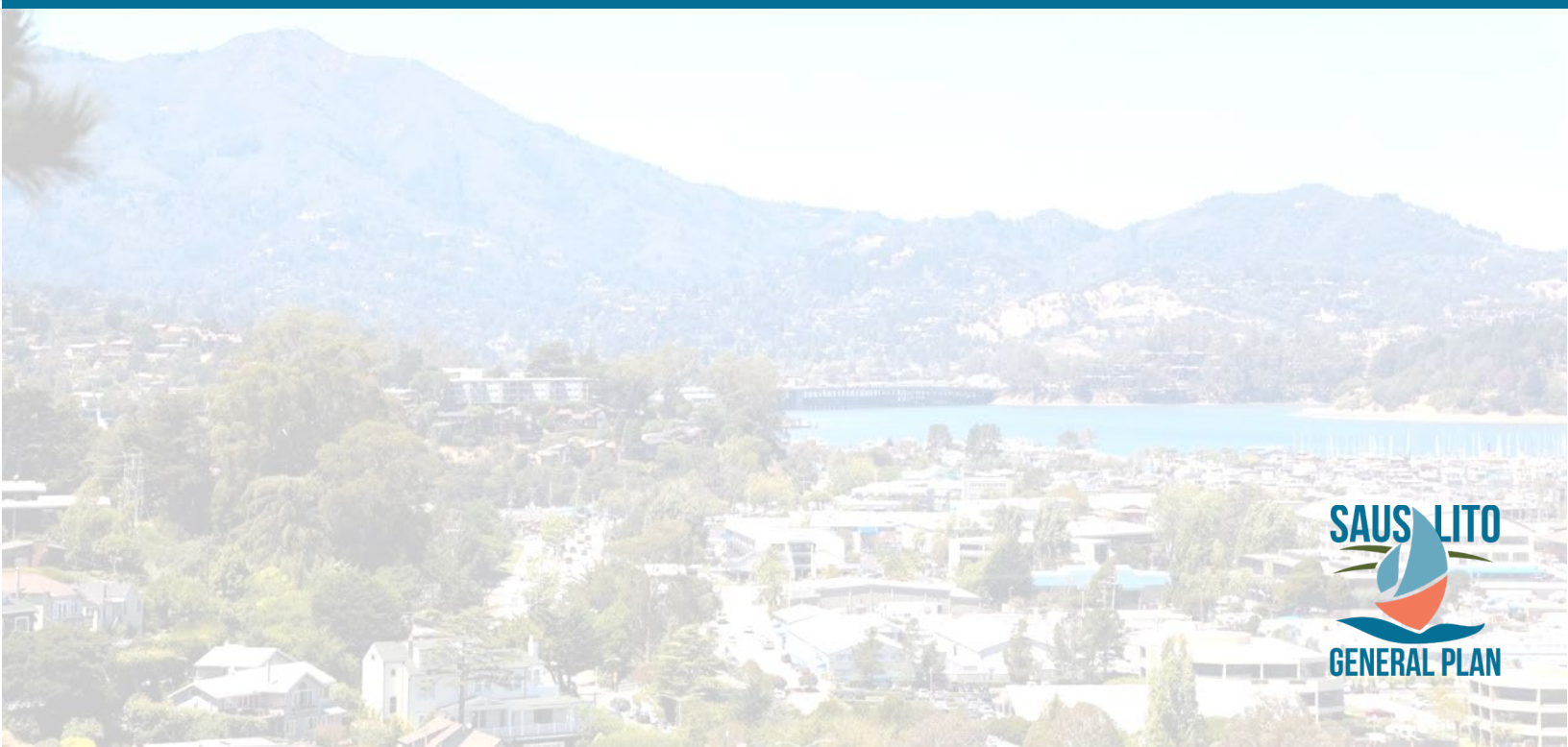


City of Sausalito

Revised General Plan

January 28, 2021 | REVISED FINAL EIR (SCH # 2019100322)



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SECTION 1.0 INTRODUCTION

In accordance with California Environmental Quality Act (CEQA) Guidelines Sections 15088, 15089, and 15132, the City of Sausalito (Lead Agency) has evaluated comments received on the recirculated Revised Draft Environmental Impact Report (Revised Draft EIR). The responses to the comments and errata, which are included in this document, together with the Mitigation Monitoring and Reporting Program (MMRP), form the Final EIR for use by the City of Sausalito during its review.

This document is organized into three sections:

- **Section 1—Introduction.** Provides an introduction to the Final EIR.
- **Section 2—Responses to Comments.** Provides a list of agencies, organizations, and individuals who commented on the Revised Draft EIR. Copies of all letters received regarding the Revised Draft EIR and responses thereto are included in this section.
- **Section 3—Errata.** Includes an addendum listing refinements and clarifications on the Revised Draft EIR, which have been incorporated.

The Final EIR includes the following contents:

- Revised Draft EIR (provided under separate cover)
- Revised Draft EIR Appendices (provided under separate cover)
- Responses to Comments on the Revised Draft EIR and Errata (Sections 2 and 3 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

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SECTION 2.0 RESPONSES TO COMMENTS

2.1 MASTER RESPONSES

Master responses address similar comments made by multiple public agencies, businesses, organizations, or individuals through written comments submitted to the City of Sausalito or oral comments made at public hearings.

LIST OF MASTER RESPONSES

- Master Response 1 – Program EIR
- Master Response 2 – Sea Level Rise, Inundation, and Subsidence
- Master Response 3 – Comments Submitted Prior to Publication of Revised Draft EIR

Master Response 1—Program EIR

Summary of Relevant Comments

Several commenters indicated areas in which the Revised Draft EIR was inadequate in its impact analysis and mitigation measures. Specific topics addressed include hydrology and water quality, land use, and soils and geologic hazards, particularly as they relate to the Marinship. Some comments state that further studies should occur before the approval of the Revised Draft EIR.

Response

Program Level Analysis is Appropriate for a General Plan

The General Plan provides planning policies and programs that guide future development in the City, but does not approve or propose any specific development project. Accordingly, the Revised Draft EIR prepared for the General Plan is a Program-level EIR. A Program EIR is not expected to analyze site-specific or project-specific environmental impacts nor provide the level of detail found in a project EIR.

General Plan policies and mitigation measures should be consistent with the geographic scope of the project, population size and density, fiscal and administrative capabilities, and economic, environmental, legal, social, and technological factors (Government Code §§ 65300.9 and 65301(c); State CEQA Guidelines §§ 15143, 15146, 15151, and 15204). Section 65301(c) of the Government Code addresses the appropriate level of detail for General Plans and Section 15146(b) of the State CEQA Guidelines discusses the appropriate level of detail for preparation of an EIR for a General Plan. Government Code Section 65301(c) establishes that, as long as the content and scope of the General Plan meets the minimum requirements

of State law, the degree of specificity and level of detail must reflect local conditions and circumstances. A General Plan is by definition intended to be broad, or “general,” in scope. Relegation of more specific regulatory details and requirements to implementing plans, regulations, and ordinances is common practice.

A Program EIR is appropriate to evaluate environmental effects “at a broad level,” so long as to the extent a subsequent project is not covered, additional environmental review occurs. See *Committee for Green Foothills v. Santa Clara County Bd. of Supervisors* (2010) 48 Cal.4th 32, 45. A programmatic-level document is designed to provide a level of detail for the public to be informed and decision-makers to make decisions that intelligently take into account environmental consequences consistent with CEQA. Program EIRs “[a]llow the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts” (State CEQA Guidelines §§ 15168(a), 15168(b)(4)). Many site-specific details may be properly deferred to a later environmental review document. *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1173. Unlike a project EIR, which addresses the environmental impacts of a specific development project, a Program EIR addresses the potential impacts of a series of actions that can be characterized as one large project. Therefore, the use of a Program EIR is appropriate in evaluating project-related environmental impacts resulting from implementation of a comprehensive planning program like a general plan.

Consistent with CEQA’s requirements, the Revised Draft EIR is a Program-level environmental analysis that serves as a “first-tier” document to assess and document the broad environmental impacts of the General Plan with the understanding that more detailed site-specific environmental reviews may be required to assess future projects implemented under the program. The General Plan and Revised Draft EIR address plans and policies covering a Planning Area of 1,730 acres. The General Plan enhances existing development and public services, but does not propose any changes to the existing City of Sausalito Land Use Map nor any changes to the existing City of Sausalito Zoning Map. Buildout of the General Plan is based on the existing allowable densities for the existing land use categories. Although the general location and type of development within the waterfront and marine environments can be anticipated based on the guidance in the General Plan, until the city receives a development application, the exact location, type of development, and potential impacts are too speculative to be determined. Accordingly, within the context of Section 15146 of the State CEQA Guidelines, analysis of development of specific individual parcels is neither feasible nor required in the Revised Draft EIR. Thus, development in the city is considered more broadly in the General Plan and the Revised Draft EIR.

Because there is no specific development project being proposed at this time, a project-level analysis cannot be prepared. If the Revised Draft EIR is certified and the General Plan approved, future discretionary projects would be further evaluated in light of the Revised Draft EIR to determine whether or not an additional environmental document must be

prepared. As appropriate, future construction and development plans would be subject to project-level CEQA analysis and potentially additional feasible mitigation, if necessary. As individual projects with specific site and architectural plans and facilities are submitted to the city for review, the city will evaluate each project in light of the information in the Program EIR. (See Public Resources Code §§ 21083.3, 21093, and 21094 and State CEQA Guidelines §§ 15152, 15164, 15168, and 15183.) If their impacts are within the scope of the information in the Program EIR, additional environmental documentation may not be necessary. If new effects are identified that were not addressed, the city would prepare the appropriate additional environmental documentation.

This Revised Draft EIR provides the appropriate broad programmatic-level environmental analysis necessary to allow the decision-makers to evaluate the General Plan as a comprehensive guide for making future decisions about land use, community character, economic development, environmental preservation, open space, and public health and safety. Project level analysis is not appropriate, feasible, or pragmatic at this stage.

The General Plan is Self-Mitigating

Compliance with established regulatory requirements and standards, such as those in a zoning ordinance or municipal code, is a legitimate basis for determining that the project will not have a significant environmental impact. (*Tracy First v City of Tracy* (2009) 177 CA4th 912.) A requirement that a project comply with specific laws or regulations may also serve as adequate mitigation of environmental impacts, if compliance with such standards can be reasonably expected (State CEQA Guidelines § 15126.4(a)(1)(B)). "[A] condition requiring compliance with regulations is a common and reasonable mitigation measure and may be proper where it is reasonable to expect compliance." (*Oakland Heritage Alliance v City of Oakland* (2011) 195 CA4th 884, 906.) For example, in *Oakland Heritage Alliance*, 195 CA4th at p. 906, the court upheld the city's reliance on standards in the building code and city building ordinances to mitigate seismic impacts.

The General Plan has been developed to be largely self-mitigating in that the policies and programs are designed to protect, preserve and enhance the environment and environmental resources. The General Plan does not approve or propose any specific development. As a result, with the implementation of identified mitigation measures, there are no significant impacts that would occur solely on the basis of implementation of the proposed General Plan. Additionally, the City's Municipal Code and Zoning Ordinance are required to be consistent with the General Plan and would implement these policies and programs. Any future development would have to be consistent with the General Plan, Municipal Code and Zoning Ordinance. Thus, by its very nature, the General Plan is self-mitigating through implementation of comprehensive policies required for new development.

Future Development Proposals will be Reviewed for Environmental Compliance

The General Plan does not authorize any new development and the projected development contemplated in the Revised Draft EIR is currently allowed under the existing 1995 General Plan. As discussed throughout the Revised Draft EIR, development consistent with the General Plan would be required to conform with federal, State, and local policies that would reduce potential environmental impacts to less-than-significant levels. When applicable, any additional new development within the Sausalito Planning Area would be subject, on a project-by-project basis, to independent CEQA review as well as required adherence to mandatory regulations, policies and programs in the General Plan, the Sausalito Municipal Code, the Zoning Ordinance and other applicable city requirements that reduce impacts. The Revised Draft EIR explicitly requires that future development under the General Plan demonstrate consistency with the city's Municipal Code, which implements the city's General Plan, during the design review process to ensure that projects comply with all policies designed to reduce environmental impacts. Ministerial projects that are not subject to environmental review under CEQA must still comply with the Municipal Code and Zoning Ordinance and other applicable rules, regulations and environmental programs. Accordingly, the city can reasonably rely on these mandatory regulations and policies to reduce potential environmental impacts.

Regarding potential impacts to Biological Resources, including the daylighting of creeks as identified in Program EQ-4.3.4, it is too speculative at this time to know what might be required for specific development under the General Plan. As the city receives development applications for subsequent development under the General Plan, those applications will be reviewed by the City of Sausalito for compliance with the policies and programs of the General Plan related to biological resources, erosion, sedimentation, the potential to disturb toxic soils, water quality, and off-site flooding. Consistency with the City's Municipal Code, which implements the City's General Plan, would be required to ensure that projects comply with all policies related to creek setbacks and tree protection standards. Future development would also be reviewed for compliance with various federal and State laws and regulations that protect biological resources, including the Federal Endangered Species Act, California Endangered Species Act, and the Clean Water Act. Lastly, future development under the General Plan will be required to comply with Mitigation Measure (MM) BIO-1a (Special Studies), MM BIO-1b (Nesting Bird Protection), MM BIO-2a (Botanical Reports), MM BIO-2b (Eelgrass beds and red algae), and MM BIO-3 (Wildlife Movement). To the extent that there are site-specific or project-specific characteristics that require additional environmental review, that additional environmental review will be conducted at the time that the city is in receipt of a specific development application.

Project Specific Mitigation is Not Deferral

The Revised Draft EIR is programmatic in nature and does not evaluate future specific development projects that could be approved under the approved General Plan. The policies

and programs in the General Plan provide prescriptive measures that inform how future projects will address potential impacts as individual development applications are submitted under the approved General Plan. Future discretionary projects would be evaluated under CEQA, as applicable, and project-specific mitigation measures would be prescribed, as necessary. Identifying project-specific mitigation at the time development projects are proposed is practical and is not deferral.

Section 15126.4 of the State CEQA Guidelines states the following: Formulation of mitigation measures shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure.

As indicated in the language of Section 15126.4(a)(1)(B), mitigation may be developed after project approval when it is infeasible to include such details during a project's environmental review. The use of a Program EIR allows for such a condition; the details of future discretionary projects allowed under a General Plan would be subject to CEQA review at the time they are proposed, and appropriate mitigation would be developed based on such analysis. The General Plan does not propose or approve any specific projects and, therefore, future project details are unknown at this time rendering it both impractical and infeasible to include project-level mitigation.

Project Specific Analysis is Not Piecemealing

The process of attempting to avoid a full environmental review by splitting a project into several smaller projects that appear more innocuous than the total planned project is referred to as "piecemealing." (See *Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs.* (2001) 91 Cal.App.4th 1344, 1358.) The Supreme Court established a fact-specific two-part standard, requiring an analysis of environmental effects of future expansion or other action under CEQA only where both of the following two factors are satisfied: (1) the other action is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action is significant in that it will likely change the scope or nature of the initial project or its environmental effects. Absent these two circumstances, a future potential action need not be considered in the evaluation of environmental impacts of a proposed project. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396.) The Court also explained that an EIR need not analyze "specific future action that is merely contemplated or a gleam in a planner's eye. To do so would be inconsistent with the rule that mere feasibility and planning studies do not require an EIR." (*Id* at p. 398.) "Under this standard, the facts of each case will determine whether and to what extent an EIR must analyze future expansion or other action." (*Id* at p. 396.) Here, the project is the city's

comprehensive General Plan. The General Plan makes no attempt to split its policies or plans into smaller pieces, rather the General Plan provides a comprehensive framework for future decision-making. The General Plan does not approve any specific development projects, and, as this General Plan does not change any existing land uses or designations, specific development is not a consequence of this project. Moreover, future development will not change the scope of the General Plan or the potential impacts associated with the General Plan policies and programs. Additionally, unidentified future development is too speculative to analyze on a project-level basis at this time and, therefore, addressing project specific impacts at the time specific projects are proposed does not constitute impermissible piecemealing.

Master Response 2—Sea Level Rise, Inundation, and Subsidence

Summary of Relevant Comments

Several commenters stated that the Revised Draft EIR does not adequately describe potential impacts and mitigation measures related to sea level rise, inundation, land subsidence, groundwater hazards, and climate change. Several commenters stated that sea level rise, inundation, saltwater intrusion, land subsidence, and climate change could have impacts on utility infrastructure (such as corrosion or risk of breakage and leaks, leading to the subsequent discharge of untreated sewage into Richardson's Bay) and were not adequately addressed in the Revised Draft EIR.

Response

CEQA Does Not Require Analysis of the Environment's Impacts on a Project

CEQA is a comprehensive scheme designed to provide long-term protection to the environment and is generally focused on a project's potential impacts on the physical environment. CEQA generally does not require a discussion regarding the effect the existing environment might have on that project. Courts interpreting CEQA have consistently explained that existing environmental conditions are usually not treated as changes in the physical environment requiring CEQA review. The California Supreme Court in *California Bldg. Indus. Ass'n v Bay Area Air Quality Mgmt. Dist.* (2015) 62 C4th 369, 378, held that an analysis regarding the impacts existing environmental conditions might have on a project, its residents, or its users, is not generally required under CEQA. Similarly, the court in *Clews Land & Livestock v City of San Diego* (2017) 19 CA5th 161, 193, held that considering existing environmental hazards, unchanged by the project, is not required under CEQA.

With respect to sea level rise, the appellate court has specifically held that an EIR need not contain an extensive analysis of sea level rise or evaluate the potential impacts of sea level rise on a project. (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 475 (*Ballona*).) In *Ballona*, the city's Draft Revised EIR briefly noted that global warming could

result in sea level rise and the inundation of coastal areas but did not provide a detailed or specific analysis of the impact on the project site. As explained by the court in its decision upholding the adequacy of the EIR, the city was not required to consider sea level rise impacts as a result of global climate change because “the purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project.” (*Id.* at p. 473.) The *Ballona* court further explained, “identifying the effects on the project and its users of locating the project in a particular environmental setting is neither consistent with CEQA’s legislative purpose nor required by the CEQA statutes.” (*Id.* at p. 474.)

As discussed in more detail below, sea level rise is a multi-faceted and complex planning issue. Under existing conditions, climate change will result in sea level rise, with potentially 26 acres in the City of Sausalito exposed to advancing waters over the next 15 years. The northern approach to the city could be flooded, and the Marinship in particular, could be affected due to the combination of sea level rise and ground subsidence as the 80-year-old fill continues to settle. However, implementation of the General Plan itself has very little potential to cause environmental impacts related to sea level rise. The General Plan enhances existing development and public services but does not propose any changes to the existing City of Sausalito Land Use Map nor does it propose any changes to the existing City of Sausalito Zoning Map. Buildout of the General Plan is based on the existing allowable densities for the existing land use categories. As the General Plan does not include any changes to land use categories nor any changes to the density or intensity of uses contained in the 1995 General Plan, growth associated with buildout would be limited to vacant and/or underutilized existing parcels throughout the city. Accordingly, the General Plan would not exacerbate an already existing environmental situation nor would the General Plan itself have a potentially significant impact on sea level rise. Accordingly, as courts have held in cases such as *Clews* and *Ballona*, the General Plan and Revised Draft EIR comply with CEQA’s requirements and contain sufficient information regarding sea level rise to inform readers.

Project Specific Potential Effects of Sea Level Rise are Speculative

Much of the Sausalito coastline has been improved and erosion protection measures have been installed. The General Plan explains that it is likely that coastal erosion can be controlled through normal engineering practices and nature-based frameworks, such as using oyster reefs as wave attenuators to mitigate tidal action. However, coastal erosion from wave and tidal activity may accelerate with the onset of projected sea level rise in the Bay Area. However, the exact scope and details of sea-level rise, the cumulative effects of sea level rise and the secondary effects of sea level rise on the city are uncertain, speculative, and difficult to predict based on the available scientific information, including the inundation of roadways, emergency evacuation routes, and pedestrian facilities, tidal prism deflection effects, saltwater intrusion, elevation of the groundwater table, effects on biological resources, wind waves, and wave erosion. In addition, the potential secondary effects of saltwater intrusion and differential settlement rates from sea level rise on underground

utility infrastructure (such as corrosion or risk of breakage and leaks, leading to the subsequent discharge of untreated sewage into Richardson's Bay) are also uncertain, speculative, and difficult to predict based on the available scientific information. Regarding the potential for sea level rise to inundate emergency access routes, as described in Impact HAZ-5 of the Revised Draft EIR, the General Plan includes Policy HS-2.4 Access for Emergency Vehicles, which underscores the importance of maintaining adequate access by requiring the city to provide and maintain adequate access for emergency vehicles, which would in turn ensure that emergency access routes are maintained. Furthermore, Program HS-1.7.1, Roadway Flooding, requires the city to continue to work with Caltrans and other relevant agencies to mitigate flooding of roadways, particularly at the Bridgeway/Donahue Street/U.S. 101 interchange (see program CP-7.3.3).

For informational purposes, the General Plan and Revised Draft EIR disclose as much as possible about the effects of sea level rise. Specifically, as identified in the Revised Draft EIR, the General Plan contemplates the effect of sea level rise on new development and the potential use and storage of hazardous materials along the shoreline. The Revised Draft EIR and General Plan disclose that inundation from future sea level rise may contribute to the release of pollutants from this development. The Revised Draft EIR specifically addresses this issue and concludes that mandatory compliance with existing regulations and General Plan policies and programs will ensure that impacts are less than significant. Additionally, the General Plan contains new programs, such as Program HS-2.2.10, Release of Pollutants Due to Project Site Inundation, which requires the city to develop an action plan to identify how it will address the potential release of pollutants within the city's flood hazard and tsunami zones, should they become inundated.

