



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

Planning Commission Staff Report Agenda Item No. # 2 Hearing Date June 9th, 2022

SUBJECT: Initial Study Application No. 8152 and Classified Conditional Use Permit Application No. 3725.

Allow a solid waste processing facility (reconditioning and refurbishing of bulk containers and drums) on a 2.16-acre parcel within the M-3 (Heavy Industrial) Zone District.

LOCATION: The subject parcel is located on the south side of E. Jensen Ave., 190 feet east of S Maple Ave., contiguous to the city limits of the City of Fresno to the north (APNs: 487-070-45 & 46) (4646 E. Jensen Ave.) (Sup. Dist. 3).

**OWNER:/
APPLICANT:** Daniel Mosto

STAFF CONTACT: Elliot Racusin, Planner
(559) 600-4245

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Approve Classified Conditional Use Permit No. 3725 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map

5. Site Plans and Detail Drawings
6. Floor Plans
7. Elevations
8. Applicant's Operational Statement
9. Summary of Initial Study Application No. 8152

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Limited Industrial (Roosevelt Community Plan)	No change
Zoning	M-3 (Heavy Industrial)	No change
Parcel Size	3.72-acres	No change
Project Site	Industrial buildings	No change
Structural Improvements	N/A	No change
Nearest Residence	N/A- Subject Parcel surrounded by Industrial parcels	No change
Surrounding Development	Industrial	No change
Operational Features	N/A	Solid waste processing facility
Employees	5 employees	10 employees
Customers	N/A	4 customers per day
Traffic Trips	N/A	10 trips
Lighting	N/A	Outdoor lighting for safety and theft deterrent
Hours of Operation	N/A	6am-6pm

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL ANALYSIS:

Initial Study No. 8152 was prepared for the subject application by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration (Exhibit 8) is appropriate.

PUBLIC NOTICE:

Notices were sent to 45 property owners within 600 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Classified Conditional Use Permit may be approved only if five Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on a Classified CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

The subject parcel is classified as Limited Industrial within the Roosevelt Community Plan, conditionally compatible with M-3 zoning. Limited Industrial is used as a transition between residential and general industrial uses. Limited Industrial is stated as land designed for restricted non-intensive manufacturing and storage activities which do not have a detrimental impact on surrounding properties.

Previous records state the site was used as an auto repair shop in 1960 with an attached sales building. In 1975 the ownership changed hands to Nelson Crane and Sign, then changed again to Grey Lift Inc. (forklift sales and operations). The property was granted to “The Mostos LLC” in 2020.

Finding 1: That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.

The following property development standards and those in Section 855 shall apply to all land and structures in the "M-3" District.

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Rear: 10 ft- abutting residential district (R1) No other required setbacks	No change	Y
Parking	One (1) parking space required per four hundred (400) sq. ft. of gross floor area	No change	Y
Lot Coverage	N/A	N/A	N/A
Space Between Buildings	N/A	N/A	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Wall Requirements	A six (6)-foot-high solid masonry wall shall be erected along the property line of an "M-1" lot which is a district boundary between the "M-1" District and any residential district.	No change	N

Reviewing Agency/Department Comments Regarding Site Adequacy:

Fresno County Zoning Department: Any proposed structures or remodels/additions of additional structures shall require permits.

As per Zoning Ordinance Sec. 836.2-B, any repair and service shall be conducted within a completely enclosed building.

Finding 1 Analysis:

The project does not propose substantially altering existing buildings nor construction of new buildings, but rather changes the nature of the operation to reconditioning and refurbishing of bulk containers and drums. There is a project note in Exhibit 1 That points to the development standard that excludes access being taken from Jensen Avenue because it is designated as an Expressway.

Recommended Conditions of Approval:

None

Finding 1 Conclusion:

Finding 1 can be made as staff finds that the parcel is adequate in size and shape to accommodate the proposed use.

Finding 2: That 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.

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Subject parcel has frontage along E. Jensen Ave.	No change:
Direct Access to Public Road	Yes	N/A	Note: as Jensen is designated as an Expressway, no access is allowed from it.

		Existing Conditions	Proposed Operation
Road ADT		N/A	N/A
Road Classification		<ul style="list-style-type: none"> • E. Jensen Ave. • E. Drummond Ave. Both are not County maintained roads.	No change
Road Width		N/A	N/A
Road Surface		N/A	N/A
Traffic Trips		N/A	N/A
Traffic Impact Study (TIS) Prepared	No	N/A	N/A
Road Improvements Required		No	N/A

Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:

Fresno County Road Maintenance & Operations:

- Drive approaches shall be limited to 35 feet per Fresno County Improvement Standard D-3.
- Any entrance gates must be set back a minimum of 20 feet from the road right-of-way, or the length of the longest vehicle entering the site, to eliminate the vehicles from idling in the road when stopped to open the gate.
- Subject parcels are within FMFCD boundaries. It appears curb and gutter are already in place along Jensen and Drummond, it should be verified that these are in accordance with FMFCD master plan.
- The driveway off of Drummond appears to prohibit drainage in the curb and gutter. The driveway should be reconstructed in accordance with FMFCD master plans. Engineered plans should be submitted for any offsite modifications.
- An encroachment permit is required for work performed within the County Road right-of-way.

Fresno County Transportation Planning:

Per the provided project information, daily traffic generated is expected to be minimal and does not warrant the need for a Traffic Impact Study to be provided.

Finding 2 Analysis:

Access to Jensen Avenue is restricted due to its classification as an Expressway.

Recommended Conditions of Approval:

See Conditions for adherence to the submitted Site Plan and limitation of access, see attached Exhibit 1.

Finding 2 Conclusion:

Based on the above information and with adherence to the Conditions of Approval and Mandatory Project Notes, staff believes that the subject streets will remain adequate to accommodate the proposed use.

Finding 3: That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.

Surrounding Parcels

	Size:	Use:	Zoning:	Nearest Residence:
North	12.21-acres	Undeveloped	Medium High Density	N/A
South	2.49-acres	Industrial	M-3	N/A
East	0.72-acres	Industrial	M-3	N/A
West	0.76-acres	Industrial	M-3	N/A

Reviewing Agency/Department Comments:

No comments were expressed by reviewing agencies nor departments.

Finding 3 Analysis:

As stated above, the subject parcel is classified as Limited Industrial within the Roosevelt Community Plan. Conditionally compatible with M-3 zoning. Limited Industrial is used as a transition between residential and general industrial uses. Limited Industrial is stated as land designed for restricted non-intensive manufacturing and storage activities which do not have a detrimental impact on surrounding properties. The closes sensitive receptor (residence) is 650 feet to the northeast across Jensen Avenue.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Finding 3 Conclusion:

Finding 3 can be made as based on the above information, and with adherence to Conditions of Approval and mandatory Project Notes, staff believes that the proposal will not have adverse effects upon surrounding properties.

Finding 4: That the proposed development is consistent with the General Plan.

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy HS-F.1: <i>The County shall require that facilities that handle hazardous materials or hazardous wastes be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.</i></p>	<p>Consistent. Information regarding submittal of a revised Hazardous Materials Business Plan and other reporting requirements have been provided as Project Notes to support compliance with these existing regulations.</p>
<p>Policy 760-01:3.00(f): <i>Land Use Designation of Limited Industrial Land designated for restricted non-intensive manufacturing and storage activities which do not have detrimental impacts on surrounding properties.</i></p>	<p>Consistent. This project was routed to and reviewed by the applicable agencies who stipulated the requirements necessary for the preservation of health and safety towards the surrounding community (See Exhibit 1-Notes).</p>
<p>Policy LU-F.30: <i>The County shall generally require community sewer and water services for industrial development. Such services shall be provided in accordance with the provisions of the Fresno County Ordinance, or as determined by the State Water Quality Control Board.</i></p>	<p>Consistent. This project was routed to and reviewed by the applicable agencies who stipulated the requirements necessary for the preservation of health and safety towards the surrounding community (See Exhibit 1-Notes).</p>
<p>Policy LU-G.1: <i>The County acknowledges that the cities have primary responsibility for planning within their LAFCO-adopted spheres of influence and are responsible for urban development and the provision of urban services within their spheres of influence.</i></p>	<p>Consistent. This project was routed to and reviewed by the applicable agencies who did not state any concerns with the project.</p>
<p>Policy LU-G.14: <i>The County shall not approve any discretionary permit for new urban development within a city’s sphere of influence unless the development proposal has first been referred to the city for consideration of possible annexation pursuant to the policies of this section and provisions of any applicable city/county memorandum of understanding.</i></p>	<p>Consistent. This project was routed to and reviewed by the applicable agencies who did not state any concerns with the project.</p>
<p>Policy PF-C.17: <i>The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation.</i></p>	<p>Consistent. This project was routed to and reviewed by Fresno County Water and Natural Resources Division who did not state any concerns with the project.</p>

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcels are designated as Limited Industrial in the Roosevelt Community Plan. The proposed use is consistent with the Limited Industrial land use designation.

