

**PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL**

450 Civic Center Drive, Richmond, CA

May 5, 2016

6:30 p.m.

COMMISSION MEMBERS

Sheryl Lane, Chair
Nancy Baer
Ben Choi, Secretary
Jen Loy

Marilyn Langlois, Vice Chair
Andrew Butt
Jeffrey Kilbreth

The regular meeting was called to order by Chair Lane at 6:32 p.m.

Chair Lane led in the Pledge of Allegiance.

ROLL CALL

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

Absent: Commissioner Nancy Baer

INTRODUCTIONS

Staff Present: Planning Staff: Director of Planning and Building Services Richard Mitchell; Senior Planner Lina Velasco; Associate Planner Roberta Feliciano; and Assistant City Attorney Rachel Sommovilla

MINUTES

February 4, 2016

Vice Mayor Langlois stated she was absent and in some instances, the minutes reflect her presence.

ACTION: It was M/S/C (Choi/Butt) to approve the Minutes of February 4, 2016, as amended; which carried unanimously by the following vote: 6-0-1 (Ayes: Butt, Choi, Kilbreth, Langlois, Loy and Lane; Noes: None; Absent: Baer).

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, May 16, 2016, by 5:00 p.m. and as needed, announced the appeal process after each affected item.

CONSENT CALENDAR

Chair Lane stated currently the Consent Calendar consists of Item 2. She asked if Commissioners, public or staff wished to remove that item. Commissioner Butt requested Item 2 be removed from the Consent Calendar.

BROWN ACT – PUBLIC FORUM

CORDELL HINDLER, Richmond, voiced concerns with the look of the 7-Eleven store and he hoped that Commission would review the issue at some point.

Commissioner Kilbreth noted Mr. Hindler has brought up this topic often and he questioned whether this was a police or planning matter or to bring a CUP to the Planning Commission.

Ms. Velasco stated the item was agendized for a period and staff was working with the regulatory unit dealing with alcohol sales. At the time, it was determined their process of working with the operator was sufficient. Staff will follow-up with the regulatory unit staff, and she noted there is a process in CUPs that if it is deemed a nuisance, the operation can be required to have a CUP, which this store does not have.

NEW ITEM

1. **PLN16-084: Richmond Wholesale Meat Conditional Use Permit - PUBLIC HEARING** to consider whether to initiate an order and set hearing date for the proposed revocation or modification of Conditional Use Permit CU 96-2 for Richmond Wholesale Meat at 2920 Regatta Blvd. (APNs: 560-130-010, 011, 012, 013, 014, 015, 016, 017, 018, 021, 560-140-015, 016, 017, 018, 019, 020). M-1, Industrial/Office Flex District. PLN LLC, owner; Richmond Wholesale Meat, applicant; Planner: Roberta Feliciano; Tentative Recommendation: Set a hearing date for proposed modifications.

Recusal:

Commissioner Choi recused himself from participating in the matter due to the proximity of his residence and he left the chambers.

Associate Planner Roberta Feliciano presented the staff report and described the scope, layout, and key elements of the proposed revocation or modification of CUP CU9602 for Richmond Wholesale Meat. There were no operational conditions included in the 1996 CUP. The Marina Bay residences were built in 1992 and later converted into condominium units in 2005 and around 2000 some of the Richmond Wholesale Meat operations moved to the 2041 Factory Street location while still retaining employees at 2920 Regatta Boulevard location. This continued to operate as an office and warehouse.

In January 2015 following the Port of Oakland strike, Richmond Wholesale placed several overseas shipping containers using diesel generator sets for refrigeration on-site and in 2015, the City received complaints regarding excessive noise, air quality, lighting issues and concerns about hours of operation and site activity.

Based on complaints, three community meetings were held in February, March and June 2015 to address concerns. Complaints continued and on November 24, 2015 the City Council directed the Planning Commission to hold a public hearing to review the operations of Richmond Wholesale per the revocation and modification procedures of the zoning ordinance.

Today's action will be to set the public hearing date, consider the modification or revocation of CU 96-2 which is the most recent CUP. Staff recommends the Planning Commission schedule a public hearing for June 2, 2016 to consider the modification of CU 96-2.

