

1
2 **SAUSALITO PLANNING COMMISSION**
3 **REGULAR MEETING**
4 **Wednesday, June 25, 2008**
5 **APPROVED MINUTES**
6

7 At 6:30 p.m., Chair Kellman convened the June 25, 2008 Regular Meeting of the
8 Sausalito Planning Commission in the Council Chambers of City Hall at 420 Litho
9 Street.

10
11 **ROLL CALL (not recorded)**

12
13 **PRESENT:** Commissioner Petersen, Vice Chair Keller, Chair Kellman
14 **ABSENT:** Commissioner Bair.

15
16 **APPROVAL OF AGENDA (not recorded)**

17
18 **DIRECTOR'S REPORT (not recorded)**

19
20
21 **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (not recorded)**

22
23 **NEW PUBLIC HEARINGS**

- 24
25 **1. 70-76 LIBERTY SHIP WAY (DR/MND/SP 07-017)**
26 **Scott Hochstrasser, International Planning Associates Inc. (Applicant)**
27 **Liberty Ship Way II Partnership (Owner)**
28

29 **The applicant, Scott Hochstrasser, requests Planning Commission approval**
30 **of an Initial Study/Mitigated Negative Declaration, Design Review Permit, and**
31 **Sign Permit to construct approximately 57,075 square feet of industrial**
32 **buildings on a 3.9 acre parcel located at 70-76 Liberty Ship Way (APN 065-**
33 **132-35) near Schoonmaker Point. The project proposal includes four**
34 **buildings of 32 feet in height with approximately 119 parking spaces. Site**
35 **access is via Liberty Ship Way, with interconnections to the existing**
36 **Schoonmaker Point Marina parking area. An existing marsh restoration**
37 **easement located along the southern edge of the site will be preserved, as**
38 **well as an adjacent existing Class I pedestrian and bike path along the**
39 **waterfront.**

40
41 **A draft Initial Study/Mitigated Negative Declaration (IS/MND) was prepared**
42 **for this project in accordance with the California Environmental Quality Act**
43 **Guidelines. A Notice of Intent to adopt a Mitigated Negative Declaration was**
44 **posted with the County Clerk and the State Clearinghouse on May 30, 2008,**
45 **initiating the public review period the IS/MND, which is scheduled to close**
46 **on June 30, 2008.**

1
2 (Recording begins)

3
4 Chair Kellman asked if there were any other questions from the Commission.

5
6 Vice Chair Keller asked how many people in the audience have not been to a
7 Planning Commission before? He asked staff to explain the difference between a
8 Mitigated Negative Declaration and an Environmental Impact Report and to
9 explain why the City is doing an MND rather than an EIR?

10
11 **Staff Report by Associate City Planner Sierra Russell**

12
13 Ms. Russell reported that this application requests Planning Commission approval
14 of an Initial Study/Mitigated Negative Declaration, Design Review Permit, and Sign
15 Permit to construct approximately 57,000 square feet of industrial buildings on a
16 3.9 acre parcel located at 70-76 Liberty Ship Way (APN 065-132-35) near
17 Schoonmaker Point. The project is located in the Marinship Specific Plan area in
18 the southeast corner and access is currently provided to the project site via Liberty
19 Ship Way. The parcel crosses two zoning districts; the Industrial zoning and the
20 Waterfront zoning district. The parcel currently contains dry boat storage and
21 containerized storage and a storage and launching area for a sea kayaking
22 operation known as Sea Trek. Immediately south of the site is an industrial
23 development with two office and industrial buildings which buffer the site from
24 Bridgeway. To the east of the site is the Napa Street/Galilee Harbor and to the
25 north and west are industrial buildings that currently contain mainly industrial
26 manufacturing and marine industrial uses. The Schoonmaker Marina is
27 immediately to the north of the site and Schoonmaker beach borders the parcel at
28 its northern most boundary.

29
30 (Showing photographs) These are some existing views of the project site. The top
31 photo shows the entrance along Liberty Ship Way accessing the site. The bottom
32 photo shows what is visible of the project site from Bridgeway. This is the existing
33 sea kayak operation and existing uses of dry boat storage and the bottom photo
34 shows the adjacent office building to the west.

35
36 The proposed project consists of 57,075 square feet of floor area and 34,821
37 square feet of building coverage. Four buildings of 32 feet in height with
38 approximately 119 parking spaces are proposed. The site is adjacent to a marsh
39 restoration easement to the east, which the development is located outside of.

40
41 Staff has prepared a draft Initial Study/Mitigated Negative Declaration (IS/MND)
42 which analyzes the potential short term, long term and cumulative impacts
43 associated with the development. The process by which staff determined that a
44 MND could be adopted for the project was first an Initial Study was completed that
45 assessed the potential environmental impacts from the project and determined
46 whether any potentially significant impacts could be mitigated to be reduced to a

1 less than significant level. The Initial Study concludes that the proposed project will
2 not result in any significant impacts on the environment with the implementation of
3 the recommended mitigation measures in the MND. To clarify the difference
4 between a MND and an EIR, an MND essentially provides mitigation measures to
5 mitigate the potential environmental impacts, while an EIR is prepared when there
6 are significant unavoidable environmental impacts. Currently, the project is in the
7 public review stage of the environmental document as prepared.

8
9 The potentially significant impacts identified include: aesthetics, air quality,
10 biological resources, geology and soils, hazards, hydrology and water quality,
11 noise, transportation and circulation, and utilities and service systems. CEQA
12 requires the staff look at specific environmental impacts in a variety of categories
13 and these are the categories staff found have specific potential impacts but that
14 can be mitigated to a less than significant level.

15
16 The impacts on aesthetics focused on light and glare that may affect night time
17 views; mitigation measures are exterior lighting will be shielded and downward
18 facing and the parking lot lighting will be designed to reduce glare and to reduce
19 parking lot lighting to minimum levels required for safety purposes during evening
20 hours.

21
22 The project does not exceed any of the Bay Area Air Quality Management
23 District's CEQA thresholds and is thus considered less than significant in terms of
24 air quality impacts. We did foresee potential impacts from construction related
25 sources, and are recommending the preparation of a dust and debris control plan
26 to mitigate these impacts.

27
28 The project site is adjacent to an existing marsh restoration easement and
29 development is located outside of this easement. A biological study was prepared
30 to explore whether there's any sensitive biological communities on the site or
31 sensitive species. The biological study did determine that the marsh restoration
32 easement contains tidal marsh and tidal mud flat habitats which are considered
33 sensitive biological communities. However, because development is proposed
34 outside of this tidal marsh habitat and is buffered by an existing pedestrian
35 pathway and will be set back approximately 20 feet from the marsh restoration
36 easement, no direct impacts to the tidal marsh area are anticipated. Staff is
37 recommending two mitigation measures that were included in the biological study
38 that pertain to the potential of disturbance of nesting birds. And that's because of
39 the presence of two cypress trees on the site.

40
41 Chair Kellman asked, to be clear, there are no species that are listed as
42 threatened or endangered or otherwise?

43
44 Ms. Russell said there were no such species identified on the site. There was
45 identified the potential for such species to occur and these include bird species.

1 Chair Kellman asked when Ms. Russell says "potential to occur," under the state
2 endangered species act, it's the mortality of the species, but under the federal
3 endangered species act, it's habitat loss.

4
5 Ms. Russell said there's no habitat loss.

6
7 Ms. Russell continued her presentation. A geological study was prepared and
8 concluded that the fill on which the project is located is considered adequate for
9 the proposed development. Differential settlement is considered the most
10 significant geological risk factor for the proposed development and is the case for
11 most properties in the Marinship area. and the mitigation measures focus on
12 incorporating the recommendations of this geotechnical report in conformance to
13 California building code seismic requirements and requiring the geotechnical
14 engineer of record to observe grading, foundation, pier drilling and the other
15 aspects of construction.

16
17 The impacts identified in hazards pertain to an existing remediation effort which is
18 currently under the supervision of the San Francisco Regional Water Quality
19 Control Board, which is being conducted at the adjacent 30 Liberty Ship Way
20 parcel. While the release is at the 30 Liberty Ship Way parcel, a portion of it was
21 potentially identified on the subject site. The site's been tested since 2002 and is
22 currently part of the work plan that's being developed by the Regional Water
23 Quality Control Board. Staff has forward the environmental document to them but
24 has not received comments as yet regarding the MND.

25
26 The proposed project includes a porous pavement system for the parking lot
27 pavement and concrete pavers for the plaza and open space areas to retain
28 rainfall and runoff on site and allow infiltration into the underlying soil.
29 Approximately 40 percent of the site consists of impervious surfaces which are
30 structures and impervious concrete. This high percentage of impervious surfaces
31 is anticipated to adequately accommodate project run off. The mitigation measures
32 recommended for hydrology and water quality to reduce impacts to a level less
33 than significant are focused on a maintenance and monitoring program for the
34 porous pavement system, and also conformance with Marin county storm water
35 protection requirements.

36
37 The noise impacts anticipated include those that may occur during construction.
38 The project will be required to comply with the City's noise ordinance. In addition
39 staff is recommending a mitigation measure to address impacts that would exceed
40 the permitted noise levels during construction which would be the incorporation of
41 noise reduction features in construction equipment.

42
43 A traffic study was prepared to determine potential traffic and circulation impacts
44 for project generated trips, and the traffic consultant is present and can address
45 that study and respond to any questions. The conclusion of the study was that at
46 build out and including project generated trips, it was recommended that a traffic

1 loop be developed at the intersection of Harbor Drive and Marinship Way to
2 accommodate traffic anticipated at build-out. And also to upgrade Liberty Ship
3 Way to City standards. Just to confirm, upon adding only project generated trips,
4 the study found all intersections to maintain acceptable levels of service. But at
5 build out one of the intersections dropped down to an unacceptable level of
6 service, and that's Marinship Way and Harbor Drive.

7
8 Commissioner Petersen asked if build out refers to the entire district?
9

10 Ms. Russell said yes, the entire Marinship Specific Plan area. The impacts related
11 to utilities and service systems are those pertaining to waste water and water. The
12 site is currently serviced by the Sausalito Marin City Sanitary Sewer District and
13 the Marin Municipal Water District. Staff has been in contact with both agencies
14 and both have indicated that there's adequate service to the project site. In order
15 to insure that impacts are less than significant, staff is recommending compliance
16 with these agencies' requirements in addition to the use of welded or PVC pipe for
17 the sanitary sewer system and designation of a future pump station.