Finding 4 Analysis:

As noted above, the County General Plan allows for the nature of the proposed use in areas designated Limited Industrial, provided that the use substantially adheres to the General Plan Policies. The proposal meets these Policies as discussed above.

Recommended Conditions of Approval:

None

Finding 4 Conclusion:

Finding 4 can be made given the factors discussed above, allowing a solid waste processing facility (reconditioning and refurbishing of bulk containers and drums) on a 2.16-acre parcel within the M-3 (Heavy Industrial) Zone District is consistent with the General Plan.

Finding 5: That the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.

Finding 5 Analysis:

The proposed mitigation measures and conditions of approval were developed based on studies and consultation with specifically qualified staff, consultants, and outside agencies. They were developed to address the specific impacts of the proposed project and were designed to address the public health, safety, and welfare. Additional comments and project notes have been included to assist in identifying existing non-discretionary regulations that also apply to the project. The Applicant has signed an acknowledgement agreeing to the proposed mitigation measures and has not advised staff of any specific objection to the proposed conditions of approval.

Finding 5 Conclusion:

Finding 5 can be made based on staff’s analysis, the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.

PUBLIC COMMENT:

None

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Classified Conditional Use Permit can be made. Staff therefore recommends approval of Classified Conditional Use Permit No. 3725, subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to determine the required Findings can be made based on the analysis within the Staff Report and move to approve Classified Conditional Use Permit No. 3725, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Conditional Use Permit No. 3725; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program
Initial Study No. 8152 & Conditional Use Permit No. 3725
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed to not shine towards adjacent properties and public streets.	Applicant	Applicant/PW&P	Continuous
2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities

EXHIBIT 1

Conditions of Approval	
1.	Development shall be in accordance with the site plan as approved by the Planning Commission. Adherence to the allowed access to and from the property shall be followed and are listed under Notes (No. 28 & 29).

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Drive approaches shall be limited to 35 feet per Fresno County Improvement Standard D-3.
2.	Any entrance gates must be set back a minimum of 20 feet from the road right-of-way, or the length of the longest vehicle entering the site, to eliminate the vehicles from idling in the road when stopped to open the gate.

Notes	
3.	Subject parcels are within FMFCD boundaries. It appears curb and gutter are already in place along Jensen and Drummond, it should be verified that these are in accordance with FMFCD master plan.
4.	The driveway off of Drummond appears to prohibit drainage in the curb and gutter. The driveway should be reconstructed in accordance with FMFCD master plans. Engineered plans should be submitted for any offsite modifications.
5.	An encroachment permit is required for work performed within the County Road right-of-way.
6.	Staff recommends a Traffic Management Plan (TMP) to address potential impacts during the construction and decommissioning phases of this project as well as any events that may be held in the future. In addition to managing traffic flow, the TMP shall also address dust mitigation.
7.	All Conditions of Approval for any previous applications shall be implemented if not already in place.
8.	According to FEMA FIRM Panel 2130H, the subject property is found to be under shaded Flood Zone X. The shaded flood zone refers to areas of 0.2% annual chance flood, areas of 1 % annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1 % annual chance flood. Normally, for property within flood zone shaded x, any future building pad must be elevated above the existing ground to at least a minimum of twelve inches (12") and/or the finish floor elevation must be elevated above the crown of the adjacent street. Furthermore, any future associated electrical equipment/electrical system components '(e.g., service panels, meters, switches, outlets, electrical wiring, walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool-associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) in the shaded flood zone x must be elevated above the finish floor elevation. All future electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. All sides of any future building shall be sloped 2% for a distance of 5 feet to provide positive drainage away from the building.
9.	The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary and Drainage Zone. FMFCD should be consulted regarding any requirements they may have for the proposed facility.
10.	The subject property is within the City of Fresno SOI (Sphere of Influence). Any future off-site improvements and driveway placement relative to the property line adjacent to road should be consulted with the City regarding their requirements.
11.	Any existing or future driveway should be set back a minimum of 10 feet from the property line.
12.	Any existing or future entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.

Notes

13.	If not already present, a 10 foot x 10 foot corner cut-off should be improved for sight distance purposes at any existing or future driveway accessing Jensen Avenue and Drummond Avenue.
14.	Any future work done within the County Road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
15.	A grading permit/voucher may be required for any future grading with this application.
16.	The subject parcel is not enrolled in the Williamson Act Program.
17.	Policy 760-01:3.00(f): Land Use Designation of Limited Industrial Land designated for restricted non-intensive manufacturing and storage activities which do not have detrimental impacts on surrounding properties.
18.	Policy LU-F.30: The County shall generally require community sewer and water services for industrial development. Such services shall be provided in accordance with the provisions of the Fresno County Ordinance, or as determined by the State Water Quality Control Board.
19.	Policy LU-G.1: The County acknowledges that the cities have primary responsibility for planning within their LAFCO-adopted spheres of influence and are responsible for urban development and the provision of urban services within their spheres of influence.
20.	Policy LU-G.14: The County shall not approve any discretionary permit for new urban development within a city's sphere of influence unless the development proposal has first been referred to the city for consideration of possible annexation pursuant to the policies of this section and provisions of any applicable city/county memorandum of understanding.
21.	Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following: a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made "firm" by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. b. A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water

Notes

	<p>users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.</p> <p>c. A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or significant economic hardship, to surrounding water users.</p>
22.	Permit records for a 30.27 foot x 43.86 foot addition on the Northside of the fab area prep & paint building were not found. This building is in the Southeast corner of the parcel.
23.	Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan electronically pursuant to the HSC, Division 20, Chapter 6.95 (http://cers.calepa.ca.gov/). For more information, please contact the local Hazmat Compliance Program at (559) 600-3271. The default State reporting thresholds that apply are: >55 gallons (liquids), >500 pounds (solids), >200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.
24.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.
25.	The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the County of Fresno noise ordinance and the City of Fresno Municipal Code.
26.	The operation must have less than 10% residual materials by weight and less than 1% putrescible materials by weight for all incoming loads. If the operation exceeds the 10% or 1% threshold for residual materials the applicant will need to file an application with the Fresno County Public Health Department, Environmental Health Division for a Solid Waste Facilities Permit at least one-hundred and eighty (180) days in advance of the date on which it is desired to commence operation. Contact the Solid Waste Program at (559) 600-3271 for more information.
27.	Adherence to the Fresno County Noise Ordinance and the City of Fresno Municipal code shall be followed. Industrial districts sound level decibels shall not exceed 70 at any time.
28.	Drummond Avenue currently has 50' of road right-of-way and an ultimate right-of-way of 60' per the Fresno County General Plan. An additional 5' of right-of-way must be dedicated along the parcel frontage to meet the ultimate right-of-way for Drummond Avenue. Any setbacks for new construction must be based on the ultimate road right-of-way for Drummond Avenue.

Notes

29.	Due to the expressway classification of Jensen Avenue, direct access to Jensen Avenue should be relinquished and access should be taken only from Drummond Avenue.
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LOCATION MAP

