

# 70-76 Liberty Ship way- LATE MAIL

Sierra Russell

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**From:** Alice C. Merrill [alicem3@mindspring.com]  
**Sent:** Tuesday, June 24, 2008 4:06 PM  
**To:** Sierra Russell  
**Cc:** Amy Belser internet mail; cbossio@bossiolaw.com  
**Subject:** Schoonmaker Development

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**To:** Sausalito Planning Staff  
Sierra Russell  
  
Sausalito City Council members via Amy Belser  
  
Sausalito Planning Commission via Cheryl Bossio

Dear Sierra et all,

I am writing to you with the request that you pass my letter on to the City Council and the Planning Department in reference to the proposed development of the Schoonmaker Harbor area.

Personally I wish that property owners would be more people and water friendly when planning any development. My personal opinions are irrelevant in this case.

However, I am asking that the Marinship Specific Plan be adhered to to the letter of the law; traffic, heights, uses, ie waterfront and industrial, views, parking, etc. The staff and the Council and Planning need to be vigilant in their following of ALL the rules and regulations, including those that were voted in place 20+ years ago. They are still in force, or should be certainly.

If all the components are looked at with the full understanding of the code I believe that this project could not possibly go through without a full EIR.

Big development concerns are chipping away at our waterfront. Please help keep the will of the voters in tact.

Thank you for your kind consideration.  
Sincerely,  
Alice Merrill  
200 Johnson Street  
Sausalito

## Sierra Russell

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**From:** margot and ray gergus [mrgergus@comcast.net]  
**Sent:** Tuesday, June 24, 2008 11:52 AM  
**To:** Sierra Russell  
**Cc:** Chuck Donald  
**Subject:** 70 - 76 Liberty Ship Way  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To: Sierra Russel, Associate Planner

This is in regard to Application No. DR/MND/SP07-017.

The proposal describes four multi-level structures occupying land that is zoned as Waterfront and Industrial. It is to consist of 57,000 square feet of floor space and over 100 parking spaces. It is immediately adjacent to the Sausalito waterfront.

Sausalito has always been heralded as having a maritime heritage. The citizens of Sausalito have believed and still do believe that we must maintain our heritage and therefore our maritime environment. We have preached, and we have tried very hard to practice it. There have been many battles in our past to prove it.

The subject property is currently devoted to that environment. Some examples are a boat handling school and boat storage. That is the kind of use that we citizens want there. The proposed use destroys it all. The proposed is completely lacking in offering any description of a maritime use; multi-story office type buildings are completely contradictory to that type of use. There is no mitigation that can compensate for that loss.

As an absolute minimum, a full environmental impact report should be required.

It is imperative that this area remain waterfront usage and maritime industrial; This is Sausalito.

Raymond and Margot Gergus



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COMMUNITY DEVELOPMENT

June 24, 2008

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COMMUNITY DEVELOPMENT

Sierra Russell  
Associate Planner  
Community Development Department  
City of Sausalito  
420 Litho Street  
Sausalito, CA 94965

**Re: 70-76 Liberty Ship Way Industrial Complex  
Application No. DR/MND/SP 07-017  
Mitigated Negative Declaration (MND)**

Dear Ms Russell,

#### Introduction

The finding that this project will not result in any significant impacts on the environment is not supported by the Negative Declaration because it doesn't show how the significant impacts will be handled. This report is fatally flawed in its repeated unsupported assumption that the project will not impact the adjacent marsh simply because it would not be built on top of the marsh. This report is also seriously flawed due to its complete lack of use analysis. Even where potential negative impacts are identified the proposed mitigation measures are on their face inadequate to mitigate the impact. Finally, this report does not recognize the importance of the existing recreational uses on the site such as Sea Trek Kayaks and the public beach and bike path. Thus, it completely fails to address the project's potential impact on these public recreational facilities. A full environmental impact report is needed.

Page i. #8

#### The Project Description

The Project Description of the project is not adequate or acceptable. It appears that there should be two applications; one for the I zone and one for the W zone since they have different requirements.

Galilee Harbor Community Association  
300 Napa Street, Sausalito, CA 94965

Phone: 415-332-8554

Fax: 415-332-7843

Email: galileeharbor@gmail.com

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### Surrounding Land Uses and Setting

This does not even describe Galilee Harbor – it is a liveaboard marine service harbor and its residents, public access and recreational facilities will be heavily impacted by this project and this has not been assessed.

Pg. 1

### **AESTHETICS**

Views – the neg. dec. only addresses views from Bridgeway even though the Marinship Specific Plan identifies views along street rights-of-way and crossing Marinship parcels as important (pg. 54 & 60 MSP). Mono Street, Humboldt and Donahue Avenues have not been assessed. The view from the public path along Mono Street has also not been assessed, nor have the views from Galilee's public viewing platform and public dock benches, which were installed under a BCDC settlement agreement to improve the public visual access of the area.

The Neg. Dec. has also not considered the applicable policies from the Richardson Bay Special Area Plan (quoted below) which states views of Mount Tamalpais should be maintained. The proposed project would eliminate this view from the existing public paths and neighboring properties. The height and the mass of the buildings are totally inappropriate for the site.

*Richardson Bay Special Area Plan – Public Access, View and Vistas  
POLICIES pg. 32*

*10. In all shoreline development, the siting and height of all buildings and placement of landscaping should maintain views and vistas of Richardson Bay, Mount Tamalpais and San Francisco through the project from major roadways, vista points, and the shoreline. All development should be subject to design review processes.*

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### **AIR QUALITY**

Since uses have not been described, how can one assume that there will not be any affect to air quality? The increase in traffic is bound to increase impacts to air quality, and this was not discussed.

