

MINUTES APPROVED AT THE PC MEETING ON FEBRUARY 16, 2023

**PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL**

Teleconference
December 15, 2022
6:30 p.m.

COMMISSION MEMBERS

David Tucker, Chair	Jen Loy	Vacant
Jonathan Harrison, Vice Chair	Masoomah Sharifi Soofiani	
Bruce Brubaker, Secretary	Alpa Agarwal	

The regular meeting was called to order by Chair Tucker at 6:30 p.m.

ROLL CALL

Present: Chair Tucker; Vice Chair Jonathan Harrison; Commissioners Bruce Brubaker and Masoomah Sharifi Soofiani

Absent: Commissioners Jen Loy and Alpa Agarwal

INTRODUCTIONS

Staff Present: Planning Staff: Lydia Elias, Planning Manager Hector Rojas, and Attorney James Atencio

MINUTES –

November 17, 2022

ACTION: It was M/S/C (Brubaker, Soofiani) to approve November 17, 2022, which carried by the following vote: 4-0-2 (Ayes: Tucker, Harrison, Brubaker, Soofiani; Noes: None; Absent: Loy, Agarwal).

AGENDA

Chair Tucker said items approved by the Commission may be appealed in writing to the City Clerk by Tuesday, December 27, 2022, by 5:00 p.m.

CONSENT CALENDAR – None

BROWN ACT – Public Forum – None

NEW BUSINESS

- 1. PLN21-282: Raven Bioenergy Project PUBLIC HEARING** to consider adoption of the Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) and Design Review and Conditional Use Permit to construct and operate a bioenergy facility that converts food and green waste into transportation-

grade hydrogen for various renewable energy products at 1 Parr Blvd. (APN: 408-140-009). OS, Open Space District. West Contra Costa Sanitary Landfill Inc., owner; Raven Sr, LLC, applicant Planner: Lydia Elias Tentative Recommendation: Conditional Approval

Ms. Elias announced the recommended action was to hold a public hearing and adopt the Final IS/MND and MMRP and approve the Conditional Use Permit and Design Review for the project. The proposal was to construct and operate a bioenergy facility that converted blended green and food waste into renewable energy. The project would not have long-term hydrogen storage on site and the project required permits from other regulatory agencies including, but not limited to, the Bay Area Quality Management District (BAAQMD) and the State Water Resources Control Board. Key project components included two modular structures, an industrial canopy, a feed material handler, two nitrogen tanks, a cooling tower, and a fire water tank.

The proposed project was located within the West Contra Costa Sanitary Landfill (WCCSL) property which was approximately 175 acres. The project site would occupy 2.5 acres of the WCCSL property just west of Parr Boulevard. The existing condition included no trees or landscaping and the existing structures proposed to remain where the landfill power generation plant and the maintenance building. The structures proposed to be removed were the trailers that housed axillary uses.

With respect to the biomass and waste-to-energy conversion facilities, Ms. Elias explained the process would convert blended green and food waste into renewable energy. The waste would be collected from the existing Bulk Materials Processing Center (BMPC) located adjacent to the site and would undergo a three-step reformation process. The end product would then be transported off-site.

With respect to Zoning and General Plan Compliance, Ms. Elias indicated that the proposed use was defined as Utility, Major which was conditionally allowed under the Open Space (OS) zone. The proposed development complied with all Development Standards regarding height, setbacks, and floor area ratio. Staff found the project compliant with the General Plan per Policies EC2.3, EC5.1, CR5.2 as well as Land Use Goal LU3.J. The project was also consistent with the City's Climate Action Plan.

Ms. Elias noted the project was heard on October 26, 2022, by the Design Review Board (DRB). The DRB unanimously recommended approval of the Major Design Review for the construction of the bioenergy facility subject to additional conditions. Those three additional conditions were Conditions 7 and 8, which pertained to additional landscaping, and Condition 10, which recommended an interpretive panel be installed at the Landfill Loop Trail.

Given the limited space and potential safety hazards within the proposed processing plant. No new landscaping would be installed within the project boundaries. All landscaping was to be provided off-site near the Landfill Loop Trail close to the Wildcat Marsh Trail and trailhead parking. The proposed landscaping included 21 new droughts tolerate trees, other droughts tolerate plants, and a proposed maintenance plan.

