City of FRESNO

REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-B
COMMISSION MEETING 2-16-11
APPROVED BY
DEPARTMENT DIRECTOR

February 16, 2011

FROM: KEVIN FABINO, Planning Manager
Development and Resource Management Department

THROUGH: MIKE SANCHEZ, Planning Manager
Development Services Division

BY: BONIQUE SALINAS, Planner
Development Services Division

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION NO. C-10-028 AND ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. C-10-028.

RECOMMENDATION

Upon consideration of staff evaluation, it can be concluded that the proposed Conditional Use Permit Application No. C-10-028 is appropriate for the project site. Therefore, staff recommends the Planning Commission take the following actions:

1. ADOPT the substituted project specific mitigation measure for Environmental Assessment No. C-10-028 dated July 2, 2010 (modified on February 8, 2011) and FIND that the new 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.

2. ADOPT the environmental finding of a Mitigated Negative Declaration for Environmental Assessment No. C-10-028 dated July 2, 2010.

3. APPROVE Conditional Use Permit Application No. C-10-028 subject to the following:

    a. Development shall take place in accordance with Exhibits A and E dated February 4, 2010.

    b. Development shall take place in accordance with the Conditions of Approval dated February 8, 2011.

EXECUTIVE SUMMARY

Conditional Use Permit Application No. C-10-028, filed by Clements Environmental on behalf of John Mohoff of Sunset Waste, pertains to approximately 9.93 acres of property located on the southeast corner of South Elm and East Vine Avenues. The application is a request to modify the operations at the existing Sunset Waste Paper material recovery facility (MRF)/transfer station. The proposed modifications are as follows:

1) The addition of recyclables storage in bunkers, bins, roll-off containers, bales and in bulk inside the building, as well as outside the building under and just south of the south canopy, along the exterior north wall of the transfer station, along the east fence and along the east side of the MRF.

2) The addition of green waste processing inside the transfer station building.

3) The addition of mechanical sorting of construction and demolition material and MSW inside the transfer station.

4) The addition of hand and/or mechanical sorting of glass recyclables adjacent to the existing bunkers located along the western elevation of the transfer station.

The proposed operational changes will not increase the maximum permitted capacity of 2,000 tons per day, nor will it increase the maximum vehicle count of 470 vehicles per day. The maximum storage time is 48 hours for green waste and 90 days for recovered recyclable materials.

The project is required to be reviewed by Planning Commission because pursuant to CEQA Guidelines Section 15074.1, prior to approving a project with substituted mitigation measures, a public hearing must be held. In addition, staff anticipated that the project would be appealed if approved/denied at the Director level and thus, to save time, decided to take the application directly to Planning Commission.

PROJECT INFORMATION

PROJECT		Conditional Use Permit Application No. C-10-028 is a request to modify the operations at the existing Sunset Waste Paper material recovery facility (MRF)/transfer station.
APPLICANT		John Mohoff 2721 South Elm Avenue Fresno, CA 93706
LOCATION		Southeast corner of South Elm and East Vine Avenue 2721 South Elm Avenue Assessor's Parcel Number: 328-240-49 Latitude 36.7026 N, Longitude -119.7899 W
SITE SIZE		Approximately 10 acres
LAND USE		Light Industrial
ZONING		M-1 (*Light Manufacturing District)*
PLAN DESIGNATION AND CONSISTENCY		Section 12-607-A-1 of the Fresno Municipal Code states the following: "An application for a development entitlement which proposes a land use or density which is inconsistent with the land use element and designation of an applicable plan or does not conform to other provisions of an applicable plan shall not be granted unless a plan amendment which renders the requested development entitlement consistent or conforming is first approved. This requirement shall not apply to applications for conditional use permits or variances affecting property approved for zoning which is not consistent with applicable plans, where such zoning was approved prior to the effective date of this article". Thus, mandated consistency is not required for property zoned prior to the adoption of this section of the code. Since this section of the code was adopted in 1987 and the subject property was zoned M-1 *(Light Manufacturing)* when it was annexed in 1980, Section 12-607-A-1 of the Fresno Municipal does not apply to the proposed project. Thus, the proposed project is not required to be consistent with the 2025 Fresno General Plan. The proposed project is allowed in the existing M-1 zone district.
ENVIRONMENTAL FINDING		Finding of Mitigated Negative Declaration filed on July 2, 2010

PLAN COMMITTEE RECOMMENDATION		There currently is no Plan Implementation Committee in Council District 3.
STAFF RECOMMENDATION		Staff recommends that the Planning Commission approve Conditional Use Permit Application No. C-10-028 subject to the conditions of approval dated February 16, 2011.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Light Industrial	**M-1** *(Light Manufacturing District)*	Vacant and Single Family Residential
South	Light Industrial	**M-1** *(Light Manufacturing District)* **M-3** *(Heavy Industrial District)*	Light Industrial with a restuarant
East	Light Industrial	**M-1** *(Light Manufacturing District)*	Light Industrial
West	General Heavy Commercial Open Space/Ponding Basin Commercial Office	**C-6** *(Heavy Commercial District)* **C-6** *(Heavy Commercial District)* **C-P** *(Administrative and Professional Office District)*	Commercial/Light Industrial and Vacant Vacant Community Health Center

ENVIRONMENTAL FINDING

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies, including the Master Environmental Impact Report (MEIR No. 10130) for the 2025 Fresno General Plan, and Mitigated Negative Declaration (MND) No. A-09-02 (SCH # 2009051016).

The proposed project has been determined to not be fully within the scope of MEIR No. 10130 and Mitigated Negative Declaration No. A-09-02 (Air Quality MND) as provided by CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). It has been further determined that all applicable mitigation measures of MEIR No. 10130 and the Air Quality MND have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Section 15178(a). It has been further determined that the proposed project is consistent with policies of the 2025 Fresno General Plan. Many of the project's potential impacts fall within the scope of Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan ("MEIR"), State Clearinghouse No. 2001071097 and the Air Quality MND and this Mitigated Negative Declaration is tiered from that MEIR and Air Quality MND.

After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND adopted; and, that no new information, which was not know and could not have been known at the time that the MEIR was certified as complete or the Air Quality MND was adopted, has become available.

Therefore, based on the attached environmental assessment and the list of identified mitigation measures, staff has determined the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2). A public notice of the attached mitigated negative declaration finding for Environmental Assessment Application No. C-10-028 (State Clearinghouse No. 2010071024) was published on July 2, 2010 with comments received from state agencies through the State Clearinghouse.

Changes to Project Specific Mitigation Measures

After circulation of the environmental finding prepared for Environmental Assessment No. C-10-028, there was a recommendation to modify a mitigation measure related to air quality (smell/odor/dust) from the California Department of Resources Recycling and Recovery (CalRecycle). Upon review of this revised mitigation measure, staff has determined that this mitigation measure is equally effective as the previous air quality related mitigation measure. Pursuant to Section 15073.5(c), the Mitigated Negative Declaration is not required to be recirculated because the mitigation measure is being "replaced with an equal or more effective measure or revision".

BACKGROUND / ANALYSIS

Conditional Use Permit Application No. C-10-028 filed by John Mohoff of Sunset Waste, pertains to approximately 10 acres of property located on the southeast corner of South Elm and East Vine Avenue. Below is a brief description of current operations and a description of the applicant's request under Conditional Use Permit Application No. C-10-028.

Current Operations

The site is currently developed with a material recovery facility (MRF) and Transfer Station which includes a 49,500 square foot MRF, a 46,000 square foot transfer station, a 2,000 square foot vehicle and equipment maintenance building, a 4,700 square foot office and visitor center, and truck scales and associated scale-houses. See attached Exhibit E for a more extensive history of the previous uses/operations that have been approved on the subject site.

Proposed Project

Conditional Use Permit Application No. C-10-028 is a request to modify the operations at the existing Sunset Waste Paper material recovery facility (MRF)/transfer station. Staff is in support of the proposed project with several restrictions and modifications. The applicant's requests are below followed by staff's recommendations.

1) The addition of recyclables storage in bunkers, bins, roll-off containers, bales and in bulk inside the building, as well as outside the building under and just south of the south canopy, along the exterior north wall of the transfer station, along the east fence and along the east side of the MRF.

   See the attached conditions of approval for what is allowed to be stored outdoors and where, and what is not allowed to be stored outdoors. All outdoor storage proposed under the current application will either be stored in a container of some sort, will be in a contained

area, or will be baled. The applicant is not allowed to store un-baled piles of debris/paper outside of the building.

2) The addition of green waste processing inside the transfer station building.
Staff recommends that this be allowed subject to several conditions of approval that will mitigate potential impacts to air quality (odor, air debris, etc). The green waste is proposed to be (and has been required to be) processed and then removed from the site within 48 hours. All green waste processing and storage must occur indoors. No other new waste is proposed or allowed under this conditional use permit application. It should be noted that according to the CalRecycle website[1] (the state agency that regulates recycling and transfer station in California), green waste refers to "urban landscape waste generally consisting of leaves, grass clippings, weeds, yard trimmings, wood waste, branches and stumps, home garden residues, and other miscellaneous organic materials".

3) The addition of mechanical sorting of construction and demolition material and MSW inside the transfer station.

Municipal solid waste and construction and demolition debris is already allowed to be received at this facility. Staff recommends allowing mechanical sorting on the *interior* of the transfer station to allow for the separation and recycling of certain materials.

4) The addition of hand and/or mechanical sorting of glass recyclables adjacent to the existing bunkers located along the western elevation of the transfer station.

Staff recommends that mechanical sorting not be allowed outside of a building. However, staff does recommend that hand sorting be allowed as long as it is done within an area that is enclosed on 3 sides by a wall.

Project Consistency

Conditional Use Permit Application No. C-10-028 is proposed in accordance with the existing M-1 (*Light Manufacturing)* zone district. The proposed project is considered an expansion of the existing solid waste transfer station, which is a use allowed with a Conditional Use Permit in the M-1 (*Light Manufacturing*) zone district. The Fresno Municipal Code defines a solid waste transfer station as "a facility for receiving and temporarily holding solid wastes for transfer to a solid waste disposal facility or waste-to-energy plant. A solid waste transfer station may include scales, compactors, wash racks, facilities for the transfer of solid wastes from small to larger containers or vehicles for transport, and facilities for incidental separation of recoverable resources".

Neighborhood Outreach

Public outreach and public input regarding development proposals in the City of Fresno is a very important component to the planning process. The Development and Resource Management Department, anticipating that the community would be concerned over any type of expansion at the Sunset Waste Paper Facility, required the applicant to conduct a public outreach meeting prior to the Director taking action on Conditional Use Permit Application No. C-10-028. On August 3, 2010, the applicant held a noticed community meeting at the Sunset Waste Paper Facility. This notice was sent to nearby property owners and people who had previously shown an interest in being noticed of any expansion or change to the facility. Approximately 30-40 people attended this meeting. At this meeting the applicant explained the existing operations of the facility and also detailed the plans for expansion. Some of the main concerns/issues raised at this meeting are as follows:

[1] http://www.calrecycle.ca.gov/Organics/Glossary/Default.htm

1. **The neighborhood was concerned because they didn't know the facility was a "dump" and did not want to see an expansion to this "dump".**

   Response: At one of the entrances there was a sign that read "Dump Site". The applicant explained to the attendees that the sign was there so that trucks entering the facility knew where they were to "dump" their loads. He explained that the facility was not a "dump". A dump is usually synonymous with a landfill and the facility was a Material Recovery Facility and a Transfer Station. No waste stays permanently at the facility.

2. **Some of the attendees at this neighborhood meeting were concerned about the "self haul" component proposed to be added to the facility. The neighborhood was concerned about people from the larger community bringing their junk and garbage into Southwest Fresno.**

   Response: Currently, the facility is only open to commercial and municipal users. According to the applicant, self haul customers typically include contractors, homeowners and landscapers that bring material in pick-up trucks, cars, flat bed trucks, dump trucks or trailers as opposed to commercial haulers that bring material in collection "packer" trucks or roll-off trucks with roll-off bins. Material delivered for disposal or recycling by self haul customers may include landscape trimmings, junk, construction debris from small remodeling projects, and appliances. After the neighborhood meeting and some discussion with staff, the applicant decided to withdraw their request to allow public self haul of solid waste and recyclables at the facility. The applicant felt that withdrawing this request would further their relationship with the residents of Southwest Fresno and shows that Sunset Waste Paper is willing to work with those residents to be a good neighbor.

3. **An attendee asked about the construction and demolition debris and was concerned about asbestos and lead that could potentially be in this material.**

   In response to this question, the applicant explained that they had a load checking process and any potentially hazardous materials found in a load was pushed off to the side and the responsible jurisdiction was called. He said that they have never had an issue with lead in wood at the facility, but if it were found, it would be dealt with accordingly.

Neighborhood Opposition

In response to the neighborhood meeting, several community members submitted letters of opposition to the proposed project. The two main concerns raised in these letters had to with the project's impact to air quality (smell, debris, dangerous particles in the air, etc.), and the outdoor storage of materials. Below is a list of the major concerns raised in each appeal letter followed by a staff response to some of the concerns raised.

1. Concerned Citizens of West Fresno (Mary A. Curry, Chair)

   a. There is crushed metal glass being poured from metal tubes to the ground in large piles. These types of particles can float and become airborne with the wind. They question the approval of the glass crushing process and request an investigation to discontinue the glass crushing operation on the exterior of the facility.

      Staff Response: The following condition has been included as a condition of approval for this project: "Glass or other material transported from the interior of the building through shoots to the exterior of the building is not allowed unless it is completely contained. To contain the glass or other materials exiting the interior of the building, sleeves or hoods must be installed to contain the material until it reaches the location where it will be temporarily stored. This glass or other material must be stored in such a way that it is completely contained so that wind

cannot cause it to float away and become airborne. Revise operational statement to indicate how this will be accomplished. This task must be completed within 60 days of the Planning Commission hearing for Conditional Use Permit Application No. C-10-028".

In addition, the following condition has been added to the conditions of approval for this project; "Pursuant to Title 14 of the California Code of Regulations (CCR) the definition of "Processing" means the controlled separation, recovery, volume reduction, conversion, or recycling of solid waste including, but not limited to, organized, manual, automated, or mechanical sorting, the use of vehicles for spreading of waste for the purpose of recovery, and/or includes the use of conveyor belts, sorting lines or volume reduction equipment. Recycling Center is more specifically defined in section 17402.5 (d) of this Article. **No "processing" of materials of materials is allowed outside of the two existing buildings on the subject site".**

b. The appellant protests any and all amendments or modifications to the present facility.

Staff Response: The applicant has a right to slightly modify or expand this existing business as long the modifications are allowed by the Fresno Municipal Code and as long as they will not be a detriment to neighborhood or the environment. The only proposed modification that staff felt could be a potential detriment to the neighborhood (the addition of a self-haul service) was removed from the applicant's requested conditional use permit. All environmental impacts and nuisances have me mitigated by mitigation measures and conditions of approval.

2. H.E.A.T. for Southwest Fresno Community

a. Originally, Sunset Recycling was to be a recycling facility; however, amendments to this conditional use permit were submitted and approved without community input. This has resulted in a change of what is being processed at the facility.

Staff's Response: Staff reviewed all amendments to Sunset Waste's original conditional use permit and all amendments were properly noticed as required by the Fresno Municipal Code.

b. The processing of solid waste has been added without community input.

Staff's Response: Conditional Use Permit Application No. C-02-068 was approved by the Planning and Development Department in 2002. This conditional use permit evaluated the expansion of the existing Sunset Waste facility (solely a recycling facility) and the conversion of the existing site to a transfer station (which allowed the acceptance of municipal solid waste at this facility). This conditional use permit application was approved by the Planning and Development Department on September 20, 2002 after a Notice of Proposed Granting was mailed to surrounding property owners on July 26, 2002 and the 15-day public appeal period expired on August 10, 2002 with no appeals received. The community was given a chance to provide community input during the 15-day appeal period process. In addition, the project was reviewed and approved by the Edison/Southwest Fresno Citizens Planning Committee on May 6, 2002 (this committee is no longer in existence).

c. There is an increase in foul smells, flies, vermin, fly away trash bags and other items that can be found off-site.

Staff's Response: The proposed expansion of the existing facility will not increase foul smells, flies, vermin, and fly away trash. The green waste is processed and then removed from the site within 48 hours. All green waste processing and storage must occur indoors. No other new waste is proposed under this conditional use permit application.

d. Adding green waste will add to the above-mentioned situation.

Staff's Response: See staff's response to letter c above. It should be noted that according to the CalRecycle website[2] (the state agency that regulates recycling and transfer stations in California), green waste refers to "urban landscape waste generally consisting of leaves, grass clippings, weeds, yard trimmings, wood waste, branches and stumps, home garden residues, and other miscellaneous organic materials".

e. Adding construction and demolition material will increase air pollution.

Staff's Response: The applicant has not requested adding construction and demolition debris. Municipal solid waste (MSW) and construction and demolition debris (C&D) is already allowed to be received at this facility. The applicant is now requesting mechanical sorting of C&D and MSW inside the transfer station in order to allow for the separation and recycling of certain materials. Mechanical sorting utilizes magnets, screens or air knives (air pressure) to remove contaminants such as nails, dirt and rocks from construction debris. This allows the wood to be chipped and ground without introducing any contaminants. Currently, C&D material is floor sorted with the recovered recyclable materials sent to end users and commodity markets. Under the proposed revision to the facility operation, some C&D material will be mechanically sorted to increase the amount of recyclable material recovered.

f. Processing/grinding of glass recyclables inside the facility, with openings at the front of the building can create small particles that are airborne, creating pollution and respiratory problems.

Staff's Response: As mentioned above, the following condition has been included as a condition of approval for this project: "Glass or other material transported from the interior of the building through shoots to the exterior of the building is not allowed unless it is completely contained. To contain the glass or other materials exiting the interior of the building, sleeves or hoods must be installed to contain the material until it reaches the location where it will be temporarily stored. This glass or other material must be stored in such a way that it is completely contained so that wind cannot cause it to float away and become airborne. Revise operational statement to indicate how this will be accomplished. This task must be completed within 60 days of the Planning Commission hearing for Conditional Use Permit Application No. C-10-028".

g. The continued stacking of bales and bulk materials above the fence line is an eye sore and in direct violation of what the city is requiring residents to do, concealing their garbage, recycling and green waste containers from public view.

Staff's Response: The following has been made a condition of project approval: "No outdoor storage will be allowed if it is visible from the public right-of-way. Although almost the entire site is enclosed by a solid wall, some of the site is still visible from the public right-of-way because the gates on the west side of the site remain open most of the day. If the applicant wishes to have outdoor storage along the southern side of the building (other than that underneath the canopy area, which is already approved), the applicant must construct a permanent wall extending from the existing building south to screen this storage. Appropriate landscaping must be planted on the west side of this wall".

3. Letter from Robert Mitchell

[2] http://www.calrecycle.ca.gov/Organics/Glossary/Default.htm

a. Mr. Mitchell states in his letter that he lives day to day with unhealthy air pollution resulting from various businesses located next to his home. He strongly opposes project.

Staff's Response: Staff has included project conditions of approval and mitigation measures that mitigate air quality impacts resulting from this project. For example, the applicant has been required to do the following to mitigate any impacts from the addition of green waste processing to the existing facility:

1. An odor management plan is required for green waste. This plan shall comply with the contents of an Odor Impact Minimization Plan (for composting operations), which may be found in Section 17863.4 of Title 14 of the California Code of Regulations. (It should be noted that composting is not allowed on the subject site). This plan shall be submitted and approved by the City of Fresno prior to operation.

2. Avoid methods which encourage tipping of green waste materials from unnecessarily high heights.

3. Fit and maintain rubber/plastic strip curtains to larger container chambers used for green waste or utilize other methods to minimize the potential dust clouds caused by loading and unloading green waste.

4. All processing and storage of green waste must occur inside the existing transfer station building.

4. Letter from Avis Braggs, Golden Westside Planning Committee member

a. Residents of the Westside presently suffer under a vast amount of manufacturing plants and do not want to see any additional building or expansion of plants or facilities to our community. In direct opposition to this project.

Staff's Response: The appellant doesn't given any specific reasons why she is in opposition to the project other than that there are a vast amount of manufacturing plants in the community. The proposed project is not a manufacturing plant.

5. Letter from Golden Westside Planning Committee (Debbie Darden, Chairperson).

a. The Golden Westside Planning Committee and its residents have and continue to be plagued by the negative impact from toxic facilities such as Sunset Waste Paper and other's operating in our community only to have them continue seeking ways to increase their revenue dollars at the expense of stagnating our community and our health.

Staff's Response: Based on the environmental assessment prepared for this project, staff believes, with mitigation measures and conditions, that the applicant's proposed modifications to the existing facility will not result in stagnation in the community and will not negatively impact the health of the community. Staff was most concerned about the proposal to add "a self-haul service" to the facility because of the potential negative impact to the neighborhood caused by the general public coming to Southwest Fresno to dispose of their recyclables, green waste, and other materials. After some discussion with staff and neighborhood input, the applicant decided to withdraw the request for self-haul service at the facility.

b. Oppose the request for modification to the existing facility that will allow solid waste materials to be brought into the Golden Westside of Fresno.

Staff's Response: Municipal Solid Waste (MSW) was first allowed to be accepted at Sunset Waste Paper in 2002 under Conditional Use Permit Application No. C-02-068. The only new material proposed to be accepted on the subject site is green waste.

6. Letter from William G. Simon

   a. The company should not be allowed to add housing for solid waste recyclables at this facility.

      Staff's Response: Municipal Solid Waste (MSW) was first allowed to be accepted at Sunset Waste Paper in 2002 under Conditional Use Permit Application No. C-02-068. The only new material proposed to be accepted on the subject site is green waste.

   b. There are many schools in close proximity.

      Staff's Response: Staff does not believe that the proposed modifications will directly impact any nearby schools. In addition, the project was routed for comment to the West Fresno Elementary School District with no comments received. A notice of this Planning Commission hearing was also sent to both the principal of the elementary school and to a member of the Board of Trustees of the West Fresno Elementary School District.

   c. Additional commercial application at that location would merely compound the problems that already exist in Southwest Fresno.

      Staff's Response: Staff is unclear about what the appellant means.

7. E-mail from Brendel Jackson

   a. Supports recycling as being a positive gesture but the proper location for these facilities is very important. Doesn't want to community to be dumped on.

      Staff's Response: Recycling is already permitted at the existing facility.

   b. The closeness of the facility impacts the quality of life. Would like to walk outside and be able to breathe and smell fresh air.

      Staff's Response: As mentioned above, any potential impacts to air quality have been mitigated through mitigation measures or conditions of approval.

8. E-mail from Diane Snowden

   a. Most of her friends suffer from asthma and bad hearts. She believes this plant should not have been put in this community and would like it closed down.

      Staff's Response: The City of Fresno cannot close this facility down or revoke the existing conditional use permit without proof that the applicant has been consistently violating their conditions of approval. For the most part, it appears that Sunset Waste has made a concerted effort to be a good neighbor.

9. E-mail from Lilian Koenig

   a. It is very unprofessional to alter the community voiced opinion on this matter. Certain kinds of waste have no business near a school or being brought into this neighborhood to be disposed

of. To disregard the rational decisions of leaders who are also opposed to the expansion of the facility is shameful. Please, reconsider the request or face certain protest.

Staff's Response: The City of Fresno is not disregarding the opinions of the neighborhood. The City has worked with the applicant to minimize any potential impacts of the proposed project. Staff did feel that the self haul component of the proposed project potentially could negatively impact the neighborhood and the applicant subsequently removed this component from their conditional use permit application. Staff has to weigh the input from the community with the legal rights of the property owner. The City has to make certain findings in order to legally deny a conditional use permit application. Staff did believe that findings could be made to potentially deny the "self haul" component of the proposed project. However, with mitigation measures imposed on the project to reduce potential environmental impacts, staff cannot make the findings necessary to deny the remainder of the applicant's expansion request.

10. Letter from Motschiedler, Michaelides &Wishon, LLP, Attorneys at law (they represent the owner of the property directly to the east of the subject site (SDG))

a. SDG is strongly opposed to the issuance of any permit that would allow outside storage or holding waste before processing, during processing or after processing. The SDG building was designed and continues to be used as a storage and distribution center for national brand foods. Urges the director to disapprove the application, or at least impose the condition that there be no outdoor storage of materials of any kind.

Staff's Response: In previous conditional use permit applications, the applicant/site has been allowed some outdoor storage of materials in containers. All outdoor storage proposed under the current application will either be stored in a container of some sort or will be baled. The applicant is not allowed to store un-baled piles of debris/paper outside of the building. The conditions of approval include several specific conditions of approval dealing with outdoor storage that address/resolve the appellant's concerns.

Public Noticing

In addition to the invitations sent to residents from the applicant for the community meeting held on August 3, 2010, the Fresno Municipal Code Section 12-401-C-2 requires that notices of public hearings (i.e. notice of this Planning Commission hearing) be noticed to property owners within 300 feet of the subject site and to any person who requested a notice of the public hearing. On February 4, 2011, a notice of this public hearing was sent to property owners within 700-feet of the proposed facility, to the residents of the neighborhood directly to the north of the facility, and to a number of concerned citizens who informed the City that they wanted a notice of the public hearing. Thus, the City of Fresno more than doubled noticing area for the Planning Commission hearing. The notice also contained information on how this staff report could be obtained on the City's website after 5pm on February 11, 2011.

Council District Plan Implementation Committee

There currently is no Plan Implementation Committee in Council District 3.

LAND USE PLANS AND POLICIES

The subject site is located within the boundaries of the 2025 Fresno General Plan and the Edison Community Plan. The proposed project has been required to comply with all applicable goals and policies within this plan.

The subject property is zoned M-1 *(Light Manufacturing)* and is planned for light industrial land uses by

the 2025 Fresno General Plan and the Edison Community Plan. The project site is also located within the South Fresno Industrial Revitalization Redevelopment Plan. The proposed project (the proposed acceptance of green waste, proposed mechanical sorting and additional storage) is considered an expansion of the existing solid waste transfer station, which is a use allowed with a Conditional Use Permit in the M-1 zone district. The Fresno Municipal Code defines a solid waste transfer station as "a facility for receiving and temporarily holding solid wastes for transfer to a solid waste disposal facility or waste-to-energy plant. A solid waste transfer station may include scales, compactors, wash racks, facilities for the transfer of solid wastes from small to larger containers or vehicles for transport, and facilities for incidental separation of recoverable resources".

2025 Fresno General Plan

The following policies contained within the 2025 Fresno General Plan have ensured that the proposed facility will be a benefit to the community rather than a detriment to the community:

Policy I-6-e: Through the environmental review process for land use plans and other development projects, the city will continue to identity and assess the health and safety related implications of storage, use, and disposal of hazardous materials

C-12-a Policy: Ensure that all commercial land uses are developed and maintained in a manner complementary to and compatible with adjacent residential land uses, to minimize interface problems with the surrounding environment and to be compatible with public facilities and services.

Edison Community Plan

The subject site is designated for light industrial uses by the Edison Community Plan. In addition, Elm Avenue is designated as a boulevard (see Figure 6, Open Space Network) and a truck route (See Figure 7, Proposed Circulation). Thus, the proposed project is consistent with those standards of development that support Elm Avenue as a truck route and boulevard.

The Edison Community Plan specifically discusses the area lying east of North Elm Avenue and south of East Jensen Avenue, the location where this project is located. The plan, which was adopted in 1977, states that "The 1974 General Plan sought to eliminate the historical commitment to industrial development in the area by calling for the creation of low density residential development. However, the industrial uses already in this area, together with a pattern of industrial zoning indicate that the most appropriate recommendation for this area would be to continue the previously accepted plans for industrial development". Thus, the Edison Community Plan calls for industrial development in this area.

The Edison Community Plan does point out some of the liabilities of industrial development in the area, which are as follows:

- Many of the adverse impacts of the City's industrial development are disproportionately imposed on the Edison residents.
- Scattered industrial activities are in conflict with existing and proposed residential areas.
- The community is over zoned for industrial development.
- The continued development of intense industrial activities, without the establishment of necessary controls to reduce their environmental impact, will seriously affect the desirability of adjacent residential neighborhoods.

To deal with some of these liabilities of industrial development, the Edison Community Plan included the

following recommendation:

> "It is recommended that special property development standards be applied to minimize the adverse effects of industries on adjacent residential uses. Such property development standards should include a twenty to thirty foot setback requirement for industrial properties along streets separating industrial and residential districts; requirements for landscape buffers within such setbacks, and requirements for solid masonry walls and landscaping to screen industrial parking, loading, and open storage areas from adjacent residents".
>
> Although the proposed project is not adjacent to a residential district (it is surrounded by property that is planned and zoned for industrial or commercial uses), it does abut property that contains two occupied nonconforming single family homes. Thus, special property development standards including a 20-foot building and landscape setback along both street frontages and an 8-foot high block wall along both street frontages, have been applied to the subject site through previous entitlement applications and will be conditioned to be required through the conditions of approval for Conditional Use Permit Application No. C-10-028.

South Fresno Industrialization Redevelopment Plan Area

The subject site is designated for light industrial land uses by the South Fresno Industrial Revitalization Plan area which defers all land use designation to Edison Community Plan and the 2025 Fresno General Plan. Due to the project's location within this Redevelopment plan area, Conditional Use Permit Application No. C-10-028 was routed to the Redevelopment Agency for review and comment. These comments have been incorporated into conditions of approval for this project. In addition, the Redevelopment Agency of the City of Fresno has determined that the project is consistent with this redevelopment plan.

Traffic

A traffic study for Sunset Waste was completed in March 2002 when the transfer station was added to the existing facility (incorporated herein for reference). That traffic study found that with the proposed project, the Level of Service LOS of the nearby intersections was not anticipated to exceed LOS B for existing plus project conditions and not anticipated to exceed an LOS of C in 2025 with the proposed project. A LOS D is an acceptable level of traffic congestion on major streets.

The proposed project will result in an additional 180 daily trips (90 additional vehicles per day). The peak hour trips generated by the proposed project will be well under 100, thus a new traffic study is not required. As mentioned above, an LOS D is an acceptable level of traffic congestion on major streets. The proposed project will not cause the LOS on the adjacent streets or intersections to exceed an LOS of D.

The project proposed in 2002 was anticipated to have 470 vehicles entering the site each day (940 daily trips). The trip count for the existing site with the project proposed under Conditional Use Permit Application No. C-10-028 is depicted in the Table below. The proposed project will not exceed the number of vehicles previously permitted to enter and exit the facility.

Trip Type	Trips Per Day
Self-Haul (MSW or Recyclables)	100 (50 * 2) (This component has been withdrawn)
Collection Trucks (MSW)	400 (200 * 2)
Collection Trucks (Recyclables)	80 (40 * 2)
Transfer Truck	150 (75*2)
Material Marketing Trucks	30 (15 * 2)
Employee and Visitor Vehicles	180 (90 * 2)
Total Daily Trips Proposed	940 (470 roundtrips)

Mitigation Measures

As mentioned above, after circulation of the environmental finding prepared for Environmental Assessment No. C-10-028, there was a recommendation to modify a mitigation measure related to air quality from the Department of Resources Recycling and Recovery. Staff has determined that this mitigation measure is equally effective as the previous air quality related mitigation measure. Pursuant to Section 15073.5(c), the Mitigated Negative Declaration is not required to be recirculated because the mitigation measure is being "replaced with equal or more effective measures or revisions". Pursuant to CEQA Guidelines Section 15074.21, in order for the City of Fresno to approve a project with deleted and substituted mitigation measures, the City of Fresno must do both of the following:

1) Hold a public hearing on the matter. Where no public hearing would otherwise be held to consider the project, then a public hearing shall be required before a mitigation measure may be deleted and a new measure adopted in its place.

   This Planning Commission hearing serves as this public hearing.

2) Adopt a written finding that the new measures are equivalent or more effective in mitigating or avoiding potential significant effects and that they in themselves will not cause any potentially significant effects on the environment.

   Staff recommends that the Planning Commission adopt this finding as detailed at the beginning of this staff report in the Recommendation section.

The mitigation measure to be deleted and replaced is as follows:

1. **Original Mitigation Measure:** An odor management plan is required for green waste. This plan must incorporate the best practices and regulations established by the State of California and shall be submitted and approved by the City of Fresno prior to operation.

   1a. **Revised Mitigation Measure:** An odor management plan is required for green waste. This plan shall comply with the contents of an Odor Impact Minimization Plan (for composting operations), which may be found in Section 17863.4 of Title 14 of the California Code of Regulations. It should be noted that composting is not allowed on the subject site.

CONDITIONAL USE PERMIT APPLICATION REVIEW FINDINGS

No special permit may be issued unless it is found that the privilege exercised under the permit, as it may be conditioned, conforms to the findings of Section 12-405-A-2 of the Fresno Municipal Code. Based upon analysis of the conditional use permit application, staff concludes that all of the required findings can be made for this conditional use permit application as follows:

Findings per Fresno Municipal Code Section 12-405-A-2	
a. *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,*	
Finding a:	The subject site is adequate in size and shape to accommodate the proposed use. Conditional Use Permit Application No. C-10-028 will comply with all applicable codes given that the special permit conditions of approval will ensure that all conditions are met prior to the site being occupied by the proposed uses.
b. *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,*	
Finding b:	All special conditions required under Conditional Use Permit Application No. C-10-028 have been incorporated into the conditions of approval of the subject application. Traffic Engineering has reviewed the proposed project and assessed the adjacent streets to ensure that the proposal would not have significant impacts on traffic and the surrounding community. Subject to the Conditions of Approval for Conditional Use Permit Application No. C-10-028, the streets and highways will be of adequate width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
c. *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.*	
Finding c:	The proposed use will not have a negative impact on either the subject site or neighboring properties given that the applicant has been required to comply with conditions that will help to protect the health, safety and welfare of public. No negative impacts on water or traffic were identified in the environmental review of this project prepared by the City of Fresno Development and Resource Management Department. Potentially significant impacts to noise, air quality and health/safety will be mitigated to a less than significant level with the implementation of mitigation measures and conditions of approval for this project.

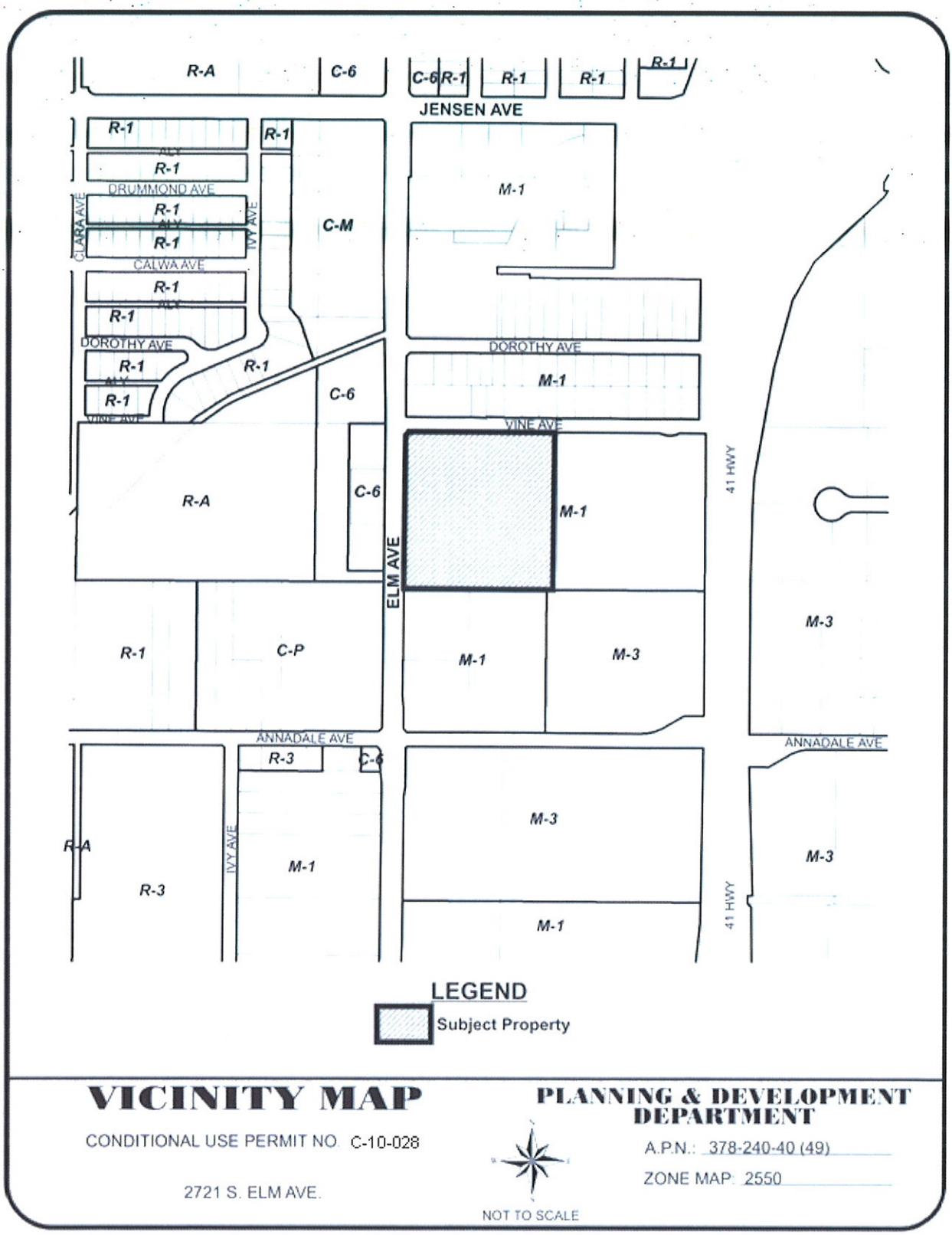
Conclusion

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Conditional Use Permit Application No. C-10-028 is appropriate for the project site.

Attachments:
- Exhibit A: Vicinity Map
- Exhibit B: Aerial Photograph of site
- Exhibit C: Noticing Map (700-foot radius)
- Exhibit D: Site Plan and Elevations
- Exhibit E: Operational Statement (Operational/Environmental Statement Checklist) dated January 2011
- Exhibit F: Entitlement History of Sunset Waste
- Exhibit G: Conditions of Approval dated February 16, 2011
- Exhibit H: Appeal Letters
- Exhibit I: Environmental Assessment No. C-10-028, including the substituted project specific mitigation measure

Exhibit A
Vicinity Map

Vicinity Map



VICINITY MAP

CONDITIONAL USE PERMIT NO. C-10-028

2721 S. ELM AVE.

PLANNING & DEVELOPMENT DEPARTMENT

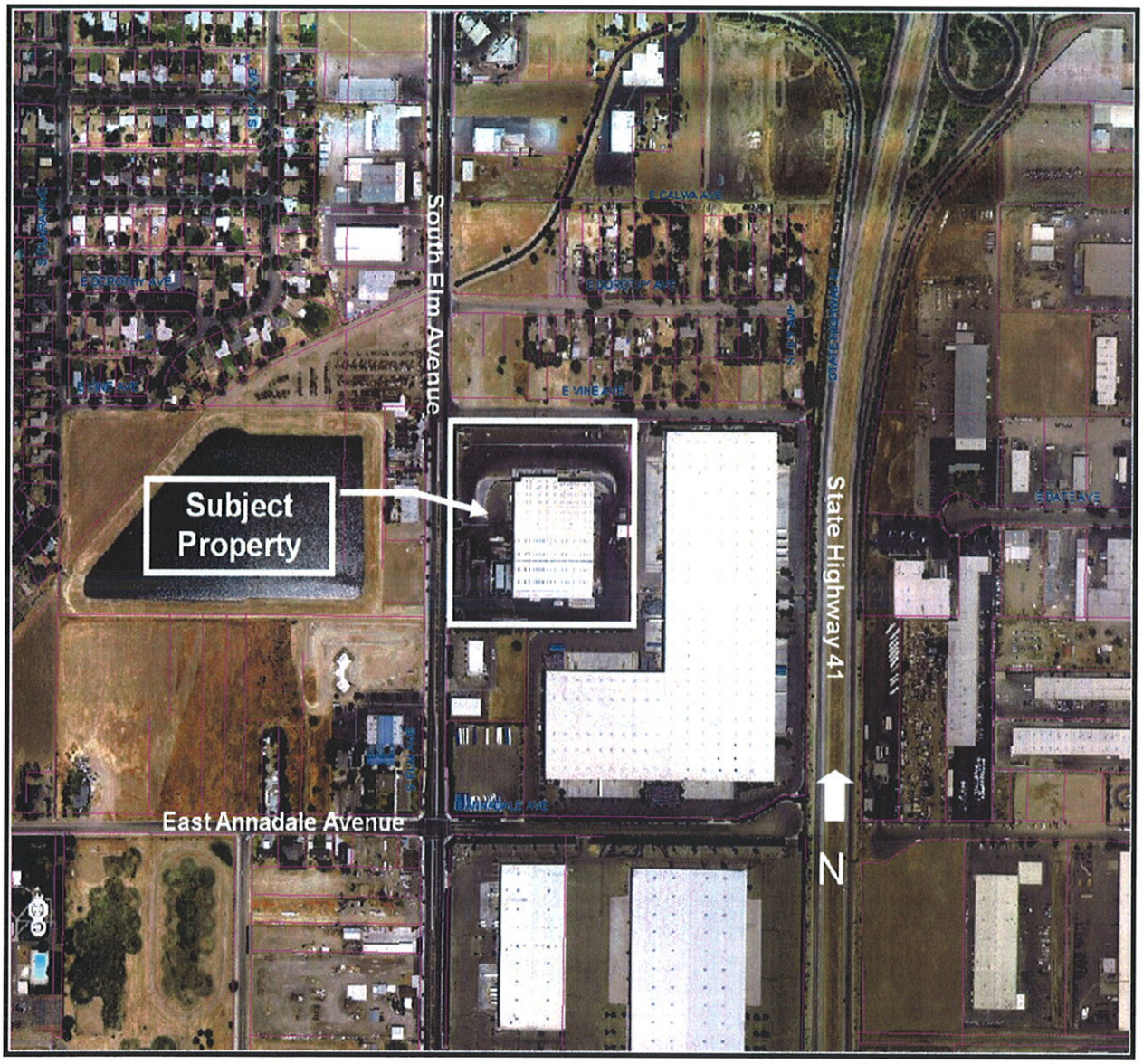
A.P.N.: 378-240-40 (49)

