

STANISLAUS COUNTY PLANNING COMMISSION

September 7, 2023

STAFF REPORT

USE PERMIT APPLICATION NO. PLN2018-0080
CENTRAL VALLEY CRESCENT

REQUEST: REQUEST TO ESTABLISH A MOSQUE (PLACE OF WORSHIP) BY CONVERTING A 720± SQUARE-FOOT GARAGE INTO A PRAYER HALL ON A 2.71± ACRE PARCEL IN THE GENERAL AGRICULTURE (A-2-40) ZONING DISTRICT.

APPLICATION INFORMATION

Applicant:	Sohel Sareshwala
Property owner:	Sohel & Asfiya Sareshwala
Location:	5043 Tully Road, on the northwest corner of Tully Road and Kiernan Avenue, in the Modesto area.
Section, Township, Range:	31-2-9
Supervisorial District:	District 4 (Supervisor Grewal)
Assessor's Parcel:	004-069-033
Referrals:	See Exhibit G Environmental Review Referrals
Area of Parcel(s):	2.7± acres
Water Supply:	Private Well
Sewage Disposal:	Private Septic System
General Plan Designation:	Agriculture
Community Plan Designation:	N/A
Existing Zoning:	General Agriculture (A-2-40)
Sphere of Influence:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Single-family dwelling, detached garage, and vacant land.
Surrounding Land Use:	Scattered ranchettes and orchards in all directions; light industrial development and a mini storage facility to the east; and State Route 219 (Kiernan Avenue), an MID substation, two churches, an approved temple, and an approved industrial mini-warehouse facility to the south.

RECOMMENDATION

Staff recommends the Planning Commission deny this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to approve the project, Exhibit A provides an overview of all of the findings required for project approval, which include use permit findings. Conditions of Approval to be applied in the event of project approval can be found in Exhibit C.

PROJECT DESCRIPTION

The project is a request to establish a mosque (place of worship) on a 2.71± acre parcel in the General Agriculture (A-2-40) zoning district. The project proposes to convert an existing single-story, 13-foot-tall, 720 square-foot detached garage into a mosque, to be used as a prayer hall for the Central Valley Crescent (CVC) congregation. This application was submitted in 2018 as a result of a code enforcement violation resulting from the non-permitted establishment of the mosque. The project was initially scheduled to be heard by the Planning Commission on August 17, 2023; however, the project was continued at the request of the applicant to allow key project representatives to be present at the meeting. The existing floorplan of the mosque consists of a restroom and a room with two separate prayer spaces separated by shelving. No new construction is proposed; however, a building permit will be required to be obtained for a change of occupancy and a tenant improvement to bring the existing garage's restroom into compliance with all County standards, if approved. A site plan and elevations of the existing structure can be viewed in Exhibit B - *Maps* of this report.

The facility is proposed to operate Tuesday through Saturday, with prayer occurring five times a day at various intervals, from sunrise to shortly after sunset. The timing of these intervals will depend on the timing of sunset and sunrise but generally occur in 10-minute increments at the following times: in the morning before sunrise; midday; in the afternoon around 1:30 p.m.; at sunset; and nighttime around one hour after sunset. The number of attendees for these daily prayers is anticipated to range from two to nine congregants at a time for each prayer period. In addition to these daily prayer times, on Fridays, a one hour-long prayer will typically occur from approximately 1:30 p.m. to 2:30 p.m. typically attended by up to 35 members. Children's religious classes for up to 12 children will be held within the mosque, Tuesday through Friday, for 45 minutes approximately one hour before the sunset prayer service, with attendance of the sunset prayer period to follow afterwards. During Ramadan, which is a 30-day long period for which dates vary annually depending on the lunar calendar, there will be special daily night prayer, which will occur for an hour and a half after sunset and will be attended by up to 40 members each night. The day after Ramadan, the congregation will have a catered meal outdoors adjacent to the mosque, with temporary seating and tables; however, no food preparation will occur on-site. Otherwise, there will be no outdoor activities or food included in any daily activities. No music, amplified or otherwise, will be played as part of mosque activities; however, a public address (PA) system, for the purpose of speaking, will be utilized on the interior of the mosque only. At any given time, a maximum of 40 people are proposed to utilize the mosque. Any further attendance or occupancy for on-site activities would be subject to additional land use review and entitlement.

The project site is also developed with an existing 1,560 square-foot single-family dwelling, which is proposed to be used as on-site housing for CVC's Imam (worship leader) and family. Both the proposed mosque and existing dwelling will utilize the existing private well for domestic water and septic system for wastewater service; however, as part of the conditions of approval, a water supply permit will be required in order to bring the on-site domestic water source to public water

system standards due to city water not being available to the site. The site is not currently irrigated for farming purposes but proposes to be served by the Modesto Irrigation District (MID) for irrigation of a future fruit and nut tree orchard proposed to be installed. Parking lot lighting consisting of 15-foot-tall, pole-mounted solar LED parking lights, are proposed within the parking areas.

The applicant proposes to install a graveled parking lot providing for a total of 35 parking spaces and one paved ADA parking space. Additionally, a condition of approval has been added to the project requiring a 20-foot-wide landscaping strip be installed along the project site frontage and screen landscaping along the southern property line. The project will also provide a driveway approach providing access to County-maintained Tully Road, which will require modification to the two existing driveways to the site. Due to the existing striping on Tully Road and the driveway's proximity to the signalized Tully Road/SR 219 intersection, Condition of Approval No. 15 has been placed on the project requiring access to the site to be consolidated into one driveway with a restriction to right-in, right-out only vehicular movements. Storm drainage will be handled via overland percolation into the gravel and the unimproved portion of the lot.

No signage is currently proposed. The project site has an existing 6-foot-tall wood fence along the majority of the northern property line, a 7-foot-tall wood fence along the eastern property line, and a 6-foot-tall cyclone fence with slats along the south property line (which was installed by CalTrans as part of the State Route 219 widening). The existing wood fence along the eastern property line does not meet current setback requirements for solid fencing. Accordingly, if approved, a condition of approval will be applied to the project, requiring relocation of the fencing to meet current setback requirements.

SITE DESCRIPTION

The site is located at 5043 Tully Road, on the northwest corner of Tully Road and State Route (SR) 219 (Kiernan Avenue), in the Modesto area. The project site is currently developed with an existing 720 square-foot detached garage and a 1,560 square-foot single-family dwelling. The balance of the property is unimproved. All vehicular traffic to the site takes access off County-maintained Tully Road via two driveways, one graveled leading to the existing parking areas for the mosque and one paved serving the existing residence.

Surrounding land uses consist of scattered ranchettes and orchards in all directions; light industrial development and a mini storage facility to the east; State Route 219 (Kiernan Avenue), an MID substation, two churches and a temple (two of which are in development and one existing), and an approved industrial mini-warehouse facility to the south.

ISSUES

The following issues have been identified as part of the review of the project:

Location and Required Findings

The project site is designated Agriculture and zoned General Agriculture (A-2-40). In order to approve this project, the Planning Commission will need to find the proposed use meets suitability requirements in terms of location within the General Agriculture (A-2) zoning district as well as the required Use Permit findings. The proposed mosque is classified as a Tier Three use requiring approval of a Use Permit in the A-2 zoning district. Tier Three uses are uses that are not directly related to agriculture but may be necessary to serve the A-2 district **or** may be difficult to locate

in an urban area. Tier Three uses should be sited within less productive agricultural areas, which includes lands within the sphere of influence of a city, since these uses can be people-intensive and thus can adversely impact agriculture.

It is the Planning Commission's discretion to determine the proposed use as people-intensive and whether the project site is a suitable location to sustain a Tier Three use. As described in the project description, the proposed use will serve up to 40 people at peak times and operate Tuesday through Saturday from sunrise to sunset, with the exception of Ramadan which will have daily evening prayers. The site is also located outside of the City of Modesto's SOI and consists of soils that are considered prime farmland. The application materials submitted by the applicant indicated that the proposed facility is needed to provide a safe space to allow for religious, moral, and spiritual growth, and faith-based learning and social activities. It also will reduce the required commute (20 minutes minimum) that congregants currently travel to attend the mosque at 1445 North Carpenter Road in Modesto. While there may be community benefit of the proposed facility to the Central Valley Crescent congregation, the fundamental issue in deciding this project is not one of community need, but rather appropriateness of location. Staff does not believe that all of the necessary findings can be made to approve this project at the proposed location and is therefore recommending denial. A detailed discussion on the required findings is provided in the *General Plan Consistency and Zoning Ordinance Consistency* sections of this report. It is ultimately up to the Planning Commission to determine if the required findings can be made.

Landowner Correspondence

In response to the project's Initial Study referral, staff was contacted by Helder Garcia, the landowner and resident of the adjoining parcel to the north, at 5121 Tully Road. In his communications with staff via phone call on June 26, 2023 and via e-mail on July 21, 2023, he expressed concerns regarding the proposed development contributing to further loss of rural character of the surrounding area, and over the facility's potential traffic safety issues (see Exhibit F – *Letters of Concern*). His letter also provided photographs of vehicles parked on-site. In his e-mail and phone correspondence to staff, Mr. Garcia discussed the impact of the State Route (SR) 219 road widening and its effects on the surrounding area. Traffic improvements resulting from the SR-219 widening included installation of a southbound dedicated left-turn lane at the Tully Road/Kiernan Avenue intersection, and the double-striping of Tully Road from the intersection to a point approximately 300 feet north which prohibits northbound traffic crossing into the oncoming lanes to turn into properties on the west side of Tully. The double paint striping precludes any left-turn access into or out of the project site on Tully Road; however, Mr. Garcia expressed concerns over witnessing traffic accessing the mosque site by utilizing illegal left-turns into the parcel's driveway. Additionally, he stated that these traffic movements sometimes resulted in unsafe traffic backups in the SR-219/Tully Road intersection from traffic stalling in the northbound travel lane in order to turn left into the site. He stated that although he does not oppose the project itself, he opposed the project location due to the potential traffic and safety conflicts. The project, as well as these concerns, were referred to both Stanislaus County Department of Public Works and the California Department of Transportation (Caltrans). Public Works staff provided Condition of Approval No. 13, restricting access to right-in right-out movements only and indicated that left turning traffic would not be supported or legal given the existing lane striping. Caltrans staff initially provided a referral response indicating they had no comment; however, in response to the neighbors' concerns, they suggested that a "Do Not Enter" sign facing northbound Tully Road, and a stop sign and associated markings on the eastbound driveway be considered as additional traffic controls. This feedback was relayed to County Public Works staff, who determined that the proposed project does not currently warrant additional traffic controls.

Additionally, staff received correspondence dated July 18, 2023 from Susan Wedegaertner, a landowner and resident of 1348 Kiernan Avenue, located south of SR-219, across from the project site (see Exhibit F – *Letters of Concern*). Ms. Wedegaertner’s letter states that she opposes the project due to the project site being located outside of the City of Modesto’s Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI), which is generally used as the urban growth boundary limit for new non-agricultural uses subject to discretionary approval such as a use permit. Per her letter, she generally opposes non-agricultural development on the parcel. Ms. Wedegaertner’s response also described her witnessing traffic traveling north on Tully access the mosque by crossing the double yellow lines. She also expressed concerns about this issue resulting in traffic congestion at the signalized intersection and the potential for resulting in vehicle collisions.

GENERAL PLAN CONSISTENCY

The site is currently designated “Agriculture” in the Stanislaus County General Plan. The agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas. This designation establishes agriculture as the primary use in land so designated, but allows dwelling units, limited agriculturally related commercial services, agriculturally related light industrial uses, and other uses which by their unique nature are not compatible with urban uses, provided they do not conflict with the primary use.

According to the Sphere of Influence policy and Goal Four of the Land Use Element, growth, including development of new urban uses, is generally directed to occur in the SOI of a city, community services district, or sanitary district where municipal services and infrastructure are available to serve urban development. The policy also directs urban development near non-agricultural development and away from less productive agricultural areas. According to the Stanislaus County General Plan Land Use Element, the Sphere of Influence is a plan for the probable physical boundary and service area of a local government agency. The SOI is important because it defines the primary area within which urban development is to be encouraged. Goal One, Objective 1.2 of the Agricultural Element identifies that visitor-serving commercial uses should generally be required to be limited to non-agricultural areas as they can be potentially problematic within agricultural areas, unless they have a direct correlation and nature accessory to the area’s agricultural production.

In this case, the proposed mosque is a “Tier Three” use as described by the Stanislaus County Zoning Ordinance which is not agriculturally-related and, in accordance with the Objective 2.2 of Goal Two of the Agricultural Element, should be directed away from the “most productive agricultural areas” unless it can be shown that the character of the use is such that the land may reasonably be returned to agricultural use in the future. The Agricultural Element provides that in determining “most productive agricultural area,” factors to be considered include but are not limited to soil types and potential for agricultural production; and availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the economy. “Most productive agricultural area” does not include any land within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities.

The project site is located north of Kiernan Avenue and surrounded by other Agriculture-designated parcels to the north, east, and west. The nearest parcel under production agriculture

or a Williamson Act Contract is the parcel located approximately 170 feet west of the project site, identified by Assessor Parcel Number 004-069-042 (see Exhibit B-7 – *Williamson Act Contracts*). Production agriculture is also located 900 feet to the north, 700 feet to the west, and 350 to the south. South of Kiernan Avenue, parcels are primarily designated Urban Transition and A-2-10, and are located within the City of Modesto's SOI. Staff is of the opinion that additional non-agriculturally related development should be discouraged north of Kiernan Avenue outside of the SOI, where there is not already a legal non-conforming use or adjoining parcels with commercial development. Approval of this project has the potential to induce the area northwest of Kiernan and Tully for additional premature urban development outside of the SOI with people-intensive uses, which include community-oriented facilities such as churches, temples, or mosques.

Goal Five, Policy Twenty-Seven of the Land Use Element requires all discretionary projects within one mile of a City's adopted SOI boundary or within the County's General Plan boundary to be referred to that city for an application of that city's development standards if requested. The project is outside of the LAFCO adopted SOI for the City of Modesto, the northern boundary of which terminates at Kiernan Avenue; however, it is located within the City of Modesto's adopted General Plan area and is designated as Business Park. The project was referred to the City of Modesto, who did not identify concerns with respect to the proposed use conflicting with the Business Park General Plan designation; however, they did request that 20 feet of frontage landscaping be incorporated into the project. Their comments have been incorporated into Condition No. 7, which includes the County's standard commercial landscaping requirements.

Buffer and Setback Guidelines (Appendix A of the Agricultural Element) have been adopted in order to minimize conflicts between agriculture operations and non-agricultural operations and will need to be considered if this project is to be approved. The purpose of these guidelines is to protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district.

Appendix A of these guidelines states that all projects shall incorporate a minimum 150-foot-wide buffer setback, or a 300-foot-wide buffer setback for people-intensive uses. Permitted uses within a buffer area include: Public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and low-people intensive uses. Walking and bike trails are also allowed within the buffer setback areas provided they are designed without rest areas.

Although it is more common that new places of worship propose occupancy of upwards of 100 congregants, the proposed mosque is proposing a maximum of 40 attendees. Accordingly, it is staff's opinion that the proposed use is not people-intensive for the sake of evaluating the project for conformance with the Agricultural Buffer policy; however, it is ultimately the Planning Commission's decision on whether the proposed use is people-intensive. Measuring from the prayer hall, the proposed project does not meet either the 150 or 300-foot setback to the adjoining parcel to the north which is provided within only an approximately 7-foot setback between the prayer hall and the property line (see Exhibit B-8 – *Agricultural Buffer*). The project meets the 300-foot buffer setback to the west and the south. To the east the project meets the 150-foot buffer but not the 300-foot buffer. The applicant is proposing an alternative to the agricultural buffer for the northern property line consisting of the following: a reduced buffer setback distance and an existing 6-foot-tall solid wood fence bounding the site along the northern property line. If considered people-intensive, then a buffer alternative will also apply to the east and will consist of a reduced setback of 188± feet, which includes additional physical barriers between the proposed mosque and the agricultural properties to the east consisting of the existing single-family residence, proposed frontage landscaping, and Tully Road. In addition to 350± feet of

distance to the west, an existing 10-foot privacy screen is installed on the western side of the parking lot and garage. Once installed, the future orchard will provide additional barrier between the proposed use and the adjoining parcels. If the Planning Commission approves the project, they shall have the ultimate authority to determine if a use is low-people intensive, and if an alternative buffer and setback standard may be approved provided the proposed alternative is found to provide equal or greater protection to the surrounding agricultural uses. This project was referred to the Stanislaus County Agricultural Commissioner's office and no comment has been received to date.

This project must comply with both the Stanislaus County General Plan Noise Element and Chapter 10.46 Noise Control Ordinance of the Stanislaus County Code.

As mentioned, staff does not believe the proposed project is consistent with the Stanislaus County General Plan, and recommends the Planning Commission deny the project.

ZONING ORDINANCE CONSISTENCY

The site is currently zoned General Agriculture (A-2-40). Churches and other religious facilities are uses subject to approval of a Tier Three use permit in the A-2 zoning district. Tier Three uses are defined as uses not directly related to agriculture but may be necessary to serve the A-2 district or may be difficult to locate in an urban area. Tier Three uses may be allowed when the Planning Commission makes the following findings:

1. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and
2. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.

In addition to the Tier Three findings, the Planning Commission must make the following finding in order to approve any use permit:

- The establishment, maintenance and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use, and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

The A-2 zoning district encourages vertical integration of agriculture by organizing uses requiring use permits into three tiers based on the type of uses and their relationship to agriculture. Since tier three uses can be people-intensive and thus can adversely impact agriculture, they are generally directed to lands within the LAFCO-adopted SOIs. Since the project site is not located within a LAFCO-adopted SOI, consideration of its location within a "most productive agricultural area", as discussed in the *General Plan Consistency* section of this report, must be based on factors including but are not limited to soil types and potential for agricultural production; and availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the economy.

Recognizing that the area south of the project site, south of Kiernan Avenue, is located within the City of Modesto LAFCO-adopted SOI and will transition to urban development, staff's assessment of the project site is focused on the surrounding uses located north of Kiernan Avenue when assessing the required findings. While the project site's size (2.7± acres) is not sufficient to sustain an independently viable commercial production agriculture operation, the project site and the surrounding area are comprised of soils with a California Revised Storie Index rating of Grade 1, which is considered to be prime farmland, based on the Natural Resources Conservation Service Soil Survey. The area along Tully Road consists of a concentration of parcels ranging from .42± to 10.86± acres in size, but parcels sizes increase as you move further out to the north and west of the project site (see Exhibit B-5 – *Area Map North of SR 219*). The area is served by the Modesto Irrigation District for irrigation water and there are extensive parcels being actively used for production agriculture. The term “most productive agricultural area” is not defined on a county-wide basis and, as such, determinations must be made on a case-by-case basis and be focused on the broader area and not the project site alone.

If the project site is determined to be located in a “most productive agricultural area” it would need to be shown that the character of the use is such that the land may reasonably be returned to agricultural use in the future. Given the scope of the proposed project and lack of proposed construction, the parcel could be returned to its use as a homesite parcel relatively easy. The project site is located at a major intersection and is buffered from larger agricultural parcels by a 1.52± acre parcel to the west and a 4.99± acre parcel to the north, which may indicate that the use itself may not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; however, the establishment of a non-agricultural use in the area may be used as a precedent for future approvals of other non-agricultural uses in the area. With regards to the general use permit finding required for approval, concerns have been raised with regards to traffic impacts associated with the project site's location near a major intersection and the current limitation on left turns into or out of the project site. Establishing a use that will generate an urban style traffic pattern while introducing urban style lighting, parking and landscaping into an agricultural area, will only be intensified by any precedent the use sets for opening up the area to other non-agricultural uses. Additionally, religious and community centers often have a need to expand and intensify as attendance grows and, as such, typically transition to more intensive urban uses rather than back to agricultural use.

It is staff's belief that if a non-agricultural use is allowed to develop on the north side of Kiernan Avenue (SR-219), west of Tully Road, that the pressure to convert the surrounding area to non-agricultural uses will intensify and result in cumulative impacts to surrounding agriculture. The area north of Kiernan Avenue has no clear boundaries and, thus, the question then becomes one of where to draw the line if additional commercial development is allowed to occur in the Agricultural-designated areas. As the area to the south develops, the pressure to develop the area to the north will intensify, and the visual presence of urban development within the A-2 zoning district and outside of a LAFCO-adopted SOI will increase the pressure.

South of the project site, several churches have been approved by use permit in the A-2 zoning district. South of the project site on Tully Road, between Bangs and Kiernan Avenue, are two approved churches (Holy Family Church, approved under Use Permit No. PLN2013-0005, and Landmark Baptist Church, approved under Zoning Use Permit No. 83-49) and a temple (Hindu Temple of Modesto, approved under Use Permit No. PLN2018-0069); however, these facilities do not pose the same precedent-setting concerns due to their location within the City of Modesto LAFCO-adopted SOI and due to their Urban Transition and A-2-10 designations. In the last decade, the County has been working to address a code enforcement case involving the Phuoc

Son Buddhist Center at 1623 St. Francis, between Tully Road and Carver Road, just 0.75± miles northwest of the project site and also outside of an SOI. While a use permit application (No. PLN 2014-0054) for this temple was submitted in 2014, the application was ultimately withdrawn; however, intermittent use of the property in violation of the A-2 zoning has persisted with numerous building permit violations yet to be resolved. The approval of this use permit could trigger the submittal of a new use permit for the temple.

While staff is concerned with the establishment of new non-agricultural uses outside of a LAFCO-adopted SOI, there is acknowledgement that 0.25-miles east of the project site is a concentration of commercial and light-industrial uses extending to McHenry Avenue and then north along McHenry Avenue. This area of commercial and light-industrial uses has undergone various General Plan Amendments, which redesignated the sites from Agriculture to Planned Development/Planned Industrial, and various rezonings, rezoning the sites from A-2 to various Planned Development (P-D) zoning designations. At question is where to draw the line with the non-agricultural development in order to avoid setting a precedence for continued conversion of the area to non-agricultural uses. Conversely, to the west of the project site, also outside of the SOI, is a commercial dog boarding facility approved under a Tier Three Use Permit in 1997 (Use Permit No. 97-28 – *Lanza*). In this case, the project was both supported by staff and approved by the Planning Commission on the basis that surrounding landowners did not oppose the project and that it did not conflict with agricultural uses of other property in the vicinity. Given the intensity of the proposed project as compared to a dog boarding facility with respect to number of visitors, the wastewater and water service requirements, and traffic generation of the proposed mosque, staff does not consider the dog boarding facility precedent-setting development like a community-oriented facility may be.

In the time since the policy was established in 1993, the Planning Commission has decided whether to approve churches, temples, mosques, and other tier three uses on a case-by-case basis due to the unique nature of each request and the area in which it is located. The following Tier Three use permit requests have been identified due to their similarity to the current project, in terms of their location outside of a LAFCO-adopted SOI and associated staff report discussions:

1. Use Permit (UP) No. 90-13 – *Sikh Temple* – The Planning Commission initially denied this request to construct a 60-person temple on an 11± acre parcel at 5313 Hatch Road, on the northwest corner of the Santa Fe and Hatch Road intersection in the Hughson area, on the basis that the project should be located in more urbanized location and within a sphere of influence. A minority of the commissioners were of the opinion that siting the proposed use near a busy intersection would help alleviate traffic concerns. The Board of Supervisors overturned the denial upon appeal, and the project later expanded with UP No. 2009-19 and UP No. 2010-04, which were recommended for approval primarily on the basis that the subsequent requests were merely an expansion of an existing use. Similar to the current request, the Sikh Temple's use permit was initially approved for a smaller-scale facility; however, once approved, the barriers to expand into a more intensive use were reduced than if the facility were requesting the current-day facility.
2. UP No. 2003-35 – *Gurdwara Sagar Church* – The Board of Supervisors overturned the Planning Commission's denial of a request for a 5,000 square-foot temple on a 4± acre parcel located at 3418 Golf Road just outside the City of Turlock's sphere of influence. In the staff report, Planning staff recommended approval, acknowledging that normally a church outside of the sphere of influence would receive a recommendation of denial, but

the circumstances of the project site was situated around undersized rural ranchette parcels. The Planning Commission's basis for denial was that the project posed adverse impacts on agriculture resulting from the number of visitors and traffic to the site; however, the Board of Supervisors ultimately voted to approve the Use Permit, agreeing with staff's recommendation. This project had a staff recommendation contrary to the current request; however, the Gurdwara Sagar project differs from this project due to it not being located on most productive agricultural land. The current request is also in the vicinity of undersized rural ranchette parcels; however, the undersized ranchettes and homesites in the vicinity of the Central Valley Crescent are adjoining larger parcels with production agriculture without clear urban growth boundaries.

3. UP Application No. 2004-23 – *Lighthouse Church* – The Board of Supervisors upheld a Planning Commission denial of a proposed large scale 200-seat church and multi-purpose facility with sports fields and additional phases of development planned for a private school and auditorium, on a 27± acre parcel located at 12736 Delaware Road in the Hickman area. The basis for denial was due to an inability to make the findings based on the project being surrounded by production agriculture, comprised of prime farmland, a lack of public sewer or water being available to serve the use, and it being located outside a sphere of influence; further the project was denied because of its potential to encourage growth and because it could not reasonably be returned to agriculture.
4. UP No. 2005-02 - *McHenry Golf Center* – Although not a request for a place of worship, this request for a golf driving range on an 18± acre parcel on the east side of McHenry Avenue, north of Kiernan Avenue/Claribel Road, was also a Tier Three use permit request located outside the City of Modesto's SOI. At the time the project was considered, the project site, all adjoining parcels, and all parcels northwest of McHenry Avenue and Claribel Road were designated and zoned Agriculture. Staff recommended denial of the project for many of the same reasons as the current request, due to both its growth-inducing potential and due to inability to make the required findings: that the parcel can be reasonably returned to agricultural or that it is not "most productive agricultural land". The project was ultimately approved by the Planning Commission and that approval set the foundation for a subsequent 2021 amendment to the site's general plan and zoning designations from Agriculture and A-2 to Planned Development in order to allow the development of an RV storage facility. The basis for staff's 2021 recommendation of approval was in part that the required agricultural conversion findings could be made to approve the re-designation due to the site being developed with a driving range and associated commercial development rather than agricultural uses. Additionally, due to the RV storage being a relatively low-people intensive use, the impacts to surrounding agriculture were considered minimal.
5. UP Application No. 2008-26 – *Eastlake Baseball Complex* – The Board of Supervisors upheld the Planning Commission's denial to allow development of a 15± acre parcel into a 3-field baseball complex, at 4925 Parker Road, on the north side of Parker Road, east of DeWitt Road, in the Modesto area. Staff initially recommended approval of the request due to the site already being approved and developed for use as a driving range and adjoining a parcel containing a church. Similar to the current request, this project site was located outside the SOI but within the City's General Plan. The Planning Commission

ultimately denied the request, citing concerns over noise, traffic, parking issues, and the site being located outside the City's SOI. Specifically, they expressed concerns over the potential impacts the project posed to the riparian habitat along Dry Creek and due to the existing driving range initially being approved on the basis that it could be returned to agriculture; however, the proposed baseball complex was a much more intense use that would not easily be returned to agriculture and therefore the findings to approve the new Tier Three use could not be made.

6. UP No. 2009-10 - *Catholic Cemetery Dakota Avenue* – The Board of Supervisors overturned the Planning Commission's denial of a proposed cemetery on a 25± acre parcel outside the City of Modesto's sphere of influence located on Dakota Avenue. The Planning Commission denied the project on the basis that the Tier Three findings could not be made due to the cemetery being on prime farmland and unable to be returned to agriculture; however, Commissioners also acknowledged that there was an existing cemetery and school in very close proximity to the site and questioned where a cemetery could more suitably be located. Staff recommended denial based on the growth-inducing potential of the cemetery, particularly for other community-oriented uses such as churches and other cemeteries.

Historically, the Planning Commission and Board of Supervisors have decided whether to approve churches, temples, mosques, and cemeteries located outside the sphere of influence on a case-by-case basis. In this case staff does not believe the Tier Three Use Permit findings can be met based on the above discussions. Even if the Planning Commission makes the findings that the site is not on most productive agricultural lands due to the parcel size and surrounding parcels and the site's proximity to nearby commercial development, staff still has concerns that the project is precedent-setting for new development on adjacent parcels.

If the Planning Commission determines that the findings can be met, the project will be required to meet all development standards applicable to the A-2 zoning district. The project shall install commercial landscaping equivalent to not less than five percent of the total lot size meeting applicable state and county landscaping standards. Additionally, the project proposes a graveled parking lot with 36 parking stalls meeting the County's Off-Street Parking standards applicable to places of assembly based on the structure's occupancy and proposes 15-foot-tall parking lot lighting which will be conditioned to be downturned and shielded away from adjacent properties. No signage is proposed; however, a condition of approval has been added requiring future monument signage to meet standards outlined in the A-2 zoning district. A condition of approval has also been added addressing the relocation of all fencing not meeting current setback standards.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to interested parties and responsible agencies for review and comment and no significant issues were raised (see Exhibit G - *Environmental Review Referrals*). A Negative Declaration has been prepared for approval prior to action on the project itself as the project will not have a significant effect on the environment (see Exhibit E - *Negative Declaration*). Conditions of approval reflecting referral responses have been placed on the project (see Exhibit C - *Conditions of Approval*).