The General Plan also includes Program HS-1.8.1, which requires the city to conduct sea level rise assessment (Policy S-3.1) and proactively pursue adaptation and mitigation strategies in coordination with the County (Policy S-3.2), including review of sea level rise, flooding, and tsunamis on parcels that have an elevation of 25 feet or less above Mean Lower Low Water (MLLW) level datum through the environmental review process. As explained in the General Plan, areas of historical fill will be encouraged to re-engineer existing fill and increase the site elevation to at least 20 feet above MLLW. The increase in elevation of the construction site will reduce the potential exposure of people and property to the 100-year coastal flood and sea level rise. If a development site cannot be improved to such an elevation, all new construction in the areas subject to flooding will be required to prove that the lowest point of the lowest structural member maintains a minimum height consistent with the city's federally mandated Flood Plain Management program. (General Plan, HS-19.) Program HS-1.12.1 ensures that new developments and substantial remodels in at-risk areas incorporate low-impact, resilient, infrastructure and are protected from potential impacts of flooding from sea level rise and significant storm events.

However, it should be noted that the General Plan does not authorize any new development and the projected development contemplated in the Revised Draft EIR is currently allowed

under the existing 1995 General Plan. As such, should any of the adaptation and mitigation strategies identified in the future sea level rise assessment be implemented and/or areas of historical fill re-engineered to increase site elevation, these actions would be subject, on a project-by-project basis, to independent CEQA review as well as required adherence to mandatory regulations, policies and programs in the General Plan, the Sausalito Municipal Code, the Zoning Ordinance and other applicable city requirements that reduce impacts.

However, the precise extent of the future potential sea level rise inundation areas is uncertain. The sea level rise information identified in the General Plan does not, and cannot at this time, account for future changes in Bay morphology, land use, or shore protection upgrades, such as preserving and enhancing the wetlands, open waters, and ecosystem of Richardson's Bay and San Francisco Bay, which may occur over time, in part because the timing and impact of any such future actions is entirely speculative and not currently available.

To inform the public and the decision-makers, the General Plan and Revised Draft EIR disclose the best available information about sea level rise and climate change, including current modeling and projections. As noted in the General Plan and acknowledged by multiple jurisdictions, sea level rise is not unique to Sausalito, but is a general matter of concern to coastal cities. Sea level rise is a countywide and regional issue, and collaboration with county and regional leaders will be necessary to adapt to sea level rise and mitigate its effects. Marin County has focused on sea level rise planning and climate action for years. Sea level rise and potential adaptation measures are being evaluated through County led planning efforts including the Bay Adaptation and Waterfront Evaluation (BayWAVE) for bay-side communities and the Collaboration Sea Level Marin Adaptation Response Team (C-SMART) for outer coast communities. Sausalito is working collaboratively with other jurisdictions in the region on finding solutions, adaptations, and mitigation strategies for climate change and sea level rise, as seen by the formation of new organizations like Sausalito Beautiful and city commissions such as the Sustainability Commission. Using the best available scientific information, the General Plan explicitly addresses sea level rise in Sustainability – Climate Change Mitigation and Resiliency Element's Objective S-3: "Increase resiliency by adapting to current and future climate change projections and impacts." The Sustainability – Climate Change Mitigation and Resiliency Element of the General Plan contains the city's approach to working locally and collaborating regionally to address the impacts of sea level rise. The General Plan acknowledges that sea level rise affects all jurisdictions along San Francisco Bay, including the City of Sausalito. However, as previously stated, the General Plan would not result in any land use changes that would exacerbate an already existing environmental condition nor would the General Plan itself have a potentially significant impact on sea level rise. As such, the impacts of sea level rise on the city are generally outside the scope of CEQA's requirements for analysis.

Nonetheless, for informational purposes, the Revised Draft EIR discusses climate change and sea level rise. To address sea level rise, the General Plan includes policies that touch on all

facets of the issue and considers the emerging science and technology related to sea level rise. The General Plan includes the Waterfront and Marinship Element, Environmental Quality Element, Health, Safety, and Community Resilience Element, Land Use and Growth Management, and the Sustainability – Climate Change Mitigation and Resiliency Element. These elements include policies and programs to address sea level rise. The General Plan adopts, and the Revised Draft EIR incorporates, the best available scientific evidence regarding sea level rise trends and assumptions as outlined in Marin County's BayWAVE. The Revised Draft EIR further discusses potential impacts associated with climate change and sea level rise in Sections 3.6, Geology, Soils, and Seismicity; 3.7, Greenhouse Gas Emissions; 3.8, Hazards and Hazardous Materials, and 3.9, Hydrology and Water Quality. The sources utilized in the Revised Draft EIR rely, in part on the Strategic Summary Report, which describes climate outcomes. Revised Draft EIR Table 3.7-2, Historical and Expected Climate Impacts in California, provides a qualitative description of the current understanding of historical and expected climate impacts, including sea level rise, in California. Additionally, Figures 1-5 and 3.1 in the General Plan illustrate potential sea level rise based on Marin County's BayWAVE. BayWAVE's scenarios are consistent with State-level guidance. In March 2013, the State of California adopted the 2012 National Research Council Report Sea-Level Rise for the Coasts of California, Oregon, and Washington. The General Plan uses the Marin County BayWAVE's mid-term scenario assumption of a sea level rise of 1.64 feet of sea level combined with 20-year storm. Sea level rise projections beyond midcentury become increasingly more speculative and uncertain.

The General Plan has identified policies and programs to commit the city to maintain and provide relevant information regarding sea level rise by developing and incorporating a Sea Level Rise Map into the city and county GIS database and maintaining the accuracy of that map by requiring the City to review it every 5 years based on best available science. (Programs S-3.3.1 and S-3.1.2.) To further identify and disclose potential sea level rise issues, Program S-3.1.3, Overlay Zone, states that the City would pursue the creation of an overlay zone on the Zoning Map based on the Sea Level Rise Map. This overlay zone shall include land use regulations for site planning and promote nature-based adaptation frameworks to accommodate sea level rise and land subsidence. Further, Program S-3.1.5 requires data coordination with the county, using BayWAVE as the base for all city documents and plans to address sea level rise. These measures would ensure that the city continues to utilize the best available science and information to make planning decisions in light of the potential effects of sea level rise.

The General Plan addresses Sea Level Rise as a regional and multi-faceted issue. Notwithstanding the court's holding in *Ballona* that a sea level rise analysis is not required by CEQA, the City of Sausalito includes a detailed discussion of sea level rise and related topics within the General Plan and Revised Draft EIR for informational purposes.

As detailed in the Revised Draft EIR, the Marin County Multi-Jurisdiction Local Hazard Mitigation Plan (MCM LHMP) was developed to reduce risks from natural disasters in

unincorporated portions of Marin County and all incorporated cities in Marin County. The MCM LHMP, last adopted by the City of Sausalito on May 14, 2019, is required to be updated every 5 years to maintain eligibility for Hazard Mitigation Assistance grant programs administered by the Federal Emergency Management Agency (FEMA) pursuant to the Disaster Mitigation Act of 2000. The MCM LHMP identifies hazards within the city, such as sea level rise, storm surge, subsidence, flooding, earthquakes, liquefaction, severe storms, debris flow (landslides), wind, tsunamis, wildfire, and post-fire landslides. The MCM LHMP also contains a vulnerability analysis highlighting specific facilities at risk to natural hazards and outlines mitigation strategies for reducing risk of identified hazards.

Section 3, Hazard Analysis, of the MCM LHMP describes how the County is evaluating and planning for sea level rise in Marin County, including the City of Sausalito:

“Sea level rise and future storm effects and potential adaptation measures are being evaluated through County led planning efforts including Bay Adaptation and Waterfront Evaluation (BayWAVE) for bay-side communities and Collaboration Sea Level Marin Adaptation Response Team (C-SMART) for outer coast communities. C-SMART’s ‘Marin Ocean Coast Sea Level Rise Vulnerability Assessment’ evaluated West Marin vulnerabilities spanning near, medium, and long-term sea level rise and storm scenarios. Likewise, BayWAVE’s ‘Marin Shoreline Sea Level Rise Vulnerability Assessment’ analyzed potential physical, social and economic impacts to all of Marin’s Bayside communities exposed to sea level rise, up to the end of the century. These two assessments estimate that by 2100 around 7,000 acres, 9,000 parcels, 10,000 buildings and 120 miles of roads throughout Marin County will be exposed to sea level rise and the 100- year storm. Additionally, C-SMART’s Adaptation Report outlined potential adaptation solutions for West Marin, including natural and built engineering methods, home retrofits, and relocation of vulnerable assets. Further site-specific evaluation and engineering is necessary to better understand feasibility, environmental impacts, and costs for project implementation. The county is seeking funding for such adaptation planning on Marin’s Ocean Coast and Bayside.”¹

The General Plan recognizes that sea level rise is a multi-faceted issue that includes liquefaction, subsidence, and groundwater inundation. As a land use planning document that does not approve any specific development, the General Plan includes a number of policies and programs specifically designed to protect individuals from injuries and minimize property damage resulting from land instability and geologic hazards by limiting development in certain areas and requiring increased review and mitigation where appropriate.

¹ Marin County. 2018. Marin County Multi-Jurisdiction Local Hazard Mitigation Plan (MCM LHMP). Website: <https://www.marinwatersheds.org/sites/default/files/2020-07/Marin%20County%20Multi-Jurisdictional%20Local%20Hazard%20Mitigation%20Plan%202018.pdf>. Accessed December 27, 2020.

In compliance with State planning law and regulatory guidance, the General Plan incorporates policies and programs addressing sea level rise. These policies and programs establish the framework and objectives for the city's sea level rise planning and commitment to planning for sea level rise issues. For example, Program W-5.2.1, requires the city to identify and pursue strategies to increase the city's resilience to sea level rise, floods, seismic events, and emergencies/disasters, while protecting the city and particularly the Marinship's unique historic, maritime, and cultural assets and environment to the maximum feasible extent. As discussed in the General Plan and incorporated into Program HS-1.8.1, the General Plan also directs the city to develop a city-wide sea level rise adaptation plan (described in Sustainability – Climate Change Mitigation and Resiliency Program S-3.2.1) that takes into account USGS and Marin County data in addition to considering lidar and subsidence information. Program HS-1.2.1 requires the city to develop and maintain a citywide GIS map identifying geologic conditions and hazards including landslides, drainage, erosion hotspots, subsidence, liquefaction, parcel slope, and other relevant geologic data that is useful in assessing the effects of sea level rise. Throughout the city, and especially within the Marinship, improved data collection and a subsidence mitigation plan would complement local and regional mitigation measures (see Policy HS-1.9).

The General Plan further requires land uses and development to consider the changing shoreline due to sea level rise, related subsidence and erosion. (Policy LU-4.7; see also General Plan Figure 1-5: Sea Level Rise and Land Use Map.) The General Plan requires the city to continue to update Waterfront uses and development standards to align with the best available climate and sea level rise science. (Policy LU-7.7.1.) Program S-3.2.2 further requires the completion of a geologic and/or hydrographic study that describes how Sausalito's unique ground subsidence and liquefaction issues will interact with sea level rise. To further address sea level rise, the analysis and discussion in Section 3.7, Greenhouse Gas Emissions, of the Revised Draft EIR focuses on the General Plan's consistency with local, regional, and statewide climate change planning efforts as they relate to buildout of the General Plan. Detailed GHG emissions modeling is included in Appendix B of the Revised Draft EIR. As detailed in the Revised Draft EIR, future discretionary projects facilitated by the General Plan will be evaluated for project-specific impacts to greenhouse gas emissions at the time they are proposed.

The natural environment also serves a key role in Sausalito's sea level rise mitigation and adaptation strategy. Wetlands as well as other resources (e.g., creeks, trees, shrubs, and grasses) that serve as drainage systems and bioretention facilities will help the city adapt to sea level rise and its effects. To this end, development proposals will be required to retain or restore the natural environment to the greatest extent possible. The General Plan also anticipates preserving and enhancing the wetlands, open waters, and ecosystem of Richardson's Bay and San Francisco Bay to utilize these landscapes to, in part, address sea level rise, in Policy W-4.2 – Bay Waters. (Policy EQ-1.3, Policy W-3.3, Policy W-4.2.) As discussed in Impact BIO-2, in addition to compliance with General Plan policies and programs, future

development would comply with adopted State, federal, and local regulations for the protection of wetlands and to address impacts associated with sea level rise.

Drainage and the potential for flooding are also facets of the sea level rise discussion that are addressed in detail in the Revised Draft EIR. Section 3.9, Hydrology and Water Quality, of the Revised Draft EIR describes the existing hydrologic conditions and analyzes potential drainage and flooding issues within the Planning Area. As detailed under Impact HYD-6, the General Plan contains policies and programs specifically designed to address inundation and flooding. In addition, the Sausalito Municipal Code contains rules and regulations to reduce the risks of flooding. Municipal Code Chapter 8.48, Floodplain Management, provides updated flood hazard maps for Sausalito and Marin County.

Therefore, as discussed throughout the Revised Draft EIR and in this Master Response, the General Plan itself has very little potential to cause environmental impacts related to sea level rise but includes numerous policies and programs to address the issue in a regional context.

Project Specific Development will be Subject to General Plan Policies Regarding Sea Level Rise

The development and proposed improvements identified in the General Plan would generally be infill development within the fabric of developed areas of the city that is relatively minor in scope and would be consistent with existing development patterns. However, the General Plan does not approve any specific development projects and it would be premature to consider these projects on a project-specific level as part of the Revised Draft EIR for the General Plan, as these projects have not yet been sited or designed and other key project components that would influence potential environmental impacts have not yet been determined. Accordingly, it would be inappropriate and speculative under CEQA to conduct a project-specific analysis in this Revised Draft EIR. As the city proceeds with development identified in the General Plan, those projects will be reviewed by the City of Sausalito for compliance with the policies and programs of the General Plan as well as the City's Municipal Code, which implements the City's General Plan, related to physical effects these projects may have on the environment. Likewise, as the city receives development applications for subsequent development under the General Plan, those future discretionary actions would be evaluated for project-specific environmental effects at the time they are proposed. Compliance with the General Plan will provide guidance with respect to sea level rise in evaluating those projects.

With respect to project-specific development consistent with the General Plan, the Revised Draft EIR identifies a number of General Plan policies and adaptation strategies that would reduce project-specific sea level rise impacts. When developing the sea level rise vulnerability and risk assessment (Policy S-3.1) and sea level rise adaptation plan (Program S-3.2.1), both of which include considerations of land subsidence, the General Plan requires recommendations for management of developed and undeveloped parcels at risk of sea

level rise. To assist in these assessments and to guide future planning responses to sea level rise, the General Plan also includes policies and programs to map areas with high susceptibility to erosion, subsidence and liquefaction. Program HS-1.2.1 requires the city to develop and maintain a citywide GIS map that serves as a detailed geologic map to provide a more detailed database regarding landslides, drainage, erosion hotspots, subsidence, liquefaction, parcel slope, and other relevant geologic data. Improved and localized subsidence data developed under Program HS-1.9.1 and detailed liquefaction data identified in Program HS-1.2.1 would reduce risks associated with subsidence, especially in areas of the city built on fill in Richardson's Bay. (General Plan, W-4.)

The Revised Draft EIR further discusses a number of policies and programs specifically designed to protect individuals from injuries and minimize property damage resulting from land instability and geologic hazards by limiting development in certain areas and requiring increased review and mitigation where appropriate (Revised Draft EIR, Section 3.6, Geology, Soils, and Seismicity). Program HS-1.2.7 requires the city to consider creating a Geologic Hazard Abatement District (GHAD) and explore other methods of funding hazard abatement. Program HS-1.2.3 requires submittal of geologic and/or geotechnical feasibility reports for development of new buildings or significant additions to existing buildings requiring discretionary approval, and Program HS-1.2.4 requires geotechnical reports for grading and building permits. Program HS-1.2.2 requires the city to continue to collaborate with the County on the MCM LHMP, which addresses potential hazards related to sea level rise. Policy HS-1.12 would require new development or substantial remodeling in relevant areas to incorporate climate resilience strategies into designs and follow Bay Conservation and Development Commission (BCDC) guidance suggesting reduction of new development or substantial remodels in coastal zones. Additionally, the Revised Draft EIR explains that the Building Department would review project plans and applications for site clearance, grading, and building permits to ensure compliance with Municipal Code Chapter 8.08 and would impose requirements for revisions where needed to ensure that structures are constructed in compliance with the CBC, and reflect any additional measures deemed appropriate based on a required geotechnical report that evaluates site specific conditions and identifies any site preparation or construction techniques. As discussed in Impacts GEO-1 and GEO-2, permit issuance is based upon satisfactory completion of any applicable measures. Further, Chapter 8.48 (Floodplain Management) of the Municipal Code describes methods for reducing losses due to inundation and floods such as restricting uses, requiring flood damage protection at the time of initial construction; controlling actions, such as filling, grading, and dredging, which may increase flood damage, or actions, such as alteration of stream channels and construction of barriers, which can divert flood water and therefore increase flood hazards in other areas.

Together these policies and programs would assist property owners, applicants, and the city in efficiently identifying potential risks associated with development of a parcel and ensure that appropriate review is completed prior to development, including the identification of

potential issues related to sea level rise, erosion, liquefaction and inundation. Remedial site preparation and/or construction techniques would be incorporated into grading and building plans as necessary based on project specific and parcel specific characteristics. As such, specific development facilitated by the General Plan would be rigorously analyzed and plans for development would incorporate recommendations, where needed, to ensure that construction would employ techniques appropriate for a given site. With the implementation of the policies and programs in the General Plan, as well as mandatory compliance with existing regulations, applicable State and local codes, potential impacts associated with sea level rise would be less than significant. Therefore, potential impacts related to sea level rise would be addressed by the city as development applications are submitted.

The No Project Alternative Describes Effects of Sea Level Rise in the Absence of the General Plan

The No Project Alternative/1995 General Plan describes potential impacts in the absence of the General Plan. As shown in Section 4, Alternatives to the General Plan, Table 4-1 and 4-2, although buildout under the No Project Alternative/1995 General Plan would be similar to the General Plan, there would be no new policies or programs in place that provide direction for issues of sustainability and climate resiliency, sea level rise, release of pollutants due to project site inundation, vibration impacts near historic properties, and wildland fire management. Under this alternative, the city would not have in place any overarching policy guidance for how those issues will be addressed over the long term, such as sea level rise. The impact analysis related to the No Project Alternative/1995 General Plan is discussed on pages 4-3 through 4-13 of the Revised Draft EIR.

As discussed above, the General Plan includes policies and programs to minimize inundation from sea level rise when a development application is submitted to the city. If the General Plan is not adopted, the city would not realize the benefits of these policies and programs.

Conclusion

As demonstrated by the policies and programs identified in the General Plan, and analyzed in the Revised Draft EIR, addressing sea level rise and climate change is a long-range planning issue. The General Plan itself will not exacerbate or adversely affect sea level rise, but rather establishes a framework for addressing sea level rise and identifies programs and policies to guide future land-use and development decisions. In conclusion, the sea level rise discussion in the General Plan and Revised Draft EIR fully complies with CEQA's requirements for a program-level discussion.

Master Response 3 – Comments Submitted Prior to Publication of Revised Draft EIR

Summary of Relevant Comments

Several commenters requested that previous comments and correspondence be incorporated by reference.

Response

A number of comment letters incorporate by reference comments made prior to publication of the Revised Draft EIR.

The Revised Draft EIR replaces the Draft EIR published June 4, 2020 in its entirety. State CEQA Guidelines Section 15088.5(f)(3) provides that, when an entire EIR is recirculated (as opposed to only a portion of the EIR), the lead agency may require that reviewers submit new comments and is not required to respond to comments on the prior EIR. The Revised Draft EIR clearly stated this in the Introduction to the Revised Draft EIR, “In accordance with State CEQA Guideline Section 15088.5, the city, acting as the lead agency for the project, formally advises reviewers of the Revised Draft EIR that they must submit new comments on this Revised Draft EIR. The Final EIR, which will be prepared after the public review period for the Revised Draft EIR, will only include responses to new environmental comments received on the Revised Draft EIR.”

Comments on the prior Draft EIR remain part of the administrative record, but need not be incorporated into the Revised Draft EIR and are not part of the Final EIR’s response to comments as that prior EIR is no longer operable or relevant to the decision-makers. Therefore, the City is not required by CEQA to respond to comments on the prior Draft EIR. Nonetheless, each of the prior comment letters incorporated by reference into letters submitted on the Revised Draft EIR were reviewed and any significant environmental comment raised in the prior letters is addressed in these responses to comments and Master Responses, for example Master Response 1 – Program EIR and Master Response 2 – Sea Level Rise, Inundation, and Subsidence, address several issues raised in comment letters on the prior Draft EIR.

Further, given the scope of changes that were incorporated into both the General Plan and the Revised Draft EIR, the City finds that responding to specific comments received on the prior Draft EIR would not make a meaningful contribution toward informing decision-makers or the public about the potential environmental impacts of the General Plan.

Section 15088.5(f) of the State CEQA Guidelines also states that the lead agency must send notice to the agencies, persons, and organizations that commented on the prior Draft EIR, specifying that new comments are required. A Notice of Availability for the Revised Draft EIR was circulated to the agencies, persons, and organizations that commented on the prior Draft EIR, and made publicly available on the city’s website. The Notice of Availability specified that new comments on the Revised Draft EIR would be required and that responses

would only be provided to new comments received on the Revised Draft EIR. Accordingly, the city is not required to provide responses to comments submitted on the prior Draft EIR.