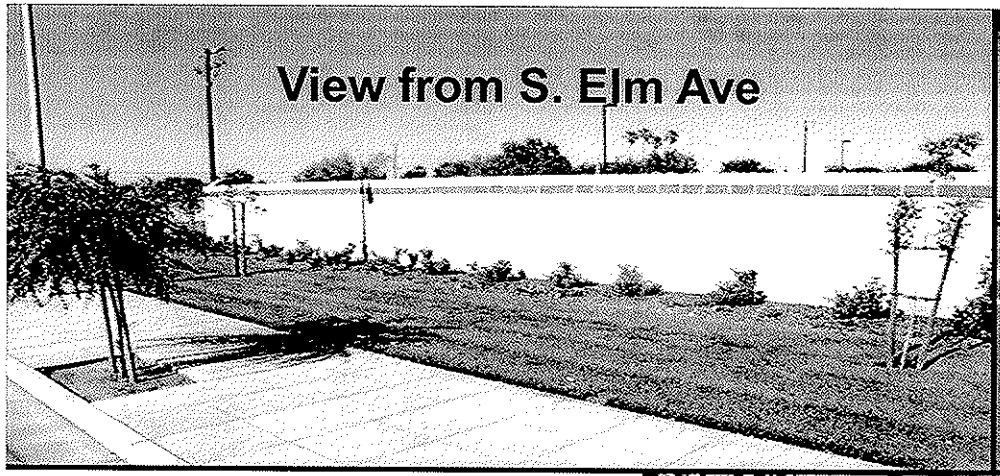
ZONE MAP: 2550

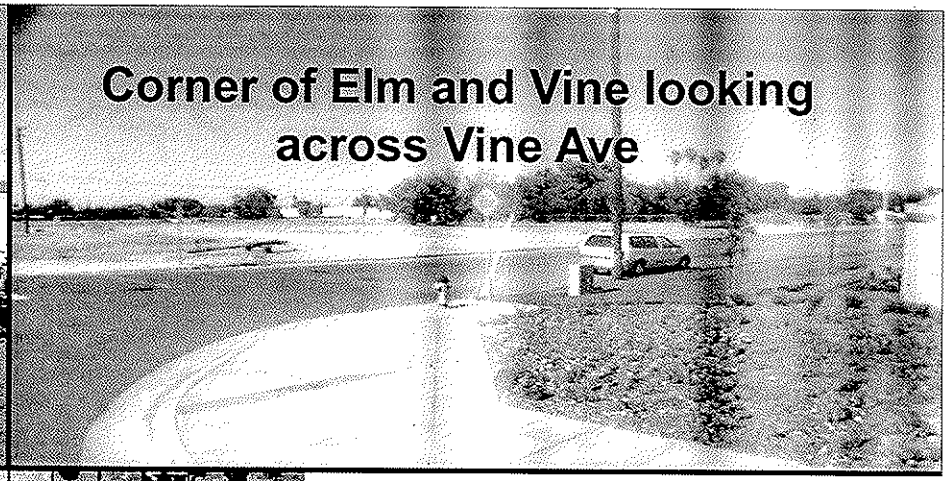
NOT TO SCALE

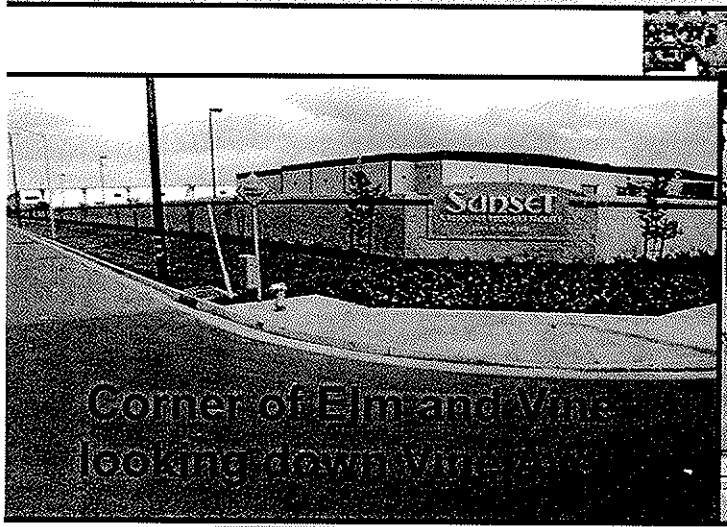
Exhibit B
Aerial Photograph of Site

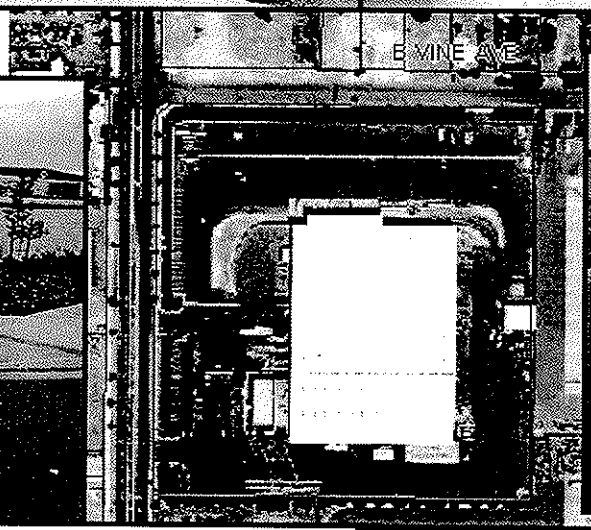
Aerial Photo

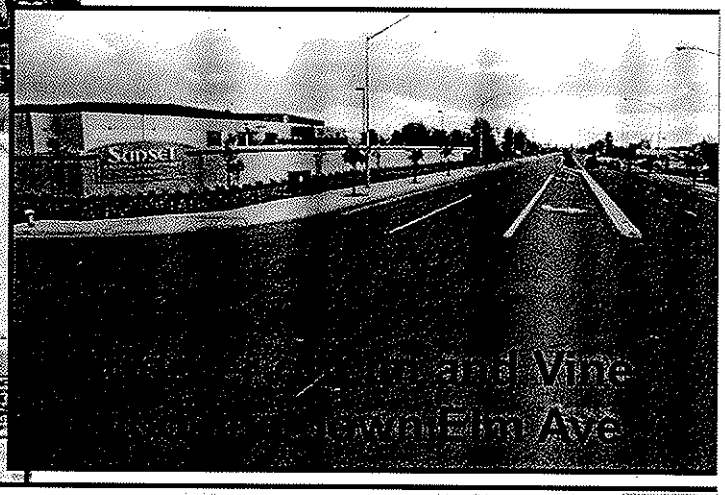


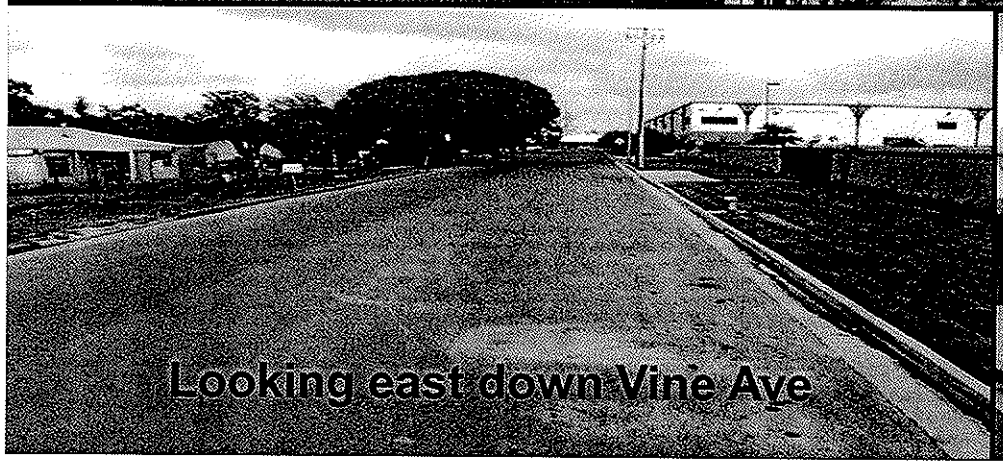

View from S. Elm Ave


Corner of Elm and Vine looking
across Vine Ave


Sunset
Corner of Elm and Vine
looking down Vine Ave


E VINE AVE


Sunset
and Vine
Elm Ave


Looking east down Vine Ave

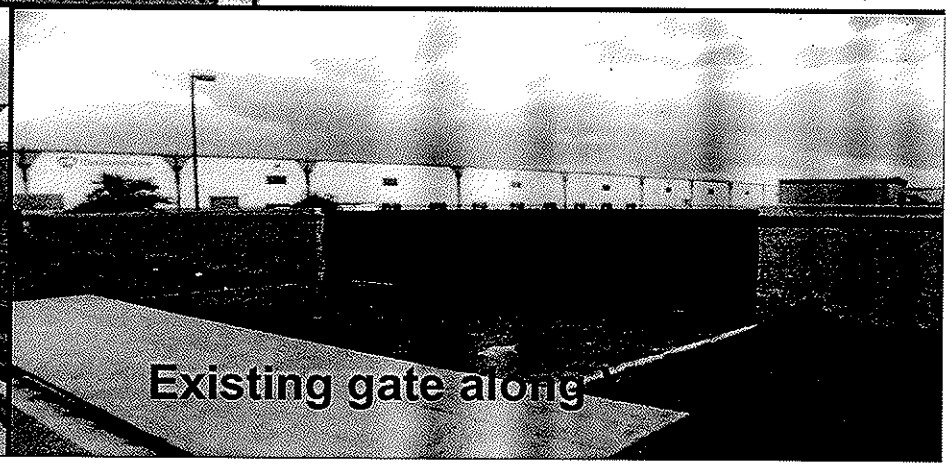

Existing gate along

Exhibit C

Surrounding Property Notification Map (700-feet)

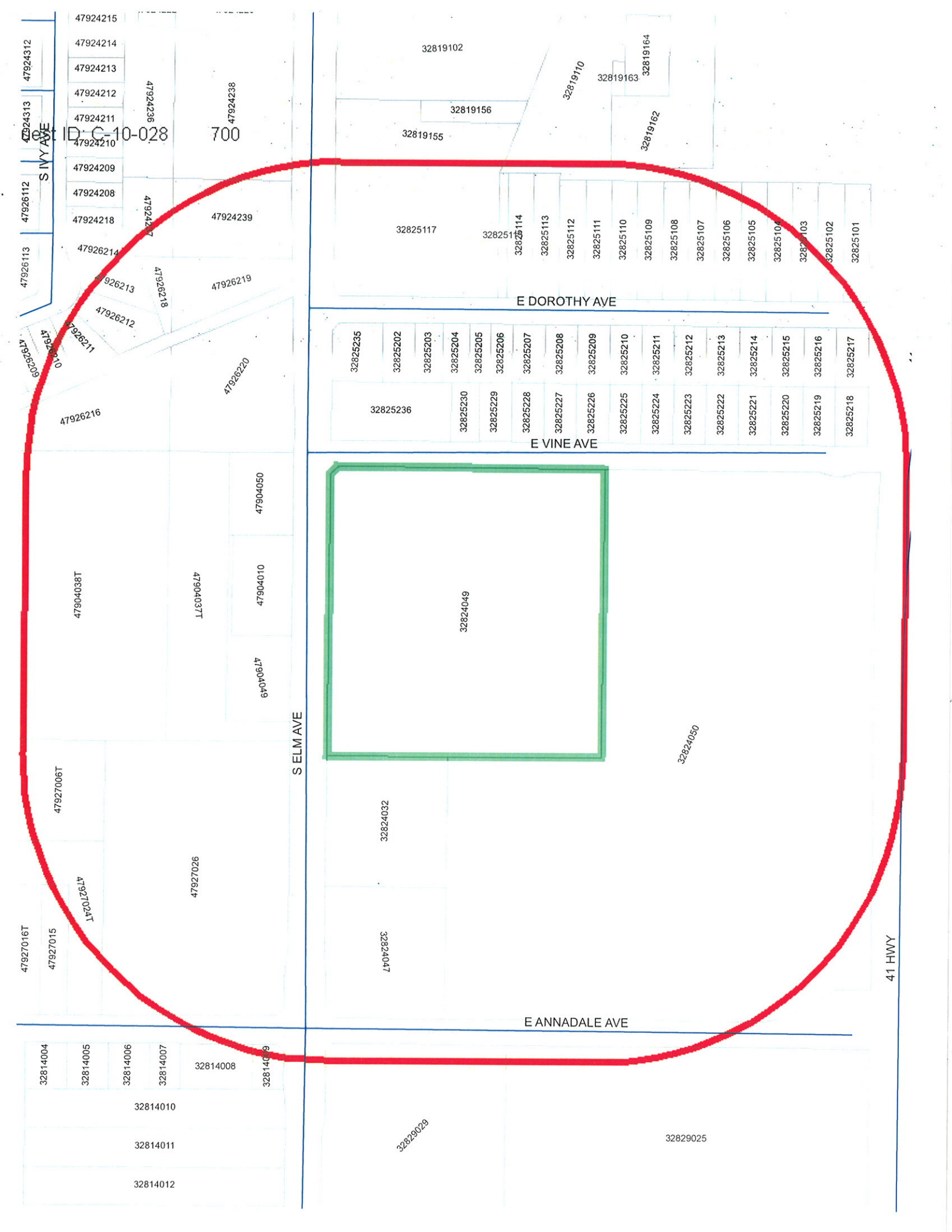

Set ID: C-10-028
700
S IVY AVE
E DOROTHY AVE
E VINE AVE
S ELM AVE
E ANNADALE AVE
41 HWY
47924215
47924214
47924213
47924212
47924211
47924210
47924209
47924208
47924218
47924312
47924313
47926112
47926113
47924236
47924238
47924239
47924237
47926214
47926213
47926218
47926219
47926212
47926211
47926210
47926209
47926220
47926216
32819102
32819110
32819163
32819164
32819156
32819155
32819162
32825117
32825115
32825114
32825113
32825112
32825111
32825110
32825109
32825108
32825107
32825106
32825105
32825104
32825103
32825102
32825101
32825235
32825202
32825203
32825204
32825205
32825206
32825207
32825208
32825209
32825210
32825211
32825212
32825213
32825214
32825215
32825216
32825217
32825236
32825230
32825229
32825228
32825227
32825226
32825225
32825224
32825223
32825222
32825221
32825220
32825219
32825218
47904050
47904038T
47904037T
47904010
47904046
32824049
32824050
47927006T
47927026
47927024T
47927016T
47927015
32824032
32824047
32814004
32814005
32814006
32814007
32814008
32814009
32814010
32814011
32814012
32829029
32829025

Exhibit D
Site Plan and Elevations

KEYNOTES (FOR NEW ITEMS)

N1. 35' SCALE, AUTOMATED OR MANNED FOR SELF HAUL

N2. TIRE STORAGE TRAILER, BALE STORAGE & ROLL-OFF STORAGE AREA

N3. NEW CORNER DEDICATION

KEYNOTES (FOR EXISTING ITEMS TO REMAIN UNLESS OTHERWISE NOTED)

E1. EXISTING FACE OF CURB (PER CONTRACTOR)

E2. EXISTING DRIVEWAY

E3. EXISTING SWINGING GATE

E4. EXISTING CONCRETE BLOCK WALL

E5. EXISTING ASPHALT PAVING AS PER PUBLIC WORKS STDS. P-41, P-42 & P-43

E6. EXISTING CONCRETE PAVING

E7. EXISTING FAST TRACK SCALE

E8. EXISTING 9'x18' STANDARD PARKING STALL

E9. EXISTING 45'-0" IN-BOUND TRUCK SCALE

E10. EXISTING LANDSCAPING

E11. EXISTING 6" CURB

E12. EXISTING TRANSFORMER AND BOLLARDS

E13. EXISTING WROUGHT IRON FENCE AT ELM AVE

E14. EXISTING CHAIN LINK FENCE AT SOUTH PROPERTY LINE

E15. EXISTING HANDICAP RAMP AT INTERSECTION SIDEWALK

E16. "STOP" SIGN

E17. "ONE WAY DO NOT ENTER" SIGN

E18. EXISTING GLASS CULLET BUNKERS

E19. EXISTING FIRE HYDRANT AT SOUTHEAST CORNER OF BUILDING

KEYNOTES

1. EXISTING SIDEWALK
2. EXISTING IN-FILL AT EAST ELEVATION OF BUILDING 74' WIDE
3. EXISTING CONCRETE TRUCK LOADING DOCK
4. EXISTING 8' X 24' ROLL-OFF STORAGE BINS
5. EXISTING 10' X 20' STORAGE CONTAINERS
6. EXISTING 8' HIGH CHAIN LINK FENCE WITH OPAQUE SLATS SOUTH OF MAINTENANCE BUILDING
7. EXISTING 495 GALLON PROPANE TANK IN SOUTH EAST CORNER WITH 10' SETBACKS AT EACH SIDE
8. EXISTING 500 GALLON ABOVE GROUND STORAGE TANK (A.S.T.) FOR WASTE OIL.
9. EXISTING 500 GALLON ABOVE GROUND STORAGE TANK (A.S.T.) FOR DIESEL FUEL.

GENERAL NOTES

1. 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.
2. REPAIR ALL DAMAGED AND/OR OFF-GRADE CONCRETE STREET IMPROVEMENTS, AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER, PRIOR TO OCCUPANCY.
3. 2 WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT-OF-WAY AND/OR UTILITY EASEMENTS, ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA). CALL 1-800-642-2444.
4. DEEDS OF EASEMENT FOR THE REQUIRED DEDICATION(S) SHALL BE PREPARED BY THE OWNER/DEVELOPER'S ENGINEER AND SUBMITTED TO THE CITY WITH VERIFICATION OF OWNERSHIP PRIOR TO ISSUANCE OF BUILDING PERMITS.

LEGEND

FH	▲	EXISTING FIRE HYDRANT
SL	⟝	EXISTING STREET LIGHT
PP	⟝	EXISTING POWER POLE
UB	⊠	EXISTING UTILITY BOX
F.O.C.		FACE OF CURB

CIRCULATION LEGEND

COLLECTION TRUCKS

RECYCLABLES LOADOUT TRUCKS

SELF-HAUL PICK UP TRUCKS

TRANSFER TRUCKS

PROJECT DATA

SITE/BUILDING SUMMARY:

TOTAL LOT AREA 418,568 SF NET 9.6 ACRES

BUILDING AREA

EXISTING 2-STORY OFFICE AREA	9,440 SF
EXISTING MRF BUILDING	49,500 SF
EXISTING TRANSFER STATION	47,870 SF
EXISTING SOUTH CANOPY	6,875 SF
EXISTING MAINTENANCE BUILDING	2,000 SF
TOTAL	115,685 SF

LOT COVERAGE

EXISTING MRF	11.8%	49,500 SF
EXISTING TRANSFER STATION	11.5%	47,870 SF
EXISTING MAINTENANCE	0.5%	2,000 SF
EXISTING OFFICE 1ST FLOOR	1.1%	4,720 SF
CANOPY	1.7%	6,875 SF
LANDSCAPING	7.7%	32,100 SF
CIRCULATION/PAVING	65.8%	275,503 SF
TOTAL	100%	418,568 SF

PARKING SUMMARY:

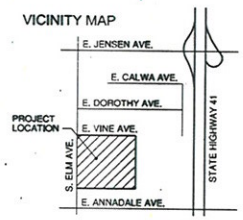
PARKING PROVIDED:

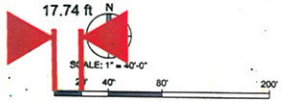
STANDARD 9'x15' PARKING STALLS:	76 STALLS
HANDICAP ACCESSIBLE STALLS:	2 STALLS
TOTAL PARKING PROVIDED:	78 STALLS

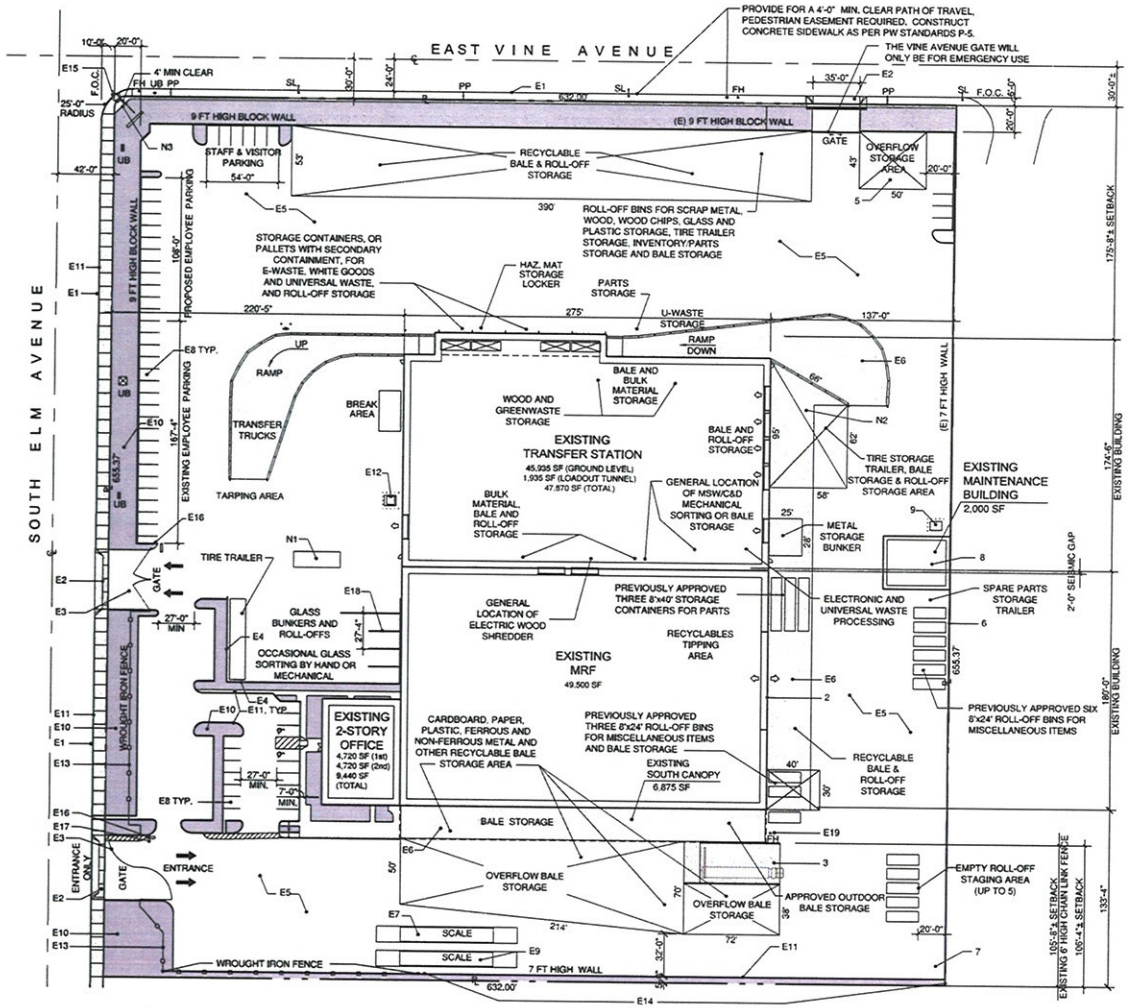
SITE DATA

A.P.N.:	328-240-40
ZONE MAP #:	2650
SITE ADDRESS:	2721 SOUTH ELM AVENUE
STREET LOCATION:	LOCATED ON THE EAST SIDE OF SOUTH ELM AVENUE, JUST SOUTH OF EAST VINE AVENUE
EXISTING ZONING:	M-1 (LIGHT MANUFACTURING)
PLANNED LAND USE:	LIGHT INDUSTRIAL
PLAN AREAS:	EDISON COMMUNITY PLAN SOUTHWEST FRESNO INDUSTRIAL REVITALIZATION REDEVELOPMENT PROJECT AREA PLAN

VICINITY MAP







SUNSET WASTE PAPER - CUP MINOR MODIFICATION

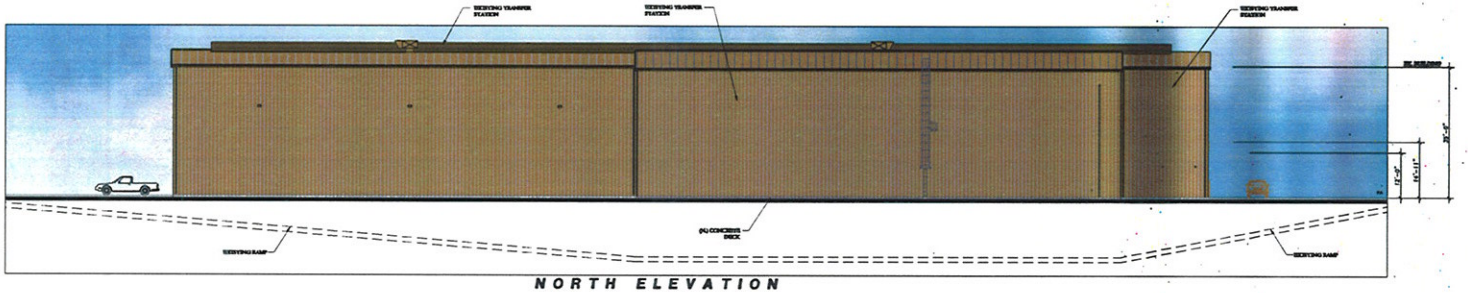
2721 SOUTH ELM AVE
FRESNO, CALIFORNIA 93706

SITE PLAN

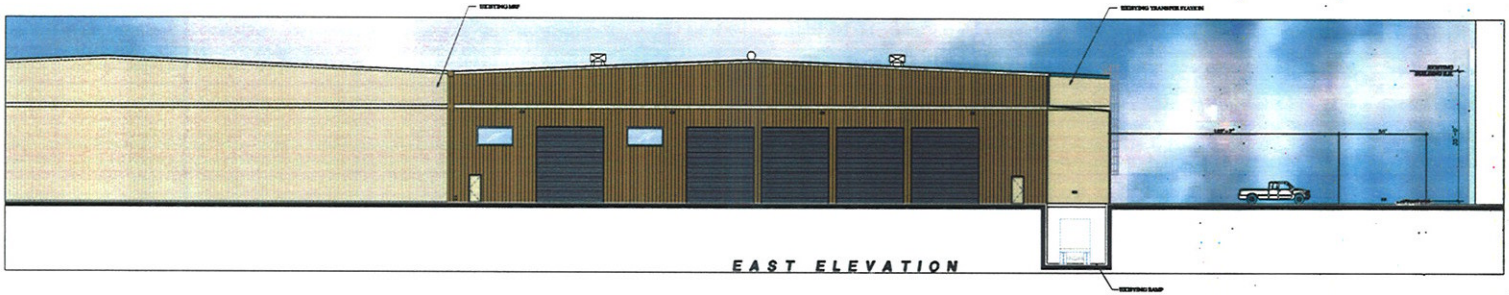
FEBRUARY 2011

J.R. MILLER & ASSOCIATES
ARCHITECTS & ENGINEERS
JOB # 3890
TRANSFER STATION JOB # 3332

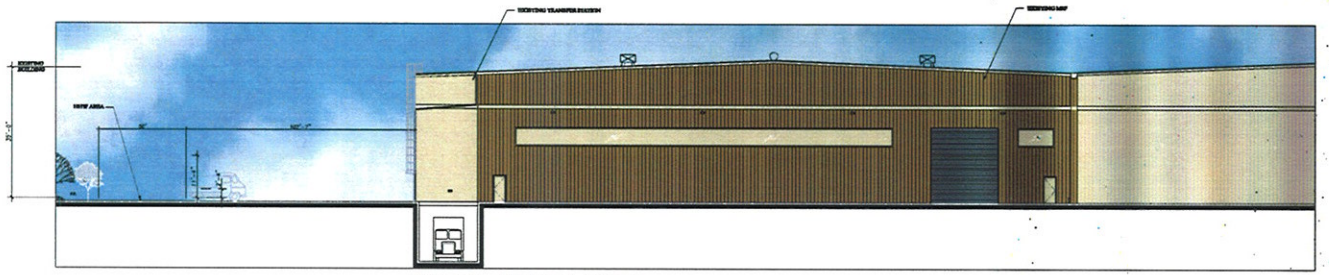
CLEMENTS ENVIRONMENTAL



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

SUNSET WASTE PAPER - CUP MINOR MODIFICATION

ELEVATION

J.R. MILLER & ASSOCIATES
ARCHITECTS & ENGINEERS
JOB # 3880
TRANSFER STATION JOB # 3332

CLEMENTS ENVIRONMENTAL

2721 SOUTH ELM AVE
FRESNO, CALIFORNIA 93706

Exhibit E

Operational Statement (Operational/Environmental Statement Checklist) dated January 2011

SUNSET WASTE PAPER TRANSFER STATION AND MATERIAL RECOVERY FACILITY

CONDITIONAL USE PERMIT OPERATIONAL/ENVIRONMENTAL STATEMENT CHECKLIST

Submitted by:

Sunset Waste Paper
2721 S. Elm Avenue
Fresno, CA 93706
(559) 739-1595

Prepared by:

Clements Environmental Corporation
15230 Burbank Boulevard, Ste. 103
Los Angeles, CA 91411-3504
(818) 267-5100

January 2011

OPERATIONAL/ENVIRONMENTAL STATEMENT CHECKLIST

1. Describe the nature of your proposal/operation (please be specific).

The proposal is to modify the operations at the existing Sunset Waste Paper material recovery facility (MRF)/transfer station, located at 2721 S Elm Avenue, as follows: 1) add recyclables storage in bunkers, bins, roll-off containers, bales and in bulk inside the building, as well as outside the building under and just south of the south canopy, along the exterior north wall of the transfer station, along the east fence and along the east side of the MRF; 2) add greenwaste processing inside the transfer station building; and, 3) add mechanical sorting of construction and demolition material and MSW inside the transfer station. The proposed operational changes will not increase the maximum permitted capacity of 2,000 tons per day, nor will it increase the maximum vehicle count of 470 vehicles per day. The maximum storage time is 48 hours for green waste and 90 days for recovered recyclable materials.

Storage and processing of the following is included as part of the facility's operation as shown on the Site Plan (**Figure 1**):

- Scrap metal, wood, wood chips, glass, and plastic in roll-off bins, tire trailer storage, inventory parts storage and bale storage staged along the east and north walls of the site (subject to required setbacks);
- e-waste (computers and TVs), white goods, and other universal waste (u-waste), in storage containers or on pallets with secondary containment, storage of roll-off containers, parts and a hazardous materials storage locker, along the north side of the transfer station. Overflow storage of u-waste will also occur in the northeast corner of the site;
- Spare equipment and metal parts in 10' x 20' storage containers along the east wall of the building, or along the east wall of the site;
- Waste tires in a truck trailer adjacent to the glass bunkers storage area;
- Staging of up to five empty roll-off bins set back 20 feet from the east wall of the site. These bins will be rotated into the facility as needed to be filled with recyclable material and then staged along the east wall of the building;
- Storage of broken glass in an open pile or bunker outside the west wall of the building as shown on the site plan. Glass will be removed from the site frequently over the course of a week, and, if at any time the pile is deemed to be a nuisance, immediate arrangements will be made for its reduction.
- Bales of cardboard, paper, plastic, ferrous and non-ferrous metals, and other miscellaneous recyclables will be staged under and just south of the existing screened canopy along the southern elevation of the building which is used for truck loading operations, and in the transfer station building if needed. In addition, bales of recyclables will be stored outside along the northern wall and just outside the south part of the east wall of the MRF.
- Hazardous materials will be stored in a hazmat locker located along the exterior north wall of the transfer station.

- Recyclables will be stored in bunkers, bins, roll-off containers, or bales and bulk material inside the transfer station building, as well as outside the building under and just south of the south canopy, along the north wall of the transfer station, along the east fence and along the east side of the MRF.
- Mechanical sorting of MSW and construction debris as well as storage of bales will occur in the southern portion of the transfer station as will processing of green material. Wood and green waste will be stored in the northern portion of the transfer station.

The origin of the above referenced material stored onsite is as follows:

- "Inventory parts storage" is necessary for maintenance and repair of equipment essential to the operation of the facility such as transfer trucks and trailers, loaders, forklifts, balers, conveyors, the material recovery system, and truck scales. The parts storage is necessary to insure seamless operation of the facility and minimize down time. Parts stored onsite are obtained from equipment manufacturers, vendors and suppliers.

- "E-waste" consists of discarded computers and computer monitors, as well as electronic equipment such as faxes, televisions, printers and stereo equipment. E-waste is generated by residential and commercial customers, as well as from community round-up and recycling programs. E-waste is picked-up from customers as part of their collection service, and is also found during the load check process for commingled recyclables in the material recovery facility (MRF) and municipal solid waste (MSW) in the transfer station. E-waste is stored onsite in roll-off containers, or on pallets, until it is picked-up for deconstruction by a licensed E-waste hauler and processor.

- "White goods" consist of discarded appliances, such as washers, dryers, refrigerators, dishwashers, and stoves, and are generated by residential and commercial customers, as well as from community recycling programs. White goods are picked-up from customers as part of their collection service and are also found during the load check process for commingled recyclables in the material recovery facility (MRF) and MSW in the transfer station. White goods are stored onsite in roll-off containers and eventually transported to scrap metal facilities for further processing and recycling.

- "Universal waste" contains mercury, lead, cadmium, copper and other substances hazardous to human and environmental health, and consists of batteries, cell phones, fluorescent lights as well as computers, computer monitors, televisions and electronics. Universal wastes are generated by residential and commercial customers, as well as from community recycling programs. Universal waste is picked-up from customers as part of their collection service, and is also found during the load check process for commingled recyclables in the material recovery facility (MRF) and from municipal solid waste (MSW) in the transfer station. Universal waste is stored onsite in roll-off containers or on pallets until it is picked-up for deconstruction by a licensed hauler and processor.

- "Hazardous waste" includes discarded motor oil, antifreeze, pesticides and drain cleaners, and are typically found during the load check process for commingled recyclables in the material recovery facility (MRF) and municipal solid waste (MSW) in the transfer station. Hazardous waste is store onsite in a designated hazardous material storage locker until it is picked-up for proper disposal by a licensed hauler and processor.

- "MSW" is an acronym for "municipal solid waste" and includes garbage, refuse and other discarded solid materials resulting from residential activities, and industrial and commercial operations. MSW typically includes organic materials such as food waste and scraps, packaging and containers.

2. What is the existing use of the property?

The property is currently utilized as a material recovery facility (MRF) and Transfer Station. The site is developed with a 49,500 square foot MRF, 46,000 square foot transfer station, 2,000 square foot vehicle and equipment maintenance building, 4,700 square foot office and visitor center and truck scales and associated scale-houses.

3. What products will be produced by the operation? Will they be produced on-site or at some other location? Are these products to be sold on-site? (Retail or Wholesale)?

The facility processes solid waste for disposal at the American Avenue and Avenal Landfills and recyclable materials such as metals, plastics, paper and glass for sale as commodities. Wood chips may be transferred to biomass waste to energy facilities, and processed green material will be transferred to composting facilities.

4. What are the proposed operational time limits?

The following table shows the proposed standard hours of operation. However, the facility reserves the right to operate 24 hours a day, 7 days a week for all functions, if desired. Under 24 hour a day operation, the start of the day will be 12:01 a.m. The facility will be closed on Christmas Day, New Years Day, and Thanksgiving Day.

Activity	Hours of Operation
Waste Receiving	7:00 a.m. – 6:00 p.m.
Waste Processing	5:00 a.m. – 10:00 p.m.
Outbound Waste Transfer Trucking	5:00 a.m. – 10:00 p.m.
Chipping and Grinding	6:00 p.m. – 7:00 a.m.
Visitors	By appointment, 7 days per week

6. Will there be any special activities, events or displays?

From time to time, visitors may be granted access to participate in a variety of outreach, educational and/or training programs.

8. How many employees will there be?

The table below shows the existing and proposed employee count. This project would add three more employees.

TABLE 3
ESTIMATED FACILITY STAFFING (2,000 TONS PER DAY)

Position		Existing	Proposed
Facility Management			
Operations/Safety Manager		1	
Administration/Clerical			
Bookkeeper		1	
Office Personnel		3	
Sales		2	
Commercial/Curbside MRF			
Supervisor/Foreman		6	
Sorters		75	
Equipment Operators			
Forklift Operators		6	
Loader Operator		2	
Baler Operator		2	
Greenwaste Chipping and Grinding			
Grinder Operator			1
Spotter/helper			1
Loader Operator			1
Waste Transfer Operation			
Equipment Operators			
Sweeper Operator		1	
Loader Operator		2	
Floor Labor			
Spotters		2	
Floor Sorters		4	
Scalehouse Attendant		2	
Transfer Truck Driver		15	
Maintenance			
Mechanics		3	
	TOTAL = 130	**127**	**3**

9. What equipment, materials, or supplies will be used and how will they be stored? If appropriate, provide pictures or brochures.

The existing and proposed equipment is shown in the table below. The only equipment proposed is one 45-foot truck scale, and a low speed electric shredder for processing wood and green waste with an optional trommel screen.

ESTIMATED STATION EQUIPMENT

Equipment Type	Existing	Proposed
Transfer Truck and Trailers (incl. 2 spares)	17	
Loaders	2-3	
Forklifts	3-4	
Street Sweeper	1	
Balers with Loading Conveyor	2	
Material Recovery System	2	
Greenwaste Grinding and Screening System	0	1
Electronic Truck Scale	3	1

10. Will there be any service and delivery vehicles?

Existing collection trucks bring solid waste and recyclables to the facility; transfer trucks take solid waste to the landfill, and commodity trucks take recyclables to end markets.

13. Will existing buildings be used or will new buildings be constructed? Indicate which building(s) or portion(s) will be utilized and describe the type of construction materials, height, color, etc. Provide floor plan and elevations, if appropriate.

With the exception of a new scale and the electric shredder, no new building will be constructed.

14. Will this operation or equipment used generate noise above existing parcels in the area?

Increased noise levels from the chipping and grinding operation would be mitigated by locating the grinder within the transfer station. Noise typically associated with the facility includes collection trucks off-loading waste materials and recyclables, loaders pushing and loading waste into transfer trucks, commodity trucks being loaded and vehicles backing up and maneuvering onsite.

The property adjacent to the Facility is almost exclusively zoned for and occupied by industrial buildings. Existing, legal, non-conforming, single family homes, directly north of the facility on Vine Street, are located on property that is zoned M1, industrial.

15. Will hazardous materials or waste be produced as part of this project? If so, how will they be shipped or disposed of?

There will be a limited amount of hazardous waste produced on-site as a result of ongoing equipment maintenance and service. Such hazardous material includes waste oil, used oil filters, oily rags, hydraulic fluids and batteries. All waste by-products of equipment maintenance and servicing will be disposed via a certified waste hauler and disposed of at an acceptable hazardous waste and recovery facility. Hazardous materials will be temporarily stored in a hazmat locker located along the exterior northern wall of the transfer station.

This facility will not intentionally accept or store hazardous materials including batteries, oil, paint, and special wastes. The facility has implemented a load checking program and also procedures to separate and safely handle any hazardous material discovered on the tipping floor. The facility will not accept any liquid waste or sludges.

16. Traffic Plan

Offsite Traffic Patterns

Trucks and other vehicles will access the facility off Highways 41 and 99, E. Jensen Avenue, and S. Elm Street.

Onsite Traffic Patterns

The Circulation Plans (Figures 1A through 1F) present onsite traffic patterns. All traffic circulation within the facility is in a counter-clockwise direction to avoid "cross over" traffic. In addition, the southernmost gate along Elm Avenue is now an "entrance only", and the northern gate an "exit only". The Vine Avenue gate will only be for emergency use.

Curbside Recycling Trucks (Figure 1A) - City trucks collecting curbside recyclables enter the main gate off Elm Avenue and weigh in on the "Fast Track" scale that automatically records their tare and payload weights. They then proceed around the MRF and back into the MRF tipping area to unload. They then proceed to the north along the back of the facility and exit back onto Elm Avenue. Approximately 40 vehicles per day are anticipated at maximum capacity.

Collection Trucks (Figure 1B) - City trucks collecting MSW enter the main gate off Elm Avenue and weigh in on the "Fast Track" scale that automatically records their tare and payload weights. They then proceed around the facility and drive into the transfer station. They tip their loads by the load out ports, then proceed out of the building and exit onto Elm Avenue. Approximately 100 vehicles per day are anticipated at maximum capacity.

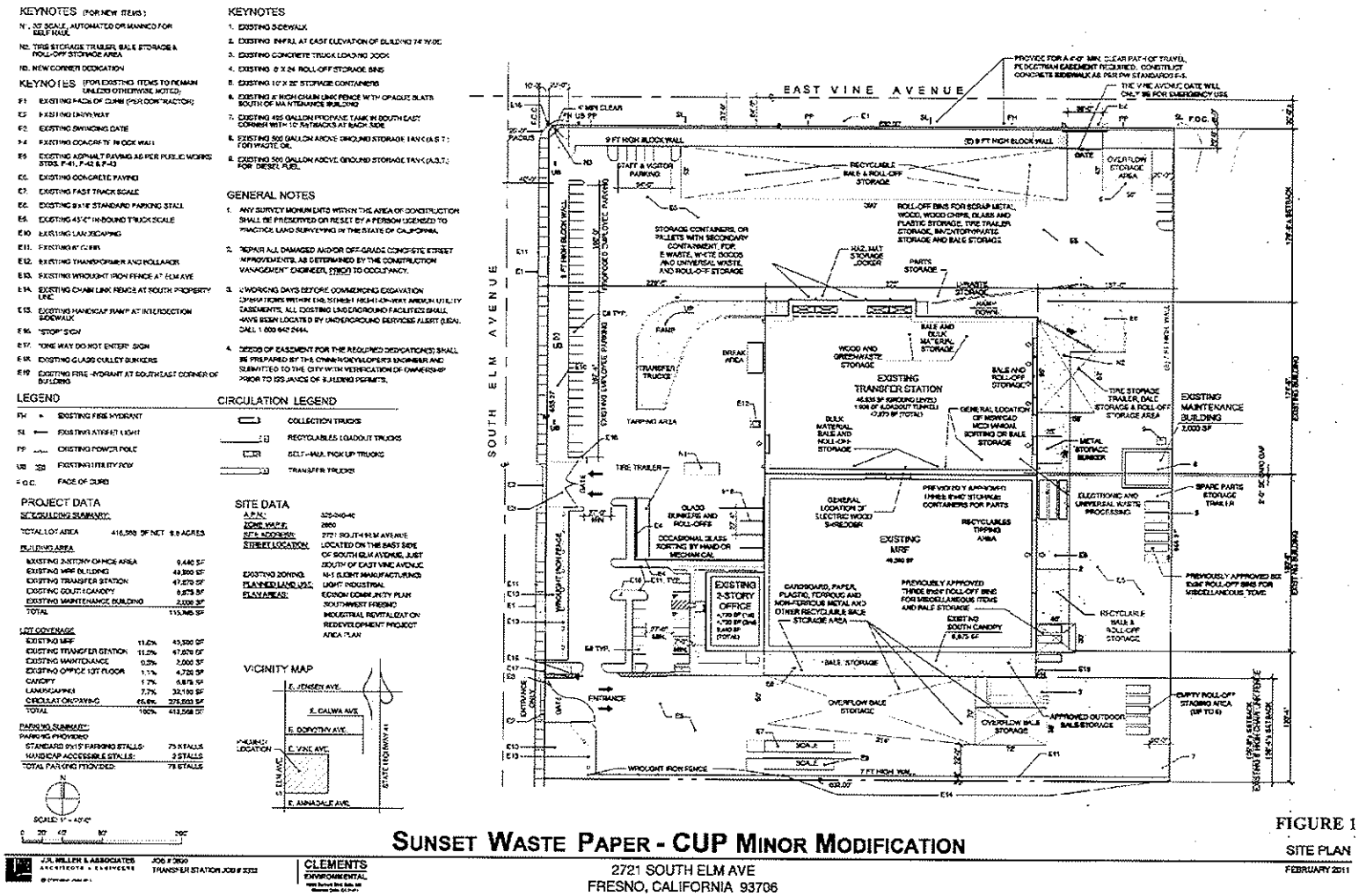
Roll-off Trucks (Figure 1C) - Roll-off trucks enter the main gate off Elm Avenue and weigh in on the inbound "attended" 45-ft scale that records their loaded weights. They then proceed around the facility and drive into the transfer station. They tip their loads by the load out ports and proceed out of the building. Trucks that do not need to weigh out exit directly onto Elm Street. Others weigh out on a new scale near the building exit that records their tare weight. They then proceed via a one-way drive around to the office to pay their fee, drive along the back of the facility and north side, and exit onto Elm Avenue. Alternatively, the outbound scale could be manned. In this case, the fee would be collected there and the trucks could exit directly onto Elm Avenue. Approximately 100 vehicles per day are anticipated at maximum capacity.

Container Trucks (hauling recyclables to markets) (Figure 1D) - Semi-trucks pull in the main entrance off Elm Avenue and weigh empty on the "attended" 45-ft inbound scale. They then proceed east and back into the loading dock to pick up their cargo. After loading, these trucks drive around the transfer station building and circle back via a one-way drive to the scales, where they will weigh full. They then proceed around the back of the facility again and exit on Elm Avenue. Approximately 15 vehicles per day are anticipated at maximum capacity.

Transfer Trucks (hauling MSW to landfills, or green-waste or wood-waste to markets) (Figure 1E) - Semi-trucks pull in the main entrance off Elm Avenue and proceed east around the MRF and pull into the transfer station tunnel, where they are loaded with MSW or other materials and weighed on axle scales in the tunnel. They then pull up out of the tunnel, affix tarps to cover the load, and exit on Elm Avenue. Approximately 75 vehicles per day are anticipated at maximum capacity.

Visitors and employees enter either driveway and park where indicated.

During waste receiving hours, facility personnel stationed in the scale house monitor all incoming traffic. During non-waste receiving hours, fences, walls, and gates secure the site at all entry and exit points.