Pg. 10

### **BIOLOGICAL RESOURCES**

The Neg. Dec. provides no evidence that a 10-20 foot wide landscaped area is sufficient to protect the marsh from the impacts of construction and its aftermath. Galilee Harbor has been restoring the portion of the marsh that borders our property for more than five years. Consequently we are very familiar with the sensitivity of the marsh and the care that is required to protect, restore, and maintain it.

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### **HAZARDS AND HAZARDOUS MATERIALS**

#### **VII. a**

Again, without knowing the uses of the buildings, we find the statements highly speculative and only the impacts during the construction period are addressed. There is no analysis of potential hazardous materials on the site when the buildings

are in use. If this project is really an industrial complex there should be enforceable provisions to assure proper handling of industrial materials.

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#### **VII. b**

It is not adequate to rely on an adjacent property's mitigation plan. That property is owned by another entity, consequently it is not under the control of the proposed project at 70-76 Liberty Ship Way's owners. One cannot rely on results that were found at 30 Liberty Ship to mitigate the hazards that have yet to be identified at 70-76 Liberty Ship. In addition, AEI letter dated 3-27-07 states: "Some of this work will be conducted on 70 Liberty Ship Way," which provides evidence in itself that there are hazardous materials on site. A complete investigation for potential hazards on the site itself needs to be performed. Galilee Harbor excavated a portion of Schoonmaker Point during construction of the harbor and found PCB's there.

The report states that Mitigation measure Haz-1 would reduce the impacts from hazardous materials. Yet a requirement of a Neg. Dec. is to eliminate all significant impacts, not to merely achieve some reduction.

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#### **HAZ-1**

Stating that the applicant will "cooperate with the SFRWQCB requirements for the 30 Liberty Ship Way remediation efforts" does not commit 70-76 Liberty Ship Way Project to do anything to mitigate the effects of hazardous materials that may now exist on the site or may be introduced by future users of the site.

Pg. 18-20

#### **HYDROLOGY & WATER QUALITY**

The report has identified 5 potential significant impacts, but the mitigation measures do not assure these significant impacts will be avoided. Without identifying the buildings' uses, how can post-construction impacts be known, much less mitigated?

We are concerned about the potential silting in of the Mono Street Marsh, Galilee Harbor and the adjacent public waterway, where the public pump-out station is situated. This issue is not addressed in the Neg. Dec.

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#### **MITIGATION MEASURES**

##### **HYD-2**

The last line does not make any sense. Please clarify.

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#### **LAND USE AND PLANNING**

The proposed project is not committed to any particular use, so how can one say the uses will have no impact. This is a circular argument. The Mitigation Monitoring Program does not provide for future monitoring of the uses on the project. It only addresses monitoring during construction.

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## **NOISE**

### **XI.a**

The Neg. Dec. reports that there are no known noise violations from the adjacent existing uses. How can you assume that the exact same uses will occupy the proposed project? Even if the uses are the same, the cumulative impacts have not been assessed.

In addition no evaluation of the effects of noise, as well as light, on the existing sensitive marsh habitat are included in the Neg. Dec.

Pg. 28

## **PUBLIC SERVICES**

Again no uses are described, so the need for public services can't even be fully identified. There also may be cumulative impacts that have not been addressed.

Pg. 29

## **RECREATION**

This plan does not include how many people will work there, so impossible to assess impact on recreational facilities.

Most importantly this project will have profound impact on the existing recreational facility (Sea Trek Kayak Center) by eliminating it from its site. There is no discussion of the impact of the building, 74 Liberty Ship Way on the public beach. And this project offers no public amenities, and meanwhile seems to take credit for the existing public access on the neighboring development.

Recreation for employees – where is the .4 acres of new open space and plaza? It looks like a parking lot.

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## **TRANSPORTATION AND TRAFFIC**

The most direct access route to the project—the Easterby Ramp at Bridgeway is not addressed at all. Traffic during commute hours already backs-up on to Bridgeway. Additional traffic will certainly have negative impacts.

The Neg. Dec. only identifies traffic at Harbor Drive and Marinship Way.

The loop road has been discussed for 20 years and still has not been built. There is no mitigation by future promise to financially contribute to the building of the loop in the unspecified future. The possibility of loop road modifications is too uncertain to provide the necessary assurance of mitigation.

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**XV.e** The Neg. Dec. does not indicate the location of the restaurant—in the “I” zone or the “W” zone. Each have their requirements and none have been assessed in the report.

According to the Marinship Specific Plan(MSP) pg 17 Commercial Restaurants *A limited number of Commercial Restaurants will be permitted in the Marinship. ...A limited number of small restaurants (limited dining on the premises) will be permitted in the “I” zone within the Marinship. Restaurants with up to 40 seats*

*four acres. Applications of new restaurants shall require an analysis of the need for a facility to serve the needs of employees in the Marinship.*

This proposed project is on 3.9 acres not 4 as required by the MSP.

MSP pg 24 Commercial Food Service: (no dining on the premises) and small-scale Eating Establishments (with limited dining on the premises, not exceed 20 seats) will be permitted with a Conditional Use Permit on "W" Zone sites...The amount of food service square footage permitted on a parcel shall be determined after an analysis of the need for such a facility to serve the needs of employees in the Marinship.

Both zones require a needs analysis which are not included in the Neg. Dec.

