

**SAUSALITO PLANNING COMMISSION AND HISTORIC LANDMARKS BOARD
RESOLUTION NO. 2015-08**

**RECOMMENDATION TO THE SAUSALITO CITY COUNCIL PURSUANT TO AN
APPROVED PUBLIC REVIEW PROCESS ON A DETERMINATION ON THE DESIGN
REVIEW PERMIT FINDINGS FOR THE FERRY LANDING PROJECT**

WHEREAS, the Golden Gate Bridge, Highway, and Transportation District (District) proposes to remove the existing passenger boarding system at the Ferry Landing in downtown Sausalito and construct a new boarding system; and

WHEREAS, the September 17, 1995 lease between the City of Sausalito and the District for use of City property for ferry operations requires that major alterations, improvements, additions, or utility installations obtain consent of the City; and

WHEREAS, City consent has not been granted for the proposed project; and

WHEREAS, on February 10, 2015 the City Council approved a public review process for the Ferry Landing project which included one study session and two public hearings before the Planning Commission and Historic Landmarks Board with direction to the Planning Commission and Historic Landmarks Board to provide a determination on the Design Review Permit Findings in Sections 10.46.060.F, 10.46.060.H and 10.54.050.D of the Sausalito Municipal Code; and

WHEREAS, on March 11, 2015 the Planning Commission and Historic Landmarks Board conducted a noticed study session, at which time all interested persons were given an opportunity to be heard and the Planning Commission and Historic Landmarks Board provided direction to the District on design alternatives and feedback on the size of the project; and

WHEREAS, on April 1, 2015 the Planning Commission and Historic Landmarks Board conducted a noticed public hearing, at which time all interested persons were given an opportunity to be heard and the Planning Commission and Historic Landmarks Board provided direction to the District regarding decreasing the size of the project; and

WHEREAS, on April 15, 2015 the Planning Commission and Historic Landmarks Board conducted a noticed public hearing, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission and Historic Landmarks Board have reviewed and considered the project plans titled "Sausalito Ferry Terminal Improvements", received March 24, 2015; and

WHEREAS, the Planning Commission and Historic Landmarks Board have considered all oral and written testimony on the subject application; and

WHEREAS, the Planning Commission and Historic Landmarks Board have reviewed and considered the information contained in the staff reports dated March 11, 2015, April 1, 2015, April 15, 2015 and April 29, 2015 for the proposed project.

**NOW, THEREFORE, THE PLANNING COMMISSION AND HISTORIC LANDMARKS BOARD
HEREBY RESOLVE:**

A recommendation to the Sausalito City Council on a determination of the findings for the Ferry Landing project is provided in Attachment 1 for the City Council's consideration in deciding if consent can be granted for the project in accordance with the terms of the Lease. The project plans are provided in Attachment 2.

RESOLUTION PASSED AND ADOPTED, at the joint meeting of the Sausalito Planning Commission and Historic Landmarks Board on the 29th day of April, 2015, 2015 by the following vote counts listed under each finding in Attachment 1.

PLANNING COMMISSION MEMBERS

Pierce, Nichols, Cleveland-Knowles, Vice Chair Werner, Chair Cox

HISTORIC LANDMARKS BOARD MEMBERS

Richardson, Mercado, Brown, Secretary Fraser, Chair McCoy



Danny Castro
Secretary to the Planning Commission

ATTACHMENTS

- 1- Findings
- 2- Project Plans

**PLANNING COMMISSION AND HISTORIC LANDMARKS BOARD RESOLUTION
RESOLUTION NO. 2015-08
FERRY LANDING PROJECT
FOOT OF EL PORTAL**

**ATTACHMENT 1
DETERMINATION ON FINDINGS FOR A DESIGN REVIEW PERMIT**

A. HISTORIC OVERLAY DISTRICT DESIGN REVIEW FINDINGS

The Planning Commission and Historic Landmarks make the following determination on the Findings in Sausalito Zoning Ordinance Section 10.46.060.F (Design Review Findings, Historic Overlay District):

- 1. The proposed new construction or alteration is compatible with the architectural and historical features of the structure and/or district.**

