



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. **VIII-B**
COMMISSION MEETING 2-6-13

February 6, 2013

FROM: MIKE SANCHEZ, Planning Manager
Development Services Division

APPROVED BY

DEPARTMENT DIRECTOR

THROUGH: SOPHIA PAGOULATOS, Supervising Planner
Development Services Division

BY: JACK VAN PATTEN, AICP, Planner II
Development Services Division

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION NO. C-11-153
AND ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT
NO. C-11-153

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. APPROVE the finding of a Categorical Exemption for Environmental Assessment No. C-11-153 issued May 9, 2012.
2. DENY the appeal and uphold the Director's action to approve Conditional Use Permit Application No. C-11-153 requesting authorization to establish a recycling center, for 'CRV' materials only, to serve the adjacent grocery store, subject to the following conditions:
 - a. Development shall comply with the Conditions of Approval dated February 4, 2013.
 - b. Development shall comply with the operational statement for the project dated October 11, 2012.
 - c. Development shall comply with Exhibit A, dated October 18, 2012.

EXECUTIVE SUMMARY

The agent for the applicant, Vincent Palacios, of Designed Drafting, filed Conditional Use Permit Application No. C-11-153 requesting authorization to install two ISO Cargo boxes for use as a recycling center, for 'CRV' materials only, to serve the adjacent grocery store..

The project is located on the northeast corner of East Butler and South Maple Avenues. The site is zoned C-2, *Community Shopping Center District*.

Staff recommends that the Planning Commission approve Conditional Use Permit Application No. C-11-153, subject to the conditions of approval noted above. The conditional use permit is appropriate for the site and all findings required by Fresno Municipal Code (FMC) Section 12-405-A-2 can be made. In addition, granting of the requested special permit would not result in a significant impact under the California Environmental Quality Act (CEQA).

PROJECT INFORMATION

PROJECT	Conditional Use Permit Application No. C-11-153 requests authorization to install two ISO Cargo boxes for use as a recycling center, for 'CRV' materials only, to serve the adjacent grocery store.		
APPLICANT	Clara Morales, Miguelito's Recycling Center		
LOCATION	1225 South Maple Avenue, located on the northeast corner of East Butler and South Maple Avenues (APN: 470-300-08) (Council District 5, Councilmember Quintero)		
SITE SIZE	11.67-acres (3500 +/- square foot (~50' X ~70') occupied area)		
LAND USE	Existing	-	<i>Community Commercial</i>
ZONING	Existing	-	C-2, <i>Community Shopping Center District</i>
PLAN DESIGNATION AND CONSISTENCY	Conditional Use Permit Application No. C-11-153 is proposed in accordance with the <i>community commercial</i> land use identified in the Roosevelt Community Plan and the 2025 Fresno General Plan.		
ENVIRONMENTAL FINDING	Categorical Exemption, dated May 9, 2012		
PLAN COMMITTEE RECOMMENDATION	Council District 5 Implementation Committee has reviewed and approved this project.		
STAFF RECOMMENDATION	Approve Conditional Use Permit Application No. C-11-153		

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium Density Residential	R-1, <i>Single Family Residential District</i> & R-3, <i>Medium Density Multiple Family Residential District</i>	Single Family Residential
South	Public Facility	C-2, <i>Community Shopping Center District</i> & C-5, <i>General Commercial District</i>	Community Center
East	Medium & Medium-High Density Residential	R-1, <i>Single Family Residential District</i> ; R-3, <i>Medium Density Multiple Family Residential District</i> ; & C-1, <i>Neighborhood Shopping Center District</i>	vacant
West	Public Facility	C-6, <i>Heavy Commercial District</i>	Fairgrounds

ENVIRONMENTAL FINDING

Conditional Use Permit Application No. C-11-153 requests authorization to to install two ISO Cargo boxes for use as a recycling center, for 'CRV' materials only, to serve the adjacent grocery store. This project is not expected to have an adverse impact on the environment and is categorically exempt pursuant to the CEQA, Sections 15303/Class 3 and 15332/Class 32.

BACKGROUND / ANALYSIS

Conditional Use Permit Application No. C-11-153 has been filed by Vincent Palacios, of Designed Drafting, on behalf of Clara Morales, requesting authorization to install two ISO Cargo boxes for use as a recycling center, for 'CRV' materials only, to serve the adjacent grocery store. Review of Director's Classification No. 180 finds the proposed Recycling Center in compliance with City policies.

The subject property, 1225 South Maple Avenue is approximately 11.67-acres in size and is located on the east side of South Maple Avenue at the northeast corner of East Butler and South Maple Avenues. The property is currently zoned C-1, C-2, and C-6. The Roosevelt Community Plan and the 2025 Fresno General Plan designate the land use of the site as *community commercial*.

The appropriateness of the proposed project has been examined with respect to its consistency with the goals and policies of the 2025 Fresno General Plan and the Roosevelt Community Plan; its compatibility with surrounding existing or proposed uses; and, its avoidance or mitigation of potentially significant adverse environmental impacts. Conditional Use Permit Application No. C-11-153 will comply with all applicable codes, including parking, landscaping, walls, etc.

DISTRICT 5 PLAN IMPLEMENTATION COMMITTEE

Council District 5 Implementation Committee has reviewed and approved this project.