18
19 That concludes the summary of the MND. The Planning Commission is being
20 requested that evening to take public comment. Staff has received a variety of
21 letters regarding the project and those that are not included in the Commission's
22 packet have been forwarded to the Planning Commission as late mail. These have
23 also been posted on the website. Based on the review of these materials, staff is
24 recommending continuing the public review period for the Initial Study and the
25 MND to July 23 to allow additional time for public review and input. If the
26 Commission wishes to provide direction that evening to staff regarding the draft
27 environmental document, the Commission may do that.

28
29 Chair Kellman said she's going to ask a couple of rhetorical questions to make
30 sure that everybody in the audience knows the intent of the night's hearing. This is
31 a review of the Draft Initial Study and Mitigated Negative Declaration, those deal
32 with the environmental issues that Ms. Russell outlined. This is not a meeting to
33 discuss the design or the zoning issues. Those items will come up later. Now, if
34 you're clever, and you understand some of the environmental issues, there are a
35 lot of overlaps sometimes. She would be happy to hear those issues that overlap
36 but she's probably not going to indulge a conversation about the building just
37 being "too big." So try to tie your comments in to the environmental issues that
38 staff has laid out. And they are laid out in the MND as well. And the same for
39 zoning. So keep in mind everyone will have an opportunity to speak on all aspects
40 of the project at future public hearings. As it currently stands, the public comment
41 review period closes on June 30 for the MND and the Initial Study. And the
42 Commission has a July 9 meeting scheduled to discuss design review which
43 would include zoning issues. Should the Commission continue tonight's hearing,
44 that would push both dates forward, so then the design review issues would be
45 subsequent to July 23, probably not until September, because in August there are
46 no Commission meetings.

1 Ms. Russell clarified that they could start the design review in the July 9 hearing.
2 Staff was planning on returning then with a more detailed staff report to initiate the
3 design review.

4
5 Commissioner Petersen said they could start it but there couldn't be any votes
6 taken.

7
8 Ms. Russell said that's correct, there could be no vote.

9
10 Chair Kellman said that timing can be discussed after seeing where the project
11 gets to that evening.

12
13 **Presentation by Applicant Representative Scott Hochstrasser**

14
15 Mr. Hochstrasser noted that he won't speak to the entire project that evening since
16 there are a lot of people in the audience who want to speak. He pointed out this
17 evening's discussion focuses on the Mitigated Negative Declaration.

18
19 Mr. Hochstrasser drew the Commission's attention to attachments he has
20 prepared. The second floor would be limited to 6,000 feet worse case and the
21 building has been shifted so that you can see through the visual corridor there. So
22 as a factual matter it's not a 24,000 square foot impact. There's a lot of
23 misunderstanding from the public in the letters, about the land use, which claim
24 that the Initial Study or MND misses the point about land use. There is a very
25 detailed submittal proposal that clearly states that the uses proposed for these
26 buildings are absolutely consistent with the split zoning on the property for
27 waterfront and industrial uses. So the uses are very clearly defined in the
28 Marinship Specific Plan and that's what's proposed here and nothing different.
29 Thirdly, attachment four has to do with the traffic impacts. There are three
30 mitigations proposed in the MND; two of those specifically have to do with levels of
31 service impacts, not with the project only, but with the cumulative build out. One of
32 the letters says that the loop that's being suggested as something the applicant
33 gives a fair share contribution to, is something that's been discussed for 20 years,
34 so it's pretty clear that everybody knows what the mitigation is. Whether it's
35 absolutely spelled out and clearly planned in the MND, maybe it needs to be
36 clarified, but the Trans 1 and 2 mitigations will reduce the project impacts plus
37 cumulative, to keep it in perspective. The third mitigation proposed actually
38 requires the property owner to be a part of basically an assessment district that
39 would improve the road widths and safety when those improvements are actually
40 approved by all the property owners. It is his understanding there was a history of
41 an assessment district being created and plans being developed and his client has
42 no objection to participating in that and paying his fair share to improve those
43 roadways. In fact, one of the conditions would probably require that he grant some
44 additional easement for future roadway widths and sidewalks. Next, attachment 5
45 in the packet is a letter from an architect wherein he talks about you really need to
46 look at both projects, 80 and 85 and this property, in terms of a Traffic Initiative. He

1 had some fun trying to find out what that was, because frankly he wasn't aware of
2 it. But as he understands from conversations with the staff, the Traffic Initiative
3 kicks in if you're proposing a rezoning or if you're asking for a floor area ratio that's
4 over and above what's specified in the Marinship Plan and neither one of those is
5 the case here. The proposed project meets all the requirements of the Marinship
6 Plan. It is important to note that there is a baseline, but a couple of the letters from
7 the public talk about the Richardson Bay area Special Plan and the BCDC
8 regulations and clearly the Commission is not the BCDC Commission; the
9 applicant has, however actually initiated conversations with the BCDC staff,
10 they've had two meetings with them and some of the modifications in the plan, to
11 open up the beachfront around the building that's at the point of the property,
12 those modifications were at the suggestion of the BCDC and the applicant has
13 opened up quite a bit of the land area that's available for the public at the sandy
14 beach area. Finally, with respect to biological impacts, this project absolutely
15 avoids any impacts on the marsh or the marsh easement or the marsh area that
16 was redeveloped and restored some years ago. And in summary, the
17 environmental review process really has three steps: you can be categorically
18 exempt, which this project is not; you can be subject to an Initial Study and the
19 review of the potential impacts, which staff has done; and you can determine
20 either that an EIR is needed or that all the impacts can be mitigated to less than
21 significant, which staff has done; or you can do an Environmental Impact Report.
22 The only time you really do an Environmental Impact Report is if somebody
23 presents a fair argument to the Commission that an EIR is necessary or needed.
24 And that fair argument can't just be somebody's speculation or somebody's
25 feeling. At this point, the burden of proof is on the public to present some facts to
26 show that the analysis that staff has done, based on the reports in the record, is
27 faulty, that there's some evidence to demonstrate a fair argument. They can't just
28 make the point, there has to be some supporting evidence. He hopes the
29 Commission understands that and will hold the public to the same level of scrutiny
30 that the applicant is held to in terms of providing detailed information and actually
31 substantial evidence to support findings of fact and the mitigations that are in the
32 declaration.

33
34 Chair Kellman said one of the issues facing the applicant in terms of aesthetic
35 value is how this is fitting in to the other buildings and the relationship to the other
36 buildings. What is the applicant's vision of the relationship of the proposed building
37 to 80 and 85 Liberty Ship Way? Before that, can Mr. Hochstrasser just tell the
38 public and the Commission in his own words what the intent of each of these
39 buildings is?

40
41 Mr. Hochstrasser said the use of this building (pointing), about 20,000 square feet
42 is for storage. There's a baseline. They have storage containers here and people
43 that are tenants on the property that have storage and basically those containers
44 would go away and this 20,000 square feet building would be a new container for
45 many people to store their materials. This building (pointing) is for industrial and
46 water-related type uses. The same is true for this building and those uses are

1 specified very, very particularly in the Marinship Plan. He can't list them all
2 because he doesn't have them all memorized. The parking lot, as staff indicated is
3 a pervious surface so the water drains through that and is percolated through the
4 sand and the underlying material. And the open space around this building is
5 basically intended to be available for the public. There's not one large building with
6 36,000 square feet of space or one large building with 57,000 square feet. There
7 are three buildings that are juxtaposed on the property that allow for visual
8 corridors through the property, both this way and this way (pointing), which
9 addresses both the purpose and the intent of the MSP as he understands it. This
10 building has shifted over a bit since the conversations with BCDC, this building has
11 shrunk a little bit from those conversations and some of the parking was changed
12 along this road because BCDC wanted to maintain this corridor through the
13 parking lot. There's a lot of parking in this area and there's a lot of comments
14 about parking; some people are saying there should be more parking; some
15 people are saying there should be less. What is proposed in the design is the
16 minimum required under the code to reach that balance.

17
18 Chair Kellman asked how the applicant sees the relationship to some of the
19 existing structures, one of the comments in the packet sees this as an extension of
20 80 and 85 Liberty Ship Way. How does this project impact other buildings?

21
22 Mr. Hochstrasser said the Marinship Specific Plan guides applicants as to how
23 these buildings are related in terms of their uses and in terms of their shared
24 parking and circulation in this area. They're not trying to create one use here that
25 supports this use, but these uses will all be compatible, because they're consistent
26 with the MSP. This property has a split zoning with waterfront and industrial
27 zoning. The purpose of the project and the purpose of the relationship of the
28 buildings is to allow those uses to be compatible and to create a synergy and
29 synchronicity that works in harmony. This particular building, that's not in that
30 complex of 80 and 85 and the proposed building, is a 50-foot tall building, it's a
31 36,000 square foot office building and it actually has views over the property now,
32 views of the existing baseline use, many boats, masts, storage containers, and the
33 applicant thinks as an aesthetic, this project substantially improves their view of
34 what they look at.

35
36 [Audience laughter]

37
38 Mr. Hochstrasser continued. It does have a potential impact on the lower floor and
39 the second floor views out of this building but he wants to make it really clear that
40 that building doesn't conform with the MSP; it could never be built this tall and that
41 the third floor has a complete view over the property. And the views to the water
42 are also this way and this way (pointing) out of this building. There are two decks
43 and you can see anybody using this deck continues to have a view here and
44 anybody using this deck might be looking at the back of this building or across to
45 the water, because you can see there's water on both sides. So in terms of how it

1 relates to an existing building that's off the site or out of the overall complex, that's
2 how they've tried to resolve and balance the design issues there.

3
4 **Public Comment**

5
6 **Bruce Huff** prefaced his comments by saying he fully supports a project on this
7 parcel, and further he fully supports a Mitigated Negative Declaration as long as
8 the mitigation measures actually do mitigate the impacts. The MND process is
9 fundamentally a staff process. He has submitted a letter to the Commission. He
10 feels that the staff either through lack of knowledge of precedent or an insensitivity
11 to the impacts on the surrounding properties, has not really looked at the
12 mitigation measures. They have identified the impacts but he really doesn't believe
13 that they've seriously thought out the mitigation measures.

14
15 Chair Kellman asked if there are any specific impacts that relate to his statement?

