

**PLANNING COMMISSION SPECIAL MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL**
450 Civic Center Drive, Richmond, CA
December 18, 2014
6:30 p.m.

COMMISSION MEMBERS

Sheryl Lane, Chair	Ben Choi, Vice Chair
Andrew Butt	Jeffrey Kilbreth
Marilyn Langlois	Roberto Reyes

The regular meeting was called to order by Chair Lane at 6:35 p.m.

Chair Lane led in the Pledge of Allegiance.

ROLL CALL

Present: Chair Sheryl Lane; Vice Chair Ben Choi; Secretary Marilyn Langlois, Commissioners Andrew Butt, Jeffrey Kilbreth, and Roberto Reyes

Absent: None

INTRODUCTIONS

Staff Present: Planning staff: Lina Velasco, Jonelyn Whales, Richard Mitchell and Carlos Privat

MINUTES:

April 17, 2014: These minutes were deferred to the next meeting.

July 9, 2014: These minutes were deferred to the next meeting.

July 10, 2014: These minutes were deferred to the next meeting.

October 9, 2014:

Commissioner Langlois requested the following correction:

- Page 11, bottom of the page under the action/vote: The motion included a provision that any increase in the number of digital signs allowed would require a 2/3 vote of the City Council, and she asked that this be added.

ACTION: It was M/S/C (Langlois/Butt) to approve the minutes of October 9, 2015, as amended, which carried by the following voice vote: (4-0-2) Ayes: Butt, Langlois, Reyes and Lane; Noes: None; Abstain: Choi and Kilbreth.

AGENDA

Chair Lane provided an overview of meeting procedures for speaker registration, public comment and public hearing functions. She said items approved by the Commission may be appealed in writing to the City Clerk by Monday, January 5, 2015, by 5:00 p.m. and as needed, announced the appeal process after each affected item.

CONSENT CALENDAR – No items.

Public Forum – Brown Act

Cordell Hindler, Richmond, discussed an idea about finding an art space or youth center to help youth in the community.

Herk Shusteff, El Sobrante, echoed the need for an art, a not for profit cultural center and a jazz club in Richmond. He presented a painting which shows a potential infill area for development on the 155 acre Clark Road property which was purchased in 1999 for \$1.5 million. He said the owner could profit from their investment of only building 20 modest homes instead of building hundreds of homes, which destroys the natural land. He suggested the upper areas be purchased through land trusts or have conditions attached where homes would preserve access to nature. He noted Proposition 13 does not bring revenue to the City given maintenance and services which mostly go to the State. He suggested the Commission research the Land Based Growth Coalition for more information.

Vice Chair Choi suggested Mr. Shusteff speak to neighborhood councils and join an advisory committee regarding the subject of housing growth.

HOLD OVER ITEM

1. **PLN11-607: Bulk Materials Processing Center Conditional Use Permit Compliance Review** - PUBLIC HEARING to complete a compliance review and consider modification of the Conditional Use Permit for the Bulk Materials Processing Facility (CU1101132) at 1 Parr Blvd. (APN: 408-140-009, 408-140-008, 408-140-010, 408-140-013).CRR, Community and Regional Recreation District. West County Landfill Inc., owner; Richmond Sanitary Services, Operator; Planner: Lina Velasco; Tentative Recommendation: Conditional Approval.

Senior Planner Lina Velasco introduced Kelly Runyon of Environmental Science Associates, a consultant to the City who has assisted staff in the review of the compliance report submitted by the permittee. Adam Lands from the City Manager's Office Environmental Division who works on the collection side and environmental initiatives when looking at diversion rates at the facility. The applicant is present represented by **Peter Newty** and Scott Gordon who were available to answer questions. She gave a PowerPoint presentation, stating as part of the original Conditional Use Permit (CUP) which was approved by the Planning Commission for the Bulk Materials Processing Center (BMPC) in 2004, there was a condition added by the Commission to review the permittee's compliance with the CUP on a 5-year cycle. This is the first review since the operations of the BMPC began in 2006. In late December of 2011, the permittee came before the Planning Commission and provided an overview of the facility and brief history of the site. Ms. Runyon will discuss operations at the facility and where the waste streams are, but the Commission will focus on the compliance report and staff is requesting that the Planning Commission accept the report or ask for additional revisions and clarification. Staff has also worked with the permittee to clarify some of the CUP language which was challenging for staff

to determine compliance, and as state regulations have changed regarding waste streams, staff is also updating those conditions where there may have been change resulting from legislation.