Pertaining to the IS/MND, Ms. Elias reported the draft IS/MND was published for a 30-day review and comment period, which was extended to a 45-day review period. During the review period, 19 comments were received with 13 of the 19 in support of the project and 6 letters of the 19 expressing environmental concerns. All 19 comments were responded to in the Responses to Comments portion of the draft IS/MND. The IS/MND identified four environmental areas with the potential to have significant impacts unless mitigation measures are

implemented. Those areas were Cultural Resources, Air Quality, Tribal Resources, and Biological Resources. Condition #4 of the Final IS/MND required the project to comply with all mitigations outlined in the MMRP. Mitigation measures were drafted to reduce dust and odor. Based on research, no cultural or tribal resources were identified on the site and there were no historical structures in or near the site. If cultural or tribal resources are encountered during construction, the MMRP identified mitigation measures on best practices to use. With respect to biological resources, a list of special-status species were identified to be near the project site. No special status plants were identified on the site and impacts during the non-breeding season for special-status birds were considered insignificant. If disruption does happen during the breeding season, the site and adjacent sites may become temporarily inhabitable by birds due to noise, vibrations, and increased activity levels. Implementation of mitigation measures BIO-1 and BIO-2 would be administered to reduce potential impacts.

Chair Tucker expressed his appreciation for the thorough staff presentation. He invited Commissioners to ask questions of staff.

Commissioner Brubaker echoed Chair Tucker's comment. He mentioned for all other projects with IS/MNDs, tribal resources were always addressed under the cultural resources category but the presented IS/MND had them separated. Crescentia Brown, ESA, remarked that the California Environmental Quality Act (CEQA) Guidelines were updated recently and the update formally separated tribal resources from cultural resources. Commissioner Brubaker understood from the staff presentation that no tribal contacts requested consultation on the project and Ms. Elias confirmed that was correct.

Commissioner Harrison inquired if there were air quality impacts identified from transporting the feedstock to the project. Ms. Brown confirmed the IS/MND did consider the number of vehicles coming to and from the site, and Tim Sturtz, ESA, confirmed Ms. Brown was correct.

Chair Tucker asked if the proposed project anticipated any additional vehicle trips outside of the vehicle trips identified in the IS/MND. Mr. Sturtz concurred there was no anticipation of additional trips coming to the site.

Commissioner Soofiani wanted to understand what the distance was between the proposed project and the residential neighborhoods in the area. Ms. Brown answered .75 miles to the southeast was a residential neighborhood, an elementary school was approximately 1.1 miles to the southeast, and then a medical clinic was 1.2 miles to the southeast. Commissioner Soofiani wanted to see the analysis for wind direction and how that factored into the residential areas being impacted by odor from the proposed project. Mr. Sturtz remarked the IS/MND did not include a wind rose analysis but it may exist in the Air Permit documentation. Ms. Brown added the IS/MND did consider wind direction in the odor section and identified what percentage of the year the wind would blow toward residential areas. Commissioner Soofiani inquired if there were any recommended mitigation measures to address wind-blowing odors into residential areas. Ms. Brown noted the CEQA document identified that there was no significant impact but there were several Conditions of Approval to address odor.

Matt Murdock, the applicant, expressed his gratitude to staff and consultants for their helpfulness throughout the process. He shared that the bioenergy process was invented in the City of Richmond. The project would cover approximately 1.5 acres and the green waste would be trucked to the site daily. The site would prohibit waste from sitting at the site for longer than 24 hours and any waste left on the site would be transported back to the adjacent composite site. The process to turn green waste into hydrogen was non-combustible, and non-catalytic,

and all CO2 would be captured. He noted that 9 to 12 trucks per day would visit the site and transport the hydrogen off-site to be distributed. He emphasized the hydrogen would not be going to other refineries and would be used for hydrogen cars and trucks only. He noted the proposed project would be producing enough hydrogen fuel for approximately 1,000 cars per day. The process of converting waste into clean fuel accomplished the goals of many legislative bills passed by the State of California. The goal of the facility was to not only provide clean fuel but also improve the environment as a whole. Reducing short-lived climate pollutants (SLCP) had the potential to have large impacts on improving the environment. The facility would have in-house fabrication and machining which helped reduce costs, among other benefits. The facility would include 10 employees as well as an apprenticeship program. He concluded the presentation with a summary of the CEQA project overview and Raven's partners.

Chair Tucker invited Commissioners to ask questions of the applicant.

