
Responses to Comments on the Draft IS/MND, as Recirculated

Under CEQA, the City of Sausalito (City), as lead agency must consider comments from the public and from other agencies concerned with the proposed 70-74 Liberty Ship Way Project (proposed project). A lead agency must "consider" comments on a negative declaration but is not required to prepare responses to comments. Public Resources Code §21091(d), (f); 14 Cal. Code Regs. §15074(b). However, these responses to comments are being prepared to document the City's consideration of all comments received and to provide appropriate information to the public.

A Draft IS/MND for the current project was circulated in January 2021. During the public review period, detailed topographic maps showed that potentially historic railroad tracks thought to be outside the project area were actually just inside the project boundary. This finding initiated additional review of potentially significant cultural resource impacts associated with these tracks. As this analysis was not included in the earlier IS/MND the City recirculated the document to include the new analysis. This Response to Comments document includes responses to comments received on the original IS/MND and the recirculated document. Comments were received on the IS/MND from several organizations, individuals, and at public meetings (study sessions). No comments were received from state or local agencies, although both IS/MNDs were circulated locally and through the State Clearinghouse.

All comments received have been coded to facilitate identification and tracking. Each of the written comment letters and public hearing comments received during the public comment periods were assigned an identification letter and number, provided in the list below. These letters and public hearing comments were reviewed and divided into individual comments, with each comment containing a single theme, issue, or concern. Individual comments and the responses to them were assigned corresponding numbers. Each letter is the submittal of a single organization or individual. The comment letters' identification consists of two parts. The first part is the number of the document and the second is the number of the comment. As an example, Comment **O-1-1** refers to the first comment made and addressed in Comment Letter O-1, the first comment letter from an organization. Comments from individuals have been given a designation beginning with 'I' and public meeting summaries are designated with 'PM.' To aid the readers and commenters, comments (letters, emails, etc.) have been reproduced at the end of this document.

To finalize the IS/MND for the proposed project, City staff has prepared the following responses to comments that were received during the public review period. In those cases where the same issue was noted in several comments, the following master responses are presented and referenced in the individual comment responses. Please note that City staff will prepare separate responses to comments that addresses comments that are not directed to the IS/MND and therefore do not pertain to CEQA. These responses will be included in the staff report to the Planning Commission once this project is scheduled for a public hearing.

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Master Response 1: Public Noticing and Project Definition

MR-1 Comments received on the IS/MND expressed concern that the proposed project was not noticed properly. The City provided the following noticing for this project, which complies with the noticing required by CEQA, applicable open meeting laws, and state planning and zoning law. The City has not held a separate community meeting as the purpose of the study session was to give the Commission and the public an opportunity to learn more about the project and provide comments prior to any decision. Though not required by CEQA, a public meeting hosted by the applicant was held on July 9, 2022.

Notices:

- Mailed postcards sent to property owners and residents within 300 feet of the project as well as to a list of organizations, agencies, and persons who have expressed interest in projects in the City.
- The Notice of Intent for the IS/MNDs were published in the Marin Independent Journal on January 30, 2021, and October 2, 2021
- The property was posted with a copy of the mailed postcard on February 5, 2021, and October 5, 2021

The applicant met with the Galilee Owners Association in June – July 2018 when the application was initially filed.

The City finds that noticing required by CEQA Section 15072 has been properly conducted based on the following:

- CEQA requires that the Notice of Intent (NOI) be posted at the County Clerk; however, Executive Order N-54-20 modified the posting at the County Clerk requirement during the pandemic if other public notice is given, including posting on the City's website, which occurred on February 3, 2021.
- CEQA Section 15072 requires that at least one of three other noticing options be given. In accordance with this section, the Notice of Intent (NOI) was published in the Marin Independent Journal, indicating 30-day review periods from February 3 - March 5, 2021, and from October 1, 2021, to November 1, 2021. Links to the IS/MND were included in the published notices. In addition, direct mailing to owners and residents within 300 feet of the property occurred on February 3 and again on March 2 and on October 1, 2021. Notices of the Planning Commission Study Sessions were also posted on the site, which included information about the IS/MND review period.
- The NOI and IS/MNDs were sent to the State Clearinghouse on February 3, and October 5 with appropriate review periods.

Commentors also expressed concerns that the project was not described properly as it 'should not be analyzed as a stand-alone project' and was linked to adjacent properties. While the analysis presented

in the IS/MND certainly focused closely on possible impacts to adjacent properties and the area in general, staff recognized that the project is proposed within property that is under separate ownership from the marina and surrounding properties, and is not dependent on other projects to move forward.

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Master Response 2: Traffic and Circulation

MR-2 A number of commentors expressed concerns over issues of long-term traffic and circulation. Although level of service (LOS) is no longer a required CEQA metric to determine significant traffic impacts, the IS/MND included an LOS and queuing analysis which was prepared at off-site intersections along Bridgeway included as Appendix D. That analysis did not find any LOS inconsistencies with the City's LOS standards, but found that the eastbound left-turn pocket at Marinship Way – Easterby Street/Bridgeway was likely to overflow based on available modeling, and that the project may contribute to such overflow. Therefore, a mitigation measure (TRAF-1) was recommended to extend the turn pocket and re-optimize the signal timing and phasing at the intersection which would reduce the impact to a less than significant level. This finding is consistent with the City's 2020 General Plan Update traffic analysis and was reviewed and accepted by the City's contract Traffic Engineer, David Parisi. Furthermore, the entire TIA was reviewed and accepted by David Parisi after one round of internal comments.

The traffic study for the IS/MND was prepared in 2020. It was reviewed in draft form by City Public Works and the City's consulting traffic engineer, David Parisi. Based on their comments, the traffic study was revised and submitted in January 2021. The existing traffic volumes are from 2018 (before the pandemic) and adjusted to 2020 conditions based on a conservative growth rate of 2% per year.

The traffic study was prepared consistent with City and CEQA requirements and addressed Vehicle Miles Traveled (VMT) and Level of Service (LOS). It was reviewed by City Public Works and the City's consulting traffic engineer, David Parisi. The revised January 2021 traffic study incorporated their comments.

Comments were also made about on-site and off-site pedestrian and bicycle circulation and safety. Comments about off-site pedestrian and bicycle safety focus on the lack of sidewalks and bike paths in the Marinship area the need for an assessment district. Comments about on-site pedestrian access focus on compliance with the American with Disabilities Act (ADA) and routes through the project to connect to the bike path. The City Bicycle Advisory Committee has provided recommendations to address this latter issue. Compliance with ADA requirements will be confirmed prior to issuance of building permits. These are not impacts of the project to be analyzed under CEQA.

In summary, the project is in conformance with all applicable plans, ordinances, and policies regarding bicycle paths and pedestrian circulation that would apply to this development, noting that conformance with ADA requirements is confirmed at the time of building permits. It would be outside of the scope of the project to address existing bicycle/pedestrian safety concerns that are related to other existing offsite developments and private land uses, which are not part of this project to be analyzed under CEQA.

As stated above, the project will not result in any significant impact related to traffic and circulation, based on the incorporation of mitigation measure identified above.

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Master Response 3: Need for an EIR Analysis

MR-3 Some commentors noted that they thought that an IS/MND was not the proper level of CEQA analysis and that an EIR should be required. However, an EIR is required where there is substantial evidence in the record that presents a “fair argument” that a project may have a significant impact on the environment. However, comments submitted do not specifically identify any specific or credible evidence in the record that suggests a likelihood of substantial impact, based on staff review of comments submitted. Mere argument, speculation, and unsubstantiated opinion, even expert opinion, is not sufficient to constitute a “fair argument.” *Maacama Watershed Alliance v. County of Sonoma*, 40 Cal. App. 5th 1007, 1013 (2019). Staff are not able to find that there are any specific examples of findings of no impact or less than significant impact in the IS/MND that are not directly supported by the discussions and references provided.

The IS/MND provides analysis for the full range of topics set forth in the Environmental Checklist (Appendix G of CEQA Guidelines). The level of detail provided in each of these areas was designed to give the reader enough information to understand the discussion of potential impacts and describe mitigations that might be required to ensure that significant impacts would not occur.

Specific comments where the potential need for an EIR is discussed are as follows:

- Response to Comment O-2; Response #O-2-1; page 36 – Coast Action Group;
- Response to Comment I-4; Response #I-4-1; page 71 – Kristina Feller

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Master Response 4: Hazardous Material and Contaminated Soils

MR-4 A few commenters expressed concerns regarding the risk of exposure to hazardous materials based on the history of the site. Through a review of historical sources, AEI Consultants determined that the project site was developed as part of the Marinship yard in 1942. According to the Historic Context Statement for the Marinship yard, the project site was located at the southern-most portion of the yard where no direct operations were performed.

As stated in Section 3.9 of the Draft MND, 30 Liberty Ship Way is located upgradient of the project site and previously experienced a release of diesel that impacted groundwater, which was discovered and reported in 2000. A subsurface investigation was performed to determine the lateral extent of the contamination plume associated with this release including installation of 14 soil borings and eight groundwater monitoring wells. A total of eight soil samples were submitted for chemical analysis and it was found that residual soil and groundwater contamination remains at the southwest portion of the project site, southwest of where Building A is proposed. However, as discussed in the IS/MND, in 2011, the RWQCB concluded that the concentrations in soil vapor did not pose an unacceptable human health risk for commercial/industrial workers and recommended case closure. Similar to the 30 Liberty Ship Way, the subject property site was issued deed restrictions, which are described within Mitigation Measure-HAZ-1 (see below).

With the closure of the release case and deed restrictions in place, this release incident is considered a Controlled Recognized Environmental Condition (CREC).

AEI Consultants prepared a Risk Management Plan for Diesel-Impacted Portions of 30 Liberty Ship Way and 76 Liberty Ship Way in 2011 (AEI Consultants 2011). The Risk Management Plan includes the proper handling of diesel-impacted soil and/or groundwater should it be encountered or brought to the ground surface during future excavations in the project site and other general requirements. Because the impacted portion of the project site was issued a case closure by the RWQCB on August 25, 2011 after a determination that contamination does not pose an unacceptable health risk to commercial workers, and thus there is no significant likelihood of impact to public health or safety provided that condition MM-HAZ-1 is imposed on the project which restricts residential and other sensitive uses, and requires compliance with the proper handling of diesel-impacted soil and groundwater during any excavation activity.

The proposed project would involve construction of three two-story industrial buildings, including Building B which potentially proposes medical services. The project site is subject to deed restrictions described in the Risk Management Plan for Diesel-Impacted Portions of 30 Liberty Ship Way and 76 Liberty Ship Way (AEI Consultants 2011) and in the Phase I Environmental Site Assessment (AEI Consultants 2018). These restrictions only apply to those diesel-impacted portions of the project site, which does not include Building B. There is a portion of diesel-impacted soil where Building A is proposed, however, Building A would not include any sensitive or restricted uses. Section 3.9 of the IS/MND gives a detailed analysis of all potential sources of contaminated soil on and adjacent to the project site. This section also includes MM-HAZ-1 which would require the project to comply with the post-closure deed restrictions found in the project's Phase I Environmental Site Assessment (AEI

Consultants 2018) and Risk Management Plan (AEI Consultants 2011), which would mitigate any potential impacts from hazardous materials to a less than significant level.

Additionally, CEQA generally does not require that public agencies analyze the impact existing environmental conditions might have on a project's future users or residents, but that an agency must analyze how environmental conditions might adversely affect a project's residents or users only where the project itself might worsen existing environmental hazards. (*California Building Industry Association v Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, 389). This has been adequately considered and mitigated by the proposed mitigation measure MM-HAZ-1 as described in the IS/MND.