Kelly Runyon, Senior Managing Associate, ESA, stated they will provide an overview of the BMPC, will identify its major components and how materials move through the facility, provide a chronology of events leading from the initial CUP to present day, provide a list of other permits that apply to the facility and then discuss modifications proposed for the CUP to make it more manageable, and lastly provide a staff recommendation.

Mr. Runyon discussed the location of the facility which he said is mostly within the City of Richmond. He presented a picture of the developed facility, recognizing there is a portion of the property in Contra Costa County. The County and City's CUP's both have common conditions and most material going into the facility goes through a weigh scale and is logged. If it is refuse it will likely go to the transfer station where it is unloaded inside a building, pushed into trailers and taken to Keller Canyon Landfill unless there are recyclables which is taken to other parts of the facility. On high ground at the former landfill site, there is a mechanized sorting line conveyor belt with picking stations where workers remove recyclable materials along with machinery that also does this. Next to the sorting line are stockpiles of materials going into the sort line or coming out. Separate from that is the composting operation that handles the green waste and food scraps collected in Richmond and some from other places, and alongside this is a yard used to receive and process concrete and asphalt most of which is used at this site or other landfills to support temporary roads and other uses. He said quite a bit of weight measurement work goes on with tracking the different materials which are traditional and non-traditional recyclable materials.

What brought them here began in the late 1990's in the design and conceptualization of future uses of the then Richmond Landfill and an EIR for that package of uses was prepared in 2003, certified in 2004 when the CUP was prepared, and then things phased in over time and full operation was occurring in 2006 and has continued to present day. The 5 year compliance review was preceded in 2011. The first draft of the compliance report was received by staff in early 2012 and he was contacted to help review the details of it. They asked for revisions and additional information which was provided and most was received in 2013. Because the facility is rather intricate, to reach the point where conditions have been evaluated and in some cases modifications were suggested.

Other permits that apply include the County land use permit and a City/County agreement focused almost entirely of the handling of the mitigation fees which the operation pays for. The County Environmental Health together with Cal Recycle administers two solid waste facility permits. There are permits for waste discharge from the Water Board, the BAAQMD's air emissions permit, and others. He noted a large piece of the Bay Trail was constructed in conjunction with development of this facility, so BCDC was also involved in permitting.

In summary, Mr. Runyon said after going through this two year process, the CUP was complicated because it incorporated over 150 EIR conditions and in general, they are satisfied. In their review of the compliance report after they received evidence requested, they were satisfied with it. One of the difficult sets of conditions has to do with the amount of material recovered by the operation. The EIR considered the possibility of as much of 78% diversion of material based on some assumptions about incoming material that have not come to pass. In particular, there was not much concrete brought to this facility which is 100% recyclable, so the 78% diversion requirement was a stumbling block because it was inappropriate for the way the

facility now operates. Associated with it was the requirement for a reasonable best effort to accomplish diversion which is a difficult concept to agree on, and got into a lot more detail with the permittee about what this means and how it should be evaluated.

For the County and ultimately for the state and city use, the permittee provides monthly reports of the tonnages that come in and go to various operations. In looking at ways to improve these conditions, the reports should be provided in electronic form and not simply as a PDF with numbers. This allows City staff to track diversion with much less labor on anyone's part.

Mr. Runyon said there were some issues they spent a lot of time on and framed them for resolution, and one is litter and dumping that occurs near the facility. There is a hotline required by the use permit and this hotline exists but does not communicate well. Staff will be working with the permittee on refining this mechanism. A second issue is that small loads are currently charged by volume and it might be fairer by charging them by weight, but this might mean more work on the part of the permittee and ultimately more cost. This is an open issue that staff and the permittee will continue to work on.