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,821.00** for the California Department of Fish and Wildlife and the Clerk-Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Kristen Anaya, Associate Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps and Plans
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study, with Attachments
- Exhibit E - Negative Declaration
- Exhibit F - Letters of Concern
- Exhibit G - Environmental Review Referrals

\\PW04\PLANNING\PLANNING\STAFF REPORTS\UP\2018\PLN2018-0080 - CENTRAL VALLEY CRESCENT\PLANNING COMMISSION\MEETING DATE\STAFF REPORT\STAFF REPORT.DOCX

Findings and Actions Required for Project Approval

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find That:
 - a. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
 - b. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity;
 - c. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future. "Most productive agricultural area" does not include any land within LAFCO-approved Spheres of Influence of cities or community services districts and sanitary districts serving unincorporated communities.
 - d. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
 - e. The alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards.
4. Approve Use Permit Application No. PLN2018-0080 – Central Valley Crescent.

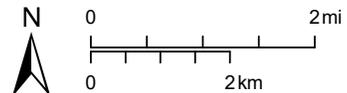
CENTRAL VALLEY CRESCENT

UP PLN2018-0080

AREA MAP

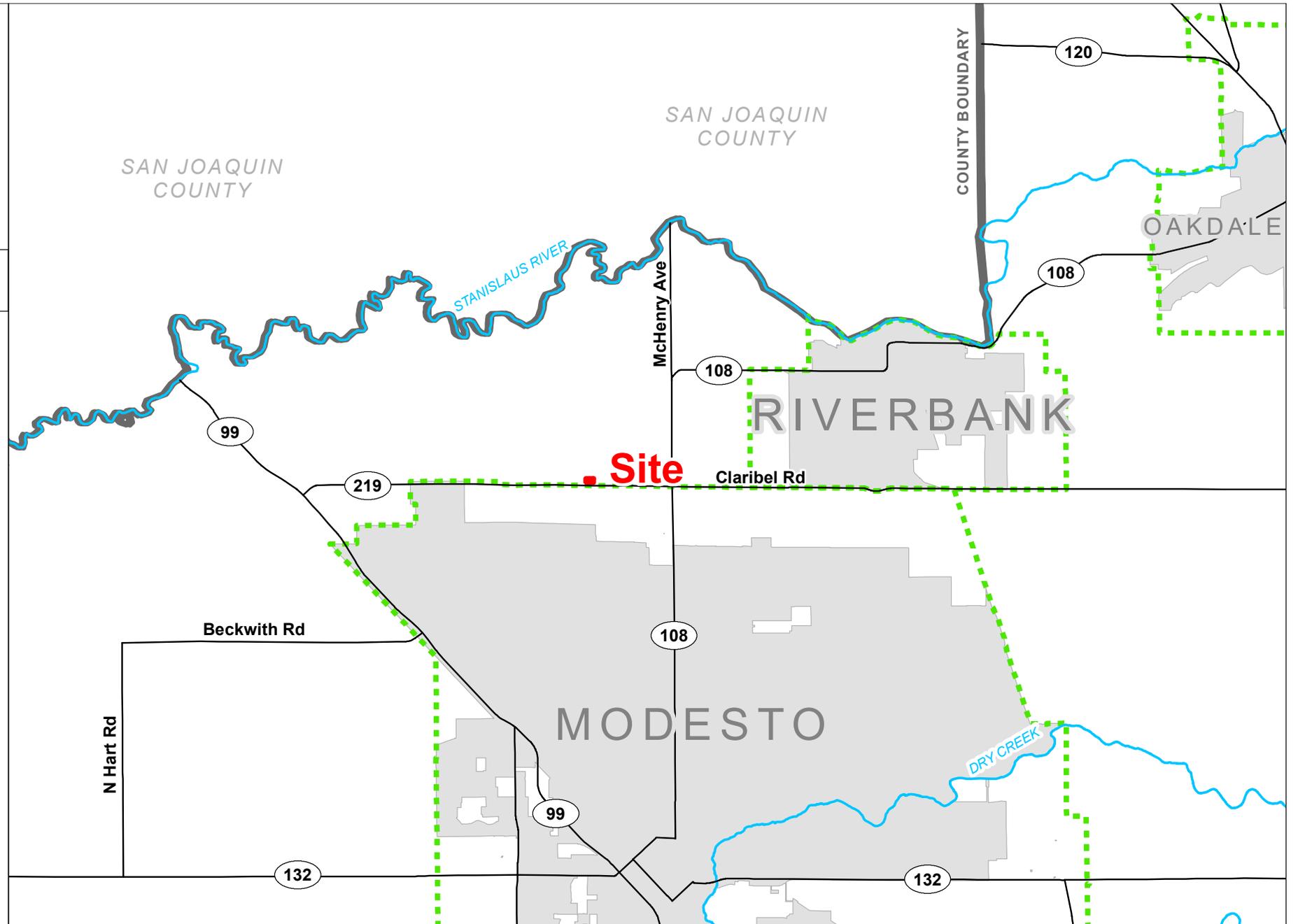
LEGEND

-  Project Site
-  Sphere of Influence
-  City
-  Road
-  River



Source: Planning Department GIS

Date: 5/19/2022



CENTRAL VALLEY CRESCENT

UP PLN2018-0080

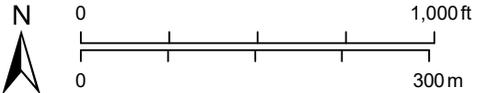
GENERAL PLAN MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  Parcel
-  Road
-  Canal

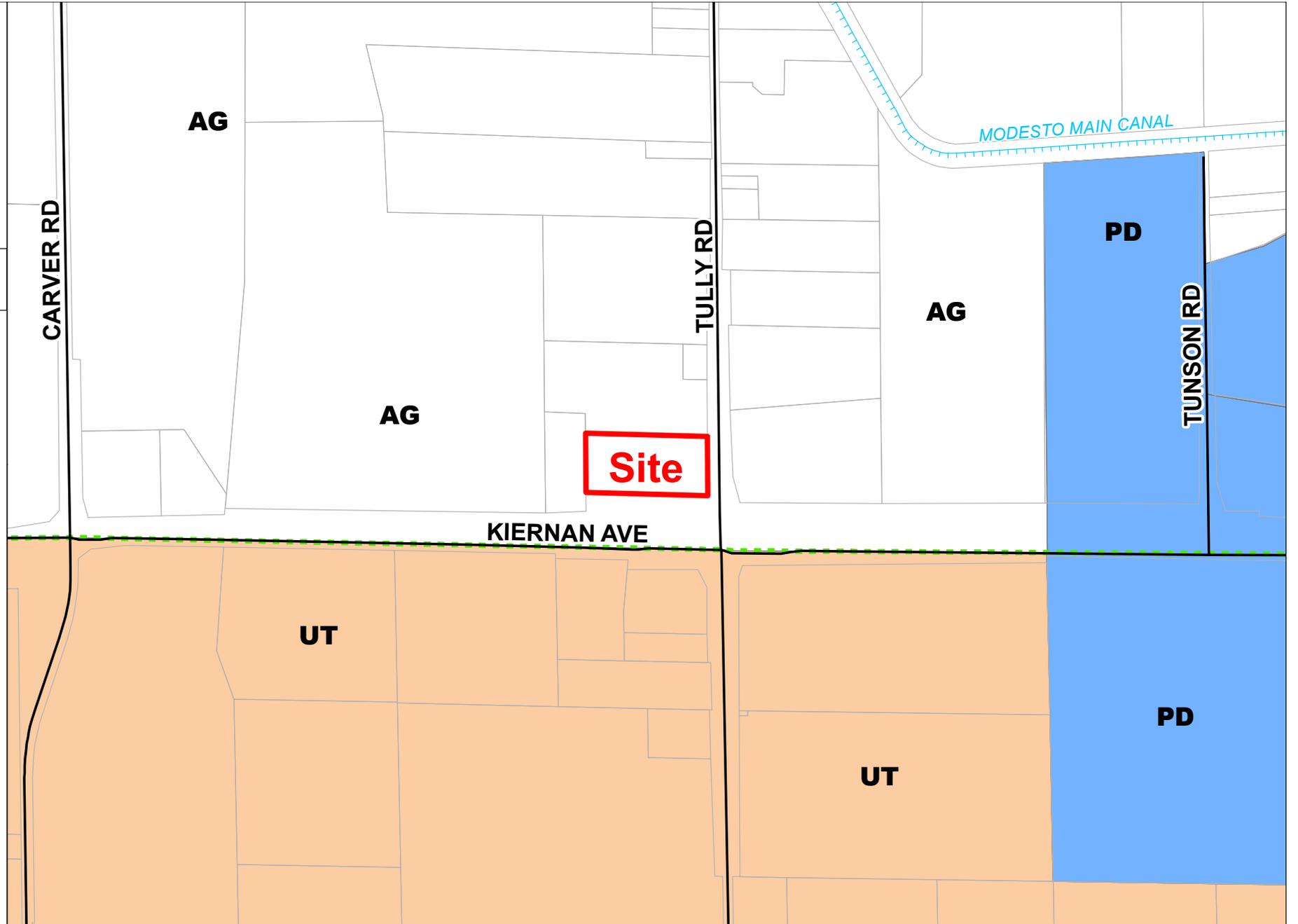
General Plan

-  Agriculture
-  Urban Transition
-  Planned Development



Source: Planning Department GIS

Date: 5/19/2022



CENTRAL VALLEY CRESCENT

UP PLN2018-0080

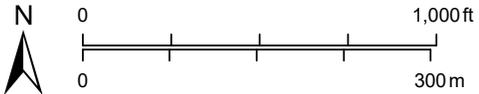
ZONING MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  Parcel
-  Road
-  Canal

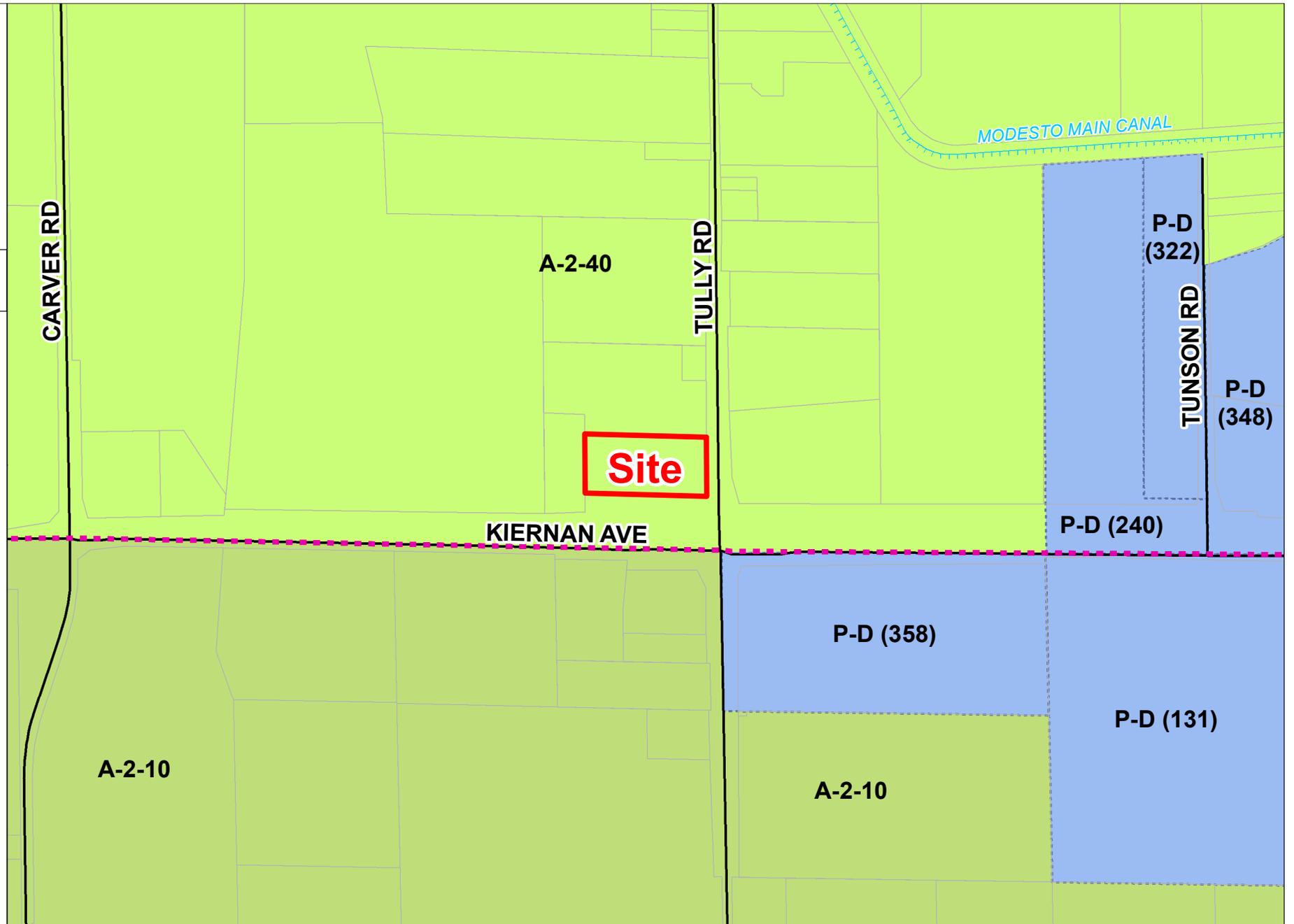
Zoning Designation

-  Planned Development
-  General Agriculture 10 Acre
-  General Agriculture 40 Acre



Source: Planning Department GIS

Date: 5/19/2022

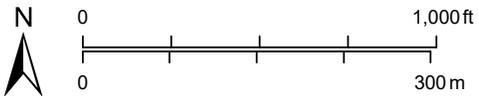


CENTRAL VALLEY CRESCENT UP PLN2018-0080

2021 AERIAL AREA MAP

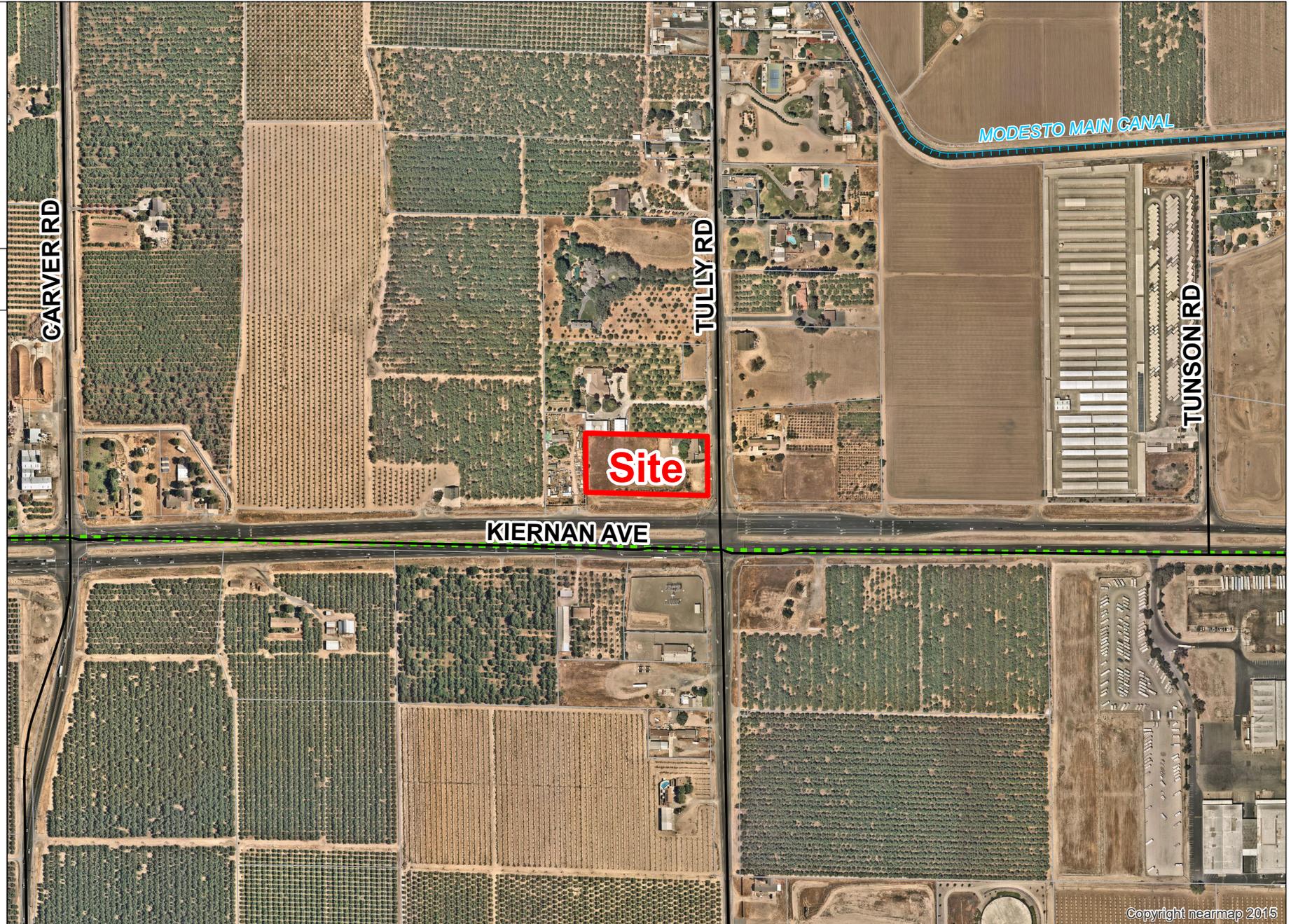
LEGEND

-  Project Site
-  Sphere of Influence
-  Road
-  Canal



Source: Planning Department GIS

Date: 5/19/2022



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CENTRAL VALLEY CRESCENT

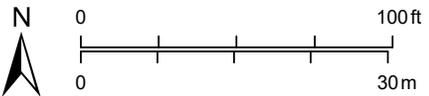
UP PLN2018-0080

2021 AERIAL SITE MAP

LEGEND

 Project Site

 Road



Source: Planning Department GIS

Date: 5/19/2022



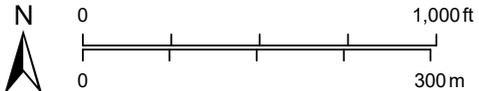
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CENTRAL VALLEY CRESCENT UP PLN2018-0080

ACREAGE MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  Parcel/Acres
-  Road
-  Canal



Source: Planning Department GIS

Date: 5/19/2022

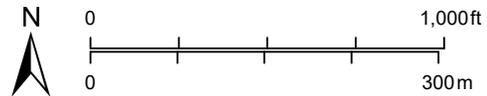


CENTRAL VALLEY CRESCENT UP PLN2018-0080

AREA MAP - N. OF SR219

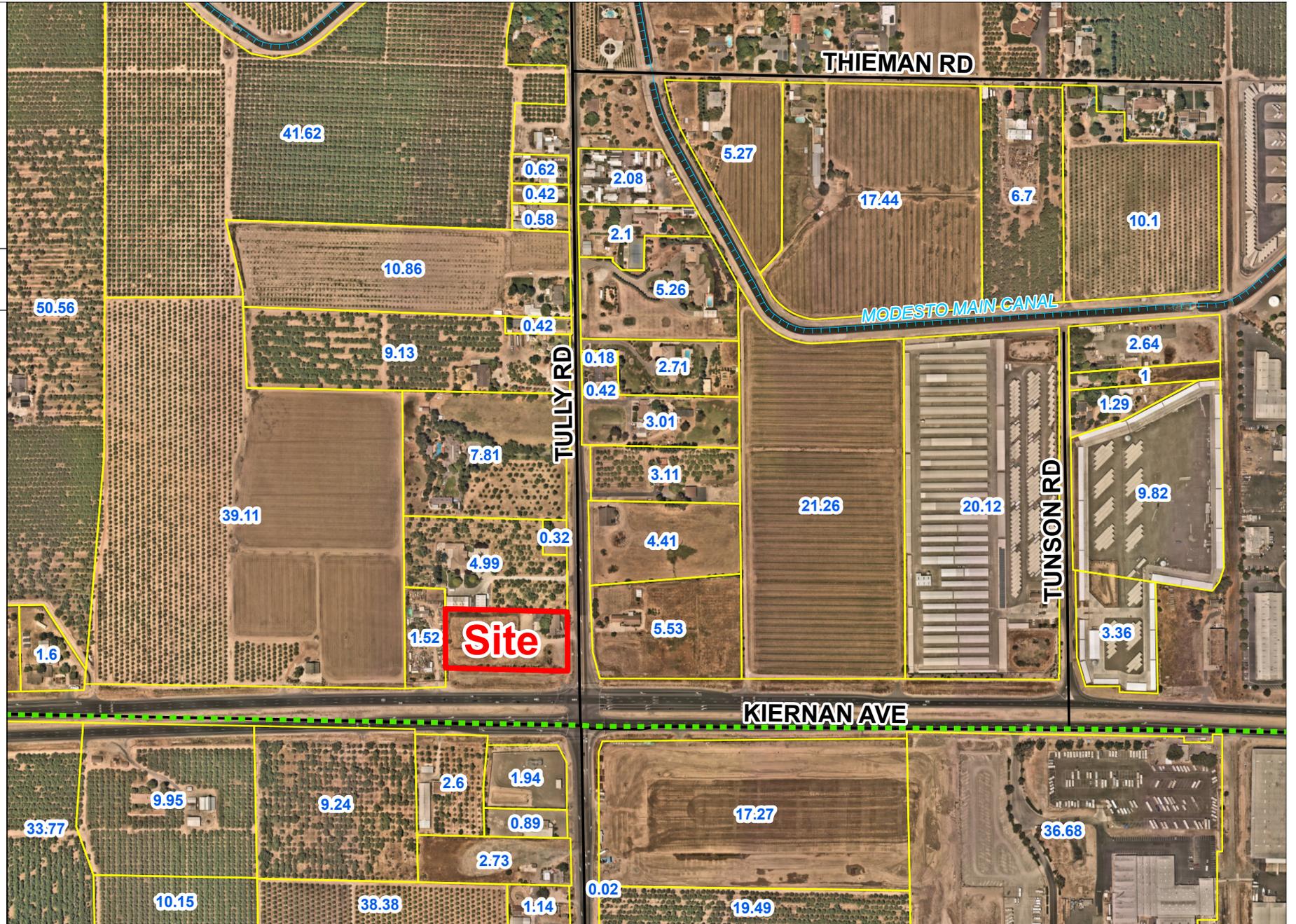
LEGEND

-  Project Site
-  Sphere of Influence
-  Road
-  Canal



Source: Planning Department GIS

Date: 8/8/2023

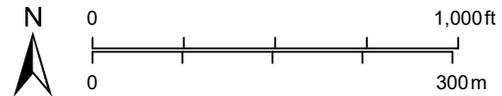


CENTRAL VALLEY CRESCENT UP PLN2018-0080

WILLIAMSON ACT CONTRACTS

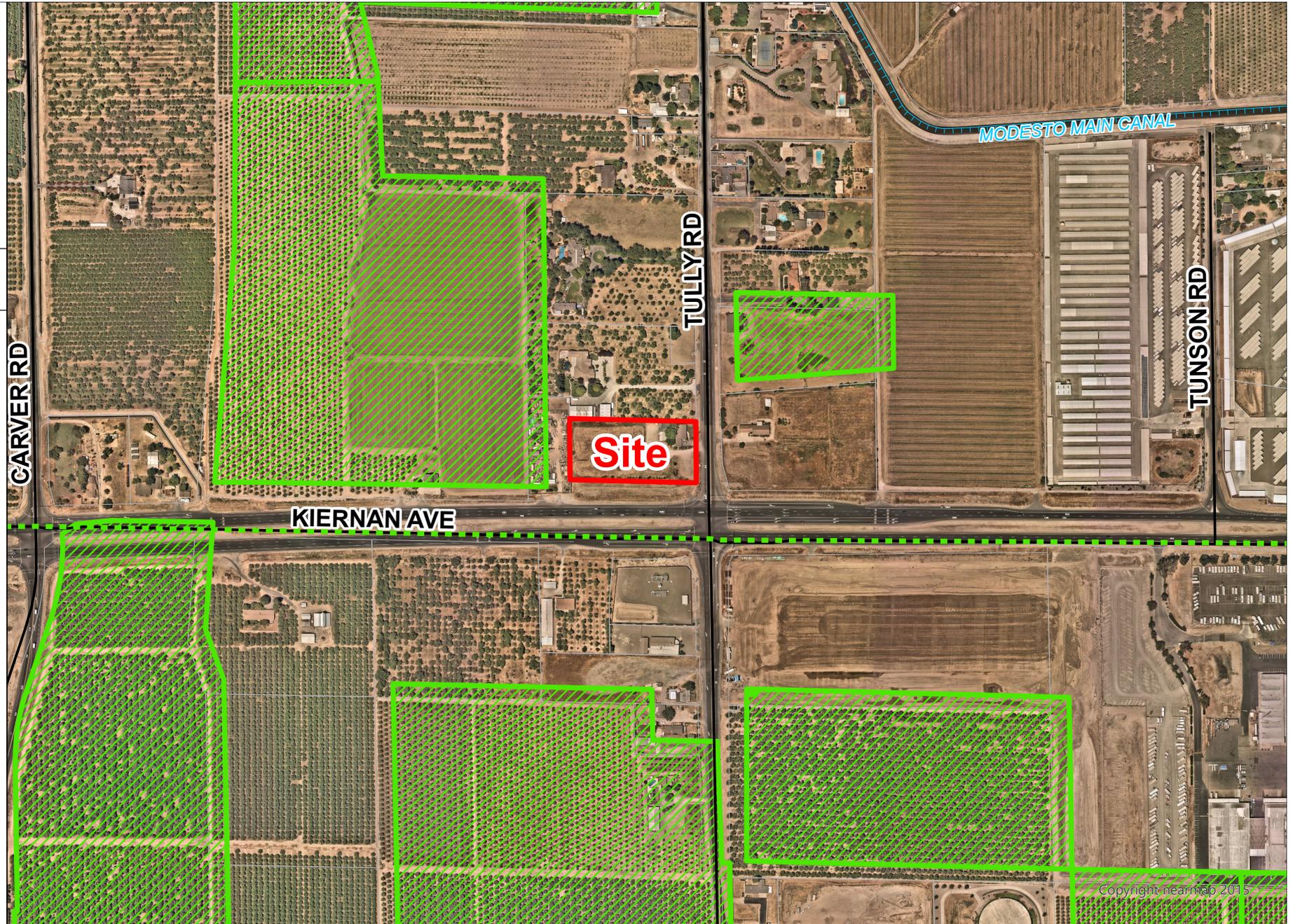
LEGEND

-  Project Site
-  Sphere of Influence
-  Road
-  Canal
-  Williamson Act (Effective)



Source: Planning Department GIS

Date: 8/7/2023



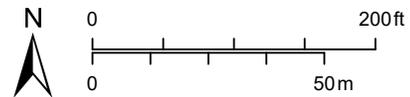
Copyright nearmap 2015

CENTRAL VALLEY CRESCENT UP PLN2018-0080

AGRICULTURAL BUFFER

LEGEND

-  Project Site
-  Sphere of Influence
-  Road



Source: Planning Department GIS

Date: 8/7/2023



PROPOSED OCCUPANCY CHANGE. CONVERT (E) GARAGE/SHOP INTO A PRAYER ASSEMBLY AREA 5043 TULLY ROAD MODESTO, CA. 95356

SCOPE OF WORK

PROPOSED OCCUPANCY CHANGE OF EXISTING DETACHED GARAGE/SHOP TO A PRAYER ASSEMBLY AREA.

BUILDING CODE ANALYSIS

DESCRIPTION OF USE: PRAYER ASSEMBLY AREA
 OCCUPANCY TYPE: R3 / A3
 FIRE SPRINKLERS: NOT REQUIRED
 NO. OF STORIES: ONE
 TOTAL AREA: (E) GARAGE 120 SQ. FT. / PROPOSED PRAYER ASSEMBLY AREA 120 SQ. FT.

ALLOWABLE AREA: PER CBC TABLE 503 & CBC SECTION 508.4
 A3 (ACTUAL) = 120 SQFT.

