



acres of developed property at the southeast corner of West San Jose and North Colonial Avenues to remove previously established conditions of zoning.

A future Development Permit Application will seek to construct a 90,000-square-foot 4-story office building matching other office buildings of similar height and design already exist at the Fig Garden Financial center, which extends immediately west and south of the intersection of North Colonial and West San Jose Avenues. Immediately north of the proposed project is medium low residential development. To the east is a mixture of medium low density residential and more regional mixed use. The future office development was expected to include a small park and a small dog park with landscape setbacks and enhanced pedestrian access for area residents.

A draft Mitigated Negative Declaration has been prepared for the project by Crawford & Bowen Planning, Inc. and is under review with the City of Fresno.

The proposed local action was referred to the ALUC for mandatory review under the provisions of the State of California Public Utilities Code.

Following the staff presentation Jeff Roberts of The Assemi Group spoke in favor of it's approval.

A motion was made by Commissioner Rapada and seconded by Commissioner Remy to approve a Finding of Consistency for Plan Amendment/Rezone Application No. P18-03659. A vote was called for and the motion carried.

### **C. Regional Permanent Environmental Compliance Center**

Brenda Veenendaal reported on this item. The County of Fresno proposes to site, construct and operate an approximate 20,000 square foot permanent regional Environmental Compliance Center (Center) within the metropolitan Fresno/Clovis area. The purpose of the Center is to provide a safe and convenient means for Fresno County residents (Residential Participants) and small quantity business generators (Business Participants) to dispose of household waste items not allowed for regular disposal.

A summary of the issues of concern regarding the proposed project was attached as part of the 10-page Operational Statement. This document covered operational time limits, number of customers, visitors, employees, vehicles, parking, equipment, noise, glare, dust and odors, generation of liquid and solid wastes, signage, structures, lighting and sound, etc.

This project sits within the Inner Turning Zone (ITZ) of Fresno Chandler Executive Airport. It does not sit within any of the airport's noise contours. The ITZ requires 20% open land, a maximum non-residential density of 100 persons per acre, and 1 dwelling unit per 2 acres. County staff confirms that there is 25-30% open space on the West side of the site.

#### **Relative prohibited uses include:**

- Hazardous uses (e.g., aboveground bulk fuel storage or gas stations) as defined on page 3-9 of the ALUCP
- Dumps or landfills, other than those consisting entirely of earth & rock
- Hazards to flight

#### **Other development conditions include:**

- Airport disclosure notice required
- Locate structures maximum distance from extended runway centerline
- Airspace review required for objects > 35 feet tall

Regarding hazardous uses, these household waste items consist of:

Attached was a chart that shows common household wastes. In the chart the red circles with an x in the middle indicate hazardous wastes because they are either toxic, caustic, flammable or corrosive.

We do not accept anything explosive, ammunition, or medication. All items are received in their original containers and we sort and bulk-pack them into 55-gallon drums by type, then ship them to an appropriate facility for recycling or lawful disposal. These drums are stored in secure hazmat lockers, separated by type for safety, while waiting for shipment. I have attached a photo of the hazmat lockers, which are open. Once the collection and packing are completed for each day, the lockers are securely locked. They have fire suppression and alarm systems. Wastes are regularly picked up, about every 4 to 6 weeks.

"...small quantities of a variety of materials that are the by-products of the operation and maintenance of a place of residence and which exhibit one or more of the following characteristics: toxicity, ignitability, reactivity and corrosivity." (Health and Safety Code, section 25218)

With few exceptions, the majority of these household waste items accepted at the Center can be found in the average garage, under the kitchen sink, or for sale at a local "home store." The applicable State regulations also allow a business that generates small quantities of these items to utilize this center and participate in some of its programs, if that business is able to qualify as a Conditionally Exempt Small Quantity Generator (limited to generation of 27 gallons or 220 pounds of these materials monthly). For illustrative purposes only, a generic list of some of the most common items managed at the environmental compliance center appears in Table 1 of the attached document titled "Operational Statement County of Fresno.final.110518.accepted."

