

## ITEM 3



### Planning & Economic Development Department - Planning Division

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#### PLANNING COMMISSION MINUTES

WEDNESDAY, MAY 11, 2011

7:00 P.M.

CITY HALL COUNCIL CHAMBERS  
205 SOUTH WILLOWBROOK AVENUE

1) **PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was led by Commissioner Darden.

2) **ROLL CALL**

**Commissioners Present:**

Juanita Green-Wright  
Lillie Darden  
Michael Hill  
Kim Saunders  
Cleo Turner

**Staff Representatives Present:**

Robert Delgadillo  
Anita Aviles

3) **APPROVAL OF MINUTES** – None

4) **PUBLIC HEARING ITEM(S)**

**A. CONDITIONAL USE PERMIT CASE NO. 2689** - A request of the Kroger Companies to construct and operate a renewable energy anaerobic digester facility, an accessory use to the existing Kroger Foods (Ralphs/Food 4 Less) Distribution Center located at 2201 S. Wilmington Ave., in the M-H (Heavy Manufacturing) zone.

Commissioner Darden moved that **CONDITIONAL USE PERMIT CASE NO. 2689** be opened. The motion was seconded by Commissioner Turner.

Staff Representative Delgadillo stated that the project is located at 2201 S. Wilmington Avenue in the 3<sup>rd</sup> Council District. The nearest intersection is Wilmington Avenue and Albertoni St.

The project site's land use designation is Industrial (I) as well as to the North, South, East, and West.

The project site's zoning and adjacent properties are Heavy Manufacturing (M-H).

The project is located with the Redevelopment Project Area overlay district.

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Staff Representative Delgadillo stated that this project would initially require a negative declaration due to CEQA, an IS was done and the Notice of Intent was filed with the Los Angeles County Clerk and was posted from April 5 to May 5, 2011. The Notice of Intent was also posted at the site and at City Hall. Comments were received from both the Los Angeles Department of Public Health and the Department of Resources Recycling and Recovery (CalRecycle) and are included in the packets as Exhibit 9a. The Reponse to Comments is also included in the packets as Exhibit 9b.

Staff Representative Delgadillo stated that Mr. Gerald Villalobos from Solid Waste Management Program, Bureau of Environmental Protection and Environmental Health was present to answer any questions regarding solid waste.

Staff Representative Delgadillo stated that the scope of work for this project includes the demolition of approximately 15,530 square foot canopies, demolition of approximately 16,000 square feet of concrete dock, demolition of approximately 3,000 square feet of concrete slab, the construction of a 40 foot high, 11,100 square foot metal building, the construction/installation of three cylindrical tanks, three micro turbines and miscellaneous support equipment. What is important to notice with this facility in this proposal overall is that all ultra traffic bringing in organic material has been doing so for 10 years. The proposed change in this conditional use permit will bring about if approved is that instead of the organic materials being shipped off daily they will remain on site and be consumed by the anaerobic digester. This has the effect of reducing the current six truck trips that leave the site to remove the organic materials that come from all of the Ralphs and Food 4 Less stores on a daily basis to Barstow to just one truck trip by removing the material that is not consumed by anaerobic digester.

Staff Representative Delgadillo presented photos for the digester location.

Staff Representative Delgadillo stated that the proposed anaerobic digester system will turn exclusively Ralphs and Food 4 Less organic materials into methane and electricity. This is all the fruits and vegetables, yogurt, any organic material that is unsellable that is removed from the stores on a daily basis are currently being shipped back to this facility. That is where the change occurs instead of it being shipped out it would be consumed on-site and turned into bio-methane gas or it may be converted and used to turn the micro-turbines to generate electricity and to aid in the heating of the boilers on-site, to aid the pasteurization process and supplement the natural gas that is currently used to heat those boilers. What this results in is that approximately



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20% savings of energy for the entire facility, not just the creamery or the operation but the entire warehouse and offices.