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#### **UTILITIES AND SERVICE SYSTEMS**

There needs to be discussion of current/future water availability. One can't assume there will be sufficient supplies to support the potential new development. The Neg. Dec. does not provide for additional load into the already overtaxed sewer system.

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#### **MANDATORY FINDINGS OF SIGNIFICANCE**

The project can have an impact on the marsh without be<sup>ing</sup> constructed in the marsh. This project has the potential to create excessive silting of the marsh. There needs to be a full analysis of the potential impact on the wildlife that inhabits the adjacent marsh. The potential cumulative impacts of the hazardous materials, traffic and water quality all need to be addressed further. A complete Environmental Impact Report is required by this proposed project.

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What is Geo-6? Is not described in the document.

#### **In Conclusion**

The mitigation measures for this project do not adequately address the significant adverse effects on the environment and the Mitigated Negative Declaration should be rejected. And an environmental impact report should be prepared.

Sincerely,



Nicholas Borgstrom  
President  
Galilee Harbor Community Association, Inc.

Patricia A. Zuch  
65 Monte Mar Drive  
Sausalito, CA 94965-1895  
415-331-6050

June 23, 2008

Ms. Sierra Russell, Associate Planner  
Community Development Department  
City of Sausalito  
420 Litho Street  
Sausalito, CA 94965-1933

Re: 70-76 Liberty Ship Way  
Application No.: DR/MND/SP 07-017  
Mitigated Negative Declaration

RECEIVED  
JUN 23 2008  
CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT DEPT

Dear Ms. Russell:

The following is in response to the Notice of Intent to Adopt a Mitigated Negative Declaration, dated May 30, 2008, for the above noted project. I have restricted my comments to areas not already addressed by the three other letters included in the Planning Commission June 25, 2006 packet: I do agree with and support the objections noted in those letters. Overall, it seems to me that this MND was completed with the objective of passing this project with the least friction possible.

I. AESTHETICS

c) The MND Discussion focuses on the alleged enhancement of the site and its surroundings through “formalizing infrastructure”, “constructing new industrial buildings”, “plaza areas”, “triangular and gazebo shaped structures”, and “glass canopies”. I strongly disagree: the existing character of the site is generally consistent with the intent of the Marinship Specific Plan to maintain and enhance the maritime and waterfront oriented uses of the area while providing the general public with a relatively natural relationship with the shoreline. Furthermore, the existing pedestrian/bike trail adjacent to the marsh is one of the only remaining waters edge experiences in Sausalito which has not been lost in the name of artificial or functional enhancement. The visual character and quality of this shoreline will most certainly be degraded as the proposed experience becomes little more than a sidewalk in front of the 74 Liberty Ship Way “industrial” office building.

The most valuable mitigation measures would be:

1) to require the restoration, enhancement and maintenance of the natural shoreline condition. (Such requirement should be in addition to, and coordinated with, Measures BIO-1 and BIO-2.), and

2) to require the very critical examination of the 74 LSW office-like structure. This proposed building is an affront to the public beach and to the identified uses in the "W" zone (see IX below).

## VIII. HYDROLOGY AND WATER QUALITY

h) The 100-year flood hazard area as defined by FEMA is based solely on past history. Whether or not the evidence of climate change and rising sea levels is convincing to either the Sausalito Community Development Department or to the developer, one need only review the BCDC Scenarios for rising sea levels in Richardson Bay to know that the possibility exists. (The BCDC report "A Climate Change Strategy for the San Francisco Bay Region" with highlighted sections and a map illustrating probable impacts on the Sausalito shoreline are attached.) The MND discussion states that the project would "not significantly increase the existing potential sea level rise" and "impacts would be less than significant". This turns the entire issue on its head, since clearly any significant rise in the sea level would impact the project rather than the other way round.

It is the developer's prerogative to calculate that the short term gains of doing this project outweigh the potential long term risks of having a flooded site and collection of unusable buildings. However, since this property is surrounded by dedicated public easements, it would be wise for the city require a mitigation measure that would legally protect the city in the event of such flooding. A formal agreement between the property owner and the city to indemnify the city and hold it harmless in case of structural damage or personal injury from flooding should be executed. Failing such agreement, it is conceivable that the owner could look to the City to protect structures knowingly built at risk of inundation, and could perhaps even claim that the City's failure to adequately protect the public easements surrounding this project resulted in substantial consequential property and personal damages as well as loss of income (This might well be in response to Section VIII.i.).

## IX. LAND USE AND PLANNING

b) There are formal Policies and Programs in the Sausalito General Plan and the Marinship Specific Plan that encourage the enhancement and preservation of maritime and waterfront oriented uses in the Marinship area. (GP Objective LU-4.0: "Preserve open water and undeveloped shoreline areas, protect the key marine oriented and water dependent uses, and enhance and improve public access and passive enjoyment the water by the public.") This proposed project eliminates two significant maritime and waterfront uses (the dry boat storage and the Sea Trek kayaking operation), and substitutes a typical commercial/office development in their place. Furthermore, the 74 LSW structure is clearly in conflict with the intent of the Waterfront District (Chapter 10.24.020-P: "To protect the waterfront area while promoting marine-oriented uses which will benefit from, and need, a waterfront location.")

At the very least, a mitigation measure and condition of approval for the project should include the requirement that the kayaking operation be accommodated in the development. The city should also mandate that such accommodation be made available, and accepted by the operator, at a reasonable rental rate and term before any other occupancy permits are granted for the project.