APPEALS AND ANALYSIS OF THE APPEALS

The appeals raise the following concerns:

- (1) This recycling center shall cause an increase in the transient population in the area, with the concomitant squatter camps and other illegal activities.
- (2) The location is in close proximity to Lane Elementary School, increasing the possibility of children witnessing and, potentially, being exposed to alcohol and drug use.
- (3) There is a similar style recycling center just a few blocks away (Vallarta Shopping Center), and the number of police calls for service at that location has increased dramatically.

RESPONSE:

- (1) The assertion that there shall be an increase in transient traffic or squatting is speculative. If the area were suited for squatters to establish themselves, there would likely be a squatter camp already established.
- (2) The proposed site of the recycling center is about 900 to 950 feet from Lane Elementary School. The residential neighborhood whose children attend that school lies between the school and the proposed recycling center site.
- (3) Appellants have provided no evidence that the number of police calls for service is related to the recycling center.

NOTICE OF PLANNING COMMISSION MEETING

The Development and Resource Management Department mailed notices of this Planning Commission hearing to all surrounding property owners within 350 feet of the project site, pursuant to Section 12-326-G-2 of the FMC. One petition (Lane Neighborhood) and one letter (Councilmember Quintero) have been received appealing the Director's action on C-11-153.

CONDITIONS OF APPROVAL

Conditions of approval for this project, in addition to those given in paragraph 2a, and 2b, above, include the Director's Classification No. 180 (requirements for approving recycling centers), the Department's Draft ISO Dry Freight Container Policy (which conditions the approval of the use of ISO Dry Freight Containers), the Fire Department's Policy 30 (pertaining to ISO Dry Freight Containers), and the Fire Department's Memo dated October 27, 2011 (which implements their Policy 30). These and other conditions (including screening of the facility from visibility from adjacent properties and public rights-of-way) are contained in the Conditions of Approval (mentioned in paragraph 2c, above), dated February 4, 2013, which is attached as Attachment F.

FINDINGS

No special permit may be issued unless it is found that the privilege exercised under the permit, conforms to the findings of 12-405-A-2 of the FMC. Based upon analysis of the conditional use permit application, staff concludes that all of the required findings can be made for Conditional Use Permit Application No. C-11-153.

Findings per Fresno Municipal Code Section 12-405-A-2	
<p>a. <i>All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i></p>	
<p>Finding a:</p>	<p>Conditional Use Permit Application No. C-11-153 will comply with all applicable codes, given that the special conditions of project approval will ensure that all conditions, including the provisions of Director's Classification No. 180, are met prior to the occupancy of the proposed building. The subject property is adequate in size and shape to accommodate the proposed use.</p>
<p>b. <i>The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,</i></p>	
<p>Finding b:</p>	<p>Conditional Use Permit Application No. C-11-153 is located on the east side of South Maple Avenue at the northeast corner of East Butler and South Maple Avenues. The streets relating to the site will be able to carry the quantity and kind of traffic generated.</p>
<p>c. <i>The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of the FMC.</i></p>	
<p>Finding c:</p>	<p>The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of the FMC.</p> <p>Approval of the special permit would be in accordance with applicable provisions of the Fresno Municipal Code, including the determination that all findings have been made relative to the issuance of a conditional use permit for the proposed project.</p>

- Attachments:
- A Vicinity Map
 - B 2008 Aerial Photograph of site
 - C Noticing Map (350 foot radius)
 - D Exhibit A, Site Plan, dated October 18, 2012
 - E Operational Statement dated October 14, 2011
 - F Conditions of Approval (with enclosures) dated February 4, 2013
 - G Environmental Assessment No. C-11-153 dated May 9, 2012
 - H Lane Neighborhood Appeal Petition dated June 27, 2012
 - I Councilmember Quintero's Letter of Appeal dated December 17, 2012

A. Vicinity Map

B. Aerial Photograph

C-11-153—Aerial Photograph



C. Noticing Map

quest ID: C-11-153



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E BUTLER AVE										S SIERRA VISTA AVE										E LYELL AVE						
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D. C-11-153 Exhibit A (Site Plan)

E. C-11-153 Operation Statement

Clara Morales
1304 robinwood
Madera, CA 93638

October 11, 2011

Re: Planned operations located at 1225 S. Maple Avenue, Fresno, CA

We are planning on providing a recycling center for "CRV" materials only.

Name of business: MIGUELITO'S RECYCLING CENTER.

Other location: n/a

Number of customers average about ten to fifteen per day and will park adjacent to containers as shown on Site Plan

There will be no outdoor or exposed material at this site.

Material containers will be emptied every morning, by light duty trucks and removed from the premises

Any discarded shopping carts will be removed from premises to their owners, unless they belong to adjacent businesses.

A posted sign shall advise that it is illegal to take shopping carts or that possession of shopping carts, is a misdemeanor.

Hours of operation: 8:00 A.M. to 5:00 P.M.

Number of days per week: Seven

Number of employees

Per shift: one

Sincerely,



owner: Clara Morales

F. C-11-153 Conditions of Approval

CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

CONDITIONS OF APPROVAL

FEBRUARY 4, 2013

CONDITIONAL USE PERMIT AMENDMENT

APPLICATION NO. C-11-153

1225 SOUTH MAPLE AVENUE

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project.