As specified in the applicable regulations, some of the programs described above will be "Full-Service," dealing with all types of household waste items, and some programs will provide "Limited Service," dealing only with UW and/or specific waste streams such as sharps. Additional programs (such as that being developed for recycling solar panels, with an anticipated minimum amount of one pallet of approximately ten (10) panels per pallet accepted per month) may be added as applicable state regulatory requirements change and the county complies accordingly.

No household waste items will be buried at the proposed site; no household waste items will remain on the site when the Center is no longer operational. All household waste items that are brought to the Center will be sorted, consolidated, and shipped out to appropriate management/recycling facilities on a regular basis by properly licensed haulers throughout the life of the Center, in accordance with Title 22, Division 4.5, Chapter 22. The County has budgeted sufficient funds in Org. 9015 to meet State Closure/Financial Assurance Plan (Plan) requirements. The Plan for the Center will regulate and ensure that adequate funding is available for the removal of all household waste items from the Facility at closure.

In addition to accepting and managing household waste items brought to the Center by Residential and Business Participants, the Facility will:

- Operate a Reuse Center (for the distribution of useable household products brought to the Center);
- Serve as:
  - A Certified Used Oil & Automotive Fluids Collection Center
  - A Designated Sharps Collection Point
  - A battery collection point; and
- Participate in the PaintCare Program for the recycling of acceptable paints.

Additionally, a variety of off-site programs will be operated out of the Center, allowing household waste items to be collected and brought back to the Center for consolidation and management. Off-site programs may include, but are not limited to:

- A Door-To-Door (DTD) Program, to serve the homebound and the infirm;
- A Mobile Program, to provide periodic temporary collection events, primarily at locations outside of the Fresno-Clovis Metropolitan Area; and
- A Drop-off Program, utilizing local businesses within Fresno County to collect various types of Universal Waste (UW).

**Hazards to Flight concern:**

**Lighting** - The Center is anticipated to have approximately ten - 20-foot high pole-mounted photocell-controlled 2-stage LED security lights spaced evenly around the Center perimeter. The glare from these polls could be of concern due to their proximity to the runway and should be discussed by the Commissioners. County staff confirmed " All lighting will be aimed toward the interior of the facility and will be hooded. If additional measures need to be taken, we are glad to accommodate."

**Landscaping** - be aware of any landscaping with potential to become a bird attractant.

A motion was made by Commissioner Kroll and seconded by Commissioner Yrigollen to approve a Finding of Consistency for Siting, Construction and Operation of the Permanent Regional Environmental Compliance Center to serve residents of Fresno County as submitted by the County of Fresno. A vote was called for and the motion carried.

**D. Mixed Use Development 2434 S Elm Avenue Apartments**

Brenda Veenendaal Reported on this item. The project sits within an a newly designated exempt portion of the Traffic Pattern Zone at Fresno Chandler Executive Airport it may not need a Finding of Consistency. However, because this designation is new, it was placed on the agenda for review. Staff will refer this item to legal counsel for review prior to the meeting.

Upon review, staff determined that ALUC review for a Finding of Consistency is required. The Zone 6 urban designation exemption afforded to the area it sits within relates only to density and intensity which has no limits, but not to height and hazards to flight.

Hazards to flight are prohibited in this zone, and include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations.

The proposed project is a mixed-use development that has frontage along two major streets, including Elm Avenue to the east and Church Avenue to the North. The project incorporates a live work and multi-family residential component along its Church Avenue frontage. The Church Avenue frontage development includes 4,294 square feet of retail/commercial space and 5 apartment units. However, consistent with the flexibilities available by the Citywide Development Code Table 15-1102, the project includes 136 multi-family units on both the upper and ground floors that abut Elm Avenue, the project's second major street frontage.

A 26' Landscape, Bike, and Pedestrian easement is being proposed along Church Avenue to allow for construction of a 12'-wide trail. A fence comprised of 2' of decorative block and topped with 1' of wrought iron (a total of 3') runs along the Elm frontage and surrounds the apartment units in order to provide security and separation for apartment patios. A block wall borders the west and south sides of the property.