Commissioner Butt asked if the CUP relates to a piece or component of the overall operation. Ms. Velasco stated in reviewing the staff report that accompanied the CUP it looked like it covered the total operations at the facility and staff thinks the Commission could consider the total operations at the site today at the public hearing.

Vice Chair Langlois referred to the January 19, 1996 one-page letter informing Mr. Dollestedt that the application was approved subject to certain conditions. She also referred to a letter from Ms. Eggleston who acquired through a Public Records Act request a document from 1996 which is a 51 page document. She asked if this could be made available to the Commission since Ms. Eggleston refers to statements in that document.

Chair Lane opened the public comment period.

Public Comments:

JULIETTE GAFUI, Richmond, said she lives directly across from Richmond Wholesale in Marina Bay and said when she moved there, there was no activity at Richmond Wholesale until January 2015. Since then, noise, health and visual impacts have occurred and affected her personally. The hours of operation up until recently was from 4AM to 8PM and disturbances go beyond these hours, given refrigerated trucks operating all the time, trucks which idle outside of the facility before and after hours, and little has been done to alleviate the impact on neighbors. Ms. Gafui submitted photos of refrigerated trucks on various nights idling on Regatta Boulevard and confirmed with the Commission that they received the short video of the 6 idling trucks.

CORDELL HINDLER, Richmond, said he drives by the area and voiced concerns about the noise from the operations, compliance with noise standards.

LINDA KAISER, Richmond, said she lives in Marina Bay since 2006, first as a renter and then purchased a condo in 2007. She was well aware of the zoning prior to her purchase and she never saw anyone around Richmond Wholesale Meats until early last year, and at that time, neighbors started noticing thick diesel fumes in the air, bright lights and she had mild asthma. Now, as of February last year she has been under her doctor's care for persistent wheezing and she takes two types of inhalers now that she must use daily because of increased pollution.

She said it is true that Mr. Dollestedt met with neighbors but the changes made will not meet standards of zoning. The business is too big, is spilling out onto Regatta, blocking traffic, and she asked that something be done.

GEOFF JOHNSON, CEO, Richmond Wholesale Meat Company, said he has worked for the company for over 20 years and during this time they have committed to being a good neighbor. Unfortunately, during the past 17 months, they have been unfairly labeled as a nuisance. They are concerned about the community and they met multiple times with neighbors, various individuals and City officials. They recently met with the Marina Bay Neighborhood Council to let them know about their business and share how they have addressed concerns. Their business is in a light industrial zone and they operate within these parameters. They employ local

residents, support local businesses and contribute to local charities. He asked that the Commission consider all they have done in considering a CUP.

SAM DE LEON, Operations Manager, Richmond Wholesale Meat Company, said he has worked for the company over the last 18 years. Since January 2015 the company has been proactive in addressing concerns while limiting impacts to their operations and have done the following: 1) no idling signs in both English and Spanish were installed at exterior and interior lots; 2) a no idling policy has been implemented to minimize noise and fumes from truckers; 3) no truck idling on Regatta Boulevard as well as no parking on Regatta Boulevard, which is communicated in writing on their delivery orders; 4) all refrigerated storage containers are plugged into electrical outlets and not diesel operated and most are parked on the dock facing Regatta, furthest away from homes; 5) although not required, their truck backing alarm was replaced with an OSHA approved lower decibel, multi-frequency alarm with faster sound dissipation; 6) a sound wall was installed around their refrigeration equipment on the southeast side of their building as well as a ventilation blower on the west side of the building to reduce sound from equipment; 7) receiving hours have been adjusted to start at 7AM to minimize early morning activities; 8) a security officer was added to monitor truck activity and minimize traffic concerns on Regatta Boulevard as well as enforce the no idling policy while on premises; 9) LED exterior lights have been minimized, lowered, covered and redirected to have a meaningful effect on neighborhood homes and preserve the natural night light; 10) all empty containers are parked inside the fence area on the east side of their building with unsightly billboard effects; 11) the Meeker Trail walking/biking path on the creek side has been completed and approved by the Bay Conservation and Development Commission.

The company continues to be mindful of neighbors' concerns and is committed to minimizing impacts. In considering the CUP, he asked the Commission to consider their efforts in addressing concerns of neighbors.

