

March 27, 2002

To: Sutter County Planning Commission

Re: Agenda Item #9: Public hearing on Use Permit #02-01 to allow the conversion of an existing residence to serve as a Sikh temple and related improvements, including a detached restroom building and parking lot; AG (General Agricultural) District; located at 1298 South George Washington Boulevard, Yuba City; A. P. #22-030-062 & -063; applicant - Guru Nanak Sikh Society/property owner - Kirby Family Trust (Location: District 4 - Commissioner Bajwa).

Current Proposal

A. Project Description

The applicant requests approval of a use permit to allow the conversion of an existing residence to serve as a Sikh temple. Other improvements proposed with the application include a detached restroom building (12' by 20' in size) and a paved parking lot. Services at the temple will be attended by a maximum of 75 people. These services are held one evening a month from 6:00 PM to 9:00 PM and on weekends. Marriage ceremonies averaging approximately eight per year will usually be held on Saturdays from 9:00 AM to 2:00 PM and will be limited in attendance to 75 people. For more information regarding the proposed activities, including those held during weekdays, see the detailed description of use provided by the applicant and included as Exhibit C.

B. Environmental Consideration

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act and the Guidelines. The study revealed that the project, as proposed, could have a significant impact on the environment; however, mitigation measures have been recommended by staff which reduce the possible impacts to a less-than-significant level. Therefore, staff recommends the Commission adopt the attached Mitigated Negative Declaration and Mitigation Monitoring Program.

Background

A. Property Description

The subject site is currently two separate parcels consisting of a 1.80-acre parcel developed with a residence (to be converted to the temple) and a 27.08-acre parcel developed with an orchard. The applicant has applied for and received Planning Division approval of a lot line adjustment application (LLA #02-02) to merge the two parcels together, which will result in a single 28.88 acre parcel. It is staff's understanding that the approved merger will not be recorded unless the use permit application is approved.

B. Surrounding Land Use, Zoning District and General Plan Designation:

	Use	Zoning	General Plan
Subject Property	Residence, orchard	AG	AG-20
North	Residences, orchards	AG	AG-20
East	Orchards	AG	AG-20
South	Residences, orchards	AG	AG-20, AG-80
West	Residence, orchards	AG	AG-20, AG-80

C. Previous Commission Action/Policies

On February 1, 1995, Parcel Map #94-16 was approved by the Planning Commission which allowed the division of the property into the 1.80 and 27.08 acre parcels that currently exist today. As a condition of that approval, the applicant was required to enter into a development rights agreement with the County to restrict future residential development on the 27.08-acre agricultural parcel. Staff notes that the agreement only prohibits future development of a residential use on this parcel and that if the two parcels are merged back together, the agreement is terminated and the development rights revert back to the owner.

On May 2, 2001, the Planning Commission denied a similar request for a Sikh temple for up to 75 persons (Use Permit #00-14) proposed to be located southeast of the subject parcels, at 2031 Grove Road (west side of Grove Road, south side of Bogue Road). That application, which included a proposed 2,000 square foot assembly area, was denied based on findings of noise impacts from vehicle traffic and temple activities proximate to an established residential neighborhood, light impacts from vehicles and parking lot lighting during evening temple activities, and potential traffic impacts on neighboring residences.

Staff Comments

A. Public Works Department (PW):

See Conditions 13-18.

B. Environmental Health (EH):

See Conditions 19-25.

C. Office of the Sheriff/Coroner (S/C):

The Sheriff/Coroner responded there is no anticipated impact to services provided by their department as a result of the project.

D. Building Division (B):

See Condition 26.

E. Yuba City Fire Department (YCFD)

See Condition 27.

F. City of Yuba City - Community Development, Planning Division (YCPD)

The subject property is located within the Yuba City Sphere of Influence, approximately 1/2 mile west of the City limits. The project was routed to the Yuba City Community Development Department, which responded with the comments relative to landscaping of the proposed parking lot. The City indicated that street planters are not shown on the site plan along George Washington Boulevard and that the proposed parking lot does not appear to meet shade requirements. The City completed its comments by stating that street and parking lot landscaping should meet current development standards.