**Parking.** The project will have on-site 163 parking stalls to serve the tenants and guests, and an additional 7 stalls to serve the retail customers. The project intends to incorporate a phasing program to take advantage of the provisions of Section 15-2413-B of the Citywide Development Code that allow a 30% reduction of standard parking ratios for projects developed within specified distances of a transit stop providing 15-minute service intervals. The Southwest Fresno Specific Plan, Figure 5-4, recommends that Bus Rapid Transit Service (with intended 10-minute service intervals) be extended to a route along the project's Elm Avenue frontage. The project development's initial phase will therefore be limited to the development that will be supported by the 170 parking stalls.

**Density Standards.** The Citywide Development Code prescribes a residential density standard of 16 to 30 units per acre for residential uses. It also prescribes a maximum 150% square feet of floor area maximum for commercial uses. The project achieves this standard by providing a total of 141 residential units on 6.73 acres (a density of 20.8 residential units).

**On-Site Open Space.** The Citywide Development Code requires, for CMX developments, that a minimum of 10% of the Lot Area be designed as open space. The requirement can be satisfied by a combination of private open space, common open space or public plazas. The project will satisfy the open space standard through its incorporation of two common area amenities at the north and south end of the development and additional open spaces at the west end of the development, which total 10.3% of the project site. The open space standards are therefore satisfied without taking into account the private open space provided on the project site.

In addition, the project qualifies for a 25% reduction of the open space requirements pursuant to Section 15-1104-E-2. That is because the project is located within 400 feet of transit stop ELGRNB located at Elm Avenue and East Grove, which is served by FAX Route 34. That route has regular scheduled service during the weekday hours beginning before 7:00 a.m. and ending 7:00 p.m. each weekday, with 20 minute frequencies. That 25% open space reduction opportunity is not currently being applied.

A motion was made by Commissioner Beck and seconded by Commissioner Yrigollen to approve a Finding of Consistency for Mixed Use Development Project located at 2434 S. Elm Avenue in Fresno CA as submitted by the City of Fresno. A vote was called for and the motion carried.

#### **E. Solar at GAP Distribution Facility**

Brenda Veenendaal reported on this item. Permit package was submitted by Nathan Williams of SunPower Corp on behalf of Gap and pertains to 22 Acres of property located at 3400 Gap Dr., APN: 49403047S (the "Site"), which is zoned IL-Light Industrial, for the planned land use of Ground mount PV solar tracker system (the "System"). SunPower is requesting authorization to develop, permit, and build the System at the Gap distribution center.

The proposed design includes a permanent fence and a fire access and road around the solar array and Inverter pad. The conduit from the System will go from the field up north and cross an easement granted by the Gap to the Fresno Metropolitan Flood Control District for the purpose of constructing and operating a storm water drainage pipeline.

The proposed System will not have any anticipated traffic, customers, deliveries, or special events. After SunPower has completed the installation of the System, the System will not have any on-site employees. The System will operate by the power of the sun and generate electricity for the Gap Distribution Center. The System includes the following electrical equipment: a central inverter with transformer, solar PV panels to power the inverter, a utility disconnect switch, and a utility meter interconnected into the existing Gap electrical equipment to the north of the System. After construction is complete, there will be no on-site storage, no demolition. There will be no adaptive reuse of existing structures. During construction low noise will be generated, but after the system will not generate noise. No hazardous materials will be generated from the proposed solar ground mount.

As noted above, the conduit from the System will go from the field up north and cross an easement granted by the Gap to the Fresno Metropolitan Flood Control District for the purpose of constructing and operating a storm water drainage pipeline. The Easement authorizes the Gap, as the Grantor, to construct utility crossings perpendicular to the storm drainage alignment, provided such utility does not touch the storm drain pipeline. SunPower proposes running the conduit to a depth of 10', or such other depth as the District recommends, such that the conduit will not be disturbed during the System's operational lifetime.

This project area sits in the Southeast portion of Zone 6 – the Traffic Pattern Zone of Fresno Yosemite International Airport as shown in the safety zone map included in your packet.

Staff notes that the only concern related to this project possible reflection from panels or equipment and the possibility of bird attractants.

Other Development Conditions Include:

- Airport disclosure notice
- Airspace review required for objects >100 feet tall<sup>9</sup>

Required Open Land criteria is 10%.