CUP 3725

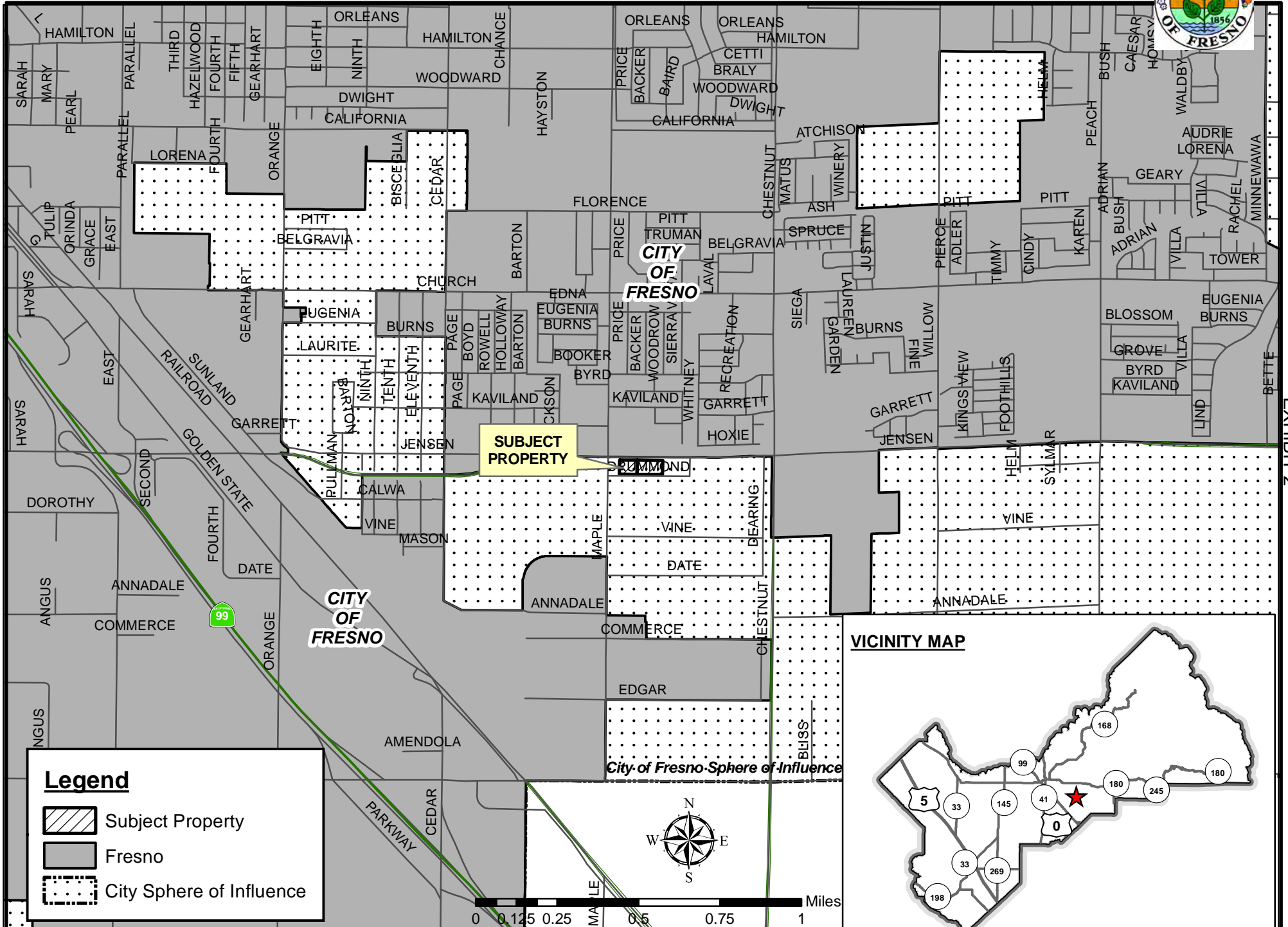
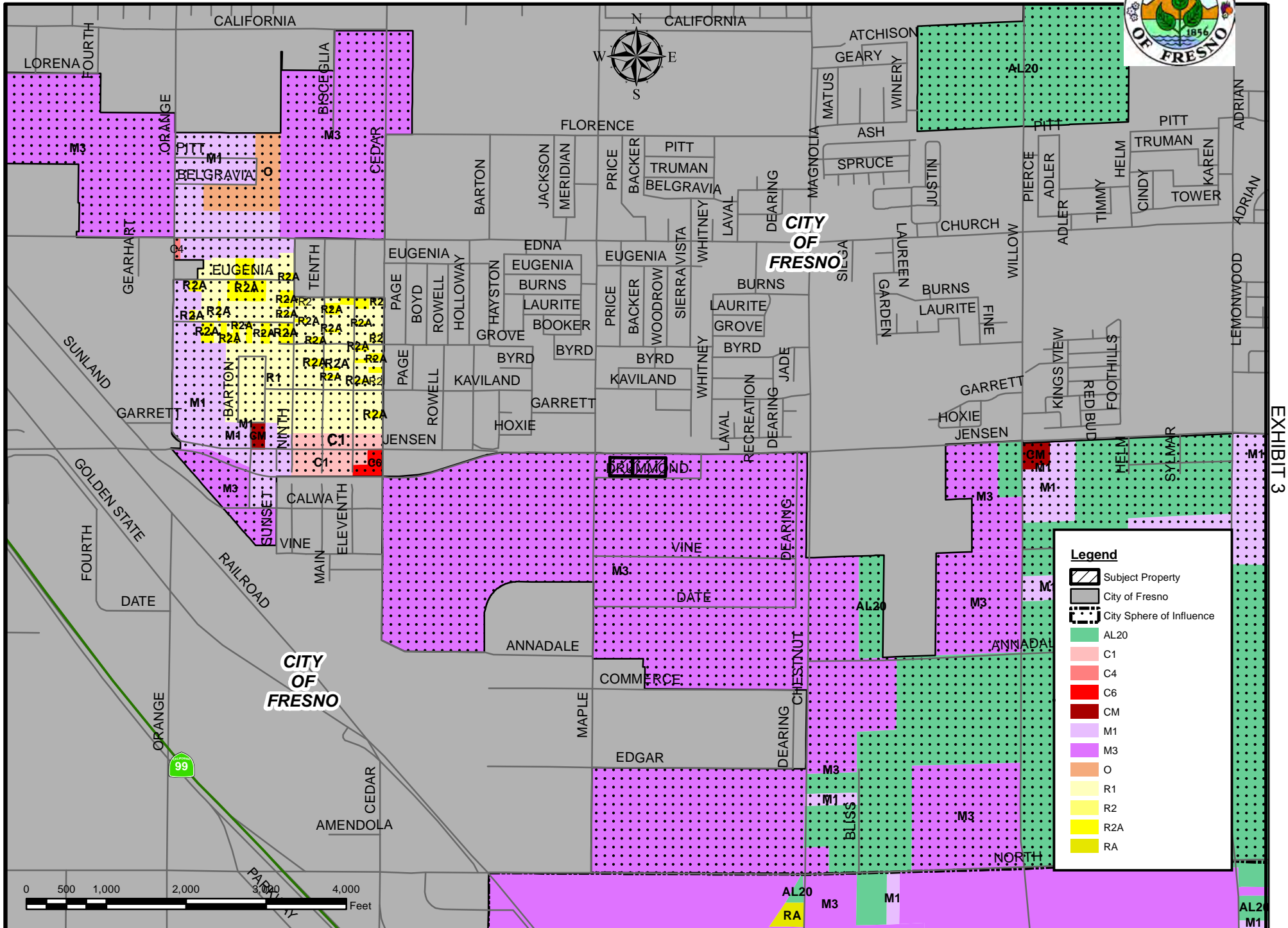
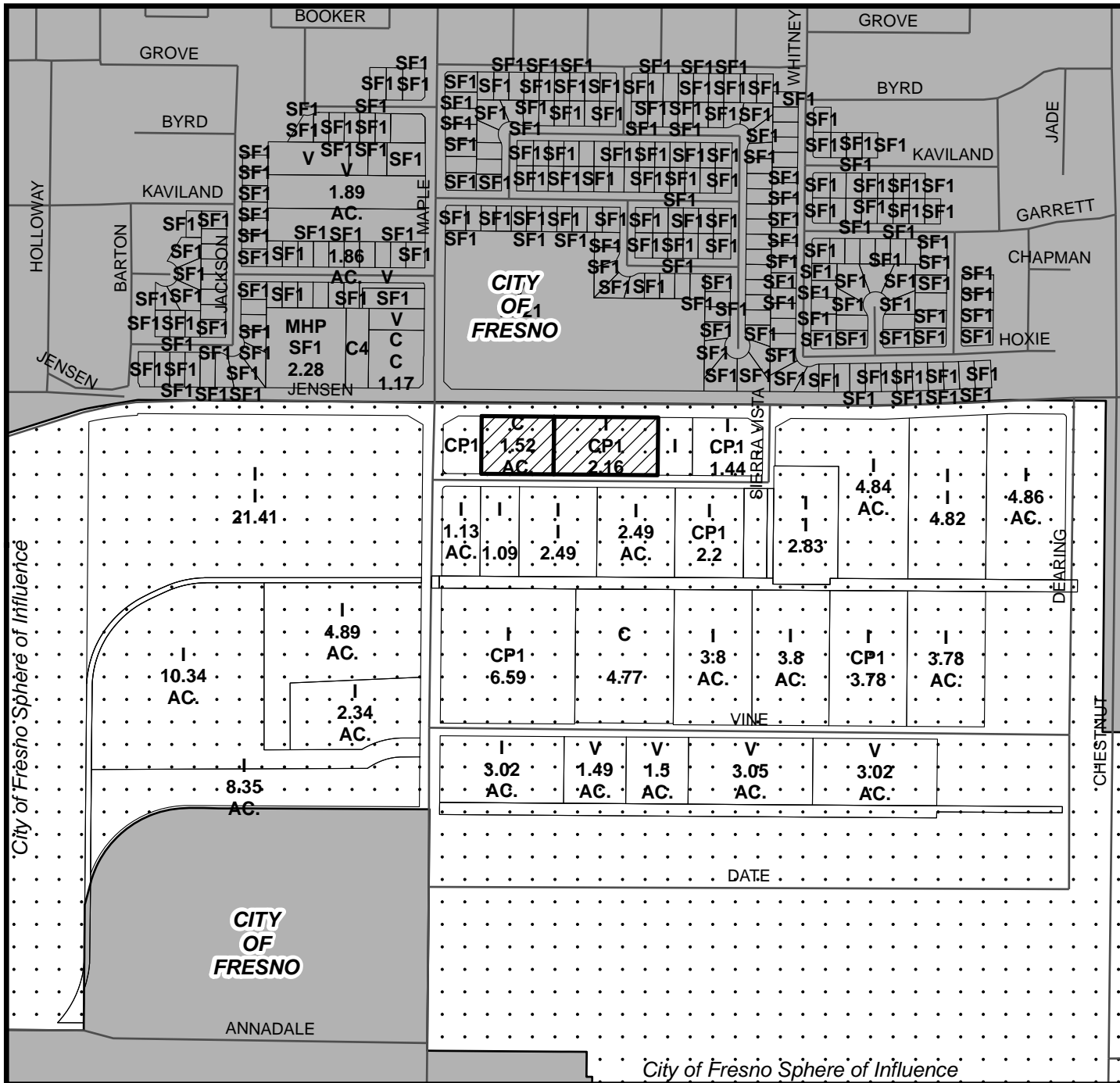


