



CEQA Referral Initial Study
And Notice of Intent to
Adopt a Mitigated Negative Declaration

Date: November 8, 2022
To: Distribution List (See Attachment A)
From: Kristen Anaya, Associate Planner, Planning and Community Development
Subject: USE PERMIT APPLICATION NO. PLN2018-0069 - HINDU TEMPLE OF MODESTO
Comment Period: November 8, 2022 - December 12, 2022
Respond By: December 12, 2022
Public Hearing Date: Not yet scheduled. A separate notice will be sent to you when a hearing is scheduled.

You may have previously received an Early Consultation Notice regarding this project, and your comments, if provided, were incorporated into the Initial Study. Based on all comments received, Stanislaus County anticipates adopting a Mitigated Negative Declaration for this project. This referral provides notice of a 30-day comment period during which Responsible and Trustee Agencies and other interested parties may provide comments to this Department regarding our proposal to adopt the Mitigated Negative Declaration.

All applicable project documents are available for review at: Stanislaus County Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, CA 95354. Please provide any additional comments to the above address or call us at (209) 525-6330 if you have any questions. Thank you.

Applicant: Navdeep Bali, Hindu Temple of Modesto
Project Location: 4801 Tully Road, between Kiernan and Bangs Avenues, in the Modesto area.
APN: 046-006-009
Williamson Act Contract: N/A
General Plan: Urban Transition
Current Zoning: General Agriculture (A-2-10)

Project Description: Request to establish a Hindu temple consisting of a 7,896± square-foot temple and an 8,781± square-foot dining hall building for temple member activities, in two phases, on a 2.67± acre parcel in the General Agriculture (A-2-10) zoning district. An Initial Study associated with this project was first circulated on August 27, 2021; however, in response to comments received as part of the referral period, the Initial Study has been revised to add additional technical detail.

Full document with attachments available for viewing at:
http://www.stancounty.com/planning/pl/act-projects.shtm



USE PERMIT APPLICATION NO. PLN2018-0069 – HINDU TEMPLE OF MODESTO

Attachment A

Distribution List

X	CA DEPT OF CONSERVATION Land Resources		STAN CO ANIMAL SERVICES
X	CA DEPT OF FISH & WILDLIFE	X	STAN CO BUILDING PERMITS DIVISION
	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO CEO
X	CA DEPT OF TRANSPORTATION DIST 10		STAN CO CSA
X	CA OPR STATE CLEARINGHOUSE	X	STAN CO DER
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO EMERGENCY MEDICAL SERVICES
	CA STATE LANDS COMMISSION	X	STAN CO ERC
	CEMETERY DISTRICT	X	STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
X	CITY OF: MODESTO		STAN CO PARKS & RECREATION
	COMMUNITY SERVICES/SANITARY DIST: MODESTO	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
	COUNTY OF:	X	STAN CO SHERIFF
X	DER - GROUNDWATER RESOURCES DIVISION	X	STAN CO SUPERVISOR DIST 4: GREWAL
X	FIRE PROTECTION DIST: SALIDA FIRE	X	STAN COUNTY COUNSEL
X	GSA: Stanislaus and Tuolumne Rivers Groundwater Basin Association		StanCOG
	HOSPITAL DIST:	X	STANISLAUS FIRE PREVENTION BUREAU
X	IRRIGATION DIST: MODESTO	X	STANISLAUS LAFCO
X	MOSQUITO DIST: EASTSIDE	X	STATE OF CA SWRCB – DIV OF DRINKING WATER DIST. 10
	MUNICIPAL ADVISORY COUNCIL:	X	SURROUNDING LAND OWNERS
X	PACIFIC GAS & ELECTRIC	X	TELEPHONE COMPANY: AT&T
	POSTMASTER:		TRIBAL CONTACTS (CA Government Code §65352.3)
	RAILROAD:	X	US ARMY CORPS OF ENGINEERS
X	SAN JOAQUIN VALLEY APCD	X	US FISH & WILDLIFE
X	SCHOOL DIST 1: MODESTO UNION		US MILITARY (SB 1462)
	SCHOOL DIST 2:		USDA NRCS
	WORKFORCE DEVELOPMENT	X	WATER DIST: CITY OF MODESTO
X	STAN CO AG COMMISSIONER		
	STAN CO ALUC		

**STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM**

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

FROM: _____

SUBJECT: USE PERMIT APPLICATION NO. PLN2018-0069 – HINDU TEMPLE OF MODESTO

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:

Name Title Date



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10TH Street, Suite 3400, Modesto, CA 95354
Planning Phone: (209) 525-6330 Fax: (209) 525-5911
Building Phone: (209) 525-6557 Fax: (209) 525-7759

CEQA INITIAL STUDY

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

1. **Project title:** Use Permit Application No. PLN2018-0069 – Hindu Temple of Modesto
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:** 4801 Tully Road, between Kiernan and Bangs Avenues, in the Modesto area. (APN: 046-006-009).
5. **Project sponsor's name and address:** Navdeep Bali, Hindu Temple of Modesto
6. **General Plan designation:** Urban Transition (UT)
7. **Zoning:** General Agriculture (A-2-10)
8. **Description of project:**

Request to establish a Hindu temple consisting of a 7,896± square-foot temple and an 8,781± square-foot dining hall building for temple member activities, in two phases, on a 2.67± acre parcel in the General Agriculture (A-2-10) zoning district. The first phase will begin within 18 months of project approval and will involve the construction of a single-story, 25-foot-tall, 7,896± square-foot temple to be used as a prayer hall with a 4,883± square-foot wrap-around porch, as well as the installation of landscaping, fencing, paving and striping of the parking lot, and installation of parking lot pole lighting. The temple's roof will feature decorative domes measuring up to 20 feet tall, for a cumulative height of approximately 45 feet. Phase two will include a detached 8,781± square-foot dining hall, to begin construction within five years of project approval.

The facilities will be for members of the Hindu Temple of Modesto only and will be used for indoor worship, religious ceremonies, children's plays, yoga, guided and independent meditation, and all-ages spiritual lectures and religious study sessions. Operating hours are limited between the hours of 9:00 a.m. to 9:00 p.m. daily. Members are permitted to enter the temple for prayer on a drop-in basis during operating hours, which is anticipated to include 11-12 daily drop-in visitors. Scheduled weekday activities, anticipated to include 20 participants on average, typically occur between the hours of 7 p.m. and 8:30 p.m. The busiest day of the week for the facility will be on Sundays, which is anticipated to include an average of 90 individuals a day between the temple and dining hall combined (not to be utilized concurrently), up to a maximum of 200 daily individuals on-site at maximum build out. There will be no general academic instruction, equivalent to the standards prescribed by the State Board of Education, offered on-site.

The dining hall and temple are proposed to be utilized for events held by congregants of the Hindu Temple, including indoor-only weddings and receptions and for religious holiday celebrations, up to a maximum of 10 times per year; however, as previously stated the structures will never be utilized concurrently. The facility will not be available for rental or use by the general public as an event venue. The facility will be open seven days per week, with up to six volunteers working on-site at a given time. Events are anticipated to bring up to 200 people on-site per event. During Diwali, which is included as one of these events, a gas-fueled bonfire within a controlled firepit, will be held for congregants on the temple porch for up to two hours, between 7:00 p.m. to 9:00 p.m. No amplified sound or music will occur on the exterior of the structure. No other event is anticipated to occur outdoors. Any further attendance or occupancy for on-site activities is subject to additional land use review and entitlement.

A public address (PA) system will be utilized during indoor temple activities for lectures, prayer, speaking purposes, and low devotional music accompanying prayers; however, no sound will be amplified on the exterior of the structure, nor will amplified live or pre-recorded music be utilized in conjunction with any of the congregant-hosted events such as weddings and receptions.

The project site is currently developed with a 1,657± square-foot single-family dwelling which will remain as on-site quarters to be occupied by the temple priest. The site will utilize an on-site private septic system and proposes to extend the City of Modesto water main on Tully Road north to serve the site. The stormwater runoff will be handled by an on-site horizontal drain located within the proposed parking lot. All on-site traffic will take access off of County-maintained Tully Road via a 30-foot-wide asphalt driveway, located towards the north side of the property, with a secondary 15-foot-wide driveway access to Tully Road, located to the south side of the property, provided for emergency vehicle access only.

The project is within the City of Modesto's Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) and, as such, is subject to the City's development standards including, but not limited to, street improvements consisting of road widening of Tully Road to allow for the installation of a dual left-turn lane to the site. The project also proposes to construct an asphalt parking lot, including 193 parking stalls, as required by the City of Modesto's parking requirements, and a condition of approval will be added to the project requiring landscaping to be installed in accordance with the City's standards, which includes landscaping within the proposed parking lot and along the road frontage. The applicant proposes a 6-foot-tall chain-link fence with slats lined with screen landscaping along the northern, western, and southern property lines. This will be added as a condition of approval to the project. Additionally, the project proposes a 4-foot by 6-foot informational monument sign, to be located along the project site's frontage, which will require City of Modesto's review and approval prior to installation.

An Initial Study for the described project was initially circulated August 27, 2021 to September 29, 2021, with a second circulation between April 27, 2022 to May 31, 2022. Revisions to the document, including preparation of a Noise Study, have been made in response to the comments received in response to the first and second circulation. The document is being recirculated to provide additional details and to clarify information.

- 9. Surrounding land uses and setting:** Irrigated agriculture, scattered single-family dwellings, and scattered commercial development in all directions; a church and MID substation to the north; light industrial development along Kiernan Avenue to the east; City of Modesto 1/3 mile to the south.
- 10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** City of Modesto
Stanislaus County Department of Public Works and Department of Environmental Resources
- 11. Attachments:**
- I. Environmental Noise Assessment, prepared by Saxelby Acoustics, dated July 6, 2022
 - II. Trip Generation Estimate for the Hindu Temple of Modesto Project, prepared by KD Anderson & Associates, Inc., dated March 31, 2020
 - III. Early Consultation Referral Responses
 - IV. August 27, 2021 Initial Study Referral Responses
 - V. April 27, 2022 Initial Study 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.

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

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

November 4, 2022
 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, then 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. The site 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 1/3 mile southwest of the project site.

The applicant is proposing to maintain the existing dwelling on-site for the temple priest and to construct a 7,896± square-foot temple with a 4,883± square-foot wraparound porch and a detached 8,781± square-foot community center, and to install a parking lot with 193 parking spaces and 22-foot-tall pole lights, landscaping, and signage. Six existing orchard trees will be removed to allow for the construction of the temple, community center, and driveway for emergency vehicle access; however, landscaping and trees will be installed along the perimeter of the site, the road frontage, and within planters in the parking lot. The applicant has proposed a 6-foot-tall chain-link fence with slats and vegetative screening to be installed along the north, west, and southern property lines. A condition of approval requiring the fence to be of uniform construction installed along shared property lines, and maintained in good condition along with a requirement that all on-site lighting be pointed down or shielded to prevent glare, sky glow, and to prevent light spillage onto neighboring parcels will be incorporated into the project. The proposed screen landscaping will be conditioned to have a minimum height of 15 feet at maturity, such as cypress trees. The temple and community center will have decorative architectural features, including 11-foot domes atop the temple, for a total height of 35 feet. Neither the City of Modesto nor Stanislaus County Planning Department have design standards that conflict with the proposed design or overall height as proposed. There are no federal or local plans, policies, regulations, or laws pertaining to aesthetics applicable to the proposed project, with the exception of signage and landscaping which require City review and approval. Additionally, a condition of approval requiring that outside storage of materials and equipment be screened from view from the road by a solid fence of uniform construction and that the site will be well-maintained in a clean fashion, free from litter or debris, will be added to the project. A mitigation measure requiring implementation of a written “Good Neighbor Policy” to provide neighbors a contact for the temple and establish steps that the facility will take to address issues, such as landscape and site maintenance, noise, or other concerns, that arise has been added to the project.

If approved, the project will introduce some buildings and other improvements in an area that is currently comprised of rural ranchette properties, agricultural production, and scattered urban development, including an existing church on the adjacent parcel. The Stanislaus County General Plan treats agriculture as a source of employment and economic development, and not as a visual resource that should be protected for aesthetic reasons. With conditions of approval in place, no adverse impacts to the existing visual character of the site or its surroundings are anticipated. Development of the site will have to comply with applicable County development standards for the General Agriculture (A-2) zoning district and City development standards for landscaping, signage, and off-street parking requirements at the time of applying for a building permit.

Mitigation: None.

References: 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 project site is 2.67± acres in size, is improved with a single-family dwelling, and is not currently farmed. Per the applicant’s information and aerial imagery, the subject parcel has not been farmed for at least 25 years, nor does the parcel currently receive irrigation water from Modesto Irrigation District. Approximately 1.15± acres of the parcel is designated rural residential land and 1.5± acres is designated prime farmland 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. The project site is not enrolled in a Williamson Act Contract; The site is 2.67± acres and under the Uniform Rules would not be considered eligible for entry into the Williamson Act.

While the project site is not considered to be an agricultural resource, it is located in an area primarily consisting of General Agriculture (A-2) zoned parcels of eight to 38 acres in size and smaller ranchette parcels. The only adjoining parcel under

a Williamson Act Contract is the 38.4± acre parcel to the south identified as Assessor's Parcel Number (APN) 046-006-011 which is actively farmed.

The project site is also surrounded by multiple non-agricultural uses, both developed and in the development process. The parcel immediately to the east across Tully Road identified by APN 046-001-001 is in the process of developing a warehouse for light industrial uses pursuant to General Plan & Rezone No. PLN2018-0082 – *Libitzky Holdings*. A church facility currently in the development stage, approved under Use Permit No. PLN2013-0005 and Staff Approval Permit No. PLN2020-0118 – *Holy Family Church*, is located 1,000 feet southeast of the site on APN 046-012-007. The Modesto Landmark Missionary Baptist Church which is currently operating abuts the project site to the north. There is existing light industrial development in the surrounding area approximately ½ mile to the northeast, southeast, and east. The City of Modesto is located ⅓ mile to the south.

The project site is zoned General Agriculture (A-2-10) and has a General Plan designation of Urban Transition (UT) in recognition of its location within the City of Modesto's Sphere of Influence (SOI).

Within the A-2 zoning district, the County permits certain uses unrelated to agricultural production, as Tier Three 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 temple 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 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. In the case of churches, written support from the city is not required, but the project is required to meet city standards. In this case, the site is not engaged in production agricultural nor contributing to the agricultural sector of the economy.

Policy 2.15 of the County Agricultural Element of the General Plan requires mitigation for the conversion of agricultural land resulting from a discretionary project requiring a General Plan or Community Plan amendment from Agriculture to a residential land use designation at a 1:1 ratio with agricultural land of equal quality located in Stanislaus County. The project does not propose residential development and therefore the requirement for agricultural mitigation does not apply. Further, according to Goal Two, Policy 2.5, Implementation Measure One, of the County General Plan Agricultural Element, when defining the County's most productive agricultural areas, it is important to recognize that soil types alone should not be the determining factor; "Most Productive Agricultural Areas" do not include any land within Local Agency Formation Commission (LAFCO) approved SOI of cities. The project site is not considered to be a most productive agricultural area as it, in addition to the lands south of Kiernan Avenue between Dale Road and Roselle Avenue, is located within the City of Modesto's LAFCO adopted SOI. Generally, urban development will only occur upon annexation to a city, but such development may be appropriate prior to annexation provided the development is not inconsistent with the land use designation of the general plan of the affected city. The project site is part of the City of Modesto's Kiernan-Carver Comprehensive Planning District (CPD) and is designated as Business-Commercial-Residential (BCR) in the City of Modesto's General Plan (GP) Land Use Diagram. The City of Modesto's Master Environmental Impact Report (EIR) for their GP evaluated impacts to agriculture within their GP Planned Urban Area, which the subject parcel is located within. The City's GP EIR mirrors the County's SOI Policy which requires city approval when in a SOI for uses other than churches or agricultural uses. Additionally, the City's GP EIR states that development of agricultural lands within their GP area must be consistent with the City's General Plan and should include buffers between developed uses and surrounding agriculture. The project was referred to the City of Modesto which responded with support of the project provided conditions of approval are added to the project related to meeting city standards for landscaping, signage, parking, stormwater, fire prevention, road improvements, and impact fees. These conditions will be added to the project.

Appendix VII-A 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 requires that projects include a 150-foot-wide buffer setback and a 6-foot-high fence along the perimeter of the site. The Buffer and Setback Guidelines allow 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 does not fall under the category of a “people-intensive outdoor use” due to on-site activities, with the exception of Diwali which occurs once per year during a two-hour window, taking place indoors. Improvements which are permitted within a buffer area include; public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and similar low people-intensive uses. Although the project will meet the ag buffer policy guidance of providing a 6-foot-tall fence, the proposed project does not meet the 150-foot setback from the northern and southern property lines. The proposed temple and dining hall buildings are proposed to be positioned towards the front of the property to allow for maximum buffer space. There are 150-feet or more from the proposed structures to the eastern and western property lines, which meets the agricultural buffer; however, an agricultural buffer alternative is being requested as part of the project consisting of consisting of a 6-foot-tall perimeter fence and screen landscaping to be installed along the north, west, and south property lines and a reduced agricultural buffer of 80 feet along the northern property line and of 40 feet from the southern property line. A condition of approval requiring that the screen landscaping consist of plants with a minimum height of 15 feet at maturity, such as cypress trees, will be added to the project. Additionally, a condition of approval will be added that the perimeter fencing be solid, at least 6 feet in height, and maintained in good condition to further prevent light spillage from car headlights onto neighboring parcels. The decision-making body (Stanislaus County Planning Commission) shall have the ultimate authority to determine if the use is low-people intensive, and if an alternative buffer and setback standards may be approved by the Planning Commission 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 who responded that no concerns were identified with the proposed buffer. In light of the site’s proposed buffer alternatives, the limited activity to occur on the exterior of the site, 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 landscape screening will minimize conflicts between the proposed use and adjacent agriculture and 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 northwest, west, south, and 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, 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. Given the similar uses nearby (Modesto Landmark Missionary Baptist Church on the immediate parcel to the north), 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. Once the proposed use develops, as good management practice, off-target movement during application of sprays can be prevented by the applicator shutting off air blast 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.

Two comment letters from neighboring landowners have been received in response to the project’s first Initial Study indicating concern over vehicular traffic from the temple trespassing (overflowing) off-site and into adjacent orchards. The project proposes to provide 193 parking stalls within a parking lot entirely contained on-site. The parking lot will provide sufficient parking to meet the City of Modesto’s Off-Street Parking Standards and be bordered by a solid fence and screen landscaping which will prevent physical trespass from the site onto adjacent sites. If the project is approved and should the site’s occupancy exceed the identified project description, or should trespassing occur by the Hindu Temple attendees, standard procedures through Stanislaus County Sheriff’s Office and Department of Environmental Resources Code Enforcement Division can be taken to address these issues. Additionally, a mitigation measure requiring a “Good Neighbor Policy” to be established which provides contact information for an on-site manager or similar contact to neighbors to address concerns related to parking, noise, traffic, site and fence maintenance, hours of operation, and other issues that may arise, has been incorporated into the project.

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: United States Department of Agriculture Natural Resources Conservation Service Soil Survey; Application information; Eastern Stanislaus Soil Survey (1957); City of Modesto Master Plan EIR; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2018; Stanislaus County Zoning Ordinance and General Plan 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 Environmental Protection Agency (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 utilized as a (unpermitted) temple meeting site within the existing dwelling; however, the construction and occupancy of the proposed temple and use of the dining hall building will increase traffic in the area and, thereby, impact air quality.

The project’s Early Consultation and first referral of the Initial Study was referred to the Air District who did not respond to the project. Regardless, the proposed project may be subject to the following District Rules: Regulation VIII, Rule 4102, Rule 4601, Rule 4641, Rule 4002, Rule 4102, Rule 4550, and Rule 4570; 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 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 project proposes the construction of a single-story, 25-foot-tall, 7,896± square-foot temple with a 4,883± square-foot porch to be used as a prayer hall, a detached 8,781± square-foot community center and dining hall, and grading and paving of the parking lot. A Trip Generation Estimate for the project was prepared by KD Anderson & Associates, Inc., dated March 31, 2020. Members are permitted to enter the temple for prayer on a drop-in basis between 9 a.m. and 8 p.m. daily; the trip generation memo prepared for the project assumes a minimum of 22 daily trips, made up of between 11-12 daily drop-in visitors. The trip generation memo assumes a maximum of 16 daily trips, made up of approximately 20 participants, associated with scheduled weekday activities typically occurring between the hours of 7 p.m. and 8:30 p.m., not during peak

traffic hours. Drop-in and scheduled activity combined equates to a maximum weekday trip generation of 36 daily trips. The trip generation memo prepared for the site assumes peak trips associated with the regular facility operations will occur on Sundays, generating a maximum of 80 daily trips coming to and from the site for activities held at either the temple or the dining hall throughout the day. The dining hall and temple are not proposed to be utilized concurrently which has been incorporated into the project as a mitigation measure (see Noise Section, Mitigation Measure No. 3). The trip generation memo also calculates trips generated by the site based on a maximum occupancy of 400 persons, which would generate between 360-400 trips; however, the larger Hindu holidays and associated ceremonies, which are proposed to occur approximately 10 times per year, are anticipated to bring up to 100 people on-site during phase 1 and up to 200 people maximum at full build out. Should any deviation occur from the project description as proposed, additional land use entitlement and review would be required, or enforcement through the County's Code Enforcement processes would occur. 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 proposed project will fall below these thresholds and consequently falls within the SPAL screening level. Consequently, the proposed project is below the District's thresholds of significance and will not have a significant impact to air quality.

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 below. 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.

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.

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 in 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 site development and construction of the temple and dining hall. These activities would not require any substantial or long-term use of heavy-duty construction equipment and would require demolition of one structure, removal of six existing trees consisting of primarily fruit or nut trees, and some grading as the site is presently unimproved to commercial standards and 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.

Impacts to air quality are considered to be less than significant.

Mitigation: None.

References: San Joaquin Valley Air Pollution Control District Small Project Analysis Level (SPAL) Analysis guidance, dated November 13, 2020; Trip Generation Memo prepared by KD Anderson & Associates, Inc., dated March 31, 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 is primarily commercial agriculture with scattered urban development to the east, south, and southwest. The City of Modesto is located 1/3 mile to the southwest, and multi-use light industrial development is located 1/4 mile to the east of the project site, with additional light industrial development approved for the parcel immediately to the east. The site fronts on the major collector Tully Road and is in close proximity to its intersection with rural expressway Kiernan Avenue.

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. The site is improved with a single-family dwelling and accessory structures and was previously farmed but is currently unirrigated and no longer cultivated. The site is surrounded by infill development and parcels routinely disturbed in association with routine farming practices. 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 likelihood of special status species being present on the site is considered to be low. An Early Consultation and the first circulation of the proposed project’s Initial Study 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: Referral response 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 the balance of the property is vacant but previously disturbed in conjunction with a now-removed orchard. However, 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: 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 proposes to construct a single-story, 25-foot-tall, 7,896± square-foot temple with a 4,883± square-foot porch to be used as a prayer hall, a detached 8,781± square-foot community center and dining hall, and 22-foot-tall parking lot light poles. The project site is currently developed with a 1,657± square-foot single-family dwelling which will remain as on-site quarters to be occupied by the temple priest. The site is served by PG&E for gas and the Modesto Irrigation District (MID) for electrical service. All construction activities 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. Additionally, although no truck traffic is proposed, any truck traffic shall be required to meet all Air District regulations, including rules and regulations that increase energy efficiency for heavy trucks. 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. A trip generation memo prepared for the project by KD Anderson & Associates, Inc., a transportation engineering firm, indicates that the project may generate up to 80 trips under the busiest daily conditions during weekly operations. Although it is above the proposed number of attendees during peak usage for the facility, the trip generation memo analyzed the project under maximum possible capacity, which included generation of up to 360 to 400 daily trips, which is below the District’s thresholds of significance for emissions.

The project was referred to PG&E and SJVAPCD and no comments have been received to date. MID provided a referral response identifying overhead and underground electrical and fiber optic cable 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: Trip Generation Memo prepared by KD Anderson & Associates, Inc., dated March 31, 2020; Referral response from the Modesto Irrigation District, dated September 5, 2018; California Code of Regulations, Title 24 – California Building Standards Code; 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:			X	
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 wastewater disposal systems where sewers are not available for the disposal of wastewater?			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. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed.

This project is a request to establish a Hindu temple consisting of a 7,896± square-foot temple with a 4,883± square-foot wrap-around porch and an 8,781± square-foot dining hall building, which will involve new construction. Utilization of an on-site horizontal drain within the proposed parking lot to manage stormwater runoff on-site is proposed as part of this project. 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, 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 would be required to be compliant with Measure X, which would require the approval of DER through the building permit process, which takes soil type into consideration within the specific design requirements. A condition of approval will be added to the project to include this response.

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. Pursuant to comment letters received from the project’s Early Consultation referral, the Department of Public Works and City of Modesto will review and approve grading and drainage plans prior to construction. 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 the balance of the property is vacant but previously disturbed in conjunction with a now removed orchard. However, standard conditions of approval regarding halting of development and consultation with a qualified professional in the event of discovery of cultural and paleontological resources or human remains during the construction process will be added to the project.

Mitigation: None.

References: United States Department of Agriculture Natural Resources Conservation Service Soil Survey; Referral response from the Environmental Review Committee, dated August 30, 2018; Referral response from the Stanislaus County Department of Public Works, dated April 8, 2021; referral response from the Department of Environmental Resources, dated August 30, 2018; 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 Gasses (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. A condition of approval will be added to this project to address compliance with Title 24, CALGreen Code, which includes energy efficiency requirements.

The project is proposing to establish a new Hindu temple consisting of a 7,896± square-foot temple with a 4,883± square-foot wrap-around porch, and an 8,781± square-foot dining hall building. 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 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 SJVAPCD's SPAL analysis 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 (with a minimum of 50-mile trip lengths) or fewer per day as falling within the SPAL. The project proposes to construct a temple and dining hall totaling 21,960± square feet. A trip generation memo prepared for the project by KD Anderson & Associates, Inc., a transportation engineering firm, indicates that the project may generate up to 80 trips under the busiest daily conditions during weekly operations. Although it is above the proposed number of attendees during peak usage for the facility, the trip generation memo analyzed the project under maximum possible capacity, which included generation of up to 360 to 400 daily trips. Based on the information outlined above, the proposed project will fall below these thresholds and falls within the SPAL screening level; consequently, these numbers fall below the District's thresholds of significance for emissions. The Air District was referred the project, but have not responded. The proposed project may be subject to the following District Rules: Regulation VIII, Rule 4102, Rule 4601, Rule 4641, Rule 4002, Rule 4102, Rule 4550, and Rule 4570, 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.

Although Senate Bill 743 (SB743) requires that the transportation impacts under the California Environmental Quality Act (CEQA) evaluate impacts by using Vehicle Miles Traveled (VMT) as a metric, the proposed project was submitted and determined complete prior to the bill's adoption; accordingly, the project's impacts to traffic are based on Level of Service (LOS). Stanislaus County currently has not adopted any significance thresholds for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA. However, per the trip generation memo prepared for the project, vehicle traffic to and from the site will comprise of 95% from within the local community. The stated trip generation would be consistent with a locally serving retail classification for the purposes of analyzing VMT and per the 2018 OPR guidelines, locally serving retail would not be considered a significant impact.

Impacts associated with Greenhouse Gas Emissions are expected to have a less than significant impact.

Mitigation: None.

References: 2016 California Green Building Standards Code (CALGreen Code); San Joaquin Valley Air Pollution Control District Small Project Analysis Level (SPAL) Analysis guidance, dated November 13, 2020; Trip Generation Memo prepared by KD Anderson & Associates, Inc., dated March 31, 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 is proposing to establish a new temple and dining hall facility with a 193-stall parking lot, which will include new construction and potential grading. The project was referred to the DER–Hazmat Division who responded that the project is not anticipated to have a significant impact with respect to hazardous materials, and that a Phase I Environmental Site Assessment is required prior to issuance of a grading permit, with follow up of a Phase II study if necessary. 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; 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 Department of Environmental Resources – Hazardous Materials Division, dated September 7, 2021; Referral response from the Salida Fire Protection District, dated August 27, 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 not located within a FEMA Flood Zone. All flood zone requirements will be addressed by the Building Permits Division during the building permit process.

The project is proposing to establish a new temple and dining hall facility with a 193-stall parking lot. By virtue of the proposed construction, including the 193-stall asphalt parking lot, 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 utilization of an on-site horizontal storm drain within the proposed parking lot. 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 applicant is proposing to extend the City of Modesto water main on Tully Road to the site for public water services. The City has commented on the project stating that they are able to serve the site for water service; however, a formal “Will-Serve” Letter for water service will not be provided until the applicant makes the extension of the existing water main on Tully Road, currently ending at the Bangs intersection, to the project site. If and when the applicant is provided a Will-Serve Letter, connection will require an out of boundary service agreement, subject to approval by the Local Agency Formation Commission (LAFCO), and will require that the water connection meet City standards. If the applicant fails to secure City water service, they will be required to utilize an on-site well. 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 if water is not obtained from the City of Modesto, the project would be 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.

In the event the applicant drills a new well, the applicant will be required to comply with Stanislaus County's Groundwater Ordinance and will need to obtain a well construction permit through DER. 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. 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 to 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. The City of Modesto, as the public water provider for the project, will be required to adhere to any applicable GSP requirements.

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.

A condition of approval requiring the developer/applicant to either complete the extension of the City water main and to obtain a formal will-serve letter prior to issuance of a building permit, or obtain a water supply permit for a public water system prior to final occupancy, will be added to the project. The landscaping associated with the project 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: Referral response from the City of Modesto, dated August 30, 2018; e-mail and phone correspondence from the City of Modesto Utilities Division, dated April 6, 2021; referral response from the Department of Environmental Resources, dated August 30, 2018; referral response from the Department of Public Works, dated April 8, 2021; 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: The project site is presently unimproved with the exception of an existing single-family dwelling and detached garage. The applicant is requesting to establish a Hindu temple consisting of a 7,896± square-foot temple with a 4,883± square-foot porch and an 8,781± square-foot dining hall building for temple activities, in two phases, on a 2.67± acre parcel in the General Agriculture (A-2-10) zoning district. The first phase will begin within 18 months of project approval and will involve the construction of a single-story temple, parking lot, fencing, and landscaping. Phase two will include a detached 8,781± square-foot community center and dining hall, to begin construction within five years of project approval; however, the applicant may obtain a Staff Approval Permit to extend this timeframe at a later date if needed.

A public address (PA) system will be utilized during indoor temple activities for lectures, prayer, and speaking purposes and low devotional music accompanying prayers; however, no sound will be amplified on the exterior of the structure, nor will amplified live or pre-recorded music be utilized in conjunction with any of the congregant-hosted events such as weddings and receptions.

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”; however, this term does not apply to, nor does not include any land within LAFCO-approved spheres of influence of cities.

The project site is located a 1/3 mile from City of Modesto city limits and is located within Modesto’s Sphere of Influence. The project site is part of the City of Modesto’s Kiernan-Carver Comprehensive Planning District (CPD) and is designated as Business-Commercial-Residential (BCR) in the City of Modesto’s General Plan Land Use Diagram. The Stanislaus County General Plan Land Use Element Policy 27 requires all discretionary projects within the sphere of influence of a city gain written support of the project and be referred to that city for an application of that city’s development standards. Consequently, the project was referred to the City of Modesto, who provided a referral response requiring city development fees to be paid and that the City’s standards for parking, landscaping, signage, and street improvements consisting of road widening of Tully Road to allow for installation of a dual left-turn lane, be met. These will be required as conditions of approval applied to the project.

The project site is not considered to be an agricultural resource, it is located in an area primarily consisting of General Agriculture (A-2) zoned parcels of eight to 38 acres in size and smaller ranchette parcels. The only adjoining parcel under a Williamson Act Contract is the 38.4± acre parcel to the south identified as Assessor’s Parcel Number (APN) 046-006-011 which is actively farmed. The project site is also surrounded by multiple non-agricultural uses, both developed and in the development process. The parcel immediately to the east across Tully Road identified by APN 046-001-001 is in the process of developing a warehouse for light industrial uses pursuant to General Plan & Rezone No. PLN2018-0082 – *Libitzky Holdings*. A church facility currently in the development stage, approved under Use Permit No. PLN2013-0005 and Staff Approval Permit No. PLN2020-0118 – *Holy Family Church*, is located 1,000 feet southeast of the site on APN 046-012-007.

The Modesto Landmark Missionary Baptist Church which is currently operating abuts the project site to the north. There is existing light industrial development in the surrounding area approximately ½ mile to the northeast, southeast, and east.

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. The Appendix suggests that projects that are people-intensive 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; however, the Buffer and Setback Guidelines also allow 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”. As discussed in the Agricultural Resources Section of this document, the project is proposing an agricultural buffer alternative.

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 City of Modesto, dated August 30, 2018; Stanislaus County Zoning Ordinance and 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	

<p>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?</p>				<p>X</p>
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Discussion: On-site grading and construction resulting from this project may result in a temporary increase in the area’s ambient noise levels. All uses on the project site are proposed to occur indoors with the exception of one day per year, during the celebration of Diwali, a bonfire within a controlled firepit will be held for congregants on the temple porch for up to two hours but no later than 9:00 p.m. No amplified sound or music will occur on the exterior of the structure during this single outdoor event. 10 times per year during larger Hindu holidays and associated ceremonies or for indoor-only weddings and receptions up to 200 people may congregate on-site. Within five to ten years of project development, the applicant anticipates an average daily peak of 200 congregants on Sundays and a maximum of 200 congregants split between activities occurring throughout the day at both the temple and dining hall. However, the temple and dining hall will never be utilized concurrently. A mitigation measure has been incorporated into the project to reflect this restriction. The facility will not be available for rental or use by the general public as an event venue nor wedding venue for non-congregants. A public address (PA) system will be utilized during indoor temple activities for lectures, prayer, and speaking purposes and low devotional music accompanying prayers; however, no sound will be amplified on the exterior of the structure, nor will amplified music or DJs be utilized in conjunction with any of the congregant-hosted events such as wedding receptions.

In response to the first and second circulation of the Initial Study for this project, two project responses, dated September 29, 2021 and May 31, 2022, were received from Marsha Burch, an attorney representing the San Joaquin Raptor/Wildlife Rescue Center, Central Valley Safe Environment Network, and Protect Our Water, expressing concerns over procedural errors within the initial study referrals and over potential noise impacts of the project. In response, a noise analysis, dated July 6, 2022, was prepared by Saxelby Acoustics for the proposed temple, which showed that potential noise levels produced by the proposed use are below the County’s hourly noise level standards without mitigation or additional noise control measures.

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. To quantify the existing ambient noise environment in the project vicinity, Saxelby Acoustics conducted continuous (24-hour) noise level measurements and short-term noise level measurements at two locations each within the project site along the north and south property lines, at diagonals from the proposed structures. The existing daytime (7:00 a.m. to 10:00 p.m.) background noise was found to be a maximum of 86 decibels and an average of 63 decibels for the long-term measurement point northwest of the proposed buildings, and a maximum of 74 decibels and average of 54 decibels at the long-term measurement point southwest of the proposed buildings. The maximum noise level at each of the short-term sites of the survey (at the northeast corner of the parcel and directly south of the proposed temple) were 62 and 61 respectively. Consequently, the area of the proposed use is considered to be noise-impacted and accordingly, the acceptable noise standard thresholds are raised to the ambient noise levels, adjusted to account for attenuation due to distance from the temple to the road. Therefore, the applicable noise level standard resulting from the use would be 55 dBA L₅₀ and 83 dBA L_{max} during daytime (7:00 a.m. to 10:00 p.m.) hours.

The proposed facility will not operate during the nighttime hours (10:00 p.m. to 7:00 a.m.) and consequently, will not exceed or violate nighttime noise standards. The noise analysis evaluated the impact of transportation noise on the project site, as well as proposed project’s noise impacts resulting from on-site operations. For transportation noise impacts on the project, it is estimated that the exterior of the proposed buildings will be exposed to a level of 67 decibels L_{dn}, which falls within the “normally acceptable” noise exposure category as identified within the County General Plan Noise Element. Therefore, no additional noise control measures are required to reduce the project site’s exposure to a noise impacted environment. Regarding the proposed project’s operational noise on surrounding sensitive receptors, the analysis predicted noise generated from traffic associated with the on-site parking lot during on-site operations to generate a sound exposure levels (SEL) of 71 decibels at 50 feet for automobiles. Nighttime traffic will not occur. The ambient noise levels due to traffic at the residence to the south were measured to be 54 decibels L_{eq} and 74 decibels L_{max}. Therefore, the adjusted noise standard for this location would be 54 decibels L_{eq}. Using the SoundPLAN noise prediction model, with inputs including sound power

levels for the proposed amenities, existing and proposed buildings, terrain type, and locations of nearby sensitive receptors, noise level contours were generated for the proposed uses. It is proposed that three ten-ton packaged units and one ten-ton air-cooled chiller packaged unit will be utilized for HVAC purposes in the temple and dining hall building. The analysis utilized a worst-case scenario for typical project use during modeled a peak hour maximum of 200 vehicles on-site and continuously operating HVAC units. Noise-generating uses associated with the proposed project are not predicted to generate noise levels of 54 decibels L_{eq} at the temple to the north of the project and levels of 50 decibels L_{50} at the residence to the south of the project. These levels comply with the adjusted 55 decibels L_{50} noise level standard for the temple and 55 decibels L_{eq} noise level standard for the residence. The project's proposed annual Diwali celebration, which is the only outdoor activity proposed for the project, is predicted to generate noise levels of 53 decibels at the temple to the north and 52 decibels at the residence to the south. These levels comply with the adjusted 55 decibels L_{50} noise level standard for the temple and the adjusted 54 decibels L_{eq} noise level standard for the residence. Therefore, impacts associated with noise are considered to be less than significant without mitigation.

The area's ambient noise level will temporarily increase during grading/construction. As such, the project will be conditioned to abide by County regulations related to hours and days of construction.

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

Mitigation measures restricting the use of amplified sound outdoors, requiring implementation of a written "Good Neighbor Policy" to provide neighbors a contact for the temple and establish steps that the facility will take to address issues that arise has been added to the project, and restricting concurrent use of the temple and dining hall have been incorporated into the project. Impacts associated with noise are considered to be less than significant with mitigation.

Mitigation:

1. The use of amplified sound outdoors shall be prohibited.
2. Permittee shall establish a written "Good Neighbor Policy" to be approved by the Planning Department, which shall outline the permittee's plan to address neighbor concerns regarding parking, noise, traffic, site and fence maintenance, and hours of operation. The plan shall include a means for providing neighbors with updated contact information for a representative they may contact when concerns arise (i.e., establishing a website where up to date contact information may be posted). The Good Neighbor Policy shall be provided to all landowners and site addresses of record for property located within 1,350 feet of the project site's property lines and at least two parcels out in each direction.
3. The temple and dining hall shall not be used for on-site activities concurrently.

References: Environmental Noise Assessment by Saxelby Acoustics, dated July 6, 2022; Project response from Marsha Burch, dated September 29, 2021 and May 31, 2022; 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 General Plan 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 temple priest. 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 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. Payment of the applicable district fees, including public facility fees, will be required prior to issuance of a building permit. This project was circulated to all applicable school, fire, police, irrigation, public works departments and districts during the Early Consultation and first Initial Study referral period, and no concerns were identified with regard to public services. As stated in the project description the project proposes to utilize City of Modesto water for public water services; however, if a Will Serve is not obtained then the site will have to install a public water system subject to all local and state requirements. A Condition of Approval will be added to the project to ensure one of these requirements are met.

Two referral responses were 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 letter identifies that there is a 36-inch concrete Improvement District pipeline within the project site, and that any relocation or alteration of the pipeline, or any other Improvement District facility on the project site, must be upgraded, replaced, or relocated as required by MID Staff. Further, they requested all construction plans be submitted for review prior to issuance of a building permit to determine if the electric service must be upgraded. The Salida Fire Protection District provided a comment letter requiring the site to meet fire apparatus access standards, 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 the District’s comments.

The project will have less than significant impacts to public services.

Mitigation: None.

References: Referral response from the City of Modesto, dated August 30, 2018; referral response from Salida Fire Protection District, dated August 31, 2018; referral responses from Modesto Irrigation District, dated September 5, 2018

and May 3, 2022; Referral response from the Department of Environmental Resources, dated August 30, 2018; referral response from the Department of Public Works, dated April 8, 2021; 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 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: Traffic associated with the proposed project will take access from County-maintained Tully Road via a 30-foot-wide asphalt driveway, with secondary 15-foot-wide driveway access to Tully Road provided for emergency vehicle access-only. Tully Road is identified as a 110-foot-wide Minor Arterial in the Circulation Element of the Stanislaus County General Plan. Further, the project site is located approximately 400 feet from Kiernan Avenue, which is a 6-lane highway.

A Trip Generation Estimate for the project was prepared by KD Anderson & Associates, Inc., dated March 31, 2020. Members are permitted to enter the temple for prayer on a drop-in basis between 9 a.m. and 8 p.m. daily; the trip generation memo prepared for the project assumes a minimum of 22 daily trips, made up of between 11-12 daily drop-in visitors. The trip generation memo assumes a maximum of 16 daily trips, made up of approximately 20 participants, associated with scheduled weekday activities typically occurring between the hours of 7 p.m. and 8:30 p.m., not during peak traffic hours. Drop-in and scheduled activity combined equates to a maximum weekday trip generation of 36 daily trips. The trip generation memo prepared for the site assumes peak trips associated with the regular facility operations will occur on Sundays, generating a maximum of 80 daily trips coming to and from the site for activities held at either the temple or the dining hall throughout the day. The dining hall and temple are not proposed to be utilized concurrently which has been incorporated into the project as a mitigation measure (see Noise Section, Mitigation Measure No. 3). The trip generation memo also calculates trips generated by the site based on a maximum occupancy of 400 persons, which would generate between 360-400 trips; however, the larger Hindu holidays and associated ceremonies, which are proposed to occur

approximately 10 times per year, are anticipated to bring up to 100 people on-site during phase 1 and up to 200 people maximum at full build out. These numbers fall below the District's thresholds of significance for emissions.

Although Senate Bill 743 (SB743) requires that the transportation impacts under the California Environmental Quality Act (CEQA) evaluate impacts by using Vehicle Miles Traveled (VMT) as a metric, the proposed project was submitted and determined complete prior to the bill's adoption; accordingly, the project's impacts to traffic are based on Level of Service (LOS). 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, per the trip generation memo prepared for the project, vehicle traffic to and from the site will comprise of 95% from within the local community. The stated trip generation would be consistent with a locally serving retail classification for the purposes of analyzing VMT and per the 2018 OPR guidelines, locally serving retail would not be considered a significant impact.

