately after the amplification system is put into operation and thereafter at 30 minute intervals during each outdoor festival. If it is determined during any of the measurements that the maximum sound levels produced by the amplification system are approaching or exceeding 72 dBA, the amplification system must be turned down until compliance with the 72 dBA standard is achieved at the reference site.*
- f. Sound Amplification Systems: The FCBS must have control over the use and volume of any sound amplification systems to be used during outdoor festivals. This means that the FCBS must have the right to adjust amplification settings at any time prior to and during outdoor festivals. It is recommended that FCBS include language to this effect within contractual agreements made with performers as they will often provide their own amplification equipment.*
- g. The FCBS shall complete a noise monitoring log that reports the time and date measurements were made and measured maximum noise levels during each sample for all festivals. The noise monitoring log should describe actions that were taken if measured noise levels were found to be in excess of 72 dBA (Noise Control Plan-Fresno Cambodian Buddhist Society 09-037ANCP, dated 8/15/11) at the reference noise monitoring site. The noise monitoring log should also report weather conditions at the time of the festival and when the sound level meter was last calibrated. The noise monitoring log should be available for inspection by Fresno County at any time.*

- E.** Would the project expose people to excessive noise levels associated with a location near an airport, or a private airstrip; or
- F.** For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

The project site is not located in the vicinity of a public airport or private airstrip, and is not impacted by airport noise.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

This proposal will not result in an increase of housing, nor will it otherwise induce population growth.

XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered public facilities in the following areas:

- 1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the North Central Fire Protection District (Fire District), which identified the following requirements which will be included as Project Notes:

- a) two means of ingress/egress shall be provided;*
- b) all required fire access lanes shall be provided and maintained with an approved "all weather" surface capable of supporting 80,000 lb. vehicles;*
- c) provide an approved fire fighting water supply or fire sprinkler all proposed structures;*
- d) provide approved emergency vehicle drive access to within 150 feet of all building openings;*
- e) turns in private drives for fire apparatus access shall have minimum 44 foot centerline turn radius;*
- f) all driveways that are provided for common access and are required for Fire District access shall be constructed to a minimum unobstructed width of 20 feet;*
- g) driveways less than 28 feet wide shall be identified as fire lanes as provided in the California Vehicle Code, Section 22500.1 with curbs designated as fire lanes (red curb with "Fire Lane" in 3 inch white letters every 50 feet or approved signs every 50 feet);*
- h) provide signs (17" x 22" minimum) at all public entrance drives to the property which state "Warning – Vehicles stopped, parked or left standing in fire lanes will be immediately removed at owner's expense – 22658(a) California Vehicle Code – Fresno Police Department 621-2300.";*
- i) walking access is required to reach building openings within 150 feet of a paved surface designed for fire apparatus use, required walking access shall be designed to prevent sharp turns or obstacles that would hinder the carrying of ground ladders and other hand-held equipment, gates shall be a minimum of 4 feet in width if they are used in the walking access path;*
- j) provide approved Police/Fire bypass lock on drive access gates;*

- k) the entire width of a required access way shall remain unobstructed to a vertical height of 13 feet, six inches;*
- l) a minimum 20-foot clear opening in vehicle gates is required for emergency vehicle access;*
- m) any pedestrian gate shall remain unlocked or be provided with Police/Fire bypass locks.*

- 2. Police protection; or
- 3. Schools; or
- 4. Parks; or
- 5. Other public facilities?

FINDING: NO IMPACT:

No impacts on the provision of other services were identified in the project analysis.

XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demands measures?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The existing temple facility located on the 4.83-acre parcel (APN 442-060-08, address 2533 N. Valentine Avenue) currently has a paved parking lot with 120 parking spaces and a 26-foot wide paved driveway access from Valentine Avenue. Additionally, the existing temple facility also has an existing dwelling unit with a separate 15-foot wide paved driveway access from Valentine Avenue.

The southerly-adjacent 2.01-acre parcel (APN 442-060-43, address 2497 N. Valentine Avenue) to be incorporated into the existing temple facility currently has two dwelling units that

share a 20-foot wide paved driveway; however, this driveway will be reconstructed as a 24-foot wide paved driveway. Further, a separate 26-foot wide paved driveway will be constructed to provide access to the proposed overflow parking area which will consist of 110 unsurfaced parking spaces.

The existing temple facility has up to five monks and three nuns living on site, receives up to 15 visitors per day (excluding festival days), and is currently open to visitors from 9:00am until 5:00pm, seven days per week year-round. The Applicant proposes to modify these hours of operation so that the temple facility will be open to visitors from 7:00am until 7:00pm, seven days per week year-round; however, an increase in daily visitors is not anticipated as a result of the modified hours of operation.

Other operational changes being requested with this proposal include the selling of food and crafts once per month for fund-raising purposes, and the recognition of six annual festival days in addition to the three annual festival days identified in the previously-approved Conditional Use Permits which authorize the existing temple facility (nine total annual festival days).

With regard to festival attendance, according to Applicant representatives, there may be up to 1,500 total people visiting the temple facility during the course of a festival day; however, there are no more than 500 people on-site at any given time during a festival day. Considering that the County Zoning Ordinance does not have standards addressing overflow parking requirements for festivals, and that the existing temple facility sited on the 4.83-acre parcel has 120 existing parking spaces, staff believes that the amount of overflow parking proposed by the Applicant will be adequate to accommodate visitors on festival days.

This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which determined that a Traffic Impact Study (TIS) is not necessary for the project as the proposed expansion and operational changes will not increase the level of traffic in the area beyond existing levels. Further, staff notes that preparation of a TIS was not required for the previously-approved Conditional Use Permits which authorize the existing temple facility.

According to the City of Fresno Public Works Department, the Applicant should be required to provide an irrevocable offer of additional right-of-way dedication for Valentine Avenue so as to satisfy the ultimate right-of-way prescribed for said roadway. Additionally, the City of Fresno Public Works Department also commented that the Applicant should be required to pave the proposed overflow parking area.

With regard to right-of-way dedication, Valentine Avenue is a County-maintained road which is classified as a Collector road. The minimum total width for a Collector road right-of-way is 84 feet. Valentine Avenue has a total existing right-of-way of 84 feet at the existing temple facility located on the 4.83-acre parcel (APN 442-060-08, address 2533 N. Valentine Avenue), with 42 feet east and 42 feet west of the center line. Valentine Avenue also has a total existing right-of-way of 60 feet at the southerly-adjacent 2.01-acre parcel (APN 442-060-43, address 2497 N. Valentine Avenue) to be incorporated into the existing temple facility, with 30 feet east and 30 feet west of the center line.

Staff acknowledges that an irrevocable offer of additional right-of-way dedication for Valentine Avenue would help to bring the roadway into further compliance with the Collector right-of-way standard. Staff also acknowledges that a substantial amount of vehicles may potentially travel to the project site on festival days; however, the frequency of festival events is limited in scope to nine days per year. Further, no substantial traffic hazard issues were identified by any agency reviewing this proposal. As such, no irrevocable offers of additional right-of-way dedication are required for this project.

- C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

This proposal will not result in a change in air traffic patterns. No such impacts were identified in the project analysis.

- D. Would the project substantially increase traffic hazards due to design features; or

- E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

This proposal will not conflict with any adopted alternative transportation plans. No such impacts were identified in the project analysis.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or

- B. Would the project require construction of or the expansion of a new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils.

- C. Would the project require or result in the construction or expansion of new stormwater drainage facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.B Geology and Soils.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX.B Hydrology and Water Quality.

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils.

- F. Would the project be served by a landfill with sufficient permitted capacity; or

- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to 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, 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 prehistory or history?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Pursuant to discussion in Section V (Cultural Resources), this proposal may have impacts on cultural resources. The Mitigation Measure included in Section V (Cultural Resources) will reduce such impacts to a less than significant level.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: NO IMPACT:

No cumulatively considerable impacts were identified in the project analysis.

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No substantial adverse impacts on human beings were identified in the project analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3302, 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 agricultural and forestry resources, mineral resources, population and housing, or recreation.

Potential impacts related to air quality, biological resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, land use and planning, public services, transportation and traffic, and utilities and service systems have been determined to be less than significant.

Potential impacts relating to aesthetics, cultural resources, hydrology and water quality, and noise 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" Street, Fresno, California.

DC:

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EXHIBIT 10

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

Planning Commission Staff Report Agenda Item No. 4 April 24, 2014

SUBJECT: Initial Study Application No. 6291
Classified Conditional Use Permit Application No. 3302

Allow expansion of an existing religious facility sited on a 4.83-acre parcel by the incorporation of a southerly adjacent 2.01-acre parcel into said facility with the construction of a kitchen addition, prayer hall, outdoor stage facility with audience area, shrine, memorial gate, and two guest quarters buildings. Also proposed are changes to operation by allowing the monthly sale of food and crafts, six additional festival event days, and the use of a northerly adjacent 3.38-acre parcel for overflow parking on festival event days. All parcels associated with this proposal are located in the RR(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District.

LOCATION: The project site is located on the west side of Valentine Avenue, between Clinton and Princeton Avenues, easterly adjacent to the city limits of the City of Fresno (2533, 2497 and 2557 N. Valentine Avenue) (Sup. Dist.: 1) (APNs: 442-060-08, 442-060-43, 442-060-07).

Applicant: Fresno Cambodian Buddhist Society, Inc.
Owner: Fresno Cambodian Buddhist Society, Inc.
Vannarith and Kunthea Lam

STAFF CONTACT: Derek Chambers, Planner
(559) 600-4205

Bill Carlson, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study No. 6291; and
- Approve Classified Conditional Use Permit Application No. 3302 with recommended Findings and Conditions of Approval; and

- Direct the Secretary to prepare a Resolution documenting the Commission's action.

IMPACTS ON JOB CREATION:

The Commission's action will not have a substantial effect on job creation.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval, and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Assessor's Map
6. Site Plan
7. Overflow Parking Site Plan
8. Floor Plans and Elevation Drawings
9. Operational Statement
10. Summary of Initial Study Application No. 6291
11. Board of Supervisors Action dated April 9, 1996

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Rural Density Residential in the County-adopted Fresno High-Roeding Community Plan	No change
Zoning	RR(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay)	No change
Parcel Size	APN 442-060-08: 4.83 acres APN 442-060-43: 2.01 acres APN 442-060-07: 3.38 acres	No change

Criteria	Existing	Proposed
Project Site	<p>APN 442-060-08 (4.83 acres): 4,617 square-foot celebration hall; 1,792 square-foot pagoda; 1,800 square-foot dwelling unit; 720 square-foot dwelling unit; 1,800 square-foot storage building; 602 square-foot office building; 648 square-foot dining hall with kitchen; 880 square-foot restroom building; paved parking lot with 120 parking spaces and paved driveway access from Valentine Avenue; septic system; water well</p> <p>APN 442-060-43 (2.01 acres): 1,983 square-foot dwelling unit; 810 square-foot dwelling unit; septic system; water well; paved driveway access from Valentine Avenue</p> <p>APN 442-060-07 (3.38 acres): Single-family residence; septic system; water well</p>	<p>APN 442-060-08 (4.83 acres): 993 square-foot kitchen addition to the existing 648 square-foot dining hall; 3,200 square-foot prayer hall; 2,772 square-foot outdoor stage with a 7,200 square-foot audience area</p> <p>APN 442-060-43 (2.01 acres): 2,029 square-foot guest quarters; 1,358 square-foot guest quarters; 376 square-foot shrine; 35-foot tall memorial gate</p> <p>APN 442-060-07 (3.38 acres): 80 parking spaces to serve as overflow parking for festival days</p>
Structural Improvements	<p>APN 442-060-08 (4.83 acres): 4,617 square-foot celebration hall; 1,792 square-foot pagoda; 1,800 square-foot dwelling unit; 720 square-foot dwelling unit; 1,800 square-foot storage building; 602 square-foot office building; 648 square-foot dining hall with kitchen; 880 square-foot restroom building</p> <p>APN 442-060-43 (2.01 acres): 1,983 square-foot dwelling unit; 810 square-foot dwelling unit</p> <p>APN 442-060-07 (3.38 acres): Single-family residence</p>	<p>APN 442-060-08 (4.83 acres): 993 square-foot kitchen addition to the existing 648 square-foot dining hall; 3,200 square-foot prayer hall; 2,772 square-foot outdoor stage with a 7,200 square-foot audience area</p> <p>APN 442-060-43 (2.01 acres): 2,029 square-foot guest quarters; 1,358 square-foot guest quarters; 376 square-foot shrine; 35-foot tall memorial gate</p> <p>APN 442-060-07 (3.38 acres): None proposed other than 80</p>

Criteria	Existing	Proposed
		parking spaces to serve as overflow parking for festival days
Nearest Residence	Approximately five feet north of APN 442-060-07 (3.38 acres)	No change
Surrounding Development	Single-family residences; mobile home park; church; adult school operated by the Central Unified School District	No change
Operational Features	<p>Facility open to visitors from 9:00am until 5:00pm, seven days per week year-round</p> <p>Short-term quarters for occasional out-of-town visitors</p> <p>Three annual festival days commencing at 9:00am and ending at 5:00pm:</p> <ul style="list-style-type: none"> • Cambodian (Lunar) New Year in April • Prachum Ben (Festival of the Dead) in September • Ka Then (Donation) in October <p>Outdoor sound amplification prohibited at festivals.</p> <p>No on-street parking allowed on Valentine Avenue.</p>	<p>Facility open to visitors from 7:00am until 7:00pm, seven days per week year-round</p> <p>Selling of food and crafts once per month for fund-raising purposes</p> <p>Six additional annual festival days (resulting in nine total annual festival days):</p> <ul style="list-style-type: none"> • Western New Year in January • Vestments in August • Buddha's Birthday in March • Buddha's Enlightenment in July • Moon Festival in November • Buddha's Stories in Spring <p>All annual festival days to commence at 8:00am and end at 10:00pm</p> <p>Use of outdoor sound amplification equipment for live music and speeches from 8:00am until 10:00pm on four annual festival days:</p> <ul style="list-style-type: none"> • Western New Year in January • Cambodian (Lunar) New Year in April

Criteria	Existing	Proposed
		<ul style="list-style-type: none"> • Buddha's Enlightenment in July • Ka Then (Donation) in October <p>Use of APN 442-060-07 (3.38 acres) for 80 parking spaces to serve as overflow parking for festival days</p>
Employees	None (up to five monks and up to three nuns live on-site)	No change
Customers/Visitors	<p>Approximately 10 daily visitors on Monday through Friday, year-round</p> <p>Approximately 15 daily visitors on Saturday through Sunday, year-round</p> <p>Occasional out-of-town visitors</p> <p>Approximately 100 visitors on each annual festival day</p>	Approximately 1,500 visitors during the course of each festival day (no more than 500 people on-site at any given time during a festival day per Staff discussion with Applicant Representatives)
Traffic Trips	<p>Up to 20 daily one-way visitor trips (10 round-trips) on Monday through Friday, year-round</p> <p>Up to 30 daily one-way visitor trips (15 round-trips) on Saturday through Sunday, year-round</p> <p>Up to 200 daily one-way visitor trips (100 round-trips) during the course of each annual festival day if each visitor drives a vehicle to the site</p>	Up to 3,000 daily one-way visitor trips (1,500 round-trips) during the course of each annual festival day if each visitor drives a vehicle to the site (no more than 500 people on-site at any given time during a festival day per Staff discussion with Applicant Representatives)
Lighting	Outdoor lighting in open space areas at the existing facility and the existing parking lot	Additional outdoor lighting in open space areas at the existing facility, at the proposed outdoor stage and audience area, and at the

Criteria	Existing	Proposed
		existing parking lot
Hours of Operation	Facility open to visitors from 9:00am until 5:00pm, seven days per week year-round Annual festival days to commence at 9:00am and end at 5:00pm	Facility open to visitors from 7:00am until 7:00pm, seven days per week year-round Annual festival days to commence at 8:00am and end at 10:00pm

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: No

There are no active Code Enforcement Violations on the parcels associated with this proposal. However, Staff does note that there is a history of the facility not operating within the parameters of the Conditions of Approval and Operational Statements approved by Conditional Use Permit (CUP) Nos. 2383, 2445, and 2730 which authorize the existing facility. This history of operational non-compliance includes the use of outdoor sound amplification at annual festival days, and visitors utilizing Valentine Avenue and neighboring properties for parking during annual festival days.

In order to avoid future operational non-compliance, the Applicant filed the subject CUP Application in order to seek authorization of outdoor sound amplification equipment for live music and speeches from 8:00am until 10:00pm on four annual festival days [Western New Year in January, Cambodian (Lunar) New Year in April, Buddha's Enlightenment in July, Ka Then (Donation) in October], and to also authorize the use of a northerly-adjacent 3.38-acre parcel (APN: 442-060-07) for 80 parking spaces to serve as overflow parking for annual festival days.

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is below and included as Exhibit 10.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: March 28, 2014

PUBLIC NOTICE:

Notices were sent to 174 property owners within 600 feet of the subject parcels, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Classified Conditional Use Permit (CUP) Application may be approved only if four Findings specified in Zoning Ordinance Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on a Classified CUP Application is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

The existing temple facility associated with this proposal is located on a 4.83-acre parcel (APN: 442-060-08; Address: 2533 N. Valentine Avenue), and was originally authorized by Classified Conditional Use Permit (CUP) No. 2383, modified by CUP No. 2445, and later expanded and modified by CUP No. 2730. As previously stated, there is a history of the facility not operating within the parameters of the Conditions of Approval and Operational Statements approved by Conditional Use Permit (CUP) Nos. 2383, 2445, and 2730. This history of operational non-compliance includes the use of outdoor sound amplification at annual festival days, and visitors utilizing Valentine Avenue and neighboring properties for parking during annual festival days.

The existing temple facility has been improved with a 4,617 square-foot celebration hall, a 1,792 square-foot pagoda, a 1,800 square-foot dwelling unit with paved driveway access from Valentine Avenue, a 720 square-foot dwelling unit, a 1,800 square-foot storage building, a 602 square-foot office building, a 648 square-foot dining hall with kitchen, an 880 square-foot restroom building, paved parking lot with 120 parking spaces and paved driveway access from Valentine Avenue, septic system, and water well. Improvements proposed with the subject CUP Application to be sited on the 4.83-acre parcel include a 993 square-foot kitchen addition to the existing 648 square-foot dining hall, a 3,200 square-foot prayer hall, and a 2,772 square-foot outdoor stage facility with a 7,200 square-foot audience area.

