



**STAFF REPORT**  
**SAUSALITO CITY COUNCIL**

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**AGENDA TITLE**

Status Report – Plaza Viña del Mar Accessibility Improvements

**RECOMMENDATION**

Information only; no action required.

**BACKGROUND**

On June 1, 2010 the City Council discussed the Americans with Disabilities Act (ADA) accessibility improvements proposed for Plaza Viña del Mar.<sup>1</sup> During public comment and Council discussion the following Project Alternatives were identified (see **Attachment** for City Council minutes).

- **Ramp with Path:** The Ramp with Path alternative would install an ADA ramp extending from the El Portal sidewalk to the landing and install a decomposed granite path to and around the fountain.
- **Viewing Plaza with Ramp:** The Viewing Plaza with Ramp alternative would provide an ADA ramp extending from the El Portal sidewalk to the landing and would block off access to the landscape area and fountain from the landing and all entrances.
- **No Landing:** The No Landing alternative would remove the landing and provide level access from the Bridgeway sidewalk to and around the fountain.
- **Park Closure:** The Park Closure alternative would close the entire park, including access to the landing, landscape area, and fountain.

After discussion, the City Council directed staff to:

- Prepare an environmental review document of the Project Alternatives, including an analysis of the impact on historical resources;
- Prepare a legal analysis of the Project Alternatives, including compliance with Ordinance No. 1128 and the Settlement Agreement, as well as closure of all or a portion of the park; and
- Prepare construction cost estimates of the Project Alternatives.

**STRATEGY**

Since the June 1, 2010 City Council meeting, the Community Development and Public Works staff have prepared the following strategy to provide the information requested by the City Council.

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<sup>1</sup> This staff report focuses on the Project Alternatives for Plaza Viña del Mar accessibility improvements. It is also recognized that additional improvements are necessary for accessible perimeter sidewalks, curb ramps, and a drinking fountain.

1. Determine the feasibility of the ADA accessibility improvements associated with each of the Project Alternatives (listed above) to satisfy the Settlement Agreement;
2. Determine the level of historic significance associated with the various design components in the Plaza (e.g., elephant statues, fountain, landing, stone wall, landscaping);
3. Prepare construction cost estimates of the Project Alternatives;
4. Evaluate whether the provisions of Ordinance No. 1128 apply to the Project Alternatives;
5. Evaluate whether all or a portion of the Plaza should be closed;
6. Prepare an environmental review document in compliance with the California Environmental Quality Act (CEQA) which examines the environmental impacts on the Plaza's historical resources resulting from the implementation of the Project Alternatives;
7. Conduct a public hearing by the City Council (acting as the property owner) to determine a Preferred Project; and
8. Conduct public hearings by the Planning Commission and Historic Landmarks Board on a Design Review Permit for the Preferred Project.

If the Planning Commission's decision on the Design Review Permit, is appealed, the City Council would hold a public hearing and take action on the appeal.

To date, staff has communicated with the State Office of Historic Preservation to discuss the appropriate type of historical evaluation. Staff is also preparing a Request for Proposals (RFP) which will be forwarded to CEQA consultants with an expertise in historical architectural resources. The CEQA consultant will be asked to provide the following deliverables:

- An evaluation of the historical significance of the Plaza Viña del Mar design components.
- An Initial Environmental Study/Mitigated Negative Declaration prepared pursuant to CEQA which examines the environmental impacts on the Plaza's historical resources resulting from the implementation of the Project Alternatives. Delivery of a public review draft is expected in late 2010. In the event the consultant determines that an Environmental Impact Report is required, the contract would need to be amended by mutual agreement of the City and the consultant.

#### **NEXT STEPS**

Staff will be pursuing the following next steps in order to retain a qualified CEQA consultant with an expertise in historical architectural resources:

1. Finalize the draft RFP with input from the City Attorney.
2. Submit the draft RFP to the Finance Committee for review.
3. Send the RFP to qualified CEQA consultants. The CEQA consultants will be provided with approximately three weeks for preparation of their proposals.
4. Conduct interviews with the most-qualified CEQA consultants.
5. Report to the Council on the preferred CEQA consultant and request an authorization to execute a Professional Services Agreement.

#### **CONCLUSION AND RECOMMENDATION**

Staff concludes the above strategy and identified documentation will provide the necessary information to allow the City decision-makers to take legally sound actions and to address the public's concerns regarding the accessibility improvements at Plaza Viña del Mar.

This staff report is for information only; no action is required.