2.2 LIST OF AUTHORS

A list of public agencies, organizations, and individuals that provided comments on the Revised Draft Environmental Impact Report (EIR) is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author Author Code

State Agencies

California Department of Fish and Wildlife CDFW
California Department of Transportation..... CALTRANS

Organizations

Cox, Castle & Nicholson LLP COX CASTLE NICHOLSON
M.R. Wolfe & Associates, P.C. WOLFE
Community Venture Partners, Inc. CVP
Berg Holdings..... BERG
Michael Rex Architects..... REX

Individuals

Sandra Bushmaker..... BUSHMAKER
John DiRe DIRE
Bill Werner WERNER
Janelle Kellman KELLMAN
Lito Brindle BRINDLE
John Flavin FLAVIN
Peter Van Meter..... VAN METER.1
Shelby Van Meter VAN METER.2

Oral Comments from Public Meetings

November 4 Planning Commission Meeting

Planning Commission Vice-Chair Kristina Feller PC MEETING-1 through PC MEETING-4

Planning Commission Chair Janelle Kellman PC MEETING-5 through PC MEETING-9

Planning Commissioner Richard Graef..... PC MEETING-10 through PC MEETING-12

Planning Commissioner Vicki Nichols PC MEETING-13

November 17 City Council Meeting

Michael Rex CC MEETING-1

Councilmember Joan Cox..... CC MEETING-2

2.3 RESPONSES TO COMMENTS

2.3.1 INTRODUCTION

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Sausalito (city), as the lead agency, evaluated comments received on the Revised Draft EIR (State Clearinghouse No. 2019100322), for the General Plan, and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR in accordance with State CEQA Guidelines Section 15132.

2.3.2 COMMENT LETTERS AND RESPONSES

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Bay Delta Region
 2825 Cordelia Road, Suite 100
 Fairfield, CA 94534
 (707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

CDFW
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November 25, 2020

Ms. Lilly Whalen
 City of Sausalito
 420 Litho Street
 Sausalito, California 94965
deircomments@sausalito.gov
lwhalen@sausalito.gov

Subject: City of Sausalito 2040 General Plan Update, Recirculated Revised Draft
 Environmental Impact Report, SCH No. 2019100322, City of Sausalito,
 Marin County

Dear Ms. Whalen:

The California Department of Fish and Wildlife (CDFW) reviewed the recirculated revised draft Environmental Impact Report (EIR) provided for the City of Sausalito 2040 General Plan Update (Project) located within the City of Sausalito (citywide), Marin County. CDFW provided written comment on the previous draft EIR in a letter dated July 30, 2020¹. Thank you for incorporating some of our previous recommendations.

CDFW is a Trustee Agency pursuant to the California Environmental Quality Act (CEQA) Section 15386 and has authority to comment on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

PROJECT DESCRIPTION AND LOCATION

Proponent: City of Sausalito

Objective and Location: The Project is an update to the City of Sausalito 1995 General Plan, including previous updates from 1999, 2012, 2015, and 2019, through the year 2040. The Project location covers the entirety of the City of Sausalito as well as surrounding unincorporated Marin County which could be incorporated into Sausalito within the life of the Project, and nearby portions of Richardson Bay. Specific changes to the General Plan include updates to objectives, policies, and programs, and identification of maximum thresholds for land use categories and planned buildout within the Project

¹ https://files.egonet.opr.ca.gov/256349-4/attachment/CxLIP9OVAR49UoT3HeNY_ObQ7uwTmmU1Z-iwQByBzNo25xI5vqpuBsSzx6w-IYpSG3v5RUfNTHGtK9fq0

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area by year 2040. Full buildout is projected to include a 6% increase in residential units and a 35% increase in commercial development from present conditions.

ENVIRONMENTAL SETTING

Located in the City of Sausalito and surrounding areas, the Project area encompasses approximately 1,730 acres. The Project area is bordered by Richardson Bay to the northeast, San Francisco Bay to the east, Marin City to the northwest, and Golden Gate National Recreation Area to the west and south. Approximately 45% of the Project area is open bay water. The rest of the Project area is a mix of residential, commercial, open space, and waterfront land uses. Habitat types include oak savannah, oak woodland, marine wetland, estuarine, and eelgrass. Sensitive species have the potential to occur within the Project area, including rare native plants, fish, birds, mammals, and invertebrates.

3
Cont.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations below to assist City of Sausalito in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

4

Tiering and Subsequent Project Checklist

The draft EIR is identified as a Program EIR that "considers the broad environmental effects of the General Plan. This Revised Draft EIR will be used to evaluate subsequent projects and activities under the General Plan" (page 1-3). While Program EIRs have a necessarily broad scope, CDFW recommends providing as much additional information related to anticipated types of residential and non-residential development as possible, particularly that may occur in the marine environment near the waterfront. As noted in our previous comment letter, CDFW could have further comments on the broad elements of proposed development to avoid and minimize potential impacts to marine species and habitat.

5

In addition, as subsequent projects will have site-specific impacts and require site-specific mitigation measures, CDFW still strongly recommends creating a procedure for evaluating these subsequent projects. CEQA Guidelines §15168(c)(4) state, "Where the subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR." CDFW recommends developing the checklist with this draft EIR to guide the appropriate CEQA review level for future projects as an attachment to the draft EIR. A procedure or checklist will be critical to ensuring adequate analysis of Project effects on biological resources. CDFW recommends using the procedure and checklist

6

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developed for infill projects as a model; it can be found in CEQA Guidelines Section 15183.3 and Appendix N. The checklist should also outline how habitat will be analyzed per species or habitat type, how impacts will be assessed, and whether any mitigation is necessary.

When used appropriately, the checklist should be accompanied by enough relevant information and reasonable inferences to support a “within the scope” of the draft EIR conclusion. For subsequent Project activities that may affect sensitive biological resources, a site-specific analysis should be prepared by a qualified biologist to provide the necessary supporting information. In addition, the checklist should cite the specific portions of the draft EIR, including page and section references, containing the analysis of the subsequent Project activities’ significant effects and indicate whether it incorporates all applicable mitigation measures from the draft EIR.

6
Cont.

Mitigation Measures and Minimizing Impacts to Less-than-Significant

Mitigation Measure BIO-1a Special Studies

The draft EIR identifies that future development projects could directly and indirectly impact special-status plants and animals through habitat modification, habitat loss, and mortality, among other impacts (page 3.3-16). To reduce impacts to less-than-significant, the draft EIR includes Mitigation Measure (MM) BIO-1a which requires future projects to conduct special studies that identify appropriate site-specific avoidance and minimization measures. MM BIO-1a should be as specific as possible to prevent confusion in the future and prevent impacts to special-status species and their habitat, and sensitive natural communities. Additionally, depending on the impacts and specific mitigation measures recommended in the special study, additional CEQA review may be necessary. To reduce impacts to less-than-significant, CDFW recommends the following edits to MM BIO-1a, with deletions in ~~strike through~~ and additions in **bold**.

7

MM BIO-1a Special Studies. Applicants of discretionary projects ~~that could result in a potential impact to special status species, or their habitat,~~ shall be required to prepare a special study. **The special study shall be conducted by a qualified biologist and shall minimally include a data review and habitat assessment, prior to Project approval, to identify whether any special-status plant or animal species’ habitat or sensitive natural communities occur on-site. The data reviewed shall include the biological resources setting of the EIR and the best available current data for the area, including an updated review of the California Natural Diversity Database (CNDDB) and relevant citizen scientist data such as iNaturalist. Habitat assessments shall be completed at an appropriate time of year for identifying potential habitat and no more than one year prior to Project activity commencement.** The purpose of the special study **is** to identify appropriate measures to avoid or minimize the harm to sensitive biological resources and to incorporate the

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recommended measures as conditions of approval for the project. **Based on the results of the special study, the qualified biologist shall identify the locations of any potential biological resources on-site and shall provide site-specific measures to completely avoid those areas. If habitat avoidance is infeasible, the qualified biologist shall identify protocol-level surveys that shall occur prior to project commencement, and shall provide additional protective measures including no-work buffer zones, preparing post-project restoration plans, off-site mitigation, or other similar measures as determined on a project-specific basis. If compensatory mitigation appears necessary, a subsequent environmental review and CEQA document may be required.** Detailed studies are not necessary in locations where past and existing development have eliminated natural **or anthropogenic** habitat and the potential for the presence of sensitive biological resources.

7
Cont.

Mitigation Measure BIO-1b Nesting Bird Protection

The draft EIR identifies that project activities may disturb nesting birds (page 3.3.-17). To reduce potential impacts to less-than-significant, Mitigation Measure (MM) BIO-1b requires pre-construction nesting bird surveys if activities will occur during the nesting season. However, MM BIO-1b does not specify how soon before commencement of activities nesting bird surveys shall occur. This lack of specificity could lead to gaps between surveys and activity commencement allowing for nests to go undetected. Project activities could then impact nesting birds, a potentially significant impact. To reduce impacts to less-than-significant, CDFW recommends that pre-construction nesting bird surveys occur no more than 7 days prior to commencement of activities.

8

Mitigation Measure BIO-2a Botanical Reports & BIO-2b Eelgrass Beds & Red Algae

The draft EIR discusses potential impacts to botanical resources, including sensitive natural communities such as coast live oak (*Quercus agrifolia*) alliances and eelgrass (*Zostera marina*) (page 3.3-19). To reduce impacts to less-than-significant, the draft EIR includes Mitigation Measure (MM) BIO-2a and Mitigation Measure (MM) BIO-2b to identify whether these sensitive habitats are present in the Project area and identify appropriate site-specific mitigation measures. MM BIO-2a and MM BIO-2b are both generic and identify a range of mitigation options that may be required for future Project approval. Without expert review of proposed site-specific mitigation measures, mitigation may not reduce impacts to less-than-significant. To reduce impacts to less-than-significant, CDFW recommends that both MM BIO-2a and MM BIO-2b identify that if avoidance is not feasible and compensatory mitigation is required then a subsequent environmental review and CEQA document may be required.

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REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) is warranted if the Project has the potential to result in “take”¹ of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

10

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency’s FOC does not eliminate the Project proponent’s obligation to comply with CESA.

11

Lake and Streambed Alteration Agreement

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a responsible agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA (Public Resources Code § 21000 et seq.) as the responsible agency.

12

Migratory Birds and Raptors

CDFW also has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code Sections protecting birds, their eggs, and nests include 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Fully protected species

13

¹ Fish and Game Code, section 86: “Take” means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

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may not be taken or possessed at any time (Fish and Game Code Section 3511).
Migratory raptors are also protected under the federal Migratory Bird Treaty Act.

13
Cont.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

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CONCLUSION

CDFW appreciates the opportunity to comment on the draft EIR to assist City of Sausalito in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Amanda Culpepper, Environmental Scientist - Bay Delta Region, at amanda.culpepper@wildlife.ca.gov; Mr. Arn Aarreberg, Environmental Scientist - Marine Region, at arn.aarreberg@wildlife.ca.gov; or Mr. Garret Allen, Acting Senior Environmental Scientist (Supervisory), at garrett.allen@wildlife.ca.gov.

15

Sincerely,

DocuSigned by:

BE74D4C83C804EA...
Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse (SCH #2019100322)

State Agencies

California Department of Fish and Wildlife (CDFW)

Response to CDFW-1

The commenter provides introductory statements and thanks the City of Sausalito for incorporating some of CDFW's previous recommendations.

The comment is noted, and no further response is required.

Response to CDFW-2

The commenter describes CDFW's role in the CEQA process.

The comment is noted, and no further response is required.

Response to CDFW-3

The commenter provides project information contained in the Revised Draft EIR.

The comment is noted, and no further response is required.

Response to CDFW-4

The commenter notes that the comments and recommendations in the letter are to assist the city with identifying and/or mitigating direct and indirect impacts on fish and wildlife (biological resources).

The comment is noted, and no further response is required.

Response to CDFW-5

The commenter asks that the Revised Draft EIR include more specific information related to the anticipated types of residential and non-residential development, particularly in the marine environment and near the waterfront. The commenter states that the CDFW could have further comments on the broad elements of proposed development to avoid and minimize potential impacts to marine species and habitat.

This comment is noted. While the Revised Draft EIR has been prepared as a Program EIR and considers the broad environmental effects of the Sausalito General Plan, additional information related to anticipated types of residential and non-residential development under the General Plan is described in Section 2, Project Description, of the Revised Draft EIR.

As described on page 2-1 of the Project Description, the General Plan Update is a focused effort to refine the objectives, policies, and programs within the existing General Plan to reflect current regulations and help guide and shape the community over the next 20 years. The General Plan does not change any land use designations. The General Plan Land Use Map (Exhibit 2-3) reflects the 1995 General Plan Land Use Map and any general plan Land Use amendments made since 1995. There are approximately 12 parcels (10 within the city limits) that required correction because the land use designation had been changed without a corresponding update to the General Plan Land Use Map. The Land Use Map provided as part of the General Plan Update has been updated to show Land

Use designation changes previously approved by the City Council. The updated Land Use Map is not making any changes to existing designations.

As described on pages 2-6 through 2-10 of the Project Description, buildout of the General Plan is based on land use categories on the existing Land Use Map (see Exhibit 2-3, General Plan Land Use Map). As shown on Table 2-2, Projected Residential Growth at General Plan Buildout, and Table 2-3, Projected Non-residential Growth at General Plan Buildout, based on existing allowable densities for the existing land use categories, buildout of the General Plan could yield up to 304 new residential units, 587,961 new square feet of commercial uses, and 146,124 new square feet of industrial uses within the Sausalito Planning Area. As the General Plan does not include any changes to land use categories or any changes to the density or intensity of uses contained in the 1995 General Plan, growth associated with buildout will be limited to vacant and/or underutilized existing parcels throughout the city. Exhibit 2-4, Potential Growth Areas, depicts the location of vacant and underutilized residential and non-residential parcels where growth associated with buildout could occur, including the marine environment and near the waterfront.

The types of development that may occur along the waterfront and within the marine environment near the waterfront is shown in the Land Use Map (Exhibit 2-3). Waterfront uses include Industrial (I), Commercial Waterfront (CW), Waterfront (W), Public Institutional (PI), and Public Parks (PP); development anticipated within these land use categories could yield up to 543,008 square feet of new industrial/commercial uses. Marine land uses identified in Exhibit 2-3 include Conservation (SOI), Houseboats (H), Waterfront (W), Public Institutional (PI), and Public Parks (PP); development anticipated within these land uses include up to 31 new liveaboards within the Waterfront Land Use. No new residential or non-residential growth is proposed within the Conservation, Houseboats, Public Institutional, or Public parks land uses.

Although the general location and type of development within the waterfront and marine environments can be anticipated, until the city receives a development application for subsequent development under the General Plan, the exact location, type of development, and potential impacts to marine species and habitat cannot be determined. As the city receives development applications for subsequent development under the General Plan, those applications will be reviewed by the City of Sausalito for compliance with the policies and programs of the General Plan related to biological resources. Consistency with the City's Municipal Code, which implements the City's General Plan, would be required to ensure that projects comply with all policies related to creek setbacks and tree protection standards. Future development would also be reviewed for compliance with various federal and State laws and regulations that protect biological resources, including the Federal Endangered Species Act, California Endangered Species Act, Clean Water Act, and Migratory Bird Treaty Act. To further enhance and ensure protection of biological resources, the following Mitigation Measures are included in the Revised Draft EIR: MM BIO-1a (Special Studies), MM BIO-1b

(Nesting Bird Protection), MM BIO-2a (Botanical Reports), MM BIO-2b (Eelgrass beds and red algae), and MM BIO-3 (Wildlife Movement).

Response to CDFW-6

The commenter recommends that the Revised Draft EIR create a procedure for evaluating subsequent projects' impacts, such as a written checklist or device, to document evaluation of the site and whether land use activities were covered in the Program EIR. The commenter explains that a procedure or checklist would help guide future analysis of project effects on biological resources and should outline how habitat will be analyzed per species or habitat type, how those impacts will be assessed, and if mitigation would be necessary. The commenter further states that the checklist should cite the specific portions of the Revised Draft EIR containing the analysis of subsequent project activities and indicate whether it incorporates all applicable mitigation measures from the Revised Draft EIR.

This comment is noted. The city will evaluate whether subsequent projects or activities are within the scope of the Program EIR, consistent with State CEQA Guidelines Section 15168(c), entitled "Use with Later Activities." That section provides:

Later activities in the program must be examined in the light of the Program EIR to determine whether an additional environmental document must be prepared.

(1) If a later activity would have effects that were not examined in the Program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration. That later analysis may tier from the Program EIR as provided in Section 15152.

(2) If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the Program EIR, and no new environmental document would be required. Whether a later activity is within the scope of a Program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the Program EIR.

(3) An agency shall incorporate feasible mitigation measures and alternatives developed in the Program EIR into later activities in the program.

(4) Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the Program EIR.

(5) A Program EIR will be most helpful in dealing with later activities if it provides a description of planned activities that would implement the program and deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed project description and analysis of the program, many later activities could be found to be within the scope of the project described in the Program EIR, and no further environmental documents would be required.

As described on page 1-3 in Section 1, Introduction, this Revised Draft EIR will be used to evaluate subsequent projects and activities under the General Plan. This Revised Draft EIR is intended to provide the information and environmental analysis necessary to assist public agency decision-makers in considering approval of the General Plan, but not to the level of detail to consider approval of subsequent development projects that may occur after adoption of the General Plan.

Additional environmental review under CEQA may be required for subsequent projects and would be generally based on the subsequent project's consistency with the General Plan and the analysis in this Revised Draft EIR, as required under CEQA. When individual subsequent projects or activities are proposed under the General Plan, the City of Sausalito, as the lead agency, would examine the projects or activities in light of the General Plan to determine whether an additional environmental document must be prepared (State CEQA Guidelines § 15168(c)). The Appendix N: Infill Environmental Checklist Form may not capture all site-specific impacts related to subsequent projects and activities under the General Plan; however, the city will consider Appendix N for future use. Subsequent discretionary projects and activities would generally be evaluated by the City of Sausalito through the use of an Initial Study (based on the CEQA Appendix G checklist) to evaluate all site-specific impacts of the project or activity and determine whether the environmental effects are within the scope of the Program EIR or whether additional environmental documentation would be required.

As warranted, the city's project-level analysis will also analyze potential effects on species and habitat types, cite to relevant analysis from the Revised Draft EIR, impose relevant mitigation measures from the Revised Draft EIR, or impose additional project-specific mitigation measures. For example, if warranted, MM BIO-1a will require project applicants to submit site-specific biology studies prepared by qualified biologists prior to project approval. The city will consider these special studies and, if needed, require further site-specific assessments as part of the project-level CEQA analysis.

In addition, as the city receives development applications for subsequent development under the General Plan, those applications will be reviewed by the City of Sausalito for compliance with the policies and programs of the General Plan, as well as conformance to federal, State, and local laws and regulations. In addition, the City's Municipal Code, which implements the City's General Plan would be reviewed at the time that development applications are received. Lastly, the Revised Draft EIR includes the following mitigation measures that address project-level analysis: MM BIO-1a (Special

Studies), MM BIO-1b (Nesting Bird Protection), MM BIO-2a (Botanical Reports), MM BIO-2b (Eelgrass beds and red algae), and MM BIO-3 (Wildlife Movement).

Response to CDFW-7

The commenter recommends specific edits to MM BIO-1a (Special Studies).

This comment is noted. MM BIO-1a in Section 3.3, Biological Resources, of the Revised Draft EIR has been revised to include the changes recommended by the CDFW (see Section 3, Errata, of the Final EIR). These changes represent minor clarifications and amplifications, which will further ensure that biology impacts remain less than significant. None of these changes would result in a new significant environmental impact.

Response to CDFW-8

The commenter recommends that MM BIO-1b (Nesting Bird Protection) be modified to state that pre-construction nesting bird surveys occur no more than 7 days prior to the commencement of activities.

This comment is noted. MM BIO-1b in Section 3.3, Biological Resources, of the Revised Draft EIR has been revised to include the changes recommended by the CDFW (see Section 3, Errata, of the Final EIR). These changes represent minor clarifications and amplifications, which will further ensure that biology impacts remain less than significant. None of these changes would result in a new significant environmental impact.

Response to CDFW-9

The commenter recommends that both MM BIO-2a (Botanical Reports) and MM BIO-2b (Eelgrass beds and red algae) be revised to identify that if avoidance is not feasible and compensatory mitigation is required then a subsequent environmental review and CEQA document may be required.

This comment is noted. The requested changes are not necessary. The intent of MM BIO-2a and MM BIO-2b is to require site-specific biological analysis prior to approval of future development projects. The city will consider this site-specific information as part of its CEQA review for such future development projects. The city will determine the appropriate level of CEQA review on a project-by-project basis. The city acknowledges that future projects may require a subsequent, additional, or new CEQA document. As part of its CEQA review, the city will identify any project-specific biological impacts and impose any required project-specific mitigation measures.

Response to CDFW-10

The commenter states that a California Endangered Species Act (CESA) permit is required if the project has the potential to result in “take” of plants or animals listed under CESA. The commenter states that early consultation is recommended because mitigation measures may be required in order to obtain a CESA permit.

This comment is noted. This is a summary of legal and regulatory requirements, to which no response is required. Future development under the General Plan will be required to comply with the federal and State laws and regulations that protect special-status plant and animal species, including the Federal Endangered Species Act (FESA) and CESA.

Response to CDFW-11

The commenter states that CEQA requires a mandatory finding of significance if a project is likely to significantly impact threatened or endangered species. The commenter states that impacts must be reduced to less than significant unless the Lead Agency issues a Findings of Overriding Considerations.

This comment is noted. This is a summary of legal and regulatory requirements, to which no response is required. Future development under the General Plan will be required to comply with applicable laws and regulations.

Response to CDFW-12

The commenter states that a Lake and Streambed Alteration Agreement will be required by the CDFW for any project-related activity within any water within the project area that falls under authority of the Lake and Streambed Alteration Agreement.

This comment is noted. This is a summary of legal and regulatory requirements, to which no response is required. Future development under the General Plan will be required to comply with applicable laws and regulations. As stated under Impact BIO-2 on page 3.3-19 of the Revised Draft EIR, "Any proposed activities that would divert or obstruct the natural flow or change the bed, channel, or bank of any lake or stream, must obtain a 'Streambed Alteration Agreement' from the CDFW prior to any alteration of a lakebed, stream channel, or their banks. Through this agreement, the CDFW may impose conditions to limit and fully mitigate impacts on fish and wildlife resources."

Response to CDFW-13

The commenter states that the CDFW has jurisdiction over actions that could disturb or destroy active nesting bird sites or unauthorized take of birds. The commenter lists several regulations regarding unlawful take of nests or eggs or any bird and the protected status of migratory raptors under the Migratory Bird Treaty Act.