Historic Landmarks Board: *The proposed ferry terminal design would not be compatible with the architectural and historical features unless: one, both belvederes are omitted; two, the overall size of the proposed ferry landing is reduced ; three, a satisfactory design for landside modifications adjoining the redesigned ferry terminal is jointly developed by the District and the City of Sausalito through its standard Design Review process; four, the colors and materials of the project are changed. [4:0 (McCoy-Absent)]*

Planning Commission: *The proposed ferry terminal design would not be compatible with the architectural and historical district unless: one, the belvederes are removed; two, the overall size is appropriately reduced; and three, a satisfactory design for landside modifications is adopted through the City's standard Design Review Process. [3:2 (Nichols and Cleveland-Knowles-No)]*

- 2. The historical context of the original structure or district has been considered during the development and review of the proposal.**

Historic Landmarks Board and Planning Commission: *The design before us ignores the context past, present, and future. In fact, the Initial Study/Mitigated Negative Declaration did not even acknowledge the existence of the certified local Historic District in which a portion of the ferry landing resides. [Historic Landmarks Board: 4:0 (McCoy-Absent); Planning Commission: 3:2 (Nichols, Cleveland-Knowles-No)]*

- 3. The criteria for listing the structure or site on the local register does not apply, or the Historic overlay district will not be affected by the new construction or alterations.**

Historic Landmarks Board and Planning Commission: *The historic overlay district will be overwhelmed and negatively impacted by this industrial scale, highly mechanized terminal structure. [Historic Landmarks Board: 2:2, no action (Fraser and Richardson-Yes, Mercado and Brown-No, McCoy-Absent); Planning Commission: 3:2 (Nichols and Cleveland-Knowles-No)]*

- 4. The State Historic Building Code is being applied to minimize alterations to the original historic structure.**

The structure was constructed in the 1990's and is not historic, and therefore this finding is not applicable. [Historic Landmarks Board: 4:0 (McCoy-Absent); Planning Commission: 5:0]

- 5. The Secretary of Interior Standards for Treatment of Historic Properties have been used to review and consider the new construction and proposed alterations.**

Historic Landmarks Board and Planning Commission: The structure was constructed in the 1990's and is not historic, and therefore this finding is not applicable. [Historic Landmarks Board: 4:0 (McCoy-Absent); Planning Commission: 5:0]

- 6. Alternative uses and configurations have been considered as part of the Design Review process.**

Historic Landmarks Board and Planning Commission: Sufficient alternative design configurations which are needed include: one, an alternative ferry terminal design with no belvederes; and two, an alternative ferry terminal design with an overall size significantly smaller than current design. [Historic Landmarks Board: 4:0 (McCoy-Absent); Planning Commission: 3:2 (Nichols and Cleveland-Knowles-No)]

- 7. Findings specified by Chapter 10.54 (Design Review Procedures) can be made.**

Historic Landmarks Board and Planning Commission: Not all Findings specified by Chapter 10.54 (Design Review Procedures) can be made because Design Review Findings 1,2,3,4,8,9,10,13 in Section 10.54.050 of the Sausalito Municipal Code could not be made. [Historic Landmarks Board: 4:0 (McCoy-Absent); Planning Commission: 3:2 (Nichols and Cleveland-Knowles-No)]

- 8. The proposed new construction or alteration will be compatible with and help achieve the purposes of the Historic Overlay District (Chapter 10.28.040.A).**

Historic Landmarks Board and Planning Commission: The proposed new construction or alteration is not compatible with, and does not help achieve, the purposes of the historic overlay district without a significant reduction in size and scale. [Historic Landmarks Board: 3:0 (McCoy and Mercado-Absent) Planning Commission: 4:1 (Nichols-No)]

B. HISTORIC OVERLAY DISTRICT DEMOLITION FINDINGS

The Planning Commission and Historic Landmarks make the following determination on the Findings in Sausalito Zoning Ordinance Section 10.46.060.H (Demolition Findings, Historic Overlay District):

1. The requirements of the California Environmental Quality Act and SMC Title 11 (Environmental Protection) have been met.