PARKING ANALYSIS

- OCCUPANCY LOAD = 102
- PARKING SPACE FACTOR: 1 SPACE / 4 OCC.
- REQUIRED # OF SPACES: 102 OCC / 4 OCC / SPACE = 26
- # OF SPACES PROVIDED:
 VAN ADA = 1
 VEHICAL = 35
 TOTAL = 36

SITE STATISTICS

- ASSESSORS PARCEL NUMBER: 004-069-033
- PRESENT ZONING: A-2-40
- PARCEL SIZE: 118,222 SQ. FT. / 2.714 AC.
- SITE ADDRESS: 5043 TULLY ROAD MODESTO, CA. 95356

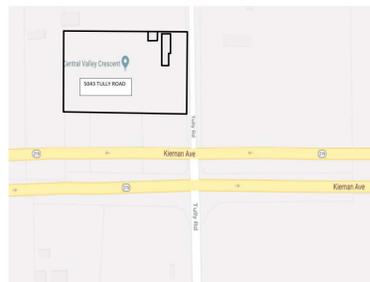
SHEET INDEX

SHEET NO.	DESCRIPTION
T1	TITLE SHEET/SITE PLAN
TE	ENLARGED SITE PLAN

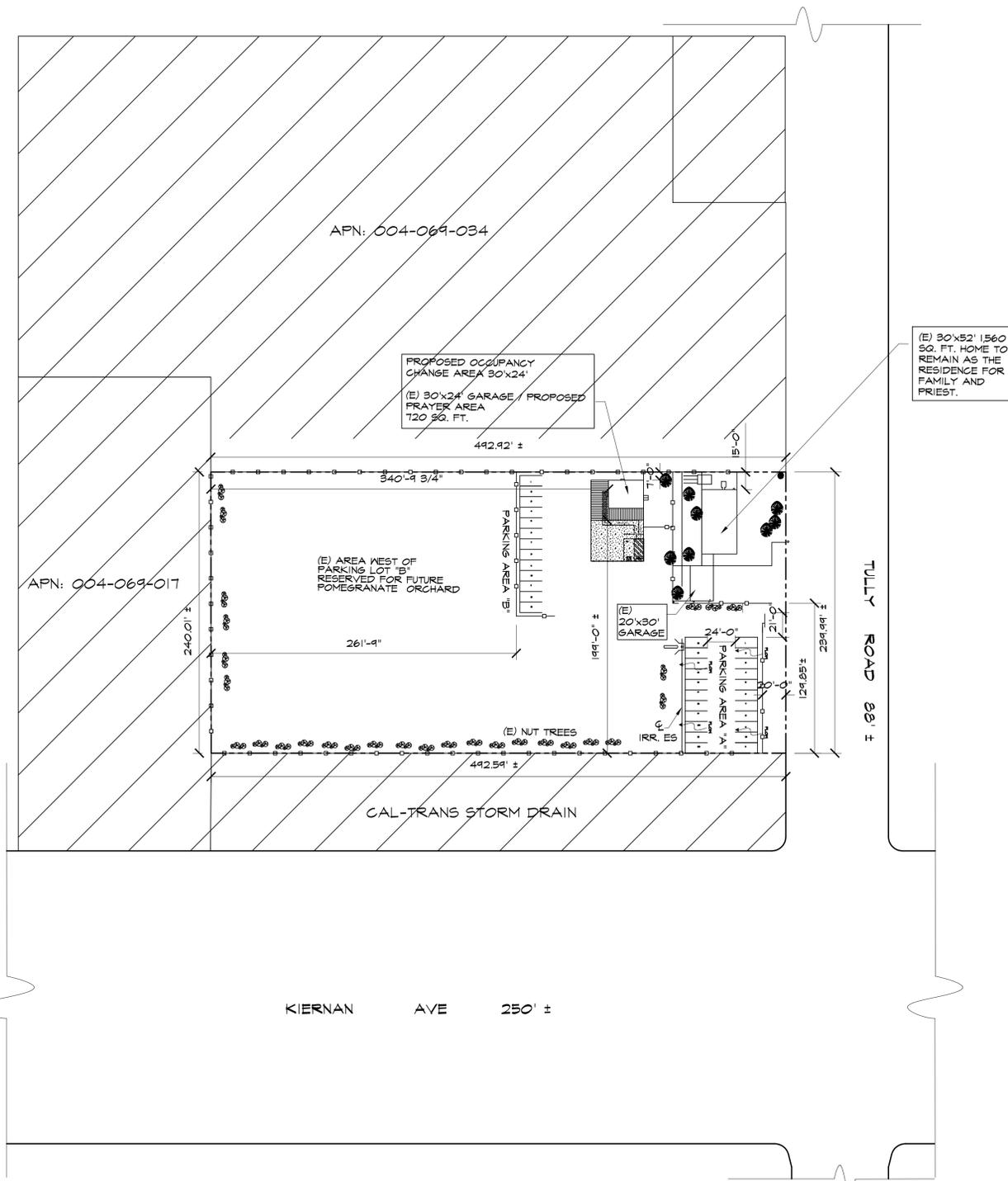
OCCUPANT LOAD ANALYSIS

TABLE 1004.1.1 MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT

- PRAYER ROOM: 120 SQ. FT.
 OCCUPANCY LOAD = 102 OCC.
- REQUIRED # OF EXITS: 2
- # OF EXITS PROVIDED: 2, 1 MAIN EXIT AND 1 SIDE EXIT



VICINITY MAP
SCALE: N.T.S.



(E) 30'x52' 1560 SQ. FT. HOME TO REMAIN AS THE RESIDENCE FOR FAMILY AND PRIEST.

Rev	Revisions	Date
1	SITE PLAN SUBMISSION FOR OCC. CHANGE	7/18/2018
2	TREES, SCALED SITE/AREA, PER CLIENT REQUEST	8/1/2018
3	PLANNER REQUEST TO ADD SHRUB, FLORALZ CLEARANCE, DRIVE	8/29/2018

SOHEL SARESHWALA
 5043 Tully Road
 Modesto, Ca. 95356
 209-988-6292
APN: 004-069-033

JON D. CAMPICONICA P.E.
 2712 RIVER VALLEY CIR.
 MODESTO, CA. 95351
 209-484-9782

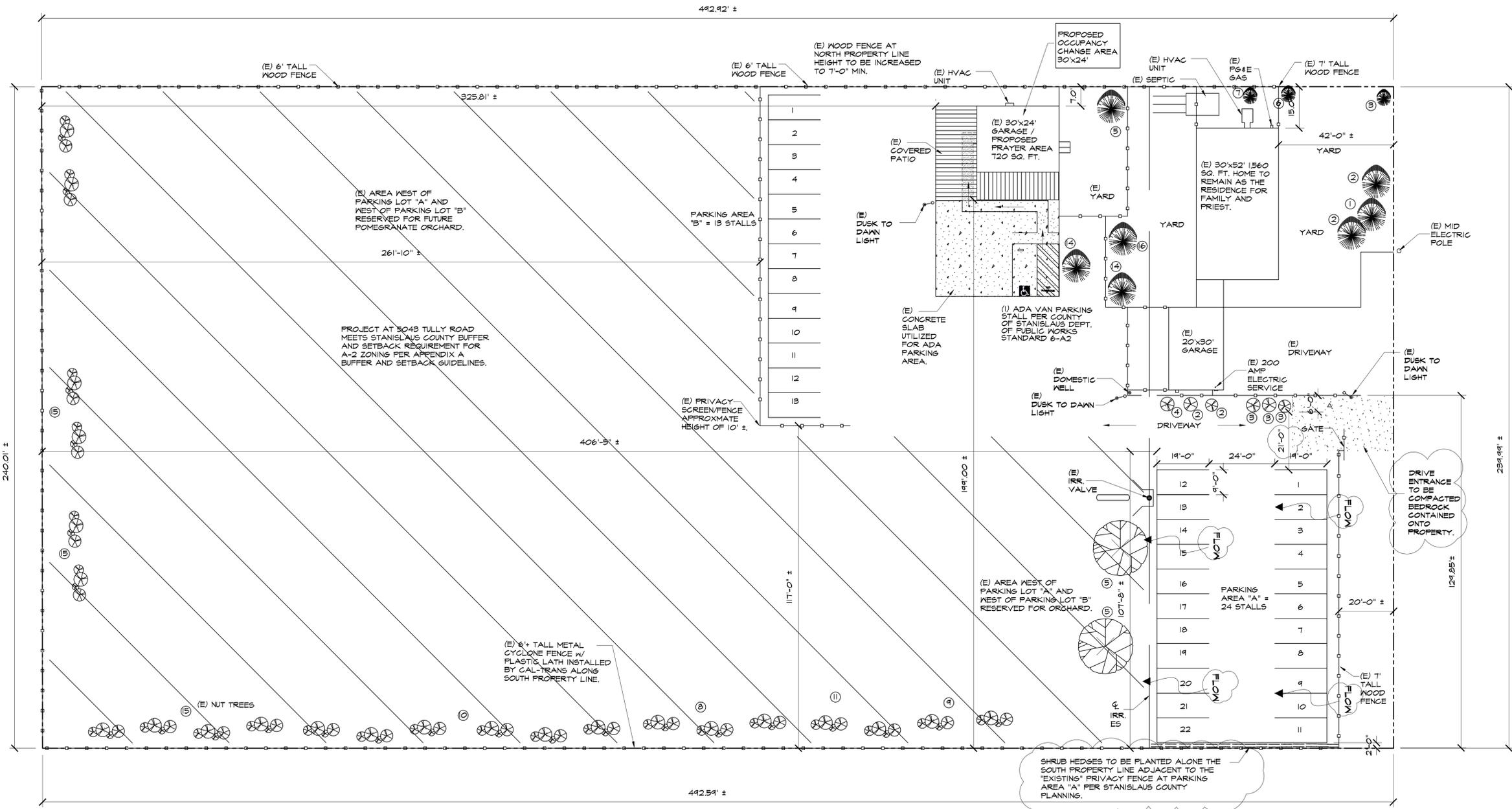


DRAWN BY: FRANK RODRIGUEZ
 GRPD BY: .
 DATE: 7/18/2018
 JOB NO: .
 SHEET NO.

T1

(E) TREE SCHEDULE

LOCATION	TREE/PLANT	QTY.
1	PINE TREE	1
2	ORANGE TREE	2
3	POMEGRANATE TREE	5
4	GRAPEFRUIT	1
5	WALNUT TREE	3
6	CHERRY TREE	2
7	PLUM TREE	2
8	PEACH TREE	3
9	NECTURINE TREE	2
10	APRICOT TREE	2
11	APPLE TREE	2
12	GUAVA	2
14	MULBERRY TREE	6
15	ALMOND	2
16	PECAN	1



NORTH
ENLARGED SITE MAP
 SCALE: 1"=20'-0"

Rev	Revisions	App	Date
1	SITE PLAN SUBMISSION FOR OCC. CHANGE		7/18/2018
2	TREES, SCALED SITE/AREA, PER CLIENT REQUEST		8/1/2018
3	PLANNER REQUEST TO ADD SHRUB, FLOWERS, CLEARANCE, DRIVE		8/29/2018

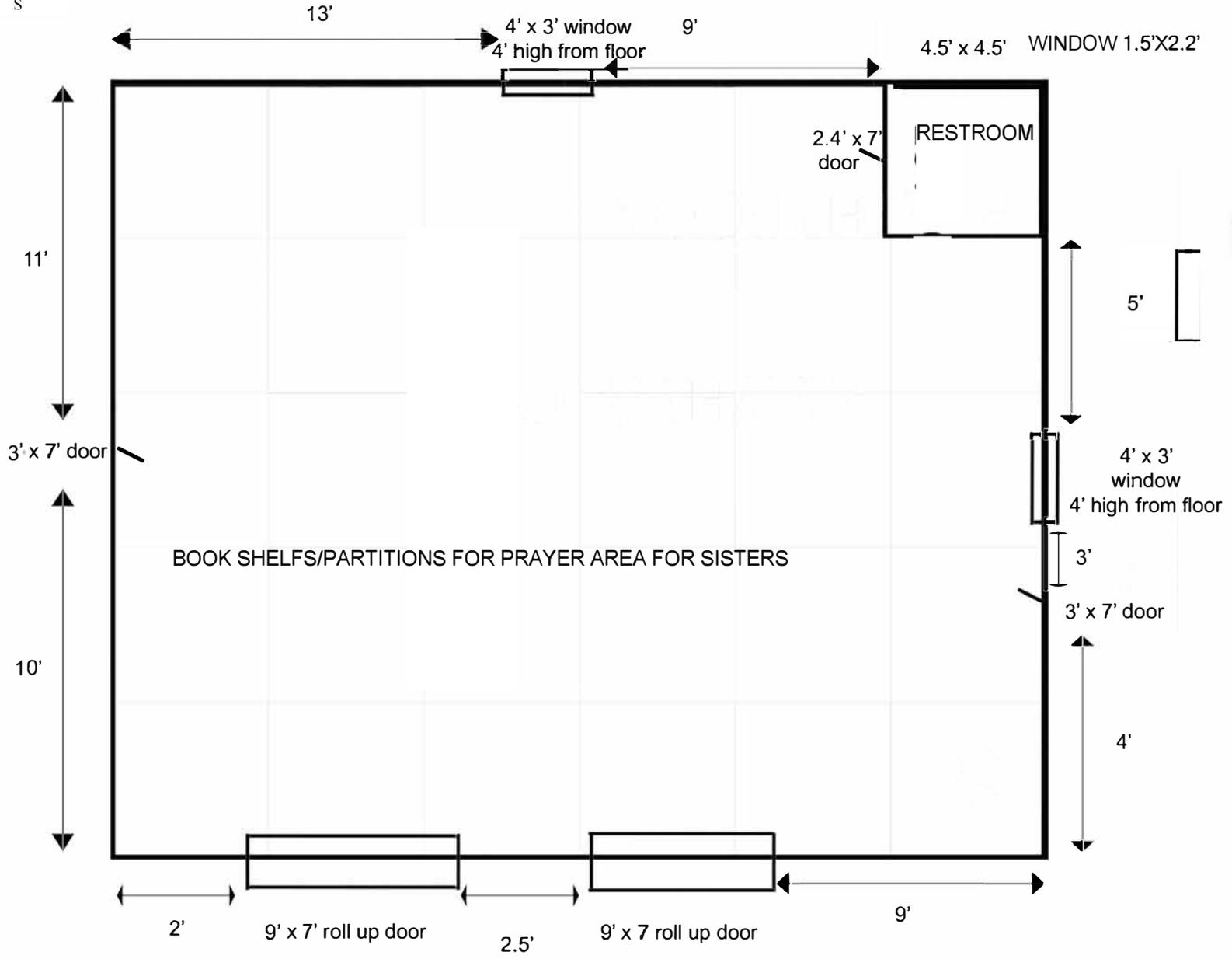
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 209-484-9782



DRAWN BY: FRANK RODRIGUEZ
 GRP BY: .
 DATE: 7/18/2018
 JOB NO: .
 SHEET NO.

TE



NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

CONDITIONS OF APPROVAL

USE PERMIT APPLICATION NO. PLN2018-0080 CENTRAL VALLEY CRESCENT

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2014), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,821.00**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk-Recorder filing fees.

Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
5. Prior to issuance of any building permit, a photometric lighting plan shall be submitted for review and approval by the Planning Department. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties). The height of new lighting fixtures shall not exceed 15 feet above grade.

6. Within 6 months of approval, a building permit shall be applied for to change the occupancy of the garage from Accessory to an Assembly classification per the most current adopted California Existing Building Code. The building permit shall include the renovation of the existing bathrooms in order to make them comply with the most current adopted California Building Code.

The egress system of the proposed prayer hall shall be designed based on the maximum Occupant Load established in accordance with the most current adopted version of the California Building Code.

7. The use shall maintain consistency with all applicable General Plan Noise Element standards. No operations shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, or electrical interference detectable off the site.
8. Prior to issuance of a grading or building permit, a landscaping plan indicating type of plants, initial plant size, location and method of irrigation shall be submitted and approved by the County Planning Director or appointed designee. Landscaping shall meet applicable State and County landscaping standards. Landscaping shall be installed and inspected prior to final of a grading or building permit. The submitted landscape plan shall incorporate landscaping within the 20-foot setback area between the 24-stall parking area and the Tully Road frontage, beginning from the ultimate right-of-way. The 24-stall parking area shall be setback as needed to accommodate required setbacks and landscaping.
9. If signage is proposed in the future, a sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation. Any future signage shall be limited to a single monument sign not more than 12 square feet in area nor 6 feet in height, to be installed along the street frontage. On-site signage shall be non-flashing and non-animated.
10. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval; any adopted Mitigation Measures; and a project area map.
11. Prior to final occupancy of a building permit, the applicant shall relocate or remove the existing wood fencing along the eastern property line in order to meet required front yard setback requirements.

Department of Public Works

12. Prior to operation of the prayer room or within six months of the approval of the use permit, whichever comes first, an encroachment permit shall be taken out for an asphalt driveway onto Tully Road. The driveway to be paved is the driveway that sees the most traffic accessing Tully Road.
 - A paved driveway shall be installed per Stanislaus County Public Works Standards and Specifications for a Major and Collector Roads.

- Access to Tully Road shall be right-in/right-out access only, **unless otherwise allowed by County Public Works subject to further analysis, including environmental review, to allow for left-in/left-out access.**
13. No parking, loading, or unloading of vehicles is permitted within the Tully Road right of way. The developer shall install or pay for the installation of any off-site signs and/or markings, as required by Stanislaus County.
14. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted with any building permit that will create a larger building footprint for the site. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
- The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
 - The grading drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharger Identification Number and a copy of the Notice of Intent and the projects Stormwater Pollution Prevention Plan shall be provided prior to the approval of any grading, if applicable.
 - The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the grading plan.
 - The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

Department of Environmental Resources

15. Prior to final of a building permit, a water supply permit shall be obtained from the Stanislaus County Department of Environmental Resources for an on-site public water system. Concurrence from the State Water Boards shall be required prior to issuance of the water supply permit.
16. The on-site wastewater treatment system (OWTS) shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.
17. The OWTS shall be designed according to type and/or maximum occupancy of the proposed structure to estimated waste/sewage design flow rate and in accordance to number of plumbing fixture units proposed within the building. The dispersal field shall be designed and sized using field data collected from soil profile and percolation tests performed at the locations proposed for dispersal field and the 100% future reserved.
18. The OWTS designed system shall provide 100% of the original system for the “future expansion area”.

19. The sewage disposal system to be installed on-site shall not be paved or covered by concrete or any material that is not capable of reducing or inhibiting a possible evaporation of the effluent.
20. Prior to commencement of any on-site activities involving potlucks, provision of catered food to mosque attendees, or food drives, the applicant shall consult with Department of Environmental Resources (DER) staff on any required food facility permits as required by California Retail Food Code (RFC). If permitting is required, the applicant shall submit 3 sets of plans to DER of the food facility for review and approval. The Department of Environmental Resources shall review the plans for compliance with the California Retail Food Code section 114380. The submitted food facility construction plans shall be complete, easily readable, drawn to scale, and include specification sheets.

Salida Fire Protection District

21. This project shall be subject to Fire Service Impact Mitigation Fees as adopted by the District Board of Directors and currently in place at the time of issuance of building permits.
22. This project shall meet the District's requirements of on-site water for fire protection prior to construction of combustible materials. Fire hydrant(s) and static source locations, connections, and access shall be approved by the District.
23. Prior to, and during, combustible construction, the District shall approve provisions for serviceable fire vehicle access and fire protection water supplies.
24. A District specified Rapid Entry System (Knox) shall be installed and serviceable prior to final inspection allowing fire department access into any gated areas, limited access points, and/or buildings.
25. The project shall meet fire apparatus access standards.
26. If traffic signals are installed and/or retrofitted for the project, signal preemption devices shall be paid for or installed by the developer/owner and shall conform to the District's standards and requirements.
27. Prior to issuance of a building permit, the owner(s) of the property shall form or annex into a Community Facilities District for operational services with the Salida Fire Protection District.

Modesto Irrigation District (MID)

28. Prior to issuance of a building permit, the draft construction/improvement plans shall be submitted to MID's Civil Engineering Department for review and approval and shall show the location of the existing irrigation easement and facilities.
29. All work that may affect irrigation facilities shall occur during the non-irrigation season. Irrigation service shall not be interrupted.

30. Existing MID easements for protection of overhead electrical facilities shall remain.
31. Prior to any ground-disturbing activities, the applicant shall consult with MID's Electrical Engineering Department and ensure that existing overhead high voltage electric facilities are protected from dirt/dust. Leveling or grading shall not occur without effective construction dust control measures in place.
32. Prior to irrigation service for the proposed orchard, applicant shall obtain all necessary approvals and pay all applicable fees for service.

Regional Water Quality Control Board

33. Prior to issuance of a building permit, applicant/developer shall be responsible for contacting the Central Valley Regional Water Quality Control Board and obtaining any necessary permits.

San Joaquin Valley Air Pollution Control District

34. Any construction resulting from this project shall comply with standardized dust controls adopted by the SJVAPCD and may be subject to additional regulations/permits, as determined by the SJVAPCD.
35. The proposed project may be subject to SJVAPCD Rules and Regulations, including: District Rules 2010 and 2201 (Air Quality Permitting for Stationary Sources), Rule 4002 (National Emissions Standards for Hazardous Air Pollutants), Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 9510 (Indirect Source Review). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). Prior to issuance of a grading or building permit, the applicant shall contact the District's Small Business Assistance Office to determine if any SJVAPCD permits or if any other District rules or permits are required, including but not limited to an Authority to Construct (ATC).

*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording is in **bold**, and deleted wording will have a ~~line through it~~.*



CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, January 1, 2020

- 1. **Project title:** Use Permit Application No. PLN2018-0080 – Central Valley Crescent
- 2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
- 3. **Contact person and phone number:** Kristen Anaya, Associate Planner
(209) 525-6330
- 4. **Project location:** 5043 Tully Road, on the northwest corner of Tully Road and Kiernan Avenue, in the Modesto area (APN: 004-069-033).
- 5. **Project sponsor’s name and address:** Sohel Sareshwala
7150 Carver Road
Modesto, CA 95356
- 6. **General Plan designation:** Agriculture
- 7. **Zoning:** General Agriculture (A-2-40)
- 8. **Description of project:**

Request to establish a mosque (place of worship) on a 2.71± acre parcel in the General Agriculture (A-2-40) zoning district. The project proposes to convert an existing single-story, 13-foot-tall, 720 square-foot detached garage into a mosque to be used as a prayer hall for Central Valley Crescent (CVC). While the facility has previously been in operation at this site without permits, a Use Permit is required to permit the proposed mosque. No new exterior construction is proposed; however, both a change of occupancy for the change in use of the structure and a building permit for a tenant improvement to bring the existing garage’s restroom into compliance with ADA standards will be required. The applicant proposes to install two graveled parking lots providing 35 parking spaces and one paved ADA parking space, frontage landscaping, and a driveway approach providing access to County-maintained Tully Road. The balance of the site is proposed to be planted in orchard. No signage is proposed; however, if a monument sign is proposed to be installed in the future, the project will be conditioned to allow a single monument sign not more than 12 square feet in area nor 6 feet in height to be installed along the street frontage. The sign will be conditioned to be non-flashing and non-animated and a sign plan submitted for review and approval by the Planning Director or appointed designee. With respect to fencing, the project site has an existing 6-foot tall wood fence along the northern property line, a 7-foot tall wood fence along the eastern property line, and a Caltrans 6-foot tall cyclone fence with slats along the south property line. If approved, the project will be conditioned to install a wood fence at least 7-feet-tall along the north and west property lines to match the height and material of the eastern property line fencing.

The project site is also developed with an existing 1,560 square-foot single-family dwelling, which is proposed to be used as on-site housing for CVC’s Imam (prayer leader) and family. Both the proposed mosque and existing residence site will utilize the existing private well for domestic water and septic system for wastewater service. The site is not currently irrigated but proposes to be served by MID for irrigation of the proposed orchard trees. Parking lot lighting consisting of 15-foot-tall, pole-mounted solar LED parking lights are proposed within the parking areas.

The facility will typically operate Tuesday through Sunday to facilitate prayer five times a day at various intervals from sunrise to shortly after sunset (between 7 a.m. to 9 p.m.). The timing of these intervals will depend on the timing of sunset and sunrise but generally occur in 10-minute increments as follows: in the morning before sunrise, midday, in the afternoon around 1:30 p.m., at sunset, and nighttime around one hour after sunset. The number of attendees for these daily prayers is anticipated to range from two to nine congregants at a time. On Fridays, one hour-long prayer will typically occur from 1:30 p.m. to 2:30 p.m. and be attended by up to 35 members. Children’s religious classes for up to 12 children will be taught within the mosque on Tuesday through Friday for 45 minutes approximately one hour before sunset and may stay for the sunset prayer period. During Ramadan, which is a 30-day long period whose dates vary annually depending on the lunar calendar, there will be special daily night prayers which will occur for an hour and a half after sunset and be attended by up to 40 members. The day after Ramadan, the congregation will have a catered meal outdoors immediately adjacent to the mosque, with temporary seating and tables. Otherwise, there will be no outdoor activities or food included in any daily activities.

No music, amplified or otherwise, will be played as part of mosque activities; however, a public address (PA) system for the purpose of speaking will be utilized on the interior of the mosque only. At any given time, a maximum of 40 people are proposed to utilize the mosque.

Modification to the site plan to propose a single point of access for both the residence and parking lots would be required for this project to develop. Storm drainage will be handled via overland percolation into the gravel and orchard.

- 9. **Surrounding land uses and setting:** Scattered ranchettes and orchard in all directions; light industrial development and a mini storage facility to the east; Kiernan Avenue, an MID substation, a church, and an approved industrial mini-warehouse facility to the south.
- 10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works
Department of Environmental Resources
Caltrans
- 11. **Attachments:** I. Early Consultation Referral Responses

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)
 On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature on file.
 Prepared by Kristen Anaya, Associate Planner

June 14, 2023
 Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, than the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). References to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a) the significant criteria or threshold, if any, used to evaluate each question; and

b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES

I. AESTHETICS – Except as provided in Public Resources Code Section 21099, could the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Discussion: The site itself is not considered to be a scenic resource or unique scenic vista. The site is currently improved with a single-family dwelling and detached garage. It is not located in the vicinity of a state scenic highway. Interstate 5 is the only designed scenic highway in Stanislaus County and is located approximately 18 miles from the project site to the west. The area surrounding the site consists of production agriculture, primarily planted in orchard; metal and wood accessory structures, ranchettes, vacant parcels, light industrial development along Kiernan Avenue (SR 219); and the City of Modesto is located approximately ½ mile south of the project site.

The applicant is proposing to convert the existing, single-story, 13-foot-tall, 720 square-foot detached garage to a mosque and maintain the existing 1,560 square-foot dwelling on-site for occupancy by Central Valley Crescent’s imam. No changes to the exterior of the structures are proposed. The project proposes to install two graveled parking lots providing 35 parking spaces and one ADA-compliant parking space in accordance with the County’s Off-Street Parking standards, and a paved driveway approach providing access to County-maintained Tully Road. There are currently two driveways serving the site: one serving the existing residence and a graveled driveway for access to the rear of the site. The driveway which sees the most traffic onto Tully Road will be required to be paved, per a Condition of Approval applied by the Department of Public Works. Although the project site is located immediately outside of the LAFCO-adopted Sphere of Influence (SOI) of the City of Modesto, it is within the City’s adopted General Plan boundaries; accordingly, the project was referred to the City of Modesto who requested that the project include a condition of approval requiring that the 20-foot setback between the proposed parking area and Tully Road be landscaped. Landscaping will be required to meet County standards, including provision of not less than 3 percent landscaping along the road frontage and cumulatively not less than 5 percent landscaping in accordance with County landscaping requirements. These landscaping requirements will be added to the project as conditions of approval. The balance of the site will be improved with a nut and fruit orchard. Parking lot lighting consisting of 15-foot-tall, pole-mounted solar LED parking lights are proposed within the parking areas. Standard conditions of approval will be added to the project requiring all proposed on-site lighting to be pointed down and shielded and not to exceed 15 feet in height. The project site is currently fenced by 6-foot-tall cyclone fencing with slats along the southern property line and a 6-foot-tall solid wood fence along the northern property line and 7-foot-tall along the eastern property line. Additionally, the western-most parking lot will also be screened from the property to the west by an existing 10-foot-tall mesh screen fence with wood posts with mesh; and a condition of approval will be added to the project requiring the existing wood fencing along the northern property line to be replaced with uniform fencing at least 7-feet tall, and a new 7-foot tall wood fence to be installed along the western property line. No signage is proposed; however, if a monument sign is proposed to be installed in the future, the project will be conditioned to allow a single monument sign not more than 12 square feet in area nor 6 feet in height to be installed along the street frontage. The sign will be conditioned to be non-flashing and non-animated and a sign plan submitted for review and approval by the Planning Director or appointed designee.

Conversion of the mosque and installation of landscaping and orchard for the project site will not obstruct visual nor substantially degrade the existing visual character of the area. Development of the site will have to comply with applicable County development standards for the General Agriculture (A-2) zoning district and corresponding development standards

for landscaping, signage, and off-street parking requirements at the time of applying for a building permit. With conditions of approval in place, no adverse impacts to the existing visual character of the site or its surroundings are anticipated

Mitigation: None.

References: Referral response from the City of Modesto, dated October 16, 2018; Application information; Stanislaus County Zoning Ordinance; the Stanislaus County General Plan; and Support Documentation¹.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

Discussion: The 2.71± acre project site is improved with a single-family dwelling and is not currently farmed. Per the application materials, the parcel is not presently farmed nor does the parcel currently receive irrigation water from Modesto Irrigation District; however, there is an existing irrigation easement and underground pipeline on the parcel, along the Tully Road frontage. The project site is not enrolled in a Williamson Act Contract and is not designated as an agricultural preserve. The parcel is designated as Rural Residential Land by the California State Department of Conservation Farmland Mapping and Monitoring Program. The Natural Resources Conservation Service Soil Survey designates the site as being comprised of Hanford sandy loam, 0 to 3 percent slopes (HdA), with a California Revised Storie Index rating of Grade 1 rating, which is considered to be prime soil. The County’s adopted Uniform Rules for Agricultural Preserves maintained under Williamson Act Contracts identifies 10 acres of prime agricultural land as the minimum size presumed large enough to sustain a viable agricultural operation. As stated, the project parcel is 2.71± acres and under the Uniform Rules would not be considered eligible for entry into the Williamson Act.

Goal Two of the County's Agricultural Element seeks to conserve our agricultural lands for agricultural uses. Further, Objective 2.2 of the Agricultural Element states that in defining the County's most productive agricultural areas, it is important to recognize that soil types alone should not be the determining factor. Due to the project site's size, existing site improvements, lack of access to surface water from an irrigation district, and location, it would not be considered a most productive agricultural area in the County.