EXHIBIT 2

EXHIBIT 3
EXISTING ZONING MAP



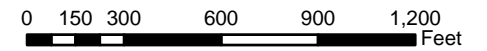
EXISTING LAND USE MAP



LEGEND	
C	- COMMERCIAL
C#	- COMMERCIAL
CP#	- OFFICE COMM./PROF
I	- INDUSTRIAL
MHP	- MOBILE HOME PARK
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

LEGEND:

- Subject Property
- City of Fresno
- City Sphere of Influence



Department of Public Works and Planning
Development Services Division

EXHIBIT 4

EXHIBIT 5



S Maple Ave

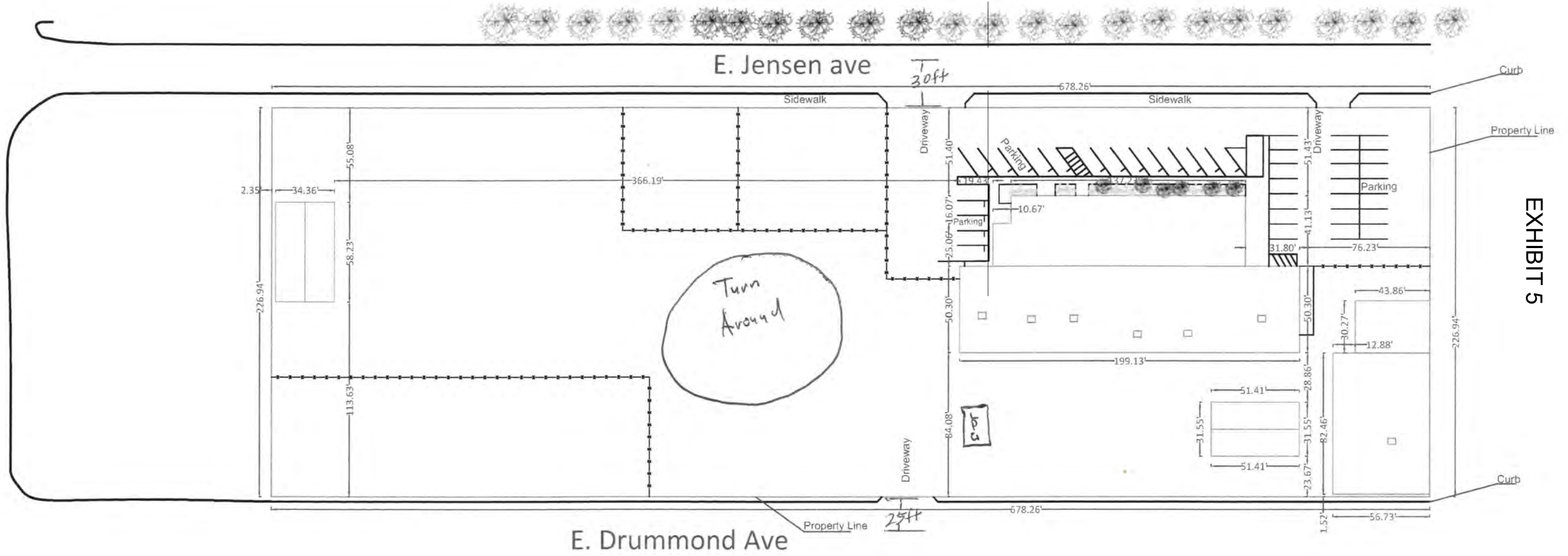
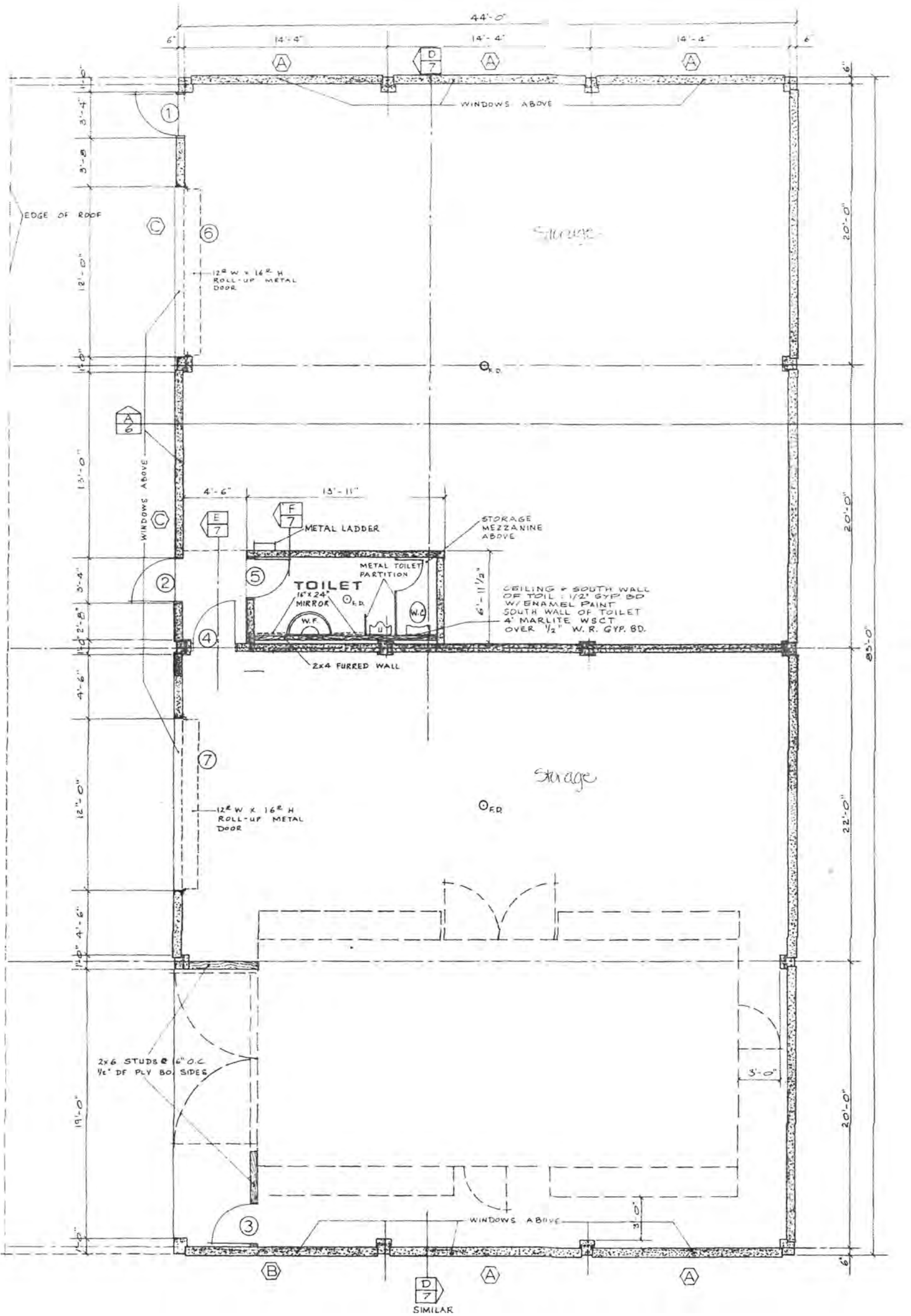