This proposal also entails the incorporation of a southerly-adjacent 2.01-acre parcel (APN: 442-060-43; Address: 2497 N. Valentine Avenue) into the existing temple facility. The 2.01-acre parcel has been improved with a 1,983 square-foot dwelling unit, an 810 square-foot dwelling unit, septic system, water well, and paved driveway access from Valentine Avenue. Improvements proposed with the subject CUP Application to be sited on the 2.01-acre parcel include a 2,029 square-foot guest quarters, a 1,358 square-foot guest quarters, a 376 square-foot shrine, and a 35-foot tall memorial gate.

There is an existing six-foot-tall block wall along the perimeter of the project site, with the exception of the eastern boundary of the 4.83-acre parcel which has an existing six-foot-tall wrought iron fence, and the eastern boundary of the 2.01-acre parcel which has an existing six-foot-tall chain-link fence. This existing six-foot-tall chain-link fence will be replaced with a six-foot-tall wrought iron fence to match the eastern boundary of the 4.83-acre parcel.

Operational changes proposed with the subject CUP Application include the selling of food and crafts once per month for fund-raising purposes, and the authorization of six annual festival days in addition to the three annual festival days authorized by the previously-approved CUPs authorizing the existing temple facility (resulting in nine total annual festival days). The subject CUP Application also includes a request for annual festival days to commence at 8:00am and end at 10:00pm, and to utilize outdoor sound amplification equipment for live music and speeches from 8:00am until 10:00pm on four of the annual festival days [Western New Year in January, Cambodian (Lunar) New Year in April, Buddha's Enlightenment in July, Ka Then (Donation) in October]. In regard to festival attendance, per Staff discussion with Applicant Representatives, there may be up to 1,500 people visiting the temple facility during the course of a festival day; however, there are no more than 500 people on site at any given time during a festival day.

Another operational change proposed with the subject CUP Application is a request to allow overflow parking for festival days on a northerly-adjacent 3.38-acre parcel (APN: 442-060-07; Address: 2557 N. Valentine Avenue). This request has been made in order to prevent festival attendees from parking their vehicles within the Valentine Avenue right-of-way or on neighboring properties.

***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	Front (eastern property line): 105 feet Side (northern property line): 82 feet Side (southern property line): 22 feet Rear (western property line): 25 feet	Yes
Parking	114 standard parking spaces; three parking space for the disabled	117 existing standard parking spaces and three existing parking spaces for the disabled located on APN 442-060-08 (4.83 acres) 80 proposed standard parking spaces to be located on APN 442-060-07 (3.38 acres)	Yes - considering that the County Zoning Ordinance does not have standards addressing overflow parking requirements for festivals, and that the existing temple facility has 120 existing parking spaces, Staff believes that the amount of overflow parking proposed by the Applicant will be adequate to accommodate visitors on festival days.
Lot Coverage	No Requirement	No requirement	N/A
Separation Between Buildings	Six feet minimum	Six feet	Yes
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent	No change	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	Yes

Reviewing Agencies/Department Comments regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: Existing and proposed improvements satisfy the setback requirements of the RR(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District. Completion of a Site Plan Review (SPR) is recommended to ensure adequate area for parking and circulation.

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

Analysis:

Staff review of the Site Plan demonstrates that the proposed improvements meet minimum building setback requirements of the RR(nb) Zone District. In regard to off-street parking, the Zoning Ordinance requires one parking space to be provided for every 40 square feet of area within the main assembly structure and at least one parking space to be provided for the disabled for every 40 standard parking spaces required. The 4,617 square-foot celebration hall was utilized to analyze parking requirements for CUP Nos. 2383, 2445, and 2730, which resulted in a determination that 114 standard parking spaces and three parking spaces for the disabled were required for the existing facility. Staff notes that the existing facility currently has 117 standard parking spaces and three parking spaces for the disabled located on APN 442-060-08 (4.83 acres).

With regard to the proposal to allow overflow parking on APN 442-060-07 (3.38 acres) for festival days, the Applicant proposes to provide 80 parking spaces on said property in order to prevent festival attendees from parking vehicles within the Valentine Avenue right-of-way or on neighboring properties. According to Applicant Representatives, there may be up to 1,500 people visiting the temple facility during the course of a festival day; however, there are no more than 500 people on-site at any given time during a festival day. Considering that the County Zoning Ordinance does not have standards addressing overflow parking requirements for festivals, that the existing temple facility has 120 existing parking spaces, and the likelihood that many festival attendees carpool to the facility on festival days, Staff believes that the amount of overflow parking proposed by the Applicant will be adequate to accommodate visitors on festival days. Further, as the Applicant secured a two-year lease for the use of APN 442-060-07 (3.38 acres) that became effective on December 1, 2013, and which will be renewed annually, the following Condition of Approval has been included to help ensure that a valid lease agreement is in place at all times:

Overflow parking for the nine annual festival days authorized for the subject temple facility shall be provided on the 3.38-acre parcel identified as APN 442-060-07 which is northerly adjacent to the temple facility property. There shall be a valid lease agreement maintained at all times between the operator of the temple facility and the owner(s) of the 3.38-acre parcel identified as APN 442-060-07.

Should a valid lease agreement not be in place at the time of an annual festival day authorized for the temple facility, said festival may not occur.

Should an annual festival authorized for the temple facility occur without a valid lease agreement between the operator of the temple facility and the owner(s) of the 3.38-acre parcel identified as APN 442-060-07, no further annual festivals authorized for the temple facility may occur until evidence is provided to the Fresno County Department of Public Works and Planning that a valid lease agreement is in place between the operator of the temple facility and the owner(s) of the 3.38-acre parcel identified as APN 442-060-07.

Further, should an annual festival authorized for the temple facility occur without a valid lease agreement between the operator of the temple facility and the owner(s) of the 3.38-acre parcel identified as APN 442-060-07, the Fresno County Department of Public Works and Planning may commence procedures necessary for the revocation of the land use permits authorizing the subject temple facility.

Based on the above information and with adherence to the Conditions of Approval requiring SPR and a valid lease agreement for overflow parking, Staff believes the site is adequate to accommodate the proposed use, vehicle circulation, and ingress/egress.

Recommended Condition of Approval:

- See Mitigation Measures and Recommended Conditions of Approval, attached as Exhibit 1.

Conclusion:

Finding 1 can be made.

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
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Valentine Avenue: Excellent condition	No change
Direct Access to Public Road	Yes	Valentine Avenue	One additional site access from Valentine Avenue to APN 442-060-43 (2.01 acres)
Road ADT		Valentine Avenue: 1,200	Minimal traffic increase during regular operations
Road Classification		Valentine Avenue: Collector	No change

		Existing Conditions	Proposed Operation
Road Width		Valentine Avenue: 84 feet at APN 442-060-08 (4.83 acres) 60 feet at APN 442-060-43 (2.01 acres) 60 feet at APN 442-060-07 (3.38 acres)	No change
Road Surface		Valentine Avenue: Paved (pavement width: 28.4 feet)	No change
Traffic Trips		Up to 20 daily one-way visitor trips (10 round-trips) on Monday through Friday, year-round Up to 30 daily one-way visitor trips (15 round-trips) on Saturday through Sunday, year-round Up to 200 daily one-way visitor trips (100 round-trips) during the course of each annual festival day if each visitor drives a vehicle to the site	Up to 3,000 daily one-way visitor trips (1,500 round-trips) during the course of each annual festival day if each visitor drives a vehicle to the site (no more than 500 people on-site at any given time during a festival day per Staff discussion with Applicant Representatives)
Traffic Impact Study (TIS) Prepared	No	N/A	None required as the subject CUP Application was filed in part to address existing traffic issues associated with annual festival days. It is also noted that preparation of a TIS was not required for CUP Nos. 2383, 2445, and 2730 which authorize the existing temple facility
Road Improvements Required		N/A	None required

Reviewing Agencies/Department Comments regarding Adequacy of Streets and Highways:

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way. This requirement has been included as a Project Note.

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal. The subject CUP Application was filed in part to address existing traffic issues associated with annual festival days that occur at the existing facility.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Valentine Avenue is a County-maintained road which is classified as a collector road. The minimum total width for a collector road right-of-way is 84 feet. Valentine Avenue has a total existing right-of-way of 84 feet at APN 442-060-08 (4.83 acres), with 42 feet east and 42 feet west of the center line. Valentine Avenue has a total existing right-of-way of 60 feet at APN 442-060-43 (2.01 acres), with 30 feet east and 30 feet west of the center line. Valentine Avenue has a total existing right-of-way of 60 feet at APN 442-060-07 (3.38 acres), with 30 feet east and 30 feet west of the center line. A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Valentine Avenue. This requirement has been included as a Project Note.

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

Analysis:

The subject parcels have road frontage on Valentine Avenue, which is County-maintained and classified as a collector road. The minimum total right-of-way for a collector road is 84 feet. Valentine Avenue has a total existing right-of-way of 84 feet at APN 442-060-08 (4.83 acres), with 42 feet east and 42 feet west of the center line. Valentine Avenue has a total existing right-of-way of 60 feet at APN 442-060-43 (2.01 acres), with 30 feet east and 30 feet west of the center line. As such, an additional 12 feet of right-of-way dedication is needed from the eastern side of APN 442-060-43 (2.01 acres) which abuts Valentine Avenue in order to satisfy the minimum right-of-way requirement for the collector road classification. This requirement has been included as a Condition of Approval. Valentine Avenue also has a total existing right-of-way of 60 feet at APN 442-060-07 (3.38 acres), with 30 feet east and 30 feet west of the center line. However, considering that the use of said property is limited in scope to overflow parking on nine annual festival days per year, no additional right-of-way dedication will be required for APN 442-060-07 (3.38 acres).

Based on the above information, and with adherence to the Condition of Approval and Project Notes described above, staff believes that the portion of Valentine Avenue at the project site will remain adequate to accommodate the proposed use.

Recommended Conditions of Approval:

- See *Mitigation Measures and Recommended Conditions of Approval attached as Exhibit 1.*

Conclusion:

Finding 2 can be made.

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:	Approximately one-acre parcels	Single-family residences	RR(nb)	Approximately five feet
South:	2.06 acres	Single-family residence	RR(nb)	Approximately 40 feet
East:	Approximately 40,000 square-foot parcels	Single-family residences	RR(nb)	Approximately 70 feet
West:	4.62 acres	Vacant	RR(nb)	None
	Approximately 6,000 square-foot parcels	Single-family residences	City of Fresno	Approximately 30 feet

Reviewing Agencies/Department Comments:

U.S. Fish and Wildlife Service: No concerns with the proposal.

Building and Safety Section of the Fresno County Department of Public Works and Planning: If approved, plans related to construction and development of the project prepared by a licensed design professional shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections. This requirement has been included as a Project Note.

North Central Fire Protection District (Fire District): The following requirements shall be included as Project Notes: 1) two means of ingress/egress shall be provided; 2) all required fire access lanes shall be provided and maintained with an approved "all weather" surface capable of supporting 80,000 lb. vehicles; 3) provide an approved firefighting water supply or fire sprinkler all proposed structures; 4) provide approved emergency vehicle drive access to within 150 feet of all building openings; 5) turns in private drives for fire apparatus access shall have minimum 44 foot centerline turn radius; 6) all driveways that are provided for common access and are required for Fire District access shall be constructed to a minimum unobstructed width of 20 feet; 7) driveways less than 28 feet wide shall be identified as fire lanes as provided in the California Vehicle Code, Section 22500.1 with curbs designated as fire lanes (red curb with "Fire Lane" in 3 inch white letters every 50 feet or approved signs every 50 feet); 8) provide signs (17" x 22" minimum) at all public entrance drives to the property which state "Warning – Vehicles

stopped, parked or left standing in fire lanes will be immediately removed at owner's expense – 22658(a) California Vehicle Code – Fresno Police Department 621-2300.”; 9) walking access is required to reach building openings within 150 feet of a paved surface designed for fire apparatus use, required walking access shall be designed to prevent sharp turns or obstacles that would hinder the carrying of ground ladders and other hand-held equipment, gates shall be a minimum of 4 feet in width if they are used in the walking access path; 10) provide approved Police/Fire bypass lock on drive access gates; 11) the entire width of a required access way shall remain unobstructed to a vertical height of 13 feet, six inches; 12) a minimum 20-foot clear opening in vehicle gates is required for emergency vehicle access; 13) any pedestrian gate shall remain unlocked or be provided with Police/Fire bypass locks.

Fresno Irrigation District (FID): FID's Victoria Colony West Branch Canal crosses through the limits of APN 442-060-08, and is adjacent to the westerly edge of APN 442-060-43. FID requests that the Applicant be required to replace this existing pipeline with a new 30-inch inside diameter ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP) in accordance with FID standards, and that the Applicant be required to enter into an agreement with FID for that purpose.

Fresno Metropolitan Flood Control District (FMFCD): If construction associated with this proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity shall be required. Before construction begins, the Applicant shall submit to the Central Valley Regional Water Quality Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. Due to the project site being located within FMFCD Drainage Area AL, project development will require payment of a \$4,135.00 drainage fee. These requirements have been included as Project Notes.

California Department of Public Health, Drinking Water Field Operations Branch: This proposal constitutes a public water system classified as a Transient Non-community Water System which requires permitting by the California Department of Public Health. The Applicant shall submit a Domestic Water Supply Permit application, technical report and application fee to the California Department of Public Health prior to operation of the water system. As a public water system, the Applicant must be able to demonstrate adequate technical, managerial and financial capacity to operate and maintain the water system in compliance with all State and federal regulations. An assessment of the technical, managerial and financial capacity of the proposed water system shall be included with the permit application submitted to the California Department of Public Health. The Applicant shall also demonstrate to the California Department of Public Health that the well proposed to provide drinking water meets drinking water standards. These requirements have been included as Project Notes.

Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning: No concerns with the proposal as it relates to water quantity, as the project site is not located in a water-short area.

Fresno County Department of Public Health, Environmental Health Division: The Fresno County Department of Public Health, Environmental Health Division, reviewed the Acoustical Analysis prepared for this proposal by Brown-Buntin Associates, Inc. (BBA Report 09-037 ANCP), and shall require the Noise Monitoring and Reporting Requirements identified in the Noise Control Plan described in the Conclusions and Recommendations section of said Acoustical Analysis to be required as a Mitigation Measure. The following requirements shall

also be included as Mitigation Measures: 1) Complaints received by the Fresno County Department of Public Health, Environmental Health Division, as a result of noise generated during festivals will necessitate the Applicant to retain a qualified acoustical consultant to be present during future events to determine whether a violation exists and/or provide necessary training and direction in maintaining noise levels in compliance with the Fresno County Noise Ordinance; 2) Inability to maintain compliance with the Fresno County Noise Ordinance may result in a recommendation by the Fresno County Department of Public Health, Environmental Health Division, for the Department of Public Works and Planning to pursue revocation of the Conditional Use Permit.

San Joaquin Valley Air Pollution Control District (Air District): This proposal may be subject to the following Air District rules: Regulation VIII – Fugitive Dust Rules, Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants). These requirements have been included as Project Notes.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 1565H, the project site is not subject to flooding from the 100-year storm. Any additional run-off generated by development cannot be drained across property lines or into County right-of-way, and must be retained on site per County Standards. An Engineered Grading and Drainage Plan shall be provided to Development Engineering staff for review and approval, and a Grading Permit or Voucher shall be required for any grading activity associated with this proposal. These requirements have been included as Project Notes.

Analysis:

The project site is located in a predominately residential area. There is existing landscaping along the perimeter of the project site, with the exception of the 3.38-acre parcel to be utilized for overflow parking during festival days, and the southern boundary of the 2.01-acre parcel. Considering that the need for overflow parking is limited to nine festival days per year, staff does not believe landscaping is needed for the 3.38-acre parcel. However, the Applicant will be required to provide additional landscaping along the southern boundary of the 2.01-acre parcel. This landscaping requirement has been included as a Condition of Approval, and the design of said landscaping shall be reviewed for approval during Site Plan Review which has also been included as a Condition of Approval.

This proposal includes a request to utilize outdoor sound amplification equipment for live music and speeches from 8:00am until 10:00pm on four of the annual festival days [Western New Year in January, Cambodian (Lunar) New Year in April, Buddha's Enlightenment in July, Ka Then (Donation) in October]. The Applicant submitted an Acoustical Analysis for this proposal which was prepared by Brown-Buntin Associates, Inc. (BBA Report 09-037 ANCP). The Fresno County Department of Public Health, Environmental Health Division, reviewed the Acoustical Analysis and commented that mitigation is necessary in order to ensure that the use of outdoor sound amplification equipment will not violate the Fresno County Noise Ordinance. Further, the Noise Monitoring and Reporting Requirements identified in the Noise Control Plan described in the Conclusions and Recommendations section of the Acoustical Analysis shall also be required as a Mitigation Measure.

According to the Fresno Irrigation District (FID), their Victoria Colony West Branch Canal crosses through the limits of APN 442-060-08, and is adjacent to the westerly edge of APN 442-

060-43. Additionally, FID requests that the Applicant be required to replace this existing pipeline with a new 30-inch inside diameter ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP) in accordance with FID standards, and that the Applicant be required to enter into an agreement with FID for that purpose. However, Staff notes that this pipeline passes under the existing paved parking lot at the existing temple facility, and that there are no improvements proposed with the subject CUP Application that would encroach upon the pipeline. As such, Staff does not believe that there is a nexus to require replacement of the pipeline as requested by FID.

Recommended Conditions of Approval:

- See *Mitigation Measures and Recommended Conditions of Approval attached as Exhibit 1.*

Conclusion:

Finding 3 can be made.

Finding 4: That the proposed use is consistent with the Fresno County General Plan.

