



Legislation Details (With Text)

File #: ID#14-297 **Version:** 1 **Name:**

Type: Discussion Item **Status:** Passed

File created: 8/13/2014 **In control:** City Council

On agenda: 8/28/2014 **Final action:** 8/28/2014

Title: HEARING to consider Site Plan Review Application No. S-13-047 and related environmental assessment for the property located on the west side of North Hughes Avenue between West Nielson and West Belmont Avenues (District 3)

a. Consider and adopt the environmental finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. S-13-047 for the purpose of the proposed project

b. RESOLUTION - Granting appeal and approving Site Plan Review Application No. S-13-047 requesting authorization to construct a 53,787 square foot metal building to be used as a chemical warehouse (Brenntag Pacific, Inc.), a portion of which will be used as a 3,000 square foot shipping office and a 181 square foot front entry canopy, in addition to, two detached storage canopies (2,000 and 2,500 square feet) and twelve external storage tanks with their appropriate containment slabs

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Vicinity Map, 2. AERIAL Photograph, 3. Public Hearing Notice Mailing List Vicinity Map, 4. m1_zoning, 5. m2_zoning, 6. m3_zoning, 7. 2025 Fresno General Plan Land Use and Circulation map, 8. Site Plan Review Application No. S-13-047 COAs, 9. Planning Commission Minutes dated March 5, 2014, 10. Opposition Letters, 11. Support Letters, 12. California Communities Environmental Health Screening Tool, 13. Appeal Letter of the June 18, 2014, Planning Commission Action, 14. Request for Records Letter dated July 8, 2014, 15. Updated Summary Review Letter dated May 22, 2014, 16. Updated Letter from the San Joaquin Valley Air Pollution Control District dated June 18, 2014, 17. Industrial Section (pages 42-45) of the Edison Community Plan, 18. Environmental Assessment No. S-13-047, 19. Supplement ID 14-297 - CC Resolution 8-26-2014.pdf, 20. Supplement ID 14-297 - PC Resolution 8-26-2014.pdf, 21. Supplement ID 14-297 - Support Letter 8-26-2014.pdf, 22. Supplement ID 14-297 - Multiple Letters 8-26-2014.pdf, 23. Supplement ID 14-297 - Petition 8-27-2014.pdf

Date	Ver.	Action By	Action	Result
8/28/2014	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

August 28, 2014

FROM: MIKE SANCHEZ, Assistant Director
Development Services Division

THROUGH: BONIQUE EMERSON, Supervising Planner
Development Services Division

BY: NATHAN BOUVET, Planner III

Development Services Division

SUBJECT

HEARING to consider Site Plan Review Application No. S-13-047 and related environmental assessment for the property located on the west side of North Hughes Avenue between West Nielson and West Belmont Avenues **(District 3)**

- a. Consider and adopt the environmental finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. S-13-047 for the purpose of the proposed project
- b. **RESOLUTION** - Granting appeal and approving Site Plan Review Application No. S-13-047 requesting authorization to construct a 53,787 square foot metal building to be used as a chemical warehouse (Brenntag Pacific, Inc.), a portion of which will be used as a 3,000 square foot shipping office and a 181 square foot front entry canopy, in addition to, two detached storage canopies (2,000 and 2,500 square feet) and twelve external storage tanks with their appropriate containment slabs

RECOMMENDATION

Staff recommends the City Council take the following action:

- a. **ADOPT** the environmental finding of a Mitigated Negative Declaration (MND) prepared for Environmental Assessment No. S-13-047 for the purpose of the proposed project.
- b. **ADOPT RESOLUTION** Granting appeal and approving Site Plan Review Application No. S-13-047 requesting authorization to construct a 53,787 square foot metal building to be used as a chemical warehouse (Brenntag Pacific, Inc.), a portion of which will be used as a 3,000 square foot shipping office and a 181 square foot front entry canopy, in addition to, two detached storage canopies (2,000 and 2,500 square feet) and 12 external storage tanks with their appropriate containment slabs.

EXECUTIVE SUMMARY

The proposed project, filed by Sean Odom of GMA Consulting Engineers and Architects, on behalf of McCall Pacific, LLC, and Brenntag Pacific, Inc., pertains to approximately 11.22 acres of property located on the west side of North Hughes Avenue between West Nielson and West Belmont Avenues in the Roeding Industrial Park. The applicant requests authorization to construct a 53,787 square foot metal building to be used as a chemical warehouse known as Brenntag, a portion of which will be used as a 3,000 square foot shipping office and a 181 square foot front entry canopy, in addition to, two detached storage canopies (2,000 and 2,500 square feet). The applicant also proposes to install 12 external storage tanks with their appropriate containment slabs. Brenntag has outgrown its current facility located in the unincorporated community of Malaga. The subject site is zoned M-3 (*Heavy Industrial*) and designated for heavy industrial planned land uses by the 2025 Fresno General Plan and Edison Community Plan.

PROJECT INFORMATION

PROJECT

- See Executive Summary

APPLICANT

- Sean Odom, GMA Consulting Engineers and Architects, on behalf of McCall Pacific, LLC, and Brenntag Pacific, Inc.