The Sutter County Zoning Code does not contain specific standards for landscaping of properties located within the Yuba City Sphere of Influence that are zoned for agricultural use. Staff is, however, recommending the adoption of two mitigation measures that will require landscaping within the front setback area along George Washington Boulevard, along the north property line, and along the entire perimeter of the proposed parking lot (Mitigation Measures #1 & #4).

G. Planning (P):

As noted above, the applicant is requesting this use permit to allow for the conversion of an existing residence, which is now approximately 2,300 square feet in size, to serve as a Sikh temple. This conversion, or remodel, will involve extending the outer wall of the existing living and dining rooms ten feet to create a “prayer hall” assembly area which will increase the floor area by approximately 500 square feet, for a total of 2,800 square feet. This square footage does not include the garage and utility room area which contains 930 square feet. The applicant also proposes a 12’ by 20’ (240 square feet) detached restroom building and paved parking lot.

The activities to be held at the temple and the expected attendance are described in the description of use, attached as Exhibit C. The applicant proposes that a maximum of 75 people will attend services or marriage ceremonies at the site. Staff is recommending that a condition of

approval be placed on the project to limit the number of people attending services or ceremonies to 75.

Access to the subject parcel is provided by George Washington Boulevard. According to the Transportation and Circulation Element of the Sutter County General Plan, George Washington Boulevard is classified as a Rural Arterial having two lanes, an average daily traffic count (ADT) of 3,070, and a level of service (LOS) B. The applicant proposes that a maximum of 75 people will attend the temple for normal weekend services, one evening service per month, and weekend weddings which could result in an additional 150 trips of traffic along George Washington Boulevard. This quantity of trips is based on 75 licensed drivers traveling to the temple individually. The number of actual trips generated, however, will likely be less due to children and other family members traveling together to the temple. The average weekday traffic anticipated to be generated by the project is 50 trips per day. Due to the relatively infrequent large services to be held at the temple and the minimal use of the facility during peak traffic hours, George Washington Boulevard's existing daily volume of traffic, level of service, and its classification as a Rural Arterial, and since George Washington Boulevard will remain at a level of service (LOS) B even with the proposed project, the additional traffic generated by the temple use is not considered to be significant.

The Sutter County Public Works Department has reviewed the project and did not indicate the additional traffic generated by the project would result in a hazard to George Washington Boulevard. The Public Works Department is recommending a condition requiring that the applicant dedicate additional right of way along George Washington Boulevard. Public Works is also recommending conditions requiring that a deferred improvement agreement be entered into with the County to provide for future street paving, curbs, gutters and sidewalks, and that a drainage and grading plan be submitted and approved prior to issuance of a building permit.

To serve those attending services and marriage ceremonies, the applicant proposes to construct a detached restroom building, 12' by 20' in size, located near the south side of the temple building. The Sutter County Environmental Health Department has reviewed the project and will require that a designed modification of the sewage disposal system for the temple use be prepared by a qualified consultant and submitted for their review and approval. The applicant will be required to provide certification to Environmental Health that the modifications have been made in accordance with the approved design. Environmental Health has also commented that the water system/well serving the temple use shall qualify as a public water non-transient, non-community system and shall be permitted by the State of California. This requirement is addressed as a condition of approval.

Section 1500-8216 of the Zoning Code states that the Planning Commission may approve a use permit if it finds that the proposed use will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

The Initial Study prepared for the project identified potential impacts to aesthetics, air quality, and land use and planning. The construction of a large paved parking lot for the temple within a rural, agricultural area has the potential to create aesthetic impacts and impact neighboring

properties from car headlights. The Sutter County Zoning Code does not contain specific requirements for landscaping of parking lots within agricultural zone districts. To address this impact, a mitigation measure is recommended requiring that landscaping be provided around the entire perimeter of the proposed parking lot, including complete landscaping of the front yard setback area along the west side, adjacent to George Washington Boulevard (See Condition #6). To address impacts from parking lot lighting, a mitigation measure is recommended to require that all outdoor lighting be installed so as not to shine on adjacent properties and that hoods and shields be utilized on parking lot lighting to direct the light downward. Minimum lighting of the parking lot shall be required in accordance with the requirements of the Zoning Code (See Condition #7).

