

**Clarifications to PC Staff Report, Conditions of Approval and Mitigated Negative Declaration  
prepared for Conditional Use Permit Application No. C-10-028**

Staff Report

1. Page 1, 3-b: The Conditions of Approval should be dated February 16, 2011, not February 8, 2011.
2. Page 5, #4: The applicant has withdrawn the request to allow the sorting of glass outside of the existing buildings.
3. Page 7, 1a: The last sentence (in bold) should have read: "No "processing" of materials is allowed outside of the two existing buildings on the subject site except for the hand sorting of glass as conditioned as detailed in the Conditions of Approval dated February 16, 2011. However, the applicant has recently withdrawn the request to allow hand sorting of glass onsite. With this change, there will be no "processing" of material allowed outside of the buildings.
4. Page 14, #2: The actual findings are contained in the attached proposed PC resolution.

Conditions of Approval

5. The condition at the end of page 3 shall be amended as follows:

Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. This special permit is granted, and the conditions imposed, based upon the Operation Statement provided by the applicant. 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. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. **(Include this note on the site plan.)**

6. Page 4 and throughout document: The exhibits referenced as Exhibit A and Exhibit B dated February 4, 2010 are attached to this document and are stamped and dated appropriately. Please note that the site plan attached to the staff report is the applicant's most recent site plan (submitted February 8, 2011) and incorporates some of the changes that were requested by staff. However, for the purposes of the conditions of approval, please reference the original site plan exhibit, Exhibit A dated February 4, 2010. The applicant will be required to modify the site plan exhibit to comply with all of the conditions of approval prior to commencement of any activities approved under Conditional Use Permit Application No. C-10-028.

7. Page 7, #b: The last sentence should state that “All environmental impacts and nuisances have been mitigated by mitigation measures and conditions of approval”.
8. Page 10, #16: A maximum noise level of 70 dBA is allowed for industrial uses and the additional reference to 75 dBA does not apply to the proposed project.
9. Pages 12 and 13, #7a: Should read 46 employees per shift, not 25. Three employees will be added to operate the new green waste use. If we assume the worst case scenario that these three employees will all be on one shift, then the total number of employees is 46 (43 + 3).

46 employees/2 = 23 parking stalls required (not 12)

Since there are 18 truck stalls required, a total of 41 stalls are required. Exhibit A dated February 4, 2010 depicts 78 parking stalls, exceeding the minimum requirement.

10. Page 13, #7c: It should state that “A minimum of 4 automobile handicap parking stalls are required for the proposed facility...”, not banquet hall.
11. Page 13, #7e: It should state that 78 parking stalls are depicted, not 80. The requirement for bicycle stalls is still the same.
12. Page 18, #13-a-22: Remove condition 22 completely. The applicant is already required to comply with the Fresno Municipal Code regarding this issue.
13. Page 2 of Public Works memorandum dated January 8, 2010, last sentence of first paragraph under Street Improvements: This should state that “All required street improvements must be completed and accepted by the city prior to commencement of rights approved under Conditional Use Permit Application No. C-10-028”. The buildings on the site already have occupancy.

#### Mitigated Negative Declaration

14. As consistently referenced throughout the environmental documents, Page 1 of the Mitigated Negative Declaration, second paragraph, second sentence should read: “The environmental analysis contained in the Initial Study and this Mitigated Negative Declaration is tiered from Master Environmental Impact Report No. 10130 (SCH # 2001071097) prepared for the 2025 Fresno General Plan (“MEIR”) and the Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND)”.
15. Page 14 of Exhibit A (Initial Study), #2 under mitigation measures: The MEIR Mitigation Measure checklist should be dated July 2, 2010, not July 2, 2009.

**FRESNO CITY PLANNING COMMISSION  
RESOLUTION NO. 13084**

The Fresno City Planning Commission at its regular meeting on February 16, 2011, adopted the following Resolution pursuant to Section 12-406-F of the Fresno Municipal Code:

WHEREAS, Conditional Use Permit Application No. C-10-028 was filed by Clements Environmental on behalf of John Mohoff of Sunset Waste, and proposes to modify the operations at the existing Sunset Waste Paper material recovery facility (MRF)/transfer station. The subject property is approximately 10 acres and is located at 2721 South Elm Avenue, on the southeast corner of South Elm and East Vine Avenues; and,

WHEREAS, Environmental Assessment No. C-10-028, resulting in a proposed finding of a mitigated negative declaration, was prepared for the project and circulated for review as required by the California Environmental Quality Act; and

WHEREAS, as a result of the public review process for the proposed mitigated negative declaration comments were received from the California Department of Resources Recycling and Recovery, and a more desirable project-specific mitigation measure was identified regarding an Odor Impact Minimization Plan; and

WHEREAS, the Development and Resource Management Department staff prepared a staff report and recommended approval of the proposed substituted project-specific mitigation measure, Environmental Assessment No. C-10-028 and Conditional Use Permit Application No. C-10-028.