LOCATION

- 175 North Hughes Avenue S/A; located on the west side of North Hughes Avenue between West Nielson and West Belmont Avenues (APN 458-020-70) Council District 3, Councilmember Baines

SITE SIZE

- Approximately 11.22 acres

LAND USE

- Heavy Industrial

ZONING

- M-3 (Heavy Industrial District)

PLAN DESIGNATION AND CONSISTENCY

- The proposed warehouse facility is consistent with the M-3 (*Heavy Industrial*) zone district and the Heavy Industrial planned land use designated for the subject site.

ENVIRONMENTAL FINDING

- A Finding of an MND was filed with the Fresno County Clerk's office on May 27, 2014.

PLAN COMMITTEE RECOMMENDATION

- The proposed project was reviewed and discussed by the District 3 Plan Implementation Committee and voted on at their meeting of December 2, 2013, recommending denial by a 4-0 vote. A subsequent meeting was held on March 3, 2014, where the Committee recommended approval by a 4-0 vote.

PLANNING COMMISSION

- On March 5, 2014, the Planning Commission took no vote and continued the item requesting that staff provide further analysis and mitigation measures associated with air quality and hazards and hazardous wastes. On June 18, 2014, the Planning Commission considered the project and revised environmental documents, which ended in a tie vote. This action resulted in a technical denial.

STAFF RECOMMENDATION

- Staff recommends that the City Council: (1) Adopt the environmental finding of an MND for Environmental Assessment No. S-13-047; and (2) Grant appeal and approve Site Plan Review Application No. S-13-047.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Industrial Heavy/Open Space - Cemetery	AL-20 Agricultural Limited (County)	Railroad Tracks/Industrial Uses (County)
South	Industrial Heavy	M-3 Heavy Industrial District	Industrial
East	Open Space - Cemetery	AE-20 Exclusive Twenty Acre Agricultural District	Cemetery
West	Heavy Industrial	M-3 Heavy Industrial District	Industrial

ENVIRONMENTAL FINDINGS

An environmental assessment initial study was prepared for this project in accordance with the requirements of the CEQA Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the Edison Community Plan area, including the MEIR No. 10130 for the 2025 Fresno General Plan (SCH#2001071097) and MND No. A-09-02 (SCH#2009051016). These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and student generation projections and school facility site location identification.

The proposed site plan review application has been determined to not be fully within the scope of MEIR No. 10130 as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). It has been further determined that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 or MND No. A-09-02 as provided by CEQA Section 15178(a). In addition, pursuant to PRC Section 21157.6(b)(1), staff has determined that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Therefore, it has been determined based upon the evidence in the record that the project will not have a significant impact on the environment and that the filing of an MND is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and has prepared an MND for this project. A public notice of the attached MND for Environmental Assessment Application No. S-13-047 was published on May 27, 2014.

BACKGROUND / ANALYSIS

Project Description

Sean Odom of GMA Consulting Engineers and Architects, on behalf of McCall Pacific LLC, and Brenntag Pacific Inc., filed Site Plan Review Application No. S-13-047 pertaining to approximately 11.22 acres of property located on the west side of North Hughes Avenue between West Nielson and West Belmont Avenues.

Site Plan Review Application No. S-13-047 requests authorization to construct a 53,787 square foot metal building to be used as a chemical warehouse (Brenntag Pacific Inc.), a portion of which will be used as a 3,000 square foot shipping office and a 181 square foot front entry canopy, in addition to, two detached storage canopies (2,000 and 2,500 square feet). The applicant also proposes to install

12 external storage tanks with their appropriate containment slabs. The subject site is zoned M-3 (*Heavy Industrial*) and designated for heavy industrial planned land uses by the 2025 Fresno General Plan and Edison Community Plan.

The proposed use, a chemical warehouse, is classified as warehousing and pursuant to Section 12-228.1 of the Fresno Municipal Code, this use is permitted by right in the M-3 zone district, as well as, the M-1 and M-2 zone districts. In addition, pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the FMC the M-3 (*Heavy Industrial*) zone district is consistent with the Heavy Industrial planned land use designation for the subject property.

Project History

The proposed project was originally submitted as a by-right use not requiring Planning Commission review and approval. On December 2, 2013, the Council District 3 Plan Implementation Committee made a formal recommendation to deny Site Plan Review Application No. S-13-047 by a 4-0 vote. More specifically, issues such as air quality, objectionable odors and wind, traffic congestion, hazardous materials, on-site containment, industrial uses, and employment were brought up and discussed as concerns. As a result, the project was forwarded to the Planning Commission for further review. Section 12-406(C) states, "The Director, on his or her discretion and for good cause, may refer the special permit to the Planning Commission for approval at a public hearing."

In an effort to address issues and concerns and to better prepare for the Planning Commission meeting, the project applicant and representatives from Brenntag invited City staff and members of District 3 to the existing Brenntag facility, located at 3595 E. Wawona Ave. in Malaga, on February 26, 2014. This included a detailed project description, question and answer session, and site tour. A variety of topics were discussed during the visit, including, Brenntag's corporate history, site security, chemical storage, hours of operation, projected growth, job creation, site alternatives, traffic, emergency response and associated plans, proximity to airport zones and flight paths (i.e., Airport Protection Zones), containment (i.e., within the building, rail car unloading, tanks and tanker load out area, and the yard), local, state, and federal audits, and prior uses (i.e., cotton bailing facility).

