



# Memorandum

**TO:** PLANNING COMMISSION

**FROM:** Harry Freitas

**SUBJECT:** SEE BELOW

**DATE:** August 21, 2015

**COUNCIL DISTRICT:** 4

## SUPPLEMENTAL

**SUBJECT:** File No. PD14-014. Appeal of the Planning Director's decision to approve a Planned Development Permit to effectuate the Planned Development Zoning District (File No. PDC07-071) and allow a vertical expansion to an existing landfill, up to a maximum of 245 feet and an increase in maximum landfill capacity up to 66 million cubic yards, with no additional construction, on a 352 gross acre site.

## REASON FOR SUPPLEMENTAL

On December 10, 2014, the Planning Commission held a public hearing on the subject appeal of a Planned Development Permit. After the public hearing was closed, the Planning Commission voted 5-0-2 (Commissioners Bit-Badal and Yob recused) to continue the item to the January 28, 2015 Planning Commission meeting to provide time for Commissioner Pham to review the Environmental Impact Report (EIR) associated with the project. The project was further continued at the January 28, 2015 Planning Commission hearing to the February 11, 2015 Planning Commission hearing. At the February 11, 2015 Planning Commission hearing, the Commission re-opened the public hearing and took additional testimony on the item. After the public hearing was closed, the Planning Commission voted 5-0-2 (Commissioners Bit-Badal and Yob recused) to continue the item to the May 6, 2015 Planning Commission to allow sufficient time for a new Commissioner to be appointed and review the records of this item.

At the May 6, 2015 Planning Commission, staff recommended continuance of the item to allow time for the preparation of an independent odor study of Newby Island that would be overseen by staff. The Planning Commission voted 5-0-2 (Commissioners Bit-Badal and Yob recused) to continue the item to the June 24, 2015 Planning Commission hearing, at which time staff would update the Commission on the status of the preparation of the odor study and a hearing date at which the odor study would be completed and presented to the Commission. At the June 24, 2015 Planning Commission hearing, staff indicated that several odor consulting firms had been contacted, but a specific consultant had not yet been chosen. Staff also indicated that the anticipated scope of the odor study would include odor emission sampling, analysis and modeling. The Planning Commission voted 5-0-2 (Commissioners Bit-Badal and Yob recused) to continue the item to the August 26, 2015 Planning Commission hearing.

Since the June 24, 2015, staff looked into available odor consulting firms, contacted consulting firms, and conducted interviews with three firms. Staff has continued to coordinate closely with the Bay Area Air Quality Management District (BAAQMD), who were included in the research and interview process.

**CONCLUSION**

Staff recommends continuing the item to the June 22, 2016 Planning Commission hearing, at which time the report will be completed and available in advance of the hearing for Planning Commission and public review.

*Sylvia D*  
*FCP* HARRY FREITAS, DIRECTOR  
Planning, Building, and Code Enforcement

## Previous Planning Commission Hearing Dates and Links for PD14-014:

- **PC Items from 12/10/14**
  - [Staff Report](#)
  
- **PC Items from 1/28/15**

No Documents- Item was *Deferred*
  
- **PC Items from 2/11/15**
  - [Supplemental Memo](#)
  - [Public Correspondence Received before February 11, 2015](#)
  
- **PC Items from 5/6/15**
  - [Supplemental Memo & Correspondence received after 5/6/15 packets were distributed \(also includes documents distributed with 2/11/15 packets\)](#)
  
- **PC Items from 6/24/15**
  - [Supplemental Memo](#)