With regard to air quality, construction of the paved parking lot will involve grading and generate dust which could impact neighboring residences. In order to address potential dust impacts, a mitigation measure is recommended requiring that the applicant sufficiently water the construction site to prevent dust emissions from exiting the property (see Condition #8).

The subject site is located in an agricultural area with many surrounding parcels having orchards. The establishment of the temple near the north property line has the potential to conflict with the existing orchard located on the property adjacent to the north. Staff is therefore recommending a mitigation measure requiring that the proposed parking lot be located a minimum of 25 feet from the north property line to assist in buffering the proposed use from the existing adjacent agricultural use. This 25 foot setback area will be required to be fully landscaped in a manner compatible to the requirements of Mitigation Measure #1 (see Condition #9).

Staff notes that the proposed parking lot as shown on the site plan submitted does not meet this 25 foot setback requirement from the north property line. Based on the dimensions shown on the site plan, there is adequate area available to redesign the parking lot, meet the minimum requirements for parking stall length and turnaround area, and meet the 25 foot setback while still providing two separate rows of parking spaces. As a condition of approval, the applicant will be required to submit for review and approval a revised site plan which depicts a paved parking lot area in compliance with the requirements of Condition #9 (Mitigation Measure #4). The parking lot will be required to contain an adequate number of parking spaces to meet the requirements of the Sutter County Zoning Code (1 space for each 4 fixed seats or 1 space for each 40 square feet of assembly seating area). The parking spaces shall be required to be striped. Design of the parking lot including size of parking spaces and accessways will be required to comply with the requirements of the Zoning Code.

The gathering of people on the site for services and marriage ceremonies also has the potential to create noise impacts on residences in the area. Based on a site inspection conducted by staff, the nearest residences are located to the north and range from approximately 200-400 feet from the north property line of the subject property. To address potential noise impacts, staff is recommending a condition of approval requiring that all worship services and marriage ceremonies be conducted inside the temple building. In addition, the use of tents or any other type of temporary structures on-site will be prohibited. Staff is also recommending a condition prohibiting the use of any outdoor public address system or the holding of any outdoor musical events.

The subject property is zoned AG (General Agricultural) and is designated Agriculture, 20 acre minimum, by the Sutter County General Plan. Churches are permitted in the AG zone district, subject to approval of a use permit application. In reviewing a use permit request, the proposed use must be found to be consistent with the General Plan. The Land Use Element of the Sutter County General Plan contains the following goal and policies that are applicable to the proposed project:

Goal 1.F To minimize conflicts between agricultural and non-agricultural uses.

Policy 1.F-1 The County shall require that all new development adjacent to agricultural areas be designed to minimize conflicts with adjacent agricultural uses.

Policy 1.F-4 The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.

Staff believes that due to the maximum attendance of 75 people at the temple, the minimal building modification necessary to accommodate the use, and with the requirement for the buffer along the north property line and the other recommended mitigation measures and conditions of approval required, the proposed temple use will not conflict with existing adjacent agricultural uses. Staff believes the proposal is consistent with the General Plan. Staff also believes that the proposed use will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

Based on the use being consistent with the General Plan and with the recommended mitigation measures and conditions of approval attached to the staff report required, staff believes the required findings can be made. Staff therefore recommends approval of Use Permit #02-01, subject to the attached findings, mitigation measures, and conditions of approval.