Historic Landmarks Board and Planning Commission: The requirements of CEQA and SMC title 11 have not been met. The original IS/MND was completed by the District as a replacement project when this Project is in fact a major expansion of the existing facility. The project description states: "This project constitutes a facility modernization through construction or replacement of existing components." That statement is not accurate. Instead, this project increases the footprint of the float by 72% and more than doubles its height above the waterline. The project goes from 73 feet to 204 feet over the water. It goes from a shadow impact of 6,057 to 13,000. The District's data at page 13 of Exhibit Q reveals that the bicycle data relied on by the IS/MND is dramatically different than what as enunciated in the 2012 initial report. Part of CEQA review addresses circulation and infrastructure; additional environmental review should be required. The environmental documentation omitted the fact that the project is located in the Historic Overlay District. It also omitted the fact that there are specific identified structures on the waterfront that are class 2D2 structures which qualify for the National Register. [Historic Landmarks Board: 4:0 (McCoy-Absent); Planning Commission: 3:2 (Nichols and Cleveland-Knowles-No)]

2. Alternatives to demolition have been considered, including re-using the structure with an alternate use that may not be consistent with existing zoning.

Historic Landmarks Board: Not all alternatives to demolition have been adequately explored as there was not adequate consideration of refurbishment or reuse of the existing float and no other alternatives were presented. [4:0 (McCoy-Absent)]

Planning Commission: Demolition, in this context, means a historic structure; the subject structures are not historic and therefore this finding is not applicable. The District did explore, to some extent, alternatives for keeping the float and not dredging, [3:2 (Werner and Cox-No)]

3. All financial alternatives have been evaluated, including use of historic tax credit and acquisition by a third party.

Historic Landmarks Board and Planning Commission: This finding is not applicable to this project. [Historic Landmarks Board: 4:0 (McCoy-Absent); Planning Commission: 5:0]

C. DESIGN REVIEW PERMIT FINDINGS

The Planning Commission and Historic Landmarks make the following determination on the Findings in Sausalito Zoning Ordinance Section 10.54 (Design Review Procedures):

- 1. The proposed project is consistent with the General Plan, any applicable specific plans, any applicable design guidelines, and this chapter. (The adopted historic design guidelines can be found in the Community Development Department or the office of the City Clerk.)**

Consistency with the Zoning Ordinance

Historic Landmarks Board and Planning Commission: This finding cannot be made for reasons enunciated in the response to the Design Review Findings 2-13 below [Historic Landmarks Board: 3:0:1 (McCoy-Absent, Mercado- Abstain); Planning Commission: 3:2 (Nichols and Cleveland-Knowles-No)]

Consistency with the General Plan

Policy CP-3.2

Ferry System. Promote increased patronage of the ferries while still protecting the area near the ferry terminal from overly intensive use.

Historic Landmarks Board: The Historic Landmarks Board cannot find that the project is consistent with General Plan Policy CP-3.2 because the areas near the ferry terminal is not adequately protected from overly intensive use for reasons enunciated in the Design Review Findings 2-13 below. [4:0 (McCoy-Absent)]

Planning Commission:

The Planning Commission can find that the project is consistent with General Plan Policy CP-3.2 because the project protects the area as much as possible and accommodates increasing use and other intensive uses are beyond the control of the project. [2:2:1, no action (Nichols and Cleveland-Knowles-Yes, Werner and Cox-No, Pierce-Abstain)]

The Planning Commission cannot find that the project is consistent with General Plan Policy CP-3.2 because the areas near the ferry terminal is not adequately protected from overly intensive use for reasons enunciated in the Design Review Findings 2-13 below. [2:2:1, no action (Cox and Werner-Yes, Nichols and Cleveland-Knowles-No, Pierce-Abstain)]

Policy CD-1.4

Construction Near Historic Districts or Landmarks. Enhance the historic quality of established districts and landmark structures by encouraging new construction or alterations to existing structures in the general vicinity to demonstrate compatibility with them.

Historic Landmarks Board and Planning Commission: The Planning Commission and Historic Landmarks Board cannot find that the project is consistent with General Plan Policy CD-1.4 for reasons enunciated in the Design Review Findings 2-13 below. [Historic Landmarks Board: 3:0:1 (McCoy-Absent, Mercado- Abstain); Planning Commission: 3:2 (Nichols and Cleveland-Knowles-No)]

Policy CD-3.2

Public Views. Locate and design new and significantly remodeled structures and other private and public improvements with consideration for their impact on significant public views and view corridors.