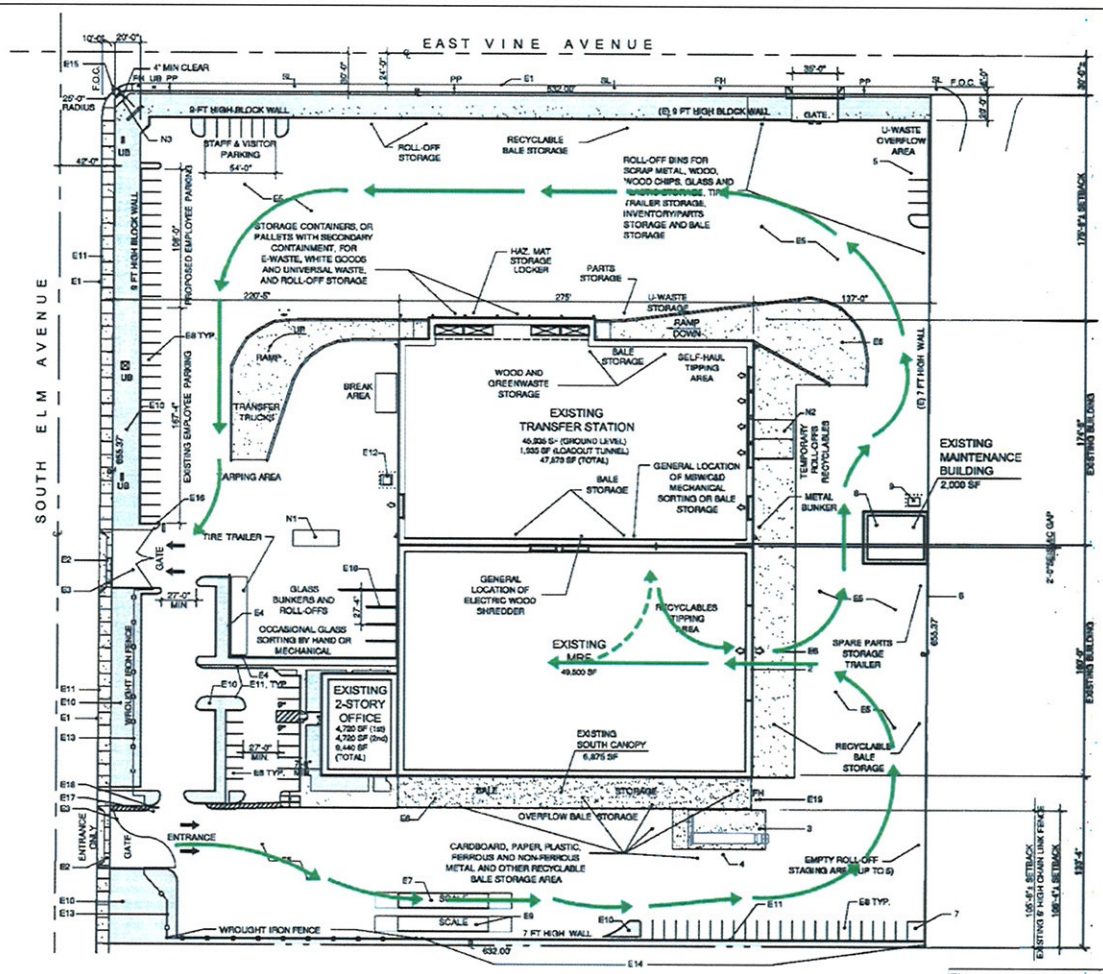
SUNSET WASTE PAPER - CUP MINOR MODIFICATION

2721 SOUTH ELM AVE
FRESNO, CALIFORNIA 93706

FIGURE 1
SITE PLAN
FEBRUARY 2011

J.R. MILLER & ASSOCIATES
ARCHITECTS & ENGINEERS
JOB # 2600
TRANSFER STATION JOB # 3333

CLEMENTS ENVIRONMENTAL



Title: **FIGURE 1A: CURBSIDE RECYCLING TRUCKS ON-SITE CIRCULATION PLAN**

Author: CLEMENTS ENVIRONMENTAL

Date: 12/22/09

Sheet:

Revision:

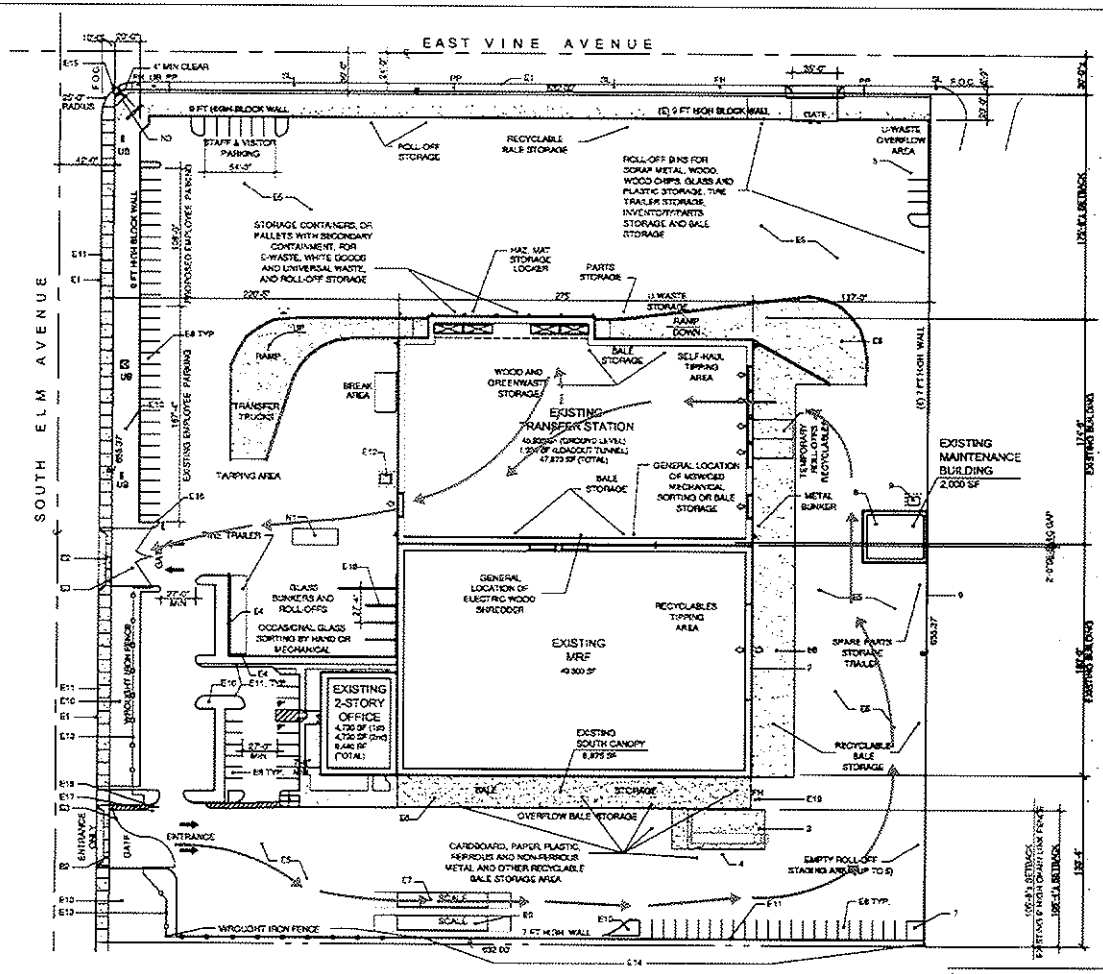
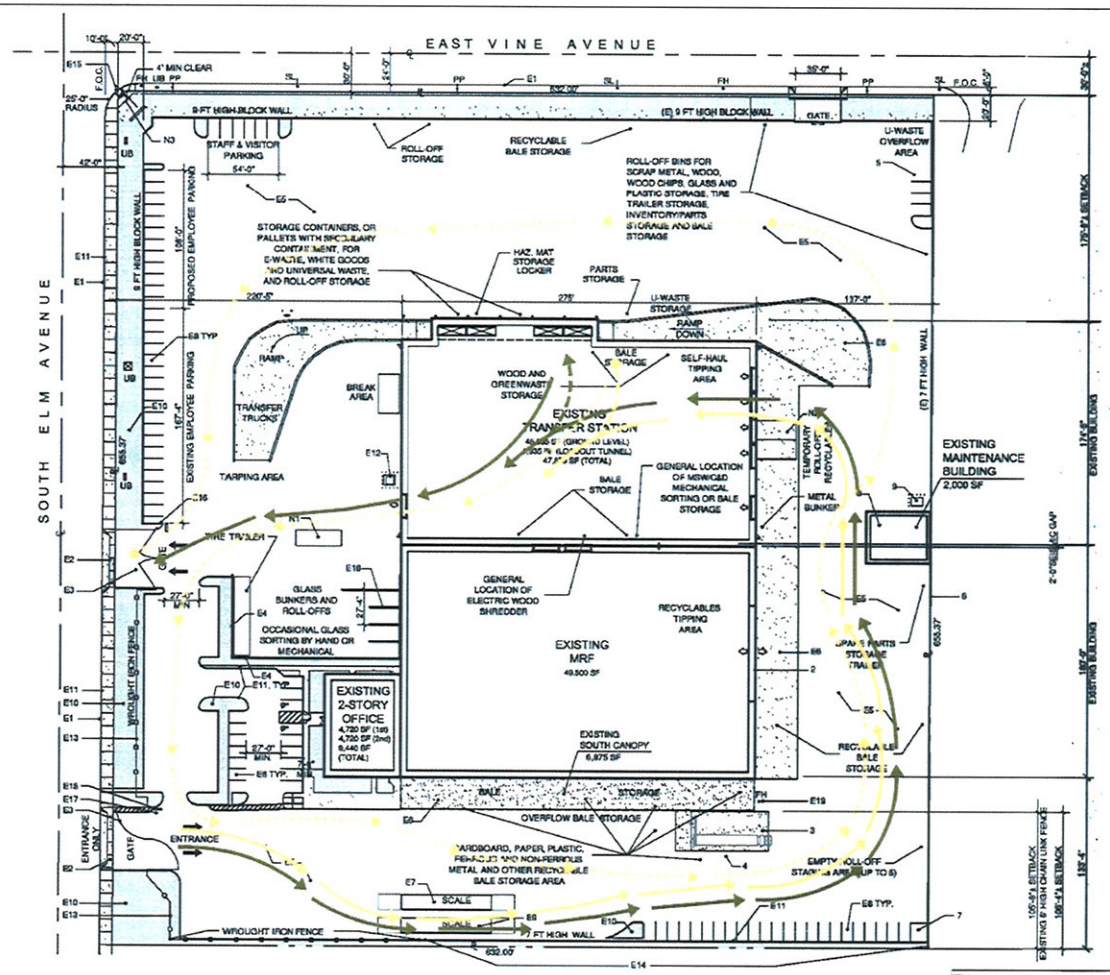


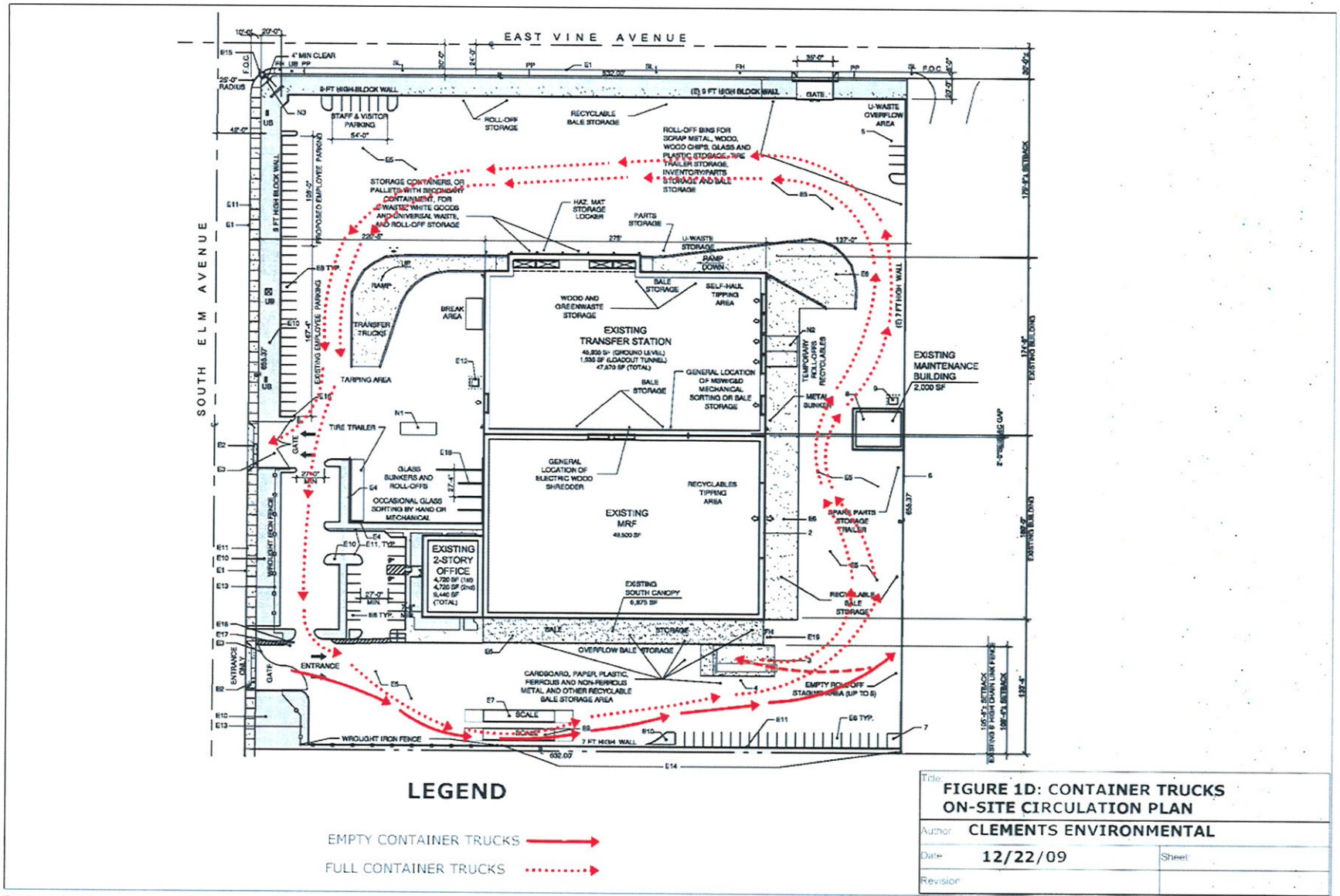
FIGURE 1B: COLLECTION TRUCKS ON-SITE CIRCULATION PLAN

CLEMENTS ENVIRONMENTAL

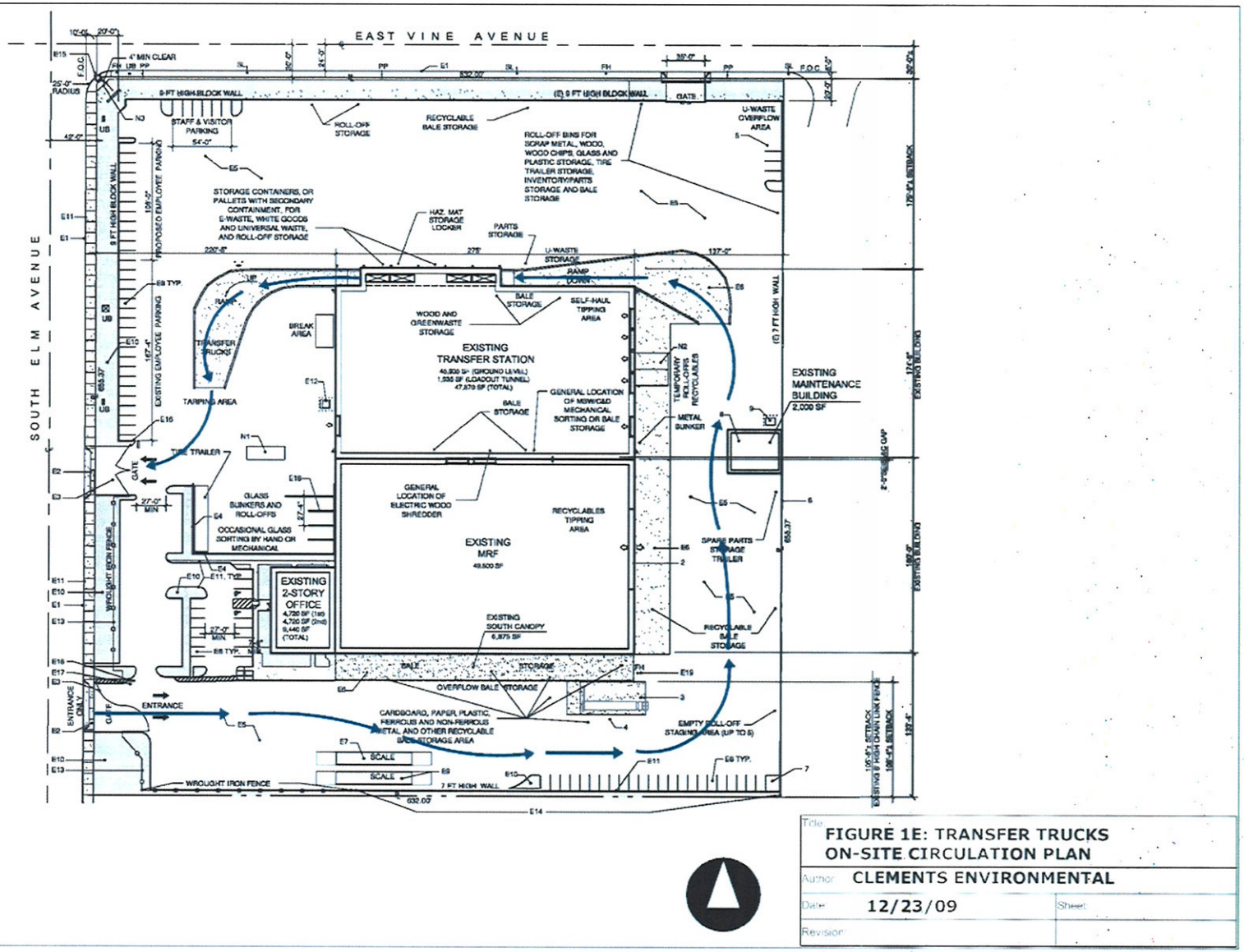
12/22/09



Title:	**FIGURE 1C: ROLL-OFF TRUCKS ON-SITE CIRCULATION PLAN**
Author:	**CLEMENTS ENVIRONMENTAL**
Date:	**12/22/09**
Sheet:	
Revision:	



Title:	FIGURE 1D: CONTAINER TRUCKS ON-SITE CIRCULATION PLAN
Author:	CLEMENTS ENVIRONMENTAL
Date:	12/22/09
Sheet:	
Revision:	



Title	FIGURE 1E: TRANSFER TRUCKS ON-SITE CIRCULATION PLAN
Author	CLEMENTS ENVIRONMENTAL
Date	12/23/09
Sheet	
Revision	

Exhibit F

Entitlement History of Sunset Waste

Entitlement History of Sunset Waste

The following is a summary of all previously approved entitlement applications for the existing Sunset Waste facility.

Site Plan Review No. S-00-164 approved the construction of the existing facility on the subject site. This project was a request for authorization to operate a recycling facility to process recyclable materials that are brought to the site by contract with municipal governments with a 49,500 square foot sorting building and a 2,000 square foot maintenance building. The approval of this project was appealed and a public hearing before the Planning Commission was scheduled and conducted on **September 6, 2000**. Following a full and complete hearing, the Commission denied the appeal and approved the site plan review application.

Conditional Use Permit Application No. C-02-068 was approved by the Planning and Development Department in 2002. This conditional use permit evaluated the expansion of the existing Sunset Waste facility and the conversion of the existing site to a transfer station. This conditional use permit application was approved by the Planning and Development Department on September 20, 2002 after a Notice of Proposed Granting was mailed to surrounding property owners on July 26, 2002 and the 15-day public appeal period expired on August 10, 2002 with no appeals received.

Site Plan Review Application No. S-02-207, a Major Revised Exhibit, requested a modification to the south and east elevations of the existing building approved under Site Plan Review Application No. S-00-164. This site plan review application was approved by the Planning and Development Department on November 12, 2002.

Conditional Use Permit Application No. C-04-082 proposed additions and modifications to the existing facility which included allowing the outdoor storage of certain materials, removing restrictions on open doors, and the construction of a metal wall at the east elevation of the existing material recovery building. This conditional use permit application was approved by the Planning and Development Department on June 14, 2005. A Notice of Granting was mailed to surrounding property owners on June 14, 2005 and the 15-day public appeal period expired with no appeals received.

Conditional Use Permit Application No. C-06-034, a Major Revised Exhibit, requested authorization to establish two air screens to be placed at the "East End Tunnel load out door and the center roll up door on the East end wall"; a driveway approach from Vine Avenue, and the relocation of the 70' scale at the Sunset Waste Transfer station. The project was approved by the Planning and Development Department with conditions and restrictions, on April 11, 2006. One such restriction was that the East Vine Avenue entrance be used emergency access only per a recommendation from the Edison/Merger II Project Area Citizens Advisory Committee.

Conditional Use Permit Application No. C-06-241, a Major Revised Exhibit, was a request for authorization to construct an approximately 130 square-foot detached restroom addition for drivers at the existing transfer station. This conditional use permit application was approved by the Planning and Development Department on November 8, 2006.

Conditional Use Permit Application No. C-06-242, a Major Revised Exhibit, requested authorization to relocate an already approved above ground fuel storage tank and increase the size to 1,000 gallons on the subject site. This conditional use permit application was approved by the Planning and Development Department on January 5, 2007.

Exhibit G

Conditions of Approval dated February 16, 2011, including memos/letters from other agencies

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONS OF APPROVAL

FEBRUARY 16, 2011

CONDITIONAL USE PERMIT APPLICATION NO. C-10-028

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.

PART A - PROJECT INFORMATION

1.	Assessor's Parcel No:	328-240-49
2.	Job Address:	2721 South Elm Avenue
3.	Street Location:	Located on the south side of East Belmont Avenue between North Palm and North Ferger Avenues.
4.	Existing Zoning:	M-1 *(Light Manufacturing)*
5.	Planned Land Use:	Light Industrial
6.	Zone Map:	2650
7.	Plan Areas:	Edison Community Plan South Fresno Industrial Revitalization Plan
8.	Project Description:	John Mohoff of Sunset Waste has filed Conditional Use Permit Application No. C-10-028 which is a request to modify the operations at the existing Sunset Waste Paper material recovery facility (MRF)/transfer station. The proposed changes are as follows: 1) The addition of recyclables storage in bunkers, bins, roll-off containers, bales and in bulk inside the building, as well as outside the building under and just south of the south canopy, along the exterior north wall of the transfer station, along the east fence and along the east

side of the MRF.

See the conditions of approval below for what is allowed to be stored outdoors and where, and what is not allowed to be stored outdoors.

2) The addition of green waste processing inside the transfer station building.

This will be allowed subject to several conditions of approval.

3) The addition of mechanical sorting of construction and demolition material and MSW inside the transfer station.

Municipal solid waste and construction and demolition debris is already allowed to be received at this facility. Simply adding mechanical sorting on the *interior* of the transfer station to allow for the separation and recycling of certain materials will be allowed.

4) The addition of hand and/or mechanical sorting of glass recyclables adjacent to the existing bunkers located along the western elevation of the transfer station.

Mechanical sorting will not be allowed outside of a building. Hand sorting will be allowed as long as it is done within an area that is enclosed on 3 sides by a wall.

PART B – GENERAL CONDITIONS AND REQUIREMENTS

Conditional Use Permit Amendment Application No. C-10-028 is scheduled to be heard by the Fresno Planning Commission on February 16, 2011. Staff is recommending that Planning Commission approve Conditional Use Permit Application No. C-10-028 subject to the conditions of approval contained in this document.

Staff has prepared a Mitigated Negative Declaration for the proposed project dated July 2, 2010. A public notice of the attached Mitigated Negative Declaration finding for Environmental Assessment Application No. C-10-028 was published in *The Fresno Bee* on July 2, 2010. The proposed project was also routed to the State Clearinghouse on July 8 with two comments received from state agencies within the 30-day comment period which ended on August 10, 2010. **All relevant comments received from the State agencies have been incorporated into these conditions of approval or have been substituted as mitigation measures pursuant to Section 15074.1 of the CEQA Guidelines.**

IMPORTANT: PLEASE READ CAREFULLY

Please note that 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 are listed in the last section of this list of conditions under the heading "Part F - Miscellaneous" and may be appealed. 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.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed at the Planning Commission hearing on February 16, 2011.

In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal. The appeal shall include a statement of your interest in or relationship to the subject property, the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld. Your appeal must be filed by **March 3, 2011.**

Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;

2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,

3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

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. 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.)**

No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted. **(Include this note on the site plan.)**

Transfer all red line notes, etc., shown on Exhibit A dated February 4, 2010. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit shall commence by **February 16, 2015** (four years from the date of approval). There is no exception.

To complete the back-check process for building permits relative to planning an zoning issues, submit four copies of this corrected, final site plan, together with three copies of the elevations, landscape, and irrigation plans, and any fees and title reports for required covenants and any required studies or analyses to Bonique Salinas in the Development Services Division for final review and approval, fifteen days before applying for building permits. It may be necessary to resubmit these "corrected exhibits" a second time if not all the conditions have been complied with or are not shown on the exhibits. Once the "corrected exhibits" are approved by the Development Services Division, please place these exhibits in the plan check set and contact the Development Services Division, along with Traffic Planning, to set up an appointment to signoff and stamp these exhibits. Please bring two additional copies of the site plan exhibit(s) to this appointment so that both the Development Services Division and Traffic Planning have a final signed-off copy of the site plan.

Please note that even if building permits are not required for the proposed use, a final corrected exhibit is required and all conditions must be met and project must be signed off by the planner prior to the start of operation.

Copies of the final approved site plan, elevations, landscape, and irrigation plans stamped by the Planning Division **must be substituted** for unstamped copies of same in each of the sets of construction plans submitted for plan check prior to issuance of building permits. The final approved site plan must also include all corrections identified in the plan check process.

Be advised that on-site inspections will not be authorized unless the final stamped approved site plan, elevations, landscape, and irrigation plans are included in the plan check file copy.

Please contact Bonique Salinas at (559) 621-8024 or via e-mail at Bonique.Salinas@fresno.gov for an appointment for final sign-off for building permits following your receipt and substitution of the copies of the stamped, corrected, approved exhibits in the plan check sets.

PART C – PUBLIC IMPROVEMENT REQUIREMENTS

1) PUBLIC WORKS, ENGINEERING DIVISION 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, for which this review process is dependent, will be imposed whenever such conditions are disclosed.

Please see attached memorandum from the Public Works Department, Traffic Engineering dated January 8, 2010 as well as comments made to Exhibit A dated February 4, 2010.

PART D – PLANNING/ZONING REQUIREMENTS

1) PLANNING

a) Development is subject to the following plans and policies:

1. M-1, Light Manufacturing District (*Section 12-226 of the FMC)*
2. South Fresno Industrial Revitalization Redevelopment Plan
3. Edison Community Plan
4. 2025 Fresno General Plan
5. Development Department, Performance Standards for Parking Lot Shading

2) ZONING

a) Development is proposed in accordance with the existing M-1 (*Light Manufacturing)* zone district. The proposed project is considered an expansion of the existing solid waste transfer station, which is a use allowed with a Conditional Use Permit in the M-1 (*Light Manufacturing*) zone district. The FMC defines a solid waste transfer station as "a facility for receiving and temporarily holding solid wastes for transfer to a solid waste disposal facility or waste-to-energy plant. A solid waste transfer station may include scales, compactors, wash racks, facilities for the transfer of solid wastes from small to larger containers or vehicles for transport, and facilities for incidental separation of recoverable resources".

b) The applicants shall comply with all conditions of approval indentified in all previously approved entitlement applications for the subject site (Site Plan Review Application No. S-00-164, Conditional Use Permit Application No. C-02-068, Site Plan Review Application No. S-02-207, Conditional Use Permit Application No. C-04-082, Conditional Use Permit Application No. C-06-034, Conditional Use Permit Application No. C-06-241, Conditional Use Permit Application No. C-06-242) except those conditions that were overridden or modified by later entitlement applications. Some of these previous requirements are as follows:

1. There shall be no more than two overhead doors on the south side of the building

that will open at any one time.

2. All stored glass on the west side of the sorting building shall be in containers and not on the ground.

3. The site shall be kept litter free at all times with any trucks entering or leaving the site to be fully covered to prevent any materials from escaping and littering the roadways.

4. The addition of the transfer station to the recycling facility was approved under Conditional Use Permit Application No. C-02-068 and approved the acceptance of the following materials at this facility: Only non-hazardous municipal solid waste (MSW) and recyclables will be accepted. This includes MSW generated by the residential, commercial, and industrial sectors. In addition, source separated recyclable materials from curbside collection programs, commercial accounts, or other recycling programs will be accepted at the facility.

5. The proposed use, including loading, unloading and any compaction or bailing of materials shall be conducted entirely within an enclosed building.

6. Along the east elevation, the MRF building is allowed to be completely open with 2 9-foot by 50-foot concrete block walls. ***These concrete block walls shall be in place at all times and shall prevent the materials from inside the facility to "leak" or encroach beyond the walls of the facility.***

7. The roll-up doors located on the east side of the transfer building which are not equipped with air screens shall be locked in a closed position and shall NOT be utilized during transfer or recycling operations unless first equipped with the required air-screen system.

8. The following outdoor storage was approved under Conditional Use Permit Application No. C-04-082 with the following conditions of approval:

   a. Scrap metal, wood, glass, and plastic in roll-off bins staged along the east wall of the site.

   b. Parts, small maintenance activities, and file storage in fully-enclosed containers with along the east wall of the building.

   c. Storage of oil, car batteries and e-waste in cargo containers is not permitted. Construct a permanent building for this type of storage. Oil and oil filters storage areas must be within a containment apparatus capable of containing all stored oil in the event of spill or leak. Lead acid batteries must be stored inside an enclosed building in a manner approved by the Fire Department.

   d. Spare equipment and metal parts in roll-off bins or storage containers along the east wall of the building, or along the east wall of the site.

e. Waste tires in a truck trailer along the interior west wall of the facility; staging of up to five empty roll-off bins along the east wall of the site. These bins will be rotated into the facility as needed to be filled with recyclable material and then staged along the east wall of the building;

f. Storage of glass in a covered bunker against the southern part of the east wall of the building.

g. Storage of baled cardboard and paper beneath the existing canopy along the south elevation of the facility.

h. Cargo containers shall be separated from existing buildings and each other per Building and Safety Services Division standards.

i. Provide a minimum 8 foot opaque perimeter fence at all outdoor storage areas.

j. Post-processing exterior storage of baled materials shall not exceed the heights of fence surrounding the facility. Baled materials shall not be stored within 20 feet of the exterior boundary of the facility.

k. All exterior storage of materials, other than baled material, shall be in sturdy containers or enclosures which can be covered, secured and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material.

l. All outdoor storage will be accommodated in bins, in designated areas as marked on the site plan, or enclosed by a permanent, metal canopy structure. No processing or operations of the stored materials is proposed.

c) Given that several of the proposed modifications to the subject site include an expansion to the site's recycling operations, the requirements of Director's Classification No. 161 (Recycling Materials Light Processing Facility) apply to this project. These requirements are as follows:

1. Facility does not abut property zoned or planned for residential use.

   The subject site does not abut property that is zoned or planned for residential uses.

2. Processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable and reusable materials; recycling material accepted at the site shall not contain more than 10 percent of residual debris or one percent of putrescible debris.

   Given that the facility also operates a transfer station which has a different set of requirements, these restrictions/requirements do not apply.

3. Power-driven processing shall be permitted, provided all noise level requirements are met. All power-driven processing shall be conducted in a wholly enclosed building which shall remain closed during power-driven processing. Outdoor power driven processing may be allowed subject to visual and noise screens, and separation from property lines approved by the Director.

   The applicant has not proposed any power-driven processing outside of an enclosed building.

4. Processing Facilities with outdoor storage shall provide a perimeter fence or wall, which is opaque, not less than eight feet in height and no higher than 12 feet. Fencing requests over 8 feet in height will be subject to a variance process.

   No outdoor storage will be allowed if it is visible from the public right-of-way. Although almost the entire site is enclosed by a solid wall, some of the site is still visible from the public right-of-way because the gates on the west side of the site remain open most of the day. If the applicant wishes to have outdoor storage along the southern side of the building (other than that underneath the canopy area, which is already approved), the applicant must construct a permanent wall extending from the existing building south to screen this storage. Appropriate landscaping must be planted on the west side of this wall.

a. Security wire shall be subject to the provisions of Section 12-306-N-10 of the Fresno Municipal Code (FMC).

   The applicant has not proposed a security wire fence.

5. Indoor Storage must conform to all Fire Code requirements.

6. Post-processing exterior storage of baled materials is allowed, and must conform to the requirements and limitations under the Fire Code and Zoning Ordinance, and subject to review of a site plan. No exterior storage may exceed the height of the fence surrounding the facility or must be stored within a completely enclosed building.

   See condition 4 above. The applicant may have storage of baled materials higher than the exterior walls of the facility as long as they construct interior walls high enough to screen the outdoor storage areas from the public right-of-way and adjacent properties. If these walls are higher than 8-feet they must contain compatible architectural material as the main buildings.

7. All exterior storage of materials, other than baled material, shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material. All storage containers must be approved by the Director. No storage, excluding truck trailers and overseas containers, will be visible above the

height of the fencing. Overseas containers are subject to Director approval and shall be limited to numbers and location.

8. A processing facility may accept used motor oil and/or used oil filters for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code. All storage of used motor oil and/or used oil filters must be within a containment apparatus capable of containing all stored oil in the event of a spill or leak. No containment apparatus shall exceed a capacity greater than 55 gallons. All motor oil and/or used filter storage containers shall be located on an approved surface that is protected from the elements and which must be approved by the Director.

   The applicant has not proposed this use under the current conditional use permit application.

9. A processing facility may accept used lead-acid batteries within the meaning of California Health and Safety Code Section 25215.1. All batteries must be stored inside an enclosed building in a manner approved by the Fire Department.

   The applicant has not proposed this use under the current conditional use permit application.

10. All exterior storage must be located at least 150 feet from property zoned or planned for residential use. There shall be a 20 foot setback from the property line and/or fence or wall surrounding the facility, and no storage is allowed in this setback area.

    There is no property within 150-feet of the subject site that is planned or zoned for residential uses. All previously approved outdoor storage that is within 20-feet of the property line is still allowed. However, no new outdoor storage will be allowed to be located within 20-feet of the property line.

11. A processing facility shall have a minimum area of one acre and a maximum area based on fire protection availability of water and adequate vehicular access. A traffic analysis shall be provided for all facilities based on adequate public streets and shall limit shipments of materials per day. Based on the proximity of residential uses in the surrounding area, the Development Department Director may require that all processing and storage of material shall be inside an enclosed building.

    The subject site is over an acre and the site is not too large to provide fire protection and adequate vehicular access. The Fresno Fire Department has reviewed the proposed project and conditioned the project accordingly. All processing of materials must be within an enclosed building.

12. Facilities shall provide a minimum of 10 feet of landscaping along any abutting street and shall be subject to the provisions of Section 12-306-N-23 and 24.

    Adequate perimeter landscaping already exists at this site.

13. The facility shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis and will be secured from unauthorized entry and removal of materials when attendants are not present.

14. Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space will be provided for a minimum of ten customers or the peak load, whichever is higher, except where the Director determines that allowing overflow traffic is compatible with surrounding businesses and public safety.

    The facility does not operate as a recycling buyback facility open to the public and thus this condition does not apply.

15. One parking space will be provided for each commercial vehicle operated by the processing center. Parking requirements will otherwise be as mandated by the zone in which the facility is located.

    Parking requirements are discussed later in these conditions of approval.

16. Noise levels shall not exceed 75 dBA as measured at the property line.

17. If the facility is located within 500 feet of property zoned or planned for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility will be administered by on-site personnel during the hours the facility is open.

    The facility is not located within 500 feet of property zoned or planned for residential uses.

18. Any containers provided for after-hours donation will be at least fifty feet from any property occupied or planned for residential use; shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.

    Not applicable.

19. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no material shall be left outside the recycling containers.

    Not applicable

20. Sign requirements shall be those provided for the zoning district in which the facility is located. In addition, facility will be clearly marked with the name and phone number of the facility operator and the hours of operation.

Sign requirements are provided later in these conditions of approval.

21. No dust, fumes, smoke, vibration or odor above ambient level may be detectable on neighboring properties.

22. A pass key to the interior and exterior of the facility shall be provided to the Fire Department so as to allow immediate access in the event of a fire or other emergency.

23. The Operator shall post signs at each entrance to the exterior and interior of the facility, as well as the after-hours donation containers stating which recyclable materials are accepted at the facility. The Operator shall post signs at the entrance to the exterior and interior of the facility which list the hazardous materials stored at the facility.

    This facility is not open to the public. The applicant shall comply with the other requirements.

24. A copy of the CUP/Site Plan shall be kept at the facility at all times and shall be made available upon request by City, County State or Federal Officials.

3) BUILDING HEIGHT

a) No new buildings are proposed under Conditional Use Permit Application No. C-10-028.

4) BUILDING SETBACK, OPEN SPACES AND LANDSCAPING

Provide the following minimum building and landscape setbacks:

All required landscape setbacks were required under previous entitlement applications and already exist.

5) SPACE BETWEEN BUILDINGS

a) There are no requirements for space between buildings in the M-1 *(Light Manufacturing)* zone district. However, because of the nature of the proposed storage buildings, the Fire Department or Building and Safety may require a minimum space between buildings.

6) FENCES, HEDGES, AND WALLS

a) Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.

b) Only those fences as shown on the site plan shall be reviewed for approval.

c) Future fences shall be reviewed and approved by the Planning and Development Department prior to installation. **(Include this note on the site plan.)**

d) An 8-foot high block wall is constructed behind the 20-foot landscape setback along the north and west sides of the property and is still required.

e) An 8-foot high wall was required to be constructed along the east property line in Conditional Use Permit Application No. C-02-068, and is still required.

7) OFF-STREET PARKING

a) Pursuant to the FMC, the following parking requirements shall apply:

There shall be one parking space for each two (2) permanent employees. Such space shall be located within three hundred (300) feet of the property served. In addition, there shall be at least one (1) parking space for each truck operated by the concern and one (1) parking space for each sales person permanently employed.

The required parking for the facility was determined as follows:

In the conditions of approval for Conditional Use Permit Application No. C-02-068, it was determined that 22 parking stalls were required based on the following:

One parking space is required for every two employees
127 employees total/ 3 shifts per day = 43 employees per shift
43 employees per shift/ 2 parking spaces = 22 parking spaces required

According to the operational statement, the addition of green waste recycling to the existing transfer station would result in the hiring of 3 additional employees. The following additional number of parking stalls is required for the proposed project:

25 employees/ 2 parking spaces = 13 parking spaces required

Exhibit A dated February 4, 2010 depicts more than enough parking for the proposed facility.

In terms of truck parking spaces, in Conditional Use Permit Application No. C-02-068, it was determined that 18 truck parking stalls were required based on the following:

18 on-site trucks = 18 truck spaces required

According to the operational statement submitted for the proposed project, the proposed changes to the existing transfer station, will not result in the addition of trucks operated by the facility.

The subject site has more than enough parking stalls (78 total) to provide for truck and employee parking.

b) Future tenant improvements shall be reviewed and approved by the Planning and Development Department to ensure that adequate off-street parking is provided.

c) A minimum of 4 automobile handicap parking stalls are required for the proposed banquet hall pursuant to Table 11B-6 of the State of California 2007 Building Code. Exhibit A, dated February 4, 2010 depicts 2 handicap parking stalls, which is short of the minimum requirement. Please review the California Building Code to ensure adequate accessible parking stalls have been provided.

d) Lighting where provided to illuminate parking, sales or display areas shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works. **Depict all proposed lights on the site plan.**

e) A minimum of **8** bicycle parking spaces shall be provided for the proposed development pursuant to Section 12-306-I-2.1-c of the FMC (given that 80 parking stalls are depicted on the site plan). Since this facility is not open to the public, these stalls/spaces may be provided indoors.

8) ENVIRONMENTAL MITIGATION MEASURES

b) The project shall comply with all project specific mitigations measures identified in the Mitigated Negative Declaration Project Specific Monitoring Checklist prepared for Environmental Assessment No. C-10-028 dated July 2, 2010 (with the revised mitigation measures dated February 8, 2011), which are as follows:

1. An odor management plan is required for green waste. This plan shall comply with the contents of an Odor Impact Minimization Plan (for composting operations), which may be found in Section 17863.4 of Title 14 of the California Code of Regulations. It should be noted that composting is not allowed on the subject site.

2. Avoid methods which encourage tipping of green waste materials from unnecessarily high heights.

3. Fit and maintain rubber/plastic strip curtains to larger container chambers used for green waste or utilize other methods to minimize the potential dust clouds caused by loading and unloading green waste.

4. The facility shall not intentionally accept or store hazardous materials (other than those used for normal operations) including batteries, oil, paint, and special wastes.

5. Establish a procedure to track items turned away from the site. At a minimum, the facility must track the person's name and the vehicle license plate of all persons

bringing items to the facility that are not accepted at the facility.

6. Establish a litter control program if one does not exist.

7. Broken glass storage may only occur in the designated area where it is enclosed on 3 sides by a 6-foot high block wall.

c) The project shall implement and incorporate, as appropriate, the mitigation measures indentified in the Master Environmental Impact Report (MEIR) No. 10130 – 2025 Fresno General Plan Mitigation Monitoring Checklist prepared for Environmental Assessment No. C-10-028 dated July 2, 2010.

9) NOISE

a) Pursuant to Section 10-102.b of the FMC, noise levels for industrial zoned properties shall not exceed 70 decibels at any time. **(Include this note on the site plan.)**

b) Given that this facility is in close proximity to residential uses, the noise ordinance limitations shall be strictly adhered to.

PART E – CITY AND OTHER SERVICES

1) BUILDING AND SAFETY SERVICES DIVISION

a) Plans and permits are required.

2) FIRE PROTECTION REQUIREMENTS

a) Comply with the attached memorandum from the City Fresno Fire Department dated February 16, 2010 which includes the following requirements:

i. All gates on common access drives shall be equipped with approved Police/Fire bypass locks (BEST LOCKS: Padlock 21B700 series or Cylinder lock 1W7B2).

ii. Gates/fences shall not obstruct the minimum width required for fire lanes.

iii. Obtain a permit from the Fire Prevention Division for exterior combustible storage.

b) Maintain all fire lanes required by previous entitlement applications (specifically, as shown on the site plan approved for Conditional Use Permit Application No. C-06-242).

3) SOLID WASTE MANAGEMENT

a) As indicated in the attached memorandum from the Department of Public Utilities dated February 24, 2010, the proposed project does not directly affect the Solid Waste Division

and thus no additional conditions related to solid waste are required.

4) FLOOD CONTROL REQUIREMENTS

a) As indicated in the attached comment sheet from the Fresno Metropolitan Flood Control District (FMFCD) dated February 17, 2010, the District has no drainage concerns or comments in regard to the proposed project.

5) STREET TREE REQUIREMENTS

a) The street trees for the street frontages abutting the subject site were required under previous entitlement applications on the subject site and already existing. Thus, no additional requirements pertaining to street trees apply to the proposed project.

6) SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

a) Comply with the attached letter from the San Joaquin Valley Air Pollution Control District dated February 19, 2010.

7) DEPARTMENT OF PUBLIC UTIILITIES

a) Comply with the attached memorandums (2) from the Department of Public Utilities dated February 17, 2010.

8) DEPARTMENT OF TRAFFIC ENGINEERING

a) Comply with the attached memorandum from the Public Works Department, Engineering Division dated January 8, 2010 and the notes shown on Exhibit A dated February 4, 2010.

9) FRESNO COUNTY ENVIRONMENTAL HEALTH

a) Comply with the attached County of Fresno Department of Community Health memorandum, dated February 19, 2010.

10) WEST FRESNO SCHOOL DISTRICT

a) The proposed project was routed to the West Fresno School District and no comments were received.

11) STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

a) As indicated in the attached response from Caltrans dated April 15, 2010, they have no comment in regard to the proposed project.

12) FRESNO IRRIGATION DISTRICT

a) Consider attached letter from the Fresno Irrigation District dated February 19, 2010.

13) REDEVELOPMENT AGENCY OF THE CITY OF FRESNO

a) Comply with the memorandum from the Redevelopment Agency dated March 5, 2010, which includes the following:

1. The property identified in Application No. C-10-028 is located in the adopted South Fresno Industrial Revitalization Redevelopment Project Area Plan and is subject to all requirements of the Redevelopment Plan.

2. The Redevelopment Agency is very concerned about the request of the Sunset Waste Paper Company to increase its existing operations at 2721 South Elm Avenue with the proposed addition of self-haul loads, additional roll-off bale and bulk storage areas, the addition of glass sorting in the exterior bunker area, green waste processing, and mechanical sorting of MSW and C&D material inside the transfer station building without more specific information about the potential impacts generated by the increased operations and specifically truck traffic demands associated with the proposed 24 hours a day, 7 days a week operation of the recycling center.

   Restrictions on operating hours are listed in Part F below.

3. Although the existing recycling center is classified as a "transfer station" that is permitted under the director's determination of allowable (conditioned) uses in the M-1 (Light Manufacturing) zone district and is consistent with the industrial land use designation of the adopted Redevelopment Plan, the increased demands and cumulative impacts of the center's 24 hours/365 days operation on adjacent resources could be more significant and beyond the requirements of the station's present operations.

   Planning Staff has reviewed the impacts from the proposed project and determined that any potential impacts can be mitigated to less than significant with mitigation measures.

4. The Agency is not comfortable supporting the addition of recycling services without knowledge of their potential impacts, especially the total "cummulative impact" of truck trips from all seven (7) of the identified categories associated with the 24 hours/365 days operation of the station and the existing condition of the infrastructure required to support the projected number of traffic trips.

   Although the facility will "operate" 7 days a week, 24 hours a day, the facility will not be allowed to accept materials 24 hours a day. Part F below contains a condition which limits operating hours.

5. Specifically, upon the clarification of any potential impacts, Agency support will be determined by the project's ability to satisfy the following conditions:

6. The project shall be subject to all applicable requirements associated with any active approved Site Plan or permits that are enforced for the development of the existing

recycling center/ transfer station and the overall 9.93-acre site located at 2721 South Elm Avenue.

The applicant has been required to comply with the conditions of all previously approved entitlement applications.

7. The project shall be in conformance with all requirements of the M-1 (Light Manufacturing) zone district, Section 12-304 (including subsequent applicable Sections) of the Fresno Zoning Ordinance and the Redevelopment Plan.

8. The project shall also be consistent with all applicable requirements of the Redevelopment Agency of the City of Fresno Industrial Development Design Guidelines (adopted August 2003).

9. All additional recycling services associated with both indoor and outdoor operations shall be evaluated to ensure noise impacts are within allowable Environmental Protection Agency (EPA) noise standards.

   Planning Staff has reviewed the impacts from the proposed project and determined that any potential noise impacts can be mitigated to less than significant with mitigation measures.

10. All required landscaped setbacks and visual screens features (fences, gates and walls) shall be maintained along the frontages of South Elm and East Vine Avenues.

11. Any dead plants in the existing landscaped areas on the property shall be removed and replaced with plants that are consistent with the existing landscaping theme.

12. The use of dense landscaping is encouraged along South Elm and East Vine Avenues to facilitate and soften the industrial image of the site.

13. The use of metal buildings are discouraged in the Industrial Development Design Guidelines and any (new or remodeled) metal building façade that is visible from a public street frontage shall be architecturally altered or textured with a non-metal material.

14. Any (new) fence that is located within 45-feet of the frontages of South Elm and East Vine Avenues and visible from the public street shall be constructed of wrought iron per Agency Industrial Development Design Guidelines.

15. Any new or re-stripped parking areas on site shall be developed in accordance with requirements of the Fresno Zoning Ordinance and all designated parking spaces shall remain available for parking during all hours that the recycling center is open to the public.

16. Outdoor storage of materials and equipment is prohibited unless properly screened in conformance with requirements of both the Fresno Zoning Ordinance and Agency Industrial Development Design Guidelines; and specifically approved by the City of Fresno and Redevelopment Agency (Design of the storage area and length of storage time shall be determined by the both the City and Agency).

17. Any outdoor recycling operations or temporary storage (length of time) for products shall be approved by both the Redevelopment Agency and City of Fresno.

18. All undeveloped (dirt) areas on site shall be maintained and kept "weed free" by the owner of the property in conformance with code requirements.

19. The project shall be developed in accordance with the Operational/Environmental Statement and Site Plan (or as revised by the City of Fresno) submitted for Conditional Use Permit Application No. C-10-028.

20. Agency will support this project incompliance with all requirements of the City of Fresno and provided that a favorable evaluation is received from adjacent property owners.

21. The City of Fresno and Redevelopment Agency shall be informed of any deviation from the conditions of this Entitlement or the Statement of Operations, especially the notification of the Fresno Police Department for any change in the established hours of operation.