## XVI. UTILITIES AND SERVICE SYSTEMS

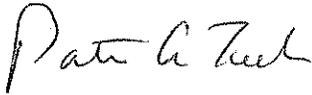
a) It is common knowledge that the Sausalito-Marin City Sanitary Sewer District (SMCSD) is the defendant in a major lawsuit over its noncompliance with applicable environmental regulations. It is also common knowledge that the SMCSD has proposed placing a 3.5 million gallon holding tank under the playing fields at MLK to help cope with the excess wastewater that can not be properly treated in a timely manner. For the SMCSD to claim that "adequate wastewater infrastructure is available to accommodate the new development" is delusional.

All of those served by the SMCSD have recently received notice of proposed substantial fee increases, and are facing substantial future assessments, in order to fund the necessary improvements to the entire system which are estimated to cost in excess of \$40 million. A mitigation measure which obligates this developer to financially participate in the future funding of the SMCSD improvements, in addition to any general assessment and in an amount commensurate with the increased sewer capacity demand of this project, should be included in the MND.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

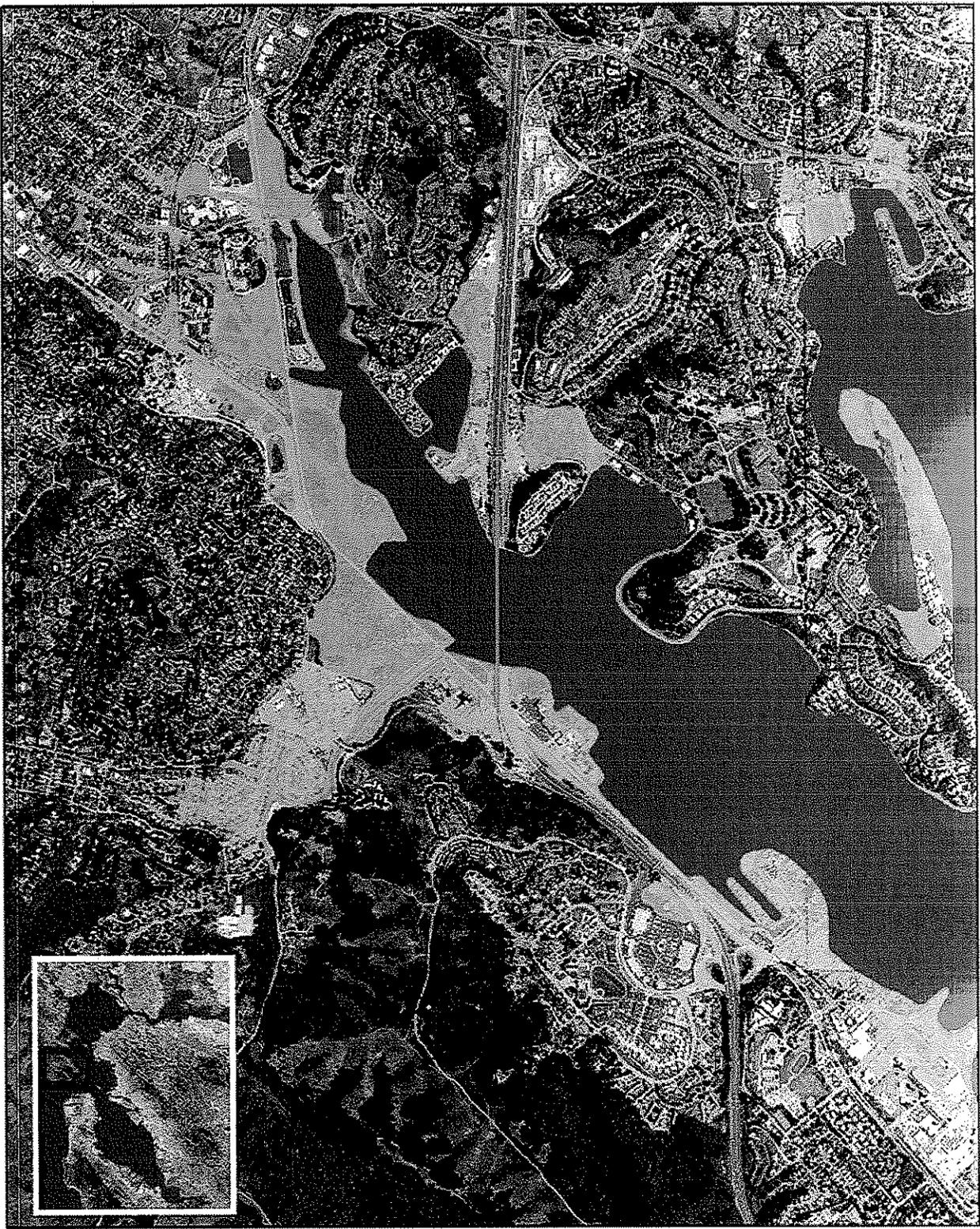
b) The various impacts on the environment included in the MND and those described here and elsewhere which were not included, are cumulatively considerable and will have a significant effect on the environment. Therefore the MND should be not be adopted and a full Environmental Impact Report should be required.

Sincerely,

A handwritten signature in cursive script that reads "Patricia A. Zuch".

Patricia A. Zuch

# San Francisco Bay Scenarios for Sea Level Rise Richardson Bay



0 0.125 0.25 0.5 0.75 Miles



	San Francisco Bay
	1 m sea level rise

Map is based on USGS 2m DSM and National Agriculture Imagery Program data. Map is illustrative and depicts a potential inundation scenario in 2100. Limitations in the geospatial data available may effect accuracy. Map should not be used for planning purposes.