Historic Landmarks Board and Planning Commission: The Planning Commission and Historic Landmarks Board cannot find that the project is consistent with General Plan Policy CD-3.2 for reasons enunciated in the Design Review Finding 4 below. [Historic Landmarks Board: 4:0 (McCoy-Absent); Planning Commission: 3:2 (Nichols and Cleveland-Knowles-No)]

Policy CD-5.1

Public projects. Assure that community design considerations are carefully included in any decision involving public projects.

Historic Landmarks Board: The Historic Landmarks Board cannot find that the project is consistent with General Plan Policy CD-5.1 because the numerosity of public comment about design elements have not been included in any design decisions. [4:0 (McCoy-Absent)]

Planning Commission: The Planning Commission cannot find the project is consistent with General Plan Policy CD-5.1 because important design considerations raise by the community have not been incorporated into the project's design. [5:0]

2. **The proposed architecture and site design complements the surrounding neighborhood and/or district by either: a) Maintaining the prevailing design character of the neighborhood and/or district or b) Introducing a distinctive and creative solution which takes advantage of the unique characteristics of the site and contributes to the design diversity of Sausalito.**

Historic Landmarks Board and Planning Commission: The proposed design does not complement the neighborhood and/or the district in either of the two criteria. It does not maintain the prevailing design character of the location, and it does not present a distinctive solution which is acceptable. It takes no advantage of the unique characteristics of the site and detracts mightily from what is generally considered to be the design diversity of Sausalito. [Historic Landmarks Board: 3:0 (McCoy and Mercado-Absent); Planning Commission: 5:0]

3. **The proposed project is consistent with the general scale of structures and buildings in the surrounding neighborhood and/or district.**

Historic Landmarks Board: The proposed ferry terminal would not be consistent with surrounding structures unless the overall size of the terminal is reduced significantly, both belvederes are omitted, and satisfactory landside modifications are jointly developed by the District and the City of Sausalito through its standard Design Review process. [4:0 (McCoy-Absent)]

Planning Commission: The proposed ferry terminal would not be consistent with surrounding structures unless the overall size of the terminal is significantly reduced and satisfactory landside modifications are jointly developed by the District and the City of

Sausalito through its standard Design Review Process. [3:2 (Nichols and Cleveland-Knowles-No)]

- 4. The proposed project has been located and designed to minimize obstruction of public views and primary views from private property.**

Historic Landmarks Board: The project does not minimize obstruction of views unless significant reductions are made and both belvederes are omitted. [4:0 (McCoy-Absent)]

Planning Commission: The project has not been located and designed to minimize obstruction of views unless significant reductions are made and both belvederes are omitted. [3:2 (Nichols and Cleveland-Knowles-No)]

- 5. The proposed project will not result in a prominent building profile (silhouette) above a ridgeline.**

Historic Landmarks Board and Planning Commission: The proposed project is not located on a ridgeline, and therefore this finding is not applicable. [Historic Landmarks Board: 4:0 (McCoy-Absent); Planning Commission: 5:0]

- 6. The proposed landscaping provides appropriate visual relief, complements the buildings and structures on the site, and provides an attractive environment for the enjoyment of the public.**

Historic Landmarks Board and Planning Commission: This finding is not applicable because there is not proposed landscaping. [Historic Landmarks Board: 4:0 (McCoy-Absent); Planning Commission: 4:1 (Cox-No)]

- 7. The design and location of buildings provide adequate light and air for the project site, adjacent properties, and the general public.**

Historic Landmarks Board and Planning Commission: The proposed project is sufficiently located away from other buildings and structures and does not impact light and air to the project site, adjacent properties, and the general public. [Historic Landmarks Board: 4:0 (McCoy-Absent); Planning Commission: 5:0]

- 8. Exterior lighting, mechanical equipment, and chimneys are appropriately designed and located to minimize visual, noise and air quality impacts to adjacent properties and the general public.**

Historic Landmarks Board and Planning Commission: With respect to the exterior lighting this finding cannot be made because adequate data has not been provided on the proposed float lighting and the continuous lighting under the handrails. [Historic Landmarks Board: 4:0; Planning Commission: 5:0]