This comment is noted. This is a summary of legal and regulatory requirements, to which no response is required. Future development under the General Plan will be required to comply with federal and State laws and regulations that protect special-status plant and animal species, including the Migratory Bird Treaty Act. Future development will also be required to comply with MM BIO-1a (Special Studies) and MM BIO-1b (Nesting Bird Protection).

Response to CDFW-14

The commenter provides a statement explaining the necessary filing fees due to the CDFW. The comment is noted, and no further response is required.

Response to CDFW-15

The commenter states their appreciation for the ability to comment on the Revised Draft EIR and provides contact information.

The comment is noted, and no further response is required.

From: Luo, Yunsheng@DOT [<mailto:Yunsheng.Luo@dot.ca.gov>]
Sent: Monday, December 14, 2020 9:47 AM
To: Lilly Whalen <LWhalen@sausalito.gov>
Cc: Leong, Mark@DOT <Mark.Leong@dot.ca.gov>; OPR State Clearinghouse <State.Clearinghouse@opr.ca.gov>
Subject: comment for the Sausalito revised GP EIR

CAUTION: External Sender

Hello Lilly,

Thank you for the opportunity to review the Sausalito revised GP EIR. We have reviewed the project and just have one minor comment for the revised EIR, please see below in blue:

Under Section 3.1 Aesthetics, for the “information in this section is based, in part, on information provided by the following reference materials:”, please add “California Department of Transportation (Caltrans) State Scenic Highways Program” as a referenced material.

Please feel free to reach out to me if you have any questions. Thank you!

Best,

Yunsheng Luo
Associate Transportation Planner
Local Development - Intergovernmental Review (LD-IGR)
Caltrans, District 4
Cell: 626-673-7057

For early coordination and project circulation, please reach out to LDIGR-D4@dot.ca.gov

For information about Caltrans’ land use and transportation environmental review guidances, please visit the [SB-743 Implementation website](#).

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Response to CALTRANS-1

The commenter requests that the Caltrans State Scenic Highways Program be included in the list of referenced materials in the Aesthetics section of the document.

This change will be included Section 3, Errata, of the Final EIR. This change represents a minor clarification and would not result in a new significant environmental impact.

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November 17, 2020

VIA E-MAIL

Mayor Cleveland-Knowles and
Members of the City Council
City of Sausalito
420 Litho Street
Sausalito, CA 94965
Email: hscoble@sausalito.gov

Re: Berg Holdings' Comment Letter on Agenda Item 6.B, Final Draft General Plan

Mayor Cleveland-Knowles and Members of the City Council:

This firm represents Berg Holdings, the owner of 2310, 2320, 2330, and 2350 Marinship Way ("Property") in the City of Sausalito ("City"). The purpose of this letter is to provide the City Council with Berg Holdings' comments on the Final Draft General Plan.

1

As an initial matter, we would like to incorporate by reference into this letter our comments in the attached comment letters dated August 5, 2020, September 1, 2020, and November 9, 2020, and Carlo Berg's letter dated May 19, 2020.

2

View Corridors:

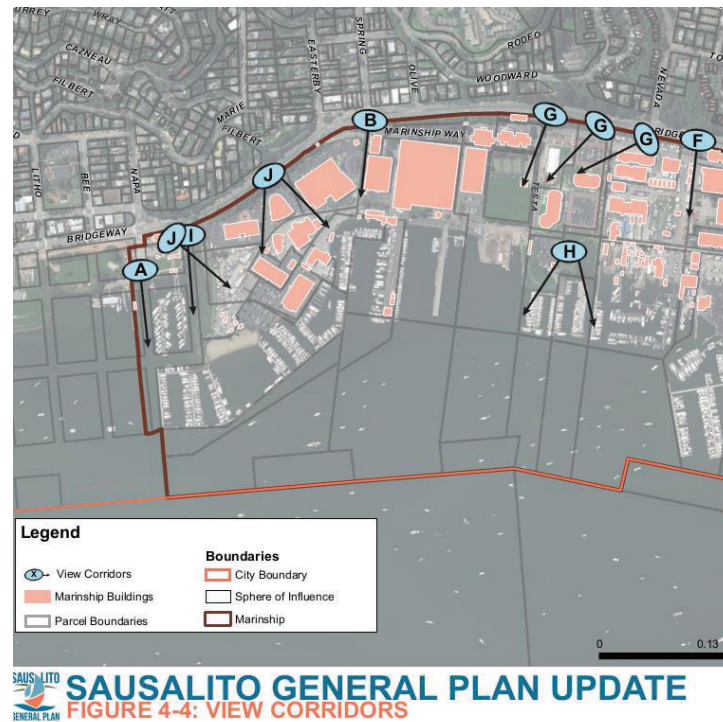
As we pointed out in the attached August 5, 2020 comment letter, and as detailed in Carlo Berg's May 19th letter, the City has improperly identified View Corridors in the General Plan that are currently blocked by barriers. That remains the case in the Final General Plan Update.

The View Corridors below are identified in Figure 4-4 in the Final General Plan Update. The three "G" View Corridors in Figure 4-4 are all obstructed by trees and/or buildings. Therefore, the "G" View Corridors should be removed from Figure 4-4. Similarly, the view from one side of View Corridor "H" is a view of a hill, as shown in the photo links on Page 4 of Carlo Berg's May 19th letter. For that reason, View Corridor "H" is not implementable. We recommend omitting View Corridor "G" and one of the views from View Corridor "H" from Figure 4-4.

3

It is unclear from the General Plan Update policies and programs related to View Corridors whether the General Plan Update View Corridors are intended to protect views from just public property or from both public and private property. Figure 4-4 is referenced under Policy CD-3.2, which addresses public views only. If Figure 4-4 is intended to identify public views, the three View Corridor "G"'s should be removed because there are currently no public views through the Property from those locations. Additionally, if Figure 4-4 is intended to identify only public views, View Corridor "H," which is on private property, should be distinguished on the figure as a private property View Corridor or removed.

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3
Cont.

The policies and programs in the General Plan Update are also unclear as to property owners' rights related to View Corridors on Figure 4-4. Program CD-3.2.2 states that the City will develop a citywide map that identifies priority public viewpoints that should be considered for mandatory preservation. The language in Program CD-3.2.2 implies that until that map is developed, none of the View Corridors are mandatory. However, Policy CD-3.2 requires new and significantly remodeled structures to take into consideration their impact on significant public views and view corridors when they are designed. Likewise, Program CD-3.2.1 requires that through Design Review, project submittals for new and significantly remodeled structures must be analyzed for their impact on views from major public vantage points. Policy CD-3.2 and Program CD-3.2.1 imply that new development must take view corridors into consideration following adoption of the General Plan Update.

4

What are the development limitations following adoption of the General Plan Update? Are the View Corridors in Figure 4-4 the "major public vantage points" or "significant public views and view corridors" contemplated in Policy CD-3.2 and Program CD-3.2.1? Will the View Corridors in Figure 4-4 serve as the basis for the map contemplated in Program CD-3.2.2? There are several outstanding questions that need to be answered before the General Plan Update is finalized.

5

In addition, Policy CD-3.1 and Program LU-4.1.1 should be revised.

Policy CD-3.1 states that new and significantly remodeled structures and landscape improvements must be designed and located to minimize interference with primary views from structures on neighboring properties. It states that "some minor loss of view may be consistent with this policy if necessary to protect a property right." The City should be aware that any view loss required to protect private property rights must be permitted unless just

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compensation is paid to the property owner. The City should revise Policy CD-3.1 accordingly so that it does not face takings claims.

6
Cont.

Program LU-4.1.1, Zoning Ordinance (Marinship), states that the City should “[t]ransition detailed View Corridor provisions, including any updates deemed necessary, into the Zoning Ordinance.” First, as noted above, Berg Holdings opposes incorporating the Figure 4-4 View Corridors “G” and one of the views from View Corridor “H” into the Zoning Ordinance because they do not represent actual view corridors. We also oppose incorporating some of the General Plan Update policies related to view corridors into the Zoning Ordinance because they interfere with private property rights. In addition, Berg Holdings is concerned with the language “any updates deemed necessary” in Program LU-4.1.1. Who will determine whether updates are “necessary”? We believe any changes to the view corridor policies that would adversely impact private property rights should go through a public process with proper notice and an opportunity for public input before being incorporated into the Zoning Code. Further, any changes to the Zoning Code should be within the discretion of the City Council. It is inappropriate for staff to incorporate the General Plan view corridor policies with “necessary updates” into the Zoning Code. This language should be stricken from Program LU-4.1.1.

7

Previously Conforming Office Uses:

The Property is currently located in the Marinship Specific Plan area. The Marinship Specific Plan provides that in the Industrial Zone, “existing office buildings and uses may remain as permitted uses.”

The “M-Group Memo – General Plan Update” that is attached to Agenda Item 6.B states that the Planning Commission recommended labeling office uses in the Marinship built prior to April 5, 1988 “legal non-conforming uses” rather than “legal conforming uses.”

Berg Holdings ***strongly opposes*** Planning Commission’s recommendation to label existing office uses in the Marinship as legal non-conforming uses. The Marinship Specific Plan has protected existing office uses in the Marinship since 1988 when the Plan was adopted. Property owners with existing office buildings in the Marinship have relied on the Specific Plan’s protection for over 30 years.

More importantly, the Marinship Specific Plan’s intent and vision to permit existing office uses is perfectly clear: existing office is expressly intended to remain as a conforming use. The M-Group Memo says Planning Commission stated concerned that recognizing office built prior to April 5, 1988 as a legal conforming use could send a sign to future developers implying office is a permitted use. The Marinship Specific Plan does not imply that future office is a permitted use; it expressly allows it. There is no question that the Marinship Specific Plan intended for existing office to remain in the Marinship.

8

We assume the intent of the change from legal conforming to legal non-conforming is to allow for existing office uses to be discontinued through voluntary vacation of use. There is a high legal bar to establish that a use was “voluntarily vacated.” Nonetheless, a change that would expose property owners to claims of abandonment of use is inappropriate, particularly in the middle of a global pandemic that has resulted in temporary office vacancies. Further, there was no notice of this change provided to property owners that could be significantly affected by it.

The City Council should reject Planning Commission’s suggestion to change existing office uses in the Marinship from legal conforming to non-conforming uses at the final

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stage of the General Plan Update process with very little opportunity for public input and no direct notice. Such a policy would be devastating to property owners because it could expose them to claims of abandoned use and is inconsistent with the clear intent and vision of the Marinship Specific Plan. That is to say nothing of the potential erosion of the City's tax base over time. It is inappropriate, particularly during this time when office vacancies are to be expected, to revoke protections for existing office buildings in the Marinship that property owners have counted on for so many years.

8
Cont.

Marinas and Boatyards:

General Plan Update Policy LU-4.3 relates to existing recreational marinas and new marine service boatyards. It says "[p]rovide opportunities to build new marine service boatyards, encourage upgrading and allow expansion of existing marine service boatyards and maritime construction and repair facilities, and allow for minor expansion of existing recreational marinas in the Marinship."

The City fails to define "minor" expansion of existing recreational marinas in the Marinship. However, it is unclear why the City would arbitrarily limit the expansion of existing marinas to minor expansions when the City encourages maritime uses in the General Plan Update and appears to be counting on liveaboard units as a primary contributor to meeting its RHNA mandates. How does the City plan to encourage maritime uses and liveaboard units, but at the same time limit marina expansion to minor expansions? Lastly, BCDC approval would be needed for any existing marina expansion and would take into account all environmental effects and other items within their purview.

9

Senior and Affordable Housing:

There are several policies in the General Plan Update that encourage and support senior and affordable housing, including, but not limited to the following:

- Policy LU-1.19 Affordable Housing and Senior Housing. Consider areas for affordable housing (including very low income, low income, and moderate income housing), affordable senior housing, senior housing, workforce housing, live/workspace for artists, and maritime workers, as well as opportunities for water-based housing, keeping the goal of long-term affordability.
- Program LU-1.20.1 Age-Friendly Plan. Maintain and update as necessary the Age Friendly Sausalito Community Action Plan. Periodically monitor progress on plan implementation to be consistent with World Health Organization and Livable Communities principles and best practices.
- LU-1.20.2 Aging in Place. Identify, support, and promote programs and services that facilitate home modifications supporting older residents who remain in their homes. These may include (but are not limited to) low-fee home adaptation work permits, online-only permit processing, and promoting governmental and non-governmental assistance programs to senior residents.
- LU-1.20.3 Aging in Community. Support residential land uses and circulation policies that will allow Sausalito residents to maintain community ties while moving to a more

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age-friendly residence. These may include (but are not limited to) accessory dwelling units (policy LU-1.12) and senior housing (policy LU-1.19), as well as equitable transportation (policy CP-7.4) and senior transportation (program CP-2.6.5)

- LU-5.4.1 Housing Needs. Examine affordable senior housing, affordable housing, or workforce housing on select parcels of publicly-owned land during Housing Element cycles.
- AGE-FRIENDLY COMMUNITY. Sausalito is the recipient of an Age-Friendly Designation from the World Health Organization and continues its dedication to supporting the city's senior community as part of its commitment to social equity, diversity, and racial justice. This dedication includes providing opportunities for meaningful involvement of all residents in local governance and policy making (discussed further in the Economic Element, Objective E-9).

Inclusive and active participation from the Sausalito community is key to meaningful implementation of the General Plan, and outreach to communities such as Sausalito's older residents provides an essential part of our vision for the City because to be truly inclusive, Sausalito must consider the needs of residents across the whole life course.

- Policy HS-6.1 Senior Services. Provide a range of convenient and accessible services for older adults, including social services and health and wellness, that improve quality of life and provide social connections that demonstrate respect and mitigate isolation.
- HS-6.1.2 Intergenerational Relationships. Consider developing programs, including with local schools and other organizations, that promote existing and new connections between senior residents and school-age residents.
- HS-6.1.3 Senior Volunteerism. Consider development of a database of volunteer and paid opportunities for seniors. This database could include opportunities for civic leadership and entrepreneurial pathways to promote and maintain Sausalito's age-friendly environment.
- Policy E-9.2 Inclusive Participation. Strive to engage populations that are under-represented in the planning process due to language, mobility, age, citizenship status, economic, and other barriers. Partnerships with community organizations and non-profits may support this policy and contribute to a shared community understanding of past and present injustices.

We commend the City for implementing the programs and policies in the General Plan Update, including those above, that encourage and support senior and affordable housing in a time when both those uses are widely recognized as a significant need. However, none of the policies above can be accomplished, and the City's required RHNA mandates cannot possibly be

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met, unless the City plans for additional affordable and senior housing. The city can put into this General Plan update all of the above items, but unless there actually is a transparent public pathway to address these needs at scale, the intent of the policies cannot be realized. While the City has identified several sites to meet RHNA requirements, even if those sites were fully developed, the City would be hundreds of units below its RHNA mandate.

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Cont.

As noted in our previous letters (attached), Berg Holdings has put forth a sensible and realistic plan that would meet the General Plan's objectives and policies and would also result in substantial progress toward the City's RHNA goals. It involves allowing limited affordable and senior housing opportunities on Industrial designated properties in the Marinship while preserving the important historical uses of the area as follows:

"Where appropriate in the Industrial Marinship designation, the City may approve affordable or senior housing with a Conditional Use Permit to assist in meeting RHNA and General Plan objectives, provided that such housing will not displace or remove existing marine or maritime industrial uses and will not be in conflict with adjacent uses. Density for senior or affordable housing shall be limited to 29 dwelling units per acre, plus a density bonus pursuant to the City's Code or consistent with State Density Bonus Law. Zoning standards for senior and affordable housing within the Industrial Marinship shall be consistent with R-3 Zoning Code standards."

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The proposal above would provide the City with flexibility to incorporate senior and affordable housing where appropriate through a discretionary use permit process. It would also limit housing to locations that would not displace or remove existing maritime or industrial uses (including art uses), thus having no effect on existing maritime, art, or industrial uses in the Marinship.

The City should consider including this language in the General Plan Update as well as studying it in the EIR, which would involve minor edits to the EIR.

Thank you for your consideration of this important matter.

Sincerely,



Morgan Gallagher

Cc: Carlo Berg, Berg Holdings

November 9, 2020

VIA E-MAIL

Mayor Cleveland-Knowles and
Members of the City Council
City of Sausalito
420 Litho Street
Sausalito, CA 94965
Email: hscoble@sausalito.gov

Re: Berg Holdings' Proposal for Housing to Meet RHNA Mandates

Mayor Cleveland-Knowles and Members of the City Council:

This firm represents Berg Holdings, the owner of 2310, 2320, 2330, and 2350 Marinship Way (“Property”) in the City of Sausalito (“City”). The purpose of this letter is to urge the City Council to consider Berg Holdings’ proposal to help the City achieve its Regional Housing Needs Assessment (“RHNA”) goals.

The City needs to provide more housing, particularly senior housing, to meet the community’s clearly demonstrated need and its RHNA goals. The City currently is meeting its RHNA goals in only one category midway through the current RHNA planning cycle based on 2019 reporting data. The City’s anticipated RHNA allocation for the 2023-2031 cycle is 740 units. Staff has indicated that the City’s anticipated RHNA allocation will be difficult to achieve under even the most aggressive scenario.

California’s Housing Element Law requires that cities designate and maintain housing sites that are “suitable, feasible, and available” for development of housing to meet RHNA allocations. (Gov. Code § 65580.) To that end, the City must identify specific viable locations for housing and should not delay in identifying realistic sites. If the City defers consideration and analysis of realistic housing opportunities, it will likely not be in a position to achieve its RHNA mandates. Thus far, the potential housing sites that have been identified by the City present significant feasibility constraints that would make it impossible to meet projected RHNA mandates, including land use, environmental, cost, and entity ownership issues. Additionally, the floating homes that are envisioned to help meet RHNA allocations are not ideal for senior housing units because of ADA trip hazards that are inevitably presented. Even if they were ideal, it is simply infeasible for the City to meet its RHNA requirement through floating homes. Berg Holdings offers, by this letter, to meet with the City to discuss specific challenges associated with each site that has been identified as a potential housing site, including floating homes.

Berg Holdings strongly urges the City to consider and analyze in its General Plan Update EIR any housing proposal put forth by the community that would significantly contribute to the City’s anticipated RHNA goals and would also meet the City’s General Plan’s goals and policies.

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November 9, 2020
Page 2

To that end, Berg Holdings has put forth a sensible and realistic plan that would result in substantial progress toward the City's RHNA goals and would also meet the General Plan's objectives and policies. It involves allowing limited affordable and senior housing opportunities on Industrial designated properties in the Marinship as follows:

"Where appropriate in the Industrial Marinship designation, the City may approve affordable or senior housing with a Conditional Use Permit to assist in meeting RHNA and General Plan objectives, provided that such housing will not displace or remove existing marine or maritime industrial uses and will not be in conflict with adjacent uses. Density for senior or affordable housing shall be limited to 29 dwelling units per acre, plus a density bonus pursuant to the City's Code or consistent with State Density Bonus Law. Zoning standards for senior and affordable housing within the Industrial Marinship shall be consistent with R-3 Zoning Code standards."

12
Cont.

The proposal above would provide the City with flexibility to incorporate senior and affordable housing where appropriate through a discretionary use permit process. It would also limit housing to locations that would not displace or remove existing maritime or industrial uses (including art uses), thus having no effect on existing maritime or industrial uses in the Marinship.

The proposal would involve minor edits to the General Plan Update EIR but would only require a plan-level analysis. Any specific future housing project is speculative at this time and would be analyzed as appropriate pursuant to CEQA when proposed. We expect that incorporating limited housing in the Marinship into the EIR would reduce air quality emissions, traffic, noise, and greenhouse gas emissions compared to the currently anticipated office and industrial uses in the Marinship. Therefore, we do not anticipate the change causing any substantial revisions or resulting in increased impacts. We encourage the City Council to seriously consider this proposal and to analyze it now, so that the City does not find itself in a position of non-compliance in the future.

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Thank you for your consideration of this important matter.

Sincerely,



Morgan Gallagher

Cc: Carlo Berg, Berg Holdings



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Margo Bradish
415.262.5101
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December 11, 2020

VIA E-MAIL

Lilly Whalen, Community Development Director, ATTN: DEIR COMMENTS
Community Development Department
City of Sausalito
420 Litho Street
Sausalito, CA 94965
Email: deircomments@sausalito.gov

Re: Comments on Proposed Revised General Plan Draft EIR Dated October 27

Ms. Whalen:

This firm represents Berg Holdings, the owner of 2310, 2320, 2330, and 2350 Marinship Way (“Property”) in the City of Sausalito (“City”). The purpose of this letter is to provide the City with Berg Holdings’ comments on the proposed Revised General Plan EIR (“EIR”). For background, the Property currently contains two office buildings and surface parking.

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As an initial matter, we would like to incorporate by reference into this letter our comments in the attached comment letters dated August 5, 2020, September 1, 2020, November 9, 2020, and November 17, 2020, and Carlo Berg’s letter dated May 19, 2020.

As discussed further below, now is the time for the City to incorporate housing units required by community demand and Regional Housing Needs Assessment (“RHNA”) mandates into the General Plan Update and General Plan Update EIR. First, both quantifiable community exigency and RHNA requirements necessitate more housing in the City, particularly senior and affordable housing, and the City should plan for and analyze such housing now as part of its adoption of a long-term General Plan Update, rather than having to amend the General Plan a year from now. Secondly, CEQA requires the City to consider a reasonable range of alternatives, and it is not reasonable for the EIR to limit the alternatives considered in the EIR to a maximum of 375 new housing units, when forthcoming RHNA mandates likely will require almost double that number.

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Berg Holdings urges the City to incorporate into the General Plan Update and analyze in the EIR policies that would allow for senior housing projects in the Marinship through a discretionary use permit process.

