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Title: RESOLUTION - Initiating a Text Amendment to the Zoning Ordinance of the City of Fresno pursuant to FMC Section 15-5803-A (1) to establish zoning and use regulations for CRV Recycling Centers within the City of Fresno.

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Indexes:

Code sections:

Attachments: 1. Ordinance.pdf, 2. Resolution.pdf

Date	Ver.	Action By	Action	Result
12/15/2016	1	City Council	adopted as amended	Pass

REPORT TO THE CITY COUNCIL

December 15, 2016

FROM: COUNCIL PRESIDENT CAPRIOGLIO, District 4 and
COUNCILMEMBER BAINES, District 3

SUBJECT

RESOLUTION - Initiating a Text Amendment to the Zoning Ordinance of the City of Fresno pursuant to FMC Section 15-5803-A (1) to establish zoning and use regulations for CRV Recycling Centers within the City of Fresno.

RECOMMENDATION

It is recommended the Council take the following action:

1. ADOPT RESOLUTION initiating a Text Amendment to the Zoning Ordinance of the City of Fresno pursuant to FMC Section 15-5803-A(1) to establish zoning and use regulations for CRV Recycling Centers within the City of Fresno.

EXECUTIVE SUMMARY

We are proposing a revision to the existing section of the Zoning Ordinance that places special conditions on CRV Recycling Centers. As proposed, the proposed text changes would:

1. Restrict the use to industrial zone districts.
2. Increase the separation requirement between these facilities and residential uses.

3. Remove all references to temporary structures given that the use may only be established within a permanent building.
4. Require compliance for existing facilities. This is the biggest change and would result in the elimination of recycling facilities operating out of temporary structures within 6 months to 1 year from the adoption of the ordinance. It would also remove these facilities from commercial districts and would not allow these existing facilities to remain in areas that are within one mile of residential uses.

BACKGROUND

Council Workshop

On March 6, 2014, staff from the DARM Department held a Council Workshop on recycling facilities to discuss problems associated with these facilities and to provide potential solutions to these problems. The purpose of the workshop was to receive Council feedback and direction on updating City codes and policies applicable to these facilities. The following are the items that Council asked staff to look into:

1. Notification to the surrounding properties and to property owners when an application for a new facility is received;
2. Prohibiting recycling centers from buying material that arrives in a shopping cart;
3. Requiring wraps be placed around new recycling center containers, but not currently existing containers;
4. Establishing a timeline that prevents recycling containers from being installed before permits are received and setting up a citation system for centers that violate that timeline; and
5. Working with the recycling industry as well as constituents to discuss the possible changes.

After receiving direction from Council, DARM staff worked with the recycling industry and other internal and external stakeholders to craft a new policy that attempted to solve or minimize the problems associated with CRV Recycling Centers. The new policy was not adopted at that time; however, most of the operational and design changes proposed in this policy were approved in the new Development Code, adopted in December of 2015. Unfortunately, these requirements currently do not apply to existing facilities. This proposed text amendment will resolve this by requiring that existing facilities come into compliance with the requirements outlined in the Development Code.

Problems related to CRV Recycling Facilities in Fresno

The problems associated with CRV Recycling Centers have been ongoing for over 10 years. Issues related to the siting and operation of these facilities has been raised by advisory committees, Councilmembers, the police department, and the community at large. These issues include crime at the CRV recycling stations that often spreads into adjacent neighborhoods, theft of recyclable beverage containers from recycling and trash bins, visual blight, and overconcentration of these facilities. As you know, the City regularly receives complaints from the public about CRV Recycling Centers interfering with the quiet enjoyment of nearby residents, and transients "hanging out" as they become intoxicated and leaving their litter behind. In addition, the Fresno Police Department has received over 260 calls for service at CRV Recycling Center locations within the City since June 1, 2016, further demonstrating the need to tighten the standards and regulations related to CRV Recycling Centers.

ENVIRONMENTAL FINDINGS

The City of Fresno has determined that a Finding of No Possibility that the initiation of this text amendment will have impacts on the environment pursuant to Section 15061(b)(3) of the CEQA Guidelines is appropriate for the proposed initiation. This initiation will not result in a change to the physical environment. Individual recycling facilities are subject to CEQA review at the time of application submittal.

LOCAL PREFERENCE

N/A; this project does not involve any bids or award of contracts for construction or services.

FISCAL IMPACT

The proposed change will result in many business owners reapplying for approval to reestablish their CRV Recycling Centers. Applicants will be charged the full Conditional Use Permit fee in order for full cost recovery. Thus, there is no fiscal impact related to this proposed text amendment.

Attachment: Exhibit 1: Draft of the Text Amendment modifying Section 15-2750 of the FMC
Exhibit 2: Resolution of Initiation