



**Contra  
Costa  
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: May 3, 2022

Subject: Appeal of the Phillips 66 Rodeo Renewed Project (County File# CDLP20-02040)

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**RECOMMENDATION(S):**

1. OPEN the public hearing on an appeal of a Planning Commission decision to approve a land use permit for the Phillips 66 Rodeo Renewed Project at 1380 San Pablo Avenue in Rodeo and other project locations. (County File# CDLP20-02040), RECEIVE testimony, and CLOSE the public hearing.
2. CERTIFY that the Environmental Impact Report (EIR) for the Phillips 66 Rodeo Renewed Project (State Clearinghouse #20200120330) was completed in compliance with the California Environmental Quality Act (CEQA), was reviewed and considered by the County Planning Commission before project approval, and reflects the County's independent judgment and analysis.
3. CERTIFY the EIR prepared for the project.
4. ADOPT the CEQA findings for the project.
5. ADOPT the Mitigation Monitoring and Reporting Program for the project.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **05/03/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF  
SUPERVISORS**

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: May 3, 2022

Contact: Gary  
Kupp

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:

6. ADOPT the statement of overriding considerations for the project.
7. DIRECT the Department of Conservation and Development to file a CEQA Notice of Determination with the County Clerk.
8. SPECIFY that the Department of Conservation and Development, located at 30 Muir Road, Martinez, CA, is the custodian of the documents and other material which constitute the record of proceedings upon which the decision of the Board of Supervisors is based.
9. DENY the appeal of Natural Resources Defense Council, et.al.; Charles Davidson; and the Crockett Community Foundation.
10. APPROVE the Phillips 66 Rodeo Renewed Project.

## RECOMMENDATION(S): (CONT'D)

11. APPROVE the findings in support of project.

12 APPROVE the conditions of approval for the project.

13. APPROVE the attached Community Benefits Agreement.

## FISCAL IMPACT:

The applicant has paid the necessary application deposit and is obligated to pay supplemental fees to recover any and all additional costs associated with the application process.

## BACKGROUND:

Please find the Background section of this staff report in Attachment 1.

## CONSEQUENCE OF NEGATIVE ACTION:

In the event the application is not approved, the applicant will not obtain the necessary permits to construct and implement the project.

## CHILDREN'S IMPACT STATEMENT:

The project does not impact or affect any child-care programs in the County.

## CLERK'S ADDENDUM

**Speakers: Anne Alexander, Natural Resources Defense Council; Connie Cho, Citizens for a Better Environment; Greg Harris (Appellants); Charles Davidson (Appellant); Brian Montgomery, Crockett Community Foundation (Appellant); Richard Harbison, VP Phillips 66 Refinery (Applicant); Greg Feere, VP California Building Trades Council; Michael Cody, Rodeo; Tim Johnson, Schultz; Tyson Bagley, United Steelworkers Local 326; Gurant Murdock, Crockett Community Services District; Anthony Hodge, New Horizons; Janet Callaghan; Gary Hughes, Biofuelwatch; Janet PyeGeorge, Rodeo Citizens Association; Jan Warren, Interfaith Climate Action Network; Jesse Peralez, Local 152, Carbcutters 152; Jackie Garcia, 350 Contra Costa; Christine Cody, Rodeo; Michael Kirker, Director Rodeo Community Services District; Charles Miller, Superintendent, John Swett School District; Maureen Brennan, Rodeo; Teresa Foglio-Ramirez, Rodeo Shoshanna, Sunflower Alliance. Written commentary received is attached.**

ADOPTED the recommendations with the addition of the following Conditions of Approval:

**The owner/operator shall ensure that refinery doesn't exceed these limits: \* cannot input more than 80,000 arrels of renewable feedstock per day, combined, based on a rolling 12 month period to the pretreatment unit \* cannot process more than 67,000 bpd of renewable fuels**

**To determine compliance with the above conditions, the owner/operator shall maintain the following records and provided all the data necessary to evaluate compliance, including but not necessaryl limited to, the following information: On a dailey baisis, type and amount of renewable feedstock processed.**

These records shall be kept on-site for at least 5 years. all records shall be recorded in an BAAQMD approve log and made available for inspections by County staff upon requiest. Thes recordkeeping Requirements shall not replace the recordkeeping Requirements containe in any applicable BAAQMD Regulations.

**Representative of Phillips 66 verbally confirmed agreement with the Community Benefit Agreement and the additional Conditions of Approval.**

## ATTACHMENTS

- Attachment 1 - Project Background & Appeal Responses
- Attachment 2 - Project Findings & Conditions
- Attachment 3 - Link to Environmental Impact Report
- Attachment 4 - Community Benefits Agreement
- Attachment 5 - NRDC Appeal Letter
- Attachment 6 - Charles Davidson Appeal Letter
- Attachment 7 - Crockett Community Foundation Appeal Letter
- Attachment 8 - Mitigation Monitoring and Reporting
- Attachment 9 - Maps and Site Plans
- Attachment 10- Presentation