

# SOLANO COUNTY PLANNING COMMISSION

## RESOLUTION NO.

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**WHEREAS**, the Solano County Planning Commission has considered Amendment No. 1 of Use Permit U-97-13-AM1 of the **Guru Nanak Sikh Temple** to authorize the construction of a new 15,060 square foot religious temple to accommodate up to 600 persons per weekly service. The project also includes new and expanded facilities to accommodate the increased demand for parking, vehicle access, septic capacity, storm water retention, and fire suppression. The project is located at 2948 Rockville Road, ¼ mile west of the City of Fairfield, within the Suisun Valley Agriculture “A-SV-20” Zoning District; APN 0150-260-040, and;

**WHEREAS**, the Commission has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on August 1, 2019, and;

**WHEREAS**, after due consideration, the Planning Commission has made the following findings in regard to said proposal:

**1. The establishment, maintenance, or operation of the proposed use or building applied for are in conformity to the Solano County General Plan with regard to traffic circulation, population densities, and distribution, and other aspects of the General Plan considered by the Planning Commission to be pertinent.**

The applicant has furnished a Traffic Impact Study to evaluate the potential traffic impacts associated with the proposed temple expansion project. The traffic conditions analyzed in the study were made using the level of service (LOS) concept for both study intersections and roadway segments. LOS is a qualitative measure of the level of delay and congestion experienced by motorists and designated by six levels “A” through “F”, from best to worst. The intersection and roadway segment level of service analysis results for existing conditions plus project conditions indicate all study areas would continue to operate at acceptable LOS and thus the project would not result in any significant impact to the existing traffic operations.

The General Plan policies relating to population densities and distribution are not applicable to this use permit amendment request.

The loss of 5.16 acres of the existing agricultural easement will be compensated by the acquisition of farmland conversion mitigation at a minimum ratio of 1:5:1 (1.5 acres of farmland protected for each acre of farmland converted).

**2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

The project is served by Rockville Road which is a public road that provides adequate transportation and circulation to and from the site. The traffic study included with the application concludes that the proposed project will not adversely affect traffic operations along Rockville Road. Onsite municipal water service provides adequate water supply to the property. Wastewater treatment, disposal systems, stormwater retention, and other utilities are or will be in place to serve the proposed expansion and as conditioned by this permit.

**3. The subject use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of**

**persons residing or working in or passing through 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 proposed religious temple expansion will not create a nuisance or cause any detrimental effect to the health, safety, peace, morals, comfort, or general welfare of the community. The various studies provided with this application demonstrate that the land use will not generate potentially significant environmental impacts.

- 4. The project site is unique in respect to size, shape, location, existing and potential uses.**
  - A. The project site is a very small agriculturally zoned property (7.78 acres) that has not been farmed in over thirty (30) years and is adjacent to nonagricultural land uses.
  - B. The property has a location that is bordered by Rockville Road to the north and Interstate 80 to the south. It is additionally bordered on the east by nonagricultural uses including service commercial businesses and restaurant. The property is bordered to the west by nonagricultural uses including a construction yard.
  - C. The property is unique in shape and size in that it is a wedge-shaped parcel consisting of 7.78 acres.
  - D. The project site is not suitable for agricultural use because of the location, size, and development upon it. The location, including the proximity to high volume traffic and the presence of mixed, nonconforming uses located onsite as well as on adjacent parcels, the wedge shape formation, and the location of existing buildings renders the undeveloped portion of the property inappropriate for agricultural use.
- 5.** The project site is not the minimum size for a “farmable unit” on a highly productive irrigated parcel as referenced in the Solano County General Plan. Given its size, history, location, and existing and proposed land uses constructed upon it, it is not a viable agricultural economic unit.
- 6.** Approval of the proposed expansion is neither precedent setting nor detrimental to protecting the integrity of prime agricultural lands within the Suisun Valley Agriculture “A-SV-20” Zoning District, and it will be in conformance with the regulations set forth by the Solano County Zoning Ordinance based on the imposition of the recommended conditions of approval.
- 7.** The proposed Temple expansion is compatible with surrounding land uses and will not be in conflict with agricultural operations located along or across Rockville Road.
- 8.** The functional arrangement and general appearance of the project will be consistent with the character of the area and will not be detrimental to the orderly development of the County.

**BE IT, THEREFORE, RESOLVED**, that the Planning Commission does hereby approve Amendment No. 1 of Use Permit U-97-13 subject to the recommended conditions of approval.