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Master Response 5: Viewsheds and View Corridors

MR-5 CEQA differentiates between adverse impacts upon particular persons and adverse impacts upon the general public. Interference with private view corridors are generally not viewed as a CEQA impact. CEQA generally protects impacts to public views, not private views. See *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, *Ocean View Estates Homeowners Association, Inc. v. Montecito Water District* (2004) 116 Cal.App.4th 396, and Appendix G: CEQA Guidelines, Aesthetics.

The Aesthetics section of the IS/MND provides an analysis of the project's compliance with View Corridors I and J and required by the Marinship Specific Plan. The Specific Plan also makes reference to "other locations throughout the Marinship that offer desirable views to the area's unique quality. The design of open space, public access areas and pathways should attempt to incorporate these special viewpoints into their route and design." Bay and hillside views in the vicinity of Schoonmaker Point, and views of bay, marina, and fishing boats in the vicinity of Liberty Ship Way are mentioned. Comments speak to preservation of views of Mt. Tam from Galilee Harbor and Dunphy Park.

While the Specific Plan doesn't specifically require preservation of views from these locations, IS/MND preparers noted the following. The project site is located at a fairly low elevation and from the vantage point of Galilee Harbor, Dunphy Park and the Mono Marsh trail, distant views of Mt. Tam are available although filtered through trees and hauled out boats. As CEQA focuses on public views, Appendix A to this document provides a series of photographs taken at ten to 20-foot increments along the public trail. These photos show that existing views to Mt. Tam from the public trail are currently limited and, in some cases, extremely impaired.

Appendix A also provides two photosimulations of the proposed project from Dunphy Park. These photosimulations show that views from Dunphy Park of Mt. Tam would not be altered. The proposed clearing of eucalyptus trees along the public trail will open views not currently available. Under the proposed project, for pedestrians walking on adjacent marsh trail, there may be short periods where, particularly Building C may momentarily block the distant view of Mt. Tam; however, this momentary interference does not rise to a significant visual impact. The peak of Mt. Tam will still be visible as under the current conditions. In addition, short range views that are currently blocked by the chain link fence, assorted trailers and boats will likely be more aesthetically pleasing under project conditions. As described in the IS/MND and further supported by Appendix A of this document, impacts on views are not considered significant.

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Master Response 6: Sea Level Rise

MR-6 Because of the timing of this project, the analysis developed for the IS/MND did not originally use the revised/updated General Plan. Consequently, the analysis of hydrology and shoreline impacts were focused generally on potential flooding impacts without specific analysis of sea level rise. Further analysis was developed as a result of questions/comments received during the March public comment period.

Much of the discussion in the updated General Plan has to do with investigation and planning for coming sea-level rise without specific policy regarding development guidelines. However, the General Plan does reference BayWAVE predictions that Marin County could experience 10 inches of sea level rise by 2030, 20 inches by 2050, and 60 inches by 2100. Further, General Plan Program S-3.1.5 states: *Data Coordination with County. Coordinate with Marin County on updating data and information related to sea level rise, using BayWAVE as the base for all city documents and plans to address sea level rise.*

BayWAVE is a generalized regional tool for a broad scope look at coming sea level changes. With regards to use of their modeling the BayWAVE report states "Bay Wave inundation maps and the associated analyses provide a regional-scale illustration of inundation and coastal flooding due to specific sea level rise and storm surge scenarios, and are intended to improve sea level rise awareness and preparedness. The maps are not detailed to the parcel-scale and should not be used for navigation, permitting, regulatory, or other legal uses." With that caveat, a closer look was made of flooding issues on the property.

The applicant team independently submitted a memorandum dated November 3, 2021, regarding Bay WAVE and sea level rise. This memorandum analyzes the effects on the project site from sea level rise using the BayWAVE worst case scenarios assumptions for the near term, medium term, and long term. The memorandum concludes that the building's finished floors would be above the mean high tide in 2100.

The 170,205-square-foot project site is predominantly flat and is approximately 12 feet above mean sea level. Thus, the buildings would be 5-7 feet above sea-level even under the 2100 predictions, and thus further mitigation is unlikely to be necessary. The base flood elevations in the area are between 10 and 11 feet above mean sea level; thus the buildings would be set approximately 2 feet above those levels. In addition, the southwest, northwest, and northeast portions of the project site are located within a 500-year flood zone in which there is a 0.2% annual chance of flooding, or an area of 1% annual chance of flooding with average depths less than 1 foot. Proposed structures would be located in these areas. However, new construction is not prohibited by federal, state, or local laws within 500-year flood plains. And if 500-year flooding occurred on site (even under higher sea level rise conditions), proposed structures may receive some flooding, but would not impede or redirect flood flows such that flooding would increase on adjacent properties. Given this, a determination that impacts associated with flood flows would be less than significant are still supported even without a further examination of sea level rise.

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Table 1. Draft IS/MND List of Comments

Comment Letter ID	RTC Page Number	Date Received	Commenter
01	RTC-18	April 23, 2021	Coast Action Group
02	RTC-28	October 26, 2021	Coast Action Group
03	RTC-36	March 11, 2021	Galilee Harbor Community Association
04	RTC-46	November 1, 2021	Galilee Harbor Community Association
05	RTC-50	March 18, 2021	Open Water Rowing
11	RTC-54	November 1, 2021	Scoutt Bolchowsky
12	RTC-58	November 1, 2021	Sandra Bushmaker
13	RTC-62	March 16, 2021	Kristina M. Feller
14	RTC-66	November 1, 2021	Kristina M. Feller
15	RTC-71	March 13, 2021	Bruce Huff
16	RTC-75	March 15, 2021	Tom Kowalski
17	RTC-79	March 17, 2021	Tom Kowalksi
PM1	RTC-83	March 17, 2021	Various Study Session Attendees
PM2	RTC-85	October 20, 201	Various Study Session Attendees

Comment Letter O1

COAST ACTION GROUP
(707) 542-4408
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April 23, 2021

Affiliate of Redwood Coast Watersheds Alliance

Trish Stevens, AICP
Consulting Planner for the City of Sausalito
City of Sausalito Planning Department

This communication delivered by e-mail to:
"Tricia Stevens" tstevens@mjc.com, "Brent McDonald" ondarosa@sbcglobal.net,
"Michael Rainey" mikerainey@sbcglobal.net, "Lilly Whalen" LWhalen@sausalito.gov,
"Mary Wagner" MWagner@sausalito.gov, "Maria Hernandez" mhernandez@sausalito.gov.

Subject: "MND - 70-74 LIBERTYSHIP WAY | DESIGN REVIEW PERMIT AND
CONDITIONAL USE PERMIT| APN 063-080-06 | PROJECT ID: 17-285"

Comments: These are preliminary comments on this project. These preliminary comments (assuming that Public Comments will be re-opened due to failure(s) of adequate noticing and open issues in the project description, notice of available documents, and historic and ongoing relationships and issues (where issues are yet to be addressed and resolved) – are being submitted to Trish Stevens and City of Sausalito Planning at the request of Ms Stevens.

The City of Sausalito has not provided adequate noticing and comment period. Nor have the project proponents or the City of Sausalito addressed significant outstanding issue related to this project and development in the project area. Furthermore: this project, is linked to previous adjacent projects (where investigations indicate overlapping ownership and management regimes on the project parcel and adjacent parcels). This project is not a stand-alone project (as represented by the project proponents – inclusive of Brent McDonald and other planners). Thus, this project must be reviewed and mitigated in reference to the issues (historic and present) presented and considered by this project and adjacent and adjoining projects.

Liberty Ship Way II and/or Liberty Ship Way JT Venture are the indicated owners of the project (under Partnership – as indicated). Individual names of the partnership and/or project owners are not revealed. This is an apparent effort to hide, obscure, the facts of true ownership in an effort to support a claim (a claim that is not justified) that this project is separate and distinct from previous adjacent projects



and ownerships. Investigation has demonstrated similar names have been attached to studies, reports, Deeds, tax payments, etc., indicating that there is cross fertilization of ownership and cooperation between the properties. This project, is in fact, part of a larger construction, building, and development plan related to all of the adjoining properties and must be considered as same. To not consider this would amount to inconsistent application of Public Resources Code (under the concept of Project Piecemealing). For planners, architects, and the City of Sausalito to look the other way and not do their due diligence (fact finding and determinations) – would lead to violations of professional responsibilities and State Public Resource Code.

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O1-2
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Coast Action Group has been engaged in a string of e-mails (as a result of improper noticing) – raising issues and questions on process and the completeness and accuracy of the project review. CAG has pointed out specific issues in this e-mail chain. Never the less, and though there were responses from Brent McDonald (project Architect), and Ms. Stevens (project planner), there remains numerous open issues that need to be addressed before a MND can be legally approved. There have been e-mail responses from Brent McDonald and Ms Stevens. These responses did not sufficiently address issues raised. This project is not fully described (there are issues that need to be corrected), and the full extent of issues and remedies need to be offered to the public for further review and comment.

The following summary discussion is not a complete review of the project. However, it is sufficient to raise issue – indicating further review and remedies must be considered.

History (and Ownership)

This project (or similar project) had previously been contemplated on this parcel (APN 063-080-06 - circa 2007/10. For unknown reasons the project did not move forward.

There are previous projects on adjacent properties (all with similar ownerships and partnerships – including 063-080-07, Schoonmacher Marina, 30 Liberty Ship Way, and others. There is a significant amount of information in the file (Including the AEI Investigation) that touch upon issues on the adjacent properties (developed under similar ownerships) that raise issues and concerns (soil and water contamination, circulation and pedestrian and bicycle safety issues, stormwater, etc.). The ownership of the project site is Liberty Ship Way II Joint Venture, a California General Partnership (with the partners not disclosed – from a message sent by Brent McDonald with a link to the Deed that did not exist). CAG contends that these projects are related, as are the shared issues of parking, access (safe accessible path of travel, stormwater control, sanitation facilities, etc.). The basis of this contention is two fold - shared issues and remedies and shared ownerships (historic and current).

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O1-3
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The argument that there is not ongoing issues related to these co-owned and adjacent properties is not supportable.

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Cont.

Noticing and Public Comment

CAG raised issues on noticing requirements not being met. Ms Stevens supplied a history of the noticing. CAG contends (support by e-mail comment by Brent McDonald that noticing at the site (which is mandated) did not occur until sometime on or about March 10th, for a Public meeting on March 17th. The noticing links at the City of Sausalito web-site contained links to the MND and a few other documents (not the whole file – which included many more documents, studies, investigations and letters). Thus, the public was denied appropriate access and time for review of the complete file. Additionally there are ongoing issues which need remedy which will change the project – requiring re-noticing and allowing the public more time and access information and data - to support the informed decision making process (the intent of CEQA).

O1-4

Given the above noted information, reliance on a statement by Ms Stevens that there will be additional public comment (no time frame was linked to this assurance), and that the project will undergo some changes (requiring re-circulation of the MND), it is assumed that re-noticing will be accomplished allowing for future review of the plan and comments by potential responsible agency and the public.