On March 3, 2014, the Council District 3 Plan Implementation Committee, at the applicant's request, discussed the project for a second time. This meeting included detailed discussion about Brenntag's discharge methods, location of flammables, proposed turning radius, employment impact and diversity, issues pertaining to trespassing, fires, theft, and internal and external records of spills and violations. The applicant responded to all areas of concern; whereas, the Council District 3 Plan Implementation Committee reversed their original recommendation and recommended to approve the project by a vote of 4-0.

A community meeting was held at Sunset Elementary School on March 4, 2014, to discuss the project and highlight Brenntag's site tour and recent District 3 Committee recommendation to approve the project. The applicant and representatives from Brenntag provided a project description and discussed the "Cornerstone" of their company: "Safety First, Leadership & Accountability, Employee Involvement & Leadership, and Commitment to Excellence, Continuous Improvement and World Class Value Creation," all of which serve as the foundation of Brenntag. The company was founded as an egg wholesale operation in 1874 and started distributing chemical products in 1912.

Several members of the audience attended the site tour of February 26th and provided their insights

at the community meeting. This included the process itself, storage of materials, goals associated with relocation (i.e., storing products indoors), and how well organized and safety oriented Brenntag appeared to be. Overall those who visited the site were impressed with the facility, and from a general perspective, felt that the warehouse could be a positive addition; however, concerns were evident and consist with those mentioned throughout the staff report. Other members of the audience had questions related to chemical types, community impacts, job creation, proximity to schools and residences, safety related issues, land use designations, and audits of the facility. The applicant chose the proposed site for a variety of reasons but mainly because it was adjacent to rail access and its central location to the areas the company serves.

On March 5, 2014, the Planning Commission considered the project (S-13-047) and brought up a variety of issues, including those concerns brought up during public and community meeting: Fire risks, public notification, site security and safety, training, airport safety, proximity to fire stations, chemicals housed, air quality involving airborne chemicals, spills and containment, hours of operation, water quality and runoff, objectionable odors, traffic and circulation, transportation, regulations, inspection, required permits, proximity to sensitive receptors (technical term used for CEQA analysis), and alternative locations.

During the Planning Commission meeting Commissioners indicated that the MND did not adequately address environmental issues related to the project (i.e., air quality and hazards and hazardous materials) and or issues and concerns brought up during the Planning Commission meeting. The item was continued where it was further requested that staff revisit with the applicant and provide further analysis and mitigation measures specific to air quality and hazards and hazardous wastes.

On June 9, 2014, Development & Resource Management staff held two informational meetings to review and discuss the revised MND requested by the Planning Commission and community concerns related to industrial land uses prevalent in Southwest Fresno. Staff discussed updates made to the document (i.e., air quality and hazards and hazardous materials) and addressed additional concerns brought up at the meeting. These include alternative locations, the M-3 (*Heavy Industrial*) zoning designation, industrial development in Southwest Fresno, proximity to schools, objectionable odors, traffic, and thresholds of significance, toxic air contaminants, buffer zones, and community involvement with the general plan update.

Overall there was good discussion regarding air quality and hazards and hazardous materials, as well as, an update regarding proposed Mitigation Measures (MEIR and Project Specific Mitigation Measures). The main topic of discussion related to cumulative air quality impacts associated with the project. Staff has concluded that the “project is a subsequent project identified in the MEIR and Air Quality MND but that it is not fully within the scope of the MEIR and Air Quality MND because the proposed project could have a significant effect on the environment that was not examined in the MEIR or Air Quality MND. However, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. The project specific mitigation measures and all applicable mitigation measures contained in the MEIR Mitigation Monitoring Checklist will be imposed upon the proposed project.

According to Section 15130(a) of the CEQA Guidelines, “An EIR shall discuss cumulative impacts of a project when the project’s incremental effect is cumulatively considerable, as defined in Section 15065(c). Where a lead agency is examining a project with an incremental effect that is not ‘cumulatively considerable,’ a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.” In

addition, "The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as provided for the effects attributable to the project alone" (Section 15130(b) of the CEQA Guidelines).

Staff has determined that the cumulative effects of the allowed uses in the project area were discussed in the MEIR (Chapter VI - Cumulative Impacts). As such, no new significant cumulative effects will result from this project.

On June 18, 2014, the Planning Commission considered Site Plan Review Application No. S-13-047 continued from the March 5, 2014, meeting. Consistent with the March 5, 2014, Planning Commission meeting, Commission members and members of the public discussed a variety of issues and concerns. More specifically, the Planning Commission and public highlighted issues related to: Cumulative impacts, outdated community plan (i.e., Edison Community Plan), opportunities and possible alternative uses, lacking public resources, property depreciation, district representation, proximity to schools and similar uses, overall health issues, potential for accidents, chemicals housed, impacts to infrastructure, and reporting requirements. In addition, there was much discussion about the CalEnviroScreen score for the area and at least one planning commissioner based their vote on the negative CalEnviroScreen Score for the area. After further consideration, the Planning Commission voted two (2) in favor of and two (2) against the project being approved. This resulted in a technical denial of the project and the related environmental assessment.

On July 2, 2014, the Director of Development and Resource Management received an appeal from Mayor Ashley Swearengen of the Planning Commission's action of June 18, 2014, regarding Site Plan Review Application No. S-13-047 and the related MND prepared for Environmental Assessment No. S-13-047.