In summarizing, their findings are that the permittee is generally in compliance with the requirements of the CUP. Some requirements relate to the design and construction phase which was very long ago that detailed substantiation of them or written records of compliance with design requirements were not easy to find, but they can see the finished product and consider it to be in compliance. What they have done to the revisions themselves accomplish several things—some are out of date in terms of code sections and names of agencies which have been corrected. They have tried to simplify reporting, flagged litter and dumping and resource recovery as issues that should be handled differently and coordinating with County staff about overlapping responsibilities, and the charge by weight versus charge by volume issues.

Ms. Velasco said staff's recommendation this evening is to adopt the draft resolution provided in the packet. The findings and statement of supportive facts has also been provided. The resolution would accept the compliance report as submitted by the permittee along with approving the modifications as suggested by staff and agreed to by the permittee. It took a long time to reach resolution on the exact language that both the permittee and the City could enforce and agree to and appreciates the Commission's patience in this process. They hope moving forward after having reviewed the CUP once will be a lot more expeditious in the future.

Chair Lane asked for Commission questions.

Commissioner Butt said the way he reads the requirement for the CUP, it was supposed to have been reviewed one year after implementation. Ms. Velasco said it is on a 5 year cycle from when operations started in 2006. Staff initiated the process in 2011 advising the permittee that this process would start. In 2012, they provided the first draft at which time there were so many documents it became apparent to staff that they needed to hire a consultant who had experience in this field to do a thorough review of the permittee. ESA was identified as the consultant and while it took a while for the contracting process, she also went on maternity leave and other projects moved forward. However, staff has been trying to move this forward and hopes in the future it will not take as long.

Commissioner Butt said there was mention there were a number of items and he read, "On a case-by-case basis, staff is selectively recommending acceptance of the permittee's assertion that they are in compliance without their providing direct evidence." He did see a list of those

items and which ones were being recommended to review. He said it was mentioned that the design was so long ago there were no records and he asked when the design began. Ms. Velasco said in Section 2 in their compliance report, it lists responses to the conditions. For example, there may have been a fire hydrant plan which is required for approval by the Fire Department. They could not produce a map showing a stamp from the Fire Marshal and with the City's record-keeping after their move, they could not locate one either; however, they know the Fire Department has an active permit on the site and has been doing their annual inspections. Therefore, from staff's perspective, it was safe to assume this happened.

Commissioner Butt asked what the timeframe was of the design documents. Ms. Velasco said they varied and in some cases, they did find that landscaping was approved from the DRB. The center was also built in phases so it was not easy to find every piece of documentation related to it. She said full operations started in 2006 so it would have been prior to that; however, she thinks the improvements to the weigh scale station did not occur until 2008 or later. Commissioner Butt asked if the City has any approved drawings for this. Mr. Runyon said for the more recent components they do have approved drawings, but they have as-built drawings for some of the oldest of them, including the transfer station itself. There was a plan set submitted for approval to the City before anything was built and this in its entirety was not available; only fragments of it were available.

Commissioner Butt said related to this is landscaping. He has been to the site and sees very little landscaping. He said there was also mention in 2.1.7 about the fence separating the transfer station from the trails and that it required approval by the DRB. He did not see whether or not this happened. Also, there was mention in 2.23.3 and 2.23.8 issues dealing with odors and air monitoring. It was mentioned in the report by SWT Engineering that there have been no complaints about odors in the last 3 years, and he knows for a fact this is inaccurate because he has personally complained about odors in the last 3 years. The air monitoring mentions the condition that there needs to be air monitoring stations installed and the report states they walk the permittee every so often and use hand held equipment to make a determination. The off-site litter policing have been one of the larger on-going problems. He sees the two big issues as being odors and dumping in the area, but clearly what was supposed to be in place has not worked. He said he would be surprised that litter, policing off-site every week has been occurring because every time he drives by the area, there are huge piles of litter which tends to linger for more than a week.

