

## MOTION

Moved by Commission Member \_\_\_\_\_ and seconded by Commission Member \_\_\_\_\_, that upon review and consideration of all materials and exhibits of current record relative to Conditional Use Permit No. 2012782 and Special Recreation Review No. 2012781, located at 3001 Scholl Canyon Road, and after having conducted a hearing on said matter, the Planning Commission hereby **APPROVES WITH CONDITIONS** said Conditional Use Permit No. 2012782 and Special Recreation Review No. 2012781, as conditioned, to construct and operate a 12 megawatt power generation facility (utility and transmission facility) that will utilize landfill gas to generate renewable energy at 2.2 acre area located at southern portion of the 535 acre Scholl Canyon Landfill site that is located in the SR (Special Recreation) Zone. The Project includes the construction of two, 1,000 square-foot, modular office buildings, a 60,000 gallon fire water tank, a 10,000 gallon water storage tank, a two-thirds of mile natural gas pipeline system, four 840 square-foot engine generator enclosures with 40-foot tall exhaust stacks that are three-feet in diameter, 40-foot tall flare stack, retaining walls (up to 23-feet tall), and a 384 square-foot power distribution center. in the "SR" – Special Recreation Zone described as Portion of Lot 89, Watts Subdivision of part of the Rancho San Rafael, Portion of Lot B, Tract No. 7183, Portion of Lot C, Tract No. 7183, Portion of Lot 240, Tract No. 7498 and Portion of Lot 89, Watts Subdivision of part of the Rancho San Rafael, in the City of Glendale, County of Los Angeles, in accord with the findings set forth below.

### **REQUIRED/MANDATED FINDINGS**

Pursuant to Section 30.42.030 of the Glendale Municipal Code, a conditional use permit may be granted only if the following findings of fact can be made:

**A. The proposed use will be consistent with the various elements and objectives of the general plan.**

Land Use Element: The City of Glendale's Land Use Element classifies the Project site as Recreation/Open Space. The Open Space and Conservation Element's focus is on preservation of open space, natural resources and amenities that are important to the residents of the City. Implementation of this element required the creation of a Special Recreation (SR) zone, which permits various types of open space and recreation uses. The Project is a conditionally permitted use in the Special Recreation zone by authority of the City's Planning Commission.

Open Space and Conservation: The Project area is located within the San Rafael Hills and within the boundaries of the Scholl Canyon Landfill which is currently developed with an existing landfill gas collection and flaring facility permitted by the SCAQMD. A component of the proposed project – the 60,000-gallon water tank – is proposed to be located on a primary ridgeline. While construction on primary ridgelines is prohibited except under limited circumstances, the Glendale Municipal Code Section 16.08.010 (G)

states that “Nothing in this section shall prohibit the maintenance, upgrading or improvement of existing public or quasi-public utilities which traverse identified primary ridges.” Public Utilities are defined by the GMC. GMC §15.04.010 (Title 15 entitled “Buildings and Construction”), defines Public Utility. A “[p]ublic utility means and includes, for the purposes of this chapter, the public service department of the city, fire and police divisions of the city as to fire and police signal systems, and any person owning, operating or maintaining overhead light, power, trolley, telephone, telegraph signal or other wires, street railway tracks or underground pipes, conduits or structures necessary for public service.” Further, GMC § 30.70.220, the definitions section of Title 30 (entitled “Zoning”), defines utility and transmission facilities as “...facilities for the production, storage, transmission, distribution, and recovery of water, sewage, energy, and other similar utilities.” The Scholl Canyon Landfill and its supporting infrastructure are a necessary public service (collection and disposition of waste from the City’s watershed, and the management of its by-products, e.g. LFG). As part of its function, SCLF is required to collect and incinerate the naturally occurring LFG by-product of waste decomposition.

The buildings, structures and equipment will only visible from the interior of the site; view of the Project from various points outside of the Scholl Canyon Landfill will be negligible because of a combination of distance and natural features between the Project site and public viewing areas. The Project would be consistent with the industrial character of the existing Scholl Canyon Landfill operations including the LFG collection system facility which includes numerous structures, trailers, and equipment interspersed throughout the facility. As viewed from various key observation points outside of the Scholl Canyon Landfill, visibility of the Project will be predominantly obstructed by the natural terrain since the operations will be located behind existing ridgelines and will be situated at a higher elevation than most vantage points.

**B. The use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.**

Based on the findings and conclusions in the FEIR for the Project there are no significant and unavoidable environmental impacts and no impacts that cannot be mitigated to below a level of significance. The impact areas studied in the FEIR include aesthetics, air quality, biological resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, transportation, tribal cultural resources, utility and service systems, and wildfire. The DEIR and FEIR, which are linked to the Planning Commission October 6, 2021 staff report are incorporated herein to this finding by this reference.

