

MINUTES APPROVED AT THE PC MEETING ON April 18, 2024

PLANNING COMMISSION REGULAR MEETING COUNCIL CHAMBERS, RICHMOND CITY HALL

Council Chambers
February 1, 2024
6:30 p.m.

COMMISSION MEMBERS

David Tucker, Chair	Jen Loy	Vacant
Jonathan Harrison, Vice Chair	Alpa Agarwal	
Bruce Brubaker, Secretary	Aaron He	

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

ROLL CALL

Present: Chair Tucker; Vice Chair Jonathan Harrison; Secretary Bruce Brubaker; Commissioner Aaron He; Commissioner Jen Loy; Commissioner Alpa Agarwal

Absent:

INTRODUCTIONS

Staff Present: Planning Staff: Planning Manager Hector Rojas and Attorney James Atencio

MINUTES – None

AGENDA

CONSENT CALENDAR –

Chair Tucker stated there were no Consent Calendar items on the Agenda.

[The Commission moved to the Brown Act – Public Forum]

BROWN ACT – Public Forum

Bruce Beyaert from the Trails for Richmond Action Committee (TRAC) provided public comment regarding the City's Shoreline overlay district. According to Mr. Beyaert, the Shoreline overlay district language applies to all of Richmond's shoreline, so the City's current mapping seems to show an error exempting certain areas. He stated that the Shoreline district ordinance requires maximum feasible access to a hundred foot shoreline band and completing the bay trail over a public access zone between the shoreline and the nearest public street or arterial. He stated that he met with Community Development Director Lina Velasco and hopes the Planning Commission and staff can resolve the issue of the overlay district's applicability in the near future to minimize impacts to the Bay Trail's completion.

Secretary Bruce Brubaker inquired if there are examples of access at work facilities that have used the overlay district. Mr. Beyaert stated there are great examples, one being the City of Richmond Point Potrero, Marine Terminal, when the City planned and designed the auto import

MINUTES APPROVED AT THE PC MEETING ON April 18, 2024

facilities, they worked with the port to find a way to allow the Bay Trail to extend out Canal Boulevard along the southern shoreline in the Point Potrero Marine Terminal all the way to Red Oak Victory Ship and the Whirley Crane. Another example is the KKMI boatyard, there's a great public access trail from Canal Boulevard along the shoreline.

ACTION: It was M/S/C (Loy, Brubaker) to Close the Public Forum, which carried by the following vote: 6-0-0 (Ayes: Tucker, Brubaker, Harrison, He, Loy, Agarwal); Noes: None.

[The Commission moved to New Business]

NEW ITEMS

1. PLN23-119: IMTT Renewable Fuels Project

PUBLIC HEARING to consider a Conditional Use Permit and Design Review for construction of additional terminal infrastructure at the existing International Matex Tank Terminals-Richmond-CA (IMTT) terminal facility, including five new aboveground tanks for ethanol and renewable diesel storage and four additional rail spurs to accommodate 20 railcar spots at 100 Cutting Boulevard (APNs: 560-290-005 and 560-380-005).

IW, Water Related Industrial District.

International Matex Tank Terminals (IMTT)–Richmond-CA, owner/applicant

Planner: Hector Rojas

Tentative Recommendation: Conditional Approval

Chair Tucker announced the item and called for staff's report.

Planning Manager Hector Rojas provided a brief history of the project which is an existing facility located in the Santa Fe Channel of the Richard inner harbor. The facility is a twenty-two acre on shore bulk liquid storage and distribution terminal that handles chemicals, vegetable and tropical oils, renewable fuels, bulk liquid products, crude and refined petroleum products. The facility contains about forty-eight storage tanks along with support facilities. The surrounding area is a mix of light to heavy industrial activity as well as maritime operations. Previous approvals that have been applied to the site include the 2008 IMTT installation project, initial study mitigated negative declaration (ISMND) which granted approval for a CUP and Design Review permit enabling IMTT to construct three above ground tanks, designated for petroleum chemical products. In 2015 the City prepared an Addendum to the 2008 ISMND and approved a Conditional Use Permit (CUP) amendment that authorized the modification to the 2008 project which allowed IMTT to replace one of the previously approved tanks with a smaller tank designated for the containment of caustic soda. The current proposal is for an additional tank structure/terminal infrastructure which includes five new aboveground tanks for ethanol and renewable diesel storage, and four additional rail spurs to accommodate up to twenty rail car spots. Key components are listed on the site plan and the project could take place in two phases. In the current project IMTT is looking to install a 105,000 barrel (bbl) capacity ethanol tank and a 53,000 bbl renewable diesel tank. Phase two of this project will be to add two new rail spurs with ten railcar spots for unloading diesel and ethanol, modification to existing truck rack to accommodate loading of ethanol and a piping to dock for unloading ethanol. Potential future projects analyzed as part of the environmental document but not included in this permit include adding two additional rail spurs with ten railcar spots, a 30,000 bbl caustic soda tank, a 40,000 bbl tank for renewable diesel or ethanol, and a 53,000 bbl tank for renewable diesel or ethanol. In reviewing the current project seeking a permit, staff did a zoning analysis for code conformance and found a design review permit is required because the project meets the exceeds the 1,000 square feet threshold. The 2008 CUP that was amended in 2015 does not