Access and Acceptable Path to Travel

There are existing issues with traffic, parking, traffic, accessible path of travel, pedestrian and bicycle safety, that are extant with adjoining properties. Brent McDonald claims that this is a stand alone project. Investigations (thought not complete) indicate that ownership of adjacent properties coincide with, and co-operate with, the 70-74 Liberty Ship Property (parking adjustments traffic flow, stormwater Control, etc). CAG contends this project is part and parcel of continuing development (similar owners or not) and that BMPs must be applied to the area as a whole – with remedies applied outside the project area. It is well known to the City of Sausalito (from past complaints) that traffic flow and pedestrian and bicycle travel issues are extant and require resolution. This is also manifest in California Building Code, Chapter 11 B, Accessibility to Public Buildings , Public Accommodations, Commercial Building, and Public Housing. [See: 11B -201, 11B-206, 11B-206.2.1] – Accessible route(s) shall be provided from accessible parking spaces and accessible drop off spaces, and loading zones, public streets and sidewalks, and public transportation stops, to the accessible building or facility entrance they serve. Where more than one route is provided, all routes must be served.

O1-5

There is a need for further assessment of safe parking for handicapped accessibility.

Are there enough spaces appropriate location for handicapped parking? Handicapped van or bus parking ?

O1-6

It should be noted that the MND (site plans) do not accommodate drawings or rendering of the planning and defined issues related to these necessary paths to accessible destination on the site and/or adjacent facilities and buildings. Such plans, drawings, and renderings, must demonstrate safe access between buildings (all buildings – buildings extant and buildings proposed for construction).

O1-7

In fact the whole general area (project area and related adjacent properties) need to be assessed for circulation, access , and general safety issues with public use of the roads and access points – with remedies applied to assure public safety.

Brent McDonald attempted a remedy – assuring traffic controls (yet to be described fully – including reduced speed requirements). This explanation falls short of meeting safety requirements and needs more consideration.

O1-8

CAG questioned the public access to the beach, bay trail, and number of parking spaces. Brent McDonald provided updated drawing showing additional parking on site (9 spaces), and newly moved public beach access parking (at the beach front). This is a good remedy for this issue – however it is not in the MND drawings or noted as a condition of the plan (it also demonstrates co-operation of adjacent properties and their ownerships and business relationship).

Sanitary Facilities

CAG questioned the ability of current sanitary facilities to meet public needs (noting that each building in the proposed project has indoor facilities). Brent McDonald supplied statistics based on certain population density assumptions (which may are may not meet current use standards) – and suggested use of the restroom at Dunphy Park (noting that that restroom is almost .5 miles away and is not always open to the public). Furthermore, the management at Scoonmaker is not reliable in regards to opening that public restroom – nor are the restroom facilities sufficient to handle weekend and warm weather crowds.

O1-9

The calculations provided by Brent McDonald were not subject to empirical evidence. It should be noticed that sunny day public use of the beach and Bay trail is very intense .

Soils and Geotechnical

The Geotechnical Report (ENGEO, 1993, SalemHowesAssoiates (October 2006 to Gary Hendricks, also a noted owner/partner on 30 Liberty Ship and with similar last name noted on the Schoonmaker Marina property – 063-080-07): This report, and related borings and investigation dealt solely with engineering aspects of soils and geology for construction issues. No investigation was noted for contaminated soils.

O1-10

The AEI Investigation indicates contaminated subsurface water and soils at 30 Liberty Ship Way (directly adjacent to the project site - with potential migration towards the site area (30 Liberty Ship Way, Ground Water Report and Request to Discontinue Ground Water Monitoring, 30 Liberty Ship Way, Sausalito, RWQCB File No. 21-0351 (JM), AEI Project No. 263064) where there is indicated evidence of contaminant migration and water column moves in the direction of the proposed construction site – water tables were quite near the surface and Bay water intrusion was noted as potential). [Construction borings did not assess for contamination. However, it should be assumed (unless otherwise determined by borings that the soils are contaminated).

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The MND discusses a SWPPP. However, there is no discussion of how to treat contaminated soils and spoils from construction. It is suggested that the plan preparers discuss this with Regional Board staff in developing a plan to deal with excavation spoils.

Stormwater Control

Discussion of stormwater control with Brent McDonald - where Brent pointed out that he MND did show drainage patterns – where stormwater would be directed at bioswale filtration. There are no engineering drawings substantiating how this is to be accomplished.

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O1-11

Additionally, there is a letter in the file from Michael Rainey indicating potential sharing of stormwater piping for evacuation. This is confusing as to what is actually going to occur with this issue.

Additionally the rain event runoff coefficient are slightly understated. As the whole area is to be hard surface (excepted for a small paver area and the bioswales) the runoff values should be treated as such and the treatment facilities should be sized to treat these calculated values. This might require some minor changes in design.

The stormwater treatment in the Schoonmaker Marina area should be assessed for efficiency.

Traffic and Circulation

The Traffic study is inaccurate - given newer conditions arising out of the pandemic. There is much more frequent use of the area - bike, pedestrian, paddlers, auto - in the area. The study does not discuss outcomes for Le Garage parking and defers that outcome to later discussion (some of the LeGarage patrons use public spaces some use valet). This is an issue with traffic flow, parking, and safe path to

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O1-12
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access.

The MND and the Traffic Study do not apply analysis and consideration for safe routes for pedestrians and bicycles (this has been a long term problem - exacerbated by increased traffic from the project and increased public use of the area during the pandemic). Again, safe (clearly defined) access between buildings (existing and proposed), parking, and transit drop off points must be demonstrated in the plan.

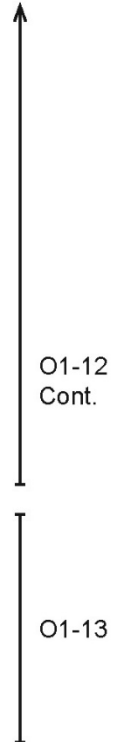
With increased traffic to the site general area from increased public use (some related to the project – and – with increased public use from pandemic outcomes) additional pressure will be put on the left turn at Bridgeway. The left turn lane on Bridgeway can only accommodate two vehicles (possibly 2.5 vehicles). The current lane is not of sufficient capacity – where more than two vehicles can cause intrusion into the thru traffic lane. Additional left turn lane space will need to be provided.

There are other circulation problems, two lanes narrowing to one – where traffic goes both ways, blind stops, and other issues (including the defining and marking of public access routes, pedestrian and bicycle, to and from and between buildings and public thruways) that need to be addressed. It is unclear who is responsible for correcting these issues. Who owns the easements and the roads and is responsible for safe access – the City or property owners.

It is pretty clear why the “stand-alone” project claim is made, and the ownerships are hidden in an attempt to support that claim. There are many issues that need to be fixed/ corrected and the ownership does not want to, or intend to, financially support what must be accomplished under Public Resources Code mandates – or – what is good design and planning.

There is sufficient issue here, that if not remedied (minimizing environmental impacts and threats to public safety) raise the level of discussion that the “Fair Argument Standard” has been met – thus, requiring an EIR. It is suggested that further review of issues is in order to meet the fully mitigated standard required for an MND.

Alan Levine for Coast Action Group.



Response to Comment Letter O-1

Coast Ocean Group
Alan Levine
April 11, 2021

O-1-1 Commentor expressed concerns regarding public noticing of the project and the definition of the project with regard to adjacent properties. Noticing for the project was properly conducted. Please see Master Response 1.

O-1-2 Commentor expresses concern about clear ownership of the property. Ownership of property is generally not relevant to CEQA analysis as who the owner of property is has no potential to impact the environment, or cause any sort of significant impact. Rather, it is the proposed use of property that is the focus of environmental review, in the context of an application for a discretionary approval by a public agency. A public agency can only conduct review of the project as proposed but must consider cumulative impacts of development. The cumulative impacts of development of this project, in conjunction with the development potential of adjacent sites and reasonably foreseeable future projects were considered on page 105 of the draft IS/MND but were determined to be unlikely to cause cumulatively considerable significant impacts due to applicable zoning restrictions and requirements under the General Plan. Notably, the comment does not include any specific information as to what reasonably foreseeable future projects on adjacent sites that the IS/MND has failed to adequately consider.

The issue of chain of title and any obligations from prior entitlements for this area are not a CEQA issue and responses will be provided in the Planning staff report.

O-1-3 This comment continues the concerns regarding ownership and adjacent properties. As discussed in response to O-1-2, generally the manner of ownership of property is not a relevant factor in any sort of CEQA analysis, and the City has studied whether the impacts of the project, and known or reasonably foreseeable future development, would result in cumulatively considerable impacts and has determined that it would not. However, it appears that the comment is driven by concerns about stormwater runoff and any deficiencies on the marina site. The subject project's stormwater plan provides bioretention to handle on-site runoff, and then ties into drainage facilities on surrounding properties. The subject property does not add flow to the existing drainage system. Potential indirect impacts may include short-term construction-related impacts due to erosion, runoff, and dust, however, standard best management practices would be implemented during construction to ensure that wetland impacts are less than significant, as required by applicable Regional Water Quality Control Board standards. As stated in IS/MND Section 3.7, Geology and Soils, a Stormwater Pollution and Prevention Program would be required and would include erosion control measures, such as lining the perimeter of construction areas with sediment barriers. Portions of the project area that are proposed for alteration by the project (buildings and parking lot) include drainage and retention facilities to accommodate stormwater. Due to the design of these facilities, the project would not impact stormwater flow onto adjacent properties and at least in part will now divert some stormwater flow that was previously draining to the bay.

Staff believes the subject property is under separate ownership from the marina and surrounding properties, and there is no legal obligation to address or correct any deficiencies on surrounding properties.

- 0-1-4** This comment returns to concerns regarding public noticing of the project. The City conducted the noticing required by law and the documents were made available to the public for comment during the circulation and re-circulation periods. Please see Master Response 1.
- 0-1-5** This comment expressed concerns regarding accessible parking and paths of travel. The proposed site plan shows accessible parking and paths of travel. These items will be confirmed when final building plans are submitted and reviewed. Also please refer to Master Response 2, Traffic and Circulation.
- 0-1-6** Concerns were expressed regarding accessible parking connected with the proposed project. Section 2.5 of the IS/MND describes the project as providing an approximately 48,979-square-foot surface parking lot with up to 108 parking spaces, including six handicap spaces; 12 bicycle parking spaces; and five motorcycle spaces. The number of proposed handicap spaces appears to meet the requirements for disabled parking in section 208.2 of the 2010 ADA Standards for Accessible Design and compliance will be confirmed with the issuance of building permits. ADA compliance is not a CEQA issue..
- 0-1-7** This comment returns to the issues of circulation and access noted in comment 0-1-5. Please refer to that response.
- 0-1-8** This comment brings up additional issues of circulation, beach access and parking. As a point of information, the bicycle and pedestrian trail adjacent to the marsh providing access to Schoonmaker Beach is not a part of the Bay Trail but is part of the City's bicycle and pedestrian system. This correction will be made in the Final IS/MND.

The 70-74 Liberty Ship project provides five pedestrian connections to the beach and trail. The applicant has provided a new exhibit that more clearly shows these connections. Each connection will have bollards and lighting. Signage noting access to the trail and beach has been updated using the BCDC Shoreline Signage guidelines.

The project includes nine parking spaces available for public use on weekdays from 8 a.m. to 5 p.m. in the southwestern portion of the site. An additional eight nine spaces would be available for public use on weekends and extended evening hours. The parking spaces designated for public use will have identifying signage. These changes will also be made in the Final IS/MND.

Staff is confident given the analysis in the IS/MND that the proposed access, public parking, and signage are adequate.