16
17 Mr. Huff said he has addressed "Trans 1" in his letter in which he goes into detail
18 about the process he went through with 28 and 30 Liberty Ship Way. They spent
19 approximately a year with the City Engineer and the planner and the director of
20 Community Development ascertaining what the impact would be, ascertaining
21 what the financial contribution in the improvement district would be, and the
22 improvement is something, by the way, that he was intimately involved with since
23 its inception in 1994. And they identified a project, a real time project, that would
24 be done concurrently with the development that would result in a public
25 improvement, by which he means an improvement that is to a standard that could
26 be dedicated and accepted by the City as a public improvement. It had its most
27 direct impact on the neighboring properties, so the direct mitigation was to the
28 neighboring properties, not properties that are a mile or a mile and a half a way,
29 which is what he sees in this project's "Trans 1" mitigation. And they did in fact
30 mitigate his project from the transportation point of view. Schoonmaker Point or
31 actually the southern Marinship, everywhere from Liberty Ship Way to Harbor
32 Drive, is private infrastructure, there are no public streets, there are no public
33 sidewalks, there's no public street lighting. There are no pedestrian improvements
34 other than the bike paths that were installed by Schoonmaker Marina and
35 improved by the project at 20 and 30 Liberty Ship Way. The transportation element
36 here ignores the pedestrian, which he feels very sensitive about. The improvement
37 district on the other hand addresses the vehicular circulation, it addresses the
38 pedestrian circulation and safety, so it addresses the sidewalks, streetlights, the
39 public improvements in form of curbing, gutters and water run-off. It was rarely
40 identifiable in the improvement district.

41
42 Commissioner Petersen asked in Trans 1 is there a particular revision of that
43 mitigation measure that Mr. Huff thinks would make the mitigation more
44 meaningful than as written?

1 Mr. Huff said he would like to see the City staff and the applicant go back and
2 number one, determine what the cost of the improvement district itself would be,
3 which is the only way they can determine the applicant's contribution to that
4 improvement district. Until you can ascertain a cost to doing the improvements,
5 you cannot ascertain the applicant's contribution to that. Secondly, he would like to
6 see real time projects, not City projects, and in his letter he specifies what he
7 considers the weak point in a City project is that if it doesn't happen in five years,
8 the applicant can get his money back. So he'd like to see a real time project that's
9 done concurrently with the private development, and he would like to see it
10 address the issues of the properties that are most impacted by the development,
11 which would be the adjacent properties and properties in the general area. What
12 he believes happened here is that the City staff simply cherry picked a project out
13 of the improvement district and said, "Geez, we should do this," and it doesn't
14 have any relationship. He did not read this traffic study but in the last two traffic
15 studies that were done the impact on Harbor Drive from a project on Schoonmaker
16 Point was the least impacted, not the most. Doing a project that envisions the full
17 development of the Marinship is a good idea, but it should add the benefit of
18 addressing the impacts on the immediately neighboring properties.

19
20 Commissioner Petersen asked staff if that is true, if the project isn't realized in five
21 years, then the funds go back.

22
23 Ms. Russell said that's correct, yes. And staff has begun to look at the Marinship
24 assessment district and what was previously completed for the 30 Liberty Ship
25 project and the evaluation was given to the improvements for the Marinship
26 improvement district which is not yet been formed, but work was done, plans were
27 completed towards the realization of those circulation improvements. So staff has
28 begun to look at that and it's going to require some additional research.

29
30 Commissioner Petersen asked if the traffic for the project, as he understands it, is
31 going to have to involve taking some buildings down or putting easements across
32 properties. He thinks it's Gate 3 is going northbound and harbor goes southbound,
33 but Gate 3 doesn't go through.

34
35 Ms. Russell said there's five alternatives or maybe more for the traffic loop that are
36 given in the Marinship Specific Plan EIR, there's no one specific traffic loop
37 alternative. There are no specific plans that have been developed for the traffic
38 loop, but just sort of conceptual alignment of how that could be completed.

39
40 Commissioner Petersen asked if there's any that's likely to happen within the five-
41 year span, given Sausalito time?

42
43 Ms. Russell said she doesn't think she can answer that.

44
45 City Attorney Mary Wagner said on the timing issue and whether funds have to be
46 returned, it depends somewhat on how they're collected, through what kind of

1 mechanism. For instance, development impact fees have a structure and a time
2 frame to them and that would apply. So if you collect monies and you have enough
3 money to do the project and you don't do the project, then in a certain period of
4 time you have to return the funds. So staff would have to look into whether that
5 would be true in this instance, depending on how it's funded and what structure
6 was utilized to collect the money.

7
8 Chair Kellman asked Ms. Wagner how this topic may or may not impact the
9 Commission's discussion that evening, just as a guide to discussion.

10
11 Ms. Wagner said she doesn't know that staff can give the Commission a specific
12 answer to how the funding mechanism would work; she's not prepared to address
13 that that evening. The concept of that evening's meeting is to get public input and
14 develop the appropriate responses to the extent that they're necessary.

15
16 Community Development Director Jeremy Graves pointed out that the traffic
17 consultant is available to answer questions.

18
19 **Continued Public Comment**

20
21 **Mickey Allison** lives in Sausalito. As part of the business visioning process, her
22 concern is not about the process, but the timing of this. She's written a letter and
23 she is concerned that the City is just starting this whole process, and the City's
24 committee to address the Marinship is just getting underway. So the timing is
25 really bad and some of these things should be put on hold. Otherwise the whole
26 business visioning and steering committee process becomes a sham.

27
28 Chair Kellman asked other than trying to create a holistic view and match up
29 efforts on both sides of the City, does she have any specific comments on the
30 MND and environmental impacts?

31
32 Ms. Allison said she's concerned that the City's losing marine things there; it looks
33 like all office buildings. And so they're losing a whole tourist industry with the Sea
34 Trek.

35
36 Chair Kellman said so her concerns are more zoning issues.

37
38 Ms. Allison said as far as the mitigation goes and things of that sort, it looks like a
39 good plan, but the City is getting ahead of itself if the Marinship and the City has
40 gone through this whole process of saying, "We're thinking about changing" and
41 she truly believes that because there are developers like Joe Lemon on it, and
42 people from FHA and Chris Gallagher from the Army Corps, that there's a problem
43 here in that people who are on opposite sides-- but people who are neutral. And
44 she's hoping that they'll come up with a new plan that will allow development and
45 maintain historic and maritime industries. This just sort of goes "whoosh," and
46 says, "no way."

1
2 Chair Kellman said the Commission will note for the record that Ms. Allison's
3 concerns are about type of use but they're not about the environmental impacts.

4
5 Ms. Allison asked if she can submit her letter now because she's going out of
6 town.

7
8 Chair Kellman said absolutely.

9
10 **Tony Badger** lives at 625 Locust Road, Sausalito. He has three concerns: One is
11 the traffic if the City goes with this MND. He hopes the traffic study involved the
12 whole City because he knows the City was pretty concerned about the Fort Baker
13 project and what the traffic impacts on the City at large were going to be and he
14 hopes that when this traffic study was done it wasn't just for the immediate locale
15 of the Marinship but further out than that. He hopes it included the development of
16 the Pacific Lab building where the Veterans Administration is going to have close
17 to 300 employees. They are looking at something that is going to result in a lot
18 more traffic than the Fort Baker project would have, and the City paid \$100,000 to
19 address Fort Baker's traffic impacts. Second, the aesthetic impact on pedestrians
20 walking along there. When he saw the story poles, he realized this is going to be a
21 tremendous visual impact on somebody on the ground. How do you mitigate that?
22 Third, he is concerned about the potential pollution and run off from all the cars
23 that are going to be in that parking area. when they drip oil on the parking lot and
24 the other things that come off a car, that's going to go into that marsh area, all the
25 storm run off and everything else from the traffic and the cars parking there. He
26 wonders if they really considered in this MND the kind of pollution that's going to
27 be going into that marsh and also into the bay as a result of a building of this size
28 and the number of cars and traffic that's going to be associated with it. He
29 emphasized that the discussion on this project is coming premature to the steering
30 committee's findings and it would be a big mistake not to wait and see the results
31 of the steering committee is.

32
33 **David Lay** lives in the harbor. The present boat parking on this property right now
34 needs to be expanded in numbers with a more efficient layout. The sinking land
35 and rising water should not be developed with buildings. Our environment needs
36 an alternative to building 200 and 300 slip marinas that slough out bottom paint
37 and that's what you do when you can't store boats on land and that's what the City
38 does now with this property, that's what the town does with this land. The real
39 ruse, to quote Bill Warner, is really that we have a problem with the plans and the
40 rules and the laws that the City has been using. The real ruse is that several
41 Liberty Ship properties were developed for marine maintenance and repair
42 services and now loan sharks lease space right on the waterfront facing the
43 marina and the water and all these view corridors through all the masts. The user
44 friendly lunch shop for the workers, for yachties and for people around the
45 waterfront is now for people wearing neckties and is now a smanzny French
46 restaurant that is good for people off the ferry boat or whatever. That's a change in

1 the environment for what the City's culture does on the waterfront. That's a big
2 change that's happened here. The City's future is a culture that should really
3 attract more visitors from around the Bay Area; there are 20,000 boats and slips
4 around the Bay Area, the City ought to be able to get a couple a hundred a day for
5 200 days a year, that's something like 40,000 boats a year. That's business traffic,
6 that's money that will turn over and over and over as it goes through the town.
7 There are voyagers going up and down the coast, maybe 1,000 a year, those are
8 people that will stay 10 days and spend a lot of money to resupply for ongoing
9 voyages to Mexico and so forth. That's money that will turn over and over again
10 through the town. And that's really the replacement business for what was
11 shipbuilding, fishing and so forth in the City.

12
13 **Richard Graff** lives at Galilee Harbor. He's lived in Sausalito for about 30 years
14 and has a business in the Industrial Center Building and has been living in town
15 since 1982. He's watched a lot of changes. He was planning to speak to some of
16 the design issues, because he is a designer and has been on the review board.
17 But in light of the restrictions on tonight's hearing, he'll speak to the impacts on
18 views which aren't adequately addressed in the MND. Pointing to the plan, he
19 noted that the evaluation needs to look at much more than the narrow view
20 corridor called out in the plans. Presently, with the existing buildings here and
21 without the proposed building, you have a view corridor all the way out here to the
22 hills and everything beyond. The other issue is that it's more than just the view
23 from Bridgeway, in terms of environmental impact, this is a public corridor through
24 here, the bike path, all out on the docks of Galilee Harbor where there are public
25 viewing stations and the views out here are really pretty important to a lot of
26 people. Basically what's going to happen is with the present layout and with the
27 height and bulk of these buildings, this whole complex is going to become a wall of
28 architecture that is going to take out a significant amount of view. So really, that
29 has to be looked at. As far as design goes, it is really clear that this building here
30 (pointing) is totally inappropriate.

31
32 Commissioner Petersen said come back on July 9 to talk about design issues.