EXHIBIT 5



4646 E. Jensen ave
Fresno, CA 93725
Scale: 1"=60'

EXHIBIT 6



FLOOR PLAN
1/4" = 1'-0"

EXHIBIT 6

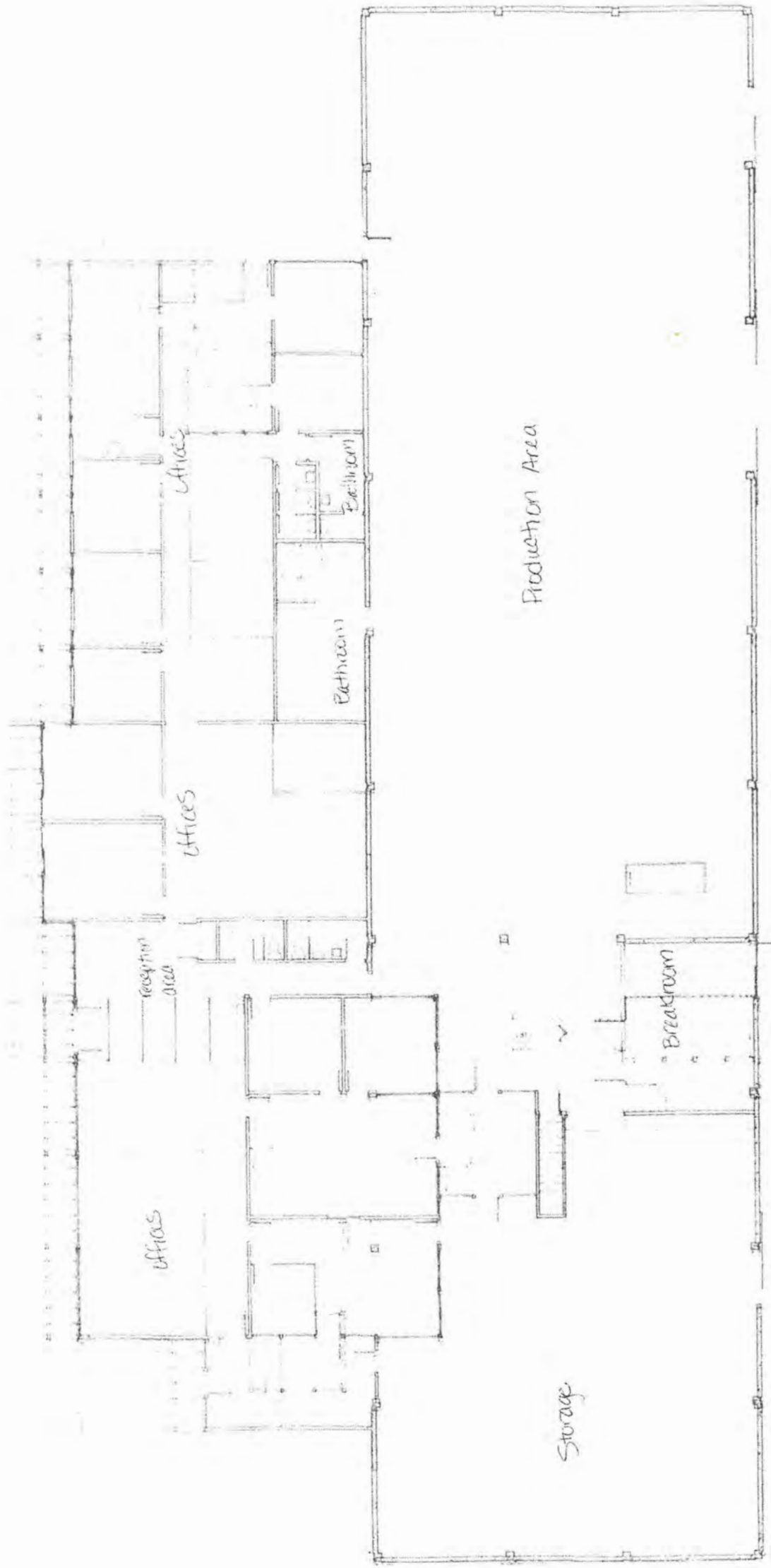
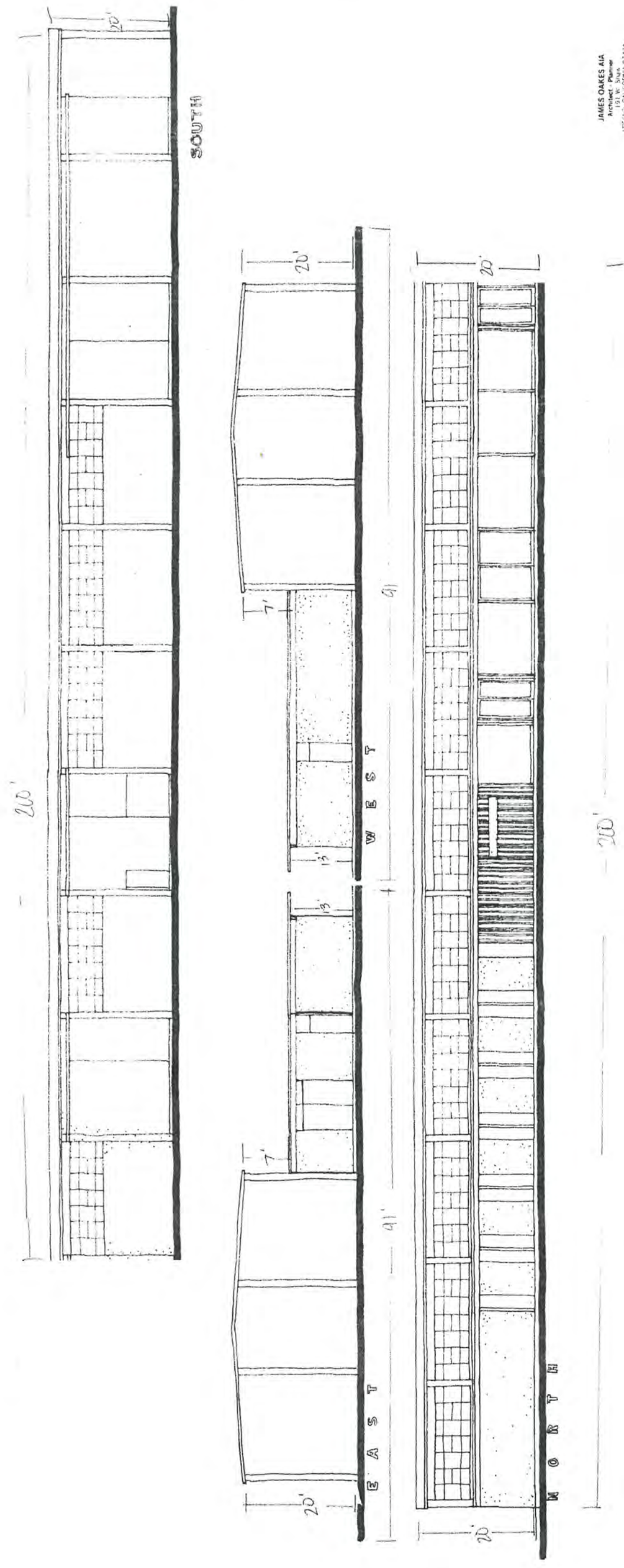
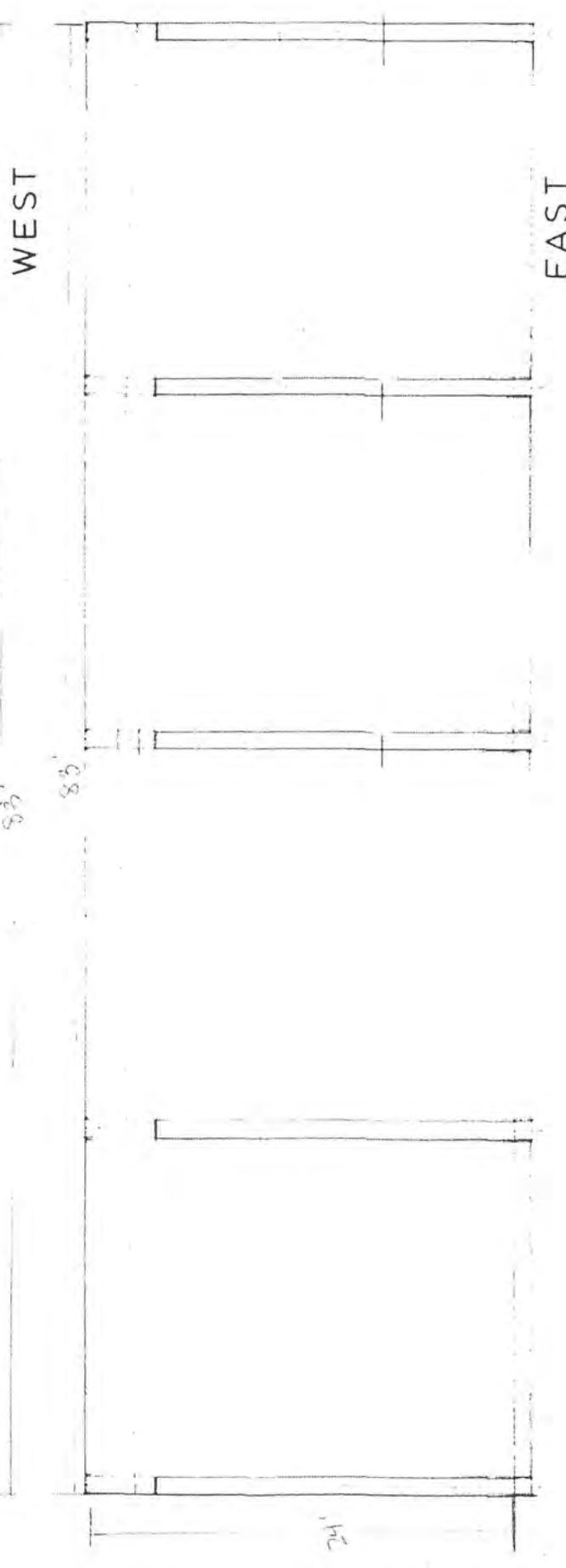
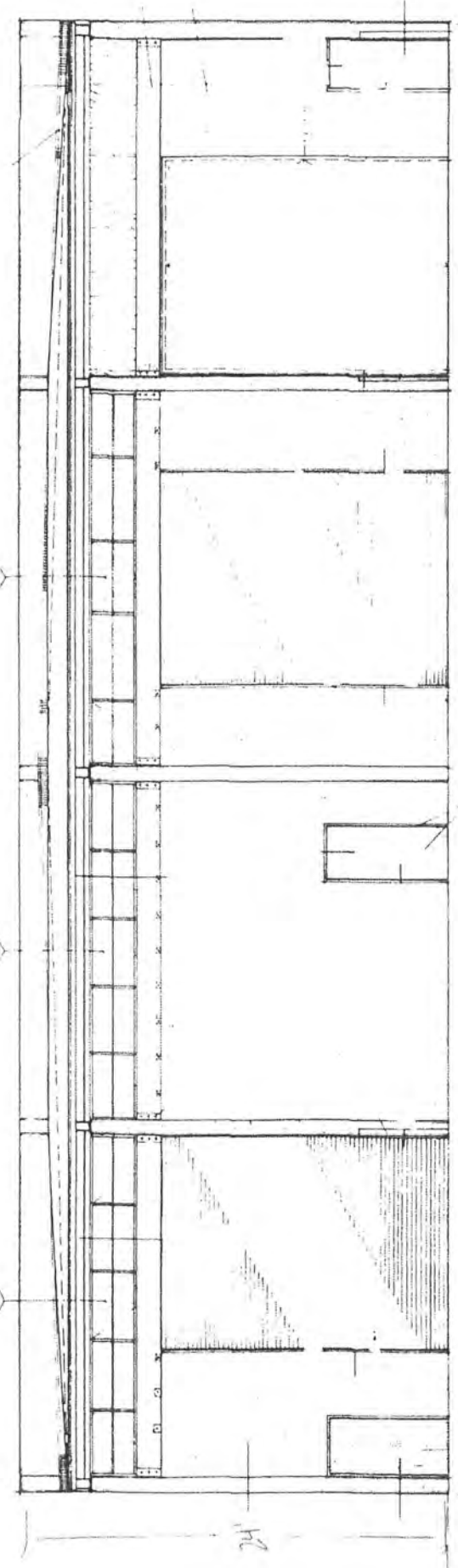
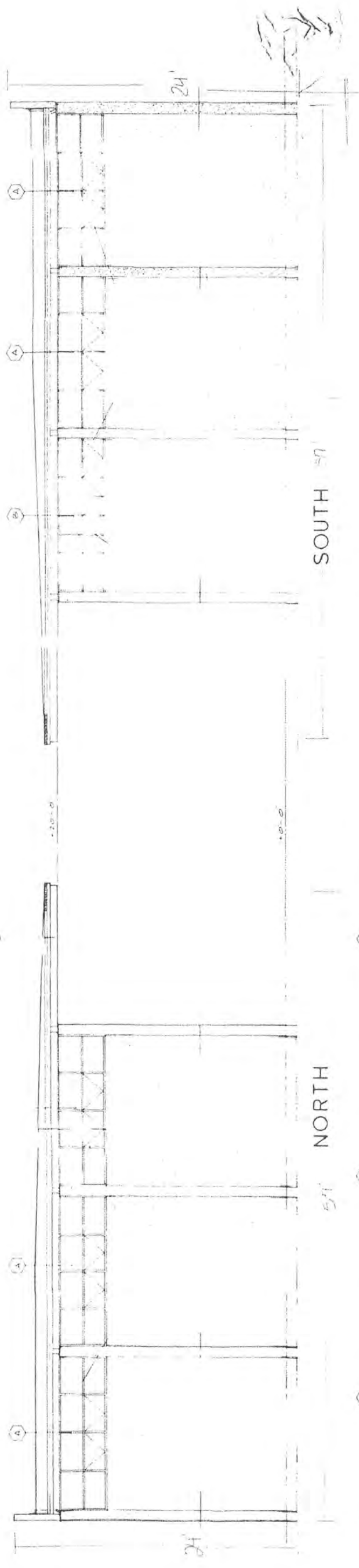