MINUTES APPROVED AT THE PC MEETING ON April 18, 2024

cover the new infrastructure, so another amendment is also required. Staff is seeking approval for both permits, however, the Design Review Board was the recommending body for the Design Review permit, who recommended conditional approval of the permit and encouraged the applicant to satisfy its public art obligation by including onsite public art such as a sculpture within an upgraded landscaping area along Cutting Boulevard, which was included in their conditions of approval. Staff also reviewed the project for development standards compliance and found the project meets all of the setback, height restrictions, and landscaping requirements. LSA Associates was hired to perform the additional environmental review which concluded that no further environmental review is required because all of the potential significant environmental impacts have either been analyzed in previous documents and there is an ongoing Mitigation Monitoring Reporting Program (MMRP) attached to the staff report, which lists all of the mitigation measures IMTT will be incorporating from the previous environmental review documents. The impact areas to be mitigated are listed under air quality, archeological resources, geology and soils, hydrology and water quality, and noise. The applicant reached out to the Marina Bay Neighborhood Council in September of 2023 and provided information about the project, they have not since heard back from them. They received comments from TRAC on January 23, who eluded that the project is within the Richmond Shoreline overlay district. Using a map of what staff believed was intended to the Shoreline overlay district, the project does not sit within those boundaries. Based on conversations with Community Development Director Lina Velasco, this is an item that will be further studied, and staff will return to the Planning Commission with those findings at a later meeting.

Staff recommend that the Planning Commission make the findings in the Resolution attached to the staff report which recommend approval of the project subject to conditions, some of the key conditions include:

- Require the applicant to carry out the project in conformance with the project plans.
- Require the applicant to implement the MMRP.
- Require the applicant to include an onsite accessible art valued at 1% of the building development costs or pay an in lieu contribution of 1% or to place art on an alternative site.
- Require the applicant to make a voluntary contribution of \$2,000 to the City's implementation of the Ferry to Bridge to Greenway Complete Streets Plan (staff is currently conducting a Nexus Study for all the areas affected to determine what the fees will be in the future).
- The other conditions have to do with the applicant communicating with the BCDC district and obtaining any necessary applicable permits and mitigating the lighting noise that would potentially emanate from the site.

[Chair Tucker moved into clarifying questions from the Commission to staff.]

Commissioner Alpa Agarwal requested more information on potential problems that might arise from the installation of the new tanks. Tracy Johnson, representing IMTT, explained that all tanks are built to specific code standards for storage of chemicals, afterwards IMTT implements an integrity inspection program which conforms with the API codes. Daily operators complete daily inspections. Currently IMTT owns eleven tank facilities, down from nineteen, they have never had a tank failure, which would be the worst case scenario. A tank failure would include releasing of the contents, however there are secondary containment measures that kick in if that were to happen.

MINUTES APPROVED AT THE PC MEETING ON April 18, 2024

Commissioner Agarwal asked what the pollution impact would be if there were a tank failure. Ms. Johnson answered there are two products with two different types of tanks. The renewable diesel tanks are chemically identical that would be put into an on-road vehicle. There are emissions from the product as you fill the tanks and while the tanks are static due to solar warming, however diesel vapor is quite low on the emissions scale and deemed insignificant. Emissions are considered during the Air District permit application with studies the air quality of a site. The other tank is for ethanol, which has a floating lid of sort, which sits on the liquid and reduces emissions by almost 95%.