Staff Response:

Air Quality

As previously indicated, several Planning Commissions based their denial of the project on what they perceived as an inadequate CEQA document. They contended that since staff did not consider the CalEnviroScreen evidence presented by the opposition in the environmental analysis, that the CEQA document was inadequate because it did not adequately address cumulative impacts. However, the CalEnviroScreen guidance document dated April 2013 makes it very clear that the results provided by this tool are not directly applicable to the cumulative impacts analysis required under the California Environmental Quality Act (CEQA). Specifically, the following excerpt is taken directly from this guidance document:

Additionally, the CalEnviroScreen scoring results are not directly applicable to the cumulative impacts analysis required under the California Environmental Quality Act (CEQA). The statutory definition of "cumulative impacts" contained in CEQA is substantially different than the working definition of "cumulative impacts" used to guide the development of this tool. Therefore, the information provided by this tool cannot be used as a substitute for an analysis of the cumulative impacts of any specific project for which an environmental review is required by CEQA.

Moreover, CalEnviroScreen assesses environmental factors and effects on a regional or community-wide basis and cannot be used in lieu of performing an analysis of the potentially significant impacts

of any specific project. Accordingly, a lead agency must determine independently whether a proposed project's impacts may be significant under CEQA based on the evidence before it, using its own discretion and judgment. The tool's results are not a substitute for this required analysis. Also, this tool considers some social, health, and economic factors that may not be relevant when doing an analysis under CEQA. Finally, as mentioned above, the tool's output should not be used as a focused risk assessment of a given community or site. It cannot predict or quantify specific health risks or effects associated with cumulative exposures identified for a given community or individual.

Based on staff's research of the CalEnviroScreen website and the related guidance document, staff concludes that the CalEnviroScreen data provided by the opposition should not be utilized in the cumulative impacts analysis required under CEQA.

The SJVAPCD is the local regional jurisdictional entity charged with attainment planning, rule making, rule enforcement, and monitoring under Federal and State Clean Air Acts and Clean Air Act Amendments.

The proposed project will comply with the Air Quality Element of the 2025 Fresno General Plan and the Goals, Policies and Objectives of the Regional Transportation Plan adopted by the Fresno Council of Fresno County Governments; therefore the project will not conflict with or obstruct an applicable air quality plan. The project must comply with the construction and development requirements of the San Joaquin Valley Air Pollution Control District, therefore, no violations of air quality standards will occur. The project will not occur at a scale or scope with potential to contribute substantially to existing or projected air quality violation. The project will not occur at a scale or scope which will result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment.

The Edison Community Plan and the 2025 Fresno General Plan designate the subject site as heavy industrial and allows the proposed industrial use on the subject site. Given that the existing land use allows this type and intensity of development, the project is not proposing development beyond that examined in MEIR No. 10130 for the 2025 Fresno General Plan or the MND prepared for Plan Amendment A-09-02 to amend the Air Quality Element of the 2025 Fresno General Plan.

The project is not proposing a use which will create objectionable odors. The applicant will have programs in place to protect employees as well as the general public from exposure to the chemical products they distribute. The applicant provided the City of Fresno with a complete list of chemicals to be housed at the facility. Chemicals include corrosives, oxidizers, combustibles, flammables, poisons, toxics, as well as other classifications of products, including non-hazardous materials, which classifications have been attached for reference. The company primarily receives stores and ships chemicals without diluting them or changing their packaging. The products can be in either a solid or liquid state. No product will be stored in a gaseous state, thus, minimizing the possibility of objectionable odors and or exposure to the public. The company also supplies dry food grade chemicals, such as citric acid, which are diluted in water and repackaged to meet customer orders. This process will be done in an area designed to contain any potential spills until the spill can be appropriately neutralized. Engineering controls, such as scrubbers to reduce hazardous vapors from affecting the employees and the surrounding areas, will be implemented. In addition, the use of personal protective equipment will help ensure a healthful environment in and around operations. To reiterate, pursuant to the operational statement submitted by the applicant, all chemicals will be stored in either liquid or solid state and no product will be stored in a gaseous state. Therefore, the transfer of chemicals from one container to another and other operations related to this facility will not

create objectionable odors affecting a substantial number of people.

Furthermore, the project shall obtain or prepare the following permits, registrations, and plans:

- San Joaquin Valley Air Quality Management District Air Permit
- Consolidated Unified Program Agency Permit
- California Highway Patrol Hazardous Materials Permit
- California Department of Justice Precursor Chemical Permit
- Pipeline and Hazardous Materials Safety Administration Hazardous Materials Shipper/Carrier Permit
- Federal Highway Administration Operating Authority Permit
- Environmental Protection Agency Federal Insecticide, Fungicide and Rodenticide Act Registrations
- Occupational Health and Safety Administration Air Pressure Vessel Permit
- California Department of Agriculture Feed and Fertilizer Permit
- Storm Water Permit
- A Storm Water Pollution Prevention Plan
- Monitoring Program Plan

The proposed project is not expected to generate substantial pollutant concentrations since this project will not generate significant vehicle traffic. The company will operate Monday through Friday; whereas, approximately thirty-three (33) employees will be at the project site at any given time. It is anticipated, aside from employees coming to and from the facility, less than two (2) visitors per week can be expected because the project does not include the processing or manufacture of materials of any kind. Therefore, the project will not create pollutants that would impact sensitive receptors. The closest sensitive receptors to the proposed site are approximately 915 feet to the south of the subject site (single family home on the corner of North Hughes and West Nielsen Avenues). The California Air Resources Board Handout was referenced to determine a “minimum separation between new sensitive land uses and existing sources”; however, a specific use associated with the development of a chemical warehouse project could not be found or used as reference.