The material remaining in the digester tank after all the organics have been consumed is basically a dry fertilizer material which will be hauled off off-site once a day. All proposed anaerobic digestion occurs in a vacuumed tank which prevents any gases and odors from escaping. Right now the material that is being received onsite and transported off site is out in the open in the loading dock where odors can escape. That will change since the new project will involve the transportation of the product into an interior enclosed building and digested in an airtight tank which it also results in a weight of the material being reduced by 85%, 15% being the dry fertilizer that is shipped off-site in that one truck trip. The bio-methane gas is being consumed as it is produced there is no on-site storage, no pressurized tanks, there is nothing to represent a danger as it is consumed, the system is designed such that it is used. If any more gas \_\_\_\_\_ the carbon content of the organic received which produces more gas than needed it is flared off, this flare is enclosed in a tank cylinder which precludes any visual aesthetics, there will not be a flame, there will not be bright light, it is completely enclosed, that is also a condition of approval if that remain so.

Commissioner Saunders asked in regards to the methane. She asked that staff mentions that it will not be stored but there is a transference process that has to occur, therefore there is a storage process as it is transferred from one form to another.

Staff Representative Delgadillo stated that it can be looked at that way. As it is consumed in the large tank it is drained off over (applicant can explain better) to the equalization tanks and process work and then pump over to micro turbines were it was generated to electricity. There is no separate storage tank where the methane is then pressurized and stored like a liquid propane tank.

Commissioner Saunders stated that she understand but there has be a place for the bio-methane gas to flow to, therefore by saying there is no on-site storage that language is misleading because it has to be transferred into another location. With that said once it is transferred to another location than the safety factors still remain that must be in place how we are handling that methane gas while it is in its transference stage how we are handling it even though methane gas/bio/natural it is still be hazardous to the population.

Staff Representative Delgadillo referred those questions to the applicant and stated that the project will also be reviewed by the Fire and the Building and Safety departments so safety issues will be observed. There will be other agencies involved



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as well like AQMD and the Los Angeles Public Health that will also review this site as well. There will multiple governmental agencies looking at the facility if it is approved.

Staff Representative Delgadillo stated that staff recommends that the Planning Commission approve Conditional Use Permit Case No. 2689 and Negative Declaration No. 924 subject to the findings and conditions contained in the staff report.

Commissioner Darden asked that the project was sent to two agency and they had questions in regards to the project and asked if staff replied to their questions. Did a new negative declaration have to be submitted "she asked".

Staff Representative Delgadillo stated that they were sent a response to comments letter and it was more than seven or eight agencies that were sent the negative declaration it wasn't just these two. These were the only two agencies that responded with letters and the response to comments as required by CEQA was prepared and they were sent copy of the response to comments as well.

Commissioner Darden asked if the agency had agreed with the responses.

Staff Representative Delgadillo stated that they agreed and Mr. Villalobos from Public Health was present to answer any questions.

The Applicant/Representative, Ted Harris, California Strategies, LLC, 980 9<sup>th</sup> St., Ste. 200, Sacramento, thanked Mr. Robert Delgadillo for his professionalism and great work. Ms. Jessica Lopez has also been great to work with. Mr. Harris made himself available to answer any questions. He made a point as to why Kroger made this level of investment in Compton. This facility is the headquarters for Ralphs/Food 4 Less. As a flagship distribution center it is the opportunity to take the existing non-saleable produce basically organics that right there and rather than send them off and ship them across town and having diesel emissions coming from those trucks to efficiently convert those into beneficial bio-gas and offset the pasteurization of the creamery and create electricity/micro turbines. It is not only good for the environment and good for sustainability it is good return on investment. The profit margin in grocery industry is very tight and very competitive and if you can do things that are green and things that help the bottom line is the exact kind of thing the corporation wants to do, especially with the headquarters here and there executives here they want to locate it here in Compton there are many other locations that they could have considered but they are successful here in Compton as planned they replicate this model throughout California. This the opportunity to recognize that this is the chance for Compton to really ascend a leadership position on green jobs. Mr. Harris informed the Commission that the whole team was present if they had any questions.



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Chairperson Green-Wright asked for clarification on the bio-gas process.

Mr. Harris stated that the storage is like if you create a bio-gas and then held it in a storage tank/holding tank just like any house that has a gas stove you already have natural gas coming into your house from a utility. This will be a similar line, a similar conveyance, similar to extend that existing gas lines therefore from the safety standpoint it has to go through all the safety inspections. It is very similar to the actual conveyance to run any line of natural gas and anything with the BTU's and the level of energy is much lower than the gas being received from utilities.