**ATTACHMENT**

City Council meeting minutes – June 1, 2010 [Excerpt]

PREPARED BY:



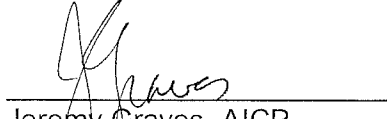
Heidi Burns, AICP  
Associate Planner

PREPARED BY:



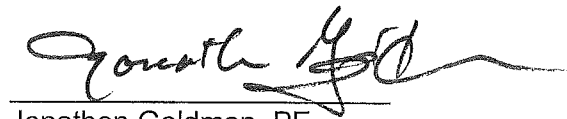
Andrew Davidson, PE  
Staff Engineer

REVIEWED BY:



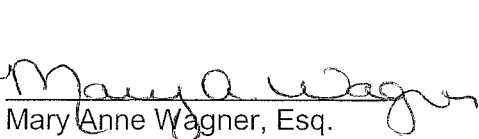
Jeremy Graves, AICP  
Community Development Director

REVIEWED BY:



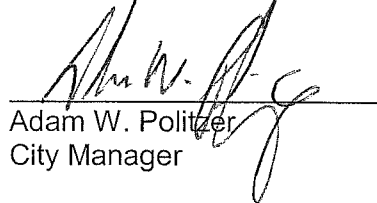
Jonathon Goldman, PE  
Director of Public Works

REVIEWED BY:



Mary Anne Wagner, Esq.  
City Attorney

REVIEWED BY:



Adam W. Politzer  
City Manager

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**EXCERPT OF CITY COUNCIL MINUTES**  
**JUNE 1, 2010**

**6B. Approve Vina del Mar Accessibility Improvements Project and Authorize Construction Drawings** *(Community Development Director Jeremy Graves and Director of Public Works Jonathon Goldman)*

Director of Public Works Jonathon Goldman presented the staff report on this item via a PowerPoint Presentation. He proceeded through a chronology of this project and showed a proposed accessibility plan.

Council questions followed.

City Attorney Mary Wagner clarified how Ordinance No. 1128 related to the project.

**Jacques Ullman** recommended lowering the platform and challenged that the ramp solution would have less of a significant change.

**Janet Dean** noted the importance of accessibility for the handicapped; however, she felt that making the park accessible would destroy the history of the park. She wanted the beauty and the history of the park preserved by returning it to a viewing park only.

**Philip Snyder** was disappointed that more appropriate alternatives had not been presented this evening. He continued, noting that staff had failed to appropriately research the project.

Council discussion followed on time management of the meeting.

**Bill Werner** felt that staff's proposal was complicated and complex, and desecrated the park.

**Margaret Badger** noted that she was in favor of plans previously mentioned by those speakers ahead of her. She realized the need to meet the legal requirements, but she wanted any changes to be simple and straight forward, and retain the ambiance. She also felt that the staff recommended changes would make the park feel smaller.

**Sonja Hanson** queried why Council would keep the park open for the tourists. She agreed with others who had recommended closing the park to protect the trees and fountain.

**Peter Van Meter** felt that the staff recommendation was equivalent to a total desecration of the park. He wanted to see the plaza area lowered to create a common access for all.

**Bob Mitchell** agreed with Peter Van Meter. He felt that the staff proposal was not less intrusive. Mr. Mitchell stressed how the park it being damaged and that there is a need to preserve the palm trees and the cedar trees. He wanted to see more of a focus on the damage being done and not just on the ADA needs.

**Vicki Nichols** advised that the Historic Landmarks Board had been reviewing proposals for two years. She agreed that she would like to see the least intrusive plan come through. She

expressed that the staff proposal may not be her favorite plan, but realizes the need to address the ADA issues.

**Chuck Donald** agreed with the Mary Ann Sears comments. He wanted to make sure that this project would go back to the Planning Commission for their recommendations on a design.

**Irv Gubman** felt that closing the park and lowering the landing would sufficiently answer the ADA recruitments.

**Susan Frank** noted for historical precedence, that in 1904, the park was laid out for "common access for all"; there were no steps. She felt that Council should consider the original intent for the park. She also wondered how the residents would feel if the park were closed.

**Tom Hoover** was concerned that there is a rush to judgment. He felt that there needs to be a long term course of action. Mr. Hoover also felt that since the park has re-opened, it has been a burden to the city. He strongly feels that the park should be closed to protect it.

**Pat Zuch** expressed concern that one ADA solution would be exempt from Ordinance No. 1128 and yet another would not. She felt strongly that the park should not be desecrated. Ms Zuch recommended that the project return to the Planning Commission for design review.

**Joan Cox** shared her own views on the project. She expressed concern that the Planning Commission would be stripped of their design duties. Ms Cox stated her concern that only one design option had been advocated by staff. She also challenged the fact that one design may be exempt from Ordinance No. 1128 or CEQA and another would not. She also agreed that the Planning Commission should consider the project.

**Julie Warren** felt that having the park open is not working. She felt that the park should return to a viewing park only, and that the park was not meant to be open to all.

**John Ferrell** felt that the tourists would not be hurt by not being able to go into the park. He agreed that the park should be closed and made into a viewing park. He felt that there was nothing for the residents to gain by having the park open.

**Nancy Osborn** agreed with the previous speakers.

**Stafford Keegin** also agreed with the previous speakers. He also wanted to stress that Ordinance No. 1128 emphasizes that the citizens of Sausalito have identified this park as being very special.

**Les Schofferman** also supported returning the park to a viewing only park. He felt that this was a park that had no recreational facilities and all one could do is sit in it and destroy the natural environment. He noted that in all his years living in Sausalito, he has never entered it; only viewed it from the outside.

**Vernal Lerner** felt that this was a tiny gem and that it should be closed and made into a viewing park. She also agreed with the lowering of the steps.

**Jeanne Fidler** read a poem that she had written about the history of the park being re-opened in 1996.

Council questions/comments followed.

Council again addressed the time management of the meeting.

**Councilmember Ford moved, seconded by Vice Mayor Pfeifer, to give everyone three minutes on this subject so that everyone can have their say.**

**AYES: Councilmembers: Pfeifer, Ford**  
**NOES: Councilmembers: Weiner, Kelly, Mayor Leone**  
**ABSENT: Councilmembers: None**  
**ABSTAIN: Councilmembers: None**

Council comments continued.

**Councilmember Ford moved, seconded by Vice Mayor Pfeifer, that the City re-install the gate at the entrance to the fountain park immediately, thereby returning Vina del Mar to a viewing park and that the City install a wheelchair ramp behind the elephant as shown in the current plan. In the meantime, a long term plan can be developed by the Historic Landmarks Board and the Planning Commission for consideration in the future when the City is in better financial condition or the money can be raised for the improvements.**

**AYES: Councilmembers: Pfeifer, Ford**  
**NOES: Councilmembers: Weiner, Kelly, Mayor Leone**  
**ABSENT: Councilmembers: None**  
**ABSTAIN: Councilmembers: None**

**Mayor Leone moved, seconded by Councilmember Weiner, to have staff investigate additional alternatives and determine perspectives for costs, CEQA, and legality for providing access by altering the viewing platform and provide access through that route, and return to Council for guidance on a revised project plan that would go to the Planning Commission.**

**Councilmember Ford amended the motion, seconded by Vice Mayor Pfeifer, to provide that in the interim the gate is put back up on to the park so that the City shows good faith in its intent to comply with the Settlement Agreement and have staff include closure of the park or returning it to a viewing park as one of the alternatives that we are looking at. Mayor Leone called for a vote on the amendment:**

**AYES: Councilmembers: Pfeifer, Ford**  
**NOES: Councilmembers: Weiner, Kelly, Mayor Leone**  
**ABSENT: Councilmembers: None**  
**ABSTAIN: Councilmembers: None**

**Mayor Leone then amended his motion, seconded by Councilmember Kelly, to have staff consider the various alternatives that have been spoken about this evening and present the compliance questions on what could be closed and could it be the whole thing including the viewing platform, could the platform be lowered, the existing plan (with refinement) and what would need to happen to comply with the order, with CEQA and the how much each would cost.**

**Restated at the request of Councilmember Ford: "For staff to return with two revised plans (the current plan with revisions applicable that were discussed this evening, and the concept of lowering the platform) to include would this legally comply or not, is there CEQA review involved and if it triggers Ordinance No. 1128, and the third concept would**

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be the legal review of closing the park, would you have to close all of it or could you close part of it.”

Following further discussion, Mayor Leone again restated his motion: “For the staff to return and come up with 1) a revised plan, including legal, construction costs and CEQA/Ordinance No. 1128 compliance, 2) come back with a revision to the current plan based on some of the comments received this evening, and 3) determining the legal issues of partial or entire closure and how it would comply with ADA, Ordinance No. 1128, CEQA and the legal settlement. Mayor Leone called for a roll call vote on the motion:

<b>AYES:</b>	<b>Councilmembers:</b>	Weiner, Pfeifer, Ford, Kelly, Mayor Leone
<b>NOES:</b>	<b>Councilmembers:</b>	None
<b>ABSENT:</b>	<b>Councilmembers:</b>	None
<b>ABSTAIN:</b>	<b>Councilmembers:</b>	None

The item was continued to a date uncertain.