- O-1-9** This comment is focused on the ability of current sanitary facilities to meet the needs of the project. The Sausalito-Marín City Sanitary District (SMCSD) currently serves the project site as the wastewater treatment provider (SMCSD 2020). The project proposes a sanitary sewer connection with the existing SMCSD gravity main that parallels Bridgeway. The sanitary sewer for the buildings on the project site would discharge into an existing street manhole in front of 30 Liberty Ship Way. As described in Section 3.19 of the IS/MND, incorporation of Mitigation Measure (MM)-UT-1 and MM-UT-2 would address the need for changes to sanitary facilities and would reduce the potential impacts to wastewater facilities to less than significant. MM-UT-1 require that the applicant comply with all Marin Municipal Water District requirements for new water facilities, and that all landscape and irrigation plans be designed in accordance with the most current Marin Municipal Water District regulations. MM-UT-2 requires that prior to issuance of a Building Permit, detailed sewer plans shall be submitted to the City of Sausalito engineer for review and approval.
- O-1-10** This comment is focused on soils and geotechnical issues. It noted the discussions of engineering aspects of the project site soils. The comment claims that no investigation was done of contaminated soils. Please see Master Response 4 for additional information regarding this comment.
- O-1-11** This comment is focused on stormwater control. The details of stormwater control are discussed in the response to Comment O-1-3. Please see that response.
- O-1-12** This comment is focused on traffic, circulation, and pedestrian access. Please see Master Response 2.
- O-1-13** This final comment raises issues of property ownership and suggests that an IS/MND may not provide sufficient analysis and claims an EIR should be developed. Please see response to O-1-2 and Master Response 3.

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Comment Letter O2



COAST ACTION GROUP
(707) 542-4408
alevine@mcn.org

October 26, 2021

Affiliate of Redwood Coast Watersheds Alliance

Trish Stevens, AICP
Consulting Planner for the City of Sausalito
City of Sausalito Planning Department

This communication delivered by e-mail to:
"Community Development" cdd@sausalito.gov,
"Tricia Stevens" tstevens@migcom.com, "Brent McDonald" ondarosa@sbcglobal.net,
"Michael Rainey" mikerainey@sbcglobal.net, "Lilly Whalen" L.Whalen@sausalito.gov,
"Mary Wagner" MWagner@sausalito.gov, "Maria Hernandez" mhernandez@sausalito.gov.

Comments: "MND - 70-74 LIBERTYSHIP WAY | DESIGN REVIEW PERMIT AND
CONDITIONAL USE PERMIT | APN 063-080-06 | PROJECT ID: 17-285"

Please accept these comments, review, and add to the Record – in addition to comments previously
made by Coast Action Group.

This project is subject to a Conditional Use Permit. The project as it stands does not meet the standards under Principally Permitted Uses. The review process of Conditional Use Permits is subject to project review requirements – under the California Environmental Quality Act. That means the public and reviewing agencies need to be afforded a complete and accurate description of the project with discussion and analysis of all relevant issues related to the project that may lead to a project subject to a Negative Declaration – where all issues are remedied (where feasible) and all potential environmental adverse impacts are reduced to a minimum. Or – if there are outstanding and unresolved issues (potential adverse impacts to the environment or inconsistencies with planning codes and approved planning documents); an EIR is required to fully assess, mitigate, and/or bring the project into compliance. This project, as described and proposed, is not fully conditioned to satisfy approval with a Negative Declaration.

Granted – a number of outstanding issues have been remedied. However there are several important issues that need analysis and alteration/improvement (conditioned) in the project design to satisfy what is required for project approval with a Negative Declaration.

O2-1

Below – is a summary of issues that need assessment and remedy:

Safe Paths to Access – Compliance with Building Code Section 11b

There appears to be sufficient parking spaces including Access/Disabled spaces and two spaces for vans. However there are two larger areas for parking that do not have clearly defined paths to access – including the main access road in to Schoonmaker Point. This leaves unresolved safety issues, and circulation issues (noted in the Marinship Specific Plan – Schoonmaker Point language – to be resolved in conjunction with new development).

O2-2

Additionally, allowing for these pedestrian and safety issues continues to pose a liability risk for the City of Sausalito (as this issue has been noticed in historic planning and in conjunction with this planning effort).

Language (below) is included from the Marinship Specific Plan

Marinship Specific Plan (a) and(b):

Note: It is unclear in regards to the difference of Marinship Specific Plan (a) or (b)? They both have the same revision date and appear to be the identical. It is confusing which language is to be relied upon.

- A. Circulation and Parcel Access (A, 2): “Streets, public and private, should be designed to maximize public safety” (where the Schoonmaker area is called out). Remedy of this issue is to be accomplished at time of property or parking modification and where is needed to improve public safety.

See (b) for language on street and driveway widths.

5. Pedestrian Ways – notices conflict with industrial zoning applications and public pathways. Safety, with clearly defined paths, is an actionable concern (also supported by Building Code Chapter 11b – clearly defined pathways - inclusive of parking lots and roadways)

O2-3

“Implementation of the pedestrian paths (A and B), and bike path shall be required, when reasonable, as part of any development or development plan form Marinship Parcels along one or more of the paths”. This to occur if the development plan would increase the floor area more than 25%. How is that 25% measured – from what baseline? However the proposed project floor spaces encompasses more than 24% of the mapped project area – and where clear safe paths from existing and proposed parking areas (two large areas) must be incorporated into the project.

Boat Launch

The Marinship Specific Plan calls for boat launch and trailer parking facility (public access?), and facility for small boats to be launched. This issue does not seem to be considered and resolved as called for as part of current Marinship development –or– in this proposed development. The boat ramp and parking at Clipper is private – where public launch not allowed – and, the Gallilee Harbor boat ramp is not available and there is no parking available there. This proposed development proposal should accommodate (with on site drawings) launch capability for smaller (non-trailerd) craft – inclusive of dry boat storage (the site plan is not specific on this issue). Though, the City must eventually find a site to accommodate trailered boats and parking for the trailers.

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Note: Schoonmaker Point beach has been a known and well used public access to San Francisco Bay for a very long time (close to 40 years). The Marinship Specific Plan calls for the maintenance, enhancement, and expansion of such public facilities. Though public access (and maintenance thereof) at Schoonmaker Point facilities may be bothersome to the property owner, the City of Sausalito must assure that there is no (ZERO) future limitation to public access to this site. Any such limitation to public access could not be legally sustained. Additionally assurance of continued public access must be demonstrated in the plan – in stated words and by agreement with the City of Sausalito. Granted; parking is a problem. The parking issue can be resolved (in part) by allowing for a boat/SUP loading area – with public parking away from the beach area.

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Note: Continued Visitor Serving Uses – including: small boat launch, SUP launch, Kayak launch, swimming, etc., must continued to be supported and protected by language assuring such continued use (and availability of use) included in the Conditional Use Permit – as a Condition of Use. Plan assessment and analysis must consider this issue and arrive at supporting language and a detailed plan (with drawings indicating where and how much boat/kayak and SUP storage will be available and where – as well as clearly defined area for loading and unloading passengers and equipment).

Circulation/Stormwater

Drainage: the Marinship plan recognizes drainage problems in the area in general and specific drainage problems at the Schoonmaker site – including: noting that all drainage runs to the Bay, current issues related to sea level and under designed drainage systems that need improvement, and increased impervious surfaces areas related to the proposed project (calling for larger pipes and elevation changes to limit flooding and allow for positive drainage). How does the current stormwater (MS 4) system in place, and the newly propose stormwater control applications in the proposed project fit with the City’s current Stormwater (MS 4) issues and requirements? Noting that the proposed projects includes traps. However the existing parking areas and roadways, in combination with the newly imposed (proposed) hard surface areas (all run to the Bay). The question is: are all of these waters captured and filtered prior to discharge to the Bay? Project

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proponents have stated they will comply with all Stormwater MS4 requirements. However, the requirements must be so stated in the plan, with drawings, completion and functional inspection requirements.

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Contaminated Soil

There is sufficient evidence in the file that contaminated soils exist on the site. Note: much of Schoonmaker Point has been expanded by placement of dredged soils, there has been leaky petrochemical storage in the area, and that boat/ship construction and maintenance in the area.

There will be excavation, storage, and potential removal of some soils. There is also potential for elevation of soils (construction dust) into the air column and move off site by wind. The project proponent agrees to abide by all BMPs (best management practices). The plan is not complete, nor is the public given adequate description of the plan – unless the soil management practices are disclosed in the plan - inclusive of: estimation of total soil disturbance and movement – in cubic yards, dust abatement plan, notation of where spoils will be stored, details relating how and when stored soils will be covered, level and timing of predicted precipitation triggering covering of stored soils, and discussion and drawings of how contaminated soil runoff will be contained. Again, there must be a described monitoring component.

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Sanitary Facilities

The current sanitary facilities for public use are not sufficient. Since the advent of pandemic the Sausalito shore paths have shown a significant increase in pedestrian, bicycle, and water sports use. These people need sanitary facilities. One toilet for men and two for women is not sufficient. From Schoonmaker Point to the other sanitary facilities, Dunphy Park or the Bay Model is just under one half mile. That is too long to walk for seniors and people with babies.

Additionally, there is no baby changing facility in any public restroom.

A solution for additional sanitary facilities needs to be found.

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Viewshed and View Corridors

The Marinship Specific Plan includes a discussion of the maintenance of View Corridors. There has not been presented an accurate, and professional, assessment of impacts to the view corridors from construction of the buildings as proposed. Such assessment, with CEQA acceptable protocols, must be accomplished (with mitigations if necessary) – prior to project approval.

↓ O2-9

Findings

To be consistent with, and to satisfy conditions necessary to adopt a Negative Declaration, the planning authority must make findings on the issues (CAGs issues - safe passage and circulation issues noted in the Marinship Specific Plan (a and b – language in the Schoonmaker Area Plan requiring circulation remedy), defined safe passage area in parking areas consistent with Cal

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Building Code Chapter 11 b, containment and control of runoff of contaminated soils, and existence of sufficient sanitary facilities. Given information in the file and related documents those findings cannot be made without discussion, remedy, or determination of consistency.

Liability

The project proponent and the City of Sausalito are (now) aware of safety issues in circulation and accessible and safe passage issue (where public safety is compromised and requires remedy).

Failure to address these issues in this project puts the City and project proponent in a position of liability for damages in case of accident.

Alan Levine

For Coast Action Group

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Response to Comment Letter O-2

Coast Ocean Group
Alan Levine
October 26, 2021

- O-2-1** This comment suggests that an IS/MND may not provide sufficient analysis and claims an EIR should be developed. The comment asserts that there are outstanding and unresolved issues that may have a potential adverse impact on the environment related to safe paths to access, boat launch, circulation/stormwater, contaminated soils, sanitary facilities, and viewshed/view corridors. These issues are discussed throughout this document, and no evidence has been submitted that they result in significant and adverse impacts that would result in the need for an EIR. Please see Master Response 3.
- O-2-2** This comment is focused on parking, primarily and acknowledges that there appears to be sufficient parking for Disabled Spaces and vans. The comment expresses concern regarding safety issues noted in the Marinship Specific Plan. This comment is noted but is not directly applicable to the IS/MND, which studied traffic, circulation, and related safety impacts.
- O-2-3** This comment notes requirements under Marinship Specific Plan regarding traffic and circulation. Please see Master Response 2.
- O-2-4** This comment notes policy regarding the Marinship Specific Plan policies on small boat facilities. These comments are noted.
- O-2-5** This comment primarily focuses on public access and boat launch facilities, stressing a need for small boat tie ups. The Project Staff Report (Page 18) provides the staff reasoning that small boat tie-ups are not feasible for this project. Staff has not identified any options for small boat tie-ups at this site.
- Small Boat Temporary Tie-Ups. The Zoning Code and the Marinship Specific Plan require “that all shoreline parcels in the Marinship provide for the temporary tie-up of small boats, as required by the City. The number of such spaces shall be a minimum of one per parcel or 2% of the total number of berths in the harbor, whichever is greater, unless otherwise approved by the City.”
- Because this project is not an extension or expansion of the Schoonmaker Marina to the north, a tie-up as part of a marina is not feasible. The southeastern portion of the project fronts the shoreline. The frontage is along the restored marsh land, called the Mono Street Marsh. A temporary tie-up would be incompatible with the marsh use. The northeastern shoreline at the parcel is Schoonmaker Beach where the temporary tie-up is also not feasible because of the location of the beach. Staff concurs that temporary boat tie-ups are not feasible as part of this project.
- O-2-6** This comment is focused on stormwater control. The details of stormwater control are discussed in the response to Comment O-1-3. Please see that response.