JACQUELINE ARAGON, IT Manager, Richmond Wholesale Meats, said change is inevitable; however, she said change cannot happen all at once. She said she is one of 60 employees and she spoke about change, growth and development of the Marina District. Employees enjoy the area and trails during the week and weekend, promote local businesses, and she spoke of the company's significant donations over many years, said they have partnered with schools and leaders in the community, and asked the Commission to take into consideration all that the company embodies as a business.

KATRINA RUK, Richmond, speaking on behalf of the Council of Industries, said the company is an exceptionally good company and do a lot for the community. She emphasized that it appears that issues generated occurred because of the Port strike which resulted in annoyances to the community. Richmond Wholesale Meats addressed this by implementing over 8 changes at their plant and she asked that the Planning Commission consider these changes as their concerted effort to work with the community, address issues, noting that they have gone beyond their permitting requirements and she asked to allow the business to operate.

Vice Chair Langlois said from information the City has received, it appears there was another major change which was that Richmond Wholesale sold its Factory Street location and moved this entire business to Regatta. She asked if Ms. Ruk was aware of that change.

Ms. Ruk said yes, but she said there are also other businesses there that have been operating for a long time.

RICH DOELLSTEDT, President, Richmond Wholesale Meat, said he took over the business from his father two years ago and gave an historical account of their work opening and building their family business. He said they are still doing the same thing of investing in the neighborhoods today. In 1964 he bought multiple parcels in semi-abandoned areas now called Marina Bay and invested in Richmond over many years. His father passed away yesterday and as the Commission considers the CUP which he does not agree with, he asked to keep in mind the message the City was sending to businesses given there are complaints by only a few neighbors.

JANICE HAUGAN, Richmond, said she lives across from the project site, voiced condolences to the owner's family on the passing of their father, and said the Commission received her letter which asks that the Commission set a hearing date for the proposed revocation or modification of the CUP. Since residents have now suffered since January 2015, she asked to set the hearing date for June 2nd. While she acknowledges their efforts to reduce idling, noise and light impacts, they have not gone far enough and trucks continue to idle and block traffic on Regatta, creating a safety risk. She said Richmond Wholesale was involved in helping the community during the time their address was Factory Street, and she did not believe they should be on Regatta to do this.

KAREN KEMPLER, Richmond, echoed condolences and said she has owned her home across from Richmond Wholesale Meats since 2010. She submitted a May 2nd letter and encouraged the Commission to set the hearing on the merits of revoking the company's Regatta Boulevard CUP for June 2nd as proposed in the staff report. She said neighbors living across from the business have been subjected to daily diesel pollution, on-going noise and traffic safety concerns ever since the business moved its distribution center from Factory Street to Regatta Boulevard in January 2015.

They met with representatives on 3 occasions in 2015 attempting to reach compromises that would allow neighbors to co-exist without the daily detrimental impact to their health and safety posed by the business's activities, but the business is either unable to do so or no compromise is actually possible when a company like it is carrying out its business in a residential neighborhood. From 2000 to 2014, Richmond Wholesale operated a more than adequate facility at Factory Street of about 110,000 square feet with 35 loading docks. That facility was off of the Richmond Parkway and had no residential neighborhoods.

It appears in 2008 and 2014, Richmond Wholesale was also trying to sell the property and leased it to third parties, and it was not being used as a meat distribution facility during that time. In December 2014 the Factory Street address was sold, they moved to Regatta Boulevard which only has 10 loading docks and much too small.

Commissioner Kilbreth asked Mr. Dollestedt to provide the reasons why they sold the Factory Street location and why they felt they could consolidate operations on Regatta Boulevard.

Mr. Dollestedt said they used to be a very inventory intensive operation and for business reasons they changed to a just in time type of distribution center. There were some things that changed in the frozen food business that prevented them from being the inventory company they operated as for 50 years and the reason they built the Factory Street building. The inventory is now 1/10th of the size.

Commissioner Kilbreth asked that if effectively their business model has changed and they need less storage space and more loading dock space, which he believes translates to additional trucking.