Commissioner Saunders stated that when she thinks about methane gas and having visited that location frequently she thinks about the methane gas that that land sits on. When you go into the public library and different locations they have warnings about what to do when methane gas seeps and it is a major hazardous circumstance so she doesn't want this issue because it is bio/methane gas because this is natural gas seeping from the land and the potential harm that could cause the public. Therefore she wants to make that the language that is used when it is said that it is not stored and is natural that the element is not taken away and making it appear that is harm free.

Mr. Ryan Begin, Feed Resource Recovery, 23 Warren Ave., Boston, MA agreed with Commissioner Saunders and stated that NFP regulations that dictate how flammable gases have to be handled, the volume of gas that is on site at any one time is minimize because they do not have compression to the storage tanks. The design methods and approvals that would come from the Fire Department would be referencing those NAP codes and those would be same codes that would dictate natural gas lines, the same lines that are presently on site, the boiler room for example there are on site are two large 15 mm BT hr boiler that large natural gas lines that feed those boilers. The same rules and regulations that are in place for safety signage, type of materials, methods of installations, regulations that apply to that would also apply to all bio-gas. Absolutely right, it is a natural gas and it is no other different just because it is a green fuel.

Commissioner Saunders stated that her concern is that the language within the applicant's conditional use permit when it says that there is no storage; she is not comfortable with that language because there is some kind of storage because there is a form of transference from the product to one form to another. The language must read that there is storage because it has to go from one form to another and from one container to another. It may not be stored permanently but it has to be stored separately before it is reused for renewable energy.

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Staff Representative Delgadillo suggested that what staff can do is modify the condition to read "That there shall not be any pressurized on-site storage" if that will address the concern.

Commissioner Saunders stated that there will still be storage. It gives the implication that for the public sake and for the citizens that in any event there is a problem with the site, just say nothing is 100%, 99.9% but that .1% occurs and we have a problem then it would read in media and by the citizens that bio-methane gas was being stored on the facility and the government knew about it and it was allowed to be. It cannot read that it is not stored when it is stored. The public must know that it is stored.

Staff Representative Delgadillo suggested that the condition be deleted. The intent of the condition is to prevent this facility "Kroger" from creating a storage tank later on down the road without staff's knowledge, without the addition of some technology, creating a pressurized storage system on site.

Commissioner Saunders stated that in order for this process to be effective they have to create some type of storage tank/facility or unit to go from one form to another. Changing it to remove the condition it still doesn't satisfy the concern that there is storage and all the protective measures that must be put in place for the public sake that is going into another container.

Staff Representative Delgadillo stated that one alternative is to ask the applicant to put in the condition a limitation on the maximum cubic feet of gas that can be contained in the system at one time. That way a specific number of cubic feet of gas can be regulated.

Commissioner Saunders stated that that will include the language that there is storage of gas but in a numeric amount.

Staff Representative Delgadillo stated that it state that the applicant cannot store more than 10 cubic feet of bio-methane gas in the facility at any one time.

Mr. Begin stated that an alternative suggestion is to just say that there is storage but no storage is allowed other than for the displacement of the fuel to its final combustion source. They would acknowledge the fact that there is the alternative that they could compress this fuel to be used by vehicles which will be high pressure storage which is not something that they are doing with this project. The storage of fuel only by the method of displacement to get from point A to point B, there are no vessels for storing fuel. There is not active storage other than the continuance flow of bio-gas.



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Commissioner Saunders agreed with the language used by the applicant for storage of displacement.

Chairperson Green-Wright asked staff what condition needed to be modified to add the storage of displacement.

Staff Representative Delgadillo stated that at this time there is no condition to be modified and that a new one would have to be created. That would be condition number 27.

Commissioner Darden asked that based on the report this would be the first facility of this type in the State of California.

Mr. Begin stated that it would actually extent that to the country. This is absolute ground breaking type of application of anaerobic digester. An anaerobic digester is used across the state for industrial food processors to treat their F1 waste water before it goes into the sanitary sewer because it is so great at efficiently removing the organics and converting to bio gas and using in their boilers. The way that Kroger has decided to employ this technology is a significant improvement, a significant change to adapt something that is being used a different way. It is very exciting and also has a major impact on reduction of diesel truck traffic.