**BE IT, THEREFORE, RESOLVED**, that the Planning Commission does hereby adopt the Mitigated Negative Declaration prepared for the Project. The Planning Commission certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered along with the comments received during the public review process and finds that the Mitigated Negative Declaration reflects the independent judgement of the Planning Commission.

**BE IT, THEREFORE, RESOLVED**, that the Planning Commission has approved Amendment No. 1 of Use Permit U-97-13 subject to the following recommended conditions of approval:

**Administrative**

1. The proposed expansion of the permitted religious facility shall be established and operated in accord with the application materials and development plans for Amendment No. 1 of Use Permit U-97-13, filed April 12, 2017, and as approved by the Solano County Planning Commission.
2. Granting of Amendment No. 1 to Use Permit U-97-13 authorizes the construction of a 15,060 square foot temple located near the southwest corner of the property. This structure includes a 9,000 sq. ft. prayer hall, lobby, storage, and utility rooms. The two story structure measures 35 feet in height; however domes and spires would reach a maximum height of 58 feet above the finished grade. The proposal would accommodate an increase from 200 to 600 persons per Sunday service.

The former 5,033 square foot temple would continue to utilize the commercial kitchen, dining hall, and library.

The project involves up to three (3) large events per year with an anticipated attendance of up to 1,000 persons per event. These events would occur on Sundays with guest arrival and departure times similar to regular services. Smaller gatherings would also occur on Wednesdays of up to 50 persons.

In addition to the new temple, the project includes a 2,160 square foot modular unit which is being utilized as the Guru Nanak Sikh Temple Academy. Use of the classroom occurs during Sunday service hours.

The project also includes new and expanded facilities to accommodate the increased demand for parking, vehicle access, septic capacity, storm water retention, and fire suppression.

Activities and services not listed in the project description are prohibited.

3. Granting of Use Permit U-97-13-AM1 is contingent on the approval of Zoning Text Amendment ZT-17-03 and shall not become valid unless and until the zoning text amendment becomes effective.
4. Granting of Use Permit U-97-13-AM1 is contingent on Board of Supervisors action to amend or supersede the existing Easement Deed and Agreement which limits development potential and use intensity of the subject site. The use permit amendment shall not become valid unless and until an amended or superseded Easement Deed and Agreement has been recorded with the Solano County Recorder's Office.
5. This use permit is issued for an indefinite term, commencing on effective date of Zoning Text Amendment ZT-17-03 and subject to renewal as provided below.
6. This use permit is subject to renewal pursuant to Section 28.106(N) of the Solano County Code. Application for renewal must be filed 60 days prior to the five (5) year anniversary date of the initial approval or the most recent renewal approval date.
7. Conditions of Approval established through the issuance of this amendment shall supersede any and all prior conditions established under the original use permit (U-97-13).

8. No additional uses, new or expanded buildings shall be established beyond those identified on the approved development plans without prior approval of an amendment or revision to the use permit.
9. Prior to the issuance of a certificate of occupancy for structures authorized under this use permit, the permittee shall be present on site for an inspection of the premises by the Department of Resource Management and other agencies with jurisdiction, in order to determine if all prerequisite conditions and requirements have been met. Commencement of activities authorized under this permit shall not begin until the Director of Resource Management determines that the permittee is in compliance with the necessary prerequisite conditions of approval.
10. If additional inspections are required before the Director determines the permittee is in compliance with the use permit, the permittee shall be charged inspection fees based on the adopted rate established by the Board for hourly work by the Department.
11. Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause for the revocation of the use permit and cessation of the permitted uses at the Permittee's expense.
12. By acceptance of this permit, the permittee and its successors in interest agree that the County of Solano, its officers and employees shall not be responsible for injuries to property or person arising from the issuance or exercise of this permit. The permittee shall defend, indemnify and hold harmless the County of Solano, its officers and employees from all claims, liabilities, losses, or legal actions arising from any such injuries. The permittee shall reimburse the County for all legal costs and attorney's fees related to litigation based on the issuance of and/or interpretation of this permit. This agreement is a covenant that runs with the land and shall be binding on all successors in interest of the permittee.

### **Site and Facility Improvements**

13. The subject property shall be limited to a maximum occupancy of 610 persons during normal Sunday services, and 1,000 persons during the three (3) special events provided annually.
14. No more than 600 people shall occupy the religious temple during normal Sunday service hours between 8:00 a.m. and 5:00 p.m.
15. Within two (2) years of the effective date of this use permit, the permittee shall file with the Director of Resource Management improvement plans and right of way dedication that may be necessary to construct a left turn lane into the facility along Rockville Road. An encroachment permit shall be obtained from the Public Works Engineering Division and the road improvements shall be constructed prior to the issuance of the Certificate of Occupancy for the new temple building.
16. The permittee shall compensate for the loss of 5.16 acres of agricultural land by acquiring farmland conversion mitigation at a minimum ratio of 1:5:1 (1.5 acres of farmland protected through mitigation for each acre of farmland converted). A plan for mitigation compensation shall be submitted to the Director of Resource Management within two (2) years of the effective date of this use permit. The mitigation compensation shall be secured prior to the issuance of the Certificate of Occupancy for the new temple building.