WHEREAS, on February 16, 2011, the Fresno City Planning Commission held a noticed public hearing to review the proposed conditional use permit, environmental assessment prepared for project and proposed substituted project-specific mitigation measure; and,

WHEREAS, the Planning Commission reviewed the proposed substituted project-specific mitigation measure for Environmental Assessment No. C-10-028, and intends this Resolution to constitute the adoption of a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that in itself will not cause any potentially significant effect on the environment; and,

WHEREAS, the Planning Commission reviewed the environmental assessment prepared for the conditional use permit application, Environmental Assessment No. C-10-028, dated July 2, 2010, and is satisfied that the project conditions of development will adequately reduce or alleviate any potential adverse impacts either generated from the project or impacting the project from an off-site source and concurred with the issuance of a Mitigated Negative Declaration; and,

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Fresno, based upon the testimony and information presented at the hearings and upon review and consideration of the environmental documentation provided, as follows:

1. The Planning Commission adopts this written finding that the new project-specific mitigation measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effects on the environment. The Planning Commission bases this finding on the evidence in the record, including the following:
  - a. The original mitigation measure required an odor management plan for the green waste that incorporated best practices and regulations established by the State of California; and
  - b. In a letter of response to the environmental document prepared for this project, the State agency that regulates recycling (California Department of Resources Recycling and Recovery) stated there are no State regulations specific to odor management for a transfer station, but the applicant should consider the content of an Odor Impact Minimization Plan, which is found in the California Code of Regulations; and
  - c. The applicant's preparation of an Odor Impact Minimization Plan, prepared pursuant to

- Section 17863.4 of Title 14 of the California Code of Regulations, will minimize potential odors from green waste on the site to the same level as an odor management plan; and
- d. The preparation of and Odor Impact Minimization Plan will not cause any potentially significant effects on the environment.
2. The Planning Commission finds, in accordance with its own independent judgment, that there is no substantial evidence in the record that with the project specific mitigation imposed, including the new project-specific mitigation measure, that Conditional Use Permit No. C-10-028 may have additional significant, direct, indirect or cumulative effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR") and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND) and that no new or additional mitigation measures or alternatives may be required. In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), Council finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete and the Air Quality MND was adopted, has become available. Accordingly, the Planning Commission adopts the mitigated negative declaration for Environmental Assessment No. C-10-028 dated July 2, 2010.
  3. The Planning Commission finds that the approval of Conditional Use Permit Application No. C-10-028 is consistent with the adopted 2025 Fresno General Plan and the Edison Community Plan.
  4. BE IT FURTHER RESOLVED that, after receiving the staff report, testimony and reviewing the evidence in the record, the Planning Commission has determined that the findings necessary to grant this conditional use permit have been met in accordance with Section 12-405-A-2 of the Fresno Municipal Code, including as noted in the accompanying report to the Planning Commission dated February 16, 2011, and hereby approves Conditional Use Permit Application No. C-10-028, subject to the conditions of approval outlined in the Planning Commission staff report as follows:
    - a. Development shall take place in accordance with Exhibits A and E dated February 4, 2010; and
    - b. Development shall take place in accordance with the Conditions of Approval dated February 16, 2011, including all corrections made prior to final approval of the entitlement as set forth in the record.

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_.