Commissioner Loy commented she appreciated Ms. Johnson's descriptions, they were very visual and helpful; and thanked staff for their due diligence in maintaining communication with local tribal representatives, she was impressed to see some familiar names included in the report.

Secretary Brubaker commented he had some questions regarding air quality and commended the applicant for answering those in her description for Commissioner Agarwal's questions. There is a significant portion of the frontage along Cutting Boulevard that has no sidewalk due to the train tracks. TRAC tried to come up with ways to resolve that, however with the confusion over the Shoreline District, TRAC didn't see the correlation where they could make that ask. It's unfortunate that there's no sidewalk there, this is a train track improvement, however the tracks along Cutting are not part of the project that is currently being proposed. In response to Ms. Johnson's request, Secretary Brubaker explained if one was traveling east of their building, he believed between 3rd and 4th streets, the tracks are close enough to Cutting that there isn't really room for a sidewalk. It's less than 1/3 of the frontage that is shown in the study.

Planning Manager Rojas noted that staff found that area had signs indicating that was private property, the parcel lines would not allow a sidewalk unless there was a dedication of private property.

Vice Chair Jonathan Harrison did not have any questions.

Commissioner Aaron He inquired about the mitigation measures of evaporation during transport of the products. Ms. Johnson explained that when renewable diesel is transferred into any vessel, there will be some amount of vapors in the head space as the product level rises but is deemed insignificant. Ethanol does have appreciable emissions from transferring and loading if it isn't controlled. The vapors from the tanker trucks goes into a vapor recovery unit that condenses vapor and returns it back into the tank. There is zero combustion, and no product is lost. Commissioner He asked if the applicant envisions ever storing anything other than renewable diesel or ethanol. Ms. Johnson stated they do envision storing caustic soda in the future. IMTT are limited to the needs of their customers, and they will not make changes to a tank unless they are certain those changes will endure the test of time. The space of the site is limited, the odds of IMTT expanding outside of those three products are very low.

Chair Tucker commented that Ms. Johnson's responses and descriptions were very much appreciated and inquired about the Design Review conditions of art onsite and if the area designated in the review is publicly accessible, as it doesn't seem to be with those types of tanks and the rail tracks. Ms. Johnson answered they have the perfect grassy spot located right in front of the terminal where their sign and flagpole are located. They have already begun that process and are super excited about it.

MINUTES APPROVED AT THE PC MEETING ON April 18, 2024

Chair Tucker referred to the contribution to the Ferry to Greenway to Bridge Complete Streets Plan and the added note of “and additional amount if applicable” and asked if there is a cap to what would be the additional amount. Planning Manager Rojas responded there is no cap, and that amount would be determined by the nexus study that Harrison & Associates is putting together under the direction of Public Works. This issue also came up for another project along Cutting Boulevard that did not come before the Commission, Svenson’s Bay Marine project and TRAC was also looking for a contribution higher than \$2,000 to go towards the improvements on Bay Trail. The contribution that was requested was in excess of \$16,000 and was met with hesitation by the applicant. The City’s legal staff determined the City would be on stronger legal ground if they provided a nexus study that could specifically tie to the projects and potential impacts from those projects. Some uses will have a higher draw for those activities than others, and different variables that trigger different impacts. The study is intended to produce different fees based on those different variables. Staff hope to be able to include those in their structured fee schedule. Chair Tucker inquired about the timeline of the project. Planning Manager Rojas explained that IMTT submitted an at-risk submission to the Building Division, which is already being plan-checked while they entertain the entitlement. He suspects they will be ready to go with the issuance of the permits, or within a couple months. Ms. Johnson stated they ideally anticipate grading once the permits are issued. They still have equipment to order; some items have a longer lead time. They hope for mid-year for the steel to be onsite.

Chair Tucker inquired if there are requirements to hire locally for the project. Planning Manager Rojas stated there is an ordinance that requires local hire in certain cases, he was not sure yet if those apply to this project. Ms. Johnson expanded she was not aware of any specific requirements and would look into that, IMTT prefers to hire locally, when possible. There will be a significant amount of union labor for the project. Chair Tucker encouraged staff and the applicant to look into that, understanding there are also certain skills that are needed to construct those types of tank.