### *Structures*

17. The use of existing structures during service activities are limited to structures that are permitted for commercial and public assembly occupancy and are in compliance with American Disabilities Act (ADA) where applicable. Any interior remodeling of an existing structure is limited to that needed to meet building occupancy and ADA requirements without expansion of the footprint.
18. The use of the existing metal storage building for public assembly is prohibited.
19. The use of temporary structures during special events is limited to structures that are permitted for commercial and public assembly occupancy and are in compliance with American Disabilities Act (ADA) where applicable. This requirement may be waived when the applicable fire agency verifies in writing that the proposed structure is adequate for safe egress and all other fire safety concerns have been addressed.
20. The existing 28 foot tall Nishan Sahib (orange flagpole), is allowed on the project site at the location shown on the approved site plan and may be replaced by a 59 foot tall Nishan Sahib.
21. Banners, cloth or paper signs, temporary signs, streamers, balloons, etc. used to advertise the existence of the Temple, its activities and its religious services are prohibited. Only those signs approved by the Planning Division shall be installed on the project site.
22. Mobile homes, recreational vehicles and any structures not specified on the approved development plans are prohibited on the subject site.
23. Residential use of and construction of residential structures on the subject property is prohibited except for the residential use of the detached single family residential structure that currently exists on the project site. When the current life estate terminates, the existing detached single family residential structure shall only be used for residential purposes unless this permit is modified to allow other uses.
24. All buildings shall be set back a minimum of twenty-five (25) feet to any property line constituting the parcel boundary.

### *Circulation & Parking*

25. Ingress and egress to the subject site and the interior circulation pattern shall be developed consistent with the approved development plan.
26. Parking on-site is restricted to the areas designated and identified for parking on the approved development plans. Overflow parking for religious services and activities is prohibited on other areas of the subject property and off-site along Rockville Road.
27. The proposed parking lot and driveways leading to it shall be surfaced with asphaltic concrete or its equivalent as approved by the Solano County Public Works Division. The proposed parking lot shall be sloped consistent with the approved development plans.
28. Curbs and wheel stops shall be installed in the proposed parking lot to protect landscaping and other improvements from damage by vehicles.
29. Adequate on-site parking arrangements including driveways, aisles, pathways, number of spaces, dimensions, surfacing, and marking shall be developed in accordance with Section 28.94 of the Solano County Zoning Regulations and constructed prior to the issuance of the Certificate of Occupancy for the new temple building.

30. Parking areas, including driveways and loading areas, used for primary circulation and for frequent idling of vehicle engines shall be designed and located to minimize the impact of noise on adjacent properties.

#### *Lighting*

31. Lighting capable of providing adequate illumination for security and safety shall be provided. Lighting shall be downcast and/or directed away from adjacent properties and public rights-of-way to prevent offensive light or glare.
32. Parking areas shall have lighting capable of providing adequate illumination for security and safety. Any illumination shall be directed away from adjacent properties and public rights-of-way.

#### *Landscaping*

33. Prior to the issuance of any building permits for construction purposes, a detailed landscape plan showing the species and spacing of all plant materials shall be approved by the Director of Resource Management.
34. Proposed improvements, including the installation of landscaping, shall be completed prior to the issuance of the Certificate of Occupancy for the new temple building.
35. The required front yard setback as determined by the zone district shall be landscaped in accordance with a landscape and irrigation plan approved by the Department of Resource Management. At least two twenty-four inch (24") box street trees are required for each 50 feet of street frontage or fraction thereof.
36. Landscaping shall be provided equivalent to at least fifteen percent of the total parking area hardscape. The parking area hardscape includes parking stalls, sidewalks, and all driveways outside of the front yard setback. Such landscaping shall be located throughout the parking area and at a minimum shall include one twenty-four inch box tree for every five parking stalls.
37. All landscaping installed as a result of the subject use permit applications' approval shall be maintained in a healthy, thriving and weed-free condition at all times by the applicant. Dead plant materials shall be replaced with plant materials approved by the Planning Division of the Department of Resource Management.
38. The permittee shall maintain the transitional buffering of evergreen trees and shrubs to provide a visual screen between the adjacent agriculturally and commercially zoned properties and the Interstate 80 frontage (Fairfield Linear Park).