22. The Agency reserves the right to reconsider the issuance of this entitlement should the City of Fresno or the Redevelopment Agency of the City of Fresno receives any complaints about the operations of the recycling center/transfer station inconsistent with the conditions of approval can result in a recommendation to the City of Fresno to revoke the business license.

PART F – MISCELLANEOUS

1) Approval of this site plan is contingent upon the submittal of corrected exhibits showing all existing/proposed on-site conditions as reflected on all exhibits and the following:

   a) Although the facility will be allowed to operate 24 hours a day, 7 days a week, the facility shall not accept delivery of waste before 5am and after 7pm. The hours of operation for outbound waste transfer trucking shall be limited to between the hours of 5 am and 10 pm as indicated in the operational statement. The loading of the transfer trucks which occurs within the building, may occur 24 hours a day.

   b) Pursuant to Title 14 of the California Code of Regulations (CCR) the definition of "Processing" means the controlled separation, recovery, volume reduction, conversion, or recycling of solid waste including, but not limited to, organized, manual, automated, or mechanical sorting, the use of vehicles for spreading of waste for the purpose of recovery, and/or includes the use of conveyor belts, sorting lines or volume reduction equipment. Recycling Center is more specifically defined in section 17402.5 (d) of this Article. **No "processing" of materials of materials is allowed outside of the two existing buildings on the subject site.**

   c) Mechanical glass sorting or other material sorting is not allowed on the exterior of the facility. A building must be constructed (as requested under Conditional Use Permit Application No. C-04-082) for a glass sorting operation.

d) Glass or other material transported from the interior of the building through shoots to the exterior of the building is not allowed unless it is completely contained. To contain the glass or other materials exiting the interior of the building, sleeves or hoods must be installed to contain the material until it reaches the location where it will be temporarily stored. This glass or other material must be stored in such a way that it is completely contained so that wind cannot cause it to float away and become airborne. Revise the operational statement to indicate how this will be accomplished. This task must be completed within 60 days of the Planning Commission hearing for Conditional Use Permit Application No. C-10-028.

e) Please clearly delineate where all outdoor storage is currently located and where additional outdoor storage is proposed rather than depicting general locations. Draw boxes with dimensions clearly showing where the outdoor storage areas are.

f) Provide safety equipment to the individuals working with the wood chipper/grinder such as safety goggles, gloves, masks, etc. Revise operational statement to include the safety equipment to be provided to these employees.

g) It appears that the new temporary roll-offs to be used for recyclables will block the entrance to the transfer station. Please clarify.

All discretionary condition of approval will ultimately be deemed mandatory unless appealed in writing to the Development and Resource Management Department Director within 15 days.

City of
FRESNO
FIRE DEPARTMENT

Date: February 16, 2010

To: BONIQUE SALINAS, Planner III
Planning and Development Department , Current Planning

From: HOWDY BEAL, Supervising Fire Prevention Inspector
Fire Department, Fire Prevention & Investigative Services

Subject: C-10-028 was filed by Larry Miner of Clements Environmental on behalf of Sunset Waste Paper and pertains to 9.93 acres of property located on the southeast corner of South Elm and East Vine Avenues in South Fresno, 2721 South Elm Avenue, APN 328-240-49. The applicant proposes the addition of self-haul loads, additional roll-off bale and bulk storage areas, the addition of glass sorting in the exterior bunker area, green waste processing, and mechanical sorting of MSW and C&D material inside the transfer station building. The facility is proposed to operate 24 hours a day 7 days a week. The property is zoned M-1, Light Manufacturing.

General

All gates on common access drives shall be equipped with approved Police/Fire bypass locks (BEST LOCKS: Padlock 21B700 series or Cylinder lock 1W7B2). Gates/fences shall not obstruct the minimum width required for fire lanes.

Obtain a permit from the Fire Prevention Division for exterior combustible storage.

City of
FRESNO
DEPARTMENT OF PUBLIC UTILITIES

Date: February 24, 2010

To: BONIQUE SALINAS, Planner III
Planning and Development Department, Current Planning

From: CHRIS WEIBERT, Management Analyst II
Public Utilities Department, Administration

Subject: C-10-028 was filed by Larry Miner of Clements Environmental on behalf of Sunset Waste Paper and pertains to 9.93 acres of property located on the southeast corner of South Elm and East Vine Avenues in South Fresno, 2721 South Elm Avenue, APN 328-240-49. The applicant proposes the addition of self-haul loads, additional roll-off bale and bulk storage areas, the addition of glass sorting in the exterior bunker area, green waste processing, and mechanical sorting of MSW and C&D material inside the transfer station building. The facility is proposed to operate 24 hours a day 7 days a week. The property is zoned M-1, Light Manufacturing.

Does Project Affect Your Agency/Jurisdiction

No - Project does not directly affect Solid Waste Division

Recommended Conditions of Approval

None.

550.10 "KK"

CITY OF FRESNO - PLANNING AND DEVELOPMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT, AND ENTITLEMENT APPLICATION REVIEW OF CONDITIONAL USE PERMIT APPLICATION NO. C-10-028

FMFCD

Return Completed Form to:
Bonique Salinas
Development Services/Planning
Email: Routing@fresno.gov
Telephone: 559-621-8277
Planning & Development Department
2600 Fresno Street, Third Floor
Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:
Conditional Use Permit Application No. C-10-028 was filed by Larry Miner of Clements Environmental on behalf of Sunset Waste Paper and pertains to 9.93 acres of property located on the southeast corner of South Elm and East Vine Avenues in South Fresno. The applicant proposes the addition of self-haul loads, additional roll-off bale and bulk storage areas, the addition of glass sorting in the exterior bunker area, green waste processing, and mechanical sorting of MSW and C&D material inside the transfer station building. The facility is proposed to operate 24 hours a day 7 days a week. The property is zoned M-1 *(Light Manufacturing)*.

APN: 328-240-49 **ZONING: M-1** **ADDRESS: 2721 South Elm Avenue**

DATE ROUTED: February 11, 2010 **COMMENT DEADLINE: February 22, 2010**

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.)
THE DISTRICT HAS NO DRAINAGE CONCERNS OR COMMENTS IN REGARDS TO CUP 2010-028.

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:
SAME AS ABOVE

REQUIRED CONDITIONS OF APPROVAL:
SAME AS ABOVE

IS ANY ADDITIONAL INFORMATION NEEDED FOR YOU TO COMPLETE YOUR REVIEW? (Be specific):
NO

REVIEWED BY: GARY CHAPMAN ENG. TECH II (Name and Title) 456-3292 (Telephone Number) 2/17/10 (Date)

District 3; Edison Community Plan; South Fresno Industrial Revitalization Redevelopment Project Area
Attachments

DEPARTMENT OF PUBLIC WORKS

TO: **Bonique Salinas, Planner III**
Planning Division

FROM: **Hilary Kimber, Parks Supervisor II (559.621.8794)**
Public Works, Engineering Division

DATE: April 20, 2010

SUBJECT: SITE PLAN C-10-028 FOR 2721 SOUTH ELM AVENUE
(APN: 328-240-49)

The Department of Public Works offers the following comments regarding the addition of roll-off bins and self-haul loads:

GENERAL REQUIREMENTS

1. Public Works requires one street tree per 60 lineal feet of street frontage. There are existing Chinese Evergreen Elm (Ulmus parvifolia) trees in tree wells on S. Elm Ave. that meet the street tree requirements.

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

February 19, 2010

Bonique Salinas
City of Fresno
Planning & Development Department
2220 Tulare Street, Suite-A
Fresno, CA 93721

Project: CUP C-10-028 Sunset Waste Paper

District CEQA Reference No: 20100074

Dear Mrs. Salinas:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of the addition of waste processing equipment, located at 2721 S Elm, in Fresno, CA. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.

2. Based on information provided to the District, the proposed project would not equal or exceed 2,000 square feet of commercial space, 25,000 square feet of light industrial space, 100,000 square feet of heavy industrial space, 20,000 square feet of medical office space, 39,000 square feet of general office space, 9,000 square feet of educational space, 10,000 square feet of government space, 20,000 square feet of recreational space, 9,000 square feet. Therefore, the District concludes that the proposed project is not subject to District Rule 9510 (Indirect Source Review).

3. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyairliving.com

Printed on recycled paper.

regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

4. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call Matthew Cegielski, at (559) 230-5907.

Sincerely,

David Warner
Director of Permit Services

Matthew Cegielski

for Arnaud Marjollet
Permit Services Manager

DW: mc

Cc: File

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES

Providing Life's Essential Services

Date: February 17, 2010

To: BONIQUE SALINAS, Planner III
Planning and Development Department

From: ROBERT A. DIAZ, Senior Engineering Technician
Department of Public Utilities, Planning and Engineering

Subject: SANITARY SEWER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-10-028

General

C-10-028 was filed by Larry Miner of Clements Environmental on behalf of Sunset Waste Paper and pertains to 9.93 acres of property located on the southeast corner of South Elm and East Vine Avenues in South Fresno, 2721 South Elm Avenue, APN 328-240-49. The applicant proposes the addition of self-haul loads, additional roll-off bale and bulk storage areas, the addition of glass sorting in the exterior bunker area, green waste processing, and mechanical sorting of MSW and C&D material inside the transfer station building. The facility is proposed to operate 24 hours a day 7 days a week. The property is zoned M-1, Light Manufacturing.

Environmental Recommendations

A NEGATIVE DECLARATION MAY BE ISSUED: The project may have adverse impacts but impacts can be mitigated without further study or are not serious enough to warrant an Environment Impact Report.

Sewer Requirements

The nearest sanitary sewer mains to serve the proposed project are an 8-inch main located in South Elm Avenue and an 8-inch main located in East Vine Avenue. Sewer facilities are available to provide service to the site subject to the following requirements:

1. On-site sanitary sewer facilities shall remain private.

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES

Providing Life's Essential Services

Date: February 17, 2010

To: BONIQUE SALINAS, Planner III
Planning and Development Department

From: ROBERT A. DIAZ, Senior Engineering Technician
Department of Public Utilities, Planning and Engineering

Subject: WATER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-10-028

General

C-10-028 was filed by Larry Miner of Clements Environmental on behalf of Sunset Waste Paper and pertains to 9.93 acres of property located on the southeast corner of South Elm and East Vine Avenues in South Fresno, 2721 South Elm Avenue, APN 328-240-49. The applicant proposes the addition of self-haul loads, additional roll-off bale and bulk storage areas, the addition of glass sorting in the exterior bunker area, green waste processing, and mechanical sorting of MSW and C&D material inside the transfer station building. The facility is proposed to operate 24 hours a day 7 days a week. The property is zoned M-1, Light Manufacturing.

Environmental Recommendations

A NEGATIVE DECLARATION MAY BE ISSUED: The project may have adverse impacts but impacts can be mitigated without further study or are not serious enough to warrant an Environment Impact Report.

Water Requirements

The nearest water mains to serve the proposed project are a 12-inch main located in South Elm Avenue and a 12-inch main located in East Vine Avenue. Water facilities are available to provide service to the site subject to the following requirements:

1. On-site water facilities shall remain private.

City of
FRESNO

DATE: January 8, 2010

TO: Bonique Salinas, Planner III
Planning and Development Department, Planning Division

FROM: Ann Lillie, Senior Engineering Technician
Public Works Department, Engineering Division

SUBJECT: Conditions of Approval for **C-10-028**
APN: **328-240-49**
ADDRESS: **2721 South Elm Street**

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**, Engineering Division, Traffic Planning Section.

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.

Street Dedications and Encroachment Permits

Identify all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc. within the public right of way. Also, identify the required **4'** minimum path of travel along the public sidewalk directly in front of property, as required by the California Administration Code (Title 24). **A pedestrian easement may be required if Title 24 requirements cannot be met.**

South Elm Avenue:

1. Dedicate a corner cut for public street purposes at the intersection of South Elm and East Vine Avenue.

East Vine Avenue:

1. Dedicate the **required amount of** property for pedestrian purposes to provide for a minimum of a **4'** clear path of travel around all obstacles within the existing 6' sidewalk pattern.

Deed documents for the required dedications shall be prepared by the applicant's engineer and submitted to the Public works Department, Engineering Division, Special

Districts / Projects and Right of Way Section with verification of ownership **prior** to issuance of building permits. The cost of deed document processing and recordation fee must be paid at the time of deed submittal. Deed documents must conform to the format specified by the city. Document format specifications may be obtained from the City of Fresno Public Works Department, Engineering Division, Special Districts / Projects and Right of Way Section, (559) 621-8694.

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, Engineering Division, Special Districts / Projects and Right of Way Section, (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. 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, Engineering Services Section 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 improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600.

South Elm Avenue: Arterial

1. Modify or replace the existing ramp to meet current Public Works Standards, as determined by the Construction Management engineer **PRIOR** to occupancy. "Detectable Warning Devices" are required, if not existing. Reference Public Works Standards **P-28** thru **P-31**, **P-86** and **P-87**.

East Vine Avenue: Local

1. Construct required concrete sidewalk to provide **4'** minimum clear path as per Public Works Standard **P-5**. Match existing grades.

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-41**, **P-42**, **P-43**.
2. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit "A".**

Traffic Impact Study

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.

This TSMI fee is credited against signal installation and Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) anticipated to build out the 2025 General Plan circulation element and included in the Nexus Study for the TSMI fee. Project specific impacts that are not consistent with the 2025 General Plan, Public Works P69 standards, and/or already incorporated into the TSMI fees infrastructure costs are not reimbursable unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next update and the applicant agrees to pay the new calculated TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence. If the applicant is conditioned with improvements that are credited/reimbursable with this fee they should work with the Department of Public Works and identify with a Professional Engineers estimate the costs associated with the improvements prior to paying the TSMI fee at time of building permit.

Fresno Major Street Impact (FMSI)Fees:

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

State of California Department of Transportation (Caltrans) Fees:

Applicant shall pay fair share contribution as determined by the State of California Department of Transportation (Caltrans) to be collected by the City of Fresno Public Works Department Traffic Engineering, (559) 621-8820, **prior** to a Building Permit.

County of Fresno
Department of Public Health
Edward L. Moreno, M.D., M.P.H., Director-Health Officer

February 19, 2010

FA0275205
LU0015534
PE 2602

Bonique Salinas
City of Fresno
Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Ms. Salinas:

PROJECT NUMBER: C-10-028

Conditional Use Permit Application No. C-10-028 was filed by Larry Miner of Clements Environmental on behalf of Sunset Waste Paper and pertains to 9.93 acres of property located on the southeast corner of South Elm and East Vine Avenues in South Fresno. The applicant proposes the addition of self-haul loads, additional roll-off bale and bulk storage areas, the addition of glass sorting in the exterior bunker area, green waste processing, and mechanical sorting of MSW and C&D material inside the transfer station building. The facility is proposed to operate 24 hours a day 7 days a week. The property is zoned M-1 *(Light Manufacturing).*

APN: 328-240-49 **ZONING: M-1** **ADDRESS: 2721 South Elm Avenue**

Recommended Conditions of Approval:

- The applicant shall submit an RFI amendment application package pursuant to Title 14 CCR sections, 18221.6 (transfer station), to the LEA. The submittal shall contain only those items listed in Title 27 Section 21570(f) that have changed, are proposed for change or as otherwise specified by the EA. The amendment to the RFI shall be submitted to the LEA at least 180 days prior to the proposed change. Please contact Steve Crump at 559 445-3271 if you have any questions.

3357

REVIEWED BY:

Glenn Allen

Digitally signed by Glenn Allen
DN: cn=Glenn Allen, o=Environmental Health Division, ou=Public Health, email=glallen@co.fresno.ca.us, c=US
Date: 2010.02.19 16:36:40 -08'00'

R.E.H.S., M.S.
Environmental Health Specialist

(559) 445-3271

cc: Steven Crump, Environmental Health Division

C-10-028 Comments

CITY OF FRESNO - PLANNING AND DEVELOPMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT, AND ENTITLEMENT APPLICATION REVIEW OF CONDITIONAL USE PERMIT APPLICATION NO. C-10-028

Return Completed Form to:
Bonique Salinas
Development Services/Planning
Email: Routing@fresno.gov
Telephone: 559-621-8277
Planning & Development Department
2600 Fresno Street, Third Floor
Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:
Conditional Use Permit Application No. C-10-028 was filed by Larry Miner of Clements Environmental on behalf of Sunset Waste Paper and pertains to 9.93 acres of property located on the southeast corner of South Elm and East Vine Avenues in South Fresno. The applicant proposes the addition of self-haul loads, additional roll-off bale and bulk storage areas, the addition of glass sorting in the exterior bunker area, green waste processing, and mechanical sorting of MSW and C&D material inside the transfer station building. The facility is proposed to operate 24 hours a day 7 days a week. The property is zoned M-1 *(Light Manufacturing)*.

APN: 328-240-49 **ZONING: M-1** **ADDRESS: 2721 South Elm Avenue**

DATE ROUTED: February 11, 2010 **COMMENT DEADLINE: February 22, 2010**

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:

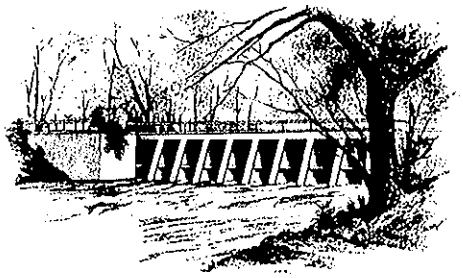
REQUIRED CONDITIONS OF APPROVAL:
No Comment

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

REVIEWED BY: Joanne Strickish Senior Trans Planner
Name and Title Telephone Number Date
488-4347 4/15/10

District 3; Edison Community Plan; South Fresno Industrial Revitalization Redevelopment Project Area
Attachments

E-File



Your Most Valuable Resource - Water

OFFICES OF
FRESNO IRRIGATION DISTRICT
PHONE (559) 233-7161
FAX (559) 233-8227
2907 SOUTH MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2218

February 19, 2010

Ms. Bonique Salinas
City of Fresno
Planning and Development Dept.
2600 Fresno Street, 3rd Floor
Fresno, CA 93721-3604

RE: Conditional Use Permit C-10-028, N/E Annadale and Elm Avenues

Dear Ms. Salinas:

The Fresno Irrigation District (FID) has reviewed the Conditional Use Permit C-10-028 where the applicant proposes the addition of self-haul loads, roll-off bale and bulk storage areas, the addition of glass sorting, green waste processing and mechanical sorting, located northeast of Annadale and Elm Avenues, APN: 328-240-49, and has the following comments:

1. FID does not own, operate or maintain any facilities located on the applicant's property.
2. FID expects no adverse impacts from the approval of the subject proposal.
3. For informational purposes; FID's Fresno Colony Canal crosses Elm Avenue 500-feet north of the subject's property as shown on the attached exhibit map. Should any street improvements be required along Elm Avenue and in the vicinity of the canal crossing FID requires it review and approval of all plans.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact Steve Bloem at 233-7161 extension 321 or sbloem@fresnoirrigation.com.

Sincerely,

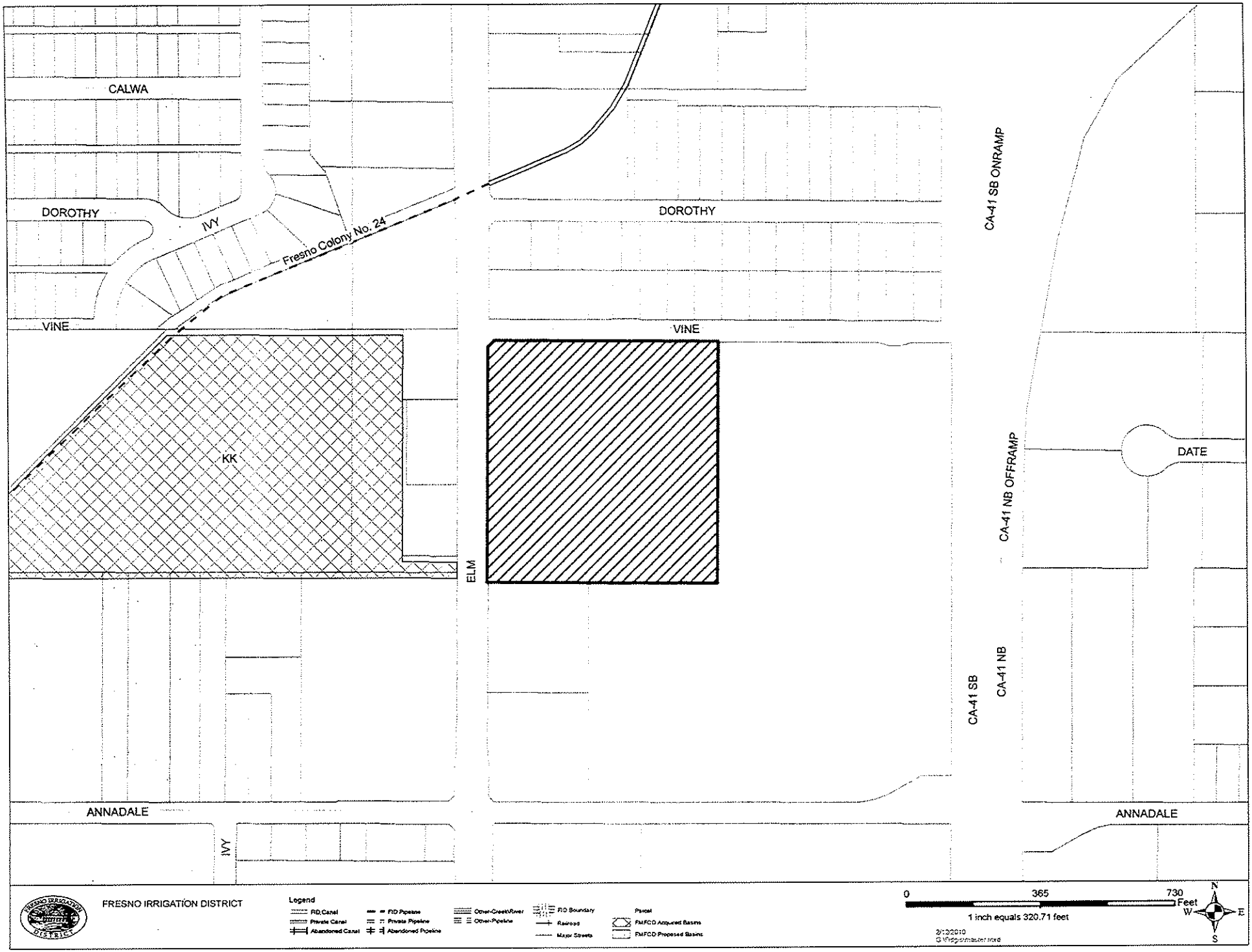
William R. Stretch

William R. Stretch, P.E.
Chief Engineer

Attachment

G:\Agencies\City\Conditional Use Permit\C-10-028.doc

BOARD OF DIRECTORS President JEFFREY G. BOSWELL, Vice-President JEFF NEELY
STEVE BALLS, RYAN JACOBSEN, GEORGE PORTER, General Manager GARY R. SERRATO


CALWA
DOROTHY
IVY
Fresno Colony No. 24
VINE
DOROTHY
VINE
CA-41 SB ONRAMP
CA-41 NB OFFRAMP
CA-41 NB
CA-41 SB
DATE
KK
ELM
ANNADALE
IVY
ANNADALE
FRESNO IRRIGATION DISTRICT
Legend
FID Canal
Private Canal
Abandoned Canal
FID Pipeline
Private Pipeline
Abandoned Pipeline
Other-Creek/River
Other-Pipeline
FID Boundary
Railroad
Major Streets
Parcel
FMFCD Acquired Basins
FMFCD Proposed Basins
0
365
730
Feet
1 inch equals 320.71 feet
N
W
E
S

REDEVELOPMENT AGENCY OF THE CITY OF FRESNO
2344 Tulare Street, Suite 200, Fresno, CA 93721 • (559) 621–7600

Application No.:	C-10-028 (Bonique Salinas)	Date:	3-05-10
Assessor Parcel No.:	328-240-49	Reviewer:	Richard Yee,
Site address:	2721 South Elm Avenue		Planner III
Redevelopment Area:	South Fresno Industrial Revitalization		*Senior Project Coordinator*
		Telephone:	621–7614

AGENCY STAFF RECOMMENDATIONS:

1. The property identified in Application No. C-10-028 is located in the adopted South Fresno Industrial Revitalization Redevelopment Project Area Plan and is subject to all requirements of the Redevelopment Plan.

2. The Redevelopment Agency is very concerned about the request of the Sunset Waste Paper Company to increase its existing operations at 2721 South Elm Avenue with the proposed addition of self-haul loads, additional roll-off bale and bulk storage areas, the addition of glass sorting in the exterior bunker area, green waste processing, and mechanical sorting of MSW and C&D material inside the transfer station building without more specific information about the potential impacts generated by the increased operations and specifically truck traffic demands associated with the proposed 24 hours a day, 7 days a week operation of the recycling center.

3. Although the existing recycling center is classified as a "transfer station" that is permitted under the director's determination of allowable (conditioned) uses in the M-1 (Light Manufacturing) zone district and is consistent with the industrial land use designation of the adopted Redevelopment Plan, the increased demands and cumulative impacts of the center's 24 hours/365 days operation on adjacent resources could be more significant and beyond the requirements of the station's present operations.

4. The Agency is not comfortable supporting the addition of recycling services without knowledge of their potential impacts, especially the total "cummulative impact" of truck trips from all seven (7) of the identified categories associated with the 24 hours/365 days operation of the station and the existing condition of the infastructure required to support the projected number of traffic trips.

5. Specifically, upon the clarification of any potential impacts, Agency support will be determined by the project's ability to satisfy the following conditions:

6. The project shall be subject to all applicable requirements associated with any active approved Site Plan or permits that are enforced for the development of the existing recycling center/ transfer station and the overall 9.93-acre site located at 2721 South Elm Avenue.

7. The project shall be in conformance with all requirements of the M-1 (Light Manufacturing) zone district, Section 12-304 (including subsequent applicable Sections) of the Fresno Zoning Ordinance and the Redevelopment Plan.

8. The project shall also be consistent with all applicable requirements of the Redevelopment Agency of the City of Fresno Industrial Development Design Guidelines (adopted August 2003).

PLEASE MAKE APPLICANT AWARE OF AGENCY COMMENTS

9. All additional recycling services associated with both indoor and outdoor operations shall be evaluated to ensure noise impacts are within allowable Environmental Potection Agency (EPA) noise standards.

10. All required landscaped setbacks and visual screens features (fences, gates and walls) shall be maintained along the frontages of South Elm and East Vine Avenues.

11. Any dead plants in the existing landscaped areas on the property shall be removed and replaced with plants that are consistent with the existing landscaping theme.

12. The use of dense landscaping is encouraged along South Elm and East Vine Avenues to facilitate and soften the industrial image of the site.

13. The use of metal buildings are discouraged in the Industrial Development Design Guidelines and any (new or remodeled) metal building façade that is visible from a public street frontage shall be architecturally altered or textured with a non-metal material.

14. Any (new) fence that is located within 45-feet of the frontages of South Elm and East Vine Avenues and visible from the public street shall be constructed of wrought iron per Agency Industrial Development Design Guidelines.

15. Any new or re-stripped parking areas on site shall be developed in accordance with requirements of the Fresno Zoning Ordinance and all designated parking spaces shall remain available for parking during all hours that the recycling center is open to the public.

16. Outdoor storage of materials and equipment is prohibited unless properly screened in conformance with requirements of both the Fresno Zoning Ordinance and Agency Industrial Development Design Guidelines; and specifically approved by the City of Fresno and Redevelopment Agency (Design of the storage area and length of storage time shall be determined by the both the City and Agency).

17. Any outdoor recycling operations or temporary storage (length of time) for products shall be approved by both the Redevelpment Agency and City of Fresno.

18. All undeveloped (dirt) areas on site shall be maintained and kept "weed free" by the owner of the property inconformance with code requirements.

19. The project shall be developed in accordance with the Operational/Environmental Statement and Site Plan (or as revised by the City of Fresno) submitted for Conditional Use Permit Application No. C-10-028.

20. Agency will support this project incompliance with all requirements of the City of Fresno and provided that a favorable evaluation is received from adjacent property owners.

21. The City of Fresno and Redevelopment Agency shall be informed of any deviation from the conditions of this Entitlement or the Statement of Operations, especially the notification of the Fresno Police Department for any change in the established hours of operation.

22. The Agency reserves the right to reconsider the issuance of this entitlement should the City of Fresno or the Redevelopment Agency of the City of Fresno receives any complaints about the operations of the recycling center/transfer station inconsistent with the conditions of approval can result in a recommendation to the City of Fresno to revoke the bussiness license.

PLEASE MAKE APPLICANT AWARE OF AGENCY COMMENTS

Exhibit H
Appeal Letters

Concerned Citizens of West Fresno

312 W. Valencia Avenue, Fresno, CA 93706

August 11, 2010

Bonique Salinas, Planner
City of Fresno
Development and Resource Management Department
2600 Fresno Street, 3rd Floor
Fresno, CA 93721

Dear Ms. Salinas:

A "Public Notice" was issued for an informational meeting on August 4, 2010 at 6:00 p.m. at the Sunset Waste Paper site to consider five proposed modifications to facility operations. While attending the meeting, we were distracted by a very loud noise. After standing and looking over the fence, we were shocked to see large metal tubes with crushed glass being poured from the tubes on to the ground in large piles. These types of particles can float and become airborne in any direction the wind choices to take them. We question the judgment and the approval of this disturbing process of glass crushing on the exterior of the building. This is a major health hazard in our community.

We are opposing to the following five proposed modification:

- Add self-haul delivery of solid waste and recyclables;
- Add recyclable storages in bunkers, bins, roll-off containers, bales and in bulk inside the building as well as outside the building under and just south of the south canopy, along the exterior north wall of the transfer station, along the east fence and along the east side of the MRF;
- Add green waste processing to the transfer station building;
- Add mechanical sorting of construction and demolition material and MSW inside the transfer station; and
- Add hand and/or mechanical sorting of glass recyclable adjacent to the existing bunkers located along the western elevation of the transfer station

This letter serves as a formal letter of protest of any amendments or modifications to the present facility, question the approval of the glass crushing process that is taking place, and to request an investigation to discontinuing the glass crushing operation on the exterior of the facility.

For any follow-up discussions or concerns, please do not hesitate to contact at 559-233-9348.

Respectfully,

Mary A. Curry

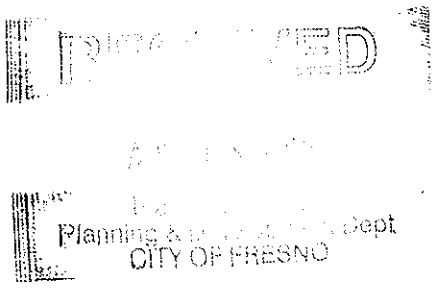
Mary A. Curry, Chair
Concerned Citizens of West Fresno

cc:
City Manager, Mark Scott
City of Fresno Attorney, Mr. Sanchez
Air Pollution Control District
California Environmental Quality Act (CEQA)
Fresno West Coalition for Economic Development
Environmental Protection Agency, Complaint Division
Dept. of Toxic Substance Control Statewide Compliance Division
(Ignacio Dominguez and Albert Futjitsubo, Hazardous Substance Scientist)
California Works for Better Health (BWBH)
California Department of Health
Senator Barbara Boxer

Received 8-16-10

The H.E.A.T for SouthWest Fresno Community
(Hope Effort Appropriately Thriving)
P O Box 12571
Fresno, CA 93778
e-mail:HEATSWFC@aol.com

August 18, 2010



City of Fresno
Planning & Development Department
2600 Fresno Street
Fresno, CA 93721-3604
Attention: Bonique Salinas

Re: Sunset Recycling Center

Please be advised that the H.E.A.T. for SW Fresno Community is objecting to amending or modifying the Conditional Use permit for Sunset Recycling for the following reasons:

1. Originally Sunset Recycling was to be a recycling facility; however amendments to the conditional use permit were submitted & approved without community input. This has resulted in a change of what is being processed at said facility.
2. The processing of solid waste has been added without community input.
3. There is an increase in foul smells, flies, vermin, fly away trash bags and other items that can be found off-site.
4. Adding green waste will add to the above-mentioned situation.
5. Adding construction & demolition material will increase air pollution.
6. Processing/grinding of glass recyclables inside the facility, with openings at the front of the building can create small particles that are airborne, creating pollution & respiratory problems.
7. The continued stacking of bales & bulk materials above the fence line is an eye sore and in direct violation of what the city is requiring residents to do, concealing their garbage, recycling & green waste containers from view.

Sincerely,
The H.E.A.T. for SW Fresno Community

Ms. Boneque Salinas
Planning Dept
City of Fresno

Dear Ms. Salinas

As a resident of the West Fresno Community, living day to day with the unhealthy air pollution, resulting from the various businesses located next to our homes; I strongly oppose the proposed operational changes requested by Sunset Waste Paper.

Mr. Robert Mitchell

Recieved 8-12-10

R.K. Mitchell
3349 W. Madison Ave
Fresno, CA 93706

A. N. BRAGGS
"COMMUNITY VOICES MATTERS"
FRESNO CA

AUGUST 10, 2010

RECEIVED
AUG
Planning Dept
CITY OF FRESNO

TO: BONEQUE SALINAS
26 FRESNO ST
FRESNO, CA 93721

ATTN: PLANNING DEPT

I AM WRITING YOU IN REGARDS TO THE SUNSET WASTE PAPER FACILITY PLANS TO EXPAND THEIR SITE (PROPERTY ZONE M-1/LIGHT MANUFACTURING), IN WEST FRESNO. AS A RESIDENT OF WEST FRESNO FOR OVER 40 YEARS, I AM IN DIRECT OPPOSITION TO THESE PLANS. WE, THE COMMUNITY RESIDENCES OF THE GOLDEN WESTSIDE OF FRESNO PRESENTLY SUFFER UNDER A VAST AMOUNT OF MANUFACTURING PLANTS AND DO NOT WANT TO SEE ANY ADDITIONAL BUILING OR EXPANSION OF PLANTS OR FACILITES TO OUR COMMUNITY.

SINCERELY,

AB

AVIS BRAGGS,
GOLDEN WESTSIDE PLANNING COMMITTEE MEMBER AND LONG STANDING RESIDENT OF WEST FRESNO .

8-10-10

PO BOX 349
FRESNO CA 93708
559-394-1677

braggs64@hotmail.com

Golden Westside Planning Committee

"Serve the Golden Westside through open communication, whereby our community can achieve greater growth, health, economic stability, and become as prosperous as any other part of the City of Fresno."

Planning
CITY OF FRESNO

Subject: Proposed Modifications to Facility Operations
Date: August 2, 2010

To: Mr. John Mohoff
Sunset Waste Paper Offices
2721 South Elm Avenue
Fresno, CA 93706

Dear Mr. Mohoff:

The Golden Westside Planning Committee has read the proposed modifications to the facility operations at the Sunset Waste Paper Offices. The Golden Westside Planning Committee opposes such modifications to be done at the current site.

The Golden Westside Community and its residence have and continue to be plagued by the negative impact from toxic facilities such as Sunset Waste Paper and other's operating in our community only to have them continue seeking ways to increase their revenue dollars at the expense of stagnating our community and our health.

We ask that the City of Fresno Development and Resource Management Department oppose the request made by Mr. John Mohoff on behalf of the Sunset Waste Paper Offices to modify its existing facility that will allow solid waste materials to be brought into the Golden Westside of Fresno.

We are aware of the need of such a facility in Fresno County; however, the fact is that again, our community gets another less than desirable fostered upon us. Therefore our committee has voted to oppose the expansion to Sunset Waste Paper Offices.

Sincerely,

Debbie Darden – Chairperson

To whom it may concern:

I am writing to express my opposition to the expansion of the facilities at Sunset Waste Paper Company at Elm and Annadale Avenues in Fresno. The company should not be allowed to add housing for solid waste recyclables at this facility. Such an expansion would be a detriment to the neighborhood. There is a vibrant residential community in that area and many schools in close proximity. Additional commercial applications at that location would merely compound the problems that already exist in Southwest Fresno.

Sincerely,

William G Simon
4902 N 9th St., 113
Fresno, CA 93726

Recieved 8-10-10

Darden, Debbie J.

From: Bill Simon [simon72811@sbcglobal.net]
Sent: Thursday, August 05, 2010 4:51 PM
To: Darden, Debbie J.
Subject: letter of opposition
Attachments: Sunset Waste paper.doc

To whom it may concern:

I am writing to express my opposition to the expansion of the facilities at Sunset Waste Paper Company at Elm and Annadale Avenues in Fresno. The company should not be allowed to add housing for solid waste recyclables at this facility. Such an expansion would be a detriment to the neighborhood. There is a vibrant residential community in that area and many schools in close proximity. Additional commercial applications at that location would merely compound the problems that already exist in Southwest Fresno.

Sincerely,

William G Simon
4902 N 9th St., 113
Fresno, CA 93726
227-6565

8/6/2010
Received 8-10-10

Brendel Elaine Jackson
2381 South Woodrow Ave.
Fresno, California 93725

Thursday, August 05, 2010

To Whom It May Concern:

I am most concerned about the Modification Proposal recommendations for Sunset Waste Paper Company, and allowing its facility of operations to house solid waste recyclables at their facility located in West Fresno on Elm and Annadale Avenue. I am aware that after decades of lobbying by environmentalists, municipal solid waste recycling has recently received widespread official acceptance. Because it seemed to be the right thing to do, many glitches in establishing recycling programs have been tolerated. I may not live in the exact area, but I work all over and have family there, as well as attend church in West Fresno.

We certainly support recycling as being a positive gesture, but the proper location for these facilities is very important. We don't want our neighborhood citizens, businesses, and community at large being dumped on. We are concerned about the health of all people and especially our children like everyone else. A facility of this kind and very close to our area impacts the quality of life where we live. It can be a serious health risk. We would like to walk outside being able to breathe and smell fresh air.

Please take into consideration that we are people too and should be treated like all other people. Please take our thoughts and concerns into consideration when the word is putting that recycling facility near or in our community.

Cordially,

Brendel Jackson

Brendel Jackson

Recieved 8-10-10

Darden, Debbie J.

From: Josephine Snoden [goodlooking1950@yahoo.com]
Sent: Monday, August 02, 2010 4:09 PM
To: Darden, Debbie J.
Subject: Meeting

To Whom It May Concern:

We do not need this plant in our community. Most of my friends are suffering from Asthma and has a bad heart. I also have a breathing problem. I donot have health insurance and it is very expensive when I have to go to my doctor because I cannot catch my breath.

This plant should have never been put in our community. Please, close this plant.

J. Dianne Snowden

8/3/2010
Received 8-10-10

Darden, Debbie J.

From: Lilian Koenig [koeniglilly@yahoo.com]
Sent: Friday, August 06, 2010 1:01 PM
To: Darden, Debbie J.
Subject: Re: Re: A Letter of Opposition

Deaer Sunset Waste:

It is very unprofessional to alter the community voiced opinion on this matter. Certain kind of waste has no business near a school or being brought into the neighborhood to be disposed of. To disregard the rational decisions of leaders who are also opposed to the expansion of the facility is shameful. Please, reconsider the request or face certain protest.

Thank-you
Lilian Koenig

Recieved 8-10-10

MOTSCHIEDLER, MICHAELIDES & WISHON, LLP
ATTORNEYS AT LAW
1690 WEST SHAW AVENUE
SUITE 200
FRESNO, CALIFORNIA 93711

POST OFFICE BOX 9099
FRESNO, CALIFORNIA 93790-9099

TELEPHONE (559) 439-4000
FACSIMILE (559) 439-5654

J. CARL MOTSCHIEDLER
PHILLIP G. MICHAELIDES
A. EMORY WISHON III
C. WILLIAM BREWER*
RUSSELL K. RYANt
JORDAN M. FREEMAN
JUSTIN D. HARRIS

*A PROFESSIONAL CORPORATION
tALSO ADMITTED IN UTAH

August 23, 2010

Ms. Bonique Salinas
City of Fresno, Planning Department
2600 Fresno Street, Room 3043
Fresno, CA 93721-3604

Re: **Sunset Waste Paper Transfer Station and Material Recovery Facility**
CUP Application No. 10-028

Dear Ms. Salinas:

We represent SDG Fresno 570, LLC ("**SDG**"), which is the owner of the 570,000 square foot warehouse facility that shares a common property line with Sunset Waste; the SDG building is immediately east of the Sunset Waste facility. SDG is strongly opposed to the issuance of any permit that would allow outside storage or holding waste before processing, during processing or after processing.

The Redevelopment Agency undertook the redevelopment of South Elm Avenue Redevelopment Project about a decade ago with the object of creating a location suitable for first class industrial buildings. A substantial amount of public money was spent to bring adequate sewer, water, and utility capacity to the area and to construct Elm Avenue as an arterial street suitable for industrial traffic. The result was that millions of square feet of first class industrial buildings were constructed in the immediate area. National and international tenants were attracted to the area. One of those is an international pharmaceutical company that distributes its products throughout the western region of the United States from the SDG building. The SDG building was designed and continues to be used as a storage and distribution center for national brand food products.

jcm@mmwbr.com

Recieved 8-24-10

This is the kind of building and business tenants that the Redevelopment Agency's project was intended to attract, and it did.

One of the standards established by the Redevelopment Agency is that the industrial buildings are not to be metal buildings. An exception was made for Sunset Waste. Another standard of general application is that outside storage is not permitted. The Redevelopment Agency, SDG, and the people who live in the area have been consistent in their support of the preservation of the no outside storage standard. Sunset Waste has made numerous efforts to avoid this standard and incrementally--inch by inch, application by application--to overcome any outside storage limitations.

I have attached a picture from Google Earth that shows the Sunset Waste site. It shows pile of trash/garbage that begins inside the building and trails out into the paved yard. It is the view that any corporate director that is evaluating proposed sites for their food/drug storage and logistics location will see. It is not the view that the Redevelopment Agency had in mind when it undertook the plan for this area, and it is not the view that SDG and its food/pharmaceutical tenants had in mind when they committed to this site. Outside storage and trash/garbage streaming out of a building is not typical in a quality industrial area.

We strongly urge the director to disapprove the pending application, or at the least to impose the condition that there be no increase in the outside storage of materials of any kind.