This project was referred to the Department of Public Works, City of Modesto, and the California Department of Transportation (Caltrans) (although the project does not abut a Caltrans-maintained right-of-way nor does Caltrans have approval or permitting authority over the project). 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 level of service (LOS) or VMT. The City of Modesto provided no comments related to the proposed project's impacts to traffic but did require road widening be completed consistent with City standards to accommodate a dual left turn lane and paving the connection between the proposed driveways to the street pavement. The Department of Public Works stated the proposed project will be required to install frontage improvements including curb, gutter, sidewalks, and streetlights. Prior to plan review, the applicant shall sign a "Plan Check/Inspections Agreement" and post a \$5,000 deposit with Public Works, as well as a financial guarantee deposit for the street improvements installation along the road frontage to meet the City of Modesto standards. The comments received from Public Works and the City of Modesto 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 the existing County road network.

Two comment letters from neighboring landowners have been received in response to the project's first Initial Study indicating concern over vehicular traffic from the temple trespassing (overflowing) off-site and into adjacent orchards. The project proposes to provide 193 parking stalls within a parking lot entirely contained on-site. The parking lot will provide sufficient parking to meet the City of Modesto's Off-Street Parking Standards and be bordered by a solid fence and screen landscaping which will prevent physical trespass from the site onto adjacent sites. If the project is approved and should the site's occupancy exceed the identified project description, or should trespassing occur by the Hindu Temple attendees, standard procedures through Stanislaus County Sheriff's Office and Department of Environmental Resources Code Enforcement Division can be taken to address these issues. Additionally, a mitigation measure has been incorporated into the project requiring a "Good Neighbor policy" be developed and approved by the Planning Department, which outlines the permittee's plan to address neighbor concerns regarding parking, noise, traffic, site and fence maintenance, and hours of operation. The plan is required to be provided to all landowners and site addresses of record for property located within 1,350 feet of the project site's property lines and at least two parcels out in each direction.

With mitigation measures applied, impacts associated with Transportation are considered to be less than significant.

Mitigation: See Mitigation Measures No. 2 and 3.

References: Trip Generation Memo prepared by KD Anderson & Associates, Inc., dated March 31, 2020; Referral response from City of Modesto, dated August 30, 2018; Referral response from Public Works, dated April 8, 2021; Referral response from Caltrans, dated December 9, 2021; 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 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: Application material; 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 stormwater 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 on-site horizontal storm drain for stormwater drainage. 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 and City of Modesto 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. The letter identifies that there is a 36-inch concrete Improvement District pipeline within the project site, and that any relocation or alteration of the pipeline, or any other Improvement District facility on the project site, must be upgraded, replaced, or relocated as required by MID Staff. Further, they requested all construction plans be submitted for their review prior to issuance of a building permit to determine if the electric service must be upgraded, which will also be added as a condition of approval.

As stated in the project description, the project proposes to extend the City of Modesto water main on Tully Road to the site for public water services. The City has not provided the applicant a will serve letter to date due to water service not being immediately accessible; however, correspondence with City staff has indicated that the City is able to provide water service if the applicant makes the extension of the existing water main on Tully Road at the Bangs intersection to the project site. If and when the applicant is provided a will-serve letter, connection will require an out of boundary service agreement, subject to approval by the Local Agency Formation Commission (LAFCO), and will require that the water connection meet City standards. If the applicant fails to secure City water service, they will be required to utilize an on-site well. The project was referred to the DER who commented that the proposed project meets the definition of a Public Water System, and if water is not obtained from the City of Modesto, the project would be subject to the requirements of SB1263. Public Water Systems must meet specific water quality standards; If the on-site well is unable to meet the specified water quality standards a new well may be required to be constructed or a water treatment system may be required to be installed.

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

Mitigation: None.

References: Referral response from the Department of Environmental Resources, dated August 30, 2018; Referral response from the Department of Public Works, dated April 8, 2021; Referral response from the City of Modesto, dated August 30, 2018; Referral responses from Modesto Irrigation District, dated September 5, 2018 and May 3, 2022; 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, including wildfires, and identifies best practices and actions for minimizing damage from those disasters. 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, two ingress/egress accesses for the parcel, fire sprinklers, provisions of fire vehicle access and fire protection water supplies, and installation of a Rapid Entry System (Knox). Further, the City of Modesto responded to the project applying conditions of approval related to fire prevention, including installation of an automatic fire sprinkler system, an on-site hydrant, an approved fire access road, and meeting minimum fire-flow requirements. 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 the City of Modesto, dated August 30, 2018; Referral response from Salida Fire Protection District, dated August 31, 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 mitigation measures recommended in this

document, compliance with the project description included in this use permit request, and implementation of regulatory requirements and permitting, impacts from the project are considered to be less than significant with mitigation.

The project site is part of the City of Modesto's Kiernan-Carver Comprehensive Planning District (CPD) and is designated as Business-Commercial-Residential (BCR) in the City of Modesto's General Plan Land Use Diagram. The project is located within the City of Modesto's LAFCO adopted Sphere of Influence (SOI). Development within a city SOI cannot be approved, except for churches and agricultural-related uses, without support from the city; however, the City of Modesto has provided written support of the proposed project.

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 (State Route 219), is located approximately 400 feet north of the project site. The City of Modesto is located approximately 1/3 mile south of the project site and the City's SOI extends north to Kiernan Avenue. Although the site is not large enough to sustain agricultural use in accordance with the County's Williamson Act Uniform Rules, it is located in an area primarily consisting of General Agriculture (A-2) zoned parcels of eight to 38 acres in size and smaller ranchette parcels. The only adjoining parcel under a Williamson Act Contract is the 38.4± acre parcel to the south identified as Assessor's Parcel Number (APN) 046-006-011 which is actively farmed. The project site is also surrounded by multiple non-agricultural uses, both developed and in the development process. The parcel immediately to the east across Tully Road identified by APN 046-001-001 is in the process of developing a warehouse for light industrial uses pursuant to General Plan & Rezone No. PLN2018-0082 – *Libitzky Holdings*. A church facility currently in the development stage, approved under Use Permit No. PLN2013-0005 and Staff Approval Permit No. PLN2020-0118 – *Holy Family Church*, is located 1,000 feet southeast of the site on APN 046-012-007. The Modesto Landmark Missionary Baptist Church which is currently operating abuts the project site to the north. There is existing light industrial development in the surrounding area approximately 1/2 mile to the northeast, southeast, and east. Additionally, Use Permit Application No. PLN2018-0080 – *Central Valley Crescent*, which is a request to establish a new mosque proposing to serve a maximum of 50 people, is located on Assessor's Parcel Number 004-069-033 approximately 700 feet north of the project site outside of the City of Modesto's SOI; this project is currently undergoing environmental review 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.

Any future 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 in the vicinity to another designation that would create islands or non-continuous land uses or that are proposed on vacant or undeveloped land outside the sphere of influence are not consistent with the County's Land Use policies and would likely not be approved. The proposed project is considered locally-serving within an Urban Transition General Plan designation which allows for development consistent with the general plan of the affected city.

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; Application materials; 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.

Stanislaus County

Planning and Community Development

Mitigation Monitoring and Reporting Program

Adapted from CEQA Guidelines sec. 15097 Final Text, October 26, 1998

NOVEMBER 7, 2022

- | | |
|---|--|
| 1. Project title and location: | Use Permit Application No. PLN2018-0069 – Hindu Temple of Modesto

4801 Tully Road, between Kiernan and Bangs Avenues, in the Modesto area. APN 046-006-009. |
| 2. Project Applicant name and address: | Navdeep Bali, Hindu Temple of Modesto
4801 Tully Road
Modesto, CA 95356 |
| 3. Person Responsible for Implementing Mitigation Program (Applicant Representative): | Navdeep Bali, Hindu Temple of Modesto |
| 4. Contact person at County: | Kristen Anaya, Associate Planner, (209) 525-6330 |

MITIGATION MEASURES AND MONITORING PROGRAM:

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

XII. NOISE

- | | |
|---|---|
| No.1 Mitigation Measure: | The use of amplified sound outdoors shall be prohibited. |
| Who Implements the Measure: | Applicant/Operator |
| When should the measure be implemented: | During outdoor activities; Ongoing |
| When should it be completed: | During outdoor activities; Ongoing |
| Who verifies compliance: | Stanislaus County Planning & Community Development Department |
| Other Responsible Agencies: | N/A |

XII. NOISE AND XVII. TRANSPORTATION

- | | |
|--------------------------|---|
| No.2 Mitigation Measure: | Permittee shall establish a written “Good Neighbor Policy” to be approved by the Planning Department, which shall outline the permittee’s plan to address neighbor concerns regarding parking, noise, traffic, site and fence maintenance, and hours of operation. The plan shall include a means for |
|--------------------------|---|

providing neighbors with updated contact information for a representative they may contact when concerns arise (i.e., establishing a website where up to date contact information may be posted). The Good Neighbor Policy shall be provided to all landowners and site addresses of record for property located within 1,350 feet of the project site's property lines and at least two parcels out in each direction.

Who Implements the Measure:	Applicant/Operator
When should the measure be implemented:	Prior to issuance of a building/grading permit
When should it be completed:	Ongoing
Who verifies compliance:	Stanislaus County Planning & Community Development Department
Other Responsible Agencies:	N/A

No.3 Mitigation Measure: The temple and dining hall shall not be used for on-site activities concurrently.

Who Implements the Measure:	Applicant/Operator
When should the measure be implemented:	During operation; Ongoing
When should it be completed:	During operation; Ongoing
Who verifies compliance:	Stanislaus County Planning & Community Development Department
Other Responsible Agencies:	N/A

I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

Signature on file.

Person Responsible for Implementing
Mitigation Program

November 7, 2022

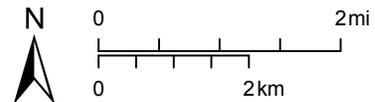
Date

HINDU TEMPLE UP PLN2018-0069

AREA MAP

LEGEND

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



HINDU TEMPLE UP PLN2018-0069

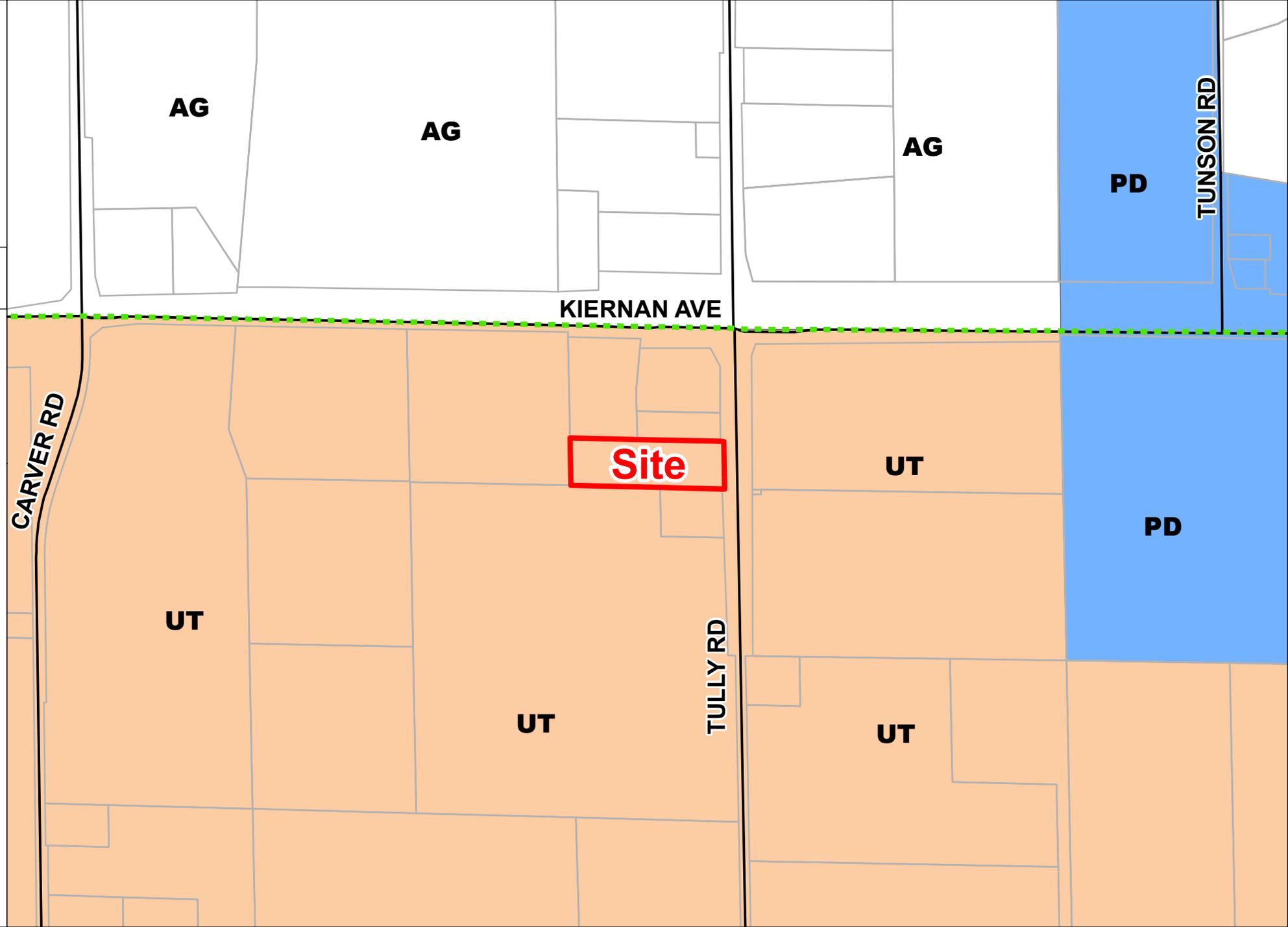
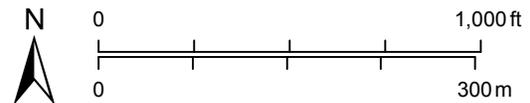
GENERAL PLAN MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  Parcel
-  Road

General Plan

-  AGRICULTURE
-  PLANNED DEVELOPMENT
-  URBAN TRANSITION

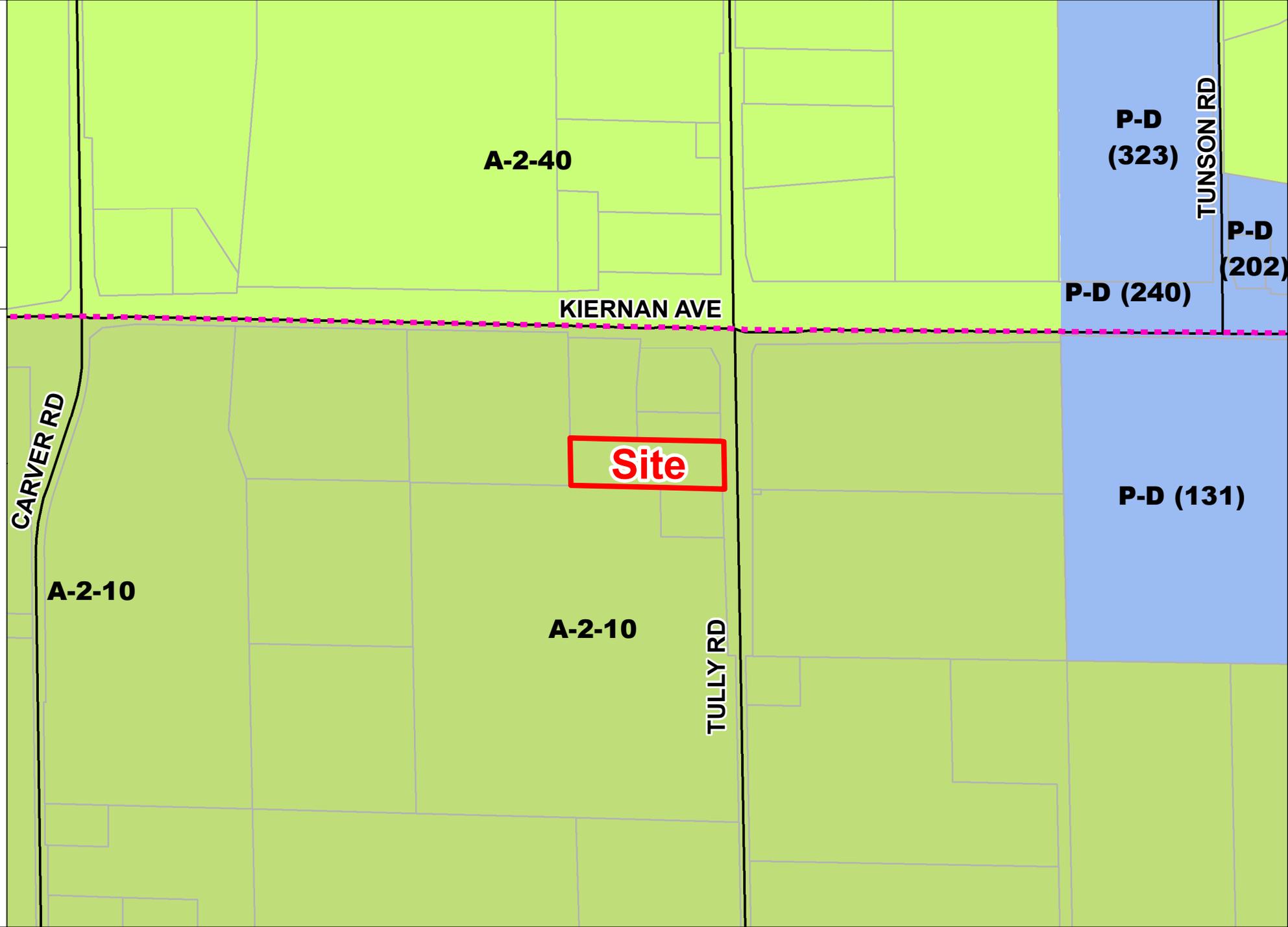
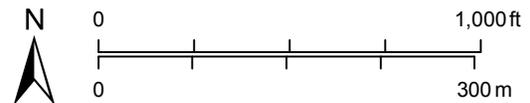


HINDU TEMPLE UP PLN2018-0069

ZONING MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  Parcel
-  Road
- Zoning Designation**
 -  Planned Development
 -  General Agriculture 10 Acre
 -  General Agriculture 40 Acre

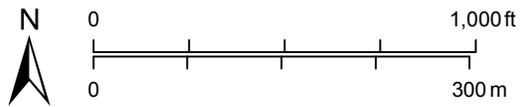


HINDU TEMPLE UP PLN2018-0069

2017 AERIAL AREA MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  Road

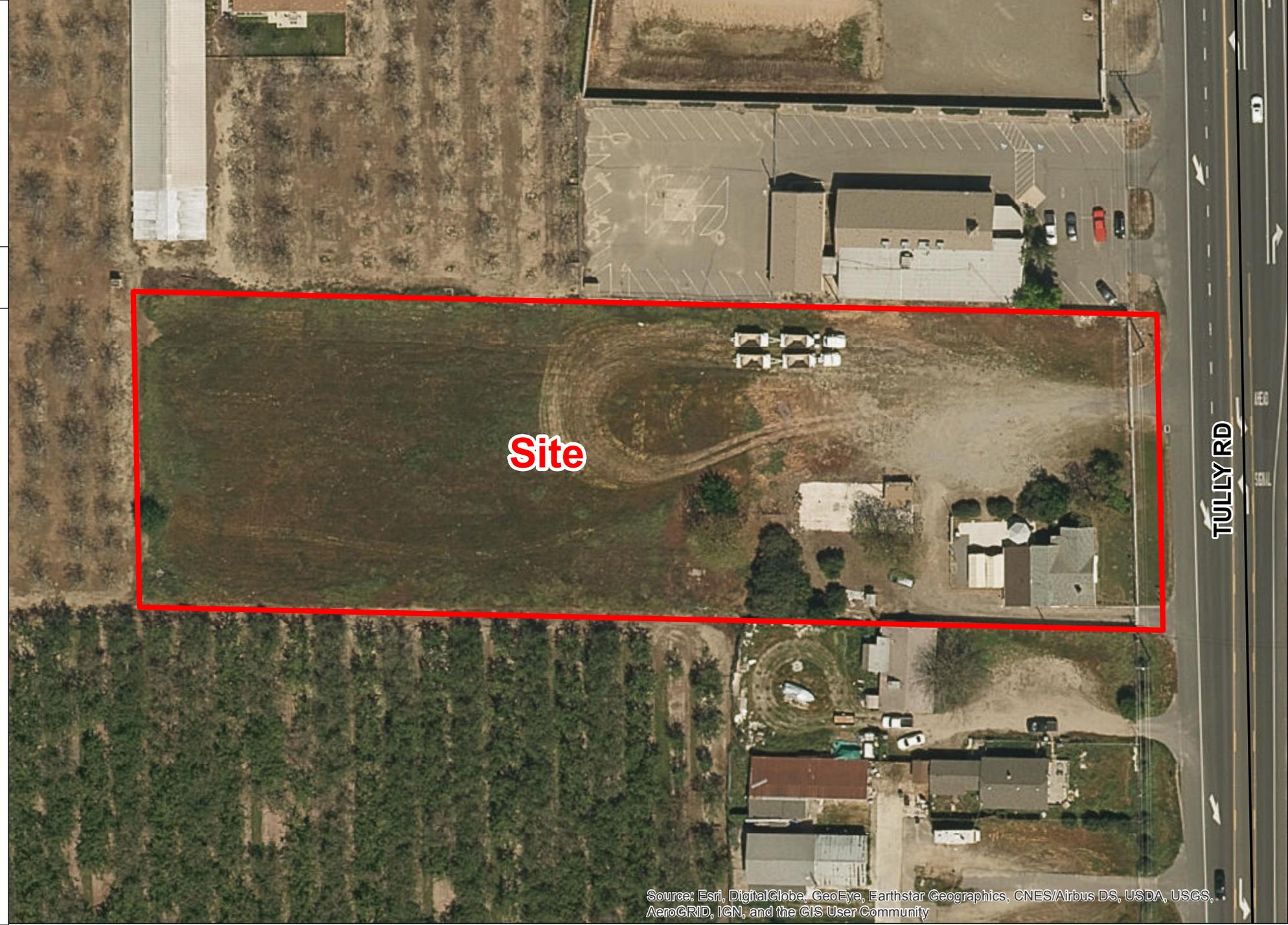
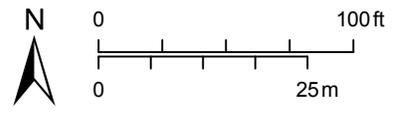


HINDU TEMPLE UP PLN2018-0069

2017 AERIAL SITE MAP

LEGEND

-  Project Site
-  Road

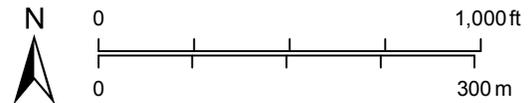


HINDU TEMPLE UP PLN2018-0069

ACREAGE MAP

LEGEND

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



Approval of this plan does not authorize or approve any omission or deviation from applicable regulations. Final approved is subject to field inspection. One set of approved plans shall be available on the project site at all times. All deviations shall be brought to the attention of responsible designer/engineer or the owner for corrections and approved by building department before ordering materials, fabrication or rection. The conditions and dimensions before ordering, erecting or fabricating any framing or materials. The owner is advised that these plans are only medium available to express the intend of the design provider and can not be assumed all inclusive with regard to such.

LEGEND

	CENTERLINE
	RIGHT OF WAY (R/W)
	PAINTED TRAFFIC CENTERLINE
	EDGE OF PAVEMENT
	(A) FENCE
	(K) FENCE
	PEDESTRIAN WALKWAY
	PEDESTAL BOX WITH GUARD POSTS
	UTILITY POLE
	ELECTRIC BOX
	GROUND BOX
	(E) TREE TO BE REMOVED
	IRRIGATION CONTROL BOX
	IRRIGATION PIPELINE
	IRRIGATION OUTLET BOX
	CONCRETE
	ASPHALT
	BLOCK
	MAILBOX
	ELEVATION
	TO TREE
	(G) GREEN AREA
	ORCHARD

Agriculture Buffer Statement

Item 1: Temple Operation Protection from Agricultural Operation

a. As per our submittal, the proposed Building A provides more than 150 ft from the right-of-way on both East and West property lines. In addition, Tully Road to the east of property provides significant buffer to the project site.

b. Most of the Northern and Southern property lines are not an agriculture use. Project Sponsors are committed to install solid 6 ft high wall and vegetative screenings as required in County's guidelines.

Item 2: Agricultural Operation Protection from Temple Operation

a. As described in our submittal, Temple Operation will be minimal during weekdays and majority of public events will be well after working hours and on weekends.

b. Our temple members are committed to a peaceful community, and the new temple operations will not have any impact to agricultural operations. We are confident that our Project meets the Agricultural Buffer guidelines. We would like to thank you for your time and commitment in moving this project forward.

BUILDING USE AND PARKING REQUIREMENTS

BUILDING CODE TABULATION:	
OCCUPANCY GROUP: A-3	
OCCUPANT LOAD: ASSEMBLY (1.15 SF): 8610 SF	574 PEOPLE
TOTAL OCCUPANCY: 574 PEOPLE	
PARKING TABULATION (CITY OF MODESTO):	
CHURCH/BANQUET HALL (1 SPACE/50 SF):	174 SPACES
OFFICE (1 SPACE/200 SF):	078 SF: 3 SPACES
KITCHEN (1 SPACE/200 SF):	384 SF: 2 SPACES
TOTAL PARKING REQUIRED:	179 SPACES
TOTAL OF REQUIRED ADA SPACES: 6 SPACES (FOR 200 SPACES) 7 SPACES (FOR 251 SPACES)	
PARKING PROVIDED:	
ADA SPACES:	8 SPACES
STANDARD SPACES:	148 SPACES
COMPACT SPACES:	27 SPACES
TOTAL PROVIDED SPACES:	183 SPACES

STORM DRAIN: ON-SITE HORIZONTAL DRAIN

WATER & FIRE: SHALL BE CONNECTED TO CITY OF MODESTO AT BANGS AVENUE AND EXTENDED NORTH IN TULLY ROAD TO PROJECT SITE.

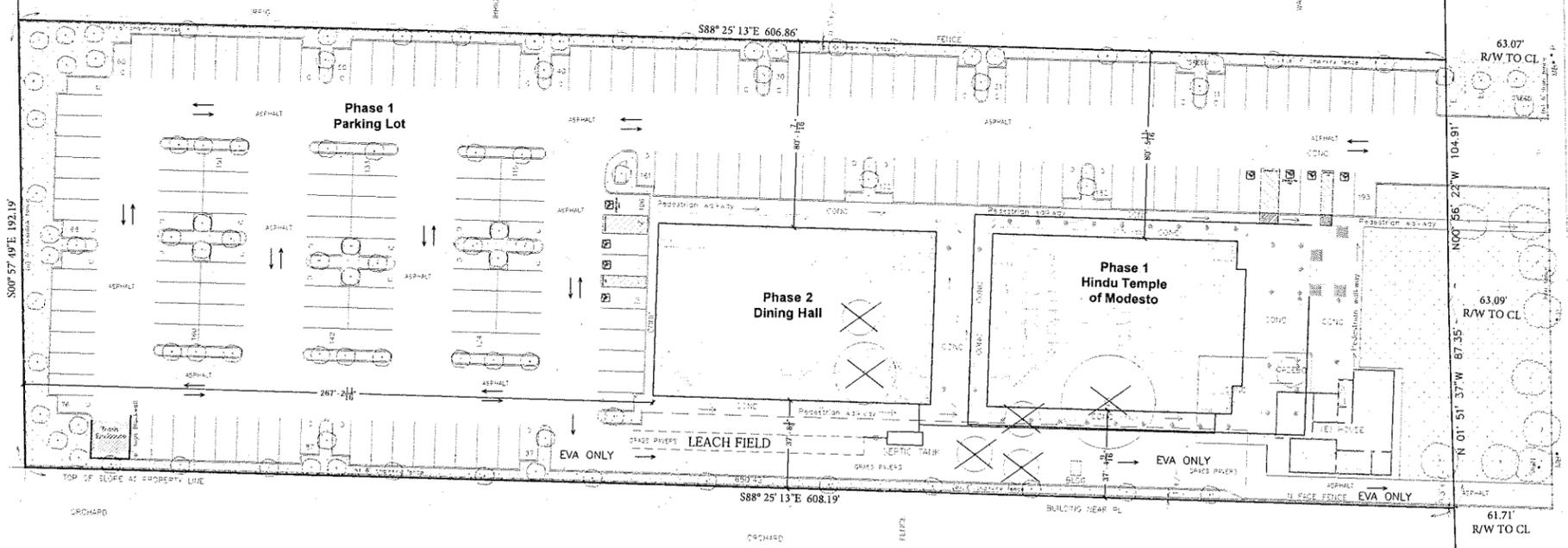
SANITARY SEWER: ON-SITE SEPTIC SYSTEM.

BASIS OF BEARINGS

A BEARING OF N 2°57'07" W ALONG THE EAST LINE OF SECTION 2, T. 1 S., R. 2 E., M. 20 N. AND THE CENTERLINE OF TULLY ROAD AS SHOWN ON THE MAP OF ALBERMARL TRACT, RECORDED MAP 13, 1078 10, COLIINE 4 OF MAPS AT PAGE 19, STANISLAUS COUNTY RECORDS, WAS USED AS THE BASIS OF THE BEARINGS SHOWN ON THIS MAP.

BENCH MARK

AN ELEVATION OF 52.151 ON A "ROAD SPOTS DIRT" IN A CONCRETE MONUMENT IN A MINIMUM WELL POINT NUMBER 1213, ON THE CENTERLINE OF TULLY ROAD AT THE NORTH SIDE OF HERMAN AVENUE, AS SHOWN ON A RECORD OF SURVEY FILED IN VOLUME 22 OF SURVEYS AT PAGE 51, STANISLAUS COUNTY RECORDS.



SITE AND LANDSCAPE PLAN
 1" = 30'-0"

Project:
 Hindu Temple of Modesto

Property Information:
 4801 TULLY ROAD
 MODESTO CA 95356

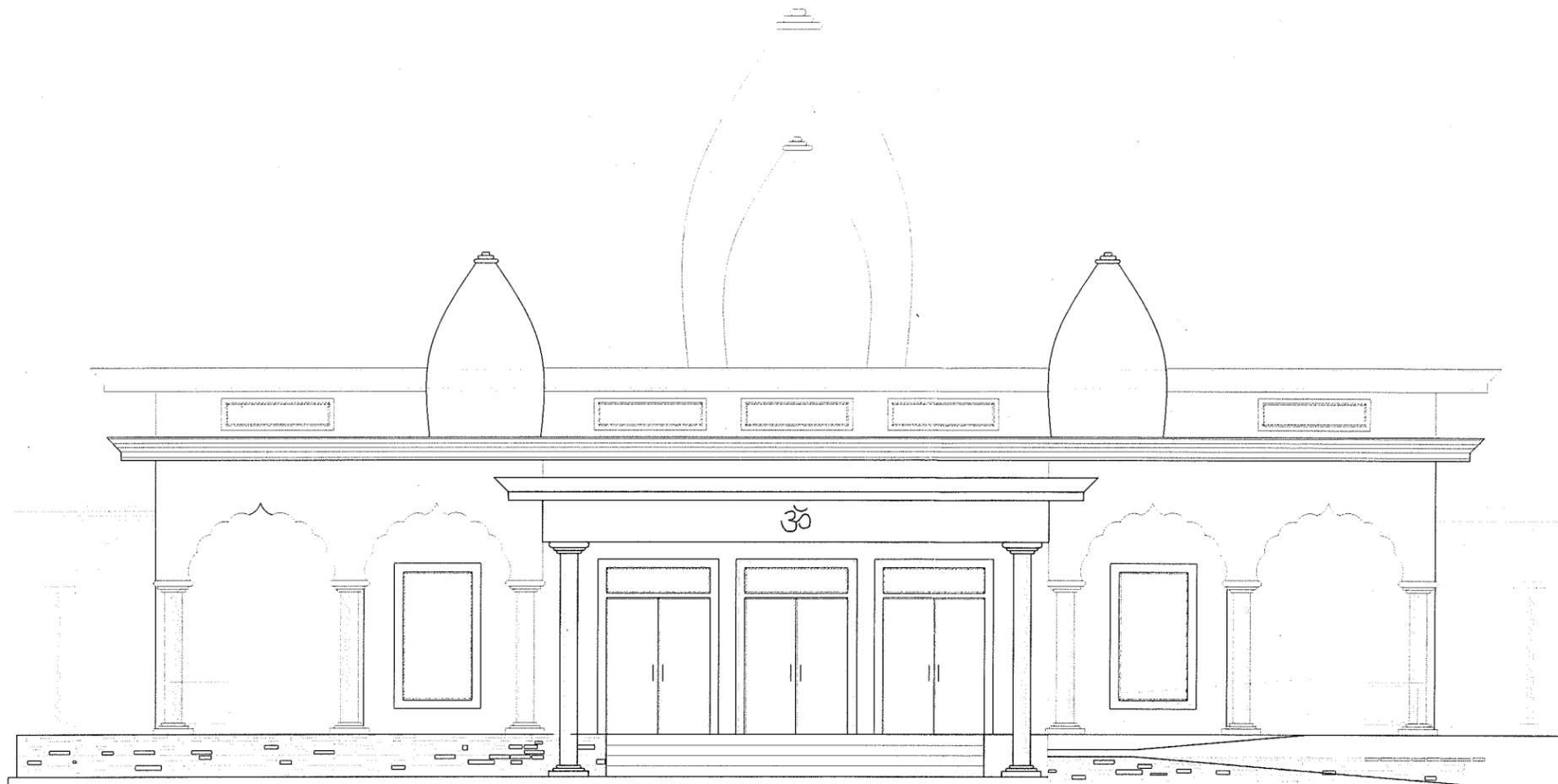
Drawing Prepared by:

 Suraj Dutta
 06 05 19
 Discard plan sheets
 bearing earlier dates

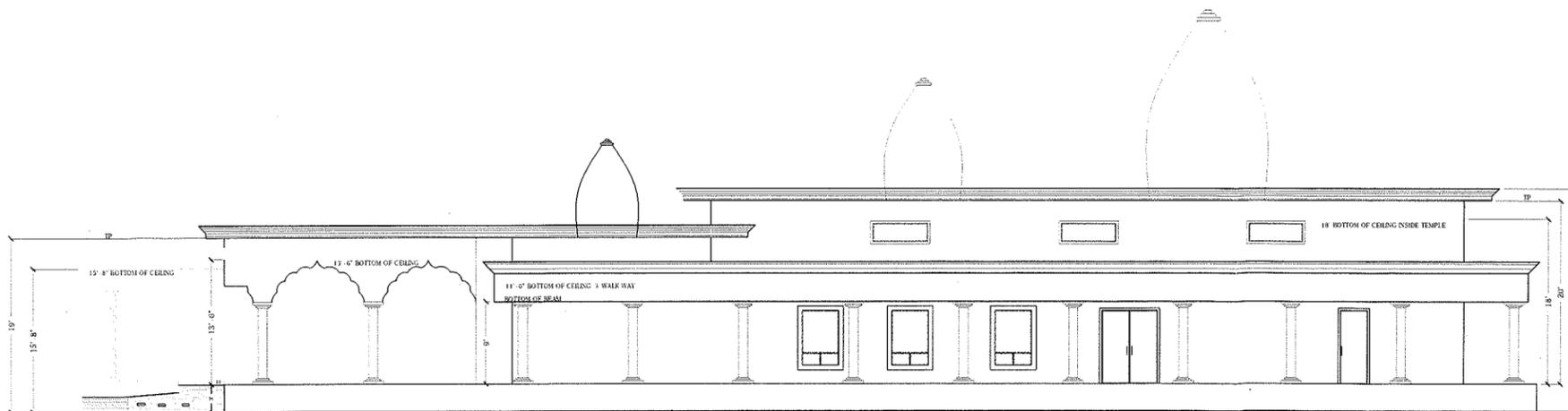
Sheet Title:
 SITE AND
 LANDSCAPE PLAN

Sheet No:
 2

Approval of this plan does not authorize or approve any omission or deviation from applicable regulations. Final approved is subject to field inspection. One set of approved plans shall be available on the project site at all times. All deviations shall be brought to the attention of responsible designer/engineer or the owner for corrections and approved by building department before ordering materials, fabrication or rection. The conditions and dimensions before ordering, erecting or fabricating any framing or materials. The owner is advised that these plans are only medium available to express the intend of the design provider and can not be assumed all inclusive with regard to such.



EAST
 1/4" = 1'-0"



NORTH
 1/8" = 1'-0"

Note: South and West View Similar

Project:
 Hindu Temple of Modesto

Property Information:
 4801 TULLY ROAD
 MODESTO CA 95356

Drawing Prepared by:



Suraj Dutta
 06 05 19
 Discard plan sheets
 bearing earlier dates

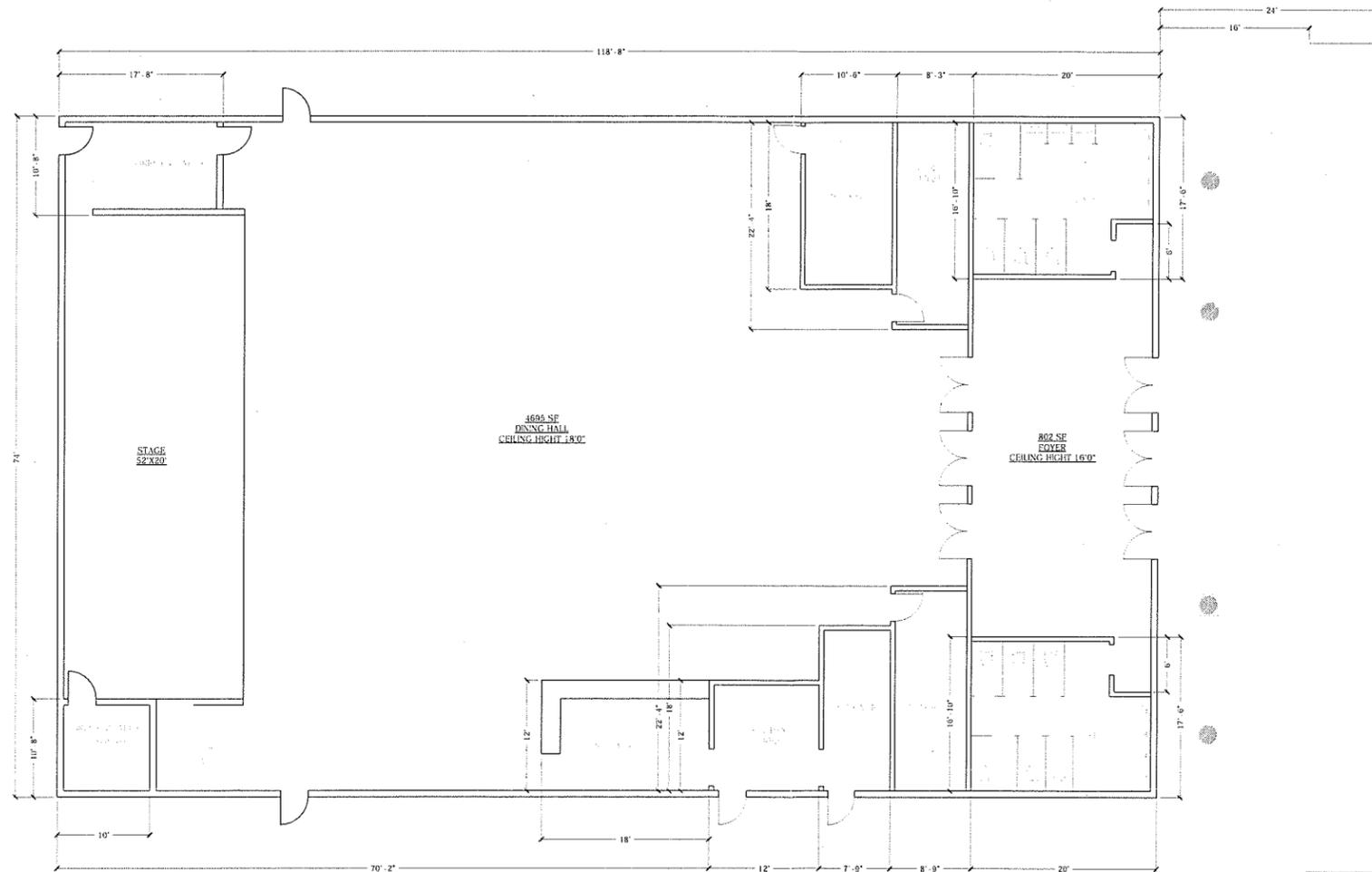
Sheet Title:

TEMPLE
 EAST AND NORTH
 ELEVATION

Sheet No:

5

Approval of this plan does not authorize or approve any omission or deviation from applicable regulations. Final approved is subject to field inspection. One set of approved plans shall be available on the project site at all times. All deviations shall be brought to the attention of responsible designer/engineer or the owner for corrections and approved by building department before ordering materials, fabrication or rection. The conditions and dimensions before ordering, erecting or fabricating any framing or materials. The owner is advised that these plans are only medium available to express the intend of the design provider and can not be assumed all inclusive with regard to such.



DINING HALL FLOOR PLAN
 1/8" = 1'-0"

05 30 2019.dwg

1/15/2004

Project:
 Hindu Temple of Modesto

Property Information:
 4801 TULLY ROAD
 MODESTO CA 95356

Drawing Prepared by:



Suraj Dutta
 06 05 19
 Discard plan sheets
 bearing earlier dates

Sheet Title:
 DINING HALL
 FLOOR PLAN

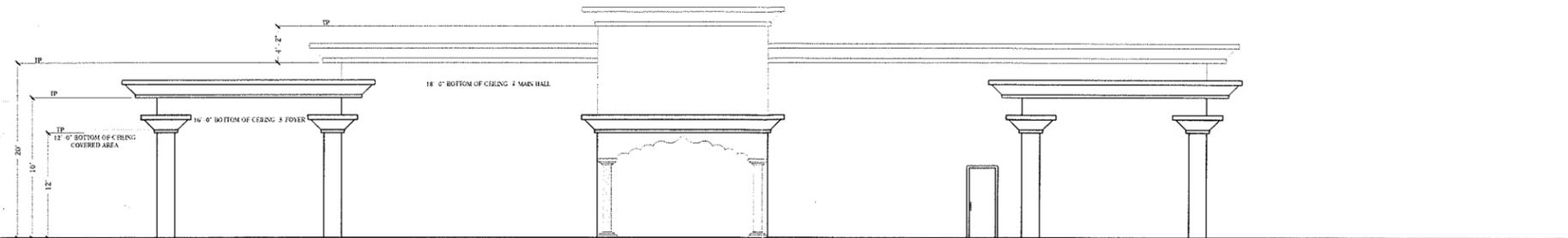
Sheet No:

6

Approval of this plan does not authorize or approve any omission or deviation from applicable regulations. Final approval is subject to field inspection. One set of approved plans shall be available on the project site at all times. All deviations shall be brought to the attention of responsible designer/engineer or the owner for corrections and approved by building department before ordering materials, fabrication or rection. The conditions and dimensions before ordering, erecting or fabricating any framing or materials. The owner is advised that these plans are only medium available to express the intend of the design provider and can not be assumed all inclusive with regard to such.