The project site is zoned General Agriculture (A-2-40), has a General Plan designation of Agriculture. Although the site is located immediately outside of the City of Modesto's Sphere of Influence (SOI), it is designated within the City's planned General Plan boundaries as Village Residential; accordingly, the project was referred to the City of Modesto who requested that the project include a condition of approval related to frontage landscaping, as discussed in Section I – *Aesthetics*.

Within the General Agriculture (A-2) zoning district, the County permits certain uses unrelated to agricultural production under three distinct tiers of uses when it is found that the proposed use "will not be substantially detrimental to or in conflict with the agricultural use of other property in the vicinity." The proposed mosque use falls under the Tier Three category of the A-2 zoning district. Tier Three uses are not directly related to agriculture but may be necessary to serve the A-2 district or may be difficult to locate in an urban area. Some of these uses can be people-intensive and, as a result, have the potential to adversely impact agriculture. These people-intensive uses are generally required to be located within LAFCO-approved Spheres of Influence (SOI) of cities or community services districts and sanitary districts serving unincorporated communities. When a project is located within a city's SOI, the Stanislaus County Zoning Ordinance allows non-agricultural development provided that the City offers written support of the proposed use and a Use Permit is obtained prior to operation.

The site is surrounded by A-2 zone parcels planted in orchard or row crops in all directions, ranging in size from 5 acres to 38 acres; however, the parcel immediately to the southeast of the project site, identified by Assessor's Parcel Number 046-001-001, is zoned Planned Development and is approved for light industrial development pursuant to General Plan & Rezone No. PLN2018-0081 – *Libitzky Holdings*. There is additional light industrial development less than a ¼ mile east of the project site. The site is also in the vicinity of an approved temple permitted under Use Permit No. PLN2018-0069 – *Hindu Temple*, on Assessor's Parcel No. 046-006-009, located approximately 650-feet to the south; and a church facility permitted under Use Permit No. PLN2013-0005 and Staff Approval Permit No. PLN2020-0118 – *Holy Family Church*, on Assessor's Parcel Number 046-012-007, located approximately 0.3± miles to the southeast. Both the Hindu Temple and Holy Family Church projects are located within the City's SOI. The Modesto Landmark Missionary Baptist Church, which is also within the City's SOI, is located two parcels to the south across Kiernan Avenue. The City of Modesto city limits is located approximately ½ mile to the south. As stated, the project site is not enrolled in a Williamson Act Contract nor are any adjoining parcels enrolled in a Williamson Act Contract. The nearest enrolled parcel is a 4.5± acre parcel addressed as 5106 Tully Road (APN: 004-071-030), which is not presently farmed, and is 120 feet away from the parcel on the east side of Tully Road. Additionally, a 38.69± acre parcel approximately 170 feet to the west, which is addressed as 1443 Kiernan Avenue (APN: 004-069-042) is enrolled under a Williamson Act Contract and planted in orchard. Both of these contracted parcels will be physically separated from the project site via an agricultural buffer, as described in this section below.

Appendix Seven of the Stanislaus County General Plan Agricultural Element – "*Buffer and Setback Guidelines*" requires that discretionary projects incorporate physical separation such as a topographic feature, a stand of trees, berm, fencing, or similar feature when non-agricultural development is proposed in or adjacent to agriculturally zoned parcels. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray drift resulting from the interaction of agricultural and non-agricultural uses. Further, for uses located within a City's SOI, the use shall be subject to these guidelines if located within 300 feet of any production agriculture operation or the outer boundary of the SOI at the time of approval. The Appendix suggests that projects that are people-intensive shall include a 300-foot-wide buffer setback. Exceptions to the buffer include; public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and similar low people-intensive uses. The Buffer and Setback Guidelines also allows the applicant to propose an alternative to the buffer setback subject to Planning Commission approval provided the proposed alternative is found to provide equal or greater protection to the surrounding agricultural uses. Although the Planning Commission has the ultimate determination, it is the opinion of staff that the proposed use falls under the category of a "people-intensive use". The proposed project does not meet the 300-foot setback for people-intensive uses from all of the adjacent A-2-zoned parcels that surround the site. While the proposed mosque is located approximately 325± feet from the adjacent western parcel and 300± feet from the nearest parcel to the south, the garage structure is located only 200± feet to the adjacent eastern parcel, across Tully Road, and approximately 7± feet to the parcel to the north. Accordingly, the

applicant is proposing an alternative to the agricultural buffer for the northern and eastern property lines consisting of the following: a proposed 7-foot-tall solid wood fence bounding the site along the northern and eastern property lines. Further, 120 feet of physical distance, the existing single-family residence, frontage landscaping, and Tully Road will provide additional buffer between the proposed mosque and the properties to the east. The proposed orchard will provide additional barrier between the proposed use and the properties to the west and south. This project was referred to the Stanislaus County Agricultural Commissioner’s Office who responded that no concerns were identified with the proposed alternative buffer. In light of the site’s proposed buffer alternatives the limited activity to occur outside of the mosque, the impact to the adjacent agricultural uses is not anticipated to be greater as a result of this project

Incorporation of the fencing and the proposed orchard and landscaping, will minimize conflicts between the proposed use and adjacent agriculture as well as prevent light and physical trespass onto adjacent parcels. Additionally, the County’s implementation of the Right-to-Farm Ordinance (Section 9.32.52 – *Right-to-Farm Notice*), as enforced by the County Agricultural Commissioner’s Office, protects agricultural operations from complaints and nuisance suits as a result of normal farming practices. The adjacent farmed parcels to the north, west, southwest, and across Tully Road to the east All have valid spray permits obtained through the County Agricultural Commissioner’s Office. Although the new use does not meet the minimum suggested distance of 300 feet from all farmed properties, there are no regulatory requirements that necessitate leaving a buffer of physical distance. Most pesticides may have some buffer requirements, which the user must evaluate at the time of application. It is the opinion of the Agricultural Commissioner’s Office that these uses can co-exist without conflict, taking into account the proposed landscape and fence alternative. As good management practice, off-target movement during application of sprays can be prevented by the applicator shutting off airblast before the orchard line terminates and not spraying when turning. This off-target movement should be prevented by applicators regardless of adjacent use. Further, these precautions are unlikely to be any different than precautions growers of adjacent orchards already take to prevent pesticide drift onto cars on Tully Road or Kiernan Avenue, or onto rural residences in the surrounding area. Typically, pesticide application occurs during nighttime when the proposed facility would be closed, further limiting its impact on maintenance of adjacent agriculture.

There are no forest resources on the site or in the surrounding area. Impacts to agriculture and forest resources are considered to be less than significant.

Mitigation: None.

References: Referral response from Modesto Irrigation District, dated October 18, 2018; Referral response from the City of Modesto, dated October 16, 2018; Natural Resources Conservation Service Soil Survey; application information; Stanislaus Soil Survey (1957); California State Department of Conservation Farmland Mapping and Monitoring Program – Stanislaus County Farmland 2018; Stanislaus County General Plan Agricultural Element and Support Documentation¹.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those odors adversely affecting a substantial number of people?			X	

Discussion: The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD’s most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the

2008 PM2.5 (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as "extreme non-attainment" for ozone, "attainment" for respirable particulate matter (PM-10), and "non-attainment" for PM 2.5, as defined by the Federal Clean Air Act.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide regulatory programs and policies to prevent cumulative deterioration of air quality within the Basin. The site is currently improved with a single-family dwelling and detached garage and no new construction with the exception of building permits to legalize unpermitted tenant improvements is proposed. Occupancy of the proposed mosque will increase traffic in the area and, thereby, impact air quality.

The project was referred to the Air District who responded to the project indicating that the project is not anticipated to exceed any of the adopted District significance thresholds for air quality. Further, Air District staff noted the project does not meet the definition of a development project and is consequently not subject to District Rule 9510. The proposed project may be subject to the following District Rules: Regulation VIII, Rule 4102, Rule 4601, Rule 4641, or Rule 4002; therefore, staff will apply a condition of approval to the project requiring consultation with the Air District regarding compliance with these standard District rules and regulations prior to issuance of a building permit. The Air District has a three-tiered approach to assessing projects for significant impacts to air quality via their Small Project Analysis Level (SPAL), cursory Analysis Level (CAL), and Full Analysis Level (FAL) screening tools. Using the project type, size, and number of vehicle trips, the District has pre-quantified emissions and determined values below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. Projects which fall under SPAL are deemed to have a less than significant impact on air quality and, as such, are excluded from quantifying criteria pollutant emissions for CEQA purposes. The District categorizes places of worship less than 141,000 square feet in size that generate 1,000 non-heavy heavy-duty truck (HHDT) trips or fewer per day and 15 one-way HHDT trips or fewer per day as falling within the SPAL. The project proposes the conversion of an existing single-story, 720± square-foot detached garage into a mosque and graveling and striping of the proposed parking lot. The use anticipates generating an maximum of 25 vehicle trips at peak time. The proposed project falls within the SPAL screening level for places of worship and consequently is less than significant with respect to impacts on air quality.

Construction activities associated with new development can temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations a project's vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emission is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces.

Construction activities associated with the proposed project would consist primarily of grading and graveling of the proposed parking lots. These activities would not require any substantial use of heavy-duty construction equipment and would require little or no demolition or grading as the site is considered to be topographically flat. Consequently, emissions would be minimal. Furthermore, all construction activities would occur in compliance with all SJVAPCD regulations; therefore, construction emissions would be less than significant without mitigation.

The proposed project is anticipated to be consistent with the applicable air quality plans. Also, the proposed project would not conflict with applicable regional plans or policies adopted by agencies with jurisdiction over the project and would be considered to have a less than significant impact.

Potential impacts on local and regional air quality are anticipated to be less than significant, falling below SJVAPCD thresholds, as a result of the nature of the proposed project and project's operation after construction. Implementation of the proposed project would fall below the SJVAPCD significance thresholds for both short-term construction and long-term operational emissions, as discussed above. Because construction and operation of the project would not exceed the SJVAPCD significance thresholds, the proposed project would not increase the frequency or severity of existing air quality standards or the interim emission reductions specified in the air plans.

Mitigation: None.

References: Referral response from the San Joaquin Valley Air Pollution Control District, dated October 1, 2018; SJVAPCD Small Project Analysis Level Guidance, dated November 13, 2020; Stanislaus County General Plan and Support Documentation¹.

IV. BIOLOGICAL RESOURCES – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

Discussion: The project is located within the Salida Quad of the United States Geological Survey 7.5-minute quadrangle map. According to aerial imagery and application materials, the surrounding area consists primarily of A-2 zoned parcels developed as ranchettes or production agricultural, ranging in size from 5 acres to 38 acres; however, the parcel to the southeast of the project site identified by Assessor’s Parcel Number 046-001-001 is approved for light industrial development. There is additional light industrial development less than a ¼ mile east of the project site. The City of Modesto is located ½ mile to the south. The project site is bordered to the south and east by Kiernan Avenue and Tully Road, respectively. The site is on the northwest corner of the major collector Tully Road and rural expressway Kiernan Avenue intersection.

Based on results from the California Natural Diversity Database (CNDDDB) Quad Species List, there are six animal species which are state or federally listed or threatened that have been recorded to either occur or have occurred within the Salida Quad. These species include the California tiger salamander, Swainson’s hawk, tricolored blackbird, steelhead, Crotch bumble bee, and the valley elderberry longhorn beetle. Five additional species are listed as species of special concerns within the Salida Quad including: the Sacramento hitch (fish); hardhead (fish); Sacramento splittail (fish); chinook salmon (fish); and the coast horned lizard. The site neither contains nor is adjacent to aquatic resources such as vernal pools, rivers, tributaries, creeks, lakes, or wetlands which makes the presence of any of the identified special status fish species unlikely to occur on-site. Further, the site does not contain any elderberry bushes making the presence of the valley elderberry longhorn beetle unlikely to occur. The site is currently improved with a single-family dwelling and accessory structures but is otherwise vacant. The parcel is surrounded by Tully Road to the east, Kiernan Avenue to the south, and parcels routinely disturbed by practices associated with production agricultural also make it have a low likelihood to have

the presence of the special status bird species for nesting or breeding habitat. According to CNDDDB records, the nearest documented occurrences of any nearby special-status species are over 2.5 miles away from the project site. The project was referred to the California Department of Fish and Wildlife. The agency has responded indicating they have no concerns with the proposed project’s impacts to biological resources.

The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. Impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors are considered to be less than significant.

Impacts to biological resources are considered to be less than significant.

Mitigation: None.

References: E-mail correspondence from Jim Vang of the California Department of Fish & Wildlife, dated December 9, 2021; California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List; Stanislaus County General Plan and Support Documentation¹.

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

Discussion: There are no historical buildings registered with the state or federally, nor is the project site located within or near a historic district. It does not appear that this project will result in significant impacts to any archaeological or cultural resources. The project site is developed with a single-family dwelling and a detached garage. The balance of the property is partially vacant but previously disturbed in conjunction with a now-removed orchard. The project proposes interior improvements to the existing garage, and installation of two graveled parking lots. Standard conditions of approval regarding the discovery of cultural resources or human remains during the construction process will be added to the project.

Impacts to cultural resources are considered to be less than significant.

Mitigation: None.

References: Application Materials; Stanislaus County General Plan and Support Documentation¹.

VI. ENERGY. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

Discussion: The CEQA Guidelines Appendix F states that energy consuming equipment and processes, which will be used during construction or operation such as: energy requirements of the project by fuel type and end use, energy conservation equipment and design features, energy supplies that would serve the project, total estimated daily vehicle trips

to be generated by the project, and the additional energy consumed per trip by mode, shall be taken into consideration when evaluating energy impacts. Additionally, the project's compliance with applicable state or local energy legislation, policies, and standards must be considered.

The project site is currently developed with a single-family dwelling and a detached garage. The project proposes to convert an existing single-story, 13-foot-tall 720± square-foot detached garage into a mosque. The residence will remain as on-site quarters to be occupied by the imam of the congregation. The site is served by PG&E for gas and the Modesto Irrigation District (MID) for electrical service. Although no new structures will be constructed, all grading, permitting of existing tenant improvements and change of occupancy, and any future construction shall be in compliance with all San Joaquin Valley Air Pollution Control District (SJVAPCD) regulations and with Title 24, Green Building Code, which includes energy efficiency requirements. Consequently, emissions would be minimal. As stated under the Air Quality section, a condition of approval requesting the operator contact and obtain any applicable Air District permits will be added to the project. If approved, the applicant anticipates a peak of 40 people at a time will utilize the site during mosque activities. The site will operate Monday through Sunday, 7:00 a.m. to 9:30 p.m. The proposed project anticipates generating up to 25 trips during peak hours. Additionally, the anticipated range of trips will be generated 95% from within the local community. As required by CEQA Guidelines Section 15064.3, potential impacts to transportation should be evaluated using Vehicle Miles Traveled (VMT). Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. The CEQA Guidelines identify vehicle miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per day generally or achieves a 15% reduction of VMT may be assumed to cause a less than significant transportation impact. As the project will generate fewer than 110 trips per day, it is considered to have a less than significant impact.

The project was referred to PG&E who have not commented on the project to date. MID provided a referral response identifying an existing irrigation easement and underground pipeline on the parcel, and overhead electrical facilities within and adjacent to the project site; conditions of approval have been added to the project addressing their comments.

It does not appear that this project will result in significant impacts to the wasteful, inefficient, or unnecessary consumption of energy resources. Accordingly, the potential impacts to energy use are considered to be less than significant.

Mitigation: None.

References: Referral response from the San Joaquin Valley Air Pollution Control District, dated October 1, 2018; Referral response from Modesto Irrigation District, dated October 18, 2018; Application Materials; Stanislaus County General Plan and Support Documentation¹.

VII. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

Discussion: The USDA Natural Resources Conservation Service's Eastern Stanislaus County Soil Survey indicates that the property is entirely comprised of Hanford sandy loam, 0 to 3 percent slopes (HdA). As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. The project proposes to convert an existing detached 720 square-foot garage into a mosque and installation of a 35 space gravel parking lot with no construction proposed. Although no new construction is proposed, a referral response from the Stanislaus County Planning and Community Development Department Building Permits Division provided conditions for the project, requiring the applicant to obtain a building permit for a change of occupancy from a U to an A building classification, which would include a building permit for any unpermitted structural alterations to the site, provision of an egress system designed in accordance with the maximum occupancy load established in accordance to the most current adopted version of the California Building Code, and a permitting of existing bathrooms with the most current adopted California Building Code. These requirements have been added as conditions of approval. Further, any future structures resulting from this project or unpermitted alterations to existing structures which are subject to a building permit shall be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed.

The project proposes to discharge stormwater runoff overland and proposes graveled parking lots to allow percolation. An Early Consultation referral response received from the Department of Public Works indicated that a grading, drainage, and erosion/sediment control plan for the project will be required to be submitted prior to operation, subject to Public Works review and Standards and Specifications. The site proposes to utilize on-site private septic tanks for wastewater service. The Department of Environmental Resources (DER) responded to the Early Consultation referral stating that the on-site wastewater treatment system shall be required to be compliant with Measure X, provide a 100% future expansion area, and be designed according to the type and maximum occupancy of the proposed structure. Conformance to these requirements will be reviewed and approved by DER through the building permit process, which will take soil type into consideration within the specific design requirements. Conditions of approval will be added to the project to include these requirements.

The project site is not located near an active fault or within a high earthquake zone. Landslides are not likely due to the flat terrain of the area.

DER, Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met. Conditions of approval regarding these standards will be applied to the project and will be triggered when a building permit is requested. Impacts to geology and soils are considered to be less than significant.

The project site is developed with a single-family dwelling and a detached garage. The balance of the property is vacant but previously disturbed in conjunction with a now removed orchard; however, as part of the project request a new orchard will be planted.

Mitigation: None.

References: United States Department of Agriculture Natural Resources Conservation Service Soil Survey; Referral response from the Department of Environmental Resources (DER), dated October 10, 2018, and as revised on February 21, 2020; Referral response from the Stanislaus County Department of Public Works dated October 1, 2018; Referral response received from the Stanislaus County Department of Planning and Community Development – Building Permits Division, dated September 30, 2018; Application Materials; Stanislaus County General Plan and Support Documentation¹.

VIII. GREENHOUSE GAS EMISSIONS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Discussion: The principal Greenhouse Gases (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). CO₂ is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO₂ equivalents (CO₂e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. Two additional bills, SB 350 and SB32, were passed in 2015 further amending the states Renewables Portfolio Standard (RPS) for electrical generation and amending the reduction targets to 40% of 1990 levels by 2030.

The 2016 California Green Building Standards Code (CALGreen Code) went into effect on January 1, 2017, and includes mandatory provisions applicable to all new residential, commercial, and school buildings. The intent of the CALGreen Code is to establish minimum statewide standards to significantly reduce the greenhouse gas emissions from new construction. The Code includes provisions to reduce water use, wastewater generation, and solid waste generation, as well as requirements for bicycle parking and designated parking for fuel-efficient and carpool/vanpool vehicles in commercial development. The code also requires mandatory inspections of building energy systems for non-residential buildings over 10,000 square feet to ensure that they are operating at their design efficiencies. It is the intent of the CALGreen Code, that buildings constructed pursuant to the Code achieve at least a 15 percent reduction in energy usage when compared to the State’s mandatory energy efficiency standards contained in Title 24. The Code also sets limits on VOCs (volatile organic compounds) and formaldehyde content of various building materials, architectural coatings, and adhesives. With the requirements of meeting Title 24, CALGreen Code, greenhouse gas impacts from the project are considered to be less than significant. The project proposes to convert an existing detached 720 square-foot garage into a mosque and installation of a 35 space gravel parking lot with no construction proposed. A condition of approval will be added requiring the building permits for conversion of the garage and tenant improvement for an ADA bathroom be in compliance with Title 24, CALGreen Code, which includes energy efficiency requirements.

If approved, the applicant anticipates a peak of 40 people at a time will utilize the site during mosque activities. The site will operate Monday through Sunday, 7:00 a.m. to 9:30 p.m. The proposed project anticipates generating up to 25 trips during peak hours. Additionally, the anticipated range of trips will be generated 95% from within the local community. As required by CEQA Guidelines Section 15064.3, potential impacts to transportation should be evaluated using Vehicle Miles Traveled (VMT). Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. The CEQA Guidelines identify vehicle miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per day generally or achieves a 15% reduction of VMT may be assumed to cause a less than significant transportation impact. As the project will generate fewer than 110 trips per day, it is considered to have a less than significant impact on vehicle miles traveled.

The Air District has a three-tiered approach to assessing projects for significant impacts to air quality via their Small Project Analysis Level (SPAL), Cursory Analysis Level (CAL), and Full Analysis Level (FAL) screening tools. Using the project type, size, and number of vehicle trips, the District has pre-quantified emissions and determined values below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants or greenhouse gases. Projects which fall at the SPAL are deemed to have a less than significant impact on air quality and, as such, are excluded from quantifying criteria pollutant emissions for CEQA purposes. The District categorizes places of worship less than 141,000 square feet in size that generate 1,000 non-heavy heavy-duty truck (HHDT) trips or fewer per day and 15 one-way HHDT trips or fewer per day as falling within the SPAL. The project proposes the conversion of an existing single-story, 720± square-foot detached garage into a mosque to be used as a prayer hall and graveling and striping of the proposed parking lot. The proposed project anticipates generating up to 25 trips during peak hours. The proposed project falls within the SPAL screening level for places of worship and consequently is less than significant with respect to impacts on air quality. The project was referred to the Air District who responded to the project indicating that the project is not anticipated to exceed any of the adopted District significance thresholds for air quality. Further, Air District staff noted the project does not meet the definition of a development project and is consequently not subject to District Rule 9510. The proposed project may be subject to the following District Rules: Regulation VIII, Rule 4102, Rule 4601, Rule 4641, or Rule 4002; therefore, staff will apply a condition of approval to the project requiring consultation with the Air District regarding compliance with these standard District rules and regulations prior to issuance of a building permit.

Mitigation: None.

References: 2016 California Green Building Standards Code (CALGreen Code); Referral response from the San Joaquin Valley Air Pollution Control District, dated October 1, 2018; SJVAPCD Small Project Analysis Level Guidance, dated November 13, 2020; Stanislaus County General Plan and Support Documentation¹.

IX. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

Discussion: The County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials. The project proposes to convert an existing detached 720 square-foot garage into a mosque and installation of a 35 space parking lot with no construction proposed. The project was referred to the DER Hazmat Division and no comment has been received to date. The proposed use is not recognized as a generator and/or consumer of hazardous materials.

The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Salida Fire Protection District. The project was referred to Salida Fire, who requested that the owner(s) of the property form or annex into a Community Facilities District for operational services with the Salida Fire Protection District and required the provision of standard fire suppression systems such as on-site water supply, Rapid Entry System (Knox) for the proposed mosque. Additionally, the project shall be required to annex into a Community Facilities District for operational services. Conditions of approval will be added to the project requiring the applicant meet these requirements prior to issuance of any building permit.

The project site is not listed on the EnviroStor database managed by the CA Department of Toxic Substances Control or within the vicinity of any airport. The groundwater is not known to be contaminated in this area. The project site is not within the vicinity of any airstrip or wildlands. No significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

Mitigation: None.

References: Referral response from Salida Fire Protection District, dated October 24, 2018; Stanislaus County General Plan and Support Documentation¹.

X. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			X	
(i) result in substantial erosion or siltation on – or off-site;			X	
(ii) substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site;			X	
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
(iv) impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

Discussion: Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2% annual

chance floodplains. All flood zone requirements will be addressed by the Building Permits Division during the building permit process.

The project proposes to convert an existing detached 720 square-foot garage into a mosque and installation of a 35 space parking lot with no construction proposed. By virtue of the proposed installation of two graveled parking lots providing 35 spaces and one paved ADA parking space, the current absorption patterns of water upon this property will be altered; however, current standards require that all of a project's stormwater be maintained on-site. The applicant proposes to address stormwater runoff on-site via overland runoff, allowing runoff to percolate through the on-site soils and graveled spaces. The Department of Public Works referral response requested a Grading and Drainage Plan, to be included in this project's conditions of approval.

A referral response received from the Central Valley Regional Water Quality Control Board (RWQCB) provided a list of the Board's permits and programs that may be applicable to the proposed project. The developer will be required to contact RWQCB to determine which permits/standards must be met prior to construction as a condition of approval.

The project proposed to utilize the existing on-site well for domestic water purposes, and MID for irrigation water. The project was referred to the Department of Environmental Resources who commented that the proposed project meets the definition of a Public Water System and therefore subject to the requirements of SB1263. The California Safe Drinking Water Act (CA Health and Safety Code Section 116275(h)) defines a Public Water System as a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:

- 1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.
- 2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.
- 3) Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.

The project proposes to use an estimated 0.0011-acre feet of water per year. The water quality of the existing well has yet to be determined. If the existing well does not meet Public Water System standards the applicant may need to either drill a new well or install a water treatment system for the current well. Based on this information, if required to meet current water quality standards, the drilling of a new well would be considered a de minimis extractor, exempt from the County's Groundwater Ordinance and thus not require CEQA-compliance. If the applicant is required to install a water treatment system, it will be required to be approved by the Regional Water Quality Control Board and the Department of Environmental Resources. Regardless of which avenue the applicant takes to meet public water system standards, public water supply permits require on-going testing. Goal Two, Policy Seven, of the Stanislaus County General Plan Conservation/Open Space Element requires that, new development that does not derive domestic water from pre-existing domestic and public water supply systems be required to have a documented water supply that does not adversely impact Stanislaus County water resources. This Policy is implemented by requiring proposals for development that will be served by new water supply systems be referred to appropriate water districts, irrigation districts, community services districts, the State Water Resources Board and any other appropriate agencies for review and comment. Additionally, all development requests shall be reviewed to ensure that sufficient evidence has been provided, to document the existence of a water supply sufficient to meet the short and long-term water needs of the project without adversely impacting the quality and quantity of existing local water resources. Prior to receiving occupancy of any building permit for any later construction, the property owner must obtain concurrence from the State of California Water Resources Control Board (SWRCB), Drinking Water Division, in accordance with CHSC, Section 116527 (SB1263) and apply for a water supply permit if necessary, with the associated technical report to Stanislaus County DER and compliance with CEQA. This will be added as a condition of approval. If the developer utilizes an on-site well as the water source for the project and it does not meet water quality standards, then they may need to install a water treatment system.

The Sustainable Groundwater Management Act (SGMA) was passed in 2014 with the goal of ensuring the long-term sustainable management of California's groundwater resources. SGMA requires agencies throughout California to meet certain requirements including forming Groundwater Sustainability Agencies (GSA), developing Groundwater Sustainability Plans (GSP), and achieving balanced groundwater levels within 20 years. The site is located in the Modesto Sub-basin

under the jurisdiction of the Stanislaus and Tuolumne Rivers Groundwater Basin Association GSA. The GSP was adopted for the Modesto Subbasin on January 31, 2022.

Stanislaus County adopted a Groundwater Ordinance in November 2014 (Chapter 9.37 of the County Code, hereinafter, the “Ordinance”) that codifies requirements, prohibitions, and exemptions intended to help promote sustainable groundwater extraction in unincorporated areas of the County. The Ordinance prohibits the unsustainable extraction of groundwater and makes issuing permits for new wells, which are not exempt from this prohibition, discretionary. For unincorporated areas covered in an adopted GSP pursuant to SGMA, the County can require holders of permits for wells it reasonably concludes are withdrawing groundwater unsustainably to provide substantial evidence that continued operation of such wells does not constitute unsustainable extraction and has the authority to regulate future groundwater extraction. The site has an existing private well and septic system serving the on-site residence. There are no additional wells proposed as part of this request. If in the future the facility results in the formation of a new Public Water System, then the project site will be subject to all applicable rules, regulations and standards, as discussed above.

The new and existing wells are not anticipated to have a significant effect on groundwater supplies. The water quality of the existing well has yet to be determined. If the existing on-site well does not meet public water system standards the applicant may need to drill a new well. If the new well does not meet Public Water System standards the applicant may need to either drill an additional well or install a water treatment system for the existing or proposed wells. Goal Two, Policy Seven, of the Stanislaus County General Plan’s Conservation/Open Space Element requires that new development that does not derive domestic water from pre-existing domestic and public water supply systems be required to have a documented water supply that does not adversely impact Stanislaus County water resources. This Policy is implemented by requiring proposals for development that will be served by new water supply systems be referred to appropriate water districts, irrigation districts, community services districts, the State Water Resources Board and any other appropriate agencies for review and comment. Additionally, all development requests shall be reviewed to ensure that sufficient evidence has been provided to document the existence of a water supply sufficient to meet the short and long-term water needs of the project without adversely impacting the quality and quantity of existing local water resources.

The landscaping required to be installed for project development will need to meet state standards for water efficiency and is not expected to have significant effects on groundwater supplies.

Impacts associated with drainage, water quality, and runoff are considered to be less than significant.

Mitigation: None.

References: E-mail correspondence from Department of Environmental Resources staff, dated April 9, 2021; Referral response from the Central Valley Regional Water Quality Control Board, dated October 4, 2018; Referral response from the Department of Environmental Resources (DER), dated October 10, 2018, and as revised on February 21, 2020; Referral response from DER Groundwater Resources Division dated October 24, 2018; Referral response from the Stanislaus County Department of Public Works dated October 1, 2018; Referral response from Modesto Irrigation District, dated October 18, 2018; Stanislaus County General Plan and Support Documentation¹.