Very truly yours,

J. Carl Motschiedler

JCM:jsh
Enclosure

cc: Peter T. Stravinski

2721 S Elm Ave, Fresno, CA 93706
Google
Imagery Date: Sep 25, 2009 36°42'07.64" N 119°47'21.50" W elev 279 ft Eye alt 744 ft

Exhibit I

Environmental Assessment No. C-10-028, including letter from the State Clearinghouse, letter from CalRecycle and the substituted project specific mitigation measure

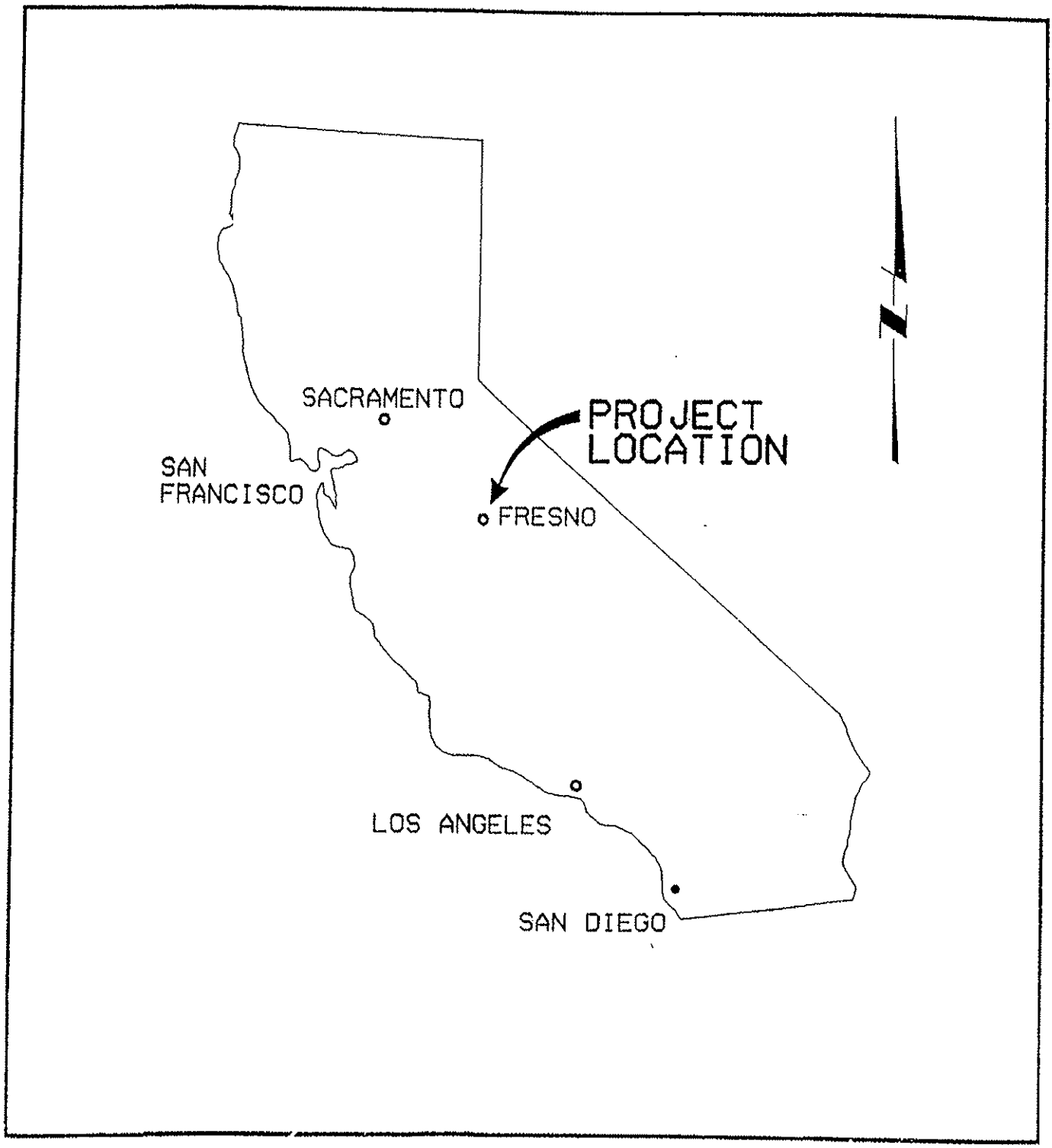
Mitigated Negative Declaration and Initial Study for Conditional Use Permit Application No. C-10-028

(SCH No. 2010071024)

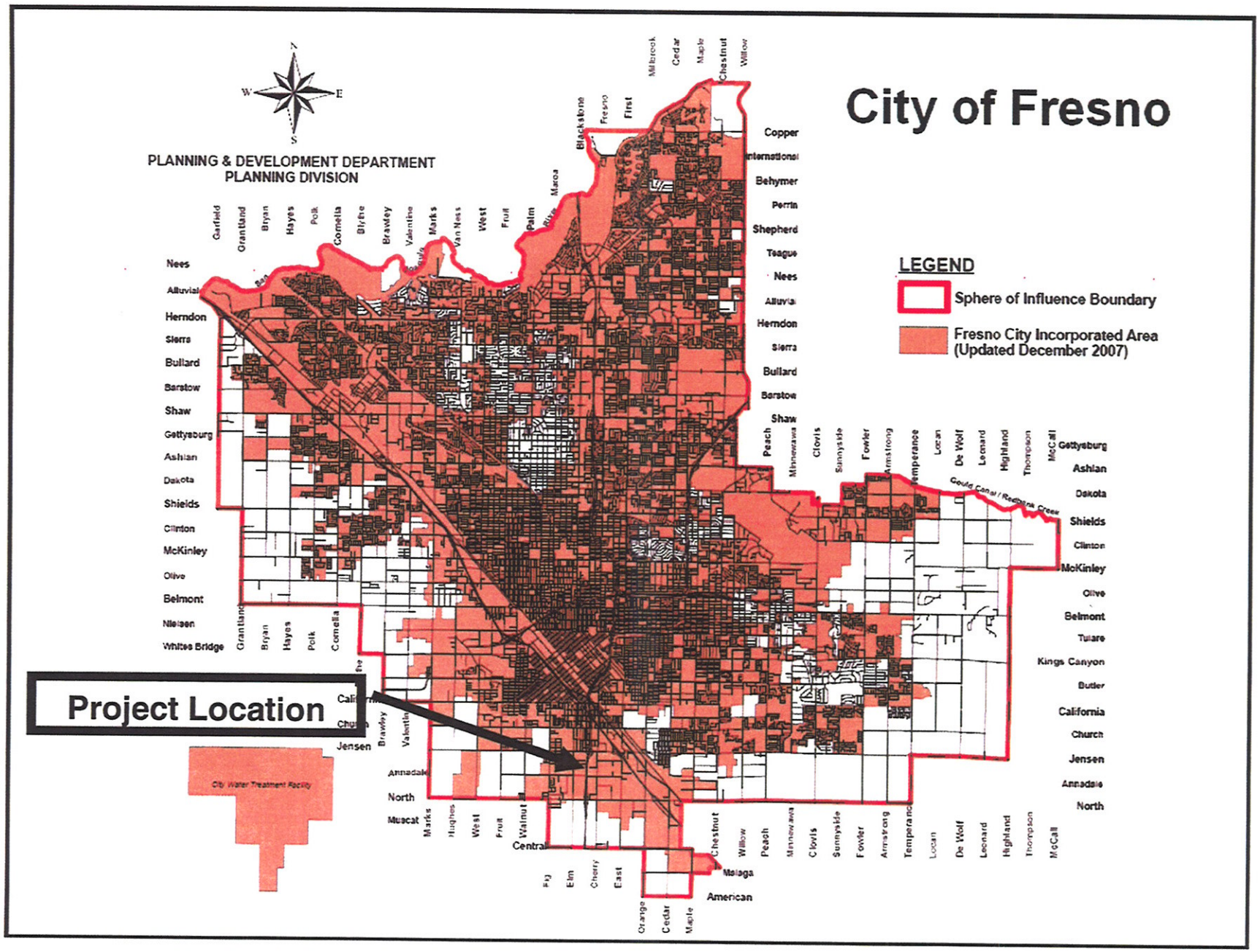
Modifications to the Operation of the Existing Sunset Wastepaper Material Recovery Facility and Transfer Station, including the Addition of Green Waste

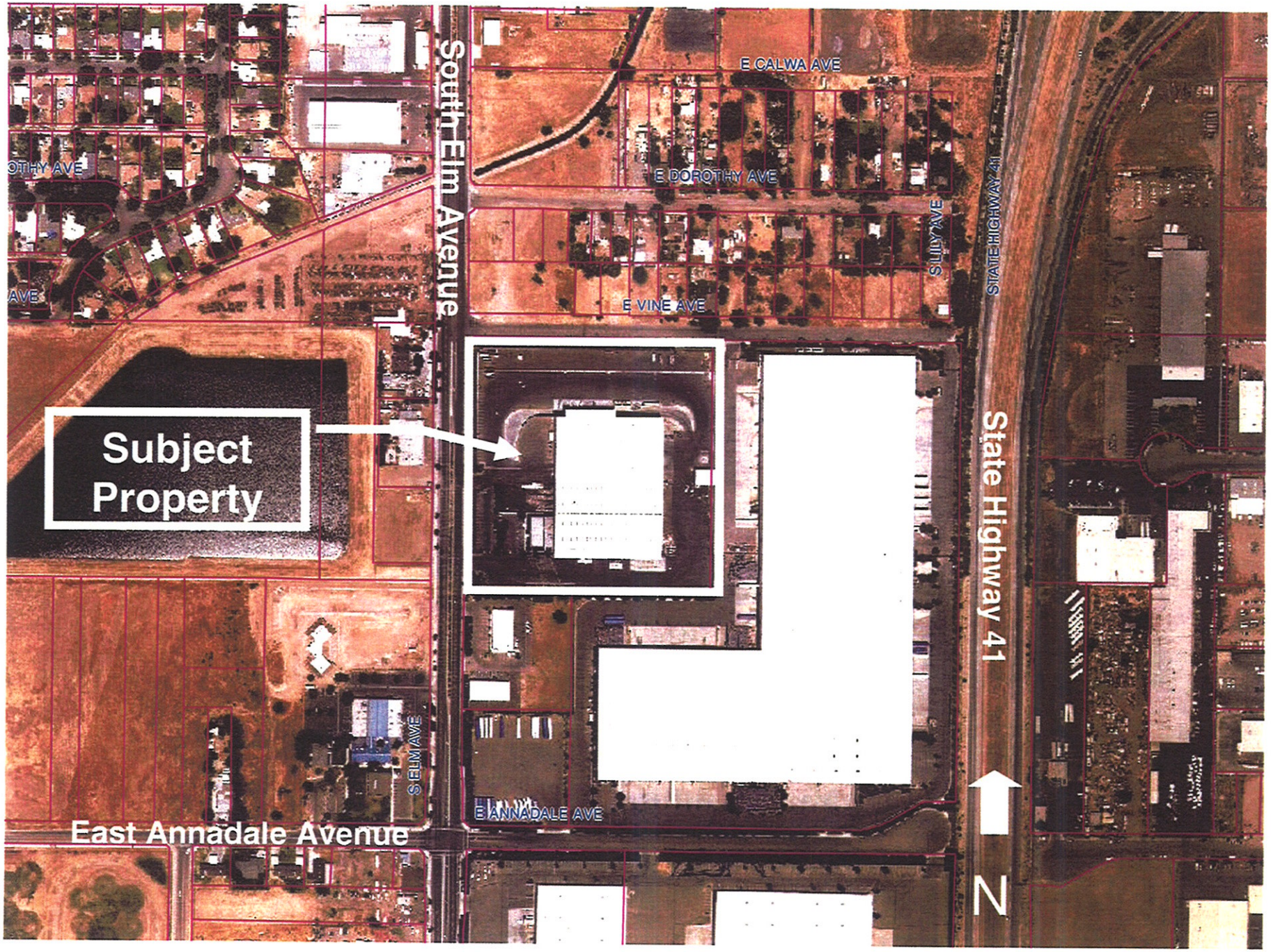
Lead Agency:
City of Fresno

Contact: Bonique Salinas,
Planner
(559) 621-8024



LOCATION MAP


City of Fresno
PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
LEGEND
Sphere of Influence Boundary
Fresno City Incorporated Area
(Updated December 2007)
Project Location
City Water Treatment Facility
Gould Canal / Redbank Creek
Nees
Alluvial
Herndon
Sierra
Bullard
Barstow
Shaw
Gettysburg
Ashlan
Dakota
Shields
Clinton
McKinley
Olive
Belmont
Nielsen
Whites Bridge
Copper
International
Behymer
Perrin
Shepherd
Teague
Tulare
Kings Canyon
Butler
California
Church
Jensen
Annadale
North
Muscat
Central
Malaga
American
Garfield
Grantland
Bryan
Hayes
Polk
Cornelia
Blythe
Brawley
Valentine
Marks
Van Ness
West
Fruit
Palm
Maroa
Blackstone
Fresno
First
Millbrook
Cedar
Maple
Chestnut
Willow
Peach
Minnewawa
Clovis
Sunnyside
Fowler
Armstrong
Temperance
Locan
De Wolf
Leonard
Highland
Thompson
McCall
Hughes
Walnut
Fig
Elm
Cherry
East
Orange


South Elm Avenue
E CALWA AVE
E DOROTHY AVE
E VINE AVE
S LILLY AVE
STATE HIGHWAY 41
State Highway 41
Subject Property
S ELM AVE
E ANNADALE AVE
East Annadale Avenue
N

CITY OF FRESNO

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

PROJECT TITLE AND ENVIRONMENTAL ASSESSMENT

EA No. C-10-028 for

Conditional Use Permit Application No. C-10-028

APPLICANT:

Larry Miner, Clements Environmental
15230 Burbank Blvd., Suite 103
Sherman Oaks, CA 91411

On behalf of

John Mohoff, Sunset Waste Paper
2721 South Elm Avenue
Fresno, CA 93706

PROJECT LOCATION:

2721 South Elm Avenue; County of Fresno
Assessor's Parcel Number: 328-240-49
Latitude 36.7026 N, Longitude -119.7899 W

Filed with:

FRESNO COUNTY CLERK
2221 Kern Street, Fresno, California 93721

STATE CLEARINGHOUSE
Office of Planning & Research
1400 Tenth Street, Suite 212
Sacramento, California 95814

FILED
JUL 02 2010
FRESNO COUNTY CLERK
By _____ DEPUTY

PROJECT DESCRIPTION: Conditional Use Permit Application No. C-10-028 was filed by Larry Miner of Clements Environmental on behalf of Sunset Waste Paper and pertains to 9.93 acres of property located on the southeast corner of South Elm and East Vine Avenues in South Fresno. The application is a request to modify the operations at the existing Sunset Waste Paper material recovery facility/transfer station, located at 2721 South Elm Avenue. The proposed changes are as follows: 1) add self-haul delivery of solid waste and recyclables; 2) add recyclables storage in bunkers, bins, roll-off containers, bales and in bulk inside the building, as well as outside the building under and just south of the south canopy, along the exterior north wall of the transfer station, along the east fence and along the east side of the MRF; 3) add greenwaste processing inside the transfer station building; 4) add mechanical sorting of construction and demolition material and MSW inside the transfer station; and, 5) add hand and/or mechanical sorting of glass recyclables adjacent to the existing bunkers located along the western elevation of the transfer station. The proposed operational changes will not increase the maximum permitted capacity of 2,000 tons per day, nor will it increase the maximum vehicle count of 470 vehicles per day. The maximum storage time is 48 hours for green waste and 90 days for recovered recyclable materials. The facility is proposed to operate 24 hours a day 7 days a week. The property is zoned M-1 *(Light Manufacturing)*.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is not fully within the scope of the Master Environmental Impact Report No. 10130 ("MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097) and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND). Therefore, the Planning and Development Department proposes to adopt a Mitigated Negative Declaration for this project. With the project specific mitigation measures imposed, there is no substantial evidence in the record that this project may

have additional significant, direct, indirect, or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR or the Air Quality MND. After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Planning and Development Department, as lead agency, 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. The project is not located on a site which is included on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section.

Additional information on the proposed project, including the proposed environmental finding of a mitigated negative declaration initial study and all documents and technical studies referenced in the initial study, may be obtained from the Planning and Development Department, Fresno City Hall, 2600 Fresno Street, Third Floor-North, Room 3076, Fresno, California 93721-3604. Please contact Bonique Salinas at (559) 621-8024 for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Comments may be submitted at any time between the publication date of this notice and close of business on August 10, 2010. Please direct all comments to Bonique Salinas, City of Fresno Planning and Development Department, City Hall, 2600 Fresno Street, Third Floor-North, Room 3076, Fresno, California, 93721-3604; or by email, Bonique.Salinas@fresno.gov; or by facsimile, (559) 498-1026.

INITIAL STUDY PREPARED BY: Bonique Salinas, Planner	SUBMITTED BY: Mike Sanchez, Planning Manager CITY OF FRESNO PLANNING AND DEVELOPMENT DEPARTMENT
DATE: July 2, 2010	

E201010000211

CITY OF FRESNO

MITIGATED NEGATIVE DECLARATION

Notice of Intent was filed with:

X FRESNO COUNTY CLERK
2221 Kern Street
Fresno, California 93721

X STATE CLEARINGHOUSE
Office of Planning & Research
1400 Tenth Street, Suite 212
Sacramento, California 95814

The full Initial Study and the Master Environmental Impact Report No. 10130 are on file in the Planning and Development Department, Fresno City Hall, 3rd Floor 2600 Fresno Street Fresno, California 93721 (559) 621-8277

Environmental Assessment Number:

C-10-028

APPLICANT:

Larry Miner, Clements Environmental
15230 Burbank Blvd., Suite 103
Sherman Oaks, CA 91411

On behalf of

John Mohoff, Sunset Waste Paper
2721 South Elm Avenue
Fresno, CA 93706

PROJECT LOCATION:

2721 South Elm Avenue; County of Fresno

Located on the southeast corner of South Elm and East Vine Avenues in South Fresno

Assessor's Parcel Number: 328-240-49

Latitude 36.7026 N, Longitude -119.7899 W

PROJECT DESCRIPTION: Conditional Use Permit Application No. C-10-028 was filed by Larry Miner of Clements Environmental on behalf of Sunset Waste Paper and pertains to 9.93 acres of property located on the southeast corner of South Elm and East Vine Avenues in South Fresno. The application is a request to modify the operations at the existing Sunset Waste Paper material recovery facility/transfer station, located at 2721 South Elm Avenue. The proposed changes are as follows: 1) add self-haul delivery of solid waste and recyclables; 2) add recyclables storage in bunkers, bins, roll-off containers, bales and in bulk inside the building, as well as outside the building under and just south of the south canopy, along the exterior north wall of the transfer station, along the east fence and along the east side of the MRF; 3) add greenwaste processing inside the transfer station building; 4) add mechanical sorting of construction and demolition material and MSW inside the transfer station; and, 5) add hand and/or mechanical sorting of glass recyclables adjacent to the existing bunkers located along the western elevation of the transfer station. The proposed operational changes will not increase the maximum permitted capacity of 2,000 tons per day, nor will it increase the maximum vehicle count of 470 vehicles per day. The maximum storage time is 48 hours for green waste and 90 days for recovered recyclable materials. The facility is proposed to operate 24 hours a day 7 days a week. The property is zoned M-1 *(Light Manufacturing)*.

The City of Fresno has conducted an initial study and proposes to adopt a Mitigated Negative Declaration for the above-described project. 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"). A copy of the MEIR may be reviewed in the City of Fresno Planning Department as noted above It has been determined to be a subsequent project that is not fully within the scope of the Master Environmental Impact Report No. 10130 ("MEIR) prepared for the 2025 Fresno General Plan. Pursuant to Public Resources Code § 21157.1 and California Environmental Quality Act (CEQA) Guidelines § 15177, this project has been evaluated with respect to each item on the attached environmental checklist to determine whether this project may cause any additional significant effect on the environment which was not previously examined in the MEIR. After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Planning and Development

Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified 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, has become available.

This completed environmental impact checklist form, its associated narrative, and proposed mitigation measures reflect applicable comments of responsible and trustee agencies and research and analysis conducted to examine the interrelationship between the proposed project and the physical environment. The information contained in the project application and its related environmental assessment application, responses to requests for comment, checklist, initial study narrative, and any attachments thereto, combine to form a record indicating that an initial study has been completed in compliance with the State CEQA Guidelines and the California Environmental Quality Act.

All new development activity and many non-physical projects contribute directly or indirectly toward cumulative impacts on the physical environment. It has been determined that the incremental effect contributed by this project toward cumulative impacts is not considered substantial or significant in itself, and/or that cumulative impacts accruing from this project may be mitigated to less than significant with application of feasible mitigation measures,

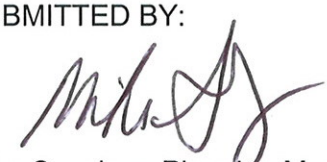
Based upon the evaluation guided by the environmental checklist form, it was determined that there are foreseeable impacts from the Project that are additional to those identified in the MEIR, and/or impacts which require mitigation measures not included in the MEIR Mitigation Measure Checklist.

The completed environmental checklist form indicates whether an impact is potentially significant, less than significant with mitigation, or less than significant.

For some categories of potential impacts, the checklist may indicate that a specific adverse environmental effect has been identified which is of sufficient magnitude to be of concern. Such an effect may be inherent in the nature and magnitude of the project, or may be related to the design and characteristics of the individual project. Effects so rated are not sufficient in themselves to require the preparation of an Environmental Impact Report, and have been mitigated to the extent feasible. With the project specific mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR. Both the MEIR mitigation checklist measures and the project-specific mitigation checklist measures will be imposed on this project.

The initial study has concluded that the proposed project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the State CEQA Guidelines.

The finding is, therefore, made that the proposed project will not have a significant adverse effect on the environment.

INITIAL STUDY PREPARED BY:	SUBMITTED BY:
Bonique Salinas	
DATE 7-2-10	Mike Sanchez, Planning Manager PLANNING AND DEVELOPMENT DEPARTMENT

Attachments: Exhibit A: Initial Study Impact Checklist and Initial Study

Exhibit B: Master Environmental Impact Report (MEIR) Review Summary

Exhibit C: Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated July 2, 2010

Exhibit D: Project-Specific Mitigation Monitoring Checklist

Exhibit E: "Safe Operating Data"

MODIFIED APPENDIX G TO ANALYZE SUBSEQUENT PROJECT IDENTIFIED IN MEIR NO. 10130/MND FOR PLAN AMENDMENT A-09-02 (AIR QUALITY MND)/INITIAL STUDY
Environmental Checklist Form

Exhibit A

1.	Project title: **Conditional Use Permit Application No. C-10-028**
2.	Lead agency name and address: City of Fresno Planning & Development Department 2600 Fresno Street Fresno, CA 93721
3.	Contact person and phone number: Bonique Salinas, Planner, (559) 621-8024
4.	Project location: 2721 South Elm Avenue; County of Fresno Assessor's Parcel Number: 328-240-49 Latitude 36.7026 N, Longitude -119.7899 W
5.	Project sponsor's name and address: John Mohoff 2721 South Elm Avenue Fresno, CA 93706
6.	General plan designation: Light Industrial
7.	Zoning: M-1 (*Light Manufacturing District)*
8.	Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation including any off-site infrastructure improvements necessary to address impacts from the project. Attach additional sheets if necessary.) The proposed project is a request to modify the operations at the existing Sunset Waste Paper material recovery facility (MRF)/transfer station, located at 2721 S. Elm Avenue. The proposed changes are as follows: 1) add self-haul delivery of solid waste and recyclables; 2) add recyclables storage in bunkers, bins, roll-off containers, bales and in bulk inside the building, as well as outside the building under and just south of the south canopy, along the exterior north wall of the transfer station, along the east fence and along the east side of the MRF; 3) add greenwaste processing inside the transfer station building; 4) add mechanical sorting of construction and demolition material and MSW inside the transfer station; and, 5) add hand and/or mechanical sorting of glass recyclables adjacent to the existing bunkers located along the western elevation of the transfer station. The proposed operational changes will not increase the maximum permitted capacity of 2,000 tons per day, nor will it increase the maximum vehicle count of 470 vehicles per day. The maximum storage time is 48 hours for green waste and 90 days for recovered recyclable materials. Storage and processing of the following is included as part of the facility's operation: • Scrap metal, wood, wood chips, glass, and plastic in roll-off bins, tire trailer storage, inventory parts storage and bale storage staged along the east and north walls of the site; • e-waste (computers and TVs), white goods, and other universal waste (u-waste), in storage

containers or on pallets with secondary containment, storage of roll-off containers, parts and a hazardous materials storage locker, along the north side of the transfer station. Overflow storage of u-waste will also occur in the northeast corner of the site;

• Spare equipment and metal parts in 10' x 20' storage containers along the east wall of the building, or along the east wall of the site;

• Waste tires in a truck trailer adjacent to the glass bunkers storage area;

• Staging of up to five empty roll-off bins along the east wall of the site. These bins will be rotated into the facility as needed to be filled with recyclable material and then staged along the east wall of the building;

• Storage of broken glass in an open pile or bunker outside the west wall of the building as shown on the site plan. The glass may be hand sorted for quality control, or by mechanical sorting. Glass will be removed from the site frequently over the course of a week, and, if at any time the pile is deemed to be a nuisance, immediate arrangements will be made for its reduction.

• Bales of cardboard, paper, plastic, ferrous and non-ferrous metals and other miscellaneous recyclables will be staged under and just south of the existing screened canopy along the southern elevation of the building which is used for truck loading operations, and in the transfer station building if needed. In addition, bales of recyclables will be stored outside along the northern wall, eastern fence, and just outside the south part of the east wall of the MRF.

• Hazardous materials will be stored in a hazmat locker located along the exterior north wall of the transfer station.

• Recyclables will be stored in bunkers, bins, roll-off containers, or bales and bulk material inside the transfer station building, as well as outside the building under and just south of the south canopy, along the north wall of the transfer station, along the east fence and along the east side of the MRF.

• Mechanical sorting of MSW and construction debris as well as storage of bales will occur in the southern portion of the transfer station as will processing of green material. Wood and green waste will be stored in the northern portion of the transfer station.

The origin of the above referenced material stored onsite is as follows:

• "Inventory parts storage" is necessary for maintenance and repair of equipment essential to the operation of the facility such as transfer trucks and trailers, loaders, forklifts, balers, conveyors, the material recovery system, and truck scales. The parts storage is necessary to insure seamless operation of the facility and minimize down time. Parts stored onsite are obtained from equipment manufacturers, vendors and suppliers.

• "E-waste" consists of discarded computers and computer monitors, as well as electronic equipment such as faxes, televisions, printers and stereo equipment. E-waste is generated by residential and commercial customers, as well as from community round-up and recycling

programs. E-waste is picked-up from customers as part of their collection service, and is also found during the load check process for commingled recyclables in the material recovery facility (MRF) and municipal solid waste (MSW) in the transfer station. E-waste is stored onsite in roll-off containers, or on pallets, until it is picked-up for deconstruction by a licensed E-waste hauler and processor.

• "White goods" consist of discarded appliances, such as washers, dryers, refrigerators, dishwashers, and stoves, and are generated by residential and commercial customers, as well as from community recycling programs. White goods are picked-up from customers as part of their collection service and are also found during the load check process for commingled recyclables in the material recovery facility (MRF) and MSW in the transfer station. White goods are stored onsite in roll-off containers and eventually transported to scrap metal facilities for further processing and recycling.

• "Universal waste" contains mercury, lead, cadmium, copper and other substances hazardous to human and environmental health, and consists of batteries, cell phones, fluorescent lights as well as computers, computer monitors, televisions and electronics. Universal wastes are generated by residential and commercial customers, as well as from community recycling programs. Universal waste is picked-up from customers as part of their collection service, and is also found during the load check process for commingled recyclables in the material recovery facility (MRF) and from municipal solid waste (MSW) in the transfer station. Universal waste is stored onsite in roll-off containers or on pallets until it is picked-up for deconstruction by a licensed hauler and processor.

• "Hazardous waste" includes discarded motor oil, antifreeze, pesticides and drain cleaners, and are typically found during the load check process for commingled recyclables in the material recovery facility (MRF) and municipal solid waste (MSW) in the transfer station. Hazardous waste is store onsite in a designated hazardous material storage locker until it is picked-up for proper disposal by a licensed hauler and processor.

• "MSW" is an acronym for "municipal solid waste" and includes garbage, refuse and other discarded solid materials resulting from residential activities, and industrial and commercial operations. MSW typically includes organic materials such as food waste and scraps, packaging and containers.

The following table shows the proposed standard hours of operation. However, the facility may operate 24 hours a day, 7 days a week for all functions, if necessary. Under 24 hour a day operation, the start of the day will be 12:01 a.m. The facility will be closed on Christmas Day, New Years Day, and Thanksgiving Day.

Activity	Hours of Operation
Waste Receiving	7:00 a.m. – 6:00 p.m.
Waste Processing	5:00 a.m. – 10:00 p.m.
Waste Transfer	5:00 a.m. – 10:00 p.m.
Chipping and Grinding	6:00 p.m. – 7:00 a.m.
Visitors	By appointment, 7 days per week

The table below shows the existing and proposed employee count. This project would add three more employees.

ESTIMATED FACILITY STAFFING (2,000 TONS PER DAY)		
Position	**Existing**	**Proposed**
Facility Management		
Operations/Safety Manager	1	
Administration/Clerical		
Bookkeeper	1	
Office Personnel	3	
Sales	2	
Commercial/Curbside MRF		
Supervisor/Foreman	6	
Sorters	75	
Equipment Operators		
Forklift Operators	6	
Loader Operator	2	
Baler Operator	2	
Green Waste Chipping and Grinding		
Grinder Operator	1	
Spotter/helper	1	
Loader Operator	1	
Waste Transfer Operation		
Equipment Operators		
Sweeper Operator	1	
Loader Operator	2	
Floor Labor		
Spotters	2	
Floor Sorters	4	
Scalehouse Attendant	2	
Transfer Truck Driver	15	
Maintenance		
Mechanics	3	
TOTAL = 130	**127**	**3**

9. Surrounding land uses and setting: (Briefly describe the project's surroundings)

	Planned Land Use	Existing Zoning	Existing Land Use
North	Light Industrial	**M-1**	Vacant and Single Family Residential
South	Light Industrial	**M-1** **M-3**	Light Industrial

	East	Light Industrial	**M-1**	Light Industrial
	West	General Heavy Commercial	**C-6**	Commercial/Light Industrial and Vacant
		Open Space/Ponding Basin	**C-6**	Vacant
		Commercial Office	**C-P**	Community Health Center
10.	Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement): San Joaquin Valley Air Pollution Control District Regional Water Quality Control Board County of Fresno Environmental Health California Department of Resources Recycling and Recovery City of Fresno Fire Prevention Bureau City of Fresno Building and Safety Division (for building permits)			

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:
Pursuant to Public Resources Code Section 21157.1(b) and CEQA Guidelines 15177(b)(2), the purpose of this MEIR initial study is to analyze whether the subsequent project was described in the Master Environmental Impact Report No. 10130 and whether the subsequent project may cause any additional significant effect on the environment, which was not previously examined in MEIR No. 10130 ("MEIR") or the Mitigated Negative Declaration prepared for Plan Amendment A-09-02 to amend the Air Quality Element of the 2025 Fresno General Plan (SCH # 2009051016) ("Air Quality MND").

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

___	I find that the proposed project is a subsequent project identified in the MEIR and that it is fully within the scope of the MEIR and Air Quality MND because it would have no additional significant effects that were not examined in the MEIR or the Air Quality MND such that no new additional mitigation measures or alternatives may be required. All applicable mitigation measures contained in the Mitigation Monitoring Checklist shall be imposed upon the proposed project. A FINDING OF CONFORMITY will be prepared.
_X_	I find that the proposed project is a subsequent project identified in the MEIR and Air Quality MND but that it is not fully within the scope of the MEIR and Air Quality MND because the proposed project could have a significant effect on the environment that was not examined in the MEIR or Air Quality MND. However, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. The project specific mitigation measures and all applicable mitigation measures contained in the MEIR Mitigation Monitoring Checklist will be imposed upon the proposed project. A MITIGATED NEGATIVE DECLARATION will be prepared.
___	I find that the proposed project is a subsequent project identified in the MEIR but that it MAY have a significant effect on the environment that was not examined in the MEIR or Air Quality MND, and an ENVIRONMENTAL IMPACT REPORT is required to analyze the potentially significant effects not examined in the MEIR or Air Quality MND pursuant to Public Resources Code Section 21157.1(d) and CEQA Guidelines 15178(a).

Signature	7/2/10 Date

EVALUATION OF ADDITIONAL ENVIRONMENTAL IMPACTS NOT ASSESSED IN THE MEIR or Air Quality MND:

1. For purposes of this MEIR Initial Study, the following answers have the corresponding meanings:
   a. "No Impact" means the subsequent project will not cause any additional significant effect related to the threshold under consideration which was not previously examined in the MEIR or Air Quality MND.

   b. "Less Than Significant Impact" means there is an impact related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND, but that impact is less than significant;

   c. "Less Than Significant with Mitigation Incorporation" means there is a potentially significant impact related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND, however, with the mitigation incorporated into the project, the impact is less than significant.

d. "Potentially Significant Impact" means there is an additional potentially significant effect related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND.

2. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

3. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

4. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

5. A "Finding of Conformity" is a determination based on an initial study that the proposed project is a subsequent project identified in the MEIR and that it is fully within the scope of the MEIR and Air Quality MND because it would have no additional significant effects that were not examined in the MEIR or the Air Quality MND.

6. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

7. Earlier analyses may be used where, pursuant to the tiering, program EIR or MIER, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in the MEIR or another earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

8. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
9. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

10. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

11. The explanation of each issue should identify:

    a) The significance criteria or threshold, if any, used to evaluate each question; and
    b) The mitigation measure identified, if any, to reduce the impact to less than significance

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

The immediate area is substantially developed with urban uses; therefore, no public or scenic vista will be obstructed by the development and no valuable vegetation will be removed. The project will not damage any scenic resources nor will it degrade the visual character or quality of the site and its surroundings. Furthermore, development of the site will not create a new source of substantial light or glare which would affect day or night time views in the project area, given that during the entitlement process, staff will ensure that lights are located in areas that will minimize light sources to the neighboring properties, including the existing residences to the north. The site is already enclosed by an 8-foot high wall and landscape buffer along the north and west property lines which will shield the proposed operations from public view. As a result, the project will have a less than significant impact on aesthetics. The project will be subject to the aesthetics mitigation measures identified in MEIR No. 10130 prepared for the 2025 Fresno General Plan and on the attached Mitigation Monitoring Checklist dated July 2. 2010. Conditions to ensure the project is aesthetically appealing will be further defined in the Conditions of Approval for Conditional Use Permit No. C-10-028.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the aesthetic related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated July 2, 2010.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FORESTRY RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

The subject property is surrounded on all sides by urban uses and designated for development under the 2025 Fresno General Plan. The site does not fall into any of the categories listed above and does not have a Williamson Act contract. Therefore, no environmental impacts related to agricultural are anticipated as a result of the proposed project.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				x
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				x
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				x
d) Expose sensitive receptors to substantial pollutant concentrations?			x	
e) Create objectionable odors affecting a substantial number of people?		x		

Setting

The project site is located in Fresno County and within the San Joaquin Air Basin. This region has had chronic non-attainment of federal and state clean air standards for ozone/oxidants and particulate matter due to a combination of topography and climate. The San Joaquin Valley is hemmed in on three sides by mountain ranges, with prevailing winds carrying pollutants and pollutant precursors from urbanized areas to the north (and in turn contributing pollutants and precursors to downwind air basins). The Mediterranean climate of this region, with a high number of sunny days and little or no measurable precipitation for several months of the year, fosters photochemical reactions in the atmosphere, creating ozone and particulate matter.

Regional factors affect the accumulation and dispersion of air pollutants within the San Joaquin Valley Air Basin (SJVAB).

Air pollutant emissions overall are fairly constant throughout the year, yet the concentrations of pollutants in the air vary from day to day and even hour to hour. This variability is due to complex interactions of

weather, climate, and topography. These factors affect the ability of the atmosphere to disperse pollutants. Conditions that move and mix the atmosphere help disperse pollutants, while conditions that cause the atmosphere to stagnate allow pollutants to concentrate. Local climatological effects, including topography, wind speed and direction, temperature, inversion layers, precipitation, and fog can exacerbate the air quality problem in the SJVAB.

The SJVAB is approximately 250 miles long and averages 35 miles wide, and is the second largest air basin in the state. The SJVAB is defined by the Sierra Nevada in the east (8,000 to 14,000 feet in elevation), the Coast Ranges in the west (averaging 3,000 feet in elevation), and the Tehachapi mountains in the south (6,000 to 8,000 feet in elevation). The valley is basically flat with a slight downward gradient to the northwest. The valley opens to the sea at the Carquinez Straits where the San Joaquin-Sacramento Delta empties into San Francisco Bay. The San Joaquin Valley (Valley), thus, could be considered a "bowl" open only to the north.

During the summer, wind speed and direction data indicate that summer wind usually originates at the north end of the Valley and flows in a south-southeasterly direction through the Valley, through Tehachapi pass, into the Southeast Desert Air Basin. In addition, the Altamont Pass also serves as a funnel for pollutant transport from the San Francisco Bay Area Air Basin into the region.

During the winter, wind speed and direction data indicate that wind occasionally originates from the south end of the Valley and flows in a north-northwesterly direction. Also during the winter months, the Valley generally experiences light, variable winds (less than 10 mph). Low wind speeds, combined with low inversion layers in the winter, create a climate conducive to high carbon monoxide (CO) and particulate matter (PM10 and PM2.5) concentrations. The SJVAB has an "Inland Mediterranean" climate averaging over 260 sunny days per year. The valley floor is characterized by warm, dry summers and cooler winters. For the entire Valley, high daily temperature readings in summer average 95°F. Temperatures below freezing are unusual. Average high temperatures in the winter are in the 50s, but highs in the 30s and 40s can occur on days with persistent fog and low cloudiness. The average daily low temperature is 45°F.

The vertical dispersion of air pollutants in the Valley is limited by the presence of persistent temperature inversions. Solar energy heats up the Earth's surface, which in turn radiates heat and warms the lower atmosphere. Therefore, as altitude increases, the air temperature usually decreases due to increasing distance from the source of heat. A reversal of this atmospheric state, where the air temperature increases with height, is termed an inversion. Inversions can exist at the surface or at any height above the ground, and tend to act as a lid on the Valley, holding in the pollutants that are generated here.

Regulations

The San Joaquin Valley Air Pollution Control District (SJVAPCD) is the local regional jurisdictional entity charged with attainment planning, rule making, rule enforcement, and monitoring under Federal and State Clean Air Acts and Clean Air Act Amendments.

The MEIR prepared for the 2025 Fresno General Plan requires that that the most current version of the URBEMIS computer model be used to analyze development projects and estimate future air pollutant emissions that can be expected to be generated from operational emissions (vehicular traffic associated with the project), area-wide emissions (sources such as ongoing maintenance activities and use of appliances), and construction activities.

The URBEMIS computer model evaluates the following emissions: ozone precursors (Reactive Organic Gases (ROG) and NOX; CO, SOX, both regulated categories of particulate matter, and the greenhouse gas carbon dioxide (CO2). The model incorporates geographically-customized data on local vehicles, weather, and SJVAPCD Rules.

The URBEMIS computer model requires information regarding the project and its setting. This analysis was done with information available at the current stage of project approval and reasonable assumptions as to timing and methods of construction. The land use data provided in Urbemis was for an industrial project containing 180 new vehicle trips per day (as this current project proposes).

URBEMIS analysis also required that several factors relating to the project vicinity be analyzed and entered into the model, such as land use mix and availability of retail commercial, pedestrian and bicycle amenities, street patterns, and availability of public transit.

AREA AND OPERATIONAL AIR QUALITY IMPACTS OF THE PROJECT

[all data given in tons/year]	ROG	NOx	CO	SO_2	PM10	PM2.5	CO2
Area Source Emissions	0.13	0.15	0.26	0.00	0.00	0.00	176.63
Operational Emissions	0.46	0.59	3.99	0.00	0.24	0.06	288.05
Totals	**0.59**	**0.74**	**4.25**	**0.00**	**0.24**	**0.06**	**353.26**
Level of Significance	10	10	100	27.375	14.6	N/A	N/A

URBEMIS model projections indicate that the air pollution emitted from daily activities of the proposed project will not exceed threshold of significance limits for regulated air pollutants.

The SJVAPCD has developed the San Joaquin Valley 1991 California Clean Air Act Air Quality Attainment Plan (AQAP), which continues to project nonattainment for the above-noted pollutants in the future. This project will be subject to applicable Air District rules, regulations, and strategies. In addition, the project may be subject to the San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) Regulation VIII, Fugitive Dust Rules, related to the control of dust and fine particulate matter. This rule mandates the implementation of dust control measures to reduce the potential for dust to the lowest possible level. The plan includes a number of strategies to improve air quality including a transportation control strategy and a vehicle inspection program.

The facility may also be required to comply with the SJVAPCD's Rule 4102 (Nuisance) which requires that "a person shall not discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, response, health or safety of any such person or the public which cause or have a natural tendency to cause injury or damage to business or property.

In April 2008, the San Joaquin Valley Air District introduced its draft version of Rule 4566, covering green waste composters, chip-and-grind facilities and land application operations. In December 2008, the District's governing board voted to delay action on the rule until scientific research on the efficacy of the proposed Tier 1 Mitigation Measures in the draft rule could be undertaken. This research was conducted in 2009, and a final report is expected in mid-2010. Rule 4566 is slated for adoption in late 2010, and could

take effect as early as 2012. This rule is currently not in effect.

Smell/Odor/Dust

Since the applicant has proposed to accept green waste at the existing material recovery facility and transfer station, there are potentially several minor issues related to smells/odors/dust associated with the proposed project. It should be noted that green waste will only be stored on-site for a maximum of 48 hours and thus will not be allowed to compost on site, essentially greatly reducing any potential air quality impacts.

Under California Health and Safety Code Section 41700, the San Joaquin Valley Air Pollution Control District (SJVAPCD) is empowered to investigate and resolve complaints relating to odors in that odors may constitute a public nuisance. Odor control measures are a key component of permit requirements for solid waste facilities. Fresno's prevailing wind direction is towards the southeast, which would carry any odors from the facility away from population centers.

Potential Smell/Odor from Green Waste

In the winter of 1999, the CIWMB hired California Polytechnic State University in San Luis Obispo (Cal Poly) to conduct a statewide study on odor occurrences and management practices at California composting facilities. The survey was distributed to 140 Program Managers, Local Enforcement Agents and Environmental Health Specialists working for solid waste Enforcement Agencies in 60 jurisdictions statewide.

According to the respondents, complaints about odors are slightly higher for "composting" operations in their jurisdictions (52.6%) than for "non-composting" ones, chipping & grinding etc (43.9%). Thus, even though the facility will not be composting green waste, chipping and grinding facilities do result in odor complaints. According to this survey, the most commonly used odor management controls used by operators are: reducing the amount of feedstock stored (55.2% of respondents selected this choice), managing moisture (50.0%), turning windrows at certain times of day (43.1%), refusing to accept certain types of feedstock (39.7%), and managing C:N ratio (37.9%). Refusing to accept certain types of feedstock and turning when wind is blowing away from surrounding populations were both considered "very effective".

This survey also found that about half (50.9%) of the jurisdictions surveyed have waste facilities with written odor management procedures. 63.8% of the survey respondents believe a written odor management plan should be a regulatory requirement. Thus, in order to deal with any potential nuisances caused by odor from green waste, the applicant is required to implement an odor management plan. This odor management plan shall incorporate the best practices and regulations established by the State of California and shall be submitted and approved by the City of Fresno prior to operation.

Potential Dust from Green Waste

When green waste is left, microbes grow quickly in the warm, moist, environment. Collecting and handling green waste creates bioaerosols (microbes suspended with dust in the air) and these are breathed in when working. The potential dust from green waste will be present during the unloading and loading of the green waste. Because of the walls surrounding the subject site, this dust will most likely not impact any adjacent residential areas. In order to help to minimize the dust clouds potentially caused by the unloading and

loading of these materials, it is recommended that the applicant avoid methods which encourage tipping from unnecessarily high heights. It is also recommended that the applicant fit and maintain rubber/plastic strip curtains to larger container chambers. These curtains can help to contain any dust clouds created during tipping.

In summary, the project as mitigated will not significantly impact local air quality. This project's proposed design and project specific mitigation measures will reduce the project's potential air quality impacts to less than significant.

Mitigation Measures

1. The proposed project shall implement and incorporate the air quality related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated July 2, 2010.

2. The proposed project shall implement and incorporate, as appropriate, the air quality related mitigation measures as identified in the attached Mitigation Monitoring Checklist for measures identified in the Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan (hereinafter, "MEIR Mitigation Measure Checklist"), dated July 2, 2009.

IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation				X

Plan, or other approved local, regional, or state habitat conservation plan?				

Given that the proposed project will be located on property that is fully developed and is completely surrounded by urban uses, the proposed project will have no impact on biological resources.

Mitigation Measures

1. The proposed project shall implement and incorporate, as appropriate, the biological resource related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated July 2, 2010.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

The project site does not contain any resources currently listed on the local, state or national registers. Also, given that the immediate area is substantially developed with urban uses, there are no known adjacent historical or archaeological sites. However, mitigation measures from the 2025 Fresno General Plan EIR will be incorporated into the project which contain protocols to be taken in the event that cultural resources are discovered during construction.

Mitigation Measures

1. The proposed project shall implement and incorporate, as appropriate, the cultural resource related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated July 2, 2010.

	Potentially Significant	Less Than Significant	Less Than Significant	No Impact

	Impact	with Mitigation Incorporated	Impact	
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	

There are no geologic hazards or unstable soil conditions known to exist on the site. The existing topography is flat with no apparent unique or significant land forms such as vernal pools. Development of the property requires compliance with grading and drainage standards of the City of Fresno and Fresno Metropolitan Flood Control District Standards. Grade differentials at property lines must be limited to one foot or less, or a cross-drainage covenant must be executed with affected adjoining property owners.

Fresno has no known active earthquake faults, and is not in any Alquist-Priolo Special Studies Zones. The immediate Fresno area has extremely low seismic activity levels, although shaking may be felt from earthquakes whose epicenters lie to the east, west, and south. Known major faults are over 50 miles distant and include the San Andreas Fault, Coalinga area blind thrust fault(s), and the Long Valley, Owens Valley, and White Wolf/Tehachapi fault systems. The most serious threat to Fresno from a major earthquake in the Eastern Sierra would be flooding that could be caused by damage to dams on the upper reaches of the San Joaquin River.

Fresno is classified by the State as being in a moderate seismic risk zone, Category "C" or "D," depending

on the soils underlying the specific location being categorized and that location's proximity to the nearest known fault lines. All new structures are required to conform to current seismic protection standards in the California Building Code. Seismic upgrade/retrofit requirements are imposed on older structures by the City's Planning and Development Department as may be applicable to building modification and rehabilitation projects.

The highly erodible face of the San Joaquin River bluff, and small areas of expansive clay in the northeastern portion of the city's Sphere of Influence, are the only unstable soil conditions known to exist in the City. Despite long-term overdrafting of groundwater that has lowered the static groundwater level under Fresno by as much as 100 feet over the past century, surface subsidence has not been noted in the vicinity of the city (this is probably due to the geologic strata underlying the city, which features layers of clay and hardpan interleaved with alluvial sand and gravel layers).

No adverse environmental effects related to topography, soils or geology are expected as a result of this project. Implementation of the mitigation measures listed in MEIR No. 10130 and the attached MEIR Mitigation Monitoring Checklist will reduce the topographic, soils and geologic impacts to less than significant.

Mitigation Measures

1. The proposed project shall implement and incorporate, as appropriate, the geology and soils related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated July 2, 2010.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS -- Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

When sunlight strikes the Earth's surface, some of it is reflected back into space as infrared radiation. When the net amount of solar infrared energy reaching Earth's surface is about the same as the amount of energy radiated back into space, the average ambient temperature of the Earth's surface should remain more or less constant.

Global climate change (colloquially referred to as "global warming") is the term coined to describe very widespread climate change characterized by a rise in the Earth's ambient average temperatures with concomitant disturbances in weather patterns and resulting alteration of oceanic and terrestrial environs and biota. The predominant opinion within the scientific community is that global climate change is occurring, and that it is being caused and/or accelerated by human activities, primarily the generation of "greenhouse gases" (GHG).

Greenhouse gases (GHGs) are gases having properties absorb and emit radiation within the thermal infrared range, and that would cause thermal energy (heat) to be trapped the earth's atmosphere. It is believed that increased levels of greenhouse gases in the atmosphere can disturb the thermal equilibrium of the earth when natural carbon cycle processes (such as photosynthesis) are unable to absorb sufficient quantities of carbon dioxide and other GHGs in comparison with the amount of GHGs being emitted. It is believed that a combination of factors related to human activities, such as deforestation, emissions of GHG into the atmosphere from carbon fuel combustion, etc. are causing climate change.