33
34 **Heather Wilcoxin** read from her notes: "I live at Galilee Harbor and have an
35 intimate relationship with the marsh or estuary that many of us walk along to get to
36 the beach at Schoonmaker. This fragile marsh, which is already under attack by
37 our constant human footprint, is home to many birds like the great blue heron, the
38 night herons, the white egrets, the ducks, the kingfishers, the coots, the
39 cormorants, and many of these birds take refuge here in winter. Because of the
40 lack of stewardship on the north side of this marsh much of the area is already in
41 trouble. For example, the enlarging of the footpath that encroaches all of the
42 grasses that the birds feed on and nest in. In this MND, they mention only the
43 impact during construction, but there is no mention on how they are going to help
44 to restore and maintain this marsh. I am very concerned about the silting, in that
45 these proposed buildings and many of the cars and people will have a great
46 impact on this fragile, fragile eco system. Without the proper environmental impact

1 report no one will really know what the negative impact this project will have on
2 this area I'm speaking about. This marsh is the last, and I mean, really, you guys, it
3 is the last fragile area of this kind left in Sausalito. And I personally have been
4 working on this project for over a year now. But if you allow this development to
5 come through and be built, it will destroy this beautiful area that's all we have left
6 and it will destroy the openness and the beauty for all of us. Thank you."

7
8 Chair Kellman asked staff if it is correct that the applicant prepared a biological
9 assessment for this project?

10
11 Ms. Russell said that's correct. She has a copy available for anyone who wants to
12 see it.

13
14 Chair Kellman asked if staff has a record of any communication with Fish and
15 Game or BCDC?

16
17 Ms. Russell said yes, the project was forwarded to the department of Fish and
18 Game and BCDC. There is some correspondence from Fish and Game which are
19 included in the exhibits and are available online. They requested a biological
20 assessment be done on the site.

21
22 Chair Kellman asked if they heard back from Fish and Game as to suitability since
23 that report was completed and sent back to Fish and Game?

24
25 Ms. Russell said no.

26
27 Chair Kellman asked what about the Army Corps of Engineers?

28
29 Ms. Russell said they forwarded the report to the Army Corps but they haven't
30 received comments back from them yet.

31
32 **Doreen Ginard** lives at 300 Napa Street, Galilee Harbor. She is the harbor
33 manager. She spoke on behalf of Galilee Harbor. They've written a letter outlining
34 the harbor's concerns regarding the project and she hopes the Commission will
35 look at each of those concerns with an open heart about where Sausalito should
36 go from here. They are extremely concerned about losing the recreational benefits
37 that happen right on that point in particular with this building, a building that cannot
38 house Sea Trek. Their kayaks will not fit through those windows. They had those
39 fabulous days last week, everybody was on the beach, the entire town was there,
40 it's one of the City's few sandy beaches and there everybody was. And the reality
41 is they would have a building right there with office workers, staring down at
42 everybody in their bikinis, having a lovely time and that's really inappropriate for
43 that site. The City really will lose something, that human aspect. Or what happens
44 as you watch those kayaks come out and families all together and getting
45 themselves organized and getting kayaks to go do their thing, that will be over if
46 we let this happen. They believe that these kinds of things are what make the town

1 very special and this project does require far more study than what has been
2 done. This is not enough. They need to look at it a lot deeper. They've only had a
3 couple of chances to prepare to speak on this project and no chance to read every
4 single piece of paper. The idea that they aren't able to come and give all the
5 answers so that as this fellow says, "hold us to the same standard," well, if we had
6 as much time as the applicant has had-- but that's not the reality. They're all still
7 learning and we all want everybody to take this thing very slowly. Because this
8 report on face is not enough. An EIR at least is needed before this goes forward.

9
10 [Applause]

11
12 **Pat Zuck** lives at 65 Monte Mar. She did submit written comments and she trusts
13 she can count on them to stand on their own. Does the Commission have
14 questions about those comments?

15
16 Commissioner Petersen asked if they were submitted as late mail? If so, it would
17 be worthwhile to speak on the highlights of her letter.

18
19 Ms. Zuck said she addressed aesthetics, hydrology, land use and planning and
20 utility and service system. If she was to stress one element it would be the land
21 use and planning element and her comments about that quoted the General Plan
22 objective in the water district to preserve open water and undeveloped shore line
23 areas and to protect maritime oriented and water dependent uses, as well as the
24 waterfront ordinance to "protect the waterfront area while promoting marine-
25 oriented uses which will benefit from and need a waterfront location." In that
26 context, at the very least, a mitigating effort for this project would be to require
27 preservation of the dry boat storage and the kayaking operation. In the previous
28 section on aesthetics, she did comment on the "signature" building at the Point as
29 being an affront to the beach area and seemingly requiring a much higher
30 mitigation with regard to the marsh and the shoreline trial and perhaps a further
31 examination of that entire building. With regard to utility and service systems, it's
32 well known that Sausalito is having sewer problems and that substantial
33 renovations are going to be needed to handle some of the sewage improvements
34 issues. She suggested that this project might be required to contribute to that
35 effort. Finally, she suggested that these as well as other-- and she did also talk to
36 water and hydrology and in a somewhat hopefully to be followed-up way, this area
37 is likely to be somewhat underwater in the years to come, whether it's 50 years or
38 100 years from now. It's surrounded by public easements; it would behoove the
39 City to develop an agreement with the property owner that if these areas flood that
40 the City will not be held responsible to protect private property built knowingly in
41 the way of potential flooding. Finally, she thought that these comments as well as
42 the others were cumulatively significant enough to justify a full EIR. Along the lines
43 of a previous comment in another letter that this project should be examined in
44 concert with surrounding properties, she happened to come across the fictitious
45 business statements for the properties at 80 and 85 Liberty Ship Way. They are

1 separate properties but they are in fact held under identical, individual ownership.
2 She can make those available to the Commission.

3
4 Chair Kellman asked the applicant if someone from WRA is present that evening?
5 The individuals who did the biological resources assessment? She asked Ms.
6 Russell whether BCDC was consulted as to whether or not a permit was required
7 for the construction along the tidal marsh area.

8
9 Ms. Russell said yes, BCDC has been forwarded the project. Is Chair Kellman
10 asking whether they are requesting a permit for the tidal marsh area? It's outside
11 of the tidal marsh area.

12
13 Chair Kellman said her understanding is, from a quick review of the biological
14 assessment, that their consultant recommends that BCDC be consulted to
15 determine if a permit would be needed for construction given the proximity to the
16 tidal flats.

17
18 Ms. Russell said yes, that's correct, and she doesn't know that determination from
19 BCDC yet.

20
21 **Tom Hoover** lives at 300 Napa Street, No. 12. He's a lifetime member of the
22 Sausalito Historical Society since 1982 and a former member of the Historic
23 Landmarks Board. He's lived and resided on the waterfront in Richardson Bay for
24 40 years. He will address the project from a historical perspective. In the Planning
25 Commission Minutes of October 4, 1994, concerning the preparation of a Negative
26 Declaration for 90 Liberty Ship Way, a 16,000 square foot building, Chairman
27 Chuck Ruby noted that in 1991 there had been an application for this same 3.9
28 acre parcel for a 60,000, five building development. Staff determined at that time
29 that an EIR was required for that property and then proposed a request proposal
30 for one and then chose a \$62,000 bid. Subsequently the development was
31 withdrawn. In those same minutes, Commissioner Phillips said she was looking at
32 the boat storage and the rest of the I-zone and she saw another project, and she
33 was concerned with piecemeal planning. Mr. Huff stated that. "He could not
34 visualize another project within the I-zone itself." Subsequently a Negative
35 Declaration was approved for 90 Liberty Ship Way, which he believes is now No.
36 80. So now they do get another project on the parcel, visualized at 57,000 square
37 feet and a Negative Declaration is requested. The practical and legal question
38 comes to mind: Why would a Negative Declaration be okay now when an EIR was
39 required in the past for the same parcel? Quick arithmetic from the Phillips and
40 Huff interchange concerning the piecemeal planning is that 16,000 square feet
41 added to the 57,000 square feet of the present project actually equals 73,000. And
42 they still now have five buildings because they have the one and now there's four
43 more. How can such a development not have a major impact on the environment?
44 The chairman asked staff how many yes responses were on the list and how many
45 are required to trigger an EIR. Staff advised him that it depends on the severity of
46 the impact. Mr. Sparks noted that one yes could trigger an EIR whilst 20 might

1 only require a Negative Declaration. A quick illustration of the possibility of this is
2 in Section 9, land use planning of the Neg Dec, paragraph (b): the Neg Dec states
3 no impact. We will see from other reports this evening that as a matter of fact this
4 project does conflict with the Bay Plan, the Marinship Plan, the zoning ordinance
5 and the Traffic Initiative, to name only the obvious. There are many other concerns
6 triggering the EIR. Mr. Hoover said he will submit a copy of the request for an EIR
7 from the 1990s era to the Planning Commission.

8
9 **Mary Hedson** has been a resident of Sausalito for 25 years. She's also an
10 attorney and she's been asked by the Galilee Harbor Community Association to
11 look at the Negative Declaration in terms of its CEQA implications and she has
12 done that. She pointed out to begin that the Initial Study identifies 24 potentially
13 significant impacts. That's a lot. She just finished handling an EIR for an entire
14 university campus and they ended up with four, which were overridden. So you're
15 talking about some potentially significant impacts of real scope here. And that's not
16 mentioning the ones that weren't acknowledged in the Negative Declaration. When
17 you come to that point under CEQA, you've got two options. You can prepare an
18 environmental impact statement or you can look at the possibility of an MND,
19 which means you're going to try to mitigate all those 24 or more impacts and that's
20 the route that's been chosen here. But for a standard, for a MND, it has to be clear
21 from the evidence in the record that you're going to wind up with some "no
22 significant impacts," and she submits that's not clear in this record; it's far from
23 clear. It's far from clear because in some cases there is no convincing or credible
24 evidence; in some cases the solution has been deferred to the future with high
25 hopes that something will work out, and she references the traffic mitigation in
26 particular, both in respect to the substandard intersections and the widening of the
27 roads. She's submitted a late letter that summarizes some of the impacts, and she
28 won't go over them in detail, but will say they do involve biological resources of the
29 marsh, especially after construction, which is scarcely even looked at; hazardous
30 materials and the handling of those impacts, which particularly after construction, if
31 this is indeed going to be an industrial building there are going to be hazardous
32 materials. There's very little in there about that ground contamination; as you know
33 they're relying on the neighbors to take care of that problem. Traffic mitigation
34 measures are a problem because there are times when fair share contribution to a
35 traffic program by a developer can in fact serve to mitigate a project. There's been
36 a whole lot of case law about this. And sometimes it does, sometimes it doesn't.
37 She goes into the standards in her letter and this one falls below that line. As she
38 looks at this thing, it's pretty clear the project's going to wind up with an EIR one
39 way or the other and they might as well get on with it. This is the lead agency, this
40 is where the responsibility lies.