- 0-2-7** This comment is focused on soils and geotechnical issues. Please see Master Response 4 for additional information regarding this comment.
- 0-2-8** This comment is focused on sanitary facilities. The details of this issue are discussed in the response to Comment O-1-9. Please see that response.
- 0-2-9** This comment is focused on viewsheds and view corridors. Please see Master Response 5 for additional information regarding this comment.
- 0-2-10** This comment cites the need to consider certain issues and make specific findings for approval of discretionary permits. However, while some of the issues raised may relate to the findings required for project approval, these do not relate to what is required for approval of the IS/MND under CEQA. These comments are otherwise noted.



March 11, 2021

Galilee Harbor Community Association Comments on Proposed 70-74 Liberty Ship Way Development Plans, and Request for Environmental Impact Report

To the Sausalito Planning Commission:

Galilee Harbor Community Association is a low-income family housing and liveaboard marine service community. We are an immediate neighbor to 70-74 Liberty Ship Way in Sausalito, and steward public access areas on our property.

There are many potential negative impacts that we consider insufficiently addressed in the mitigated negative declaration for this project.

This is a massive-scale project in a highly trafficked recreational area and public walking path. The Sausalito community deserves a deep analysis and robust public input process to examine these issues with the depth they merit.

We request that an environmental impact report be completed to conduct more thorough risk analysis and more substantive community engagement in that process.

Selected concerns and questions include:

Public input process to evaluate potential negative impacts

- Statements on population, without consulting population:
The Initial Study/Mitigated Negative Declaration document, signed by a planner representing the City, declares that the proposed development does not have the potential to create significant negative impacts on noise, recreation, population, and housing (page 18). However, no public input was collected from the population that uses the path recreationally, nor the housing adjacent to the proposed development. How did the City conclude that there will be no significant impact on the population, if the population was not broadly and substantively consulted as part of this study?

O3-1

- Insufficient notification for meaningful public input:
We as immediate neighbors received notification about the March 17, 2021 Planning Commission review of this project on March 2, 2021. This project will have direct impacts on our Galilee Harbor community, and throughout the broader Sausalito community. Two weeks of notice with minimal public outreach is not sufficient stakeholder consultation to declare that one of the largest development projects in recent past in Sausalito will not have significant impacts.
- Insufficient posting of plans in public areas that would be affected:
The development plans have not been posted publicly along the existing fence of the proposed development. Scores of people walk this path per hour on a daily basis. The proposed development would drastically alter the built environment alongside this path, with cascading impacts on other environmental elements including iconic views of Mount Tamalpais. The users of the path deserve an opportunity to provide informed input on this project that would impact their enjoyment of this path and the views they seek as part of the recreational and aesthetic resources of the Sausalito community. Clear public notification of the proposed development plans at the site, with sufficient time for public input, is an important part of the civic process that we pride our community on.

What are the plans for making the plans clearly available to users of the public path adjacent to this development? What will be the process to actively seek input from users of this public path and other relevant stakeholders? How will drivers in the area be consulted for input on traffic implications of adding 108 parking spaces to an area that is already difficult to navigate?

- Consultation with public agencies and other stakeholders:
What is the status and result of consultation with other relevant public agencies and other interested stakeholders such as:
 - San Francisco Bay Conservation and Development Commission
 - Army Corps of Engineers
 - Department of Fish and Wildlife
 - California Coastal Commission
 - Audubon Society
 - SF Baykeeper
 - Sausalito Beautiful
- Responses to previous public comments:
A previous iteration of this project elicited a letter from the San Francisco Bay Conservation and Development Commission (August 9, 2007 letter from BCDC to City of Sausalito, Subject: Notice of BCDC jurisdiction). This letter states that the proposed



development plans for 70-76 Liberty Ship Way should include “diagrams that depict potential view opportunities from the nearest public road showing how the Bay view would be impacted from that location, and also from adjacent properties and public streets.” We have not identified a complete set of those diagrams in the current development plans. In addition, we consider that diagrams should also depict how view opportunities of Mount Tamalpais, which is an important aesthetic and cultural resource for the Sausalito community, would be mitigated to a “less than significant” level.

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- Clarify public understanding of the process:
What are the next steps, timelines, and opportunities for public involvement for the upcoming stages of project planning?
How will community benefit agreements be addressed in this process?

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Impact on public safety and quality of life

- Prioritize views of pedestrians, not cars:
This development would have a drastic negative impact on that view from a highly trafficked walking path, in favor of views from Bridgeway. Bridgeway is a car thoroughfare, with minimal pedestrian traffic in that section. Considering Sausalito’s efforts to promote a healthy and sustainable community, we suggest that views of Mount Tamalpais from a popular pedestrian pathway along the waterfront from Dunphy Park through the Marinship take precedence over views from cars on Bridgeway. We urge the City to prioritize views and other aesthetic considerations from the pedestrian point of view, rather than prioritizing views from cars.

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- Construction noise:
The mitigated negative declaration indicates that the construction will be low impact. We anticipate that driving pilings would have significant noise impact that would directly impact public enjoyment by disrupting residential life at Galilee Harbor, disrupting the peaceful environment of the walking path, and indirectly impact public enjoyment by disrupting the Mono Marsh wildlife that the public enjoys observing. The study states adherence to legal noise requirements means that there will be less-than-significant noise impact. However, conforming to federal transit requirements of noise thresholds in a residential area (80 dBA Leq over an 8-hour period) simply means that the noise is legal. We do not agree with equating legality to having a “less than significant impact.” 8 hours per day of up to the maximum decibel rating of legally allowable noise will certainly affect the quality of life of residents, the home-schooled children in the Galilee Harbor community, and the recreational users of

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O3-7
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the path. The extent of the impact cannot be analyzed without a meaningful public input process. (We also request deeper evaluation of potential noise impacts on wildlife – see below).

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Potential exposure to hazardous materials:

- Need for more robust risk analysis:
The location is a former World War II shipbuilding site. We are concerned that the risk of exposure to hazardous materials is not addressed with the thoroughness the issue deserves. Siting a major development on a property with a known history of toxins without an environmental impact report surprises and concerns us.
- Proximity to school and school-age children:
Part of the report's stated mitigation to reduce risks from hazardous exposure is that the development is not within one quarter mile of a school. However, this does not address the home-schooling that takes place at Galilee Harbor Community Association, which is within a few hundred feet of the development, nor the ongoing population of young children who reside as direct neighbors to the proposed development. In addition, there are school day and after-school programs that operate regularly on other properties adjacent to the proposed development, with additional school-age programming that will launch soon.
- Inconsistent use restrictions to mitigate hazardous exposure:
One of the mitigations listed in section 3.9 for hazardous waste (MM-HAZ-1) is to limit uses to: "industrial, commercial, containerized/dry boat storage, office space, water recreational, or maritime uses". However, elsewhere in the report there are other stated uses planned for the development. For example, one section of the report states that as a mitigation measure there will be "no hospital use", while another section indicates plans for a "medical center". Further evaluation of potential impact of hazardous materials is necessary.

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Potential Impacts on Wildlife and Wetlands:

- Consultation process:
What public and public-interest agencies have been consulted as part of the study on possible impacts to wildlife from light, sound, silt and other direct and indirect impacts of the proposed development?
- More analysis study of overall Mono Marsh ecology needed:
The study discusses nesting birds, but does not address the specific context of Mono Marsh, which is one of the only resources in the area for wetland birds. Mono Marsh,

↑ O3-9

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stewarded by Galilee Harbor, is renowned as one of the most diverse wetlands in the County, with regular visits from the rare yellow crested night heron, and breeding grounds of the black crested night heron. The mitigated negative declaration discusses potential impacts on specific species of nesting birds, but does not sufficiently address the overall ecology of Mono Marsh. Wetlands are sensitive and dynamic ecosystems, with complex interplays of biotic and abiotic features. The study does not sufficiently address how the development may impact the overall marsh ecology. A deeper ecological analysis is needed, and the public deserves an opportunity to fully consider this.

- MM-BIO-1 may not sufficiently mitigate risk to “less than significant impact”: We are concerned that the only mitigation of risk to wildlife is measure MM-BIO-1. This mitigation measure limits certain activities during nesting season. We are concerned that this single mitigation measure may not sufficiently reduce impact to “less than significant” on the overall Mono Marsh ecology. Further study is needed to ensure that implications for the overall ecology of Mono Marsh are fully analyzed and mitigated.
- Clarification of developer responsibility in wetland protection and restoration: The plans are not clear about where the developer’s responsibilities end regarding boundaries with the wetland areas. More precise clarification of the developer’s responsibility for contributing to long-term protection and management of these wetlands is needed.
- Native species nurseries: The document states that there are no native wildlife nurseries in the area. *How have the potential impacts on black-crested night heron breeding sites been evaluated?*

Consistency with zoning and intent of newly adopted General plan

- Marinship Vision: *Are all uses consistent with the Marinship Vision developed as part of the General Plan process?*
- Permitted uses: *Do all proposed uses of the development conform to the allowable Marinship Uses as stated in the newly adopted General Plan?*
- Traffic: *How are the plans and addition of 108 parking spaces compatible with the Fair Traffic Limits Initiative?*



We raised concerns in 2007 about an earlier version of this development regarding impact on the Bridgeway/Easterby/Liberty Ship intersection. Traffic in this area is already difficult, without the additional proposed tenants. We do not consider the mitigation measures listed in this sufficient to reduce that risk to “less than significant.” Public consultation is needed on this topic.

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- Changing shoreline:
How does the plan consider sea level rise in its planning and conform to the City's sea level rise adaptation program of the General Plan? Will required setbacks from the waterline still be in compliance with projections of where the waterline will be in 100 years, at a high tide, and 100-year storm event?

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O3-12

Impacts on immediate neighbors, including environmental justice considerations

Galilee Harbor Community Association is Sausalito's only low-income family housing site. Our community includes over 60 individuals - low income marine service workers and artists and their families - who live full-time on their boats. The community has raised generations of children, and stewards public access to the waterfront.

We are one of the densest areas of housing in Sausalito, and we are specifically low income family housing. Because of this density, the proposed development would have more direct impact on residents, and specifically low-income residents, than nearly any other location in town.

Industrial and commercial developments have historically placed a disproportionate burden of negative impacts on low-income communities. This is an environmental justice consideration that is an important element of the California Environmental Quality Act Environmental Impact Report process. As immediate neighbors and a low income residential community we request more detailed analysis and exploration of alternatives regarding:

- Lighting
- Noise
- Sightlines
- Hazardous materials

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O3-13

We appreciate your service to support the community's best interests.