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.3: County may allow by discretionary permit in areas designated Agriculture, certain agricultural uses and agriculturally-related activities, including certain non-agricultural uses, subject to the following Criteria: a) Use shall provide a needed service to surrounding agricultural area, which cannot be provided within urban areas; c) Use shall not have a detrimental impact on water resources or the use or management of surrounding properties within ¼ mile radius; g) For proposed churches and schools, the evaluation under Criteria LU-A.3.a shall include consideration of the size of the facility. Such facilities should be no larger than needed to serve the surrounding agricultural community.</p>	<p>According to the Non-Agricultural Rural Development section of Fresno County's General Plan Agriculture and Land Use Element, Policies found in Section LU-A of the General Plan can be applicable to development proposals located in areas designated for Rural Residential land use.</p> <p>With regard to Criteria "a" and Criteria "g", the existing temple facility is located on a 4.83-acre parcel (APN: 442-060-08; Address: 2533 N. Valentine Avenue), and was originally authorized by Classified Conditional Use Permit (CUP) No. 2383, modified by CUP No. 2445, and later expanded and modified by CUP No. 2730. This proposal entails the incorporation of a southerly adjacent 2.01-acre parcel (APN: 442-060-43; Address: 2497 N. Valentine Avenue) into the existing temple facility, and the use of a northerly adjacent 3.38-acre parcel (APN: 442-060-07; Address: 2557 N. Valentine Avenue) for overflow parking on festival days. With regard to Criteria "c", this proposal was reviewed by the Water/Geology/and Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the project as it relates to water quantity as the project site is not located in a water short area. Further, with adherence to the recommended Conditions of Approval,</p>

Relevant Policies:	Consistency/Considerations:
	Mitigation Measures and project Notes identified in the IS prepared for this project and discussed under Finding 3 of this Staff Report, staff believes the proposal will not have a detrimental impact on the use or management of surrounding properties within the vicinity. Therefore, the proposed use is conditionally compatible with this Policy.
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.	This proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the proposal as it relates to water quantity, as the project site is not in a water-short area. The proposal is consistent with this Policy.

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcels are designated Rural Density Residential in the Fresno County-adopted Fresno High-Roeding Community Plan. According to General Plan Policy LU-A.3, certain non-agricultural uses such as the proposed temple expansion project may be allowed in agricultural and rural residential areas by means of a discretionary use permit.

Analysis:

This proposal entails the expansion of an existing religious facility and operational changes for said facility which include the selling of food and crafts once per month for fund-raising purposes, authorization of six annual festival days in addition to the three annual festival days currently authorized by previously-approved CUPs (resulting in nine total annual festival days), authorization for annual festival days to commence at 8:00am and end at 10:00pm, authorization of outdoor sound amplification equipment for live music and speeches from 8:00am until 10:00pm on four of the annual festival days [Western New Year in January, Cambodian (Lunar) New Year in April, Buddha’s Enlightenment in July, Ka Then (Donation) in October], and authorization of overflow parking for festival days on a northerly-adjacent parcel. All parcels associated with this proposal are located in the RR(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District, and are designated Rural Density Residential in the Fresno County-adopted Fresno High-Roeding Community Plan. Provisions for non-agricultural uses such as the proposed temple expansion project in Rural Residential areas have been provided for in the Fresno County Zoning Ordinance and General Plan to serve the needs of the Rural Residential population.

Typically, a proposal for a new religious facility of this size which would attract visitors from outside the area would not normally be appropriate in a Rural Residential area as it entails a use that serves a regional area rather than the neighborhood in which it is located. However, this proposal entails the incorporation of a southerly adjacent parcel into an existing temple facility that was authorized by CUP Nos. 2383, 2445, and 2730, and the use of a northerly

adjacent parcel for overflow parking on previously-approved annual festival days. However, it should also be noted that this proposal does entail a request to authorize six additional annual festival days.

Based on the analysis provided above, staff believes the project is consistent with the Fresno County General Plan and the County-adopted Fresno High-Roeding Community Plan. Applicable Policies regarding siting and water supply evaluation were reviewed for this proposal and found to be consistent.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the required Findings for granting the Classified Conditional Use Permit (CUP) Application can be made based on the factors cited in the analysis in conjunction with the recommended Conditions of Approval, Mitigation Measures and Project Notes regarding mandatory requirements. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Classified CUP Application No. 3302, subject to the recommended Conditions of Approval, Mitigation Measures and Project Notes regarding mandatory requirements.

PLANNING COMMISSION MOTIONS:

Recommended Motion (approval action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study No. 6297; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit Application No. 3302, subject to the Conditions and Notes listed below; 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 Application No. 3302; 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.

DC:

G:\4360Devs&PI\PROJSEC\PROJDOCS\CUP\3300-3399\3302\CUP3302_Staff Report.docx

Mitigation Monitoring and Reporting Program
Initial Study (IS) No. 6291 / Classified Conditional Use Permit Application No. 3302
(Including Conditions of Approval and Project Notes)

EXHIBIT 1

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 as to not shine towards adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning	On-going
*2	Cultural Resources	In the event cultural resources are unearthed during grading activity, all work shall be halted in the area of the find, and an archaeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant	On-going
*3	Noise	Complaints received by the Fresno County Department of Public Health, Environmental Health Division, as a result of noise generated during festivals will necessitate the applicant to retain a qualified acoustical consultant to be present during future events to determine whether a violation exists and/or provide necessary training and direction in maintaining noise levels in compliance with the Fresno County Noise Ordinance.	Applicant	Applicant/Fresno County Department of Public Health	On-going
*4	Noise	Inability to maintain compliance with the Fresno County Noise Ordinance may result in a recommendation by the Fresno County Department of Public Health, Environmental Health Division, for the Department of Public Works and Planning to pursue revocation of the Conditional Use Permit.	Applicant	Applicant/Fresno County Department of Public Health	On-going
*5	Noise	The following Noise Monitoring and Reporting Requirements shall be complied with for the utilization of outdoor sound amplification equipment: a. Instrumentation: The Fresno Cambodian Buddhist Society (FCBS) shall obtain a sound level meter that meets	Applicant	Applicant/Fresno County Department of Public Health	On-going

the requirements of the American National Standards Institute for Type 1 or Type 2 sound level meters (ANSI S1.4-1971). The sound level meter must be capable of measuring A-weighted sound levels at "slow" meter response and recording the maximum sound level (Lmax) during noise sample periods. An appropriate acoustic calibrator shall also be obtained for use in field-checking the accuracy of the noise monitoring system. The sound meter, microphone and calibrator shall be certified by the manufacturer or an accredited laboratory that they are in compliance with applicable standards at the time of purchase and calibrated routinely as per the manufactures' specifications. All records pertaining to calibration of the equipment shall be maintained on the premises and made available upon request.

b. Training: The FCBS staff that will be conducting noise monitoring during outdoor festivals (and any back-up staff) must receive "hands-on" training in the proper use of the noise monitoring equipment from a qualified acoustical consultant. The FCBS shall at all times maintain adequately trained staff for their festivals.

c. Reference Noise Monitoring Site: An appropriate reference noise monitoring site must be identified for conducting noise monitoring during outdoor festivals. The site must be easily identified and must be accessible during festival events. A proposed site has already been identified that is west of an existing water pressure system approximately 210 feet southeast of the center of the proposed outdoor stage structure.

d. Noise Standard: The recommended approach to determining compliance with the statistical standards of the noise ordinance consists of using noise measurement data collected by BBA during the outdoor festival on April 17, 2010 to identify a maximum sound level that should not be exceeded at the reference site to ensure compliance with the various statistical categories of the ordinance at the closest residences. The proposed maximum noise level standard takes into account the normal attenuation of sound from a point source (6 dB per doubling of distance), the observed relationship between measured Lmax values and the other statistical categories of the noise ordinance (measured Lmax was 19 dB higher than measured L50), and minimal acoustic shielding (-5 dB) of the closest

		<p>residences to the southeast and east due to existing sound walls or intervening buildings. Specifically, a maximum noise level standard of 72 dBA is recommended at the proposed reference noise monitoring site.</p> <p>e. Noise Monitoring Schedule: Noise levels from amplified outdoor festivals should be monitored at the reference site immediately after the amplification system is put into operation and thereafter at 30 minute intervals during each outdoor festival. If it is determined during any of the measurements that the maximum sound levels produced by the amplification system are approaching or exceeding 72 dBA, the amplification system must be turned down until compliance with the 72 dBA standard is achieved at the reference site.</p> <p>f. Sound Amplification Systems: The FCBS must have control over the use and volume of any sound amplification systems to be used during outdoor festivals. This means that the FCBS must have the right to adjust amplification settings at any time prior to and during outdoor festivals. It is recommended that FCBS include language to this effect within contractual agreements made with performers as they will often provide their own amplification equipment.</p> <p>g. The FCBS shall complete a noise monitoring log that reports the time and date measurements were made and measured maximum noise levels during each sample for all festivals. The noise monitoring log should describe actions that were taken if measured noise levels were found to be in excess of 72 dBA (Noise Control Plan- Fresno Cambodian Buddhist Society 09-037ANCP, dated 8/15/11) at the reference noise monitoring site. The noise monitoring log should also report weather conditions at the time of the festival and when the sound level meter was last calibrated. The noise monitoring log should be available for inspection by Fresno County at any time.</p>		
Conditions of Approval				
1.		Development and operation shall be in substantial conformance with the approved Site Plan, Floor Plan, Elevation Drawings and Operational Statement, except as modified by the Conditions of Approval and Site Plan Review.		
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, but are not		

	limited to: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, lighting and right-of-way dedication.
3.	<p>The Applicant shall record a document irrevocably offering 12 feet of APN 442-060-43 to the County of Fresno as future right-of-way for Valentine Avenue (30 feet existing). The western line of said offer shall establish the building setback line for future development.</p> <p>Note: A preliminary title report or lot book guarantee may be 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 reconveyance, or any other document required to clear title to the property, shall be borne by the owner or developer. The County will prepare the irrevocable offer of dedication free of charge.</p>
4.	<p>Overflow parking for the nine annual festival days authorized for the subject temple facility shall be provided on the 3.38-acre parcel identified as APN 442-060-07 which is northerly adjacent to the temple facility property. There shall be a valid lease agreement maintained at all times between the operator of the temple facility and the owner(s) of the 3.38-acre parcel identified as APN 442-060-07.</p> <p>Should a valid lease agreement not be in place at the time of an annual festival day authorized for the temple facility, said festival may not occur.</p> <p>Should an annual festival authorized for the temple facility occur without a valid lease agreement between the operator of the temple facility and the owner(s) of the 3.38-acre parcel identified as APN 442-060-07, no further annual festivals authorized for the temple facility may occur until evidence is provided to the Fresno County Department of Public Works and Planning that a valid lease agreement is in place between the operator of the temple facility and the owner(s) of the 3.38-acre parcel identified as APN 442-060-07.</p> <p>Further, should an annual festival authorized for the temple facility occur without a valid lease agreement between the operator of the temple facility and the owner(s) of the 3.38-acre parcel identified as APN 442-060-07, the Fresno County Department of Public Works and Planning may commence procedures necessary for the revocation of the land use permits authorizing the subject temple facility.</p>
5.	<p>Landscaping, including trees and shrubs of reasonable size and density to provide visual screening, shall be provided along the southern boundary of APN 442-060-43. Landscaping Plans shall be submitted during the Site Plan Review process, and the landscaping shall be completed prior to occupancy.</p>

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document and 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.	Contact the Building & Safety Section of the Department of Public Works and Planning at (559) 600-4540 regarding requirements for submitting construction plans and obtaining building permits.
2.	Any work performed within the right-of-way shall require an Encroachment Permit from the Road Maintenance and Operations Division of the Department of Public Works and Planning.
3.	A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Valentine Avenue.

Notes

<p>4. This proposal constitutes a public water system classified as a Transient Noncommunity Water System which requires permitting by the California Department of Public Health. The Applicant shall submit a permit application, technical report, and application fee to the California Department of Public Health prior to construction of the proposed water system. As a public water system, the Applicant must be able to demonstrate adequate technical, managerial and financial capacity to operate and maintain the water system in compliance with all State and federal regulations. An assessment of the technical, managerial and financial capacity of the proposed water system shall be included with the permit application submitted to the California Department of Public Health. The Applicant shall also demonstrate to the California Department of Public Health that the well proposed to provide drinking water meets drinking water standards.</p>	
<p>5. Any additional runoff generated by development cannot be drained across property lines or into County right-of-way and must be retained on site per County Standards. Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development.</p>	
<p>6. An Engineered Grading and Drainage Plan shall be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.</p>	
<p>7. A Grading Permit or Voucher shall be required for any grading activity resultant of this proposal.</p>	
<p>8. Requirements of the North Central Fire Protection District: 1) two means of ingress/egress shall be provided; 2) all required fire access lanes shall be provided and maintained with an approved "all weather" surface capable of supporting 80,000 lb. vehicles; 3) provide an approved fire fighting water supply or fire sprinkler all proposed structures; 4) provide approved emergency vehicle drive access to within 150 feet of all building openings; 5) turns in private drives for fire apparatus access shall have minimum 44 foot centerline turn radius; 6) all driveways that are provided for common access and are required for Fire District access shall be constructed to a minimum unobstructed width of 20 feet; 7) driveways less than 28 feet wide shall be identified as fire lanes as provided in the California Vehicle Code, Section 22500.1 with curbs designated as fire lanes (red curb with "Fire Lane" in 3 inch white letters every 50 feet or approved signs every 50 feet); 8) provide signs (17" x 22" minimum) at all public entrance drives to the property which state "Warning – Vehicles stopped, parked or left standing in fire lanes will be immediately removed at owner's expense – 22658(a) California Vehicle Code – Fresno Police Department 621-2300."; 9) walking access is required to reach building openings within 150 feet of a paved surface designed for fire apparatus use, required walking access shall be designed to prevent sharp turns or obstacles that would hinder the carrying of ground ladders and other hand-held equipment, gates shall be a minimum of 4 feet in width if they are used in the walking access path; 10) provide approved Police/Fire bypass lock on drive access gates; 11) the entire width of a required access way shall remain unobstructed to a vertical height of 13 feet, six inches; 12) a minimum 20-foot clear opening in vehicle gates is required for emergency vehicle access; 13) any pedestrian gate shall remain unlocked or be provided with Police/Fire bypass locks.</p>	
<p>9. If construction associated with this proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity shall be required. Before construction begins, the Applicant shall submit to the Central Valley Regional Water Quality Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees.</p>	
<p>10. This proposal is located within the Fresno Metropolitan Flood Control District (FMFCD) Drainage Zone AL. A FMFCD Drainage Fee of \$4,135.00 shall be paid prior to issuance of permits.</p>	
<p>11. The proposal may be subject to the following San Joaquin Valley Unified Air Pollution Control District Rules: Regulation VIII (Fugitive</p>	

Notes

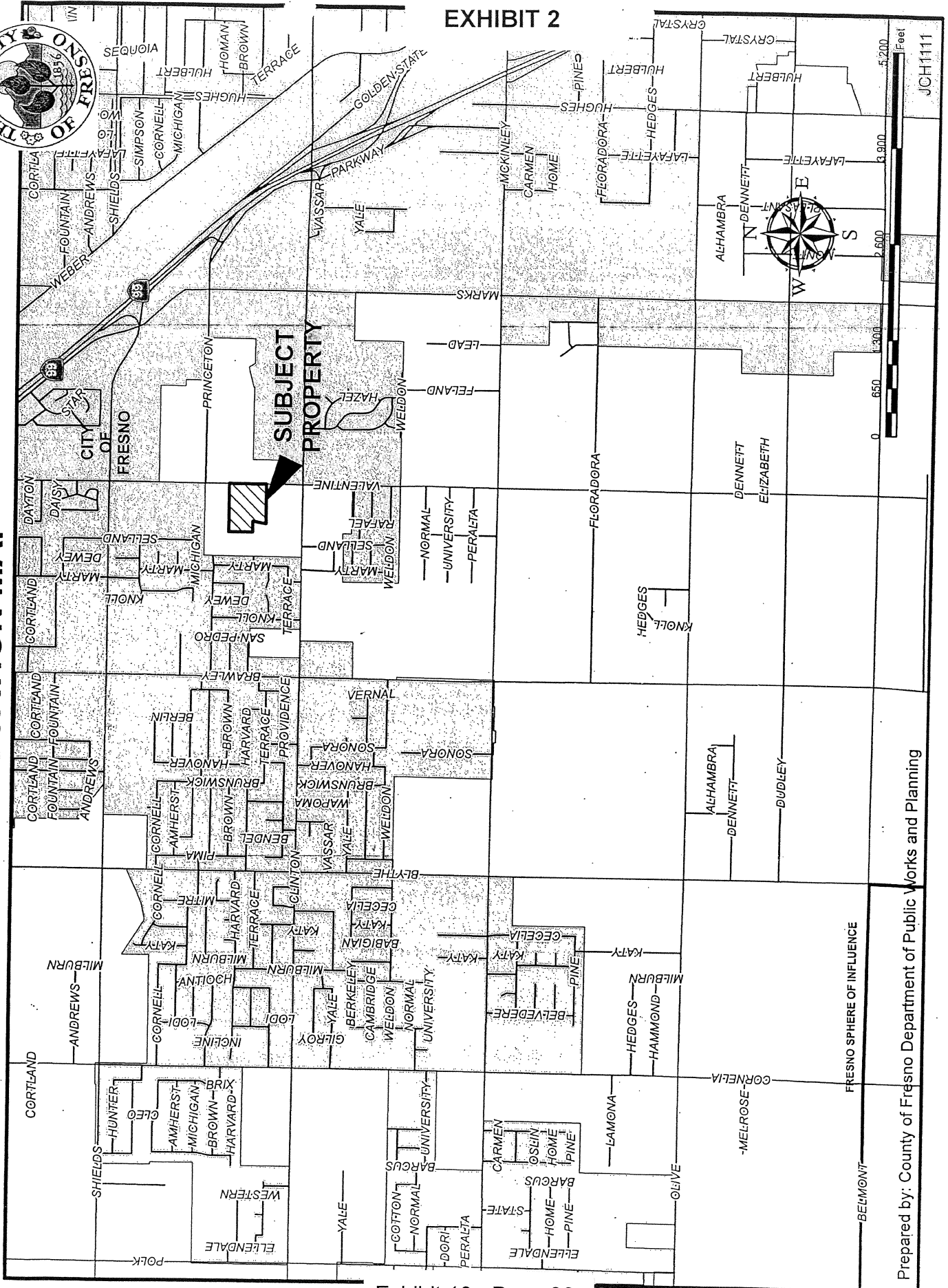
Dust Rules), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