Noise contours- the majority of this project is within the 60 db CNEL contour of Fresno Yosemite International Airport. According to table 3B of the ALUCP on page 3-12 this proposed land use is compatible with the CNEL level indicated in the table and may be permitted without any special requirements related to the attenuation of aircraft noise.

A motion was made by Commissioner Yrigollen and seconded by Commissioner Kroll to approve a Finding of Consistency for Plan Amendment/Rezone Application No. P18-03697. A vote was called for and the motion carried.

#### **F. 2019 ALUC Meeting Calendar Approval**

Brenda Veenendaal reported on this item. As the Commission is aware, following the December 3, 2018 adoption of the Fresno County Airport Land Use Compatibility Plan, all local agencies whose jurisdiction included an Airport Influence Area must submit an application for consistency determination of proposed land use plans, regulations and projects within 180 days. This required review will significantly increase the need for ALUC meetings to be held more frequently than the traditional schedule allows.

The following ALUC meeting schedule included regular bimonthly ALUC meetings, plus five proposed meetings that could be scheduled should the need for Commission review of local projects warrant they be held.

- March 4, 2019 (Proposed)
- April 1, 2019
- May 13, 2019 (Proposed) Note: this is the second Monday of the month. The first Monday ALUC staff will be out of state on business.
- June 3, 2019
- July 1, 2019 (Proposed)
- August 5, 2019
- September 9, 2019-tentative (Proposed) Note: this is the second Monday of the month. The first Monday is the Labor Day holiday.
- October 7, 2019
- November 4, 2019-tentative (Proposed)
- December 2, 2019

A motion was made by Commissioner Duarte and seconded by Commissioner Yrigollen to approve the meeting schedule as presented above as deemed necessary by staff. A vote was called for and the motion carried.

**G. Del Rio Place Project - City of Firebaugh**

Brenda Veenendaal reported on this item. The project (referred to as “Del Rio Place”) proposes a 42-lot single family residential subdivision and a 56-unit multi-family residential complex, on separate portions of a 14.7-acre site, located on the east side of N. Dos Palos Road (State Highway 33) at the Lyon Avenue alignment.

Specific actions associated with the project include:

General Plan Amendment 2018-01. This action would change the General Plan’s land use designation for the site from “Neighborhood Commercial” to “Medium Density Residential” (for the single family subdivision) and “Medium High Density Residential” (for the multi-family residential development).

Zone Change 2018-01. This action would change the zoning of the site from C-1 (Neighborhood Commercial) to R-1-5 (Single Family Residential (5,000 square foot minimum lot size)) – for the single family residential subdivision, and to R-3 (High Density Residential) – for the multi-family complex. These zone districts are consistent with the proposed General Plan land use designations discussed above.

Tentative Subdivision Map 2018-01. This action would approve a subdivision map to create 42 single family residential lots on that portion of the site that is northwest of Lyon Avenue.

A “Mitigated Negative Declaration” was provided as the environmental “finding” for the project. This indicates that the project could have significant impacts on the environment, but mitigation measures will be incorporated into the design and operation of the project to reduce these impacts to a “less than significant” level.

This whole project lies within the Airport Influence Area (AIA) and Traffic Pattern Zone (6) of the Firebaugh Airport, as you can see on the map passed out to for review you today. Zone 6 does not limit dwelling units per acre, and only prohibits hazards to flight and very high density uses such as outdoor stadiums or similar uses.

Required Open Land criteria is 10%.

The project does not sit within airport noise contours.

Once again, Other Development Conditions include:

- Airport disclosure notice required
- Airspace review required for objects >100 feet tall
- New structures are prohibited on existing terrain that penetrates 14 CFR Part 77 surfaces
- New structures require additional airspace analysis required within the 50-foot terrain penetration buffer

A motion was made by Commissioner Rapada and seconded by commissioner Beck to approve a Finding of Consistency for Del Rio Place Project as referred by the City of Firebaugh. A vote was called for and the motion carried.

3. **Public Presentation**

None

4. **Other Business**

A. **Items from Staff**

None

B. **Items from Members**

None

5. **ADJOURN**

A motion was made by Commissioner Remy and seconded by Kroll Commissioner to adjourn the meeting at 3:31 p.m. A vote was called for and the motion carried.