VOTING:           Ayes -  
                      Noes -  
                      Not Voting -  
                      Absent -

DATED: February 16, 2011

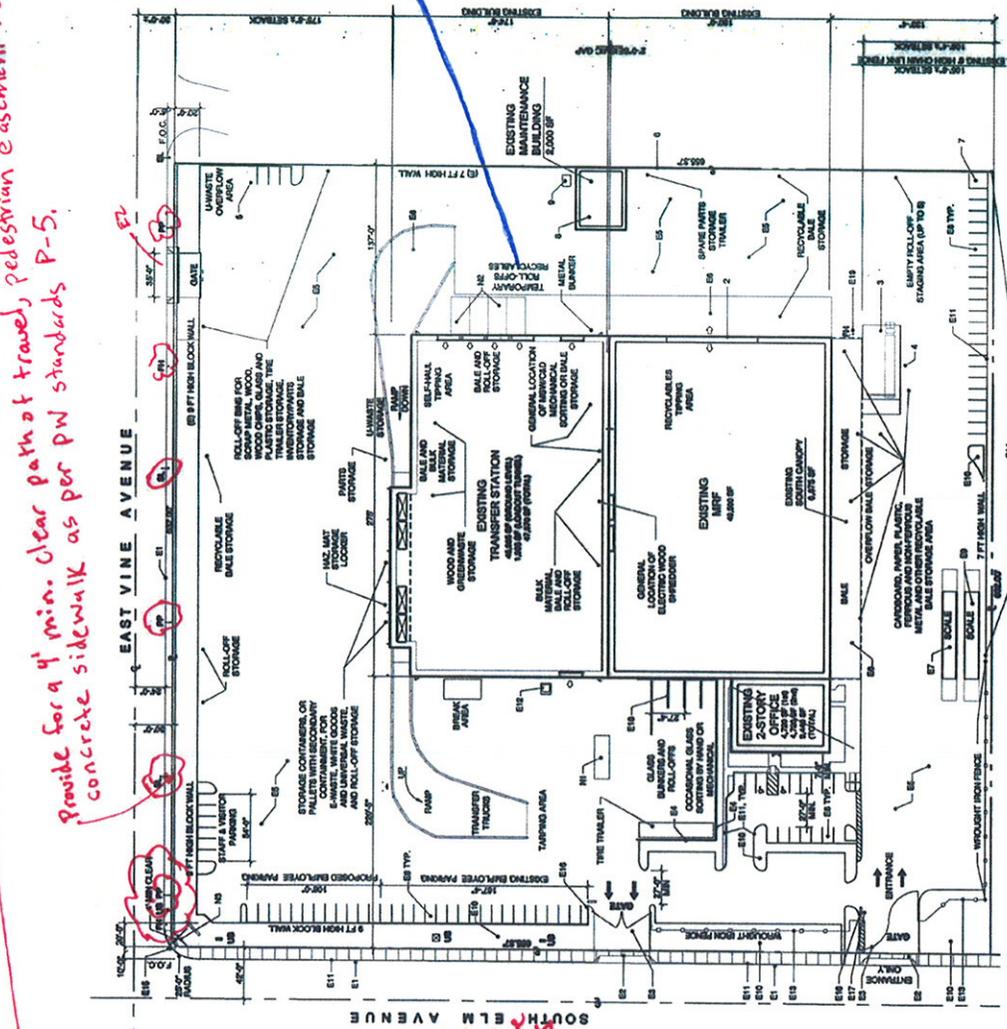
\_\_\_\_\_  
John M. Dugan, AICP Director/Secretary  
Fresno City Planning Commission

Resolution No. 13084  
Conditional Use Permit Application No. C-10-028  
Filed by Clements Environmental on behalf of John Mohoff of  
Sunset Waste Paper  
Action: Approve Conditional Use Permit Application No. C-10-  
028

**\* Include gak operation in operational statement**

provide for a 4' min. clear path of travel, pedestrian easement required, construct concrete sidewalk as per PW standards P-5.

How will trucks enter the building with the proposed storage?



- KEYNOTES (FOR NEW ITEMS)**
- EXISTING SIDEWALK
  - EXISTING 8" WALL AT EAST ELEVATION OF BUILDING 74" WIDE
  - EXISTING CONCRETE TRUCK LOADING DOCK
  - EXISTING 8" X 8" ROLL-OFF STORAGE BING
  - EXISTING 14" X 8" STORAGE CONTAINERS
  - EXISTING 4" HIGH CHAIN LINK FENCE WITH OPAQUE SLATS SOUTH OF MAINTENANCE BUILDING
  - EXISTING 4" GALLON PROPANE TANK IN SOUTH EAST CORNER WITH 4" SETBACK AT EXCHANGE
  - EXISTING 500 GALLON ABOVE GROUND STORAGE TANK (A.S.T.) FOR DIESEL FUEL
- KEYNOTES (FOR EXISTING ITEMS)**
- EXISTING SIDEWALK
  - EXISTING CONCRETE TRUCK LOADING DOCK
  - EXISTING 8" X 8" ROLL-OFF STORAGE BING
  - EXISTING 14" X 8" STORAGE CONTAINERS
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  - EXISTING 500 GALLON ABOVE GROUND STORAGE TANK (A.S.T.) FOR DIESEL FUEL
- GENERAL NOTES**
- ANY 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.
  - REPAIR ALL DAMAGED AREAS OF CONCRETE, ASBESTOS, AND OTHER MATERIALS AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER, ESSE, TO OCCUR.
  - REPAIRING DRAINAGE BEFORE COMMENCING CONSTRUCTION OPERATIONS WITHIN THE STREET RIGHT-OF-WAY AND UTILITY EASEMENTS. ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA) CALL 488-8888.