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## San Francisco Bay Conservation and Development Commission

50 California Street, Suite 2600 San Francisco, California 94111 • Phone: (415) 352-3600 • Fax: (415) 352-3606



### A Climate Change Strategy for the San Francisco Bay Region

*"The world we have created today, as a result of our thinking thus far, has problems that cannot be solved by thinking the way we thought when we created them."*

—Albert Einstein

#### Introduction

Over the past year, the San Francisco Bay Conservation and Development Commission (BCDC) has become increasingly concerned that continued sea level rise from global warming will have profound impacts in the San Francisco Bay region, largely because over 200 square miles of low-lying filled land borders the Bay. Because BCDC was created primarily to regulate Bay fill projects with the goal of preventing the Bay from becoming even smaller from unnecessary landfill projects, BCDC is neither legally responsible for dealing with this dramatic change of conditions that is making the Bay larger nor does BCDC have any explicit legal authority to address this problem. Nevertheless, the Commission has taken the initiative to formulate a broad outline of a comprehensive strategy for addressing climate change in the Bay region and identified changes that are needed in state law so that BCDC can play a productive role in implementing such a strategy.

This report is being provided to the public so that all interested parties can be aware of the ideas expressed in BCDC's suggestions for a regional strategy and have an opportunity to engage in a thoughtful discussion on the critical issue of how government, businesses, the academic community, community organizations and the general public can most productively work together to address global warming in the Bay Area.

#### Meeting a New Challenge

#### Background

San Francisco Bay is the largest estuary on the west coast of the North and South American continents. When the California gold rush began in 1849, the open waters and bordering wetlands of the Bay covered 787 square miles, and this magnificent natural harbor teemed with wildlife. But the Bay was shallow; two-thirds of it was less than 12 feet deep. The unfortunate result was that as the new State of California began to grow, the Bay began to shrink. Shallow tidal areas were diked off from the open Bay to create salt ponds, farmland and duck hunting clubs. Municipalities used the Bay shoreline as their preferred location for garbage dumps. Siltation from hydraulic gold mining in the Sierra foothills washed into the Bay and filled wetlands. Numerous land reclamation operations were undertaken to create dry real estate where Bay waters once flowed.

By the middle of the 20th century, the Bay's open waters had been reduced to 548 square miles and nearly a third of the Bay—239 square miles—was gone. In 1959, the U.S. Army Corps of Engineers published a report which concluded that it was economically feasible to reclaim another 325 square miles—60 percent of the remaining Bay—by 2020. The Bay Area public rejected the notion that the Bay should be allowed to become little more than a wide river. Working together, in 1965, Bay Area citizens convinced the California Legislature to establish a new state agency—the San Francisco Bay Conservation and Development Commission (BCDC)—and to empower the agency to regulate new development in the Bay and along its shoreline so that any future fill placed in the Bay would be largely limited to water-oriented uses that could not be accommodated on existing land.

BCDC has been highly effective in achieving this public policy goal. By limiting the use and size of new landfills and requiring mitigation in the form of wetland creation, BCDC has reversed the shrinkage of the Bay; it is now nearly 19 square miles larger than it was in 1965. With BCDC's support, 26,000 acres of privately-owned salt ponds have been purchased by the public to improve their habitat value and convert some of the ponds to intertidal wetlands, resulting in a further expansion of the Bay's size.

#### Global Climate Change

In March 2006, the California Environmental Protection Agency published a "Climate Action Team Report to the Governor and the Legislature," which evaluated three scenarios for reducing the amounts of greenhouse gases released into the atmosphere over the next century. Depending on whether and how much these emissions can be brought under control, the report projects that by 2100 average temperatures in California will rise between 3 and 10.5 degrees Fahrenheit.

One of the most publicized impacts of global warming is a predicted acceleration of sea level rise. This increase would increase the historic rate of sea level rise, which has been measured in San Francisco Bay for over 140 years. Between 1900 and 2000, the level of the Bay increased by seven inches. Depending which end of the range of projected temperature increases comes about, the California Climate Action Team found that water levels in San Francisco Bay could rise an additional five inches.

to three feet, or nearly one meter by the end of this century.

Using GIS data, BCDC has prepared illustrative maps showing that a one-meter rise in the level of the Bay could flood over 200 square miles of land and development around the Bay. BCDC is working in partnership with the Pacific Institute, with financial support from Caltrans, to determine the value of the development threatened with inundation. Initial estimates indicate that over \$100 billion worth of public and private development could be at risk.

### **The Challenge**

To prevent San Francisco Bay from continuing to get smaller, the Legislature created BCDC and empowered it to exercise regulatory control over development in the Bay. After four decades of existence, BCDC has been accomplishing the public policy goal set out by the Legislature. However, the greatest threat to the Bay Area over the next century is that global climate change will make the Bay larger.

Under current law, BCDC has no authority to prevent development in areas likely to be flooded by sea level rise, no explicit authority to require that levees be built or any other action to be taken to protect shoreline development and no legal responsibility for reducing greenhouse gas emissions to slow the rate of sea level rise.

Fortunately, the Bay Area Air Quality Management District (BAAQMD), which has the primary legal responsibility for dealing with air pollution in the region, has initiated an aggressive program to reduce greenhouse gas emissions. About half of the carbon dioxide emissions in the region are generated by the transportation sector, primarily by cars and light trucks on the region's highways. Reducing these emissions requires some combination of building new vehicles that are much cleaner and reducing reliance on the private automobile as the primary mode of transportation in the region. To help achieve the latter goal, the Metropolitan Transportation Commission (MTC), the region's transportation planning and financial authority, and the Association of Bay Area Governments (ABAG), the regional council of local governments, are working together on strategies aimed at assuring that future growth in the region is more compact, more centered on transit corridors and more sustainable. MTC and ABAG have also joined with the air district to address climate change through a coordinating council called the Joint Policy Committee (JPC). BCDC has recently joined the JPC in a non-voting capacity.