Commissioner Harrison asked if the green waste stream included sludge and Mr. Murdock confirmed the process had the capability of processing any chemically organic compound. The proposed facility would only be processing green and food waste. Commissioner Harrison inquired if green waste included construction materials. Mr. Murdock answered woody biomass would be processed but not construction materials. Commissioner Harrison mentioned that mixed waste had its challenges, but asked if Raven would be exploring mixed waste in the future. Mr. Murdock confirmed the technology had the capability of processing mixed waste, but the facility would focus on green waste and food waste. He noted the facility carries a lower carbon intensity by processing biogenic waste.

Chair Tucker asked if the adjacent composite site was responsible for making sure the waste was clean and Mr. Murdock confirmed that was correct.

Public Comment:

JASON LINDSEY, Iron Workers Local 378, remarked the project was one of many that needed to be implored to combat climate change. He shared the applicant has agreed to work with the Contra Costa building and construction trades to build their facility. He recommended approval of the project.

CHUCK LENARD, Plumber and Steamfitters Local 342 encouraged the Commission to approve the project. The project checked many boxes for the labor and environmental community. He concluded that projects like the proposed project created jobs for the middle class.

BILL WHITNEY, CEO of Contra Costa Building Trades Council, announced his support for the project due to the many benefits it provided for the environment and the community. He agreed with the previous speaker that the proposed project would create jobs for the middle class.

JAMES ASHCROFT, Ironworkers Local 370A, agreed the project would employ many local labor employees from the Richmond Build program. The project was in direct alignment with the Governor's plan to move to renewable energy products and reduce Greenhouse Gas (GHG) emissions. He supported the staff's recommendation to approve the project.

ANN ALEXANDER, an attorney with the Natural Resources Defense Council (NRDC), announced that NRDC held no position on the project but requests conditions be put in place that ensured the benefits come to fruition as well as complete information for the CEQA documents. NRDC recommended that the production be limited to hydrogen fuel production, the

project be limited to using biogas only, and prohibit any non-green waste processing. NRDC was concerned that the IS/MND did not incorporate full information about the Air District's permitting process.

MATT KLOPFENSTEIN, representing the Bioenergy Association of California (BAC), stated BAC saw the project as a win-win-win and encouraged the Commission to approve the project.

GAYLE MCLAUGHLIN, City of Richmond Council Member and member of the Recycle More Board, stated her remarks were not a pro or con for the project, but rather a statement of seeking more information and stronger conditions. She agreed with all of the comments said by Ms. Alexander with NRDC. She believed the community deserved a broader Environmental Impact Report (EIR) and the City must consider BAAQMD's final review of the project.

KEN MILLER appreciated the labor agreement the project had already entered into with local labor unions. He urged the Commission to support the staff recommendation.

KATRINKA RUK, spokesperson for the Council of Business and Industries, announced the Council strongly supported the bioenergy project. The project provide many benefits to the community, and the environment, and achieved many of the goals outlined in State legislation.

TESSA WARDLE, Communities for a Better Environment, stated the group did not support or oppose the project, but rather requested that the impacts be more closely considered. She agreed the community deserved a full EIR and reconsideration of air quality impacts. Many hazard concerns regarding the biogas engines were not being considered due to the proximity of the residential areas being beyond 1,000 feet. She echoed the comments said by Ms. Alexander with NRDC.

KIERA PEREORA, a north Richmond resident, stated she was in direct opposition to the project due to the number of unknowns about the technology and lack of community engagement. She mentioned that many of Raven's presentations were in English only and the predominant language in North Richmond was Spanish.

ANTHONY VISCUSO, a representative for the Heat and Frost insulators of Local 16, announced their support for the project because it would provide green jobs and help California reach its climate goals. He stated the proposed project was a great first step and urge the Commission to approve it.

DAVID LEE GEORGE, Labors Local 324, spoke in favor of the project. The project complied with all the City's rules and regulations while providing jobs for local labor unions.

NANCY PIECE, a Richmond resident, shared that based on the unanswered questions identified through the documentation and staff report she could not support the project as presented. She wanted to see a full EIR drafted to understand the impacts. She echoed the recommendation to have documents and presentations drafted in other languages.

MIKE HUGHES, Teamsters Local 315 and prior employee of Republic Services, found the proposal to be a win-win and recommended approval of the project.

TOM HANSON, a representative for Electricians Union IPEW Local 302, echoed the comments in support of the project.