Commissioner Butt said in general there are some great things about the facility and the Bay Trail is one, but it concerns him that the City is not 2 but 3 years late in reviewing this and there are fairly large outstanding issues involving odors and litter that he has personally experienced in Pt. Richmond when winds blow north to south and he can verify that many of his neighbors have called to complain. Other issues like signage and landscaping are overlooked.

Mr. Runyon said in responding to one point regarding landscaping, the landscaping plan for the transfer station and its vicinity was part of the compliance report and they looked to see whether this happened in Google Earth and it was, so when they could review in detail, they did.

Commissioner Butt asked for an explanation of the issues he brought up. Ms. Velasco said relating to the dumping issue, they are required to provide two staff members and a truck for 8 hours. The documentation relating to the litter that is being picked up goes to the County. Mr. Runyon spent a lot of time at the county speaking with staff and they held several meetings. The work is happening; however, they are recognizing that there still is a lot of litter out on the site

and a lot of dumping occurring. It seems as though there is still some excess capacity and resources required by this. They want to expand those hot spots because they are monitoring certain areas as described in their CUP and EIR, so this is an on-going discussion that needs to continue with the County. They also did try calling the hotline which was never easy. People are only able to leave messages and the question was whether or not the permittee was responding. She said code enforcement for a period of time was receiving mitigation fund money to help pick up litter. When this stopped, more complaints were received, and there was a responsible party to address this. So she said it is an on-going problem. There is existing fencing around the facility and they are trying to figure out what is deterring people from properly dumping their waste at the facility. This is why the issue has come up about charging by weight versus by volume size. They also understand it may also result in other consequences so they want to keep this discussion moving forward with the permittee.

In terms of odors, this covers back from 2006 to 2011 and the source they use is the BAAQMD. Depending on whom the complaint is going to, if it is not getting to the proper party, it does not show up in the records. There is not a way this is being documented and staff reviewed the Air District records and unless they are documenting the complaints, they will not come up in staff's search for complaints. Ms. Velasco also noted that staff visited the site and tried to verify landscaping according to the plans, but the landscaping approved is minimal for the site.

Commissioner Reyes asked how debris is moved around the plant. Mr. Runyon said typically materials are moved in trucks and if going to point to point within the facility, usually it is a roll off truck. It is similar to a debris box accumulating materials and the moving it to another location and weighing it. Commissioner Reyes said he hoped the city has taken steps to reduce truck operation to move materials around due to emissions. Mr. Runyon said there is a requirement that trucks not idle for long periods of time and that they put the best available technology on the trucks.

Commissioner Reyes asked what union is involved in the center, and Mr. Runyon clarified it was Local 315. Commissioner Reyes said he is also concerned with landscaping or the lack thereof. He asked if there was a physical visit to the site or was it just looking at Google Earth and records. Ms. Velasco said there was a series of documentation provided by the permittee. Staff also conducted site visits, held meetings with the County regulators, and also Cal Recycle representatives. They talked to TRAC about the Bay Trail to ensure they were satisfied with the improvements and as many people who have oversight on the facility to determine if they had anything in their records the City should be aware of. She said she received notification that the county is starting their 5 year review for the land use permit as well. In the beginning, staff tried to coordinate with them to perform this together, but it did not work. They anticipate that by providing the City's information to the County, if they find conflicts with the findings, these will be brought forward to the Planning Commission and provide an update as well.

Commissioner Reyes said he appreciates the amount of work put into this. He asked who is paying for ESA's services, and Ms. Velasco said the permittee is paying for these services which are also included in conditions.

Commissioner Reyes asked if all conditions have been met, and Mr. Runyon said they are satisfied with what the permittee has provided regarding all conditions. Specifically, the 78% resource recovery requirement is unrealistic given the materials that come through.

Commissioner Reyes said in terms of items that do not work, he suggested engaging the local community in some way and noted that pictures can be taken on phones and sent to someone instead of a hotline. This would also cut down on people illegally dumping.