EAST
 1/4" = 1'



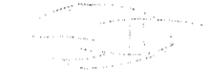
NORTH
 1/8" = 1'-0"

Note: South and West View Similar

Project:
 Hindu Temple of Modesto

Property Information:
 4801 TULLY ROAD
 MODESTO CA 95356

Drawing Prepared by:



Suraj Dutta
 06 05 19
 Discard plan sheets
 bearing earlier dates

Sheet Title:
 DINING HALL
 EAST AND NORTH
 ELEVATION

Sheet No:

7

Environmental Noise Assessment

Hindu Temple of Modesto

Stanislaus County, California

July 6, 2022

Project #220609

Prepared for:

Harish Mehra

4801 Tully Road

Modesto, California 95356

Prepared by:

Saxelby Acoustics LLC



Luke Saxelby, INCE Bd. Cert.

Principal Consultant

Board Certified, Institute of Noise Control Engineering (INCE)



INTRODUCTION

The proposed project will include the construction of a 7,896 s.f. church and a 8,781 s.f. multi-purpose building for church activities in two phases. The project will not include outdoor amplified speech or music. If approved, the applicant anticipates an initial average of 50 people will utilize the site at a time during typical temple activities; however, the larger Hindu holidays and associated ceremonies which will occur 10 times per year are anticipated to bring up to 100 people on-site. Within 5-10 years of project development, the applicant anticipates an average daily peak of 90 congregants with a maximum of 200 congregants to the site at a given time. Up to 10 times per year, the dining hall or temple may be utilized for events held by congregants of the Hindu Temple, including indoor-only wedding receptions; however, the structures will never be utilized concurrently nor occur outside the stated hours of operation. Amplified music or DJs will not be utilized in conjunction with any of the congregant-hosted events such as wedding receptions. Events will be limited to between 9:00 a.m. and 9:00 p.m.

Figure 1 shows the project site plan. **Figure 2** shows an aerial photo of the project site and noise measurement locations.

ENVIRONMENTAL SETTING

BACKGROUND INFORMATION ON NOISE

Fundamentals of Acoustics

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), then they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second or Hertz (Hz).

Noise is a subjective reaction to different types of sounds. Noise is typically defined as (airborne) sound that is loud, unpleasant, unexpected or undesired, and may therefore be classified as a more specific group of sounds. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals), as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.

The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by A-weighted sound levels. There is a strong correlation between A-weighted sound levels (expressed as dBA) and the way the human ear perceives sound. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels, but are expressed as dB, unless otherwise noted.



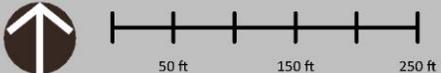
Hindu Temple of Modesto

Stanislaus County, California

Figure 2
Noise Measurement Sites

Legend

-  Project Site
-  Noise Measurement - Long Term
-  Noise Measurement Site - Short Term



Projection: UTM Zone 10 / WGS84 / meters
Rev. Date: 07/05/2022



The decibel scale is logarithmic, not linear. In other words, two sound levels 10-dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted, an increase of 10-dBA is generally perceived as a doubling in loudness. For example, a 70-dBA sound is half as loud as an 80-dBA sound, and twice as loud as a 60 dBA sound.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given environment. A common statistical tool is the average, or equivalent, sound level (L_{eq}), which corresponds to a steady-state A weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour). The L_{eq} is the foundation of the composite noise descriptor, L_{dn} , and shows very good correlation with community response to noise.

The day/night average level (L_{dn}) is based upon the average noise level over a 24-hour day, with a +10-decibel weighing applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because L_{dn} represents a 24-hour average, it tends to disguise short-term variations in the noise environment.

Table 1 lists several examples of the noise levels associated with common situations. **Appendix A** provides a summary of acoustical terms used in this report.

TABLE 1: TYPICAL NOISE LEVELS

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	--110--	Rock Band
Jet Fly-over at 300 m (1,000 ft.)	--100--	
Gas Lawn Mower at 1 m (3 ft.)	--90--	
Diesel Truck at 15 m (50 ft.), at 80 km/hr. (50 mph)	--80--	Food Blender at 1 m (3 ft.) Garbage Disposal at 1 m (3 ft.)
Noisy Urban Area, Daytime Gas Lawn Mower, 30 m (100 ft.)	--70--	Vacuum Cleaner at 3 m (10 ft.)
Commercial Area Heavy Traffic at 90 m (300 ft.)	--60--	Normal Speech at 1 m (3 ft.)
Quiet Urban Daytime	--50--	Large Business Office Dishwasher in Next Room
Quiet Urban Nighttime	--40--	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime	--30--	Library
Quiet Rural Nighttime	--20--	Bedroom at Night, Concert Hall (Background)
	--10--	Broadcast/Recording Studio
Lowest Threshold of Human Hearing	--0--	Lowest Threshold of Human Hearing

Source: Caltrans, Technical Noise Supplement, Traffic Noise Analysis Protocol. September, 2013.

Effects of Noise on People

The effects of noise on people can be placed in three categories:

- Subjective effects of annoyance, nuisance, and dissatisfaction
- Interference with activities such as speech, sleep, and learning
- Physiological effects such as hearing loss or sudden startling

Environmental noise typically produces effects in the first two categories. Workers in industrial plants can experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual's past experiences with noise.

Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted: the so-called ambient noise level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it.

With regard to increases in A-weighted noise level, the following relationships occur:

- Except in carefully controlled laboratory experiments, a change of 1-dBA cannot be perceived;
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference;
- A change in level of at least 5-dBA is required before any noticeable change in human response would be expected; and
- A 10-dBA change is subjectively heard as approximately a doubling in loudness, and can cause an adverse response.

Stationary point sources of noise – including stationary mobile sources such as idling vehicles – attenuate (lessen) at a rate of approximately 6-dB per doubling of distance from the source, depending on environmental conditions (i.e. atmospheric conditions and either vegetative or manufactured noise barriers, etc.). Widely distributed noises, such as a large industrial facility spread over many acres, or a street with moving vehicles, would typically attenuate at a lower rate.

EXISTING AMBIENT NOISE LEVELS

To quantify the existing ambient noise environment in the project vicinity, Saxelby Acoustics conducted continuous (24-hr.) noise level measurements at two locations on the project site and short-term noise level measurements at two locations. Noise measurement locations are shown on **Figure 2**. A summary of the noise level measurement survey results is provided in **Table 2**. **Appendix B** contains the complete results of the noise monitoring.

The sound level meters were programmed to record the maximum, median, and average noise levels at each site during the survey. The maximum value, denoted L_{max} , represents the highest noise level measured. The average value, denoted L_{eq} , represents the energy average of all of the noise received by the sound level meter microphone during the monitoring period. The median value, denoted L_{50} , represents the sound level exceeded 50 percent of the time during the monitoring period.

Larson Davis Laboratories (LDL) model 820 and 831 precision integrating sound level meters were used for the ambient noise level measurement survey. The meters were calibrated before and after use with a B&K Model 4230 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4).

Table 2: Summary of Existing Background Noise Measurement Data

Location	Date	L_{dn}	Daytime L_{eq}	Daytime L_{50}	Daytime L_{max}	Nighttime L_{eq}	Nighttime L_{50}	Nighttime L_{max}
LT-1: 90 ft. to CL of Tully Rd.	6/29/2022	65	63	58	86	58	51	76
LT-2: 215 ft. to CL of Tully Rd.	6/29/2022	58	54	51	74	52	48	66
ST-1: 440 ft. to CL of Tully Rd.	6/28/2022 8:35 a.m.	N/A	53	52	62	N/A	N/A	N/A
ST-2: 430 ft. to CL of Tully Rd.	6/28/2022 8:47 a.m.	N/A	52	51	61	N/A	N/A	N/A

Notes:

- All values shown in dBA
- Daytime hours: 7:00 a.m. to 10:00 p.m.
- Nighttime Hours: 10:00 p.m. to 7:00 a.m.
- Source: Saxelby Acoustics 2022

REGULATORY CONTEXT

FEDERAL

There are no federal regulations related to noise that apply to the Proposed Project.

STATE

There are no state regulations related to noise that apply to the Proposed Project.

LOCAL

Stanislaus County General Plan

The Stanislaus County General Plan Noise Element establishes acceptable noise level limits for both transportation and non-transportation noise sources. The primary objective of the Noise Element is to prescribe policies that lead to the preservation and enhancement of the quality of life for the residents of Stanislaus County by securing and maintaining an environment free from excessive noise.

For stationary noise sources Stanislaus County regulates the level of noise that may impact adjacent noise-sensitive uses. The County's General noise exposure limits applicable to this operation are summarized in **Table 3**.

TABLE 3: MAXIMUM ALLOWABLE NOISE EXPOSURE FOR STATIONARY NOISE SOURCES

Stanislaus County Noise Element of the General Plan		
Descriptor	Daytime (7:00 a.m. to 10:00 p.m.)	Nighttime (10:00 p.m. to 7:00 a.m.)
Hourly L_{eq} , dBA	55	45
Maximum Level (L_{max}), dBA	75	65
Notes: ¹ Each of the noise level standards specified in Table 2 shall be reduced by five (5) dBA for pure tone noises, noise consisting primarily of speech or music, or for recurring impulsive noises. The standards in Table 2 should be applied at a residential or other noise-sensitive land use and not on the property of a noise-generating land use. Where measured ambient noise levels exceed the standards, the standards shall be increased to the ambient levels. Source: Stanislaus County Noise Element of the General Plan		

For transportation noise sources, the County establishes land use compatibility guidelines in the General Plan to ensure that new sensitive uses will not be developed in areas exposed to excessive transportation noise. **Table 4** below outlines these guidelines.

TABLE 4: STANISLAUS COUNTY GENERAL PLAN LAND USE COMPATIBILITY TABLE

Land Use Category	Exterior Noise Exposure Ldn or CNEL, dBA					
	55	60	65	70	75	80
*Residential – Low Density Single Family, Duplex, and Mobile Homes						
*Multi-Family Residential						
Hotels and Motels						
Schools, Libraries, Museums, Hospitals, Personal Care, Meeting Halls, Churches						
Auditoriums, Concert Halls, and Amphitheaters						
Sports Arena and Outdoor Spectator Sports						
Playgrounds and Neighborhood Parks						
Golf Courses, Riding Stables, Water Recreation, and Cemeteries						
Office Buildings, Business Commercial, and Professional						
Industrial, Manufacturing, Utilities, and Agriculture						

** Residential development sites exposed to noise levels exceeding 60 Ldn shall be analyzed following protocols in Appendix Chapter 12, Section 1208A, Sound Transmission Control, California Building Code.*

- 
NORMAL ACCEPTABLE
 Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special insulation requirements.
- 
CONDITIONALLY ACCEPTABLE
 Specified land use may be permitted only after detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design.
- 
NORMALLY UNACCEPTABLE
 New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
- 
CLEARLY UNACCEPTABLE
 New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.

Stanislaus County Noise Control Ordinance

The following are relevant sections from the County Noise Control Ordinance:

10.46.050 Exterior noise level standards.

A. *It is unlawful for any person at any location within the unincorporated area of the county to create any noise or to allow the creation of any noise which causes the exterior noise level when*

measured at any property situated in either the incorporated or unincorporated area of the county to exceed the noise level standards as set forth below:

1. Unless otherwise provided herein, the following exterior noise level standards shall apply to all properties within the designated noise zone:

Table A
EXTERIOR NOISE LEVEL STANDARDS

Designated Noise Zone	Maximum A-Weighted Sound Level as Measured on a Sound Level Meter (LMAX)	
	7:00 a.m.—9:59 p.m.	10:00 p.m.—6:59 a.m.
Noise Sensitive	45	45
Residential	50	45
Commercial	60	55
Industrial	75	75

2. Exterior noise levels shall not exceed the following cumulative duration allowance standards:

Table B
CUMULATIVE DURATION
ALLOWANCE STANDARDS

Cumulative Duration	Allowance Decibels
Equal to or greater than 30 minutes per hour	Table A plus 0 dB
Equal to or greater than 15 minutes per hour	Table A plus 5 dB
Equal to or greater than 5 minutes per hour	Table A plus 10 dB
Equal to or greater than 1 minute per hour	Table A plus 15 dB
Less than 1 minute per hour	Table A plus 20 dB

3. *Pure Tone Noise, Speech and Music.* The exterior noise level standards set forth in Table A shall be reduced by five dB(A) for pure tone noises, noises consisting primarily of speech or music, or reoccurring impulsive noise.

4. In the event the measured ambient noise level exceeds the applicable noise level standard above, the ambient noise level shall become the applicable exterior noise level standard.

B. Noise Zones Defined.

1. *Noise Sensitive. Any public or private school, hospital, church, convalescent home, cemetery, sensitive wildlife habitat, or public library regardless of its location within any land use zoning district.*
2. *Residential. All parcels located within a residential land use zoning district.*
3. *Commercial. All parcels located within a commercial or highway frontage land use zoning district.*
4. *Industrial. All parcels located within an industrial land use zoning district.*

Applicable Noise Level Standards

The residential uses located south of the project site are zoned as agricultural land uses. The County's Noise Ordinance defines residential uses as "all parcels located within a residential land use zoning district." Since these land uses are not located on residentially zoned parcels, the noise ordinance does not apply. Instead, the General Plan stationary noise source standards apply at these residences. Based on the County General Plan standards, hourly noise limits are 55 dBA L_{eq} and 75 dBA L_{max} during daytime (7:00 a.m. to 10:00 p.m.) hours. No nighttime (10:00 p.m. to 7:00 a.m.) operation of the proposed project is expected to occur. The noise standards shall be lowered by 5 dBA for noise consisting of speech, music, tonal, or impulsive noises.

The church to the north of the proposed project is considered a "sensitive use" as defined by the County Noise Ordinance and is therefore subject to the Noise Ordinance and General Plan standards; the stricter of the two shall be applied. Both the General Plan and Noise Ordinance allow the noise level standards to be raised to the ambient noise level if the ambient exceeds the standards. As shown in **Table 2**, noise levels of 63 dBA L_{eq} , 58 dBA L_{50} , and 86 dBA L_{max} were measured just east of the existing church north of the project. To account for attenuation due to distance of the church from the road, Saxelby Acoustics estimates these noise levels would decrease by approximately 3 dBA. The adjusted General Plan stationary noise level standard would be 60 dBA L_{eq} and 83 dBA L_{max} . Therefore, the adjusted Noise Ordinance standard would be 55 dBA L_{50} and 83 dBA L_{max} . Therefore, the applicable noise level standard at the church would be 55 dBA L_{50} and 83 dBA L_{max} during daytime (7:00 a.m. to 10:00 p.m.) hours. No nighttime (10:00 p.m. to 7:00 a.m.) operation of the proposed project is expected to occur.

EVALUATION OF TRANSPORTATION NOISE ON THE PROJECT SITE

Stanislaus County sets guidelines for the development of new sensitive uses in areas subject to high noise levels due to transportation. The proposed project is located along Tully Road. Based upon **Table 4**, the County establishes a “Normally Acceptable” exterior transportation noise level as less than 70 dBA L_{dn} for churches.

Saxelby Acoustics used ambient noise level data collected on the project site and the SoundPLAN noise model to calculate traffic noise levels at the proposed church due to traffic on Tully Road. Inputs to the SoundPLAN noise model include topography, existing structures, roadway elevations, and the proposed building pad elevations. It was estimated that existing noise levels would increase by +1 dBA based upon an assumed 1% per year increase in traffic volumes on Tully Road. The results of this analysis are shown graphically on **Figure 3**.

As shown on **Figure 3**, the project is predicted to be exposed to exterior noise levels of 67 dBA L_{dn} . This falls into the “Normally Acceptable” noise exposure category. Therefore, no additional noise control measures are required.

EVALUATION OF PROJECT OPERATIONAL NOISE ON EXISTING SENSITIVE RECEPTORS

TYPICAL USE AND LARGE EVENTS

The proposed project is anticipated to host a daily peak of 90 congregants within 5-10 years of project development. Saxelby Acoustics assumed that a maximum of 90 peak hour trips would be generated during a typical weekly service. During the weekdays, total peak hour trips to the site would number less than 90. Parking lot movements are predicted to generate a sound exposure level (SEL) of 71 dBA SEL at 50 feet for automobiles. Nighttime (10:00 p.m. to 7:00 a.m.) traffic is not expected to occur. Additionally, it is expected that the project could utilize HVAC for cooling the indoor spaces. Saxelby Acoustics assumed three ten-ton packaged units and one ten-ton air-cooled chiller packaged unit could be utilized on the church and the multi-purpose building.

Up to 10 times per year, the dining hall or temple may be utilized for events held by congregants of the Hindu Temple. Up to 200 guests may attend these events at a given time. The applicant has indicated that amplified music or DJs will not be utilized in conjunction with these events. Saxelby Acoustics assumed that a maximum of 200 peak hour trips would be generated during these events.

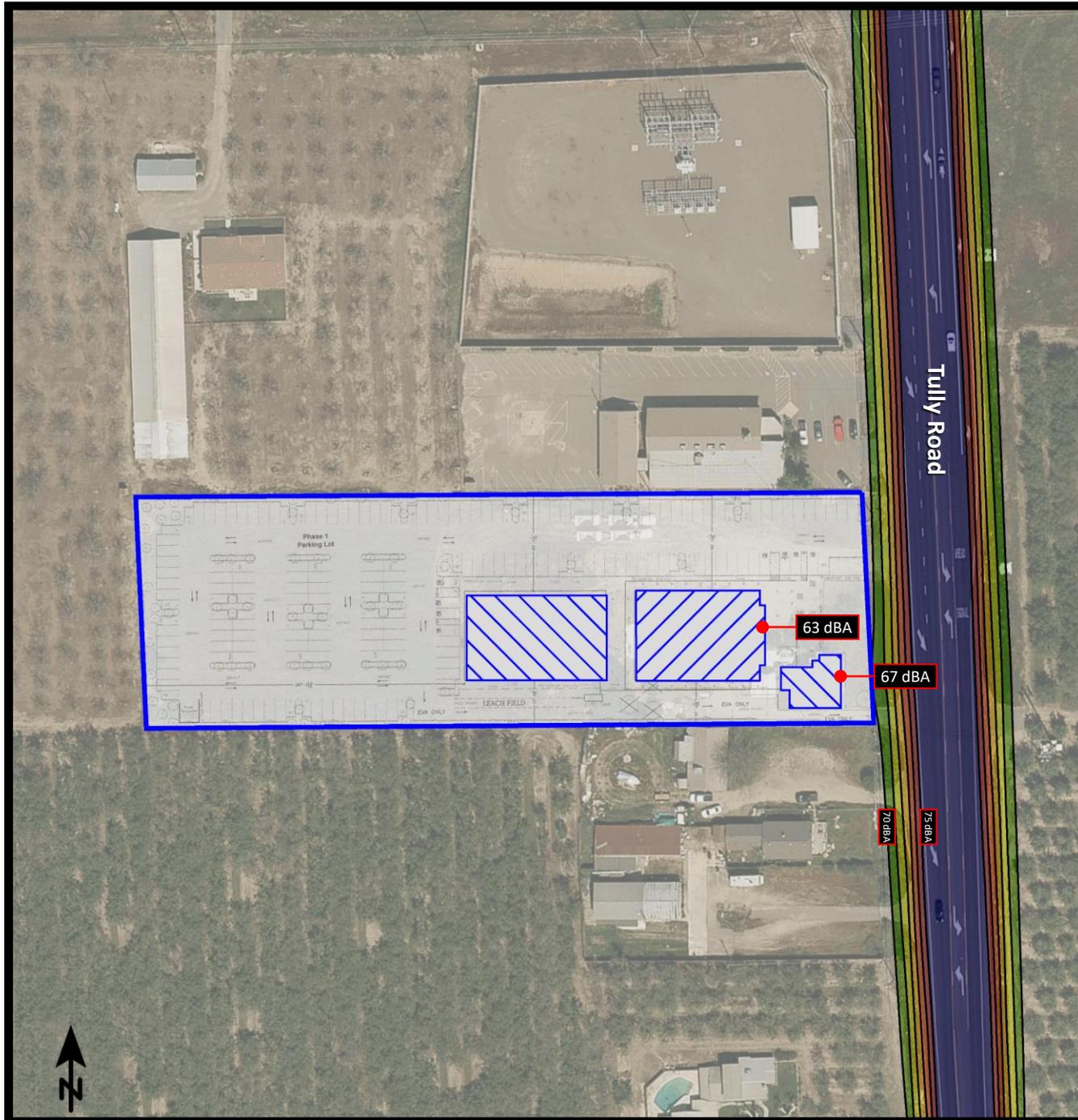
To assess the worst-case scenario for typical project use, Saxelby Acoustics modeled a peak hour maximum of 200 vehicles on site and continuously operating HVAC units.

Hindu Temple of Modesto

Stanislaus County, California

Figure 3

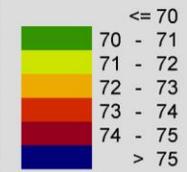
Future (2043) Transportation Noise Contours (dBA L_{dn})



Signs and symbols

- Property Line
- Project Building

Levels in dB(A)



1 : 120



DIWALI CELEBRATION

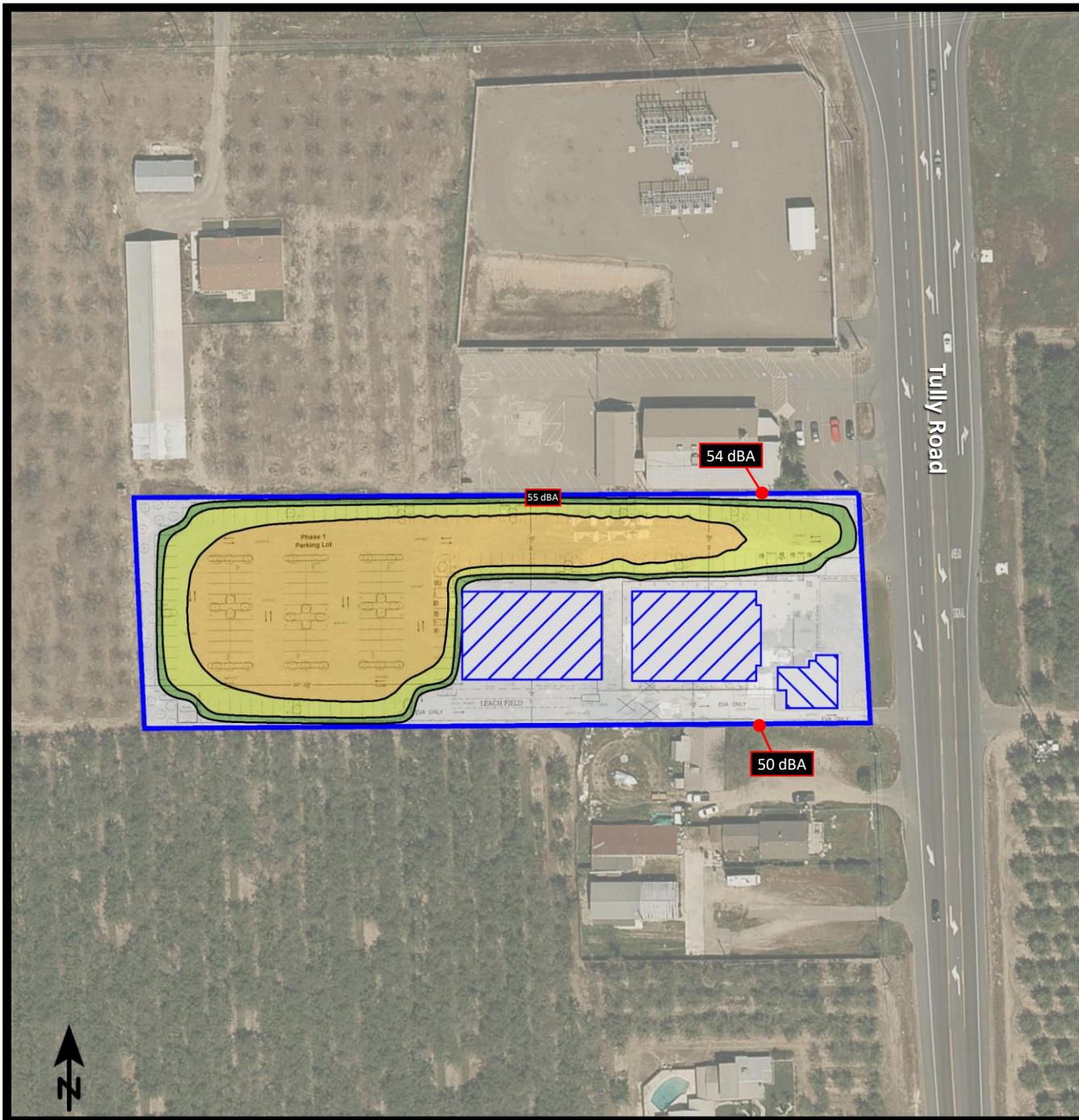
One day per year, the project is anticipated to host a celebration of Diwali. The project applicant has indicated that a maximum of 50 people would attend the event. The event would take place on the Temple porch outdoors. This event would not utilize amplified speech or music. Saxelby Acoustics modeled the effect of this event by assuming 50 individuals speaking at a normal volume continuously in the peak hour (60 dBA L_{eq} at 6 feet). Additionally, up to 50 auto trips to the site could occur during the same hour. It was also assumed that the HVAC units would operate continuously during the events.

It should be noted that the Stanislaus County General Plan imposes a -5 dBA penalty for noises consisting of speech or music. Based on the daytime noise level standard of 55 dBA L_{eq} , the standard would become 50 dBA L_{eq} . However, the County General Plan allows the noise level standard to be raised to the ambient noise level. The ambient noise levels due to traffic at the residence to the south were measured to be 54 dBA L_{eq} and 74 dBA L_{max} . Therefore, the adjusted noise level standard for this location would be 54 dBA L_{eq} .

METHODOLOGY AND RESULTS

Saxelby Acoustics used the SoundPLAN noise prediction model. Inputs to the model included sound power levels for the proposed amenities, existing and proposed buildings, terrain type, and locations of sensitive receptors. These predictions are made in accordance with International Organization for Standardization (ISO) standard 9613-2:1996 (Acoustics – Attenuation of sound during propagation outdoors). ISO 9613 is the most commonly used method for calculating exterior noise propagation. **Figure 4** shows the noise level contours resulting from typical use and large events. **Figure 5** shows the noise contours resulting from the annual Diwali Celebration.

It should be noted that the noise-generating uses associated with the proposed project are not predicted to generate maximum noise levels more than 20 dBA above the average (L_{eq}) or median (L_{50}) noise levels. The applicable maximum noise level standards are 20 dBA, or higher, above the median (L_{50}) and average (L_{eq}) noise level standards. Therefore, where the project-generated noise levels comply with the average and median noise level standards, project-generated maximum noise levels will also comply.



Hindu Temple of Modesto

Stanislaus County, California

Figure 4

Project Noise Contours (dBA L₅₀)

Typical Use and Large Events

Signs and symbols

-  Project Boundary
-  Project Building

Levels in dB(A)

	<= 55
	55 - 56
	56 - 57
	57 - 58
	58 - 59
	59 - 60
	> 60

1 : 120





Hindu Temple of Modesto

Stanislaus County, California

Figure 5

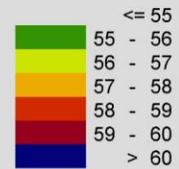
Project Noise Contours (dBA L₅₀)

Diwali Celebration

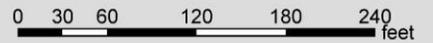
Signs and symbols

-  Property Line
-  Project Building

Levels in dB(A)



1 : 120



CONCLUSIONS

The proposed project typical use and large event uses are predicted to generate noise levels of 54 dBA L_{50} at the church to the north of the project and levels of 50 dBA L_{50} at the residence to the south of the project. These levels comply with the adjusted 55 dBA L_{50} noise level standard for the church and the 55 dBA L_{eq} noise level standard for the residence.

The proposed project's annual Diwali celebration is predicted to generate noise levels of 53 dBA at the church to the north and 52 dBA at the residence to the south. These levels comply with the adjusted 55 dBA L_{50} noise level standard for the church and the adjusted 54 dBA L_{eq} noise level standard for the residence.

Therefore, the proposed project is predicted to meet the Stanislaus County noise level criteria with no additional noise control measures.

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Appendix A: Acoustical Terminology

Acoustics	The science of sound.
Ambient Noise	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
ASTC	Apparent Sound Transmission Class. Similar to STC but includes sound from flanking paths and correct for room reverberation. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic.
Attenuation	The reduction of an acoustic signal.
A-Weighting	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
Decibel or dB	Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
CNEL	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by +5 dBA and nighttime hours weighted by +10 dBA.
DNL	See definition of Ldn.
IIC	Impact Insulation Class. An integer-number rating of how well a building floor attenuates impact sounds, such as footsteps. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic.
Frequency	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz (Hz).
Ldn	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
Leq	Equivalent or energy-averaged sound level.
Lmax	The highest root-mean-square (RMS) sound level measured over a given period of time.
L(n)	The sound level exceeded a described percentile over a measurement period. For instance, an hourly L50 is the sound level exceeded 50% of the time during the one-hour period.
Loudness	A subjective term for the sensation of the magnitude of sound.
NIC	Noise Isolation Class. A rating of the noise reduction between two spaces. Similar to STC but includes sound from flanking paths and no correction for room reverberation.
NNIC	Normalized Noise Isolation Class. Similar to NIC but includes a correction for room reverberation.
Noise	Unwanted sound.
NRC	Noise Reduction Coefficient. NRC is a single-number rating of the sound-absorption of a material equal to the arithmetic mean of the sound-absorption coefficients in the 250, 500, 1000, and 2,000 Hz octave frequency bands rounded to the nearest multiple of 0.05. It is a representation of the amount of sound energy absorbed upon striking a particular surface. An NRC of 0 indicates perfect reflection; an NRC of 1 indicates perfect absorption.
RT60	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
Sabin	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 Sabin.
SEL	Sound Exposure Level. SEL is a rating, in decibels, of a discrete event, such as an aircraft flyover or train pass by, that compresses the total sound energy into a one-second event.
SPC	Speech Privacy Class. SPC is a method of rating speech privacy in buildings. It is designed to measure the degree of speech privacy provided by a closed room, indicating the degree to which conversations occurring within are kept private from listeners outside the room.
STC	Sound Transmission Class. STC is an integer rating of how well a building partition attenuates airborne sound. It is widely used to rate interior partitions, ceilings/floors, doors, windows and exterior wall configurations. The STC rating is typically used to rate the sound transmission of a specific building element when tested in laboratory conditions where flanking paths around the assembly don't exist. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic.
Threshold of Hearing	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
Threshold of Pain	Approximately 120 dB above the threshold of hearing.
Impulsive	Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
Simple Tone	Any sound which can be judged as audible as a single pitch or set of single pitches.

Appendix B: Continuous and Short-Term Ambient Noise Measurement Results



Appendix B1: Continuous Noise Monitoring Results

Site: LT-1

Project: Hindu Temple of Modesto

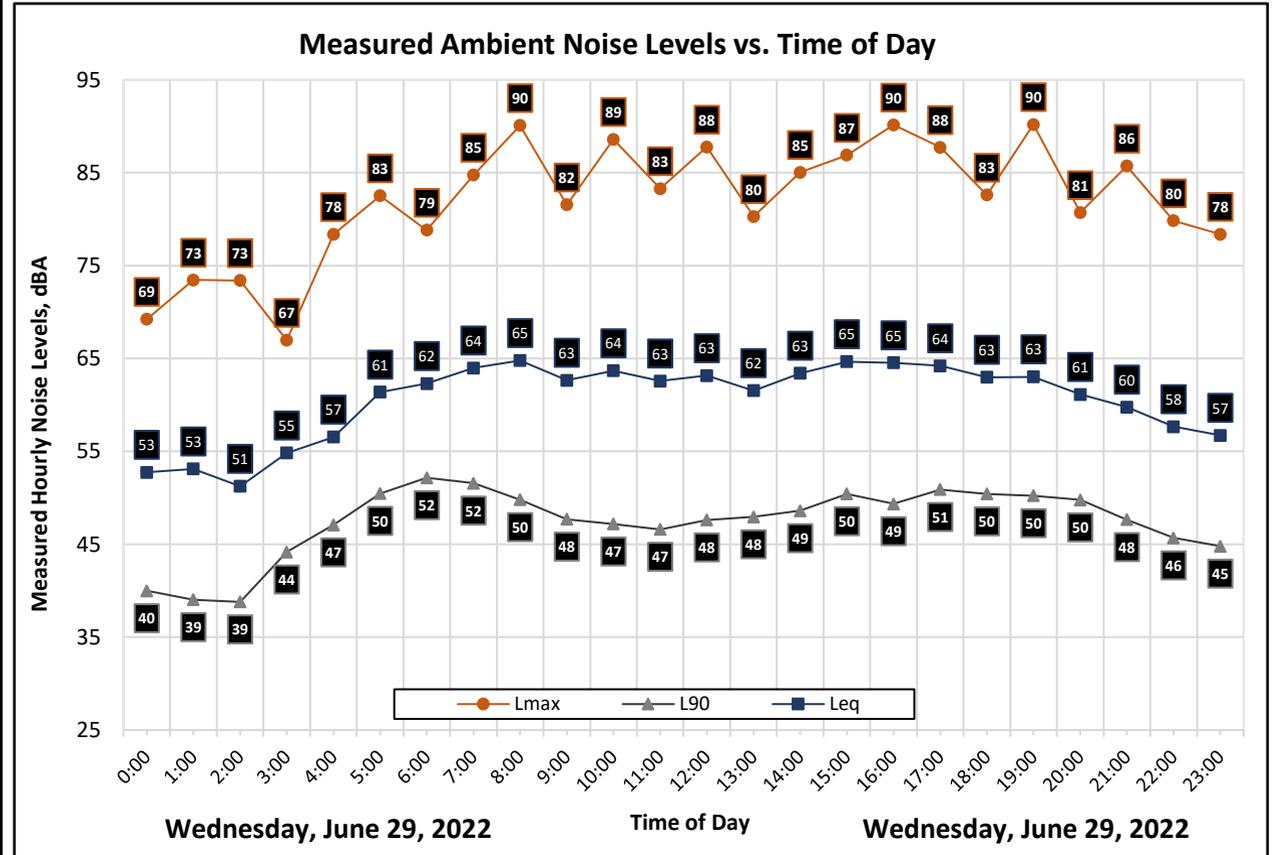
Meter: LDL 820-1

Location: 90 ft. to Tully Road Centerline

Calibrator: CAL200

Coordinates: 37.7098734°, -121.0145495°

Date	Time	Measured Level, dBA			
		L _{eq}	L _{max}	L ₅₀	L ₉₀
Wednesday, June 29, 2022	0:00	53	69	47	40
Wednesday, June 29, 2022	1:00	53	73	46	39
Wednesday, June 29, 2022	2:00	51	73	45	39
Wednesday, June 29, 2022	3:00	55	67	51	44
Wednesday, June 29, 2022	4:00	57	78	53	47
Wednesday, June 29, 2022	5:00	61	83	57	50
Wednesday, June 29, 2022	6:00	62	79	59	52
Wednesday, June 29, 2022	7:00	64	85	60	52
Wednesday, June 29, 2022	8:00	65	90	59	50
Wednesday, June 29, 2022	9:00	63	82	57.5	48
Wednesday, June 29, 2022	10:00	64	89	56.9	47
Wednesday, June 29, 2022	11:00	63	83	58.3	47
Wednesday, June 29, 2022	12:00	63	88	56.9	48
Wednesday, June 29, 2022	13:00	62	80	57.3	48
Wednesday, June 29, 2022	14:00	63	85	57.8	49
Wednesday, June 29, 2022	15:00	65	87	59.2	50
Wednesday, June 29, 2022	16:00	65	90	59.1	49
Wednesday, June 29, 2022	17:00	64	88	59.8	51
Wednesday, June 29, 2022	18:00	63	83	58.2	50
Wednesday, June 29, 2022	19:00	63	90	56.8	50
Wednesday, June 29, 2022	20:00	61	81	56.7	50
Wednesday, June 29, 2022	21:00	60	86	54	48
Wednesday, June 29, 2022	22:00	58	80	51	46
Wednesday, June 29, 2022	23:00	57	78	50	45



Statistics	Leq	Lmax	L50	L90
Day Average	63	86	57.8	49
Night Average	58	76	51	45
Day Low	60	80	54	47
Day High	65	90	60	52
Night Low	51	67	45	39
Night High	62	83	59	52
Ldn	65	Day %		87
CNEL	66	Night %		13



Appendix B2: Continuous Noise Monitoring Results

Site: LT-2

Project: Hindu Temple of Modesto

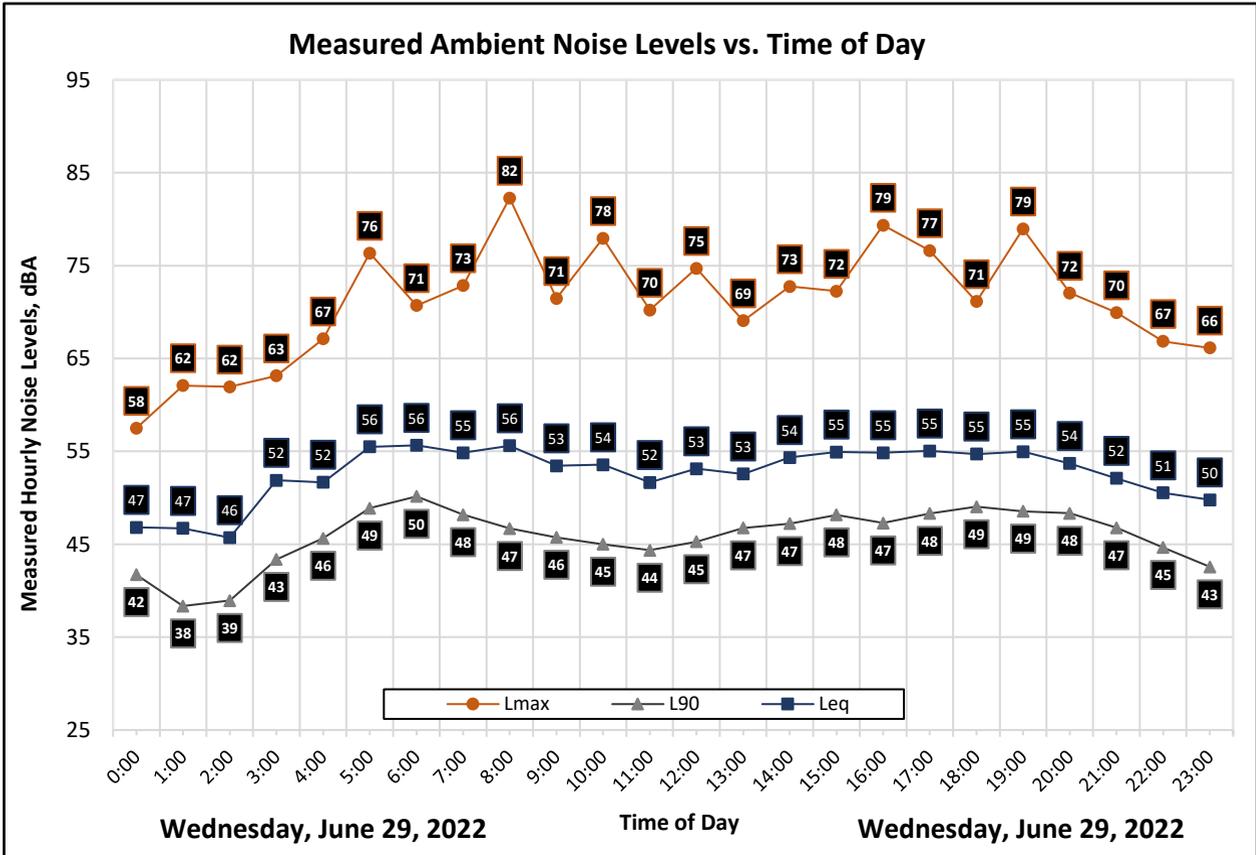
Meter: LDL 820-2

Location: 215 ft. to Tully Road Centerline

Calibrator: CAL200

Coordinates: 37.7094933°, -121.0145391

Date	Time	Measured Level, dBA			
		L _{eq}	L _{max}	L ₅₀	L ₉₀
Wednesday, June 29, 2022	0:00	47	58	45	42
Wednesday, June 29, 2022	1:00	47	62	44	38
Wednesday, June 29, 2022	2:00	46	62	44	39
Wednesday, June 29, 2022	3:00	52	63	48	43
Wednesday, June 29, 2022	4:00	52	67	50	46
Wednesday, June 29, 2022	5:00	56	76	53	49
Wednesday, June 29, 2022	6:00	56	71	54	50
Wednesday, June 29, 2022	7:00	55	73	52	48
Wednesday, June 29, 2022	8:00	56	82	51	47
Wednesday, June 29, 2022	9:00	53	71	50	46
Wednesday, June 29, 2022	10:00	54	78	50	45
Wednesday, June 29, 2022	11:00	52	70	49	44
Wednesday, June 29, 2022	12:00	53	75	49	45
Wednesday, June 29, 2022	13:00	53	69	51	47
Wednesday, June 29, 2022	14:00	54	73	51	47
Wednesday, June 29, 2022	15:00	55	72	52	48
Wednesday, June 29, 2022	16:00	55	79	52	47
Wednesday, June 29, 2022	17:00	55	77	52	48
Wednesday, June 29, 2022	18:00	55	71	52	49
Wednesday, June 29, 2022	19:00	55	79	52	49
Wednesday, June 29, 2022	20:00	54	72	52	48
Wednesday, June 29, 2022	21:00	52	70	50	47
Wednesday, June 29, 2022	22:00	51	67	48	45
Wednesday, June 29, 2022	23:00	50	66	47	43



Statistics	Leq	Lmax	L50	L90
Day Average	54	74	51	47
Night Average	52	66	48	44
Day Low	52	69	49	44
Day High	56	82	52	49
Night Low	46	58	44	38
Night High	56	76	54	50
Ldn	58	Day %		76
CNEL	59	Night %		24



Appendix B1 : Short Term Noise Monitoring Results

Site: ST-1

Project: Hindu Temple of Modesto

Meter: LDL 831-3

Location: North West of the Project Site

Calibrator: CAL200

Coordinates: 37.7098734°, -121.0145495°

Start: 2022-06-28 08:35:56

Stop: 2022-06-28 08:45:56

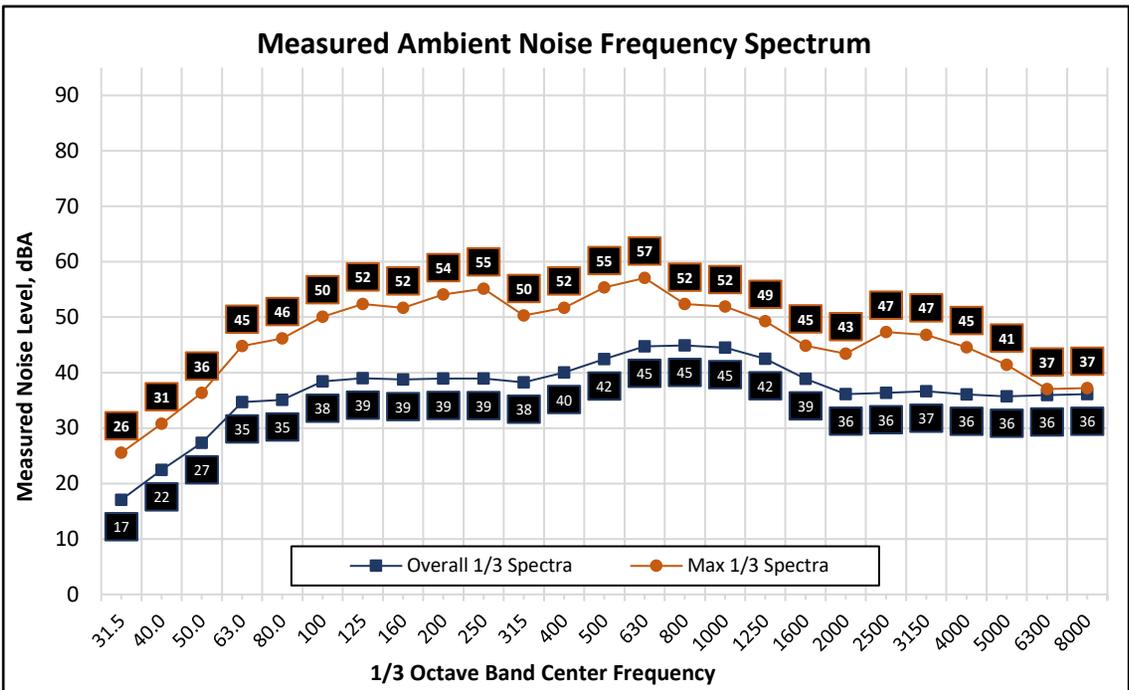
SLM: Model 831

Serial: 1329

Measurement Results, dBA	
Duration:	0:10
L _{eq} :	53
L _{max} :	62
L _{min} :	43
L ₅₀ :	52
L ₉₀ :	47

Notes

Primary noise source was traffic on Kieran Avenue and Tully Road.