This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

This project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Planning and Development Department Director within 15 days. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Fresno Municipal Code (FMC) Section 12-405.A can be made.

PART A - PROJECT INFORMATION

Assessor's Parcel Number:	470-300-08
Job Address:	1225 South Maple Avenue
Street Location:	located on the northeast corner of East Butler and South Maple Avenues
Existing Zoning:	C-2, <i>Community Shopping Center District</i>
Planned Land Use:	<i>Community Commercial</i>
Plan Areas:	Roosevelt Community Plan
Project Description:	Conditional Use Permit Application No. C-11-153 requests authorization to install two ISO Cargo boxes for use as a recycling center, for 'CRV' materials only, to serve the adjacent grocery store.

PART B - GENERAL CONDITIONS AND REQUIREMENTS

1. Development shall take place in accordance with the Standards Specifications and Standard Drawings of the City of Fresno Public Works Department. Transfer all red line notes, etc., shown on all original site plan exhibits dated June 8, 2012, to the final site plan. ***Corrections shall include all those listed in this document and those listed in the correction list provided by the plan check process.***
2. Development shall take place in accordance with all city, county, state, and federal laws and regulations.

PART C – PROJECT SPECIFIC REQUIREMENTS

1. Development shall take place in accordance with the C-2, *Community Shopping Center District*, defined in Section 12-218 of the Fresno Municipal Code.
2. Development shall take place in accordance with Exhibit A dated October 18, 2012. The correct address for the subject application is 1225 South Maple Avenue. All exhibits shall reflect the correct address.
3. This special permit is granted, and the conditions imposed, based upon the Operational Statement dated as received on October 11, 2011. The Operation Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operation Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operation Statement. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the special permit or any other enforcement remedy available under the law.
4. Development shall take place in accordance with Director's Classification No. 180.
5. Development shall comply with the requirements of the attached City of Fresno Development & Resource Management Department memo dated November 26, 2011. Please contact Jack Van Patten, AICP, Planner, at (559) 621-8068 for further information.
6. Development shall comply with the requirements of the attached City of Fresno Department of Public Works Traffic Engineering memo dated October 21, 2011. Please contact Louise Gilio, Supervising Engineering Technician at (559) 621-8678 for further information.
7. Development shall comply with the requirements of the attached City of Fresno Fire Department memo dated October 27, 2012, and the Fire Department's *Policy 30: ISO Dry Freight Containers*, dated September 2005. Please contact David Polanco, Fire Prevention Inspector II at (559) 621-4181 for further information.

Conditions of Approval

Conditional Uses Permit Application No. C-11-153

February 4, 2013

Page 4 of 4

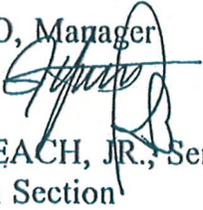
8. Development shall comply with the requirements of the attached County of Fresno Environmental Health memo dated October 28, 2012. Please contact Janet Gardner, Environmental Health Specialist at (559) 445-3271 for further information.
9. The exercise of rights granted by this special permit must be commenced by December 4, 2016, (four years from the date of approval). **There is no extension.**

**F-1. Development & Resource Management Department
Director's Classification No. 180**

MEMORANDUM

DATE: January 14, 1997

TO: ALVIN P. SOLIS, Director 
Development Department

THROUGH: NICK P. YOVINO, Manager 
Planning Division

FROM: RAYBURN B. BEACH, JR., Senior Planner
Project Evaluation Section

SUBJECT: DIRECTOR'S CLASSIFICATION TO ADD "RECYCLING STATIONS" IN THE C-1 AND C-5 ZONE DISTRICTS

The Department has received a letter dated November 12, 1996, from Mr. Michael Henebury, of Bulldog Recycling, requesting that the Director consider adding "Recycling" as a use permitted by right in any commercial zone district. For the purpose of this evaluation, consideration of adding the use to the C-1 and C-5 is used because of the "cumulative" nature of the uses in the commercial zone districts; that is, if it is permitted by right in the C-1 District, it is also permitted by right in the C-2, C-3, and C-4 Districts. The same holds true for the C-5 and C-6 Districts.

In terms of this Determination, "Recycling" will be narrowly defined as a station where the general public may come to turn in for cash, such California Redemption Value (CRV) materials as glass, aluminum cans, and the plastic 2-liter soda bottles. These stations will typically be located within an existing commercial development that includes a grocery or other store that sells the recyclable products.

The concept of a large recycling center where there is a large concentration of all types of recyclable materials that are collected, stored, packaged and transported, will specifically not be a part of this evaluation. That type of center is now permitted in the Industrial Zone Districts (M-1, M-2, and M-3).

In accordance with Section 12-408 of the Fresno Municipal Code, the Director can, if found appropriate, add uses to a zone district by the Director Classification procedure.

The first step in this procedure, is to examine the classification of the use. Section 12-408-C states: "The Director may classify such use as a permitted use, or as a permitted use subject to Conditional Use Permit. In no instance shall the Director determine that a use be permitted in a district when such use is specifically listed as first permissible in a less restricted district".

The use as proposed, "Recycling Station", is not listed in the Zoning Ordinance of the Fresno Municipal Code. As a result, the Director may, if deemed appropriate, add this use to the C-1 and C-5 Zone Districts either by right, or subject to a conditional use permit.