Commissioner Hill stated that Mr. Harris mentioned that this is the flagship distribution, is it just for California or for the whole nation.

Property Owner, Tim Crowder, 10170 Linn Station Rd., Ste. 520, Louisville, KY, stated that they have four distributions here in Southern California. What is going on in Compton is a distribution center for perishable and nonperishable, a creamery, and headquarters for Ralph's and Food 4 Less. This particular facility in Compton is the flagship of those other facilities.

There being no further comments, Commissioner Saunders moved to close the public hearing regarding **CONDITIONAL USE PERMIT CASE NO. 2689/NEGATIVE DECLARATION NO. 924**. The motion was seconded by Commissioner Turner and carried unanimously.

Commissioner Turner moved to approve **CONDITIONAL USE PERMIT CASE NO. 2689/NEGATIVE DECLARATION NO. 924** and seconded by Commissioner Darden. **CONDITIONAL USE PERMIT CASE NO. 2689/NEGATIVE DECLARATION NO. 924** was approved unanimously.



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### 5) **INFORMATIONAL ITEMS (A Report of Previously Approved Cases)**

Staff Representative Delgadillo stated that this item was brought to the attention of staff and the Commission raised a concern regarding the closure of the school and shared parking. Mr. Delgadillo stated that the Planning Director is currently working in acquiring the information and it should be brought back at the next meeting.

### 6) **OLD BUSINESS**

Chairperson Green-Wright stated that she called the City Manager regarding the parking issue and he has not returned the call. She did email him and will follow up again in regards to the parking issue.

### 7) **NEW BUSINESS**

Mr. Kofi Sefa-Boakye, Director Compton Redevelopment Agency, thanked the Commission for the opportunity to come before them and give the presentation. Earlier this year in January the City of Compton was awarded a grant from the State for the City's Downtown. About two years ago Commissioner Kim Saunders brought the idea to his attention to whether the City or the Redevelopment Agency would be interested in having Urban Land Institute come to the City of Compton to do a research study. At that time the attempt was done but it could not materialize, but luckily enough what it will do is help them with the opportunity to bring this research organization to come and look at the downtown. The reason why Urban Land Institute decided to come to Compton, especially look at the Downtown development is the result of the recent activity, the economic development, housing, retail, and other activities that have been occurring in the downtown area. Urban Land Institute has been around for many years and what they do is provide expert assistance for urban communities mostly trying to recapture the downtowns, take advantage of transportation and land use. Last month they begun their study and the agency took them on a tour of the downtown area for them to see how best the City can be able to connect transportation and land use. For the study they went around the major public facilities and the on-going transit center construction development. At the same time the court house was toured and walked the streets with a team of experts (i.e. planners, architects, economist, and transportation planners) to see how best the downtown could be transformed into a transit oriented development.

(Presentation by Mr. Kofi Sefa-Boakye)

Commissioner Darden asked on the status of the senior housing and community center.



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Mr. Sefa-Boakye stated that as part of the Downtown Master Plan they anticipate that the parking structure, the senior, and the community center, the parking structure is going to be the next item on the agenda, there are two senior developments. The senior activity center that is actually immediately adjacent to the transit center is scheduled along with the parking structure to have ground breaking in January 2012. Also in the drawing board is a residential development by Meta Housing that will be located on the corner Tamarind and Carson St. Currently the developer has secured funding from the City of Industry and is waiting to secure additional funding from the State of California Tax Credit. The project is estimated at \$20 mil. The paperwork has been done and the developer has also been able to have a completed finance agreement with the investors. These two developments are still in the mix and the Redevelopment Agency is seriously involved in making sure that they do occur.

Chairperson Green-Wright asked if the project for Meta Housing came before the Planning Commission.

Commissioner Saunders stated that it came before the commission a couple of years ago.

Chairperson Green-Wright asked how they lost the funding that had.