With appreciation,

Galilee Harbor Community Association Board of Directors

Response to Comment Letter O-3

Galilee Harbor Community Association
March 11, 2021

- 0-3-1** Commentor expressed concerns regarding public noticing of the project. Please see Master Response 1. The public has been consulted and provided an opportunity to comment on the original IS/MND and recirculated IS/MND during the comment periods.
- 0-3-2** Commentor continues to express concerns regarding public noticing of the project and also includes concerns regarding parking. Please see Master Responses 1 and 2.
- 0-3-3** Commentor requests the status of consultation with public agencies. No comments were received from state or local agencies, although both IS/MNDs were circulated locally and through the State Clearinghouse.
- 0-3-4** Commentor refers to comments received on a previous project on this project site by BCDC regarding potentially impacted viewsheds. The MND was circulated to relevant agencies through the State Clearing House but specific comment was not received from any State or local agencies. Previous conversation with San Francisco Bay Conservation and Development Commission (BCDC) are relevant to this response and indicated that the project would not require review by the BCDC Design Review Board but that notification should be made to BCDC following project approval presumably to verify that the final project was approved as earlier reviewed by the agency. Please see Master Response 5 for further response information regarding viewsheds.
- 0-3-5** This comment refers to opportunities for public input. Please see Master Response 1 for more information on this topic. Note that this comment does not specifically relate to study of the project under CEQA.
- 0-3-6** Commentor raises concerns regarding viewsheds. Please see Master Response 5 for further response information regarding this topic.
- 0-3-7** The commentor states that the IS/MND claims that construction noise “will be low impact.” This statement is inaccurate. The IS/MND discusses the parameters of expected noise and acknowledges that there will be certain disturbances during the temporary time of project construction. Construction noise will not be constant but intermittent during the legal time limits allowed by the City. Construction noise is also considered limited because disruptions are only temporary during the time of construction, not operational. The commentor claims that conforming to noise impact thresholds while legal does not equate to a “less than significant impact.” This statement is also inaccurate as significance under CEQA is routinely assessed by adherence to local, state and federal laws and regulations.
- 0-3-8** This comment is focused on soils and hazardous materials. Please see Master Response 4 for additional information regarding this comment. This comment is focused on potential impacts from construction to children home schooled near the project site. Per the CEQA Statute (§ 21151.4) “a negative declaration shall not be approved for any project involving the construction or alteration of a facility within

one quarter mile of a school that might reasonably be anticipated to emit hazardous air emissions, or that would handle an extremely hazardous substance or mixture containing extremely hazardous substances in a quantity equal to or greater than the state threshold quantity". The proposed project would not handle a significant quantity of hazardous substances but would potentially cause the release of diesel-contaminated soil during construction activities.

The intent of regulating hazardous emissions and materials near schools is to prevent harm to concentrated areas of sensitive receptors. Per Section 42301.9 of the Health and Safety Code, a "school" refers to any public or private school including more than 12 grade-school students but does not include private schools conducted in private homes. Homeschools are not included within the regulation as instruction is conducted in private homes without a concentrated (12 or more) number of children in one area. Additionally, day- and after-school programs are not considered schools as students enroll in a part-time basis and remain members of their main school. Thus, the proposed project is not within one quarter mile of a school.

The handling of potentially hazardous substances and release of hazardous air emissions is highly regulated by federal, state, and local agencies. As described in Section 3.3, Air Quality, the project would be required to implement best management practices including watering any exposed surfaces (such as soil piles) two times per day in order to reduce fugitive dust emissions. Through compliance with applicable laws and regulations, implementation of the proposed project would not create a significant hazard to any nearby schools or other sensitive receptors. As such, further environmental analysis is not required.

In addition, please see Master Response 4 for further information regarding this topic, particularly with regards to operational use of the property.

0-3-09 This comment is focused on potential impacts to wildlife and wetlands, and particularly expressed concerns regarding Mono Marsh and nesting mitigation, in particular, that further ecological analysis is required for the proposed project. The IS/MND acknowledges that there are nearby jurisdictional waters including the 28,888-square-foot marsh restoration area, or "Mono Marsh," located along the southeastern boundary of the project site. However, no development is proposed for these areas and thus there would be no direct impact to wetlands. Potential indirect impacts may include short-term construction-related impacts due to erosion, runoff, and dust, however, standard best management practices would be implemented during construction to ensure that wetland impacts are less than significant. As stated in Section 3.7, Geology and Soils, a Stormwater Pollution and Prevention Program would be required and would include erosion control measures, such lining the perimeter of construction areas with sediment barriers. Per MM-BIO-1, all grading and earthwork activities are to be performed outside of the bird breeding/nesting season, otherwise nesting bird surveys shall be conducted to determine if there are any active nests of protected bird species. If nesting birds are detected, construction would halt until the nest is vacated with no evidence of a second attempt at nesting. If needed, avoidance buffers may also be established to prevent disturbance of occupied nest. This Mitigation Measure is one that is successfully used on a wide range of projects throughout the state. With consideration of the above measures, the proposed project would not have a significant impact on the Mono Marsh and further environmental analysis is not required.

0-3-10 This comment is focused on the project's consistency with applicable zoning and plans. The applicable policies and standards for this project are:

- 1995 General Plan
- Marinship Specific Plan
- Marinship Overlay Zoning District
- Industrial and Waterfront Zoning District

Staff provided an analysis of the project in the context of the 2021 General Plan for information purposes. The staff report for the final public hearing will be revised to more clearly articulate compliance with the policies and standards that are applicable. Based on analysis so far, staff believes the project is in compliance with applicable General Plan and zoning requirements.

0-3-11 This comment is focused on traffic impacts and particularly the addition of 108 parking spaces. Please see Master Response 2 for more information regarding traffic impacts. In addition, staff acknowledges that the most recent site plan dated November 2020 reduced the number of parking spaces to 101, from 108 spaces shown on earlier plans. Parking requirements are still met. The number of spaces was reduced after refining the site plan to address fire turning radius.

0-3-12 This comment is focused on issues of changing shoreline and sea level rise. Please see Master Response 6.

0-3-13 This comment is focused on potential impacts of environmental justice. Issues of Environmental Justice (EJ) are typically reviewed and addressed through General Plan development and state and federal review of industrial facilities and uses that, contain or produce material that pose a significant hazard to human health and safety. While EJ review is not directly tied to the CEQA process, it is prudent to consider situations where significant impacts may disproportionately affect people of underserved races, cultures, or incomes. While low-income housing may be available in the Galilee Harbor Community, Galilee Harbor is not typical of the often impoverished and underserved areas that EJ protections are designed to protect. Furthermore, and perhaps more importantly as discussed in the MND and above, there are no environmental impacts that would be considered significant, considering the mitigation measures proposed for the project, and furthermore, there are no impacts of the project such as ongoing generation of air pollution or emissions, or generation of new hazardous materials, that would affect the Galilee community in any significantly disproportional manner.

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November 1, 2021

Galilee Harbor Community Association Comments on Proposed 70-74 Libertyship Way Development Plans

We are writing to express our continued concern about lack of meaningful public input opportunities in this project's design. The proposed project would be one of Sausalito's largest developments in decades, in an area whose pedestrian path and wildlife habitat attract residents and visitors daily. The project will certainly impact the community. We hope the public will have ample opportunity to give input, and for that input to be considered.

We expressed concern about the limited public outreach and opportunities for substantive input on this project in our letter submitted on March 12, 2021.

During the March 17, 2021 Planning Commission Study Session, which took place after midnight, the Commission encouraged the applicant and the City to deepen their public outreach. Specific comments from Commissioners included:

- *"Public participation is critical....it is important for a project of this magnitude and scope that we get proper public input"*
- *"Complete lack of outreach"*
- *"The deadline for public comments is today? That's crazy."*
- *"The applicant should take the public comments under serious advisement."*

Following those comments from the Commission, there was not additional public outreach from the City on the overall project design. Nor did the applicant contact us to follow up on the concerns we raised in our letter.

O4-1

A vertical line with a downward-pointing arrowhead, indicating the scope of the comment letter O4-1.

The next study session, October 20, 2021, again took place late in the evening. At this session, the Planning Commission Chair noted:

"We had asked that they (the applicant) discuss this with Galilee; that hasn't happened."

As of Nov 1, 2021 we still have not received direct communication from the applicant about the project.

As workers and owners of maritime businesses, and as immediately neighboring property owners, we look forward to the opportunity to give input on this project.

But our concern extends far beyond that. We watch hundreds of people per day walk alongside the project site, completely unaware of the proposed changes. The whole community deserves a chance to be aware of and give input on this project.

We request that the City act on the comments from the March 2021 and October 2021 Study Sessions that suggested a Saturday daytime public input session on this project.

Meaningful, substantive public outreach is more than just a legal requirement - it is the way to build and grow developments that meet the community's needs. We look forward to opportunities for productive community planning and collaboration.

With appreciation,

Galilee Harbor Community Association Board of Directors



Galilee Harbor Community Association
300 Napa Street Sausalito CA 94965 415-332-8554 galieeharbor@gmail.com

↑
O4-1
Cont.

Response to Comment Letter O-4

**Galilee Harbor Community Association
November 1, 2021**

- O-4-1** This letter is focused on the public input process and response to issues raised during the public evaluation process. This Response to Comments document is, in large part, a response to the concerns raised in this letter. More specific information about the public process is also provided in Master Comments 1.

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Comment Letter O5

Message submitted from the «City of Sausalito» website.

Site Visitor Name: Kellee Adams
Site Visitor Email: kelleesmail@gmail.com

Hello Lilly,
This is Kellee Adams from Open Water Rowing. I was on the zoom call last night and wanted to voice the support of OWRC for the Schoonmaker Marina development. Sorry not to be able to stay on the line, it got too late. I wanted to make sure you received the email that I sent to planning last night.
Thank you so much for all of your hard work!
Kellee

05-1

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Response to Comment Letter O-5

Open Water Rowing Committee

March 18, 2021

O-5-1 This letter expresses support for the proposed project. This comment is noted.

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Comment Letter I1



Tricia Stevens <tstevens@migcom.com>

70-74 liberty ship way

Scoutt Balchowsky <iscoutt@gmail.com>
To: tstevens@migcom.com

Mon, Nov 1, 2021 at 5:05 PM

Thanks for taking my call today, unfortunately I was not able to get an email in before 5 but would still be interested in continued information on this development if possible.
Thanks again.
Scoutt
707-479-8690

Sent from my iPhone

I I1-1

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Response to Comment Letter I-1

Scott Balchowsky
November 1, 2021

I-1-1 This letter expresses interest in the proposed project. This comment is noted.

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Comment Letter I2



Tricia Stevens <tstevens@migcom.com>

EIR/MND Comments - 70-74 Libertyship

sandrabushmaker <sandrabushmaker@yahoo.com>

Mon, Nov 1, 2021 at 3:00 PM

To: tstevens@migcom.com

Cc: Kristina Feller <kristinafeller1@gmail.com>, Heidi Scoble <hscoble@sausalito.gov>

I support a complete EIR report be required for the reasons cited by Ms. Feller, among others too numerous to list here.

Sandra Bushmaker

I 12-1

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Response to Comment Letter I-2

Sandra Bushmaker
November 1, 2021

- I-2-1** This letter requests that a full EIR be developed for the project. Please see Master Response 3 for response to this comment. Additionally, this comment does not identify any specific reason as to why an EIR should be required for the project.

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Comment Letter 13

Libertyship Way Questions

Kristina Feller <kristinafeller1@gmail.com> Tue, Mar 16, 2021 at 8:05 PM
To: Lilly Whalen <LWhalen@sausalito.gov>, tstevens@migcom.com

Lilly and Tricia,

First and foremost thank you for preparing such a thorough report for the upcoming hearing tomorrow evening. And Tricia, thank you for being a willing participant in Lilly's pilot program of pre-recording your staff presentation. Brilliant.

