



Inter Office Memo

DATE: August 25, 2016
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12592 - INITIAL STUDY APPLICATION NO. 6291 and
CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3302

APPLICANT/
OWNER:

Fresno Cambodian Buddhist Society, Inc.

REQUEST:

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).

PLANNING COMMISSION ACTION:

At its hearing of April 24, 2014, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Yates and seconded by Commissioner Rocca to continue the hearing to a date uncertain to allow the Applicant an opportunity to revise the proposal in order to secure permanent overflow parking for annual festival events.

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This motion passed on the following vote:

VOTING: Yes: Commissioners Yates, Rocca, Batth, Borba and Mendes
 No: Commissioners Woolf and Zadourian
 Absent: Commissioners Ferguson and Lawson
 Abstain: None

At its continued hearing of August 25, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Woolf and seconded by Commissioner Borba to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings for approval of a Conditional Use Permit, and approve Classified Conditional Use Permit Application No. 3302, subject to the Conditions listed in Exhibit B.

This motion passed on the following vote:

VOTING: Yes: Commissioners Woolf, Borba, Chatha, Eubanks, Mendes and Pagel
 No: Commissioner Lawson
 Absent: Commissioners Abrahamian and Egan
 Abstain: None

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

By: 

William M. Kettler, Manager
Development Services Division

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

Attachments

EXHIBIT A

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

Public Hearing dated April 24, 2014

- Staff: The Fresno County Planning Commission considered the Staff Report dated April 24, 2014, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information:
- The owner of the parcel to be leased for overflow parking has provided a lease contract that will require renewal every two years.
 - The Applicant understands that no festival events can be hosted at the facility without the provision of adequate off-street parking.
- Others: No other individuals presented information in support of the application, and two individuals presented information in opposition to the application, citing:
- Some of the people attending festival events will park off-site, within the Valentine Avenue right-of-way.
 - Outdoor sound amplification equipment is utilized during festival events, whereas the use of outdoor sound amplification equipment is prohibited at the facility.
 - The size of the facility has increased since its original approval.
- Correspondence: No letters were presented to the Planning Commission in support of the application, and one late correspondence (letter) was presented to the Planning Commission which expressed concerns regarding outdoor lighting and sound amplification.

Public Hearing dated August 25, 2016

- Staff: The Fresno County Planning Commission considered the Staff Report dated August 25, 2016, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information:
- The Applicant has been communicating with neighbors regarding the existing facility and the subject proposal.

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- There may be large amounts of people visiting the facility during festival events; however, visitors arrive and leave throughout the day so there are no more than a few hundred visitors on site at any moment during a festival event.
- The Applicant has been instructing visitors to not park off site during festival events.
- The Applicant is not planning any future expansion projects for the facility.

Others: Two other individuals presented information in support of the application, and no individuals presented information in opposition to the application.

Correspondence: No letters were presented to the Planning Commission in support of the application, and one letter in opposition to the application was presented to the Planning Commission as Exhibit 11 of the Staff Report dated August 25, 2016. That opposition letter expressed concerns regarding outdoor lighting, sound amplification and traffic.

DC:
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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 B

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 Permit.	Applicant	Applicant/Fresno County Department of Public Health	Ongoing

<p>*6.</p>	<p>Noise</p>	<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. 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 closest residences. The proposed maximum noise level standard</p>	<p>Applicant</p>	<p>Applicant/Fresno County Department of Public Health</p>	<p>Ongoing</p>
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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: FCBS must have control over the use and volume of any sound amplification systems to be used during outdoor festivals. This means that 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. 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 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 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, 6 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>
9.	<p>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.</p>
10.	<p>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>
11.	<p>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>



County of Fresno

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

October 17, 2016

Fresno Cambodian Buddhist Society, Inc.
2533 N. Valentine Avenue
Fresno CA 93722

Dear Applicant:

Subject: Resolution No. 12592 - Initial Study Application No. 6291 and Classified
Conditional Use Permit Application No. 3302

On August 25, 2016, the Fresno County Planning Commission approved your application with
Conditions. A copy of the Planning Commission Resolution is enclosed.

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

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

If you have any questions regarding the information in this letter please contact me at
dchambers@co.fresno.ca.us or 559-600-4205.

Sincerely,

Derek Chambers, Planner
Development Services Division

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Enclosure