

Agenda Item: File ID17-1322 (1-E)

Date: 10/12/2017

REC'D OCT 10 '17 PM 2:58
FRESNO CITY CLERK

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Item(s) – File ID17-1322 (1-E)

Contents of Supplement: Letter from Mr. Leonard Lang Item(s)

HEARING to consider Text Amendment Application No. TA-17-002 and related Environmental Finding for Environmental Assessment No. TA-17-002, proposing to modify zoning and use regulations for California Redemption Value (CRV) Recycling Centers within the City of Fresno (Citywide)

1. **Adopt** Environmental Assessment No. TA-17-002 dated July 26, 2017 prepared for this matter approving a Finding of No Possibility pursuant to Section 15061 (b)(3) of the Environmental Quality Act Guidelines
2. **BILL** – (For introduction) - Approving Text Amendment Application No. TA-17-002 addressing CRV Recycling Centers by amending subsection (B) of Section 15-2750 of the Fresno Municipal Code.

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

Fresno Mayor Lee Brandt
Fresno City Council

The City's proposed ordinance, TA-17-002, is trying to solve a social problem by focusing on a beneficial service to the community: recycling centers beverage containers. The ordinance analysis provided no evidence that eliminating recycling centers in neighborhoods, will (1) solve the homeless problem neighborhoods, (2) encourage recycling (3) will still afford opportunities for needy families, children, non-profits, churches, etc. to earn income through recycling.

Does the staff's tactics hold any merit whatsoever?

1. There is no evidence that there is affordable available land in industrial areas.
2. Staff has presented NO map to show if enough land is available.
3. The analysis failed to identify that by moving recyclers they would lose much of their income paid by the state to serve convenience zones. This makes moving impossible.
4. The current Zoning Ordinance provides for closing down existing recycling centers through the use permit process but no center has been brought before the Planning Commission for a revocation hearing. A failure of due process
5. It's estimated that these centers pump over \$15 million into the local community most of which is spent locally. The loss was not studied, it was assumed that there would be no effect.
6. There is no acknowledgment that this affects elements of the Fresno General Plan with an analysis on the effects of diversion. This could leave the city subject to state fines and penalties.
7. The analysis acknowledges the loss of the availability of state grants (\$330,000 in 2016) but it does not quantify the loss of payments to the city's curbside operator which would be required by the state law. How would the city's contract with the curbside operator be affected if this loss amounted to \$1 million?

In Summary:

Because recycling comes under the umbrella of the Fresno General Plan changes to those elements are subject to an EIR. Section 15061(b)(3) of the CEQA Guidelines. That EIR requires responsible analysis of the impacts on the community. In this case that means the elimination of a significant portion of available recycling and the public it serves by focusing on the public it doesn't want them to serve. An EIR would measure the impact on the cost to the grocer who would perform a service for which they do not get reimbursed and exposing them to penalties. These costs must be passed along to the public. Losses to the landlords' income which benefits the community. And finally, the loss of diversion to the city and funding to the curbside provider.

To do this City Council approval would have to ignore its own ordinances

Sec. 15-5811 (EIR required)

Sec. 15-4902 (repeat process)

<https://www.youtube.com/watch?v=9-W5IDUNjHQ&t=30s>

I urge a no vote on agenda item 1-E ID17-1322

Respectfully,

Leonard Lang

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<https://www.youtube.com/watch?v=9-W5IDUNjHQ&t=30s>