Historic Landmarks Board and Planning Commission: With respect to the mechanical equipment, this finding cannot be made because adequate information has not been provided regarding the hydraulic machinery and transformer to understand the visual, noise and air quality impact of that equipment. [Historic Landmarks Board: 4:0 (McCoy-Absent);

Planning Commission: 4:1 (Cleveland-Knowles-No)]

- 9. The project provides a reasonable level of privacy to the site and adjacent properties, taking into consideration the density of the neighborhood, by appropriate landscaping, fencing, and window deck and patio configurations.**

Historic Landmarks Board: The proposed ferry landing would not provide a reasonable level of privacy to adjacent properties. The proposed North Belvedere would substantially reduce privacy for the Yacht Club while the proposed South Belvedere would substantially reduce privacy for the Inn Above Tide. Providing a reasonable level of privacy for adjoining structures would require omitting both belvederes and significantly reducing the overall size of the proposed ferry landing. [4:0 (McCoy-Absent)]

Planning Commission:

The proposed ferry landing would not provide a reasonable level of privacy to adjacent properties. The proposed North Belvedere would substantially reduce privacy for the Yacht Club. Providing a reasonable level of privacy for adjoining structures would require omitting the North Belvedere. [5:0]

The proposed ferry landing would not provide a reasonable level of privacy to adjacent properties. The proposed South Belvedere would substantially reduce privacy for the Inn Above Tide. Providing a reasonable level of privacy for adjoining structures would require omitting the South Belvedere and significantly reducing the overall size of the proposed ferry landing. The project will also impact privacy at the Inn Above Tide due to the proposed 14 months of construction. [3:2 (Nichols and Cleveland-Knowles-No)]

- 10. Proposed entrances, exits, internal circulation, and parking spaces are configured to provide an appropriate level of traffic safety and ease of movement.**

Historic Landmarks Board and Planning Commission: The finding cannot be made as the Commission and Board have not yet been presented with adequate information regarding the landside improvements. [HLB: 4:0 (McCoy-Absent); Planning Commission: 3:2 (Nichols and Cleveland-Knowles-No)]

- 11. The proposed design preserves protected trees and significant natural features on the site to a reasonable extent and minimizes site degradation from construction activities and other potential impacts.**

Historic Landmarks Board and Planning Commission: The proposed project does not impact any trees. The District has provided a Geotechnical Report which indicates that based on the results of field exploration and laboratory testing programs, the proposed improvement is feasible from a geotechnical point of view, provided the recommendations presented in the report are incorporated in the design and construction of the project. [Historic Landmarks Board: 4:0 (McCoy-Absent); Planning Commission: 5:0]

- 12. The project site is consistent with the guidelines for heightened review for projects which exceed 80% of the maximum allowed Floor Area Ratio and/or site coverage, as specified in subsection E (Heightened [Design] Review Findings).**

Historic Landmarks Board and Planning Commission: *The proposed project is not subject to heightened design review, and therefore this finding is not applicable. [Historic Landmarks Board: 4:0 (McCoy-Absent); Planning Commission: 5:0]*

13. **The project has been designed to ensure on-site structures do not crowd or overwhelm structures on neighboring properties. Design techniques to achieve this may include, but are not limited to: stepping upper levels back from the first level, incorporating facade articulations and divisions (such as building wall offsets), and using varying rooflines.**

Historic Landmarks Board: *The proposed ferry landing would not insure against crowding of adjoining structures and buildings unless the overall size of the proposed ferry landing is significantly reduced and both belvederes are omitted and unless mitigating measures were implemented to reduce the impact of the 14 month construction on the Inn Above Tide [4:0 (McCoy-Absent)]*

Planning Commission:

The finding cannot be made unless the size and scale is significantly reduced and northern belvedere is removed. [5:0]

The finding cannot be made unless the size and scale is significantly reduced and both belvederes are removed. [3:2 (Nichols and Cleveland-Knowles-No)]

**PLANNING COMMISSION AND HISTORIC LANDMARKS BOARD RESOLUTION
RESOLUTION NO. 2015-XX
FERRY LANDING PROJECT
FOOT OF EL PORTAL**

ATTACHMENT 2: PROJECT PLANS