Secretary Langlois said she is glad the City has this facility and especially likes the bike trail that goes around it. In early 2008, she did a tour of the bulk materials processing center with Mayor McLaughlin. She recalls that the composting facility was not yet on-line and on hold. She asked when composting became fully operational. Mr. Runyon said he did not have an exact date, but it would have been between 2008 and 2012 and it continues to grow.

Secretary Langlois said it is great people can put a variety of items in compost bins. She asked what happens to the compost which is produced. Mr. Runyon said he does not have a complete answer for this either and suggested the permittee respond.

Peter Newty, West County Landfill, said the compost they make is the best in the Bay Area. The finished product goes to many community gardens, individual gardens, but the bulk of it is being bought by large commercial companies where they use it for soil amendment, a lot is being applied to farms, orchards and vineyards, and so most of this material is being sold and put back into agricultural uses.

Secretary Langlois asked if local community garden groups and residents receive free compost, as she believes Berkeley is a City that provides free compost to residents. Mr. Newty said they work closely with the City staff. For certain community gardens they do substantial donations and it is a discounted price to residents to purchase and is not that expensive. During events, there are plenty of opportunities for residents to get either low cost or free composting and otherwise, they can purchase it from them at any time assuming they have the inventory in stock.

Secretary Langlois referred to the mitigation fund program and said on page 4 of the staff report it states that the CUP describes how "mitigation funds collected pursuant to the MOU should be used to abate the off-site dumping." She is familiar with these funds and asked if this is part of the compliance review; that the mitigation fee program is fulfilling requirements of the CUP. Mr. Runyon said they did not look at the funding from the mitigation fee. They looked at whether the litter and dumping program was working well or not, but it was not in the scope of this review. Secretary Langlois said she believes the City and County have a mitigation committee, along with the City Council and Supervisors. Ms. Velasco said yes, there is a franchise agreement, an MOU and CUP. The charge for the Planning Commission is the CUP. The other agreements tend to have their own processes and reviews, and staff tried not to mix these requirements. They ensured that the MOU was executed and was in effect, and that payments were being made.

Secretary Langlois said the original goal was 78% recovery of materials which seemed unrealistic. She referred to page 17 of conditions and said it looks as though it is being broken down into the type so the composting waste stream is expected to have 90% recovery as well as the wood waste at 90% recovery, concrete 100% recovery, soil reclamation 95% recovery, wet/dry dusty materials at 93% which she confirmed with Mr. Runyon that this includes things like ash from incineration processes or liquids such as muddy soils, and the art is to blend the two into something that has a beneficial use at the site or elsewhere.

Secretary Langlois said for the mixed waste processing or things that cannot fit into any other use, the recovery is about 25%. Mr. Runyon said this is what the EIR set as a target. This material can vary so much that it is really a broad estimate of what could be recovered. Ordinary construction and demolition materials tends to have a recovery rate of 50% plus. The material put out as household and business refuse tends to be 10% to 15% and all of this is mixed waste. Secretary Langlois said she would like to reduce the mixed waste category and be able to put some in the other categories to increase the percentage. Mr. Runyon pointed out that the percentages at the bottom of page 17 were already in this CUP and they are trying to simplify this condition and phase out the overall 78% requirement because this was contingent on an enormous amount of concrete. They are focusing on individual types and keeping them the same as they were which is important from a CEQA standpoint.

Secretary Langlois said in terms of the weight versus volume issue, because she has heard comments from residents who take things to the dump in various sized trucks, she asked if there is a clear fee structure so when people drive up they know what they will be charged for. She asked for the status of the recommendation to weigh refuse. Mr. Runyon said it is for the Planning Director to examine the exemption for small loads which enables the operator to charge by volume instead of by weight. Secretary Langlois asked what the cut-off load is for green waste, wood, concrete, or mixed materials. Mr. Runyon said he thinks any 4-wheel vehicle is likely to fall into the by volume category, but the signage at the facility is clear enough about small, medium and large pickup trucks or other self-haul type of trucks and having certain assumed volumes and assumed cost. Secretary Langlois asked if the larger commercial trucks are all by weight, and Mr. Runyon said he assumes this is true. Secretary Langlois said if one has a lot of volume but not a lot of weight, it is a disadvantage, and Mr. Runyon said this is true. The same is true for not having much volume but a lot of weight, they may be at a disadvantage and this is part of the reason they are looking at charging by weight.