DC:
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EXHIBIT 2

CUP 3302

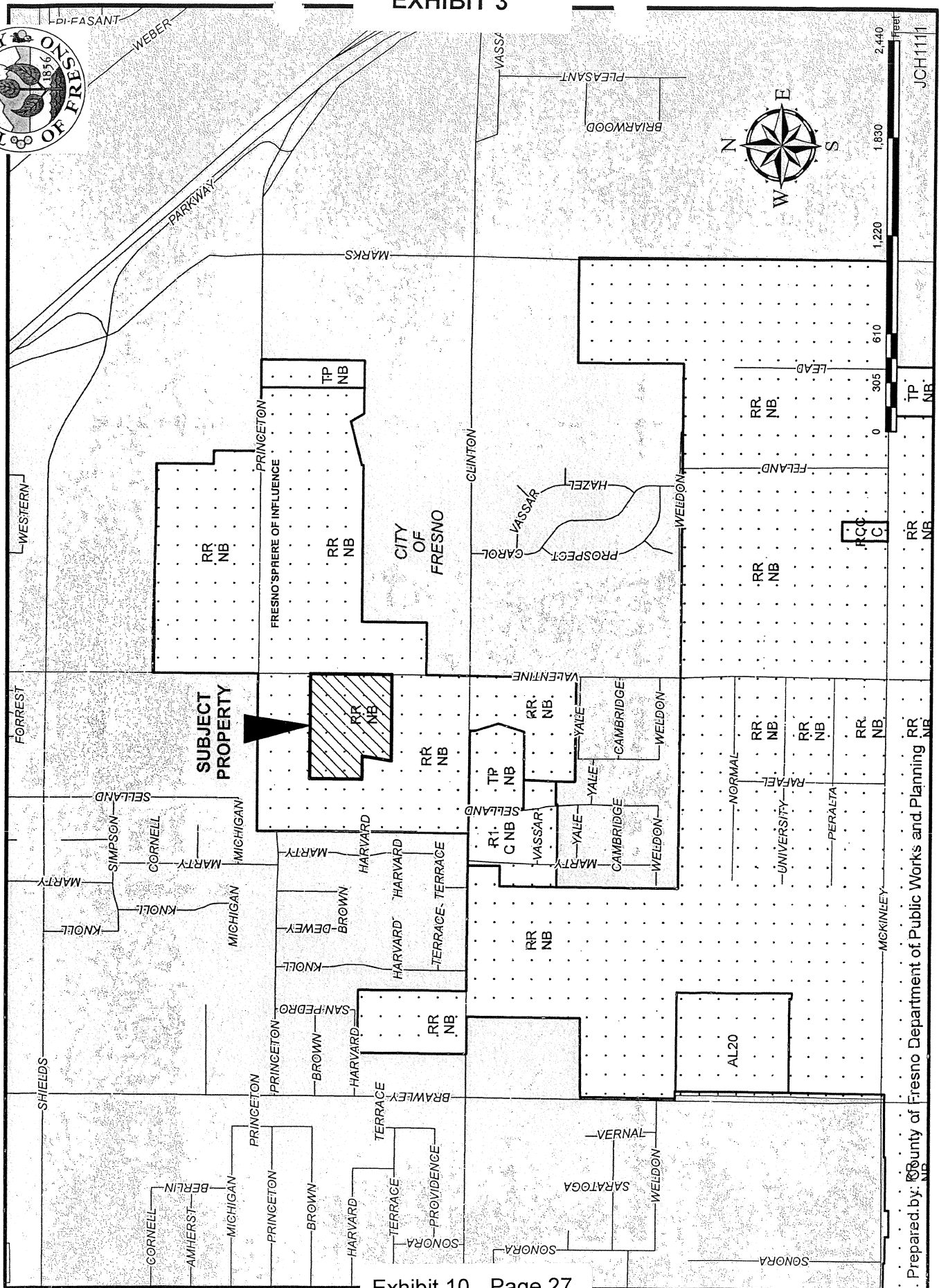
LOCATION MAP



Prepared by: County of Fresno Department of Public Works and Planning

EXISTING ZONING MAP

EXHIBIT 3



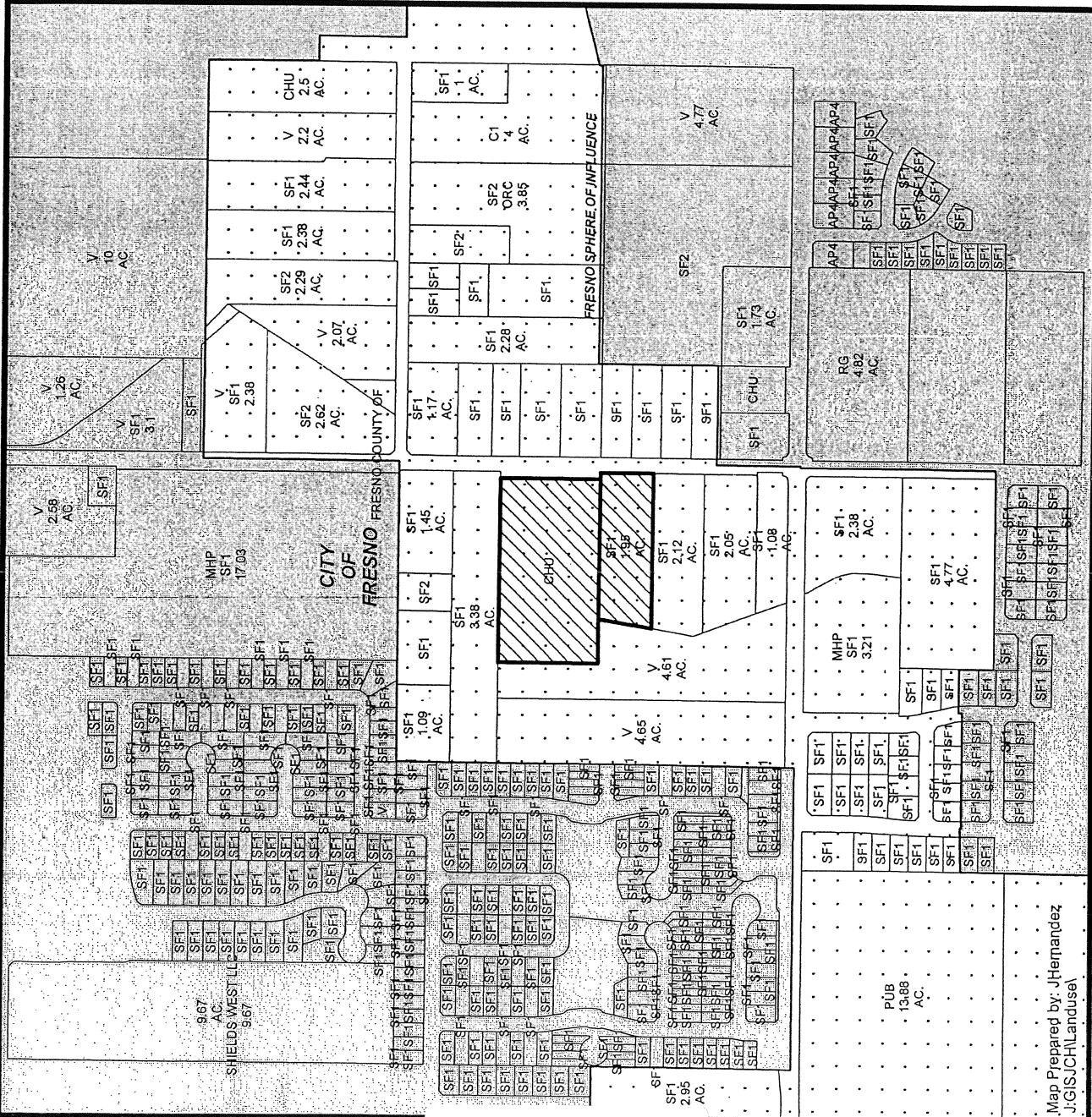
Prepared by: County of Fresno Department of Public Works and Planning

JCH1111



EXISTING LAND USE MAP

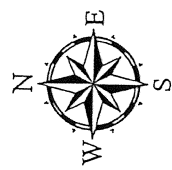
CUP 3302



LEGEND

ORC - ORCHARD
AP1 - APARTMENT
C# - COMMERCIAL
CHU - CHURCH
MHP - MOBILE HOME PARK
PUB - PUBLICLY OWNED
RG - RESIDENTIAL GROUP FA
SF# - SINGLE FAMILY RESIDE
V - VACANT

LEGEND:
 Subject Property



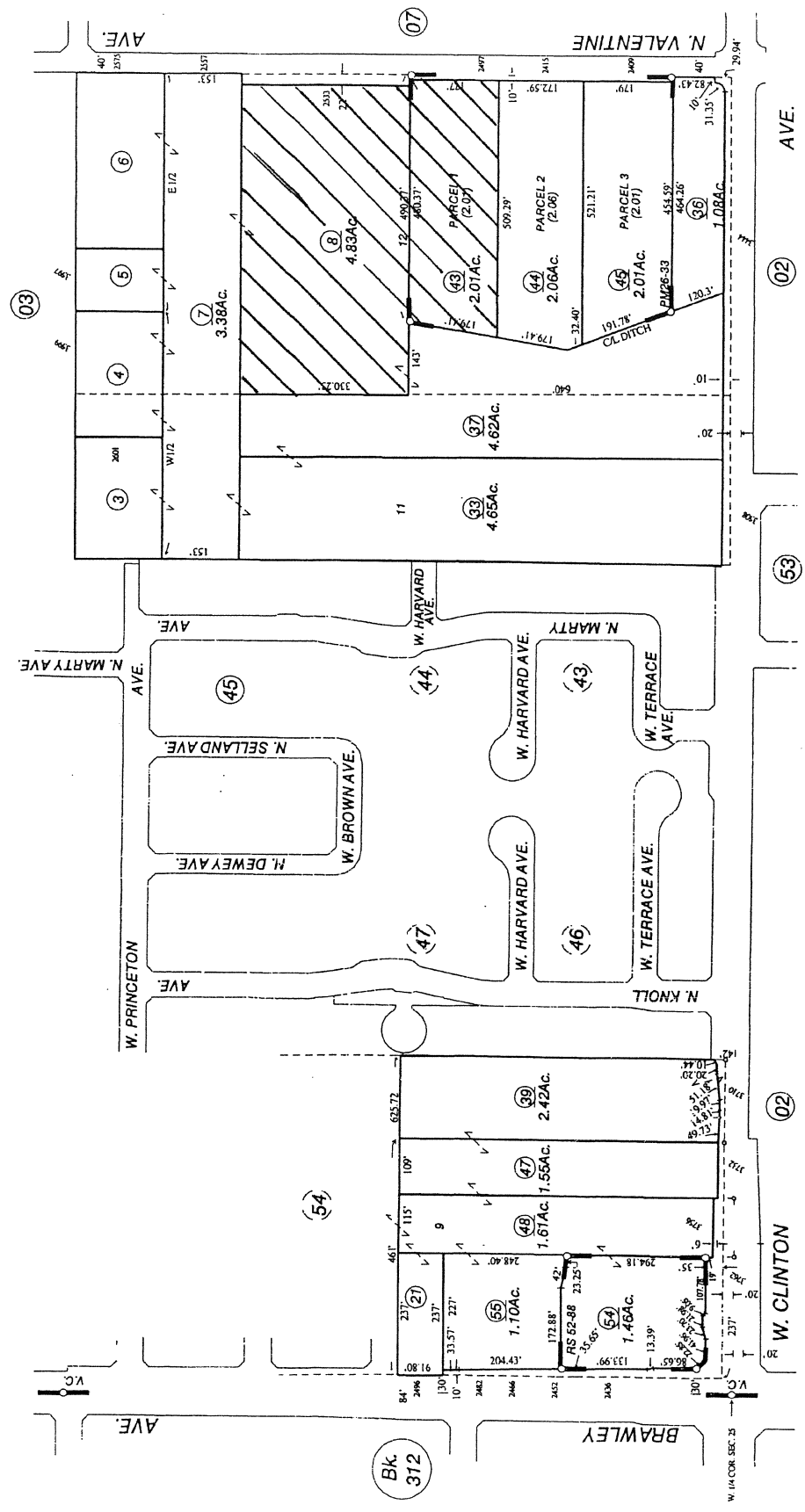
Department of Public Works and Planning
 Development Services Division

Map Prepared by: JHernandez
 J:GISJCHLAnduse

NOTE ...
This map is for Assessment purposes only.
It is not to be construed as portraying
legal ownership or divisions of land for
purposes of zoning or subdivision law.



EXHIBIT 5



Assessor's Map Bk. 442 - Pg. 06
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Parcel Map No. 3970 - Bk. 26, Pg. 33
Record of Survey - Bk. 52, Pg. 88
Victoria Colony - Plat Bk. 4, Pg. 61

03-13-2008

JAMES K. LEONG, ARCHITECT
 AND PLANNING
 4677 N. EL CAMINO
 FRESNO, CA 93722
 (559) 271-3223
 SUIT 207

FRESNO CAMBODIAN BUDDHIST SOCIETY
 2533 N. VALENTINE, FRESNO, CA 93722
 (559) 276-2901

EXHIBIT 9

SITE PLAN

DRAWN BY
 PA. TOVA WILIA
 SCALE
 1"=30'-0"
 DATE
 09/24/2011

SHEET #
 S-1

OWNER
 FRESNO CAMBODIAN BUDDHIST SOCIETY
 2533 N. VALENTINE
 FRESNO, CA 93722
 (559) 276-2901

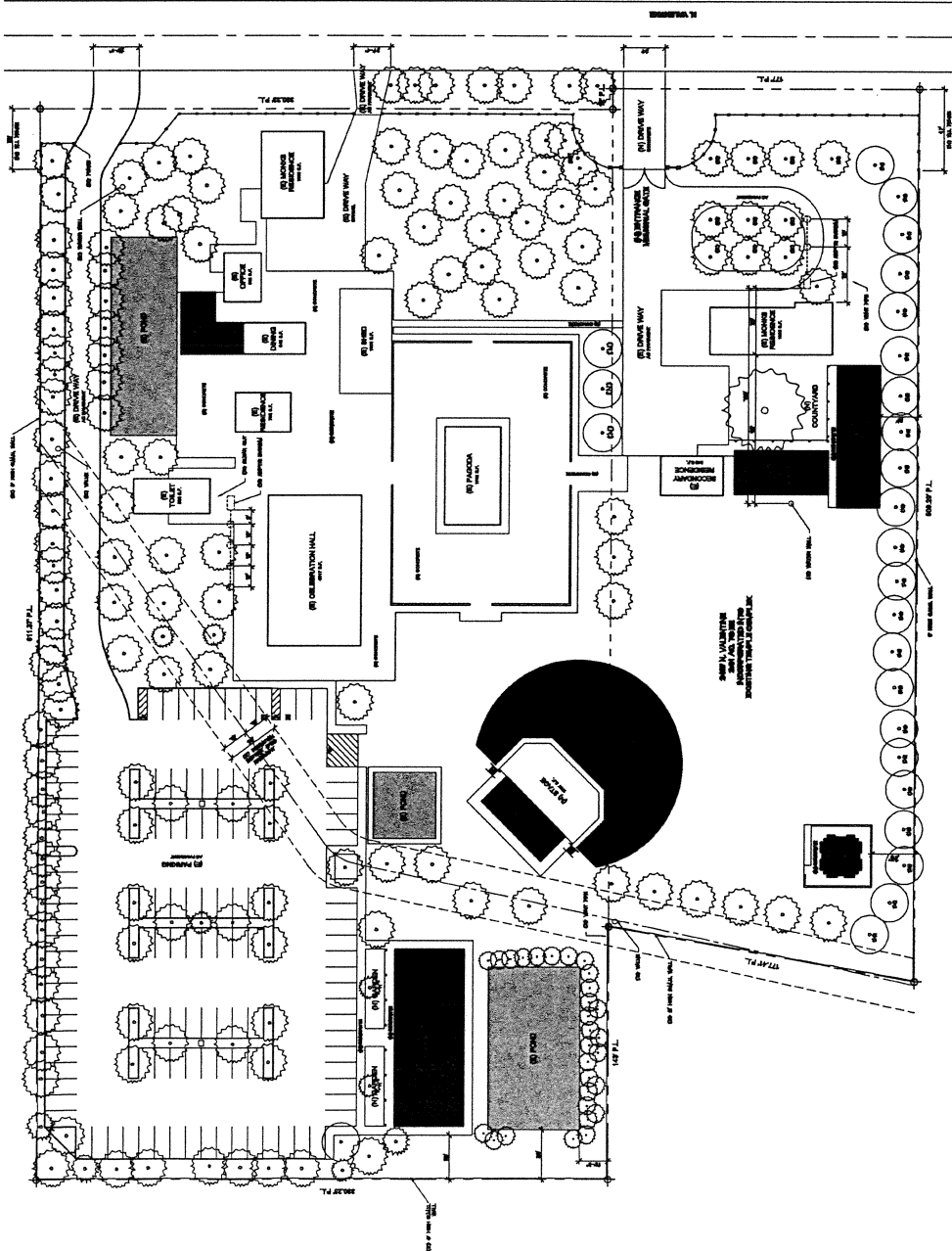
SITE AREA= 6.84 AC
 NEW BUILDINGS:
 PRAYER HALL - 4,000 S.F.
 OFFICE - 1,000 S.F.
 STAGE - 1,787 S.F.
 STRIKE - 508 S.F.
 KITCHEN - 888 S.F.

LEGEND

- (B) BUILDING
- (N) BUILDING & MONUMENT

SHEET INDEX:

- S-1 SITE PLAN, FLOOR PLAN AND ELEVATIONS
- A-1 PRAYER HALL FLOOR PLAN AND ELEVATIONS
- A-2 OFFICE FLOOR PLAN AND ELEVATIONS
- A-3 STAGE FLOOR PLAN AND ELEVATIONS
- A-4 STRIKE FLOOR PLAN AND ELEVATIONS
- A-5 KITCHEN FLOOR PLAN AND ELEVATIONS



SITE PLAN
 SCALE: 1"=30'-0"

Valentine Ave.