1. The EIR Should Evaluate Housing Sites Sufficient to Meet the City’s RHNA Allocation.

The fundamental purpose of CEQA is to identify mitigation measures and alternatives early in the process so that plans can be modified to reduce environmental impacts. Countless studies demonstrate that one of the most effective means of reducing environmental impacts is to locate housing near jobs and in infill areas. The General Plan Update and EIR

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present a unique opportunity for environmental issues to inform the City's planning for where and how it will accommodate future housing need in the City. While the EIR analyzes some additional housing sites, it fails to analyze sufficient sites for the City to meet its current RHNA allocation, let alone its impending new allocation. Given state law requiring cities to plan for their fair share of the regional housing need, the development of additional housing in the City to meet RHNA obligations is reasonably foreseeable. The EIR should address, at the plan level, the environmental impacts of such foreseeable housing development.

A. The EIR Should Evaluate Housing Sufficient To Meet the City's Current RHNA Obligations.

The City is not providing enough housing to meet community demand and its current RHNA allocation. The City's progress on its RHNA allocation is shown in the table below. As shown, the City currently is meeting its RHNA allocation in only one category midway through the current RHNA planning cycle based on 2019 reporting data. On August 4, 2020, the California Department of Housing and Community Development ("HCD") announced its updated determination list of California cities that are deficient in meeting their RHNA allocations. The City is on HCD's updated determination list. Given the City's legal obligation to plan sufficient housing sites, the General Plan Update and EIR should address, at the plan level, the environmental impacts of building housing on a sufficient number of realistic sites to meet the City's current RHNA allocation.

City's Progress Toward Current RHNA Allocation			
Category:	RHNA Goal	City's Progress	Percent of RHNA Goal Met
Very Low	26	12	46%
Low	14	20	143%
Moderate	16	6	38%
Above Moderate	23	7	30%
Total	79	45	57%
Source: California Housing and Community Development, August 4, 2020			

B. The EIR Should Evaluate Housing Sufficient To Meet the City's Foreseeable Future RHNA Obligations.

In addition to the units that are required to be provided to meet current RHNA allocations, the City will soon enter into another RHNA cycle that is expected to substantially increase the number of required housing units. In June of this year, HCD released the Final RHNA Determination for the Bay Area, identifying a minimum need of 441,176 dwelling units. [https://www.hcd.ca.gov/community-development/housing-element/docs/abagrhna-final060920\(r\).pdf](https://www.hcd.ca.gov/community-development/housing-element/docs/abagrhna-final060920(r).pdf).

In October, the Association of Bay Area Governments ("ABAG") released its Draft RHNA Methodology, which assigned to the City a draft allocation of 726 new housing units, including 200 very low income, 115 low income, 115 moderate income, and 296 above moderate income units. The City will be required to plan for those units in its Housing Element by January 2023.

The EIR incorrectly asserts that potential environmental impacts associated with the next RHNA cycle will be analyzed in a separate CEQA process outside of the General Plan

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Update because it is too speculative to address potential future RHNA allocations in the General Plan Update EIR. (General Plan Update EIR, Page 2-7 and Page 3.12-7.) To the contrary, plan level analysis of the anticipated RHNA allocation is not speculative. While we understand that the City has challenged the methodology for arriving at its allocation, the fact remains that all Bay Area cities must receive substantially increased allocations in order to meet the regional need.

As such, it is reasonably foreseeable that the City's RHNA allocation will substantially increase, regardless of whether the number is exactly 726 units. There are only limited sites where such housing could feasibly be constructed. Given state law requiring cities to plan for their fair share of the regional housing need, the development of additional housing in the City to meet RHNA obligations is reasonably foreseeable. The EIR should address, at the plan level, the environmental impacts of such foreseeable housing development. The General Plan Update and associated EIR process is the ideal mechanism to analyze citywide housing opportunities.

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C. The EIR Should Analyze Opportunities for Senior and Affordable Housing, Consistent with Proposed General Plan Policies.

Appropriately, the City's proposed 2040 General Plan recognizes the importance of providing new senior and affordable housing in Policy LU-1.15 and Policy LU-1.19, excerpted below.

"Policy LU-1.15 Child Care and Residential Care Facilities. Permit child care facilities and residential care facilities as required by State law, ideally where such uses will have minimal impact on the surrounding neighborhood."

"Policy LU-1.19 Affordable Housing. Consider areas for affordable housing, workforce housing, senior housing, live/work spaces for artists, and maritime workers with long-term affordability in mind, as well as opportunities for water-based housing."

In addition to the General Plan policies above, the City has committed to increasing senior housing throughout the City through its Age Friendly Sausalito Community Action Plan. It was the first city in Marin County to join the WHO Global Network of Age Friendly Cities and Communities. The City's Municipal Code Chapter 10.28.070 also promotes senior housing.

While the General Plan policies, Municipal Code, and Community Action Plan encourage new senior housing opportunities, the draft General Plan Update EIR does not analyze *any* senior housing units in the City. Senior housing offers a unique opportunity to increase housing with lesser impact than comparable multi-family housing because of its lower trip generation and associated lower air quality, GHG, noise and related impacts.

The EIR's analysis under Impact LUP-2 in the EIR should be expanded to identify how the City's policies with respect to senior housing could be met, and how doing so could avoid or reduce environmental impacts. Currently, the EIR simply cites the General Plan policies above and Chapter 10.28.070 of the City's Code. The EIR should instead conduct a plan-level analysis of how senior housing could be accommodated throughout the City to show consistency with the draft General Plan Update and the impact reduction potential of such housing.

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The purpose of the EIR is to evaluate the potential environmental impacts associated with implementation of the General Plan, and to provide decision-makers and the public with information that allows them to evaluate the environmental consequences of the General Plan and the EIR's alternatives. Without considering the senior and affordable housing policies above in the EIR, the EIR does not fully analyze the impacts of the General Plan Update as required by CEQA.

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In addition to revisions to Impact LUP-2, the City should consider adopting Berg Holdings' proposal outlined in the section below to increase senior housing opportunities in the City.

D. The EIR Should Analyze Potential Housing Sites in the Marinship.

Berg Holdings has put forth a proposal that would meet General Plan goals and policies, including senior policies, to assist the City in meeting its RHNA requirements, and reduce environmental impacts. As discussed above, given the City's failure to meet RHNA requirements thus far in the current RHNA cycle and the expected substantial increase in required units during the next cycle, the City should start planning now for more housing, particularly senior and affordable housing. Commencing this planning now is as much a practical as a legal matter. It can take four or more years for a well-run project to go from conceptual design to serving the community in reality. This timeline is especially burdensome for seniors and those qualified for affordable housing who, by definition, need housing as soon as possible. The residents of this community cannot afford for the City to exclude additional housing from the current General Plan Update and EIR process. Waiting until 2023 or later will further delay and complicate the process and have the very real effect of not honoring the intent of the many Sausalito Land Use policies and programs that at their core recognize that seniors are an irreplaceable repository of social, intellectual and community culture value.

Parts of the Marinship are optimal for high-quality senior housing at-scale. Given the City's commitment to senior housing described above and the potential opportunity for a senior housing development in the Marinship, Berg Holdings recommends that the City include the following language in the General Plan Update and make corresponding edits in the EIR:

"Where appropriate in the Industrial Marinship designation, the City may approve affordable or senior housing with a Conditional Use Permit to assist in meeting RHNA and General Plan objectives, provided that such housing will not displace or remove existing marine or maritime industrial uses and will not be in conflict with adjacent uses. Density for senior or affordable housing shall be limited to 29 dwelling units per acre, plus a density bonus pursuant to the City's Code or consistent with State Density Bonus Law. Zoning standards for senior and affordable housing within the Industrial Marinship shall be consistent with R-3 Zoning Code standards."

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The language above would provide the City with discretion to allow senior housing units where appropriate and would require a determination that a senior housing project would not displace maritime uses and would not be in conflict with existing uses before approval. Only properties that are not currently/traditionally industrial, art or maritime uses could even be considered for senior housing. Berg Holdings believes this approach would provide the City with flexibility to incorporate senior housing where appropriate and would be consistent with the City's established goals and policies.

The change would require minor edits to the EIR, including a revised Table 2-2 to show additional projected residential units. From a CEQA perspective, the analysis to allow new

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senior units in the City would require only a plan-level analysis. Any specific future senior housing project is speculative at this time and would be analyzed as appropriate pursuant to CEQA when proposed.

Increasing residential units, particularly senior housing, in lieu of increased non-residential uses such as office, commercial, or industrial uses, would reduce air quality emissions, traffic, noise, and greenhouse gas emissions. With respect to traffic, vehicle miles traveled ("VMT"), the metric used to assess traffic impacts in the EIR, would be reduced if senior housing units were increased and office and other high trip generating uses were decreased. VMT is a function of trip generation rates multiplied by trip lengths. The trip generation rate for office is approximately 11-15 trips per 1,000 square feet. In comparison, the trip generation rate for senior housing is approximately 4-5 trips per resident. Trip generation would be reduced because seniors typically do not drive as often as office employees.

To provide a comparative example of the anticipated reduction in traffic, conversion of a 100,000 square foot office to 200 senior housing units would reduce daily trips by 300 trips, assuming a trip rate of 13 trips per 1,000 square feet for the office use and a conservative trip rate of 5 trips per resident for the senior housing units (100,000 square feet of office would generate 1,300 daily trips while 200 senior units would generate 1,000 daily trips).

Trip lengths would also be reduced compared to an office use because seniors typically do not drive as far as office employees. Therefore, overall traffic would be reduced with a senior housing use compared to an office use. Impacts that are largely based on traffic trips, such as air quality, noise, and greenhouse gas emission impacts, likewise would be reduced.

At a minimum, Berg Holdings requests that the City incorporate senior housing units into the EIR's "Increased Mixed-Use Housing Alternative" so that City Council can consider an alternative with increased residential units, including senior housing units, which would align with the City's General Plan, Municipal Code, and Community Action Plan. Currently, under the Increased Mixed-Use Housing Alternative, impacts are slightly increased compared to the General Plan Update because the alternative involves simply adding residential units to the development already anticipated by the General Plan Update. However, if senior and/or affordable housing units were analyzed in lieu of planned increases in office, industrial, or commercial uses, impacts would be reduced compared to buildout of the General Plan Update.

As discussed above, the City's current RHNA allocation is anticipated to be 726 units. Even if the exact number is not 726 units, it is reasonably foreseeable that the City's RHNA allocation will substantially increase. Currently, the EIR analyzes 375 new units in the City under the Increased Mixed-Use Housing Alternative and 304 new units under General Plan buildout, according to Table 4-3 in the EIR. Therefore, neither the General Plan Update buildout nor any of the alternatives analyze enough housing to meet projected RHNA goals.

CEQA requires that a reasonable range of alternatives must be analyzed in an EIR. (CEQA Guidelines §15126.6.) It is reasonable to assume that required RHNA mandates for the City will be at or near 726 new units. Thus, in order for the EIR's range of alternatives to be adequate under CEQA, one of the alternatives must analyze a buildout scenario in which projected RHNA allocations are met.

This General Plan Update and EIR process is the appropriate time for the City to plan for and analyze additional housing opportunities, especially affordable and senior housing, to meet the community's needs and the City's current and anticipated future RHNA goals,

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particularly given the anticipated decrease in environmental impacts associated with increasing housing in the City. To that end, Berg Holdings strongly urges the City to consider its proposal.

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2. View Corridors

The EIR states that the General Plan seeks to preserve views of Richardson Bay from various view corridors within the Marinship, which are shown in EIR Exhibit 3.1-2. Three of the view corridors in Exhibit 3.1-2 are adjacent to the Property and one is on the Property.

The three View Corridors adjacent to the Property currently are blocked by trees and/or buildings and do not provide views of Richardson Bay, as shown and described in Carlo Berg's letter dated May 19, 2020 (attached). Therefore, the View Corridors should be removed from the exhibit. There is one View Corridor identified on the Property, Corridor H, that has a view of a hill on one side with no view of Richardson Bay. Therefore, we request that one side of the view corridor identified on the Property from Exhibit 3.1-2 be deleted.

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Given the fact that the views from the view corridors to the Bay identified in Exhibit 3.1-2 currently are blocked, Impact AES-1 should conclude that development facilitated by the 2040 General Plan would not have a substantial adverse effect on a scenic vista in these locations because under existing conditions, no scenic vista exists.

3. Physical Division of a Community

Impact LUP-1 states that by promoting marine related industrial and waterfront uses in the Marinship, and by preserving existing general industrial uses in the Marinship, the General Plan would not result in physical division of an established community. However, redevelopment of a particular site in the Marinship as a non-industrial use would not physically divide an established community. Division of a community typically occurs when a physical barrier traverses through an established neighborhood, such that the neighborhood is no longer connected. Changing an existing use to a new use does not physically divide a community as long as the new use is compatible with surrounding uses, and concluding as such is not appropriate under CEQA.

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We request that the discussion under Impact LUP-1 in the EIR clarify that the standard for physical division of a community is not dependent on preserving or promoting a certain land use.

4. Hazardous Materials

The EIR notes that the City contains previous ship building facilities that may contain lead-based paint and other hazardous materials. It concludes that 2040 General Plan policies and programs would require Phase I hazardous materials investigations at potentially contaminated sites prior to approval of development. The Property does not have a history of heavy manufacturing. A Phase I assessment for the Property concluded that significant chemicals likely were not utilized on the Property and the prior Marinship use does not present an apparent concern. No records regarding the use of regulated materials, underground storage tanks or releases were identified to indicate concerns associated with former buildings on the Property.

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In addition to the Phase 1 hazardous materials investigation, samples of the existing fill on the Property were collected and analyzed to "screen" the material for potential contamination. Samples of the fill were collected from two areas generally located within the

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northern and southern portions of the site. The samples were combined to form a single composite sample which was tested for the following:

- CAM 17 Metals
- Total Petroleum Hydrocarbons (as gas, diesel and motor oil)
- Volatile and Semi-Volatile Organic Compounds
- Polychlorinated Biphenyls (PCBs)

The San Francisco Bay Regional Water Quality Control Board (SFRWQCB) has developed Environmental Screening Levels (“ESLs”) for use in screening sites for potential contamination. While the ESLs are not intended to establish policy or regulation, they are often used to help expedite the identification and evaluation of potential environmental concerns for a given site. The measured concentrations and corresponding ESL for the CAM 17 Metals, Total Petroleum Hydrocarbons and Semi-Volatile Organic Compounds on the Property are summarized in a table on Page 5 of the attached letter dated August 5, 2020.

Volatile Organic Compounds and PCBs were not detected in the laboratory testing and are therefore not included in the table on Page 5 of the attached August 5th letter. The test results indicate that all chemicals are below the Tier 1 ESLs with the exception of Arsenic and Vanadium. As discussed in Chapter 12 of the SFRWQCB ESL User’s Guide, the natural background concentration of a chemical can vary substantially and background concentrations that exceed the ESLs for Arsenic and Vanadium have been reported in the Bay Area. The User’s Guide provides several sources for published background values for metals which could be considered for sites in the Bay Area. As shown in the table below, the measured values from the analytical testing are within the published range of these background values.

Comparison of Laboratory Test Results and Published Background Levels

Chemical	Concentration from Laboratory Testing (mg/kg)	Published Range of Background Level¹ (mg/kg)
Arsenic	6.7	0.6 to 11.0
Vanadium	40	39 to 288

1. Values taken from *Background Concentrations of Trace and Major Elements in California Soils*, published by the Kearney Foundation of Soil Science Division of Agriculture, March 1996.

Given the lack of any hazardous materials on the Property, Berg Holdings requests a statement to be added to the EIR clarifying that policies requiring future site investigations, preparation of hazardous materials reports, preparation of hazardous materials business plans, and monitoring/inspections are not required for sites that can demonstrate an absence of hazardous materials of concern.

5. Archaeological Sensitivity Zones

EIR Exhibit 3.4-1 identifies the Property in archaeological sensitive “Zone 3.” The rationale for including the Property in Zone 3 appears to be that World War II supply ships were constructed in the Marinship and, at that time, marshlands fill may have displaced indigenous sites. The analysis under Impact CUL-2 states that there are known prehistoric resources sites in southern areas of the City near the waterfront.

The discussion under Impact CUL-2 references Exhibit 3.4-3, which does not appear in the document. Reference to Exhibit 3.4-3 should be corrected in the EIR. Further, the

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EIR does not indicate that archeological resources have been identified on the Property. By this letter, Berg Holdings requests that the EIR be clarified to indicate that no archaeological resources have been identified on the Property.

Thank you for your consideration of these important matters.

Sincerely,



Margo Bradish

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Organizations

Cox, Castle & Nicholson LLC (COX CASTLE NICHOLSON)

Response to COX CASTLE NICHOLSON-1

The commenter states that they represent Berg Holdings, the owner of property in the Marinship and that they are providing comments on the Final Draft General Plan.

Comment noted.

Response to COX CASTLE NICHOLSON-2

The commenter states that their earlier letters be incorporated by reference.

The prior letters are included in Attachment 1.

This comment is noted. The commenter's previous letters were reviewed in light of the Revised Draft EIR, and the only additional substantive comments related to the adequacy of the Revised Draft EIR are addressed below.

The commenter states that the analysis under Impact LUP-2 of the prior Draft EIR should be expanded to include an analysis of how senior housing could be accommodated throughout the city. This comment is noted. The analysis contained within the Revised Draft EIR adequately addresses potential impacts with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. An analysis of how senior housing could be accommodated throughout the city is not required under CEQA.

The commenter requests that Impact LUP-1 clarify that the standard for physical division of a community is not dependent on preserving or promoting a certain land use. This comment is noted. As stated on pages 3.10-7 and 3.10-7 of the Revised Draft EIR, the threshold in the EIR for Impact LUP-1 assumes a physical feature (such as a wall, interstate highway, or railroad tracks) or the removal of a means of access (such as a local road or bridge) that would impair mobility within an existing community, or between a community and outlying areas. No further response is required.

See also Master Response 3 – Comments Submitted Prior to Publication of Revised Draft EIR.

Response to COX CASTLE NICHOLSON-3

The commenter states that the General Plan improperly identifies View Corridors due to existing obstruction of view by trees and/or buildings. The commenter requests the removal of two View Corridors from the General Plan.

The comment does not address the adequacy of the Revised Draft EIR. The comment on the Final Draft General Plan is noted and will be forwarded to the decision-makers for their consideration; no response is required.

Response to COX CASTLE NICHOLSON-4

The commenter states that the policies and programs related to View Corridors in the General Plan are unclear as to property owner rights.

The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

Response to COX CASTLE NICHOLSON-5

The commenter asks what the development limitations would be following adoption of the General Plan based on the View Corridor policy and programs.

The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

Response to COX CASTLE NICHOLSON-6

The commenter states that certain policies and programs should be revised in the Final Draft General Plan and that any view loss required must be permitted unless compensation is paid to the property owner.

The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

Response to COX CASTLE NICHOLSON-7

The commenter states their opposition to the inclusion of certain View Corridors into the Zoning Ordinance. This comment also states that any changes to the Zoning Ordinance need to go through a public process with proper notice and public input.

The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration. Any changes to the Zoning Ordinance will require a public process including public notice and opportunities for public input at public hearings before the Planning Commission and City Council.

Response to COX CASTLE NICHOLSON-8

The commenter states their opposition to the Planning Commission recommendation to change pre-1988 office uses in the Marinship from “legal conforming uses” to “legal non-conforming uses.”

The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

Response to COX CASTLE NICHOLSON-9

The commenter asks why the General Plan Policy LU-4.3 restricts existing marinas to only “minor” expansions.

The comment does not address the adequacy of the Revised Draft EIR. The comment on the Final Draft General Plan is noted and will be forwarded to the decision-makers for their consideration; no response is required.

Response to COX CASTLE NICHOLSON-10

The commenter references numerous General Plan policies and programs that address affordable and senior housing and states that they cannot be realized relative to the Regional Housing Needs Allocation (RHNA) requirements.

The comment does not address the adequacy of the Revised Draft EIR. The comment on the Final Draft General Plan is noted and will be forwarded to the decision-makers for their consideration; no response is required.

Response to COX CASTLE NICHOLSON-11

The commenter offers a requested policy change to allow “limited affordable and senior housing opportunities” on Industrial designated properties in the Marinship and to evaluate it within the Revised Draft EIR.

The Revised Draft EIR does not include an analysis of limited housing in the Marinship in that the public process that led to the Final Draft General Plan does not include for new land-based housing in the Marinship. The comment on the Final Draft General Plan is noted and will be forwarded to the decision-makers for their consideration; no further response is required.

Response to COX CASTLE NICHOLSON-12

The commenter references existing and draft future RHNA requirements for the city currently being developed by the Association of Bay Area Governments (ABAG). The commenter states that the city must identify specific viable locations for housing and should not delay or defer this process in order to meet RHNA requirements and that the Revised Draft EIR should evaluate any housing proposal put forward by the community.

The Revised Draft EIR includes an analysis of new housing in the city consistent with the adopted 2015–2023 Housing Element. Housing needed for the next planning cycle for the 2023–2031 time period will be planned for as part of the next Housing Element update. The draft RHNA numbers will be finalized in late 2021 and the new Housing Element will be due January 2023.

Response to COX CASTLE NICHOLSON-13

The commenter is suggesting that the city consider an alternative to the General Plan that includes additional housing in the Marinship.

For informational purposes, the Revised Draft EIR presents a reasonable range of potentially feasible alternatives to the General Plan for analysis and evaluation of their comparative merits, pursuant to State CEQA Guidelines Section 15126.6. Where a project does not include any significant and unavoidable impacts and the potential impacts associated with a project are below a level of significance, the analysis properly considers alternatives that would also reduce or eliminate those less than significant impacts. State CEQA Guidelines Section 15126.6(a) states that an EIR need not evaluate every conceivable alternative to a project. Alternatives to the General Plan are discussed in Section 4, Alternatives to the General Plan. Potential impacts associated with commenter's suggested alternative of increased housing in the Marinship is adequately captured by the range of alternatives in the Revised Draft EIR. Specifically, with respect to increased housing, Alternative 2 - Increased Mixed-Use Housing Alternative, analyzes potential impacts associated with increased housing. The increase in housing in the Marinship proposed by the commenter would also result in a reduction in industrial and commercial uses, which is addressed in Alternative 3 - Decreased Commercial and Industrial Development Alternative. The potential advantages and disadvantages of commenter's suggested alternative for increased residential uses in the Marinship does not substantially differ from the alternatives selected for in-depth discussion in the Revised Draft EIR.