Mr. Sefa-Boakye stated that last year they competed under a different funding category with the State of California for a tax credit allocation, as a result of the high competition and other factors they were unable to secure funding. Last year they were also not able to secure funding from the City of Industry tax credit funds. But this year, last month, they received funding from the City of Industry and are about 99% assured that they will be receiving allocation from the State of California Tax Allocation Board. This will enable them to "if everything that is plan comes a reality" have a ground breaking sometime in November.

Chairperson Green-Wright comment on how strange it is to ground break a parking structure before the senior center structure.

Mr. Sefa-Boakye stated that they are separate developers. The parking structure and seniors activity center are separate from the actual residential development which is in a separate location. The reason why the parking structure is being built first is because it is part of the transit center. The transit center is scheduled to be completed by July. As a result with the agreement with MTA and since the transit center is being rebuilt and the percentage of the parking units on the proposed parking structure will be used by the transit users it is one of the prime development before the senior activity center.



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Chairperson Green-Wright asked as mentioned in the report that staff will be working with Mr. Bakewell in certain things. Is he on top as a joint venture with some of the stuff that is being done?

Mr. Sefa-Boakye stated that Mr. Bakewell's name was just mentioned to identify the north side development, the south side is actually a watched development. The north side is where the Burlington Factory and Superior are located.

Chairperson Green-Wright asked if there were any citizens that attended the meeting.

Mr. Sefa-Boakye stated that Lorraine Cervantes and other residents from the community attended. You can't build a City without residents because the downtown is a combination of residents, businesses, and workers. And that is about environment, transportation, and land use. The meeting was very impressive. It was one of the few guidance that they have had with a team of 10 to 15 experts providing all kinds of ideas that is why they are looking forward to see how the document is going to provide this City because historical the downtown has been neglected given the fact that a series of studies have been done. This has given it a margin approach on how to bring transit oriented development which means that is given value to pedestrians instead of cars and that is what the Agency is shooting for as part of the smart growth how the downtown can be transformed to a social daytime and nighttime use.

Chairperson Green-Wright asked that it is said the Compton was selected for a grant is money involved or is it people coming in.

Mr. Sefa-Boakye stated that before Urban Land Institute come to a City they also make sure that they are bringing a team of investors, so it is like quasi payment to the consultants that are going to set their time aside and come to the City and look at it from the architectural, engineering, economic, and planning point of view. That is what their award is, say on the award the product/outcome of this study could be in basis of leverage for bigger grants. One of the options that will come up if decided how they deal with the light rail and how they deal with leveraging with MTA for setting form of structure that will enhance like the Long Beach Transit Center. When you go to the Long Beach Transit Center you see something different from what you see at the Compton Downtown.

Commissioner Saunders express that she was excited when she found out when she sat down with Bill Hart, President of ULI at that time that ULI have chosen Compton. At that time she asked what ULI could do for the City of Compton. Urban Land Institute is not just in the United States, it is global, there are Urban Land Institutes all around the



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world. She saw what they were doing for other cities and she wanted to see that Compton has the advantages, but at that time ULI wanted to charge a fee and the City was not in the running for a grant in order to get their technical expertise. She thought that it was all forgotten about and that since the City couldn't pay then they couldn't do business with us. Then in the mail came saying that ULI have decided to do this survey. She was very excited that they have made the decision to work with the City and help because if you go to their website and look at all the communities that they helped transformed. When you look at Pasadena, Santa Monica, Culver City, and you look all over and see the work that they have done. When you go from City to City and see how their communities looked quaint and you want to hang out and shop, they were able to provide those cities with the technical assistance because the people that work for ULI are people like us and experts, everyone is involved with ULI. It is not a just a group certain hand people because everyone can be members and be involved in everything that they have. They take their information from everywhere, everyone brainstorms and works together and bringing the expertise and that makes that more organic then it is looking like it is preferred just for a specific group of people

8) **COMMISSION COMMENTS**

None

9) **AUDIENCE COMMENTS**

None

It was moved by Commissioner Saunders that the meeting be adjourned. The motion was seconded by Commissioner Turner and carried unanimously.

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**DEREK R. HULL**  
**PLANNING AND ECONOMIC DEVELOPMENT**

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**JUANITA GREEN-WRIGHT,**  
**CHAIRPERSON**