Appendix B2 : Short Term Noise Monitoring Results

Site: ST-2

Project: Hindu Temple of Modesto

Meter: LDL 831-3

Location: South West of the Project Site

Calibrator: CAL200

Coordinates: 37.7094933°, -121.0145391°

Start: 2022-06-28 08:47:09

Stop: 2022-06-28 08:57:09

SLM: Model 831

Serial: 1329

Measurement Results, dBA

Duration: 0:10

L_{eq} : 52

L_{max} : 61

L_{min} : 46

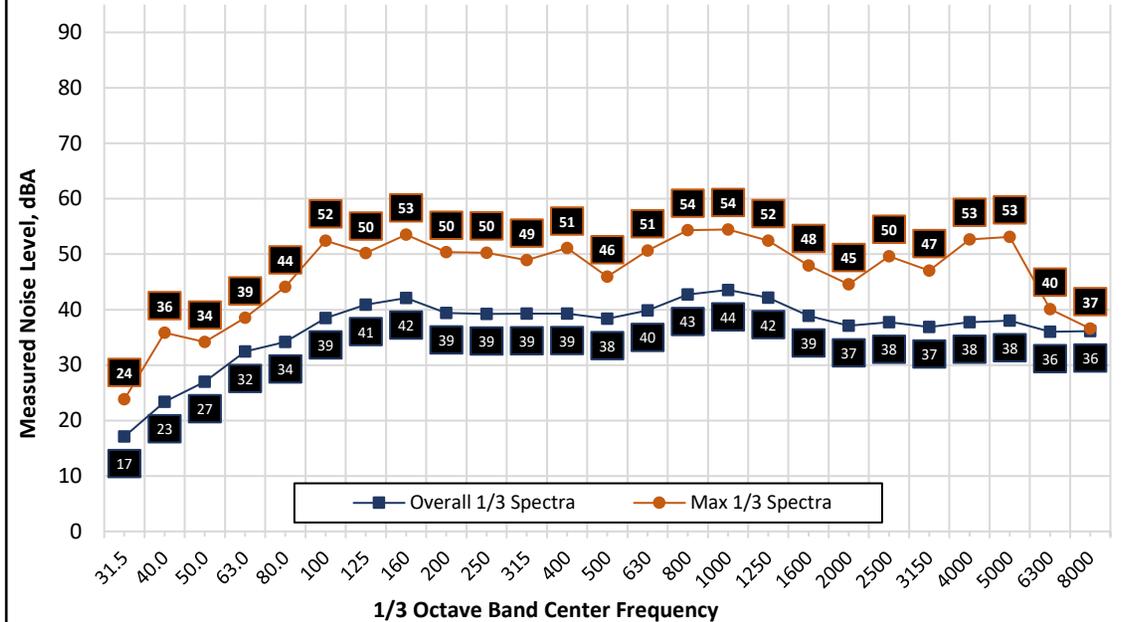
L_{50} : 51

L_{90} : 48

Notes

Primary noise source was traffic on Kieran Avenue and Tully Road.

Measured Ambient Noise Frequency Spectrum



Noise Measurement Site



March 31, 2020

Mr. Harish Mehra, President
Hindu Temple of Modesto
4801 Tully Road
Modesto, CA 95356

**RE: TRIP GENERATION ESTIMATE FOR THE HINDU TEMPLE OF MODESTO
PROJECT, STANISLAUS COUNTY, CALIFORNIA**

Dear Mr. Mehra:

As requested, KD Anderson & Associates has completed this assessment of the probable trip generation associated with the Hindu Temple of Modesto project proposed on Tully Road in Stanislaus County. As we understand, the proposed project involves construction of a 7,896 sf temple, 8,781 sf dining hall and 193 space parking lot on a 2.9 acre site located at 4801 Tully Road. The project would be permitted to host special events, and we have assessed the possibility of 400 persons in attendance.

We are aware that Stanislaus County has asked for a site trip generation estimate in order to confirm a finding of no significant impact and to confirm that a full traffic impact analysis should not be required for this project. Traffic engineers describe travel to and from a site in terms of vehicle “trips”. Each roundtrip creates two trips, one inbound and one outbound.

To prepare this assessment our work has involved review of the characteristics of the proposed project, consideration of potential trip generation rates presented in the *ITE Trip Generation Manual, 10th Edition*, identification of the Temple’s probable events schedule and attendance, and calculation of the project’s probable weekday trip generation forecast. In turn, this information will be used by Stanislaus County to determine whether the potential traffic impacts associated with the project are inherently less than significant based on the number of trips generated or if subsequent analysis is needed to confirm a finding of no significant impact.

Trip Generation Rates. Our initial step involved consideration of available published resources for trip generation rates commonly accepted by Stanislaus County. The *ITE Trip Generation Manual, 10th Edition* offers trip generation rates that are appropriate for most land uses, and we reviewed this reference as well as other available published materials. As noted in Table 1, trip generation rates are available for various institutional uses, including Churches, Synagogues and Mosques, but ITE has not reported data that is specific to facilities for the Hindu faith. These rates are shown in Table 1, along with the calculation of expected trips for a facility the size of the Hindu Temple at the rates.

An internet search was conducted to determine whether other sources of trip generation forecasts are available. Traffic studies were identified for similar projects in Santa Clara County and in San Diego County, but each make use of standard ITE rate for churches.

Trip Generation Forecast based on Typical Weekday Operation. To supplement available data we considered weekday trip generation based on the probable schedule and attendance at weekday events.

You have reported that the facility will operate 8-12 hours a day, seven days a week, with up to six volunteers at the site. While members may visit the site on their own schedule, there are no programs scheduled on weekdays between 4-6:00 p.m., and no specific traffic at those peak hours. No specific traffic occurs on weekdays except on Tuesdays from 7-8:30 p.m. At that time attendance is about 15-20 people. The busiest day of the week is typically Sunday. The Sunday program is scheduled from 11:00 a.m. -1:00 p.m. with about 40 people in attendance.

Greater attendance occurs on what are typically the 5 busiest days in a year. On those days programs are held from 7:00-9:00 p.m., and about 60-80 people attend today. These are the types of activities that are described as “special events”, and we understand the building has the capacity to accommodate 400 persons for events.

It is possible to suggest probable trip generation based on this information and typical automobile occupancy rates. Site volunteers traveling to and from the site each day could generate 12 trips (i.e., 2 inbound and 2 outbound) at some point in the day if each drove alone. On Tuesdays the evening event might create 16 daily trips at an average automobile occupancy of 2.5 persons per vehicle. Accounting for some general member travel each day outside of the identified events (i.e., assume 5 visits to the site or 10 trips) the total daily weekday trip generation could range from a low of 22 trips on non-event days to 38 trips on a Tuesday. Only a handful of trips, if any, would be expected in the weekday p.m. commute hour. For comparison, these totals would be generally smaller than the theoretical estimates for trip generation associated with other faiths occupying a facility the size of the Hindu Temple, as noted in Table 1 (i.e., 55 to 75 daily trips).

A Sunday event does not cause weekday traffic. A 40 person Sunday event might create 32 daily trips.

Trip Generation Associated with Use of Dining Hall. The Temple and Dining Hall are not used concurrently. On Sunday the hall is used for cultural classes from 9:00 a.m. to 11:00 a.m. that are attended by about 10 children and 4 adults. Assuming that ½ of the adults are also parents, an occupancy of 1.5 students per car and that the remaining students are dropped off, classes could generate 28 trips on Sunday. After classes lunch is served to about 40 persons. Assuming that persons involved with classes also stay for lunch, another 20 trips could be generated. The total Dining Hall trip generation estimate on Sunday is 48 trips.

The combination of Temple activities and Dining Hall would create up to 80 daily trips on a Sunday if other volunteer trips and member visitation did not also occur.

Special Events. Although the current congregation has no plans to do so, under the permit requested by the Hindu Temple of Modesto, the site would be allowed to host a limited number of events in the Dining Hall with up to 400 persons in attendance. Today these events are attended by about 80 persons, At the average automobile occupancy rate assumed for event planning (i.e., 2.5 persons per automobile), 160 vehicles could travel to and from a 400 person event, although the actual trip generation forecasts may be slightly higher due to “drop-off activity” and travel by caterers. Based on our experience with other event centers we would expect a total of 360 to 400 daily trips from a 400-person event. The extent to which that

KDA

*Mr. Harish Mehra, President
Hindu Temple of Modesto
March 31, 2020
Page 3*

traffic is concentrated into specific time periods before and after the event depends on the actual schedule for a particular event.

Please feel free to contact me if you have any questions or need additional information.

Sincerely yours,

KD Anderson & Associates, Inc.

A handwritten signature in black ink, appearing to read 'K Anderson', with a long horizontal flourish extending to the right.

Kenneth D. Anderson, P.E.
President

Attachments: Table 1, Site Plan

KDA

**TABLE 1
TRIP GENERATION RATES AND FORECASTS**

ITE Code	Description	Unit	Average Trips per Unit						
			Daily	Weekday			PM Peak Hour		
				AM Peak Hour		Total	% in	% out	Total
				% in	% out				
<i>Estimates Derived from Rates for Facilities of Other Faiths</i>									
560	Church	ksf	6.95	60%	40%	0.33	45%	55%	0.49
		7.9 ksf	55			3			4
561	Synagogue	ksf	-	-	-	-	63%	37%	2.41
		7.9 ksf							19
562	Mosque	ksf	9.54	-	-	-	-	-	4.32
		7.9 ksf	75						34
<i>Proposed Project Under Weekday Conditions</i>									
Day with no events		6 volunteers	12	1	0	1	0	1	1
Member visitation outside of events		5 members	10	0	0	0	0	0	0
“Low Use” total			22	1	0	1	0	1	1
Tuesday Event		20 attendees	16	0	0	0	0	0	0
Tuesday Total			38	1	0	1	0	1	1
<i>Proposed Project on Sunday</i>									
Sunday Temple Event		40 attendees	32						
Educational Classes		14 persons	28						
Lunch		40 persons	20						
Busy Sunday Total			80						
<i>Special Event at Dining Hall</i>									
Special Event		400 persons	360-400						

KDA



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



August 30, 2018

HAND DELIVERED

Miguel Galvez
Department of Planning and Community Development
1010 Tenth Street, Suite 3400
Modesto CA 95354

Re: Use Permit Application No. PLN2018-0069 – Hindu Temple (APN 046-006-009)

Dear Mr. Galvez:

This letter is in response to the subject referral regarding the construction of two buildings: a Hindu Temple (7,900 sf); and, a community center (8,800 sf). Parking areas and landscaping are also included with the development proposal. The project site is located within the City's Sphere-of-Influence and is designated in Modesto's general plan for Village Residential (VR) uses. The following comments comprise the City's requirements for the project.

Traffic

- The project is located on Tully Rd. approximately 360 feet south of Kiernan Avenue (State Highway 219). Kiernan Avenue is designated in the Modesto General Plan as a Class B expressway with six (6) travel lanes. Tully Road is designated as a principal arterial street with six (6) travel lanes. With the implementation of the complete street requirements, a 6' wide bike lane will be added to each side of Tully Rd. at this segment, per 2014 City of Modesto Standard Specifications. The width of Tully Road south of Kiernan is 123' at mid-block, and flared for turning lanes at the intersection. The street frontage of the project is on the taper of the intersection. The street right-of-way in front of the project is approximately 66.25 feet at the north end and tapers to the south, per Modesto Standard Specifications Detail No. 355.
- The project shall provide to the City of Modesto an irrevocable offer of street right-of-way dedication per City of Modesto Specification Detail No. 355.
- Prior to issuance of a Certificate of Occupancy, the project is responsible to widen Tully Road by 12 feet for a dual left-turn lane. The dual left-turn lane and the taper for the proposed main driveway shall start, at minimum, from 250 feet south of the driveway to 150 feet north of the driveway.

- Prior to issuance of a Certificate of Occupancy, the project is responsible to pave the connection from the proposed driveway to the street pavement.

Planning

- Parking stalls adjacent to a landscape planter or walkway should have a dimension of 9' x 15.5' with a 2.5' overhang. Compact stalls should be 7.5' x 12.5' with a 2.5' overhang. The entire 2.5' overhang should simply be part of the adjacent landscape or walkway area (to eliminate wheelstops). For situations where a landscape planter or walkway is not adjacent to the parking stalls and instead wheelstops are necessary, stalls should have a dimension of 9' x 18'. Compact stalls with a wheelstop should be 7.5' x 15'. Parking areas should be redesigned accordingly to comply with these City standards.
- All signs shall comply with the City's sign requirements for churches in the Residential Zones, as described in Title 10 of the Modesto Municipal Code.
- All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

Parks Planning

- Prior to issuance of any grading, encroachment or building permit, applicant to submit Landscape and Irrigation Plans that meet current State of California, MMC and City of Modesto Landscape and Irrigation Specifications; for review and approval by the Department of Parks, Recreation and Neighborhoods Director, or designee. Landscape and Irrigation Plans shall reflect a minimum of one (1) shade tree for every eight (8) parking stalls. Landscape and Irrigation design shall meet State of California AB1881 water use standards with regard to irrigation water use and runoff.

Land Development Engineering

Water, Wastewater:

- There is no City water and/or wastewater connection available at the project site.

Stormwater / Drainage:

- All on-site storm drainage features / improvements shall comply with City of Modesto storm drain design standards.
- Prior to the issuance of a Grading, Encroachment or Building Permit, Property Owner shall submit improvement plans conforming to design requirements in the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures.
- Prior to the issuance of a Grading, Encroachment or Building Permit, Property Owner shall obtain coverage under the State Water Resources Control Board General Permit for Stormwater Discharges Associated with Construction Activity Order NO. 2009-0009-DWQ, NPDES NO. CAS000002.

- The General Construction Permit requires the Property Owner to develop a Stormwater Pollution Prevention Plan (SWPPP) for the project. Prior to issuance of a Grading, Encroachment or Building Permit, deliver one copy of the SWPPP to the City of Modesto.
- Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate Low Impact Development principles into the project design. The plan shall retain and infiltrate the first half-inch (0.5") of stormwater runoff on site, and incorporate pervious landscape features into the project design wherever possible.
- Prior to the issuance of a Grading, Encroachment, or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, vegetative strip, or other approved proprietary device) to remove pollutants from the first 0.5" of stormwater run-off from site.

Fire Prevention

- The proposed buildings shall meet the requirements of the 2013 editions of the California Building Code (CBC) and California Fire Code (CFC)
- Fire hydrant location and distribution for this project is 300' on center. Onsite hydrant(s) will be required.
- Minimum fire-flow requirement for the proposed buildings shall be governed by California Fire Code appendix B, table B105.1. A 75% reduction of the tabular value for fire-flow, to a minimum of 1500 GPM for a two hour duration, may be granted with the installation of automatic fire sprinklers in accordance with NFPA 13.
- Assembly Occupancies used as a place of worship, as defined in the CBC, with an occupant load of 300 or more shall be equipped with an automatic fire sprinkler system installed in accordance with NFPA 13.
- Modesto City Ordinance 3-1.208 requires new buildings exceeding 5,000 sf under one roof be equipped with an automatic fire sprinkler system installed in accordance with NFPA 13.
- Fire department connections (FDC) for fire sprinkler system shall be within 90' of a fire hydrant.
- Fire mains, fire hydrants, check-valves, underground piping and installation shall meet City of Modesto Standards.
- An approved fire access road must be provided so that all portions of the buildings are within 150 feet of the fire access road. The access road(s) shall be all-weather surface, 20 feet in width with approved fire truck turn-around. Curves and changes in direction along the access road(s) shall be provided with an inside turning radii of 25 feet and an outside radii of 45 feet. A single driveway to Tully Road would suffice, provided that the entire parking lot / drive aisle area complies with these access road design requirements.

Infrastructure Financing

- Capital Facilities Fees (CFF) for the proposed project has been calculated using the *Church* rate for the construction of a new 7,896 s.f. Hindu Temple and 8,781 s.f. Community Center (16,677

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August 30, 2018
Page 4

s.f. total @ \$1,278 per 1,000 s.f. = \$21,313.21). This calculation is based on the square footage stated in the Stanislaus County Early Consultation referral. CFF will be recalculated if the final square footage changes and will become due and payable at building permit issuance. Fees quoted here are valid through June 30, 2019.

Thank you for the opportunity to comment on this project. If you have any questions concerning these comments, please contact me at (209) 577-5273, or bwall@modestogov.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Wall", is written over a horizontal line.

Brad Wall, MPA, AICP
Principal Planner



Central Valley Regional Water Quality Control Board



24 August 2018

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

CERTIFIED MAIL
91 7199 9991 7039 6993 7348

COMMENTS TO REQUEST FOR REVIEW FOR THE EARLY CONSULTATION, USE PERMIT APPLICATION NO. PLN2018-0069 – HINDU TEMPLE PROJECT, STANISLAUS COUNTY

Pursuant to the Stanislaus County Department of Planning and Community Development's 15 August 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. PLN2018-0069 – Hindu Temple 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 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,

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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 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

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.

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



**STANISLAUS COUNTY
CEQA REFERRAL RESPOND FORM**

TO: Stanislaus County Planning & Community Development
FROM: Department of Environmental Resources
SUBJECT: **ENVIROMENTAL REFERRAL- USE PERMIT APPLICATION NO.
PLN2018-0069 – HINDU TEMPLPE**

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.
- 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).

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 Hindu Temple 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 sewage disposal shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X. Statement shall be placed on the final map to be recorded; statement shall read:

“As per Stanislaus County Code 16.10.020 and 16.10.040, all persons purchasing lots within the boundaries of this approved map should be prepared to accept the responsibilities and costs associated with the operation and maintenance of the required primary and secondary onsite wastewater treatment system. All persons are required to provide adequate maintenance and operate the onsite wastewater treatment system as prescribed by the manufacturer, so as to prevent groundwater degradation. Onsite wastewater disposal system shall be installed as per engineer design. All setbacks required by this DER are to be met at time of installation of the system

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:

5. Applicant must submit 3 sets of plans for any proposed kitchen. 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: August 30, 2018

Bella Badal

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



September 5, 2018

Stanislaus County Department of Planning and Community Development
Attention: Denzel Henderson, Assistant Planner
1010 10th Street, Suite 3400
Modesto, CA 95354

**RE: Use Permit Applic. No. PLN2018-0069 – Hindu Temple
APN: 046-006-009 (4801 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

- No comments at this time.

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 12,000 volts overhead primary, 12,000 volts underground 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 and underground electric facilities are energized.
- The contractor shall verify the actual depth and location of all underground utilities prior to the start of construction. Notify "Underground Service Alert" (USA) (Toll Free 800-227-2600). USA will notify each utility to mark the location of their existing underground facilities in the project area.

- 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.

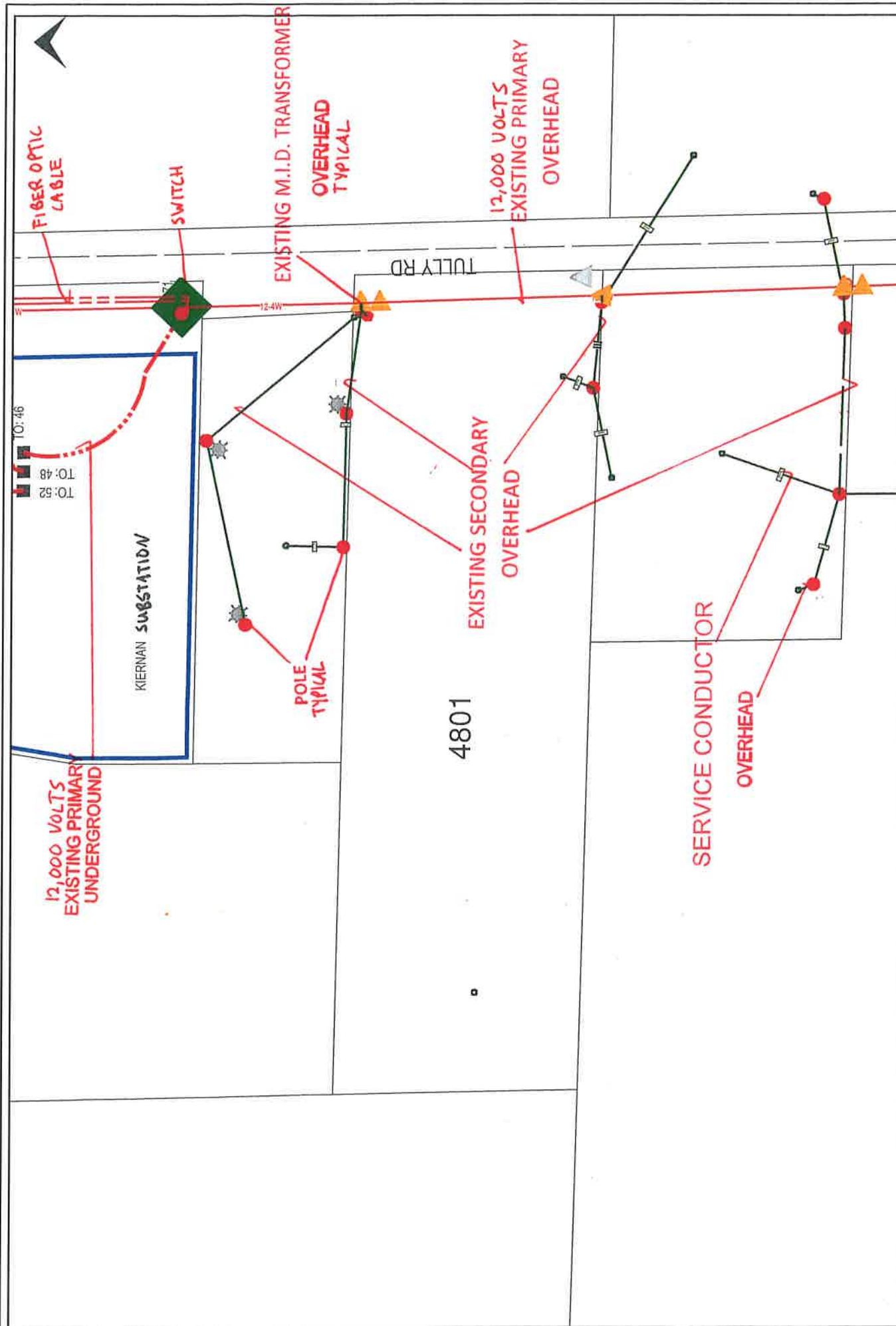
If you have any questions, please contact me at 526-7447.

Sincerely,

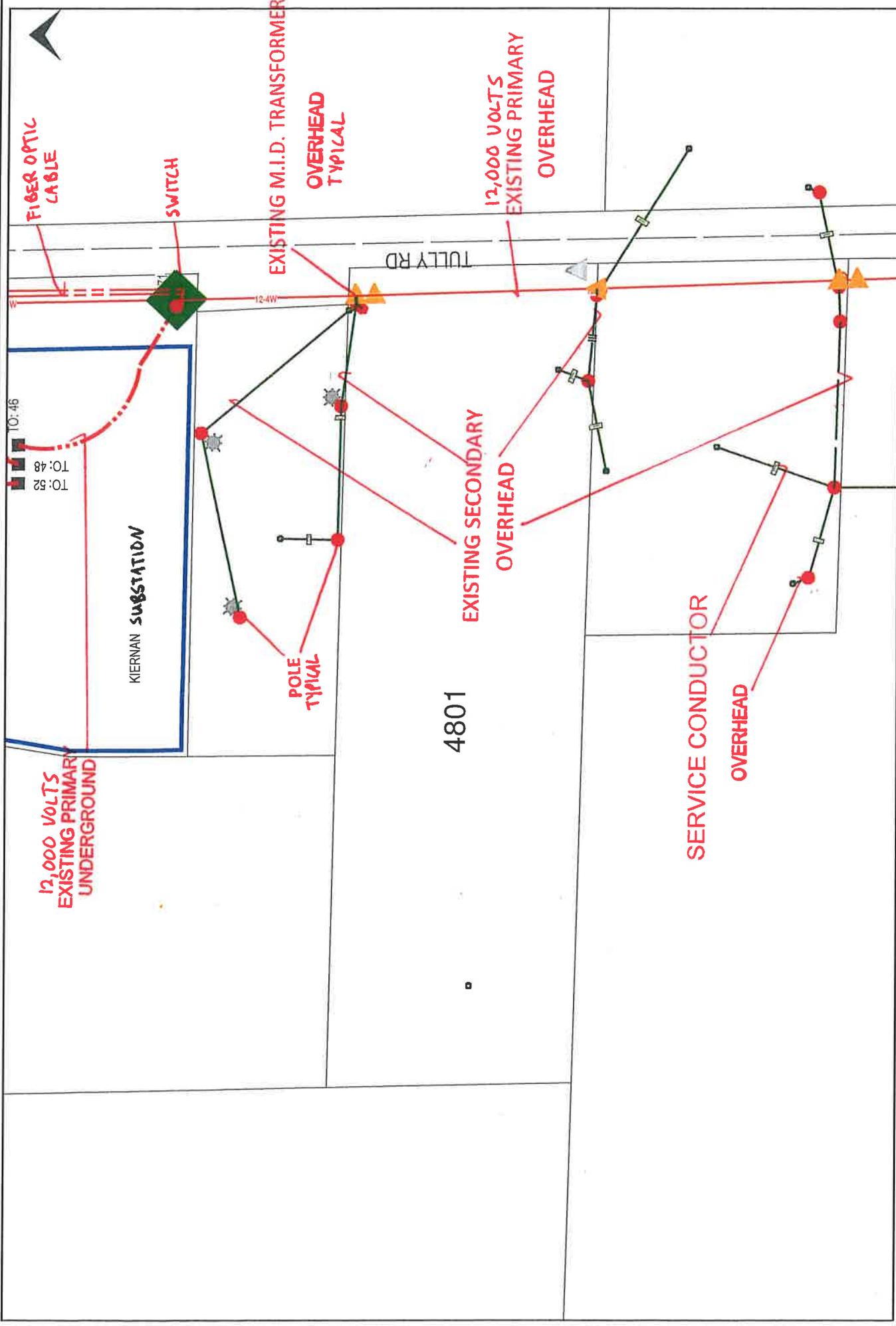


Lien Campbell
Risk & Property Analyst

Copy: File



	NO.	REVISION	DATE	0feet	80feet	160feet	240feet	320feet	DATE: 08/21/2018	DWG BY: victor0618
									W.O. NO:	APP. BY:
				4801 Tully Rd APN:046-006-009				PROJECT:		APP. BY:
								TAG NO:		PAGE: 1 OF 1



12,000 VOLTS
EXISTING PRIMARY
UNDERGROUND

KIERNAN SUBSTATION

TO: 46
TO: 48
TO: 52

FIBER OPTIC
CABLE

SWITCH

12-4W

EXISTING M.I.D. TRANSFORMER

OVERHEAD
TYPICAL

12,000 VOLTS
EXISTING PRIMARY
OVERHEAD

TULLY RD

4801

EXISTING SECONDARY
OVERHEAD

POLE
TYPICAL

SERVICE CONDUCTOR
OVERHEAD

	NO.	REVISION	DATE	0feet	80feet	160feet	240feet	320feet	DATE: 08/21/2018	DWG BY: victor0618
									W.O. NO:	APP. BY:
									PROJECT:	APP. BY:
									TAG NO:	PAGE: 1 OF 1

4801 Tully Rd

APN:046-006-009



DEPARTMENT OF PUBLIC WORKS

*David A. Leamon, PE, MPA
Public Works Director*

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

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

*Collin Yerzy, PE, QSD/P
Deputy Director – Construction Administration/Operations*

*Tracie Madison
Senior Business and Finance Manager*

www.stancounty.com/publicworks

April 8, 2021

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

From: Ramon Salinas, Assistant Engineer, Public Works Development Services

Subject: PLN2018-0069 Hindu Temple – Use Permit
APN: 046-006-009
Address: 4801 Tully Road, Modesto, CA

This is a request to construct and operate a Hindu Temple and Community Center on a 2.67± acre parcel developed with a 1,657± square foot single-family dwelling in the A-2-10 zoning designation. The request includes the construction of two new structures; a 7,896± square-foot temple to be used as a prayer hall which includes a 4,883± square-foot porch, and a detached 8,781± square foot community center to be used for indoor religious ceremonies, children plays, yoga, spiritual lectures, indoor weddings, and a dining hall for precooked meals. A maximum of 100 people will be allowed on-site at any time, and the facilities will be for members of the Hindu Temple only. Operations are planned for 12 hours a day, seven days per week, with up to six volunteers working the site. Approximately 50 people will utilize the site at a time; however, larger religious events up to a 100 people may occur 10 times a year. The existing 1,657± square foot single-family dwelling will be the only residential quarters on site occupied by the priest of the facility. The temple and community center will have an amplified sound system for indoor use. The project has conceptual landscape plans and approximately 191 parking spots identified. The site will utilize a private well and septic system and be provided access from Tully Road. Stanislaus County Public Works has reviewed the subject use permit and applied the following conditions of approval:

1. No parking, loading, or unloading of vehicles will be permitted within the Stanislaus County road right-of-way.
2. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
3. An Encroachment Permit shall be obtained for any work done in Stanislaus County right-of-way.
4. Prior to the issuance of a building or grading permit, Tully Road is classified as Principal Arterial for the City of Modesto that has 6 travel lanes. At mid-block, this street section is 123-feet in width. Since this property is located in the taper, an Irrevocable Offer of

Dedication shall be made to Stanislaus County that matches the City of Modesto Standard Plate Detail 355.

5. Prior to the Department of Public Works doing any plan review or inspections associated with the development, the applicant shall sign a "Plan Check/Inspection Agreement" and post a \$5,000 deposit with Public Works.
6. Prior to the final of any building or grading permit, the applicant shall meet the City of Modesto Standards and Specifications for street improvements along the entire parcel frontage of Tully Road. The improvements shall include street pavement widening, curb, gutter, drainage improvements, sidewalk and streetlights. Improvement plans shall be submitted to Department of Public Works and City of Modesto for review and approval.
7. An engineer's estimate shall be provided for the road improvements to determine the amount of the financial guarantee. This shall be submitted prior to issuance if any building permit and after the road improvements have been approved by Department of Public Works.
8. A financial guarantee in a form acceptable to the Department of Public Works shall be deposited for the street improvements installation along the frontage of Tully Road prior to the issuance of the any building permit.
9. If street improvements are deferred, a Street Improvement Agreement shall be entered into for amount of the approved engineer's estimate prior to the issuance of the building permit.
10. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted for any building permit that will create a larger or smaller building footprint. The grading and drainage plan shall include the following information:
 - a) The plan shall contain drainage calculations and enough information to verify that runoff from project will not flow onto adjacent properties and Stanislaus County road right-of-way. Public Works will review and approve the drainage calculations.
 - b) For projects greater than one acre in size, 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 Discharge Identification Number (WDID) and a copy of the Notice of Intent (NOI) and the project's Storm Water Pollution Prevention Plan (SWPPP) shall be provided prior to the approval of any grading, if applicable.
 - c) The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for review of the grading plan.
 - d) 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.



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

August 27, 2018

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



RE: Use Permit Application PLN2018-0069- Hindu Temple

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,



Patrick Burns
Fire Captain
Administration & Special Projects

CC:
Maa Shakti Jagran
4801 Tully Rd.
Modesto, CA 95356

Kristen Anaya

From: Martinez, Steven R@DOT <Steven.R.Martinez@dot.ca.gov>
Sent: Thursday, December 9, 2021 9:49 AM
To: Kristen Anaya
Subject: RE: Hindu Temple Use Permit Application Question

*** **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,

We have no concern over this project.

Thank you,

Steven Martinez



STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

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

FROM: Stanislaus County Department of Environmental Resources

SUBJECT: ENVIRONMENTAL REFERRAL – USE PERMIT APPLICATION NO. PLN2018-0069 –
HINDU TEMPLE

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):

•

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.):*

•

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

WATER

- Prior to issuance of any building permit, the property owner must submit an executed ‘Will Serve’ letter for municipal water services to Stanislaus County Department of Environmental Resources.

OWTS

- The onsite wastewater treatment system (OWTS) for the “Temple and Multi-Purpose Building(s)” and any new building, shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.
- All applicable County Local Agency Management Program (LAMP) standards and required setbacks are to be met.

Response prepared by:

Date: 09/29/2021

PARMINDER DHILLON, R.E.H.S.
Senior Environmental Health Specialist
Stanislaus County Department of Environmental Resources



CHIEF EXECUTIVE OFFICE

Jody L. Hayes
Chief Executive Officer

Patrice M. Dietrich
Assistant Executive Officer

Raul L. Mendez
Assistant Executive Officer

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

September 27, 2021

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

**SUBJECT: ENVIRONMENTAL REFERRAL – HINDU TEMPLE – USE PERMIT
APPLICATION NO. PLN2018-0069 – NOTICE OF INTENT TO ADOPT A
NEGATIVE DECLARATION**

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 has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

A handwritten signature in blue ink that reads "Patricia Lord".

Patricia Lord
Management Consultant
Environmental Review Committee

PL:ah

cc: ERC Members

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.



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9492
Phone: (209) 525-6700 Fax: (209) 525-6774

September 7, 2021

TO: KRISTEN ANAYA, STANISLAUS COUNTY PLANNING & COMMUNITY DEVELOPMENT

FROM: GLORIA ROMERO, DEPARTMENT OF ENVIRONMENTAL RESOURCES

SUBJECT: USE PERMIT APPLICATION NO. PLN2018-0069 – HINDU TEMPLE

The Department has reviewed the information available on the subject project and it is our position that the project **will not have a significant effect on the environment**. However, listed below are the areas that may still require our Department to be notified due to the scope of the project submitted:

The applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I study, and Phase II study if necessary) prior to the issuance of a grading permit. DER recommends research be conducted to determine if pesticides were used on the proposed development site; if confirmed, suspect site areas should be tested for organic pesticides and metals. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.

August 27, 2021

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

SUBJECT: USE PERMIT APPLICATION NO. 2018-0069 – HINDU TEMPLE

Dear Ms. Anaya:

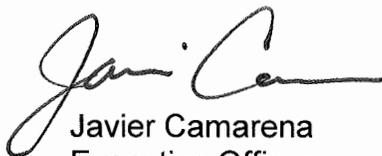
Thank you for the opportunity to comment on the referral for the subject proposal. The project description notes that the proposal will be served by the City of Modesto for public water service.

In anticipation of such a request that may follow the County's approval of the project, the following condition is recommended:

LAFCO review and approval of an out-of-boundary service extension will be necessary prior to connection to the City of Modesto' water system.

If you have any questions regarding these comments, please contact our office at (209) 525-7660.

Sincerely,


Javier Camarena
Executive Officer

Kristen Anaya

From: Ramon Salinas
Sent: Friday, September 3, 2021 10:59 AM
To: Kristen Anaya
Subject: RE: Stanislaus County ERC Referral - CEQA Referral Initial Study & NOI - PLN2018-0069
- Respond by September 29, 2021

Good Morning,

Public Works has no new comments.

Thank you.

Ramon Salinas
Assistant Engineer
Stanislaus County Public Works
1010 10th Street, Suite 4204
Modesto, CA 95354
Phone: 209-525-7564
Cell: 209-278-5734
Fax: 209-525-6507
Email: salinasr@stancounty.com

September 26, 2021

Stanislaus County Board of Supervisors
Stanislaus County Planning and Zoning
1010 Tenth Street
Modesto, CA 95354



Dear Sirs;

I understand approval is being sought for a Hindu Temple on Tully Road between Bangs Road and Kiernan Avenue.

Am I to believe that they are planning a Temple and a Hall to accommodate 700 people but state they only have 100 members so it won't impact the area around it. They have plans for 125 parking spaces for their 100 members.

That is hunky-dory fine until they have a wedding or festival. At which time there will be 300 or more cars and 700 people. They will be impacting the area with traffic congestion, illegal parking in the walnut and almond orchards on both sides of their 3 acre property, and running their business in an agricultural area that is not conducive to the amount of activity being conducted. The Modesto area has a lack of banquet hall facilities and that makes it hard to find locations for weddings, large funerals and festivals. I applaud their efforts in wanting to build such a facility but think it will quickly become an every weekend crowd of traffic and people on a road and in an area not meant for that amount of activity.

I urge you to not approve this project. I wish them well but wish them to find a more commercial area rather than an agricultural area to have their place of worship. Once they are operating the amount of complaints will be huge and the impact on farming will be devastating. And dispatch will just say, call a tow truck and tow the vehicles. ALL 200 OF THEM? What kind of damage to the orchards will that cause? If you were living in that area or next to this property would you want to put up with that. No you would not.

So, I am asking you not to approve of this building in that location.

A handwritten signature in cursive script that reads "Janelle Flint". The signature is written in black ink and is positioned above the printed name and address.

Janelle Flint
508 Duncan Avenue
Modesto, CA

September 24, 2021

Ms. Kristen Anaya
Assistant Planner
Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354
planning@stancounty.com
Dear Ms. Anaya,

My concerns with using prime agricultural land at 4801 Tully Road in Modesto, to build a Hindu Temple and dining hall include:

Accumulated Loss of Designated Prime Agricultural Land

In Modesto City and Stanislaus County, there appears to be a consistent pattern of changing the zoning of many small acres from agricultural land to commercial zoning, without the proper public knowledge and review, sometimes referred to as a “negative declaration”. This is an appalling trend and needs to be addressed.

Below are the Department of Conservation's comments regarding the General Plan Amendment & Rezone Application No. PLN2018-0081 - Libitzky Management Corporation, SCH# 2019039139

Farl Grundy, 4/8/2019 recommended discussion under the Agricultural Resources section of the Environmental Impact Report:

The Department recommends the following discussion under the Agricultural Resources section of the Environmental Impact Report:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would **include impacts from the proposed project, as well as impacts from past, current, and likely future projects.**
- Potential contract resolutions for land in an agricultural preserve and/or enrolled in a Williamson Act contract.
- Proposed mitigation measure for all impacted agricultural lands within the proposed project area.

Participants

There appears to be a discrepancy in presentation of need and the actual proposal. A discrepancy between the number of people that will be attending the Temple (an average peak of 50 congregants CEQA p. 21) with larger events (100 persons-p. 17 and 21 CEQA) and using the dining hall (100) and the proposed size of the Temple

to hold 400 persons, by the site at full occupancy (CEQA p. 13 and 21) (but the frequency of 400 persons on site was not given). The Temple and Dining Hall are not proposed to be used concurrently; however, if they are how much is the population increased, with its concomitant burden on resources?

It appears to me, data is based on current estimates (80 persons) not the likely increased frequency of 400 persons, therefore, I believe this data is flawed.

This inconsistency leads me to conclude that the Temple and Dining Hall will be used to hold community activities that may include weddings and other large gatherings. Is that a possibility? If so, are there permits already being granted? What additional restrictions and safeguards are in place to protect the neighbors that live in the immediate area against noise, lights, traffic, music, trash, etc., all common irritants in a public venue?