Residential land uses are considered “sensitive receptor” type land uses and are located approximately 915 feet from the proposed project site as indicated previously. Given that a railroad track is immediately adjacent to the site (north property line), there is a potential for the exposure of sensitive receptors to substantial pollutant concentrations in the event of a spill or accident. In the event of an emergency, an Emergency Coordinator (EC) will be designated to the proposed site to manage the response to hazardous materials/waste incidents resulting from fire, explosion, accidental release, natural disaster, or terrorist activities. This includes an EPCP developed in accordance with Title 40 of the Code of Federal Regulations (CFR) Part 262, Title 29 CFR Section 1910.120 and 1910.38, and CEPA (CEPA) s.36 (1-3). An EPCP shall be developed for the project site to assist the EC or his/her designee(s) in determining appropriate response procedures.

The project has been required (as a mitigation measure) to participate in a Local Emergency Planning Committee where local response agencies (fire department, public health department, hospitals, etc.) and the community (District 3 leaders and residents) are made aware of activities and controls that are in place to prevent and control any accidental release of a hazardous material. One example highlighted by the applicant includes “mock-drills” in conjunction with local fire

departments to practice the project's counter measures.

Pursuant to the Air Quality and Land Use Handbook prepared by the CEPA California Air Resources Board dated April 2005, a railroad track is not considered a use that has a significant negative air quality impact. High traffic freeways and roads and rail yards are uses called out by this study that may have significant negative air quality impacts.

Onsite containment would be as follows:

Within the Building - The areas within the building where hazardous chemicals will be stored have a system of curbs, drains, and containment areas that will keep any spills on site and contained until they are appropriately tested, neutralized, and cleaned up.

Engineering controls, such as scrubbers, will be installed to reduce hazardous vapors from affecting the employees and the surrounding areas.

Rail Car/Truck Unloading - Liquid chemicals from trucks and railcars shall be offloaded into approved external bulk storage tanks. Those liquid chemicals arriving in trucks shall be offloaded in the tank storage load out area which is designed to contain any spills until they can be appropriately neutralized.

Those liquid chemicals arriving by railcar shall be top offloaded into the bulk storage tanks, a process which is designed to help eliminate any catastrophic spills. As a precautionary measure, the company shall place large plastic bins under the railcar connections to collect any accidental spillage. The external tanks will be used for the storage of the following bulk liquids:

- Sodium hydroxide 50% in a 25,000 gallon steel tank
- Sodium hydroxide 50% (low iron) in a 6,200 gallon poly tank
- Potassium hydroxide 50% in a 25,000 gallon steel tank
- Potassium hydroxide 50% (low iron) in a 6,200 gallon poly tank
- Hydrochloric Acid 36.5% in a 25,000 gallon FRP tank
- Sodium hypochlorite 12.5% in an 8,300 gallon poly tank and a 6,200 gallon poly tank
- Citric Acid 50% in two 5,500 gallon poly tanks

Tanks and Tanker Load out Area - This area shall be contained within itself for spillage and rainfall and adhere to the following: Concrete containment cells shall be engineered to handle the weight and volume of materials present in the storage tanks. The proposed system is designed to handle 110 percent of the capacity of the largest tank anticipated to be installed, which conforms to the requirements of the California Building Code and the California Fire Code. Tanks and tanker load out area and containment area shall be visually inspected on a daily basis.

Yard - The entire site has been designed to contain up to 3 inches of rainfall, stored in a depressed area of the site and the truck loading dock. The rainwater is prevented from leaving the site through a valve system. The rainwater, both on the site and in the tank containment area, will be tested to assure that no contaminants are present. If there are contaminants, the water will be appropriately treated and retested to assure that they have been neutralized and that the water is safe. Once the water is determined to be safe, the valve is opened and the water will be pumped out to the storm water system.

The project applicant has proposed an “occurrence database” to source all loss producing events such as personal injury, spill, and fire or vehicle accident. Near misses are also to be recorded and investigated in the same system. These events shall be resolved as appropriate through an established root cause analysis and corrective action (RCACA) process. Historical data shall be available upon request. To supplement these efforts, the applicant will incorporate a training program to include safety and environmental video training modules, instructed classroom training as well as tailgate safety meetings and on-the-job instruction. This shall be monitored through Brenntag’s “Pure Safety Training Software.” Modules are to include general awareness, hazard classification, shipping papers, marking and labeling, placarding, emergency response, and packaging selection in UN approved containers.

Brenntag has a national contract with CURA Emergency Services. CURA has contracts with specialized local contractors throughout the nation. They are available to assist 24 hours per day, 365 days per year to clean up spills. Documentation and agreements shall be submitted to the City for their records.