EXHIBIT 7



Scale: 1 3/4" = 150'

ARN: 442-060-07
Overflow Parking
for F.C.B.S.

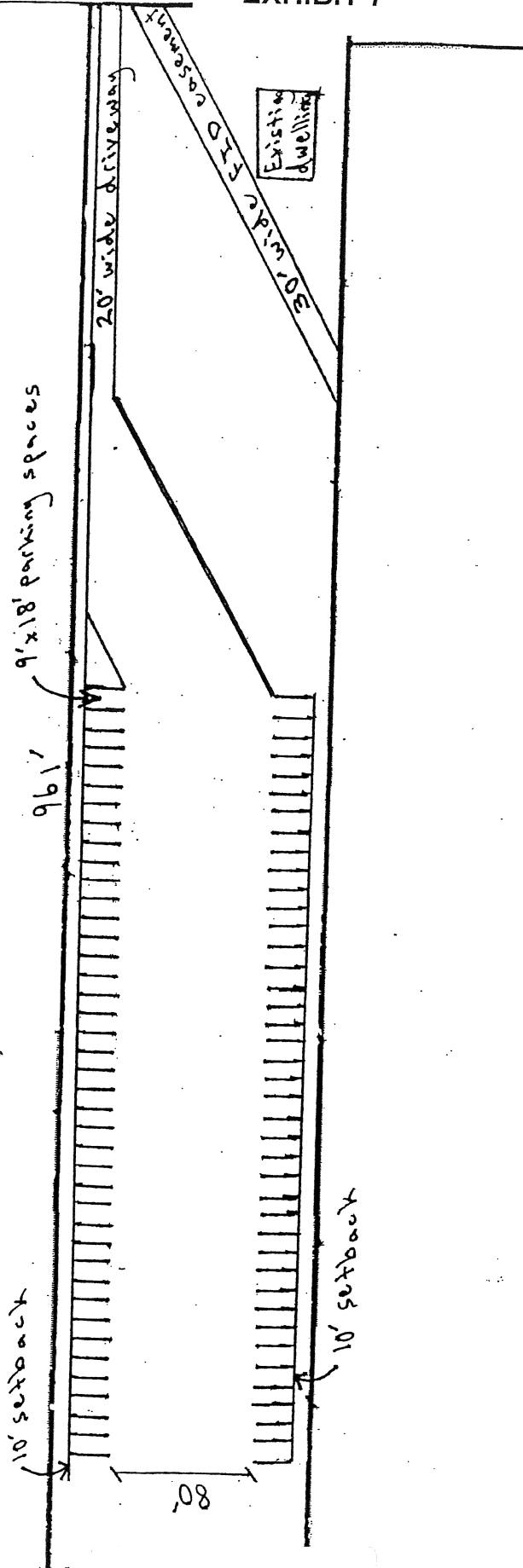
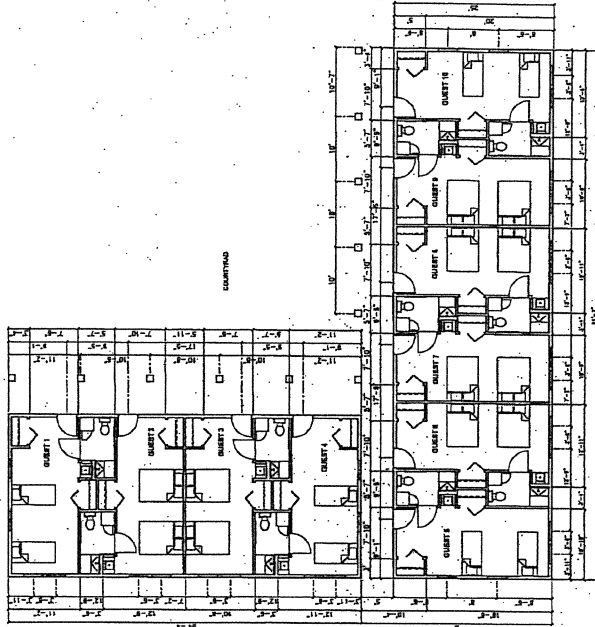


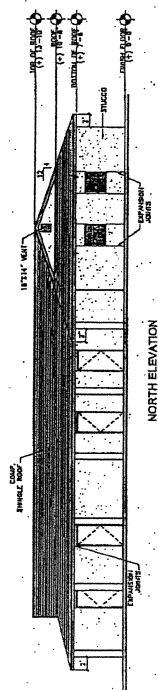
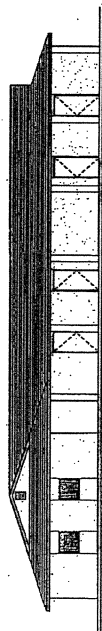
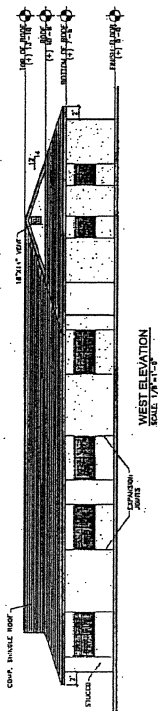
EXHIBIT 8

(559) 276-2901 FRESNO CAMBODIAN BUDDHIST SOCIETY 4570 N. VALENTINE, FRESNO, CA 93722		GUEST ROOMS FLOOR PLAN & ELEVATIONS	
DRAWN BY P. FOX 2004	SCALE 1/8"=1'-0"	DATE 8/9/00	SHEET # A-1
JAMES K. LEONG ARCHITECT AND PLANNING 4570 N. VALENTINE, FRESNO, CA 93722 (559) 271-3223			

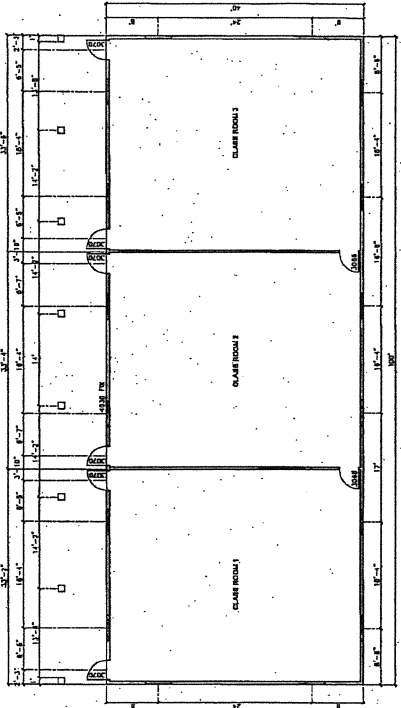


FLOOR PLAN
SCALE: 1/8"=1'-0"

GUEST ROOMS FLOOR PLAN & ELEVATIONS

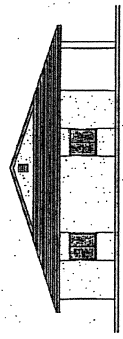


DRAWN BY PA FROM WORK SCALE 1/8"=1'-0" DATE 8/8/10 SHEET # A-2	PRAYER HALL FLOOR PLAN & ELEVATIONS	FRESNO CAMBODIAN BUDDHIST SOCIETY 2533 N. VALENTINE, FRESNO, CA 93722 (559) 276-2901	JAMES K. LEONG ARCHITECT AND PLANNING 4670 E. CAPTAIN SUIT 207 FRESNO, CA 93722 (559) 271-8223
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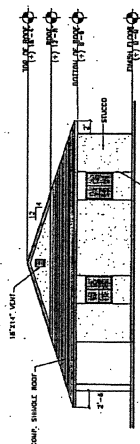


FLOOR PLAN
SCALE: 1/8"=1'-0"

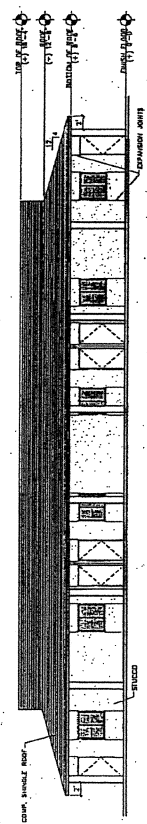
PRAYER HALL FLOOR PLAN & ELEVATIONS



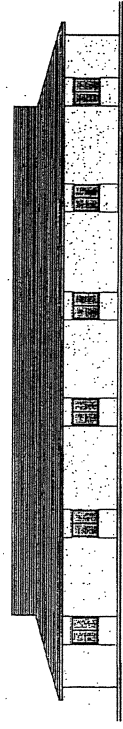
EAST ELEVATION
SCALE: 1/8"=1'-0"



WEST ELEVATION
SCALE: 1/8"=1'-0"



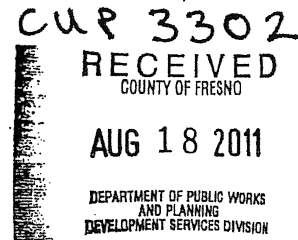
NORTH ELEVATION
SCALE: 1/8"=1'-0"



SOUTH ELEVATION
SCALE: 1/8"=1'-0"

EXHIBIT 9

JAMES K. LEONG, ARCHITECT
4670 N. EL CAPITAN, #207
FRESNO, CA 93722
PHONE/ FAX: (559) 271-3223
EMAIL: pafouamoua@aol.com



August 12, 2011 (Revised)

Operational Statement for the
Fresno Cambodian Buddhist society
2533 N. Valentine Fresno, CA

The Fresno Cambodian Buddhist Society of Fresno is currently operating a successful Buddhist temple serving the spiritual and social needs of its member. The temple as been in operation since 1988.

The current temple is built on 4.83 acres and has the following elements:

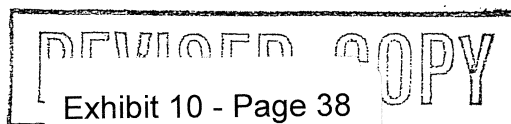
- a) Celebration hall for social gathering and prayer
- b) Pagoda: meditation
- c) Monk's residence
- d) Nun's residence
- e) Office
- f) Dining and kitchen
- g) Toilets
- h) Parking

The Cambodian Society has recently acquired the property to the south of the current site. This property is 2497 N. Valentine and is 2.01 acres in size. On this property is a main house of 1917 S.F. and a secondary house of 805 S.F. the rest is landscaped with trees and grass. The entire site except the north property line is fenced with a 6' high C.M.U. wall except the Valentine frontage which is chain link fencing. The chain link fencing will be replaced with a wrought iron gate and fencing to match the existing property to the north (2533).

In this proposal the Society is requesting the following additions to the existing facility:

- a) Expand the current kitchen and dining room (phase-2)
- b) A new prayer hall (future phase)
- c) A new stage and support facilities (future phase)

On the new site 2499 N. Valentine, the Society is requesting that this property be incorporated into the existing, (2533) as a part of the temple function. The additional property will allow for the following new elements to be developed to complete the needs of the temple. They are as follow:



- a) A new entrance facilities: (memorial gate) (phase-1)
- b) Guest rooms: these facilities will provide accommodations for visiting monks and nuns from abroad as well as other pilgrims from abroad (future phase)
- c) A new shrine: commemorative (future phase)
- d) Additional landscaping (phase-3)
- e) A new wrought iron fence to replace the existing chain link fence along N. Valentine (phase-1)

There will be no other employee other than the four monks and two nuns who will live on site and perform the task of caretakers.

No service or delivery to the site other than waste disposal at once a week.

The approach to the site is by way of N. Valentine.

The number parking spaces available for guest and staff and service is 120.

Food and crafts will be sold once a month for fund-raising.

No equipment will be used.

No supplies or materials will be used or store on site.

This use will not cause an unsightly appearance. We will increase the amount of landscaping to soften the effects of the new construction.

Currently the site is using septic systems and is disposed of 2 times a year. All other solid waste is contracted to a disposal firm for weekly pick ups.

The volume of water to be used on a daily is 400 gals per day. The water source is by well.

No on-site advertising to be used.

Both existing and new building will be used in this operation. Please see drawings for detailed descriptions of new buildings.

The proposed hours of operation will be 7am to 7pm everyday of the year. All hours of operation are indoors except those occasions during festivals which would be outdoor activities.

We anticipate the number of visitors per day to be 10-15 on average. There are no weekly services held at this temple; the monks say daily prayers at the noon-time meal when guest are invited to participate.

Outdoor lighting will be used at public spaces and parking areas. Sound amplification will be used during occasional outdoor events during the festival days. This will be limited to the hours

of 8:00am to 10:00pm in the evening.

We are requesting outdoor sound amplification as a part of this proposal. Sound amplification is for live music and speeches during festivals. There will be no more than four festivals at which outdoor sound amplification will be used.

Enclosed is a sound study by Brown-Buntin commissioned by the temple to address the concerns of noise as related to the above mentioned festivals. We will comply with the noise standards of Fresno County.

The following are the major festivals of the year:

- a) New Year: January (Western)*
- b) Lunar New Year: April*
- c) Vestments: August
- d) Buddha's birthday: March
- e) Buddha's enlightenment: July*
- f) Moon festival: November
- g) Donation: October*
- h) Buddha's stories: Spring
- i) Festival of the dead: September

* Outdoor sound amplification

New landscaping and new fencing will be added. Please see site plan for details.

End of operation statement.

James K. Leong
Architect



DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Fresno Cambodian Buddhist Society
- APPLICATION NOS.: Initial Study Application No. 6291 and Classified Conditional Use Permit Application No. 3302
- DESCRIPTION: Allow expansion of an existing religious facility sited on a 4.83-acre parcel by the incorporation of a southerly adjacent 2.01-acre parcel into said facility with the construction of a kitchen addition, prayer hall, outdoor stage facility with audience area, shrine, memorial gate, and two guest quarters buildings. Also proposed are changes to operation by allowing monthly sale of food and crafts, six additional festival event days, and the use of a northerly adjacent 3.38-acre parcel for overflow parking on festival event days. All parcels associated with this proposal are located in the RR(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District.
- LOCATION: The project site is located on the west side of Valentine Avenue, between Clinton and Princeton Avenues, easterly adjacent to the city limits of the City of Fresno (2533, 2497 and 2557 N. Valentine Avenue) (Sup. Dist.: 1) (APNos: 442-060-08, 442-060-43, 442-060-07).

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway; or
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The existing temple facility associated with this proposal is located on a 4.83-acre parcel (APN: 442-060-08; Address: 2533 N. Valentine Avenue), and was originally authorized by Classified Conditional Use Permit (CUP) No. 2383, modified by CUP No. 2445, and later expanded and

DEVELOPMENT SERVICES DIVISION

modified by CUP No. 2730. This proposal entails the incorporation of a southerly-adjacent 2.01-acre parcel (APN: 442-060-43; Address: 2497 N. Valentine Avenue) into the existing temple facility. The 2.01-acre parcel has been improved with a 1,983 square-foot dwelling unit, an 810 square-foot dwelling unit, septic system, water well, and paved driveway access from Valentine Avenue. Proposed improvements to be sited on the 2.01-acre parcel include a 2,029 square-foot guest quarters, a 1,358 square-foot guest quarters, a 376 square-foot shrine, and a 35-foot tall memorial gate.

The existing temple facility has been improved with a 4,617 square-foot celebration hall, a 1,792 square-foot pagoda, a 1,800 square-foot dwelling unit with paved driveway access from Valentine Avenue, a 720 square-foot dwelling unit, a 1,800 square-foot storage building, a 602 square-foot office building, a 648 square-foot dining hall with kitchen, an 880 square-foot restroom building, paved parking lot with 120 parking spaces and paved driveway access from Valentine Avenue, septic system, and water well. Proposed improvements to be sited on the 4.83-acre parcel include a 993 square-foot kitchen addition to the existing 648 square-foot dining hall, a 3,200 square-foot prayer hall, and a 2,772 square-foot outdoor stage facility with a 7,200 square-foot audience area.

There is an existing six-foot tall block wall along the perimeter of the project site, with the exception of the eastern boundary of the 4.83-acre parcel which has an existing six-foot tall wrought iron fence, and the eastern boundary of the 2.01-acre parcel which has an existing six-foot tall chain-link fence. This existing six-foot tall chain-link fence will be replaced with a six-foot tall wrought iron fence to match the eastern boundary of the 4.83-acre parcel.

Proposed operational changes being requested with this proposal include the selling of food and crafts once per month for fund-raising purposes, and the recognition of six annual festival days in addition to the three annual festival days identified in the previously-approved Conditional Use Permits authorizing the existing temple facility (nine total annual festival days). In regard to festival attendance, according to the Applicant's representative, there may be up to 1,500 people visiting the temple facility during the course of a festival day; however, there are no more than 500 people on-site at any given time during a festival day.

Another proposed operational change is a request to allow overflow parking for festival days on a northerly-adjacent 3.38-acre parcel (APN: 442-060-07; Address: 2557 N. Valentine Avenue). This request has been made in order to prevent festival attendees from parking their vehicles within the Valentine Avenue right-of-way. Further, this proposal also includes a request to utilize outdoor sound amplification equipment for live music and speeches from 8:00am until 10:00pm on four of the festival days which include New Year, Lunar New Year, Buddha's Enlightenment, and Donation (aka Ka).