Mr. Dollestedt said they are dealing with the same inventory but sales have decreased over the years and they must make sure they make decisions to continue to operate. He said there are a few intensive hours after 7AM and it is all within the Municipal Code. He said there has never been a violation they have been cited for. They used to do three times the amount of business at the plant and the CUP was approved in 1996 with three around the clock shifts. He can relate to the impact to the neighborhood but he wants to be sure it is in the context of their operations as a business. They have always been within code and he thinks they are being labeled a villain to the neighborhood and to the business community when there are many businesses that operate similar or busier than theirs, which is part of their pride and purpose. There are a few residents and a few episodes, and they are being unfairly targeted as a nuisance.

Commissioner Butt asked if there were any complaints prior to leaving the Regatta Boulevard location, and Mr. Dollestedt said no.

Commissioner Butt said it sounds as if one of the major issues was a perfect storm situation during the Port of Oakland strike. There were many refrigerated containers with diesel generators running. One concession made in trying to mitigate the issues as removal of diesel generators and he asked if there were still a large quantity of refrigerated trucks.

Mr. Dollestedt said there are two concepts; refrigeration noise and diesel fumes. When they moved in December 2014 the Port strike came a few days later and they were loading containers and had nowhere to take them. They came with diesel generator units on them, were stored in the parking lot and at times there were 8 running units at a time and a few were plugged in next to the docks. There was a lot of noise and a lot of diesel and unbearable for them. They discussed complaints with neighbors and made a policy of not running any diesel powered refrigeration units since January. Now those that run are all run by electricity. There are 10 plugs by the 10 doors and this is the maximum they can operate.

Commissioner Butt asked Mr. Dollestedt to speak to the concern of diesel trucks idling along Regatta Boulevard and how they have addressed this.

Mr. Dollestedt said during the first six months of 2015 they held community meetings and this subject came up repeatedly. These are public streets and not technically in their control. The Richmond City police were contacted on some of these regarding the 5 minute idle rule and enforce. There has been a neighborly desire to co-exist from the on-set in 1959. Specifically with the idling issue they put on their purchase orders and verbally tell vendors to only come for their appointment time and not have their trucks idle more than 5 minutes and no idling on the street. In fact, they tell them not to park on the street. The truckers are from all around the nation and they have limited control.

Three months ago they had a guard in place and he said they had a couple of people who had come on their site trespassing and who were irritated by the truck activity to the point police were called out, and employees were concerned about their personal well-being. The second purpose of the guard was to talk to truckers idling longer than 5 minutes, but many of the truckers were not for their business but for neighboring businesses.

Lastly, the California Air Resources Board has visited the site a number of times speaking with their COO and there has never been a violation. It is all part of running a distribution warehouse.

Commissioner Loy concurred that this is not the only business that operates near residential neighborhoods and said the community in Oakland near the Port got very involved in working with them and the truckers themselves to mitigate the same problems. She asked if there are things that have worked in other communities that they have not yet explored.

Mr. Dollestedt said he does not agree with revoking or amending the CUP but in their desire to co-exist, the CUP should be well considered with all creative options and they can work with planning staff to determine what else can be done.

The public hearing was closed.

Staff briefly summarized the recommendation before the Commission.

Commissioner Kilbreth asked if the recommendation would also include doing nothing, or not implement any change to the current CUP. Ms. Feliciano confirmed but said there are certain factual findings the Commission must make in order to do this, a noise study would need to be conducted, and the permit can only be modified for cause. If a hearing were to be set, staff would include all of this information.

Chair Lane commented that in the staff report there are measures that have been put in place by Richmond Wholesale Meat and she asked how these would be codified.

Ms. Velasco said the measures take are voluntary and have not been added to the CUP. Therefore, if the hearing is set, the Planning Commission can add or modify conditions, given that the business operations could change.

Vice Chair Langlois voiced condolences to Mr. Dollestedt and his family. She had the opportunity to attend the three community meetings held last year and appreciated all input, as well as employees and Mr. Dollestedt's attendance, and efforts made to try to address concerns which she thinks are laudable. She supported holding a public hearing to hear all information as there still seems to be a disconnect. She thinks the measures taken to date are great, was not sure if trucks still idle or park illegally, but these things can be sorted through and solved.

She noted that on the letter received from Ms. Eggleston who reviewed the 51 page CUP document from 1996, on pages 29 to 31, it does mention a finding which she quoted, "The operating characteristics and use will be compatible with and will not adversely affect the livability of abutting properties and surrounding neighborhood." Therefore, she would like to see staff address this in the materials to be prepared for the hearing and address whether this finding is still being adhered to.