My question is regarding the applicable documents to use for this application. As mentioned in the staff report, the application was completed under the 1995 General Plan and therefore the Marinship Specific Plan would prevail. I appreciate that you have taken the time to confirm that this conforms with the 2021 General Plan, but would appreciate a confirmation on the jurisdictional document(s) that apply here.

I
13-1

My second question is whether or not other City departments have reviewed or commented on the infrastructure capacity in this area and whether or not the NOAA or Baywave models have been applied to this review.

I
13-2

Thanks in advance for your assistance.

Kind Regards,
Kristina

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Response to Comment Letter I-3

Kristina Feller
March 16, 2021

I-3-1 This letter expresses questions regarding the applicable planning documents relevant to this project. The applicable document is the 2021 General Plan unless the applicant has obtained vested rights under the 1995 General Plan, which has not occurred.

In summary, the applicable policies and standards for this project are:

- 2021 General Plan
- Marinship Specific Plan
- Marinship Overlay Zoning District
- Industrial and Waterfront Zoning District

The IS/MND analyzed the project in the context of the 2021 General Plan for topics with relevant CEQA policies, such as Transportation policies related to Vehicle Miles Traveled (VMT). In addition, Planning Staff provided a preliminary analysis of the project in the context of the 2021 General Plan in the Planning staff report. . The Planning staff report for the public hearing will be revised to more clearly articulate compliance with applicable policies and standards.

The 2021 General Plan contains policies and programs related to sea level rise. The IS/MND addresses flooding but did not specifically address newer General Plan policies on Sea Level Rise, particularly General Plan Program S-3.1.5 which states: *Data Coordination with County. Coordinate with Marin County on updating data and information related to sea level rise, using BayWAVE as the base for all city documents and plans to address sea level rise. Please see Master Response 6.*

Based on analysis, Planning staff believes the project is in compliance with applicable General Plan and zoning requirements.

I-3-2 This comment is focused on issues of shoreline infrastructure and sea level rise, particularly the BayWAVE report. Please see Master Response 6 for more information regarding this topic.

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Comment Letter I-4



Comment Letter I4

EIR/MND Comments - Libertyship

Kristina Feller <kristinafeller1@gmail.com>
To: Tricia Stevens <tstevens@migcom.com>
Cc: Heidi Scoble <hscoble@sausalito.gov>

Mon, Nov 1, 2021 at 1:28 PM

Tricia,

Following please find additional comments on the 70-74 Libertyship EIR/MND. First and foremost, I believe there is a requirement for a full EIR.

1. This proposed development does not reflect a design that has accounted for BCDC requirements, sea level rise and subsidence. I reference Bay Adapt, San Francisco Bay Plan Climate Change Policy Guidance, California Ocean Protection Council. Following are those links: <https://www.bcdc.ca.gov/bpacc/San-Francisco-Bay-Plan-Climate-Change-Policy-Guidance.pdf> , <https://www.opc.ca.gov/updates/californias-sea-level-rise-guidance/> , <https://www.bayadapt.org>. 14-1
2. This project has not been modeled by BayWave. It is very important that this is tested by the County's well established model since water - tidal or storm management - be considered.
3. This project is dense enough to require a study on storm water management and overall infrastructure capability since most of it falls under water in a storm event or king tide. 14-2
4. The density of this project triggers a traffic study requirement and some acknowledgement of disaster preparedness and hardening of the facilities to account for its location. 14-3
5. After some digging, it is apparent that an overall master plan is required of these parcels and the larger area originally deeded - including Schoonmaker Beach. After the area was parcelized, this requirement did not go away. 14-4
6. The design is entirely inappropriate for the location; it will be flooded particularly with roll up garage doors at grade and not built up on a plinth. 14-5
7. The applicant claims that this will be used for storage - again being under water, this is not an applicable use. 14-6
8. Where is the resilience planning? 14-7
9. This development does impact the Marsh areas adjacent to Galilee. Has the applicant run a LiDar study or scenario that can demonstrate that underground springs, run off, etc is not impacted or bifurcated by this development? 14-8

I could go on, but there is a total lack of analysis and thoughtful consideration to be more constructive. Again, a full EIR is needed. 14-9

Regards,
Kristina M. Feller
+1 415.250.4000

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Response to Comment Letter I-4

Kristina Feller
November 1, 2021

- I-4-1** This letter requests that an EIR be developed. Please see Master Response 3 for more information on this topic. This comment specifically focusses on the issues of sea level rise, shoreline changes, infrastructure, traffic, master planning, and the marsh area. Each of these topics are addressed throughout this Response to Comments. Comments submitted do not identify any specific evidence in the record that suggests a likelihood of substantial impact to trigger the need for an EIR.
- I-4-2** This comment is focused on issues of stormwater management. Please see the response to comment O-1-3 for a detailed discussion of this issue.
- I-4-3** This comment focusses on the issues of traffic. Please see Master Response 2 for more information on this topic.
- I-4-4** This comment expresses the opinion that an overall master plan is needed for this property. The response to Comment O-1-2 has some relevance to this topic. Staff believes the subject property is under separate ownership from the marina and surrounding properties, and there is no obligation to address or correct any deficiencies on surrounding properties nor is a master plan required on this site.
- I-4-5** This comment focusses on the issues of sea level rise and shoreline changes. As described in Master Response 6, the analysis does not support the comment that the property will be “flooded.” Please refer to Master Response 6 for more information on this topic.
- I-4-6** This comment focusses on the future uses of the project with respect to perceived issues of flooding and sea level rise. As described in Master Response 6, the analysis does not support the comment that the property will be “underwater.” Please refer to Master Response 6 for more information on this topic.
- I-4-7** This comment questions resilience planning for the project. There are a number of issues reflected in the analysis of the IS/MND that are specifically designed to insure future viability of structure and operational use of resources. Specifically, the analysis of stormwater management, hazards avoidance, public service needs and traffic. None of this analysis found evidence that future project resilience was in question.
- I-4-8** This comment focuses on potential impacts to nearby marsh areas. Please see Section 3.4, Biological Resources of the IS/MND for a detailed description of potential impacts in this area. In addition, the description and requirements of the required Stormwater Management Plan described in the response to comment O-1-3 are in place to prevent impacts to surrounding ecosystems. Also see the response to comment O-3-10 for further biological issue discussions. Also, as noted above the IS/MND has been circulated to local and state resource agencies and the project has not raised concern or comment.

The comment also asks whether a LiDAR (Light Detection and Ranging) study has been conducted for the site to determine impacts to hydrologic resources. LiDAR is a remote sensing method that uses

pulsed laser light to measure ranges (variable distances) to the Earth that can determine topographic and bathymetric (surfaces below water) elevations for seafloor and riverbed bottoms. The project site is relatively flat and at an elevation of approximately 12 feet above sea level. A site-specific Hydrology study was prepared for the project site (CSW/Stuber-Stroeh Engineering Group 2018) to evaluate pre- and post-development conditions and the potential effects the project would have on changes to drainage conditions. This type of study is more pertinent to evaluating potential impacts related to the proposed project than what a LiDAR study could provide because it provides site specific details on proposed changes to peak storm flows and also provides details on drainage control features that would be part of the project. The project would be located on the landward side of the site and thus no bathymetric data is relevant to the evaluation of potential impacts. Otherwise, the topography of the site is known well enough to be able to analyze the potential hydrologic and hydraulic changes that could occur with development of the proposed project. Therefore, a LiDAR study would not be able to provide any additional data that would be more useful than the Hydrology Study that was completed for the site.

I-4-9 This comment requests that an EIR be developed. Please see Master Response 3 for more information on this topic.

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Tricia Stevens <tstevens@migcom.com>

Application DR 17-285: 70-74 Liberty Ship Way, Sausalito, CA

Bruce Huff <bruce.huff@kimber.net>

Sat, Mar 13, 2021 at 5:00 PM

To: Tricia Stevens <tstevens@migcom.com>

Cc: Lilly Whalen <LWhalen@sausalito.gov>, Kevin McGowan <kmcgowan@sausalito.gov>, "mikerainey@sbcglobal.net" <mikerainey@sbcglobal.net>, Brent MCDONALD <ondarosa@sbcglobal.net>, Max Huff <Max@kimber.net>

Ms. Stevens:

Thank you for arranging the meeting between you, Lily Whalen, Kevin McGowan and I regarding the application submitted by Brent McDonald on behalf of Michael Rainey for the construction of approximately 50,000 square feet of space on APN 063-080-06. I represent several of the neighboring properties on Liberty Ship Way. Our conversation involved the City's recommendations for mitigation of traffic impacts as a result of the construction and occupancy of the project.

Firstly, Let me say that I support fully the property owners intention and right to improve the subject property and I have no pre-conceived objections to the plans as presented to us. My concerns involve the process and apparent lack of understanding of the historical needs of the area in determining the appropriate mitigation measures.

I was involved in the entitlement and permitting of Schoonmaker Point Marina ([85 Liberty Ship Way](#)) in 1984-1986, 80 Liberty Ship Way in 1989, [10 & 20 Liberty Ship Way](#) in 1994-1996, and 28 & [30 Liberty Ship Way](#) in 1999 – 2001. Needless to say, I believe that I have some experience with the issues and potential solutions involving public access & public safety to these properties. I would like to give you a brief historical glimpse of mitigation measures that meaningfully contributed to the area and some that failed to contribute.

When Schoonmaker Point Marina was approved in the mid-1980s, the City required the developer to install an asphalt overlay on Liberty Ship Way and post a deposit for future public improvements as traffic mitigation. While the overlay was beneficial to the adjoining properties and the public, the deposit was eventually returned with interest to the developers because the City failed to re-identify a public project every five years, as required by the California code. Therefore, no one benefitted from the deposit requirement except for the property owners, who received their money back plus interest. *The mitigation measures suggested in the Mitigated Negative Declaration for this project would allow for such a deposit to be made.*

In the late 1990s, after the remodeling of [10 & 20 Liberty Ship Way](#) and the success of Schoonmaker Beach, we became concerned about the private ownership of the circulation system in the southern portion of the Marinship, the absence of any pedestrian and bicycle access and safety features (except of the incomplete bike path in the western and southern areas surrounding Liberty Ship Way), the failing intersections at SWA & Marinship Park and Harbor Drive & Marinship Way. We proceeded to develop a plan for an Improvement District that would correct these issues and eventually dedicate the circulation system to the public. This Improvement Plan was the subject of or mentioned in several subsequent traffic studies as appropriate to address these traffic and public safety issues. Unfortunately, we have been unable to form this Improvement District because of the large parcels owned by the Army Corps of Engineers and the City of Sausalito. As you know public agencies cannot be required to participate in Improvement Districts.

15-1

When we applied for the project for 28 & 30 Liberty Ship Way, the Initial Study correctly determined that traffic generation was an impact that needed to be mitigated. In a series of meetings with the then City Engineer, Gordon Sweeney and the then Community Development Director, Charlotte Flynn, the City and us agreed to the following principles.

1. The plans of the Improvement District were an appropriate goal of full traffic mitigation of the southern Marinship and should be encouraged.
2. The mitigation requirements of the project should be within the boundaries of the proposed Improvement District, should be an actual project, not a deposit for a vague, and potentially, unobtainable public project.
3. The mitigation measures should benefit the public
4. The mitigation measures should benefit the area impacted by the project.
5. The mitigation measures should benefit the project itself.
6. The monies spent on the mitigation measures should be credited to any future Improvement District within the boundaries of the District.