Accumulated Environmental Effects

In the Tully Road/Kiernan Avenue/Pelandale/Carver/Bangs area, there exist three large projects, The 300,000 square foot warehouse, the Holy Family Catholic Church and now the Hindu Temple as well as several new housing developments: These significant projects affect water resources; remove the positive effect of trees and grasses on pollution; increase traffic congestion as well as increase the damage to roads due to increased use which leads to an increase in the cost of maintaining the quality of the roads; increasing the pollution from liquid and solid human waste, which increases the chance of contamination of ground water sources. Will the septic system they are proposing, accommodate the 400+ people they have prepared indirectly for?

Parking

As attendance in the Temple grows, or as large events are held (currently estimated to be a little less than one a month. How will they adjust the dimensions of their plans to solve this dilemma? Will they build a smaller sized Temple and Dining Hall so they may build a larger parking lot to accommodate those needs, or will they park in neighboring orchards and along roadways, creating hazards and damaging fields and orchards (compaction of soil, breakage of tree limbs -thus reducing crop yields for farmers that rely on that income). As a loose estimate, they would need approximately 320 parking places.

Agricultural Practices

The proposed project will be built around working agricultural lands. Will the farmers be forced to spray at night, to avoid public complaints? Will the new neighbors realize that dust is a part of farming, especially noticeable during harvest in a drought year, or will there be so many complaints, that the lifestyle of the farmer will have to change to accommodate an urban building in an agricultural area, with his/her crops having diminished yields as a result?

I disagree with the "Less than significant impact" label placed on this Grade 1 rating (based on a range of 1-6, with 1 the top level), which is considered excellent, prime agricultural land.

Infill

The State has mandated that agricultural land be saved as much as possible. Our agriculture feeds us locally, our nation and the world. There are many empty spaces (infill) in the Modesto area that could accommodate the 3 acres that have been requested for this project. My suggestion is to recommend those areas be used primarily now and in the future, to conserve our precious, vital farmland.

Buffer Zone

The proposed project does not meet the 300-foot setback of the Stanislaus County General Plan per Buffer and Setback Guidelines.

Air Quality

The 8/27/21 CEQA notes: ...the occupancy of the Temple and use of the Community Center will increase traffic in the area and, thereby, impact air quality; therefore, I disagree with CEQA's Impacts to air quality are considered to be less-than-significant.

Impacted air quality could contribute to cumulative deterioration of our air quality in the Basin; many of us have already experienced the yellow, orange, red flags to notify the public of hazardous-to-the-health air quality days.

Hydrology and Water Quality

The "is-less-than-significant" conclusion appears to be based upon a small number of people per day. I suggest this study be redone to adequately assess the potential and expected large crowds (400 persons, not 50 or 80) attending special events.

Biological Resources

Based on results from the California Natural Diversity Database (CNDDDB), there are six animal species, which are state or federally listed or threatened within the Salida California Natural Diversity Database Quad. These species include the California tiger salamander, Swainson's hawk, tricolored blackbird, steelhead, Crotch bumblebee, and the valley elderberry Longhorn beetle.

Light/Sound Pollution

Building a solid fence, rather than a chain-link fence should help contain noise, light and litter pollution.

Transportation

4/4/2019 Department of Transportation

We suggest that the County continue to coordinate and consult with the Department to identify and address **potential cumulative transportation impacts that may occur near this geographical location**. This will assist us in ensuring that traffic safety and quality standards are maintained for the traveling public on state transportation facilities.

3/21/2020 KD Anderson & Associates, Inc.
TRIP GENERATION ESTIMATE FOR THE HINDU TEMPLE OF MODESTO
PROJECT, STANISLAUS COUNTY, CALIFORNIA

This focused traffic study is useless. The report fails to analyze the impacts of traffic and circulation of the surrounding area. This study was done in 2020, is outdated and did not analyze the impact from the LIBITZKY project, churches, industry and residential in the area. We refer you to the Cal Trans letter. This project must comply with the concerns that Cal Trans raised. This Negative Declaration is so poorly done, there is not an index. The public must hunt through the document to find this study.

We are incorporating these letters Dept. of Conservation, Dept. of Transportation, Central Valley Regional Water Quality Control Board and the Native American Heritage Commission in to this project. We believe that the LIBITZKY project and the county did not want to have to do what the agencies were directing to the project. The project and the county did an amendment to the project and a new project was circulated (from OPR). The Hindu Temple project should comply with what the agencies directed the Libitzky to analyze.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

These concerns are real and legitimate, as our representatives, I ask you to vote No on this proposal.

Sincerely,

Karen Conrotto
Modesto, CA 95356

MARSHA A. BURCH

ATTORNEY AT LAW

131 South Auburn Street
GRASS VALLEY, CA 95945

Telephone:
(530) 272-8411

mburchlaw@gmail.com

September 29, 2021

Via electronic mail

Kristen Anaya, Assistant Planner
Stanislaus County
Department of Planning and Community Development
Modesto, CA 95354
AnayaK@stancounty.com
planning@stancounty.com

Re: Negative Declaration for Hindu Temple
Use Permit Application No. PLN2018-0069
SCH# *unknown*

Dear Ms. Anaya:

We appreciate the opportunity to provide the following comments on behalf of San Joaquin Raptor/Wildlife Rescue Center, Central Valley Safe Environment Network, and Protect Our Water regarding the above-referenced Initial Study and Negative Declaration for the Hindu Temple ("Project").

As explained below, the Initial Study and Negative Declaration (referred to together herein as "ND") for the Project does not comply with the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 *et seq.*) in certain essential respects. It is our view that a revised Initial Study/Negative Declaration is required for the Project, and depending upon the outcome, potentially an Environmental Impact Report ("EIR").

1. Procedural Errors

a. Failure to Consult with Responsible/Trustee Agencies

An initial concern is that the County has failed to consult with all responsible agencies and trustee agencies to obtain their recommendations on whether an EIR or a negative declaration should be prepared. (Pub. Res. Code ["PRC"] § 21080.3; Guidelines § 15063(g).) The distribution list indicates that the California Department of Conservation was not included, despite the fact that the Project will result in the permanent loss of prime agricultural land. This appears to have been an oversight, as the distribution list of a recent project in the same urban transition zone that would also convert prime agricultural land *was* distributed to the Department of Conservation http://www.stancounty.com/planning/pl/act-proj/PLN2018-0081_30_Day.pdf, and the department submitted a comment regarding the impacts. (See Exhibit A.)

b. Failure to Circulate through the State Clearinghouse

A lead agency is required to circulate project documents through the State Clearinghouse whenever there are responsible State agencies. In this case, the ND identifies Caltrans as an agency that will have approval authority over the Project (ND, p. 2.) Yet, we have not been able to find any evidence that the ND was circulated through the State Clearinghouse. This is a significant procedural error. (See, Guidelines § 15205.)

2. Technical Flaws in the Initial Study and Negative Declaration

a. Failure to adequately analyze impacts to Agriculture

The ND provides no analysis of the impacts associated with the permanent conversion of agricultural lands, and glosses over the fact that the Project fails to comply with the 300-foot setback requirement contained in Appendix Seven of the Stanislaus County Agricultural Element. While the Element allows for “alternatives” to the buffer setback subject to Planning Commission approval, there is no analysis in the ND that would provide the substantial evidence to support approval of the proposed alternative of a fence with vegetative screening. The ND makes a naked statement that this alternative is proposed and then concludes the impact is less than significant. This fails to meet the requirements of CEQA. (See *Citizens Ass’n for Sensible Dev. v. County of Inyo* (1985) 172 Cal.App.3d 151, 171.)

There is no evidence in the record to support a conclusion that the Project should be allowed to avoid the 300-foot setback, nor a conclusion that the proposed alternative would result in a less than significant impact to agriculture.

b. The County Improperly Defers Analysis of Noise Impacts

The ND fails to adequately analyze noise impacts, and improperly defers analysis to the future. CEQA requires the lead agency to identify all significant effects on the environment of the proposed project, and a lead agency cannot defer environmental assessment to a future date. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730.) is so because “[a] study conducted after approval of a project will inevitably have a diminished influence on decision making. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency action that has been repeatedly condemned in decisions construing CEQA.” (*Sundstrom v. County of Mendocino* (1988) 20 Cal.App.3d 296, 307.)

The ND states as follows: “The temple and community center will have an amplified sound system used exclusively for indoor use. The applicant is proposing to integrate noise attenuating materials into the temple and community center when constructed; however, a condition will be added to the project requiring a noise study and any recommended noise mitigation implemented if a verified noise complaint is received by the County. (ND, pp. 1-2.)

This is precisely the type of deferral that CEQA prohibits, and the Noise analysis is insufficient.

c. The Negative Declaration Fails to Analyze Cumulative Impacts

The discussion of cumulative impacts contained in the ND is circular and contains no actual analysis or conclusions. (ND, pp. 24-25.) The ND mentions some projects that are planned in the vicinity, and then concludes: "Development of these projects would not result in conditions in excess of adopted standards for LOS or queuing." (ND, p. 24.) This is odd in light of the reference a few pages earlier in the Transportation section where Senate Bill 743 is described, and it is noted that LOS is no longer a measure applied to traffic impacts, and it is now VMT. Further, there is no evidence or information discussed in the ND that would support any conclusion regarding LOS.

The ND goes on to state that other projects that might be developed nearby would be subject to CEQA review, and those projects would consider cumulative impacts. What is missing is an explanation of why this excuses the County from considering cumulative impacts for this Project. The truth is that the ND simply fails to contain a logical analysis of cumulative impacts.

CEQA provides for two methods of identifying a project's cumulative impacts. The environmental document may provide either: (1) a list of past, present, and probable future projects producing related or cumulative impacts, or (2) a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document that has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact. The ND failed to use either method, and provided no analysis of cumulative impacts.

The ND's analysis of cumulative impacts is inadequate under CEQA.

3. Conclusion

For the reasons set forth above, we believe the ND should be withdrawn and a revised environmental document should be prepared and circulated as required under CEQA.

Very truly yours,



Marsha A. Burch
Attorney

cc: San Joaquin Raptor/Wildlife Rescue Center
Central Valley Safe Environment Network
Protect Our Water

From: Grundy, Farl@DOC <Farl.Grundy@conservation.ca.gov>
Sent: Monday, April 8, 2019 1:23 PM
To: Rachel Wyse
Cc: OPR State Clearinghouse
Subject: Comments on GPA PLN2018-0081 Libitzky Management Corporation, SCH# 2019039139

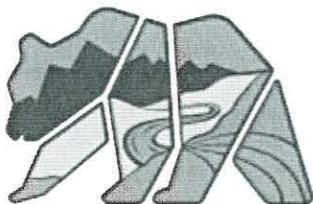
Dear Ms. Wyse,

Below are the Department of Conservation's comments regarding the General Plan Amendment & Rezone Application No. PLN2018-0081 – Libitzky Management Corporation, SCH# 2019039139

The Department recommends the following discussion under the Agricultural Resources section of the Environmental Impact Report:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Potential contract resolutions for land in an agricultural preserve and/or enrolled in a Williamson Act contract.
- Proposed mitigation measure for all impacted agricultural lands within the proposed project area.

Sincerely,



Farl Grundy
Associate Environmental Planner
Division of Land Resource Protection

California Department of Conservation
801 K Street, MS 14-15, Sacramento, CA 95814
T: (916) 324-7347
E: Farl.Grundy@conservation.ca.gov



Governor's Office of Planning & Research

APR 08 2019

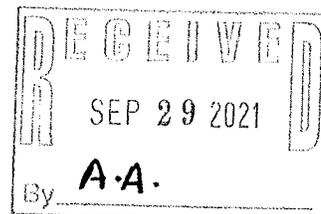
STATE CLEARINGHOUSE

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September 29, 2021

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



Dear Ms. Anaya

This is the cover sheet for the packet we are turning in to the Planning and Community Development for the Use Permit Application No. PLN2018-0069- Hindu Temple. The packet contains the following:

- 1) Our letter of questions, comments and concerns
- 2) Our response to the initial study
- 3) Letter from the Department of Transportation for the Libitzky Project PLN2018-0081
- 4) Department of Conservation for the Libitzky Project PLN2018-0081
- 5) California Water Boards for the Libitzky Project PLN2018-0081
- 6) State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit for the Libitzky Project PLN2018-0081
- 7) Notice of Completion and Environmental Document Transmittal from Stanislaus County for the Libitzky Project PLN2018-0081
- 8) State of California Native American Heritage Commission for the Libitzky Project PLN2018-0081

We would like to request that we be notified on any projects north of Pelandale Road.

Respectively submitted

A handwritten signature in cursive script, appearing to read "Susan Wedegaertner".

Susan Wedegaertner
1348 Kiernan Avenue
Modesto, CA 95356

A handwritten signature in cursive script, appearing to read "Debbie Kleinfelder".

Debbie Kleinfelder
1420 Kiernan Avenue
Modesto, CA 95356

September 29, 2021

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

Dear Ms. Anaya

After reading the proposal for the Hindu Temple and dining hall to be built at 4801 Tully Road in Modesto, we have the following concerns, comments and questions. They are the following:

The project states that only 80 people will be in the Temple and up to 100 people in the dining hall, but the project also states the Temple holds up 400 people and a dining hall to hold up to 574 occupant people. They are downsizing the numbers to get this approved and once approved the numbers of people will go up. Right now, they have adequate parking for their lower stated numbers. When the numbers increase their parking lot will be filled and they will be parking on the busy Tully Road, in the surrounding orchards and possible Kiernan Avenue which is a state highway. We like to think we are good neighbors but we do not want anyone parking in our orchard because of the liability to us and potential harm to our walnuts (broken branches), soil (gas and oil contamination, soil compaction), increase trash and theft/vandalism.

Cumulative Impacts: With the County looking at this as an individual proposal it fails to pass all of the environmental requirements. The impacts need to include the Libitzky Management Corp. project, PLN2018-0081 {(300,000 square foot building) just approved by the Board of Supervisors, but needs LAFCO approval} that is across the street at the (southeast corner of Tully and Kiernan) and the permitted Holy Family Catholic Church* will be going in at southeast corner of Tully and Bangs, we believe your trip/travel counter would significantly increase along with the emissions. We should also mention the houses that are now being built in our area on Bangs, Carver and Pelandale Roads. We believe the three projects (Libitzky Management Corp project, the Catholic Church and the Hindu temple) and the current housing developments being built, should be considered as cumulative for any trip/trip, environmental and emission reports.

Urban Transition

Agriculture: The Agriculture land use designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas. The designation is intended for areas of land which are presently or potentially desirable for agricultural usage. These are typically areas which possess characteristics with respect to location, topography, parcel size, soil classification, water availability and adjacent usage which, in proper combination, provide a favorable agricultural environment. This designation establishes agriculture as the primary use in land.

The purpose of the Urban Transition designation is to ensure that land remains in agricultural usage until urban development consistent with a city's (or unincorporated community's) general plan designation is approved. Generally, urban development will only occur upon annexation to a city, but

such development may be appropriate prior to annexation provided the development is not inconsistent with the land use designation of the general plan of the affected city. If this is to occur, a change in the General Plan designation consistent with the adopted goals and policies to some other land use designation shall be required.

General Agriculture 40 and 10 Acre (A-2): The A-2 zone supports and enhances agriculture as the predominant land use in the unincorporated areas of the County. These district regulations are also intended to protect open-space lands pursuant to Government Code Section 65910.

Urban transition was not intended to lose more prime A2 agricultural land. Additionally, we have more prime agricultural land under attack for development through rezoning from agricultural to commercial and negative declaration, which needs to be addressed through our county, immediately.

This proposed project's property is designated grade 1 rating for the soil which is prime. We already stated we recently lost more prime farm land to the Libitzky Management Corp. project, the Holy Family Catholic Church and also all of the homes going in at Pelandale, Carver and Bangs. While this project is only less than 3 acres it is still farm land. The reason it had not been farmed is the previous owner did not replant his almond trees when he needed to because of his age and ability to keep on farming. He and his wife lived the rest of their lives on this property.

Under our protest, the Board of Supervisors approved the Libitzky Management Corp. project without being on the City's sewer and water. We see this project will also be on septic. For their lower numbers that will probably be fine, but when they increase the numbers to their full potential then a septic would never work. We request they be on City sewer and water from the beginning. City sewer and water is at Bangs and Tully Roads. This approval of the septic sewer system instead of linking to the City sewer and water systems, further illustrates the inappropriateness of the approved development.

So, they are probably going to have to dig a bigger well to have water for their activities. They need water for the drinking fountains, bathrooms (toilets and sinks), water in the dining hall to prepare meals and washing up after. If they dig a 'commercial' size well to accommodate their demands, how is that going to affect my well, adjacent wells and our aquifer (our water table). Every year we have to have our drinking water tested for nitrate + nitrite as nitrogen. We would like to see their compliance with the California Water Board added to their request. Isn't this now a commercial urbanization? Once again, they need to be on the City Water system.

To us parking is a big issue, because they have only designated 193 spaces. How can they show a plan for their proposed buildings but cannot accommodate for the parking for all that can attend? Say there are 800 people in the dining hall and per the Anderson report you have 2 ½ people per car. They will need at the minimum 230 parking places. As stated above where are they going to park safely? Also, for the past several years they have been running four to six 18 wheelers out of this property. Where are those big trucks going to park? If they are parking on the same lot your 193 parking places now gets smaller in numbers.

The fence being proposed is a cyclone fence that will let noise and light through. We want to be assured of a solid brick fencing to help buffer the noise of people arriving and leaving. We also want to be assured that the light standards be far enough away from the fence so people cannot scale the fence onto our property, and limit the light pollutions that will affect our homes and properties. Once again increasing the chances of crime is a liability issue for us. We request that the lights not be on all night and tall evergreen hedges be planted on their side of the fence that can grow tall to help absorb more sound. The watering should be done by drip irrigation.

In reading the document, we noticed that several 'agencies' have been contacted to give a respond to this building request. Does this go forward with or without those agencies responding? Those agencies that have not responded are California Department of Fish and Wildlife, PG&E, SJVAPCD and DER-Hazmat Division just to name a few.

How will my neighbors and us be protected from complaints and actions to stop vital agricultural practices which may include the following: mowing or discing the fields, annual spraying and harvest which also includes shaking the trees, sweeping the nuts into row and finally picking up the rows of nuts (all of which generate noise and dust)? Furthermore, what practices do they plan to implement to keep pests (mice, rats, insects, feral cat, racoons and other wildlife) out of their trash bins when their dining hall opens and leftover food is discarded into the bins?

What about the problems associated with a member attending the Temple that may have breathing problems, allergies and asthma that could occur because this Temple is in the middle of very active and productive farms? How are we, the farmers, protected from this liability and the nuisance of receiving complaints about our normal farming activities?

Our property and the project site are in the Williams Act Preserve, surrounded by active farm land in the Williams Act. I was talking with other landowners and found out that a project for a Temple on St. Francis Road was denied (or never moved forward) a few years ago. This needs to happed for this project also.

Why isn't this property required to do an EIR (Environmental Impact Report)? If you are not recommending this document, we are requesting an EIR for this project. The EIR should include this project, the Libitzky Management Corp. project and the permitted Family Catholic Church. The impact on the orchard and native trees we are losing affects the climate and the warming trend we have been seeing (and feeling) the last several years. Evaluation area should include from McHenry Road to Carver Road and Peladale to Kiernan. The environmental check list fails to recognize any impact.

In our research of negative declarations all are posted except the one for this project. This document was not sent to the OPR to be posted. The documents referred to in the Negative dec are not available or available at OPR. Why was this requirement not followed?

In the document (page number 7) is states '...The site is currently use as a (unpermitted) church meeting site:...' so are you now going to reward them by giving them the permit? What about the 18-wheel trucks coming and going from the project site. What cautions do they have in place for diesel and oil spills to the soil?

You may wonder why we have so many questions about this project. We did not know about this project until we received the formal letter from Stanislaus County Department of Planning and Community Development. Please note this letter from the County came when most of us are very busy with harvest!

Once again, we do not understand why they want to build a large Temple (to hold 400 people when in the document it says they will have 80) and a larger dining hall (that can hold 574 when the document says they will have 100). This does not make sense and should not make sense to you as well. Something is wrong with the building size and the number they say will be attending. We have heard rumors about a school attached to this project. Will the school be 'hidden' in the dining hall? If the rumors are true, there are other restrictions when building a school. Have the school districts been informed? If the rumors are true and they have a school, what is the recourse on our part?

The consultant (Anderson) state cultural classes in the context of increased trips. The daily participation at this project will increase trip/travel.

This is prime agricultural land that our parents worked for over 60 years and now his daughters have the pleasure of continuing his legacy. The neighbors that have the almond orchards next to us (to the south) they are now fourth generation involved in the farming of their land. We want to continue with our family's legacies without having to deal with the potential problems, which we have already stated.

We are losing valuable farmland because we are in the city sphere. We find that ironic because living in the country we cannot vote on city functions, but they get to make decision pertaining to our farms and livelihoods. There is also other valuable farm land (for example the prime agricultural land being destroyed for the River Walk project proposed through the City of Riverbank) and other areas under attack to be turned into houses and other buildings. Living on a farm all our life, of course we are going to say this needs to stop. And it needs to stop immediately with this request and the River Walk.

The County seems to be using the Negative Dec to frequently to get around approve development in designated agricultural land without have to formally consider the serious and irreversible consequences these projects can bring to our area. The City is to build from the City to the Country but it is being reversed by starting at the furthest point and building back to the City. This is against your policy. Development is to be adjacent to the already developed areas in Modesto City/Stanslaus County as well as the consideration of using the infill land available to maintain the vibrancy within Modesto City. That the Libitsky project and Hindu Temple are relying on receiving permission to be on septic and well and not incorporated/annexed into the city system (sewer and water) further illustrates the inappropriateness of the approval given to leapfrog to the edge of the SOP and work backwards toward the city. The general plan, SOI and zoning was intended to develop from the city's edge as growth continues. This is the opposite intention of saving our county's prime agricultural land and economic base

We are attaching our other concerns regarding the initial study. We are incorporating these letters Dept. of Conservation, Dept. of Transportation, Central Valley Regional Water Quality Control Board and the Native American Heritage Commission in to this project. We believe that the LIBITZKY project and the county did not want to have to do what the agencies were directing to the project. The project

and the county did an amendment to the project and a new project was circulated (from OPR). What luck that the responding agencies did not respond. So, the project and the county disregarded the earlier letters from Dept. of Conservation, Dept. of Transportation, Central Valley Regional Water Quality Control Board and the Native American Heritage Commission. The Hindu Temple project should comply with what the agencies directed the Libitzky to analyze.

In conclusion, this project needs to be denied and sent back to conform with (California Environmental Quality Act) CEQA mandates.

Sincerely,



Susan Wedegaertner
1348 Kiernan Avenue
Modesto, CA 95356



Debbie Kleinfelder
1420 Kiernan Avenue
Modesto, CA 95356

* We understand this has been approved. How long do the approvals last?

By Garth Stapley gstapley@modbee.com

Updated May 24, 2015 5:08 PM

The Rev. Juan Serna, left, and Ed Dyrda, pastoral administrator for Holy Family Catholic Church, walk on Friday morning through the land on Tully Road near Modesto on which they hope to build a new church. The Rev. Juan Serna, left, and Ed Dyrda, pastoral administrator for Holy Family Catholic Church, walk on Friday morning through the land on Tully Road near Modesto on which they hope to build a new church. A small Catholic parish serving parts of north Modesto and Salida has a vision for a new church complex northeast of Tully Road and Bangs Avenue. Holy Family Catholic Church gathered in an elementary school cafeteria when it was founded in 2006, and in 2009 leased a sanctuary and several adjoining buildings at its current home, 4212 Dale Road. "But we want to have a church of our own," said Ed Dyrda, pastoral administrator. So, parish leaders arranged to swap land owned by the Stockton Diocese at Tully and Kiernan Avenue with an 18-acre parcel a bit to the south that is vacant and hasn't been farmed for more than 10 years – a good match for dreams of the new church. The parish began a money-raising drive in January, county planners approved the blueprint and Dyrda said construction could be about five years away. "Unless a guardian angel comes down with \$10 million, it's going to be awhile," he said. Eventually, Holy Family expects to spend about \$15 million on a complex of about 20,000 square feet, with a 634-seat social hall and chapel, offices, a kitchen and a small store selling church goods. First, Holy Family must persuade a growth-guiding panel to allow a 12-inch water pipe extension from Modesto; the city limit is 500 feet to the south. State law generally frowns on such requests, preferring that cities formally annex areas needing service extensions, to avoid hopscotch sprawl and the haphazard growth that can ensue. In this case, owners of surrounding land have not agreed to join Modesto, and leaders don't expect that to change in the next five years. The Stanislaus Local Agency Formation Commission, which rules on requests for annexations and service extensions, will be asked Wednesday to grant an exception for Holy Family. Technically, the applicant is City Hall, which has promised to deliver water if LAFCO gives its blessing. Holy Family's current home on Dale originally was developed by New Hope Church, which later shared the property with Shelter Cove

Community Church before that congregation outgrew it, sold the site and moved to its own complex replacing a golf driving range in northeast Modesto. The Rev. Juan Serna is pastor at Holy Family.

CEQA Referral Initial Study
And Notice of Intent to
Adopt a Negative Declaration

CEQA INITIAL STUDY

Distribution List

CA OPR STATE CLEARINGHOUSE **Was not noticed**

Stanislaus County Initial Study Checklist

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.

We disagree with the environmental factors. All the boxes should be marked and analyzed.

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

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.

We disagree with the Negative Declaration and an EIR should have been completed.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

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.

EVALUATION OF ENVIRONMENTAL IMPACTS:

Why is this Project not going from UT to Planned Developed?

Page 1 & 2

The temple and community center will have an amplified sound system used exclusively for indoor use. The applicant is proposing to integrate noise attenuating materials into the temple and community center when constructed; however, Stanislaus County Initial Study Checklist Page 2 a condition will be added to the project requiring a **noise study** and any recommended **noise mitigation implemented** if a verified noise complaint is received by the County. **It is not acceptable that that the residents would have to use code enforcement to get the county to do a noise study and mitigation. This is deferral.**

Page 6 & 7

The site is also adjacent to another church to the north, a homesite to the south, and scattered urban development in the surrounding area. The City of Modesto is located $\frac{1}{3}$ mile to the southwest, and multi-use light industrial warehouses are east of the project site. The project site is not enrolled in a Williamson Act Contract, and the only adjoining parcel in production Stanislaus County Initial Study Checklist Page 7 agriculture and under a Williamson Act Contract is the 38.4± acre parcel to the south identified as Assessor's Parcel Number 046-006-011. **See attached letter from the Department of Conservation 2019 to Libitzky. This was not analyzed for the cumulative associated sites. The site is currently used as a (unpermitted) church meeting site; however, the occupancy of the temple and use of the community center will increase traffic in the area and, thereby, impacting air quality.**

Page 9

Based on results from the California Natural Diversity Database (CNDDB), there are six animal species which are state or federally listed or threatened within the Salida California Natural Diversity Database 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. Although the project site itself is currently underdeveloped, there is a low likelihood that these species are present on the project site. The site is surrounded by infill development and parcels farmed and developed with orchard.

A biological study and site inspection of the site and surrounding area should be done.

Page 13

The Air District was referred the project but have not responded. The proposed project may be subject to the following District Rules: Regulation VIII, Rule 4102, Rule 4601, Rule 4641, Rule 4002, Rule 4102, Rule 4550, and Rule 4570, therefore, staff will include conditions of approval for the project to consult with the District regarding compliance with the District's rules and

regulations prior to issuance of a building permit. Senate Bill 743 (SB743) requires that the transportation impacts under the California Environmental Quality Act (CEQA) evaluate impacts by using Vehicle Miles Traveled (VMT) as a metric. 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. Per the trip generation memo prepared for the project, will comprise of 95% from within the local community. The stated trip generation would be consistent with a locally serving retail classification for the purposes of analyzing VMT and per the 2018 OPR guidelines, locally serving retail would not be considered a significant impact. A non-response is not an evaluation under CEQA. There has to be an analysis. VMT has to be analyzed on a cumulative impact from McHenry to Carver, Peladale to Kiernan.

Page 15

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. We refer to the 2019 letter to Libitzky. The regional water control board should have been contacted. Deferral of permits and mitigation is not acceptable.

Page 15 & 16

As stated in the project description, the project proposes to extend the City of Modesto water main in Tully Road to the site for public water services. The City has not provided the applicant a Will-Serve letter to date due to water service not being immediately accessible; however, correspondence with City staff has indicated that the City is able to provide water service if the applicant makes the extension of the existing water main in Tully Road currently ending at the Bangs intersection to the project site. If and when the applicant is provided a Will-Serve letter, connection will require an out of boundary service agreement, subject to approval by the Local Agency Formation Commission (LAFCO), and will require that the water connection meet City standards. If the applicant fails to secure City water service, they will be required to utilize an on-site well. 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 if water is not obtained from the City of Modesto, the project would be Stanislaus County Initial Study Checklist Page 16 subject to the requirements of SB1263. No comments letters were made available on your website or OPR.

Noise - Page 18

The site itself is impacted by the noise generated from traffic on Tully Road and Kiernan Avenue. Overall, full access will be feasible in the near term. As with an "interim" condition, background traffic on Tully Road would eventually reach the level that the driveway LOS reached an unacceptable level and the exiting queue became a problem.

Level of Service LOS

Page 18 &19

Noise attenuation measures will be implemented in the building design. Additionally, a condition of approval will be added to the project requiring preparation of an acoustical study and implementation of noise mitigation measures if General Plan Noise Ordinance violations are found to occur during operation. The area's ambient noise level Stanislaus County Initial Study Checklist Page 19 will temporarily increase during grading/construction. **Deferring noise and migration is not acceptable.**

Other Services - Page 20

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, 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 the District's comments. **No comments letters were made available on your website or OPR.**

Transportation - Page 21

This project was referred to the Department of Public Works, City of Modesto, and the California Department of Transportation (Caltrans), all of which had 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 frontage improvements including curb, gutter, sidewalks, and streetlights. Prior to plan review, the applicant shall sign a "Plan Check/Inspections Agreement" and post a \$5,000 deposit with Public Works, as well as a financial guarantee deposit for the street improvements installation along the road frontage. The City of Modesto provided comments requiring road widening to accommodate a dual left turn lane and paving the connection between the proposed driveways to the street pavement. The comments received from Public Works will be applied to the project as conditions of approval. **See the CalTrans letter to Libitzky 2019. No comments letters were made available on your website or OPR. 4/4/2019 The Department of Transportation wrote, in response to the Libitzky Management Corporation project: We suggest that the County continue to coordinate and consult with the Department to identify and addresses potential cumulative transportation impacts that may occur near this geographical location. This will assist us in ensuring that traffic safety and quality standards are maintained for the traveling public on state transportation facilities.**

Limitations on providing services have not been identified. The project proposes to utilize a private on-site septic system for wastewater service and on-site horizontal storm drain for storm water drainage. A referral response from the Department of Environmental Resources stated that the onsite 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 and City of Modesto will review and approve grading and drainage plans prior to construction. Conditions of approval will be added to the project to reflect these requirements.

As stated in the project description, the project proposes to extend the City of Modesto water main in Tully Road to the site for public water services. The City has not provided the applicant a Will-Serve letter to date due to water service not being immediately accessible; however, correspondence with City staff has indicated that the City is able to provide water service if the applicant makes the extension of the existing water main in Tully Road at the Bangs intersection to the project site. **Please see letter from the regional water control board to the letter to Libitzky. No comments letters were made available on your website or OPR.**

UTILITIES AND SERVICE SYSTEMS - Page 24

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 for provision of standard fire protection measures on-site. **Once again, no comments letters were made available on your website or OPR.**

MANDATORY FINDINGS OF SIGNIFICANCE - Page 24 & 25

Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area. **If an EIR had been done it would show there is significant impact**

The project site is within the City of Modesto's LAFCO-adopted Sphere of Influence (SOI). The parcel is bordered by Kiernan Avenue to the north and Tully Road to the east, and the adjacent parcel to the north is already developed with industrial uses. **What industrial uses are you referring to, they are none.**

Approved projects that remain to be developed in the area include two light industrial warehouse facilities on parcels to the east (**Libitzky**), a church (**Holy Family Catholic Church**) southeast of the project site, and a residential subdivision southwest of the project site between Tully and Carver Road (**Woodglen residential area**), within the City of Modesto city limits. **Landmark Missionary Baptist Church and the proposed Hindu Temple should be**

included. No analysis or studies, no cumulative impact regarding the impact to the area. No mitigation has been offered.

The Development of these projects would not result in conditions in excess of adopted standards for LOS or queuing. Overall, full access will be feasible in the near term. As with an "interim" condition, background traffic on Tully Road would eventually reach the level that the driveway LOS reached an unacceptable level and the exiting queue became a problem. Level of Service LOS. This came out of the Libitzky project. With the development of all these projects there will be major impact.

The site is immediately surrounded by production agricultural to the northwest, west, and south of the site which are zoned agriculture and limited to development consistent with the A-2 (General Agricultural) zoning district. While not proposed as part of the requested project, new and expanding commercial development of parcels located in the A-2 zoning district in the vicinity of the project site would require discretionary land use permits that are subject to CEQA review and compliance in each instance. Please see the letter from the Department of Conservation to Libitzky 2019.

A Stanislaus County Initial Study Checklist Page 25 Analysis of any potential cumulative impacts with take place with each individual project. Developing the other nearby parcels in the City of Modesto's SOI would require discretionary approval and additional environmental review. Development of parcels outside the SOI would be subject to the A-2 (General Agriculture) zoning ordinance. 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. Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.

XVII. TRANSPORTATION--

KD Anderson & Associates, Inc., dated March 31, 2020;
TRIP GENERATION ESTIMATE FOR THE HINDU TEMPLE OF MODESTO
PROJECT, STANISLAUS COUNTY, CALIFORNIA

This focused traffic study is useless. The report fails to analyze the impacts of traffic and circulation of the surrounding area. This study was done in 2020, is outdated and did not analyze the impact from the LIBITZKY project, churches, industry and residential in the area. We refer you to the Cal Trans letter that is included. This project must comply with the concerns that Cal Trans raised. This Neg Dec is so poorly done. There is not an index. The public must hunt though the document to find this study.

We are incorporating these letters Dept. of Conservation, Dept. of Transportation, Central Valley Regional Water Quality Control Board and the Native American Heritage Commission in to this project. We believe that the LIBITZKY project and the county did not want to have to do what the agencies were directing to the project. The project and the county did an amendment to the project and a new project was circulated (from OPR). What luck that the responding agencies did not respond. So, the project and the county disregarded the earlier letters from Dept. of Conservation, Dept. of Transportation, Central Valley Regional Water Quality Control Board and the Native American Heritage Commission. The Hindu Temple project should comply with what the agencies directed the Libitzky to analyze.

This project has to be denied because it did not properly notice, did not make agency comments available, it did not offer culminative studies, did not analyze impacts that would require mitigation. This document fails in the environment checklist. The project fails to analyze all we have set forth in our comment letter, in repose to the initial study and environment impacts and are supplying agency comment letters that should have been incorporated to this project. In conclusion, this project needs to be denied and sent back to conform to CEQA.

DEPARTMENT OF TRANSPORTATION
 OFFICE OF THE DISTRICT 10 DIRECTOR
 P.O. BOX 2048, STOCKTON, CA 95201
 (1976 E. DR. MARTIN LUTHER KING JR. BOULEVARD 95205)
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 TTY 711
 www.dot.ca.gov



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 a California Way of Life.*

Governor's Office of Planning & Research

APR 04 2019

STATE CLEARINGHOUSE

10-STA-219 PM 3.9
 Libitzky Management Corporation
 PLN2018-0081
 SCH#2019039139

April 4, 2019

Ms. Rachel Wyse
 Senior Planner
 Stanislaus County, Planning & Community Development
 1010 10th St, Suite 3400
 Modesto, CA 95354

Dear Ms. Wyse:

Thank you for the opportunity to review the above-referenced document, the Libitzky Management Corporation project, PLN2018-0081. The Department has the following comments:

This project may cause a significant impact to the State Highway System. A traffic impact study (TIS) is necessary to determine this proposed project's near-term and long-term impacts to State facilities – both existing and proposed – and to propose appropriate mitigation measures. The Department recommends that the study be prepared in accordance with the Caltrans Guide for the Preparation of Traffic Impact Studies. The Department is available to discuss assumptions, data requirements, study scenarios, and analysis methodologies prior to beginning the TIS. This will help ensure that a quality TIS is prepared. As part of the TIS submission to the Department, please provide, in an electronic format, the traffic microsimulation software files (both input and output) that will be used to develop the TIS. The Department requires this information to provide a complete review and further comment of the proposed project. The TIS must include, but is not limited to, the State Route 219/ Tully Road Intersection.

We suggest that the County continue to coordinate and consult with the Department to identify and address potential cumulative transportation impacts that may occur near this geographical location. This will assist us in ensuring that traffic safety and quality standards are maintained for the traveling public on state transportation facilities. If you have any questions, please contact Steven Martinez at (209) 942-6092 (email: steven.r.martinez@dot.ca.gov) or me at (209) 941-1921. We look forward to continuing to work with you in a cooperative manner.

Sincerely,

FOR

TOM DUMAS, Chief
 Office of Metropolitan Planning

From: Grundy, Farl@DOC <Farl.Grundy@conservation.ca.gov>
Sent: Monday, April 8, 2019 1:23 PM
To: Rachel Wyse
Cc: OPR State Clearinghouse
Subject: Comments on GPA PLN2018-0081 Libitzky Management Corporation, SCH# 2019039139

Dear Ms. Wyse,

Below are the Department of Conservation's comments regarding the General Plan Amendment & Rezone Application No. PLN2018-0081 – Libitzky Management Corporation, SCH# 2019039139

The Department recommends the following discussion under the Agricultural Resources section of the Environmental Impact Report:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Potential contract resolutions for land in an agricultural preserve and/or enrolled in a Williamson Act contract.
- Proposed mitigation measure for all impacted agricultural lands within the proposed project area.

Sincerely,



Farl Grundy

Associate Environmental Planner
Division of Land Resource Protection

California Department of Conservation
801 K Street, MS 14-15, Sacramento, CA 95814
T: (916) 324-7347
E: Farl.Grundy@conservation.ca.gov



Governor's Office of Planning & Research

APR 08 2019

STATE CLEARINGHOUSE

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Central Valley Regional Water Quality Control Board

22 January 2021

Governor's Office of Planning & Research

Jan 22 2021

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

STATE CLEARINGHOUSE

COMMENTS TO REQUEST FOR REVIEW FOR THE EARLY CONSULTATION, GENERAL PLAN AMENDMENT & REZONE APPLICATION NO. PLN2018-0081 - LIBITZKY MANAGEMENT CORPORATION PROJECT, SCH#2019039139, STANISLAUS COUNTY

Pursuant to the State Clearinghouse's 8 January 2021 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 General Plan Amendment & Rezone Application No. PLN2018-0081 - Libitzky Management Corporation 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 amendment in noticed public hearings, it must be approved by

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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 Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.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 and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-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 United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, 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

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.

Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE 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. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE 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 Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

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 Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. 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 Threat 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 Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

If you have questions regarding these comments, please contact me at (916) 464-4856 or Nicholas.White@waterboards.ca.gov.



Nicholas White
Water Resource Control Engineer

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

Request for Early Consultation

March 25, 2019

To: Reviewing Agencies

Re: General Plan Amendment & Rezone Application No. PLN2018-0081 - Libitzky Management Corporation
SCH# 2019039139

Prior to determining whether a Negative Declaration or an Environmental Impact Report (EIR) is required for a project under CEQA, a Lead Agency is required to consult with all responsible and trustee agencies. This notice and attachment fulfill the early consultation requirement. Recommendations on the appropriate type of environmental document for this project, as well as comments on its scope and content, should be transmitted to the Lead Agency at the address below. You do not have to be a responsible or trustee agency to comment on the project. All agencies are encouraged to comment in a manner that will assist the Lead Agency to prepare a complete and adequate environmental document.