This partnership of four regional agencies is encouraging and essential. But cooperation alone has its limitations. None of the four agencies has the authority to prohibit development in flood-prone areas, none even has the authority to require that levees be constructed to protect low-lying areas, and the BAAQMD does not have the authority to regulate emissions from vehicles. That responsibility seems to rest with the California Air Resources Board, but a coalition of automobile manufacturers have sued the State to challenge the validity of that authority.

BCDC is the only agency in this partnership with any authority to regulate land use, but BCDC's jurisdiction extends only over the Bay and a narrow strip along the immediate shoreline where the Commission's authority is quite limited. Local government has the most comprehensive authority over land use. There are 110 local governments in the Bay Area, 26 of which front on the Bay. Clearly, to deal most effectively with climate change and sea level rise in the Bay Area, a new partnership must be forged which draws on the best capabilities of federal, state and regional agencies, local governments, private enterprise and non-governmental organizations.

**Meeting the Challenge with a New Bay Plan** A bold, new plan for the Bay is needed to meet the challenges of climate change head-on. The goal of the plan should not be to protect and restore the Bay. Instead, the plan should be a design for a Bay that will have different sea level elevations, different salinity levels, different species and different chemistry than the Bay has today. The plan should be a pro-active adaptive management strategy aimed at putting conditions in place that can respond in a desired way to changes that will come about in the future as a result of climate change.

The first step in preparing this plan should be to determine more precisely which shoreline areas are vulnerable to flooding from sea level rise. Next, the flood-prone areas that are already occupied by high value development that are too valuable not to protect should be identified and a regional flood protection strategy should be prepared to ensure that the needed dikes, levees and other protective devices will be built. There is a double challenge when building levees in the Bay Area. The levees have to be big enough and strong enough to hold back rising seas, storm surges and floods, and they have to be able to do all this during an earthquake.

The next flood-prone areas to be identified are those where it may be more cost-effective to remove existing development than to protect low-value structures. Making these choices will be difficult, particularly if the areas contain significant environmental, aesthetic, social, cultural or historic resources or where the removal would raise environmental justice issues.

The third category of low-lying areas in need of study encompasses those that are planned for development but have not yet been built. It may prove to be better to abandon these plans than to allow the development to be built and then face the cost of trying to protect it from inevitable flooding. Many such areas exist at the eastern edge of the Bay Area and in the Sacramento-San Joaquin Delta. Also, another probable impact of climate change is that more precipitation in the Sierra Nevada will fall as rain rather than snow, and the snow pack will melt earlier in the spring. In turn, this will reduce late spring and summer runoff into the Delta, allowing salt water to extend farther into the Delta than it does now. Sea level rise and higher flood flows resulting from climate change, as well as earthquake risk, will also increase the probability of catastrophic failure of levees. These conditions could result in the Delta

becoming a more estuarine ecosystem. Therefore, the Bay Area's planning should be closely coordinated with the planning for the Delta.

Pulling existing development back from the Bay shoreline and foregoing planned development of low-lying areas can provide an opportunity to expand the restoration of tidal wetlands. Tidal wetlands can play a key role in a climate change strategy. Wetlands are like sponges that soak up flood waters, and they sequester carbon. Thus, they are both adaptive to climate change and help mitigate its impacts.

This plan should be prepared by a regional agency partnership that takes full advantage of the unique strengths, expertise and experiences of BCDC, MTC, ABAG and the BAAQMD, in cooperation with local governments, with the JPC providing the overarching management of the development and implementation of the plan. This plan could be completed in eight years as shown below. Although this schedule is ambitious, any delay will simply allow the problems the region is facing to become acute crises.

#### **An Eight-Year Work Program**

- In **year one**, BCDC prepares a detailed map of the areas around the Bay and the Suisun Marsh likely to be inundated by sea level rise within the next 50 years<sup>1</sup>. BCDC's permit jurisdiction is expanded to encompass the area shown on the map.
- In **years two and three**, ABAG determines the economic value of all resources within the area likely to be flooded, the cost of protecting high-value resources, and the cost of removing or relocating lower-value resources. ABAG's determination must be approved by the JPC prior to final approval by ABAG.
- In **years four and five**, BCDC prepares a plan for the Bay that will protect the most important natural and man-made resources from inundation and enhance the biological productivity of the Bay estuary. BCDC's plan must be approved by the JPC prior to final approval by BCDC, after which all BCDC, MTC, ABAG and BAAQMD regulatory, planning and funding decisions must be consistent with the plan.
- In **years six through eight**, each Bayfront local government prepares:
  1. a sea level rise protection program that identifies needed levees and other infrastructure;
  2. a relocation and resource enhancement program; and
  3. a sustainability program that will offset greenhouse gas emissions from new development. Programs #1 and #2 must be approved by the JPC. Program #3 must be approved by the BAAQMD.