Commissioner Agarwal asked if IMTT planned to add more greenery to the site. Ms. Johnson explained they are limited opportunities to add greenery due to secondary protection boundaries of the tanks. Any type of plant or tree with a root structure can penetrate that boundary structure which would make it unsuitable for containment should the tanks fail. At this facility, all of the areas suitable for planting are on the frontage of Cutting Boulevard at the entrance of the site. The waterfront is all concrete and water structures.

Commissioner He inquired about the grading process and if the project would require importing additional dirt. Ms. Johnson stated the goal is to perform grading without any net export. It is a historic site, and having been a Texaco refinery in the sixties, testing of the soil would be required if any soil was removed. The intent of the grading around the tanks is to improve drainage. There are some concrete slabs in the rail car areas there will need to be removed to integrate with their subsurface drainage system, which was part of their environmental analysis reports.

[Chair Tucker moved to Public Comment]

PUBLIC COMMENTS

Chair Tucker noted there were no public comments.

ACTION: It was M/S/C (Harrison, Loy) to close the Public Hearing which carried by the following vote: 6-0-0 (Ayes: Tucker, Brubaker, Harrison, He, Loy, Agarwal); Noes: None.

MINUTES APPROVED AT THE PC MEETING ON April 18, 2024

[Chair Tucker moved to Commission Comments – there were none.]

ACTION: It was M/S/C (Harrison, Tucker) to Accept the Conditional Use Permit and Design Review for construction of additional terminal infrastructure at the existing International Matex Tank Terminals-Richmond-CA (IMTT) terminal facility, including five new aboveground tanks for ethanol and renewable diesel storage and four additional rail spurs to accommodate 20 railcar spots at 100 Cutting Boulevard (APNs: 560-290-005 and 560-380-005) which carried by the following vote: 6-0-0 (Ayes: Tucker, Brubaker, Harrison, He, Loy, Agarwal); Noes: None.

Chair Tucker noted that anyone wishing to appeal the Planning Commission's decision can do so by filing an appeal application and paying appeal fees to the City Clerk's office by February 12, 2024 and thanked IMTT and staff for the presentation.

[The Commission moved to Commission business]

COMMISSION BUSINESS

2. Reports of Officers, Commissioners and Staff –

Commissioner Agarwal inquired about the status of the designs of the Hilltop project and if they will be returning to the Planning Commission. Planning Manager Rojas responded they previously completed initial community outreach and received great Planning Commission feedback on the proposed land use diagrams. They received limited feedback from City Council in December. Staff are in the process of refining the land use diagram with the objective of having a preferred land use alternative they can base the policies on. Weekly meetings are being set up with the Signature/Prologis team to hopefully ensure they are building what is expected by the various stakeholders. Density is the main topic under discussion. Staff are seeking higher density with mixed uses, and industrial/warehouse uses are no longer being considered. There will be a second round in front of both the Planning Commission and City Council in March or April. Commissioner Agarwal appreciated that the land use diagrams were made very clear and suggested street names be identified so the residential currently surrounding the site are easier to identify.

Secretary Brubaker commented that with regard to the Shoreline District, there does need to be more clarity about how to interpret the language as it relates to the map that was adopted by City Council, and who maintains those properties that do provide access. He also noted that a recent motion that was approved by Council for art around the Council Chambers has already happened, and it is intended to be rotating art in which local artists can display their work. It's a great use of the wall.

Planning Manager Rojas reported that the upcoming Planning Commission Academy is held annually during the month of March, the dates for the conference are March 6-8, 2024 at the Hilton Long Beach Hotel. The City Manager is encouraging the Planning Commissioners to attend, Mr. Rojas will be following up with an email. It's great training for new Commissioners and allows them to foster relationships with other Commissioners throughout the state.

There is a new Commissioner that has been appointed, the Mayor's office has indicated they have another potential appointment at the City Council's February 20th meeting.

MINUTES APPROVED AT THE PC MEETING ON April 18, 2024

The February 15th meeting has been cancelled. They will be polling Commissioners to see if they will be available for a Special Meeting on March 21.

Chair Tucker noted that if the training is scheduled for March 6 – 8, the March 7 meeting may also be compromised. The conference is a good opportunity, particularly with all the new State regulations that are being rolled out.

- 3. Adjournment - The meeting was adjourned at 7:31 p.m. in memory of former Mayor Irma Anderson who was like a second mom to him. She shepherded a lot of great policies on behalf of the City and its residents.**

The next regular meeting on March 7, 2024.