XI. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

Discussion: Request to operate a mosque on a 2.71-acre parcel in the General Agriculture (A-2-40) zoning district. The project proposes to convert an existing detached 720 square-foot garage into a mosque; while no construction is proposed, the facility has already been in operation. Both a change of occupancy for the change in use of the structure and a building permit for a tenant improvement to bring the existing garage’s restroom into compliance with ADA standards is required. The site will be improved with two graveled parking lots providing 35 spaces and one paved ADA parking space, frontage

landscaping, and a driveway approach providing access to County-maintained Tully Road. The balance of the site will be planted in orchard. The project site has also been developed with a 1,560 square-foot single-family dwelling, which is proposed to be used as on-site housing for CVC's imam and family.

The facility will typically operate Tuesday through Sunday to facilitate prayer five times a day at various intervals from sunrise to shortly after sunset (between 7 a.m. to 9 p.m.). The timing of these intervals will depend on the timing of sunset and sunrise but generally occur in 10-minute increments as follows: in the morning before sunrise, mid-day around 1:30 p.m., afternoon, at sunset, and nighttime around one hour after sunset. The number of attendees for these daily prayers is anticipated to range from two to nine congregants at a time. On Fridays, one hour-long prayer will typically occur from 1:30 p.m. to 2:30 p.m. and be attended by up to 35 members. Children's religious classes for up to 12 children will be taught within the hall on Tuesday through Friday for 45 minutes approximately one hour before sunset, and may stay for the sunset prayer period. During Ramadan, which is a 30-day long period which occurs annually and varies depending on the lunar calendar, there will be special daily night prayers which will occur for 1.5 hours after sunset and be attended by up to 40 members.

All activities will remain indoors except one day a year after Ramadan, where the congregation will have a catered meal served outdoors immediately adjacent to the mosque; otherwise no food is included in any daily activities. The project was referred to the Department of Environmental Resources (DER) who indicated the proposed facility offering catered meals meets the definition under California Retail Food Code as a "Host Facility." A condition of approval requiring the applicant to submit three sets of plans of the facility to DER for review for compliance with California Retail Food Code section 114380 has been added to the project. No music, amplified or otherwise, will be played as part of on-site activities; however, a public address (PA) system for the purpose of speaking will be utilized on the interior of the mosque only. The project will be conditioned that it shall comply with all applicable County Noise Element standards. At any given time, a maximum of 40 people are proposed to utilize the mosque.

Both the proposed mosque and existing residence site will utilize the existing private well for domestic water and septic system for wastewater service. The site will utilize existing MID irrigation facilities for the proposed orchard. The proposed facility will take access off County-maintained Tully Road via a paved driveway allowing a right-in/right-out egress system. The segment of Kiernan Avenue which abuts the project site is part of the planned Phase IV of the North County Corridor project. No access shall be permitted to be taken from the Kiernan Avenue frontage. Storm drainage will be handled via overland percolation into the gravel and on-site soils.

To approve a Use Permit, the Planning Commission must find that it is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county. Additionally, as a Tier Three use, the Planning Commission must find that the use will not be substantially detrimental to agricultural uses in the vicinity and that the proposed use is not located in one of the County's "most productive agricultural areas".

The project site is located a ½ mile from City of Modesto city limits and is located outside of Modesto's Sphere of Influence (SOI) but within their adopted General Plan boundaries. The Stanislaus County General Plan Land Use Element Policy 27 requires all discretionary projects within one mile of a City's adopted SOI boundary shall be referred to that city for an application of that city's development standards if requested. Consequently, the project was referred to the City of Modesto, who provided a referral response requiring the 20-foot width of road frontage between Tully Road and the proposed parking lot be landscaped. This will be required as conditions of approval applied to the project.

The site is surrounded by A-2 zone parcels planted in orchard or row crops in the vicinity of the project site in all directions, ranging in size from 5 acres to 38 acres; however, the parcel immediately to the southeast of the project site identified by Assessor's Parcel Number 046-001-001 was approved by the Stanislaus County Board of Supervisors on August 17, 2021 for light industrial development pursuant to General Plan Amendment & Rezone No. PLN2018-0081 – Libitzky Holdings. The Planning Commission has also approved a church facility under Use Permit PLN2013-0005 and Staff Approval Permit PLN2020-0118 - Holy Family Church, on Assessor's Parcel Number 046-012-007, located three parcels away to the southeast. Additionally, the Planning Commission approved a Use Permit for the construction and establishment of a new Hindu Temple, serving a maximum of 200 people on Assessor's Parcel Number 046-006-009, on January 5, 2023. The Modesto Landmark Missionary Baptist Church is located two parcels to the south across Kiernan Avenue and within the City's SOI. The City of Modesto is located ½ mile to the south. As stated, the project site is not enrolled in a Williamson Act Contract. There are no adjoining parcels that are enrolled in a Williamson Act Contract; however, the nearest enrolled

parcel is a 4.48 acre parcel addressed as 5106 Tully Road (APN: 004-071-030), which is not presently farmed, and is 150 feet away from the parcel on the east side of Tully Road. Additionally, a 38.69± acre parcel approximately 170 feet to the west, which is addressed as 1443 Kiernan Avenue (APN: 004-069-042) is enrolled under a contract and planted in orchard. Both of these parcels will be physically separated from the project site via an agricultural buffer, as described in Section II – *Agricultural and Forest Resources*, or Tully Road.

Appendix Seven of the Stanislaus County General Plan Agricultural Element – “*Buffer and Setback Guidelines*” requires that discretionary projects incorporate physical separation such as a topographic feature, a stand of trees, berm, fencing, or similar feature when non-agricultural development is proposed in or adjacent to agriculturally zoned parcels. The Appendix states that projects that are people-intensive shall include a 300-foot-wide buffer setback. Exceptions to the buffer include; public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and similar low people-intensive uses. The Buffer and Setback Guidelines also allows the applicant to propose an alternative to the buffer setback subject to Planning Commission approval. Although the Planning Commission has the ultimate determination, it is the opinion of staff that the proposed use falls under the category of a “people-intensive use”. The proposed project does not meet the 300-foot setback for people-intensive uses from all adjacent A-2-zoned parcels. The proposed mosque is located 200± feet to the adjacent eastern parcel, and approximately seven feet to the parcel to the north. Accordingly, the applicant is proposing an alternative to the agricultural buffer for the northern and eastern property lines consisting of the following: a proposed 7-foot-tall solid wood fence bounding the site along the northern and eastern property lines. Further, 120feet of physical distance, the existing single-family residence, frontage landscaping, and Tully Road will provide additional buffer between the proposed mosque and the western property line of the properties to the east. Project details, including the proposed agricultural buffer was referred to the Agricultural Commissioner’s Office, who identified no issues with the project as proposed.

The project will not physically divide an established community nor conflict with any habitat conservation plans. Impacts to land use and planning are considered to be less than significant.

Mitigation: None.

References: Referral response from the Department of Environmental Resources, dated February 21, 2020; Referral response from the City of Modesto, dated October 16, 2018; Stanislaus County General Plan and Support Documentation¹.

XII. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site, nor is the project site located in a geological area known to produce resources.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XIII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion: The Stanislaus County General Plan Noise Element identifies daytime (7:00 a.m. to 10:00 p.m.) maximum allowable average noise exposure for stationary noise sources to be an hourly average of 55 decibels and maximum level of 75 decibels, and nighttime (10:00 p.m. to 7:00 a.m.) to be an hourly average of 45 decibels and maximum of 65 decibels, measured at residential or other noise-sensitive land use on neighboring properties. Noise consisting of speech, music, or recurring impulsive noises are subject to a reduction of these thresholds by an additional 5 decibels. However, where measured ambient noise levels exceed these standards, the standards shall be increased to the ambient levels, pursuant to the County General Plan Noise Element standards. The nearest sensitive receptor, a single-family dwelling, is located approximately 170 feet from the eastern property line of the project site. The project proposes to convert an existing detached 720 square-foot garage into a mosque with no new exterior construction proposed; however, the applicant will be required to obtain a change of occupancy building permit to change the occupancy of the garage. No music, amplified or otherwise, will be played as part of mosque activities; however, a public address (PA) system for the purpose of speaking will be utilized on the interior of the mosque only. Any on-site grading for the proposed parking lot may result in a temporary increase in the area’s ambient noise levels; however, noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. The site itself is impacted by the noise generated from State Route 219 (Kiernan Avenue). Moreover, operating hours are limited to 7 a.m. to 9:30 p.m. daily. All activities will remain indoors except one day a year during Ramadan, where the congregation will have an outdoor catered potluck, without associated amplified sound, immediately adjacent to the hall. At any given time, a maximum of 40 people are proposed to utilize the mosque. The area’s ambient noise level will temporarily increase during grading of the parking lot. As such, the project will be conditioned to abide by County Noise Element standards as well as regulations related to hours and days of construction.

The site is not located within an airport land use plan.

Mitigation: None.

References: Application Materials; Stanislaus County General Plan Noise Element and Support Documentation¹.

XIV. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X	

Discussion: The site is not included in the vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5th cycle Regional Housing Needs Allocation (RHNA) for the county and will therefore not impact the County’s ability to meet their RHNA. The existing single-family residence is proposed to remain and to be occupied by the mosque imam and family. No population growth will be induced, nor will any existing housing be displaced as a result of this project. Impacts to population and housing are considered to be less than significant.

Mitigation: None.

References: Stanislaus County General Plan Housing Element and Support Documentation¹.

XV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in the substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

Discussion: The County has adopted School, Public Facilities Fees, as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. All adopted public facility fees will be required to be paid at the time of building permit issuance for the proposed construction.

The project site is located within the district boundaries of Salida Fire Protection District for fire protection services, Stanislaus County Sheriff’s Office for police protection, Stanislaus Union and Modesto Union for school services, Stanislaus County Parks Department for parks services, and Modesto Irrigation District for electric and irrigation services. This project was circulated to all applicable school, fire, police, irrigation, public works departments and districts during the Early Consultation referral period, and no concerns were identified with regard to public services.

A referral response was received from the Modesto Irrigation District (MID), which stated the District has existing overhead electrical facilities that occur near and on the project site and provided requirements with respect to trenching and construction near these facilities. The Salida Fire Protection District provided a comment letter requiring the site to meet fire apparatus access standards, provision of fire protection water supply, installation of a Rapid Entry System (Knox), payment of Fire Service Impact Mitigation Fees, and annexation into a community facilities district for operational services. Conditions of approval will be added to address both District’s comments. Additionally, the Department of Public Works responded to the project, requiring submittal of a grading, drainage, and erosion/sediment control plan, prohibition of parking and unloading or loading of vehicles in the Tully Road right-of-way, and installation of a single asphalt driveway serving the site.

The project is anticipated to less than significant impacts to public services.

Mitigation: None.

References: Referral response from the Stanislaus County Department of Public Works dated October 1, 2018; Referral response from Salida Fire Protection District, dated October 24, 2018; Referral response from Modesto Irrigation District, dated October 18, 2018; Stanislaus County General Plan and Support Documentation¹.

XVI. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Discussion: This project will not increase demands for recreational facilities, as such impacts typically are associated with residential development. Impacts to recreation are considered to be less than significant. Non-residential development pays parks fees through the payment of public facilities fees, which are collected during the issuance of a building permit.

Mitigation: None.

References: Stanislaus County General Plan Conservation/Open Space Element and Support Documentation¹.

XVII. TRANSPORTATION-- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

Discussion: The project site abuts the Tully Road/Kiernan Avenue (State Highway 219) intersection to the northwest. Traffic associated with the proposed project will take access off of County-maintained Tully Road via a single asphalt driveway, developed in accordance with Public Works Standards and Specifications for Major and Collector Roads. The project site is presently improved with a paved driveway serving the existing residence and a graveled driveway allowing a right-in/right-out egress system to the detached garage located at the rear of the site. Tully Road is identified as a 110-foot-wide Minor Arterial in the Circulation Element of the General Plan. Additionally, the segment of Kiernan Avenue (State Highway 219), from the intersection of Tully Road heading east, is planned for future build-out and development as part of Phase IV of the North County Corridor project. While no additional right-of-way is needed to accommodate the planned build-out, no access will be permitted to be taken from Kiernan Avenue.

If approved, the applicant anticipates a peak of 40 people at a time will utilize the site during mosque activities. The site will operate Monday through Sunday, 7:00 a.m. to 9:30 p.m. The proposed project anticipates generating up to 25 trips during peak hours. Additionally, the anticipated range of trips will be generated 95% from within the local community. As required by CEQA Guidelines Section 15064.3, potential impacts to transportation should be evaluated using Vehicle Miles Traveled (VMT). Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. The CEQA Guidelines identify vehicle miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per day generally or achieves a 15% reduction of VMT may be assumed to cause a less than significant

transportation impact. As the project will generate fewer than 110 trips per day, it is considered to have a less than significant impact.

This project was referred to the Department of Public Works, City of Modesto, and the California Department of Transportation (Caltrans). Both the Stanislaus County Department of Public Works and California Department of Transportation responded stating they had no concerns or issues with the proposed project, nor did they indicate the proposed project will result in significant impacts to either LOS or VMT. The City of Modesto provided no comments related to the proposed project’s impacts to traffic. The Department of Public Works stated the proposed project will be required to install a single asphalt driveway serving the site in conformance with Public Works Standards and Specifications, installation of traffic control signage as required, and submittal of a grading and drainage plan. The comments received from Public Works will be applied to the project as conditions of approval.

As stated in Section Fifteen – *Public Services*, the County has adopted Public Facilities Fees, to address impacts to public services. Fees paid on behalf of the project include Regional Transportation Improvement Fees (RTIF), which will be utilized for improvements to existing County road network. Therefore, impacts to traffic are anticipated to be less than significant for the proposed project.

Transportation impacts are considered to be less than significant.

Mitigation: None.

References: Referral response from the Stanislaus County Department of Public Works dated October 1, 2018; Referral response from the City of Modesto, dated October 16, 2018; Stanislaus County General Plan and Support Documentation¹.

XVIII. TRIBAL CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:			X	
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for the in subdivision (c) of Public Resource Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	

Discussion: In accordance with SB 18 and AB 52, this project was not referred to the tribes listed with the Native American Heritage Commission (NAHC) as the project is not a General Plan Amendment and no tribes have requested consultation or project referral noticing. It does not appear that this project will result in significant impacts to any archaeological or cultural resources. The project site is improved with a single-family residence and a detached garage. The site is not located near any areas of high sensitivity. Previous agricultural production on the site has left the site disturbed. However, standard conditions of approval regarding the discovery of cultural or paleontological resources during the construction process will be added to the project.

Impacts to tribal cultural resources are considered to be less than significant.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

Discussion: Limitations on providing services have not been identified. The project proposes to utilize a private on-site septic system for wastewater service and address stormwater drainage via overland runoff. A referral response from the Department of Environmental Resources (DER) stated that the on-site sewage disposal shall be by individual Primary and Secondary wastewater treatment units in compliance with Measure X and provide 100% of the original system for future expansion area. The Department of Public Works will review and approve grading and drainage plans prior to construction. Conditions of approval will be added to the project to reflect these requirements.

The site is served by PG&E for gas service and MID for electrical service. A referral response received from MID indicated the presence of overhead power lines and transformers on and near the project site. Standard notices regarding trenching near overhead facilities, verification of underground utilities prior to construction, and dust control measures will be added to the project as conditions of approval.

As stated in section X – Hydrology and Water Quality of this report, the project proposes to utilize an on-site well for domestic water service and qualifies as a public water system, subject to the requirements of SB1263. Irrigation water will be sourced from Modesto Irrigation District. The project proposes to use an estimated 0.0011-acre feet of water per year. Based on this information and as discussed in Section X – *Hydrology and Water Quality*, should the existing well not meet water quality standards and a new well have to be installed, the drilling of a new well would be considered a de minimis extractor, exempt from the County's Groundwater Ordinance and thus not require CEQA-compliance. If the applicant is required to install a water treatment system, it will be required to be approved by the Regional Water Quality Control Board and the Department of Environmental Resources. Regardless of which avenue the applicant takes to meet public water system standards, public water supply permits require on-going testing.

Impacts to utilities and service systems are considered to be less than significant.

Mitigation: None.

References: E-mail correspondence from Department of Environmental Resources staff, dated April 9, 2021; Referral response from the Central Valley Regional Water Quality Control Board, dated October 4, 2018; Referral response from the Department of Environmental Resources (DER), dated October 10, 2018, and as revised on February 21, 2020; Referral response from DER Groundwater Resources Division dated October 24, 2018; Referral response from the Stanislaus County Department of Public Works dated October 1, 2018; Referral response from Modesto Irrigation District, dated October 18, 2018; Stanislaus County General Plan and Support Documentation¹.

XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation of maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

Discussion: The Stanislaus County Local Hazard Mitigation Plan identifies risks posed by disasters and identifies ways to minimize damage from those disasters. With the Wildfire Hazard Mitigation Activities of this plan in place, impacts to an adopted emergency response plan or emergency evacuation plan are anticipated to be less than significant. The terrain of the site is relatively flat, and the site has access to a County-maintained road with secondary emergency vehicle access. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Salida Fire Protection District. The project was referred to the District who provided comments related to the requirement of annexation into a community facilities district, fire apparatus access standards, provisions of fire protection water supplies, and installation of a Rapid Entry System (Knox). These comments will be added as conditions of approval. California Building Code establishes minimum standards for the protection of life and property by increasing the ability of a building to resist intrusion of flame and embers. The proposed project will be required to meet these standards.

Wildfire risk and risks associated with postfire land changes are considered to be less than significant.

Mitigation: None.

References: Referral response from Salida Fire Protection District, dated October 24, 2018; Stanislaus County General Plan and Support Documentation¹.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Discussion: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area. With implementation of the conditions of approval recommended in this document, compliance with Stanislaus County requirements for Use Permits and church-type facilities, and application of standard practices, project-related impacts are not anticipated to degrade the quality of the environment, substantially reduce the habitat of plant or wildlife species, cause a 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 animals; or, eliminate important examples of the major periods of California history or prehistory. Impacts are anticipated to be less than significant.

The project is located outside of the City of Modesto's LAFCO adopted Sphere of Influence (SOI), but within the City's adopted General Plan Land Use Diagram, which designates the site Village Residential (VR). Development within ½ miles of a city's SOI is referred to the City for input and application of the city's development standards. The City of Modesto does not oppose the proposed project provided the frontage is landscaped to the City's landscape standards. There is a mix of production agriculture, scattered single-family dwellings, and light industrial development surrounding the site. The North County Corridor, which is a six-lane highway (SR219), abuts the project site to the south, south of which is the boundary for the City of Modesto's SOI. The City of Modesto is located approximately ½ mile southwest of the project site; however, the City's SOI extends north to Kiernan Avenue. The site adjoins A-2 zoned parcels to the north, and west, Tully Road to the east, and Kiernan Avenue to the south. There are parcels planted in crops to the north, west, southwest, and across Tully Road to the east. Modesto Irrigation District facilities and the Modesto Landmark Missionary Baptist Church are located to the south across Kiernan Avenue. Additionally, scattered urban development is located in the surrounding area to the south and east.

The parcel immediately to the southeast of the project site identified by Assessor's Parcel Number 046-001-001 was approved by the Stanislaus County Board of Supervisors on August 17, 2021 for light industrial development pursuant to General Plan Amendment & Rezone No. PLN2018-0081 – *Libitzky Holdings*. The Planning Commission has also approved a church facility under Use Permit PLN2013-0005 and Staff Approval Permit PLN2020-0118 - *Holy Family Church*, on Assessor's Parcel Number 046-012-007, located three parcels away to the southeast. Additionally, the Planning Commission approved a Use Permit for the construction and establishment of a new Hindu Temple, serving a maximum of 200 people on Assessor's Parcel Number 046-006-009, on January 5, 2023. This project is being requested via Use Permit Application No. PLN2018-0069 – *Hindu Temple* and is currently undergoing project review and CEQA compliance prior to being scheduled for public hearing and a vote by the County's Planning Commission. Approximately 1.4± miles to the west, the City of Modesto has adopted the Kiernan Business Park Specific Plan, designating approximately 614 acres adjacent to the City of Modesto's northern border east of Highway 99 and west of Morrow Road, for office, commercial, mixed-use,

and high-density residential uses. The North County Corridor Final Phase Plans have also been adopted, rerouting Kiernan Avenue (State Route 219) to State Route 120. Development of these projects cumulatively would not result in conditions in excess of adopted standards for LOS or queuing; further, implementation of the North County Corridor project is projected to greatly alleviate queuing times and traffic congestion on SR 219 and surrounding traffic networks.

The project site is not enrolled in a Williamson Act Contract, and the nearest parcel in production agriculture and under a Williamson Act Contract is the 38.7± acre parcel to the west identified as Assessor's Parcel Number 004-069-042, which is physically separated from the site by another undersized parcel. Any future unrelated new or expanding development of parcels located in the A-2 zoning district in the vicinity of the project site would be subject to the uses permitted by the A-2 zoning district or would require discretionary land use permits that are subject to CEQA review and the public hearing process. Rezoning parcels to another designation that would create islands or disregard infilling are not consistent with the General Plan and would likely not be approved.

The project will not generate environmental impacts that will directly or indirectly cause substantial adverse effects on human beings. Where potential impacts occur, standard project measures have been implemented to ensure direct and indirect impacts to human beings do not occur. Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area and accordingly, impacts associated with the project are considered to be less than significant.

Mitigation: None.

References: Initial Study; Stanislaus County General Plan and Support Documentation¹.

¹Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. **Housing Element** adopted on April 5, 2016.



CHIEF EXECUTIVE OFFICE

Jody L. Hayes
Chief Executive Officer

Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer

Keith D. Boggs
Assistant Executive Officer

Patrice M. Dietrich
Assistant Executive Officer

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

February 25, 2020

Kristen Anaya, Assistant Planner
Stanislaus County Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

SUBJECT: ENVIRONMENTAL REFERRAL – CENTRAL VALLEY CRESCENT – USE PERMIT APPLICATION NO. PLN2018-0080 – EARLY CONSULTATION

Ms. Anaya:

Thank you for the opportunity to review the Early Consultation phase of the above-referenced project.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and provides the following comments to the applicant's clarification in response to our letter dated October 10, 2018, requesting additional information:

Utilities and Service Systems

A new public water system should be included in the CEQA review and determination process as CEQA documentation is required for the regulated water system, water supply permitting process.

1. The subject project will constitute a new public water system that will be subject to SB1263 and a water supply permit cannot be granted without concurrence from the State Water Boards.
2. Occupancy cannot be provided until a Water Supply permit has been obtained from Stanislaus County Department of Environmental Resources.
3. Any new building permits for proposed project cannot be finalized or receive occupancy, until a Water Supply Permit has been issued by the Local Primacy Agency (Department of Environmental Resources).

Also, please see attached Conditions of Approval issued by the Stanislaus County Department of Environmental Resources, Environmental Health Division.

**ENVIRONMENTAL REFERRAL – CENTRAL VALLEY CRESCENT – USE PERMIT
APPLICATION NO. PLN2018-0080 – EARLY CONSULTATION
February 25, 2020
Page 2**

The ERC appreciates the opportunity to comment on this project.

Sincerely,



Patrick Cavanah
Sr. Management Consultant
Environmental Review Committee

PC:ss

Attachment: Stanislaus County Department of Environmental Resources, Environmental Health Division – Conditions of Approval – CEQA Referral Response Form

cc: ERC Members



**STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM**

TO: Stanislaus County Planning & Community Development
FROM: Department of Environmental Resources
SUBJECT: **ENVIRONMENTAL REFERRAL- USE PERMIT APPLICATION NO.
PLN2018-0080 – CENTRAL VALLEY CRESCENT**

Based on this agencies particular field(s) of expertise, it is our position the above-described project:

- Will not have a significant effect on the environment. See comment below
- May have a significant effect on the environment.
- No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheet if necessary)

- 1.
- 2.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.

In addition, our agency has the following comments (attach additional sheets if necessary).

For the Water:

- 1. The subject project will constitute a new public water system that will be subject to SB1263 and a water supply permit cannot be granted without concurrence from the State Water Boards.
- 2. Occupancy cannot be provided until a Water Supply permit has been obtained from Stanislaus County Department of Environmental Resources.

3. Any new building permits for proposed Central Valley Crescent cannot be finalized or receive occupancy, until a Water Supply Permit has been issued by the Local Primacy Agency (Department of Environmental Resources).

Onsite Wastewater:

1. On-site wastewater treatment system (OWTS) shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.
2. On-site wastewater disposal system (OWTS) shall be designed according to type and/or maximum occupancy of the proposed structure to estimated waste/sewage design flow rate and in accordance to number of plumbing fixture units proposed within the building. The dispersal field shall be designed and sized using field data collected from soil profile and percolation tests performed at the locations proposed for dispersal field and the 100 % future reserved.
3. The OWTS designed system shall provide 100% of the original system for the "future expansion area".
4. The sewage disposal system is to be installed on-site shall not be paved or covered by concrete or any material that is capable of reducing or inhibiting a possible evaporation of the effluent.

Food Facility:

Based on the information provided in Application PLN2018-0080, the applicant must submit 3 sets of plans for the food facility described in Exhibit 1. The Department of Environmental Resources will review the plans for compliance with the California Retail Food Code section 114380. The submitted food facility construction plans are to be complete, easily readable, drawn to scale and include specification sheets.

Response prepared by

Date: February 21, 2020

Bella Badal

BELLA BADAL, PhD, REHS
SENIOR REGISTERED ENVIRONMENTAL HEALTH SPECIALIST
Department of Environmental Resources



COPY

October 24, 2018

Sohel & Asfiya Sareshwala
7150 Carver Road
Modesto, CA 95356

RE: Central Valley Crescent New Public Water System – 7150 Carver Road, Modesto, CA 95356

Dear Sohel & Asfiya:

The Department of Environmental Resources (DER) is the Local Primacy Agency (LPA) for Stanislaus County. As the LPA, DER is responsible for the oversight of small water systems (less than 200 service connections) within Stanislaus County. DER oversight includes the permitting of small water systems in accordance with California Health and Safety Code (HSC) and regulation of small water systems in accordance to California Code of Regulation (CCR).

HSC Section 116275 (h) defines a public water system as a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. Based on the project description in the Use Permit Application No. PLN2018-0080, the Central Valley Crescent project will establish a new public water system as it will serve a maximum of 40 worshippers on a year-round basis.

HSC Section 116527 requires that, before any water related improvements or application for water supply permit can be initiated for a new public water system, the ownership must submit a preliminary technical report six months in advance to beginning construction of any water related improvement to the LPA and receive concurrence from the Water Boards. In order to assist in expediting the permitting process, it is encouraged, but not required, that a person considering submitting an application for a permit for a proposed new public water system should submit the preliminary technical report no later than seven days after submission of an application to the city or county for a building permit for any water-related improvement.

The Water Boards is requiring that preliminary technical reports be submitted six months in advance of the anticipated construction date to ensure adequate time to determine if concurrence will be given. Therefore, DER is requesting that Sohel or Asfiya contact this Department so that we may assist with these and other public water system requirements.

Please contact Rachel Riess at rariess@envres.org or (209) 525-6720 weekdays 7:30 a.m. – 5:00 p.m. to initiate this process. Enclosed with this letter are the applicable sections of HSC Section 116527, SB126 FAQ's and a Preliminary Technical Report Guideline for your reference.

Sohel & Asfiya Sareshwala

October 24, 2018

Page 2

Sincerely,

A handwritten signature in black ink, appearing to read 'Waleed Yosif', written in a cursive style.

Waleed Yosif, REHS

Registered Environmental Health Specialist

WY:dlp

cc: ✓ Kristin Doud, Senior Planner, Stanislaus County Planning and Community Development

Bhupinder Sahota, P.E., State of CA SWRCB, Drinking Water Division, District 10, 31 E. Channel Street,
Room 270, Stockton, CA 95202



DEPARTMENT OF PUBLIC WORKS

*David Leamon, PE
Interim Public Works Director
Construction Administration/Operations*

*Chris Brady, PE
Deputy Director - Design/Survey/Fleet Maintenance*

*Frederic Clark, PE, LS
Deputy Director - Development/Traffic*

*Letti Ortiz
Senior Business and Finance Manager*

www.stancounty.com/publicworks

October 1, 2018

To: Kristen Anaya, Assistant Planner, Planning and Community Development

From: Angie Halverson, Senior Land Development Coordinator

Subject: PLN2018-0080 Central Valley Crescent Use Permit

This is a request to establish a prayer room on a 2.71 acre parcel outside the Sphere of Influence for the City of Modesto. The project will utilize an existing 720 square foot garage for the prayer hall. The site is proposed to be improved with a fruit and nut orchard with two graveled parking lots and a driveway approach. Public Works recommends the following conditions.

OFF-SITE:

1. Prior to operation of the prayer room or within 6 months of the approval of the use permit, whichever comes first, an encroachment permit shall be taken out for an asphalt driveway onto Tully Road. The driveway to be paved is the driveway that sees the most traffic accessing Tully Road.
 - A paved driveway shall be installed per Stanislaus County Public Works Standards and Specifications for a Major and Collector Roads.
2. No parking, loading, or unloading of vehicles is permitted within the Tully Road right of way. The developer shall install or pay for the installation of any off-site signs and/or markings, as required by Stanislaus County.

ON-SITE:

3. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted with any building permit that will create a larger building footprint for the site. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
 - The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
 - The grading drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharger Identification Number and a copy of the Notice of Intent and the projects Stormwater Pollution Prevention Plan shall be provided prior to the approval of any grading, if applicable.
 - The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the grading plan.

