



Legislation Details (With Text)

File #:	15-666	Version:	1	Name:	Davis Street Annual Review 2015
Type:	Staff Report	Status:	Filed	In control:	Board of Zoning Adjustments
On agenda:	12/3/2015	Final action:	12/3/2015	Enactment date:	
Enactment date:		Enactment #:		Title:	Yearly Review of Various Conditional Use Permits Issued for Waste Management Company; 2615 Davis Street; Assessor's Parcel No. 79A-475-7-29; Waste Management of Alameda County (Applicant and Property Owner).

Indexes:

Code sections:

Attachments: 1. November 18, 2015 Neighborhood Forum Meeting Notes

Date	Ver.	Action By	Action	Result
12/3/2015	1	Board of Zoning Adjustments	Received and Filed	

Yearly Review of Various Conditional Use Permits Issued for Waste Management Company; 2615 Davis Street; Assessor's Parcel No. 79A-475-7-29; Waste Management of Alameda County (Applicant and Property Owner).

SUMMARY AND RECOMMENDATION

The conditions of approval from Waste Management's first use permit (CU-76-16) state that the approval shall be subject to annual review by the Board of Zoning Adjustments (BZA), per the following: "This conditional use approval shall be subject to review by the San Leandro Board of Zoning Adjustments six months after commencement of operations and annually thereafter." This public meeting constitutes the required yearly review.

Staff recommends that the BZA allow the public to comment on the matter, and provide direction to staff and/or Waste Management on any follow-up that may be required in the upcoming year.

BACKGROUND

The Action Program was developed by Waste Management and City staff at the request of the BZA and was presented to the Board in November 2003. At that time, the actions that Waste Management staff had taken to address noise and odor issues were deemed adequate by the Board, with the stipulation that there be on-going monitoring by Waste Management.

Staff notes that there are no changes to the Conditional Use Permit approvals that Waste Management has previously received and all conditions of approval remain in effect. Waste Management received a Site Plan Review approval in January 2011 that allowed for the construction of approximately 353,000 square feet of new facilities or additions to existing facilities to implement the 1996 (CU-96-1) modification to the original CUP.

These facilities are the primary subject of the presentation to the BZA during the annual review, in addition to reporting out on the status of various activities on site, such as recycling goals; traffic, bird, dust, and noise control; truck diversion to the new on-site fueling station; and new location of the publicly-accessible Garden Center at the transfer station.

DISCUSSION

The DSTS Neighborhood Forum (Forum) was established as a result of Waste Management's Action Plan. The Forum is an ad-hoc group, with attendees from the Davis West and Mulford Gardens neighborhoods, and staff from Waste Management and the City. Attendance has dropped significantly in recent years, presumably due to the improvement in the noise and odor situation as a result of the enclosure of the green waste processing. In November 2004 it was decided that the Forum would meet just twice per year rather than quarterly. In 2013, the annual meetings were reduced to one meeting per year, after confirming the revision with the BZA at their December 2012 annual review session.

The Forum agenda regularly includes updates from Waste Management staff on facility related topics such as changes to operations and Master Plan improvements development schedule, and has also included discussions on issues/concerns such as truck routes to/from the transfer station; litter removal; and dust generation. Please see attached the minutes from the November 18, 2015 Forum held at the San Leandro City Hall. The attendance at that meeting included members of City staff, and Councilmember Jim Prola (representing District 6, where the Davis Street Transfer Station [DSTS] is located). No members of the public attended; public noticing for the forum was conducted per the same public outreach described below.

At the November 2015 Neighborhood Forum, Waste Management presented its status report on the master plan projects at DSTS, including new architectural images of the next facility to be constructed next year, the approximate 62,000 square-foot Food Waste/Organics Recycling Facility (aka Integrated Waste Processing Facility.) Permits for the site grading and building foundation are anticipated to be submitted for review in December 2015. Waste Management explained the role of the facilities in implementing the Zero Waste goals that are outlined in the Oakland and Hayward contracts. Waste Management also reported on the changes in traffic patterns, with reductions in overall truck trips, due to the installation of a Liquid Compressed Natural Gas (LCNG) fueling station at the transfer station which eliminates extra trips out to the Waste Management fueling facilities at Altamont Pass.

PUBLIC OUTREACH

In addition to the standard 300-foot radius notification and a mailing to the interested parties on the Forum mailing list, staff implemented an expanded notification area for the yearly CUP review and also sent notices to the Davis West Neighborhood Group, as well as its members that attended an October neighborhood forum; Heron Bay Homeowners Association; Marina Fair Homeowners Association; Mulford Gardens' Improvement Association; and the Marina Action Committee.

ENVIRONMENTAL REVIEW

The Annual Review includes a review of Conditional Use Permits that have already been issued for the project site, all of which underwent separate environmental review at the time of approval by the Board of Zoning Adjustments. This review of a facility that has already received discretionary

approval would be exempt, per Section 15301 of the CEQA Guidelines, as no expansion or change in use would occur as part of the review process.

RECOMMENDATION

Staff recommends that the Board of Zoning Adjustments allow the public to comment on the matter, and provide direction to staff and/or Waste Management on any follow-up that may be required and the issue of noticing for the annual review.

ATTACHMENTS

- November 18, 2015 Neighborhood Forum Meeting Notes

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