After a series of meetings with Mr. Sweeney and Ms. Flynn, we agreed to re-build the Easterby Ramp, provide a sidewalk that was ADA compliant and provide street lighting on the ramp. This improvement provided for multi-lane turning at the head of the ramp, pedestrian safety improvements and completely eliminated the stacking problem on the ramp that had existed for years. The foot of the ramp was also designed to connect to the roadway system envisioned in the Improvement District plan. Further, this mitigation measure also met all of the six goals listed above. The cost of this mitigation exceeded \$600,000.00 in 2001 dollars.

I have been involved in the Marinship for forty years and have a great deal of affection for the area. The current project offers the City and opportunity to further the vehicular and pedestrian safety issues that are crucial to the long term survival of the area. *The mitigation measures specified in the Mitigated Negative Declaration accomplish none of these goals.*

I request that the Public Works Director, the Community Development Director and the applicant re-visit this mitigation measure and design a project consistent with the 6 goals above. In light of our environmental concerns in 2021, I feel that this is critical to any project in this area.

Please include this email as correspondence in Item 5.B. of the Agenda for the Planning Commission meeting scheduled for March 17, 2021.

Thank you



Bruce Huff

Managing Partner

The Kimber Companies on Vimeo

10 Liberty Ship Way, Suite 150

Sausalito, CA 94965

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15-1
Cont.

Response to Comment Letter I-5

Bruce Huff
March 13, 2021

- I-5-1** The commentor requests the formation of an “improvement District” to collect developer fees and implement mitigations that had been under consideration associated with other nearby projects including re-building the Easterby Ramp, providing an ADA compliant sidewalk and providing street lighting on the ramp. Previously proposed improvements also provided for multi-lane turning at the head of the ramp, and other pedestrian safety improvements. These are not impacts of the project to be analyzed under CEQA, they raise issues beyond the scope of the project as proposed, and the City’s ability to impose such requirements on development are limited by applicable law. The creation of an Assessment District for other improvements such as pedestrian and bicycle facilities is a separate matter for the property owners collectively to initiate and is not tied to CEQA in this situation. The comment does raise issues of traffic and circulation. An analysis performed for this project did not find any LOS inconsistencies with the City’s LOS standard, but found a significant queuing impact at the eastbound left-turn pocket at Marinship Way – Easterby Street/Bridgeway. Based on this finding, a mitigation to extend the turn pocket was provided which would reduce the impact to a less than significant level. This finding is consistent with the City’s 2020 General Plan Update traffic analysis and was reviewed and accepted by the City’s contract Traffic Engineer, David Parisi (as described above). As the mitigation measure proposed in the MND would reduce the described impacts to less than significant levels, the need to propose further mitigation was not required.

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Comment Letter 16



Tricia Stevens <tslevens@migcom.com>

Sausalito

Thomae Kowalski <tkstcal@pacbell.net>
To: tslevens@migcom.com
Cc: Info@schoonmakermarina.com

Mon, Mar 15, 2021 at 12:37 PM

Good Afternoon

This is to inform you of my support of the planned Schoonmaker Aquatic Center development.
As a boat and property owner in Sausalito and Mill Valley, I find this to be a reasonable development
I do plan to attend the Sausalito Planning Commission Meeting

Thank You

Tom Kowalski
"Keel Basa" / 44 Defever/ E Dock/ Slip 129
415-806-7034

I 16-1

Sent from my iPhone

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Response to Comment Letter I-6

Thomas Kowalski
March 15, 2021

I-6-1 The commentor states his support of the proposed project. This comment is noted.

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Comment Letter 17



Tricia Stevens <tstevens@migcom.com>

Sausalito

Thomas Kowalski <tksfcal@pacbell.net>
To: Tricia Stevens <tstevens@migcom.com>
Cc: Info@schoonmakermarina.com

Wed, Mar 17, 2021 at 7:45 PM

Good Evening

As I have just logged into the Sausalito Planning Commission meeting, I earlier chatted with the Schoonmaker Harbormaster on tonight's meeting. While I am aware that the Schoonmaker Aquatic Center will be 4th on the agenda, I may not be available at the hour of the center presentation.

That being said, I ask that my comments be added into the meeting minutes.

1. The proposed Schoonmaker Aquatic Center is a well planned and devised development
 2. This development follows the current adjacent Marinship preservation given the nature of access to the waterfront
 3. The proposed structural and aesthetic lines of the development matches that of the adjacent surroundings
 4. As the current space is used as "dry boat storage", this is a inefficient use of this area. The proposed development includes covered boat storage in a controlled setting
 5. Within these plans, I see no view denial or the like in these proposed structure(s)
 6. The aquatic community will benefit from additional storage space and potential club house inclusion into this development
 7. While I am not a parking specialist, I do feel that adequate parking will be available.
 8. Bike and walking path access is excellent into the proposed development
 9. As a multi year tenant of Schoonmaker Marina, I find the management to be responsive, responsible and efficient in their practice. (My 44 foot trawler is berthed at E Dock at Schoonmaker)
 10. In being a Mill Valley home owner, I support this development per the above points. (With being a volunteer board member at a Sausalito based water front club and an active sculler/ rower, I am precluded from involving this organization's name(s). At the same time, I am aware of many that support this venture as sailors and rowers.
- Kindly note my support of this proposed development

± 17-1
± 17-2
± 17-3
| 17-4
| 17-5
| 17-6
| 17-7
| 17-8
| 17-9
| 17-10

Thank you

Tom A Kowalski
44 Defever/ Schoonmaker Marina
49 Ashford Ave, Mill Valley

Sent from my iPhone

On Mar 15, 2021, at 3:01 PM, Thomas Kowalski <tksfcal@pacbell.net> wrote:

My pleasure

[Quoted text hidden]

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Response to Comment Letter I-7

Thomas Kowalski

March 17, 2021

- I-7-1** The commentor states his opinion that the proposed project is well planned and designed. This comment is noted.
- I-7-2** The commentor states his opinion that the proposed project follows the Marinship Preservation Plan. This comment is noted.
- I-7-3** The commentor states his opinion that the proposed project structural and aesthetic lines match adjacent surroundings. This comment is noted.
- I-7-4** The commentor states his opinion that the proposed project is a more efficient use of storage in a controlled setting. This comment is noted.
- I-7-5** The commentor states his opinion that the proposed project would not deny existing views. This comment is noted.
- I-7-6** The commentor states his opinion that the aquatic community will benefit from the proposed project. This comment is noted.
- I-7-7** The commentor states his opinion that the proposed project provides adequate parking. This comment is noted.
- I-7-8** The commentor states his opinion that the proposed project provides excellent biking and walking access. This comment is noted.
- I-7-9** The commentor states his opinion that the Schoomaker Marina is well managed. This comment is noted.
- I-7-10** The commentor states his overall support of the project and his opinion that many others support the project as well. This comment is noted.

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Comment Letter PM-1

Comment Letter PM-1 summarizes oral comments made at the March 17, 2021, Planning Commission study session. This is a full list of comments, and oral comments on the IS/MND are noted.

**Sausalito Planning Commission
 70-74 Liberty Ship
 March 17, 2021, Study Session notes (compiled by Tricia Stevens, PM)**

Comment #	Comment/Question	Who	Responses
PM1-1	RR tracks – historic designation?	Saad	See Master Response 5 There is approximately 94 feet of exposed track in the vicinity of this project, of which 29 feet is located on the subject property. The original MND did not identify any historic resources on the subject property. The City subsequently engaged the services of Christopher VerPlanck, VerPlanck Historic Preservation Consulting, to further evaluate the historic significance of the remnant tracks. Mr. VerPlanck prepared an evaluation dated July 16, 2021. Because the Historical Preservation Commission (HPC) has jurisdiction over the designation of historic resources, this item is scheduled at the HPC on September 16, 2021. A report from the HPC will be forwarded to the Planning Commission in the context of the public hearing for this project.
PM1-2	Sea Level Rise – use NOAA and Baywave models	Feller	See Master Response 6
PM1-3	MND needs more detail	Nichols	See Master Response 3
PM1-4	Bay Trail incorrectly characterized.	Nichols	The bicycle and pedestrian trail adjacent to the marsh providing access to Schoonmaker Beach is not a part of the Bay Trail and is part of the City’s bicycle and pedestrian system. We will make this correction in our documents.
PM1-5	How is 84 employees calculated?	Nichols	The estimate of 84 employees was based on average estimates of the types of uses expected from the planned project uses. Not all employees would be expected to travel to and from the site or be on site at the same time.
PM1-6	Questions about runoff	Nichols	The details of runoff (stormwater control) are discussed in the response to Comment O-1-3. Please see that response
PM1-7	MND inadequate	Nichols	See Master Response 3
PM1-8	Toxicity map	Hoover	See Master Response 4
PM1-9	When was traffic study done?	Gourmand	The traffic study was prepared in 2020. See Master Response 2 for more information on this topic.

70-74 LIBERTY SHIP WAY PROJECT
 RESPONSES TO COMMENTS ON THE DRAFT IS/MND, AS RECIRCULATED

Comment #	Comment/Question	Who	Responses
PM1-10	Concerned about obstruction of Mt. Tam views	Gorum	See Master Response 5
PM1-11	Validity of traffic study?	Pierce	See Master Response 2
PM1-12	Aesthetics p. 3.1 – look at Mt Tam views from all areas	Saad	See Master Response 5
PM1-13	Traffic study doesn't seem right	Saad	See Master Response 2
PM1-14	p.41 Nesting duration – 3 years? Address indirect impacts to habitat	Saad	See response to Comment O-3-10:
PM1-15	Why isn't EIR required?	Feller	See Master Response 3
PM1-16	Concerns about traffic and better understanding of mix of uses	Feller	See Master Response 2

Comment Letter PM-2

Comment Letter PM-2 summarizes oral comments made at the October 29, 2021, Planning Commission study session. This is a full list of comments, and oral comments on the IS/MND are noted.

70-74 Liberty Ship
 Notes from Oct. 20 Planning Commission 2nd Study Session (Compiled by Tricia Stevens, PM)
 Updated Nov. 15, 2021

Comment #	Who	Comment	Response
PM2-1	Feller (PC)	Need diagram from applicant	Diagram was produced
PM2-2	Huff (public)	Objections to traffic analysis in MND Concerned with pedestrian circulation No provisions for maintenance; need Assessment District Mitigation measure should relate to project. Proposed mitigation not appropriate.	See Master Response 2 and response to Comment I-5 (Mr. Huff's letter)
PM2-3	Richard Graef	Concerned about mass and bulk on view corridors from Galilee and bike ped path; scale it back	See Master Response 5
PM2-4	Saad	Scale is large; listen to neighbors Look at view corridor Wants to discuss remnant tracks more in the context of the larger Marinship historic district.	See Master Response 5 There is approximately 94 feet of exposed track in the vicinity of this project, of which 29 feet is located on the subject property. The original MND did not identify any historic resources on the subject property. The City subsequently engaged the services of Christopher VerPlanck, VerPlanck Historic Preservation Consulting, to further evaluate the historic significance of the remnant tracks. Mr. VerPlanck prepared an evaluation dated July 16, 2021. Because the Historical Preservation Commission (HPC) has jurisdiction over the designation of historic resources, this item is scheduled at the HPC on September 16, 2021. A report from the HPC will be forwarded to the Planning Commission in the context of the public hearing for this project.
PM2-5		SLR - Not due diligence Expects full modeling Discuss with SLR Task Force	See Master Response 6

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