Public comment was closed.

Chair Tucker asked what the City's response was to the concerns raised by NRDC and others regarding hydrogen only, biogas, non-green waste production, and EIR. Ms. Elias answered the limitation to only hydrogen production could be included in the Conditions of Approval. With respect to limiting the facility to biogas, she explained there was no gas proposed to come into the site and that provision was covered in Condition #49. Also, Condition #36 prohibited the facility from using other non-green waste materials. Ms. Brown explained the IS/MND was composed to identify if environmental impacts were significant and if they were deemed significant then an EIR was required to be done. The IS/MND did not find any impacts to be significant or any exceedances of thresholds established by CEQA.

Commissioner Brubaker requested confirmation from the applicant that a condition to limit the process to only hydrogen production was amendable. He requested further details regarding Conditions #46 and #36 and how those satisfied the concerns raised by the public. He asked what the repercussions would be if thresholds were exceeded during air quality monitoring.

Mr. Rojas reminded the Commission that the applicant had two minutes to provide rebuttal comments.

Mr. Atencio added that a person in opposition to the project also had two minutes to provide rebuttal comments.

Mr. Murdock apologized and announced all documentation will be drafted in Spanish. With respect to biogas and landfill gas, currently, the landfill was using landfill gas to generate electricity. The proposed project would replace the existing generators with new more advanced engines which will reduce emissions. Once installed, 60-70 percent of the facility's electricity usage would come from in-house generation. With respect to air quality monitoring, if thresholds are close to being met, audible and digital alarms will sound and possible engine shutdown will occur. He restated the facility will only produce hydrogen fuel and there was no intention currently to produce other fuel.

Chair Tucker invited an identified member of the public in opposition to the project to provide rebuttal comments.

Ms. Pereira appreciated the applicant converting the documents to Spanish but requested stronger community engagement with North Richmond residents. She noted North Richmond was highly impacted by pollutants and it was important to consider the project's impact along with the other uses in the area.

Chair Tucker summarized limiting the facility to hydrogen-only production was included in the Conditions of Approval already. He understood there was a condition that prohibited the use of other gas types as well as a condition that prohibited using other feedstock besides green waste. Ms. Elias confirmed Chair Tucker was correct.

Commissioner Brubaker recommended an explicit condition be drafted that only hydrogen gas production be allowed as well as a condition that required secure bicycle parking.

Commissioner Harrison wanted to understand if there were any consequences to approving the project before BAAQMD completed its final review of the project. Ms. Elias confirmed the IS/MND was submitted to BAAQMD, who provided a comment letter to the City, and the City

responded to that letter. Staff also worked with BAAQMD staff working on the Air Quality Permit to ensure the City's permit was in alignment with BAAQMD's permit. Ms. Brown noted the CEQA process was not intended to slow down a project because it was seeking multi-agency permits.

Commissioner Soofiani requested more information about the community engagement process. Mr. Murdock mentioned that Raven had discussed the project with several groups and several schools. He emphasized if members of the public wished to discuss the project or wanted a presentation, Raven was more than happy to do that.

Chair Tucker asked what the next steps will be after the Commission makes its decision. Ms. Elias mentioned the project will have to obtain a Building Permit as well as other agency permits. Mr. Rojas noted Condition #28 required the application to return to the Planning Commission after the first full year of operation and provide a follow-up report. After that, the applicant was required to return every 5-years.

ACTION: It was M/S/C (Brubaker, Harrison) to adopt the staff recommendation to adopt the IS/MND and to approve the project with two additional conditions; one condition that the project should produce hydrogen only and not other products, and the second condition that there be convenient and secure bicycle parking provided on the site as well, which carried by the following vote: 4-0-2 (Ayes: Tucker, Harrison, Brubaker, Soofiani; Noes: None; Absent: Loy, Agarwal).

COMMISSION BUSINESS

- 2. Development pipeline project** – Chair Tucker announced the item would be held over to the January 19, 2023, Planning Commission meeting.
- 3. Reports of Officers, Commissioners, and Staff** – Commissioner Brubaker requested that staff ensure that all applicants know they are responsible to engage with the public about their proposed project before it comes through the public hearing process. Also, to encourage more convenient and secure bicycle parking on the projects.
- 4. Adjournment** - The meeting was adjourned at 8:30 p.m. to the next regular meeting on January 5, 2023.