#### **Operational & Performance Standards**

39. Construction activities associated with the development of the proposed religious facility shall only take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.
40. The permittee shall be responsible for taking measures necessary or as may be required by the County to prevent light, glare, traffic congestion, visual distraction or other impacts which constitute a nuisance to motorists, persons or property in the surrounding area.
41. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.

42. Adequate maintenance shall be provided to prevent deterioration of all exterior improvements by the owner so that the subject project remains visually attractive to the public at all times.
43. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
44. The applicant shall use its best, good faith efforts to coordinate temple activities so as to avoid potential conflicts associated with pesticide use by the neighboring property to the west of the project site.
45. The permittee shall prevent offensive noise, dust, glare, vibration or odor. All uses of land and buildings shall be conducted in a manner, and provide adequate controls and operational management to prevent:
  - a. Dust, offensive odors, vibration detectable beyond any property line.
  - b. Noise that exceeds 65dBA LDN at any property line.
  - c. Glint or glare detectable beyond any property line or by overflying aircraft.
46. The project shall contain measures to manage storm water to prevent any potential contaminants, processing wastes or by-products from entering any natural or constructed storm water facility or canal, creek, lake, pond, stream or river.
47. Removal of natural material 1) shall prevent offensive noise, dust, vibrations or standing water from occurring beyond any property line; 2) shall not create finished grades of a greater slope than two to one; and 3) shall be so located that generated traffic will not constitute a hazard or nuisance to surrounding property.

#### **Public Works – Engineering Division**

48. The permittee shall acquire a Grading Permit from the Public Works – Engineering Division for any grading or earthwork on-site.
49. The permittee shall acquire an Encroachment Permit from the Public Works – Engineering Division for the new, easterly driveway connection to the Rockville Road. The encroachment permit will require construction of driveway connection that meets the minimum standards of a "Commercial Driveway/Private Road Connection" as shown in the Solano County Road Improvement Standards.
50. No parking will be allowed along the permittee's frontage of Rockville Road. The permittee shall pay this department a fee for installing required no parking signs.
51. The applicant shall furnish a hydrologic study prepared by a licensed civil engineer to demonstrate that permanent storm drain facilities can be designed and constructed on site to satisfy County Code section 31-26 and Section 31-30 "General Design Principles and Standards" showing no increased rate of run off. All current County and State stormwater requirements must be met. The applicant will need to indicate the general location of significant storm drainage improvements on the use permit site plan. The site plan will need to be revised to show that surface water runoff created by any impervious surface on site is retarded by appropriate structural and vegetative measures so that flow rates at the discharge point don't exceed flows prior to any historical development on site. Such improvements need to be contained within the property boundary.

### **Environmental Health Services Division**

52. The permittee shall maintain the potable water service from the City of Fairfield and shall ensure that all structures on site are connected to the City of Fairfield water supply. The permittee shall notify the City of Fairfield about the existing well onsite, and shall comply with any cross connection control requirements that the City of Fairfield has.
- A. The well water onsite shall be used for irrigation and landscaping uses only. All hose bibs or plumbing fixtures which provide water from the well shall be clearly labeled as “Non-Potable Water – Do Not Drink”.
- B. The location of the existing water well shall be shown on the site plan.
53. The permittee shall have the septic design plan revised based upon the revised use permit site plan dated July 23, 2019, and shall pay any additional plan fees associated with the additional review. The revised septic design shall meet all standards of Solano County Code Ch. 6.4, including the leachfield setback distance from the water well and the detention pond.
- A. The septic design plan shall be based upon the usage or wastewater flows that have been revised since the original permit was approved in August 2017.
54. The permittee shall maintain the food facility permit to operate. All food must be prepared and stored in approved areas only, any expansion from the permitted areas require plan submittal and approval prior to implementation.

All water used for human consumption must be from a potable source, the use of the onsite well is not permissible.

### **Building & Safety Division**

55. The permittee shall obtain approval from the Solano County Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, removing, converting, demolishing any building or structure, fence or retaining wall regulated by the Solano County Building Laws. Submit four (4) sets of plans to the Building and Safety Division for plan review and obtain permits prior to beginning any improvements.