Please direct your comments to:

**Rachel Wyse
Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354**

with a copy to the State Clearinghouse in the Office of Planning and Research to state.clearinghouse@opr.ca.gov. Please refer to SCH Number 2019039139 in all correspondence concerning this project on our website: <https://ceqanet.opr.ca.gov/2019039139/2>.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Lead Agency



Environmental Document Transmittal
California Environmental Quality Act

TO: State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044
(916) 445-0613

FROM: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400, Modesto, CA 95354
Planning Phone: (209) 525-6330 Fax: (209) 525-6911
Building Phone: (209) 525-6557 Fax: (209) 525-7758

Project Title: General Plan Amendment & Rezone Application No. PLN2018-0081 - Libitzky Management Corporation
Lead Agency: Stanislaus County Planning and Community Development Contact Person: Rachel Wyse, Senior Planner
Street Address: 1010 10th Street, Suite 3400 Phone: (209) 525-6330
City: Modesto, CA Zip: 95354 County: Stanislaus

Project Location: 1224 Kiernan Avenue City/Nearest Community: Modesto
Cross Streets: Tully Avenue & Tunson Road Zip Code: 95320
Longitude/Latitude (degrees, minutes and seconds): Total Acres: 17.16
Assessor's Parcel Number: 048-001-001 Section: 5 Twp.: 3S Range: 9E Base: MDB&M

Within 2 Miles: State Hwy #: 108 & 219 Waterways: Modesto Main Canal, MID Lateral No. 6, Heich Hetchy Aqueduct
Airports: N/A Railways: Union Pacific Schools: Stanislaus & Woodrow Elem., Davis HS

Local Public Review Period: (to be filled in by lead agency)

Starting Date: March 22, 2019 Ending Date: April 9, 2019

Document Type:

CEQA: [] NOP [] Draft EIR [] Supplement/Subsequent EIR [] Neg Dec (Prior SCH No.) [] Mil Neg Dec [] Other:
NEPA: [] NOI [] EA [] Draft EIS [] FONSI
OTHER: [] Joint Document [] Final Document [] Other:
MAR 25 2019 STATE CLEARINGHOUSE

Local Action Type:

[] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [] Other

Development Type:

[] Residential Units: Acres: Employees: [] Water Facilities Type: MGD
[] Office Sq.ft.: Acres: Employees: [] Transportation Type:
[] Commercial Sq.ft.: Acres: Employees: [] Mining Mineral:
[] Industrial Sq.ft.: 300,000 Acres: 17.16 Employees: [] Power Type: Wats
[] Educational [] Waste Facilities Type: MGD
[] Recreational [] Hazardous Waste Type:
[] OCS Related [] Other

Project Issues Discussed in Document:

[] Aesthetic/Visual [] Fiscal [] Recreation/Parks [] Vegetation
[] Agricultural Land [] Flood Plain/Flooding [] Schools/Universities [] Water Quality
[] Air Quality [] Forest Land/Fire Hazard [] Septic Systems [] Water Supply/Groundwater
[] Archeological/Historical [] Geological/Seismic [] Sewer Capacity [] Wetland/Riparian
[] Biological Resources [] Minerals [] Soil Erosion/Compaction/Grading [] Growth Inducement
[] Coastal Zone [] Noise [] Solid Waste [] Land Use
[] Drainage/Absorption [] Population/Housing Balance [] Toxic/Hazardous [] Cumulative Effects
[] Economic/Jobs [] Public Services/Facilities [] Traffic/Circulation [] Other

Present Land Use/Zoning/General Plan Designation:

Orchard and vacant land/A-2-10 (General Agriculture)/Urban Transition (UT)

State Clearinghouse Contact: (916) 445-0613

State Review Began: 3-25-2019

EARLY CONSULTATION

SEND COMMENTS DIRECTLY TO LEAD AGENCY BY: 4-9-2019

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2019039139

Please forward late comments directly to the Lead Agency

AQMD/APCD 34

(Resources: 3 / 30)

Project Sent to the following State Agencies

[X] Resources [] Cal EPA
[] Boating & Waterways [] ARB: Airport & Freight
[X] Central Valley Flood Prot. [] ARB: Transportation Projects
[] Coastal Comm [X] ARB: Major Industrial/Energy Resources, Recyc. & Recovery
[X] Conservation [X] SWRCB: Div. of Drinking Water
[X] CDFW # 4 [] SWRCB: Div. Drinking Wtr #
[] Cal Fire [] SWRCB: Div. Financial Assist.
[] Historic Preservation [] SWRCB: Wtr Quality
[X] Parks & Rec [X] SWRCB: Wtr Rights
[] Bay Cons & Dev Comm. [X] Reg. WQCB # 55
[X] DWB [] Toxic Sub Ctl-CTC
[] Yth/Adlt Corrections
[] Corrections
[] CalSTA
[] Aeronautics
[X] CHP [] Independent Comm
[X] Caltrans # 10 [] Delta Protection Comm
[] Trans Planning [] Delta Stewardship Council
[] Other [] Energy Commission
[] Education [X] NAIC
[] Food & Agriculture [X] Public Utilities Comm
[] HCD [X] Santa Monica Bay Restoration
[] OES [X] State Lands Comm
[] State/Consumer Svcs [] Tahoe Rgl Plan Agency
[] General Services [] Conservancy



**Notice of Completion and
Environmental Document Transmittal**
California Environmental Quality Act

SCH# **2019039139**

TO: State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044
(916) 445-0613

FROM: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400, Modesto, CA 95354
Planning Phone: (209) 525-6330 Fax: (209) 525-5911
Building Phone: (209) 525-6557 Fax: (209) 525-7759

Project Title: General Plan Amendment & Rezone Application No. PLN2018-0081 – Libitzky Management Corporation
Lead Agency: Stanislaus County Planning and Community Development **Contact Person:** Rachel Wyse, Senior Planner
Street Address: 1010 10th Street, Suite 3400 **Phone:** (209) 525-6330
City: Modesto, CA **Zip:** 95354 **County:** Stanislaus

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Local Public Review Period: (to be filled in by lead agency)
Starting Date: March 22, 2019 **Ending Date:** April 9, 2019

Document Type:
CEQA: NOP Draft EIR Supplement/Subsequent EIR Other: _____
 Early Cons Neg Dec Mit Neg Dec
NEPA: NOI EA Draft EIS FONSI
OTHER: Joint Document Final Document Other: _____
STATE CLEARINGHOUSE **MAR 25 2019**

Local Action Type:
 General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other _____

Development Type:
 Residential **Units:** _____ **Acres:** _____ Water Facilities **Type:** _____ **MGD** _____
 Office **Sq.ft.:** _____ **Acres:** _____ **Employees:** _____ Transportation **Type:** _____
 Commercial **Sq.ft.:** _____ **Acres:** _____ **Employees:** _____ Mining **Mineral:** _____
 Industrial **Sq.ft.:** 300,000 **Acres:** 17.16 **Employees:** _____ Power **Type:** _____ **Watts** _____
 Educational Waste Facilities **Type:** _____ **MGD** _____
 Recreational Hazardous Waste **Type:** _____
 OCS Related Other _____

Project Issues Discussed in Document:
 Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geological/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Jobs Public Services/Facilities Traffic/Circulation Other _____

Present Land Use/Zoning/General Plan Designation:
Orchard and vacant land/A-2-10 (General Agriculture)/Urban Transition (UT)

State Clearinghouse Contact: _____ (916) 445-0613
State Review Began: 3 - 25 - 2019

EARLY CONSULTATION

SEND COMMENTS DIRECTLY TO
LEAD AGENCY BY: 4 - 9 - 2019

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2019039139
Please forward late comments directly to the Lead Agency

AQMD/APCD 34
(Resources: 3 / 30)

Project Sent to the following State Agencies

<input checked="" type="checkbox"/> Resources	<input type="checkbox"/> Cal EPA
<input type="checkbox"/> Boating & Waterways	<input type="checkbox"/> ARB: Airport & Freight
<input checked="" type="checkbox"/> Central Valley Flood Prot.	<input type="checkbox"/> ARB: Transportation Projects
<input type="checkbox"/> Coastal Comm	<input checked="" type="checkbox"/> ARB: Major Industrial/Energy
<input type="checkbox"/> Colorado Rvr Bd	<input type="checkbox"/> Resources, Recyc. & Recovery
<input checked="" type="checkbox"/> Conservation	<input checked="" type="checkbox"/> SWRCB: Div. of Drinking Water
<input checked="" type="checkbox"/> CDFW # <u>4</u>	<input type="checkbox"/> SWRCB: Div Drinking Wtr # _____
<input type="checkbox"/> Cal Fire	<input type="checkbox"/> SWRCB: Div. Financial Assist.
<input type="checkbox"/> Historic Preservation	<input type="checkbox"/> SWRCB: Wtr Quality
<input checked="" type="checkbox"/> Parks & Rec	<input checked="" type="checkbox"/> SWRCB: Wtr Rights
<input type="checkbox"/> Bay Cons & Dev Comm.	<input checked="" type="checkbox"/> Reg. WQCB # <u>55</u>
<input checked="" type="checkbox"/> DWR	<input type="checkbox"/> Toxic Sub Ctrl-CTC _____
<input type="checkbox"/> CalSTA	<input type="checkbox"/> Yth/Adlt Corrections
<input type="checkbox"/> Aeronautics	<input type="checkbox"/> Corrections
<input checked="" type="checkbox"/> CHP	<input type="checkbox"/> Independent Comm
<input checked="" type="checkbox"/> Caltrans # <u>10</u>	<input type="checkbox"/> Delta Protection Comm
<input type="checkbox"/> Trans Planning	<input type="checkbox"/> Delta Stewardship Council
<input type="checkbox"/> Other	<input type="checkbox"/> Energy Commission
<input type="checkbox"/> Education	<input checked="" type="checkbox"/> NAHC
<input type="checkbox"/> Food & Agriculture	<input checked="" type="checkbox"/> Public Utilities Comm
<input type="checkbox"/> HCD	<input type="checkbox"/> Santa Monica Bay Restoration
<input type="checkbox"/> OES	<input checked="" type="checkbox"/> State Lands Comm
<input type="checkbox"/> State/Consumer Svcs	<input type="checkbox"/> Tahoe Rgl Plan Agency
<input type="checkbox"/> General Services	<input type="checkbox"/> Conservancy
	<input type="checkbox"/> Other: _____

Project Description: (please use a separate page if necessary)

Request to amend the General Plan designation from Urban Transition to Planned Development and rezone the 17.16 acre parcel from A-2-10 (General Agriculture) to P-D (Planned Development) and construct six 50,000 square-foot buildings for industrial and warehousing uses. The project site will develop as an expansion of the eastern adjacent P-D 131, sharing the existing well and stormwater basin, and utilizing on-site septic systems. Days and hours of operation are seven days a week and 24 hours a day. (See Applicant's Project Description).

Reviewing Agencies Checklist:

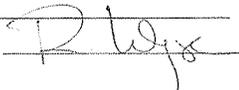
Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X". If you have already sent your document to the agency, please denote that agency with an "S".

- | | |
|--|--|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Emergency Services |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> California Emergency Management Agency | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Parks & Recreation, Department of |
| <input checked="" type="checkbox"/> Caltrans District # <u>10</u> | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Reclamation Board |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input checked="" type="checkbox"/> Regional WQCB # <u>5</u> |
| <input type="checkbox"/> Coachella Valley Mountains Conservancy | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Colorado River Board Commission | <input type="checkbox"/> S.F. Bay Conservation & Development Commission |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mountains Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Della Protection Commission | <input type="checkbox"/> Santa Monica Mountains Conservancy |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input checked="" type="checkbox"/> Fish & Game Region # <u>5</u> | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> SWRCB: Water Rights |
| <input type="checkbox"/> Forestry & Fire Protection, Department of | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> Housing & Community Development | Other: _____ |
| <input type="checkbox"/> Integrated Waste Management Board | Other: _____ |
| <input type="checkbox"/> Native American Heritage Commission | |

Lead Agency (Complete if applicable):

Consulting Firm: Stanislaus County Planning
 Address: 1010 10th St., Suite 3400
 City/State/Zip: Modesto/CA/95354
 Contact: Rachel Wyse, Senior Planner
 Phone: (209) 525-6330

Applicant: Kevin Perkins, Libitzky Holdings, LP
 Address: 1475 Powell St., Suite 201
 City/State/Zip: Emeryville, CA 94608
 Contact: Dave O. Romano, P.E.
 Phone: (209) 521-9521

Signature of Lead Agency Representative: 

Date: March 22, 2019

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email

address: Katy.Sanchez@nahc.ca.gov.

Sincerely,



for
Katy Sanchez
Associate Environmental Planner

cc: State Clearinghouse



1231 Eleventh St.
P.O. Box 4060
Modesto, CA 95352
(209) 526-7373

May 3, 2022

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

**RE: Use Permit Applic. No. PLN2018-0069 – Hindu Temple of Modesto
APN: 046-006-009 (4801 Tully Rd.)**

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

Irrigation

- Modesto Irrigation District's (MID) Water Operations staff would like to note the following irrigation operations facilities that lie near the proposed project area. Please see the attached project site map for clarification purposes.
 - There is an existing thirty-six (36) inch concrete Improvement District pipeline (No. 192 – Langdon ID) that lies west along a portion of the north property line of APN: 046-006-009.
 - Should the proposed project impact or otherwise alter existing infrastructure, the Improvement District pipeline must be upgraded, replaced and/or relocated as required by MID. All costs associated with design, approval and analysis of relocation shall be at the Developer's expense.
 - Any Improvement District facility that will have its alignment changed or relocated must be protected by an irrigation easement dedicated by separate instrument to MID and must be shown on the parcel map. Additionally, access easements may be required to allow MID the ability to access, operate, and maintain its irrigation facilities.
 - If it is determined that the existing infrastructure will be affected by the proposed project, please consult with MID Civil Engineering Department at (209) 526-7562.

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 12,000 volts overhead primary and overhead secondary facilities. Use extreme caution when operating heavy equipment, using a crane, ladders, scaffolding, handheld tools, or any other type of equipment near the existing MID electric lines and cables. Workers and equipment should always maintain a distance no less than 10 feet from overhead facilities. Assume all overhead electric facilities are energized.
- The Electric Engineering Department requires that any trenching or pipe pushing maintain a 1:1 horizontal distance from any existing MID pole or pole anchor. If trenching or pipe pushing will encroach on this depth/distance ratio, the Contractor shall contact the Electric Engineering Design Department to brace any affected poles. The cost of any required pole bracing or guy anchor re-tensioning will be assumed by the Contractor. Estimates for bracing any existing poles will be supplied upon request.
- Existing MID easements for protection of overhead and underground electrical facilities are to remain. Overhead secondary cable is protected by a minimum 20' wide easement centered on the overhead cable. Overhead primary cable is protected by a minimum 30' wide easement centered on the overhead cable. Underground secondary cable is protected by a minimum 5 foot. wide easement centered on the underground cable. Underground primary cable is protected by a minimum 10 foot. wide easement centered on the underground cable.
- In conjunction with related site improvement requirements, existing overhead, and underground electric facilities within or adjacent to the proposed project shall be protected, relocated, or removed as required by the District's Electric Engineering Department. Any relocation or installations shall conform to the District's Electric Service Rules. Customer will be responsible for all MID's cost associated with the development.
- MID's Electric Engineering Department is concerned about construction dirt/dust falling on MID overhead electric facilities and electric equipment during the construction phase of this project. The MID overhead high voltage electric facilities require protection from dirt/dust. Do not grade or level without effective construction dust control measures in place. Windblown dirt/dust on MID overhead electric facilities may cause a power outage.
- Existing electric service may not be adequate for the proposed project development. Prior to any construction a full set of construction plans must be submitted to Electrical Engineering Design Group. Please contact Modesto Irrigation District at (209) 526-7337 or (888) 335-1643 and ask for the Electrical Engineering Design Group to coordinate project/cost requirements.

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.

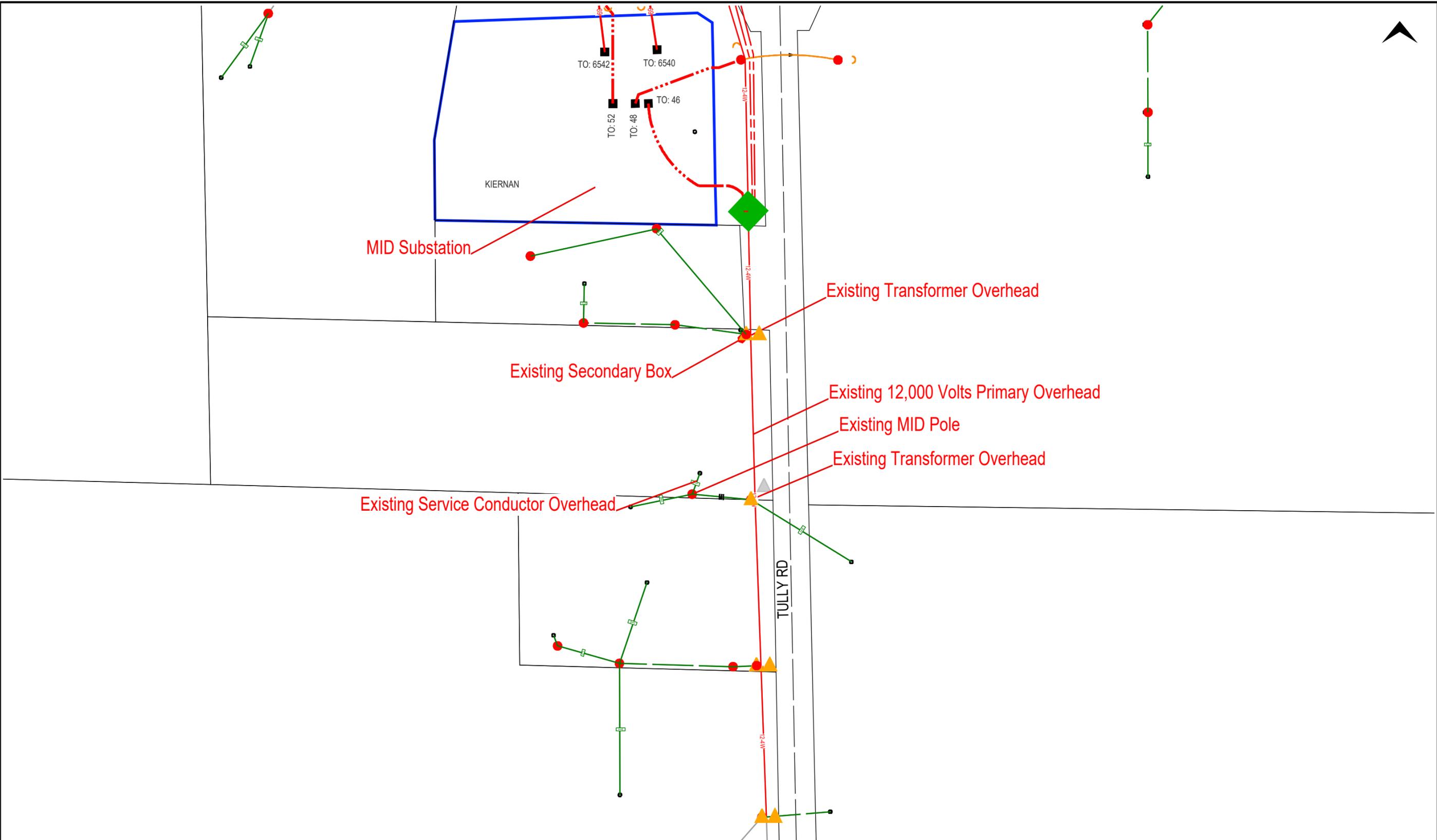
If you have any questions, please contact me at (209) 526-7447.

Sincerely,

Lien Campbell

Lien Campbell
Risk & Property Analyst

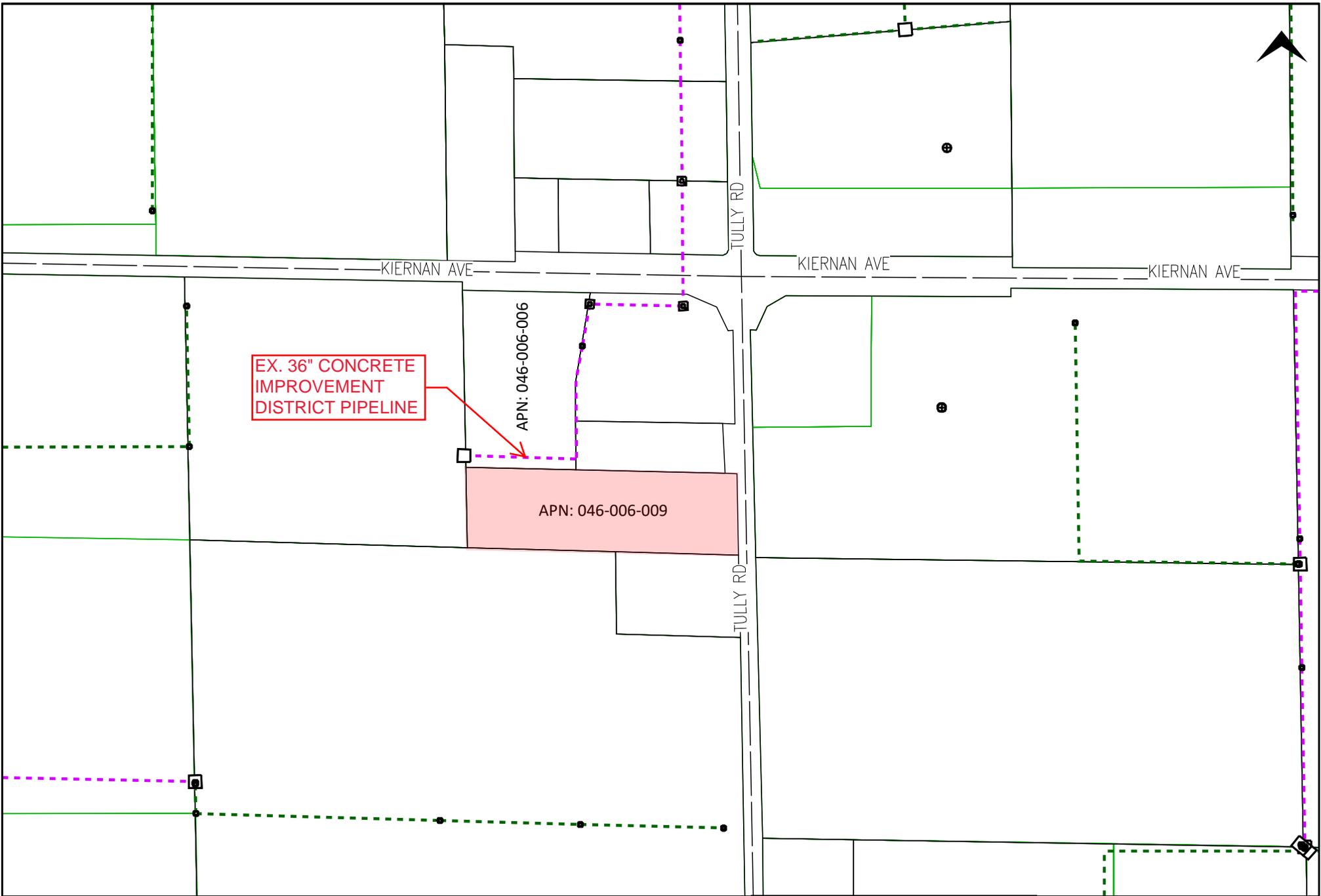
Copy: File



NO.	REVISION	DATE	NO.	REVISION	DATE

MID - ELECTRIC
 4801 Tully Road
 046-006-009

DATE: 04/29/2022	DWG BY: rocky0714
W.O. NO:	APP. BY:
PROJECT:	APP. BY:
TAG NO: XXX	PAGE: 1 OF 1



LEGEND	
	Project Site Area
	Improvement District Pipeline
	Private Pipeline

0feet 100feet 200feet 300feet 400feet 500feet 600feet

Irrigation Operations
Project Site Map

This GIS map was created by the Modesto Irrigation District's Geographic Information System and is not intended to replace a site survey. An independent verification of all data contained herein should be obtained. The GIS data or cartographic digital files contained herein are not a legal representation of any of the features that they depict. The Modesto Irrigation District does not warrant the accuracy or completeness of its GIS map products and therefore disclaims all liability for their fitness of use. No decision involving a risk of economic loss or physical injury should be made in reliance thereon.

DATE: 05/02/2022	DWG BY: william0221
W.O. NO:	APP. BY:
PROJECT:	APP. BY:
TAG NO:	PAGE: 1 OF 1



CHIEF EXECUTIVE OFFICE

Jody L. Hayes
CHIEF EXECUTIVE OFFICER

Patrice M. Dietrich
ASSISTANT EXECUTIVE OFFICER

Tina M. Rocha
ASSISTANT EXECUTIVE OFFICER

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

May 31, 2022

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

SUBJECT: ENVIRONMENTAL REFERRAL – HINDU TEMPLE OF MODESTO – USE PERMIT APPLICATION NO. PLN2018-0069 – INITIAL STUDY AND NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

Ms. Anaya:

Thank you for the opportunity to review the above-referenced project.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

A handwritten signature in blue ink that reads "Patricia Lord". The signature is fluid and cursive, with a long horizontal line extending to the right.

Patricia Lord
Management Consultant
Environmental Review Committee

PL:ah

cc: ERC Members



1010 10TH STREET, STE. 6800, MODESTO, CA 95354
POST OFFICE BOX 3404, MODESTO, CA 95353
PHONE: 209.525.6333, FAX: 209.558.4423

STANCOUNTY.COM



May 31, 2022



Kristen Anaya
Assistant Planner
Planning & Community Development, Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 94354

RE: Use Permit Application No PLN2018-0069 Hindu Temple of Modesto

Dear Ms. Anaya:

This is the cover sheet for the packet we are turning in to the Planning and Community Development for the Use Permit Application No. PLN2018-0069 Hindu Temple. The packet contains the following:

- 1) Our letter of questions, comments and concerns to the 'revised' Initial Study date April 27, 2021.
- 2) Our response to the initial study (due September 29, 2021), with original cover sheet. We wanted to be clear that the content of the 2021 and 2022 Docs is the same. The two changes are Page 1, in 2022 is "Mit Neg Dec." and pages 46-72 with comments from local agencies with the exception of Ca Fish and Wildlife. So, ours and public comments from the 2021 Neg. Dec. are still relevant to this document. So, we are resubmitting them to be addressed by this project.
- 3) Email to and from Jim Vang from CA Department of Fish and Wildlife.
- 4) Letter from Karen Conrotto, dated September 24, 2021
- 5) Letter from Marsha A Burch, Attorney at Law, dated September 29, 2021
- 6) California Department of Conservation email dated April 8, 2018 (notice the last bullet point) GPA PLN2018-0081 Libitzky project.
- 7) Acreage Map showing all of the projects currently or near finish with this process.
- 8) Public Hearing Notice of April 27, 2022 without the time for the meeting on June 16, 2022.
- 9) Department of Transportation date April 4, 2021, please see highlighted areas.

It states on the notice of April 27, 2022 that we may have previously received an Early Consultation Notice regarding this project. I did not receive such notice. I had asked to be notified (on September 29, 2021) of any movement on this project or any new projects north of Palendale. It was on February 11, I was informed 'That project is currently on hold. No public hearing is scheduled at this time...' when I asked the status of this project via email. Per the public notices... You may have previously received an Early Consultation Notice regarding this project, and your comments, if provided, were incorporated into the Initial Study. Based on all

comments received, Stanislaus County anticipates adopting a Mitigated Negative Declaration for this project. This referral provides notice of a 30-day comment period during which Responsible and Trustee Agencies and other interested parties may provide comments to this Department regarding our proposal to adopt the Mitigated Negative Declaration." Why were our comments not included for this revised study? This is why I am incorporating all previous letters (that I have received) from the original study.

In reading the public notice of April 27, 2022, I do not find a time of the Public Hearing on June 16, 2022. This is confusing to me when all information is not provided.

We disagree with the fact that not one box is checked for *environmental factor potentially affected* (page 3 of the Stanislaus County Initial Study checklist). Why aren't utilities/services, energy, Air Quality, Noise, Land Use/Planning, Agricultural and Forestry Resources checked just to name a few? Why is mitigation not being offered?

In the past few years, this area has been overwhelmed with new building: the numerous homes on Palendale, Carver and Bangs Roads, the approval of the Libitzky holdings on Kiernan and Tully Roads, the Holy Family Catholic Church (corner of Tully and Bangs Roads), the proposed Central Valley Crescent Church (outside the SOI and not notified) and now the Hindu Temple. This is bringing a lot more traffic to the area and I do not understand how this does not affect the already heavily travelled roads, especially Tully Road or the environment in the areas. There needs to be a cumulative study done for traffic and the environment.

Right now, there are anywhere from six up to eight 18-wheelers (with trailers) running off this same property. Is this trucking business going to be moving to another location? If not, then those big trucks will be parking in those 193 planned parking places leaving less parking for the attendees. What is this property going to be, a trucking business or a Hindu Temple? The Hindu Temple project should not move forward until the answer to the big trucks and where they are going is answered. The Truck Parking in the Agricultural Zone – Stanislaus can be found at <https://www.stancounty.com/planning/agenda/2010/02-18-10/PC%20Memo%20Truck%20Parking.pdf>

Feb 18, 2010 ... County does allow the parking of one (1) commercial vehicle in the A-2 ... Many of the current non-compliant parking facilities...

According to this Hindu Temple website (<http://www.hindutempleofModesto.com/about-us/>)

We are located on Tully Toad in Modesto on 2.6-acre land. Our land is all paid off with your support and now we are on our way to build the temple. Our building permit is in final stage.*

They do not appear to have their non-profit status and Federal and State ID numbers.

There were public hearings that we testified at for the Libitzky project. We request that they be part of this record. Please incorporate them in for the record as important issues were raised and must be addressed. We are submitting comments from the State agencies regarding the Libitzky project because they have concerns in the same area. The Dept. of Conservation, Caltrans and CVRWQCB. Please see map.

Since this is a new project is within the City of Modesto's Sphere of Influence (SOI) they should be required to 'hook up' to the city water and sewage that is less than half a mile away. The Libitzky project was approved for septic tank and that was a mistake. The Libitzky project should be required to also be on city sewer and water. So please do not make another mistake by approving this project for septic and well water only. This is a new project and should follow any and all improvements (road, water and sewage) that is required for an SOI.

Being raised on a farm all my life, I need and will to try to protect any other ag land from being destroyed even if it is the City of Modesto's Sphere of Influence.

With all the problems and procedural fails we have presented above this project should be denied.

Save the farm land and small family farms, even if it is small, and please vote no on this project.

Sincerely,

A handwritten signature in cursive script that reads "Susan Wedegaertner". The signature is written in black ink and is positioned above the typed name and address.

Susan Wedegaertner
1348 Kiernan Avenue
Modesto, CA 95356

*This was taken directly from their website and the aqua highlight is from their background color on their page.

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.

September 24, 2021

Ms. Kristen Anaya
Assistant Planner
Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354
planning@stancounty.com

Dear Ms. Anaya,

My concerns with using prime agricultural land at 4801 Tully Road in Modesto, to build a Hindu Temple and dining hall include:

Accumulated Loss of Designated Prime Agricultural Land
In Modesto City and Stanislaus County, there appears to be a consistent pattern of changing the zoning of many small acres from agricultural land to commercial zoning, without the proper public knowledge and review, sometimes referred to as a "negative declaration". This is an appalling trend and needs to be addressed.

Below are the Department of Conservation's comments regarding the General Plan Amendment & Rezone Application No. PLN2018-0081 - Libitzky Management Corporation, SCH# 2019039139

Farl Grundy, 4/8/2919 recommended discussion under the Agricultural Resources section of the Environmental Impact Report:

The Department recommends the following discussion under the Agricultural Resources section of the Environmental Impact Report:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would **include impacts from the proposed project, as well as impacts from past, current, and likely future projects.**
- Potential contract resolutions for land in an agricultural preserve and/or enrolled in a Williamson Act contract.
- Proposed mitigation measure for all impacted agricultural lands within the proposed project area.

Participants

There appears to be a discrepancy in presentation of need and the actual proposal. A discrepancy between the number of people that will be attending the Temple (an average peak of 50 congregants CEQA p. 21) with larger events (100 persons-p. 17 and 21 CEQA) and using the dining hall (100) and the proposed size of the Temple

to hold 400 persons, by the site at full occupancy (CEQA p. 13 and 21) (but the frequency of 400 persons on site was not given). The Temple and Dining Hall are not proposed to be used concurrently; however, if they are how much is the population increased, with its concomitant burden on resources?

It appears to me, data is based on current estimates (80 persons) not the likely increased frequency of 400 persons, therefore, I believe this data is flawed.

This inconsistency leads me to conclude that the Temple and Dining Hall will be used to hold community activities that may include weddings and other large gatherings. Is that a possibility? If so, are there permits already being granted? What additional restrictions and safeguards are in place to protect the neighbors that live in the immediate area against noise, lights, traffic, music, trash, etc., all common irritants in a public venue?

Accumulated Environmental Effects

In the Tully Road/Kiernan Avenue/Pelandale/Carver/Bangs area, there exist three large projects, The 300,000 square foot warehouse, the Holy Family Catholic Church and now the Hindu Temple as well as several new housing developments: These significant projects affect water resources; remove the positive effect of trees and grasses on pollution; increase traffic congestion as well as increase the damage to roads due to increased use which leads to an increase in the cost of maintaining the quality of the roads; increasing the pollution from liquid and solid human waste, which increases the chance of contamination of ground water sources. Will the septic system they are proposing, accommodate the 400+ people they have prepared indirectly for?

Parking

As attendance in the Temple grows, or as large events are held (currently estimated to be a little less than one a month. How will they adjust the dimensions of their plans to solve this dilemma? Will they build a smaller sized Temple and Dining Hall so they may build a larger parking lot to accommodate those needs, or will they park in neighboring orchards and along roadways, creating hazards and damaging fields and orchards (compaction of soil, breakage of tree limbs -thus reducing crop yields for farmers that rely on that income). As a loose estimate, they would need approximately 320 parking places.

Agricultural Practices

The proposed project will be built around working agricultural lands. Will the farmers be forced to spray at night, to avoid public complaints? Will the new neighbors realize that dust is a part of farming, especially noticeable during harvest in a drought year, or will there be so many complaints, that the lifestyle of the farmer will have to change to accommodate an urban building in an agricultural area, with his/her crops having diminished yields as a result?

I disagree with the "Less than significant impact" label placed on this Grade 1 rating (based on a range of 1-6, with 1 the top level), which is considered excellent, prime agricultural land.

Infill

The State has mandated that agricultural land be saved as much as possible. Our agriculture feeds us locally, our nation and the world. There are many empty spaces (infill) in the Modesto area that could accommodate the 3 acres that have been requested for this project. My suggestion is to recommend those areas be used primarily now and in the future, to conserve our precious, vital farmland.

Buffer Zone

The proposed project does not meet the 300-foot setback of the Stanislaus County General Plan per Buffer and Setback Guidelines.

Air Quality

The 8/27/21 CEQA notes: ...the occupancy of the Temple and use of the Community Center will increase traffic in the area and, thereby, impact air quality; therefore, I disagree with CEQA's Impacts to air quality are considered to be less-than-significant.

Impacted air quality could contribute to cumulative deterioration of our air quality in the Basin; many of us have already experienced the yellow, orange, red flags to notify the public of hazardous-to-the-health air quality days.

Hydrology and Water Quality

The "is-less-than-significant" conclusion appears to be based upon a small number of people per day. I suggest this study be redone to adequately assess the potential and expected large crowds (400 persons, not 50 or 80) attending special events.

Biological Resources

Based on results from the California Natural Diversity Database (CNDDDB), there are six animal species, which are state or federally listed or threatened within the Salida California Natural Diversity Database Quad. These species include the California tiger salamander, Swainson's hawk, tricolored blackbird, steelhead, Crotch bumblebee, and the valley elderberry Longhorn beetle.

Light/Sound Pollution

Building a solid fence, rather than a chain-link fence should help contain noise, light and litter pollution.

Transportation

4/4/2019 Department of Transportation

We suggest that the County continue to coordinate and consult with the Department to identify and address **potential cumulative transportation impacts that may occur near this geographical location**. This will assist us in ensuring that traffic safety and quality standards are maintained for the traveling public on state transportation facilities.

3/21/2020 KD Anderson & Associates, Inc.
TRIP GENERATION ESTIMATE FOR THE HINDU TEMPLE OF MODESTO
PROJECT, STANISLAUS COUNTY, CALIFORNIA

This focused traffic study is useless. The report fails to analyze the impacts of traffic and circulation of the surrounding area. This study was done in 2020, is outdated and did not analyze the impact from the LIBITZKY project, churches, industry and residential in the area. We refer you to the Cal Trans letter. This project must comply with the concerns that Cal Trans raised. This Negative Declaration is so poorly done, there is not an index. The public must hunt through the document to find this study.

We are incorporating these letters Dept. of Conservation, Dept. of Transportation, Central Valley Regional Water Quality Control Board and the Native American Heritage Commission in to this project. We believe that the LIBITZKY project and the county did not want to have to do what the agencies were directing to the project. The project and the county did an amendment to the project and a new project was circulated (from OPR). The Hindu Temple project should comply with what the agencies directed the Libitzky to analyze.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

These concerns are real and legitimate, as our representatives, I ask you to vote No on this proposal.

Sincerely,

Karen Conrotto
Modesto, CA 95356

MARSHA A. BURCH

ATTORNEY AT LAW

131 South Auburn Street
GRASS VALLEY, CA 95945

Telephone:
(530) 272-8411

mburchlaw@gmail.com

September 29, 2021

Via electronic mail

Kristen Anaya, Assistant Planner
Stanislaus County
Department of Planning and Community Development
Modesto, CA 95354
AnayaK@stancounty.com
planning@stancounty.com

Re: Negative Declaration for Hindu Temple
Use Permit Application No. PLN2018-0069
SCH# *unknown*

Dear Ms. Anaya:

We appreciate the opportunity to provide the following comments on behalf of San Joaquin Raptor/Wildlife Rescue Center, Central Valley Safe Environment Network, and Protect Our Water regarding the above-referenced Initial Study and Negative Declaration for the Hindu Temple ("Project").

As explained below, the Initial Study and Negative Declaration (referred to together herein as "ND") for the Project does not comply with the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 *et seq.*) in certain essential respects. It is our view that a revised Initial Study/Negative Declaration is required for the Project, and depending upon the outcome, potentially an Environmental Impact Report ("EIR").

1. Procedural Errors

a. Failure to Consult with Responsible/Trustee Agencies

An initial concern is that the County has failed to consult with all responsible agencies and trustee agencies to obtain their recommendations on whether an EIR or a negative declaration should be prepared. (Pub. Res. Code ["PRC"] § 21080.3; Guidelines § 15063(g).) The distribution list indicates that the California Department of Conservation was not included, despite the fact that the Project will result in the permanent loss of prime agricultural land. This appears to have been an oversight, as the distribution list of a recent project in the same urban transition zone that would also convert prime agricultural land *was* distributed to the Department of Conservation http://www.stancounty.com/planning/pl/act-proj/PLN2018-0081_30_Day.pdf, and the department submitted a comment regarding the impacts. (See Exhibit A.)

b. Failure to Circulate through the State Clearinghouse

A lead agency is required to circulate project documents through the State Clearinghouse whenever there are responsible State agencies. In this case, the ND identifies Caltrans as an agency that will have approval authority over the Project (ND, p. 2.) Yet, we have not been able to find any evidence that the ND was circulated through the State Clearinghouse. This is a significant procedural error. (See, Guidelines § 15205.)

2. Technical Flaws in the Initial Study and Negative Declaration

a. Failure to adequately analyze impacts to Agriculture

The ND provides no analysis of the impacts associated with the permanent conversion of agricultural lands, and glosses over the fact that the Project fails to comply with the 300-foot setback requirement contained in Appendix Seven of the Stanislaus County Agricultural Element. While the Element allows for “alternatives” to the buffer setback subject to Planning Commission approval, there is no analysis in the ND that would provide the substantial evidence to support approval of the proposed alternative of a fence with vegetative screening. The ND makes a naked statement that this alternative is proposed and then concludes the impact is less than significant. This fails to meet the requirements of CEQA. (See *Citizens Ass’n for Sensible Dev. v. County of Inyo* (1985) 172 Cal.App.3d 151, 171.)

There is no evidence in the record to support a conclusion that the Project should be allowed to avoid the 300-foot setback, nor a conclusion that the proposed alternative would result in a less than significant impact to agriculture.

b. The County Improperly Defers Analysis of Noise Impacts

The ND fails to adequately analyze noise impacts, and improperly defers analysis to the future. CEQA requires the lead agency to identify all significant effects on the environment of the proposed project, and a lead agency cannot defer environmental assessment to a future date. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730.) is so because “[a] study conducted after approval of a project will inevitably have a diminished influence on decision making. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency action that has been repeatedly condemned in decisions construing CEQA.” (*Sundstrom v. County of Mendocino* (1988) 20 Cal.App.3d 296, 307.)

The ND states as follows: “The temple and community center will have an amplified sound system used exclusively for indoor use. The applicant is proposing to integrate noise attenuating materials into the temple and community center when constructed; however, a condition will be added to the project requiring a noise study and any recommended noise mitigation implemented if a verified noise complaint is received by the County. (ND, pp. 1-2.)

This is precisely the type of deferral that CEQA prohibits, and the Noise analysis is insufficient.

c. The Negative Declaration Fails to Analyze Cumulative Impacts

The discussion of cumulative impacts contained in the ND is circular and contains no actual analysis or conclusions. (ND, pp. 24-25.) The ND mentions some projects that are planned in the vicinity, and then concludes: "Development of these projects would not result in conditions in excess of adopted standards for LOS or queuing." (ND, p. 24.) This is odd in light of the reference a few pages earlier in the Transportation section where Senate Bill 743 is described, and it is noted that LOS is no longer a measure applied to traffic impacts, and it is now VMT. Further, there is no evidence or information discussed in the ND that would support any conclusion regarding LOS.

The ND goes on to state that other projects that might be developed nearby would be subject to CEQA review, and those projects would consider cumulative impacts. What is missing is an explanation of why this excuses the County from considering cumulative impacts for this Project. The truth is that the ND simply fails to contain a logical analysis of cumulative impacts.

CEQA provides for two methods of identifying a project's cumulative impacts. The environmental document may provide either: (1) a list of past, present, and probable future projects producing related or cumulative impacts, or (2) a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document that has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact. The ND failed to use either method, and provided no analysis of cumulative impacts.

The ND's analysis of cumulative impacts is inadequate under CEQA.

3. Conclusion

For the reasons set forth above, we believe the ND should be withdrawn and a revised environmental document should be prepared and circulated as required under CEQA.

Very truly yours,



Marsha A. Burch
Attorney

cc: San Joaquin Raptor/Wildlife Rescue Center
Central Valley Safe Environment Network
Protect Our Water

From: Grundy, Farl@DOC <Farl.Grundy@conservation.ca.gov>
Sent: Monday, April 8, 2019 1:23 PM
To: Rachel Wyse
Cc: OPR State Clearinghouse
Subject: Comments on GPA PLN2018-0081 Libitzky Management Corporation, SCH# 2019039139

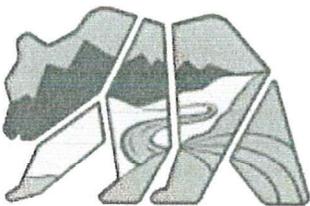
Dear Ms. Wyse,

Below are the Department of Conservation's comments regarding the General Plan Amendment & Rezone Application No. PLN2018-0081 – Libitzky Management Corporation, SCH# 2019039139

The Department recommends the following discussion under the Agricultural Resources section of the Environmental Impact Report:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Potential contract resolutions for land in an agricultural preserve and/or enrolled in a Williamson Act contract.
- Proposed mitigation measure for all impacted agricultural lands within the proposed project area.