The project would equal or exceed 25,000 square feet of industrial space. Typically a project such as this would need to comply with Rule 9510 from the SSJVAPCD. This Rule (also called Indirect Source Review or ISR) provides for incorporation of a wide range of mitigation measures into projects, and levies fees for pollutants generated by development projects, transportation and development projects. The fees are used to provide for regional air quality improvements and mitigations. Rule 9510 requires that operational (traffic-associated) NOX and PM10 emissions be reduced by at least 33.3% and 45%, respectively, and construction equipment NOX and PM10 emissions of projects be reduced by at least 20% and 45%, respectively. After further review and consultation with the Air District (attached letter dated May 22, 2014), it was determined that the project, as proposed, is “exempt from ISR because the project is a permitted facility.” However, the project shall adhere to the District’s adopted document titled *Guidance for Valley Land-Use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* (reference Project Modeling Assumptions and Air Quality Impact Assessment provided by First Carbon Solutions dated May 20, 2014).

On April 22, 2014, District staff met with the applicant’s consultant and participated in a conference call to discuss the District’s original comments dated September 27, 2013. During the conference call, the District recommended that a more detailed preliminary review of the project be provided and that the review quantifies criteria pollutant emissions, evaluates nuisance odors, and evaluates potential health risks. The District has permitting authority over stationary sources only. The EA not only covers stationary source criteria pollutants health risks from stationary source Toxic Air Contaminants (TAC) emissions, and incorporates comments provided by the District, but also covers anticipated mobile and other non-permitted source criteria pollutants and health risks from mobile and other non-permitted source TAC emissions. Through project design elements and compliance with District rules and regulations, project related stationary source criteria pollutant emissions and stationary source TAC emissions would have a less than significant health risk impact on nearby receptors.

The applicant’s consultant, First Carbon Solutions (FCS), used CalEEMod version 2.2 to estimate project criteria pollutant emissions for comparison with SSJVAPCD thresholds of significance. FCS quantified the emissions from the sources mentioned above and determined that emissions from these sources would not exceed the District’s thresholds of significance of 10 tons/year ROG, 10

tons/year NO_x, or 15 tons/year PM₁₀. Therefore, project related criteria pollutant emissions from mobile and non-permitted sources would have a less than significant impact on air quality.

FCS used the District's Health Risk Assessment Truck Screening Tool to estimate the increase in cancer risk due to the operation of diesel trucks on the project site and from locomotives accessing the site to exchange car rails. The project would not exceed the District's thresholds of significance during construction.

FCS used the District's HRA Truck Screening Model to estimate health risk associated with the operation of diesel powered vehicles at the site. The District's TAC threshold of significance for project operations is an increase in cancer risk of 10 in a million. The result of the analysis show an increase in cancer risk at the nearest sensitive receptor to be 1.88 in a million. Therefore, the project's TAC impacts are less than significant.

The project has been required (as a mitigation measure) to comply with all of the requirements stipulated within the attached Chemical Storage Guidelines (Chapter 6: Prevention Program (Program 2) prepared by the National Association of Chemical Distributors (NACD) dated January 27, 1999, or its most current form. In addition, the project shall comply with all of the requirements stipulated within the Guidelines for Safe Warehousing of Chemicals prepared by the Center for Chemical Process Safety of the American Institute of Chemical Engineers NACD dated 1998, or its most current form.

The MEIR prepared for the 2025 Fresno General Plan requires that the most current version of URBEMIS (now known as CalEEMod) computer model be used to analyze development projects and estimate future air pollutant emissions that can be expected to be generated from operational omissions (vehicular traffic associated with the project), area-wide emissions (sources such as ongoing maintenance activities and use of appliances), and construction activities. According to the analysis conducted by First Carbon Solutions, the project would not exceed the SJVAPCD thresholds of significance during construction.

This analysis is to also determine if the Brenntag project would result in significant air quality impacts from the following criteria pollutants and toxic air contaminants: ozone precursors (Reactive Organic Gases (ROG) and NO_x; CO, SO_x, both regulated categories of particulate matter, and the greenhouse gas carbon dioxide (CO₂). The model incorporates geographically-customized data on local vehicles, weather, and SJVAPCD Rules.

The land use data provided in CalEEMod was for a project containing approximately 58,699 square feet (conservative square footage) of warehouse space, inclusive of covered canopies and a boiler room on 11.22 acres. The trip rates per day are as follows: 2-7 HD Truck deliveries to site (assumed 7 as worst case); 12-20 HD Truck shipments from site (assumed 20 as worst case); and 3 rail deliveries per week. The analysis incorporated mitigation measures required by the City and feasibility incorporated at this stage of project analysis. These mitigations include watering of construction sites and unpaved construction roads three times daily and reducing speed on construction roadways.

Project Construction Emissions

<i>[all data given in tons/year]</i>	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}	CO ₂
Totals	.85	4.18	2.82	3.76	.49	.34	347.5

Level of Significance	10	10	N/A	N/A	15	15	N/A
------------------------------	----	----	-----	-----	----	----	-----

The analysis determined that the proposed project will not exceed the threshold of significance limits for regulated air pollutants. During the construction phase of this project grading and trenching on the site may generate particulate matter pollution through fugitive dust emissions. SJVAPCD Regulation VIII addresses not only construction and demolition dust control measures, but also regulates ongoing maintenance of open ground areas that may create entrained dust from high winds. The applicant is required to provide landscaping on the project site which will contain trees to assist in the absorption of air pollutants, reduce ozone levels, and curtail storm water runoff.