During the NOP and public outreach process, the city identified a goal of preserving the Marinship primarily as a marine industrial area and established one of the primary objectives of the General Plan to "Recognize the Marinship's role and importance to the San Francisco Bay Area and the city's cultural, historic, and economic diversity, and quality of life; encourage industrial, arts and water-dependent or water-related activities in the Marinship and support these activities through the inclusion of compatible businesses and uses that can adapt to changing economic conditions." Accordingly, relevant components of the Marinship Specific Plan are incorporated into various parts of the General Plan, primarily the Land Use and Growth Management Element and the Waterfront Element. Incorporating additional new housing into the land-based portions of the Marinship as suggested by the comment would neither further the objectives of the General Plan nor be consistent with the Marinship Specific Plan. Accordingly, it is appropriately rejected from further discussion as an alternative.

Response to COX CASTLE NICHOLSON-14

The commenter states that they represent Berg Holdings, the owner of property in the Marinship and that they are providing comments on the Revised General Plan EIR. The commenter states that their earlier letters be incorporated by reference.

The prior letters are included in Attachment 1.

The commenter's prior letters were reviewed in light of the Revised Draft EIR, and all substantive comments related to the adequacy of the Revised Draft EIR are addressed in these responses to comments.

See also Master Response 3 – Comments Submitted Prior to Publication of Revised Draft EIR.

Response to COX CASTLE NICHOLSON-15

The commenter provides a summary of comments described in the letter, including that the city should not wait to update its Housing Element; that the General Plan and Revised Draft EIR should plan for and analyze additional residential development, including senior housing, now; and that the Revised Draft EIR should include additional alternatives with increased residential development.

As detailed below in response to specific comments, the city is updating its Housing Element on a different schedule from the rest of the General Plan because of the requirements of state housing law. The city will be updating its Housing Element in conjunction with the next RHNA cycle covering the period 2023–2031. The future Housing Element update will consider and include the commenter’s requested information as warranted. The city will evaluate the potential environmental impacts of the Housing Element update at the time it is prepared, as part of a separate CEQA process. The commenter’s suggestion that the city plan for additional housing now, rather than in the next Housing Element update, goes to the policy decisions in the General Plan. It does not address the adequacy of the environmental analysis in the Revised Draft EIR. The General Plan also studies a reasonable range of alternatives with respect to housing, as explained in Response to COX CASTLE NICHOLSON-13. The comments will be forwarded to the decision-makers for consideration.

Please refer to Response to COX CASTLE NICHOLSON-16 through Response to COX CASTLE NICHOLSON-22 for detailed responses.

Response to COX CASTLE NICHOLSON-16

The commenter states that the Revised Draft EIR should evaluate housing sites sufficient to meet the city’s current and foreseeable future RHNA allocations.

The comment reflects a policy disagreement about whether the General Plan should identify additional housing sites or allow additional residential development. The comment does not address the adequacy of the Revised Draft EIR. The Revised Draft EIR evaluates the environmental impacts of the proposed General Plan, including its identified level of housing development. The Revised Draft EIR is not required to evaluate the impacts of additional housing development that is not contemplated or authorized by the General Plan.

Contrary to the commenter’s suggestion, it would be premature for the city to update its Housing Element now, because the city’s housing requirements for the next RHNA cycle are not yet known. After preparing the General Plan and Revised Draft EIR, the city received a draft RHNA requirement for new housing units during the next housing cycle. But this requirement is still in draft form, is subject to challenge and to modification, and has not been finalized. Therefore, the city does not have the information needed to

update its Housing Element. Likewise, it would be speculative for the city to analyze the environmental impacts of a future Housing Element that has not been prepared or a future RHNA requirement that is not yet known. Moreover, the draft RHNA requirement was released only after the city published its Notice of Preparation of the EIR. For each of these reasons, the city is not required to update its Housing Element at this time, and the Revised Draft EIR is not required to study the environmental impacts of future housing plans or requirements.

This comment was also raised in the Cox Castle Nicholson letter dated November 9, 2020 and a response is provided in Response to Cox Castle Nicholson-12. See also Responses to FLAVIN-7 and PC MEETING-9. The comment is noted and will be forwarded to the decision-makers for their consideration; no further response is required.

Response to COX CASTLE NICHOLSON-17

The commenter states that the Revised Draft EIR should analyze opportunities for senior and affordable housing, consistent with General Plan policies, the Age Friendly Sausalito Community Action Plan, and Municipal Code Chapter 10.28.070. The commenter also states that the analysis under Impact LUP-2 in the Revised Draft EIR should be expanded to identify how the city's policies with respect to senior housing could be met, and how doing so could avoid or reduce environmental impacts, given that senior housing has fewer impacts than multifamily housing with respect to air quality, GHG emissions, noise, and related impacts.

The comment does not address the adequacy of the Revised Draft EIR. The commenter's suggestion that the city identify additional sites for the development of senior and affordable housing is a policy issue to be addressed in the General Plan itself. The comment will be forwarded to the decisionmakers for their consideration.

The purpose of the Revised Draft EIR is to evaluate the environmental impacts of the proposed General Plan and a reasonable range of alternatives. The Revised Draft EIR conservatively analyzes, at a plan-level, the environmental effects of new residential development contemplated by the General Plan, without regard to specific housing type. The Revised Draft EIR concludes that all environmental impacts will be less than significant (either with or without mitigation). As explained in response to COX CASTLE NICHOLSON-13, the Revised Draft EIR evaluates a reasonable range of alternatives with respect to housing. CEQA does not require the Revised Draft EIR to plan for or evaluate additional senior and affordable housing.

This comment was also raised in the Cox Castle Nicholson letter dated August 5, 2020 (included in Attachment 1 to the Final EIR), and a response is provided in Response to Cox Castle Nicholson-2. This comment was also raised in the Cox Castle Nicholson letter dated November 17, 2020 and a response is provided in Response to Cox Castle Nicholson-10. This comment was also raised in the Cox Castle Nicholson letter dated November 9, 2020 and a response is provided in Response to Cox Castle Nicholson-12. As noted above, the comment does not address the adequacy of the Revised Draft EIR.

The comment is noted and will be forwarded to the decision-makers for their consideration; no further response is required.

Response to COX CASTLE NICHOLSON-18

The commenter states that the Revised Draft EIR should analyze potential housing sites in the Marinship. The commenter offers a requested policy change to allow “limited affordable and senior housing opportunities” on Industrial designated properties in the Marinship and to evaluate it within the Revised Draft EIR. The commenter requests that the city incorporate senior and/or affordable housing units in the Revised Draft EIR’s Increased Mixed-Use Housing Alternative.

This comment was also raised in the Cox Castle Nicholson letter dated November 17, 2020 and a response is provided in Response to Cox Castle Nicholson-11. This comment was also raised in the Cox Castle Nicholson letter dated November 9, 2020 and a response is provided in Response to Cox Castle Nicholson-13. The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

Response to COX CASTLE NICHOLSON-19

The commenter states that the General Plan improperly identifies View Corridors due to existing obstruction of view by trees and/or buildings. The commenter requests the removal of two View Corridors from the General Plan. The commenter states that Impact AES-1 should conclude that development facilitated by the General Plan would not have a substantial adverse effect on a scenic vista in these two locations.

This comment was also raised in the Cox Castle Nicholson letter dated November 17, 2020, and a response is provided in Responses to Cox Castle Nicholson-3 through Cox Castle Nicholson-5. The comment does not address the adequacy of the Revised Draft EIR.

The view corridors shown in Exhibit 3.1-3 are taken from the Marinship Specific Plan, which stands as written; no changes are proposed to the Marinship Specific Plan, therefore, the commenters request that two view corridors be removed is noted.

Regarding the commenter’s request that the Revised Draft EIR acknowledge that the implementation of development under the General Plan would not have a substantial effect on a scenic vista in the two cited locations, the Revised Draft EIR, page 3.1-10, already concludes that impacts would be less than significant, citing the city’s standard review process:

“... compliance with General Plan policies and programs, and adherence to development and design standards in the Sausalito Municipal Code would ensure that future development projects are appropriately designed in terms of potential aesthetic impacts. At the programmatic level, aesthetic impacts to views would be reduced to a less than significant level. Consistent with the General Plan policies, individual development projects would be required to undergo project-specific environmental review, which may require additional

site specific or project specific measures to reduce any potential impacts and would ensure that impacts remain less than significant.”

Accordingly, no change to the Revised Draft EIR is required. The comment is noted and will be forwarded to the decision-makers for their consideration. In particular, the city can take this comment into consideration when it implements Program CD-3.2.2 of the General Plan, which requires the city to develop and maintain a citywide map that identifies priority public viewpoints that should be considered for mandatory preservation. No further response is required.

Response to COX CASTLE NICHOLSON-20

The commenter requests that Impact LUP-1 clarify that the standard for physical division of a community is not dependent on preserving or promoting a certain land use.

This comment was also raised in the Cox Castle Nicholson letter dated August 5, 2020 (included in Attachment 1 to the Final EIR), and a response is provided in Response to Cox Castle Nicholson-2. No further response is required.

Response to COX CASTLE NICHOLSON-21

The commenter notes that the Revised Draft EIR identifies former shipbuilding facilities within the Marinship that could have resulted in the deposition of contaminants and includes policies to require a Phase I hazardous materials investigation at potentially contaminated sites prior to approval of development. The commenter notes that the properties located at 2310, 2320, 2330, and 2350 Marinship Way (“Property”) has undergone several hazardous materials investigations that demonstrate a lack of hazardous materials on the property. The commenter asks for recognition these policies would not be required for sites that can demonstrate an absence of hazardous materials of concern.

The property owner can submit documentation in support of a project application, which the city will consider. Technical information such as Phase I hazardous materials investigations are time sensitive; therefore, updated information is commonly required if more than a year has passed. Depending on the age of the submitted information and the data presented therein, the city may determine that no further investigation would be required. The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

Response to COX CASTLE NICHOLSON-22

The commenter points out a typo, in that the Revised Draft EIR references Exhibit 3.4-3, which is not included in the document. The reference should be to Exhibit 3.4 2. This change will be included Section 3, Errata, of the Final EIR. This change represents a minor clarification and would not result in a new significant environmental impact.

The commenter further requests an explicit reference be added to the Revised Draft EIR to clarify that no archaeological resources have been identified on the Property. Environmental documents do not make explicit statements regarding the absence of resources, as there is always the possibility that previously unknown resources could be uncovered during site preparation and excavation. The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

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December 10, 2020

By E-Mail

City of Sausalito
Attn: Lilly Whalen, Community Development Director
420 Litho Street
Sausalito, CA 94965
deircomments@sausalito.com

**Re: Revised Draft Environmental Impact Report for City of Sausalito
2040 General Plan**

Dear Ms. Whalen:

On behalf of Community Venture Partners, Inc. (CVP) and Sausalito residents John Flavin and Patricia Zuch, please accept the following comments on the Revised Draft Environmental Impact Report (Revised Draft EIR) for the Sausalito 2040 General Plan update. By way of introduction, CVP is a Marin County-based 501(c)(3) non-profit organization dedicated to assisting community-based initiatives that support social equity, environmental sustainability, and government transparency. CVP's officers, board members, and/or donors use, frequent, and enjoy the facilities and resources of Sausalito's Marinship area and are potentially adversely affected by the policies and programs proposed in the Sausalito 2040 General Plan Update.

1

We previously reviewed and submitted comments on the original Revised Draft EIR and public review draft of the 2040 General Plan on August 5, 2020 (copy attached). The Notice of Availability for the Revised Draft EIR indicates that in accordance with Section 15088.5(f)(1) of the CEQA Guidelines, the City will not be responding to our earlier comments in writing, and instead will be responding only to written comments received on the current Revised Draft. The Notice further states that the Revised Draft EIR does not identify any new significant unmitigated environmental impacts beyond those identified in the original Revised Draft EIR. To our knowledge, the original Revised Draft EIR identified no significant unmitigated impacts, and the Revised Draft now follows suit. Accordingly, this letter re-asserts most of the comments and concerns raised in our August 5 letter.

2

Please note we once again engaged Laurel Collins of the consulting firm Watershed Sciences to review and comment on the both the revised General Plan and Revised Draft EIR's consideration of the potential future consequences of

climate change-induced sea level rise and increased land subsidence on the buildout scenarios envisioned by the General Plan, with a focus on impacts to the Marinship. Ms. Collins is a geomorphologist with over 40 years of experience in riverine, tidal wetland, and hillslope geomorphic processes, hydrology, and landslide analysis, having consulted for numerous federal, state, and local agencies including Marin County Public Works, Marin County Flood Control and Water Conservation District, U.S. Geological Survey, and Lawrence Berkeley Laboratory. Her comments and qualifications accompany this letter.

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Although mindful of the additional mitigation measures that the Revised Draft EIR now includes, including those requiring health risk assessments for projects emitting toxic air contaminants within 1,000 feet of sensitive receptors and “special” biological resource studies for new discretionary projects, we continue to believe the City’s disclosure, analysis, and mitigation of potentially significant impacts from buildout under the General Plan is inadequate under the California Environmental Quality Act (CEQA). Our reasoning is set forth below.

Introduction

The Revised Draft EIR states that it is a Program EIR prepared in accordance with Section 15168 of the CEQA Guidelines, Title 14 Cal.Code.Reg. § 15000 et seq. (hereafter “Guidelines”). A Program EIR is appropriate for broad planning actions such as the adoption of a general plan, particularly where site-specific, project-level information is not available or may not be feasibly obtained. CEQA is clear, however, that the choice to prepare a Program EIR does not excuse a lead agency from making a good-faith effort to investigate and disclose all it reasonably can, nor does it allow the City here to defer an analysis of reasonably foreseeable significant environmental impacts to a later stage of review to avoid addressing those impacts in a first-tier EIR.

The Revised Draft EIR for the 2040 General Plan is, frankly, striking in its omission of actual disclosure and analysis of foreseeable environmental impacts that will result from the future development it both envisions and enables. Repeatedly throughout the document, the Revised Draft EIR simply asserts that because future development projects will comply with applicable environmental laws and regulations, there necessarily will be no significant impacts resulting from physical buildout, and that no specific mitigation measures are necessary to formulate or implement before the Plan is adopted. While it may be reasonable to a limited extent to presume that future projects will receive some measure of scrutiny under CEQA, or will be required to adhere to governing development standards, it is not reasonable to declare categorically that this will occur in all cases, so as to avoid substantive, meaningful, present analysis of potential impacts.

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As this letter and the accompanying review by Ms. Collins will explain, the Revised Draft EIR’s summary conclusion that all impacts from General Plan buildout will be adequately mitigated simply by virtue of compliance with applicable laws, ordinances, and regulations is not supportable. This is particularly the case in the context of the acknowledged foreseeability of inundation of low lying areas due to sea level rise and land subsidence, including within the Marinship, together with other foreseeable seismic, toxin, and geologic hazards. While the 2040 General Plan acknowledges the need for future studies to gauge these risks, and to devise physical solutions to mitigate them, it improperly defers this process to unspecified future periods. Both as a matter of law under CEQA and as a matter of sound planning policy, the City should complete the necessary studies now, or as soon as practicable, so that it may devise General Plan policies and programs that implement their recommendations, or at the very least factor their findings into future buildout scenarios, taking into account future infrastructure needs. Until this occurs, the Revised Draft EIR cannot comply with CEQA’s requirements.

Standards of Adequacy for a Program EIR Under CEQA

When a lead agency is preparing an EIR for a broad planning action such as adoption of a general plan, development of detailed, site-specific information may not be feasible. The City may to some extent leave a detailed analysis to later EIRs prepared for projects that implement the plan or policy, *e.g.*, for the future zoning code update and/or for individual development projects. Guidelines, § 15152(c). *See, e.g., Chaparral Greens v City of Chula Vista* (1996) 50 Cal.App.4th 1134; *Koster v County of San Joaquin* (1996) 47 Cal.App.4th 29. This approach does not, however, permit the City to defer an analysis of reasonably foreseeable significant environmental impacts to a later stage of review to avoid addressing those impacts in a first-tier EIR. Guidelines, §15152(b). While a program EIR allows the lead agency to defer analysis of some of the details of later phases of long-term projects until they come up for approval, CEQA’s information disclosure requirements are not satisfied by simply asserting that analysis will be undertaken at some point in the future. *Vineyard Area Citizens for Responsible Growth v City of Rancho Cordova* (2007) 40 Cal.4th 412, 431; *Santa Clarita Org. for Planning the Env’t v County of Los Angeles* (2003) 106 Cal.App.4th 715, 723.

A potentially significant environmental impact is ripe for evaluation in a Program EIR when it is a “reasonably foreseeable consequence of the action proposed for approval,” and the agency has “sufficient reliable data to permit preparation of a meaningful and accurate report on the impact.” *Los Angeles Unified Sch. Dist. v City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1028. *See Vineyard Area Citizens*, 40 Cal.4th at 431 (analysis of future water sources for large community plan that would be developed over several decades and environmental effects of exploiting

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those water sources are not type of information that may be deferred for later analysis). *See also Stanislaus Natural Heritage Project v County of Stanislaus* (1996) 48 Cal.App.4th 182 (analysis of future water sources to supply development under specific plan cannot be deferred for later analysis).

A program EIR that is prepared to support approval of an overall program, and to simplify later environmental review as activities within the program are considered, may focus on program-wide issues and leave to later EIRs detailed analysis of issues specific to particular program components. Guidelines, §15168(d)(2), (3). *See e.g., City of Hayward v Board of Trustees of Cal. State Univ.* (2015) 242 Cal.App.4th 833, 849; *Town of Atherton v California High-Speed Rail Auth.* (2014) 228 Cal.App.4th 314, 345. By contrast, a program EIR that is designed to allow approval activities within the program without the need for further CEQA review should provide description of the activities that would implement the program and a specific and comprehensive evaluation of the program's foreseeable environmental impacts, so that later activities can be approved on the basis of the program EIR. Guidelines, §15168(c)(1)–(2), (5); *Center for Biological Diversity v Department of Fish & Wildlife* (2015) 234 Cal.App.4th 214, 237. Program EIRs may also combine the two approaches, examining the program as a whole at a programmatic level of detail, while also examining some activities within the program at a project-specific level of detail. *See, e.g., Mission Bay Alliance v Office of Community Inv. & Infrastructure* (2016) 6 Cal.App.5th 160.

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As with any EIR, a program EIR must provide decision-makers with “sufficient analysis to intelligently consider the environmental consequences of the project,” and designating the EIR as a program EIR in itself does not decrease the level of analysis otherwise required. *Cleveland Nat’l Forest Found. v San Diego Ass’n of Gov’ts* (2017) 17 Cal.App.5th 413, 426. A lead agency preparing a program EIR must disclose what it reasonably can, and any determinations that it is not feasible to provide specific information must be supported by substantial evidence. *Id.* at 440 (rejecting air quality baseline discussion and impact analysis because substantial evidence did not support agency decision to omit more detailed analysis). *See generally Center for Biological Diversity v Department of Conserv.* (2019) 36 Cal.App.5th 210, 231, *citing Sierra Club v County of Fresno* (2018) 6 Cal.5th 502, 516, and stating that a program EIR must include enough detail “to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.”

A Program EIR may include mitigation measures that address broad impacts at a programmatic level; because project-specific specific mitigation measures often cannot be formulated early in the planning process, a Program EIR may also include policies, standards, or performance criteria governing mitigation measures to be

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included in later environmental documents. *See Koster v County of San Joaquin* (1996) 47 Cal.App.4th 29; *Rio Vista Farm Bureau Ctr. v County of Solano* (1992) 5 Cal.App.4th 351, 377. *See also* Guidelines, §15126.4(a)(2) (in the case of a plan, policy, or regulation, mitigation measures can be incorporated into the plan, policy, regulation, or project design); *Sacramento Old City Ass'n v City Council* (1991) 229 Cal.App.3d 1011, 1023. Although the Program EIR approach may allow the details of mitigation measures to be deferred, it does not excuse a failure to adopt adequate policies, standards, or performance criteria defining those measures. *California Clean Energy Comm. v City of Woodland* (2014) 225 Cal.App.4th 173, 201.

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Note that when a Program EIR does not provide a detailed evaluation of project-level impacts, EIRs on subsequent projects will have to provide an independent analysis of the significant environmental impacts specific to those later projects. *See In re Bay-Delta Programmatic Env't'l Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1173.

The 2040 General Plan Revised Draft EIR Omits Necessary Impact Analysis

Here, the EIR is notable for its nearly complete lack of any analysis whatsoever of potential impacts from buildout under the 2040 General Plan. The EIR's seems to have applied a cookie-cutter approach for each topic, reciting the applicable laws, regulations, and ordinances, noting the potential for a significant impact, and then simply declaring that any impacts would be mitigated to less-than-significant levels simply by complying the applicable laws, ordinances or regulations.

The EIR does acknowledge its limited analysis to some extent, stating:

This Revised Draft EIR will be used to evaluate subsequent projects and activities under the proposed 2040 General Plan. This Revised Draft EIR is intended to provide the information and environmental analysis necessary to assist public agency decision-makers in considering approval of the proposed 2040 General Plan, but not to the level of detail to consider approval of subsequent development projects that may occur after adoption of the proposed 2040 General Plan.

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However it goes on to state:

Additional environmental review under CEQA may be required for subsequent projects and would be generally based on the subsequent project's consistency with the proposed 2040 General Plan and the analysis in this Revised Draft EIR, as required under CEQA. It may also be determined that some future projects or infrastructure improvements may be exempt from

environmental review. When individual subsequent projects or activities are proposed under the proposed 2040 General Plan, the lead agency that would approve and/or implement the individual project would examine the projects or activities to determine whether their effects were adequately analyzed in this Program EIR (CEQA Guidelines § 15168. Revised Draft EIR, p. 1-2, underline added.