Secretary Langlois said she supports charging by weight because anything that can be done to entice people to go to the dump with smaller loads and make it as advantageous as possible. Mr. Runyon added that one customer stream to keep in mind is the individual who has a pickup truck or van and does cleanup work for other people so they are price-sensitive and it is not just a person bringing their own materials. Ms. Velasco referred to page 6 of the staff report, the third paragraph states that "to continue to exempt small vehicles from being charged by weight" as currently is the practice, the formal request by the permittee is required and will need to be submitted within 120 days of the acceptance of this report. As part of this process, staff will look at whether or not the Planning Director is charged with this responsibility of allowing it or not. Secretary Langlois asked for a report back after 120 days as to the outcome. Ms. Velasco said the decision may not be made at that time but if a request is submitted, staff will advise the Planning Commission and potentially engaging the public in this process.

Vice Chair Choi said he has used the service several times and has always fallen into the category of small truck minimal load and is aware that he is paying a specific amount. He thinks people have to determine whether or not to wait until they have more to not have to pay the set amount if not a full truckload. He said the other issue is he is a big fan of apples to apples comparisons and asked how far from the 78% is the aggregated amount. Mr. Runyon said first, it varies considerably from month to month and season to season because one of the more recoverable streams that come in is construction material. The most recent report from the facility and in round numbers it is mid to high 30%, given the rainy season and materials that come from residential waste. They are not counting the source separated cans, bottles and paper which is completely separate from the BMPC.

Chair Lane said all of her questions have been asked and responded to, but in relation to the enhancements to the hotline and the litter hotspot situation, she asked if there is a timeline for resolution of these issues. Ms. Velasco said they have already reached out to the County and they are starting their process. There are agreements with this and the County monitors the hotline. She thinks their goal is that early next year they can meet with the County and permittee and reach a resolution but this will not be until the second quarter of next year because it takes time to implement. Staff's goal is to simplify the process, have a tracking system in place to clarify complaints are received. They also hope to expand the hotspots to be able to cover more ground within the resources the permittee is already obligated to provide.

Chair Lane asked which entity is responsible for litter hot spots, and Ms. Velasco said currently the way the CUP is written is that it identifies certain hot spots that the permittee is supposed to monitor and check to ensure dumping is not happening, along with posting "no littering" signs. Staff is still finding there is some trash in those areas but also the area of North Richmond is highly being impacted. They are supposed to provide 7.5 hours and staff noticed there is an excess of 1.5 hours. If they are only monitoring the hot spots in the CUP, staff wants them to expand since they have more time to pick up additional trash. Also, it was unclear as to whether or not complaints were getting to the permittee and how complaints were responded to.

Chair Lane asked if there was a difference in terms of the hot spots when code enforcement was involved. Ms. Velasco said they were still over-burdened and staff met and had several conversations with them. Everybody is in agreement it is an issue and that they are committed to improving and hopefully eliminating the problem.

Mr. Runyon asked the Commission keep in mind that hazardous materials are not part of what the permittee is expected to be collecting and they do show up at the center, such as buckets of oil from cars, car batteries, and things like this. Also, the permittee several years ago voluntarily broadened their hot spot patrols to go beyond the designated hot spots, but they cannot go onto private property.

Commissioner Kilbreth asked how much of the problem is litter on private property and how much of it is just on the side of the road. Mr. Runyon said there is considerable roadside litter and most of it gets collected. After reviewing records at the County, they are patrolling where they say they will patrol. There are vacant lots that have surprisingly large piles of litter that originated either from that property owner or elsewhere and it does not get picked up. In a way, litter on private property is more visible.

Commissioner Butt said he knows the City has had success with cameras on hot spots and asked if this might be considered. Ms. Velasco said it was something discussed and there was talk about mitigation funding for this. They would be mobile cameras where they could be staged at a certain location for a period of time. Commissioner Butt asked what the cost would be for this, and Ms. Velasco and Mr. Runyon did not know.