Project Annual Operational Emissions

<i>[all data given in tons/year]</i>	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
Area	.24	0.00	5.10	0.00	0.00	0.00	9.60
Mobile	.07	.27	.88	1.46	.09	.02	121.30
Totals	.33	.33	.93	1.80	.09	.03	371.83
Level of Significance	10	10	N/A	N/A	15	15	N/A

First Carbon Solutions (FCS) used the SJVAPCD HRA Truck Screening Model to estimate health risk associated with the operation of diesel powered vehicles at the project site. The SJVAPCD Toxic Air Contaminant (TAC) threshold of significance for project operations is an increase in cancer risk of 10 in a million. The result of the analysis show an increase in cancer risk at the nearest sensitive receptor of 1.88 in a million. Therefore, the project's TAC impacts are less than significant. In summary, subject to compliance with existing policies, rules, and regulations, the proposed project will not significantly impact local air quality. The proposed project will not create additional air quality impacts beyond those already assessed the MEIR prepared for the 2025 Fresno General Plan and Plan Amendment No. A-09-002 to amend the Air Quality Element of the 2025 Fresno General Plan.

The proposed project shall implement and incorporate, as appropriate, the air quality related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated May 27, 2014, including but not limited to, compliance with all applicable regulations.

Hazards and Hazardous Materials

The project is not expected to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. However, given the proximity to the railroad track and its intended use, there is a possibility that a spill or accident could occur. This creates 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 if precautions are not taken into account. In the event of an emergency, an Emergency Coordinator (EC) shall be designated to the proposed site to manage the response to hazardous materials/waste incidents resulting from fire, explosion, accidental release, natural disaster, or terrorist activities. This includes an EPCP developed in accordance with Title 40 of the Code of Federal Regulations (CFR) Part 262, Title 29 CFR Section 1910.120 and 1910.38, and CEPA s.36 (1-3). An EPCP shall be developed for the project site to assist the EC or his/her designee(s) in determining appropriate

response procedures.

The project has been required (as a mitigation measure) to participate in a Local Emergency Planning Committee where local response agencies (fire department, public health department, hospitals, etc.) and the community (District 3 leaders and residents) are made aware of activities and controls that are in place to prevent and control any accidental release of a hazardous material. One example highlighted by the applicant includes “mock-drills” in conjunction with local fire departments to practice the project’s counter measures.

The project has been mitigated to comply with all of the requirements stipulated within the Chemical Storage Guidelines (Chapter 6: Prevention Program (Program 2) prepared by the NACD dated January 27, 1999, or its most current form. In addition, the project has been required (as a mitigation measure) to comply with all of the requirements stipulated within the Guidelines for Safe Warehousing of Chemicals prepared by the Center for Chemical Process Safety of the American Institute of Chemical Engineers NACD dated 1998, or its most current form.

Storage tanks shall adhere to the following standards:

- Steel and stainless steel tanks shall be built to American Petroleum Institute (API) or Underwriters Laboratories (UL) standards.
- Fiberglass (FRP) tanks shall be built to the American Society for Testing and Materials (ASTM) 3299/4097 standards.
- Poly tanks shall be built to the ASTM D1998 standard.
- Storage tank system shall be designed to automatically alert the operators when 90% of tank capacity has been reached and to automatically prevent tank capacity from exceeding 95% capacity, as proposed.
- Tanks shall have individual pumps for each material stored at the facility.
- Hoses shall be tested at time of purchase and every six months afterwards. Hoses shall be visually inspected with every use for signs of non-compliance.

On-site containment, “occurrence database”, training programs, safety policies, required permits, registrations, and plans related to hazards and hazardous materials (i.e., within the building, rail car/truck loading and unloading, and tanks and tanker load out area) can be referenced within the air quality section above.

With mitigation proposed the proposed project will not create impacts beyond those already assessed in the MEIR prepared for the 2025 Fresno General Plan and Plan Amendment No. A-09-002 to amend the Air Quality Element of the 2025 Fresno General Plan.

The project site is not expected to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The closest school is approximately ½ mile or 2,090 feet from the project site.

Although the project area is located within an airport land use plan (Fresno-Chandler Downtown Airport Master and Environs) and traffic pattern zone of FCEA, the project will not expose people residing or working in the project area to excessive noise levels from the airport because the proposed project is simply in the airport review area and is not within an identified noise contour identified by the airport land use plan.

The project has been reviewed by the Department of Airports and it has been determined that the project will not result in a safety hazard for people residing or working in the project area. The project is also not within the vicinity of a private airstrip, therefore, it would not result in a safety hazard for people residing or working in the project area. The project will not interfere with an adopted emergency plan. The project area is not located near a wild land area or an SRA; therefore the project will not expose people or structures to a significant risk of loss, injury or death involving wild land fires.

The proposed project shall implement and incorporate, as appropriate, the hazards and hazardous materials related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated May 27, 2014, including but not limited to, compliance with all applicable regulations.