It is axiomatic under CEQA's tiering provisions that the less analysis is undertaken at the program level, the more will be required at the project level. The EIR should acknowledge this expressly. Stating that additional review "may" be required at the project level, while invoking the possibility that future projects may be CEQA-exempt and thus evade environmental review, does not assure the public that the City has committed to taking the requisite "hard look" at the program's environmental effects.

The City should explicitly acknowledge that the Revised Draft EIR contains no detailed analysis whatsoever that could be relied upon for future project-level environmental review, and correspondingly commit to detailed review of individual projects as they are brought forward.

Project Description

The Revised Draft EIR projects growth under General Plan buildout in terms of additional number of housing units for residential uses, and additional square footage for non-residential uses. Table 2-2, 2-3. The Revised Draft EIR also includes the land use map from the General Plan. What is missing is information showing where precisely in the City the new development may or will occur. Therefore:

- Please indicate on a map the undeveloped or greenfield parcels within the City that may be developed at buildout, showing the applicable land use designation for each.
- To the extent not already depicted in Figure 7-11 *100 Year Flood Map with Geological Inventory*, please overlay this map onto the maps currently included in the Revised Draft EIR showing areas of seismic risk, liquefaction hazards, sea level rise, and tribal/cultural resource locations.
- Please overlay the 2040 Land Use map onto the current General Plan's land use map so that the differences are apparent.
- Please overlay a map showing the locations of sensitive receptors (for purposes of future health risk assessment).

The Revised Draft EIR and 2040 General Plan project 146,124 new square feet for industrial uses and 340,061 for waterfront uses. All or most presumably will

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be within the Marinship. “Industrial” is an extremely broad category of land use that encompasses a variety of different enterprises with different types of magnitudes of potential environmental impact. *See* Table 10.26-1 in Sausalito’s Zoning Ordinance. Some industrial uses generate more air pollution than others, while others employ more people per square foot, increasing VMT.

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- To the extent reasonably foreseeable, please indicate the types of industrial uses that will be expanded at buildout
- Please indicate the likely geographic location for each new or enlarged sub-category of industrial land use

The Revised Draft EIR’s findings that all impacts under General Plan buildout will be mitigate to less-than-significant levels depends in great part on the assumption that future projects will require discretionary approvals from the City that in turn will trigger environmental review under CEQA. However, as the Revised Draft EIR acknowledges (p. 1...), some future projects may be exempt from CEQA based one or more statutory or categorical exemptions. Thus, future environmentally impactful projects that the Revised Draft EIR assumes will be subject to mitigation requirements in fact may not be.

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- Please indicate which industrial uses would in the future be permissible “by right,” i.e., without the need for any discretionary approval from the City.
- Please indicate which commercial uses would in the future be permissible “by right,” i.e., without the need for any discretionary approval from the City.
- Please indicate where such uses that will be permissible “by right” will be situated relative to sensitive receptors

Air Quality

The Revised Draft EIR acknowledges that buildout under the General Plan could expose sensitive receptors to unhealthy concentrations of air pollutant emissions. The Revised Draft EIR states:

Sensitive population groups include children, the elderly, the acutely ill, and the chronically ill, especially those with cardiorespiratory diseases. Residential areas are also considered sensitive receptors to air pollution because residents (including children and the elderly) tend to be at home for extended periods of time, resulting in sustained exposure to any pollutants present. Other sensitive receptors include retirement facilities, hospitals, and schools. Revised Draft EIR at p. 3.2-15

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The Revised Draft EIR adds new mitigation MM AQ-3, requiring preparation of a health risk assessment for new projects that may result in additional toxic air contaminant (TAC) exposure to receptors within 1,000 feet.

- Please indicate whether and how mitigation measure MM AQ-3 exceeds or otherwise differs from existing regulatory requirements of the Bay Area Air Quality Management District (BAAQMD) or California Air Resources Board (CARB) or the CEQA Guidelines
- Please indicate on a map the locations within the City where sensitive receptor populations are currently located.
- Please also indicate where future additional sensitive receptor populations may be located at General Plan buildout
- Please indicate any existing or proposed future truck routes within the City, where heavy trucks emitting diesel particulate matter (DPM) are likely to travel on a regular basis

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The Revised Draft EIR relies on CalEEMod to estimate air pollutant emissions for the project buildout year 2040. The modeling files in Appendix B indicate that the City used the model's "Industrial Park" land use category to calculate emissions from all industrial sources; and "Strip Mall" to calculate commercial emissions. According to documentation developed by the California Air Pollution Control Officers Association (CAPCOA), CalEEMod incorporates land use categories "that are mainly based on ITE land use classifications."¹ ITE's Trip Generation Manual (10th Ed.) includes eleven other industrial land use classifications in addition to "Industrial Park," including "General Light Industrial," "Warehousing," and "Specialty Trade Contractor." *See* Land Use Codes 100-199. For commercial/retail uses, the ITE Manual includes over 40 distinct land use classifications. *See* Land Use Codes 800-899.

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- Please provide documentation or otherwise explain why the use of a single industrial land use classification for "Industrial Park" accurately reflects the industrial land use mix within the City at General Plan buildout, and/or is otherwise suitable as the industrial land use input for CalEEMod
- Please likewise document or explain why the use of the single commercial land use classification for "Strip Mall" accurately reflects the commercial/retail land use mix within the City at General Plan buildout, and/or is otherwise suitable as the industrial land use input for CalEEMod.

¹ CAPCOA (2013). *CalEEMod, Appx. A (Calculation Details)*, p. 4.

Biological Resources

The Revised Draft EIR reports that five special-status plant species and six special status animal species have been recorded to occur within the Sausalito Planning Area, namely two bird species, one fish species, two invertebrate species, and one mammal species. The Revised Draft EIR states that subsequent development under the proposed 2040 General Plan could result in the direct/indirect loss or indirect disturbance of special-status plant or animal species or their habitats that are known to occur, or have potential to occur, in the region. The Revised Draft EIR adds new mitigation measures MM Bio-1a, BIO-2a, BIO-2b, and BIO-3, which require studies of, respectively, special-status species, threatened plant habitat, eelgrass and red algae resources, and wildlife movement corridors for all new discretionary projects, and implementation of any impact mitigation requirements identified therein.

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- Please indicate whether and how mitigation measures MM Bio-1a, BIO-2a, BIO-2b, and BIO-3 exceed or otherwise differ from existing regulatory requirements under CEQA, the CEQA Guidelines, the State Fish & Game Code, or the State and Federal Endangered Species Acts.
- Please indicate on a map the locations of special-status plant or animal species and/or their terrestrial or aquatic habitat areas that may be lost under General Plan buildout
- Please explain the basis for the Revised Draft EIR's categorical conclusion (p. 3.3-18) that future development under the proposed 2040 General Plan would necessarily comply with the various federal, State, and local laws and regulations that protect special-status plant and animal species, including FESA and CESA, such that it would not result in significant adverse effects to biological resources.

Soils/Geotechnical Impacts

The DEIR states:

The Landslide Task Force made recommendations to the Sausalito City Council regarding unstable geologic units, some of which have been incorporated into the proposed 2040 General Plan. One of the recommendations was to map local geology and geologic hazards for both slope stability and seismic hazards. The hazard maps would assist the city in identifying public drainage systems that need updates and repairs. The maps are also likely to identify open space areas upslope of city infrastructure or residential structures that have a potential for failure. Such areas could then be prioritized for stabilization measures to minimize or eliminate future failures.

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Other task force recommendations included creating a mechanism for residents to report emerging landslide risks, the development of new building and remodeling guidelines, and the formation of a GHAD. Revised Draft EIR, p. 3.6-14.

From a planning policy standpoint, it is critical to understand the locations and relative risk levels of geologic hazards within the City if future development is to proceed safely. The referenced hazards map should therefore be developed and incorporated into the General Plan. The Revised Draft EIR has provided no explanation or justification for its omission.

- Please describe the status or progress of creating the hazard maps recommended by the Landslide Task Force.
- Please provide whatever information is currently in the City’s possession that identifies public drainage systems that need updates and repairs.
- Please provide similar information that identifies open space areas upslope of city infrastructure or residential structures that have a potential for failure.

The Revised Draft EIR further states that “[t]he proposed 2040 General Plan also includes programs to delineate geologic hazards and mitigation plans for those hazards.” Revised Draft EIR, p. 3.6-14.

- Please identify the programs in the 2040 General Plan that delineate geologic hazards
- Please provide the mitigation plans for the geologic hazards delineated by these programs.

The Revised Draft EIR further states that: “[t]he proposed 2040 General Plan includes policies and programs to map areas with high susceptibility to erosion and protect water quality, which also address soil erosion. Program HS-1.2.7 requires the city to develop a citywide GIS layer that maps the city’s drainage and erosion hot spots related to geologic weathering.” Revised Draft EIR, p. 3.6-15.

- Please indicate the status of the City’s development of a citywide GIS layer that maps the city’s drainage and erosion hot spots related to geologic weathering
- Please explain why the GIS layer cannot be incorporated into the Revised Draft EIR’s analysis of geology, soils, and seismicity impacts.

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Greenhouse Gas Emissions

The Revised Draft EIR concludes that buildout under the 2040 General Plan would have no significant impacts with respect to greenhouse gas (GHG) emissions because future development would comply with the requirements of the proposed General Plan itself, applicable BAAQMD regulations, the City’s Climate Action Plan, and the Sausalito Municipal Code, that aim to reduce GHG emissions levels in the Planning Area. Revised Draft EIR, p. 3.7-31. The Revised Draft EIR specifically references several programs and policies contained in the 2040 General Plan’s Environmental Quality Element and Sustainability Element that are crafted for this purpose. Revised Draft EIR, pp. 3.7-13 – 3.7-19.

- Please indicate the status of the City’s Climate Action Plan (CAP) in terms of updating it with “new data as well as updated policies and programs” as described in Policy EQ-5.1.1. Please provide a schedule or similar information to apprise the public as to the frequency of past and future updates.
- Please provide “the most ambitious County, State, or Federal [GHG] emissions targets” with which the City intends to align its own targets, as required under Policy EQ-5.1.3.
- Please describe what means the City will use to “promote local, county, State, and federal standards among Sausalito residents and businesses, informing them of the short- and long term effects of reducing emissions and improving air quality,” as required under Policy EQ-5.2.7.
- Please list the City facilities deemed suitable for the installation of solar energy systems in accordance with Program S-2.3.10.
- Please describe the membership criteria for the “climate-focused City committee to recommend creative and cutting-edge projects that will cost-effectively reduce greenhouse gases and other emissions in the City,” as required under Program S-2.11.
- Please describe the current status of the development of the City’s database for tracking community-wide and City operation [sic] greenhouse gas and other emissions, as well as solid waste, energy, environmental, and economic data, as required under Program S-2.3.15.

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Sea Level Rise & Subsidence

The 2040 General Plan’s Sustainability Element states:

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“BayWAVE projects that Marin County could experience 10 inches of sea level rise by 2030, 20 inches by 2050, and 60 inches by 2100. Sea level rise will exacerbate the impacts of other coastal hazards, such as storms, flooding, and erosion. [¶] BayWAVE’s estimates show Sausalito with as much as 149 acres, or 11 percent of the City’s land area, exposed by the end of the century. This would include most of the industrial land in Sausalito, which could lead to serious financial problems – particularly as many of those industrial sites may require expensive cleanup in order to prevent contaminants from entering Richardson Bay. Sea level rise could be understood as an existential issue for Sausalito.” HS-5.

The Health, Safety, and Community Resilience Element similarly provides:

“Subsidence is an issue throughout the city, but it is of concern in the Marinship which is sinking at a rate of 0.5 to 0.75 inches per year according to the Waterfront and Marinship Committee’s 2010 Sausalito Waterfront and Marinship Vision. Subsidence can lead to groundwater intrusion and intensify flooding and the effects of sea level rise, making development and infrastructure in these areas more vulnerable.” HS-18.

The impacts of future development in the Marinship against this backdrop of inevitable sea level rise and ground subsidence is of paramount importance to Community Venture Partners, Mr. Flavin, Ms. Zuch, and numerous other business owners and operators that will be most directly affected. The Marinship is, as the General Plan acknowledges, the City’s principal employment engine and a major source of tax revenue.

To its credit, the Revised Draft EIR underscores the concern of sea level rise by including the following as express Project objectives: [1] “Safeguard the natural environment and ensure community health, safety, and resilience, including addressing the inherent risks of climate change, sea level rise, and subsidence;” and [2] “Seek innovative and sustainable solutions to sea level rise in collaboration with County and regional agencies and innovators, to sustain the quality of life in Sausalito and its active waterfront uses.” Revised Draft EIR, p. 2-4. However, while it is of course reasonably foreseeable that sea level rise will by 2040 require “innovative and sustainable solutions” in the form of physical infrastructure projects to prevent inundation of waterfront areas, the financial and technical feasibility of such projects is an open question that the General Plan and Revised Draft EIR do not address.

As Ms. Collins explains in her letter, the Revised Draft EIR, like its predecessor, does not evaluate how the altered environment resulting from sea level rise and subsidence will affect future existing infrastructure, buildings, and safety of

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people in the Marinship, nor does it identify particular mitigation strategies that will be necessary to reduce potential hazard. Neither does the Revised Draft EIR evaluate the potentially major environmental impacts of the mitigation strategies themselves, which will almost take the form of large-scale infrastructure projects. *See* Guidelines, §15126.4(a)(1)(D); *Stevens v City of Glendale* (1981) 125 Cal.App.3d 986. Future increased development will require continued and increased large-scale mitigation to make it a viable environment for existing and proposed development. Sea Level Rise accommodation, subsidence remediation, and other necessary infrastructure repair/relocation projects are therefore also plainly foreseeable but have not been evaluated in the Revised Draft EIR.

Although the General Plan includes programs and policies calling for future studies to “monitor the rise in sea level” (Program HS-1.9.1), and to “identif[y] local improvements in low lying areas to minimize current effects of sea level rise” (Program HS-1.9.2), this is not adequate from a current planning perspective. As Ms. Collins notes, even if the precise details of necessary accommodation projects may not be known at this point, the Revised Draft EIR can identify the category or types of projects that will likely be required (sea walls, levees, dredge/fill etc.), and also the most likely locations of the projects based on projected flood areas.

In the absence of evidence and analysis of both the financial feasibility and the technical efficacy of such “local improvements,” it is improper for the City to adopt a General Plan that assumes, without evidentiary basis, that buildout can be protected from the impacts of sea level rise. At the very least, the Revised Draft EIR should disclose to Sausalito residents generally, and the Marinship community in particular, what kinds of major sea level rise accommodation projects they can expect to endure over the next two decades. Ms. Collins identifies dredging, replacement of deteriorated storm drains and sewers, relocation of underground utilities, construction of levees and pump systems, and reconfiguration of evacuation routes during flood events. All such projects will create both temporary and permanent environmental impacts that are reasonably foreseeable and that should therefore be discussed in the Revised Draft EIR.

Accordingly:

- Please provide a list of potential “innovative and sustainable solutions to sea level rise” that the City has considered or will consider “to sustain the quality of life in Sausalito and its active waterfront uses” from the effects of sea level rise between 2020 and 2040.
- Please provide a list of potential “local improvements in low lying areas to minimize the current effects of sea level rise. Please include in the

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list the geographic location of each potential improvement, a description of the improvement, and likely funding source.

The General Plan also vaguely calls for the City to “to support studies by appropriate State agencies which monitor the rise in sea level,” and to “consider initiating and implementing a localized seas level rise study that identifies local improvements in low lying areas to minimize current effects of sea level rise. (Program HS-1.9.1, and 1.9.2). Studying an environmental impact does not reduce or avoid it. Thus, such studies must be part of the Revised Draft EIR’s analysis of impacts, and not characterized as mitigation for impacts that may be identified in the future. Future studies of potential impacts are permissible only when coupled with mitigation measures designed to address impacts identified by the study. See *Defend the Bay v City of Irvine* (2004) 119 Cal.App.4th 1261, 1275; *Save Panoche Valley v San Benito County* (2013) 217 Cal.App.4th 503, 524. Since that cannot occur at this time, these studies should be undertaken as soon as practicable, and their results incorporated into the General Plan before it is adopted. In their absence, the General Plan’s buildout assumptions with respect to low lying areas are effectively meaningless. Thus:

- Please describe the current status of the development of the “localized sea level rise study,” including the identify of any consultant(s) that have been retained
- Please list any “local improvement in low lying areas to minimize current effects of sea level rise” that have been identified by the City to date.

The General Plan’s Waterfront Element includes the Policy W-4.2: Bay Waters. Preserve and enhance the wetlands, open waters, and ecosystem of Richardson’s and San Francisco Bays and utilize these landscapes for sea level rise mitigation.

- Please identify the wetlands, open water, and ecosystem locations within Richardson’s and San Francisco Bays that can be utilized for sea level rise mitigation.
- Please identify the sea level rise mitigation measures that can be utilized at each of these locations.

The 2040 General Plan’s Waterfront Element in turn provides:

“The City will implement measures from the 2015 Climate Action Plan, which includes greenhouse gas emissions reduction strategies as well as strategies to adapt to climate change. Sea level rise adaptation will be incorporated into the

Capital Improvement Plan and design standards by, focusing on the communities which will realize the impacts of sea level rise the soonest.”

and:

“Marinship Waterfront. Sea level rise infrastructure improvements include both green (such as stormwater basins in MLK Park and daylighting of Willow Creek) and traditional infrastructure projects.”

Please identify:

- the measures from the 2015 Climate Action Plan that the City will implement.
- the timeframe for implementation of each measure
- the likely source of funding for each measure.

Consistency with Housing Element

As CVP has pointed out in its comment letter submitted under separate cover, the City appears to be considering allowing housing development on eight potential sites, including three in the Marinship. A staff report prepared for an on October 13, 2020, City Council hearing on the General Plan’s Housing Element (“Housing Element 2023”) attached and referenced a “Map of Potential Housing Sites” that could “provide permanent supportive housing for the anchor-out community in addition to senior housing and/or workforce housing.” Site # 6 is labeled on the map as waterfront private property, and is evidently designated “Water-Based Housing Only.” Site # 7 is an existing “RV Parking Area” at 2340 Marinship Way that bears no similar designation, nor does Site #2, “Sausalito Post Office.”

Regardless of the policy merits of introducing housing as a new permissible land use in the historically and currently industrial Marinship, such action could, and based on the information CVP presents likely would, result in indirect growth-inducing impacts that require disclosure and analysis under CEQA. Guidelines, § 15126(d). The Revised Draft EIR’s discussion of growth-inducing impacts is silent with respect to whether allowing housing in the Marinship would result in pressure to develop or redevelop nearby parcels for housing and housing-supportive non-industrial, non-maritime land uses.

- Please state whether, in the City’s view, designating any portion of the Marinship for any residential uses in the future would be consistent with the General Plan, including its Waterfront & Marinship Element,
- Please indicate whether any future zoning actions, including the adoption of new provisions or amendments to existing provisions of

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the City's Zoning Code, to designate any parcel(s) within the Marinship as allowing residential housing as a primary, ancillary, or accessory use would require an amendment to the General Plan, should the Plan be adopted in its current form.

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Conclusion

We continue to assert that the Revised Draft EIR does not fulfill the information disclosure mandates of CEQA, even for a Program EIR. Buildout under the 2040 General Plan will itself generate potentially significant environmental impacts that the Revised Draft EIR does not adequately evaluate or mitigate. Urban development in Sausalito, now and in the future, faces substantial risks from sea level rise, ground subsidence, and other foreseeable geologic and geomorphic hazards. This is especially true in the Marinship. It is therefore surprising and disappointing that the City is poised to adopt a General Plan to govern development over the next 20 years that only vaguely commits to studying these problems in the future to some undefined extent. While there are of course several unknowns about the timing, extent, and magnitude of future sea level rise in Sausalito, a great volume of technical and scientific information exists today, as Ms. Collins's letter documents. The City has simply chosen not to include or consider it in the Revised Draft EIR. From both a land use planning policy perspective, and a public safety perspective, this is folly.

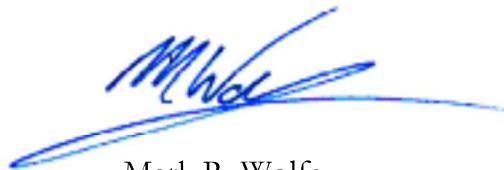
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The City should therefore undertake a substantial overhaul of the 2040 General Plan and Revised Draft EIR to include a thorough, meaningful disclosure and evaluation of what will foreseeably be necessary to protect existing and future development from the impacts of sea level rise, subsidence, and other geologic risks. The City should then release this information for further public review and comment. We respectfully submit that the 2040 General Plan cannot be adopted in any form unless and until this occurs.

Thank you for your consideration of these comments.

Most sincerely,

M. R. WOLFE & ASSOCIATES, P.C



Mark R. Wolfe
On behalf of Community Venture Partners,
John Flavin and Patricia Zuch

ATTACHMENT 1

ATTACHMENT 1

ATTACHMENT 1

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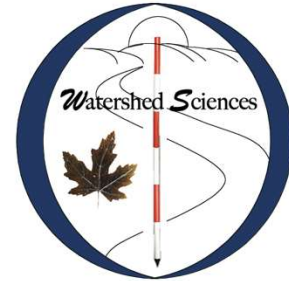
ATTACHMENT 1

ATTACHMENT 1

ATTACHMENT 1

Date: December 01, 2020

To: Community Venture Partners, Inc.
73 Surrey Avenue
Mill Valley, CA 94941
Attn: Robert Silvestri, President
Email: communityventurepartners@comcast.net



From: Laurel Collins, Watershed Sciences
8038 Mary Ave NW
Seattle WA 98117
Email: laurelgene@comcast.net

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Subject: Review of the October 27, 2020 Revised General Environmental Impact Report (SCH # 201910322) of the Sausalito Draft General Plan Update

Dear Mr. Silvestri,

Below please find an enumerated list of comments based on my review of the Revised and Recirculated General Plan Environmental Impact Report (RGEIR). Overall, I did not find any significant new studies, assessment, data, research or new citations in the RGEIR that caused me to want to retract or alter any of my original comments made in my August 5, 2020 review letter of the Draft Environmental Impact Report of the Sausalito Draft General Plan Update.