PLN2018-0080
Central Valley Crescent
Use Permit

- The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

\\PW04\Pwh\Development Services\Development Permits\Use Permit Archive\UP PLN 2018\PLN2018-0080 Central Valley Crescent Tully Road
UP.Docx

From: [Miguel Galvez](#)
To: [Rachel Wyse](#); [Teresa McDonald](#); [Kristen Anaya](#); [Jeremy Ballard](#); [Kristin Doud](#)
Cc: [Jennifer Akin](#)
Subject: FW: Coments to Planning Items
Date: Monday, October 01, 2018 8:45:06 AM

Project referral response comments from the Building Permits Division on several projects.

From: Denny Ferreira
Sent: Sunday, September 30, 2018 2:15 PM
To: Jennifer Akin <AKINJ@stancounty.com>
Cc: Miguel Galvez <GALVEZM@stancounty.com>; Angela Freitas <ANGELA@stancounty.com>
Subject: Coments to Planning Items

Jennifer, I don't know the best way to do this but I have a feeling you do. The following are comments for the following cases:

1. PLN2018-0058-
 1. Prior to applying for a Demolition permit approval from the San Joaquin Valley Air Control Board is to be provided.
 2. Demolition permit will be required prior to demolition of the structures on "proposed parcel 2".
2. PLN2018-0090-
 1. The proposed Parcels are located in the "State Responsibility Area (SRA)". All future structures will be required to be constructed in accordance of Chapter 7A of the most current adopted version of the California Building Code and California Residential Code.
3. PLN2018-0076
 1. A change of use permit will be required for the existing shop per the most current adopted version of the California Existing Building Code. The use classification will go from Assessorly to Storage.
 2. Existing "Shop Building" structure to be used shall have been previously permitted and inspected by the County's Building Permit Services Division. Any unpermitted structure(s) will be required to be permitted as new.
4. PLN2018-0080

1. A change of use permit will be required for the existing garage per the most current adopted California Existing Building Code. The use classification will go from Assessor to Assembly.
2. Existing "Garage" structure to be used shall have been previously permitted and inspected by the County's Building Permit Services Division. Any unpermitted structure(s) will be required to be permitted as new.
3. The egress system of the proposed prayer hall shall be designed in accordance to the maximum Occupant Load established in accordance to the most current adopted version of the California Building Code.
4. A building permit will be required for the renovation of the existing bathrooms. Bathrooms shall comply with the most current adopted California Building Code.

Thank you for the help.



**STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM**

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: Caltrans District 10: Metropolitan Planning Branch

SUBJECT: ENVIRONMENTAL REFERRAL – USE PERMIT APPLICATION NO. PLN2018-0080 – CENTRAL VALLEY CRESCENT

Based on this agency’s particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

Response prepared by:

Steven R. Martinez	Associate Transportation Planner	9/26/2018
Name	Title	Date



City of Modesto
Community and Economic
Development Department/Planning Division
1010 Tenth Street, Third Floor
Modesto, CA 95354

Kristen Anaya
Stanislaus County Planning
1010 Tenth Street, Suite 3400
Modesto, CA 95354

October 16, 2018

Re: Use Permit Application PLN2018-0080—Central Valley Crescent, 5043 Tully Road,
APN 004-069-033, Northwest corner of Tully Road and Kiernan Avenue/CA-219 (Sarehwala)

Dear Ms. Anaya;

This letter is in response to the Referral/Early Consultation submitted by Stanislaus County for the application listed above, proposal for the conversion of an existing 720 square foot garage into a prayer hall, with gravel driveway and 35 parking spaces in two graveled parking areas.

The site is located at the northwest corner of Tully Road and Kiernan Avenue/CA-219, with a CalTrans maintained storm drainage facility located between the westbound lanes of Kiernan Avenue/CA-219 and the site. While the site is located outside of the City's Sphere of Influence, it is located within the Kiernan-Carver North Comprehensive Planning District of the City's General Plan, and is designated for Village Residential uses in the Land Use Diagram of the General Plan.

Planning staff recommends that the 20-foot setback between the 24-stall parking area along the Tully Road frontage be landscaped, and that the gravel driveway approach instead be paved with asphalt or concrete in similar fashion to the driveway approaches of properties to the north and east, to prevent gravel or dirt track-out onto the street.

Thank you for the opportunity to comment on this project. If you have any questions concerning these comments, please contact me at (209) 577-5465.

Sincerely,



Katharine Martin
Associate Planner

cc: PRR-18-011

Kristen Anaya

From: Vang, Jim@Wildlife <Jim.Vang@wildlife.ca.gov>
Sent: Thursday, December 9, 2021 8:19 AM
To: Kristen Anaya
Subject: RE: Tully Road Projects Biological Resource Question - Hindu Temple and Central Valley Crescent

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

Good morning Kristen,

The CNDDDB is a useful tool and I use it every time I review a project, but it doesn't always capture what special status species may be in an area since the records are based on what's reported. Regarding both of the projects you've attached, we have no comments. Thanks.

Jim Vang
Environmental Scientist
CA Department of Fish and Wildlife
Central Region
1130 E. Shaw Avenue, Suite 206
Fresno, CA 93710
(559) 243-4014 ext. 254 (559) 580-3203

From: Kristen Anaya <ANAYAK@stancounty.com>
Sent: Wednesday, December 8, 2021 2:02 PM
To: Vang, Jim@Wildlife <Jim.Vang@wildlife.ca.gov>
Subject: Tully Road Projects Biological Resource Question - Hindu Temple and Central Valley Crescent

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Good afternoon Jim,

I have two Use Permit applications for projects of religious facilities that were circulated for Early Consultations and one for an Initial Study. I didn't receive any comment from Fish and Wildlife; however, we received public comments concerning the biological impacts of one of the proposed facilities (located at **4801 Tully Road, Modesto, CA 95356**).

In referencing the CNDDDB (see below), I didn't locate any sightings or occurrences of any of the special-status species which are located in the site's Quad (Salida Quad) near the project sites. The second Church facility project located is located 3 parcels to the north at **5043 Tully Road, Modesto**. **My question is, do you see any issues or need for biological resource mitigation for either project pursuant to CEQA?** I've attached the Early Consultations for both Use Permit applications and the Initial Study which has already circulated for Use Permit App. PLN2018-0069 – Hindu Temple.

Thank you for your assistance in this matter.

4801 Tully Road Project Site:



Black circle 0.8 miles to the south:

California Natural Diversity Database (CNDDDB) Government [ds45] Identified features: 4

Zoom	Scientific Name	Common Name	Element Code	Occ Number	MAPNDX	Et
1 Go	<i>Lytta moesta</i>	moestan blister beetle	IICOL4C020	10	39485	6
2 Go	<i>Bombus caliginosus</i>	obscure bumble bee	IIHYM24380	139	39485	9
3 Go	<i>Desmocerus californicus dimorphus</i>	valley elderberry longhorn beetle	IICOL48011	156	39485	3
4 Go	<i>Bombus crotchii</i>	Crotch bumble bee	IIHYM24480	26	39485	9

Red circle 2.5 miles to the east in Riverbank:

Zoom	Scientific Name	Common Name	Element Code	Occ Number	MAPNDX	EONDX	Key Quad Code	Key Quad N
1 Go	<i>Athene cunicularia</i>	burrowing owl	ABNSB10010	283	39743	34745	3712068	Riverbank

River buffer 2.5 miles to the north:

Zoom	Scientific Name	Common Name	Element Code	Occ Number	MAPNDX
1 Go	<i>Oncorhynchus mykiss irideus</i> pop. 11	steelhead - Central Valley DPS	AFCHA0209K	20	91311

Circles within riparian corridor along river 2.5 miles to the north:

Zoom	Scientific Name	Common Name	Element Code	Occ Number	MAPNDX
1 Go	<i>Desmocerus californicus dimorphus</i>	valley elderberry longhorn beetle	IICOL48011	122	33050

Kristen Anaya
 Assistant Planner
 Planning & Community Development

October 18, 2018

Stanislaus County – Planning and Community Development
Attention: Kristen Anaya, Assistant Planner
1010 10th Street, Suite 3400
Modesto, CA 95354



**RE: Environmental Referral – Use Permit Applic. PLN2018-0080 – Central Valley
Crescent
APN: 004-069-033 (5043 Tully Road)**

Thank you for allowing the District to comment on this referral. Following are the recommendations from our Electrical, Irrigation and Domestic Water Divisions:

Irrigation

- There is an existing thirty-six (36) inch concrete improvement district pipeline (ID No. 192 – Langdon ID) that lies within a ten (10) foot easement within the above-noted parcel. Please see the attached assessor’s parcel map for clarification purposes.
 - The location and size of the existing pipeline must be located and verified in the field.
 - The proposed site plans must be submitted to MID’s Civil Engineering Department for review and approval and must show the location of the existing irrigation easement and facilities.

Domestic Water

- No comments at this time.

Electrical

- The attached drawing shows the approximate location of the District’s existing electrical facilities within or adjacent to the project area.
- High voltage is present within and adjacent to the project area. This includes 69,000 volts overhead transmission, 12,000 volts overhead primary, overhead secondary facilities, and an overhead fiber optic cable. Use extreme caution when operating heavy equipment, using a crane, ladders, scaffolding, hand held tools or any other type of equipment near the existing MID electric lines and cables. Assume all overhead electric facilities are energized.

- MID Requires that any trenching maintain a 1:1 horizontal distance from any existing pole, determined by the depth of the trench. If trenching encroaches on this requirement, the
- Contractor needs to contact the MID Electric Engineering Department to brace any effected poles during the trenching process. The cost of any required pole bracing will be assumed by the requesting party. Estimates for bracing any existing poles will be supplied upon request.
- The District's Electric Engineering Department is concerned about construction dirt/dust falling on MID electric facilities at the Kiernan Substation during the construction phase of this project. The MID high voltage electric facilities require protection from dirt/dust. Do not dig new utility trenches, grade, level or dig building foundations without effective construction dust control measures in place. Windblown dirt/dust on electric facilities at the MID Kiernan Substation may cause a power outage.
- Please contact Modesto Irrigation District at (209) 526-7337 or (888) 335-1643 and ask for the Electrical Engineering Design Group if additional information is required.

The Modesto Irrigation District reserves its future rights to utilize its property, including its canal and electrical easements and rights-of-way, in a manner it deems necessary for the installation and maintenance of electric, irrigation, agricultural and urban drainage, domestic water and telecommunication facilities. These needs, which have not yet been determined, may consist of poles, crossarms, wires, cables, braces, insulators, transformers, service lines, open channels, pipelines, control structures and any necessary appurtenances, as may, in District's opinion, be necessary or desirable.

If you have any questions, please contact me at 526-7447.

Sincerely,



Lien Campbell
Risk & Property Analyst

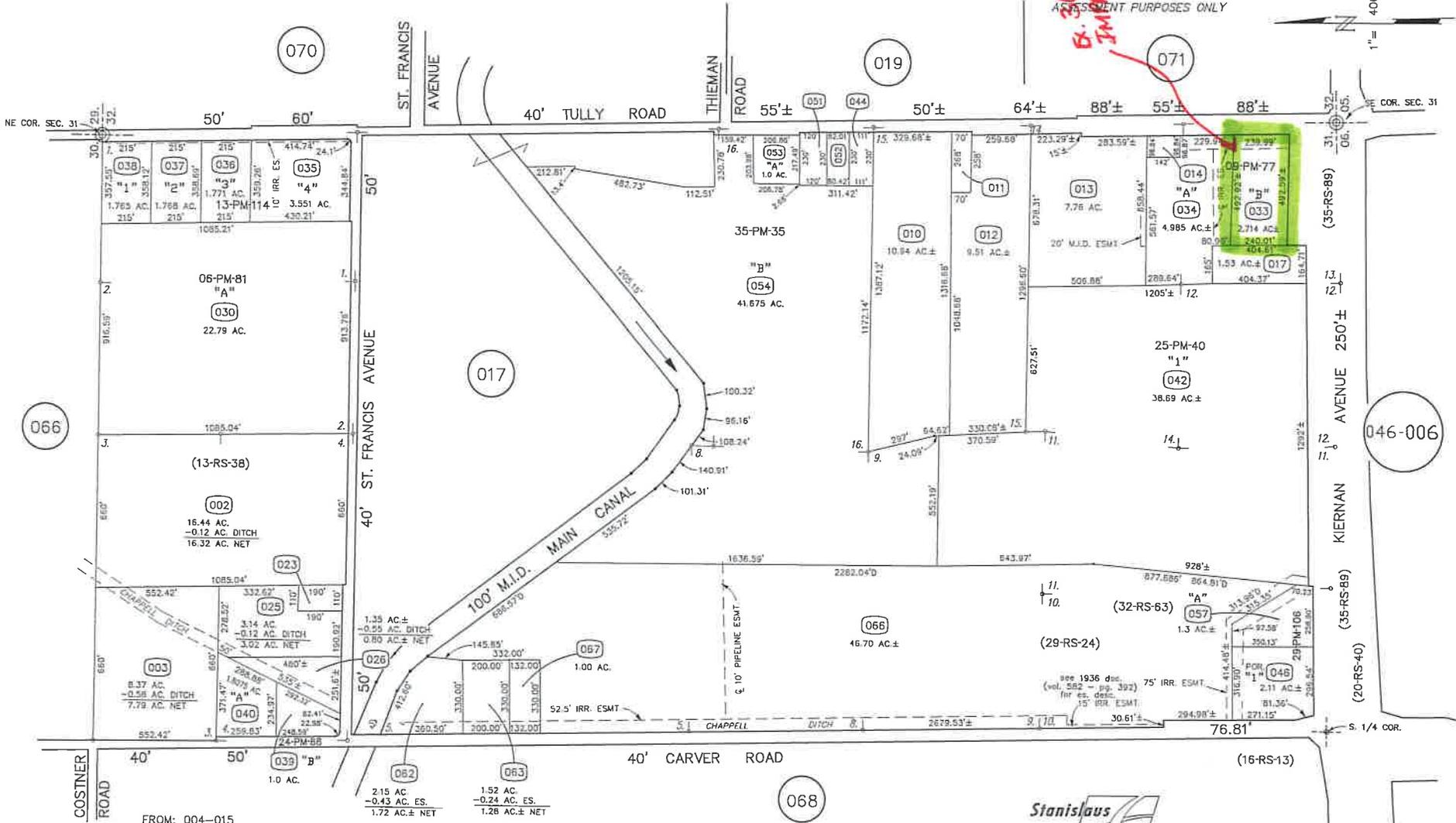
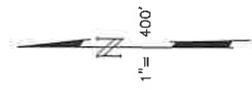
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POR. E 1/2 SECTION 31 T.2S. R.9E. M.D.B.& M.
 PORTION CARVER TRACT - LOTS 1-5, 8-16 (07M45)

36" CONCRETE
 EX. IMPROVEMENT DISTRICT
 EX. PIPELINE
 12" WIN EX.
 EASEMENT

098 001 004 - 069

THIS MAP FOR
 ASSESSMENT PURPOSES ONLY



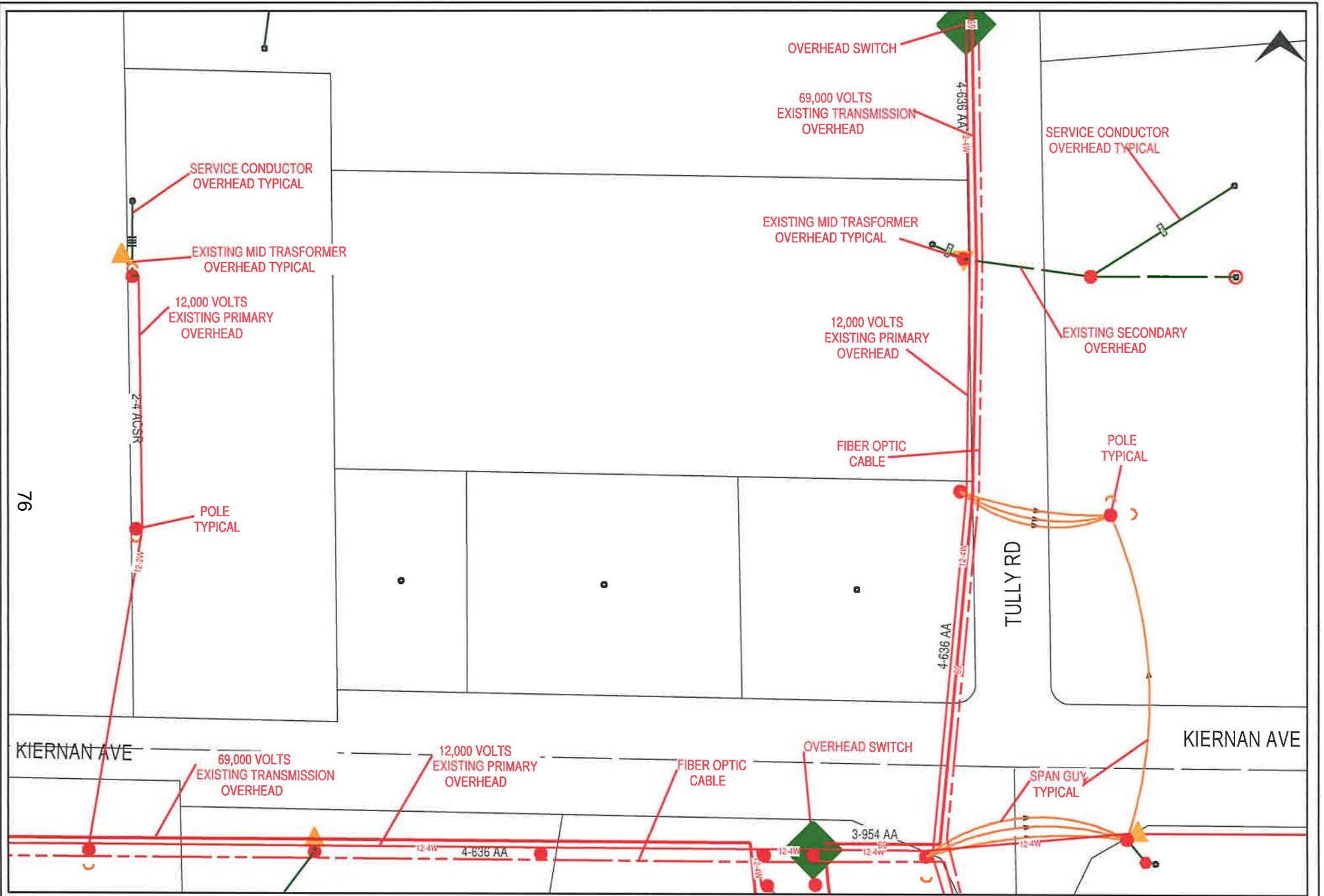
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 DRAWN: 11-5-64
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 5-20-08 MB, 04-12-10 MB, 5-18-10 MF, 08-04-10 MB, 09-10-10 MB, 11-29-10 MB,
 12-17-10 MB, 02-21-11 MB, 07-13-11 MB, 2-14-12 MF, 10-02-12 MB, 4-18-17 MF



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KIERNAN AVE

TULLY RD

KIERNAN AVE

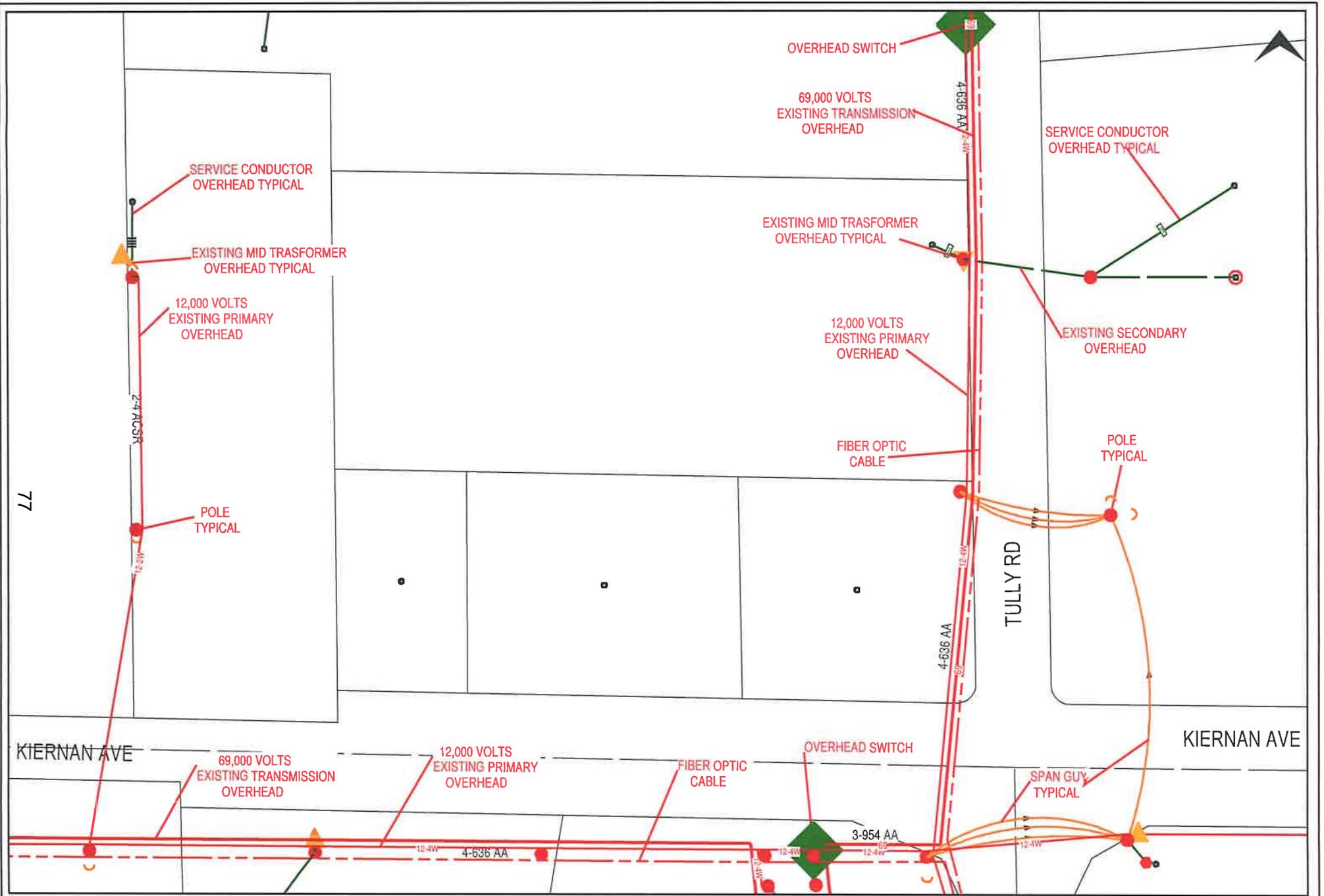


NO.	REVISION	DATE



5043 Tully Rd
Central Valley Crescent

DATE: 10/10/2018	DWG BY: victor0618
W.O. NO:	APP. BY:
PROJECT:	APP. BY:
TAG NO:	PAGE: 1 OF 1



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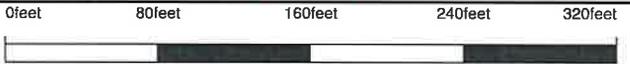
KIERNAN AVE

TULLY RD

KIERNAN AVE



NO.	REVISION	DATE



5043 Tully Rd
Central Valley Crescent

DATE: 10/10/2018	DWG BY: victor0618
W.O. NO:	APP. BY:
PROJECT:	APP. BY:
TAG NO:	PAGE: 1 OF 1



Central Valley Regional Water Quality Control Board

4 October 2018

Kristen Anaya
Stanislaus County
Department of Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

CERTIFIED MAIL
7014 3490 0001 3008 4613

**COMMENTS TO REQUEST FOR REVIEW FOR THE EARLY CONSULTATION,
USE PERMIT APPLICATION NO. PLN2018-0080 – CENTRAL VALLEY CRESCENT
PROJECT, STANISLAUS COUNTY**

Pursuant to the Stanislaus County Department of Planning and Community Development’s 26 September 2018 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Early Consultation* for the Use Permit Application No. PLN2018-0080 – Central Valley Crescent Project, located in Stanislaus County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State’s water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESO., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley



amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:

http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to

restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements – Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver)

R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.

There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to*

Surface Waters (Low Threat General Order) or the General Order for Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.



Stephanie Tadlock
Senior Environmental Scientist

Sent 10/24/18



STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: Salida fire

SUBJECT: ENVIRONMENTAL REFERRAL – USE PERMIT APPLICATION NO. PLN2018-0080 – CENTRAL VALLEY CRESCENT

Based on this agency's particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

See Attached

Response prepared by:

	Fire Captain	10/24/18
Name	Title	Date

scanned
10/29



SALIDA FIRE PROTECTION DISTRICT

P.O. Box 1335, Salida, CA 95368
Fire Station: 209.545-0365 Fax: 209 545-3840
Admin: 209 543-0190 Fax: 209 543-6719

October 24, 2018

Stanislaus County
Department of Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

RE: PLN2018-0080 / APN 004-069-033 Rezone, Use permit and Development Application

The Salida Fire Protection District ("District") has reviewed the proposed project and offers the following comments:

- This project will be subject to Fire Service Impact Mitigation Fees as adopted by the District Board of Directors and currently in place at the time of issuance of construction permits.
- This project shall meet the District's requirements of on-site water for fire protection prior to construction of combustible materials. Fire hydrant(s) and static source locations, connections, and access shall be approved by the District.
- Prior to, and during, combustible construction, the District shall approve provisions for serviceable fire vehicle access and fire protection water supplies.
- A District specified Rapid Entry System (Knox) shall be installed and serviceable prior to final inspection allowing fire department access into gated areas, limited access points, and or buildings.
- Buildings of 5,000 square feet and greater shall be required to have fire sprinklers meeting the standards listed within the adopted California Fire Code and related amendments.
- For buildings of 30 feet or three (3) or more stories in height, gated 2 ½ " hose connections (Class III) for fire department use shall be installed on all floors in each required exit stairwell.
- The project shall meet fire apparatus access standards. Two ingress/egress accesses to each parcel meeting the requirements listed within the California Fire Code.
- If traffic signals are installed and/or retrofitted for the project, signal preemption devices shall be paid for or installed by the developer/owner and shall conform to the District's standards and requirements.

- Prior to recording the final map, issuance of a permit, and/or development, the owner(s) of the property will be required to form or annex into a Community Facilities District for operational services with the Salida Fire Protection District. Due to the fact this process may take 60-120 days to complete, it is recommended that advanced consideration be given to initiate this requirement early in the project.

Thank you for the opportunity to comment. If we can be of further assistance, feel free to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'PB', is written over a light blue horizontal line.

Patrick Burns
Fire Captain
Administration & Special Projects

CC:
Sohel Sareshwala
5043 Tully Rd
Modesto CA 95358

October 1, 2018

Kristen Anaya
County of Stanislaus
Department of Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

Project: Use Permit Application No. PLN2018-0080 for Central Valley Crescent (CVC)

District CEQA Reference No: 20181038

Dear Ms. Anaya:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the above referenced project consisting of a request to operate a church (Project), on a 2.71-acre parcel, located on the southeast corner of Tully Road and Kiernan Avenue (5043 Tully Road), in the Modesto area, in Stanislaus County. (APN: 004-069-033). The Project proposes utilizing the existing on-site 720 square foot garage for the prayer hall; no construction is proposed beyond renovating the existing garage's restroom to comply with ADA standards. The site will be improved with two graveled parking lots, which will provide 36 parking spaces. The existing single-family residential dwelling and detached garage will be used as on-site housing for CVC's priest and family. The District offers the following comments:

1. Based on information provided to the District, Project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the Project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.
2. Based on the information provided to the District, the proposed Project does not meet the definition of a development project. Therefore, the District concludes that the

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93728-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

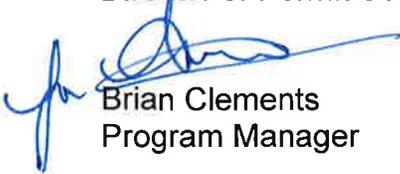
proposed Project is not subject to District Rule 9510 (Indirect Source Review).

3. The proposed Project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (209) 557-6446. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.
4. The District recommends that a copy of the District's comments be provided to the Project proponent.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this Project. If you have any questions or require further information, please call Georgia Stewart at (559) 230-5937 or e-mail Georgia.Stewart@valleyair.org. When calling or emailing the District, please reference District CEQA number 20181038.

Sincerely,

Arnaud Marjollet
Director of Permit Services



Brian Clements
Program Manager

AM: gs



NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. PLN2018-0080
Central Valley Crescent

LOCATION OF PROJECT: 5043 Tully Road, on the northwest corner of Tully Road
and Kiernan Avenue, in the Modesto area.
APN: 004-069-033.

PROJECT DEVELOPERS: Soheli Sareshwala
7150 Carver Road
Modesto, CA 95356

DESCRIPTION OF PROJECT: Request to establish a mosque (place of worship) on a
2.71± acre parcel in the General Agriculture (A-2-40) zoning district. The project proposes to
convert an existing single-story, 13-foot-tall, 720 square-foot detached garage into a mosque to
be used as a prayer hall for Central Valley Crescent

Based upon the Initial Study, dated **June 14, 2023**, the Environmental Coordinator finds as
follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Kristen Anaya, Associate Planner

Submit comments to: Stanislaus County
Planning and Community Development Department
1010 10th Street, Suite 3400
Modesto, California 95354

Kristen Anaya

From: Lori Garcia <hlgmentalproperties@gmail.com>
Sent: Friday, July 21, 2023 2:41 PM
To: Kristen Anaya
Cc: Helder Garcia
Subject: 5043 Tully Road, Modesto

***** WARNING:** This message originated from outside of Stanislaus County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

Hello Kristen:

First of all I would like to let you know that myself and my family have lived in our home at 5121 Tully Road, Modesto for 20 years this December. All of the information I am going to provide is coming from concern for safety and what has transpired over the years I have lived here. Please also understand I am not against any sort of church or religion it has absolutely nothing to do with what they are planning to do with the corner, it has to do with this rural area we live in and the road/intersection.