41
42 **Adam Krivatsy** lives at 840 Olema Street. He would assume that the staff did a
43 very thorough job; he listened to the developer and he assumes the developer has
44 very competent technical assistance and abided by all the letters of the law. So
45 let's say this project, according to all the rules, is okay and is not going to affect the
46 infiltration, the views, the nesting habits of the birds or traffic. He would like to

1 appeal to the Planning Commission, which is the body that represents the
2 conscience of the community, regarding another concern. The City has very few
3 places on the waterfront where as much happy activities take place as at that
4 beach. He was there last Sunday with his grandson and he a building on the
5 place, even if it's surrounded by a public space, that building itself will change the
6 mood, the place that they now enjoy and that is one of the few places on the
7 Sausalito waterfront where there are no automobiles parked or lots of asphalt
8 waiting for automobiles to park. He appeals to the Commission to consider the
9 impact that hasn't been mentioned anywhere that this will have on the lives of all
10 of us.

11
12 **Mike (not recorded).** He addressed the specific issue of the impact of usage. The
13 impact is always calculated according to the current usage, as the applicant said,
14 the background noise, background parking and so forth and it will be used in
15 accordance with all the regulations of the place. Looking at the current use, which
16 is supposed to be industrial and marine industrial and so forth, what one finds is
17 that at 80 and 85 Liberty Ship, just looking at the businesses there now, there is a
18 branding company, advertising companies, film and web development companies,
19 a women's clothing warehouse, and a commercial mortgage company. He finds it
20 hard to understand how these businesses represent compliance with the zoning
21 now. The City needs to have a full environmental report to assess what the real
22 use of the buildings will be in order to assess what happens to the marsh land,
23 what happens to the kids that play there, what happens to those who like to kayak,
24 and what happens to traffic. Only the real usage determined by a full
25 environmental report that makes the right assumptions will give us the right
26 answers.

27
28 **Carolyn Ford** lives at 201 Valley Street. Her main concerns are the aesthetics and
29 the traffic and a lot has already been said about those two items. The visual
30 impact is critical. Existing usages now are boat storage and kayaks. It's open.
31 There's openness whether you're walking, whether you're looking down from
32 Bridgeway or wherever. And that openness needs to be maintained; it is the part
33 of the waterfront that is open, that needs to be kept that way. Also, consider the
34 view from the water. Do you want to be looking at huge buildings or would you
35 rather be looking at more openness on the land. Traffic is one of the biggest
36 impacts. The usage in the Marinship area tends to morph into other things. It starts
37 out low impact and then morphs and that's already been mentioned that evening.
38 One of the things that happened recently was a fishing pier which she watched
39 morph into a recreational marina. Those kinds of things shouldn't be happening,
40 but from what she's read in the letter written by the architect these buildings are
41 designed for offices. If they're going to be offices there's going to be a high traffic
42 impact. So the City needs to look at the entire design of the Marinship, they need
43 to look at the whole area and not develop it piecemeal as has been done. If they
44 increase traffic with each piece of land that's developed, it's going to be totally
45 unmanageable. And each property owner down there has a right to develop his or
46 her own property. So the City needs a plan, whether it's developed by the

1 Marinship visioning committee or some other part of the City. The City needs an
2 overall plan for the Marinship area. In regard to the geological study and the rising
3 water level, that is a good reason not to have buildings on that property. To have
4 open boat storage is the thing that should be there because they're easily moved
5 should the water rise and the water will pick them up and carry them anyway.
6 She's also concerned about the sanitary district which Pat Zuck talked about. She
7 agrees with Ms. Zuck's comments.

8
9 **Julie Warren** lives at 1707 Bridgeway. In looking at this, she can understand how
10 the Negative Declaration came about. The information presented to the staff was
11 gone over, and yeah, that's negative. BCDC and everybody has not yet weighed
12 in, so there needs to be more than that. The use is not defined clearly and the
13 zoning in that district is defined clearly: maritime and light industry. And office
14 buildings kind of tip-toed in because they're art, which, you know, it's going to
15 happen. But let's work on it and stick to the plan or build one that does work. In
16 terms of the zoning and the building itself, look at what's happening outside of the
17 corridor of the building envelope. They have 14 days to check for potential
18 damage to nesting areas. Meanwhile, that nest is gone, the hatchlings have been
19 eaten or the kid's rock has been thrown. Now, that's a potential damage caused
20 specifically by that project which does necessitate adjusting for possible
21 mitigations. Also, research needs to be done on pervious, first flush pavement.
22 Unfortunately, it has a tendency to clog. If it clogs, the runoff is going to go right
23 into that marsh. The fill there is World War II and post World War II; she's not sure
24 you want that type of runoff going into that marsh, especially since that marsh has
25 been designated a delicate habitat. Also, in the seismic area of this, that area
26 shifts very easily. The sand area has a tendency to liquefy and then it pushes
27 against the mud, which is the foundation underneath, and then the mud of the
28 marsh and you have all this land doing the hula and basically you've taken out the
29 marsh and the surrounding areas. So that's something that needs to be looked at
30 that is a direct effect of this property on the surrounding properties which is within
31 the zoning of how this building is constructed. These are things that can be looked
32 at legally and are a good reason for putting a stop hold on this, doing a complete
33 EIR and asking for mitigations that fall within that.

34
35 **Bob Zadek** of the Sausalito Yacht Harbor noted that Sausalito unhappily lived
36 through the creation of an adverb. Sausalito recently got "Alta Mira-ed," and a
37 stealth project came in and the fight is in the courts with Sausalito as a plaintiff in a
38 case that involves the impact on Sausalito of what we say is one unit and the
39 developer says is eight units. They are now discussing the impact of one building
40 or three buildings, which is now the succession of three more buildings or four
41 more buildings that were built before. And you can't look at these three buildings in
42 a vacuum. It's like a Trojan horse. That is to say if they built these buildings one at
43 a time, each building would be evaluated as low impact. If they were to build seven
44 buildings at the same time it would be a monumental impact and everybody would
45 call for the EIR. So the fact that this is only three or four of the last three buildings,
46 doesn't eliminate the need for an EIR. It's a Trojan Horse sneaking in, in addition

1 to which the developers have been very cagey about the use. How could anybody
2 predict traffic without knowing what it's going to be used for? If it's going to be
3 used for a fast food restaurant, the traffic is much greater. If it's going to be used
4 for a mortuary, the traffic is greater. If it's going to be used for whatever, the traffic
5 will vary. You can't begin to discuss traffic usage without knowing what the
6 building's going to be used for. Industrial uses doesn't really cut it. Then the
7 developers talk about well, we're not going to impact the marsh because it's going
8 to be 8 1/2 inches from where we're allowed to be. So we're going to turn that into
9 like a heron zoo where you can look out the building while you're working in your
10 office and watch a heron through your window. That's not what Sausalito is about.
11 Sausalito is not about building office parks with has nine-to-five visitors who get off
12 the freeway, look at a heron, and go home. He's been living in Sausalito for 11
13 years; out of pride every day he uses the Google search system and searches
14 every blog that Google knows about for one word, Sausalito. And he looks at what
15 the world says about Sausalito. Nobody has ever commented about our office
16 buildings. Are we now morphing into an office park? There is only one standard,
17 whether they're talking about the harbor or the office buildings: What's in it for the
18 residents of Sausalito? And this offers the citizens nothing.

19

20 Chair Kellman said she had asked the speakers to link their comments to the
21 elements under discussion regarding the MND; she'll take it Mr. Zadek's
22 comments refer to the cultural resources element.

23

24 Mr. Zadek said on the aesthetics and on the parking and on the traffic. And on the
25 heron zoo.

26

27 **Michael Rex** is a local architect. He will focus on the Initial Study and save design
28 comments for July 9. He studied the Initial Study and found it to be flawed.

29 Reasons include: on the aesthetics when the question comes up about adverse
30 effect on scenic vistas or degrading visual character, it finds there's no impact.

31 They conclude this because they're only looking at the Marinship Specific Plan
32 view corridors. There's many view impacts that need to be studied. What's going
33 to be the view impact from the public beach? What's the view impact from
34 neighboring properties? These haven't even been considered.

35

36 The study calls this a vacant site. That's not true. There's a dry boat storage that is
37 a use that's needed and water oriented that will be lost, there's kayaking and it's a
38 public recreation area, and yet the Initial Study says that there's no impact on
39 recreation. We don't know that the kayaking will be preserved.

40

41 It describes the project as of industrial character, but it's not. There's no roll up
42 doors, there's no work space. It's basically an office park building surrounded by a
43 sea of asphalt. The residents definitely deserve better than that on their shoreline.

44

45 The pavement is said to be softened by the planting of trees. If you look at the
46 plan, there's very few trees and what there are, are certainly insufficient, and it

1 calls for pervious pavement, but there's no perc test to demonstrate that the soil
2 can absorb that water effectively, so how can you determine that there'd be no
3 impact? The pavement is much too close to the shoreline, the City should not be
4 parking cars on its water's edge. The Initial Study goes on to say that this project is
5 going to enhance the pedestrian path along the perimeter. How? His opinion is
6 that it crowds it, in fact the buildings are too close, they're too close to the beach
7 and they're too close to the path. It's going to privatize that path.

8
9 The project description in the Initial Study is wholly inadequate; it's a paragraph
10 long and nowhere does it discuss the uses. That's ridiculous. You'll find a
11 discussion of uses on page 34 in the discussion of parking standards and when
12 you look at that you'll find that 37 percent of what's proposed is mini-storage.
13 Where is the documented need that we need more mini storage in the Marinship?
14 He'd like to think they don't need more. It creates a dead zone day and night; they
15 are proposing 21,000 square feet of storage. Why does Sausalito need on its
16 shoreline a big box so they can look at people's junk? He can tell them why.
17 Because that's one of the few market rate uses that the Marinship Plan allows as a
18 permitted use. The City has a problem with the Marinship Plan. If they don't
19 change it, they're going to get more projects like this and more mini storage on the
20 shore. The applicant is limited by this Marinship Plan; unfortunately it's going to be
21 dead at night when these workers leave. The City needs some mixed use and
22 some residential use because they need to put jobs closer.

23
24 You'll also find that the initial study doesn't mention it, but if you do the math, you'll
25 find that a 66 seat restaurant is proposed; the Marinship Plan only allows for 20
26 seats without an exception. We know you can't make a restaurant work with only
27 20 seats. But here the City's tripping on the Marinship Plan again.

28
29 When you get to traffic, the study says it's a minimal scale project. How can that
30 be with 57,000 square feet generating 822 daily trips? And the mitigation of that
31 impact depends on a phantom loop road that may never be built. That's not
32 mitigation; that's fantasy. And lastly on traffic there's no impact or analysis on the
33 intersection of Bridgeway and Marinship at the Easterby ramp, which is going to
34 be its prime access point. What are those impacts?

35
36 It talks about substantial open space for employees; where? He can't find it. And
37 where's the public benefit of that? Where are the public uses that the City should
38 expect? There's nothing about sustainable design that he can find. Where's the
39 solar, water filtration and catchment, and other green standards. And where is the
40 CEQA requirement for historic and community heritage evaluation?

41
42 Lastly, not only is the Initial Study flawed, it's premature. He asks that the property
43 owner joins other major property owners in the Marinship and work with the
44 Waterfront Marinship steering committee to work together with the community to
45 plan a better project and withdraw this application.

1 **Jonathan Leone** said he' has submitted his remarks to the Commission in writing
2 but will just touch on some items briefly. Regarding the aesthetic question, he
3 would argue that the view corridor discussion doesn't adequately describe the
4 view impacts because there are diagonal views in the Marinship Plan that are not
5 being considered here, nor are there considerations of public view points from
6 within the Marinship area or from other private property. There's an argument
7 being made that it would not degrade visual character of the site; there's an
8 argument to be made that cars are less visually pleasing than boats certainly. Also
9 of concern, regarding the marsh restoration easement and the closeness of it, is
10 the fact that this property is held by other property owners in the area and that
11 there has been lack of follow through on that marsh restoration, which is a
12 condition of approval for development along those properties, and there has been
13 a lack of City follow through on that as well.

14
15 In terms of biological resources, there was dismissal of a riparian habitat because
16 the project wasn't being built in the marsh. Very strange. And also the assessment
17 only looks at birds, which that close to the water is far from acceptable. Regarding
18 cultural resources, he's been working with a group of Native Americans who have
19 designated this site as a possible Indian burial ground and habitation area. Any
20 inlet of water or outlet of fresh water has a possibility of being a Native American
21 site and proactive review needs to take place here.

22
23 As far as the soils go, we hear consistent complaints from the owners in the
24 Marinship that the area is sinking and that they need to reevaluate their properties.
25 Here we have an issue of a building being built on slabs so that we don't find out
26 what is buried underneath that fill and in turn what the slab does is push the water
27 around to other areas and increase the rate of subsidence, so the City needs to
28 see what is underneath this area before slab construction versus pier or other
29 adequate construction is approved. From a storm water standpoint, it's so close to
30 a marsh how could you not consider it and how can it be dismissed so out of hand
31 by "percolating pavement?" That's ridiculous. In terms of land use planning, he
32 could go for the rest of the evening. In section 14, proximate parks and its impact,
33 there's no way this type of construction where 40 percent of it is office space won't
34 have an impact on the park less than a quarter of a mile away. And therefore
35 mitigation measures should be applied to consider the impact of the cost of the
36 increased use of the park; the same is true of sewer facilities, the width of the
37 street. Owners of Marinship properties are complaining that the sewers are
38 sinking. Of course they're sinking, the whole land is sinking. Well, you have to
39 improve the sewer system if you build a facility of this size. In terms of
40 transportation, there's no mention of the 1985 Traffic Initiative, which is kind of
41 curious considering the earlier quote by the applicant's consultant that it was
42 flawed and that he mentioned only if you for a certain size on the parcel; that's not
43 true and that's not how it works. The number of trips per day, again, how could
44 822 trips per day not have an impact, as noted by Mr. Rex. He would also note
45 that the developer has objected to building a roadway that is adequate for what the
46 City strives for for fire access of 20 feet. They have objected to building a sidewalk

1 and they want only 15 feet single direction traffic. How is that a traffic solution?
2 The last thing he would mention, as someone noted, the impact on sewer
3 treatment, he can say that despite staff's statements about conversations with the
4 sewer district, they are at or above capacity at that particular plant and at certain
5 times of the year therefore the use of utilities such as sewer and water-- there's no
6 mention of increased use of water. Sausalito has an allotment of water from the
7 water district. The town has never considered water in any size development as an
8 environmental impact; it needs to be considered here. He'll stay away from the
9 land use planning but he just wants to read one of the purpose statements of the
10 City's zoning ordinance: "To protect and establish character and provide private
11 and public areas within the City to ensure orderly and beneficial development."
12 And that's not just for the developer. "To reduce or remove negative impacts
13 caused by inappropriate location, use or design of buildings and land uses in
14 relation to natural and built hazards and to the local circulation system. To
15 preserve and enhance the unique visual and natural qualities of the City of
16 Sausalito." Does this project achieve that? "To balance view protection with
17 property rights. To provide adequate personal and public safety access," "to
18 promote a safe, effective traffic circulation," "to preserve and enhance natural
19 resources," such as this marsh, and "to coordinate the service demands of new
20 development with the capacities of existing streets and utilities." But also, the most
21 important one in this book is "to provide for effective citizen participation in
22 decision making." And when you have a consultant for a developer telling you as a
23 community that you cannot comment on a project unless you do it to his liking is
24 not acceptable.

25
26 **Ven Wilkinson** lives at 1731 Bridgeway. She lives directly across from this
27 property up on the hill above Bridgeway. As her neighbor pointed out-- she
28 received no notice on the hearing even though her line of sight will be distinctly
29 interrupted-- she thinks looking at the story poles, she won't be able to see the
30 water any more, she'll look directly across to the land at Blackie's Pasture before
31 she'll be able to see waterfront again. But that's her situation, which is relatively
32 unique, there are only a few buildings there at that height; however, now looking at
33 the window size and knowing how when lights are left on in a large building that's
34 already there, when those lights come on, and they have many workers that work
35 nights, it definitely changes the illumination of the area, and she's considering if
36 these are office buildings that there will be people, especially during the winter
37 time, working there at night, so not only from her house but perhaps for every
38 house between Easterby and Napa, all the way up that slope, the whole quality of
39 light pollution may be an issue.

40
41 Vice Chair Keller said he'd like to hear from the transportation consultant.

42
43 Ms. Russell said for clarification the transportation consultants were contracted by
44 the City.

1 **Presentation by Transportation Consultant Daleen Whitlock**

2
3 Daleen Whitlock is a principal with Whitlock and Weinberger Transportation in
4 Santa Rosa, and they were contracted by the City of Sausalito to prepare a traffic
5 impact study for the project. They worked with City staff to determine the scope of
6 the project, in other words, how many intersections were to be evaluated. She
7 didn't prepare a presentation, so she would just address things she's heard people
8 talking about and then answer any questions the Commission has. First and
9 foremost, she noted that when a traffic impact study is done they are looking at
10 whether or not the increase in traffic is considered significant in terms of the
11 particular City's adopted standards. She heard a number of people say, how can it
12 be possible that there's no impact? And in fact that's not what the case is, there is
13 an impact, it's just that that impact is less than significant. They never said that
14 there was no impact. They did find that the delays go up slightly. But the traffic
15 conditions are looked at for peak periods, morning and evening, on weekdays, and
16 the amount of traffic added by this project will not be enough to change the
17 operating conditions at any of the six intersections the study looked at. Someone
18 noted that the whole City should have been looked at. This project does not
19 generate a tremendous amount of traffic; it's not a small amount but it's not a huge
20 amount either. And by the time you take that traffic and start distributing it, some
21 goes north, some goes south, some goes west, after you get several intersections
22 away from the access points on Bridgeway, the volumes at that point start
23 becoming so low that then there really won't be enough of an impact to notice a
24 change in the operation. And that's probably why the staff selected the study area
25 that they did.

26
27 Chair Kellman asked how can a traffic study determine traffic volume either peak
28 or off peak if they're not clear on the type of use for the facility?

29
30 Ms. Whitlock said that was a challenge, because there was not a specific
31 proposal. What we did was we worked closely with Ms. Russell and looked at what
32 the worse case would be, in which case we had a lot of industrial space and then
33 the mini storage that somebody talked about, that's actually the boat storage, the
34 containers that are out there now, are moving those things into one of the
35 buildings, it's not a new mini storage facility. It's retention of the existing storage on
36 site in that one building, but they didn't have a boat storage category for standard
37 parking rates, so that's why you'll see some kind of odd uses identified, because
38 they just used what was available. But they tried to look at it and included some
39 restaurant space in there because up to 15 percent of the space could be a
40 restaurant, and they assumed a restaurant because that generates more trips than
41 an industrial use, for instance.

42
43 Commissioner Petersen asked if there is a big difference between office and
44 industrial use in terms of traffic? Are they basically the same?

1 Ms. Whitlock said no, an office use is definitely more traffic intensive than general
2 light industrial would be.

3
4 Chair Kellman asked if she ran three different scenarios: storage, light industrial,
5 and full buildout as office space.

6
7 Ms. Whitlock said they did not include any office space per se. General light
8 industrial use includes a small amount of office. In an industrial building you're still
9 going to have managers or a certain number of employees that need office space,
10 but it's not an office building. They also assumed some retail space and some
11 restaurant space. They looked at a number of different configurations and
12 combinations and tried to find something that would be reasonable and it may be a
13 reasonable mitigation against the project, as they get tenants, to try to look at what
14 those tenants are and ensure that the traffic generation of the tenants doesn't
15 exceed what is assumed for the project.

16
17 Chair Kellman asked if it is fair to say Ms. Whitlock would be able to provide a
18 more accurate traffic study if she knew what the exact use of the structures was
19 going to be?

20
21 Ms. Whitlock said yes.

22
23 Commissioner Petersen asked if Ms. Whitlock had any part in helping to define
24 some of the mitigation measures? The traffic loop and so on?

25
26 Ms. Whitlock said the loop actually came from the Specific Plan EIR; they didn't
27 come up with that one themselves, it was in existing documents that have already
28 been applied to this area, that the loop has been in an EIR that the City adopted,
29 so they felt that was an appropriate mitigation measure to include for this project.
30 The need for the loop, as somebody mentioned, when you start talking about
31 impacts from this project, it seems kind of strange that the only impact that they
32 really identified was all the way up on Harbor and nothing is down on Liberty Ship,
33 and in fact the need for the loop is really driven by the traffic that's generated in
34 the northerly part of the Specific Plan area. The project itself doesn't necessitate
35 the loop; it's when you add all the rest of the other traffic, assuming some of the
36 other parcels at build-out.