Sincerely,



Farl Grundy

Associate Environmental Planner
Division of Land Resource Protection

California Department of Conservation
801 K Street, MS 14-15, Sacramento, CA 95814
T: (916) 324-7347
E: Farl.Grundy@conservation.ca.gov



Governor's Office of Planning & Research

APR 08 2019

STATE CLEARINGHOUSE

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**HINDU TEMPLE
UP
PLN2018-0069**

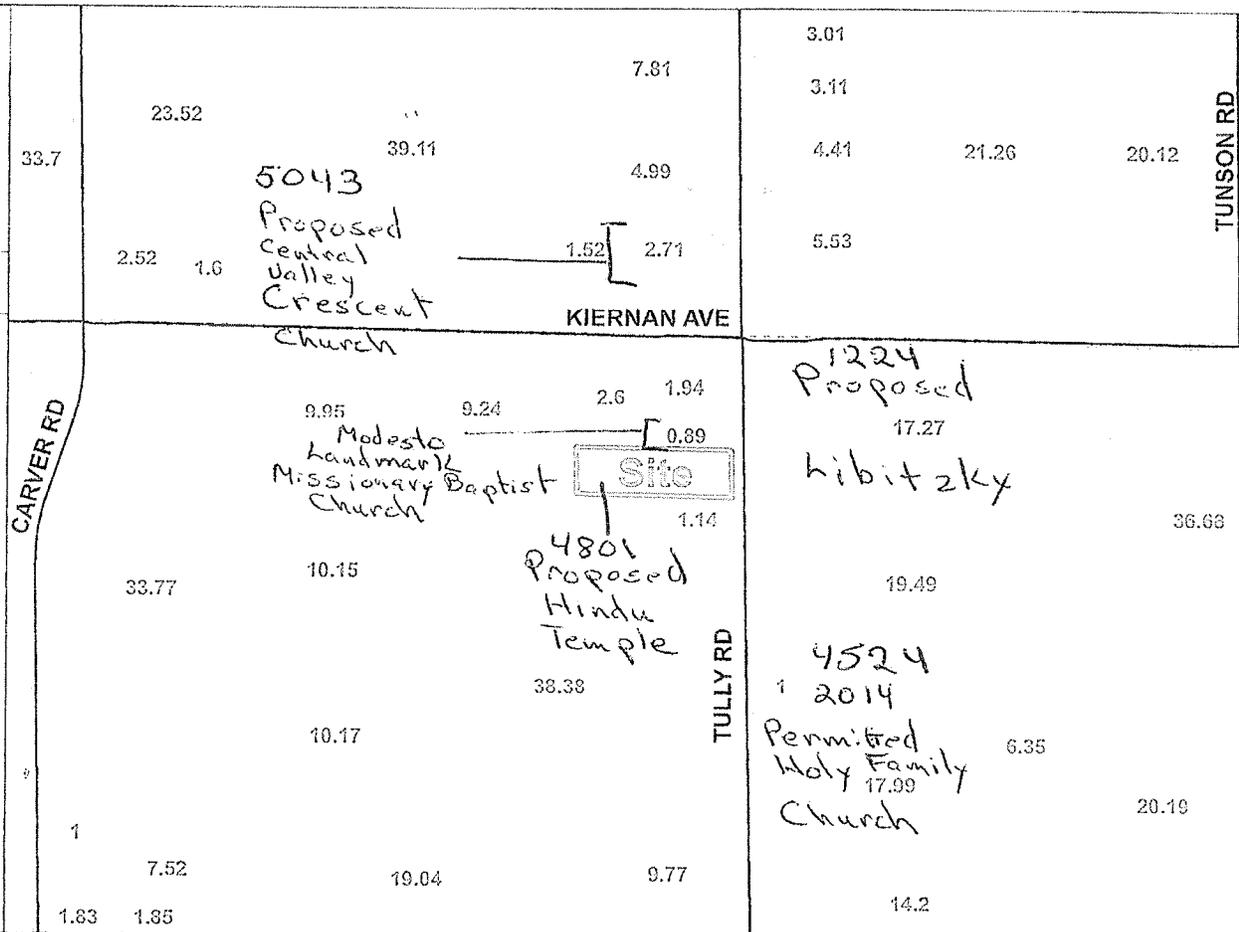
ACREAGE MAP

LEGEND

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



Source: Planning Department GIS Date: 10/21/2019





CEQA Referral Initial Study And Notice of Intent to Adopt a Negative Declaration

Date: April 27, 2022

To: Distribution List (See Attachment A)

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

Subject: USE PERMIT APPLICATION NO. PLN2018-0069 – HINDU TEMPLE OF MODESTO

Comment Period: April 27, 2022 – May 31, 2022

Respond By: May 31, 2022

Public Hearing Date: June 16, 2022

You may have previously received an Early Consultation Notice regarding this project, and your comments, if provided, were incorporated into the Initial Study. Based on all comments received, Stanislaus County anticipates adopting a Mitigated Negative Declaration for this project. This referral provides notice of a 30-day comment period during which Responsible and Trustee Agencies and other interested parties may provide comments to this Department regarding our proposal to adopt the Mitigated Negative Declaration.

All applicable project documents are available for review at: Stanislaus County Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, CA 95354. Please provide any additional comments to the above address or call us at (209) 525-6330 if you have any questions. Thank you.

Applicant: Navdeep Bali, Hindu Temple of Modesto

Project Location: 4801 Tully Road, between Kiernan and Bangs Avenues, in the Modesto area.

APN: 046-006-009

Williamson Act Contract: Not Applicable

General Plan: Urban Transition

Current Zoning: General Agriculture (A-2-10)

Project Description: Request to establish a church consisting of a 7,896± square-foot temple with a 4,883± square-foot porch and a 8,781± square-foot multi-purpose building for church activities on a 2.67± acre parcel in the General Agriculture (A-2-10) zoning district. An Initial Study associated with this project was first circulated on August 27, 2021; however, in response to comments received as part of the referral period, the Initial Study has been revised to add additional technical detail.

Full document with attachments available for viewing at:
<http://www.stancounty.com/planning/pl/act-projects.shtm>

DEPARTMENT OF TRANSPORTATION
 OFFICE OF THE DISTRICT 10 DIRECTOR
 P.O. BOX 2048, STOCKTON, CA 95201
 (1976 E. DR. MARTIN LUTHER KING JR. BOULEVARD 95205)
 PHONE (209) 948-7943
 FAX (209) 948-3670
 TTY 711
 www.dot.ca.gov



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APR 04 2019

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April 4, 2019

10-STA-219 PM 3.9
 Libitzky Management Corporation
 PLN2018-0081
 SCH#2019039139

Ms. Rachel Wyse
 Senior Planner
 Stanislaus County, Planning & Community Development
 1010 10th St, Suite 3400
 Modesto, CA 95354

Dear Ms. Wyse:

Thank you for the opportunity to review the above-referenced document, the Libitzky Management Corporation project, PLN2018-0081. The Department has the following comments:

This project may cause a significant impact to the State Highway System. A traffic impact study (TIS) is necessary to determine this proposed project's near-term and long-term impacts to State facilities – both existing and proposed – and to propose appropriate mitigation measures. The Department recommends that the study be prepared in accordance with the Caltrans Guide for the Preparation of Traffic Impact Studies. The Department is available to discuss assumptions, data requirements, study scenarios, and analysis methodologies prior to beginning the TIS. This will help ensure that a quality TIS is prepared. As part of the TIS submission to the Department, please provide, in an electronic format, the traffic microsimulation software files (both input and output) that will be used to develop the TIS. The Department requires this information to provide a complete review and further comment of the proposed project. The TIS must include, but is not limited to, the State Route 219/ Tully Road Intersection.

We suggest that the County continue to coordinate and consult with the Department to identify and address potential cumulative transportation impacts that may occur near this geographical location. This will assist us in ensuring that traffic safety and quality standards are maintained for the traveling public on state transportation facilities. If you have any questions, please contact Steven Martinez at (209) 942-6092 (email: steven.r.martinez@dot.ca.gov) or me at (209) 941-1921. We look forward to continuing to work with you in a cooperative manner.

Sincerely,

FOR

TOM DUMAS, Chief
 Office of Metropolitan Planning

September 29, 2021

SEP 29 2021
A.A.

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

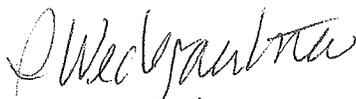
Dear Ms. Anaya

This is the cover sheet for the packet we are turning in to the Planning and Community Development for the Use Permit Application No. PLN2018-0069- Hindu Temple. The packet contains the following:

- 1) Our letter of questions, comments and concerns
- 2) Our response to the initial study
- 3) Letter from the Department of Transportation for the Libitzky Project PLN2018-0081
- 4) Department of Conservation for the Libitzky Project PLN2018-0081
- 5) California Water Boards for the Libitzky Project PLN2018-0081
- 6) State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit for the Libitzky Project PLN2018-0081
- 7) Notice of Completion and Environmental Document Transmittal from Stanislaus County for the Libitzky Project PLN2018-0081
- 8) State of California Native American Heritage Commission for the Libitzky Project PLN2018-0081

We would like to request that we be notified on any projects north of Pelandale Road.

Respectively submitted



Susan Wedegaertner
1348 Kiernan Avenue
Modesto, CA 95356



Debbie Kleinfelder
1420 Kiernan Avenue
Modesto, CA 95356

September 29, 2021

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

Dear Ms. Anaya

After reading the proposal for the Hindu Temple and dining hall to be built at 4801 Tully Road in Modesto, we have the following concerns, comments and questions. They are the following:

The project states that only 80 people will be in the Temple and up to 100 people in the dining hall, but the project also states the Temple holds up 400 people and a dining hall to hold up to 574 occupant people. They are downsizing the numbers to get this approved and once approved the numbers of people will go up. Right now, they have adequate parking for their lower stated numbers. When the numbers increase their parking lot will be filled and they will be parking on the busy Tully Road, in the surrounding orchards and possible Kiernan Avenue which is a state highway. We like to think we are good neighbors but we do not want anyone parking in our orchard because of the liability to us and potential harm to our walnuts (broken branches), soil (gas and oil contamination, soil compaction), increase trash and theft/vandalism.

Cumulative Impacts: With the County looking at this as an individual proposal it fails to pass all of the environmental requirements. The impacts need to include the Libitzky Management Corp. project, PLN2018-0081 {(300,000 square foot building) just approved by the Board of Supervisors, but needs LAFCO approval} that is across the street at the (southeast corner of Tully and Kiernan) and the permitted Holy Family Catholic Church* will be going in at southeast corner of Tully and Bangs, we believe your trip/travel counter would significantly increase along with the emissions. We should also mention the houses that are now being built in our area on Bangs, Carver and Pelandale Roads. We believe the three projects (Libitzky Management Corp project, the Catholic Church and the Hindu temple) and the current housing developments being built, should be considered as cumulative for any trip/trip, environmental and emission reports.

Urban Transition

Agriculture: The Agriculture land use designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas. The designation is intended for areas of land which are presently or potentially desirable for agricultural usage. These are typically areas which possess characteristics with respect to location, topography, parcel size, soil classification, water availability and adjacent usage which, in proper combination, provide a favorable agricultural environment. This designation establishes agriculture as the primary use in land.

The purpose of the Urban Transition designation is to ensure that land remains in agricultural usage until urban development consistent with a city's (or unincorporated community's) general plan designation is approved. Generally, urban development will only occur upon annexation to a city, but

such development may be appropriate prior to annexation provided the development is not inconsistent with the land use designation of the general plan of the affected city. If this is to occur, a change in the General Plan designation consistent with the adopted goals and policies to some other land use designation shall be required.

General Agriculture 40 and 10 Acre (A-2): The A-2 zone supports and enhances agriculture as the predominant land use in the unincorporated areas of the County. These district regulations are also intended to protect open-space lands pursuant to Government Code Section 65910.

Urban transition was not intended to lose more prime A2 agricultural land. Additionally, we have more prime agricultural land under attack for development through rezoning from agricultural to commercial and negative declaration, which needs to be addressed through our county, immediately.

This proposed project's property is designated grade 1 rating for the soil which is prime. We already stated we recently lost more prime farm land to the Libitzky Management Corp. project, the Holy Family Catholic Church and also all of the homes going in at Pelandale, Carver and Bangs. While this project is only less than 3 acres it is still farm land. The reason it had not been farmed is the previous owner did not replant his almond trees when he needed to because of his age and ability to keep on farming. He and his wife lived the rest of their lives on this property.

Under our protest, the Board of Supervisors approved the Libitzky Management Corp. project without being on the City's sewer and water. We see this project will also be on septic. For their lower numbers that will probably be fine, but when they increase the numbers to their full potential then a septic would never work. We request they be on City sewer and water from the beginning. City sewer and water is at Bangs and Tully Roads. This approval of the septic sewer system instead of linking to the City sewer and water systems, further illustrates the inappropriateness of the approved development.

So, they are probably going to have to dig a bigger well to have water for their activities. They need water for the drinking fountains, bathrooms (toilets and sinks), water in the dining hall to prepare meals and washing up after. If they dig a 'commercial' size well to accommodate their demands, how is that going to affect my well, adjacent wells and our aquifer (our water table). Every year we have to have our drinking water tested for nitrate + nitrite as nitrogen. We would like to see their compliance with the California Water Board added to their request. Isn't this now a commercial urbanization? Once again, they need to be on the City Water system.

To us parking is a big issue, because they have only designated 193 spaces. How can they show a plan for their proposed buildings but cannot accommodate for the parking for all that can attend? Say there are 800 people in the dining hall and per the Anderson report you have 2 ½ people per car. They will need at the minimum 230 parking places. As stated above where are they going to park safely? Also, for the past several years they have been running four to six 18 wheelers out of this property. Where are those big trucks going to park? If they are parking on the same lot your 193 parking places now gets smaller in numbers.

The fence being proposed is a cyclone fence that will let noise and light through. We want to be assured of a solid brick fencing to help buffer the noise of people arriving and leaving. We also want to be assured that the light standards be far enough away from the fence so people cannot scale the fence onto our property, and limit the light pollutions that will affect our homes and properties. Once again increasing the chances of crime is a liability issue for us. We request that the lights not be on all night and tall evergreen hedges be planted on their side of the fence that can grow tall to help absorb more sound. The watering should be done by drip irrigation.

In reading the document, we noticed that several 'agencies' have been contacted to give a respond to this building request. Does this go forward with or without those agencies responding? Those agencies that have not responded are California Department of Fish and Wildlife, PG&E, SJVAPCD and DER-Hazmat Division just to name a few.

How will my neighbors and us be protected from complaints and actions to stop vital agricultural practices which may include the following: mowing or discing the fields, annual spraying and harvest which also includes shaking the trees, sweeping the nuts into row and finally picking up the rows of nuts (all of which generate noise and dust)? Furthermore, what practices do they plan to implement to keep pests (mice, rats, insects, feral cat, racoons and other wildlife) out of their trash bins when their dining hall opens and leftover food is discarded into the bins?

What about the problems associated with a member attending the Temple that may have breathing problems, allergies and asthma that could occur because this Temple is in the middle of very active and productive farms? How are we, the farmers, protected from this liability and the nuisance of receiving complaints about our normal farming activities?

Our property and the project site are in the Williams Act Preserve, surrounded by active farm land in the Williams Act. I was talking with other landowners and found out that a project for a Temple on St. Francis Road was denied (or never moved forward) a few years ago. This needs to happed for this project also.

Why isn't this property required to do an EIR (Environmental Impact Report)? If you are not recommending this document, we are requesting an EIR for this project. The EIR should include this project, the Libitzky Management Corp. project and the permitted Family Catholic Church. The impact on the orchard and native trees we are losing affects the climate and the warming trend we have been seeing (and feeling) the last several years. Evaluation area should include from McHenry Road to Carver Road and Peladale to Kiernan. The environmental check list fails to recognize any impact.

In our research of negative declarations all are posted except the one for this project. This document was not sent to the OPR to be posted. The documents referred to in the Negative dec are not available or available at OPR. Why was this requirement not followed?

In the document (page number 7) is states '...The site is currently use as a (unpermitted) church meeting site:...' so are you now going to reward them by giving them the permit? What about the 18-wheel trucks coming and going from the project site. What cautions do they have in place for diesel and oil spills to the soil?

You may wonder why we have so many questions about this project. We did not know about this project until we received the formal letter from Stanislaus County Department of Planning and Community Development. Please note this letter from the County came when most of us are very busy with harvest!

Once again, we do not understand why they want to build a large Temple (to hold 400 people when in the document it says they will have 80) and a larger dining hall (that can hold 574 when the document says they will have 100). This does not make sense and should not make sense to you as well. Something is wrong with the building size and the number they say will be attending. We have heard rumors about a school attached to this project. Will the school be 'hidden' in the dining hall? If the rumors are true, there are other restrictions when building a school. Have the school districts been informed? If the rumors are true and they have a school, what is the recourse on our part?

The consultant (Anderson) state cultural classes in the context of increased trips. The daily participation at this project will increase trip/travel.

This is prime agricultural land that our parents worked for over 60 years and now his daughters have the pleasure of continuing his legacy. The neighbors that have the almond orchards next to us (to the south) they are now fourth generation involved in the farming of their land. We want to continue with our family's legacies without having to deal with the potential problems, which we have already stated.

We are losing valuable farmland because we are in the city sphere. We find that ironic because living in the country we cannot vote on city functions, but they get to make decision pertaining to our farms and livelihoods. There is also other valuable farm land (for example the prime agricultural land being destroyed for the River Walk project proposed through the City of Riverbank) and other areas under attack to be turned into houses and other buildings. Living on a farm all our life, of course we are going to say this needs to stop. And it needs to stop immediately with this request and the River Walk.

The County seems to be using the Negative Dec to frequently to get around approve development in designated agricultural land without have to formally consider the serious and irreversible consequences these projects can bring to our area. The City is to build from the City to the Country but it is being reversed by starting at the furthest point and building back to the City. This is against your policy. Development is to be adjacent to the already developed areas in Modesto City/Stanislaus County as well as the consideration of using the infill land available to maintain the vibrancy within Modesto City. That the Libitsky project and Hindu Temple are relying on receiving permission to be on septic and well and not incorporated/annexed into the city system (sewer and water) further illustrates the inappropriateness of the approval given to leapfrog to the edge of the SOP and work backwards toward the city. The general plan, SOI and zoning was intended to develop from the city's edge as growth continues. This is the opposite intention of saving our county's prime agricultural land and economic base

We are attaching our other concerns regarding the initial study. We are incorporating these letters Dept. of Conservation, Dept. of Transportation, Central Valley Regional Water Quality Control Board and the Native American Heritage Commission in to this project. We believe that the LIBITZKY project and the county did not want to have to do what the agencies were directing to the project. The project

Community Church before that congregation outgrew it, sold the site and moved to its own complex replacing a golf driving range in northeast Modesto. The Rev. Juan Serna is pastor at Holy Family.

and the county did an amendment to the project and a new project was circulated (from OPR). What luck that the responding agencies did not respond. So, the project and the county disregarded the earlier letters from Dept. of Conservation, Dept. of Transportation, Central Valley Regional Water Quality Control Board and the Native American Heritage Commission. The Hindu Temple project should comply with what the agencies directed the Libitzky to analyze.

In conclusion, this project needs to be denied and sent back to conform with (California Environmental Quality Act) CEQA mandates.

Sincerely,

Susan Wedegaertner	Debbie Kleinfelder
1348 Kiernan Avenue	1420 Kiernan Avenue
Modesto, CA 95356	Modesto, CA 95356

* We understand this has been approved. How long do the approvals last?
By Garth Stapley gstapley@modbee.com

Updated May 24, 2015 5:08 PM

The Rev. Juan Serna, left, and Ed Dyrda, pastoral administrator for Holy Family Catholic Church, walk on Friday morning through the land on Tully Road near Modesto on which they hope to build a new church. The Rev. Juan Serna, left, and Ed Dyrda, pastoral administrator for Holy Family Catholic Church, walk on Friday morning through the land on Tully Road near Modesto on which they hope to build a new church. A small Catholic parish serving parts of north Modesto and Salida has a vision for a new church complex northeast of Tully Road and Bangs Avenue. Holy Family Catholic Church gathered in an elementary school cafeteria when it was founded in 2006, and in 2009 leased a sanctuary and several adjoining buildings at its current home, 4212 Dale Road. "But we want to have a church of our own," said Ed Dyrda, pastoral administrator. So, parish leaders arranged to swap land owned by the Stockton Diocese at Tully and Kiernan Avenue with an 18-acre parcel a bit to the south that is vacant and hasn't been farmed for more than 10 years – a good match for dreams of the new church. The parish began a money-raising drive in January, county planners approved the blueprint and Dyrda said construction could be about five years away. "Unless a guardian angel comes down with \$10 million, it's going to be awhile," he said. Eventually, Holy Family expects to spend about \$15 million on a complex of about 20,000 square feet, with a 634-seat social hall and chapel, offices, a kitchen and a small store selling church goods. First, Holy Family must persuade a growth-guiding panel to allow a 12-inch water pipe extension from Modesto; the city limit is 500 feet to the south. State law generally frowns on such requests, preferring that cities formally annex areas needing service extensions, to avoid hopscotch sprawl and the haphazard growth that can ensue. In this case, owners of surrounding land have not agreed to join Modesto, and leaders don't expect that to change in the next five years. The Stanislaus Local Agency Formation Commission, which rules on requests for annexations and service extensions, will be asked Wednesday to grant an exception for Holy Family. Technically, the applicant is City Hall, which has promised to deliver water if LAFCO gives its blessing. Holy Family's current home on Dale originally was developed by New Hope Church, which later shared the property with Shelter Cove

CEQA Referral Initial Study
And Notice of Intent to
Adopt a Negative Declaration

CEQA INITIAL STUDY

Distribution List

CA OPR STATE CLEARINGHOUSE **Was not noticed**

Stanislaus County Initial Study Checklist

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.

We disagree with the environmental factors. All the boxes should be marked and analyzed.

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

**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.

We disagree with the Negative Declaration and an EIR should have been completed.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

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.

EVALUATION OF ENVIRONMENTAL IMPACTS:

Why is this Project not going from UT to Planned Developed?

Page 1 & 2

The temple and community center will have an amplified sound system used exclusively for indoor use. The applicant is proposing to integrate noise attenuating materials into the temple and community center when constructed; however, Stanislaus County Initial Study Checklist Page 2 a condition will be added to the project requiring a **noise study** and any recommended **noise mitigation implemented** if a verified noise complaint is received by the County. **It is not acceptable that that the residents would have to use code enforcement to get the county to do a noise study and mitigation. This is deferral.**

Page 6 & 7

The site is also adjacent to another church to the north, a homesite to the south, and scattered urban development in the surrounding area. The City of Modesto is located ½ mile to the southwest, and multi-use light industrial warehouses are east of the project site. The project site is not enrolled in a Williamson Act Contract, and the only adjoining parcel in production Stanislaus County Initial Study Checklist Page 7 agriculture and under a Williamson Act Contract is the 38.4± acre parcel to the south identified as Assessor's Parcel Number 046-006-011. **See attached letter from the Department of Conservation 2019 to Libitzky. This was not analyzed for the cumulative associated sites. The site is currently used as a (unpermitted) church meeting site; however, the occupancy of the temple and use of the community center will increase traffic in the area and, thereby, impacting air quality.**

Page 9

Based on results from the California Natural Diversity Database (CNDDDB), there are six animal species which are state or federally listed or threatened within the Salida California Natural Diversity Database 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. Although the project site itself is currently underdeveloped, there is a low likelihood that these species are present on the project site. The site is surrounded by infill development and parcels farmed and developed with orchard.

A biological study and site inspection of the site and surrounding area should be done.

Page 13

The Air District was referred the project but have not responded. The proposed project may be subject to the following District Rules: Regulation VIII, Rule 4102, Rule 4601, Rule 4641, Rule 4002, Rule 4102, Rule 4550, and Rule 4570, therefore, staff will include conditions of approval for the project to consult with the District regarding compliance with the District's rules and

regulations prior to issuance of a building permit. Senate Bill 743 (SB743) requires that the transportation impacts under the California Environmental Quality Act (CEQA) evaluate impacts by using Vehicle Miles Traveled (VMT) as a metric. 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. Per the trip generation memo prepared for the project, will comprise of 95% from within the local community. The stated trip generation would be consistent with a locally serving retail classification for the purposes of analyzing VMT and per the 2018 OPR guidelines, locally serving retail would not be considered a significant impact. A non-response is not an evaluation under CEQA. There has to be an analysis. VMT has to be analyzed on a cumulative impact from McHenry to Carver, Peladale to Kiernan.

Page 15

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. We refer to the 2019 letter to Libitzky. The regional water control board should have been contacted. Deferral of permits and mitigation is not acceptable.

Page 15 & 16

As stated in the project description, the project proposes to extend the City of Modesto water main in Tully Road to the site for public water services. The City has not provided the applicant a Will-Serve letter to date due to water service not being immediately accessible; however, correspondence with City staff has indicated that the City is able to provide water service if the applicant makes the extension of the existing water main in Tully Road currently ending at the Bangs intersection to the project site. If and when the applicant is provided a Will-Serve letter, connection will require an out of boundary service agreement, subject to approval by the Local Agency Formation Commission (LAFCO), and will require that the water connection meet City standards. If the applicant fails to secure City water service, they will be required to utilize an on-site well. 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 if water is not obtained from the City of Modesto, the project would be Stanislaus County Initial Study Checklist Page 16 subject to the requirements of SB1263. No comments letters were made available on your website or OPR.

Noise - Page 18

The site itself is impacted by the noise generated from traffic on Tully Road and Kiernan Avenue. Overall, full access will be feasible in the near term. As with an "interim" condition, background traffic on Tully Road would eventually reach the level that the driveway LOS reached an unacceptable level and the exiting queue became a problem.
Level of Service LOS

Page 18 &19

Noise attenuation measures will be implemented in the building design. Additionally, a condition of approval will be added to the project requiring preparation of an acoustical study and implementation of noise mitigation measures if General Plan Noise Ordinance violations are found to occur during operation. The area's ambient noise level Stanislaus County Initial Study Checklist Page 19 will temporarily increase during grading/construction. **Deferring noise and migration is not acceptable.**

Other Services - Page 20

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, 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 the District's comments. **No comments letters were made available on your website or OPR.**

Transportation - Page 21

This project was referred to the Department of Public Works, City of Modesto, and the California Department of Transportation (Caltrans), all of which had 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 frontage improvements including curb, gutter, sidewalks, and streetlights. Prior to plan review, the applicant shall sign a "Plan Check/Inspections Agreement" and post a \$5,000 deposit with Public Works, as well as a financial guarantee deposit for the street improvements installation along the road frontage. The City of Modesto provided comments requiring road widening to accommodate a dual left turn lane and paving the connection between the proposed driveways to the street pavement. The comments received from Public Works will be applied to the project as conditions of approval. **See the CalTrans letter to Libitzky 2019. No comments letters were made available on your website or OPR. 4/4/2019 The Department of Transportation wrote, in response to the Libitzky Management Corporation project: We suggest that the County continue to coordinate and consult with the Department to identify and addresses potential cumulative transportation impacts that may occur near this geographical location. This will assist us in ensuring that traffic safety and quality standards are maintained for the traveling public on state transportation facilities.**

Limitations on providing services have not been identified. The project proposes to utilize a private on-site septic system for wastewater service and on-site horizontal storm drain for storm water drainage. A referral response from the Department of Environmental Resources stated that the onsite 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 and City of Modesto will review and approve grading and drainage plans prior to construction. Conditions of approval will be added to the project to reflect these requirements.

As stated in the project description, the project proposes to extend the City of Modesto water main in Tully Road to the site for public water services. The City has not provided the applicant a Will-Serve letter to date due to water service not being immediately accessible; however, correspondence with City staff has indicated that the City is able to provide water service if the applicant makes the extension of the existing water main in Tully Road at the Bangs intersection to the project site. **Please see letter from the regional water control board to the letter to Libitzky. No comments letters were made available on your website or OPR.**

UTILITIES AND SERVICE SYSTEMS - Page 24

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 for provision of standard fire protection measures on-site. **Once again, no comments letters were made available on your website or OPR.**

MANDATORY FINDINGS OF SIGNIFICANCE - Page 24 & 25

Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area. **If an EIR had been done it would show there is significant impact**

The project site is within the City of Modesto's LAFCO-adopted Sphere of Influence (SOI). The parcel is bordered by Kiernan Avenue to the north and Tully Road to the east, and the adjacent parcel to the north is already developed with industrial uses. **What industrial uses are you referring to, they are none.**

Approved projects that remain to be developed in the area include two light industrial warehouse facilities on parcels to the east (**Libitzky**), a church (**Holy Family Catholic Church**) southeast of the project site, and a residential subdivision southwest of the project site between Tully and Carver Road (**Woodglen residential area**), within the City of Modesto city limits. **Landmark Missionary Baptist Church and the proposed Hindu Temple should be**

included. No analysis or studies, no cumulative impact regarding the impact to the area. No mitigation has been offered.

The Development of these projects would not result in conditions in excess of adopted standards for LOS or queuing. Overall, full access will be feasible in the near term. As with an "interim" condition, background traffic on Tully Road would eventually reach the level that the driveway LOS reached an unacceptable level and the exiting queue became a problem. Level of Service LOS. This came out of the Libitzky project. With the development of all these projects there will be major impact.

The site is immediately surrounded by production agricultural to the northwest, west, and south of the site which are zoned agriculture and limited to development consistent with the A-2 (General Agricultural) zoning district. While not proposed as part of the requested project, new and expanding commercial development of parcels located in the A-2 zoning district in the vicinity of the project site would require discretionary land use permits that are subject to CEQA review and compliance in each instance. Please see the letter from the Department of Conservation to Libitzky 2019.

A Stanislaus County Initial Study Checklist Page 25 Analysis of any potential cumulative impacts with take place with each individual project. Developing the other nearby parcels in the City of Modesto's SOI would require discretionary approval and additional environmental review. Development of parcels outside the SOI would be subject to the A-2 (General Agriculture) zoning ordinance. 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. Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.

XVII. TRANSPORTATION--

KD Anderson & Associates, Inc., dated March 31, 2020;
TRIP GENERATION ESTIMATE FOR THE HINDU TEMPLE OF MODESTO
PROJECT, STANISLAUS COUNTY, CALIFORNIA

This focused traffic study is useless. The report fails to analyze the impacts of traffic and circulation of the surrounding area. This study was done in 2020, is outdated and did not analyze the impact from the LIBITZKY project, churches, industry and residential in the area. We refer you to the Cal Trans letter that is included. This project must comply with the concerns that Cal Trans raised. This Neg Dec is so poorly done. There is not an index. The public must hunt though the document to find this study.

We are incorporating these letters Dept. of Conservation, Dept. of Transportation, Central Valley Regional Water Quality Control Board and the Native American Heritage Commission in to this project. We believe that the LIBITZKY project and the county did not want to have to do what the agencies were directing to the project. The project and the county did an amendment to the project and a new project was circulated (from OPR). What luck that the responding agencies did not respond. So, the project and the county disregarded the earlier letters from Dept. of Conservation, Dept. of Transportation, Central Valley Regional Water Quality Control Board and the Native American Heritage Commission. The Hindu Temple project should comply with what the agencies directed the Libitzky to analyze.

This project has to be denied because it did not properly notice, did not make agency comments available, it did not offer culminative studies, did not analyze impacts that would require mitigation. This document fails in the environment checklist. The project fails to analyze all we have set forth in our comment letter, in repose to the initial study and environment impacts and are supplying agency comment letters that should have been incorporated to this project. In conclusion, this project needs to be denied and sent back to conform to CEQA.

DEPARTMENT OF TRANSPORTATION
 OFFICE OF THE DISTRICT 10 DIRECTOR
 P.O. BOX 2048, STOCKTON, CA 95201
 (1976 E. DR. MARTIN LUTHER KING JR. BOULEVARD 95205)
 PHONE (209) 948-7943
 FAX (209) 948-3670
 TTY 711
 www.dot.ca.gov



Making Conservation
 a California Way of Life.

State's Office of Planning & Research

APR 04 2019

STATE CLEARINGHOUSE

April 4, 2019

10-STA-219 PM 3.9
 Libitzky Management Corporation
 PLN2018-0081
 SCH#2019039139

Ms. Rachel Wyse
 Senior Planner
 Stanislaus County, Planning & Community Development
 1010 10th St, Suite 3400
 Modesto, CA 95354

Dear Ms. Wyse:

Thank you for the opportunity to review the above-referenced document, the Libitzky Management Corporation project, PLN2018-0081. The Department has the following comments:

This project may cause a significant impact to the State Highway System. A traffic impact study (TIS) is necessary to determine this proposed project's near-term and long-term impacts to State facilities – both existing and proposed – and to propose appropriate mitigation measures. The Department recommends that the study be prepared in accordance with the Caltrans Guide for the Preparation of Traffic Impact Studies. The Department is available to discuss assumptions, data requirements, study scenarios, and analysis methodologies prior to beginning the TIS. This will help ensure that a quality TIS is prepared. As part of the TIS submission to the Department, please provide, in an electronic format, the traffic microsimulation software files (both input and output) that will be used to develop the TIS. The Department requires this information to provide a complete review and further comment of the proposed project. The TIS must include, but is not limited to, the State Route 219/ Tully Road Intersection.

We suggest that the County continue to coordinate and consult with the Department to identify and address potential cumulative transportation impacts that may occur near this geographical location. This will assist us in ensuring that traffic safety and quality standards are maintained for the traveling public on state transportation facilities. If you have any questions, please contact Steven Martinez at (209) 942-6092 (email: steven.r.martinez@dot.ca.gov) or me at (209) 941-1921. We look forward to continuing to work with you in a cooperative manner.

Sincerely,

TOM DUMAS, Chief
 Office of Metropolitan Planning

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 United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, 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

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.

Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE 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. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE 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 Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

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 Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. 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 Threat 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 Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

If you have questions regarding these comments, please contact me at (916) 464-4856 or Nicholas.White@waterboards.ca.gov.



Nicholas White
Water Resource Control Engineer

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

Request for Early Consultation

March 25, 2019

To: Reviewing Agencies

Re: General Plan Amendment & Rezone Application No. PLN2018-0081 - Libitzky Management Corporation
SCH# 2019039139

Prior to determining whether a Negative Declaration or an Environmental Impact Report (EIR) is required for a project under CEQA, a Lead Agency is required to consult with all responsible and trustee agencies. This notice and attachment fulfill the early consultation requirement. Recommendations on the appropriate type of environmental document for this project, as well as comments on its scope and content, should be transmitted to the Lead Agency at the address below. You do not have to be a responsible or trustee agency to comment on the project. All agencies are encouraged to comment in a manner that will assist the Lead Agency to prepare a complete and adequate environmental document.

Please direct your comments to:

**Rachel Wyse
Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354**

with a copy to the State Clearinghouse in the Office of Planning and Research to state.clearinghouse@opr.ca.gov. Please refer to SCH Number 2019039139 in all correspondence concerning this project on our website: <https://ceqanet.opr.ca.gov/2019039139/2>.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Lead Agency

Clearinghouse
 P.O. Box 3044
 Sacramento, CA 95812-3044
 (916) 445-0613

FROM: Stanislaus County Planning & Community Development
 1010 10th Street, Suite 3400, Modesto, CA 95354
 Planning Phone: (209) 525-6330 Fax: (209) 525-6911
 Building Phone: (209) 525-6657 Fax: (209) 525-7758

Project Title: General Plan Amendment & Rezone Application No. PLN2018-0081 -- Libitzky Management Corporation
 Lead Agency: Stanislaus County Planning and Community Development Contact Person: Rachel Wyse, Senior Planner
 Street Address: 1010 10th Street, Suite 3400 Phone: (209) 525-6330
 City: Modesto, CA Zip: 95354 County: Stanislaus

Project Location: 1224 Klerman Avenue City/Nearest Community: Modesto
 Cross Streets: Tully Avenue & Tunson Road Zip Code: 95320
 Longitude/Latitude (degrees, minutes and seconds): ° ' " N / ° ' " W Total Acres: 17.18
 Assessor's Parcel Number: 046-001-001 Section: 5 Twp.: 3S Range: 9E Base: MDB&M
 Within 2 Miles: State Hwy #: 108 & 219 Waterways: Modesto Main Canal, MID Lateral No. 6, Helch Helchy Aqueduct
 Airports: N/A Railways: Union Pacific Schools: Stanislaus & Woodrow Elem., Davis HS

Local Public Review Period: (to be filled in by lead agency)
 Starting Date: March 22, 2019 Ending Date: April 9, 2019

Document Type:
 CEQA: NOP Draft EIR Supplement/Subsequent EIR Other: _____
 Early Cons Neg Dec Mit Neg Dec Other: _____
 NEPA: NOI EA Draft EIS FONSI
 OTHER: Joint Document Final Document Other: _____
 Governor's Office of Planning & Research
MAR 25 2019
STATE CLEARINGHOUSE

Local Action Type:
 General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other _____

Development Type:
 Residential Units: _____ Acres: _____ Employees: _____
 Office Sq.ft.: _____ Acres: _____ Employees: _____
 Commercial Sq.ft.: _____ Acres: _____ Employees: _____
 Industrial Sq.ft.: 300,000 Acres: 17.18 Employees: _____
 Educational _____
 Recreational _____
 OCS Related _____
 Water Facilities Type: _____ MGD _____
 Transportation Type: _____
 Mining Mineral: _____
 Power Type: _____ Watts _____
 Waste Facilities Type: _____ MGD _____
 Hazardous Waste Type: _____
 Other _____

Project Issues Discussed in Document:
 Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geological/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Jobs Public Services/Facilities Traffic/Circulation Other _____

Present Land Use/Zoning/General Plan Designation:
Orchard and vacant land/A-2-10 (General Agriculture)/Urban Transition (UT)

State Clearinghouse Contact: (916) 445-0613
 State Review Began: 3-25-2019

EARLY CONSULTATION
 SEND COMMENTS DIRECTLY TO
 LEAD AGENCY BY: 4-9-2019

Please note State Clearinghouse Number (SCH#) on all Comments
 SCH#: 2019039139
 Please forward late comments directly to the Lead Agency

AQMD/APCD 34
 (Resources: 3 / 30)

Project Sent to the following State Agencies

<input checked="" type="checkbox"/> Resources	Cal EPA
<input type="checkbox"/> Boating & Waterways	ARB: Airport & Freight
<input checked="" type="checkbox"/> Central Valley Flood Prot.	ARB: Transportation Projects
<input type="checkbox"/> Coastal Comm	<input checked="" type="checkbox"/> ARB: Major Industrial/Energy Resources, Recyc. & Recovery
<input type="checkbox"/> Colorado Rvr Bd	<input checked="" type="checkbox"/> SWRCB: Div. of Drinking Water
<input checked="" type="checkbox"/> Conservation	SWRCB: Div. Drinking Wtr # _____
<input checked="" type="checkbox"/> CDFW # <u>4</u>	SWRCB: Div. Financial Assist.
<input type="checkbox"/> Cal Fire	SWRCB: Wtr Quality
<input type="checkbox"/> Historic Preservation	<input checked="" type="checkbox"/> SWRCB: Wtr Rights
<input checked="" type="checkbox"/> Parks & Rec	<input checked="" type="checkbox"/> Reg. WQCB # <u>55</u>
<input type="checkbox"/> Bay Cons & Dev Comm.	<input type="checkbox"/> Toxic Sub Ctrl-CTC
<input checked="" type="checkbox"/> DWR	Yth/Adlt Corrections
	Corrections
CalSTA	Independent Comm
<input type="checkbox"/> Aeronautics	Delta Protection Comm
<input checked="" type="checkbox"/> CHP	Delta Stewardship Council
<input checked="" type="checkbox"/> Caltrans # <u>10</u>	Energy Commission
<input type="checkbox"/> Trans Planning	<input checked="" type="checkbox"/> NAIC
Other	<input checked="" type="checkbox"/> Public Utilities Comm
<input type="checkbox"/> Education	Santa Monica Bay Restoration
<input type="checkbox"/> Food & Agriculture	<input checked="" type="checkbox"/> State Lands Comm
<input type="checkbox"/> HCD	Tahoe Rgl Plan Agency
<input type="checkbox"/> OES	Conservancy
State/Consumer Svcs	
General Services	



Notice of Completion and Environmental Document Transmittal California Environmental Quality Act

SCH# 2019039139

TO: State Clearinghouse P.O. Box 3044 Sacramento, CA 95812-3044 (916) 445-0613

FROM: Stanislaus County Planning & Community Development 1010 10th Street, Suite 3400, Modesto, CA 95354 Planning Phone: (209) 525-6330 Fax: (209) 525-5911 Building Phone: (209) 525-6557 Fax: (209) 525-7759

Project Title: General Plan Amendment & Rezone Application No. PLN2018-0081 - Libitzky Management Corporation
Lead Agency: Stanislaus County Planning and Community Development
Street Address: 1010 10th Street, Suite 3400 Modesto, CA
City: Modesto, CA
Contact Person: Rachel Wyse, Senior Planner
Phone: (209) 525-6330
County: Stanislaus

Project Location: 1224 Kiernan Avenue City/Nearest Community: Modesto
Cross Streets: Tully Avenue & Tunson Road Zip Code: 95320
Longitude/Latitude (degrees, minutes and seconds):
Assessor's Parcel Number: 046-001-001 Section: 5 Twp.: 3S Range: 9E Base: MDB&M
Within 2 Miles: State Hwy #: 108 & 219 Waterways: Modesto Main Canal, MID Lateral No. 6, Helch Hatchy Aqueduct
Airports: N/A Railways: Union Pacific Schools: Stanislaus & Woodrow Elem., Davis HS

Local Public Review Period: (to be filled in by lead agency)
Starting Date: March 22, 2019 Ending Date: April 9, 2019

Document Type:
GEOA: [] NOP [] Draft EIR [] Supplement/Subsequent EIR [] Neg Dec (Prior SCH No.) [] Mit Neg Dec
NEPA: [] NOI [] EA [] Draft EIS [] FONSI
OTHER: [] Joint Document [] Final Document [] Other: STATE CLEARINGHOUSE

Local Action Type:
[] General Plan Updates [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [] Other

Development Type:
[] Residential Units: Acres: Employees:
[] Office Sq.ft. Acres: Employees:
[] Commercial Sq.ft. Acres: Employees:
[] Industrial Sq.ft.: 309,000 Acres: 17.16 Employees:
[] Educational
[] Recreational
[] OCS Related
[] Water Facilities Type: MGD
[] Transportation Type:
[] Mining Mineral:
[] Power Type:
[] Waste Facilities Type: MGD
[] Hazardous Waste Type:
[] Other

Project Issues Discussed in Document:
[] Aesthetic/Visual [] Fiscal [] Recreation/Parks [] Vegetation
[] Agricultural Land [] Flood Plain/Flooding [] Schools/Universities [] Water Quality
[] Air Quality [] Forest Land/Fire Hazard [] Septic Systems [] Water Supply/Groundwater
[] Archeological/Historical [] Geological/Seismic [] Sewer Capacity [] Wetland/Riparian
[] Biological Resources [] Minerals [] Soil Erosion/Compaction/Grading [] Growth Inducement
[] Coastal Zone [] Noise [] Solid Waste [] Land Use
[] Drainage/Absorption [] Population/Housing Balance [] Toxic/Hazardous [] Cumulative Effects
[] Economic/Jobs [] Public Services/Facilities [] Traffic/Circulation [] Other

Present Land Use/Zoning/General Plan Designation:
Orchard and vacant land/A-2-10 (General Agriculture)/Urban Transition (UT)

State Clearinghouse Contact: (916) 445-0613
State Review Began: 3-25-2019

EARLY CONSULTATION
SEND COMMENTS DIRECTLY TO LEAD AGENCY BY: 4-9-2019

Please note State Clearinghouse Number (SCH#) on all Comments
SCH#: 2019039139
Please forward late comments directly to the Lead Agency

AQMD/APCD 39
(Resources: 2/30)

Project Sent to the following State Agencies
[X] Resources
[X] Boating & Waterways
[X] Central Valley Flood Prot.
[X] Colorado Rvr Bd
[X] Conservation
[X] CDFW # 1
[X] Cal Fire
[X] Historic Preservation
[X] Parks & Rec
[X] Bay Cons & Dev Comm.
[X] DWR
Cal EPA
ARB: Airport & Freight
ARB: Transportation Projects
ARB: Major Industrial Energy Resources, Recyc. & Recovery
[X] SWRCB: Div. of Drinking Water
[X] SWRCB: Div. Drinking Wtr #
[X] SWRCB: Div. Financial Assist.
[X] SWRCB: Wtr Quality
[X] SWRCB: Wtr Rights
[X] Reg. WQCB # 55
[X] Toxic Sub Ctrl-CTC
Yth/Adlt Corrections
[X] CalSTA
[X] Aeronautics
[X] CHP
[X] Caltrans # 10
[X] Trans Planning
Other
[X] Education
[X] Food & Agriculture
[X] HCD
[X] OES
[X] State/Consumer Svcs
[X] General Services
[X] Independent Comm
[X] Delta Protection Comm
[X] Delta Stewardship Council
[X] Energy Commission
[X] NAHC
[X] Public Utilities Comm
[X] Santa Monica Bay Restoration
[X] State Lands Comm
[X] Tahoe Rgl Plan Agency
[X] Conservancy
Other:

Project Description: (please use a separate page if necessary)

Request to amend the General Plan designation from Urban Transition to Planned Development and rezone the 17.16 acre parcel from A-2-10 (General Agriculture) to P-1 (Planned Development) and construct six 50,000 square-foot buildings for industrial and warehousing uses. The project site will develop as an expansion of the eastern adjacent P-D 131, sharing the existing well and stormwater basin, and utilizing on-site septic systems. Days and hours of operation are seven days a week and 24 hours a day. (See Applicant's Project Description).