For example, a principal area of concern for residents commenting on the DEIR was wildfire impacts. These impacts are not considered significant due to the project regulatory safeguards, design safeguards, mitigation measures and the availability of existing resources, and the expert opinion of the Fire Chief.

Similarly, the grading within the Project area involves approximately 20,000 cubic yards of cut and approximately 6,000 cubic yards of fill, which will be balanced within the Scholl Canyon Landfill site, as the remaining fill material will be used as cover at the landfill.

Further, based on Geotechnical Investigation Report conducted by Stantec (January 2016), the potential for landslides, lateral spreading, subsidence, liquefaction or collapse beneath the Project site is negligible. The subsurface conditions underlying the Project site consisting mainly of dense to very dense silty sands over slightly weathered, hard bedrock, combined with very deep groundwater levels in an area where water bearing soils are not present. The Geotechnical Investigative Report concluded the structures and equipment can be supported on shallow spread footing or mat foundations with bottom levels in weathered rock. Foundations for facilities in the northeastern end of the Project site may need to be deepened to extend into weathered rock.

Finally, by way of example, the City is adopting numerous biological resources mitigation measures and other mitigation measures to ensure project implementation will protect these resources.

Based on the foregoing the Project will not be detrimental to the public health or safety, the general welfare, or the environment.

**C. The use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.**

The Scholl Canyon Landfill is an approximately 535 acre site and is surrounded by open space, recreational areas and single-family residences. At the closest distance, existing residences are identified at approximately 2,300 linear feet to the west (Glenoaks Canyon), 3,431 linear feet to the north (Chevy Chase Canyon), 2,391 linear to the east (City of Pasadena) and 1,885 linear feet to the south and across the SR 134 Freeway (City of Los Angeles) of the Project area's boundaries for the new modular buildings, structures and equipment. Beyond the location of the new modular buildings, shelters, and equipment are proposed natural gas pipelines and water lines. Because the Project's improvements will be entirely within the Scholl Canyon Landfill and the proximity of the buildings and equipment will be adequately set away from the identified residences, the Project will not conflict or impede the normal development of the surrounding properties.

AERMOD Dispersion model results demonstrate that the proposed Project will not cause an exceedance of NO<sub>2</sub>, CO, or PM<sub>2.5</sub> ambient air quality standards. PM<sub>10</sub> and PM<sub>2.5</sub> background ambient concentrations already exceed federal or state standards, but the increase in concentrations resulting from the proposed Project are below allowable thresholds established by South Coast Air Quality Management District (SCAQMD). Furthermore, according to the CALEEMOD air quality model conducted, the maximum construction related daily emissions from earth moving activity will be below SCAQMD significance thresholds. Based on the Project Air Quality Impact Analysis in the DEIR undertaken pursuant to SCAQMD guidance, the Project will not result in significant air quality impacts.

With respect to future post-closure potential uses of the landfill areas surrounding the Project site, the FEIR studied a potential future use as a recreational area as anticipated in the Joint Powers Agreement, and determined that with implementation of an appropriate buffer area, significant impacts are unlikely to occur.

**D. The adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.**

The Project location is accessed exclusively by Scholl Canyon Road. North Figueroa Street turns into Scholl Canyon Road at the SR-134 Westbound Ramps/North Figueroa Street intersection. Scholl Canyon Road is a two-lane road that terminates at the Scholl Canyon Landfill. Majority of vehicle trips related to construction will be made by FHWA Class 7 (four or more axle, single unit) vehicles. During the construction phase, approximately one third of trips will be generated by construction workers. Of these trips, about 10 percent is expected to access the site via Figueroa Street. All other traffic is expected to access the site via SR-134. Although construction of the Project will increase the volume of traffic present in the existing roadway network, the increase will not cause the level of service to exceed the thresholds for significant impact, and based on the traffic impact analysis does not trigger a Vehicle Miles Traveled (VMT) analysis.

During the operational phase of the Project, it is anticipated that four operators and two technicians will be responsible for routine operation and maintenance of the Proposed Project on an as-needed basis, however, the Project site will not be staffed with personnel and will be monitored remotely at several locations. Project impacts during the construction and operational phase will be negligible. As a result, adequate traffic circulation measures are provided for the Project.

The Project will include a total of eight parking stalls, which is adequate for the proposed operations, including maintenance and any on-site operational needs. The SR zone development standards do not require a minimum amount of landscaping and none is proposed. Visibility of the Project site outside the Scholl Canyon Landfill will be negligible.

Pursuant to Section 30.15.040 (F) of the Glendale Municipal Code, the following regulations shall apply to areas within the SR Special Recreation Zone.

**1. The plans for any site development or for any building, construction, expansion, alteration, or for the increase or decrease of any existing area, or area to be acquired and developed for any permitted private or accessory use shall be submitted for review to the planning commission.**

Plans for the Project were provided to the Planning Commission for their review. The Planning Commission, exercising its independent judgment, has read, reviewed and analyzed the plans, reports and exhibits in connection with their determination that the Project has met the SR Special Recreation Zone standards.