37
38 Chair Kellman said the MND said there's no impact regarding emergency access.
39 One of the speakers suggested that in fact that's not the case, that due to the
40 width of the streets and the increased traffic flow, that there would be an impact on
41 emergency access. Can she speak to that?

42
43 Ms. Whitlock said for emergency access and particularly for fire apparatus, they
44 require a minimum of 20 feet in width; one of the recommendations was to provide
45 a minimum of a 24-foot-wide street with no parking on the street; that would
46 certainly be adequate for emergency access.

1
2 Chair Kellman asked if she is familiar with the Traffic Initiative that was
3 mentioned?

4
5 Ms. Whitlock said she's not.

6
7 Chair Kellman asked staff to make sure that the consultant received that.

8
9 Commissioner Petersen said there might be the possibility that some other traffic
10 mitigation measures will need to be looked at in the future. Is that part of Ms.
11 Whitlock's scope of work with the City?

12
13 Ms. Whitlock said her existing contract with the City includes that evening's
14 meeting and one more hearing. If additional analysis is needed, that's certainly
15 something that could be provided.

16
17 **Continued remarks by Applicant**

18
19 Scott Hochstrasser said the most important comment that he would like to rebut is
20 what the Commission heard from the traffic consultant, and that is that they picked
21 the use and listed uses that are allowed in this zone under the Specific Plan. The
22 worst case. They did a worst case analysis and that's what CEQA requires them to
23 do. You can't ask a project developer to have anchor tenants for a building that's
24 not been approved. So you're asking us to pick from a multitude of uses that are
25 allowed in the zone and then tell you what those uses are and then you analyze
26 the project. What happened in this case with the traffic analysis is the worse case,
27 they used the worse case set of uses. There's no proposed restaurant use, but
28 they used 15 percent because that's what the zoning ordinance allows. So the
29 worse case shows that this project has no significant adverse impact on traffic
30 except when it's accumulated with all the other build out of Marinship. So you have
31 to be really careful about the nexus between the traffic improvements and the
32 project itself.

33
34 Chair Kellman said the MND actually says it's not less than significant; it's
35 potentially significant unless mitigation is incorporated. That should be clear for the
36 record. On page 29, under "will it cause an increase in traffic which is substantial
37 in relation to the existing traffic load and capacity of the street system ..." it's
38 actually potentially significant. There have been comments that it was "less than
39 significant," and that's not accurate.

40
41 Mr. Hochstrasser said less than significant with mitigation. On a cumulative basis.

42
43 Chair Kellman said right, but she thinks it's worth using the language in the MND.

44
45 Mr. Hochstrasser said that's fine, but he wants to make the point that the worse
46 case analysis has been done. So they can ask this traffic consultant to do an office

1 study, but that's not allowed in the zone. That's not a use that's planned or
2 proposed; they're asking for approval for a building that meets the City's zoning.
3 Not something that doesn't meet the zoning. And in fact, if you approve that, he
4 doesn't think the Commission has any authority since it doesn't make the
5 legislation. The City has a plan and he's trying to design a project that meets the
6 plan. That relates also to the point about the Traffic Initiative. He heard earlier from
7 the speaker that what he said about it wasn't exactly right. Well, he'd like to see
8 the initiative, he's never see it. So it's kind of the secret document that we don't
9 know about. It's kind of the Di Vinci Code if you will. In terms of hydrology and
10 hydraulics, there was a considerable study done and there are mitigations that
11 require all pollution from the parking lot to be managed; the parking lot would be
12 vacuumed so it would continue to work as a percolation system. Yes, they do clog
13 up, but not if you maintain them.

14

15 Chair Kellman asked if there has been a perc test done?

16

17 Mr. Hochstrasser said he believes there has.

18

19 Commissioner Petersen said yes, there's one in there.

20

21 Mr. Hochstrasser said with respect to the BCDC process, the Commission knows
22 that you have to have a local permit before you get a BCDC permit and he's
23 already started that process, to try to get BCDC's feedback, and they've made
24 some design modifications based on that feedback. There's some anecdotal
25 history about a previous project back in 1994. Every project has to be measured
26 on its own merits and looked at from a CEQA perspective on its own merits and it
27 would only be fair to look at this project today and not try to say they need an EIR
28 because of some previously designed project. Michael Rex made some really
29 excellent points. This project is designed to fit into the City's Marinship Specific
30 Plan; it's designed to fit into the zoning; it complies with the City's policy and
31 regulations; it complies with the CEQA analysis. The point is that the Commission
32 may have a room of people present because they don't want the project that
33 complies with the policy or complies with the zoning. And in fact if you do the
34 analysis based on what is allowed there, the project has already gone through the
35 worse case analysis, particularly with respect to traffic. And if you ask the applicant
36 to do an analysis for office, that's kind of ridiculous, because you can't have office
37 there. Every use that goes into these buildings is subject to an occupancy permit
38 that goes through the City process. And so the applicant doesn't control that, the
39 City controls that, in terms of land uses. Finally, thresholds. The thresholds that
40 were used for the traffic impact analysis or visual impact analysis are thresholds
41 that are specified in the City's General Plan, in the Specific Plan and in the City's
42 zoning regulations. And the City's staff did an excellent job of pulling out those
43 thresholds in terms of visual impacts, in terms of traffic impacts, and the staff used
44 those thresholds because those are the thresholds that are required to be used by
45 the City when you're analyzing and basically determining whether a project has
46 significant impact. Anyone can create new thresholds, but that's not appropriate

1 because the focus is on the thresholds that have been established by a previous
2 policy and regulation. Regarding citizen participation, the project sponsor has had
3 several meetings with surrounding property owners and you can see in a couple of
4 the letters that those meetings haven't met with much success, but that's not to
5 say that they haven't actively reached out to neighbors and asked them to
6 participate. They've met with the people at Galilee Harbor, our direct neighbor, and
7 with the building behind the proposed project at 30 Liberty Ship, so he is not
8 closed to the public process and the property owners wants to stay open to all the
9 public comments they've heard that evening.

10
11 Chair Kellman asked in terms of timing for this project, the City does have a
12 waterfront steering committee that is getting together. Has Mr. Hochstrasser had
13 any interaction with any members of that committee or is there any interest on his
14 part on even delaying the project in order to have a more integrated approach to
15 this project?

16
17 Mr. Hochstrasser said he can't answer that; he just learned that afternoon that
18 there was a new steering committee and that there's a consideration by the City to
19 amend or modify the Marinship Specific Plan. He can't answer that question for his
20 client at this point.

21
22 Chair Kellman asked if he could take that question back to his client, and the
23 context being, a willingness to work with the community because there's going to
24 be a really hard, thorough look here, and the applicant can be either a positive
25 player or caught outside it and maybe have an uphill battle. She doesn't know how
26 it's going to play out, but maybe the client wants to think about it.

27
28 Mr. Hochstrasser said he appreciates that direction.

29
30 City Attorney Mary Wagner noted that the provisions of the Fair Traffic Initiative
31 are actually incorporated into the City's zoning code so while people may not have
32 known that they had access to the Fair Traffic Initiative, it's in chapter 10.40 of the
33 City's zoning code which is available online. She's happy to give anyone who
34 wants it a copy of the text of the initiative itself, but it's certainly not a hidden
35 document and in fact the City has tried to make it as accessible as possible.

36
37 Chair Kellman noted public comment is now closed. She thanked the public for
38 their comments and brought the discussion back to the Commission.

39
40 **Public Comment Closed**

41
42 **Commission Discussion**

43
44 Chair Kellman noted she does some of this work for a living so she looks at it with
45 maybe a more critical eye than the applicant would like. Her major comment is that
46 the scope of the MND is completely inadequate. She was shocked to see that on

1 the very front page, or actually on page ii here, it doesn't even call out cultural
2 resources, land use and planning, or recreation as even topics that should be
3 evaluated within this document. She just couldn't believe that, especially with
4 regard to the land use and planning, the Marinship Specific Plan being such a
5 huge issue. Or cultural resources, with this being a waterfront community, and also
6 in terms of what was brought up related to Native American issues; in terms of
7 recreation, with kayaking, reduced along the path. She's shocked. She doesn't
8 know how this document was drafted without those issues being included in the
9 scope. She agrees also that the project description was inadequate; she would
10 have liked to have seen way more about this project, particularly since it's coming
11 before the Commission for a design review and zoning analysis. So to have that
12 short project description for a project of this size under CEQA was, again, wholly
13 inadequate. She took a look at the biological assessment, and there are no less
14 than seven species that may or may not be impacted here. Yet, she doesn't see
15 any sort of communication, and she knows that the applicant has initiated these
16 conversations, but the salt marsh harvest mouse is federally endangered. The San
17 Pablo song sparrow is a state and federal species of concern. Again, there's
18 another species of concern, another bird species. This is total marsh, total mud
19 flats, they have a state listed species with the Point Reyes birds-- she is surprised
20 at the lack of depth of analysis that is given here. She's worked with this
21 consultant before and she knows they are very good. She would like to have seen
22 what are the agencies thinking here, what's Fish and Game's stance; what's
23 BCDC's perspective on this. She knows that they need to get a local permit before
24 they can get a permit from any of those agencies, but there still should be a
25 conversation, particularly given the real sensitive habitats present here. So she
26 would like to see a biological assessment that either goes a little bit further or has
27 some sort of back up documentation or interaction with the agencies. And even
28 Fish and Wildlife Service-- there are certainly federal species here. She was
29 shocked that there wasn't more of a discussion of the biological resources. She
30 doesn't want to be too repetitive, those are her two main concerns with this project
31 and both of which lead her to suspect that a MND really isn't going to cut it here.
32 There are a lot of biological resources here; a lot of cultural resources, there are
33 land use and planning issues. It hasn't been addressed fully here; she doesn't
34 know that it can be addressed adequately in this type of document. So she thinks
35 staff really needs to think hard about what type of document is really going to
36 address all of these issues. There are concerns with drainage patterns; they
37 certainly have concerns with pedestrian views and other visual impacts. There are
38 potential conflicts with land use; there are traffic issues that she doesn't think
39 anyone in this room is satisfied with, including maybe the traffic consultant. And
40 again, the community resources, water, sewer, other utility uses that have to be
41 considered. This is premature but she'll just throw it out there that for this day and
42 age to have a project of this size, and, at least from the drawing, she doesn't see
43 any solar panels, she doesn't see a hint of any green, sustainable design here.
44 That just breaks her heart to think that we're just doing more and more impacts on
45 the environment and this is how it's turning out, with this carthage of impervious

1 surface, so they're not even given back to the community in that fashion. She has
2 huge concerns with the adequacy of this document at this point.