**ALL: Decisions of easement for the required dedications shall be prepared by the owner/property owner and submitted to the city with a certification of ownership prior to issuance of building permits.**

**LEGEND**

- PH - EXISTING FIRE HYDRANT
- SL - EXISTING STREET LIGHT
- PP - EXISTING POWER POLE
- UB - EXISTING UTILITY BOX
- F.O.C. - FACE OF CURB

**CIRCULATION LEGEND**

- COLLECTOR TRUCKS
- RECYCLABLES LOADOUT TRUCKS
- SELF-HAUL PICK UP TRUCKS
- TRANSFER TRUCKS

**SITE DATA**

APZN - 200-240-40  
 ZONE MAP Z  
 SITE ADDRESS: 2721 SOUTH ELM AVENUE  
 STREET LOCATION: SOUTH OF EAST VINE AVENUE  
 EXISTING ZONING: M-1 (SINGLE MANUFACTURING)  
 CLASSIFIED ZONING: LIGHT INDUSTRIAL  
 EXISTING MANUFACTURING BUILDING: 2,000 SF  
 EXISTING MAINTENANCE BUILDING: 1,500 SF  
 TOTAL: 3,500 SF

**PROJECT DATA**

TOTAL LOT AREA: 41,000 SF (NET 34,400 SF)  
 BUILDING AREA: 3,500 SF  
 EXISTING OFFICE AREA: 6,400 SF  
 EXISTING OFFICE BUILDING: 4,000 SF  
 EXISTING SOUTH CANOPY: 4,000 SF  
 EXISTING MAINTENANCE BUILDING: 1,500 SF  
 TOTAL: 19,900 SF

**LOT COVERAGE**

EXISTING LOT: 11.2%  
 EXISTING TRANSFER STATION: 11.5%  
 EXISTING MAINTENANCE: 0.2%  
 EXISTING OFFICE 1ST FLOOR: 1.7%  
 LANDSCAPING: 7.7%  
 CIRCULATION/PAVING: 65.5%  
 TOTAL: 100%

**EXISTING BUILDINGS**

EXISTING TRANSFER STATION: 6,400 SF  
 EXISTING MAINTENANCE: 1,500 SF  
 EXISTING OFFICE 1ST FLOOR: 4,000 SF  
 EXISTING SOUTH CANOPY: 4,000 SF  
 EXISTING MAINTENANCE BUILDING: 1,500 SF  
 TOTAL: 19,900 SF

**EXISTING PAVING**

EXISTING TRANSFER STATION: 74 STALLS  
 EXISTING MAINTENANCE: 8 STALLS  
 EXISTING OFFICE 1ST FLOOR: 8 STALLS  
 EXISTING SOUTH CANOPY: 8 STALLS  
 EXISTING MAINTENANCE BUILDING: 8 STALLS  
 TOTAL: 106 STALLS

APPL. NO. C-10-025 EXHIBIT A DATE 2-4-10  
 PERM. EXP. DATE  
 LEGAL JUDICIAL BY DATE  
 COUNTY OF FRESNO DEVELOPMENT DEPARTMENT