EXHIBIT 7

EXHIBIT 7



JAMES OAKES AIA
Architect - Planner
1211 W. 50th
LOS ANGELES, CALIFORNIA 90024
3/25/21



-U-LAM
 EL TO
 R 1/2
 S 1/2
 W 1/2
 S 1/2
 U-LAM
 C SEE
 -WBL
 PAN

SCHEDULE SH. 2.

JAMES OAKES
 AIA ARCHITECT

11/14/75 J.E.O. G-12
 NOV 14, 1975

EXHIBIT 8

Operational Statement checklist

2. Hrs 6am to 6pm, Mon thru Sat. 12hr work days. Work is completed inside and outside. We typically inspect and remove labels from the containers (outside yard) and clean/test container (inside building).
3. Plan on 1-2 visitors a day average. At most would be 4 visitors between the hours of 8am-5pm.
4. Current number of employees is 6, future would be up to 10. 10-12hr days. Work would be Mon thru Sat but if ever a need we would run on Sundays occasionally. As of now no intention to have anyone live on site.
5. We have 0 delivery vehicles owned by the business. We use common carriers that on a typical day would be about 2-4 deliveries a day.
6. There is access to the property from two public roads and entire property is paved with concrete and asphalt.
7. There is 15+ parking spaces. There is one Handicapped parking space.
8. No goods are sold on site. All items are delivered to customers by common carriers.
9. We use forklifts, pressure washers and typical hand tools.
10. The supplies we use are Degreaser and spray paint they are stored in metal cabinets or Steel drums.
11. There is no unsightly appearance, noise, glare, dust or odor.
12. Explained in nature of operations.
13. Roughly a 100gallons per day.
14. We don't intend on advertising.
15. We will use only existing buildings.
16. The main buildings that are on the property.
17. We will have some outdoor lighting just for safety and theft deterrent, no noise amplification will be used.
18. Property is currently fenced.
19. C Daniel Mosto (Owner) and Liborio J. Mejorado (Owner)

Please see Description that is provided in this email as well to help make a better understanding of what we do.

Thank you very much.

Nature of operation.