She thinks the hearing would be helpful and she suggested having staff bring options and determine how effective the voluntary measures are. She has heard the most concerns regarding idling of trucks for this company or other companies, the backing up noise early in the morning, the bright lights, and being able to see trucks and containers from their residences so

as to completely mitigate issues. She stated she would support a motion to schedule the hearing for June 2, 2016.

Chair Lane echoed comments of Vice Chair Langlois, said she thinks the hearing will serve as an opportunity to hear more discussion regarding the issue and the Planning Commission can then determine next steps.

Commissioner Butt concurred with comments of fellow Commissioners. He thinks Richmond Wholesale Meat has earnestly tried to appease neighbors, but in their mind it is not enough. He said he thinks it is worthwhile to review the original CUP, provide both sides time to provide feedback and work this out. He said he would not be inclined at this time to revoke the CUP and shut down a business that has operated for decades. There are probably conditions that would assist in the situation which both sides could live with and he made a motion.

ACTION: It was M/S/C (Butt/Langlois) to set the hearing date for June 2, 2016 to review the CUP for either a revocation or modification; which carried unanimously by the following vote: 5-0-1-1 (Ayes: Butt, Kilbreth, Langlois, Loy and Lane; Noes: None; Absent: Baer; Recused: Choi).

Noted Present:

Commissioner Choi returned to participate in the remainder of the meeting.

Item Removed from the Consent Calendar:

NEW ITEM

CC2. PLN15-626: Richmond Ferry Terminal Conditional Use Permit - PUBLIC HEARING to consider a Conditional Use Permit to operate an interurban passenger water transit (ferry) terminal at the southern terminus of Harbour Way South, near 1453 Harbour Way South (APN: 560-270-052). CRR, Community and Regional Recreational District. City of Richmond, owner; The San Francisco Bay Area Water Emergency, applicant; Planner: Roberta Feliciano; Tentative Recommendation: Conditional Approval.

Associate Planner Roberta Feliciano introduced Chad Mason with WETA and project architect, Kent Royal to provide a presentation.

Chad Mason, Senior Planner and Project Manager, WETA, gave a PowerPoint presentation regarding the interurban passenger water transit (ferry) terminal. He noted alternative locations were explored in the Marina Bay Yacht Harbor. In 2012 they explored the current site which was preferred given a shorter trip time to San Francisco, reduced capital costs, reduced conflicts with recreational boaters, proximity to existing parking facility and an existing AC Transit route and proximity to an employment center at the Ford Building.

He provided an overview of the transportation service, service time and demand, and said they expect to start service in 2018 with 700 to 800 daily round trips from Richmond to San Francisco. In 2035 they expect an expanded level of service to approximately 1700 daily trips. Operating costs are estimated at \$4.4 million annually and there is an existing source of Measure J funds Program 22B which are committed to the service and a portion of operational funding will be provided by passenger fares. He then discussed capital costs of the project,

capital funding, and he provided a sample schedule of Alameda's ferry system which will be similar to Richmond's service and schedule of AM and PM peak periods.

Completed milestones to date include:

- Completion of concept design
- Completed Initial Study and Mitigated Negative Declaration
- Received National Environmental Policy Act clearance with FTA
- They went through the BCDC design process in 2015
- Worked extensively with CCTA and arrived at a 10-year funding agreement with Measure J funds
- In March 2016 they received a recommendation for approval from the DRB to the Planning Commission
- They continue to work with many stakeholders as they get closer to implementation

Regarding next steps:

- They are working with the City Manager's Office on the lease for the waterside facility and for the parking area
- They will submit for their BCDC permit in the next few months as well as other federal, state and local resource agency permits, such as the Regional Water Quality Control Board, Army Corps of Engineers, etc.
- They will go out for procurement of construction management services within one month and then will move toward procurement of these services
- Facility construction is anticipated in the summer/fall of 2017, given constraints of the in-water work windows where they can do dredging and pile driving work
- New vessels will be added to the fleet in 2018 and service will start in 2018

Kent Royal, Associate Principal, Marcy Wong Donn Logan Architects, gave a PowerPoint presentation of the project site which he said is right next door to the Ford Assembly building at Harbour Way South and they will relocate the existing kayak dock to the Marina Bay Yacht Harbor. He presented an aerial view of the site showing existing conditions, a City-owned parking lot currently leased and they will expand the parking lot north to a portion of the port land. There is an existing gangway which will be removed and replaced.