Some GHGs occur naturally and are emitted to the atmosphere through both natural processes and human activities. Other GHGs are created and emitted solely through human activities. Water vapor is the most predominant GHG, and is primarily a natural occurrence: approximately 85% of the water vapor in the atmosphere is created by evaporation from the oceans. The major anthropogenic greenhouse gases (those that enter the atmosphere because of human activities) are:

- **Carbon Dioxide** – CO_2 enters the atmosphere through the burning of fossil fuels, solid waste, trees and wood products. CO_2 is also as a result of other chemical reactions (e.g., certain manufacturing processes). CO_2 can be removed from the atmosphere through the photosynthesis process (the process in which plants absorb and convert CO_2 into energy), but otherwise is a nonreactive gas that tends to persist and accumulate. Since carbon dioxide is the most commonly-emitted greenhouse gas, quantification of all other greenhouse gases is standardized to CO_2 the term used is "MTCO2e," for "metric tonnes of CO_2 equivalent."

- **Methane** – CH_4 is emitted during the production and transport of coal, natural gas, and oil. CH_4 is also the natural result of the ruminant digestive processes in mammals (notably, ruminants such as cattle). It is also emitted from the decay of organic waste (such as landfill deposits) and from wastewater collection and treatment facilities. The climate change effect of CH_4 is estimated to be 21 times more powerful than that of CO_2, so that for every ton of methane emitted the GHG is estimated as 21 MTCO2e.

- **Nitrous Oxide** – N_2O is emitted during agricultural and industrial activities, as well as during combustion of fossil fuels and solid waste. Its global climate change effect is over ten times as powerful as that of methane: each metric tonne of N_2O is estimated as 310 MTCO2e.

- **Fluorinated Gases** – Hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6) are synthetic gases that are emitted from a variety of industrial processes. Some have been used as coolants, replacing "freon" gases that have been banned by global convention. These gases are typically emitted in smaller quantities, but because of their extreme potency (140 to 23,900 times as powerful as that of CO_2), they are sometimes referred to as "High Global Warming Potential" gases (High GWP gases).

Greenhouse gases were not generally thought of as traditional air pollutants because their impacts are global and diffuse in nature, while the criteria air pollutants and air toxics directly affect the health of people and other living things at ground level in the general region of their release to the atmosphere. However, it has been realized that GHGs and associated climate change could also drastically affect the health of populations not only in the U.S., but around the world through ocean rise that displaces populations, causes economic and infrastructure damage, disrupts agriculture, increases heat-related illnesses, exacerbates effects of criteria air pollutants, spreads of infectious diseases through proliferation of

mosquitoes and other vectors carrying "tropical" diseases into temperate climate zones, and alters/endangers natural flora and fauna in terrestrial and aquatic environments. One oft-cited example of a predicted change in global climate is that the Sierra snowpack could be reduced to as little as 20% of its historic levels, a dire consequence since it is estimated that over 70% of California's population relies on this "frozen reservoir" for its water supply.

The State of California has formally acknowledged these risks and has tasked state and local governments with working toward reduction of potential global climate change. The Governor issued Executive Order No. S-03-05, and subsequently signed Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, which was codified as Health & Safety Code Section 38501 *et seq.* On April 17, 2009, the United States Environmental Protection Agency followed suit with formal recognition that carbon emissions pose a threat to "the health and welfare of current and future generations...."

It is anticipated that Federal and regional regulations will be adopted to require regional air districts to address greenhouse gas emissions. At this time the governing regulations are derived from AB 32, which sets forth a work plan for addressing those potential problems. Key provisions include the following:

There are, at this time, no "attainment" concentration standards established by the federal or state government for greenhouse gases (although several of the GHGs are regulated as precursors to criteria pollutants regulated by the federal and California Clean Air Acts). However, the State has codified a mandate to GHG emissions to 1990 levels by Year 2020. The target emission levels have been established as 436 million MTCO2e statewide. At those emission levels, scientists acknowledge that some climate change will occur (has occurred), that some environmental changes would be attributable to these GHG emissions, but that GHG emissions at this level would not pose significant dangerous effects.

Therefore, in order to roll back GHG emissions to 1990 levels, a reduction of 174 million MTCO2e would need to be achieved statewide—against the background of California's general population increase and the need for ongoing land and economic development. The combination of the need to reduce and the need to grow equate to a need to reduce per capita GHG emissions by some 30%.

While the ARB has not released its emission limits and emission reduction regulations yet, early actions are being taken at the state, regional, and local levels. Ongoing efforts to reduce criteria pollutants will also lead to improvements in GHG emission control. It is important to avoid worsening air pollution due to criteria pollutants while attempting to reduce GHG emissions, a "no backsliding" provision embodied in Assembly Bill 32).

As noted previously, the SJVAPCD has achieved attainment of federal fine particulate matter (PM10) standards and has committed to attaining PM2.5 standards by Year 2014. The District has also committed to attainment of federal oxidant/ozone standards by Year 2023. Additional SJVAPCD Rules and emission controls will be approved as necessary to decrease emissions by those target dates. Any exacerbation of criteria air pollutants caused by climate change will be reflected in air pollution monitoring and will be factored into future iterations of attainment plans for criteria pollutants. Additional District rulemaking would be required to stay on course toward attainment status for criteria pollutants.

It has been recognized that new development projects would potentially add GHG emissions and could exacerbate global climate change problems. In order to standardize evaluation of projects, Senate Bill 97 (codified as Public Resources Code Sections 21083.05 and 21097) requiring the state Resources Agency to adopt guidelines for addressing climate change in environmental analysis pursuant to the California

Environmental Quality Act. By July 1, 2009, the Governor's Office of Planning and Research (OPR) is required to finalize new guidelines for the analysis and mitigation of greenhouse gas emissions, and transmit those draft regulations to the Resources Agency. The Resources Agency must then certify and adopt the guidelines by January 1, 2010. Draft guidelines have been released, commented on, and the finished Guideline amendments are expected to be adopted at any time.

The California Air Pollution Control Officers Association (CAPCOA) produced a comprehensive publication on this topic in 2008, *CEQA and Climate Change*. Contained in that publication are lists of potential GHG reduction measures that may be incorporated into project design and operation as mitigation measures.

In December of 2008, the California Attorney General's Office also released a comprehensive guidance document which offers further policy guidance on mitigating greenhouse gas emissions. Because it is believed that global warming is being caused by human activities on the entire planet, it would be highly speculative to conclude that this project would have an adverse impact on global climate. The Urbemis 2007 computer model does provide data on expected tonnage of CO2 and Oxides of Nitrogen (NOX) (353.26 and 0.74 tons per year, respectively) but because CARB has not adopted GHG emission limits and emission reduction measures and because CEQA guidelines have not been established for the evaluation and mitigation of greenhouse gas emissions, there is an absence of regulatory guidance to assist any lead agencies in determining whether a particular project will have a significant impact on global warming. Furthermore, reuse and recycling has been identified as a potential mitigation measure to address global warming impacts in a document published by the California Attorney General's Office entitled, *The California Environmental Quality Act Mitigation of Global Warming Impacts at the Local Agency Level"* (updated January 07, 2008). Specifically, this document describes this mitigation measure as follows, "Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard)". The existing Sunset facility already accepts construction and demolition waste, but the addition of self haul will allow non-commercial and small businesses deliver this material to the facility for reuses and recycling.

The proposed project also incorporates a second mitigation identified in the above document published by the Attorney General's office as a measure that addresses global warming impacts. This measure is as follows: "....Create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking". The closest bus stop to the subject site is located on the southwest corner of East Annadale and South Elm Avenues, approximately an eighth of a mile (700 feet) from the subject site. Although the users of the site will access the site using vehicles (given the nature of the use), the employees working at the facility will be able to access site by way of public transportation.

The project does not involve manufacturing activities that would generate SF_6, HFCs, or PFCs and does not propose any uses which would generate methane on site.

Through updates in the California Building Code and statewide regulation of appliance standards, this project is also expected to conform to state-of-the-art energy-efficient building, lighting, and appliance standards as advocated in the California Environmental Protection Agency's publication *Climate Action Team / Proposed Early Actions to Mitigate Climate Change in California* (April 2007) and in CARB's *Proposed Early Actions to Mitigate Climate Change in California* (April 2007). Updated engine and tire efficiency standards would apply to project residents' vehicles, as well as the statewide initiatives applicable to air conditioning and refrigeration equipment, regional transportation improvements, power generation and use of solar energy, water supply and water conservation, landfill methane capture, changes in cement manufacturing processes, manure management (methane digester protocols), recycling

program enhancements, and "carbon capture" (also known as "carbon sequestration," technologies for capturing and converting CO_2, removing it from the atmosphere).

It is concluded that the project will not have a significant impact on global warming due to the evolving state of regulatory guidance, the relatively small size of this project, and the fact that this project does not exceed the established thresholds criteria for pollutant emissions. The project incorporates land use strategies that have been proven effective in reducing air quality impacts including, but not limited to: proximity to an existing metropolitan bus line; the compliance with adopted building codes and development standards that require the use of fossil fuels, and implementation of landscaping standards that reduce the site's ambient temperature thereby improving the overall energy efficiency of the project.

In addition, the previously approved Plan Amendment Application No. A-09-02, the Air Quality Amendment to the 2025 Fresno General Plan, adopted initial steps to address Fresno's part in avoiding global climate change, through adoption of new Resource Element / Air Quality General Plan Objectives and policies. The information in previously-cited CAPCOA and California Attorney General publications has been used as information resources for GHG mitigation. A new objective has been added to the Air Quality section of the Resource Conservation Element specifically calling for reduction in GHG emissions, with supporting policies and implementation measures. Utilizing a qualitative analysis approach, projects consistent with, and appropriately implementing, air pollution and GHG reduction policies, and which mitigate any potentially significant project-specific GHG impacts, will be deemed to conform to GHG reduction requirements and to contribute to the City's overall GHG reduction goals. Periodic broad scale GHG modeling will be used to validate the efficacy of these measures and guide implementation and further rulemaking. The proposed project will be required to implement all relevant general plan policies related to GHG's. These policies will further help to reduce this project's potential GHG impact.

Therefore, based upon the available information, project design and the proposed mitigation measures, it cannot be concluded that the proposed project will have a potentially significant adverse impact on global warming.

Global Warming's Impact on the Project

Fresno's geographic location (in the Central Valley, in an urbanized area on flat terrain distant from the Pacific coast) would make it unlikely to be significantly directly affected by sea level rise. Long-term precipitation studies show that Fresno's rainfall occurs during episodic high-intensity events that typically begin in October and end by May. It is theorized that global climate change would increase the overall level of energy in the atmosphere and thereby cause an increased intensity of storm events, which could in turn cause excess episodic precipitation. This could affect both the urbanized (upland) portion of Fresno and the San Joaquin Riverbottom (whose flood prevention requirements are currently administered under regulations promulgated by the Federal Emergency Management Agency's National Flood Insurance Program (which the city subscribes to) as well as a newly reorganized state agency, the Central Valley Flood Protection Board).

The Fresno Metropolitan Flood Control District (FMFCD) is a special district authorized by State legislation to deal with drainage and flood control throughout the Fresno-Clovis Metropolitan Area. Its *Drainage and Flood Control Master Plan* is periodically updated and these updates and analyses incorporate ongoing precipitation studies. The *Master Plan* sets policies for drainage infrastructure and grading in the metropolitan area, predicated on the local weather pattern. Public urban drainage facilities are sized for storm intensities expected to occurring at statistically expected intervals. This drainage system design has

additional runoff capacity built into the street system, so that excess precipitation from more intense storm events is directed to the street system. Ultimately, drain inlets and FMFCD drainage basin dewatering pumps direct severe storm runoff into the network of Fresno Irrigation District canals and pipelines still extant in the metropolitan area, with outfalls beyond the western edge of the metropolitan area. (These canals have capacity when not being used to accommodate irrigation deliveries during the dry hot weather months.) FMFCD project conditions also preserve "breakover" historic surface drainage routes for runoff from major storms.

The City of Fresno's Flood Plan Ordinance and grading standards require that finished floor heights be above the crowns of streets and above any elevated ditchbanks of irrigation canals. Therefore, existing drainage plans and infrastructure would be expected to respond to and accommodate some increases in intense storm events that could be attributed to greenhouse gas emissions, but incremental adjustment of design standards and infrastructure needs would need to be addressed should a trend be established toward increased precipitation.

If the potential effects of climate change cause a serious and persistent decrease in the Sierra snowpack, some of Fresno's water supply could be affected. The City derives much of its water supply from groundwater, using its surface water entitlements from the Kings and San Joaquin Rivers primarily to recharge the aquifer (in addition to precipitation captured and percolated in ponding basins, in conjunction with Fresno Metropolitan Flood Control District). It treats and distributes only a portion of its surface water supply from the San Joaquin and Kings Rivers in the municipal water system. In times of drought, a reprioritization of water deliveries and reallocation for critical urban supplies vs. agricultural use is likely. The City's Metropolitan Water Resources Plan contains contingencies and responses for drought situations which would be employed if climate change were to directly or indirectly reduce the City's water supply.

Due to longstanding city policies incorporating fire protection measures into all development and construction, and due to Fresno's location distant from foothill rangeland and mountainous timber land, the City is not generally subject to wildfire hazards. (It is acknowledged that the vegetation on the steep San Joaquin River face does present a wildfire risk that is not easily managed by mechanical vegetation removal, due to risk of erosion.) Residents of Fresno could be affected by any climate change-induced increased wildfire occurrence, due to widespread air quality degradation that massive fires can cause through broad regions of California.

Fresno has historically had high ambient summer temperatures and a resulting heat mortality level that is among the highest in the state (5 heat-related deaths annually per 100,000 population). Due to the prevalence of air conditioning in dwellings and commercial buildings, the California Air Resources Board Research Division has found that an increase in extreme heat days from climate change is not expected by to significantly increase heat-related deaths in Fresno, as opposed to possible effects in cooler portions of the state such as Sacramento or Los Angeles areas (reference: *Projections of Public Health Impacts of Climate Change in California: Scenario Analysis*, by Dr. Deborah Dreschler, Air Resources Board; presented at the Fresno USF Medical School on April 9, 2008). Increased summertime temperatures which may be caused by climate change will be mitigated by the City's landscaping standards to provide shade trees, by statewide energy efficiency standards which insulate dwellings from heat and cold, and by urban design standards which require east-west orientation of streets and buildings to facilitate solar gain. Fresno has a heat emergency response plan and provides cooling centers and free bus transportation to persons who do not have access to air conditioning.

Secondary health effects of climate change could include increases in respiratory and cardiac illnesses

attributable to poor air quality. The San Joaquin Valley Air Pollution Control District (SJVAPCD) provides daily advisories and warnings in times of high ozone levels to help senior citizens and other sensitive populations avoid exposure.

Therefore, based upon the available information it cannot be concluded that global warming may have a potentially significant adverse impact upon this project.

1. The proposed project shall implement and incorporate, as appropriate, the green house gas emissions related mitigation measures as identified in the attached Mitigation Monitoring Checklist for measures identified in the Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan (hereinafter, "MEIR Mitigation Measure Checklist"), dated July 2, 2010.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency				X

evacuation plan?				
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

There will be a limited amount of hazardous waste produced on-site as a result of ongoing equipment maintenance and service. Such hazardous material includes waste oil, used oil filters, oily rags, hydraulic fluids and batteries. All waste by-products of equipment maintenance and servicing will be disposed via a certified waste hauler and disposed of at an acceptable hazardous waste and recovery facility. 55 gallon drums of motor, transmission, and hydraulic oil, as well as used oil filters and other liquids, which are related to maintenance of transfer trucks, loaders and other equipment, can leak, and are stored on pallets that have a receptacle which prevents their contents from dripping and leaking onto the floor or ground. These pallets "with secondary containment" are used to comply with storm water "best management practices" in order to prevent potential contamination to surface and ground waters from oil and petroleum based products.

There is also a type of hazardous waste that is incidentally found at the Sunset Waste facility. This waste is called "Universal Waste" and is defined by the California Department of Toxic Substances Control as "hazardous wastes that are generated by a wide variety of people that contain mercury, lead, cadmium, copper and other substances hazardous to human and environmental health. In general, universal waste may not be discarded in solid waste landfills. Examples of these wastes are batteries, fluorescent tubes, and some electronic devices". The California Department of Toxic Substances Control has adopted regulations designating e-wastes (discarded computers and computer monitors, as well as electronic equipment such as faxes, televisions, printers and stereo equipment) as universal wastes. Universal wastes are generated by residential and commercial customers, as well as from community recycling programs. Universal waste is picked-up from customers as part of their collection service, and is also found during the load check process for commingled recyclables in the material recovery facility (MRF) and from municipal solid waste (MSW) in the transfer station. Universal waste is stored onsite in roll-off containers or on pallets until it is picked-up for deconstruction by a licensed hauler and processor.

There are other types of hazardous materials that are not accepted but are sometimes found at the facility. Discarded motor oil, antifreeze, pesticides and drain cleaners, and are typically found during the load check process for commingled recyclables in the material recovery facility (MRF) and municipal solid waste (MSW) in the transfer station. Hazardous waste is stored onsite in a designated hazardous material storage locker until it is picked up for proper disposal by a licensed hauler and processor.

Any hazardous waste collected/found at the Facility, will be handled as required by law. This facility will not intentionally accept or store hazardous materials including batteries, oil, paint, and special wastes. The facility has implemented a load checking program and also procedures to separate and safely handle any hazardous material discovered on the tipping floor. The facility will not accept any liquid waste or sludges.

The Facility will comply with applicable County of Fresno Environmental Health, Hazardous Waste Generator and Hazardous Material Business Plan requirements. It will be operated under applicable Department of Toxic Substances Control regulations, Public Health and Safety Codes and Public Resources Codes. In addition, the applicant will be required to obtain a permit from the Fire Prevention Division for exterior combustible storage.

Occasionally, the presence of a transfer and material recovery facility is associated with incidents of illegal dumping of trash and waste in the adjacent neighborhoods, especially with the addition of self-haul to this facility. The facility will have procedures in place for initiating tracking of any items turned away at the site. If for some reason an item is not accepted at the site, the Facility will record information about the individual (including vehicle information) who brought the material being turned away. This will discourage individuals from illegal dumping these items. In addition, the Sunset Waste facility is required, in its Transfer/Processing Report, to have a Litter Control Program. This will ensure that the site and the adjacent neighborhood will be maintained as a clean and safe environment. Data collected by similar facilities throughout the State supports the conclusion that the impact of illegal dumping in adjacent neighborhoods has not been significant[1]. There is significant anecdotal evidence suggesting that illegal dumping may even decrease as options for appropriate management increase.

Hazardous waste discovered on the tipping floors, or on the sorting platforms, will be isolated and removed to the hazardous waste storage locker located along the exterior of the north wall of the transfer station. In the event of a major hazardous waste discovery or spill (typically more than five gallons of hazardous material), the material will be isolated, the area cordoned off, and the City Fire Department, the Lead Enforcement Agency (LEA), and the environmental remediation contractor will be called immediately. The equipment used to handle hazardous waste may consist of the following Personal Protective Equipment (PPE):

- *Eye protection*: safety glasses or goggles
- *Body protection*: hard hats, Tyvec disposal coveralls or Tyvec sleeve, Nitryl gloves, neoprene aprons and steel-toed boots
- *Respiratory Protection*: Dust masks or respirators (if needed)

As mentioned above, any hazardous waste discovered at the facility will be stored in a hazardous materials locker, on containment pallets or in lab packs. The contents of the hazardous material locker will be picked-up and processed by licensed hazardous waste transportation and processing company on a regular basis.

There is also a potentially hazardous condition on the site related to the outdoor storage of glass materials. Crushed glass can be dangerous if glass particles are carried by the wind into the air. The facility currently has measures in place to prevent this from happening. Broken glass is currently stored outside in bunkers. The bunkers, which are constructed of 6' tall block walls, enclose the glass piles on three sides. The bunker walls, as well as the walls surrounding the bunkers, prevent material from being blown on and off site by winds. Glass storage and sorting is permitted under the current CUP and solid waste facility permit, and the proposed change is to allow mechanical sorting of glass in the glass storage area.

In regards to any potential fire hazards, the Fresno Fire Department has reviewed the proposed project and has provided conditions that will be required of this project. The applicant will be required to obtain a permit from the Fire Prevention Division for all exterior combustible storage prior to operation.

The project will also be required to conform to State regulations that require weekly, and in some circumstances, daily visual inspections of the storage areas, by the facility operator. Fresno County Environmental Health, as Lead Enforcement Agency for the California Department of Resources Recycling

[1] See attached Exhibit E titled "Safe Operating Data"

and Recovery, and CUPA for Hazardous Material and Hazardous Waste regulations, will provide ongoing monitoring of site safety and compliance with the permit conditions.

The Facility already handles hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Schools within the West Fresno School District are located about a quarter of a mile from Sunset Waste. The mitigation measures required for the proposed project will ensure that the facility will not result in any dangers to children attending these schools.

The MEIR No. 10130 prepared for the 2025 Fresno General Plan states that new projects that involve the storage, handling and disposal of hazardous wastes will be required to develop and submit business response plans, and, if necessary, risk management and prevention programs.

The project is not located within a 100 year floodway (located in Zone X on the Flood Insurance Rate Map No. 06019C2110 F dated July 19, 2001) and, therefore, is not subject to flooding nor is it located within an airport flight path.

In conclusion, although the proposed project has the potential to create a significant hazard to the public or environment through the transport, use, etc., of hazardous materials, the mitigation measures discussed above and detailed in the mitigation measures required for this proposed project will reduce the hazard impacts to Less Than Significant.

Mitigation Measures

1. The proposed project shall implement the hazards and health related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated July 2, 2010; and

2. The proposed project shall implement and incorporate, as appropriate, the hazards and health related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated July 2, 2010.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)?			X	

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Fresno is one of the largest cities in the United States still relying primarily on groundwater for its public water supply. Surface water treatment and distribution has been implemented in the northeastern part of the City, but the city is still subject to an EPA Sole Source Aquifer designation. While the aquifer underlying Fresno typically exceeds a depth of 300 feet and is capacious enough to provide adequate quantities of safe drinking water to the metropolitan area well into the twenty-first century, groundwater degradation, increasingly stringent water quality regulations, and historic as high consumptive use of water on a per capita basis (some 250 gallons per day per capita), have resulted in a general decline in aquifer levels, increased cost to provide potable water, and localized water supply limitations.

Fresno has attempted to address these issues through metering and revisions to the City's Urban Water Management Plan. The Fresno Metropolitan Water Resource Management Plan is also under revision. The purpose of these management plans is to provide safe, adequate, and dependable water supplies to meet the future needs of the metropolitan area in an economical manner; protect groundwater quality from further degradation and overdraft; and, provide a plan of reasonably implement able measures and facilities. City water wells, pump stations, recharge facilities, water treatment and distribution systems have been expanded incrementally to mitigate increased water demands and respond to groundwater quality challenges.

The adverse groundwater conditions of limited supply and compromised quality have been well-

documented by planning, environmental impact report and technical studies over the past 20 years including the Master Environmental Impact Report No. 10130 for the 2025 Fresno General Plan, Final EIR No.10100, Final EIR No.10117, and Final EIR No. SCH 95022029 (Fresno Metropolitan Water Resource Management Plan), et al. These conditions include water quality degradation due to DBCP, arsenic, iron, and manganese concentrations; low water well yields; limited aquifer storage capacity and recharge capacity; and, intensive urban or semi-urban development occurring upgradient from the Fresno Metropolitan Area. The proposed project places additional demand upon peak water use capacity. The proposed project must contribute to short-term and long-range water supply and distribution remediation projects in order to adequately address any deficiencies.

The Fresno Metropolitan Water Resource Management Plan has been adopted and the accompanying Final EIR (SCH #95022029) certified. The purpose of the management plan is to provide safe, adequate, and dependable water supplies to meet the future needs of the metropolitan area in an economical manner; protect groundwater quality from further degradation and overdraft; and, provide a plan of reasonably implementation measures and facilities. In addition, the proposed project must contribute to the completion of the Fresno Metropolitan Flood Control District's master planned storm drainage facilities. Stormwater ponding basins provide significant opportunity to recharge groundwater with collected storm water run-off and surface water obtained from the Fresno Irrigation District and United States Bureau of Reclamation on the northern edge of the current urban limit boundary.

The mitigation measures of Master EIR No. 10130 are incorporated herein by reference and are required to be implemented by the attached mitigation monitoring checklist. In summary, these mitigation measures require participation in the development of groundwater recharge in an amount equal to the project's estimated water consumption. Alternative measures to satisfy this requirement include paying fees established by the city for construction of recharge facilities, the construction of recharge facilities directly by the project, or participation in augmentation/enhancement/enlargement of the recharge capability of Fresno Metropolitan Flood Control District storm water ponding basins. While the proposed project may be served by conventional groundwater pumping and distribution systems, full development of the 2025 Fresno General Plan boundaries may necessitate utilization of treated surface water due to inadequate groundwater aquifer recharge capabilities.

The Department of Public Utilities works with Fresno Metropolitan Flood Control District to utilize suitable FMFCD ponding (drainage) basins for the groundwater recharge program, and works with Fresno Irrigation District to ensure that the City's allotment of surface water is put to the best possible use for recharge.

In accordance with the provisions of the 2025 Fresno General Plan and Master EIR No. 10130 mitigation measures, project specific water supply and distribution requirements must assure that an adequate source of water is available to serve the project. The City has indicated that groundwater wells, pump stations, recharge facilities, water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. The Water Division of the Public Utilities Department estimated that the proposed development will have an adequate source of water available to serve the project.

At any industrial site where hazardous materials are stored, there is a possibility for rainfall to come into contact with the hazardous materials and result in stormwater runoff with an increased pollutant load. The project's site design features will address this concern. As mentioned before, 55 gallon drums of motor, transmission, and hydraulic oil, as well as used oil filters and other liquids, which are related to maintenance of transfer trucks, loaders and other equipment, can leak, and are stored on pallets that have a receptacle which prevents their contents from dripping and leaking onto the floor or ground. These pallets

"with secondary containment" are used to comply with storm water "best management practices" in order to prevent potential contamination to surface and ground waters from oil and petroleum based products. In addition, the applicant will also be required to obtain necessary permits from the Regional Water Quality Control Board.

The project is not located within a 100 year floodway (located in Zone X on the Flood Insurance Rate Map dated July 19, 2001) and, therefore, is not subject to flooding nor is it located within an airport flight path.

Implementation of the mitigation measures as identified in the attached MEIR No. 10130 prepared for the 2025 Fresno General Plan will reduce the project's water impacts to less than significant. The applicant will be required to comply with all requirements of the City of Fresno Department of Public Utilities, including the payment of any necessary connection fees applicable.

Mitigation Measures

1. The proposed project shall implement and incorporate, as appropriate, the hydrology and water quality related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated July 2, 2010.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING -- Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

The proposed project would not divide an established community because it will be located on an already developed property. No habitat conservation or natural community conservation plan is applicable to the site, so no land use impacts exist in that category.

The subject property is zoned M-1 *(Light Manufacturing)* and is planned for light industrial land uses by the 2025 Fresno General Plan and the Edison Community Plan. The project site is also located within the South Fresno Industrial Revitalization Redevelopment Plan. The proposed project (the proposed acceptance of green waste and the addition of the self haul component to the existing facility) is considered an expansion of the existing solid waste transfer station, which is a use allowed with a Conditional Use Permit in the M-1 zone district. The Fresno Municipal Code defines a solid waste transfer station as "a facility for receiving and temporarily holding solid wastes for transfer to a solid waste disposal facility or

waste-to-energy plant. A solid waste transfer station may include scales, compactors, wash racks, facilities for the transfer of solid wastes from small to larger containers or vehicles for transport, and facilities for incidental separation of recoverable resources".

Although the proposed project is an allowed use according to the Fresno Municipal Code, and the existing M-1 zone district is consistent with the planned land use of light industrial designated by the 2025 Fresno General Plan, the proposed project is not consistent with a policy in the 2025 Fresno General Plan which only allows solid waste transfer stations in the M-3 zone district. Specifically, Policy C-13-f of the 2025 Fresno General Plan states the following:

"Industrial waste recycling operations and *waste transfer stations* shall be:

- Required to secure approval of a conditional use permit
- Limited to properties planned for heavy industrial land uses and zoned M-3 (*Heavy Industrial District*)
- Screened from view along abutting major streets and highways
- Adequately distanced from residential land uses and sensitive public facilities and institutional land uses
- Incorporate public nuisance mitigation measures into the design and operation of the facility
- Require that the city be indemnified for all future operations of the facility"

Section 12-607-A-1 of the Fresno Municipal Code states the following: "An application for a development entitlement which proposes a land use or density which is inconsistent with the land use element and designation of an applicable plan or does not conform to other provisions of an applicable plan shall not be granted unless a plan amendment which renders the requested development entitlement consistent or conforming is first approved. This requirement shall not apply to applications for conditional use permits or variances affecting property approved for zoning which is not consistent with applicable plans, where such zoning was approved prior to the effective date of this article". Although this section of the code mandates development entitlements be consistent with the adopted general plan, it also states that this mandated consistency is not required for property zoned prior to the adoption of this section of the code. Since this section of the code was adopted in 1987 and the subject property was zoned M-1 *(Light Manufacturing)* when it was annexed in 1980, Section 12-607-A-1 of the Fresno Municipal does not apply to the proposed project.

The following policies contained within the 2025 Fresno General Plan will ensure that the proposed facility will be a benefit to the community rather than a detriment to the community:

Policy I-6-e: Through the environmental review process for land use plans and other development projects, the city will continue to identity and assess the health and safety related implications of storage, use, and disposal of hazardous materials

Policy I-6-f: All commercial and industrial special permits will be conditioned upon proper containment, use, safeguarding, and disposal of hazardous materials.

C-12-a Policy: Ensure that all commercial land uses are developed and maintained in a manner complementary to and compatible with adjacent residential land uses, to minimize interface problems with the surrounding environment and to be compatible with public facilities and services.

The proposed project is located within the South Fresno Industrial Revitalization Redevelopment Plan. The Redevelopment Agency of the City of Fresno has reviewed the proposed project and has determined that the project is consistent with this plan and supports the proposed project.

Nondisposal Facility Element

The California Integrated Waste Management Act of 1989 (Assembly Bill 939) and Public Resources Code section 41750 requires cities and counties to prepare, adopt and implement Source Reduction and Recycling Elements, Nondisposal Facility Elements, and Household Hazardous Waste Elements, and to update these as necessary. In October of 2002, the Fresno City Council adopted a resolution to amend the City's Nondisposal Facility Element when Sunset Waste Material Recovery and Transfer Station submitted a Conditional Use Permit Application which requested the addition of a 46,000 square foot Municipal Solid Waste Transfer Station to the existing material recovery facility located at Sunset Waste. Since the proposed project is only a slight expansion of the existing transfer station, it has been determined that the proposed project does not necessitate the revision of any of the planning documents (i.e. Source Reduction and Recycling Element, Nondisposal Facility Element, and Household Hazardous Waste Element) required by Public Resources Code Section 41750.

As demonstrated above, the proposed project will not conflict with any applicable land use plan or policy adopted for the purpose of avoiding or mitigating an environmental affect.

Mitigation Measures

1. The proposed project shall implement and incorporate, as appropriate, the land use related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated July 2, 2010.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Since the project site is located on a completely developed and paved piece of property, there are no anticipated impacts to mineral resources (aggregate or other) as a result of the project.

	Potentially Significant Impact	Less Than Significant with	Less Than Significant Impact	No Impact

		Mitigation Incorporated		
XII. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

In developed areas of the community, noise conflicts often occur when a noise sensitive land use is located adjacent to a noise generator. Noise in these situations frequently stems from on-site operations, use of outdoor equipment, uses where large numbers of persons assemble, and vehicular traffic. Some land uses, such as residential dwellings, are considered noise sensitive receptors and involve land uses associated with indoor and/or outdoor activities that may be subject to stress and/or significant interference from noise.

The City and County Noise Elements establish a land use compatibility criterion of 60dB DNL for exterior noise levels in outdoor activity areas of new residential developments. Outdoor activity areas generally include backyards of single family residences and patios and common open space areas in multi-family developments. The intent of the exterior noise level requirement is to provide an acceptable noise environment for outdoor activities and recreation. Furthermore, the Noise Element also requires that interior noise levels attributable to exterior noise sources not exceed 45 dB DNL. The intent of the interior noise level standard is to provide an acceptable noise environment for indoor communication and sleep.

Noise Anticipated from the addition of Self-Haul loads and Mechanical Sorting of Glass Recyclables:

The addition of exterior sorting of glass will introduce a new noise source to the project site however that noise will be similar to current noise levels on site resulting from the loading and unloading of recyclable materials. Noise typically associated with the facility includes collection trucks off-loading waste materials and recyclables, loaders pushing and loading waste into transfer trucks, commodity trucks being loaded

and vehicles backing up and maneuvering onsite.

A noise study was completed for the subject site by Brown-Buntin Associates, Inc. in February of 2002. According to this noise study, the existing 8-foot wall reduces truck noise levels by about 5 dBA. Table III below is from this noise study. This table depicts the truck noise levels from the subject site at the nearest residences north of Vine Avenue. At the present, there are two houses across the street on East Vine Avenue, in the immediate vicinity of the subject site, which appear to still be occupied. It is expected that internal (on-site) vehicular noise and the other noise generating activities described above, will be mitigated by this existing 8-foot high wall.

TABLE III

TRUCK NOISE LEVELS FROM SUNSET WASTE PAPER AT NEAREST RESIDENCES NORTH OF VINE AVENUE

	Truck Types		
	Collection & Recyclables, Moving Forward	Transfer, Moving Forward	Transfer, Backing + Backup Alarm
L_{dn}, dB	44	42	48
Peak Hour L_{eq}, dBA	48	51	57

Source: Brown-Buntin Associates, Inc.

Table III shows that truck noise levels in terms of L_{dn} will range from 42-48 dB. The City's Noise Element compatibility standard is 60 dB L_{dn}. In terms of peak hour truck activity, noise levels will range from 48-57 dBA. The City's standard from the hours of 7:00 a.m. to 7:00 p.m. is 65 dBA. Therefore, truck noise levels will satisfy both the City's Noise Element and Noise Ordinance standards.

In order to ensure that any potential increase in traffic noise generated from the proposed project will not impact the two existing residences to the north of the subject site, no vehicular traffic will be allowed to exit onto East Vine Avenue.

Noise Anticipated from New Green Waste Operations

The proposed electric wood chopper would generate noise levels of approximately 90 dBA at a distance of 25 feet from the source and generate noise levels of approximately 65 dBA at a distance of 250 feet from the noise source. Given that the closest residence is over 400 feet from where the grinder will be located and given that there is an 8-foot high solid wall between the grinder and the residences to the north of the site, there will be no noise impact to the surrounding neighborhood caused by the proposed electric wood chopper.

Mitigation Measures

1. The proposed project shall implement and incorporate, as appropriate, the noise related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated July 2, 2010.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X	

Given that the proposed project will only result in the addition of 3 employees and proposes no new residential uses, the project will not induce substantial population growth. The proposed project will not displace any people or any residential structures. The two nonconforming homes to the north of the subject site (and the residents of these homes) will remain and will be minimally impacted by the proposed project. Therefore, no population and housing impacts result from the project.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?			X	

Parks?			X	
Other public facilities?			X	

The Public Utilities Department has reviewed the proposed project and has determined that adequate sewer, water, and solid waste facilities are available to serve the site. City police and fire protection services are also available to serve the proposed project. Finally, the Fresno Metropolitan Flood Control District has indicated that there are adequate facilities to serve the proposed project. These departments and agencies have all submitted conditions that will be required as Conditions of Approval for the subject entitlement application (Conditional Use Permit Application No. C-10-028). These conditions of approval will ensure that the proposed project will have a less than significant impact to urban services. In addition, the demand for parks generated by the project is within planned services levels of the City of Fresno Parks and Community Services Department and the applicant will pay any required impact fees at the time building permits are pulled. The demand for schools generated by the project is within planned projections of the West Fresno School District and applicant will pay impact fees at time of building permits.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. RECREATION --				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Given that the proposed project will only generate new 3 jobs, the project will not substantially increase the use of parks in the area. The demand for recreational facilities generated by the project is within planned projections of the City of Fresno Parks and Community Services Department. The project does not include or require construction of recreational facilities that might have an adverse physical effect on the environment, therefore no recreation impacts are generated by the project.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into			X	

account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?				
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.			X	

Traffic Patterns for Proposed Self-Haul and Green Waste Operation and Existing Transfer Station and MRF

Offsite Traffic Patterns

Trucks and other vehicles will access the facility off Highways 41 and 99, E. Jensen Avenue, and S. Elm Street.

Onsite Traffic Patterns

All traffic circulation within the facility is in a counter-clockwise direction to avoid "crossover" traffic. In addition, the southernmost gate along Elm Avenue is now an "entrance only", and the northern gate an "exit only". The Vine Avenue gate will only be for emergency use.

Curbside Recycling Trucks- City trucks collecting curbside recyclables enter the main gate off Elm Avenue and weigh in on the "Fast Track" scale that automatically records their tare and payload weights. They then proceed around the MRF and back into the MRF tipping area to unload. They then proceed to the north along the back of the facility and exit back onto Elm Avenue. Approximately 40 vehicles per day are anticipated at maximum capacity.

Collection Trucks- City trucks collecting MSW enter the main gate off Elm Avenue and weigh in on the "Fast Track" scale that automatically records their tare and payload weights. They then proceed around the facility and drive into the transfer station. They tip their loads by the load out ports, then proceed out of the building and exit onto Elm Avenue. Approximately 100 vehicles per day are anticipated at maximum capacity.

Roll-off Trucks- Roll-off trucks enter the main gate off Elm Avenue and weigh in on the inbound "attended" 45-ft scale that records their loaded weights. They then proceed around the facility and drive into the transfer station. They tip their loads by the load out ports and proceed out of the building. Trucks that do not need to weigh out exit directly onto Elm Street. Others weigh out on a new scale near the building exit that records their tare weight. They then proceed via a one-way drive around to the office to pay their fee, drive along the back of the facility and north side, and exit onto Elm Avenue. Alternatively, the outbound scale could be manned. In this case, the fee would be collected there and the trucks could exit directly onto Elm Avenue. Approximately 100 vehicles per day are anticipated at maximum capacity.

Self-Haul Vehicles (Small Capacity)- Smaller public self-haul vehicles below the minimum weight limit enter the main gate off Elm Avenue and weigh in on the "attended" scale. They then proceed around the facility and drive into the transfer station. They tip their loads in the designated self-haul tipping area, then proceed out of the building. After weighing on the new outbound scale and paying the required tipping fee, they exit back onto Elm Avenue. Approximately 25 vehicles per day are anticipated at maximum capacity.

Self-Haul Vehicles (Large Capacity)- Larger self-haul vehicles (such as landscapers, contractors, roofers) enter the main gate off Elm Avenue and weigh in on the "attended" 45-ft scale that records their loaded weights. They then proceed around the facility and drive into the transfer station where they tip their loads by the load out ports and proceed out of the building. If their tare weights are recorded in the computer system, they do not need to weigh out and simply proceed out the Elm Avenue gate. If their tare weights are not recorded, they must weigh out on a new scale near the building exit. They then proceed via a one-way drive around to the office to pay their fee, drive along the back of the facility, and exit onto Elm Avenue. Alternatively, the new outbound scale could be manned. In this case, the fee would be collected there and the self-haul vehicles could exit directly onto Elm Avenue. Approximately 25 vehicles per day are anticipated at maximum capacity.

Container Trucks (hauling recyclables to markets)- Semi-trucks pull in the main entrance off Elm Avenue and weigh empty on the "attended" 45-ft inbound scale. They then proceed east and back into the loading dock to pick up their cargo. After loading, these trucks drive around the transfer station building and circle back via a one-way drive to the scales, where they will weigh full. They then proceed around the back of the facility again and exit on Elm Avenue. Approximately 15 vehicles per day are anticipated at maximum capacity.

Transfer Trucks (hauling MSW to landfills, or green-waste or wood-waste to markets)- Semi-trucks pull in the main entrance off Elm Avenue and proceed east around the MRF and pull into the transfer station tunnel, where they are loaded with MSW or other materials and weighed on axle scales in the tunnel. They then pull up out of the tunnel, affix tarps to cover the load, and exit on Elm Avenue. Approximately 75 vehicles per day are anticipated at maximum capacity.

Visitors and employees enter either driveway and park where indicated.

During waste receiving hours, facility personnel stationed in the scale house monitor all incoming traffic. During non-waste receiving hours, fences, walls, and gates secure the site at all entry and exit points.

The Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan (incorporated herein by reference) utilized macro-level traffic analysis techniques to examine the traffic flow level of service (LOS) for major street segments that would occur in the year 2025. This analysis utilized the unadjusted Council of Fresno County Governments (COG) traffic model projected traffic volumes and

the Florida Tables, which are an accepted national tabular standard of the Highway Capacity Manual (HCM) methodology. LOS is a characterization of a street's traffic flow operations that range from an LOS of A (reflecting a very low traffic volume with no travel delay) to an LOS of F (reflecting a very high traffic volume with substantial congestion and travel delay). Pursuant to Policy E-1-f of the 2025 Fresno General Plan, a LOS D is an acceptable level of traffic congestion on major streets.

A traffic study for Sunset Waste was completed in March 2002 when the transfer station was added to the existing facility (incorporated herein for reference). That traffic study found that with the proposed project, the LOS of the nearby intersections was not anticipated to exceed LOS B for existing plus project conditions and not anticipated to exceed an LOS of C in 2025 with the proposed project. The project proposed in 2002 was anticipated to have 470 vehicles entering the site each day (940 daily trips). The trip count for the existing site with the project proposed under Conditional Use Permit Application No. C-10-028 is depicted in the Table below.

Trip Type	**Trips Per Day**
Self-Haul (MSW or Recyclables)	100 (50 * 2)
Collection Trucks (MSW)	400 (200 * 2)
Collection Trucks (Recyclables)	80 (40 * 2)
Transfer Truck	150 (75*2)
Material Marketing Trucks	30 (15 * 2)
Employee and Visitor Vehicles	180 (90 * 2)
Total Daily Trips Proposed	940 (470 roundtrips)

The proposed project will result in an additional 180 daily trips (90 additional vehicles per day). The peak hour trips generated by the proposed project will be well under 100, thus a new traffic study is not required. As noted above, a LOS D is an acceptable level of traffic congestion on major streets. The proposed project will not cause the LOS on the adjacent streets or intersections to exceed an LOS of D.

The developer of this project, in accordance with the mitigation measures of the Master Environmental Impact Report (No. 10130) which was certified by the Council with the adoption of the 2025 Fresno General Plan, will be required to pay impact fees specific to the traffic signalization of the major street intersections. This project shall pay its Traffic Signal Mitigation Impact (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 Trip Generation Manual.

The project shall pay Fresno Major Street Impact fees and shall also pay into the Regional Transportation Mitigation Impact Fee program which will be determined at time of building permit.

The California Department of Transportation (Caltrans), District 6, Office of Intergovernmental Relations in a memorandum dated April 15, 2010 has indicated that they have no comment regarding the proposed project.

In conclusion, although the proposed project will not create significant traffic related impacts, the mitigation measures discussed above and detailed in the mitigation measures required for this proposed project will reduce the traffic related impacts to Less Than Significant.

Mitigation Measures

1. The proposed project shall implement and incorporate, as appropriate, the traffic related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated July 2, 2010.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

The City of Fresno Department of Public Utilities has confirmed that adequate sewer and water, and solid waste facilities currently exist to serve the site. As previously mentioned, the applicant will be required to obtain necessary permits from the Regional Water Quality Control Board and comply with all federal, state, and local regulations related to solid waste. Implementation of the mitigation measures as identified in the attached MEIR No. 10130 prepared for the 2025 Fresno General Plan will reduce the project's water impacts to less than significant.

Mitigation Measures

The proposed project shall implement and incorporate, as appropriate, the sewer and water related

mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated July 2, 2010.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

In summary, given the mitigation measures required of the proposed project and the analysis detailed in the preceding Initial Study, the proposed project:

- does not have environmental impacts which will cause substantial adverse effects on human beings, either directly nor indirectly.
- does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish/wildlife or native plant species (or cause their population to drop below self-sustaining levels), does not threaten to eliminate a native plant or animal community, and does not threaten or restrict the range of a rare or endangered plant or animal.
- does not eliminate important examples of elements of California history or prehistory.
- does not have impacts which would be cumulatively considerable even though individually limited.

Therefore, there are no mandatory findings of significance and preparation of an Environmental Impact Report is not warranted for this project.

EXHIBIT B

MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) REVIEW SUMMARY

Projected Population and Housing. The City of Fresno experienced a period of notable growth in the construction of single family residences over the first five-year period of the 2025 Fresno General Plan (2003 through 2007). However, this development has occurred within the parameters anticipated by the General Plan and the mitigation measures established by Master Environmental Impact Report (MEIR 10130/SCH 2001071097). The General Plan and its MEIR utilized a projected population growth rate for purposes of land use and resource planning. This projection anticipated an annual average population growth of approximately 1.9 percent over the 23-year planning period. Population estimates provided by the State of California Department of Finance (DOF) indicate a population growth of approximately 60, 000 people between 2002 and 2007 with a growth rate varying from 1.47 to 1.97 percent per year. These estimates are well within the growth projections of the General Plan and MEIR.

The City has processed 110 plan amendment applications since the adoption of the 2025 Fresno General Plan. These applications have resulted in changes of planned land use that affected approximately 1,000 acres, representing approximately one percent of the land area within the 2025 Fresno General Plan boundary. The impacts of these amendments are minimal and not significant in relation to the balance of the density and intensity of the land uses impacted by the plan amendment applications.

Based upon this, many of the assumptions relied upon for the MEIR to address other impacts, such as traffic, air quality, need for public utilities, services and facilities and water supplies are still valid to the extent that these assumptions relied upon projected population growth during the General Plan planning period. For this reason and the others provided below, the Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known pursuant to CEQA Guideline Section 15179(b)(1) and the MEIR may still be relied upon.