3g Container Exchange, LLC.

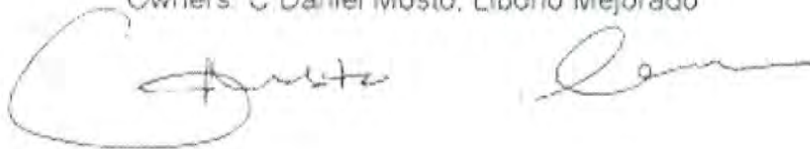
We handle the reconditioning and refurbishing of intermediate bulk containers and drums. The process involves sorting, cleaning, recertifying, and making sure containers are fit for DOT/UN requirements.

The containers we receive are all empty and the process of washing them does create waste water that is handled by our environmental disposal company. We reuse the water as much as possible before it no longer serves the purpose of cleaning the container. When the water is no longer useable we store it in a container to have the environmental company dispose of it.

Essentially, what we do is clean, test and resell these containers to our customers. The nature of the business is about recycling and reusing.

If you have any more questions please let me know.

Owners: C Daniel Mosto, Liborio Mejorado

The image shows two handwritten signatures in black ink. The signature on the left is for C Daniel Mosto, featuring a large, stylized 'C' that loops around the first part of the name. The signature on the right is for Liborio Mejorado, written in a more fluid, cursive style.


Sanchez, Rafael

From: Daniel Mosto <Danny@3gcontainers.com>
Sent: Wednesday, June 23, 2021 11:25 AM
To: Sanchez, Rafael
Subject: Re: Operational Statement Checklist

Good morning Rafael,

The size of the containers are 275 gallon and 330 gallon. I attached an image of the containers so you can see what they look like. Let me know if you have any more questions.



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275 Gallon New IBC Tote

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Related images



Thanks

Daniel Mosto
President
3G Container Exchange, LLC.



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Daniel Mosto

APPLICATION NOS.: Initial Study Application No. 8152 and Conditional Use Permit No. 3725

DESCRIPTION: Conditional Use Permit proposing to allow a solid waste processing facility (reconditioning and refurbishing of bulk containers and drums) on a 2.16-acre parcel within the M-3 (Heavy Industrial) Zone District.

LOCATION: The subject parcel is located on the south side of E. Jensen Ave., 190 feet east of S Maple Ave., 876 feet west of S Sierra Vista Ave., southernly adjacent of the nearest city limits of the City of Fresno (APNs: 487-070-45 & 46) (4646 E Jensen Ave.) (Sup. Dist. 3).

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality; or

FINDING: NO IMPACT:

The site of the proposed project is in a Heavy Industrial area within the Sphere of Influence of the City of Fresno. No scenic vistas that may be impacted by the proposed project were identified on or near the site. Per Figure OS-2 of the Fresno County General Plan, the site is not located along or near a state scenic highway. The proposed use is characteristic of the existing use and structures, and therefore, will not degrade the existing visual character or quality of site and surroundings.

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The applicant does not propose to include a new source of substantial light or glare as the project location is already existing however in the case of any new sources of lighting shall be hooded and directed downward so as not to shine toward adjacent properties and public streets. With the inclusion of a mitigation measure requiring that outdoor lighting be hooded and directed downward, any potential additional lighted area will not adversely affect day or nighttime views in the area.

Mitigation Measure(s)

- 1. *All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.*

II. AGRICULTURAL 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 Department 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 in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract; or
- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use; or
- 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 or conversion of forestland to non-forest use?

FINDING: NO IMPACT:

The parcel on which the proposed project will be located is not located on or near farmland, forest land, timberland, or land zoned Timberland Production. It is zoned M-3 (Heavy Industrial) and is designated Industrial in the Fresno County General Plan. The proposed project is a use that is allowed on land zoned M-3 with approval of a Conditional Use Permit.

Per the 2016 Fresno County Important Farmland Map, the parcel is not under a Williamson Act Contract. The proposed project will not result in conversion of Farmland to non-agricultural use or forest land to non-forest land. The project does not conflict with the existing zoning for agricultural use and is not subject to a Williamson Act Contract.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district 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; or
- B. 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; or
- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District reviewed the proposed project and expressed no concerns with the proposal. The plan does not conflict with the Air Quality Plan, does not violate any air quality standard, will not result in a cumulative net increase of any criteria pollutant, nor does it expose sensitive receptors to substantial pollutant concentrations or create objectionable odors.

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 Wildlife or U.S. Fish and Wildlife Service; or

- 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 Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or
- 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; or
- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

The proposed project was referred to the US Fish and Wildlife Service and the California Department of Fish and Wildlife for review and comments. No concerns were expressed by either agency. According to the California Natural Diversity Database, the project site is not located in any reported occurrence areas of a special status species. Therefore, this analysis identified no impacts regarding: 1.) any candidate, sensitive, or special-status species; 2.) any riparian habitat or other sensitive natural community; 3.) any federally protected wetlands; nor 4.) any native resident or migratory fish or wildlife species, migratory wildlife corridors, or wildlife nursery sites.

The proposed project will neither conflict with any local policies or ordinances protecting biological resources nor will it conflict with the provisions of any conservation plan.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The parcel on which the proposed project will be sited is not located within proximity of any area designated to be moderately or highly sensitive for archeological resources. No historical or paleontological resources, unique geological features, or evidence of possible human remains were identified in this analysis. As such, no impact on historical, archeological, or paleontological resources would result from this proposal. A mitigation measure will be implemented to address cultural resources in the unlikely event that they are unearthed during ground-disturbing activities related to the project.

Mitigation Measure(s)

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site will utilize existing buildings which are subject to local and state standards for building and energy efficiency. The project is expected to have a less than significant impact on energy resources. The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. 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?
2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?
4. Landslides?

FINDING: NO IMPACT

According to Figure 8-3 of the Fresno County General Plan Background Report (FCGPBR) and the California Department of Conservation, Earthquake Hazard Zone Application (EQ Zapp), the project site is not located on or near identified earthquake hazard zone areas. The area of the proposed project is not identified as an area which by nature is subject to these types of seismic effects. No agencies expressed any concerns related to ground shaking, ground failure, liquefaction, or landslides. Construction of the proposed project will be subject to seismic design standards.

- B. Result in substantial soil erosion or loss of topsoil; or

FINDING: NO IMPACT

No geologic unit or unstable soil was identified on the project site. The site comprises of existing buildings, with most of the area paved area which lies within a paved parking lot. Therefore, the project will not result in substantial soil erosion or loss of topsoil.

- 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; or

FINDING: NO IMPACT

Landslides and other forms of slope failure form in response to long-term uplift, mass wasting, and disturbance of slopes. The project site contains naturally flat relief (slopes of no more than three percent), which precludes the possibility of land sliding on-site.

The potential for seismic-related ground failure (lateral spreading and liquefaction) occurring on the project site is minimal because of the absence of high groundwater levels and saturated loose granular soil. The project site is not in an area identified by Fresno County as being susceptible to liquefaction. In addition, the intensity of ground shaking from a large, distant earthquake is expected to be relatively low on the project site and, therefore, would not be severe enough to induce liquefaction on-site.

The San Joaquin Valley in which Fresno County is located is known to experience subsidence. However, the Water, Geology, and Natural Resources Section of the Fresno County Department of Public Works and Planning reviewed the project and

expressed no concerns, stating that the proposal to add a fuel island would generate the need for a negligible amount of additional water.

- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property; or

FINDING: NO IMPACT

Per Figure 7-1 of the FCGPBR, Fresno County General Plan Background Report, the project site is not located within an area of known risk of expansive soils.

- E. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; or

FINDING: NO IMPACT

The project will utilize an on-site sewage disposal system. No concerns related to soil capabilities and the septic systems were expressed by the Fresno County Department of Public Health, Environmental Health Division.

- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

The parcel on which the proposed project will be sited is not located within proximity of any area designated to be moderately or highly sensitive for archeological resources. No historical or paleontological resources, unique geological features, or evidence of possible human remains were identified in this analysis. As such, no impact on historical, archeological, or paleontological resources would result from this proposal. A mitigation measure will be implemented to address cultural resources in the unlikely event that they are unearthed during ground-disturbing activities related to the project.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

A Greenhouse Gas Analysis was conducted for the proposed project dealing with all fuel combustion activities including: Diesel pressure washer – 2.57 gal/hr, Diesel

pressure washer – 2.57 gal/hr, Natural gas fired pressure washer – 338,000 Btu/hr, and Natural gas fired pressure washer – 338,000 Btu/hr.