Staff is in full agreement with the concept of these recycling facilities, however, there are a few minor concerns about how this use will be implemented. In order to make the findings necessary to approve this request, staff offers the following definitions and conditions for evaluation.

1. The use as proposed, will be defined as a "Recycling Station", whereas collection facilities will be available for the general public for the recycling of products such as glass (both clear and colored), aluminum cans, and plastics as the 2-liter soda bottles. It shall NOT include the collection of newspaper or cardboard.
2. The use as proposed shall be permitted within an existing commercial development, typically in conjunction with a retailer such as a supermarket or super drug store that sells the "raw material".
3. The minimum land area on which to develop this use is: a) One (1) net acre of zone district size in the C-1, C-2 and C-3 (integrated commercial districts); and b) One (1) net acre parcel size in the C-4, C-5, and C-6 zone districts.
4. It shall NOT be permitted in any commercial district as a sole use of a property. If it is proposed to be a sole user, it must be located in an industrial district.
5. The Station shall be integrated into the existing commercial center, so as not to interrupt the flow of pedestrian or vehicular traffic.
6. The Station shall be so located and designed to be aesthetically compatible with the design of the existing commercial center.
7. The Station shall consist of a storage container with maximum dimensions of 12 x 40 feet, and a maximum height of 8 feet.
8. The station shall provide a minimum of three "service" parking spaces for the consumer to park while delivering their recyclable materials.
9. The Land Use Entitlement process that shall evaluate and grant conditional approval for this use, will be the "Major Revised Exhibit" for a site plan review. (Current fee is \$620.00 plus 2.5%.)
10. The operator shall submit an operational statement as part of the submittal package, that will include hours of operation. Depending upon the proximity of surrounding land uses, the Director shall have the flexibility to limit the hours of operation by time of day and by days of the week.

Section 12-408-C, lists four findings that must be made in order to allow the Director to add a new use to a zone district. The following evaluation of the proposed "Recycling Station" subject to the conditions listed above, states those findings and staff response to each.

1. *That the subject use and its operation are compatible with the uses permitted in the district where it is proposed to be allowed.*

As a secondary use to be established in conjunction with existing commercial uses, it would be compatible to the uses permitted in the district with which it is associated.

2. *That the subject use is similar to two or more uses permitted in the district within which it is proposed to be allowed.*

The proposed use is not necessarily similar to other uses in the district, but it complements and is secondary to such uses as grocery stores, supermarkets, super drug stores, and other retail outlets for beverages. Therefore, with the above mentioned conditions, this use can be deemed similar to other uses in the district.

3. *That the subject use will not cause substantial injury to the value of the property in neighborhoods or districts within which it is likely to be located.*

Subject to the conditions listed above, and subject to the controls imposed by the land use entitlement and provisions of code enforcement, the establishment of this use in an established commercial center will not be detrimental to surrounding land uses.

4. *That the subject use will be so controlled that the public health, safety, and general welfare will be protected.*

Safeguards are already established for the protection of the public health safety and welfare through the site plan review process and zoning ordinance requirements for property development standards.

Recommendation

Subject to the definition and conditions listed above (items 1 - 9), the addition of this use is appropriate for the C-1, C-2, C-3, C-4, C-5, and the C-6 Zone Districts. Staff recommends that the Director add "Recycling Stations" as a use permitted by right in the C-1 and C-5 Zone Districts, subject to the definition and conditions listed above.

**F-2. Development & Resource Management Department
memo dated November 26, 2011**



DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

DATE: November 26, 2012

TO: Clara Morales, Business Owner
Avis & Diana Chilingirian, Property Owners
Lisa Diane Melkonian, *et al.*, Property Owners

FROM: Jack Van Patten, AICP, Planner 
Development & Resource Management Department

**SUBJECT: CURRENT PLANNING DIVISION, DEVELOPMENT &
RESOURCE MANAGEMENT DEPARTMENT, CONDITIONS
OF APPROVAL FOR C-11-153 IN RE: ISO DRY FREIGHT
CONTAINERS FOR STORAGE**

On June 14, 2004, the Department Director approved a Department Policy¹, and issued a *Building Industry Bulletin (IB 04-01)*, that allows the use of ISO Dry Freight Containers (ISO Containers, ISO Boxes) for temporary and permanent storage. This policy was up-dated on August 31, 2005, to clarify the procedures and requirements for both planning and building code approvals for these containers.

As amended, the Development & Resource Management Department ISO Dry Freight Container Policy permits the use of ISO Containers, subject to the following conditions:

1. Approval of a Site Plan Review or Conditional Use Permit, as appropriate.
2. For storage use only (excess merchandise, supplies, or equipment).
3. Not for habitation or occupance (as a dwelling, rest area, or workspace, etc.).
4. Not for use by a 'Storage Business' (Derrel's Mini Storage or a warehouse for general public storage, for example).
5. Not for use for hazardous materials storage.

¹ Confirmed by a Staff Memo dated June 29, 2004.