3
4 Commissioner Petersen said "what she said." He went on to say that there was an
5 element of the project which he was very excited about, which is permeable
6 pavement, which he would like to see a lot more of. Right now that site is largely
7 impermeable, so this would be a vast improvement, as long as there is good
8 percolation and they actually are providing, if there isn't, if there's enough rain,
9 there's a back-up system for it, too. So he'll start there and say he was glad to see
10 that characteristic. But he agrees entirely with Chair Kellman; he'd like to see an
11 awful lot more in terms of energy conservation and so on for this. But he also kind
12 of-- they are just at this level of review and maybe there are a lot of things to come
13 at design review, so he's been kind of holding back on a lot of the commentary on
14 things that he really wanted to see which he thinks ultimately will end up going to
15 design review. The traffic issue was something that was the biggest-- he works
16 down in the Marinship and it's pretty nasty as it is right now. It's hard to imagine
17 with that many people showing up for work, whether it's industrial or office, and not
18 seeing a major impact on traffic, particularly if they're coming at regular times. If
19 people are showing up there during the day and leaving at night, roughly within the
20 same time or within the same few hours. It's already over burdened. And we
21 already know the sewer problems in town and this obviously is going to be a major
22 addition to the burden on the sewer plant. The majority of his comments would be
23 addressed at design review and later on, and he has to agree that there were a
24 couple of-- he has a lot of zoning issues to go through during design review, and
25 it's hard to separate that out of this review.

26
27 Chair Kellman said he doesn't really have to, because land use and planning-- it's
28 subtle, there is a distinction, but land use and planning could have been, might
29 have been and should have been a part of this document.

30
31 Commissioner Petersen agreed, and if they were in the MND, that would have
32 really opened the door. But he thinks he'll reserve the majority of those kinds of
33 comments for the forum at the next review, and he won't be on the Commission by
34 then so he'll be in the audience and participating that way. He has to say that there
35 is a point that the applicant made and that is, if the City sees a lot of dissatisfaction
36 coming with this kind of project, and at least a part of the project can fit within the
37 City's zoning, the City really does need to take another look at the MSP and see if
38 it's working for the City. Maybe it is, but he has a feeling that maybe there's some
39 new things the City would like to see change and this might be a good project that
40 will actually tell us that. He wants to really, really encourage the applicant to come
41 to the July 3 meeting, the Marinship steering committee meeting. It's at six o'clock
42 in this room. There will be monthly meetings and it would be great if this project
43 were coordinated with any other future development. He's seen sneak previews of
44 lots of other plans for the Marinship, the Arquez shipyard and Gate 5 and so on.

1 Chair Kellman said that's a very good point, that both Michael Rex and the
2 applicant have made, regarding the community consensus conflicts-- that the
3 community may not like what the Marinship Specific Plan is saying, but that needs
4 to be separated from the environmental issues and the scope of this document
5 and whether this was a thorough enough CEQA review and what was missing and
6 what wasn't looked at, so she wants to make sure the discussion circles back to
7 that. But that was a good point and taken well.

8
9 Commissioner Petersen said this is another thing that sort of falls into the
10 Commission's lap too, and that is these buildings, even though he looks at them
11 and there are roll up doors and there is an attempt to accommodate an industrial
12 use, you can't actually access any of these roll up doors because there's parking
13 in front of them and sidewalks and curb cuts. So maybe that's just a screw up in
14 the drawings right now, but it looks like window dressing, it looks really like an
15 awful lot of office buildings and granted, the Marinship Specific Plan doesn't allow
16 for that but that doesn't mean it doesn't happen left and right down there, and
17 those cars are still real out there, going and coming. And that's partly a problem of
18 enforcement. But most of his comments will come next time.

19
20 Vice Chair Keller said he had the opportunity to walk around this area for about
21 two hours that day and he hadn't been down there for a while and it really is such
22 a beautiful space. The marsh land is just spectacular; he has a painting of it in his
23 house and it's really meaningful to him. And he noticed that the City's put up a
24 couple of perfunctory signs to ask people to not walk close to the marsh, to walk
25 up on the higher road. But still people use the lower road. And then he walked
26 along around the point and there were two kayaking classes of grade school and
27 high school kids who were getting an education about the waterfront, being down
28 close to the water, understanding and learning about what's going on at
29 Richardson's Bay with wildlife, etcetera. And he looked back and he saw the story
30 poles and they even intimidated him and he looks at story poles all the time
31 because he's been on the Commission for four and a half years. And he just
32 thought from an aesthetic standpoint alone, it would have an impact. And then he
33 takes the applicant's comment about as owners we do have a baseline use for this
34 property. Well, if he analyzes what the current baseline use is, it's almost
35 exclusively dry dock storage in a number of containers and they've got a tenant in
36 Sea Trek for the kayaking school and for people to rent kayaks. And then he looks
37 at what the applicant is proposing to do, they're proposing to take that entire
38 baseline use in essence and squeeze it into a significant building at the back of the
39 property, that's going to be all the dry storage, and then they're going to develop
40 everything in front of it with new buildings. He finds the renderings very attractive
41 and he loves the way they've got the umbrellas outside even though it's an
42 industrial building, and they're not applying for a restaurant, but--

43
44 Commissioner Petersen noted it's very windy there too.

1 Vice Chair Keller asked who's going to take care of these umbrellas if there's not
2 going to be a restaurant. And the drawings show all these kayaks out on the beach
3 and Sea Trek's not going to be there anymore, so he doesn't know where those
4 kayaks are coming from. He thinks in the end, he respects staff and they have
5 done a credible job in going through and writing this report, but he finds that the
6 mitigative measures in certain cases, particularly with regards to the
7 transportation, are so nebulous, they're not quantifiable. That bothers him. That
8 alone disturbs him to the point that he can't agree with the conclusions drawn with
9 regard to transportation. As residents and stewards of the waterfront, they have
10 this whole area in front of the Commission and it's going to come in front of the
11 Commission again over the next five or six years, because after this project is
12 going to be the Arquez property. They've all seen, in the IJ, what the proposal is
13 for that piece of property; it's enormous. This is a much bigger issue over and
14 above just a MND that's in front of the Commission that evening; this is an issue
15 that the community really has to get their arms around. The City Council needs to
16 do something concrete about the Marinship Plan and quantify or define really what
17 they want out there, because in the end, to use the analogy of another developer
18 in town, who figured out the system, and even though the City asked continually
19 for a master plan or the project, it never got one. And that developer was able to
20 slice off parcels of the property and what was the City left with? A lawsuit over the
21 Alta Mira hotel. In the interim, the developer got everything he wanted, sliced off
22 different parcels, built out each parcel, and now he's left with something that
23 basically he's told the City, "you can't do anything about," so we have to sue him.
24 So here we are with one of the most important pieces of property in this
25 community, all along the waterfront and he knows for himself, he feels a real
26 strong responsibility to represent the community in this regard and he thinks that
27 this needs a lot more input from the community, it needs a lot more input from
28 staff, from City Council, and from the Commission. And it's not just going to be one
29 or two hearings and then start looking at design review. He doesn't feel
30 comfortable with this at all. It's a huge project, taken in isolation, sure it could be
31 determined that there could be mitigations on different aspects of the project, but
32 taken in the overall context of the Marinship and what's going to be coming before
33 the City in the next four or five years, this review has to be much more expanded
34 than what they're looking at right at the moment.

35
36 Commissioner Petersen said there is also needs to be something that addresses,
37 as Adam Krivatsy brought up, just the mere presence of the massing of the
38 buildings and its effect on the recreational areas around there. The buildings may
39 not be on them, but the presence of buildings has an effect on people; as an
40 architect that's the kind of thing you try to take advantage of. But it also has a
41 negative effect too. And putting an office use or a light industrial use right next to a
42 beach really has to be done extremely carefully if ever at all.

43
44 Chair Kellman suggested, since the Commission is not taking a vote that evening,
45 some direction for next steps. The scope of the document needs to be dramatically
46 expanded, it certainly should include a cultural resource analysis, land use and

1 planning analysis, analysis of the recreational impacts. Those are three that are
2 actually just missing from this document. Then in terms of whether or not this
3 becomes an EIR, she thinks that there's a question here as to whether or not the
4 mitigation proposed for several of the impacts actually bring this to a less than
5 significant impact, including impacts of traffic, aesthetics in the form of views and
6 other visual impacts, whether it be someone walking, somebody driving or even
7 folks playing on the beach. The biological resources need to be looked at, she's
8 not satisfied that those impacts are mitigated; in fact, she's not satisfied they know
9 the full scope of those impacts. It's up to staff to determine, once this document
10 becomes way more massive than it is, where that goes, but she thinks for now
11 that's the direction to staff. They are obviously going to have another public
12 comment review before anything is finalized. And after that point, if it comes back
13 to the Commission as a MND, they'll discuss the mitigation measures, and if it
14 comes back as an EIR, then they'll discuss it as an EIR.

15
16 Community Development Director Graves said staff will review the comments
17 offered by the public and the Commission with the applicant's representative, and
18 proceed with review of the project design at the next meeting on July 9. Staff
19 recommends the Commission continue to accept public comment on the
20 environmental document. Staff recommends that the Commission hold the public
21 comment period open until the meeting of July 23.

22
23 Mr. Graves said that when the Commission closes the comment period, staff will
24 look at the comments provided by the Commission and the public and determine
25 the appropriate action. The Initial Study right now concludes that a MND is
26 appropriate. Based upon the comments received, staff will be looking at that
27 conclusion and determine whether the mitigation measures can be appropriately
28 revised so that staff continues to recommend Commission approval of a MND; or if
29 the staff determines that the impacts are such that some of the impacts cannot be
30 mitigated to a level of insignificance, then an EIR would be appropriate and staff
31 would be returning to the Commission with that recommendation.

32
33 Chair Kellman said so they will extend the comment period to July 23, as
34 suggested by staff.

35 36 **ADJOURNMENT**

37
38 **Vice Chair Keller moved, seconded by Commissioner Petersen, to adjourn**
39 **the meeting. The next Planning Commission meeting is July 9, 2008.**

40
41 Respectfully submitted,

42
43 Tricia Cambron
44 Minutes Clerk

45
46 I:\CDD\Plan Comm\Minutes\2008\06-25-08-Approved