#### **State Legislation**

To allow this eight-year work program to be carried out and comprehensive regional strategy developed and implemented to address climate change in the Bay Area, state law should be enacted to require and authorize the following to be accomplished:

1. BCDC's permit and planning jurisdiction should be expanded eastward so that it includes all of the Bay and waterfront area along the Bay/Delta shoreline of Solano County and Contra Costa County to enable BCDC to more effectively participate in the formulation and implementation of regional public policy decisions that have been endorsed by the Joint Policy Committee.
2. Within a year, BCDC should be required to prepare a detailed map that depicts the areas that are most likely to be inundated around San Francisco Bay and the Suisun Marsh within the next 50 years as a result of projected sea level rise. The map should reflect scientific consensus on the highest rates of sea level rise expected within the scenario that reflects current global emission trends. BCDC should be required to update this map at least once every ten years.

Upon the completion of this map, BCDC's permit jurisdiction should be expanded to encompass the area shown on the map, and any proposed new development that is within the area likely to be inundated by sea level rise should be required to obtain approval both from the local government and from BCDC. Until the JPC has certified a new Bay plan as described in #5 below, BCDC should be allowed to approve a proposed development only if either: (a) the proposed development is located within an existing highly-developed area that will have to be protected from sea level rise even if the new development were not built; or (b) the proposed development includes measures that are adequate to protect it from sea level rise.

3. Within two years after the completion of the map described in #2 above, ABAG should be required to complete the following economic determination of:
  - a. The economic value of all natural resources, along with all existing and permitted man-made resources<sup>2</sup>, within the area expected to be impacted by sea level rise;
  - b. The cost of protecting these resources from inundation through the construction of seismically-safe levees or sea walls, raising the elevation of infrastructure or

implementing other shoreline protection strategies; and

- c. The cost of removing or relocating the resources that are projected to be inundated in those areas where ABAG has determined that the cost of protection exceeds the value of the resources.

ABAG should be required to update this determination within two years after each of BCDC's update of the map described in #2 above.

4. Within two years of the completion of the determination described in #3 above, BCDC should be required to prepare a plan that describes a 50-year vision for San Francisco Bay and the Suisun Marsh that accommodates projected sea level rise by identifying:
  - a. the most significant structural, environmental, aesthetic, social, cultural and historic resources that must be protected from inundation; and
  - b. those areas that are inappropriate for protection from inundation. In addition to using an economic cost-benefit analysis to identify these areas, a primary goal of the identifications should be to enhance the biological productivity of the San Francisco Bay estuary while addressing environmental justice issues. BCDC should be required to fully integrate its planning for the Bay and the Suisun Marsh with the planning by the Department of Water Resources and whatever entity emerges as the primary Delta planning authority. The Suisun Marsh Charter Group should be required to address the impacts of climate change, potential catastrophic levee failure and salinity increases in its planning, and such planning should be incorporated into the plans prepared for San Francisco Bay by BCDC and for the Delta by its respective planning authority.
5. To ensure that ABAG's economic analysis and BCDC's planning policies are fully integrated with the region's plans and programs dealing with transportation, air quality, housing, employment, seismic hazards, water quality and general land use, the determination described in #3 above and the plan described in #4 above should be reviewed and approved by the regional Joint Policy Committee prior to final adoption of the determination by ABAG and the plan by BCDC. The JPC should review and approve each update of ABAG's determination and BCDC's plan.

Upon approval of the plan by BCDC, all transportation planning and funding decisions by MTC, all land use planning and funding decisions by ABAG, all air quality regulatory and funding decisions by the BAAQMD, and all planning and regulatory decisions by BCDC should be required to be consistent with the plan.

6. Within three years after the final regional certification of the plan described in #4 above, each local government having jurisdiction over areas which the map described in #2 above indicates will be subject to inundation from sea level rise should be required to prepare:
  - a. A local sea level rise protection program that identifies the levees, seawalls, reconstruction and other infrastructure and activities that will have to be constructed or carried out to safeguard those areas and resources that the regional plan identifies as being in need of protection from inundation;
  - b. A local relocation and resource enhancement program that identifies: (1) the activities that will have to be carried out to remove or relocate facilities from those areas that the regional plan identifies as being inappropriate for protection; and (2) the activities and programs that will have to be carried out to achieve environmental enhancement in those areas that the regional plan identifies as being most suitable for these purposes; and
  - c. A local sustainability program that specifies the programs, activities, regulations and other means the local government will undertake to ensure that any new development authorized anywhere within the local jurisdiction will not result in a net increase in the amount of greenhouse gases being emitted into the atmosphere.  
Each local government should be required to update each of its three local programs within three years after each update and re-certification of the plan described in #4 and #5 above.
7. Each local government should be required to submit its sea level rise protection program and relocation and resource enhancement program to the Joint Policy Committee, which should be required to evaluate each program to determine whether they are adequate. Each local government should also be required to submit its sustainability program to the BAAQMD, which should be required to evaluate it to determine whether it is adequate. Until the JPC and the BAAQMD determine that all three of each local government's programs are adequate, any proposed new development that is within an area that the map described in #2 above indicates is likely to be inundated by sea level rise, should be required to obtain approval both from the local government and from BCDC.