In 2010, USEPA issued reporting rules for air emission sources that emit at least 25,000 metric tons of Greenhouse Gases (GHGs) per year. GHGs are emitted from fuel combustion processes. Using AP-42 emission factors published by USEPA, the estimated Carbon Monoxide emissions from these activities if operated 8760 hours per year is less than 1 ton/yr. Therefore, greenhouse gas emissions are determined to be less than significant. The proposed operation will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

IX. 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; or
- 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT

The Fresno County Department of Public Health, Environmental Health Division review of the proposal requires that prior to the issuance of building permits, the applicant shall comply with the following:

- *Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan electronically pursuant to the HSC, Division 20, Chapter 6.95 (<http://cers.calepa.ca.gov/>). For more information, please contact the local Hazmat Compliance Program at (559) 600-3271. The default State reporting thresholds that apply are: >55 gallons (liquids), >500 pounds (solids), >200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.*
- *All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage, and handling of hazardous wastes.*
- *The operation must have less than 10% residual materials by weight and less than 1% putrescible materials by weight for all incoming loads. If the operation exceeds the 10% or 1% threshold for residual materials the applicant will need to file an application with the Fresno County Public Health Department, Environmental Health Division for a Solid Waste Facilities Permit at least one-hundred and eighty (180) days*

in advance of the date on which it is desired to commence operation. Contact the Solid Waste Program at (559) 600-3271 for more information.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; or
- E. 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; or

FINDING: NO IMPACT

The subject parcel is not located within one-quarter mile of a school. The proposed project site is not listed on the Hazardous Waste and Substances Site List (Cortese List) which is maintained by the California Department of Toxic Substances Control. There are no listed sites located within a half-mile radius of the proposed project site.

- F. 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, result in a safety hazard or excessive noise for people residing or working in the project area; or

The Fresno County Department of Public Health, Environmental Health Division review of the proposal states:

- *The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the County of Fresno Noise Ordinance and the City of Fresno Municipal Code.*

FINDING: LESS THAN SIGNIFICANT IMPACT

The Fresno County Department of Public Health, Environmental Health Division which administers the Office of Emergency Services to coordinate planning and preparedness, response and recovery efforts for disasters did not express any concerns regarding emergency response or evacuation plans.

- G. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or

FINDING: LESS THAN SIGNIFICANT IMPACT

Per the Fresno County General Plan, Drummond Avenue is a County maintained road classified as a Local road with an existing 50' of road right-of-way and an ultimate right-of-way of 60', requiring an additional 5' of right of way as to allow for emergency response plan and/ or emergency evacuation plan. In addition, the Fresno County Department of Public Health, Environmental Health Division which administers the Office of Emergency Services to coordinate planning and preparedness, response and

recovery efforts for disasters did not express any concerns regarding emergency response or evacuation plans.

- H. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

The project site is located in an area of Heavy Industrial Use approximately 3.5 miles from downtown Fresno, which is not in a wildland fire area, precluding the site from impacts caused by wildland fires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality; or
- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; or

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is southernly adjacent from the City of Fresno and receives water from the Fresno Irrigation District Division #3. Fresno County Environmental Health Division Facilities states proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan electronically pursuant to the HSC, Division 20, Chapter 6.95 (<http://cers.calepa.ca.gov/>). For more information please contact the local Hazmat Compliance Program at (559) 600-3271. The default State reporting thresholds that apply are: >55 gallons (liquids), >500 pounds (solids), >200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - 1. Result in substantial erosion or siltation on or off site?
 - 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?

- 3. 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; or
- 4. Impede or redirect flood flows?
- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or
- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Fresno Metropolitan Flood Control District (FMFCD) states the District's Master Plan can accommodate the proposed land use. The District bears responsibility for storm water management within the Fresno-Clovis metropolitan area, including the area of the proposed subject site. Within the metropolitan area, storm runoff produced by land development is to be controlled through a system of pipelines and storm drainage retention basins. FMFCD states no on-site retention of storm water runoff required nor expressed any concern that would substantially alter the existing drainage pattern of the site or area that would result in flooding on and offsite. In addition, FEMA'S National Flood Hazard Database FIRM Panel No. 06019C2130H indicates the area is not subject to flood conditions.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community; or
- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: NO IMPACT:

The proposed project will not physically divide an established community nor cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation.

XII. 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; or

- 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?

FINDING: NO IMPACT

No mineral resource impacts were identified in the analysis. The site is not located in a mineral resource area identified in Policy OS-C.2 of the General Plan.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels; or
- C. For a project located within the vicinity of a private airstrip or 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 be residing or working in the project area to excessive noise levels; or

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per Fresno County Noise Ordinance and the City of Fresno Municipal code, the proposed project has the potential to expose nearby residents to elevated noise levels.

"Ambient noise" is the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. Ambient noise level is the level obtained when the noise level is averaged over a period of fifteen minutes, without inclusion of the offending noise, at the location and time of day at which a comparison with the offending noise is to be made. Where the ambient noise level is less than that designated in this section, however, the noise level specified herein shall be deemed to be the ambient noise level for that location (Chapter 10-Regulations Regarding Public Nuisances and Real Property Conduct and Use. Article 1-Noise Regulations. Section 10-102 (b)).

Mitigation Measure(s)

1. *Adherence to the Fresno County Noise Ordinance and the City of Fresno Municipal code shall be followed. Industrial districts sound level decibels shall not exceed 70 at any time.*

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned 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); or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The proposed project will not induce population growth, nor will it displace housing or people. The project consists of utilizing an existing location for the purpose of processing solid waste. There will not induce substantial unplanned population growth in an area directly nor indirectly.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the 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 following public services:
 - 1. Fire protection;
 - 2. Police protection;
 - 3. Schools;
 - 4. Parks; or
 - 5. Other public facilities?

FINDING: NO IMPACT:

The subject parcel is zoned M-3 (Heavy Industrial) according to the Fresno County Zoning Ordinance. The proposal will not have substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities. In addition, the Fresno County General Plan

XVI. RECREATION

Would the project:

- A. 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; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project is not located near any neighborhood or regional parks or recreational centers and does not propose any new recreational facilities or require the construction of such facilities.

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or
- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b); or

FINDING: NO IMPACT:

*The aforementioned CEQA Guideline subdivision determines projects within one-half mile of an existing major transit stop to cause less than significant transportation impact”
The subject parcel meets the criteria specified.*

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The proposed project meets all set back requirements and does not have any major construction that would affect emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of

the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject site has been previously developed and surrounds areas zoned for Heavy Industrial use, suggesting minimal chance of a cultural resources occurring on the project site. Under the provisions of Assembly Bill 52 (AB 52), participating California Native American Tribes were notified of the project proposal and given the opportunity to enter into consultation with the County on addressing potential tribal cultural resources. No concerns were expressed by notified California Native American Tribes and no consultation request was received. Therefore, mitigation will be implemented to address tribal cultural resources in the unlikely event they are unearthed during ground-disturbing activities related to the project.

Mitigation Measure(s)

1. In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years; or

- C. 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; or
- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Water and sewer services are provided by Fresno County Water District. The project proposal was routed to the Fresno County Department of Public Health, Environmental Health Division which expressed no concerns with wastewater treatment. FMFCD did not express any concerns from expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. The operation must have less than 10% residual materials by weight and less than 1% putrescible materials by weight for all incoming loads. If the operation exceeds the 10% or 1% threshold for residual materials the applicant will need to file an application with the Fresno County Public Health Department, Environmental Health Division for a Solid Waste Facilities Permit at least one-hundred and eighty (180) days in advance of the date on which it is desired to commence operation.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT

The subject site is already improved with structures that are proposed to be utilized with the subject operation. There are no additional structures proposed with this project. The project will not substantially degrade the quality of the environment or substantially reduce the habitat of a fish or wildlife species.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially 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, substantially 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; or
- B. 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); or
- C. Have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject site is not within an area of fish or wildlife species area. that would cause a decrease in the wildlife population. The project will not substantially degrade the quality of the environment nor substantially reduce the habitat of a fish or wildlife species. Responsible agencies and departments concurred with the findings and conclusions of the prepared technical studies and determined that no substantial adverse impacts on human beings would occur.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Classified Conditional Use Permit No. 3716, staff has concluded that the project will not have a significant effect on the environment.

It has been determined that there would be no impacts to Biological Resources, Energy, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, Wildfire.

Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Hydrology and Water Quality, Hazards and Hazardous Materials, Land Use Planning, Noise, Greenhouse Gas Emissions, Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, and Tribal

Cultural Resources have determined to be less than significant with compliance with implementation of recommended mitigation measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.

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