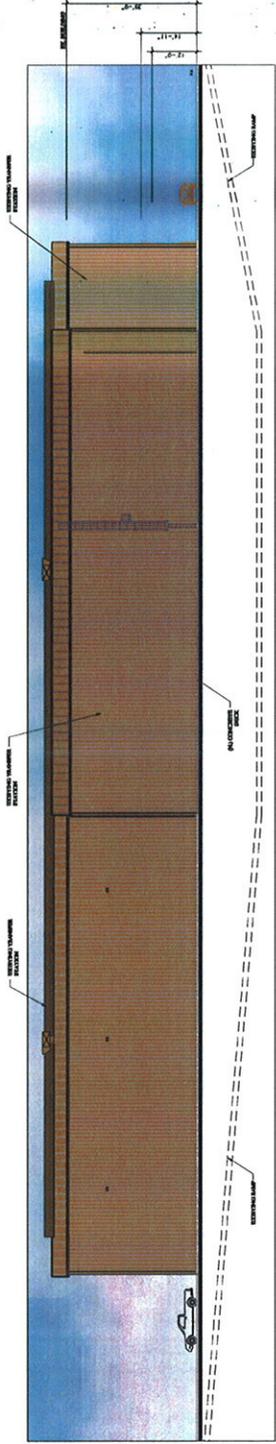
**SUNSET WASTE PAPER - CUP MINOR MODIFICATION**  
 2721 SOUTH ELM AVE  
 FRESNO, CALIFORNIA 93706

SCALE 1"=40'-0"  
 0 5' 10' 20' 30'  
 CLEMENTS ENGINEERING INC.  
 444 HARTS AVE. #400  
 FRESNO, CA 93706  
 TRANSFER STATION JOB #202

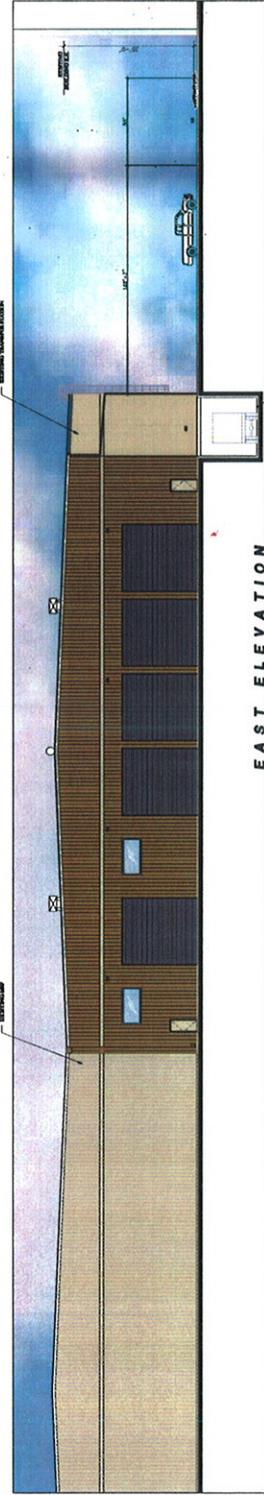
Revise site plan to comply with the conditions of approval dated 2-16-11.

Exhibit A dated 2-4-10

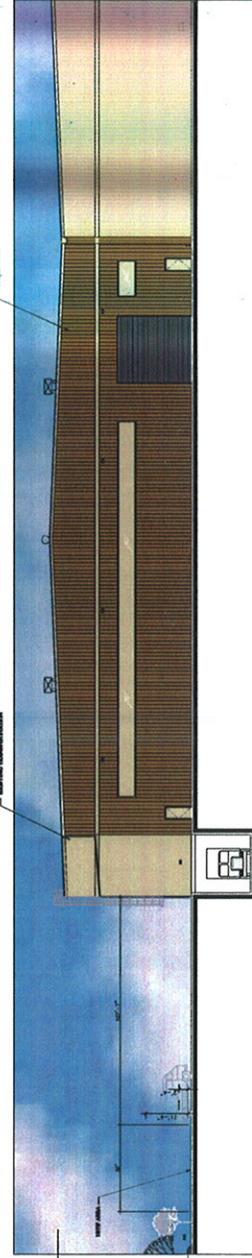
SITE PLAN  
 JANUARY 2010



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

**SUNSET WASTE PAPER - CUP MINOR MODIFICATION**

2721 SOUTH ELM AVE  
FRESNO, CALIFORNIA 93706

CLEMENTS  
ARCHITECTS & ENGINEERS  
1000 N. MARKET ST. SUITE 200  
FRESNO, CA 93703

JOB # 2800  
TRANSPORTATION JOB # 2002

ELEVATION

APPL. NO. C-10-28 EXHIBIT E DATE 2-4-10

PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_

TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_

COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_

CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

Provide a full elevation of the east elevation of the MRF building. Depict building opening and required concrete walls to keep material contained in the building.

Exhibit E dated 2-4-10