MEMORANDUM

C-11-153

ISO Dry Freight Containers for Storage

Page 2 of 2

6. Not for use on residentially occupied properties (except by the non-residential uses of a mixed use site).
7. Must not be visible from the public right-of-way (alleys excepted) and screened from view by abutting residentially occupied properties, except that ISO Containers on mixed use properties containing a residential element need not be screened from view from on-site dwellings. Among the options for screening are these:
 - a. Locate behind buildings or other blocks to visibility;
 - b. Enclose the ISO Box (es) with a six-foot high solid fence or wall;
 - c. Landscaping that screens the ISO Box (es).
 - d. Wrap the ISO Box (es) in a material having a smooth appearance (Metal or Durable synthetic fabric).
8. Must be structurally sound.
9. Must be deployed at a single height (no stacking).
10. No utility connections (water, sewer, electrical, communications cables, etc.).
11. No connecting structures between or among these containers.
12. Must have six foot separation between ISO Containers.
13. Must have ten foot setback from buildings and property lines.
14. Must maintain ISO Containers and surrounding area clean and in good repair.

Although ISO Containers are subject to rigorous engineering standards that allow them to be stacked and withstand extreme conditions during multi-level transport on both ship and rail, that transport is subject to rigorous protocols for securing the containers. Stacking ISO Containers is prohibited because of the potential for stacked containers to be toppled in the event of an earthquake or by collision with vehicles (toppling of ISO Containers in marshalling yards has very different consequences from such events in urban settings)

**F-3. Department of Public Works Traffic Engineering
memo, dated October 21, 2011**



DATE: October 21, 2011

TO: Jack Van Patten, Planner
Development and Resource Management Department

FROM: Louise Gilio, Supervising Engineering Technician
Public Works Department, Traffic and Engineering Services Division

SUBJECT: Conditions of Approval for **C-11-153**
APN: 470-300-08
ADDRESS: 1225 South Chestnut Avenue

PUBLIC IMPROVEMENT REQUIREMENTS

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, on which this review process is dependent, will be imposed whenever such conditions are disclosed.

Questions relative to dedications, street improvements or off-street parking geometrics may be directed to **Ann Lillie at (559) 621-8690 / ann.lillie@fresno.gov**, in the Public Works Department, Traffic and Engineering Services Division.

Submit the following, as applicable, in a single package to the City of Fresno Public Works Department Traffic and Engineering Services Division (559-621-8650), for review and approval, **prior** to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Signal Plans.

When preparing Street Plans and/or Traffic Control Plans for projects in the City of Fresno contact the Traffic and Engineering Services Division (Randy Schrey) in advance to make sure that sidewalks or an approved accessible path remain open during construction.

Survey Monuments and Parcel Configuration

All survey monuments within the area of construction shall be preserved or reset by a person licensed to practice Land Surveying in the State of California.

The construction of any overhead, surface or sub-surface structures and appurtenances in the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Traffic and Engineering Services Division, (559) 621-8693. Encroachment permits must be approved **prior** to issuance of building permits.

Street Improvements

All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45 MPH** design speed for Collectors and **55 MPH** for Arterials. Utility poles, street lights, signals, etc. shall be relocated as determined by the City Engineer. The

performance of any work within the public street rights-of-way (including pedestrian and utility easements) requires a **STREET WORK PERMIT prior** to commencement of work. Contact the City of Fresno Public Works Department, Traffic and Engineering Services Division at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the city **prior** to occupancy.

Repair all damaged and/or off grade off-site concrete street improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600.

Off-Street Parking Facilities and Geometrics

1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-21, P-22, P-23**.
2. Proposed parking stalls shall not interfere with the existing parking or the flow of traffic through the site.

Traffic Impact Study

This development will generate a count of **10** Average Daily Trips (A.D.T.).

A Traffic Impact **Study is not required.**

Traffic Signal Mitigation Impact (TSMI) Fee:

This project shall pay its TSMI Fee **at the time of building permit** based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual.

Fresno Major Street Impact (FMSI) Fees:

This entitlement is in the **Infill Area**; therefore pay all applicable City-wide regional street impact fees.

Regional Transportation Mitigation Fee (RTMF):

Pay all applicable **RTMF** fees to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148 ext. 200; www.fresnocog.org. Provide proof of payment or exemption **prior** to issuance of building permits.

CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,
AND ENTITLEMENT APPLICATION REVIEW OF
CONDITIONAL USE PERMIT APPLICATION NO. C-11-153

Public Works/Traffic Engineering/Traffic Planning

Ⓛ
Road 10/29/11

Return Completed Form to:

Jack Van Patten
Email: Routing@fresno.gov
Telephone: 559-621-8277
Development and Resource Management
2600 Fresno Street, Third Floor
Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

Conditional Use Permit Application No. C-11-153 was filed as a major revised exhibit by Clara Morales, on behalf of Miguelito's Recycling Center, and pertains to 11.28 acres of property located on the southeast corner of South Maple and East Liberty Avenues, north of East Butler Avenue. The applicant requests authorization to locate two ISO recycling containers in an existing parking lot on the north side of the grocery store. The property is split-zoned C-2 (*Community Shopping Center*) and C-6/cz (*Heavy Commercial/conditions of zoning*).

APN: 470-300-08

ZONING: C-2 and C-6/cz

ADDRESS: 1225 South Chestnut Avenue

DATE ROUTED: October 19, 2011

COMMENT DEADLINE: October 31, 2011

If no response is received by the comment deadline, it will be assumed you have no comments to submit.

WILL THIS PROJECT AFFECT YOUR AGENCY/JURISDICTION? (If yes, specify.)