### **Suisun Fire Protection District**

56. Plans submitted for building permit must meet all requirements of the Uniform Building and Fire Codes. Occupancies will be determined by the County Building Official for restrictions.
57. New buildings may require protection by an automatic fire sprinkler system. System plans must be submitted to the Suisun Fire Protection District for permit, plan review and field inspections.
58. Other Fire Protection Systems and Alarms may be required pending occupancy use.
59. Public events on-site may have special requirements.
60. Access Road and building approach must meet County and Fire Code Standards.
61. Occupant load and exits will be determined upon submission of plans for building permit.

62. The access road must meet all Solano County requirements for use as a commercial driveway. This may include adequate turning radius or approved turnarounds capable of supporting fire apparatus.
63. Any gate entrances shall be at least 16 ft. wide. If gate is locked, it will be required to be provided with approved fire department access devise.

#### **California Department of Fish and Wildlife**

64. If construction, grading, vegetation removal, or other project-related improvements are scheduled during the nesting season of protected raptors and migratory birds, January 31 to September 1, a focused survey for active nests of such birds shall be conducted by a qualified biologist within 7 days prior to the beginning of project related activities. The results of the survey shall be sent to CDFW and the Planning Division prior to the start of project activities. If an active nest is found, the Permittee shall consult with USFWS and CDFW regarding appropriate action to comply with the Migratory Bird Treaty Act of 1918 and Fish and Game Code. If a lapse in project related work of 7 days or longer occurs, another focused survey and if required, consultation with CDFW and USFWS, shall be required before project work can be reinitiated.

#### **Central Valley Regional Water Quality Control Board**

65. Prior to the commencement of project related activities the permittee shall obtain a Construction Storm Water General Permit from the Central Valley Regional Quality Control Board. A copy of the permit shall be submitted to the Planning Services Division by the permittee.

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre 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).

#### **Mitigation Measures**

66. **Air Quality.** Require Implementation of Measures to Reduce Construction-Related Exhaust Emissions. The applicant, as a condition of project approval, shall be required to implement the following measures to further reduce exhaust emissions from construction-related equipment:
  - Commercial electric power shall be provided to the project site in adequate capacity to avoid or minimize the use of portable gas-powered electric generators and equipment.
  - Where feasible, equipment requiring the use of fossil fuels (e.g., diesel) shall be replaced or substituted with electrically driven equivalents (provided that they are not run via a portable generator set).

- To the extent feasible, alternative fuels and emission controls shall be used to further reduce NO<sub>x</sub> and PM<sub>10</sub> exhaust emissions.
- On-site equipment shall not be left idling when not in use.
- The hours of operation of heavy-duty equipment and/or the amount of equipment in use at any one time shall be limited.
- Construction shall be curtailed during periods of high ambient pollutant concentrations; this may involve ceasing construction activity during the peak hour of vehicular traffic on adjacent roadways or on Spare the Air Days.
- Staging areas for heavy-duty construction equipment shall be located as far as possible from sensitive receptors.
- Before construction contracts are issued, the project applicants shall perform a review of new technology, in consultation with BAAQMD, as it relates to heavy-duty equipment, to determine what (if any) advances in emissions reductions are available for use and are economically feasible. Construction contract and bid specifications shall require contractors to utilize the available and economically feasible technology on an established percentage of the equipment fleet. It is anticipated that in the near future, both NO<sub>x</sub> and PM<sub>10</sub> control equipment will be available.

**67. Require Implementation of Measures to Reduce Fugitive PM<sub>10</sub> Dust Emissions.** The applicant, as a condition of project approval, to implement the following enhanced and additional control measures recommended by BAAQMD to further reduce fugitive PM<sub>10</sub> dust emissions:

- Hydroseeding shall be used or nontoxic soil stabilizers shall be applied to inactive construction areas (previously graded areas inactive for 10 days or more).
- Exposed stockpiles (e.g., dirt, sand) shall be enclosed, covered, or watered twice daily, or nontoxic soil binders shall be applied to such stockpiles.
- Traffic speeds on unpaved roads shall be limited to 15 mph.
- Sandbags or other erosion control measures shall be installed to prevent runoff of silt to public roadways.
- Vegetation shall be replanted in disturbed areas as quickly as possible.
- Wheel washers shall be installed on all exiting trucks, or the tires or tracks of all trucks and equipment leaving the site shall be washed off.
- Windbreaks shall be installed or trees/vegetative windbreaks shall be planted at windward side(s) of construction areas.
- Excavation and grading activity shall be suspended when winds (instantaneous gusts) exceed 25 mph.
- The area subject to excavation, grading, and other construction activity at any one time shall be limited, as necessary.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on August 1, 2019 by the following vote:

AYES: Commissioners

NOES: Commissioners

EXCUSED: Commissioners

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By: \_\_\_\_\_  
Bill Emlen, Secretary