The project site is located in a predominately residential area. There is existing landscaping along the perimeter of the project site, with the exception of the 3.38-acre parcel to be utilized for overflow parking during festival days, and the southern boundary of the 2.01-acre parcel. Considering that the need for overflow parking is limited to nine festival days per year, staff does not believe landscaping is needed for the 3.38-acre parcel. However, the Applicant will be required to provide additional landscaping along the southern boundary of the 2.01-acre parcel. This landscaping will be required as a Condition of Approval and the design of said landscaping shall be reviewed for approval during Site Plan Review which will also be included

as a Condition of Approval. Conditions of the Site Plan Review may include, but are not limited to: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

- D. Would the project 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:

This proposal will utilize additional outdoor lighting in open space areas at the existing facility, at the proposed outdoor stage and audience area, and at the existing parking lot. These outdoor lighting fixtures have the potential of generating new sources of light and glare in the area. Additionally, headlights on vehicles utilizing the proposed overflow parking area also have the potential of generating new sources of light and glare in the area. However, such impacts from the overflow parking area will be less than significant considering that the need for overflow parking is limited to nine festival days per year. Further, all outdoor lighting fixtures shall be required to be hooded and directed as to not shine towards adjacent properties and public streets. This requirement will be included in the following Mitigation Measure:

* **Mitigation Measure**

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

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of statewide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project site is not located on forest land, is classified as Urban and Built-Up Land on the Fresno County Important Farmland Map (2010), and is not under a Williamson Act contract. Further, this proposal entails the expansion and modification of an existing temple facility in the

RR(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District which is surrounded by residential land uses.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project isolate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the San Joaquin Valley Unified Air Pollution Control District (Air District) which commented that the project is expected to have a less than significant adverse impact on air quality. Although not subject to District Rule 9510 (Indirect Source Review), this proposal may be subject to the following District Rules: Regulation VIII (Fugitive Dust Rules), 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). Compliance with Air District Rules will reduce air quality impacts of the subject proposal to a less than significant level.

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project 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 Game (CDFG) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project 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; or
- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

- F. Would the project 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: LESS THAN SIGNIFICANT IMPACT:

The project site is located in an urbanized area marked by residential land uses, and has been previously disturbed as said property has been improved with a temple and related facilities. Further, neighboring properties have also been improved with single family residences and, therefore, have also been previously disturbed. This proposal was reviewed by the U.S. Fish and Wildlife Service (USFWS), which commented that said agency has no concerns with the project. This proposal was also referred to the California Department of Fish and Wildlife (CDFW), which did not identify any concerns with the project. 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 the CDFW or USFWS; 3.) Federally protected wetlands as defined by Section 404 of the Clean Water Act; and 4.) 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. This proposal will not conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is not located within proximity of any area designated to be highly sensitive for archeological resources. However, in the event that cultural resources are unearthed during ground disturbing activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition of the remains. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours. A Mitigation Measure reflecting

this requirement has been incorporated into the project. The Mitigation Measure will reduce potential impacts to cultural resources to a level of insignificance.

* **Mitigation Measure**

1. *In the event that cultural resources are unearthed during ground disturbing activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.*

VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:

1. Rupture of a known earthquake?
 - (a.) Strong seismic ground shaking?
 - (b.) Seismic-related ground failure, including liquefaction?
 - (c.) Landslides?

FINDING: NO IMPACT:

The project site is not located within a fault zone or area of known landslides.

- B. Would the project result in substantial erosion or loss of topsoil; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is for the most part flat and while changes in topography and erosion may result from grading activities associated with this proposal, it is not likely. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, an Engineered Grading and Drainage Plan demonstrating how additional storm water runoff generated by the project will be handled without adversely impacting adjacent properties shall be provided to said Section for review and approval. This requirement will be included as a Project Note and shall be reviewed for approval during Site Plan Review which will be included as a Condition of Approval. Conditions of the Site Plan Review may include, but are not limited to: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting. With adherence to these requirements, potential erosion impacts will be reduced to a level of insignificance.

- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or

- D. Would the project be located on expansive soils creating substantial risks to life or property; or

FINDING: NO IMPACT:

The project site is not located within an area of known risk of landslides, lateral spreading, subsidence, liquefaction, collapse, or within an area of known expansive soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The existing temple facilities and proposed expansion area are currently served by existing on-site sewage disposal systems and no additional on-site sewage disposal systems are proposed with this project. Further, this proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division, which expressed no concerns in regard to soils or wastewater disposal.

VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Unified Air Pollution Control District (Air District) has reviewed this proposal and expressed no concerns related to greenhouse gas emissions. Additionally, compliance with Air District Rules discussed in Section III of this analysis will reduce air quality impacts of the subject proposal to a less than significant level.

VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment; or
- C. Would the project emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of a school; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal entails the expansion and modification of an existing temple facility in an area of residential land uses. There is an adult school operated by the Central Unified School District located approximately one quarter of a mile northwest of the project site. However, this proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division, which expressed no concerns regarding hazardous materials.

- D. Would the project be located on a hazardous materials site; or

FINDING: NO IMPACT:

No hazardous materials sites were identified in the project analysis.

- E. Would a project be located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or

- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area; or

FINDING: NO IMPACT:

The project site is not located within an Airport Land Use Plan or in the vicinity of a public or private use airport.

- G. Impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan; or

FINDING: NO IMPACT:

This proposal will not impair the implementation of, or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan.

- H. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:

The project site is not located within a wildland area.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno Metropolitan Flood Control District (FMFCD), if construction associated with this proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity shall be required. Before construction begins, the Applicant shall submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP shall contain all items listed in Section A of the General Permit, including descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States. These requirements have been included as Project Notes.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the Water/Geology/and Natural Resources Section of the Fresno County Department of Public Works and Planning which expressed no concerns with the project as it relates to water quantity as the subject parcel is not located in a water short area.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off-site; or

FINDING: NO IMPACT:

No streams or rivers are located near the project site.

- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The majority of the project site has been previously graded or developed. Further, permanent improvements will not cause significant changes in absorption rates, drainage patterns and the rate and amount of surface run-off, with adherence to the Grading and Drainage Sections of the County Ordinance Code. According to the Fresno Metropolitan Flood Control District (FMFCD), due to the project site being located within FMFCD Drainage Area AL, project development will require payment of a \$4,135.00 drainage fee. This requirement will be included as a Project Note.

F. Would the project otherwise substantially degrade water quality; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Drinking Water Field Operations Branch of the California Department of Public Health, this proposal constitutes a public water system classified as a Transient Non-community Water System which requires permitting by said agency. The Applicant shall submit a permit application, technical report and application fee to the California Department of Public Health prior to construction of the proposed water system. As a public water system, the Applicant must be able to demonstrate adequate technical, managerial and financial capacity to operate and maintain the water system in compliance with all State and federal regulations. An assessment of the technical, managerial and financial capacity of the proposed water system shall be included with the permit application submitted to the California Department of Public Health. The Applicant shall also demonstrate to the California Department of Public Health that the well proposed to provide drinking water meets drinking water standards. These requirements will be included as Project Notes.

G. Would the project place housing within a 100-year floodplain; or

H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows; or

FINDING: NO IMPACT:

According to FEMA FIRM Panel 1565H, the project site is not subject to flooding from the 100-year storm.

I. Would the project expose persons or structures to levee or dam failure; or

J. Would the project inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The project site is not prone to seiche, tsunami or mudflow, nor is the project site exposed to potential levee or dam failure.

X. LAND USE AND PLANNING

A. Will the project physically divide an established community; or

FINDING: NO IMPACT:

This proposal will not physically divide a community. The project site is located in an area of residential land uses, easterly adjacent to the city limits of the City of Fresno.

B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is designated Rural Residential in the Fresno County-adopted Fresno High-Roeding Community Plan and is zoned RR(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay). Provisions for non-agricultural uses such as the proposed temple facility expansion in agricultural and rural residential areas have been provided for in the Fresno County Zoning Ordinance and General Plan. According to the Non-Agricultural Rural Development section of Fresno County's General Plan Agriculture and Land Use Element, Policies found in Section LU-A of the General Plan can be applicable to development proposals located in areas designated for Rural Residential land use. Policy LU-A.3 of the General Plan provides that churches, and by extension similar religious facilities, may be allowed by discretionary permit subject to a number of specific criteria. Criteria LU-A.3.a states that the use shall provide a needed service to the surrounding area which cannot be provided more effectively within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics. Criteria LU-A.3.c states that the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within a quarter mile radius. Criteria LU-A.3.g states that the evaluation for proposed churches under criteria LU-A.3.a shall include consideration of the size of the facility. Such facilities should be no larger than needed to serve the surrounding agricultural community.

With regard to Criteria "A" and Criteria "G", the existing temple facility is located on a 4.83-acre parcel (APN: 442-060-08; Address: 2533 N. Valentine Avenue), and was originally authorized by Classified Conditional Use Permit (CUP) No. 2383, modified by CUP No. 2445, and later expanded and modified by CUP No. 2730. This proposal entails the incorporation of a southerly adjacent 2.01-acre parcel (APN: 442-060-43; Address: 2497 N. Valentine Avenue) into the existing temple facility, and the use of a northerly adjacent 3.38-acre parcel (APN: 442-060-07; Address: 2557 N. Valentine Avenue) for overflow parking on festival days. With regard to Criteria "C", this proposal was reviewed by the Water/Geology/and Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the project as it relates to water quantity as the project site is not located in a water short area. Further, with adherence to the recommended Mitigation Measures, Conditions of Approval and Project Notes identified in this Initial Study, staff believes the proposal will not have a detrimental impact on the use or management of surrounding properties within the vicinity.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

This proposal will not conflict with any Land Use Plan or habitat or Natural Community Conservation Plan. No such Plans were identified in the project analysis.

XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or

- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

No mineral resource impacts were identified in the project analysis.

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise level; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels; or

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

This proposal includes a request to utilize outdoor sound amplification equipment for live music and speeches from 8:00am until 10:00pm on four of the festival days which include New Year, Lunar New Year, Buddha's Enlightenment, and Donation (aka Ka). The Applicant submitted an Acoustical Analysis for this proposal which was prepared by Brown-Buntin Associates, Inc. (BBA Report 09-037 ANCP). The Fresno County Department of Public Health, Environmental Health Division, reviewed the Acoustical Analysis and commented that mitigation is necessary in order to ensure that the use of outdoor sound amplification equipment will not violate the Fresno County Noise Ordinance. Further, the Noise Monitoring and Reporting Requirements identified in the Noise Control Plan described in the Conclusions and Recommendations section of the Acoustical Analysis shall also be required as a Mitigation Measure.

* **Mitigation Measures**

- 1. Complaints received by the Fresno County Department of Public Health, Environmental Health Division, as a result of noise generated during festivals will necessitate the applicant to retain a qualified acoustical consultant to be present during future events to determine whether a violation exists and/or provide necessary training and direction in maintaining noise levels in compliance with the Fresno County Noise Ordinance.*
- 2. Inability to maintain compliance with the Fresno County Noise Ordinance may result in a recommendation by the Fresno County Department of Public Health, Environmental Health Division, for the Department of Public Works and Planning to pursue revocation of the Conditional Use Permit.*

3. The following Noise Monitoring and Reporting Requirements shall be complied with for the utilization of outdoor sound amplification equipment:
- a. Instrumentation: The Fresno Cambodian Buddhist Society (FCBS) shall obtain a sound level meter that meets the requirements of the American National Standards Institute for Type 1 or Type 2 sound level meters (ANSI S1.4-1971). The sound level meter must be capable of measuring A-weighted sound levels at "slow" meter response and recording the maximum sound level (L_{max}) during noise sample periods. An appropriate acoustic calibrator shall also be obtained for use in field-checking the accuracy of the noise monitoring system. The sound meter, microphone and calibrator shall be certified by the manufacturer or an accredited laboratory that they are in compliance with applicable standards at the time of purchase and calibrated routinely as per the manufacturer's specifications. All records pertaining to calibration of the equipment shall be maintained on the premises and made available upon request.
 - b. Training: The FCBS staff that will be conducting noise monitoring during outdoor festivals (and any back-up staff) must receive "hands-on" training in the proper use of the noise monitoring equipment from a qualified acoustical consultant. The FCBS shall at all times maintain adequately trained staff for their festivals.
 - c. Reference Noise Monitoring Site: An appropriate reference noise monitoring site must be identified for conducting noise monitoring during outdoor festivals. The site must be easily identified and must be accessible during festival events. A proposed site has already been identified that is west of an existing water pressure system approximately 210 feet southeast of the center of the proposed outdoor stage structure.
 - d. Noise Standard: The recommended approach to determining compliance with the statistical standards of the noise ordinance consists of using noise measurement data collected by BBA during the outdoor festival on April 17, 2010 to identify a maximum sound level that should not be exceeded at the reference site to ensure compliance with the various statistical categories of the ordinance at the closest residences. The proposed maximum noise level standard takes into account the normal attenuation of sound from a point source (6 dB per doubling of distance), the observed relationship between measured L_{max} values and the other statistical categories of the noise ordinance (measured L_{max} was 19 dB higher than measured L_{50}), and minimal acoustic shielding (-5 dB) of the closest residences to the southeast and east due to existing sound walls or intervening buildings. Specifically, a maximum noise level standard of 72 dBA is recommended at the proposed reference noise monitoring site.
 - e. Noise Monitoring Schedule: Noise levels from amplified outdoor festivals should be monitored at the reference site immediately after the amplification system is put into operation and thereafter at 30 minute intervals during each outdoor festival. If it is determined during any of the measurements that the maximum sound levels produced by the amplification system are approaching or exceeding

72 dBA, the amplification system must be turned down until compliance with the 72 dBA standard is achieved at the reference site.

- f. Sound Amplification Systems: The FCBS must have control over the use and volume of any sound amplification systems to be used during outdoor festivals. This means that the FCBS must have the right to adjust amplification settings at any time prior to and during outdoor festivals. It is recommended that FCBS include language to this effect within contractual agreements made with performers as they will often provide their own amplification equipment.
- g. The FCBS shall complete a noise monitoring log that reports the time and date measurements were made and measured maximum noise levels during each sample for all festivals. The noise monitoring log should describe actions that were taken if measured noise levels were found to be in excess of 72 dBA (Noise Control Plan-Fresno Cambodian Buddhist Society 09-037ANCP, dated 8/15/11) at the reference noise monitoring site. The noise monitoring log should also report weather conditions at the time of the festival and when the sound level meter was last calibrated. The noise monitoring log should be available for inspection by Fresno County at any time.

- E. Would the project expose people to excessive noise levels associated with a location near an airport, or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

The project site is not located in the vicinity of an airport and is not impacted by airport noise.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Housing associated with this proposal is limited in scope to the construction of a 2,029 square-foot guest quarters with six bedrooms, and a 1,358 square-foot guest quarters with four bedrooms. These guest quarters will only be utilized by visiting monks and nuns, and pilgrims. Otherwise, this proposal will not result in a significant increase of housing, nor will it otherwise induce population growth.

XIV. PUBLIC SERVICES

A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered public facilities in the following areas:

1. Fire protection;

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the North Central Fire Protection District (Fire District), which identified the following requirements which will be included as Project Notes:

- a) two means of ingress/egress shall be provided;*
- b) all required fire access lanes shall be provided and maintained with an approved "all weather" surface capable of supporting 80,000 lb. vehicles;*
- c) provide an approved fire fighting water supply or fire sprinkler all proposed structures;*
- d) provide approved emergency vehicle drive access to within 150 feet of all building openings;*
- e) turns in private drives for fire apparatus access shall have minimum 44 foot centerline turn radius;*
- f) all driveways that are provided for common access and are required for Fire District access shall be constructed to a minimum unobstructed width of 20 feet;*
- g) driveways less than 28 feet wide shall be identified as fire lanes as provided in the California Vehicle Code, Section 22500.1 with curbs designated as fire lanes (red curb with "Fire Lane" in 3 inch white letters every 50 feet or approved signs every 50 feet);*
- h) provide signs (17" x 22" minimum) at all public entrance drives to the property which state "Warning – Vehicles stopped, parked or left standing in fire lanes will be immediately removed at owner's expense – 22658(a) California Vehicle Code – Fresno Police Department 621-2300.";*
- i) walking access is required to reach building openings within 150 feet of a paved surface designed for fire apparatus use, required walking access shall be designed to prevent sharp turns or obstacles that would hinder the carrying of ground ladders and other hand-held equipment, gates shall be a minimum of 4 feet in width if they are used in the walking access path;*
- j) provide approved Police/Fire bypass lock on drive access gates;*
- k) the entire width of a required access way shall remain unobstructed to a vertical height of 13 feet, six inches;*
- l) a minimum 20-foot clear opening in vehicle gates is required for emergency vehicle access;*
- m) any pedestrian gate shall remain unlocked or be provided with Police/Fire bypass locks.*

2. Police protection;

3. Schools;

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

No impacts on the provision of other services were identified in the project analysis.

XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demands measures; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal entails expansion and modification of an existing temple facility sited on a 4.83-acre parcel (APN: 442-060-08; Address: 2533 N. Valentine Avenue) which includes proposed improvements on said 4.83-acre parcel and a southerly adjacent 2.01-acre parcel (APN: 442-060-43; Address: 2497 N. Valentine Avenue), and operational changes including, but not limited to overflow parking for festival days on a 3.38-acre parcel (APN: 442-060-07; Address: 2557 N. Valentine Avenue) which is northerly adjacent to the subject 4.83-acre parcel.

Proposed improvements to be sited on the 4.83-acre parcel include a 993 square-foot kitchen addition to an existing 648 square-foot dining hall, a 3,200 square-foot prayer hall, and a 2,772 square-foot stage facility with a 7,200 square-foot audience area. Proposed improvements to be sited on the 2.01-acre parcel include a 2,029 square-foot guest quarters, a 1,358 square-foot guest quarters, and a 376 square-foot shrine.

With regard to the proposed operational change to allow overflow parking for festival days on the 3.38-acre parcel, the Applicant proposes to provide 80 parking spaces on said property in order to prevent festival attendees from parking vehicles within the Valentine Avenue right-of-way. According to the Applicant's representative, there may be up to 1,500 people visiting the temple facility during the course of a festival day; however, there are no more than 500 people on-site at any given time during a festival day. Considering that the County Zoning Ordinance does not have standards addressing overflow parking requirements for festivals, and that the existing temple facility sited on the 4.83-acre parcel has 120 existing parking spaces, staff believes that the amount of overflow parking proposed by the Applicant will be adequate to

accommodate visitors on festival days. Further, as the Applicant secured a two-year lease for the use of the 3.38-acre parcel that became effective on December 1, 2013, and which will be renewed annually, the following Condition of Approval shall be included to help ensure that a valid lease agreement is in place at all times:

Overflow parking for the nine annual festival days authorized for the subject temple facility shall be provided on the 3.38-acre parcel identified as APN 442-060-07 which is northerly adjacent to the temple facility property. There shall be a valid lease agreement maintained at all times between the operator of the temple facility and the owner(s) of the 3.38-acre parcel identified as APN 442-060-07.