Recommended Findings

Based on the information contained in the staff report and/or testimony received at the public hearing, the Planning Commission finds:

- A. In accordance with the California Environmental Quality Act and the Guidelines, an Initial Study was prepared to analyze the potential impacts of the proposed project. The Study revealed that the project as proposed could have a significant impact on the environment; however, with the mitigation measures identified in the Initial Study, all potential impacts will be reduced to a less-than-significant level. No written or oral comments have been provided which present evidence that the project as mitigated will have a significant impact on the environment. Therefore, the proposed Mitigated Negative Declaration and Mitigation Monitoring Program attached to this staff report are appropriate.

- B. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and proposed Mitigated Negative Declaration prior to making its decision on the project and finds that the Mitigated Negative Declaration reflects the independent judgment of the County of Sutter.
- C. The proposed use does not conflict with adjacent agricultural operations and is consistent with the Sutter County Zoning Code and policies of the Sutter County General Plan.
- D. Since conditions and mitigation measures have been included to reduce potential impacts on the surrounding properties, the establishment, maintenance, and operation of the temple use will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

Recommended Action

- A. Make the Findings for approval as recommended by staff.
- B. Adopt the proposed Mitigated Negative Declaration and Mitigation Monitoring Program prepared for the project and attached to this report.
- C. Approve Use Permit #02-01, subject to the following conditions:
 - 1. The applicant shall file a Notice of Determination, including payment of associated fees, in the office of the County Clerk within five (5) days after the end of the ten (10) day appeal period. (P)
 - 2. Upon payment of the Notice of Determination, the applicant/developer shall pay any outstanding balance in excess of the amount deposited for processing the use permit application. (P)
 - 3. The property shall be developed and the use conducted in substantial accordance with the approved site plan and the description of use contained in the agenda report, except as may be amended by the conditions below. (P)
 - 4. The area surrounding the temple building shall be maintained in a neat and orderly fashion, free of debris, weeds, and salvage materials. (P)
 - 5. The temple shall be limited to a maximum of 75 people attending the site for services, marriage ceremonies, or other approved activities as stated in the description of use. (P)
 - 6. Prior to issuance of a building permit, a landscape and irrigation plan providing for landscaping along the entire perimeter of the proposed parking lot shall be submitted for review and approval by the Planning Division of the Sutter County

Community Services Department. Said landscape plan shall provide for complete landscaping of the front yard setback area along the west side of the parking lot, shall provide for a mixture of trees and shrubs, and shall include a minimum of one, 15 gallon tree planted every ten feet. Landscaping shall be planted prior to issuance of certificate of occupancy for the temple. **Mitigation Measure #1.** (P)

7. All outdoor lighting shall be installed so as not to shine on adjacent properties. Parking lot lighting shall utilize hoods and shields to direct light downward onto areas to be illuminated only. At a minimum, parking areas and access ways shall have one foot-candle of light on the entire paved area from dusk to the time when worshipers have departed the temple parking area, consistent with Section 1500-8118(h)(1) of the Zoning Code. **Mitigation Measure #2.** (P)
8. During construction of the parking lot, the applicant/developer shall sufficiently water the construction site to prevent dust emissions from exiting the property. **Mitigation Measure #3.** (P)
9. The proposed parking lot shall be located a minimum of 25 feet from the north property line to assist in buffering the proposed use from the existing adjacent agricultural use. This 25 foot setback area shall be fully landscaped in a manner similar to the requirements of Mitigation Measure #1. The applicant shall provide to the Planning Division written evidence from the County Agricultural Commissioner's office, U.C. Extension Agricultural Advisor's office, or other qualified consultant that the proposed plant materials will not create a host environment for pests or diseases for the agricultural area. The landscape plan shall be approved prior to issuance of a building permit and the landscaping planted prior to issuance of certificate of occupancy. **Mitigation Measure #4.** (P)
10. Prior to issuance of a building permit, the applicant shall submit to the Planning Division for review and approval a revised site plan which depicts a parking lot area in compliance with the requirements of Condition #9 (Mitigation Measure #4). Said parking lot shall contain an adequate number of parking spaces to meet the requirements of the Sutter County Zoning Code (1 space for each 4 fixed seats or 1 space for each 40 square feet of assembly seating area). The parking spaces shall be required to be striped. Design of the parking lot including size of parking spaces and accessways will be required to comply with the requirements of the Zoning Code. (P)
11. All worship services and marriage ceremonies shall be conducted inside the temple building. Use of tents or any other type of temporary structures shall be prohibited. (P)
12. Use of any outdoor public address system or the holding of any outdoor musical events shall be prohibited. (P)