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

REQUIRED CONDITIONS OF APPROVAL:

SEE SITE PLAN

IS ANY ADDITIONAL INFORMATION NEEDED FOR YOU TO COMPLETE YOUR REVIEW? (Be specific):

REVIEWED BY:

Ann Lillie

Name and Title

621-8690

Telephone Number

10/21/11

Date

F-4. Fire Department memo, dated October 27, 2011



Joel L. Aranaz
Fire Chief

911 H Street
Fresno, California 93721-3083
www.fresno.gov

Administration: (559) 621-4199 FAX (559) 498-4261

Operations: (559) 621-4199 FAX (559) 498-1070

Prevention, Investigation, & Support Services: (559) 621-4181 FAX (559) 498-4323

Training: (559) 621-4200 FAX (559) 488-1001

DATE: October 27, 2011

TO: Jack Van Patten, Planner II
Development and Resource Management

FROM: David Polanco, Fire Prevention Inspector II
Fire Department, Fire Prevention & Investigation Division

SUBJECT: C-11-153 was filed as a major revised exhibit by Clara Morales, on behalf of Miguelito's Recycling Center, and pertains to 11.28 acres of property located on the southeast corner of South Maple and East Liberty Avenues, north of East Butler Avenue. The applicant requests authorization to locate two ISO recycling containers in an existing parking lot on the north side of the grocery store. The property is split-zoned C-2 (Community Shopping Center) and C-6/cz (Heavy Commercial/conditions of zoning).

General Requirements:

The address on the Conditional Use Permit Application No. C-11-153 shall be changed from 1225 South Chestnut Ave to 1225 South Maple Ave.

The proposed two ISO containers shall be a minimum 10 feet away from any building(s) or property line(s).

Utilities are prohibited in ISO containers.

No connecting structures are allowed between ISO containers.

Maintain surrounding ground free of weeds, grass, and any combustible vegetation.

All Planning & Development requirements shall be met and they are subject to a building permit and inspection.

**F-5. County of Fresno, Department of Public Health memo,
dated October 28, 2011**



County of Fresno

Department of Public Health

Edward L. Moreno, M.D., M.P.H., Director-Health Officer

October 28, 2011

999999999
LU0016198
PE 2602

Jack Van Patten
City of Fresno
Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Van Patten:

PROJECT NUMBER: C-11-153

Conditional Use Permit Application No. C-11-153 was filed as a major revised exhibit by Clara Morales, on behalf of Miguelito's Recycling Center, and pertains to 11.28 acres of property located on the southeast corner of South Maple and East Liberty Avenues, north of East Butler Avenue. The applicant requests authorization to locate two ISO recycling containers in an existing parking lot on the north side of the grocery store. The property is split-zoned C-2 (*Community Shopping Center*) and C-6/cz (*Heavy Commercial / conditions of zoning*).

APN: 470-300-08 ZONING: C-2 & C-6/cz ADDRESS: 1225 South Maple Avenue

Recommended Conditions of Approval:

- The applicant/operator shall submit an application to operate a recycling center to the California Department of Resources Recycling and Recovery (CalRecycle). Contact the Division of Recycling at (916) 324-8598 or <http://www.calrecycle.ca.gov/BevContainer/CertOperator/Apply.htm> for more information.
- The operation shall maintain less than 10% residual materials by weight and less than 1% putrescible materials by weight for all incoming loads. If the operation exceeds the 10% or 1% threshold for residual materials the applicant will need to file an application with the Fresno County Public Health Department, Environmental Health Division for a Solid Waste Facilities Permit at least one-hundred and eighty (180) days in advance of the date on which it is desired to commence operation. Contact the Solid Waste Program at (559) 600-3271 for more information.

REVIEWED BY:

Janet Gardner

Digitally signed by Janet Gardner
DN: cn=Janet Gardner, o=Environmental Health
Division, ou=Fresno County Public Health Department,
email=jgardner@cco.fresno.ca.us, c=US
Date: 2011.10.28 15:15:48 -0700

R.E.H.S., M.P.H.

Environmental Health Specialist III

(559) 600-3271

cc. CalRecycle, webmaster@calrecycle.ca.gov

C-11-153 CRV Center

**G. Environmental Assessment No. C-11-153
dated May 9, 2012**

CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. C-11-153

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE CATEGORICALLY
EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS
PURSUANT TO ARTICLE 19 OF THE STATE CEQA GUIDELINES.

APPLICANT: Clara Morales,
Miguelito's Recycling Center
1304 Robinwood Way
Madera, CA 93638

PROJECT LOCATION: 1225 South Maple Avenue, located on the northeast corner of East Butler and South Maple Avenues (APN: 470-300-08)

(Council District 5, Councilmember Quintero)

PROJECT DESCRIPTION: Conditional Use Permit Application No. C-11-153 has been filed by Vincent Palacios, of Designed Drafting, on behalf of Clara Morales, requesting authorization to install two ISO Cargo boxes for use as a recycling center, for 'CRV' materials only, to serve the adjacent grocery store.

This project is exempt under Section 15303/Class 3 and Section 15332/Class 32 of the State of California CEQA Guidelines.