Should a valid lease agreement not be in place at the time of an annual festival day authorized for the temple facility, said festival may not occur.

Should an annual festival authorized for the temple facility occur without a valid lease agreement between the operator of the temple facility and the owner(s) of the 3.38-acre parcel identified as APN 442-060-07, no further annual festivals authorized for the temple facility may occur until evidence is provided to the Fresno County Department of Public Works and Planning that a valid lease agreement is in place between the operator of the temple facility and the owner(s) of the 3.38-acre parcel identified as APN 442-060-07.

Further, should an annual festival authorized for the temple facility occur without a valid lease agreement between the operator of the temple facility and the owner(s) of the 3.38-acre parcel identified as APN 442-060-07, the Fresno County Department of Public Works and Planning may commence procedures necessary for the revocation of the land use permits authorizing the subject temple facility.

Other proposed operational changes being requested with this proposal include the selling of food and crafts once per month for fund-raising purposes, the recognition of six annual festival days in addition to the three annual festival days identified in the previously-approved Conditional Use Permits authorizing the existing religious facility, and authorization to utilize outdoor sound amplification equipment for live music and speeches from 8:00am until 10:00pm on four of the festival days which include New Year, Lunar New Year, Buddha's Enlightenment, and Donation (aka Ka).

Based on operations as reviewed by the Design Division of the Fresno County Department of Public Works and Planning, it was determined that a Traffic Impact Study (TIS) is not necessary for this proposal as the expansion project will not increase the level of traffic in the area beyond existing levels. Further, staff notes that preparation of a TIS was not required for the previously-approved Conditional Use Permits authorizing the existing temple facility.

C. Would the project result in a change in air traffic patterns; or

FINDING: NO IMPACT:

This proposal will not result in a change in air traffic patterns.

- D. Would the project substantially increase traffic hazards due to design features; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which expressed no concerns with the project. According to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, an Encroachment Permit shall be required for all improvements within the County right-of-way. This requirement will be included as a Project Note.

- E. Would the project result in inadequate emergency access; or

- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or

- B. Would the project require construction of or the expansion of a new water or wastewater treatment facilities; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils.

- C. Would the project require or result in the construction or expansion of new stormwater drainage facilities; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.B Geology and Soils.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX.B Hydrology and Water Quality.

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils.

- F. Would the project be served by a landfill with sufficient permitted capacity; or
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to 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, 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 prehistory or history; or

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Pursuant to discussion in Section IV Biological Resources, no such impacts on biological resources were identified in the project analysis. Construction of the project may impact cultural resources. The included Mitigation Measure in Section V. A. B. C. D. will minimize such impacts to less than significant.

- B. Does the project have impacts that are individually limited, but cumulatively considerable; or

FINDING: NO IMPACT:

No cumulatively considerable impacts were identified in the project analysis.

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No substantial adverse impacts on human beings were identified in the project analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3302, 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 agricultural and forestry resources, mineral resources, population and housing, and recreation.

Potential impacts related to air quality, biological resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, transportation and traffic, and utilities and service systems have been determined to be less than significant. Potential impacts relating to aesthetics, cultural resources, and noise 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 southeast corner of Tulare and "M" Street, Fresno, California.

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EXHIBIT 11

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Agenda Item

DATE: April 9, 1996

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 11095 - CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2730, ENVIRONMENTAL ASSESSMENT NO. 4212

APPLICANT: Fresno Cambodian Buddhist Society

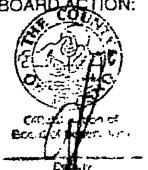
REQUEST: Allow expansion and modification of an existing religious facility in the R-R (Rural Residential, two-acre minimum parcel size) District including enlargement of a proposed pagoda building with reduced setbacks and a 57.5-foot high architectural feature, and allow an increase in the number of people attending major celebrations.

LOCATION: On the west side of N. Valentine Avenue between W. Clinton and W. Shields Avenues. (2533 N. Valentine Avenue) (SUP. DIST. :1) (APN 442-060-08)

PLANNING COMMISSION ACTION:

At its hearing of March 7, 1996, the Commission considered the Staff Report and testimony (summarized on Exhibit "A"),

ADMINISTRATIVE OFFICE REVIEW Jim Kim-Davies Page 1 of 2
 BOARD ACTION: DATE April 9, 1996 APPROVED AS RECOMMENDED OTHER X



UPHELD APPEAL; ADOPTED FINDINGS AND APPROVED NEGATIVE DECLARATION AND CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2730 WITH CONDITIONS AS NOTED IN STAFF REPORT AND WITH ADDITIONAL CONDITION THAT SETBACK BE 60 FEET FROM SOUTH PROPERTY LINE; AND FURTHER DETERMINED THAT FINDING NO. 3 COULD BE MADE BASED ON INFORMATION IN STAFF REPORT AND TESTIMONY PRESENTED.

UNANIMOUS X KOLIGIAN _____ LEVY _____ OKEN _____ PERCH _____ VAGIM _____

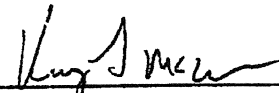
determined that Finding 3 could not be made based on the testimony provided, and denied without prejudice Classified Conditional Use Permit Application No. 2730.

VOTING: Yes: Commissioners Laub, Campbell, Abrahamian, Albertson, Cucuk, Eaton, Molen, Keep

No: None

Absent: Commissioner Wilcox

RICHARD D. WELTON, Director
Public Works & Development Services Department
Secretary-Fresno County Planning Commission

By 
Kerry L. McCants, Manager
Development Services Division

NOTES: 1. The Planning Commission action is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

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COUNTY OF FRESNO
PUBLIC WORKS & DEVELOPMENT SERVICES DEPT

APR 22 1996

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EXHIBIT "A"

Staff: The Fresno County Planning Commission considered the Staff Report, dated March 7, 1996 and accepted a staff presentation summarizing the issues discussed in Finding 3 of the Staff Report. Staff distributed photographs of the property submitted by a neighboring property owner.

Applicant: The applicant's representatives presented information in support of the project as summarized below:

- In 1989, the original conditional use permit was approved to allow a 1,700 square-foot pagoda with a total height of 57 feet and a setback of 60 feet from the south property line. The pagoda as currently proposed would be similar in size (1,654 square feet) to this original approval, with a 30-foot setback from the south property line.
- In May 1995, there was a funeral held on-site for a famous Buddhist monk. This was a "one-time" event which was attended by people from all over the country and will not happen again on the property. Since then, there have been no special celebrations held on-site which have exceeded the allowed attendance limit.
- We have learned how to better manage our use of the property so that parking will not be a problem.
- Noise generated by our use of the property will be substantially reduced when the pagoda is built because many activities will be held inside.

- We believe the site is adequate to accommodate "overflow" parking area. Normal weekend activity results in only 15-20 cars coming to the site on each day.
- The subject property is our primary place of worship. We would prefer not to use off-site, larger facilities for our special celebrations. These celebrations can be accommodated on-site because the Cambodian population in this area is small.
- Normally 25-30 people come to the site on weekends. There are only three special celebrations per year.
- During special celebrations, we sometimes have people attend from as far away as Bakersfield and Stockton.
- We did not expect so many people to attend the funeral in May 1995. We apologize for the amount of traffic that event generated.
- We have 300 members that belong to our church. This number does not include children, who only attend worship activities occasionally. Of these 300 members, an average of only 30 attend on any given day.

Others:

One person presented testimony in opposition to the project as summarized below:

- I am the Chairperson of the West Area Committee and live near the facility. The Committee has a number of concerns with regard to the proposed expansion.
- The proposed 30-foot setback of the 57-foot high pagoda building is too close to the south property line.

- "Overflow" parking situations occur frequently during celebrations currently held on-site.
- Loudspeakers are used at all functions held on-site.
- We have concerns with regard to the adequacy of the existing restrooms on-site to accommodate the number of people that attend the special celebrations.
- The Sheriff's Department has been contacted regarding parking violations and use of loudspeakers during the celebrations, but no formal complaint has been filed.
- The applicant has not held a large celebration at the facility since May 1995.
- The celebration hall has been used as living quarters.
- The existing landscaping on the property is not sufficient to effectively buffer the use from neighboring properties.

Correspondence: A total of 12 letters and two signed petitions were received from neighboring property owners and others in opposition to the project.

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EXHIBIT "A"

CONDITIONS OF APPROVAL

Classified Conditional Use Permit Application No. 2383

1. Development and operation shall be in conformance with the operational statement and site plans approved by the commission.
2. A Site Plan Review shall be submitted to and approved by the Director of the Public Works & Development Services Department in accordance with the provisions of Section 874 of the Fresno County Zoning Ordinance. The Site Plan Review shall be submitted within 30 days of approval of this Conditional Use Permit. Requirements to be addressed under the Site Plan Review shall include, but not be limited to, dedication of right-of-way, parking and circulation, grading and drainage, fire protection, and landscaping. Requirements of the Site Plan Review shall be completed within 90 days of approval of the Site Plan Review.
3. A landscaping plan shall be submitted as part of the Site Plan Review.
4. The following shall be completed within 90 days of approval of the Site Plan Review: required paved parking, the proposed wall, the proposed fence and landscaping.
5. The existing pole structure shall be removed and all necessary corrective work shall be completed on all other existing buildings by January 1, 1991, except that health or safety hazards must be corrected within 90 days of the effective date of this Conditional Use Permit.
6. The proposed celebration hall must be completed within two years of approval of this Conditional Use Permit.
7. All existing buildings authorized under this Conditional Use Permit shall be painted or otherwise treated with a color compatible with the two proposed structures within 90 days of approval of the Site Plan Review.
8. Use of any outdoor public address system shall be prohibited.

9. No on-street parking shall be allowed on Valentine Avenue. Signs shall be posted in the right-of-way adjacent to the subject parcel prohibiting such parking.

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Public Works & Development Services Department
Richard D. Walker
Director

AGENDA ITEM NO. 3
STAFF REPORT
TO
THE FRESNO COUNTY PLANNING COMMISSION
Classified Conditional Use Permit Application No. 2730
Environmental Assessment No. 4212
March 7, 1996

Applicant: Fresno Cambodian Buddhist Society
Accepted On: December 1, 1995
Request: Allow expansion of an existing religious facility including the expansion of a proposed pagoda building with a 57'5" foot high architectural feature, and allow an increase in the number of people attending major celebrations.
Location: On the west side of N. Valentine Avenue between W. Clinton and W. Shields Avenues (2533 N. Valentine Avenue)
Present Zoning: R-R (Rural Residential, two-acre minimum parcel size) District

A. Area, Existing Land Use, Surrounding Zoning, and Public Noticing

1. Approximate Area: 4.83 acres
2. Use of Subject Property: Religious facility, residences
3. Use of Surrounding Area: Residences, vacant
4. Surrounding Zoning: R-R

5. City Limits: The nearest boundary of the City of Fresno is located approximately 200 feet north of the subject property.

6. Noticing: Notices were sent to 121 property owners within 600 feet of the subject property.

B. Background

In May 1989, the Fresno County Planning Commission approved Classified Conditional Use Permit Application No. 2383 which allowed a church and related facilities on the subject parcel and also Variance Application No. 3200 which authorized modification of certain property development standards related to building and fencing height, fence and gate setbacks, and front yard landscaping. The Commission's decision was appealed by neighboring property owners to the Board of Supervisors.

In July 1989, the Board approved the project with a number of conditions. These conditions included a prohibition of any outdoor public address system, a prohibition of on-street parking along Valentine Avenue, limitations on the height of the pagoda building to 47 feet (with an additional ten feet of height allowed for an architectural feature), a construction time schedule for completing certain property improvements, and a requirement for a Site Plan Review application.

Approximately one year later, the applicant filed Classified Conditional Use Permit Application No. 2445 to amend the conditions of the previously approved conditional use permit to modify construction time schedules and allow modifications to previously approved buildings. The Planning Commission approved one element of the request related to time schedules and approved the applicant's proposal to reduce the size of the proposed celebration hall from 6,000 square feet to 4,558 square feet and the size of the pagoda from 1,716 square feet to 920 square feet.

The applicant subsequently exercised the Conditional Use Permit by constructing the celebration hall on the property but as of this date has not constructed the pagoda. In

establishing the use on the property, the applicant has met all requirements of the Site Plan Review Application required by the original Conditional Use Permit.

In May 1995, the Public Works & Development Services Department received a complaint that the number of people and vehicles at celebration meetings held on the property exceeded the number allowed by the approved Conditional Use Permit. A letter was sent to the applicant, noting that a complaint had been filed and requesting that they contact the Department. The applicant contacted the Department and acknowledged that an event had been held at the facility with more people and vehicles than permitted by the conditional use permit. Other than the initial complaint, the Department has received no additional complaints regarding the use on the property.

The applicant subsequently filed the current application to allow the expansion and design modification of the proposed pagoda building from the currently approved 920 square feet to 1,654 square feet, to allow the height of the pagoda to be increased from the currently approved 47 feet (with an additional ten feet allowed for an architectural feature) to a total height of 57.5 feet including the architectural feature, and allow the pagoda to be located 30 feet from the south property line instead of the originally approved 60 foot setback from that property line. The applicant also requests a modification in the number of special celebrations to be held on site from the currently approved 5-6 per year to 3 per year and allow up to 300 people to attend each of these events along with up to 100 vehicles as compared to the currently approved 100 people and 50 vehicles attending each of these events.

C. Operational Statement

The operational statement and addendum submitted by the applicant is included as Attachment "A".

D. Site Plan

The site plan submitted by the applicant shows the following major features:

1. The subject 4.83-acre parcel located on the west side of N. Valentine Avenue.
2. Existing improvements associated with the use including a 4,558 square-foot celebration hall; two residences with a driveway from N. Valentine Avenue; a kitchen and dining room facility; an office building; a restroom building; and a garden area.
3. A single driveway providing access from N. Valentine Avenue to the parking lot on the property located approximately 30 feet from the north property line.
4. Existing parking area providing a total of 122 off-street parking spaces located in the northwest portion of the property.
5. The proposed pagoda building, 1,654 square feet in size, located 30 feet from the south property line and 200 feet from N. Valentine Avenue.
6. An elevation drawing of the proposed pagoda building, indicating a total height of 57.5 feet.
7. A revised site plan indicating "overflow" parking area available on the subject property.

E. Environmental Analysis

An Environmental Assessment/Initial Study (EA) was prepared for the project under the provisions of the California Environmental Quality Act. Based on this assessment, the Environmental Analysis Staff has concluded that preparation of an Environmental Impact Report is not required.

A Notice of Intent of Negative Declaration was published on February 16, 1996. Staff recommends that the decision-making body approve the Negative Declaration. A discussion of the potential environmental impacts identified in the EA is contained in Attachment "B".

F. Staff Analysis/Recommended Findings of Fact

Finding 1: Adequacy of Size and Shape of Subject Parcel

The existing religious facility, including the celebration hall, restrooms, residences, and office, is located on a 4.83-acre parcel. The proposed pagoda building, 1,654 square feet in size, will be located in the south central portion of the property, 30 feet from the south property line and 200 feet from N. Valentine Avenue. The location of the proposed pagoda building meets the setback requirements of the R-P Zone District.

County parking standards for church uses require that one parking space be provided for every five permanent seats or one space for every forty square feet of area within the main auditorium or meeting hall, whichever provides the greater number of spaces. In this case, the celebration hall was used to determine the number of parking spaces required for the originally approved use. Based on the size of the celebration hall (4,558 square feet) and since it has no fixed seating, it was determined that a total of 114 parking spaces were required for the use. The site plan submitted indicates that 122 parking spaces are provided for the current use. The design of the existing on-site parking area was reviewed and approved through the Site Plan Review required by the originally approved conditional use permit.

The current application does not modify the size of the celebration hall. The applicant, however, is requesting approval of a modified operational statement describing a maximum attendance of 300 people using 100 vehicles at certain events, as opposed to the previous limit of 100 people using 50 vehicles. Based on the above-referenced County parking standards, a 122 space parking lot should be adequate to accommodate attendance of up to 300 people. However, as discussed in Finding 3, the existing parking for this use has apparently not been adequate at all times.

Some undeveloped area is available on the property to accommodate additional parking facilities. The applicant has submitted a revised site plan depicting 100 additional "overflow" parking spaces in various undeveloped areas of the subject property. The revised site plan does not indicate the boundaries of the "overflow" parking area; therefore, staff is unable to determine whether the areas indicated can actually accommodate an additional 100 cars. Also, it should be noted that access to some of the proposed "overflow" areas would require vehicles crossing the existing asphalt concrete swale which provides drainage from the parking lot to the on-site ponding basin. Vehicular traffic could damage the swale and disrupt drainage to the ponding basin. The swale, which is not shown on the applicant's site plan, is located approximately 50 feet west of the celebration hall. This constraint would substantially limit the applicant's proposed "overflow" parking area in the southwest portion of the site. If the Commission determines that the additional "overflow" parking area is needed, staff recommends a condition be imposed requiring the applicant to submit a revised site plan to the Public Works & Development Services Department, providing adequate detail of the location and boundaries of the "overflow" parking area.

Provided that the number of additional required parking spaces can be accommodated on-site, the subject 4.83-acre parcel would be considered adequate to accommodate the use.

Finding 2. Adequacy of Streets and Highways

Access to the subject property is provided by N. Valentine Avenue, which is classified as a collector on the Transportation Element of the Fresno County General Plan. At this location, Valentine Avenue has an Average Daily Traffic Count (ADT) of 900 and a pavement width of 24 feet that is in very good condition. In order to meet the collector road status, an additional 22 feet of right-of-way was required to be dedicated to the County by the applicant through the site plan review required for the original conditional use permit.

With this application, the applicant is not proposing any changes to the normal daily operations of the facility. Worship activities at the facility on weekends will continue to generate 15 - 20 cars per day and weekdays will generate approximately 5 - 10 cars per day. According to the operational statement, the three special celebrations held on-site will be attended by up to 300 people with a total of 100 vehicles. Based on the limited frequency of these special celebrations and the existing condition of the road, staff believes that N. Valentine Avenue will continue to be adequate to serve the use.