BCDC should be allowed to approve a proposed development only if it meets the following three criteria:

- a. the BAAQMD has determined that the development will not result in a net increase in

- the amount of greenhouse gases being emitted into the atmosphere;
- b. if the development is proposed within an area that the plan described in #3 above indicates should be protected from inundation, the development can be approved; and
  - c. if the development is proposed within an area that the plan described in #4 above identifies as being inappropriate for protection from inundation, the development should be approved only if the project is essential to meet an immediate overriding regional need and the project is designed so either it can accommodate predicted water level increases (e.g., by being built on pilings or being able to float) or it will be constructed in a manner that makes it economically feasible and physically possible to relocate or retire the development from use before sea level rise inundates the development.
8. If a state agency that is not required to gain local approval for its activities proposes to undertake a project within an area that the map described in #2 above indicates will be subject to inundation from sea level, the state agency should be required to get a permit from BCDC. If the JPC has approved the sea level rise protection program and the relocation and resource enhancement program, and the BAAQMD has approved the sustainability program for the jurisdiction in which the project would take place, BCDC should be required to base its permit decision on whether the project would be consistent with the three programs. If any of the three local programs has not yet been approved, BCDC should be allowed to approve the proposed development only if it meets the following three criteria:
- a. the BAAQMD has determined that the development will not result in a net increase in the amount of greenhouse gases being emitted into the atmosphere;
  - b. if the development is proposed within an area that the plan described in #4 above indicates should be protected from inundation, the development can be approved; and
  - c. if the development is proposed within an area that the plan described in #4 above identifies as being inappropriate for protection from inundation, the development should be approved only if the project is essential to meet an immediate overriding regional need and the project is designed so either it can accommodate predicted water level increases or it will be constructed in a manner that makes it economically feasible and physically possible to relocate or retire the development from use before sea level rise inundates the development.
9. BCDC should be required to amend its federally-approved state coastal management program to incorporate all of the above provisions so that federal projects and activities are subject to the same public policy objectives as are state, local and private projects and activities.
10. State funding should be appropriated to provide the financial support needed to prepare the map described in #2 above, the determination described in #3 above, and the plan described in #4 above, to complete the certification described in #5 above, and to carry out the entire planning and regulatory program described above. State funding should also be appropriated to ABAG to implement the plan described in #4 above in the form of grants: (a) to local governments to prepare local sea level rise protection programs, local relocation and resource enhancement programs and a local sustainability program; and (b) to local governments and state agencies to implement approved local programs. This cost of carrying out all these initiatives will be so high that it will likely be necessary for the California Legislature to put a bond measure on the ballot to pay for these costs, along with similar costs for other parts of the California coast.

For further information or to comment on this proposal, please contact BCDC's Executive Director, Will Travis, (415/352-3653 [travis@bcdc.ca.gov](mailto:travis@bcdc.ca.gov))

<sup>1</sup> It is particularly difficult to develop a thoughtful strategy for dealing with sea level rise in the Bay when the temperature increase scenarios used by the California Climate Change Center yield possible increases in water level in San Francisco Bay over the next 100 years that have a tenfold difference between the lowest and highest potential increases. The uncertainties inherent in planning for the future can be reduced by half by developing a strategy with a 50-year time horizon and updating the strategy every ten years to incorporate emerging information. A 50-year planning horizon is short enough to offer more certainty, yet long enough to amortize most capital investments made in accordance with the strategy.

<sup>2</sup> The man-made resources to be identified should include the complete range of all built infrastructure, including buildings, road and rail networks, airports, waste treatment facilities, parks, utilities and any other public or private physical structure, facility or improvement that could be damaged or suffer a loss in economic value if exposed to inundation or would result in costs to society if flooded, such as landfills and contaminated lands.

**Sierra Russell**

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**From:** ChucknLil@aol.com  
**Sent:** Sunday, June 22, 2008 3:34 PM  
**To:** Sierra Russell  
**Cc:** Adam Politzer; Jeremy Graves  
**Subject:** 70-76 Liberty Ship Way -- DR/MND/SP 07-017  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sierra Russell  
Associate Planner, City of Sausalito  
420 Litho St.  
Sausalito, CA 94965

reference: Draft Mitigated Negative Declaration DR/MND/SP --May 2008

Dear Sierra:

In your study you make several references to the "Marinship Improvement District."

As an example, *Mitigation Measure TRANS-1* requires that "the owner shall agree to financially participate in the Marinship Improvement District, which shall include the provision of a fair share contribution to construct a traffic signal loop at the intersection of Harbor Drive/Marinship Way as specified in the Marinship Specific Plan EIR." I submit that the owner's agreement to participate in an agreement for an unspecified amount of money, with an Improvement District which doesn't exist, can only be described as illusory.

**If such an Improvement District were to be proposed by land owners in the Marinship Area, it would then have to be formally presented to the electorate of the City; if the formation of the Improvement District were to fail at such an election, the "mitigation agreement" made by the proponents of the 72-76 Liberty Ship project would become moot -- they would have no legal entity with whom to agree!**

If the present owner of the property (Liberty Ship Way II Jt Venture) were permitted to proceed with construction on the basis of the presently-proposed Negative Declaration, and if a Marinship Improvement District were never formed, we would then have a de facto development rife with unmitigated negative environmental impacts. The only ones happy with such a situation would be the owners and their lawyers -- the lawyers could, for years, argue such esoteric legal principles as "impossibility of performance" etc,etc,etc.

I further submit that the present owners knew of the existing Marinship Specific Plan; the Traffic Initiative of 1985; and the City's present Municipal Code, when they purchased the property. For the City to ease the development requirements by approving a back-door non-compliant Negative Declaration, would be an abdication of the responsibilities of the City Council.

**Further Comment:** Although of relatively lesser importance, it should be remembered that

signalization of the intersection of Harbor Drive and Marinship Way was, a few years back, made a requirement of a development in that area. The signal was installed and proved to be, in and of itself, the *cause* of significant congestion; it was consequently removed. The concept of now putting it back must be looked at with considerable trepidation

Respectfully,

*Charles I. Donald*  
254 Spencer Ave.  
Sausalito

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