EXPLANATION: Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structure from one use to another where only minor modifications are made in the exterior of the structure. The number of structures described in this section is the maximum allowable on any legal parcel. Examples of this exemption include, but not limited to:

- c) ... commercial building and structure not exceeding 10,000 square feet in floor area, is placed on site zoned for such use, does not involve use of significant amounts of hazardous substances, and all necessary public services and facilities are available and surrounding area is not environmentally sensitive.

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value, as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services.

By current standards, this subject site and surrounding neighborhoods are identified as "in-fill" within an urban setting.

The proposed CRV Recycling Center occupies an area approximately 3,500 square feet in size.

The above described project is consistent with the 2025 Fresno General Plan and the Roosevelt Community Plan without negatively impacting the characteristics of the area, and complies with all conditions described in Section 15332/Class 32, Section 15303/Class 3 of California CEQA Guidelines. No adverse environmental impacts will occur as a result of the proposed project.

Finally, there is no substantial evidence in the record that any of the exceptions to these Categorical Exemptions, set forth in CEQA Guidelines section 15300.2, apply to this project

Date: May 9, 2012

Prepared By: Jack Van Patten, AICP
Planner

Submitted By:



Sophia Pagoulatos
Supervising Planner
City of Fresno
Development and Resource Management
Department
(559) 621-8277

**H. Lane Neighborhood Appeal Petition
dated June 27, 2012**

RECEIVED

JUN 27 2012

Planning Division
Planning & Development Dept
CITY OF FRESNO

June 27th, 2012

To: Planning Director Mark Scott

We the undersigned residents of the Lane neighborhood would like to appeal the Conditional Use Permit: **Conditional Use Permit Application No. C-11-153** filed by Vincent Palacios, of Designed Drafting, on behalf of Clara Morales, requesting authorization to install two ISO Cargo boxes for use as a recycling center, for 'CRV' materials only, to serve the adjacent grocery store. The project site is at 1225 South Maple Avenue, located on the northeast corner of East Butler and South Maple Avenues The special permit has been granted subject to the following conditions:

1. Development shall take place in accordance with Exhibit A dated June 8, 2012 and all conditions, notations, and corrections on the exhibits.
2. Development shall take place in accordance with Conditions of Approval, dated June 18, 2011.
3. Development shall take place in accordance with the Standards Specifications and Standard Drawings of the City of Fresno Public Works Department.
4. Development shall take place in accordance with all city, county, state and federal laws and regulations.

Our community feels that allowing this type of business in the above-mentioned location will bring an increase in transient traffic, squatting and illegal activities to our community. In addition, the location is in close proximity to Lane Elementary School, increasing the possibility of children witnessing and potentially being exposed to alcohol and/or drug use. Lastly, there is a similar style recycling center just a few blocks away (Vallarta shopping center) and the number of police calls for service has increased dramatically for that location. We do not support the approval of this facility. **Please consider this written communication as an official proposal to appeal this decision to the planning commission.** Thank you for your consideration.

Sincerely,

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT
NOTICE OF GRANTING OF SPECIAL PERMIT
CONDITIONAL USE PERMIT NO. C-11-153

NOTICE IS HEREBY GIVEN that the Director of the Development and Resource Management Department, in accordance with Special Permit Procedure of the Fresno Municipal Code Section 12-406, has approved Conditional Use Permit Application No. C-11-153 filed by Vincent Palacios, of Designed Drafting, on behalf of Clara Morales, requesting authorization to install two ISO Cargo boxes for use as a recycling center, for CRV materials only, to serve the adjacent grocery store. The project site is at 1225 South Maple Avenue, located on the northeast corner of East Butler and South Maple Avenues. The special permit has been granted subject to the following conditions:

1. Development shall take place in accordance with Exhibit A dated June 8, 2012 and all conditions, notations, and corrections on the exhibits.
2. Development shall take place in accordance with Conditions of Approval, dated June 18, 2011.
3. Development shall take place in accordance with the Standards Specifications and Standard Drawings of the City of Fresno Public Works Department.
4. Development shall take place in accordance with all city, county, state and federal laws and regulations.

*These documents are available for public review at the Development and Resource Management Department, 2600 Fresno Street, 3rd Floor, Fresno, California 93721.

This Special Permit will not become effective until 15 days from the date the permits are granted in order to allow time for any interested parties to file an appeal.

NOTE: Government Code Section 65091 (Planning and Zoning Law) and the Fresno Municipal Code require that this notice be sent to owners of property within 300 feet of the subject property. The City of Fresno Planning and Development Department mails this notice to property owners within 350 feet.

In the event you wish to protest the Director's decision, you may do so by filing a written appeal with the Director. The appeal must include the appellant's interest in, or relationship to, the subject property; the decision or action appealed, and specific reason(s) why the appellant believes the decision or action should not be upheld.

ANY WRITTEN Appeal must be submitted to this office prior to close of business on:

July 3, 2012

For additional information regarding the above project, contact Jack Van Patten, Development and Resource Management Department, Planning Division, 2600 Fresno Street, Fresno, California 93721-3604, by phone at 559 621-8068, or via e-mail at Jack.VanPatten@fresno.gov.

DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

Mark Scott, Interim Director

Dated: June 18, 2012

Assessor's Parcel No. 470-300-08

RECEIVED

JUN 27 2012

Planning Division
Planning & Development Dept
CITY OF FRESNO

RECEIVED

JUN 27 2012

Planning Division
Planning & Development Dept
CITY OF FRESNO

The undersigned residents of the Lane neighborhood would like to appeal the Conditional Use Permit: **Conditional Use Permit Application No. C-11-153** filed by Vincent Palacios, of Designed Drafting, on behalf of Clara Morales, requesting authorization to install two ISO Cargo boxes for use as a recycling center, for 'CRV' materials only, to serve the adjacent grocery store. The project site is at 1225 South Maple Avenue, located on the northeast corner of East Miller and South Maple Avenues

	<u>Print Name</u>	<u>Signature</u>	<u>Address</u>
15.	MARIO MENDOZA <small>JOHN HERNANDEZ</small>	Mario Mendoza	4661 E Liberty ✓
16.	John Hernandez	John B. Hernandez	4665 E Liberty ✓
17.	Antonio Uresti	Antonio Uresti	4657 E Liberty ✓
18.	Miguel G	Miguel G	4633 E Liberty
19.	Richard L.	Richard L.	4673 E Liberty ✓
20.	Tracy Gonzalez	Tracy Gonzalez	4687 E Liberty ✓
21.	Pearl Lopez	Pearl Lopez	4683 E Liberty ✓
22.	Robert Fields	Robert Fields	4695 E Liberty ✓
23.	PAUL PEACOCK	Paul Peacock	4683 E Lowe ✓
24.	Rudy Barber	Rudy Barber	4673 E Lowe
25.	James Lopez	James Lopez	4679 E Lowe
26.	Emily Rocha	Emily Rocha	4682 E Lowe
27.	Lucia Perez	Lucia Perez	4692 E Lowe
28.	Susie Trujillo	Susie Trujillo	4663 E Lowe
29.	José L. Rodriguez	José L. Rodriguez	4643 E Lowe
30.	Yolanda Herrera	Yolanda Herrera	4636 Lowe

RECEIVED

PETITION FOR ALLEY CLOSURE

JUN 27 2012

Planning Division
Planning & Development Dept
CITY OF FRESNO

To: FRESNO CITY PLANNING DIRECTOR- MARK SCOTT
CITY MANAGERS OFFICE
2600 FRESNO STREET
Fresno, CA 93721-3600

We the undersigned residents of the Lane neighborhood would like to appeal the Conditional Use Permit: Conditional Use Permit Application No. C-11-153 filed by Vincent Palacios, of Designed Drafting, on behalf of Clara Morales, requesting authorization to install two ISO Cargo boxes for use as a recycling center, for 'CRV' materials only, to serve the adjacent grocery store. The project site is at 1225 South Maple Avenue, located on the northeast corner of East Butler and South Maple Avenues

	<u>Print Name</u>	<u>Signature</u>	<u>Address</u>
1.	<u>Guillermo Morillo</u>	<u>Guillermo Morillo</u>	<u>4626 E Lowe</u>
2.	<u>Kathy Clark</u>	<u>Kathy Clark</u>	<u>4624 E Lowe</u> ✓
3.	<u>Carmen Castrijon</u>	<u>Carmen</u>	<u>4619 E. Lowe</u>
4.	<u>Blanca Elena</u>	<u>Blanca</u>	<u>4613 E Liberty Ave</u> ✓
5.	<u>Kabel Gonzalez</u>	<u>Isabel Gonzalez</u>	<u>4619 E Liberty</u>
6.	<u>Tony & Mary Veloz</u>	<u>Tony & Mary Veloz</u>	<u>4627 E Liberty</u> ✓
7.	<u>Alfredo</u>	<u>Alfredo</u>	<u>4638 E Liberty</u>
8.	<u>Samuel Martinez</u>	<u>Samuel</u>	<u>4653 E Liberty</u> ✓
9.	<u>Jaime Lopez</u>	<u>Jaime Lopez</u>	<u>4683 E Liberty</u> ✓
10.	<u>RICHARD</u>	<u>MARTINEZ</u>	<u>4696 E Lowe</u> ✓
11.	<u>Carlos</u>	<u>Carlos</u>	<u>473-7527</u>
12.	<u>Nancy Romo</u>	<u>Nancy Romo</u>	<u>301-0869 4691 E Liberty</u>
13.	<u>Felisa Rojas</u>	<u>Felisa Rojas</u>	<u>412-0658</u>
14.	<u>Rocio Olmedo</u>	<u>Rocio</u>	<u>4669 E Liberty Ave</u> ✓ <u>4691 E Liberty</u>

**I. Councilmember Quintero's Letter of Appeal dated
December 17, 2012**



SAL QUINTERO
Councilmember, District Five

Dear Mr. Scott,

I have concerns about the potential impacts from the proposed Conditional Use Permit No C-11-153 filed to open and operate a recycling center, located on the Northeast corner of East Butler and Maple Avenues in my Council District.

For these reasons, I request that, pursuant to FMC, section 12-406 (F,H) and Public Resources Code, section 21151, you set a hearing before the Planning Commission to consider the Planning department's decision to adopt and approve Conditional Use Permit No. C-11-153, which allows for a recycling center to be opened and operated at the abovementioned location.

It is my understanding that pursuant to FMC, section 12-401-B you are required to schedule the hearing to take place within 40 days of this request. Further, I request that the matter be heard by the Planning Commission in late January.

Thank you for your courtesy and attention.

Respectfully submitted,

Councilmember Sal Quintero