Land Use Plans and Policies

2025 Fresno General Plan and Edison Community Plan

The project will be constructed on an approximately 11.22 acre site within the Roeding Industrial Park. The proposed M-3 zone district is consistent with the planned land use of heavy industrial pursuant to Section 12-403-B-1 of the Fresno Municipal Code. The proposed project is in compliance with several goals and policies contained in both the 2025 Fresno General Plan (General Plan) and the Edison Community Plan. For example, Objective C-13 of the 2025 Fresno General Plan is to plan and support industrial development to promote job growth while enhancing Fresno's urban environment. Supporting policy C-13-i is intended to provide sufficient opportunities for heavy industrial planned uses in areas that are accessible from major transportation corridors, and where land use compatibility issues, health and safety concerns and public facility and service needs can be addressed to ensure stability of economic investments and opportunities for growth. The proposed project will meet the intent of these objectives and policies because the proposed project will integrate well into the existing surrounding industrial uses.

Similarly, the goals of the 1977 Edison Community Plan, as updated and reaffirmed in the 2025 Fresno General Plan, were directed toward providing a framework for public and private actions which will stimulate the long-term balanced growth of the community. In order to achieve this overall purpose there are three primary objectives: (1) Stimulate growth in the Edison Community by improving the quality of the environment and the strategic provision of public facilities improvements; and (2) stimulate an increase of income levels throughout the Edison Community through programs of economic and employment development.

The subject site is designated for heavy industrial uses by the Edison Community Plan (as amended by the 2025 Fresno General Plan). Although the Edison Community Plan indicates that there is an overconcentration of industrial land uses in the plan area, the Edison Community Plan, in 1977, designated the site for industrial land uses. This implies that the City and the community (at that time) felt that industrial land uses were appropriate for the area and would not be detrimental to the community. The policies related to industrial development in the Edison Community Plan are focused on remedying the issues related to industrial property that directly abuts residential land uses. It also raises concerns related to scattered industrial development outside of planned industrial districts. The subject site is not adjacent to residential land uses and has been planned industrial for four decades. Thus, the Edison Community Plan intended for and continues to call for industrial development in this area.

Additionally, property development standards and conditions of approval have been incorporated to help minimize the adverse effects of industries on residential areas within the community plan area, including but not limited to, strict performance standards, proper site design, and the application of available measures to buffer and separate incompatible land uses. One method is to allow light industrial uses like Brenntag instead of heavy industrial uses such as a wrecking yard, aircraft factory, or brick or tile manufacturing.

Therefore, it is staff's opinion that the proposed site plan review application is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno. The proposed project is found; (1) To be consistent with the goals, objectives, and policies of the applicable 2025 Fresno General Plan and Edison Community Plan; (2) to be suitable for the type and density of development; (3) to be safe from potential cause or introduction of serious public health problems; and (4) to not conflict with any public interests in the subject site or adjacent lands.

SITE PLAN REVIEW APPLICATION REVIEW FINDINGS

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 12-405-A-3:

(a) *All applicable provisions of this Code are complied with and, in addition, that the following are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and surrounding property is protected from adverse effect: (1) facilities and improvements; (2) vehicular ingress, egress, and internal circulation; (3) setbacks; (4) height of buildings; (5) location of services; (6) walls; (7) landscaping; (8) lighting; (9) signs; (10) recycling areas.*

Finding (a): Site Plan Review Application No. S-13-047 meets all provisions of the Code pursuant to the M-3 (*Heavy Industrial*) zone district and policies contained in the 2025 Fresno General Plan and the Edison Community Plan. Furthermore, the applicant will be required to submit new exhibits, inclusive of all of the Conditions of Approval and mitigation measures, which will ensure that all requirements are met.

(b) *All special conditions required by the city as conditions in a covenant, agreement, or special permit are met.*

Finding (b): All special conditions required under Site Plan Review Application No. S-13-047 was incorporated into the conditions of approval and mitigation measures and shall be met prior to construction of the proposed project. Prior to occupancy, staff will ensure, via a site inspection that the required landscaping, parking, etc., have been provided in accordance with the Conditions of Approval and applicable mitigation measures.

Notice of City Council Meeting

The Development and Resource Management Department mailed notices of this City Council hearing to surrounding property owners within 1,000 feet of the subject property (see attached Noticing Map).

FISCAL IMPACT

Affirmative action by the Council will result in timely deliverance of the review and processing of the application as is reasonably expected by the applicant/customer. Prudent financial management is demonstrated by the expeditious completion of this land use application inasmuch as the applicant/customer has paid to the City a fee for the processing of this application and that fee is, in turn, funding the respective operations of the Development and Resource Management Department.

Attachments:

Vicinity Map

Aerial Photograph

Public Hearing Notice Mailing List Vicinity Map

M-1, M-2, and M-3 Zoning Maps

2025 Fresno General Plan Land Use and Circulation map

Site Plan Review Application No. S-13-047 Conditions of Approval

Planning Commission Minutes dated March 5, 2014

Planning Commission Minutes dated June 18, 2014 (Pending Completion)

Opposition Letters

Support Letters

California Communities Environmental Health Screening Tool, Version 1 (CalEnviroScreen 1.0) -
Guidance and Screening Tool/Guidance from the Secretary

Appeal Letter of the June 18, 2014, Planning Commission Action

Request for Records Letter dated July 8, 2014

Updated Summary Review Letter dated May 22, 2014

Letter from the San Joaquin Valley Air Pollution Control District dated June 18, 2014

Industrial Section (pages 42-45) of the Edison Community Plan

Environmental Assessment No. S-13-047