Commissioner Butt said he has been to the facility which is a pretty well-kept site, but he noticed that on the very top of the hill where there are rows of organics, there is small plastics mixed in with this and when it is windy, a lot of this blows into the bay. He asked for comment on this and whether this is being monitored and effectively managed, given concerns about plastics in waterways. Ms. Velasco said they did notice netting was provided to try to decrease that amount. Staff can talk to the County regulator to see if they have any additional complaints, as

they inspect monthly. Mr. Runyon said the County bases their inspection off of their checklist which is based on the solid waste facility permit requirements. While this is their focus, they can look at this as well.

Commissioner Butt referred to air monitoring and said while not entirely clear, it sounds like part of the condition requires on-site air monitoring equipment which he sees being there all the time; however, it does not seem like this happened. Ms. Velasco asked and confirmed the condition was 2.23.8, which states, "Air quality monitoring if required by the BAAQMD, the permittee shall install air quality monitoring devices and establish an air quality monitoring program. The installation shall be shown in the final development and improvements plan. If excessive air pollution is determined to be occurring, the permittee shall make whatever installations or operation changes that BAAQMD may specify." In the compliance notes it states that this is taken care of by "walking a pre-determined path directed by GPS tracking device using approved EPA method emissions detection equipment of upgrades in 50,000 square foot each." He said he does not know if BAAQMD required this and he asked if there is demonstrable evidence that this condition was met. Mr. Runyon said there was not such a requirement from BAAQMD. As part of the compliance report, the permittee provided all of their documents for this and this was not included.

Commissioner Butt said the item relating to odor containment air monitoring, it states, "This site is in compliance and no odor complaints have been received in the last 3 years." He asked if this was 3 years from 2014 or 3 years from 2012. Ms. Velasco said it was from 2012.

The public hearing was closed.

MOTION: Secretary Langlois made a motion and Commissioner Reyes seconded to adopt the resolution and approve the modifications to CU1101132.

Commissioner Butt asked for a substitute motion, stating he thinks there was clearly a fairly effective means of addressing most of the conditions but many are of great concern to him. He has not seen a landscaping plan, have not noticed any landscaping improvements at the site, along with litter, the air monitoring and odor containment, as well as how long it took to get to this point. He thinks getting to the next stage it should not take an additional 2 years beyond what is required. He proposed setting a different review period and suggested the item return to the Commission in a year or two years to be able to address outstanding issues. At this time, the Commission can determine whether cameras should be instituted because litter is highly impactful on the North Richmond community. He can guarantee this site is one of three sites he constantly hears people complaining about odor.

Commissioner Butt suggested a substitute motion to return the CUP to the Planning Commission in two years. Ms. Velasco stated the compliance report provided is from 2006 to 2011. The next compliance report will be required in 2017 and this will cover 2012 to 2016 and this is probably the two year period the Commission will discuss anyway. Commissioner Butt said he was amenable to this but did not want it pushed out further, and withdrew his substitute motion.

Vice Chair Choi asked staff to let the Commission know if there will be any delays for the next review ahead of time.

ACTION: It was M/S/C (Langlois/Reyes) to adopt Draft Resolution 14-20 accepting the Five Year Compliance Report and approving the modifications to CU1101132, which carried by the following voice vote: (6-0) Ayes: Butt, Choi, Kilbreth, Langlois, Reyes and Lane; Noes: None; Absent: None.

NEW ITEM

- 2. PLN13-073: Central Avenue Project** - PUBLIC HEARING to consider adoption of a Mitigated Negative Declaration and approval of a Conditional Use Permit for a Density Bonus with incentives for reduced parking for construction of a 172-unit affordable housing development at 5620 Central Avenue (APN: 510-053-032). C-3, Regional Commercial District; REA Partners LP, owner; AMG & Associates, LLC, applicant; Planner: Jonelyn Whales; Tentative Recommendation: Conditional Approval.