Our neighbor, Mr. Kennedy located at 5052 Tully, directly across the street from this new potential site, 5043 Tully, has personal knowledge of what he understood were restrictions and rules on building on these corners. Mr. Kennedy has 5 acres and grows fruit that he needed to store and planning to sell. He decided to put in a steel building to use for farm storage and as the fruit stand. He acquired all necessary permits, etc. This was before CA219/Kiernan was widened, however it was already in the works (two lanes) and this was taken into consideration by the county, etc. Then the CA219 plans changed and it was decided to add 3 lanes. A couple years later he was notified he had to tear down his building and was informed he was not able to add it back due to the distance to the intersection and also strict rule that the access to his property per Caltrans was "right in - right out". His personal residence and/or a private storage would be fine however not a business that increased traffic on that corner.

The expansion of CA219 started somewhere around 2008. This is when property owners were notified and properties were being purchased by Caltrans/County. Somewhere around 2012 the homeowners/property owners in our area were invited to a informational meeting held by CalTrans in Stockton. I attended along with Glen Dorrity (current owner of 5043 Tully at the time), his daughter Ms Beaty to help her elderly father Mr. Dorrity, (who lived on Kiernan and was also affected) Mr. Kennedy, The Wileys, Joel DeGraff, and many others. During this meeting there were serious discussions of who would be affected and how. I specifically recall Ms. Beaty asking if her father (Glen Dorrity) could put in a RV Storage. They were immediately told no. No business of any type could be built on that corner due to the Right in Right out restrictions and the increased traffic that close to the intersection.

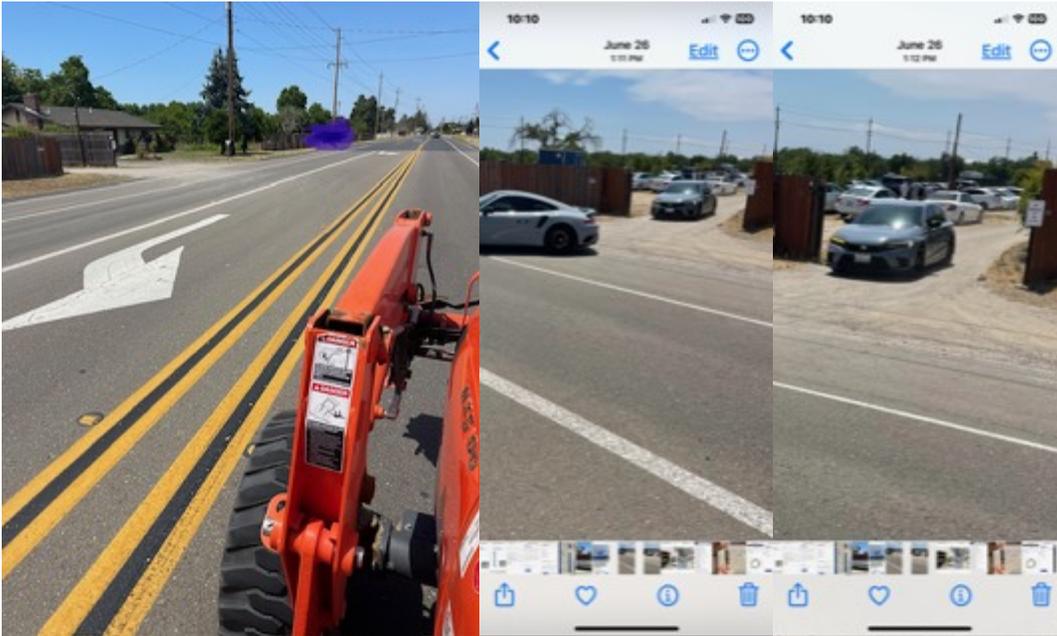
My understanding is that when CalTrans determined payment for each property/owner the two properties on the corner 5043 and 5052 did not lose much actual land, but were paid very well based on the strict restrictions now attached to these properties of only Right in and Right out. I am sure you can verify that. This is clearly now marked on the road in front of both properties by double double solid yellow lines.

In 2014, Glen Dorrity was selling the home at 5043 Tully and was represented by Century 21 M & M, Clarence Olivera. I did speak with Clarence and wanted to confirm any new buyer was made aware of these restrictions. I have purchased things without being told before and I just didn't want someone to be blindsided. Without hesitation Clarence said absolutely the new buyers are aware of the rules.

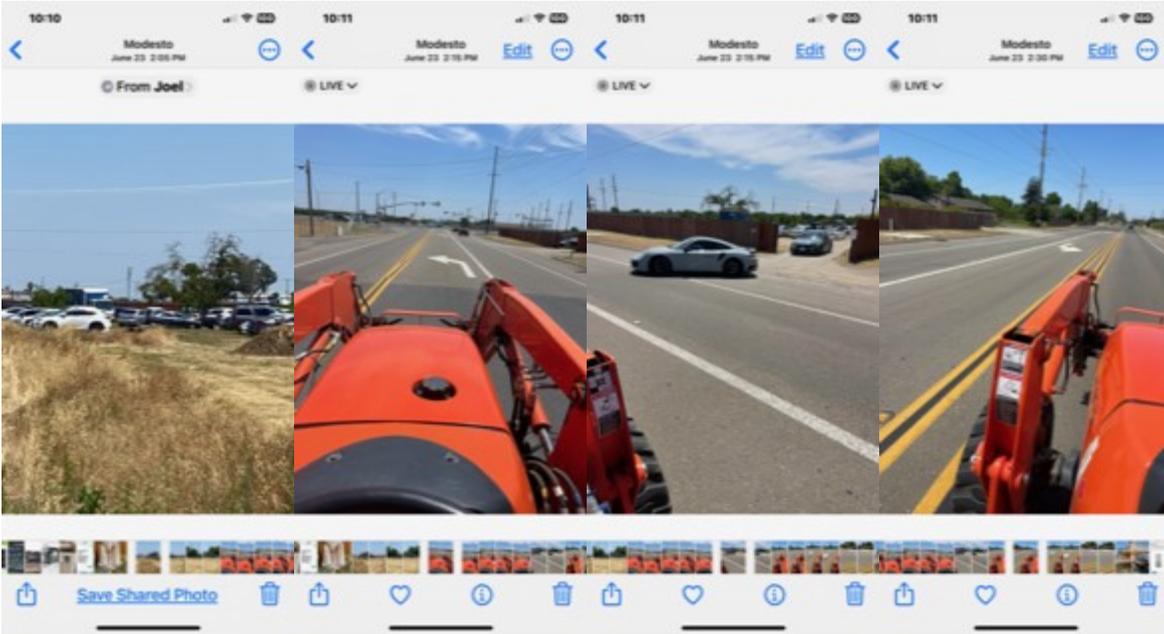
As I am sure you are aware we were notified back in 2018 of this same application, it appears it was denied then.

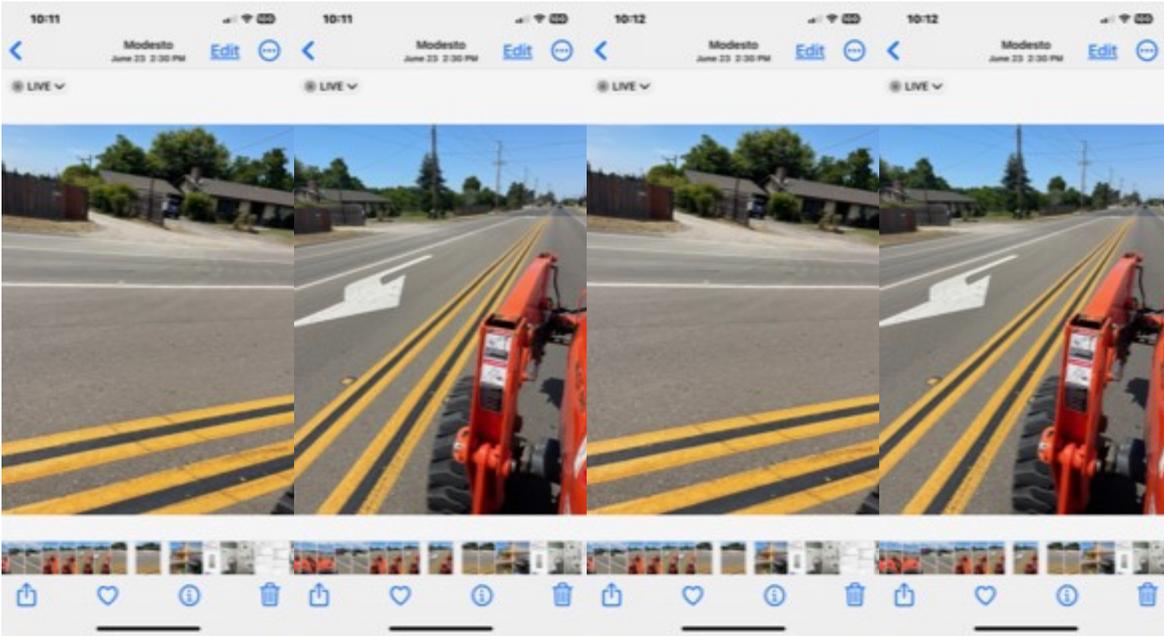
Lastly, I want to make you aware of what has been transpiring on 5043 Tully over the past 7-8 years. There are regular events held at this property. Many cars (20-30) parked on the property and traffic coming north stops directly on the lane and waits to turn into the driveway/entrance. The car then crosses over double double solid yellow lines, and crosses over the intersection turn lane. If they do not do that, they are passing the property and making a U-turn in the middle of the road or using our gated driveway entrance at 5121 to turn around. This is very dangerous being so close to this intersection, which was my understanding of why they put in the double double solid yellow lines and the in and out restrictions.

I have attached some photos showing some of the events, and also showing the solid double double lines. Please call for further details and discussion. Thank you for your patience and help in this matter.



Helder Garcia





Lori Garcia 209.602.8580
Helder Garcia 209.631.1224
HLG Rental Properties
1231 8th Street, Suite 250
Modesto CA. 95354
hlgrentalproperties@gmail.com

July 18, 2023

Ms. Kristen Anaya, Associate Planner
1010 10th Street, Suite 3400
Modesto, CA 95354

Re: Use permit Application No. PLN2018-0080 – Central Valley Crescent

Dear Ms. Anaya

I am writing to you in opposition of the building Central Valley Crescent wants to do on the property on the northwest corner of Tully Road and Kiernan Avenue.

This piece of property is not in the sphere of influence (SOI). To paraphrase Mr. Dave Romano during the Hindu Temple hearing *there are enough two to three acres within the SOI for this project to be built.*

I have concerns about people arriving and going north on Tully Road to enter the property. They are crossing over several double yellow lines to enter and if there is a traffic back up going south on Tully Road, this could create a back up on Tully Road going north and a great potential for auto accidents.

Besides being outside the SOI, this property is on ag land (zoned A-2-40). This should stay ag land. The dwelling and property are perfect for what we call a weekend farmer who wants a larger garden (than they can have in town) and grow a few fruit trees.

Just because the current land owners did not want to farm this piece of property is **no reason** to change the zoning on this property. It is obvious they wanted this piece of property for the buildings that they can change into what they want. **Please** do not let us loose more precious ag land, especially when there are lots available within the SOI.

Please do not let this project move forward, for once save our ag land.

Sincerely,



Susan Wedegaertner
1348 Kiernan Avenue
Modesto, CA 95356

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: UP APP NO. PLN2018-0080 - CENTRAL VALLEY CRESCENT

REFERRED TO:	RESPONDED			RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF CONSERVATION: Land Resources	X	X	X		X							
CA DEPT OF FISH & WILDLIFE	X	X	X	X				X		X		X
CA DEPT OF TRANSPORTATION DIST 10	X	X	X	X				X		X		X
CA OPR STATE CLEARINGHOUSE		X	X		X							
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X	X	
CITY OF: MODESTO	X	X	X	X				X		X	X	
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: SALIDA	X	X	X	X				X		X	X	
GSA: STANISLAUS & TUOLUMNE RIVERS		X	X		X							
IRRIGATION DISTRICT: MODESTO	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
RAILROAD: UNION PACIFIC	X											
SAN JOAQUIN VALLEY APCD	X	X	X	X		X				X	X	
SCHOOL DISTRICT 1: STANISLAUS UNION	X	X	X		X							
SCHOOL DISTRICT 2: MODESTO UNION	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X	X				X		X		X
STAN CO BUILDING PERMITS DIVISION	X	X	X	X				X		X	X	
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X		X				X	X	
STAN CO ERC	X	X	X	X				X		X	X	
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X		X							
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SUPERVISOR DIST 4: GREWAL	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS		X	X	X				X		X		X
TELEPHONE COMPANY: AT&T	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
US MILITARY AGENCIES (SB 1462) (5 agencies)	X											

UP PLN2018-0080

CENTRAL VALLEY CRESCENT

**Planning Commission
September 7, 2023**



Overview

- Establish a mosque
 - Convert a 720± square feet garage into a prayer hall
 - Conduct religious activities

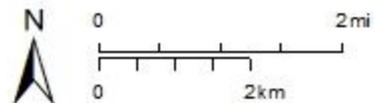
CENTRAL VALLEY CRESCENT

UP PLN2018-0080

AREA MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  City
-  Road
-  River



Source: Planning Department GIS

Date: 5/19/2022



CENTRAL VALLEY CRESCENT

UP PLN2018-0080

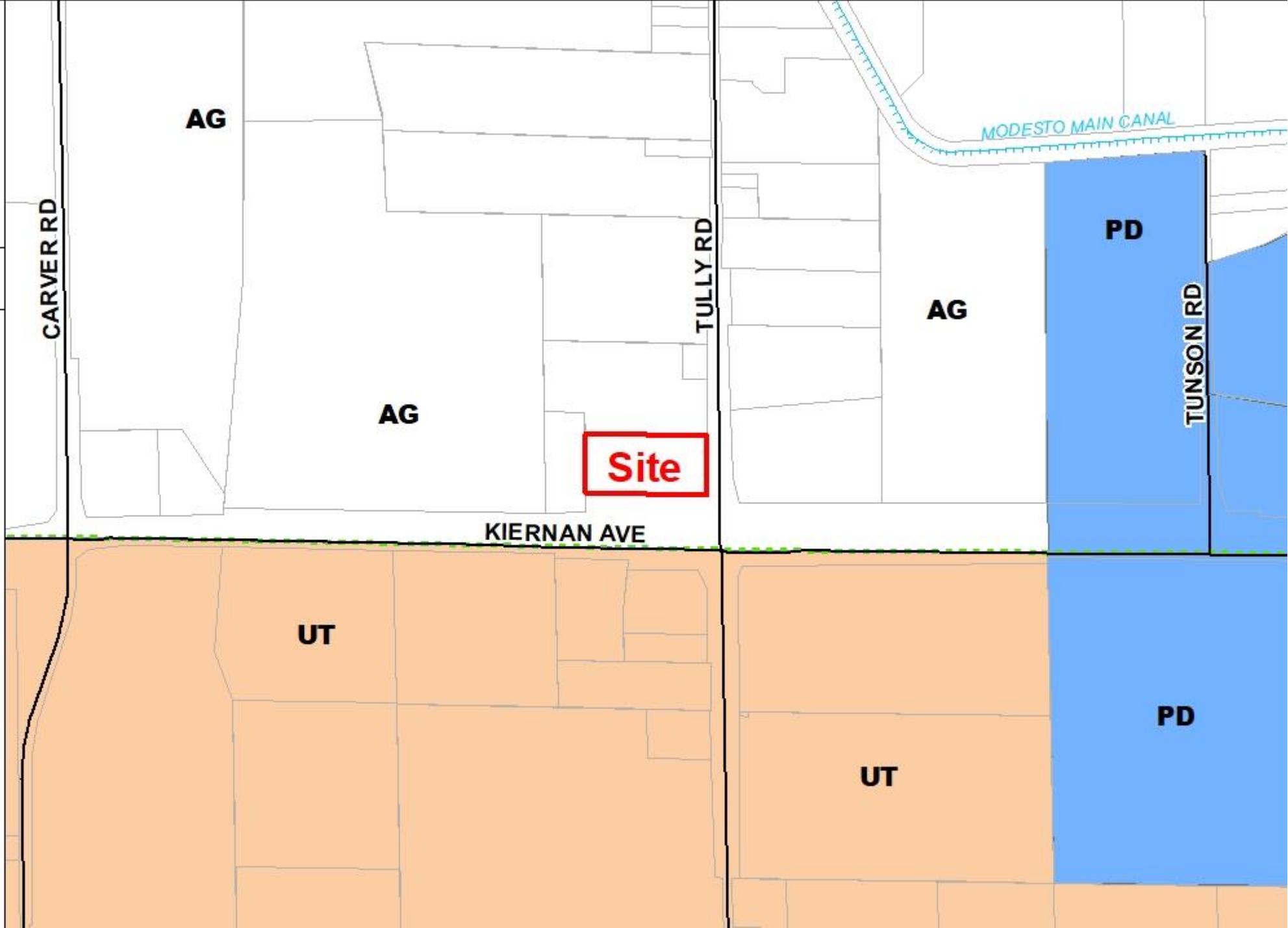
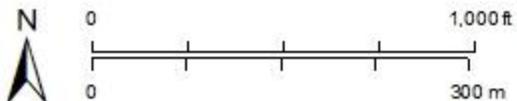
GENERAL PLAN MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  Parcel
-  Road
-  Canal

General Plan

-  Agriculture
-  Urban Transition
-  Planned Development



CENTRAL VALLEY CRESCENT

UP PLN2018-0080

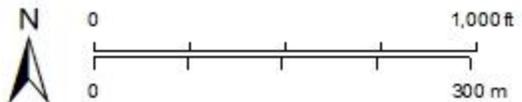
ZONING MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  Parcel
-  Road
-  Canal

Zoning Designation

-  Planned Development
-  General Agriculture 10 Acre
-  General Agriculture 40 Acre



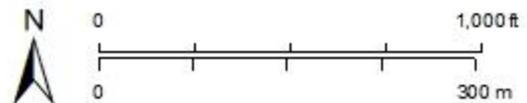
CENTRAL VALLEY CRESCENT

UP PLN2018-0080

ACREAGE MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  Parcel/Acres
-  Road
-  Canal



Source: Planning Department GIS

Date: 5/19/2022



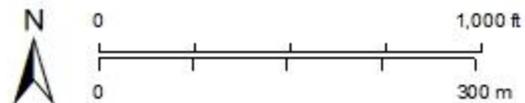
CENTRAL VALLEY CRESCENT

UP PLN2018-0080

2021 AERIAL AREA MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  Road
-  Canal



Source: Planning Department GIS

Date: 5/19/2022



CENTRAL VALLEY CRESCENT

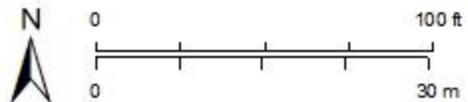
UP
PLN2018-0080

2021 AERIAL SITE MAP

LEGEND

 Project Site

 Road



Source: Planning Department GIS

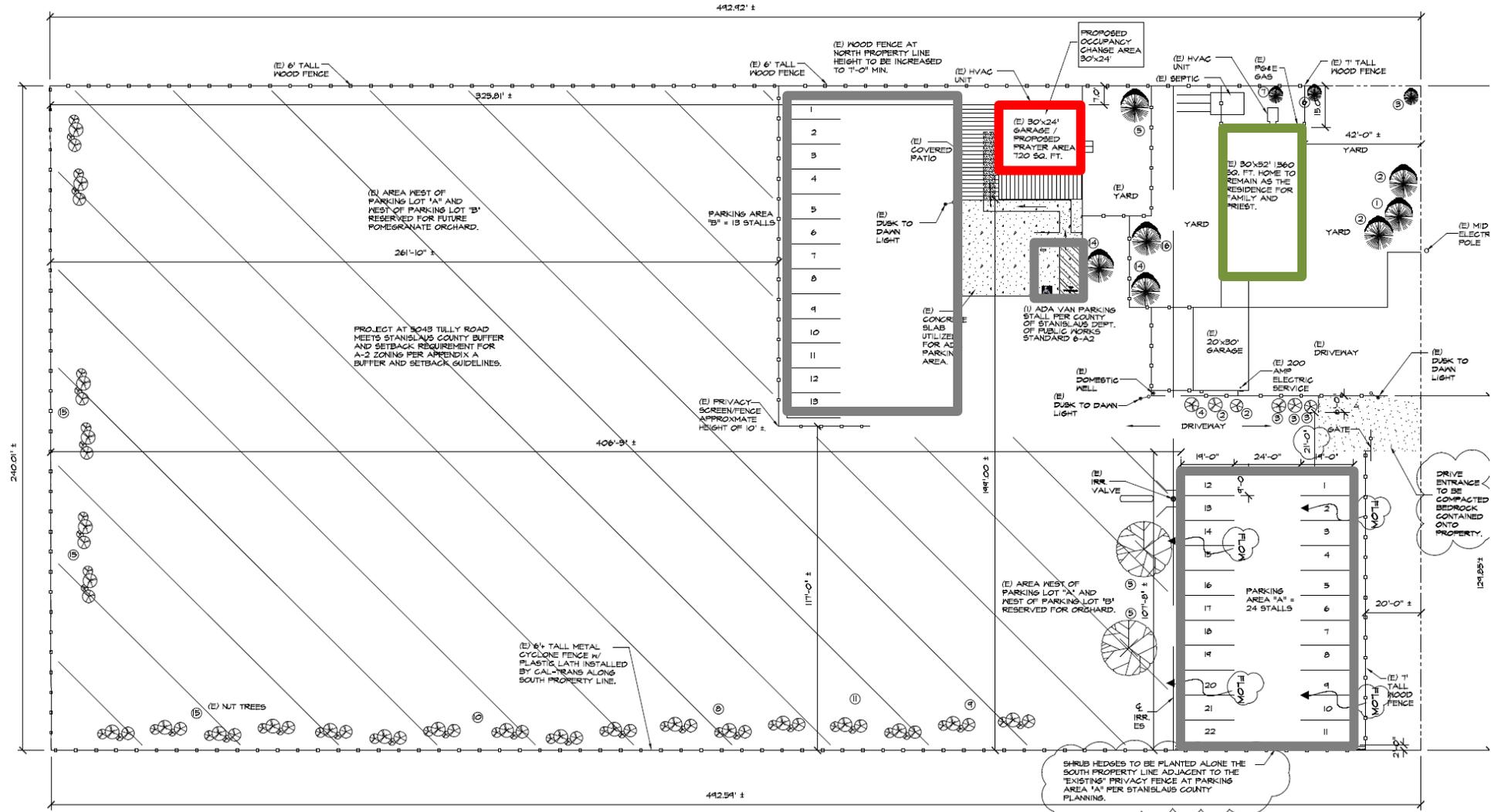
Date: 5/19/2022



CENTRAL VALLEY CRESCENT

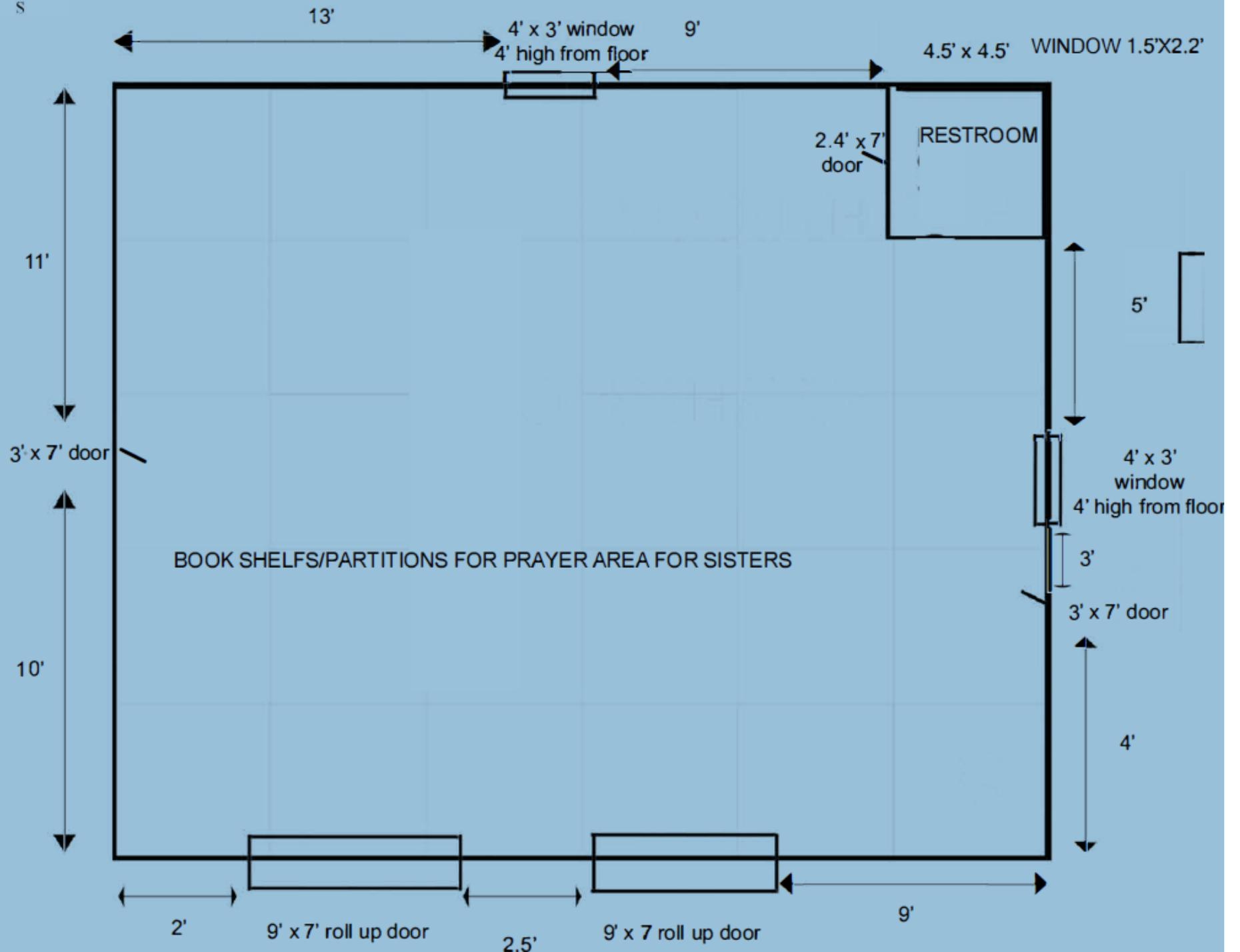
UP PLN2018-0080

APPLICANT SITE PLAN



**CENTRAL VALLEY
CRESCENT
UP
PLN2018-0080**

APPLICANT FLOOR PLAN



Issues

- Operating without Use Permit
- Required findings of approval & location suitability
 - Tier 3 Use outside of a Sphere of Influence (SOI)
 - Concern over growth-inducement north of Kiernan Ave.
- Traffic concerns – Right-in, Right-out driveway restriction
 - 2 letters of opposition from surrounding neighbors

Issues – Required Findings

- Required findings of approval – Tier Three Use Permit
 1. The use will not be detrimental to surrounding ag uses;
and
 2. The use is not located on land that is “most productive agricultural land;” **or** that it can be reasonably related to agriculture

Most Productive Ag. Land

- Factors include (based on project site and broader area):
 - Parcel size & ag potential
 - Parcelization patterns of project site and vicinity
 - Soil type
 - Irrigation potential
 - Williamson Act Contract
- Exempt: Lands within LAFCO-adopted Sphere of Influence (SOI)



Most Productive Ag. Land

- Factors include (based on project site and broader area):
 - Parcel size & ag potential
 - Parcelization patterns of project site and vicinity
 - Soil type
 - Irrigation potential
 - Williamson Act Contract

Issues – Required Findings

- Required findings of approval – Tier Three Use Permit
 1. The use will not be detrimental to surrounding ag uses;
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Issues – Required Findings

- Required findings of approval – Tier Three Use Permit
 1. The use will not be detrimental to surrounding ag uses;
and
 2. The use is not located on land that is “most productive agricultural land;” **or** that it can be reasonably related to agriculture