Finding 3: Adverse Effects on Surrounding Properties

The subject property is located within a rural residential area. Parcels to the north, south, and across N. Valentine Avenue to the east are approximately one to three acres in size and developed with residences. To the west is a 4.52-acre and a 4.65-acre parcel that are both vacant. Residential development at urban densities within the City of Fresno abuts to the west of these vacant parcels.

The existing facilities on the subject property consist of a 4,558 square foot celebration hall, a restroom building, two residences, a kitchen and dining facility, and an office. Through the previously approved conditional use permits, a 920 square foot pagoda building was approved with a building height of 47 feet with an additional ten feet of height allowed for an architectural feature and a 60 foot setback to the south property line. As of this date, the pagoda building has not been constructed on the property.

The existing permitted use on the property allows for devotional and residential activities. According to the operational statement, three to five monks live permanently on-site in the residences along with two to three female assistants, known as "Daun Chi", and occasional visitors from out of town. Normal worship activity on the property consists of ten to thirty persons coming to the site daily for prayer and meditation. The number of vehicles associated with this activity is from 5 - 10 cars on weekdays and 15 - 20 cars per day during the weekends. People arrive on the property to worship between the hours

of 9:00 am and 5:00 pm. Worship takes place primarily in the celebration hall, the residences, and the garden. The applicant is not proposing any changes to the normal daily worship activities previously approved with this application.

Under the current permit, the applicant is also permitted to conduct five to six celebration meetings per year on the property. These celebrations, as described in the existing operational statement, begin around 9:00 am on Saturday or Sunday and end between 2:00 pm and 5:00 pm the same day. Up to 100 people together with 50 cars are authorized to attend these special celebrations. These celebrations involve meditation and praying. Radios, televisions, and loud music are not allowed on-site.

As part of the current application, the applicant is proposing to modify the special celebrations held on-site to allow a total of three celebrations per year, with each celebration to be attended by a maximum of 300 people and a total of 100 cars. Related to this request, the applicant is also proposing "overflow" parking at various locations on the property.

The applicant is also requesting that the proposed pagoda be allowed to have an area of 1,654 square feet, as compared to the currently approved 920 square feet, and a height of 57.5 feet. The applicant also proposes to move the pagoda building to a location 30 feet from the south property line, as opposed to the 60 foot setback from that property line approved under the original conditional use permit.

During the hearings on the previous applications, concerns were raised regarding the amount of parking available for the use and noise that would be created by activities held on-site. As noted in the Background section, a complaint was filed in May 1995 with the Public Works & Development Services Department indicating that the number of people and vehicles at celebration meetings held on the property exceeded the number allowed by the approved Conditional Use Permit. The City of Fresno Development Department has reviewed the project and indicates that the existing use on the property has been the the subject of repeated complaints

including overflow parking that obstructs Valentine Avenue and extends to neighboring residential lots, assemblages of people far in excess of the number of people stated on the operational statement, with attendant littering and apparent lack of restrooms, and repeated use of outdoor loudspeakers broadcasting music. The history of apparent problems, particularly on-site parking, requires that the current request to expand the use be carefully reviewed.

As noted in Finding 1, the parking area currently provided on-site meets County standards. The applicant has submitted a revised site plan which depicts "overflow" parking areas to be used during the special celebrations held on the property. These areas are located on unimproved areas of the southern portion of the property. Based on the history of parking problems related to this use, if this application is approved a condition should be imposed requiring the applicant to provide "overflow" parking area to provide additional area for parking during the special celebrations. It should also be noted that under the original conditional use permit, a condition was imposed prohibiting on-street parking on Valentine Avenue. This condition remains in effect for the proposed expansion of the use.

Paving of infrequently used "overflow" parking is not normally required by the County. Based on this, paving would not be required on the "overflow" parking area proposed by the applicant. Proper dust control on the "overflow" parking area, however, should be maintained to avoid adverse impacts on surrounding properties.

Under the original Conditional Use Permit, a condition was imposed prohibiting the use of any outdoor public address system. In regards to noise generated by the use, neither the Fresno County Health Department or the Sheriff's Department have received any noise complaints regarding the existing use on the property. The applicant has indicated that a public address system will not be utilized and that organizers of the special celebrations on-site will ensure that disturbances do not occur. Staff notes that the previously imposed condition prohibiting the use of any outdoor public address system will remain in effect.

In regards to concerns related to available on-site restrooms, the use is served by a septic system for handling sewage and an on-site well for domestic water. The Building Inspection section of the Fresno County Public Works & Development Services Department has reviewed the project and indicates that the existing restroom facilities will adequately accommodate the proposed increase in the number of people attending the special celebrations.

Provided the applicant manages the activities properly in the manner described, staff believes the proposal for up to 300 people to attend the special celebrations held on-site will not adversely affect surrounding properties.

This application, as noted above, also addresses the applicant's proposal to modify the size, height, and location of the proposed pagoda building. Staff notes that the size and overall height of the pagoda building (1,654 square feet and 57.5 feet) would result in the pagoda being similar to the request approved in the original conditional use permit (1,746 square feet and 57 feet). The current proposal, however, would result in the pagoda being located 30 feet closer to the south property line.

Staff acknowledges that there are potential visual impacts to surrounding residential properties from a building with a total height of 57.5 feet. This concern was considered in the approval of the prior applications. Based on the elevation submitted, the general appearance of the pagoda will not significantly change from the design previously approved. The pagoda is rectangular in shape and has an architectural feature extending from the center of the roof to a height of 57.5 feet. The pagoda is also a single-story building.

The proposal to locate the pagoda 30 feet from the south property line, which is 30 feet closer than the originally approved location, also raises a concern with regard to a loss of privacy to the adjoining property owner. Staff believes that this concern is addressed due to the fact that the pagoda will be single-story, which will prevent persons from looking down into adjoining properties. The pagoda will also be used for meditation and prayer, which should

Not be disruptive to surrounding properties. As indicated in the originally approved conditional use permit, the height of the pagoda is extremely important to the aesthetics of Cambodian architecture.

Finding 4: General Plan Consistency

The subject parcel is designated Rural Residential on the Fresno County General Plan and is appropriately zoned R-R. The R-R Zone District allows uses commonly associated with residential areas, including church uses, subject to approval of a Conditional Use Permit. The existing church use was determined to be consistent with the General Plan through the approval of previous Conditional Use Permit No. 2383. Staff believes that the changes to the use proposed by this application can also be considered consistent with the General Plan.

G. Staff Recommendation

Staff recommends approval of the Negative Declaration prepared for this project.

If the Commission believes that Finding 3 can be made, it should approve Classified Conditional Use Permit No. 2730, subject to the following conditions:

1. All conditions of previously approved Classified Conditional Use Permit Application No. 2383 shall remain in full force and effect except as modified by this permit. (See attached Exhibit "A")
2. The pagoda building shall be developed in accordance with site plan and elevation approved by the Commission.
3. Special celebrations shall be limited to three per year and shall be attended by a maximum of 300 people.
4. "Overflow" parking areas shall be designated and maintained on the subject property at the locations approved by the Commission. A dust palliative shall be applied to these areas as needed to avoid creating dust.

impacts on surrounding properties. Within 90 days of the approval date of this application, the applicant shall submit a revised site plan to the Public Works & Development Services Department accurately delineating the approved overflow parking areas.

NOTE:

The proposed project is subject to the San Joaquin Valley Unified Air Pollution Control District's Regulation VI, which is a series of rules designed to reduce emissions of fine particulate matter. For more information, contact the District at 497-3000.

EXHIBIT "A"

CONDITIONS OF APPROVAL

Classified Conditional Use Permit Application No. 2181

1. Development and operation shall be in conformance with the operational statement and site plans approved by the commission.
2. A Site Plan Review shall be submitted to and approved by the Director of the Public Works & Development Services Department in accordance with the provisions of Section 874 of the Fresno County Zoning Ordinance. The Site Plan Review shall be submitted within 90 days of approval of this Conditional Use Permit. Requirements to be addressed under the Site Plan Review shall include, but not be limited to, dedication of right-of-way, parking and circulation, grading and drainage, fire protection, and landscaping. Requirements of the Site Plan Review shall be completed within 90 days of approval of the Site Plan Review.
3. A landscaping plan shall be submitted as part of the Site Plan Review.
4. The following shall be completed within 90 days of approval of the Site Plan Review: required paved parking, the proposed wall, the proposed fence and landscaping.
5. The existing pole structure shall be removed and all necessary corrective work shall be completed on all other existing buildings by January 1, 1991, except that health or safety hazards must be corrected within 90 days of the effective date of this Conditional Use Permit.
6. The proposed celebration hall must be completed within two years of approval of this Conditional Use permit.
7. All existing buildings authorized under this Conditional Use Permit shall be painted or otherwise treated with a color compatible with the two proposed structures within 90 days of approval of the Site Plan Review.
8. Use of any outdoor public address system shall be prohibited.

9. No on-street parking shall be allowed on Valentina Avenue. Signs shall be posted in the right-of-way adjacent to the subject parcel prohibiting such parking.

SO:RO
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APPROVED **OPERATIONAL STATEMENT**
BY B.S. DATE 4-9-96

RECEIVED
CUP 2730
DEC 1 1995
EA 4212
COUNTY OF FRESNO
PUBLIC WORKS & DEVELOPMENT SERVICES DEPT

The Fresno Cambodian Buddhist Society, Inc. intend to complete its next phase of construction in its 5 acres of land at 2533 N. Valentine Ave, Fresno, the construction of the Pagoda.

The Society wishes to go back to the Pagoda's original size of approximately 1700 s.f, and the proposed height will be 44 feet to the roof, with an additional 13 feet allowed for the religious symbol and architectural features.

The Pagoda is the primary place of worship for cambodian Buddhists monks in Fresno and occasional visitors. The Buddha will be installed permanently inside the Pagoda.

Due to the nature of the religion and the limited number of buddhist population in the area, this will NOT generate excessive traffic or noise. One can expect 15 -20 cars a day entering the site for worship on weekends, and approximately 5 - 10 cars a day on weekdays.

The religious services consist primarily of meditation and prayer. The majority of people attending these services are senior citizens and middle age. There will not be many teenagers or children; thus noise will not be disturbant. The times for such arrivals and departures will generally be 9AM and 5PM. All cars will be parked in the existing 120 parking spaces, within the boundary. Ingress and egress from the site will be through the driveway connecting Valentine Avenue.

The usual worshipping will take place primarily in celebration hall, also in the houses, in the garden and occasionally in the pagoda.

Appropriate fence surrounding the site has been constructed to assure the privacy of the neighborhood.

There shall not be any service or delivery vehicles entering the site on a regular basis since this is not a commercial establishment. No goods are allowed to be sold there either. No advertising or commercial billboards are allowed on site. Nothing more than a religious building, in addition to the existing structures, is the Pagoda which will be seen from the street. There will be no equipment or storage of any kind in the Pagoda and on site.

Very limited amount of waste will be produced , probabiy the same size of a household waste, with occasional exceptions, since there are only three to five buddhist monks who live permanently in the houses and two or three old ladies "Daun Chi" may stay temporary in the other buildings to help the monks. It should be noted also that , occasionally these buildings are used to accomadate out-of-town visitors in case of emergency.

There will be no restroom in the Pagoda. Existing restrooms will service the entire site.

The Society plans on having three major celebrations on the site, a year:

1. The Cambodian New Year, generally on the 2nd weekend of April.
2. The Prachum Ben, generally in september.
3. The Ka Then, generally in october.

These celebrations will commence around 9AM or so on Saturday or Sunday and terminate between 2 and 5 PM the same day. They will gather cambodian families from the Fresno and surrounding areas. As many as three hundred people and one hundred cars can be expected. Parking spaces on site are sufficient to accomodate the visitors; no car will be allowed to park on the street frontage.

The main focus of these celebrations are meditation and praying, thus loud noise will be controlled; radios, TV and loud music will not be allowed on site, except some announcement by the organizers.

Every measures will be taken to ensure non disturbance into the neighborhood. All performances, if any will be within the boundary.

February 29, 1996

Mr. STEVE GEIGER
Fresno County Public Works
2220 Tulare St, 6th Floor
Fresno, CA 93721

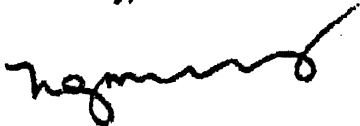
ADDENDUM TO OPERATIONAL STATEMENT

Re: Fresno Cambodian Buddhist Society

Dear Mr. Geiger:

Following our telephone conversation yesterday, I am submitting a sketch showing 8 empty areas within the site with no designation. These 8 spaces indicated from \triangle to \triangle on the attached sketch could accommodate at least 100 cars in addition to the 120 spaces already existing, should a problem of overflow arise. We believe the number of parking spaces is more than adequate under any circumstance. Please include this additional information in your staff report for further consideration. I hope this is sufficient, but if you need more information, please do not hesitate to contact me.

Sincerely,

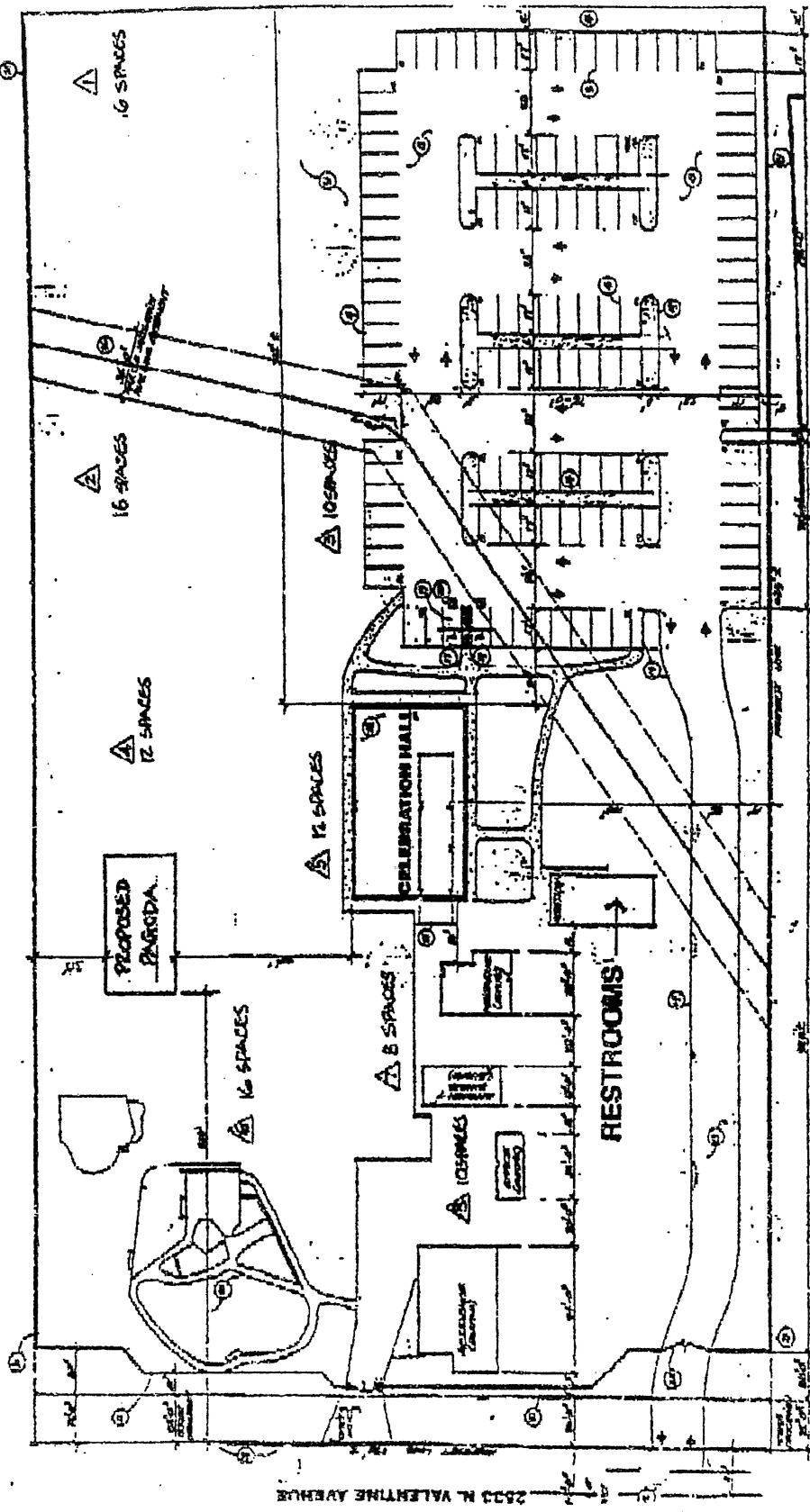


Kevin H. Nguyen,
1444 E. Howard Place,
Placencia, CA 92670
Tel: (714) 528-8241

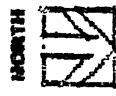
RECEI

CUP 2730
1996
EA 422

REVISED SITE PLAN -
 "OVERFLOW" PARKING AREA



SITE PLAN



1 ECEI
 CUP 2730
 RA 2 1996
 EA 4212

D. B. Secundy
222 S. Grand Avenue
Pasadena California

EXHIBIT 11

August 12, 2016

Re: CUP 3302

Dear Sirs,

We are the owners of the four plus acres directly to the west and south of the subject property. We have reviewed the proposed development carefully and have the following comments.

We see very little difference between the current proposal and the one that was submitted and denied in 2014. The lighting and noise associated with this development are not in any way compatible with the residential character of the neighborhood. A proposed increase in the number of large outside hosted venues lay our neighborhood open to numerous problems. In addition to the aforementioned problems of lighting and noise, other problems include parking, trespassing and access through private properties and increased traffic, just to name a few.

Although our property is currently undeveloped it is, and has always been, our intention to develop it for residential housing once that market has recovered. This new development would certainly have an adverse affect upon any proposed housing or other development. We therefore cannot in any way support this latest application.

We remain concerned about the county process of the re-hearing of basically the same request, which not only do none of the neighbors support, but most if not all are strongly opposed.

Again, we urge you to deny this request.

Sincerely yours,

Donna B. Secundy

Gerald D. Secundy

323-681-0484

CUP 3302
RECEIVED
COUNTY OF FRESNO

AUG 14 2016

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION