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Planning and Development Department
Jennifer K. Clark, AICP, Director

September 30, 2021

Please reply to:
Jose Valenzuela
(559) 621-8070

Chip Clements
cclements@clementsenvironmental.com
(Sent via email only)

SUBJECT: CONDITIONAL USE PERMIT APPLICATION NO. P18-03189 FOR PROPERTY LOCATED AT 3077 SOUTH GOLDEN STATE FRONTAGE ROAD (APNs: 330-040-42, -49S)

Dear Mr. Clements:

On September 30, 2021, the Planning and Development Department Director **approved Conditional Use Permit Application No. P18-03189**. This approval authorizes the construction of a small Biomass Cogeneration Plant (BCP) and wood pellet mill at the existing West Coast Waste Material Recovery Facility (MRF) located at the property noted above. A ±24,000 square-foot steel building will house the BCP. The proposed BCP will generate renewable electricity via a fully enclosed gasification/combustion process to create steam to run a turbine generator. The turbine will generate approximately five (5) megawatts (MW), of which 1.2 to 2.0 MW will be used to offset grid power used by the new process and to power new electric grinders. The remaining 3 MW will be sold to PG&E through an interconnection at the north edge of the site on South Golden State Frontage Road. The subject property is zoned IH (*Heavy Industrial*).

An Initial Study Mitigated Negative Declaration (ISMND) was completed for the project by the Planning and Development Department on August 4, 2021, in accordance with the California Environmental Quality Act (CEQA) Guidelines. The approval of this project is subject to compliance with the following Conditions of Approval:

CONDITIONS OF APPROVAL

PART A – ITEMS TO BE COMPLETED

The following items are required prior to issuance of building permits or certificate of occupancy:

Planner to check when completed		
<input type="checkbox"/>	1.	Development and/or operations shall take place in accordance with Exhibits A-1, A-2, A-3, A-4, A-5, E, and F dated August 26, 2020. Revise and transfer all comments or corrections to plan exhibits and upload to the related compliance record prior to issuance of building permits (see directions

		below).
<input type="checkbox"/>	2.	Prior to the issuance of building permits , address the Fresno Irrigation District conditions relating to the North Central Canal No. 26 which traverses the property and any other requirements outlined in the attached memoranda dated September 15, 2020.
<input type="checkbox"/>	3.	Coordinate with the Fresno Fire Department to comply with conditions of approval which were required under Conditional Use Permit Application No. C-15-030. Address Fire requirements outlined in the attached memoranda dated September 3, 2020, prior to the issuance of building permits .
<input type="checkbox"/>	4.	Pay the required fees as stated in the memoranda from the Fresno Metropolitan Flood Control District (FMFCD), dated September 18, 2020, prior to issuance of building permits . Provide proof of payment.
<input type="checkbox"/>	5.	Depict and dimension all property lines on site plan.
<input type="checkbox"/>	6.	Buildings shall not be constructed over property lines. If proposed, demonstrate an existing Hold as One Covenant is recorded on Title. If one does not exist, a Voluntary Parcel Merger shall be required prior to issuance of building permits .
<input type="checkbox"/>	7.	A cross access covenant may be required. Provide a title report dated within 30 days of submittal for all properties involved. A fee of \$1,553.62 will be due at the time of submittal for preparation of covenant. The covenant shall be applied for prior to issuance of building permit and recorded prior to occupancy .
<input type="checkbox"/>	8.	Deed documents for the required dedications must conform to the format specified by the city and shall be prepared by the applicant's engineer. The cost of deed document processing and the fee for recordation must be paid at the time of deed submittal and shall be submitted with verification of ownership prior to the issuance of building permit. Contact Jeff Beck at (559) 621-8560 for submittal.
<input type="checkbox"/>	9.	Landscaping must be in place before issuance prior to occupancy. A Hold on Occupancy shall be placed on the proposed improvements until such time that landscaping has been approved and verified for proper installation by the Planning Division. (Include this note on the site and landscape plans.)
<input type="checkbox"/>	10.	Prior to granting of occupancy, a written certification, signed by a landscape professional approved by the Planning and Development Department Director, shall be submitted stating that the required landscaping and irrigation system have been installed in accordance with the landscaping and irrigation plans approved by the Planning Division. (Include this note on the site and landscape plans.)
<input type="checkbox"/>	11.	Comply with the San Joaquin Valley Air Pollution Control District rules and regulations. If you have any questions or require further information, please

		contact Eric McLaughlin by e-mail at Eric.McLaughlin@valleyair.org or by phone at (559) 230-5808.
<input type="checkbox"/>	12.	Comply with project specific mitigation measures outlined in EA No. P18-03189 dated August 4, 2021.

PART B – OTHER REQUIREMENTS

1) Planning/Zoning/Environmental Compliance Requirements

- a) Development and operation shall take place in accordance with the attached “Notes and Requirements for Entitlement Applications” as applicable.
- b) Development shall take place in accordance with the policies of the Fresno General Plan, Roosevelt Community Plan, and with the Heavy Industrial planned land use designation.
- c) Development shall take place in accordance with the IH (*Heavy Industrial*) zone district, and all other applicable sections of the Fresno Municipal Code (FMC).
- d) Comply with the operational statement submitted for the proposed project dated August 26, 2020.
- e) Development shall comply with all prior special permits on the property and any applicable conditions of zoning, especially but not limited to Conditional Use Permit C-15-030.
- f) Structures shall comply with the height requirements of Section 15-1303-2.
- g) Comply with all applicable mitigation measures detailed in the attached Master Environmental Impact Report (MEIR) Mitigation Monitoring Checklist for the Fresno General Plan and any applicable project specific mitigation measures contained in the environmental assessment adopted for the project.
- h) Property development standards and operational conditions are contained in Articles 13 (Employment Districts), 20 (General Site Requirements), 23 (Landscape), 24 (Parking and Loading) and 25 (Performance Standards). Any project revisions, development and operation must comply with these property development standards and operational conditions.
- i) Development shall comply with the City of Fresno Parking Manual, California Building Code, and American Disabilities Act requirements.
- j) Project shall comply with the noise standards contained in Table 15-2506-B & 15-2506-C of the FMC.

2) City and Other Services

Development shall take place in accordance with the attached memoranda and letters from the

following City of Fresno Departments and partner agencies:

- Department of Public Works, Traffic & Engineering Services Division dated September 17, 2020;
- Department of Public Works, Street Maintenance Division dated June 26, 2018;
- District 3 Project Review Committee dated April 12, 2019;
- Fresno Irrigation District dated September 15, 2020; June 26, 2018; & April 14, 2015;
- Department of Public Utilities, Water Division dated September 27, 2019;
- Department of Public Utilities, Sewer Division dated January 31, 2019;
- Fresno Fire Department dated September 3, 2020 & October 16, 2019;
- Fresno Metropolitan Flood Control District dated September 18, 2020;
- Fresno County Environmental Health Department dated September 8, 2020.

3) Miscellaneous Requirements

- a) Building plans and permits are required.
- b) 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:
 - i) 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;
 - ii) All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
 - iii) Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.
- c) Approval of this site plan 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 Development Permit process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this site plan or subsequent amendments or revisions.

APPEALS

A notice of intent to take action was mailed to nearby property owners on September 10, 2021, which commenced a 10-day comment period. The project was approved September 30, 2021. This commences a 15-day appeal period. Should an appeal be received, it shall be scheduled to be heard before the Planning Commission.

Please be advised that this project may be subject to a variety of discretionary conditions of

approval. These conditions based on adopted City plans, ordinances and policies; those determined to be required through the interdepartmental/interagency review process; and those determined through the environmental assessment process as necessary to mitigate adverse effects on the health, safety and welfare of the community. The conditions of approval may also include requirements for development and use that would, on the whole, enhance the project and its relationship to the neighborhood and environment.

All conditions of approval based on adopted plans, codes, and regulations are mandatory. Conditions based on the FMC may only be modified by variance, provided the findings required by FMC Section 15-5506 can be made. Discretionary conditions of approval may be appealed, but will ultimately be deemed mandatory unless appealed in writing to the Director within 15 days. In the event you wish to appeal the Director's decision, you may do so by filing a written appeal with the Director. The appeal shall include the appellant's interest in or relationship to the subject property, the decision or action appealed and specific reasons why the applicant believes the decision or action appealed should not be upheld.

If you wish to appeal the decision, a written request must be received at the Planning and Development Department by **October 15, 2021**. The written request should be addressed to Jennifer K. Clark, Director, include the application number referenced above. Please submit the request in writing (mail or email to publiccommentsplanning@fresno.gov and CC the planner listed below) to the Planner by the date noted above.

COMPLIANCE REVIEW PROCESS

Please Note: To complete the compliance review process for building permits relative to planning and zoning issues, please upload electronic PDF copies of the corrected, final site plan, elevations, landscape, and irrigation plans, operational statement, any fees and title reports for required covenants, and any required studies or analyses into the compliance record for final review and approval into the compliance record at least 15 days before applying for building permits.

The compliance record number for this application is P21-04970. These documents can be uploaded electronically to the citizen access portal at www.fresno.gov/faaster. Contact Planner once any corrected exhibits are uploaded.

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 Jose Valenzuela at Jose.Valenzuela@fresno.gov to schedule an appointment to stamp and signoff these exhibits.

Copies of the final approved site plan, elevations, landscaping, and irrigation plans stamped by the Development Services Division must be substituted for unstamped copies of the same in each of the sets of construction plans submitted for plan check prior to the issuance of building permits.

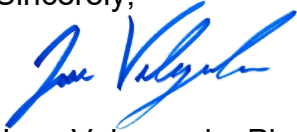
EXPIRATION

The exercise of rights granted by these special permits must be commenced by **September**

30, 2024, (three years from the date of approval). An extension of up to one additional year may be granted, provided that the findings required under FMC Section 15-5013-A.1 are made by the Director. All required improvements must be installed prior to the operation of the proposed use.

If you have any questions regarding this letter, feel free to give me a call at the number listed above.

Sincerely,



Jose Valenzuela, Planner
Development Services Division

Enclosures: Exhibits A-1, A-2, A-3, A-4, A-5, E, and F dated August 26, 2020
Comments from Partner Agencies & Departments
Notes and Requirements for Entitlement Applications

Job Address File: 3077 South Golden State Frontage Road