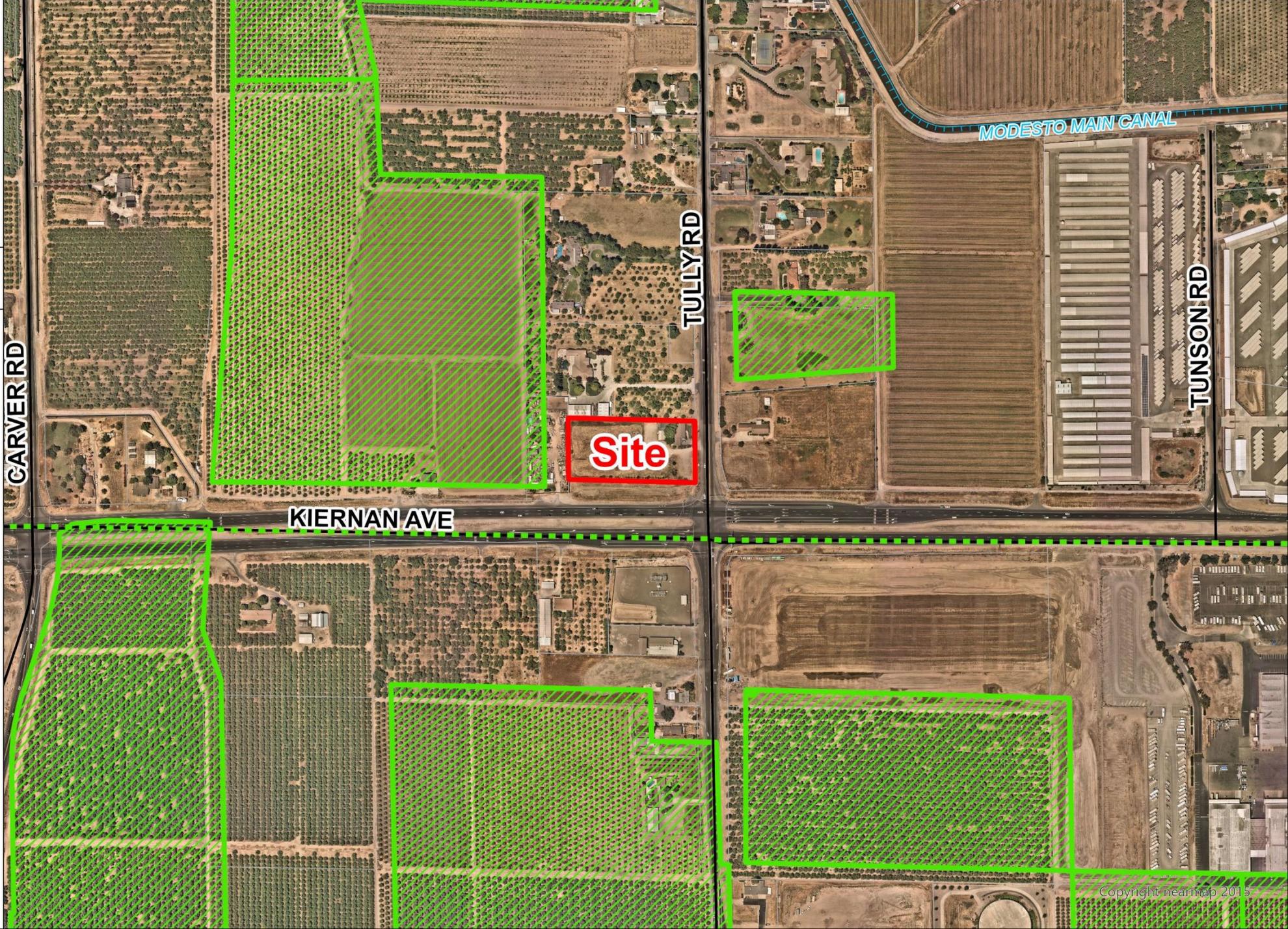
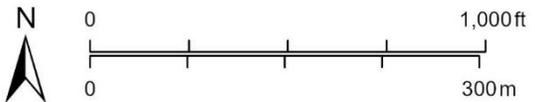
CENTRAL VALLEY CRESCENT

UP
PLN2018-0080

2023 AERIAL AREA MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  Road
-  Canal
-  Williamson Act (Effective)



Issues - Access

- Required findings of approval & location suitability
 - Tier 3 Use outside of a Sphere of Influence (SOI)
 - Concern over growth-inducement north of Kiernan Ave.
- Traffic concerns – Right-in, Right-out driveway restriction
 - 2 letters of opposition from surrounding neighbors

Issues - Access



General Plan Consistency

- Land Use Element designation – Agriculture
- Agricultural Element
 - Goal 1, Objective 1.2 – visitor-serving uses should be limited to non-ag areas
 - Goal 2, Objective 2.2 – directed away from most product ag areas
 - Policy 1.10 – Agricultural Buffer required
 - 6-foot fence & 150-ft setback (300-ft for people-intensive uses)
 - Buffer alternative proposed for north and east:
6-ft wood fence + reduced distance
- Land Use Element
 - Goal 4 – Growth directed to occur in SOI
 - Goal 5, Policy 27 – Sphere of Influence
 - City of Modesto landscaping condition applied



Zoning Ordinance Consistency

- Zoning Designation - General Agriculture (A-2-10)
 - Tier 3 Use Permit required
 - Development standards

Environmental Review

- CEQA
 - Initial Study
 - Negative Declaration
 - No significant impacts found
- Conditions of Approval

Recommendation

- Denial
- If the Planning Commission chooses to approve:
 - Findings – Exhibit A
 - Environmental Review
 - Use Permit
 - Roadway Improvements
 - Agricultural Buffer
 - Project Approval

Questions

Landowner Notice

LAND OWNER NOTIFICATION AREA
MAY 18, 2023 Total Parcels - 32



Central Valley Crescent
5043 Tully Road
Modesto, California
Use Permit

Introduction

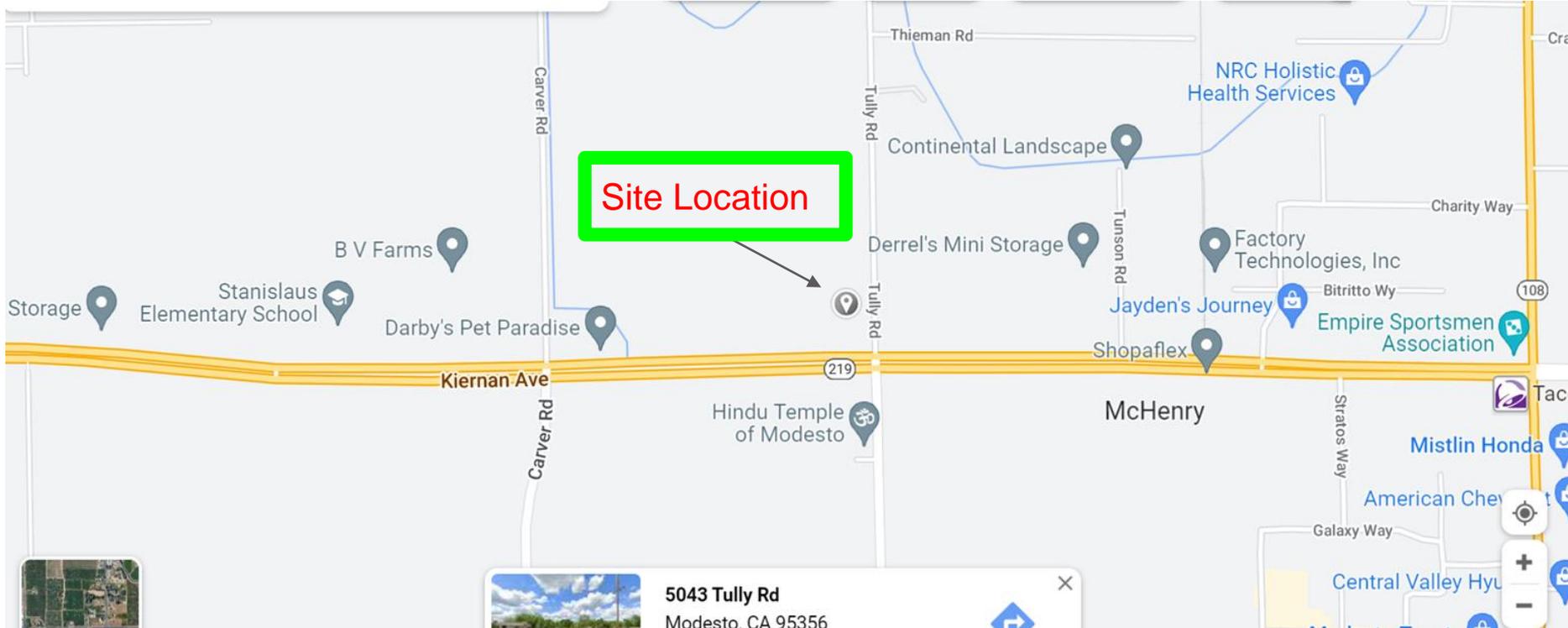
Who are we:

- Central Valley Crescent is a small group of families composed of working professionals, mainly doctors, dentists, engineers, and business owners residing in northern Stanislaus County.
- We are in need of a small convenient and safe space to congregate and practice our faith .
- We are operating in a 2 car garage building on 5043 Tully Road which is on northwest intersection of Kiernan and Tully. We are humbly requesting a use permit-to allow us to use this small space as a place of worship.

Objectives of CVC

- 1) To have a small space to meet for prayers and the worship requirements of our faith.
- 2) To provide space for community members to make positive, effective, and organized contributions that enhance the social and cultural environment in the Central Valley.
- 3) To build a better future for our youth and the next generations through organizing educational, faith-based activities.

Site Location



Activities at the Property

- Perform 5 times daily prayers
- Special afternoon prayer on Friday
- Faith-based classes for children
- Daily night prayer during fasting month of Ramadan

Description of Garage Conversion

Existing 30 ft by 24 ft car garage has been converted into prayer room by:

- Installed wall to wall carpet
- Painted ceiling and walls
- Installed air conditioning system
- Installed wooden fence along west side of Tully Rd

Points to consider

WHAT ARE OUR STRENGTHS?

- Dedication to faith.
- Small group of families
- Building and offering programs to help youth and women.
- Dedication to value added programs that benefit the greater community.

OPERATIONAL PLAN: HOW DO WE GET THE WORD AROUND

- Family and friends, word of mouth, emails, text messages

(No signs, no solicitations, no paid advertisements)

Why should we be granted a use permit?

To enable us to pray/worship and fulfill requirements of our faith

To cut down 20 minutes of travel time each way for attendees to the mosque on Carpenter Road. This reduces air pollution and emissions.

Our request is very simple: we are only asking permission to worship in the converted garage, we are not adding any new building.

Small foot print-basically only friends and family

County has in the past approved use permits to churches on ag land, and also outside of sphere of influence

Why should we be granted a use permit?(cont'd)

We do not have music, no alcohol, no drugs: very little usage of water.
8 years of operation without any traffic or safety incidents.

MINIMAL WELL WATER USE

Based on our past Eight years observations following is our estimated water usage:

Ablution Water:

On an average 2 people perform ablution at CVC for Friday Congregation prayer (We regularly advise our parishioners to perform ablution at home before coming to CVC).

$$2 \text{ people} \times 2 \text{ gallons} \times 52 \text{ Weeks} = 108 \text{ gallons}$$

$$108 \text{ g} / 325851 \text{ g/ac-ft} = 0.0003 \text{ ac-ft}$$

Restroom Water:

On an average 3 people use the urinals daily

$$3 \text{ people} \times 1.6 \text{ gallons} \times 52 \text{ Weeks} = 250 \text{ gallons}$$

$$250 \text{ g} / 325851 \text{ g/ac-ft} = 0.0008 \text{ ac-ft}$$

$$\text{Total Water usage} = 0.0003 + 0.0008 = 0.0011 \text{ ac-ft/year}$$

Traffic Engineering Issues:

- 1) Southbound Left-Turn Bay Length
- 2) Painted Median

Left-Turn Bay Length

- CVC does not generate any traffic during the AM and PM Peak Hour.
- Our highest activity is related to Friday midday prayer. Members arrive between 1:30 to 2:00 PM and leave between 2:10 to 2:30 PM.
- The traffic count during these times is insignificant as per the latest counts provided by County Public Works.



Stanislaus County
 Dept. of Public Works
 Traffic Engineering Division
 1716 Morgan Road, Modesto, CA 95358

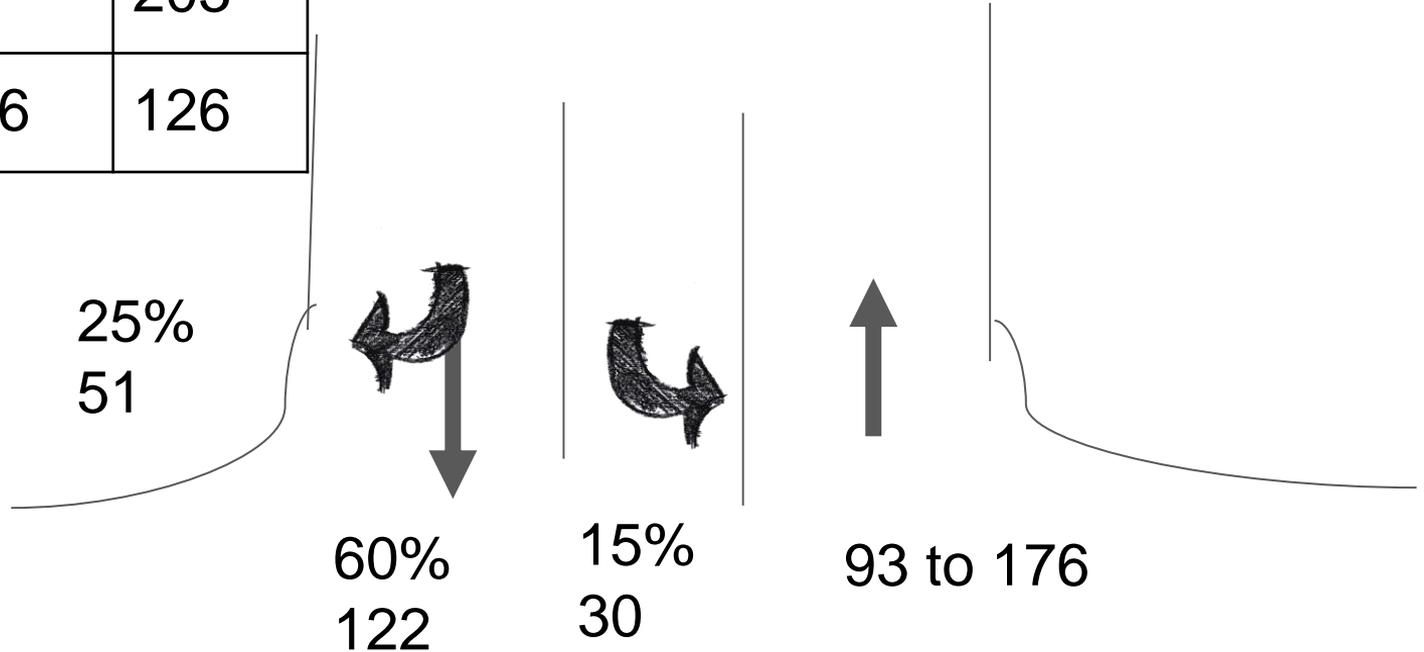
Site Code: 00000001
 Station ID: 1905
 Location 1: TULLY RD
 Location 2: NORTH OF KIERNAN AVE
 Location 3:
 Location 4:

Comment 1: Weather:SUNNY
 Comment 2: Serial:98514
 Comment 3: Installed by:DEL
 Comment 4: Other:NB
 Latitude: 37.715409
 Longitude: -121.013189

Time	Monday		Tuesday		Wednesday		Thursday		Friday		Saturday		Sunday		Week Average	
	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB
12:00 AM	*	*	8	4	11	7	9	8	12	6	23	10	*	*	13	7
01:00	*	*	8	2	4	6	8	5	11	10	14	4	*	*	9	5
02:00	*	*	5	3	8	7	9	4	4	4	6	6	*	*	6	5
03:00	*	*	5	4	3	5	3	1	4	2	6	5	*	*	4	3
04:00	*	*	21	10	14	9	11	14	10	10	10	6	*	*	13	10
05:00	*	*	32	51	33	33	35	31	27	26	11	21	*	*	28	32
06:00	*	*	60	87	61	94	66	106	60	79	22	14	*	*	54	76
07:00	*	*	93	203	93	199	90	184	81	163	44	65	*	*	80	163
08:00	*	*	107	160	108	171	108	173	100	143	58	75	*	*	96	144
09:00	*	*	63	89	87	105	71	80	81	95	80	88	*	*	76	91
10:00	*	*	78	81	56	84	68	84	62	93	90	104	*	*	71	89
11:00	*	*	72	76	76	100	91	102	74	107	87	97	*	*	80	96
12:00 PM	*	*	70	94	87	104	114	89	96	80	105	107	*	*	94	95
01:00	*	*	99	94	96	98	115	108	103	94	94	108	*	*	101	100
02:00	*	*	101	142	122	144	132	175	109	137	104	103	*	*	114	140
03:00	*	*	162	145	129	174	159	143	152	130	111	109	*	*	143	140
04:00	*	*	153	166	161	151	161	165	147	135	105	108	*	*	145	145
05:00	*	*	176	126	149	144	165	126	136	119	87	98	*	*	143	123
06:00	*	*	103	117	122	102	113	114	117	83	90	90	*	*	109	101
07:00	*	*	86	62	113	70	89	70	92	80	86	90	*	*	93	74
08:00	*	*	96	47	70	66	57	43	71	56	69	67	*	*	73	56
09:00	*	*	59	36	35	42	47	49	52	56	51	51	*	*	49	47
10:00	*	*	24	17	31	26	32	27	50	33	37	33	*	*	35	27
11:00	*	*	12	11	14	14	15	10	25	14	34	36	*	*	20	17
Total Day	0	0	1693	1827	1683	1955	1768	1911	1676	1755	1424	1495	0	0	1649	1786
AM Peak Volume			08:00	07:00	08:00	07:00	08:00	07:00	08:00	07:00	10:00	10:00			08:00	07:00
PM Peak Volume			05:00	04:00	04:00	03:00	05:00	02:00	03:00	02:00	03:00	03:00			04:00	04:00
Comb Total	0	0	3520	3520	3638	3638	3679	3679	3431	3431	2919	2919	0	0	3435	3435

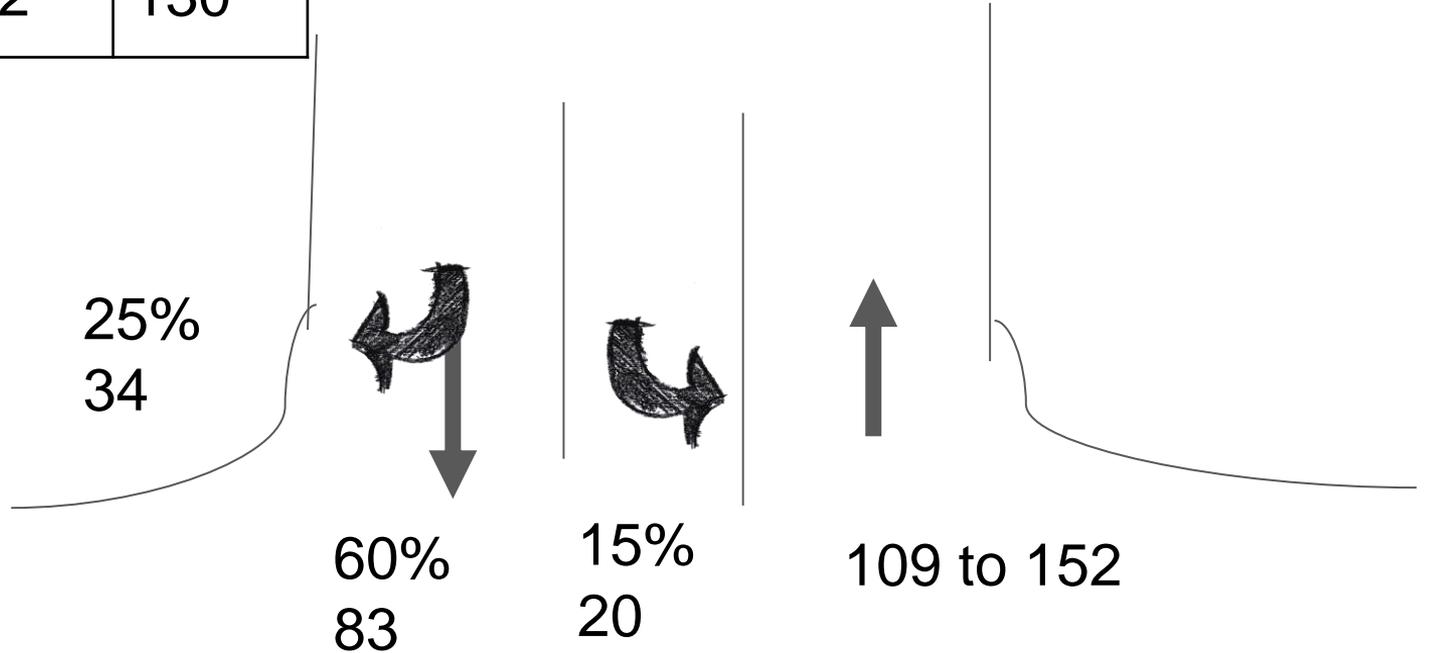
Maximum Traffic Scenario

Tuesday	NB	SB
6-7 AM	93	203
4-5 PM	176	126



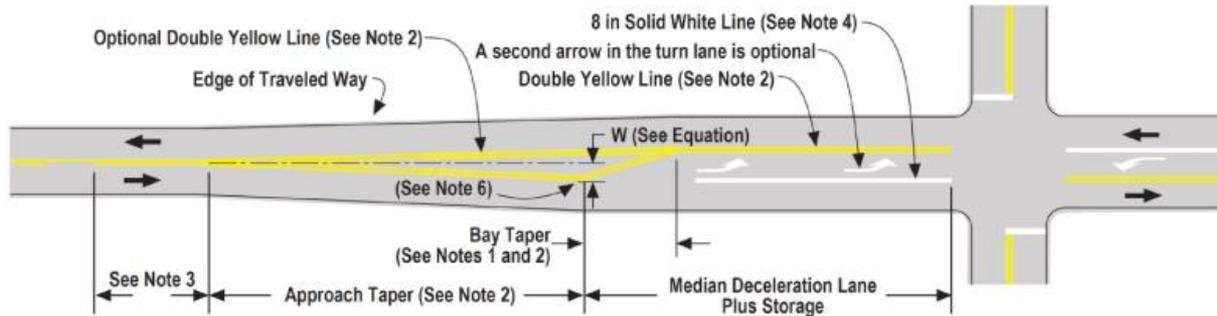
Friday between 1pm and 3pm Traffic Scenario

	NB	SB
1-2 PM	109	137
2-3 PM	152	130



Left-Turn Storage Based on Traffic Demand

- The maximum number of vehicles in the left turn lane is 31 vehicles per hour.
- This means on an average there will be one vehicle every two minutes in the left-turn lane.
- Assuming the traffic signal cycle length is 120 seconds, there will be one vehicle per cycle.
- Based on CA MUTCD and CA Highway Design Manual guidelines a left-turn bay of 100 feet shall more the suffice at this location.



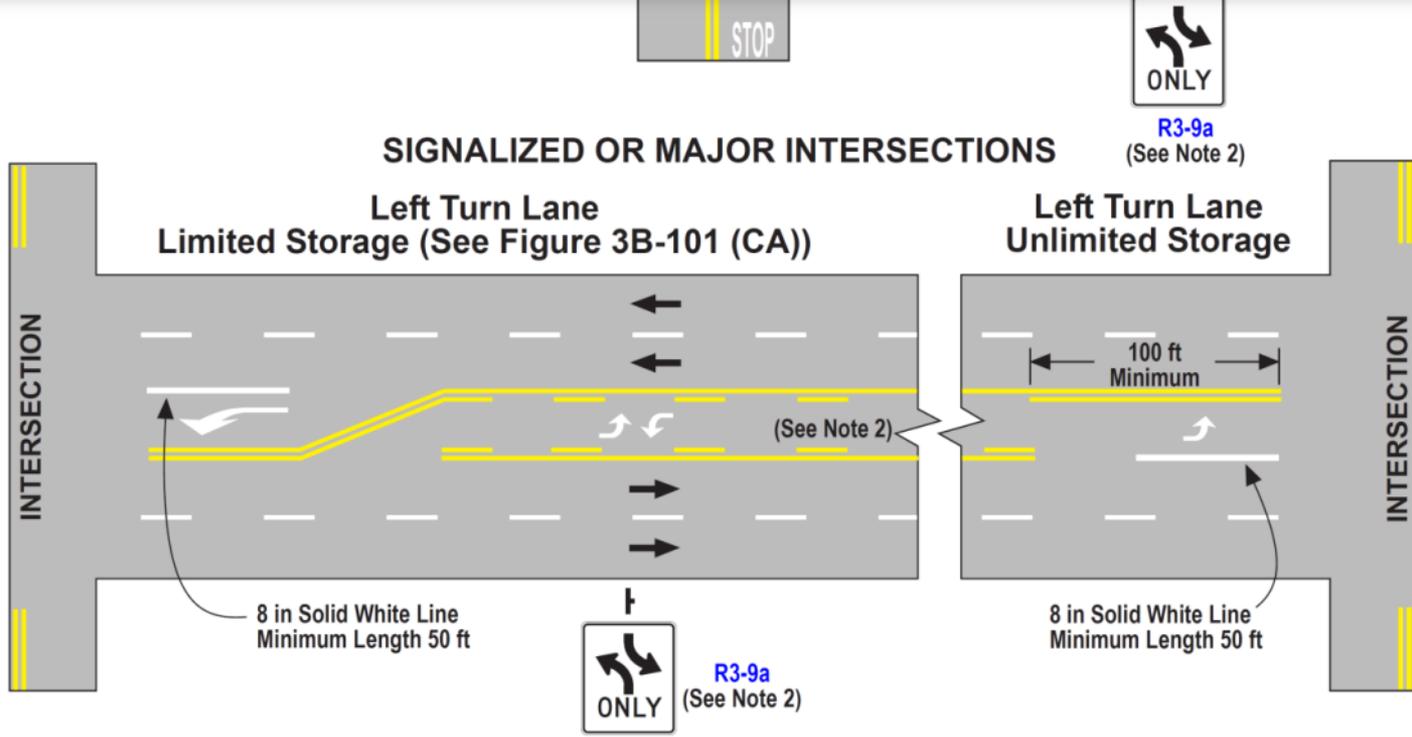
NOT TO SCALE

$$\text{Approach Taper} = \frac{WS^2}{60} \text{ for speeds of 40 mph or less and } WS \text{ for speeds of 45 mph or more.}$$

Where S = Off Peak 85th Percentile Speed in mph.
 W = Width of Lateral Traffic Shift in feet.

NOTES:

1. Bay taper length = 60 ft or 90 ft for Business, Residential and Urban Areas and 120 ft for high speed Rural Areas.
2. See Striping Details 21 through 23 or 28 through 30.
3. On two lane roads, use Striping Details 21 through 23 for one half (1/2) of the passing sight distance for the prevailing speed.
4. See Striping Detail 38, use a minimum storage length of 50 ft.
5. See Highway Design Manual, Section 405.2 for design details.
6. Based on engineering judgement, intersection of the Approach and Bay Tapers may be located within the width of the left-turn lane.



- NOTES: 1. See Figure 3A-108 (CA) for Two-Way Left-Turn Lane line markings.
 2. Two-Way Pavement Arrows and the R3-9a sign are optional.

LEGEND

➔ Direction of Travel ↔ Two-Way Pavement Arrows

NOT TO SCALE

CA Highway Design Manual Section 405.2(2)e

cannot be achieved, the District Traffic Branch should be consulted for guidance.

- (e) Storage Length – At unsignalized inter-sections, storage length may be based on the number of turning vehicles likely to arrive in an average 2-minute period during the peak hour. At a minimum, space for 2 vehicles should be provided at 25 feet per vehicle. If the peak hour truck traffic is 10 percent or more, space for at least one passenger car and one truck should be provided. Bus usage may require a longer storage length and should be evaluated if their use is anticipated.

At signalized intersections, the storage length may be based on one and one-half to two times the average number of vehicles that would store per signal cycle depending on cycle length, signal phasing, and arrival and departure rates. At a minimum, storage length should be calculated in the same manner as unsignalized intersection. The District Traffic Branch should be consulted for this information.

When determining storage length, the end of the left-turn lane is typically placed at least 3 feet, but not more than 30 feet, from the nearest edge of shoulder of the intersecting roadway. Although often set by the placement of a crosswalk line or limit line, the end of the storage lane should always be located so that the appropriate turning template can be accommodated.

Current Striping for the Southbound Approach



Current Striping for Carver SB Approach



Current Striping for Dale Road SB Approach



Painted Median Based on Traffic Demand

- The current striping forces a right-in right-out at the property's only driveway and increases VMT by forcing vehicles to an extra 3 mile circuitous route, adversely impacting the environment.
- As demonstrated above a left-turn bay of 100 feet shall more the suffice at this location.
- The remaining striping can be modified into a two-way left-turn lane to mimic the striping on Carver Road SB approach.
- Up until 2019 the striping had an opening to allow full access to and from CVC's only driveway.
- The striping was modified without any consultation with CVC property owners.

April 2019 Striping for the SB Approach



April 2019 Striping for the SB Approach



Current Striping for Carver SB Approach



Recommended Left-Turn Bay Length and Painted Median

- Based on the CA MUTCD and CA Highway Design Manual guidelines a 100 feet left-turn lane will be more than adequate.
- The striping further north could be a Two Way Left-Turn lane to match the existing striping.
- The recommended striping will match the current striping on Carver Road at Kiernan Road intersection on the southbound approach.
- The current striping with 300 feet Left-Turn Bay is unnecessary overkill.
- The current striping forces a right-in right-out at the property's only driveway and increases VMT by forcing vehicles to an extra 3 mile detour, adversely impacting the environment.

Thank you!

Questions?