13. No grading or alteration of the existing terrain that would direct additional waters to the County road shall be done without the approval of the Department of Public Works. (PW)
14. Encroachment permits shall be obtained from the Public Works Department for any new driveway or road connections to be made to existing County roads. Construct new driveway(s) to current County standards. (PW)
15. New building pads shall be at elevations in conformance with Section 1300-022(F) of the Sutter County Ordinance Code, as defined by Resolution No. 92-124. (PW)
16. If sufficient rights of way do not already exist, additional rights of way and/or public utility easements shall be deeded to Sutter County to provide the specified one-half widths of the following indicated roads: (PW):

George Washington Boulevard 42.0' R/W + 10' P.U.E.
17. A deferred improvement agreement, secured by a bond or other security approved by the Director of Public Works, shall be entered into with Sutter County. This agreement shall run with the land and shall be binding on all successors in interest. The agreement shall provide for the following: Street paving, curbs, gutters and sidewalks. (PW)
18. A drainage and grading plan must be submitted and approved by the Public Works Department prior to a building permit being issued. (PW)
19. A designed modification of the sewage disposal system for the temple use shall be prepared by a qualified consultant and submitted to Sutter County Community Services, Environmental Health Division for review and approval. Prior to issuance of certificate of occupancy for the temple use, certification that the modifications have been made to the sewage disposal system in accordance with the approved design shall be provided to Environmental Health. All wastewater shall be disposed of into the approved sewage disposal system. (EH)
20. The water system/well serving the temple use shall qualify as a public water non-transient, non-community system and shall be permitted by the State of California. (EH)
21. Any abandoned on-site sewage systems and individual water supply wells shall be destroyed in accordance with Sutter County Environmental Health regulations. Sutter County Environmental Health permits and inspections for this work shall be obtained. (EH)
22. The septic tank serving the project shall be pumped by a registered septic tank pumper at a minimum frequency of at least once every five (5) years. A copy of the pump report must be submitted to Sutter County Environmental Health. (EH)

23. The discharge of fuels, oils, other petroleum products, detergents, cleaners, or chemicals to the surface of the ground or to drainage ways on or adjacent to the site is prohibited. (EH)
24. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the on-site sewage disposal system is prohibited. (EH)
25. All structures producing wastewater shall connect to the public sewer system when it is available, per the Uniform Plumbing Code (UPC). (EH)
26. The proposed occupancy change of the building from Residence (R-3) to Assembly (A-3) will require that a State of California Registered Engineer prepare plans for the conversion. (B)
27. The project shall be required to meet the water supply/fire flow requirements as set forth in the currently adopted edition of the Uniform Fire Code. (YCFD)
28. Residential occupancy of the temple shall be limited to the priest. (P)
29. Prior to issuance of a building permit for the conversion of the residence to the temple, the applicant shall provide evidence demonstrating that the lot line adjustment to merge the two subject parcels has been recorded with the County Recorder. (P)
30. The use permit shall be activated within one year of the approval date, unless an extension is filed and granted in accordance with the Sutter County Zoning Code. (P)

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

Steve Geiger
Associate Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Site Plan
Exhibit C - Floor plans showing existing residence and proposed modifications
Exhibit D - Description of use
Exhibit E - Proposed Mitigated Negative Declaration and Initial Study
Exhibit F - Mitigation Monitoring Program
Exhibit G - Letters and petitions in opposition to the project

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