He presented a different aerial view, the overall site plan, and several slides of the ferry terminal passenger shelter accessed from the existing plaza west of the Ford building. They will improve the surrounding shoreline, including the walkway to Sheridan Point Park, refurbishing the existing dock and site furnishings and continuing the walkway to the north to the port property.

They have tried to break up the parking lot while preserve the industrial character. He presented a grade change in the parking lot where they will remove paving and enhance the lot and walkways going east and west, alleys of trees, improving the shoreline walk, improvements to the existing DG walkway at Sheridan Point Park, addition of paving and site furnishings, bike lockers, bike racks, and bollards.

Regarding water site improvements, Mr. Royal displayed the passenger shelter leading to a gangway which is moveable leading to the boarding float and a transient boat pier by Orton Development and he noted this will be a shared facility.

The DRB received the project very positively, had comments on the shelter which they addressed which included color and material options, development of how the glass and fins would be held on to the passenger shelter, addition of embellishment of key entry areas to include prominence of signage, addition of entry portals around the entry doors, and development of design and detail to show more dimensionality.

Mr. Royal presented a sample of glass to protect birdlife, signage treatment of individual metal lettering, public art, discussion about lighting and he said they are replacing all lighting in the parking lot. Low poles and bollard lighting will be used closer to the ferry building area, and they will place signage on paving for bicyclists and trail walkers just when coming off of the Ford Wharf down the east side of the Bay Trail.

Commissioner Kilbreth asked what the state of the trail is right now. Mr. Royal said it is completed in front of the Ford Assembly Building, but is incomplete and will develop as properties are developed farther north. Their goal would be to help with pavement signage in the area by the ferry entrance to get people headed in the right direction just after getting off of the Ford Wharf.

Commissioner Loy asked and confirmed they will be consistent with the Bay Trail and BCDC in designing the signage program.

Commissioner Butt said he removed the item because he is extremely excited about the ferry and wanted to see the presentation. He referred to his concerns regarding bird life and reflective glass and he confirmed the applicant was working in the design of the glass so as to protect bird life.

He said he likes the design and hoped it would be illuminated inside at night, but it strikes him that there is not a lot of space for covered area other than the gangway, which is also sloped with no seating. Aside from being out of the wind, it is not a comfortable area to sit. He also noticed that landscaping and planting calls for eucalyptus, but given the species, they tend to drop a lot and are invasive, and suggested replacing them with another species.

Mr. Mason stated passengers are committed to their schedule and their other facilities have larger off-site waiting areas, but passengers will typically arrive close to departure time, will queue up and get seats on the ferry quickly. They plan on having an automatic door opening and they will not be publicly accessible at all times but simply a queuing area for passengers just prior to boarding.

Commissioner Butt said while the focus is on commute, he thinks future use of the ferry for off peak times should be considered for those who may be caught in the rain or inclement weather. Mr. Mason said they have been boxed in given the many different stakeholder agencies and conditions that created the shelter now and if larger, it would pose problems and issues with BCDC given a greater area of coverage over the bay.

Commissioner Kilbreth suggested it be wider than 14x14 foot box, and Mr. Mason said they began with 8 feet and worked it up to 14 feet, noting they can get 65 people in there and still have enough room for people to get off of the boat, as well. He said BCDC staff was against having any kind of covered area and BCDC's DRB overruled them stating they thought it was nicer as far as the width. Mr. Royal then explained the significant outreach to BCDC regarding the original design without any shelter, factors that played into the design, coordination of the

trail, the Ford building, public art, sea level rise, the 5% slope, and their DRB supported the shelter.

Mr. Royal briefly re-reviewed site amenities, noting that the project becomes more of a destination spot which is very positive and they hope the project will bring people.

Commissioner Butt asked the applicant to briefly address the tree concern. Mr. Royal said the landscape architect had an arborist make recommendations on what would thrive in the windy, drought tolerant environment, as well as the verticality and fast-growing species. The City wants to maintain an open view to San Francisco and based on these considerations, there are two eucalyptus species, a cypress, and one other species. They went through an extensive process with the City for alternatives to those but they all required a lot more water, all had lower limbs and the DRB said they agreed with the landscape architect's reasoning.