Reviewing Agencies Checklist:

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X". If you have already sent your document to the agency, please denote that agency with an "S".

- | | |
|---|--|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Emergency Services |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> California Emergency Management Agency | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Parks & Recreation, Department of |
| <input checked="" type="checkbox"/> S Caltrans District # <u>10</u> | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Reclamation Board |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input checked="" type="checkbox"/> S Regional WQCB # <u>5</u> |
| <input type="checkbox"/> Coachella Valley Mountains Conservancy | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Colorado River Board Commission | <input type="checkbox"/> S.F. Bay Conservation & Development Commission |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mountains Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> Santa Monica Mountains Conservancy |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input checked="" type="checkbox"/> S Fish & Game Region # <u>5</u> | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> SWRCB: Water Rights |
| <input type="checkbox"/> Forestry & Fire Protection, Department of | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> Housing & Community Development | Other: _____ |
| <input type="checkbox"/> Integrated Waste Management Board | Other: _____ |
| <input type="checkbox"/> Native American Heritage Commission | |

Lead Agency (Complete if applicable):

Consulting Firm: Stanislaus County Planning
 Address: 1010 10th St., Suite 3400
 City/State/Zip: Modesto/CA/95354
 Contact: Rachel Wyse, Senior Planner
 Phone: (209) 525-6330

Applicant: Kevin Perkins, Libitzky Holdings, LP
 Address: 1475 Powell St., Suite 201
 City/State/Zip: Emeryville, CA 94608
 Contact: Dave O. Romano, P.E.
 Phone: (209) 521-9521

Signature of Lead Agency Representative: 

Date: March 22, 2019

NATIVE AMERICAN HERITAGE COMMISSION
Cultural and Environmental Department

1550 Harbor Blvd., Suite 100

West Sacramento, CA 95691 Phone (916) 373-3710

Email: nahc@nahc.ca.gov

Website: <http://www.nahc.ca.gov>

Twitter: @CA_NAHC



Governor's Office of Planning & Research

April 2, 2019

APR 04 2019

STATE CLEARINGHOUSE

Rachel Wyse
Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354

RE: SCH# 2019039139 General Plan Amendment & Rezone Application No. PLN2018-0081 – Libitzky Management Corporation, Stanislaus County

Dear Ms. Wyse:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email
address: Katy.Sanchez@nahc.ca.gov.

Sincerely,



for
Katy Sanchez
Associate Environmental Planner

cc: State Clearinghouse

MARSHA A. BURCH

ATTORNEY AT LAW

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GRASS VALLEY, CA 95945

Telephone:
(530) 272-8411

mburchlaw@gmail.com

May 31, 2022

Via electronic mail

Kristen Anaya, Assistant Planner
Stanislaus County
Department of Planning and Community Development
Modesto, CA 95354
AnayaK@stancounty.com
planning@stancounty.com

Re: Negative Declaration for Hindu Temple
Use Permit Application No. PLN2018-0069
SCH# *unknown*

AND PUBLIC RECORDS ACT REQUEST

Dear Ms. Anaya:

We appreciate the opportunity to provide the following comments on behalf of San Joaquin Raptor/Wildlife Rescue Center, Central Valley Safe Environment Network, and Protect Our Water regarding the above-referenced Initial Study and Negative Declaration for the Hindu Temple ("Project").

The Revised Initial Study and Negative Declaration (referred to herein as "RND") has been changed slightly since it was circulated in 2021 and continues to fall short of compliance with the California Environmental Quality Act ("CEQA") (Public Resources Code ["PRC"] § 21000 *et seq.*).

1. Procedural errors.

a. Flaws in the Notice of Intent.

The notice of intent for the RND is confusing to the public, and possibly to the decision makers. On the first page there is a statement that the County "anticipates adopting a Mitigated Negative Declaration for this project." There are no mitigation measures discussed or proposed in the RND. The error was reproduced in the notice published in the newspaper. The County's notice is flawed, and the item should be re-noticed.

Additionally, the RND indicates that comments on the previously circulated Negative Declaration have been incorporated into the RND, and yet only selected

comments were incorporated. Missing comments from this office, and from others are attached hereto as Exhibits A through C. The attached comment letters raise significant issues regarding many areas of impact, including agriculture, air quality, biological resources, and traffic. To say that all of the comments received regarding the Project have been incorporated while not actually doing so violates the disclosure requirements of CEQA. The RND should be recirculated with all the comments included.

b. Failure to consult with Responsible/Trustee Agencies.

Despite our previous comments, the County has failed to consult with all responsible agencies and trustee agencies to obtain their recommendations on whether an EIR or a negative declaration should be prepared. (PRC § 21080.3; Guidelines § 15063(g).) The distribution list indicates that the California Department of Conservation was not included, even though the Project will result in the permanent loss of prime agricultural land. This appears to have been an oversight, as the distribution list of a recent project in the same urban transition zone that would also convert prime agricultural land *was* distributed to the Department of Conservation http://www.stancounty.com/planning/pl/act-proj/PLN2018-0081_30_Day.pdf, and the department submitted a comment regarding the impacts. (See Exhibit A to the September 29, 2021, comment letter from this office.)

The RND includes some additional discussion regarding impacts to Agriculture and attempts to explain that loss of a small amount of prime agricultural land on a parcel within the sphere of influence (“SOI”) of the City of Modesto is inconsequential. This additional analysis by the County does not excuse the County from consulting with the Department of Conservation. There are significant concerns about the cumulative impacts to agriculture resulting from the County’s recent and planned project approvals, and the Department of Conservation must be consulted on each of these projects.

c. Failure to circulate through the State Clearinghouse.

A lead agency is required to circulate project documents through the State Clearinghouse whenever there are responsible State agencies. Also, on January 1, 2022, (added by AB 819) any lead agency must submit to the State Clearinghouse *all* draft environmental impact reports and proposed negative declarations. (PRC §§21082.1(c)(4).) The original Negative Declaration identified Caltrans as an agency that will have approval authority over the Project (at p. 2), but the RND states that Caltrans does not have any approval authority. (RND, p. 23.) It makes no difference in light of the changes to the Public Resources Code arising out of AB 819. The RND was required to have been posted on the State Clearinghouse, and it was not.

2. Technical flaws in the Initial Study and Negative Declaration.

a. Failure to adequately analyze impacts to Agriculture.

The RND includes some additional discussion of impacts to agriculture but continues to gloss over the impacts. The RND includes an effort to downplay the impacts to agricultural by asserting that the prime agricultural land being converted

because of the Project is “less prime” because the parcel is included in the City SOI. A similar approach is taken to the buffer requirement, acknowledging that the Project is a people-intensive use, but then avoiding the application of the requirements for people intensive uses. (RND, p. 7.)

There is no evidence in the record to support a conclusion that the Project should be allowed to avoid the 300-foot setback, nor a conclusion that the proposed alternative would result in a less than significant impact to agriculture.

b. The County’s noise analysis continues to be inadequate.

The original ND deferred noise analysis to the future, and this office pointed that out to the County in a comment letter. In response, the RND dispenses with any requirement for noise analysis, and instead relies upon “conditions of approval” that will be added to the Project approval “restricting concurrent use and amplified sound”, along with a statement that vague “noise attenuation measures will be implemented in the building design.”

Reliance upon vague assurances from the applicant that the building will be designed to reduce noise impacts does not comply with CEQA. The County is essentially expecting the public and the decision makers to accept the idea of “informal” mitigation that is entirely un-analyzed, unexplained, and unenforceable. The County may not avoid the necessary noise analysis and may not rely upon mitigation promises from the applicant to support a conclusion of less than significant noise impacts.

c. The Negative Declaration Fails to Analyze Cumulative Impacts

The discussion of cumulative impacts contained in the RND continues to fall short of CEQA’s requirements. The RND adds some discussion of proposed and approved projects in the immediate vicinity, but continues to make conclusions without adequate analysis, and fails to use an appropriate method for analysis of cumulative impacts.

The RND continues to state that other projects that might be developed nearby would be subject to CEQA review, and those projects would consider cumulative impacts. What is still missing is an explanation of why this excuses the County from considering cumulative impacts for this Project.

As pointed out in our previous comment letter, CEQA provides for two methods of identifying a project’s cumulative impacts. The environmental document may provide either: (1) a list of past, present, and probable future projects producing related or cumulative impacts, or (2) a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document that has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact. The RND failed to use either method.

The various errors in the CEQA analysis for the Project are compounded in the cumulative impacts section. The failure to consult with the Department of Conservation is highlighted by the comment letter from the Department regarding the

nearby Libitzky project. It is unclear what justification the County might rely upon to explain why the Department of Conservation was consulted for the Libitzky project, but not for the present Project. Cumulative impacts to agriculture are completely ignored by the County.

The Libitzky project is being resubmitted for review by the County for the third time. The Department of Conservation, the Central Valley Regional Water Quality Control Board, and Caltrans commented on the Libitzky project with concerns. (See attachment to Exhibit A, and Exhibits D and E.)

The County also continues with its pattern of violating CEQA's requirements for filing with the State Clearinghouse. The Libitzky project has been submitted twice to the State Clearinghouse, but each time with different numbers. The most recent review of the Libitzky project has not been filed with the State Clearinghouse, in violation of AB 819.

The County's approach to cumulative impacts analysis for projects under review is evasive, and the RND's analysis of cumulative impacts lacks substantial evidence and fails to follow an appropriate analytical method.

3. Conclusion regarding sufficiency of CEQA Analysis

For the reasons set forth above, we believe the RND should be withdrawn, and a revised environmental document should be prepared and circulated as required under CEQA.

PUBLIC RECORDS ACT REQUEST

This letter also constitutes a Public Records Act request ("Request") on behalf of San Joaquin Raptor/Wildlife Rescue Center, Central Valley Safe Environment Network, and Protect Our Water, pursuant to Government Code Section 6250, et seq. for access to public records relating to the following five County projects, including the Hindu Temple Project, and four adjacent projects (the "Adjacent Projects"):

- a. Central Valley Crescent Church (proposed)
- b. Modesto Landmark Missionary Baptist Church
- c. All iterations of the Libitzky Management Corporation general plan amendment/rezone application located at the intersection of Tully Road and Kiernan Avenue (as noted above, this project has been assigned two State Clearinghouse numbers and is now referred to by a new County project number and *no* State Clearinghouse number)
- d. The Holy Family Church
- e. The Hindu Temple Project

(See attached Exhibit F.)

For purposes of this request, references to “County staff” includes, but is not limited to, employees of the Planning and Community Development, Building, Public Works, Environmental Resources, Planning Commission, Board of Supervisors, and County Counsel.

We request the following:

1. Any and all correspondence, written or electronic, between County staff and any other public agency regarding the Adjacent Projects.
2. Any and all correspondence, written or electronic, between County staff and the applicants (or applicants’ representatives) for each of the Adjacent Projects.
3. Any and all correspondence, written or electronic, between County staff and any other party regarding the cumulative impacts analyses for the Adjacent Projects.
4. Any notes, studies, memos or other documents, written or electronic, prepared by or submitted to the County regarding the environmental impacts of the Adjacent Projects.
5. Any and all documents reflecting the filing of project documents with the CEQA State Clearinghouse/Office of Planning and Research for the Adjacent Projects.

In connection with this request, we request the assistance the County in focusing the request on identifiable records pursuant to its obligation under Section 6253.1 of the Public Records Act, if the County believes any part of the request to be unclear.

If the County believes that a denial of any portion of this request is appropriate, the denial must be in writing, must contain the names and titles of each person responsible for the denial, and should explain the reasons for the County’s refusal to release the information and any authority relied upon. (Gov. Code §§ 6255(b) and 6253(d)).

With regard to the time permitted for the County’s response, Government Code section 6253(c) provides:

Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available.

Kristen Anaya, Assistant Planner
May 31, 2022
Page 6 of 6

Before taking any action that might result in charges for reimbursement (*i.e.*, fees established by statute or the “direct cost” of copying of documents or electronic data), we request that you provide an estimate of the costs involved.

Be advised that if the County fails to make any of the requested documents available that are properly disclosable, we may bring an action pursuant to Government Code section 6258 and seek an award of attorney’s fees and costs pursuant to Government Code section 6259.

Thank you for your anticipated full compliance with this Request. If the County is unable to have all copies available within ten calendar days of the date of the receipt of this request, please notify me immediately of the basis for non-compliance. (Govt. Code § 6253(c).)

Very truly yours,



Marsha A. Burch
Attorney

cc: San Joaquin Raptor/Wildlife Rescue Center
Central Valley Safe Environment Network
Protect Our Water

MARSHA A. BURCH

ATTORNEY AT LAW

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Telephone:
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mburchlaw@gmail.com

September 29, 2021

Via electronic mail

Kristen Anaya, Assistant Planner
Stanislaus County
Department of Planning and Community Development
Modesto, CA 95354
AnayaK@stancounty.com
planning@stancounty.com

Re: Negative Declaration for Hindu Temple
Use Permit Application No. PLN2018-0069
SCH# *unknown*

Dear Ms. Anaya:

We appreciate the opportunity to provide the following comments on behalf of San Joaquin Raptor/Wildlife Rescue Center, Central Valley Safe Environment Network, and Protect Our Water regarding the above-referenced Initial Study and Negative Declaration for the Hindu Temple ("Project").

As explained below, the Initial Study and Negative Declaration (referred to together herein as "ND") for the Project does not comply with the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 *et seq.*) in certain essential respects. It is our view that a revised Initial Study/Negative Declaration is required for the Project, and depending upon the outcome, potentially an Environmental Impact Report ("EIR").

1. Procedural Errors

a. Failure to Consult with Responsible/Trustee Agencies

An initial concern is that the County has failed to consult with all responsible agencies and trustee agencies to obtain their recommendations on whether an EIR or a negative declaration should be prepared. (Pub. Res. Code ["PRC"] § 21080.3; Guidelines § 15063(g).) The distribution list indicates that the California Department of Conservation was not included, despite the fact that the Project will result in the permanent loss of prime agricultural land. This appears to have been an oversight, as the distribution list of a recent project in the same urban transition zone that would also convert prime agricultural land *was* distributed to the Department of Conservation http://www.stancounty.com/planning/pl/act-proj/PLN2018-0081_30_Day.pdf, and the department submitted a comment regarding the impacts. (See Exhibit A.)

Exhibit A

b. Failure to Circulate through the State Clearinghouse

A lead agency is required to circulate project documents through the State Clearinghouse whenever there are responsible State agencies. In this case, the ND identifies Caltrans as an agency that will have approval authority over the Project (ND, p. 2.) Yet, we have not been able to find any evidence that the ND was circulated through the State Clearinghouse. This is a significant procedural error. (See, Guidelines § 15205.)

2. Technical Flaws in the Initial Study and Negative Declaration

a. Failure to adequately analyze impacts to Agriculture

The ND provides no analysis of the impacts associated with the permanent conversion of agricultural lands, and glosses over the fact that the Project fails to comply with the 300-foot setback requirement contained in Appendix Seven of the Stanislaus County Agricultural Element. While the Element allows for “alternatives” to the buffer setback subject to Planning Commission approval, there is no analysis in the ND that would provide the substantial evidence to support approval of the proposed alternative of a fence with vegetative screening. The ND makes a naked statement that this alternative is proposed and then concludes the impact is less than significant. This fails to meet the requirements of CEQA. (See *Citizens Ass’n for Sensible Dev. v. County of Inyo* (1985) 172 Cal.App.3d 151, 171.)

There is no evidence in the record to support a conclusion that the Project should be allowed to avoid the 300-foot setback, nor a conclusion that the proposed alternative would result in a less than significant impact to agriculture.

b. The County Improperly Defers Analysis of Noise Impacts

The ND fails to adequately analyze noise impacts, and improperly defers analysis to the future. CEQA requires the lead agency to identify all significant effects on the environment of the proposed project, and a lead agency cannot defer environmental assessment to a future date. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730.) is so because “[a] study conducted after approval of a project will inevitably have a diminished influence on decision making. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency action that has been repeatedly condemned in decisions construing CEQA.” (*Sundstrom v. County of Mendocino* (1988) 20 Cal.App.3d 296, 307.)

The ND states as follows: “The temple and community center will have an amplified sound system used exclusively for indoor use. The applicant is proposing to integrate noise attenuating materials into the temple and community center when constructed; however, a condition will be added to the project requiring a noise study and any recommended noise mitigation implemented if a verified noise complaint is received by the County. (ND, pp. 1-2.)

This is precisely the type of deferral that CEQA prohibits, and the Noise analysis is insufficient.

c. The Negative Declaration Fails to Analyze Cumulative Impacts

The discussion of cumulative impacts contained in the ND is circular and contains no actual analysis or conclusions. (ND, pp. 24-25.) The ND mentions some projects that are planned in the vicinity, and then concludes: "Development of these projects would not result in conditions in excess of adopted standards for LOS or queuing." (ND, p. 24.) This is odd in light of the reference a few pages earlier in the Transportation section where Senate Bill 743 is described, and it is noted that LOS is no longer a measure applied to traffic impacts, and it is now VMT. Further, there is no evidence or information discussed in the ND that would support any conclusion regarding LOS.

The ND goes on to state that other projects that might be developed nearby would be subject to CEQA review, and those projects would consider cumulative impacts. What is missing is an explanation of why this excuses the County from considering cumulative impacts for this Project. The truth is that the ND simply fails to contain a logical analysis of cumulative impacts.

CEQA provides for two methods of identifying a project's cumulative impacts. The environmental document may provide either: (1) a list of past, present, and probable future projects producing related or cumulative impacts, or (2) a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document that has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact. The ND failed to use either method, and provided no analysis of cumulative impacts.

The ND's analysis of cumulative impacts is inadequate under CEQA.

3. Conclusion

For the reasons set forth above, we believe the ND should be withdrawn and a revised environmental document should be prepared and circulated as required under CEQA.

Very truly yours,



Marsha A. Burch
Attorney

cc: San Joaquin Raptor/Wildlife Rescue Center
Central Valley Safe Environment Network
Protect Our Water

From: Grundy, Farl@DOC <Farl.Grundy@conservation.ca.gov>
Sent: Monday, April 8, 2019 1:23 PM
To: Rachel Wyse
Cc: OPR State Clearinghouse
Subject: Comments on GPA PLN2018-0081 Libitzky Management Corporation, SCH# 2019039139

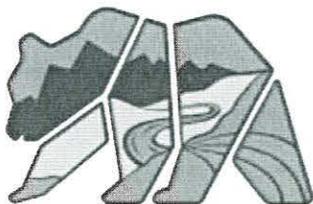
Dear Ms. Wyse,

Below are the Department of Conservation's comments regarding the General Plan Amendment & Rezone Application No. PLN2018-0081 – Libitzky Management Corporation, SCH# 2019039139

The Department recommends the following discussion under the Agricultural Resources section of the Environmental Impact Report:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Potential contract resolutions for land in an agricultural preserve and/or enrolled in a Williamson Act contract.
- Proposed mitigation measure for all impacted agricultural lands within the proposed project area.

Sincerely,



Farl Grundy
Associate Environmental Planner
Division of Land Resource Protection

California Department of Conservation
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Governor's Office of Planning & Research

APR 08 2019

STATE CLEARINGHOUSE

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September 24, 2021

Ms. Kristen Anaya
Assistant Planner
Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354
planning@stancounty.com
Dear Ms. Anaya,

My concerns with using prime agricultural land at 4801 Tully Road in Modesto, to build a Hindu Temple and dining hall include:

Accumulated Loss of Designated Prime Agricultural Land

In Modesto City and Stanislaus County, there appears to be a consistent pattern of changing the zoning of many small acres from agricultural land to commercial zoning, without the proper public knowledge and review, sometimes referred to as a “negative declaration”. This is an appalling trend and needs to be addressed.

Below are the Department of Conservation's comments regarding the General Plan Amendment & Rezone Application No. PLN2018-0081 - Libitzky Management Corporation, SCH# 2019039139

Farl Grundy, 4/8/2019 recommended discussion under the Agricultural Resources section of the Environmental Impact Report:

The Department recommends the following discussion under the Agricultural Resources section of the Environmental Impact Report:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would **include impacts from the proposed project, as well as impacts from past, current, and likely future projects.**
- Potential contract resolutions for land in an agricultural preserve and/or enrolled in a Williamson Act contract.
- Proposed mitigation measure for all impacted agricultural lands within the proposed project area.

Participants

There appears to be a discrepancy in presentation of need and the actual proposal. A discrepancy between the number of people that will be attending the Temple (an average peak of 50 congregants CEQA p. 21) with larger events (100 persons-p. 17 and 21 CEQA) and using the dining hall (100) and the proposed size of the Temple

to hold 400 persons, by the site at full occupancy (CEQA p. 13 and 21) (but the frequency of 400 persons on site was not given). The Temple and Dining Hall are not proposed to be used concurrently; however, if they are how much is the population increased, with its concomitant burden on resources?

It appears to me, data is based on current estimates (80 persons) not the likely increased frequency of 400 persons, therefore, I believe this data is flawed.

This inconsistency leads me to conclude that the Temple and Dining Hall will be used to hold community activities that may include weddings and other large gatherings. Is that a possibility? If so, are there permits already being granted? What additional restrictions and safeguards are in place to protect the neighbors that live in the immediate area against noise, lights, traffic, music, trash, etc., all common irritants in a public venue?

Accumulated Environmental Effects

In the Tully Road/Kiernan Avenue/Pelandale/Carver/Bangs area, there exist three large projects, The 300,000 square foot warehouse, the Holy Family Catholic Church and now the Hindu Temple as well as several new housing developments: These significant projects affect water resources; remove the positive effect of trees and grasses on pollution; increase traffic congestion as well as increase the damage to roads due to increased use which leads to an increase in the cost of maintaining the quality of the roads; increasing the pollution from liquid and solid human waste, which increases the chance of contamination of ground water sources. Will the septic system they are proposing, accommodate the 400+ people they have prepared indirectly for?

Parking

As attendance in the Temple grows, or as large events are held (currently estimated to be a little less than one a month. How will they adjust the dimensions of their plans to solve this dilemma? Will they build a smaller sized Temple and Dining Hall so they may build a larger parking lot to accommodate those needs, or will they park in neighboring orchards and along roadways, creating hazards and damaging fields and orchards (compaction of soil, breakage of tree limbs -thus reducing crop yields for farmers that rely on that income). As a loose estimate, they would need approximately 320 parking places.

Agricultural Practices

The proposed project will be built around working agricultural lands. Will the farmers be forced to spray at night, to avoid public complaints? Will the new neighbors realize that dust is a part of farming, especially noticeable during harvest in a drought year, or will there be so many complaints, that the lifestyle of the farmer will have to change to accommodate an urban building in an agricultural area, with his/her crops having diminished yields as a result?

I disagree with the "Less than significant impact" label placed on this Grade 1 rating (based on a range of 1-6, with 1 the top level), which is considered excellent, prime agricultural land.

Infill

The State has mandated that agricultural land be saved as much as possible. Our agriculture feeds us locally, our nation and the world. There are many empty spaces (infill) in the Modesto area that could accommodate the 3 acres that have been requested for this project. My suggestion is to recommend those areas be used primarily now and in the future, to conserve our precious, vital farmland.

Buffer Zone

The proposed project does not meet the 300-foot setback of the Stanislaus County General Plan per Buffer and Setback Guidelines.

Air Quality

The 8/27/21 CEQA notes: ...the occupancy of the Temple and use of the Community Center will increase traffic in the area and, thereby, impact air quality; therefore, I disagree with CEQA's Impacts to air quality are considered to be less-than-significant.

Impacted air quality could contribute to cumulative deterioration of our air quality in the Basin; many of us have already experienced the yellow, orange, red flags to notify the public of hazardous-to-the-health air quality days.

Hydrology and Water Quality

The "is-less-than-significant" conclusion appears to be based upon a small number of people per day. I suggest this study be redone to adequately assess the potential and expected large crowds (400 persons, not 50 or 80) attending special events.

Biological Resources

Based on results from the California Natural Diversity Database (CNDDDB), there are six animal species, which are state or federally listed or threatened within the Salida California Natural Diversity Database Quad. These species include the California tiger salamander, Swainson's hawk, tricolored blackbird, steelhead, Crotch bumblebee, and the valley elderberry Longhorn beetle.

Light/Sound Pollution

Building a solid fence, rather than a chain-link fence should help contain noise, light and litter pollution.

Transportation

4/4/2019 Department of Transportation

We suggest that the County continue to coordinate and consult with the Department to identify and address **potential cumulative transportation impacts that may occur near this geographical location**. This will assist us in ensuring that traffic safety and quality standards are maintained for the traveling public on state transportation facilities.

3/21/2020 KD Anderson & Associates, Inc.
TRIP GENERATION ESTIMATE FOR THE HINDU TEMPLE OF MODESTO
PROJECT, STANISLAUS COUNTY, CALIFORNIA

This focused traffic study is useless. The report fails to analyze the impacts of traffic and circulation of the surrounding area. This study was done in 2020, is outdated and did not analyze the impact from the LIBITZKY project, churches, industry and residential in the area. We refer you to the Cal Trans letter. This project must comply with the concerns that Cal Trans raised. This Negative Declaration is so poorly done, there is not an index. The public must hunt through the document to find this study.

We are incorporating these letters Dept. of Conservation, Dept. of Transportation, Central Valley Regional Water Quality Control Board and the Native American Heritage Commission in to this project. We believe that the LIBITZKY project and the county did not want to have to do what the agencies were directing to the project. The project and the county did an amendment to the project and a new project was circulated (from OPR). The Hindu Temple project should comply with what the agencies directed the Libitzky to analyze.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

These concerns are real and legitimate, as our representatives, I ask you to vote No on this proposal.

Sincerely,

Karen Conrotto
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Sincerely,

Karen Conrotto
Modesto, CA 95356

September 29, 2021

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

Dear Ms. Anaya

After reading the proposal for the Hindu Temple and dining hall to be built at 4801 Tully Road in Modesto, we have the following concerns, comments and questions. They are the following:

The project states that only 80 people will be in the Temple and up to 100 people in the dining hall, but the project also states the Temple holds up 400 people and a dining hall to hold up to 574 occupant people. They are downsizing the numbers to get this approved and once approved the numbers of people will go up. Right now, they have adequate parking for their lower stated numbers. When the numbers increase their parking lot will be filled and they will be parking on the busy Tully Road, in the surrounding orchards and possible Kiernan Avenue which is a state highway. We like to think we are good neighbors but we do not want anyone parking in our orchard because of the liability to us and potential harm to our walnuts (broken branches), soil (gas and oil contamination, soil compaction), increase trash and theft/vandalism.

Cumulative Impacts: With the County looking at this as an individual proposal it fails to pass all of the environmental requirements. The impacts need to include the Libitzky Management Corp. project, PLN2018-0081 {(300,000 square foot building) just approved by the Board of Supervisors, but needs LAFCO approval} that is across the street at the (southeast corner of Tully and Kiernan) and the permitted Holy Family Catholic Church* will be going in at southeast corner of Tully and Bangs, we believe your trip/travel counter would significantly increase along with the emissions. We should also mention the houses that are now being built in our area on Bangs, Carver and Pelandale Roads. We believe the three projects (Libitzky Management Corp project, the Catholic Church and the Hindu temple) and the current housing developments being built, should be considered as cumulative for any trip/trip, environmental and emission reports.

Urban Transition

Agriculture: The Agriculture land use designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas. The designation is intended for areas of land which are presently or potentially desirable for agricultural usage. These are typically areas which possess characteristics with respect to location, topography, parcel size, soil classification, water availability and adjacent usage which, in proper combination, provide a favorable agricultural environment. This designation establishes agriculture as the primary use in land.

The purpose of the Urban Transition designation is to ensure that land remains in agricultural usage until urban development consistent with a city's (or unincorporated community's) general plan designation is approved. Generally, urban development will only occur upon annexation to a city, but

such development may be appropriate prior to annexation provided the development is not inconsistent with the land use designation of the general plan of the affected city. If this is to occur, a change in the General Plan designation consistent with the adopted goals and policies to some other land use designation shall be required.

General Agriculture 40 and 10 Acre (A-2): The A-2 zone supports and enhances agriculture as the predominant land use in the unincorporated areas of the County. These district regulations are also intended to protect open-space lands pursuant to Government Code Section 65910.

Urban transition was not intended to lose more prime A2 agricultural land. Additionally, we have more prime agricultural land under attack for development through rezoning from agricultural to commercial and negative declaration, which needs to be addressed through our county, immediately.

This proposed project's property is designated grade 1 rating for the soil which is prime. We already stated we recently lost more prime farm land to the Libitzky Management Corp. project, the Holy Family Catholic Church and also all of the homes going in at Pelandale, Carver and Bangs. While this project is only less than 3 acres it is still farm land. The reason it had not been farmed is the previous owner did not replant his almond trees when he needed to because of his age and ability to keep on farming. He and his wife lived the rest of their lives on this property.

Under our protest, the Board of Supervisors approved the Libitzky Management Corp. project without being on the City's sewer and water. We see this project will also be on septic. For their lower numbers that will probably be fine, but when they increase the numbers to their full potential then a septic would never work. We request they be on City sewer and water from the beginning. City sewer and water is at Bangs and Tully Roads. This approval of the septic sewer system instead of linking to the City sewer and water systems, further illustrates the inappropriateness of the approved development.

So, they are probably going to have to dig a bigger well to have water for their activities. They need water for the drinking fountains, bathrooms (toilets and sinks), water in the dining hall to prepare meals and washing up after. If they dig a 'commercial' size well to accommodate their demands, how is that going to affect my well, adjacent wells and our aquifer (our water table). Every year we have to have our drinking water tested for nitrate + nitrite as nitrogen. We would like to see their compliance with the California Water Board added to their request. Isn't this now a commercial urbanization? Once again, they need to be on the City Water system.

To us parking is a big issue, because they have only designated 193 spaces. How can they show a plan for their proposed buildings but cannot accommodate for the parking for all that can attend? Say there are 800 people in the dining hall and per the Anderson report you have 2 ½ people per car. They will need at the minimum 230 parking places. As stated above where are they going to park safely? Also, for the past several years they have been running four to six 18 wheelers out of this property. Where are those big trucks going to park? If they are parking on the same lot your 193 parking places now gets smaller in numbers.

The fence being proposed is a cyclone fence that will let noise and light through. We want to be assured of a solid brick fencing to help buffer the noise of people arriving and leaving. We also want to be assured that the light standards be far enough away from the fence so people cannot scale the fence onto our property, and limit the light pollutions that will affect our homes and properties. Once again increasing the chances of crime is a liability issue for us. We request that the lights not be on all night and tall evergreen hedges be planted on their side of the fence that can grow tall to help absorb more sound. The watering should be done by drip irrigation.

In reading the document, we noticed that several 'agencies' have been contacted to give a respond to this building request. Does this go forward with or without those agencies responding? Those agencies that have not responded are California Department of Fish and Wildlife, PG&E, SJVAPCD and DER-Hazmat Division just to name a few.

How will my neighbors and us be protected from complaints and actions to stop vital agricultural practices which may include the following: mowing or discing the fields, annual spraying and harvest which also includes shaking the trees, sweeping the nuts into row and finally picking up the rows of nuts (all of which generate noise and dust)? Furthermore, what practices do they plan to implement to keep pests (mice, rats, insects, feral cat, racoons and other wildlife) out of their trash bins when their dining hall opens and leftover food is discarded into the bins?

What about the problems associated with a member attending the Temple that may have breathing problems, allergies and asthma that could occur because this Temple is in the middle of very active and productive farms? How are we, the farmers, protected from this liability and the nuisance of receiving complaints about our normal farming activities?

Our property and the project site are in the Williams Act Preserve, surrounded by active farm land in the Williams Act. I was talking with other landowners and found out that a project for a Temple on St. Francis Road was denied (or never moved forward) a few years ago. This needs to happed for this project also.

Why isn't this property required to do an EIR (Environmental Impact Report)? If you are not recommending this document, we are requesting an EIR for this project. The EIR should include this project, the Libitzky Management Corp. project and the permitted Family Catholic Church. The impact on the orchard and native trees we are losing affects the climate and the warming trend we have been seeing (and feeling) the last several years. Evaluation area should include from McHenry Road to Carver Road and Peladale to Kiernan. The environmental check list fails to recognize any impact.

In our research of negative declarations all are posted except the one for this project. This document was not sent to the OPR to be posted. The documents referred to in the Negative dec are not available or available at OPR. Why was this requirement not followed?

In the document (page number 7) is states '...The site is currently use as a (unpermitted) church meeting site:...' so are you now going to reward them by giving them the permit? What about the 18-wheel trucks coming and going from the project site. What cautions do they have in place for diesel and oil spills to the soil?

You may wonder why we have so many questions about this project. We did not know about this project until we received the formal letter from Stanislaus County Department of Planning and Community Development. Please note this letter from the County came when most of us are very busy with harvest!

Once again, we do not understand why they want to build a large Temple (to hold 400 people when in the document it says they will have 80) and a larger dining hall (that can hold 574 when the document says they will have 100). This does not make sense and should not make sense to you as well. Something is wrong with the building size and the number they say will be attending. We have heard rumors about a school attached to this project. Will the school be 'hidden' in the dining hall? If the rumors are true, there are other restrictions when building a school. Have the school districts been informed? If the rumors are true and they have a school, what is the recourse on our part?

The consultant (Anderson) state cultural classes in the context of increased trips. The daily participation at this project will increase trip/travel.

This is prime agricultural land that our parents worked for over 60 years and now his daughters have the pleasure of continuing his legacy. The neighbors that have the almond orchards next to us (to the south) they are now fourth generation involved in the farming of their land. We want to continue with our family's legacies without having to deal with the potential problems, which we have already stated.

We are losing valuable farmland because we are in the city sphere. We find that ironic because living in the country we cannot vote on city functions, but they get to make decision pertaining to our farms and livelihoods. There is also other valuable farm land (for example the prime agricultural land being destroyed for the River Walk project proposed through the City of Riverbank) and other areas under attack to be turned into houses and other buildings. Living on a farm all our life, of course we are going to say this needs to stop. And it needs to stop immediately with this request and the River Walk.

The County seems to be using the Negative Dec to frequently to get around approve development in designated agricultural land without have to formally consider the serious and irreversible consequences these projects can bring to our area. The City is to build from the City to the Country but it is being reversed by starting at the furthest point and building back to the City. This is against your policy. Development is to be adjacent to the already developed areas in Modesto City/Stanslaus County as well as the consideration of using the infill land available to maintain the vibrancy within Modesto City. That the Libitsky project and Hindu Temple are relying on receiving permission to be on septic and well and not incorporated/annexed into the city system (sewer and water) further illustrates the inappropriateness of the approval given to leapfrog to the edge of the SOP and work backwards toward the city. The general plan, SOI and zoning was intended to develop from the city's edge as growth continues. This is the opposite intention of saving our county's prime agricultural land and economic base

We are attaching our other concerns regarding the initial study. We are incorporating these letters Dept. of Conservation, Dept. of Transportation, Central Valley Regional Water Quality Control Board and the Native American Heritage Commission in to this project. We believe that the LIBITZKY project and the county did not want to have to do what the agencies were directing to the project. The project

and the county did an amendment to the project and a new project was circulated (from OPR). What luck that the responding agencies did not respond. So, the project and the county disregarded the earlier letters from Dept. of Conservation, Dept. of Transportation, Central Valley Regional Water Quality Control Board and the Native American Heritage Commission. The Hindu Temple project should comply with what the agencies directed the Libitzky to analyze.

In conclusion, this project needs to be denied and sent back to conform with (California Environmental Quality Act) CEQA mandates.

Sincerely,

Susan Wedegaertner	Debbie Kleinfelder
1348 Kiernan Avenue	1420 Kiernan Avenue
Modesto, CA 95356	Modesto, CA 95356

* We understand this has been approved. How long do the approvals last?
By Garth Stapley gstapley@modbee.com

Updated May 24, 2015 5:08 PM

The Rev. Juan Serna, left, and Ed Dyrda, pastoral administrator for Holy Family Catholic Church, walk on Friday morning through the land on Tully Road near Modesto on which they hope to build a new church. The Rev. Juan Serna, left, and Ed Dyrda, pastoral administrator for Holy Family Catholic Church, walk on Friday morning through the land on Tully Road near Modesto on which they hope to build a new church. A small Catholic parish serving parts of north Modesto and Salida has a vision for a new church complex northeast of Tully Road and Bangs Avenue. Holy Family Catholic Church gathered in an elementary school cafeteria when it was founded in 2006, and in 2009 leased a sanctuary and several adjoining buildings at its current home, 4212 Dale Road. "But we want to have a church of our own," said Ed Dyrda, pastoral administrator. So, parish leaders arranged to swap land owned by the Stockton Diocese at Tully and Kiernan Avenue with an 18-acre parcel a bit to the south that is vacant and hasn't been farmed for more than 10 years – a good match for dreams of the new church. The parish began a money-raising drive in January, county planners approved the blueprint and Dyrda said construction could be about five years away. "Unless a guardian angel comes down with \$10 million, it's going to be awhile," he said. Eventually, Holy Family expects to spend about \$15 million on a complex of about 20,000 square feet, with a 634-seat social hall and chapel, offices, a kitchen and a small store selling church goods. First, Holy Family must persuade a growth-guiding panel to allow a 12-inch water pipe extension from Modesto; the city limit is 500 feet to the south. State law generally frowns on such requests, preferring that cities formally annex areas needing service extensions, to avoid hopscotch sprawl and the haphazard growth that can ensue. In this case, owners of surrounding land have not agreed to join Modesto, and leaders don't expect that to change in the next five years. The Stanislaus Local Agency Formation Commission, which rules on requests for annexations and service extensions, will be asked Wednesday to grant an exception for Holy Family. Technically, the applicant is City Hall, which has promised to deliver water if LAFCO gives its blessing. Holy Family's current home on Dale originally was developed by New Hope Church, which later shared the property with Shelter Cove

Community Church before that congregation outgrew it, sold the site and moved to its own complex replacing a golf driving range in northeast Modesto. The Rev. Juan Serna is pastor at Holy Family.

Central Valley Regional Water Quality Control Board

22 January 2021

Governor's Office of Planning & Research

Jan 22 2021

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

STATE CLEARINGHOUSE

COMMENTS TO REQUEST FOR REVIEW FOR THE EARLY CONSULTATION, GENERAL PLAN AMENDMENT & REZONE APPLICATION NO. PLN2018-0081 - LIBITZKY MANAGEMENT CORPORATION PROJECT, SCH#2019039139, STANISLAUS COUNTY

Pursuant to the State Clearinghouse's 8 January 2021 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 General Plan Amendment & Rezone Application No. PLN2018-0081 - Libitzky Management Corporation 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 amendment in noticed public hearings, it must be approved by

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

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 Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.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 and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-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 United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, 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

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.

Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE 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. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE 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 Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

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 Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. 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 Threat 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 Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

If you have questions regarding these comments, please contact me at (916) 464-4856 or Nicholas.White@waterboards.ca.gov.



Nicholas White
Water Resource Control Engineer

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DISTRICT 10 DIRECTOR
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a California Way of Life.*

Governor's Office of Planning & Research

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April 4, 2019

10-STA-219 PM 3.9
Libitzky Management Corporation
PLN2018-0081
SCH#2019039139

Ms. Rachel Wyse
Senior Planner
Stanislaus County, Planning & Community Development
1010 10th St, Suite 3400
Modesto, CA 95354

Dear Ms. Wyse:

Thank you for the opportunity to review the above-referenced document, the Libitzky Management Corporation project, PLN2018-0081. The Department has the following comments:

This project may cause a significant impact to the State Highway System. A traffic impact study (TIS) is necessary to determine this proposed project's near-term and long-term impacts to State facilities – both existing and proposed – and to propose appropriate mitigation measures. The Department recommends that the study be prepared in accordance with the Caltrans Guide for the Preparation of Traffic Impact Studies. The Department is available to discuss assumptions, data requirements, study scenarios, and analysis methodologies prior to beginning the TIS. This will help ensure that a quality TIS is prepared. As part of the TIS submission to the Department, please provide, in an electronic format, the traffic microsimulation software files (both input and output) that will be used to develop the TIS. The Department requires this information to provide a complete review and further comment of the proposed project. The TIS must include, but is not limited to, the State Route 219/ Tully Road Intersection.

We suggest that the County continue to coordinate and consult with the Department to identify and address potential cumulative transportation impacts that may occur near this geographical location. This will assist us in ensuring that traffic safety and quality standards are maintained for the traveling public on state transportation facilities. If you have any questions, please contact Steven Martinez at (209) 942-6092 (email: steven.r.martinez@dot.ca.gov) or me at (209) 941-1921. We look forward to continuing to work with you in a cooperative manner.

Sincerely,

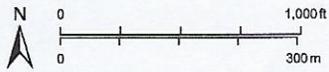
TOM DUMAS, Chief
Office of Metropolitan Planning

**HINDU TEMPLE
UP
PLN2018-0069**

ACREAGE MAP

LEGEND

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



Source: Planning Department GIS Date: 10/21/2019