Transportation and Circulation. Subsequent to the certification of the MEIR the City of Fresno has required the preparation of approximately 200 site specific traffic impact studies and had required the provision of street, intersection signalization and transportation improvements in accordance with the adopted mitigation measures of the MEIR. The City's Traffic Engineer reports that through review of these approximately 200 traffic impact studies, the City has not seen traffic counts substantially different than those predicted by the MEIR. Concurrently with these efforts, the City adopted a new program for traffic signal and major street impact fees to pay for planned improvements throughout Fresno (not just in new growth areas, as has been the case with the previous impact fee program). These fees will more comprehensively provide for meeting transportation infrastructure needs and will expedite reimbursement for developments, which construct improvements that exceed the project's proportionate share of the corresponding traffic or transportation capacity needs.

In addition to the local street system, the City has entered into an agreement with the California Department of Transportation to collect impact fees for state highway facilities which may be impacted by new development projects. The City participates in the Fresno County

Transportation Authority, which recently was successful in obtaining voter re-authorization of a half-cent sales tax to be dedicated to a wide range of transportation facilities and programs (including mass transit). The City is also an active participant in ongoing regional transportation planning efforts, such as a freeway deficiency study, a corridor study for one or more additional San Joaquin River crossings, and the State's "Blueprint for the Valley" process. All these studies were commenced after the MEIR was certified, but none of them is yet completed. Therefore, it cannot be concluded that Fresno's environmental setting or the MEIR analysis of traffic and circulation have materially changed since November of 2002.

Therefore, Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known based upon traffic impacts pursuant to CEQA Guideline Section 15179(b)(1).

Air Quality and Global Climate Change Staff has worked closely with the regional San Joaquin Valley Air Pollution Control District (SJVAPCD) since the November 2002 certification of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR). Potential air quality impacts have been analyzed for every environmental assessment initial study done for City development projects. Projects are required to comply with SJVAPCD rules and regulations via conditions of approval and mitigation measures formulated in the MEIR.

Overall, revisitation of these issues leads to the conclusion that, while there have been changes in air quality laws, planning requirements, and rules and regulations since certification of the MEIR, the actual environmental setting has not evidenced degradation of air quality. (Because air quality and global climate change are matters of some public controversy, additional documentation has been supplied on this issue; please refer to the appended full analysis with supporting data.)

In conjunction with SJVAPCD attainment plans and attendant rules and regulations that were adopted prior to the certification of the MEIR, policies in the 2025 Fresno General Plan and MEIR mitigation measures aimed at improving air quality appear to be working. Since 2002, data show that pollutant levels have been steadily decreasing for ozone/oxidants and for particulate matter (10 microns and 2 microns in size). Recent adoption of new air quality attainment plans by SJVAPCD, calling for broader and more stringent rules and regulations to achieve compliance with national and state standards, is expected to accelerate progress toward attainment of clean air act standards.

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Conditional Use Permit Application No. C-10-028, or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

Staff is not aware of any particular circumstance or information that would make impacts to air quality a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Therefore, Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known based upon air quality impacts pursuant to CEQA Guideline Section 15179(b)(1).

Water Supply, Quality and Hydrology. The City of Fresno has initiated, continued and completed numerous projects addressing general plan and MEIR provisions relating maintaining an adequate supply of safe drinking water to serve present and future projected needs. A water meter retrofit program to meter service to all consumers by the end of the year 2012 is underway, in compliance with State law that predated the MEIR and with new regulations affecting the U.S. Bureau of Reclamation Central Valley Project. (While the federal regulation has trumped a voter-approved City charter amendment that specifically prohibited using meters for residential development, the City's plans and policies have always contained measures calling for water conservation and for seeking ways to reduce average consumption of households. Metering is recognized as the best implementation measure for this, and does not constitute a change in the City's environmental setting or the analysis and mitigation in the 2025 Fresno General Plan MEIR.) After certification of the MEIR, the City commenced operation of its northeast area surface water treatment facility; initiated and began construction of additional groundwater wells with granular activated carbon filtration systems as necessary to remediate groundwater contamination that was discussed in the MEIR and its mitigation measures; provided for additional groundwater recharge areas; and expanded its network of water transmission main pipeline improvements allowing for improved distribution of water supply.

As called for in 2025 General Plan policies and MEIR mitigation measures, the City has implemented several programs for preventing water pollution: In conjunction with Fresno Metropolitan Flood Control District and the Regional Water Quality Control Board (RWQCB) City inspectors assist in enforcing the National Pollutant Discharge Elimination System Stormwater Pollution Prevention regulations, The Planning and Development Department also consults with RWQCB on specific development projects which may require on-site wastewater treatment, and provides project-specific conditions and even supplemental environmental analysis for such projects, with specific mitigation measures. The City's Department of Public Utilities has enhanced its industrial pretreatment permitting program for industrial wastewater generators who discharge to the Fresno-Clovis Wastewater Treatment and Reclamation Facility.

Staff is not aware of any particular circumstance or information that would make impacts to water supply, quality and hydrology a reasonably foreseeable impact or more severe impact from that identified in the MEIR. The Director of Public Utilities finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known based upon traffic impacts pursuant to CEQA Guideline Section 15179(b)(1).

Agricultural Resources. The implementation of applicable policies since adoption of the 2025 Fresno General Plan has encouraged the development of urban uses in a more systematic pattern that avoids discontinuity and the creation of vacant by-passed properties. These efforts, together with the requirement to record "right-to-farm" covenants, facilitate the continuation of existing agricultural uses within the city's planned urban growth boundary during the interim period preceding orderly development of the property as anticipated by the General Plan. Staff is not aware of any particular circumstance or information that would make impacts from loss of

agricultural resources a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to loss of agricultural resources pursuant to CEQA Guideline Section 15179(b)(1).

Demand for Utilities and Service Systems. The City of Fresno has continued to provide for utilities and service systems commensurate with the demands of increased population and employment within its service area, implementing policies of the 2025 Fresno General Plan and conforming to MEIR mitigation measures. Programmatic measures have been continued, expanded or initiated to increase the efficiencies of providing services in a manner that will reduce potential impacts upon the natural and human environment. These improvements have included bringing the City's first surface water treatment plant on-line to distribute treated surface water, thereby preventing a worsening of groundwater overdraft in northeast Fresno; converting a substantial portion of the City's service vehicle fleet to alternative fuels; and expanding recycling and conservation measures (including contracting with a major material sorting and recycling facility and a green waste processor to comply with AB 939 solid waste reduction mandates) to more judiciously use resources and minimize adverse impacts the environment. Adoption of City-wide police and fire facility development impact fees and a contract to consolidate fire service with an adjacent fire prevention district have been accomplished to assure the provision of adequate firefighting capacity to serve a broader geographic extend of urban development and more intensive and mixed-use development throughout the metropolitan area.

Because these changes were anticipated in, or provided for by, the 2025 Fresno General Plan and its MEIR mitigation measures, they do not constitute a significant or adverse alteration of Fresno's environmental setting. Staff is not aware of any particular circumstance or information that would make impacts from increased demand for utilities and service systems and public facilities a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to increased demand for utilities, service systems, and public facilities pursuant to CEQA Guideline Section 15179(b)(1).

Demand for Recreational Facilities. The City of Fresno has adopted and City-wide parks facility and Quimby Act fee which provides for the acquisition of new open space and recreation facilities as well as improvements to existing facilities and programs to provide a broader range of recreation opportunities. Staff is not aware of any particular circumstance or information that would make impacts from increased demand for recreational facilities a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to increased demand for utilities, service systems, and public facilities pursuant to CEQA Guideline Section 15179(b)(1).

Biological Resources. The City continues to evaluate all development proposals for potential impacts upon natural habitats and associated species dependent upon these habitats. The City supports continuing efforts to acquire the most prominent habitats where appropriate, such as portions of the San Joaquin River environs. When development or public works projects have been proposed in this area, they have been subject to site-specific evaluation through

supplemental environmental analyses, and appropriate mitigation measures and conditions applied as derived from consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Game. The City has imposed MEIR mitigation measures related to Biological Resources on projects that identified potential impacts to biological resources. Staff finds that this has adequately addressed any potential impact to biological resources. Staff is not aware of any particular circumstance or information that would make impacts from loss of biological resources a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to loss of biological resources pursuant to CEQA Guideline Section 15179(b)(1).

Potential Disturbance of Cultural Resources. The City of Fresno has implemented numerous efforts to identify historic and cultural resources, and provide thorough consideration as to their value and contributions to understanding or historic and cultural heritage.

Additionally, staff follows the MEIR mitigation measures for potential cultural resources. Staff is not aware of any particular circumstance or information that would make impacts to cultural resources a reasonably foreseeable impact that was not identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to loss of cultural resources pursuant to CEQA Guideline Section 15179(b)(1).

Within the last five years, the City has lost two lawsuits (Valley Advocates v. COF and Heritage Fresno v. RDA, City of Fresno) related to historical resources that related to six particular buildings at two different particular sites. The CEQA projects at issue were reviewed under independent CEQA documents, not under the MEIR as subsequent projects (*i.e.*, one under a separate EIR and one under a categorical exemption). These projects are site specific and are not reasonably expected to create additional impacts to cultural resources that would affect a finding under Section 15179. These particular projects may be properly assessed under the MEIR focused EIR procedures or mitigated negative declaration procedures under Section 15178 and not affect the overall MEIR findings.

Generation of Noise. The City of Fresno continues to implement mitigation measures and applicable plan policies to reduce the level of noise to which sensitive noise receptors are exposed. These efforts include identification of high noise exposure areas, limiting the development of new noise sensitive uses within these identified areas and conducting noise exposure studies and requiring implementation of appropriate design measures to reduce noise exposure. Staff finds that these efforts have adequately addressed any potential impacts that may have arisen related to noise and is not aware of any facts or circumstance that would make noise impacts have a more severe impact than that identified in the MEIR. Additionally, staff is not aware of any information or data that was not known at the time that the MEIR was certified that would be able to mitigate noise impacts beyond that identified and contemplated by the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to noise impacts pursuant to CEQA Guideline Section 15179(b)(1).

Geology and Soils. The City of Fresno has a predominantly flat terrain with few geologic or soil quality constraints. The City continues to apply applicable local and state construction codes and standards and continues to adopt new standards as appropriate to insure the safety of residents and protection of property improvements.
Staff finds that these codes and standards have adequately addressed any potential impacts that may have arisen related to geology and soils and is not aware of any facts or circumstance that would make impacts related to geology and soils a reasonably foreseeable impact not addressed in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known regarding impacts related to geology and soils pursuant to CEQA Guideline Section 15179(b)(1).

Hazards and Potential Generation of Hazardous Materials The City continues to implement General Plan policies and assure compliance with MEIR mitigation measures as new development is planned and constructed, and as Code Enforcement activities are conducted, in order to prevent flood damage, structural failures due to soil and geologic instability, and wildfire losses. Development in the vicinity of airports has been reviewed and appropriately conditioned with regard to adopted and updated airport safety and noise policies. In consultation with Fresno County Environmental Health and the California Environmental Protection Agency Department of Toxic Substances Control, industrial and commercial facilities that use, handle, or store potentially hazardous materials are appropriately sited, conditioned, and inspected periodically by the Fresno Fire Department to prevent adverse occurrences. Homeland Security regulations have been taken into consideration when reviewing food production, processing and storage facilities, and the City has conducted and participated in multiple emergency response exercises to develop response plans that would protect life, health, and safety in the event of railroad accidents and other potential hazards.

Staff finds that these procedures, as outlined in the 2025 Fresno General Plan and its MEIR (as well as in related regulations and codes pertaining to hazards and hazardous materials) have adequately addressed potential impacts that may have arisen related to hazards. Staff is not aware of any facts or circumstance that would make impacts related to hazards and hazardous materials reasonably foreseeable impacts not addressed in the MEIR. Staff finds that the circumstances have not materially changed from the time the MEIR was certified and/or new information is not known related to impacts from hazards and hazardous materials pursuant to CEQA Guideline Section 15179(b)(1).

Demand for Energy. The City of Fresno has taken a number of steps to reduce energy consumption, both "in house" to set an example, and in the policy arena. The most notable "in-house" actions are the following:

- Construction of solar panel generator facilities at the Municipal Services Center (MSC) and at Fresno-Yosemite International Airport. The MSC facility, completed_ in 2004, generates 3.05 GWt of energy (equivalent to operation of 286 homes per year) and has resulted in reduction of 966 tons of CO_2 emissions (equivalent to 2,414,877 vehicular miles not driven).

- Replacement of a significant number of vehicles in the municipal fleet with clean air vehicles (please refer to the following table).

CURRENT CITY OF FRESNO "CLEAN AIR" FLEET

50	CNG Transit Buses
4	CNG Trolleys
6	CNG Handi-Ride Buses
59	Retrofitted Diesel Powered Buses with REV (reduced emission vehicle) engines and diesel particulate traps
2	Hybrid (gasoline-electric) Transit Buses
2	Hybrid (diesel-electric) Transit Buses
12	Compressed Natural Gas (CNG) Pickups, Vans and Sedans
7	Flex Fuel Pickups, Vans and Sedans (CNG/Unleaded Fuel)
3	Compressed Natural Gas (CNG) Street Sweepers
52	Hybrid (gasoline-electric) Sedans and Trucks
34	Electric Vehicles
5	Propane Powered Vehicles
103	LNG Powered Refuse Trucks
59	Retrofitted Diesel Powered Refuse Trucks with combination lean NOx catalyst and diesel particulate filters
9	Retrofitted Diesel Powered Street Sweepers with combination lean NOx catalyst and diesel particulate filters
1	Plug-In CNG/Electric Hybrid Refuse Truck
56	Heavy duty diesel trucks and construction equipment equipped with exhaust after-treatment devices
9	Off Road Equipment with exhaust after-treatment devices
473	**Total "Clean Air" Vehicles in the City of Fresno fleet**

In the development standards policy arena, the City is taking numerous steps to increase residential densities and connectivity between residential and commercial land uses, thus facilitating more walking, biking and transit ridership (which has increased 22% in recent months) and saving energy:

- Amended the zoning code to allow development of mixed use projects in all commercial zone districts citywide, and in the C-M and M-1 zone districts within the Central Area.
- Amended the zoning code to allow density bonuses for affordable housing projects. Such bonuses permit density increases of approximately 30%.
- Amended zoning code to eliminate the "drop down" provision, which permitted development at one density range less than that shown on the adopted land use map.
- Amended the zoning code to increase heights in various residential and commercial zone districts and reduce the minimum lot size in the R-1 zone district from 6,000 to 5,000 square feet.
- Initiated the Activity Center Study, which is defining the potential Activity Centers located in Exhibit 6 of the 2025 Fresno General Plan and proposing design classifications and increased density ranges for these centers and corresponding transportation corridors.

Staff is not aware of any facts or circumstance that would make impacts related to energy demands reasonably foreseeable impacts that were not addressed in the MEIR. Staff finds that the circumstances have not materially changed from the time the MEIR was certified and/or new information is not known related to energy demand impacts pursuant to CEQA Guideline Section 15179(b)(1).

Mineral Resources. The City of Fresno has adopted plan policies and City ordinance provisions consistent with requirements of the State of California necessary to preserve access to areas of identified resources and for restoration of land after resource recovery (surface mining) activities. Staff finds that these policies and Fresno Municipal Code provisions have adequately addressed any potential impacts that may have arisen related to mineral resources and is not aware of any facts or circumstance that would make loss of mineral resources a reasonably foreseeable impact not addressed in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to loss of mineral resources pursuant to CEQA Guideline Section 15179(b)(1).

School Facilities. The City of Fresno continues to consult with affected school districts and participate in school site planning efforts to assure the identification of appropriate location alternatives for planned school facilities. Staff is not aware of any information from the school districts or otherwise to demonstrate that adequate school facilities are not being accommodated under the current General Plan and/or that the need for school facilities is expected to cause impacts not identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to need for school facilities pursuant to CEQA Guideline Section 15179(b)(1).

Potential Aesthetic Impacts. Design Guidelines were appended to the 2025 Fresno General Plan through the plan adoption process conducted concurrently with MEIR analysis. As noted previously, General Plan policies encourage and promote infill development, and the City of Fresno Planning and Development Department has implemented design guidelines for reviewing infill housing development proposals. The Department has prepared detailed design guidelines for the Tower District Specific Plan area and the Fulton-Lowell Specific Plan area, both of which contain enclaves of unique structures. The City has adopted policies promoting incorporation of public art within private development projects, which will contribute to a more appealing visual environment, benefitting users of the private property as well as the surrounding community. In addition, the City of Fresno and the City of Fresno Redevelopment Agency have funded public improvements which improve the general aesthetic. Staff is not aware of any situation or circumstances where there are reasonably foreseeable aesthetic impacts not identified and assessed in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related aesthetic impacts pursuant to CEQA Guideline Section 15179(b)(1).

Appendix: Status of MEIR Analysis With Regard to Air Quality and Climate Change

APPENDIX TO EXHIBIT B

STATUS OF MEIR ANALYSIS WITH REGARD TO AIR QUALITY AND CLIMATE CHANGE

EXECUTIVE SUMMARY

Planning staff has worked closely with the regional San Joaquin Valley Air Pollution Control District (SJVAPCD) since the November 2002 certification of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR). Potential air quality impacts have been analyzed for every environmental assessment initial study done for City development projects. Projects are required to comply with SJVAPCD rules and regulations via conditions of approval and mitigation measures formulated in the MEIR.

Overall, revisitation of these issues leads to the conclusion that, while there have been changes in air quality laws, planning requirements, and rules and regulations since certification of the MEIR, the actual environmental setting has not evidenced degradation of air quality. In conjunction with SJVAPCD attainment plans and attendant rules and regulations that were adopted prior to the certification of the MEIR, policies in the 2025 Fresno General Plan and MEIR mitigation measures aimed at improving air quality appear to be working. Since 2002, data show that pollutant levels have been steadily decreasing for ozone/oxidants and for particulate matter (10 microns and 2 microns in size). Recent adoption of new air quality attainment plans by SJVAPCD, calling for broader and more stringent rules and regulations to achieve compliance with national and state standards, is expected to accelerate progress toward attainment of clean air act standards.

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Conditional Use Permit Application No. C-10-028, or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

SUPPORTING DATA AND ANALYSIS

While there have been changes in air quality regulations since the November 2002 certification of the 2025 Fresno General Plan MEIR, the actual environmental setting has not evidenced degradation of air quality.

The adverse air quality impacts associated with the myriad of human activities potentiated by the long range general plan for the Fresno metropolitan area can be expected to remain significant and unavoidable, and cannot be completely mitigated through the General Plan or through project-level mitigation measures. In order to provide a suitable living environment within the metropolitan area, the General Plan and its MEIR included numerous air pollution reduction measures.

The 2025 Fresno General Plan and its MEIR gave emphasis to pursuing cleaner air as an over-arching goal. The urban form element of the General Plan was designed to foster efficient transportation and to support mass transit and subdivision design standards are being implemented to support pedestrian travel. Strong policy direction in the Public Facilities and Resource Conservation elements require that air pollution improvement be a primary consideration for all land development proposals, that development and public facility projects conform to the 2025 Fresno General Plan and its EIR mitigation measures, and that the City work conjunctively with other agencies toward the goal of improving air quality.

The MEIR mitigation checklist sketched out a series of actions for the City to pursue with regard to its own operations, and City departments are pursuing these objectives. The Fresno Area Express (FAX) bus fleet and the Department of Public Utilities solid waste collection truck fleet are being converted to cleaner fuels. Lighter-duty vehicle fleets are also incorporating alternative fuels and "hybrid" vehicles. Mass transit system improvements are supporting increased ridership. Construction of sidewalks, paseos, bicycle lanes and bike paths is being required for new development projects, and are being incorporated into already-built segments of City rights-of-way with financing from grants, gas tax, and other road construction revenues. Traffic signal synchronization is being implemented. The Planning and Development Department amended the Fresno Municipal Code to ban all types of residential woodburning appliances, thereby removing the most prominent source of particulate matter pollution from new construction.

Pursuant to a specific MEIR mitigation measure, all proposed development projects are evaluated with the "Urbemis" air quality impact model that evaluates potential generation of a range of air pollutants and pollutant precursors from project construction, project-related traffic, and from various area-wide non-point air pollution sources (*e.g.*, combustion appliances, yard maintenance activities, etc.). The results of this "Urbemis" model evaluation are used to determine the significance of development projects' air quality impacts as well as the basis for any project-specific air quality mitigation measures.

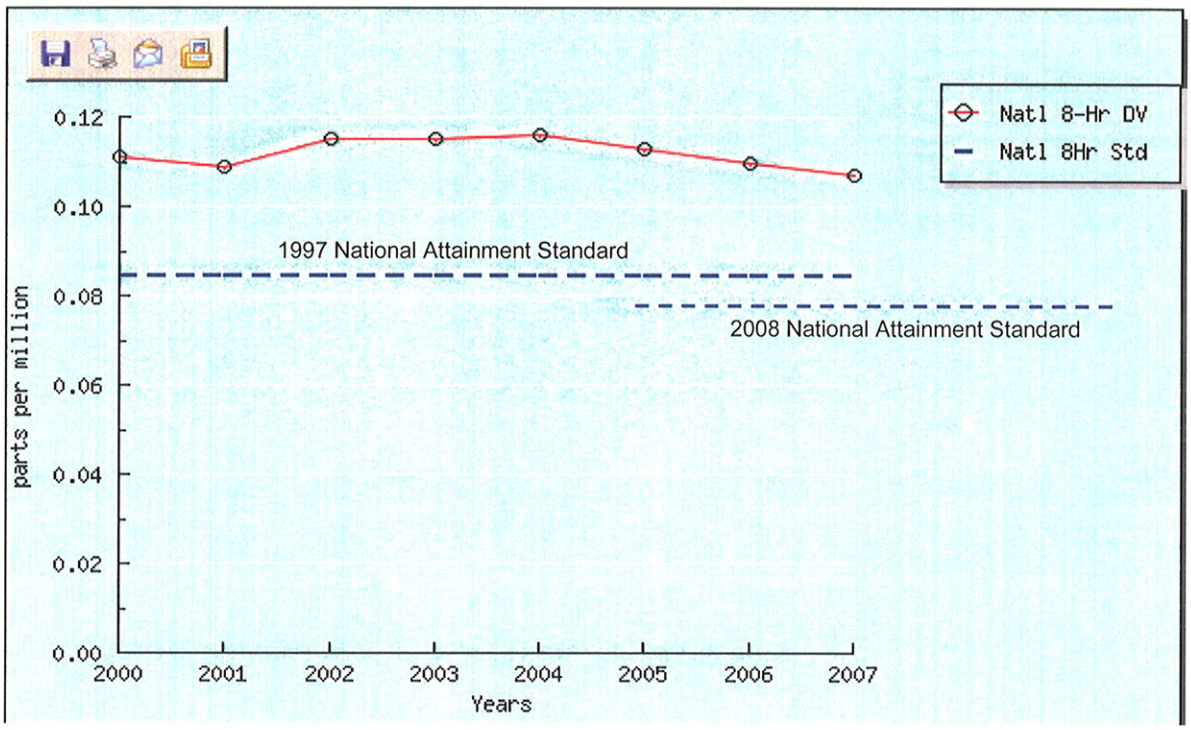
There are no new (*i.e.*, unforeseen in the MEIR) reasonable mitigation measures which have become available since late 2002 that would assure the reduction of cumulative (city-wide) air quality impacts to a less than significant level at project buildout, even with full compliance with attainment plans and rules promulgated by the California Air Resources Board and the San Joaquin Valley Air Pollution Control District.

Through implementation of regional air quality attainment plans by the San Joaquin Valley Unified Air Pollution Control District (SJVAPCD), as supported by implementation of 2025 Fresno General Plan policies and MEIR mitigation measures, air pollution indices have shown improvement. Progress is being made toward attainment of federal and state ambient air quality standards.

Ozone/oxidant levels have shown gradual improvement, as depicted in the following graphs and charts from the California Air Resources Board (graphics with an aqua background) and from the San Joaquin Valley Air Pollution Control District (those with no background color):

Air Resources Board

Ozone Trends Summary: San Joaquin Valley Air Basin

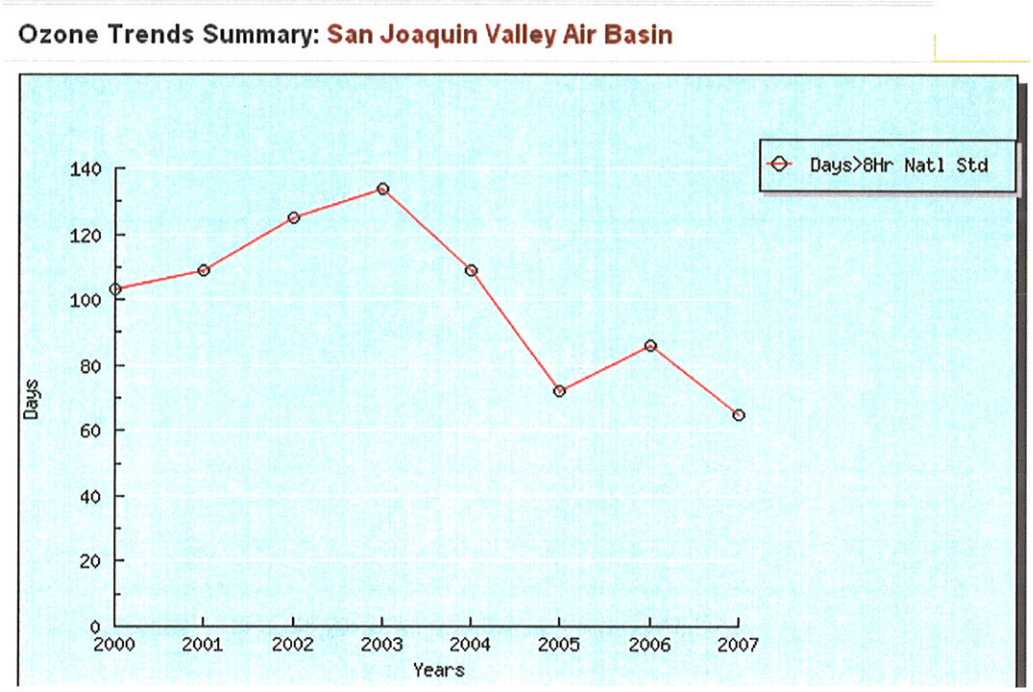


GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

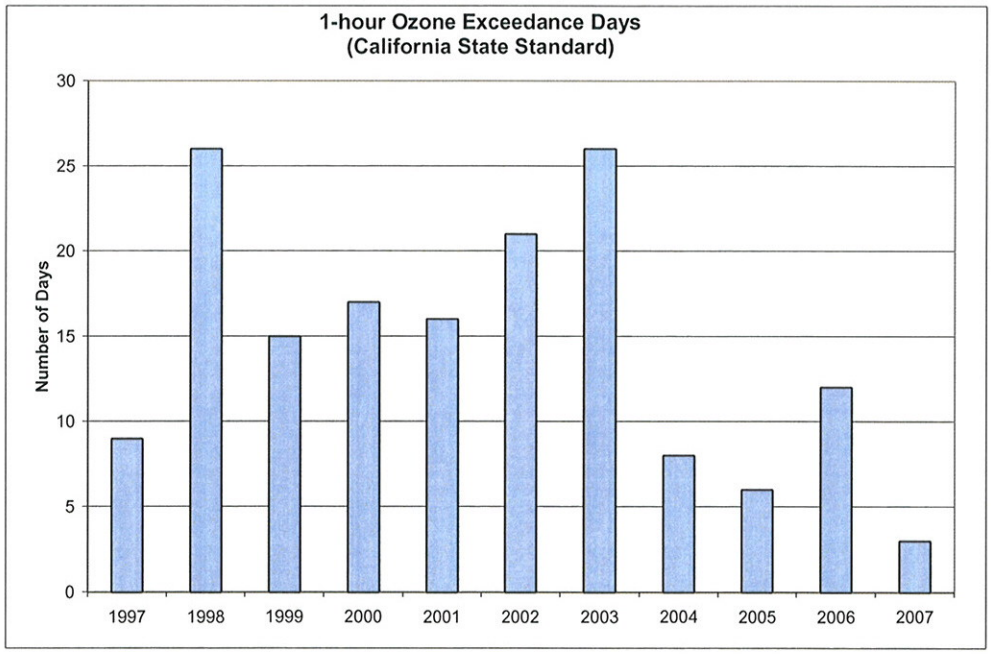
Under the 1997 standard, in effect through the end of 2007, "Attainment" would be achieved if the three-year average were less than, or equal to, 84 parts per billion (ppb), or 0.084 parts per million (ppm). In 2008, a new National 8-Hour Ozone Attainment standard went into effect: a three year average of 75 ppb (0.075 ppm). Data and attainment status for 2008 is expected to become available in 2009.

The California Clean Air Act has a different calculation method for its 8-hr oxidant [ozone] standard design value, and an attainment standard that is lower (0.070 ppm). The ozone improvement trend under the state Clean Air Act 8-hour ozone standard parallels the trend for the national 8-hour standard.

Correspondingly, the number of days per year in which the National 8-hour Ozone Standard has been exceeded have also decreased since the end of 2002:



In 1997, the Federal Clean Air Act repealed the former National 1-hour Ozone standard. However, the California Clean Air Act retains this air pollution parameter. The days per year in which the State of California 1-hour ozone standard has been exceeded have also shown a generally decreasing trend in the time since the 2025 Fresno General Plan MEIR was certified:

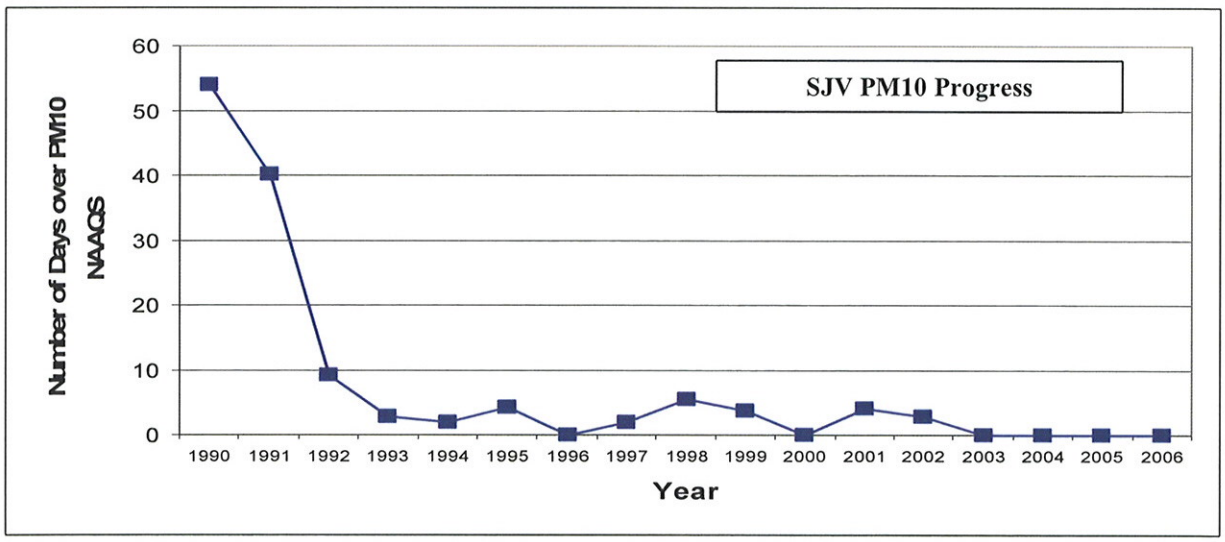


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of progress toward full attainment is not sufficient to reach the national ambient air quality standards by the target date established by the attainment plan. Mobile sources (vehicle engines) are the primary source for ozone precursors, and the regulation of mobile sources occurs at the national and state levels and is beyond the direct regulatory reach of the regional air pollution control agency. As noted in the 2025 Fresno General Plan MEIR and reflected in the Statement of Overriding Considerations made when the MEIR was certified, potentially significant and unavoidable adverse air quality impacts are inherent in population growth and construction in the City of Fresno, given the Valley's climatology and the limitations on regulatory control of air pollutant precursors.

In 2004, the San Joaquin Valley Air Pollution Control District, in conjunction with the California Air Resources Board, approved a re-designation for the San Joaquin Valley Air Basin to "Extreme Nonattainment" status for ozone, approving a successor air quality attainment plan that projects San Joaquin Valley attainment of the national 8-hour ozone standard by year 2023. This designation and its accompanying attainment plan were submitted to the U.S. Environmental Protection Agency (USEPA) in November of 2004. To date, no formal action has been taken by USEPA to date on the proposed designation or the attainment plan; the Valley remains in "Severe Non- attainment" as of this writing.

The change from "Severe" to "Extreme" ozone Nonattainment would represent an extension of the deadline for attainment, but since the regional air basin would not have achieved attainment by the original deadline, this does not materially affect environmental conditions for the City of Fresno as they were analyzed in the MEIR for the 2025 Fresno General Plan. The proposed revised ozone attainment plan includes not only all the measures in the preceding ozone attainment plan, but additional measures for regulating a wider range of activities to attain ambient air quality standards.

The Valley's progress toward attaining national and state standards for PM-10 (particulate matter less than 10 microns in diameter) has been greater since certification of the MEIR:



As the preceding chart reveals, levels of PM-10 air pollution have decreased since 2002. When the MEIR was certified, the San Joaquin Valley Air Basin was designated in "Serious Nonattainment" for national standards. As of 2007, the number of days where standards were exceeded has decreased to the extent that the Valley has been deemed to be in Attainment. Under Federal Clean Air Act Section 107(d)(3), PM-10 attainment plans and associated rules and regulations remain in place to maintain this level of air quality. New and expanded regulations proposed to combat "Extreme" ozone pollution and PM-2.5 (discussed below) would be expected to provide even more improvement in PM-10 pollution situation.

The 2025 Fresno General Plan provided policy direction in support of "indirect source review" as a method for controlling mobile source pollution. Although vehicle engines and fuels are outside the purview of local and regional jurisdictions in California, approaching mobile source pollution indirectly, through regulation and mitigation of land uses which generate traffic, is an alternative approach.

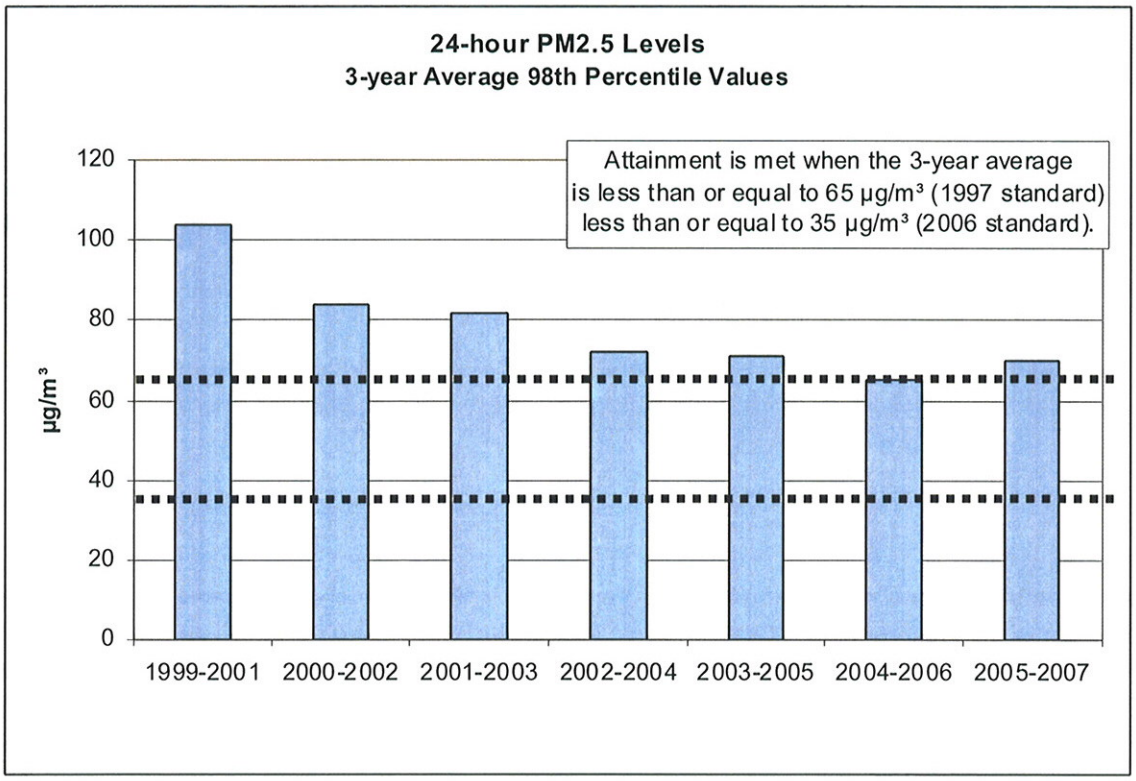
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated under Rule 9510 and are implementing many aspects of the Rule, such as clean air design (pedestrian and bike facilities; proximal siting of residential and commercial land uses; low-pollution construction equipment; dust control measures; cleaner-burning combustion appliances, etc.).

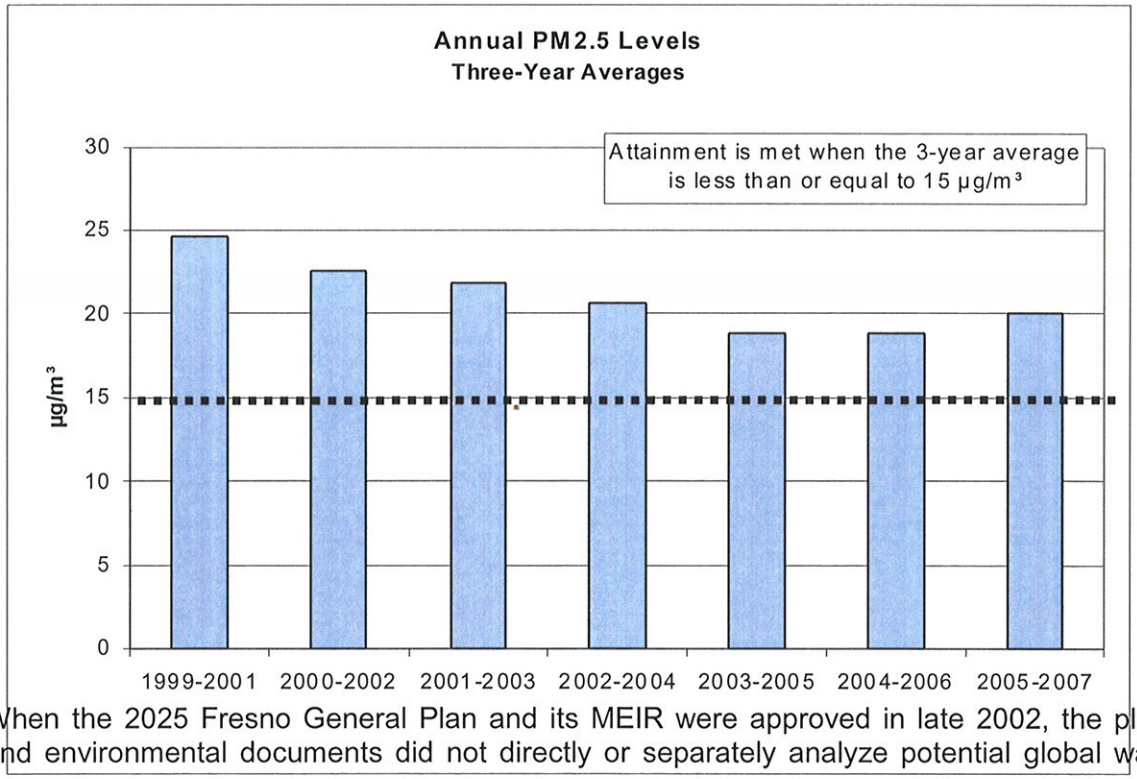
It is anticipated that full implementation (release of mitigation impact fees for various clean air projects throughout the San Joaquin Valley) and subsequent augmentation of the Indirect Source Review Rule will accelerate progress toward attainment of federal and state ozone standards, and will be an important component of the attainment plan for PM-2.5 (very fine particulate matter) and for greenhouse gas reductions to combat global climate change.

PM-2.5 is a newly-designated category of air pollutant, the component of PM-10 comprised of particles 2.5 microns in diameter or smaller. The 1997 Clean Air Act Amendments directed that this pollutant be brought under regulatory control, but federal and state standards/designations had not been finalized when the 2025 Fresno General Plan MEIR was drafted and certified. In the intervening time, the San Joaquin Valley Air Basin has been classified as being in "Nonattainment" for the 1997 federal PM-2.5 standard and for the State PM-2.5 standard.

An attainment demonstration plan for the federal 1997 PM-2.5 standard has been adopted by the SJVAPCD and approved by the California Air Resources Board, and forwarded to the EPA for approval (status as of mid-2008). The attainment plan would achieve compliance with the 1997 federal Clean Air Act PM-2.5 standard by year 2014, in conjunction with California Air Resources Board (and US EPA) action to improve diesel engine emissions. The San Joaquin Valley Air Basin has not yet been classified under the more stringent revised federal 2006 PM-2.5 standard; this classification is expected by 2009.

As with ozone and PM-10 pollution, levels of PM-2.5 have already been reduced by already-existing air quality improvement planning policies, mitigation measures, and regulations. The following charts depict historic PM-2.5 monitoring data for the regional air basin. Once the expected SJVAPCD attainment plan is implemented measures specific to PM-2.5 control, the rate of progress toward attainment of federal and state PM-2.5 standards will accelerate.





When the 2025 Fresno General Plan and its MEIR were approved in late 2002, the planning and environmental documents did not directly or separately analyze potential global warming

and climate change impacts. However, the general policy direction for consideration of air quality parameters in development project evaluations and for reducing those air pollutants which are already under regulation would operate to control these potential adverse impacts.

"Global warming" is the term coined to describe a widespread climate change characterized by a rising trend in the Earth's ambient average temperatures with concomitant disturbances in weather patterns and resulting alteration of oceanic and terrestrial environs and biota. When sunlight strikes the Earth's surface, some of it is reflected back into space as infrared radiation. When the net amount of solar energy reaching Earth's surface is about the same as the amount of energy radiated back into space, the average ambient temperature of the Earth's surface would remain more or less constant. Greenhouse gases potentially disturb this equilibrium by absorbing and retaining infrared energy, trapping heat in the atmosphere—the "greenhouse gas effect."

The predominant current opinion within the scientific community is that global warming is occurring, and that it is being caused and/or accelerated via generation of excess "greenhouse gases" [GHGs], that natural carbon cycle processes (such as photosynthesis) are unable to absorb sufficient quantities of GHG and cannot keep the level of these gases or their warming effect under control. It is believed that a combination of factors related to human activities, such as deforestation and an increased emission of GHG into the atmosphere from combustion and chemical emissions, is a primary cause of global climate change.

The predominant types of anthropogenic greenhouse gases (those caused by human activity), are described as follows. It should be noted that the starred GHGs are regulated by existing air quality policies and rules pursuant to their roles in ozone and particulate matter formation and/or as potential toxic air contaminants.

- carbon dioxide (CO_2), largely generated by combustion activities such as coal and wood burning and fossil fuel use in vehicles but also a byproduct of respiration and volcanic activity;

- *methane (CH_4), known commonly as "natural gas," is present in geologic deposits and is also evolved by anaerobic decay processes and animal digestion. On a ton-for-ton basis, CH_4 exerts about 20 times the greenhouse gas effect of CO_2;

- *nitrous oxide (N_2O), produced in large part by soil microbes and enhanced through application of fertilizers. N_2O is also a byproduct of fossil fuel burning: atmospheric nitrogen, an inert gas that makes up a large proportion of the atmosphere, is oxidized when air is exposed to high-temperature combustion. N_2O is used in some industrial processes, as a fuel for rocket and racing engines, as a propellant, and as an anesthetic. N_2O is one component of "oxides of nitrogen" (NOX), long recognized as precursors of smog-causing atmospheric oxidants.

- *chlorofluorocarbons (CFCs), synthetic chemicals developed in the late 1920s for use as improved refrigerants (*e.g.*, "Freon™"). It was recognized over two decades ago that this class of chemicals exerted powerful and persistent greenhouse gas effects. In 1987, the Montreal Protocol halted production of CFCs.

- *hydrofluorocarbons (HFCs), another class of synthetic refrigerants developed to replace CFCs;

- *perfluorocarbons (PFCs), used in aluminum and semiconductor manufacturing, have an extremely stable molecular structure, with biological half-lives tens of thousands of years, leading to ongoing atmospheric accumulation of these GHGs.

- *sulfur hexafluoride (SF_6) is used for insulation in electric equipment, semiconductor manufacturing, magnesium refining and as a tracer gas for leak detection. Of any gas evaluated, SF_6 exerts the most powerful greenhouse gas effect, almost 24,000 times as powerful as that of CO_2 on a ton-for-ton basis.

- water vapor, the most predominant GHG, and a natural occurrence: approximately 85% of the water vapor in the atmosphere is created by evaporation from the oceans.

In an effort to address the perceived causes of global warming by reducing the amount of anthropogenic greenhouse gases generated in California, the state enacted the Global Warming Solutions Act of 2006 (Codified as Health & Safety Code Section 38501 *et seq.*). Key provisions include the following:

Δ Codification of the state's goal by requiring that California's GHG emissions be reduced to 1990 "baseline" levels by 2020.

Δ Set deadlines for establishing an enforcement mechanism to reduce GHG emissions:

  - By June 30, 2007, the California Air Resources Board ("CARB") was required to publish "discrete early action" GHG emission reduction measures. Discrete early actions are regulations to reduce greenhouse gas emissions to be adopted by the CARB and enforceable by January 1, 2010;

  - By January 1, 2008, CARB was required to identify what the state's GHG emissions were in 1990 (set the "baseline") and approve a statewide emissions limit for the year 2020 that is equivalent to 1990 levels. (These statewide baseline emissions have not yet been allocated to regions, counties, or smaller political jurisdictions.) By this same date, CARB was required to adopt regulations to require the reporting and verification of statewide greenhouse gas emissions.