Vice Chair Langlois thanked the applicant for the presentation and said she was equally excited for the ferry to come to Richmond. She asked if there will be schedules posted and asked about ticket processing and opening times.

Mr. Mason said there will be signage, a transit information board for ferries and buses, and the Clipper system will be used and if passengers do not have Clipper cards, tickets will be sold on board. He said 10 minutes is the time the building is open and if longer, it becomes a maintenance issue or other potential problems.

Vice Chair Langlois asked if the parking lot will be exclusively used for ferry patrons, whether there will be a charge and whether it can be used for other events at the Craneway. Mr. Royal said it will be a shared parking facility. They are working through the draft lease with the city and will address parking concerns. Most large events at the Craneway occur during weekends and in the evenings, and passengers will not be present so parking should be available. Regarding charges for parking, it will start as free parking, but they are exploring paid parking.

Vice Chair Langlois supported bike racks and confirmed there will be 20-24 bike lockers.

Chair Lane opened the public comment period.

Public Comments:

Cordell Hindler, Richmond, said he is excited about the new ferry terminal and attended the DRB meeting and voiced his full support.

Ms. Feliciano stated that after several iterations of the design, the plans were presented to the DRB on March 23rd with the recommendation for approval of the design review permit by the Planning Commission. She reviewed the zoning district and said the zoning ordinance states that for a local and interurban passenger transit use type, a CUP may be allowed. The site is also designated Parks and Recreation and Port priority in the General Plan and is consistent with several General Plan policies. The approval of CUP PLN 15-626 to operate such a terminal is compatible with immediate and surrounding areas operating within the community, recreational and marine industrial zoning districts, as well as the General Plan designations.

Based on findings, Statement of Facts and subject to recommended conditions of approval in the draft resolution staff recommends the Planning Commission approve the proposed project.

Commissioner Kilbreth referred to sea level rise and he did not see in the CUP what the elevation is. Mr. Mason stated the plaza is at elevation 14.8 and this is where they are starting and dropping down to whatever the high tide range is. They are using the ABAG projections of 16 inches by 2050, and this is why they are so sloped. Mr. Royal added that the slope helps them meet ADA to the boarding location on adjustable ramps.

Commissioner Kilbreth asked what happens if there is 3-4 feet of sea level rise, plus a king tide and a bad storm.

WETA's Marine Engineer stated they have accounted for this in their concept design and have added tides together and accounted for sea level rise, king tides and maximum water level in evaluation of the gangway slope.

The public hearing was closed.

ACTION: It was M/S/C (Butt/Kilbreth) to approve PLN15-626: Richmond Ferry Terminal Conditional Use Permit with staff findings 1-4 and staff conditions of approval 1-25 with one additional condition that the design follow the current bird-safe design best practices for the glazed wall; which carried unanimously by the following vote: 6-0-1 (Ayes: Butt, Choi, Kilbreth, Langlois, Loy and Lane; Noes: None; Absent: Baer).

COMMISSION BUSINESS

3. Reports of Officers, Commissioners and Staff

Commissioner Kilbreth questioned the status of the Terminal One EIR and Ms. Velasco stated staff received close to 1,000 comments and ESA is close to providing a final recommendation about whether a Final EIR Response to Comments document as a supplemental or would re-circulation be needed. They are targeting that the project will return to the Planning Commission with the FEIR in June.

She explained the difference between a FEIR and a re-circulated EIR is that a FEIR would be a Response to Comments given no new significant impacts not otherwise considered was identified. If there is something found to be not analyzed, the EIR would need to be re-circulated.

Commissioner Kilbreth asked if there were any categories of issues that came out of the 1,000 comments which staff thinks were not touched upon. Chair Lane and Mr. Mitchell suggested that since the item is not agendaized, the matter should not be discussed further.

Commissioner Butt wished everybody a happy Cinco de Mayo.

Commissioner Choi stated yesterday was Jay Jacob's 100th birthday.

4. Adjournment - The meeting was adjourned at 8:27 p.m. to the regular meeting on May 19, 2016.