Chair Lane confirmed with staff that there are 6 speakers for the item. She said she believes resolution of this item will not occur tonight and the staff report was only received a couple of days ago, as well as letters today and yesterday. She believes the project is substantial and she and other Commissioners may need more time to review it prior to being able to make a decision. She asked if the Commission would consider holding over the item to the January 15th meeting or instead, open the public hearing, hear public comments and the applicant's presentation, and then continue the item.

Secretary Langlois agreed the material was a lot to digest and some was received late. She suggested opening the public hearing to hear comments. She asked and confirmed that the public hearing can be left open and public speakers can opt to speak now or when the item returns.

After polling speakers, Ms. Whales suggested holding over the public hearing because there are many people who would like to speak not in attendance this evening and groups of the RANC who have not been able to speak on the item. Staff and the developer concur they are amenable to holding over the item.

ACTION: It was M/S/C (Choi/Langlois) to hold over PLN13-073 to the next Planning Commission meeting on January 15, 2015, which carried by the following voice vote: (6-0) Ayes: Butt, Choi, Kilbreth, Langlois, Reyes and Lane; Noes: None; Absent: None.

COMMISSION BUSINESS

3. Reports of Officers, Commissioners and Staff

Vice Chair Choi wished everybody happy holidays.

Secretary Langlois referred to the Terminal One project and asked that staff make clear to the Commission what the existing zoning, General Plan, and other parameters the developer is held to in terms of density, height, and others. If any modification or exemptions are being sought, these should be addressed early in the process.

Mr. Mitchell stated the City had such a long recession and staff did not work with the Council or Commission for a number of years. Now several applications are coming to the Commission which will require environmental analysis on parcels with multiple zoning, and staff will try to set

a time to go over the process, parameters, and everything to be considered in moving forward. The mission with Terminal One is to get the design ready and move it forward. The market is still strange and feasibility often impacts variations when moving through on these projects. He said staff will provide the Commission with as much information as possible.

Commissioner Butt applauded TRAC, stating they should have their Annual Report coming out soon which will identify Bay Trail improvements at Shipyard III, as well as funding for improvements connecting the Pt. Richmond to Pt. Molate area which will be a very nice section when developed. There is also an area which will go by the Plunge and tunnel along West Richmond Avenue. He also highlighted Pogo Park which is another great Richmond project and they had a great fundraiser and holiday event in the Iron Triangle.

Commissioner Reyes congratulated Commissioner Kilbreth on his appointment to the Planning Commission, recognized Councilmember-elect Martinez for him being elected to the City Council. He asked for additional help from the Planning Director in understanding the financials in the considering the CUP for the Bulk Materials Processing Center, as well as the longevity of the loan and other pertinent information related to the CUP. He hoped everyone has a safe and happy holiday.

Commissioner Kilbreth said the projects the Commission is asked to evaluate always look for trade-offs and one design may be better than another. What he is very interested in doing goes to the quality of democracy and participation in public purpose, but also in the quality of the Commission's choices. He said he would like the Commission to achieve next year is to ensure they are evaluating the right alternatives and identifying what alternatives should be compared early in the process before anyone puts too much effort into the wrong alternative. He asked to prioritize two or three alternatives that provide good choices and compare them well. This goes to the financials brought up by Commissioner Reyes. These are hard to finalize because there is an assertion something is not feasible or a bad idea, but the numbers do not explain whether this is true or not. He hoped for a better process of coming up with a small group of smart alternatives and then to have a good way of comparing them, including numbers, developer profitability, and public goals. As an example, he questioned if Terminal One bypasses affordable housing goals in lieu of taxes or does it include true affordable housing at the site. He hoped the Commission can work on this process in the upcoming year. Mr. Mitchell said he hears what the Commission is saying and staff can put something together to address these issues.

Chair Lane wished everyone a happy holiday, noting the Commission has addressed some hefty projects this year, which is a testament of what is occurring in Richmond. She thanked staff and fellow Commissioners for their work.

- 4. Adjournment** - The meeting was adjourned at 8:12 p.m. to the next regular meeting on January 15, 2015.