  - By January 1, 2011, CARB must adopt emission limits and emission reduction measures to take effect by January 1, 2012.

As support for this legislation, the Act contains factual statements regarding the potential significant impacts on California's physical environment that could be caused by global warming. These include, an increase in the intensity and duration of heat waves, the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snow pack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.

On August 24, 2007, California also enacted legislation (Public Resources Code §§ 21083.05 and 21097) requiring the state Resources Agency to adopt guidelines for addressing climate change in environmental analysis pursuant to the California Environmental Quality Act. By July 1, 2009, the Governor's Office of Planning and Research (OPR) is required to prepare guidelines for the mitigation of greenhouse gas emissions, and transmit those draft regulations to the Resources Agency. The Resources Agency must then certify and adopt the guidelines by January 1, 2010.

The recently-released update of the Urbemis computer model (used by the City of Fresno Planning and Development Department for environmental assessments, pursuant to a specific MEIR mitigation measure) does provide data on the amounts of CO_2 and oxides of nitrogen (NOX) potentially generated by development projects. However, at this point in time, neither CARB nor the SJVAPCD has determined what the 1997 baseline or current "inventory" of GHGs is for the entire state nor for any region or jurisdiction within the state. No agency has adopted GHG emission limits and emission reduction measures, and because CEQA guidelines have not been established for the evaluation and mitigation of greenhouse gas emissions (there is an absence of regulatory guidance). Therefore, the City is unable to productively interpret the results of the Urbemis model with regard to GHGs, and there is currently no way to determine the significance of a project's potential impact upon global warming.

The 2025 Fresno General Plan provides an integrated combination of residential, commercial, industrial, and public facility uses allowing for proximate location of living, work, educational, recreational, and shopping activities within Fresno metropolitan area. This combination of uses has been identified as a potential mitigation measure to address global warming impacts in a document published by the California Attorney General's Office entitled, *The California Environmental Quality Act Mitigation of Global Warming Impacts* (updated January 7, 2008). Specifically, this document describes this mitigation measure as follows, "Incorporate mixed-use, infill and higher density development to reduce vehicle trips, promote alternatives to individual vehicle travel, and promote efficient delivery of services and goods"—echoing objectives and policies of the 2025 Fresno General Plan adopted in late 2002.

The General Plan contains a mix of land uses would be expected to generate fewer vehicle miles traveled per capita, leading to reduced emissions of greenhouse gases from engine emissions. It provides for overall denser development with high-intensity enclaves, associated with increased public transit use. The plan fosters mixed use and infill development (being implemented by mixed-use zoning ordinances added to the Fresno Municipal Code, as directed by 2025 Fresno General Plan) policies. The urban form element distributes neighborhood-level and larger commercial development, public facilities such as schools, and recreational sites throughout the metropolitan area, reducing vehicle trips.

Any manufacturing activities that would generate SF_6, HFCs, or PFCs would be subject to subsequent environmental review at the project-specific level, as would any uses which would generate methane on site. The City of Fresno has adopted an ordinance prohibiting installation of any woodburning fireplaces or woodburning appliances in new homes, which would reduce CO_2 and N_2O from wood combustion.

Through updates in the California Building Code and statewide regulation of appliance standards, City development projects conform to state-of-the art energy-efficient building, lighting, and appliance standards as advocated in the California Environmental Protection Agency's publication *Climate Action Team / Proposed Early Actions to Mitigate Climate Change in California* (April 2007) and in CARB's *Proposed Early Actions to Mitigate Climate Change in California* (April 2007). The City has further incentivized "green" building projects by providing subsidies for solar photovoltaic equipment for single-family residential construction, by reducing development standards (including reductions in required parking spaces, which further reduces air pollutant and GHG emissions), and by improving its landscape and shading standards (a topic included in the Design Guidelines adopted with the 2025 Fresno General Plan).

Updated engine and tire efficiency standards would apply to residents' vehicles, as well as the statewide initiatives applicable to air conditioning and refrigeration equipment, regional transportation improvements, power generation and use of solar energy, water supply and water conservation, landfill methane capture, changes in cement manufacturing processes, manure management (methane digester protocols), recycling program enhancements, and "carbon capture" (also known as "carbon sequestration," technologies for capturing and converting CO_2, removing it from the atmosphere).

Due to the lack of data or regulatory guidance that would indicate the 2025 Fresno General Plan had a significant adverse impact upon global climate change, the relatively small size of the Fresno Metropolitan Area in conjunction with the worldwide scope of GHG emissions, and the emphasis in the 2025 Fresno General Plan upon integrated urban design and air pollution control measures, it could not be concluded in 2002 nor at present that the 2025 Fresno General Plan would have a significant adverse impact on global climate change.

As to potential impacts of global warming upon the 2025 Fresno General Plan: the city is located in the Central Valley, in an urbanized area on flat terrain distant from the Pacific coast and from rivers and streams. It is outside of identified flood prone areas. Based on its location we conclude that Fresno is not likely to be significantly affected by the potential impacts of global climate change such as increased sea level and river/stream channel flooding; nor is it subject to wildfire hazards. While Fresno does contain areas with natural habitat (the San Joaquin Bluffs and Riverbottom), a change in these areas' biota induced by global warming would not leave them bereft of all habitat value—it would simply mean a change in the species which would be encountered in these areas. The 2025 Fresno General Plan preserves this habitat open space area for multiple objectives (protection from soil instability and flood inundation; conservation of designated high-quality mineral resources), so any natural resource species changes in those areas would not constitute a significant adverse impact to the city or a loss of resource area.

Fresno has historically had high ambient summer temperatures and an historic heat mortality level that is among the highest in the state (5 heat-related deaths annually per 100,000 population). Due to the prevalence of air conditioning in dwellings and commercial buildings, an increase in extreme heat days from global warming is not expected by the California Air Resources Board Research Division to significantly increase heat-related deaths in Fresno, as opposed to possible effects in cooler portions of the state such as Sacramento or Los Angeles areas (reference: *Projections of Public Health Impacts of Climate Change in California: Scenario Analysis*, by Dr. Deborah Dreschler, Air Resources Board, April 9, 2008). Increased summertime temperatures which may be caused by global warming will be mitigated by the City's landscaping standards to provide shade trees, by statewide energy efficiency standards which insulate dwellings from heat and cold, and by urban design standards which require east-west orientation of streets and buildings to facilitate solar gain. Fresno has a heat emergency response plan and provides cooling centers and free transportation to persons who do not have access to air conditioning.

Secondary health effects of global warming could include increases in respiratory and cardiac illnesses attributable to poor air quality. The San Joaquin Valley Air Pollution Control District provides daily advisories and warnings in times of high ozone levels to help senior citizens and other sensitive populations avoid exposure. The SJVAPCD has committed to attainment of fine particulate matter (PM2.5) standards by Year 2014 and to attainment of oxidant/ozone standards by Year 2023, and would adopt additional Rules and emission controls as necessary

to decrease emissions inventories by those target dates. There is insufficient information to indicate that global climate change would prevent attainment of air quality parameters affecting health.

Pursuant to 2025 Fresno General Plan policy and MEIR mitigation measures, the City's Department of Public Utilities and Fire Department are required to affirm that adequate water service can be provided to all development projects for potable and fire suppression uses. The City derives much of its water supply from groundwater, using its surface water entitlements from the Kings and San Joaquin Rivers primarily to recharge the aquifer. A high percentage of Fresno's annual precipitation is captured and percolated in ponding basins operated by Fresno Metropolitan Flood Control District. If global climate change leads to a longer rainy season and/or more storm events throughout the year, groundwater supplies could be improved by additional percolation.

The City of Fresno currently treats and distributes only some 20% of its 150,000 acre-foot/year (AFY) surface water entitlement for the municipal water system, directing another 50,000 to 70.000 AFY to recharge activities via ponding basins. Presently, the City is unable to recharge the full balance of its annual entitlement in average and wet years, and releases any unused surface water supplies to area irrigation districts for agricultural use in the metropolitan area, (which further augments groundwater recharge through percolation of irrigated water).

Future surface water plant construction projects envisioned by the 2025 Fresno General Plan would account for less than 120,000 acre-feet per year of the surface supply. The General Plan direction for future Metropolitan Water Resource Management Plans includes exploring the use of recycled treated wastewater for non-potable uses such as landscape irrigation, which would further effectively extending the City's water supply..

If the global climate change were to cause a serious and persistent decrease in Sierra snowpack, some of Fresno's water supply could be affected. However, historic records show that the very long-term prevailing climatic pattern for Central California has included droughts of long (often, multi-year) duration, interspersed with years of excess precipitation. Decades before global climate change was considered as a threat to California's water system, state and local agencies recognized a need to augment water storage capacity for excess precipitation occurring in wet years, to carry the state through the intervening dry years.

The potential for episodic and long-term drought is considered in the city's Metropolitan Water Resource Plan and in its the Urban Water Management Plan Drought Contingency component, to accommodate reductions in available water supplies. In times of extended severe regional or statewide drought, a reprioritization of water deliveries and reallocation for critical urban supplies vs. agricultural use is possible, but it is too speculative at this time to determine what the statewide reprioritization response elements would be (the various responses of statewide and regional water agencies to these situations are not fully formulated and cannot be predicted with certainty). Because the true long term consequences of climate change on California's and Fresno's water system cannot be predicted, and, it is too speculative at this time to conclude that there could be a significant adverse impact on water supply for the 2025 Fresno General Plan due to global climate change.

As noted above, it is theorized that global warming could lead to more energy in the atmosphere and to increased intensity or frequency of storm events. Fresno's long-term weather pattern is that rainfall occurs during episodic and fairly high-intensity events. The Fresno Metropolitan

Flood Control District (FMFCD) drainage and flood control Master Plan, which sets policies for drainage infrastructure and grading in the entire Fresno-Clovis area, is already predicated on this type of weather pattern. FMFCD sizes its facilities (which development potentiated by the 2025 Fresno General Plan will help to complete) for "two-year storm events," storms of an intensity expected in approximately 50 percent of average years; however, the urban drainage system design has additional capacity built into the street system so that excess runoff from more intense precipitation events is directed to the street system. The City's Flood Plan Ordinance and grading standards require that finished floor heights be above the crowns of streets and above any elevated ditchbanks of irrigation canals. FMFCD project conditions also preserve "breakover" historic surface drainage routes for runoff from major storms. Ultimately, drain inlets and FMFCD basin dewatering pumps direct severe storm runoff into the network of Fresno Irrigation District canals and pipelines still extant in the metropolitan area, with outfalls beyond the western edge of the metropolitan area.

Scientific information, analytical tools, and standards for environmental significance of global warming and green house gases were not available to the Planning and Development Department in 2002 when the 2025 Fresno General Plan and its MEIR were formulated and approved--and at this point, there is still insufficient available to draw any conclusions as to the potential impacts, or significance of impacts, related to global climate change for the 2025 Fresno General Plan. Similarly, there is insufficient information to conclude that global warming may have a potentially significant adverse impact upon the 2025 Fresno General Plan In a situation when it would be highly speculative to estimate impacts or to make conclusions as to the degree of adversity and significance of those impacts, the California Environmental Quality Act allows agencies to terminate the analysis. In that regard, there is no material change in status from the degree of environmental review on this topic contained in the 2025 Fresno General Plan MEIR.

EXHIBIT C

MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097 FOR THE 2025 FRESNO GENERAL PLAN

Project/EA No. C-10-028 **Date: July 2, 2010**

Mitigation Monitoring Checklist

Following is the mitigation monitoring checklist from MEIR No. 10130 as applied to the above-noted Project Environmental Assessment as required by City Council Resolution No. 2002-378 and Exhibit E thereof, adopted on November 19, 2002, certifying the MEIR for the 2025 Fresno General Plan Update.

NOTE: Letters B-Q in mitigation measures refer to the respective sections of Chapter V of MEIR No. 10130

A - Incorporated into Project
B - Mitigated
C - Mitigation in Progress
D - Responsible Agency Contacted
E - Part of City-wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
B-1. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an Average Daily Traffic (ADT) level of service (LOS) D or better in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining LOS D.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.	X					
B-2. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS E in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining LOS E.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.						X

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
B-3. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS F shall not cause further substantial degradation of conditions on those segments before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining a LOS equivalent to that anticipated by the General Plan. Further substantial degradation is defined as an increase in the peak hour vehicle/capacity (v/c) ratio of 0.15 or greater for roadway segments whose v/c ratio is estimated to be 1.00 or higher in 2025 by the General Plan MEIR traffic analysis.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.						X
B-4. For development projects that are consistent with plans and policies, a site access evaluation shall be required to the satisfaction of the Public Works Director. This evaluation shall, at a minimum, focus on the following factors: a. Disruption of vehicular traffic flow along adjacent major streets, appropriate design measures for on-site vehicular circulation and access to major streets (number, location and design of driveway approaches), and linkages to bicycle/pedestrian circulation systems and transit services. b. In addition, for development projects that the City determines may generate a projected 100 or more peak hour vehicle trips (either in the morning or evening), the evaluation shall determine the project's contribution to increased peak hour vehicle delay at major street intersections adjacent or proximate to the project site. The evaluation shall identify project responsibilities for intersection improvements to reduce vehicle delay consistent with the LOS anticipated by the 2025 Fresno General Plan. For projects which affect State Highways, the Public Works Director may direct the site access evaluation to	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.	X					

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
reference the criteria presented in Caltrans Guide for the Preparation of Traffic Impact Studies.								
B-5. Circulation and site design measures shall be considered for development projects so that local trips may be completed as much as possible without use of, or with reduced use of, major streets and major street intersections. Appropriate consideration must also be given to compliance with plan policies and mitigation measures intended to promote compatibility between land uses with different traffic generation characteristics.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.	X					
B-6. New development projects and major street construction projects shall be designed with consideration and implementation of appropriate features (considering safety, convenience and cost-effectiveness) to encourage walking, bicycling, and public transportation as alternative modes to the automobile.	Prior to approval or prior to funding of major street project.	Public Works Dept./Traffic Planning; Planning and Development Dept.	X					
B-7. Bicycle and pedestrian travel and use of public transportation shall be facilitated as alternative modes of transportation including, but not limited to, provision of bicycle, pedestrian and public transportation facilities and improvements to connect residential areas with public facilities, shopping and employment. Adequate rights-of-way for bikeways, preferably as bicycle lanes, shall be provided on all new major streets and shall be considered when designing improvements for existing major streets.	Ongoing	Public Works Dept./Traffic Planning; Planning and Development Dept.	X					

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

Project/EA No. C-10-028 **Date: July 2, 2010**
Exhibit C

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
C-1. In cooperation with other jurisdictions and agencies in the San Joaquin Valley Air Basin, the City shall take the following necessary actions to achieve and maintain compliance with state and federal air quality standards and programs. a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals. b. Maintain internal consistency within the General Plan between policies and programs for air quality resource conservation and the policies and programs of other General Plan elements. c. City departments preparing environmental review documents shall use computer models (software approved by local and state air quality and congestion management agencies) to estimate air pollution impacts of development entitlements, land use plans and amendments to land use regulations. d. Adopted state and SJVAPCD protocols, standards, and thresholds of significance for greenhouse gas emissions shall be utilized in assessing and approving proposed development projects. e. Continue to route information regarding land use plans, development projects, and amendments to development regulations to the SJVAPCD for that agency's review and comment on potential air quality impacts.	Ongoing	Planning and Development Department Dept.	X					

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
C-2. For development projects potentially meeting SJVAPCD thresholds of significance and/or thresholds of applicability for the Indirect Source Review Rule (Rule 9510) in their unmitigated condition, project applicants shall complete the SJVAPCD Indirect Source Review Application prior to approval of the development project. Mitigation measures incorporated into the ISR analysis shall be incorporated into the project as conditions of approval and/or mitigation measures, as may be appropriate.	Ongoing	Planning and Development Department Dept. SJVAPCD	X					
C-3. The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.	Ongoing	Various city departments					X	
C-4. The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as: a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions. b. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit. c. Continuing efforts to improve transit on-time performance, increase	Ongoing	Fresno Area Express					X	

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
frequency of service, extend hours of operation, add express bus service and align routes to capture as much new ridership as possible. d. Initiating a program to allow employers and institutions (e.g., educational facilities) to purchase blocks of bus passes at a reduced rate to facilitate their incentive programs for reducing single-passenger vehicle use.								
D-1. The City shall monitor impacts of land use changes and development project proposals on water supply facilities and the groundwater aquifer.	Ongoing	Dept of Public Utilities and Planning and Development Dept	X					
D-2. The City shall ensure the funding and construction of facilities to mitigate the direct impacts of land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, intentional recharge facilities, potable and recycled water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. Site specific environmental evaluations shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing (City-wide); and prior to approval of land use entitlement as applicable	Department of Public Utilities and Planning and Development Department	X				X	
D-3. The City shall implement the future water supply plan described in the City of Fresno Metropolitan Water Resources Management Plan Update and shall continue to update this Plan as necessary to ensure the cost-effective use of water resources and continued availability of good-quality groundwater and surface water supplies.	Ongoing	Department of Public Utilities	X		X			

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
D-4. The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the existence of urban stormwater pollutants to the maximum extent practical and ensure that surface and groundwater quality, public health, and the environment shall not be adversely affected by urban runoff, and shall comply with NPDES standards.	Ongoing	Planning and Development Department	X				X	
D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods. The City shall expand this protected area in the Riverbottom pursuant to expanded floodplain and/or floodway maps, regulations, and policies adopted by the Central Valley Flood Protection Board and the National Flood Insurance Protection Program.	Ongoing	Planning and Development Department						X
D-6. The City shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect: a. Allowable_construction in this area from being damaged by the intensity of flooding in the riverbottom; b. Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and c. Public health, safety and general welfare from the effects of flood events.	Ongoing	Planning and Development Department						X
D-7. The City shall advocate that the San Joaquin River not be channelized and	Ongoing	Planning and						X

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).		Development Department						
D-8. The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management and use of all sources of water available to the planning area, and shall periodically updated this plan to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development. Project-specific and city-wide water conservation measures shall be directed toward assisting in reaching the goal of balancing City groundwater operations by 2025.	Ongoing	Department of Public Utilities	X				X	
D-9. The City shall continue its current water conservation programs and implement additional water conservation measures to reduce overall per capita water use within the City with a goal of reducing the overall per capita water use in the City to its adopted target consumption rate. The target per capita consumption rate adopted in 2008 is a citywide average of 243 gallons per person per day, intended to be reached by 2020 (which includes anticipated water conservation resulting from the on-going residential water metering program and additional water conservation by all customers: 5% by 2010, and an additional 5% by 2020.)	Ongoing	Department of Public Utilities					X	

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
D-10. All development projects shall be required to comply with City Department of Public Utilities conditions intended for the City to reach its overall per capita water consumption rate target. Project conditions shall include, but are not limited to, water use efficiency for landscaping, use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features, as appropriate and sanitary.	Prior to approval of land use entitlement	Department of Public Utilities	X				X	
D-11. When and if the City adopts a formal management plan for recycled and/or reclaimed water, all development shall comply with its standards and requirements. Absent a formal management plan for recycled and/or reclaimed water, new development projects shall install reasonably necessary infrastructure, facilities and equipment to utilize reclaimed and recycled water for landscape irrigation, decorative fountains and ponds, and other water-consuming features, provided that use of reclaimed or recycled water is determined by the Department of Public Utilities to be feasible, sanitary, and energy-efficient.	Prior to approval of development project	Department of Public Utilities	X					

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

<table>
<tr><th>MITIGATION MEASURE</th><th>WHEN IMPLEMENTED</th><th>COMPLIANCE VERIFIED BY</th><th>A</th><th>B</th><th>C</th><th>D</th><th>E</th><th>F</th></tr>
<tr><td>D-12. All applicants for development projects shall provide data (meeting City Department of Public Utilities criteria for such data) on the anticipated annual water demand and daily peak water demand for proposed projects. If a development project would increase water demand at a project location (or for a type of development) beyond the levels allocated in the version of the City's Urban Water Management Plan (UWMP) in effect at the time the project's environmental assessment is conducted, the additional water demand will be required to be offset or mitigated in a manner acceptable to the City Department of Public Utilities. Allocated water demand rates are set forth in Table 6-4 of the 2008 UWMP as follows:

<table>
<tr><th>FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES
(Analysis shall include acreage to all street centerlines.)</th><th colspan="3">PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:</th></tr>
<tr><th></th><th>01/01/2005 THROUGH 12/31/2010</th><th>01/01/2010 THROUGH 12/31/2024</th><th>AFTER 01/01/2025</th></tr>
<tr><td>Single family residential</td><td>3.8</td><td>3.5</td><td>3.5</td></tr>
<tr><td>Multi-family residential</td><td>6.5</td><td>6.2</td><td>6.2</td></tr>
<tr><td>Commercial and institutional</td><td>2</td><td>1.9</td><td>1.9</td></tr>
</table>
</td><td>Prior to approval of development project</td><td>Department of Public Utilities</td><td>X</td><td></td><td></td><td></td><td></td><td></td></tr>
</table>

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Industrial 2 1.9 1.9 Landscaped open space 3 2.9 2.9 South East Growth Area 3.4 3.2 3.2 NOTE: The above land use classifications and demand allocation factors may be amended in future updates of the Urban Water Management Plan								
D-13. The City will conform to the requirements of Waste Discharge Requirements Order 5-01-254, including groundwater monitoring and subsequent Best Practical Treatment and Control (BPTC) assessment and findings.	Ongoing	Department of Public Utilities					X	
E-1. The City shall continue to implement and pursue strengthening of urban growth management service delivery requirements and annexation policy agreements, including urging that the county continue to implement similar measures within the boundaries of the 2025 Fresno General Plan, to promote contiguous urban development and discourage premature conversion of agricultural land.	Ongoing	Planning and Development Department					X	
E-2. To minimize the inefficient conversion of agricultural land, the City shall pursue the appropriate measures to ensure that development within the planned urban boundary occurs consistent with the General Plan and that urban development occurs within the city's incorporated boundaries.	Ongoing	Planning and Development Department					X	

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

Project/EA No. C-10-028 **Date: July 2, 2010**

Exhibit C **Mitigation Monitoring Checklist**

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
E-3. The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of land may continue within those areas of transition where planned urban areas interface with planned agricultural areas.	Ongoing	Planning and Development Department					X	
E-4. Development of agricultural land, or fallow land adjacent to land designated for agricultural uses, shall incorporate measures to reduce the potential for conflicts with the agricultural use. Implementation of the following measures shall be considered: a. Including a buffer zone of sufficient width between proposed residences and the agricultural use. b. Restricting the intensity of residential uses adjacent to agricultural lands. c. Informing residents about possible exposure to agricultural chemicals. d. Where feasible and permitted by law, exploring opportunities for agricultural operators to cease aerial spraying of chemicals and use of heavy equipment near proposed residences. e. Recordation of right to farm covenants to ensure that agricultural uses of land can continue.	Ongoing	Planning and Development Department						X
F-1. The City shall ensure the provision for adequate trunk sewer and collector main capacities to serve existing and planned urban and economic development, including existing developed uses not presently connected to the public sewer system, consistent with the Wastewater Master Plan. Where	Ongoing	Dept. of Public Utilities and Planning and Development	X				X	

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
appropriate, the City will coordinate with the City of Clovis and other agencies to ensure that planning and construction of facilities address regional needs in a comprehensive manner.		Department						
F-2. The City shall continue the development and use of citywide sewer flow monitoring and computerized flow modeling to ensure the availability of sewer collection system capacity to serve planned urban development.	Ongoing	Dept. of Public Utilities					X	
F-2-a. The City shall provide for containment and management of leathers and sludge adequate to prevent groundwater degradation.	Ongoing	Dept. of Public Utilities					X	
F-3. The City shall ensure the provision of adequate sewage treatment and disposal by using the Fresno-Clovis Regional Wastewater Reclamation Facility as the primary facility when economically feasible for all existing and new development within the General Plan area. Smaller, subregional wastewater treatment facilities may also be constructed as part of the regional wastewater treatment system, when appropriate. This shall include provision of tertiary treatment facilities to produce recycled water for landscape irrigation and other non-potable uses. Site specific environmental evaluation and development of Waste Discharge Requirements by the Regional Water Quality Control Board shall precede the construction of these facilities. Mitigation measures identified in these evaluations shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing	Dept. of Public Utilities	X					
F-4. The City shall ensure that adequate trunk sewer capacity exists or can be	Ongoing/prior to	Dept. of Public	X				X	

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
provided to serve proposed development prior to the approval of rezoning, special permits, tract maps and parcel maps, so that the capacities of existing facilities are not exceeded.	approval of land use entitlement	Utilities and Planning and Development Department						
F-5. The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Dept. of Public Utilities	X					
G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Fire Dept/Police Dept/ Planning and Development Dept.					X	
H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.	Ongoing/prior to construction	Parks and Recreation Dept.; Planning and Development Dept.					X	

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

Project/EA No. C-10-028 **Date: July 2, 2010**

Exhibit C **Mitigation Monitoring Checklist**

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
I-1. Projects that could adversely affect rare, threatened or endangered wildlife and vegetative species (or may have impacts on wildlife, fish and vegetation restoration programs) may be approved only with the consent of the California Department of Fish and Game (and the U.S. Fish and Wildlife Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.	X					
I-2. Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall including siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation shall consist of native species similar to those removed.	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.	X					
I-3. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net less of habitat acreage or value. Typically, the U.S. Fish and Wildlife Service and California Department of Fish and Game require a ratio of three replacement acres for every one acre of high quality riparian or wetland habitat lost.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.						X
I-4. Existing and mature riparian vegetation shall be preserved to the extent	Ongoing/prior to	Planning and	X					

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
feasible, except when trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment shall occur outside of the drip lines of any trees to be preserved.	approval of land use entitlement and during construction	Development Dept.						
I-5. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection).	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.						X
I-6. All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.						X
J-1. If the site of a proposed development or public works project is found to contain unique archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options, or equivalent measures: a. Amending construction plans to avoid the resources. b. Setting aside sites containing these resources by deeding them into permanent conservation easements.	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.	X					

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
c. Capping or covering these resources with a protective layer of soil before building on the sites. d. Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them. e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft.								
J-2. An archaeological assessment shall be conducted for the project if prehistoric human relics are found that were not previously assessed during the environmental assessment for the project. The site shall be formally recorded, and archaeologist recommendations shall be made to the City on further site investigation or site avoidance/ preservation measures.	Ongoing/prior to submittal of land use entitlement application	Planning and Development Dept.	X					
J-3. If there are suspected human remains, the Fresno County Coroner shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately, and the California Archaeological Inventory's Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists.	Ongoing	Planning and Development Dept./ Historic Preservation Commission staff	X					
J-4. Where maintenance, repair stabilization, rehabilitation, restoration,	Ongoing	Planning and	X					

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
preservation, conservation or reconstruction of the historical resource will be conducted consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Weeks and Grimmer, 1995), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.		Development Dept./ Historic Preservation Staff						
K-1. The City shall adopt the land use noise compatibility standards presented in Figure VK-2 for general planning purposes.	Ongoing	Planning and Development Dept.	X					
K-2. Any required acoustical analysis shall be performed as required by Policy H-1-d of the 2025 Fresno General Plan for development projects proposing residential or other noise sensitive uses as defined by Policy H-1-a, to provide compliance with the performance standards identified by Policies H-1-a and H-1-k. (Note: all are policies of the 2025 Fresno General Plan.) The following measures can be used to mitigate noise impacts; however, impacts may not be fully mitigated within the 70 dBA noise contour areas depicted on Figure VK-4. ■ Site Planning. See Chapter V for more details. ■ Barriers. See Chapter V for more details. ■ Building Designs. See Chapter V for more details.	Ongoing/upon submittal of land use entitlement application	Planning and Development Dept.	X					

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
K-3. The City shall continue to enforce the California Administrative Code, Title 24, Noise Insulation Standards. Title 24 requires that an acoustical analysis be performed for all new multi-family construction in areas where the exterior sound levels exceed 60 CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 CNEL or below.	Ongoing/prior to building permit issuance	Planning and Development Dept.	X					
L-1. Any construction that occurs as a result of a project shall conform to current Uniform Building Code regulations which address seismic safety of new structures and slope requirements. As appropriate, the City shall require a preliminary soils report prior to subdivision map review to ascertain site specific subsurface information necessary to estimate foundation conditions. This report shall reference and make use of the most recent regional geologic maps available from the California Department of Conservation, Division of Mines and Geology.	Ongoing	Planning and Development Dept.	X					
N-1. The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required.	Ongoing	Planning and Development Dept.					X	
Q-1. The City shall establish and implement design guidelines applicable to all commercial and manufacturing zone districts. These design guidelines will require consideration of the appearance of non-residential buildings that are visible to pedestrians and vehicle drivers using major streets or are visible from proximate properties zoned or planned for residential use.	Ongoing	Planning and Development Dept.	X					

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

EXHIBIT D

PROJECT-SPECIFIC MITIGATION MONITORING CHECKLIST
Conditional Use Permit Application No. C-10-028
Revised February 8, 2011

This monitoring checklist for the above noted environmental assessment is being prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), as required under Assembly Bill 3180, and is intended to establish a project-specific reporting/monitoring program for Conditional Use Permit Application No. C-10-028. Verification of implementation of these mitigation measures, in addition to the applicable measures specified for this project per the Mitigation Monitoring Checklist prepared for this project pursuant to Master Environmental Impact Report No. 10130 - 2025 Fresno General Plan, will be required upon approval of any special permits and prior to operation. The section numbers below refer to corresponding sections of the Initial Study checklist for this project, using the Appendix G format from the CEQA Guidelines.

III. MITIGATION MEASURES FOR AIR QUALITY

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
~~An odor management plan is required for green waste. This plan must incorporate the best practices and regulations established by the State of California and shall be submitted and approved by the City of Fresno prior to operation.~~ An odor management plan is required for green waste. This plan shall comply with the contents of an Odor Impact Minimization Plan (for composting operations), which may be found in Section 17863.4 of Title 14 of the California Code of Regulations. It should be noted that composting is not allowed on the subject site.	Applicant	Prior to operation	City of Fresno Development and Resource Management Department

Avoid methods which encourage tipping of green waste materials from unnecessarily high heights.	Applicant	Throughout project life	City of Fresno Development and Resource Management Department
Fit and maintain rubber/plastic strip curtains to larger container chambers used for green waste or utilize other methods to minimize the potential dust clouds caused by loading and unloading green waste.	Applicant	Throughout project life	City of Fresno Development and Resource Management Department

VIII. MITIGATION MEASURES FOR HAZARDS AND HAZARDOUS MATERIALS

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
The facility shall not intentionally accept or store hazardous materials (other than those used for normal operations) including batteries, oil, paint, and special wastes.	Applicant	Throughout project life	City of Fresno Development and Resource Management Department
Establish a procedure to track items turned away from the site. At a minimum, the facility must track the person's name and the vehicle license plate of all persons bringing items to the facility that are not accepted at the facility.	Applicant	The procedure must be approved prior to operation and is required to be implemented throughout the life of the project.	City of Fresno Development and Resource Management Department

Establish a litter control program	Applicant	The program must be approved prior to operation and is required to be implemented throughout the life of the project.	City of Fresno Development and Resource Management Department
Broken glass storage may only occur in the designated area where it is enclosed on 3 sides by a 6-foot high block wall.	Applicant	Throughout project life	City of Fresno Development and Resource Management Department

Exhibit E

SAFE OPERATING DATA

Name	Title	Jurisdiction	First Established	No. of Programs	Reportable Incidents	HHW Abandoned	Notes
Neil M. Guglielmo	Division Manager	Los Angeles	2002	6*	None		* Working on 7. The SAFE collection centers are now receiving requests form City Council offices requesting a faciality be located withing their district.
Nancy Dacumos	Senior Enviromental Control Technicia	Fontana	1989	1	None*		*One instance when a public works employee illegally picked up a gas cylinder from the roadside and brought it in to our yard and it started leaking chlorine gas.
Glen Evett	LCM Manager	Marina	1996	1	None	Very little	Only about six times/year do we have small amounts left in our parking lot.
Amanda Roa	Environmental Compliance Engineer	Antioch	1996	1*	None	Very little	*3 Temps as well. What little is dumped is mostly paint and oil.
Kari Holmes	Management Analyst	Vacaville	N/A	1	None	None	
Maggie Johnson	Environmental Program Manager	Yuba/Oroville	1992	2	None	2-3/Mo.	Items are left at the "stand alone" facility, but do not create problems. Rarely is anything left at facility beside transfer station.
Kimbra Andrews	Management Analyst	San Joaquin Co	2003	1	None	1/Yr.	Usually something like paint. Someone trying to do the right thing.
Pete Paterz	Recycling and HHW	Concord	2002	1	None		All materials are stored with secondary containment.
David Wyatt	Program Supervisor	Contra Costa	1997	1	None*	5-6/Yr.	*Have had potentially explosive materials brought by customers, but handled by local bomb squad. Dumped items usually oil and/or paint.
Jim McHargue	Solid Waste Program Manager	Amador Co.	N/A	1*	None	None	Also periodic mobile events.
William Pollock	Supervising Hazardous Materials Spec	Alameda Co.	1993	3	1*		*Spill was in customer's vehicle and started before he drove in, but leaked out onto road. 17,000,000 lbs of waste from over 200,000 household and 4,800 business since 1993.
Claudia Stine	Solid Waste Superintendent	Lompoc	1993	1	None	Occasionally	Items are usually paint or mortor oil and an occasional battery.
Patrick Owen	Programs Manager	Humboldt Co.	2003	1	1*	Occasionally	A customer brought in picric acid two years ago. It can be unstable, so we had the local bomb squad take care of it. Items left are usually paint and household batteries.
Michael Sweeney	General Manager	Mendocino	N/A	1	1	Small Amts.	The fire was inside a dumpster and was quickly contained.
Matt Carter	Project Coordinator	Mono Co.	N/A	6*	None	None	Also one regional landfill which has a PHHWF on site.
Dave Johnson	EDC Enviormental Management	Placerville	N/A	3*		1/Yr.	*One additional site operated by County.
Chuck Hamilton	Director, Inyo County IWM	Inyo Co.	N/A	3	None	None	
Tedd Ward,M.S.	Program Manager	Del Norte Co.	2005	1	None	1/Yr.	Solid waste is abondoned occasionally. HHW rarely.
Steve Rodowick	Recycling Coordinator	Butte Co.	2002	1	None	5-6/Yr.	Items dropped off are usually in small amounts and largely benign HHW. Soil samples taken from under the facility have tested negative for any hazardous components.
Rick Hironymous	Deputy Director, Modoc Co. P.W.	Modoc, Co.	1998	4	None	None	
Brad Mark	HHW Program Manager	San Rafael	1996	1*	None	Occasionally	* One day events in West Marin Co. as well.
Charles Tenborg	President, CEC Eco Solutions, Inc.	Imperial, Madera	1998	12	None	Occasionally	Amounts not over 10 gal.
John Kara	Environmental Health Manager	Napa Co.	N/A	1*	None	2/Mo.	*Some tempory events. Items left are usually paint. No more than 50 lbs/Mo.
Daria Kent	Recycling Technician	Nevada Co.	2006	1	None	None	The community is very pleased that the facility has opened, recognizing that collecting HHW at our well-managed facility is safer for everyone involed as the public no longer needs to hide their HHW in their trash and workers are not exposed to mixed chemicals.

Information about data: County staff was able to identify over 300 HHW-related programs operated in California by approximately 50 or so jurisdictions/agencies. It was difficult to determine from the data available which programs were operated under permanent verses temporary permits. Therefore, staff attempted to contact (by e-mail) one representative from each of the approximately 50 different jurisdictions, requesting data on reportable incidents related to fire, spills, explosions and abandoned waste at any permanent facility operated in their jurisdiction. Twenty-four jurisdictions responded to this e-mail request. The data provided is summarized in the above table.

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Cathleen Cox
Acting Director

August 11, 2010

Bonique Salinas
City of Fresno
2600 Fresno Street, 3rd floor
Fresno, CA 93721-3604

Subject: Conditional Use Permit Application No. C-10-028
SCH#: 2010071024

Dear Bonique Salinas:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 10, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Received 8-13-10

CalRecycle
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
801 K STREET, MS 19-01, SACRAMENTO, CALIFORNIA 95814• (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

July 23, 2010

Ms. Bonique Salinas, Planner
City of Fresno
Planning and Development Department
2600 Fresno Street, 3rd Floor
Fresno, CA 93721

Subject: **SCH No. 2010071024** – Proposed Initial Study/Mitigated Negative Declaration for the Sunset Wastepaper Material Recovery Facility and Transfer Station - Solid Waste Facilities Permit No. 10-AA-0188, Fresno County

Dear Ms. Salinas:

Thank you for allowing CalRecycle (formerly the California Integrated Waste Management Board) staff to provide comments for this proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

CalRecycle staff has reviewed the environmental document cited above and offers the following project description, analysis and our recommendations for the proposed project based on our understanding of the project. If CalRecycle's project description varies substantially from the project as understood by the Lead Agency, CalRecycle staff requests notification of any significant differences before adoption of this Mitigated Negative Declaration and approval of the project. Significant differences in the project description could qualify as "significant new information" about the project that would require recirculation of the document before adoption pursuant to CEQA Section 15073.5.

PROPOSED PROJECT DESCRIPTION

The City of Fresno, Planning and Development Department, acting as Lead Agency, is proposing the renovation of the existing Sunset Wastepaper Material Recovery Facility and Transfer Station. The purpose is to create an integrated transfer, recycling and disposal facility. There will be no increase in the peak tonnage (2000 tons per day) or in the permitted number of vehicle trips (470). The proposed project includes the following changes:

- Add self-haul delivery of solid waste and recyclables;
- Add recyclables storage in bunkers, bins, roll-off containers, bales, and in bulk inside the building, as well as outside the building under and just south of the south canopy, and along the exterior north wall, along the east fence, and along the east side of the material recovery facility;
- Add green waste processing inside the transfer station building;
- Add mechanical sorting of construction and demolition material and MSW inside the transfer station; and

- Add hand and/or mechanical sorting of glass recyclables adjacent to the existing bunkers located along the western elevation of the transfer station.

The maximum storage time for green waste is 48 hours and 90 days for recovered recyclable materials.

CALRECYCLE STAFF'S COMMENTS

For clarity and convenience, questions and comments that CalRecycle staff is seeking a specific response to will be *italicized* so the reader can more easily locate and respond to them.

Hours of Operation

The project description states that the facility will operate "24 hours a day, 7 days a week." *Although this is consistent with the proposed permit, does this mean that self haul users may access the site at all hours? Will all equipment, including that used for mechanical sorting, green waste processing, and transfer of recyclables to areas outside the transfer buildings, be allowed to operate at all hours?*

Equipment

The project description indicates that green waste processing, mechanical sorting of materials inside the building, and mechanical sorting of glass recyclables in the existing bunkers will occur. *What types of equipment will be used for these activities?*

Green waste Processing, Mechanical Sorting of Construction and Demolition and MSW, and Mechanical Sorting of Glass Recyclables

These activities can cause hazards to site users and employees due to generation of airborne particulate (e.g., dust and material particles from MSW, construction/demolition and glass handling/processing), generation of excessive noise, and physical hazards of being near heavy equipment. The document does address issues related to the effects of noise and dust on adjacent properties and has a brief statement regarding storage of glass to reduce particulate emissions, but does not contain information on the effects of these activities on site users and employees. The proposed green waste "wood chopper" may also be the source of projectiles that have the potential to injure anyone in the area.

Odor from Green waste

On page 13, it is indicated that an odor management plan must be submitted by the operator consistent with "the best practices and regulations established by the State of California." The plan is to be approved by the City of Fresno. *There are no CalRecycle regulations specific to an odor management plan for a transfer station, however, the operator should consider the contents of an Odor Impact Minimization Plan (for composting operations), which may be found in Section 17863.4 of Title 14 of the California Code of Regulations. The Local Enforcement Agency for the County of Fresno should be provided with a copy of the plan.*

CONCLUSION

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the Proposed Initial Study/Mitigated Negative Declaration and hopes that this comment letter will be useful to the Lead Agency in carrying out their responsibilities in the CEQA process.

While responses to our comments are not required by statue or regulation, by responding, it will increase CalRecycle staff's understanding of your project and facilitate the review of future permits submitted for concurrence by CalRecycle.

In the future, for this or any other project that the CalRecycle is a Responsible Agency for, please send copies of all Notice(s) of Exemption or Addendum(s) that your office uses for any changes in any Solid Waste Facilities Permit.

CalRecycle staff requests copies of any subsequent environmental documents including the Report of Facility Information, copies of public notices and any Notice(s) of Determination for this project are sent to the Permitting and LEA Support Division. Refer to 14CCR, Section *15075(d) that states:*

> If the project requires a discretionary approval from any state agency, the local lead agency shall also, within 5 working days of this approval, file a copy of the notice of determination with the Office of Planning and Research [State Clearinghouse].

If the document is adopted during a public hearing, CalRecycle staff requests ten days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests ten days advance notification of the date of the adoption and project approval by the decision-making body.

Note: *All correspondence related to this letter and for staff of the Permitting and LEA Support Division/Waste Compliance and Mitigation Program should continue to be sent to 1001 I Street, P.O. Box 4025, Sacramento, CA 95812. Correspondence specifically for the attention of the Director of CalRecycle should be sent to the address in the letterhead. It should also be noted that CalRecycle staff's email addresses have changed – firstname.lastname@calrecycle.ca.gov.*

If you have any questions regarding these comments, please contact Patrick Snider of my staff at 916.324.3753 or by e-mail at Patrick.Snider@calrecycle.ca.gov.

Sincerely,

David Otsubo
Supervising IWMS I
Permitting and LEA Support Division
CalRecycle

cc: Jon Whitehill
CalRecycle

Susan Markie, Branch Manager
CalRecycle

Glenn Allen, Supervisor
Department of Community Health
1221 Fulton Mall, Brix Bldg
PO Box 11867
Fresno, CA 93775

Response to Comments for EA for C-10-028 from the Department of Resources, Recycling and Recovery

1. Hours of Operation

   The project description states that the facility will operate "24 hours a day, 7 days a week." Although this is consistent with the proposed permit, does this mean that self haul users may access the site at all hours? Will all equipment, including that used for mechanical sorting, green waste processing, and transfer of recyclables to areas outside the transfer buildings, be allowed to operate at all hours?

   The applicant has formally withdrawn the request to include self haul as part of the facility's proposed operation. All equipment, including that used for mechanical sorting, green waste processing will be allowed to operate at all hours because the noise impacts have been mitigated so there is not a negative noise impact to adjacent residential uses resulting from the use of this equipment. The hours of operation for outbound waste transfer trucking shall be limited to between the hours of 5 am and 10 pm. "Waste transferring" refers to transfer trucks departing the site with their loads; and it does not refer to loading the transfer trucks, which occurs within the building and may occur 24 hours a day.

2. Equipment

   The project description indicates that green waste processing, mechanical sorting of materials inside the building, and mechanical sorting of glass recyclables in the existing bunkers will occur. What types of equipment will be used for these activities?

   The following material, and material processing equipment, is proposed under the revised Sunset Waste Paper CUP:

   Wood waste, C&D material, and MSW can be processed with a Komptech Crambo, Stationary Model 3400, or equivalent, electric shredder; and, the mechanical sorting of MSW and C&D material will be accomplished with an integrated Bulk Handling Systems (BHS) unit, or custom designed, and will include an elevated sort line that is fed via an input conveyor. The electric shredder can be paired with a BHS disc screen or Komptech star screen/trommel screening system to provide an additional level of material separation.

3. Green waste Processing, Mechanical Sorting of Construction and Demolition and MSW, and Mechanical Sorting of Glass Recyclables

   These activities can cause hazards to site users and employees due to generation of airborne particulate (e.g. dust, and material particles from MSW, construction/demolition and glass handling/processing), generation of excessive noise, and physical hazards of being near heavy equipment. The document does address issues relation to the effects of noise and dust on adjacent properties and has a brief statement regarding storage of glass to reduce particulate emissions, but does not contain information on the effects of these activities on site users and employees. The

proposed green waste "wood chopper" may also be the source of projectiles that have the potential to injure anyone in the area.

Many of the same mitigation measures to address air quality or hazard impacts on adjacent properties would mitigate impacts to users and employees. It is implied that the same potential dangers to adjacent properties from the operation of this facility would impact those directly on site as well. Some of these mitigation measures that were already identified in Environmental Assessment No. C-10-028 are as follows:

1. **Avoid methods which encourage tipping of green waste materials from unnecessarily high heights.** (This will reduce excessive airborne debris).

2. **Fit and maintain rubber/plastic strip curtains to larger container chambers used for green waste or utilize other methods to minimize the potential dust clouds caused by loading and unloading green waste.** (This will reduce excessive airborne debris).

3. **The facility shall not intentionally accept or store hazardous materials (other than those used for normal operations) including batteries, oil, paint, and special wastes.**

The facility is already required to provide employees with appropriate safety equipment including gloves and safety goggles. Staff will add conditions to ensure that appropriate safety equipment is provided to employees.

1. Odor from Green Waste

On page 13, it is indicated that an odor management plan must be submitted by the operator consistent with "the best practices and regulations established by the State of California." The plan is to be approved by the City of Fresno. There are no CalRecycle regulations specific to an odor management plan for a transfer station, however, the operator should consider the contents of an Odor Impact Minimization Plan (for composting operations), which may be found in Section 17863.4 of Title 14 of the California Code of Regulations. The Local Enforcement Agency for the County of Fresno should be provided with a copy of the plan.

This mitigation measure is being substituted for the original mitigation measure. The applicant shall be required to consider/comply with the contents of an Odor Impact Minimization Plan (for composting operations), which may be found in Section 17863.4 of Title 14 of the California Code of Regulations.