**2. Development plans shall be reviewed as to their conformance with the comprehensive general plan, public access and circulation, effect of the design and construction of buildings, facilities, auxiliary uses and general plan of development upon the existing or planned uses and development of the surrounding private or public property, and the recreational objectives and services being offered to the public.**

Staff completed an analysis of the Project's conformance with to the City's comprehensive general plan for the Condition Use Permit Finding A above, which analysis is incorporated herein by this reference and is summarized herein below:

Conformance to public access and circulation: Please reference Condition Use Permit Finding D above to review findings of the project's consistency with the Circulation Element, as well as adequate public access.

With respect to the effect of the design and construction of buildings, facilities, auxiliary uses and general plan of development upon the existing or planned uses and development of the surrounding private or public property, as specified within Conditional Use Permit Finding C included herein above, the tallest structures included in the Project will be four exhaust stacks and a ground flare, each approximately 40-feet in height. The height of the remaining Project structures and equipment will be approximately 30-feet for the 60,000-gallon Fire Water Tank, 12-feet for the modular office buildings and power distribution center, 20-feet for Landfill Gas Compression and Conditioning System, 8-feet for the continuous emissions monitoring system, 12-feet for the Power Distribution Center and retaining walls with a maximum height of 23-feet. Per the line of sight analysis included in Exhibit 4, the Project's buildings, structures and equipment will only visible from the interior of the site; view of the Project from various points outside of the Scholl Canyon Landfill will be negligible because of a combination of distance and natural features between the Project site and public viewing areas. The Project would be consistent with the industrial character of the existing Scholl Canyon Landfill operations including the LFG collection system facility which includes numerous structures, trailers, and equipment interspersed throughout the facility (See Exhibit 3 – Photographic Survey).

As viewed from various key observation points outside of the Scholl Canyon Landfill, visibility of the Project will be predominantly obstructed by the natural terrain since the operations will be located behind existing ridgelines and will be situated at a higher elevation than most vantage points. The Project's buildings, structures and equipment will also be painted "Capital Tan" to blend into the natural setting. The Project's retaining walls will be constructed with either concrete masonry unit (CMU) blocks or reinforced concrete, and will not be visible to the public because all walls will be interior facing towards the landfill operations. A security chain link fence will be constructed at the perimeter of the Project area and could be visible from public viewing areas to the south. To reduce the visibility of the fence, staff has recommended that the brown slats interwoven with the chain link to be removed so that the security barrier will blend into its immediate surroundings when viewed from a distance.

Condition Use Permit Finding A herein above includes analysis of Project's consistency with the Recreation Element of the General Plan. In sum, the Project does not conflict with current of future post-closure recreational objectives for the Scholl Canyon land fill.

- 3. Development plans shall be approved, approved subject to conditions or denied by the planning commission. Conditions of approval may include, but shall not be limited to the following areas: setbacks, height, landscaping, access and**

**circulation, parking, architectural design, site design, layout and configuration, hours of operation, security, buffering and screening techniques.**

The Project plans are attached to the staff report provided to the Planning Commission for their consideration and review, as well as recommended conditions that along with the Project mitigation measures address relevant issues with respect to setbacks, height, landscaping, access and circulation, parking, architectural design, site design, layout and configuration, hours of operation, security, buffering and screening techniques.

**CONDITIONS OF APPROVAL:**

**APPROVAL** of this Conditional Use Permit and Special Recreation Review shall be subject to the following:

1. That the development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.
2. That the Mitigation, Monitoring and Reporting Program approved in connection with certification of the Project FEIR are incorporated herein by this reference and shall be implemented in compliance with the terms and conditions of the MMRP.
3. That all necessary licenses as required from Federal, State, County or City authorities shall be obtained and kept current at all times.
4. That any expansion or modification of the facility or use which changes conditions granted by this Conditional Use Permit and Special Recreation Review shall require new Conditional Use Permit and Special Recreation Review applications. Changes shall include changes to the use or operation or any physical change, as determined by the Director of Community Development.
5. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Neighborhood Services Division, Building and Safety Division, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
6. That any signs displayed in connection with the use and service shall conform to the requirements of the Glendale Municipal Code.
7. That noise shall be contained to the site, such that persons of normal sensitivity off-site are not disturbed.
8. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
9. That the brown slats interwoven with the security chain link fence shall be removed to reduce the visibility of the security barrier. This condition shall only apply at portions of the security chain link fence that are visible to the public, such as the south facing portions of the chain link fence.
10. That the applicant shall discover methods to recycle or reuse existing equipment, concrete, foundation, and asphalt roads, rather than demolish and dispose of the material at the landfill, when feasible.

11. That the Project's associated buildings, structures and equipment shall be painted to blend into the surrounding natural features.

Vote as follows:

Ayes:

Noes:

Abstain:

Absent: