

**WERNER ASSOCIATES ARCHITECTS**  
30 Liberty Ship Way, Suite 3250  
Sausalito, California 94965-3325  
415.332.9300 ext 21 fax: 415.332.9311  
email: waw@wernersullivan.com

RECEIVED

OCT 22 2012

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

October 20, 2012

City of Sausalito  
Community Development Department  
420 Litho Street  
Sausalito, CA 94965-1933

Atten: Ms. Heidi Burns, Planning Commission and Historic Landmarks Board

Subject: Planning Commission Special Meeting, October 22, 2012  
Plaza Viña del Mar – Accessibility Project

Dear Heidi, Chair Cox and Planning Commissioners, Chair Pierce and Members of the  
Historic Landmarks Board:

Since I will be absent from the hearing on this subject, I would like to make two  
additional observations for the record.

1. Our site visit of October 15<sup>th</sup> further convinced me that the typical standard  
Bridgeway seeded sidewalk concrete is the appropriate material for all the new paving.  
Any additive decorative paving, brick or colored concrete, would merely detract from the  
elephants and the fountain.
2. While it is probably outside the scope of this application, I still strongly disagree with  
the necessity of providing the five foot wide circular path around the fountain.

The wording of the Settlement Agreement is “to provide access **to** the fountain”<sup>1</sup>, not,  
**around** the fountain. The additional references in the Agreement were all contingent on  
the misguided assumption that the two step platform had historic significance and would  
remain the primary impediment to accessibility. The removal of that obstruction makes  
all reference to access via the path from El Portal to the fountain, and the separate  
ramp to the platform, completely irrelevant. The notion of “providing a lift or other  
means of vertical access to the landing and fountain”<sup>2</sup> is also irrelevant.

The plaintiff, Ellen Lieber, being  
deceased, unfortunately cannot address the changed circumstances. But, compliance  
with the standards and requirements of the California Building Code (CBC) and the  
Americans with Disabilities Act Accessibility Guidelines (ADAAG) remains the  
controlling authority.

<sup>1</sup> Settlement Agreement and Release of All Claims, dated September 25, 2006. Page 3, Item 2.b.2.

<sup>2</sup> Ibid

The obstruction provided by the platform is no longer an issue. It is gone and that completely changes the circumstances.

The necessity for a five wide paved accessible path around the fountain is unsupported. The following observations apply:

- a. The fountain, like the elephants, is an artifact. As such it is meant to be seen, not used. Unlike a drinking fountain or a wash basin, it is not a transactional object requiring special access for the disabled.
- b. The fountain is virtually identical when viewed from any angle. The only variation is in the 18 facets with the gargoyles emitting water from their mouths. There are six groups of three different faces. At this level, the fountain is about 15 feet in diameter; therefore, each of these facets is about 2.6 feet wide. For a disabled person in a wheelchair to view the fountain in its complete detail, all that is necessary, is a minimum 7.8 foot level paved approach from the new lowered plaza to the edge of the 18 inch fountain foundation. From this point, a disabled person can experience and enjoy everything about the fountain that is available to the general public.

The notion that a five foot wide level paved path around the fountain is an accessibility requirement is simply unsupported by the intent of ADAAG. If that were a requirement, every redwood tree, along an otherwise accessible path, in Muir Woods would be surrounded by a similar flat concrete doughnut!

Providing this paved pathway also encourages the kind of excessive access to the fountain which is detrimental to its survival. It could easily become a launching ramp for adventurous skateboarders. The potential harm done to the shallow root systems of the palm trees by this impervious surface should also be taken into account.

The character and attraction of the fountain in the Plaza Viña del Mar is primarily as an art object set in a lawn. The five foot wide concrete path around the fountain is unnecessary and destructive to the fountain, the park, and the community.

Respectfully,

William A. Werner, AIA

Cc: Jonathan Goldman, Andrew Davidson, Mary Wagner, Jeremy Graves & Adam Politzer (via email)