COMMENT 1.

The RGPEIR states that:

"RGPEIR P 3.4-18

"Archaeological Sensitivity Zones

"Three archaeological sensitivity zones have been identified in the Environmental Quality Element of the General Plan. The potential of discovering archaeological materials would be very high within any of the three sensitivity zones. The three sensitivity zones are listed below and shown on Exhibit 3.4-1."

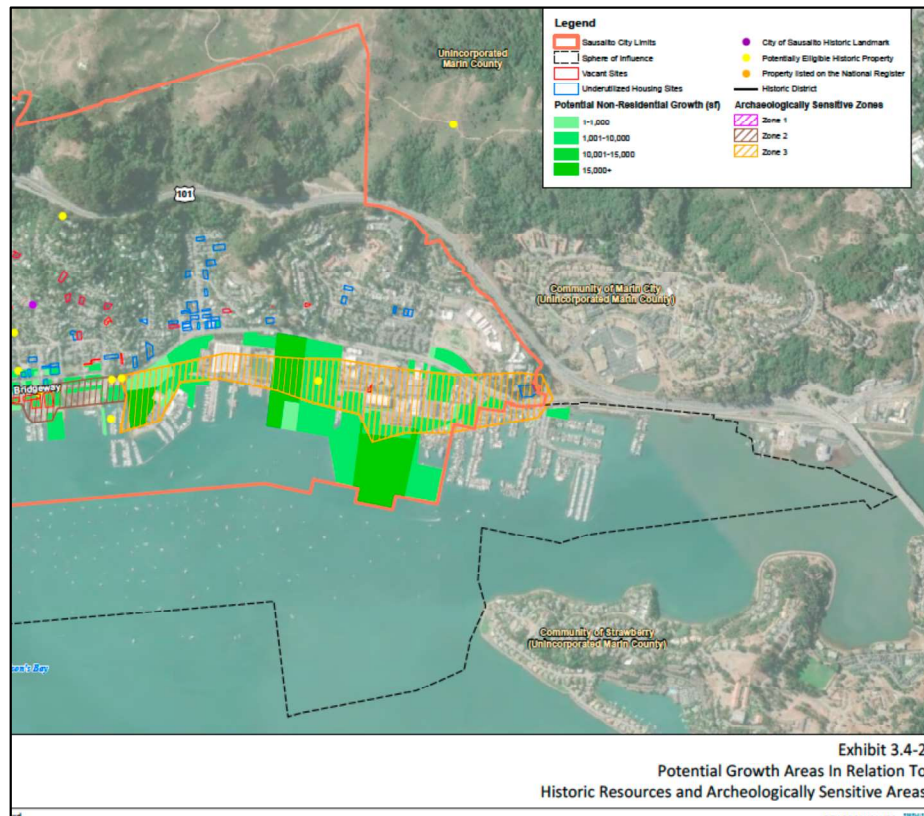
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Zone 3 along the Marinship area is described as follows:

"RGPEIR P 3.4-18

"Zone 3. This area includes the original shoreline between Dunphy Park and Martin

Luther King School. The construction of the Marinship facility to build supply ships during World War II caused a massive filling of the marshlands found on the bay side of Bridgeway in this area. Bridgeway, which occupies high ground from its intersection with Napa Street to the west as far as approximately the intersection of Bridgeway and Nevada Street, probably marked the extent of any indigenous site placement. From Nevada Street to the Martin Luther King Park, archaeological site placement may have continued as far as Tomales Street behind the former distillery, now an area of housing (Willow and Cypress Lanes)."



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The above reference describes the area of Zone 3 as the original shoreline". The statement and mapping is the same in both the DIER and the RGPEIR. Based upon my review of historical hydrographic and topographic maps, the yellow boundary shown in RGPEIR Exhibit 3.4-2 (detail shown below) that is reported to depict the "original" shoreline is inaccurately delineated. It should be shown as I depicted it as Figure 2 (also shown below) in my August review letter.

The RGPEIR states that the potential is very high of discovering archeological materials in any of these zones. The shoreline that I mapped that is shown as a dark pink line on Figure 2 below (and that is also included in my August review letter) is based upon the earliest circa mid 1800 Coast and Geodetic Surveys Charts of hydrographic and topographic conditions. This information was compiled by the San Francisco Estuary Institute. The entire historical bay shoreline was delineated from these early charts and is available online at SFEI EcoAtlas. I have

also attached digital copies of some of the earlier Coast and Geodetic Surveys that verify the mapping they show.



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As can be seen in Figure 2, both the upper and lower extent of the marsh shoreline (marsh is assumed to be at MHHW and therefore exposed at low tides and inundated at higher high tides) is located west of Bridgeway, not east of it as shown in the RGPEIR Exhibit 3.4-2. If the original shoreline boundary is wrong, how can Sausalito be sure that there has been adequate assessment of the significance of impacts?

This raises the question about whether the boundaries of Zones 1 and 2 are inaccurately mapped.

The RGPEIR stated:

“RGPEIR P3.4-34

“As with prehistoric archaeological resources, the waterfront has the greatest potential for buried tribal cultural resources to be present (see Exhibit 3.4-1).”

If this is the case, the shoreline (upper and lower extent relative to MHHW) needs to be adequately defined and assessed relative to the policies and protections that might exist for the sensitivity zones.

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COMMENT 2.

The RGPEIR has changed the document, throughout, by adding lines at the end of each impact assessment to state the level of significance and whether mitigation is required or proposed (example given below). In almost all cases, the RDEIR concludes without evidence or appropriate assessment that no mitigation is required for potential impacts related to geology, soils, seismicity, hydrology, water quality, utilities, wildfire, Hazards and Hazardous Materials. This does not change my perspective that foreseeable and extensive mitigation will be needed to implement proposed development in the plan, and that it should be adequately assessed and evaluated ahead of time to establish whether further development is physically and economically feasible given future issues of SLR, subsidence, groundwater, storm drain, sewer, emergency egress, toxics, as well as potential impacts of excessive filling on other SLR adaptation projects along the Richardson Bay shoreline. Furthermore, the implementation of such necessary mitigation measures will itself foreseeably cause significant additional impacts.

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The RGPEIR does not appear to have provided or added any additional evidence, data, studies, or citations that would substantiate the claims that impacts, including impacts of required mitigation or remedial activities, will be less than significant. The RGPEIR is simply filled with unsupported assertions about existing policies and programs that would make mitigation in all cases either unnecessary or impacts less than significant, which is impossible to accept if the mitigations have not even been described.

A generic example of new RGPEIR added text that follows impact discussions is as follows:

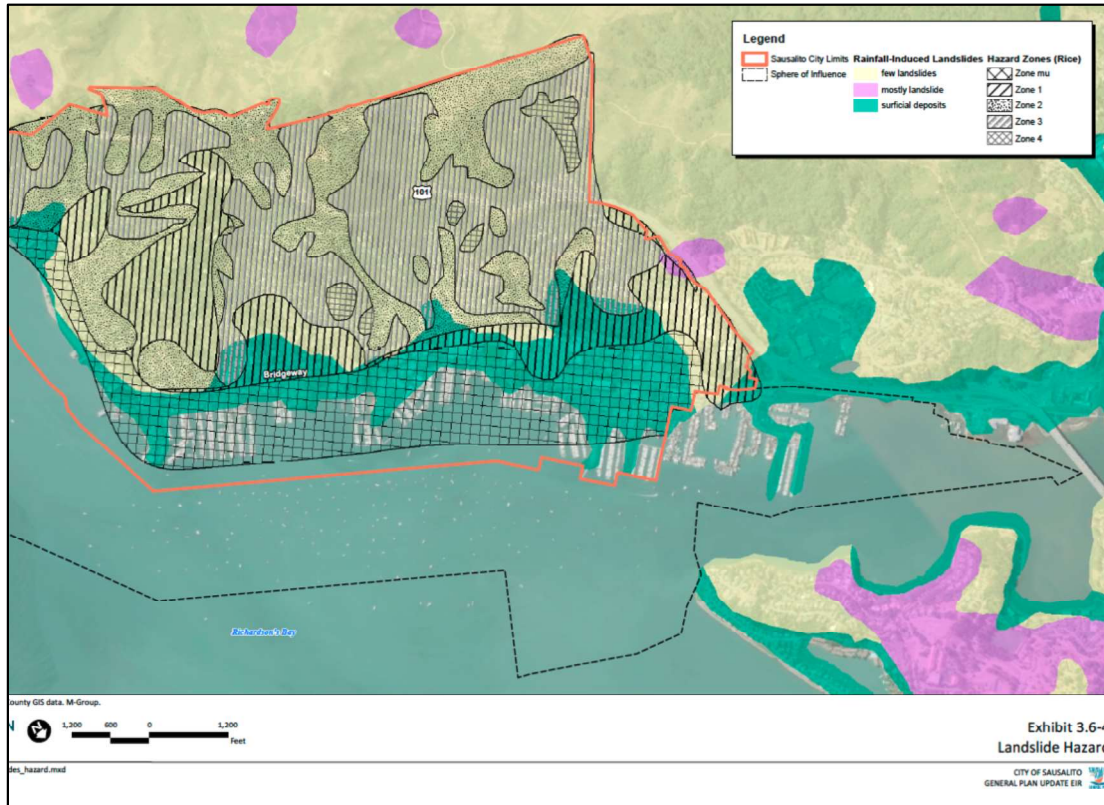
“Level of Significance before Mitigation
Less than Significant

“Mitigation Measures
None Required”

COMMENT 3.

Additional information has been added to Exhibit 3.6-4 that includes more detailed landslide mapping by Rice within the Sausalito City limits. Note that the RGPEIR introduction does not mention the changes in this Exhibit. The close proximity and high density of landslide areas to Marinship further verifies my concerns that post fire erosion of streams and subsequent increased runoff, flooding, and sediment supply to Marinship is substantiated.

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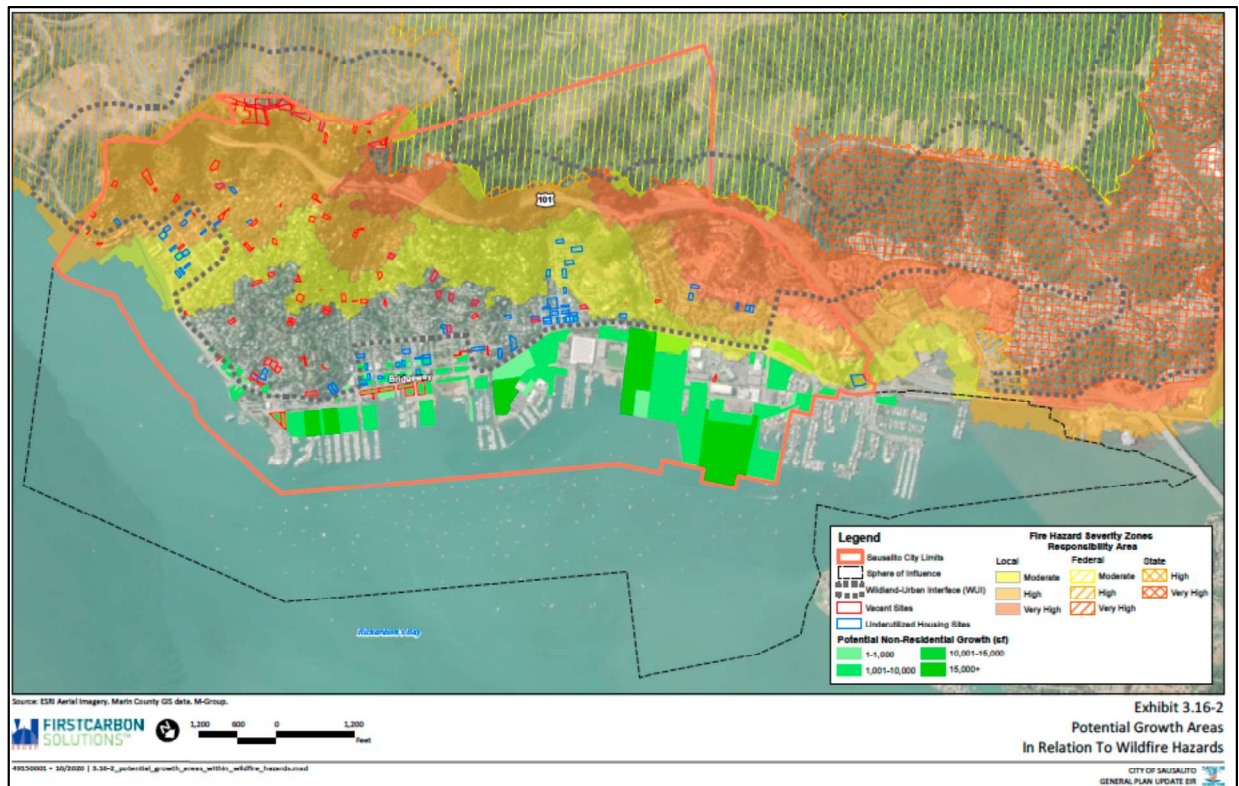
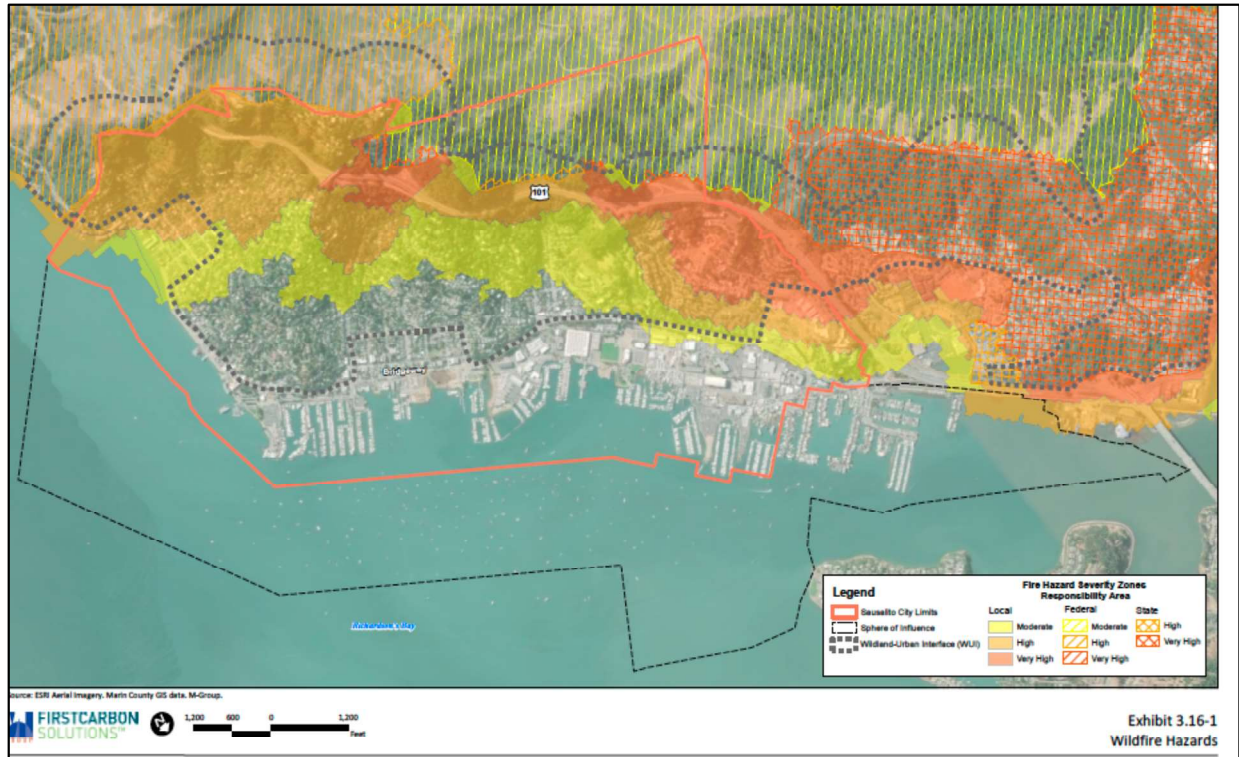
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COMMENT 4.

Exhibits 3.16-1 and 3.16-2 have been revised to include additional Wildfire Hazard Mapping (shown below), however, the RGPEIR Introduction only mentions the latter exhibit.

In addition to the close proximity and high density of landslide areas to Marinship, their apparent location within high and very high fire hazard zones, as delineated by the new revised Wildfire Hazard Maps (shown below), further verifies concerns about significant post fire erosion hazards to Marinship that will be associated with stream erosion and increased runoff, flooding, and high sediment supply. The capacity of the storm drain conveyance system will likely be overwhelmed, creating significant hazards to people, emergency egress, and property that has still not been adequately addressed in the RGPEIR.

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COMMENT 5.

The RGPEIR adds the statement below in the beginning of the discussion on Geology, soils, and seismicity.

“RGPEIR P 3.6-1

“Future discretionary projects facilitated by the General Plan will be evaluated for project-specific impacts to geology and soils at the time they are proposed.”

I question whether it is clear which projects in the RGPEIR will be discretionary and therefore reaffirm the need to assess potential mitigation impacts *before* the new General Plan Update and Final EIR are approved to establish whether the General Plan is practicably feasible. The RDEIR also fails to address the issue of cumulative impacts.

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COMMENT 6.

The RGPEIR added the following two policies:

“RGPEIR P 3.6-10

“CD-1.6.1: Geographic Constraints. In order to enable safe use of buildings, use design guidelines discussed in HS-1.2.5 to ensure that new developments and substantial remodels work within the geographic constraints of its parcel.”

“Policy CD-2.3: Challenged Sites. Consider long-term risks when developing property that is or could potentially be at risk.

Given that the entire Marinship fill area will be an at-risk parcel from Sea Level Rise (SLR), subsidence, tsunami hazards, elevated groundwater, stormwater and sewage drainage dysfunction, and toxic ground water hazards (to name a few), the two previous policy statements support my assertion that existing and new development in Marinship has substantial geographic constraints in a high risk artificial environment.

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COMMENT 7.

Below is a partial list of some additional new policy insertions relevant to my review:

“RGPEIR P 3.6-12 to P 3.6-14

“Policy HS-1.9: Subsidence. Identify, monitor and manage subsidence issues on at-risk parcels.

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“Program HS-1.9.1: Subsidence Data. Obtain subsidence data that will be used to inform a subsidence mitigation and adaptation study (Program S-3.2.2).

“Sustainability Element

“Program S-3.2.1 Sea Level Rise Adaptation Plan. Prepare and adopt an adaptation plan for addressing sea level rise and land subsidence that minimizes the potential for displacement of residents, jobs, and other community assets, and prioritizes nature-based adaptation measures. The adaptation plan should include:

“a) The Sea Level Rise Map, which will be created in collaboration with BayWAVE or other regional authorities on sea level rise, as a base for adaptation planning. The map will be updated periodically to reflect the most current and reliable data.

“b) A “menu” approach to adaptation measures that would include but is not be limited to: managed retreat, nature-based adaptation measures, living shorelines, innovative building structures, and horizontal levees.

“g) Evaluation of opportunities for retreat where practical and feasible, prioritizing undeveloped sites, areas in permanent open space, or areas that are environmentally constrained. Allow for transfer of ownership rights. Consider retreat as a last resort.

“m) An economic analysis of mitigation costs versus private and public economic loss.

“Program S-3.2.2: Subsidence and Liquefaction. Complete a geologic and/or hydrographic study that describes how Sausalito’s unique ground subsidence and liquefaction issues will interact with sea level rise. The study should include recommendations and implementation measures.

“Program S-3.8.3: Sausalito-Marin City Sanitation District. Require written documentation from the Sausalito-Marin City Sanitation District that there is available and adequate sewer capacity prior to project approval for those projects subject to SMCS D review.

“Program S-3.8.4: Well Water. Require written documentation from the City Engineer of proof of adequate domestic water supply (well water) if water service is not available from MMWD prior to project approval.

“Program S-3.8.5: Marin County Environmental Health Department. Require written documentation from the Marin County Environmental Health Department that there is sufficient capacity for leach fields prior to project approval in areas dependent upon septic tanks.”

The addition of these programs reinforces the argument that these kinds of evaluations and assessments must be done on an area-wide basis, before any particular development proposal

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can be considered. These programs are also inadequate to evaluate possible mitigation. For example, it is not described in the RDEIR how "Policy HS-1.9" would "manage" subsidence issues on at risk parcels and what the impacts of a presumed management technique would be.

To a large degree, it appears that the City of Sausalito has identified subsidence and SLR issues in the Marinship area. But toxic groundwater and its mitigation in light of the SLR, subsidence, seismic hazards, and flooding/stormdrain issues have not been properly identified as a significant hazard.

The next step before approving future development should be establishing whether development and its necessary mitigation is even feasible given what we know now. More studies after approval of the RGPEIR for at-risk parcels that could likely require managed retreat, floodwater and ground water pumping, and/or massive fill and/or levees makes no sense unless we know that these major issues, which need to be addressed in tandem and not separately, can be mitigated at all, without significant impacts.

The City must also establish whether required mitigations are financially feasible. Existing, known problems, such as ineffective storm and sewer drains and spreading of toxic flood water and contaminant ground water plumes, needs to be addressed, and potential environmental impacts evaluated, before review of any future development.

As such, programs S-3.2.2, S3.8-3, S-3.8.4, and S-3.8.5 should be done prior to acceptance of the RGPEIR.

COMMENT 8.

The new RGPEIR insertion below for discussion of Impact GEO-1 strengthens my concerns about exiting infrastructure and development in Marinship and the concerns about any new development that will either occur on existing fill or that will require a massive effort of removal and that will certainly have foreseeable impacts that have still not yet been acknowledged in the RGPEIR.

"RGPEIR P 3.6-16

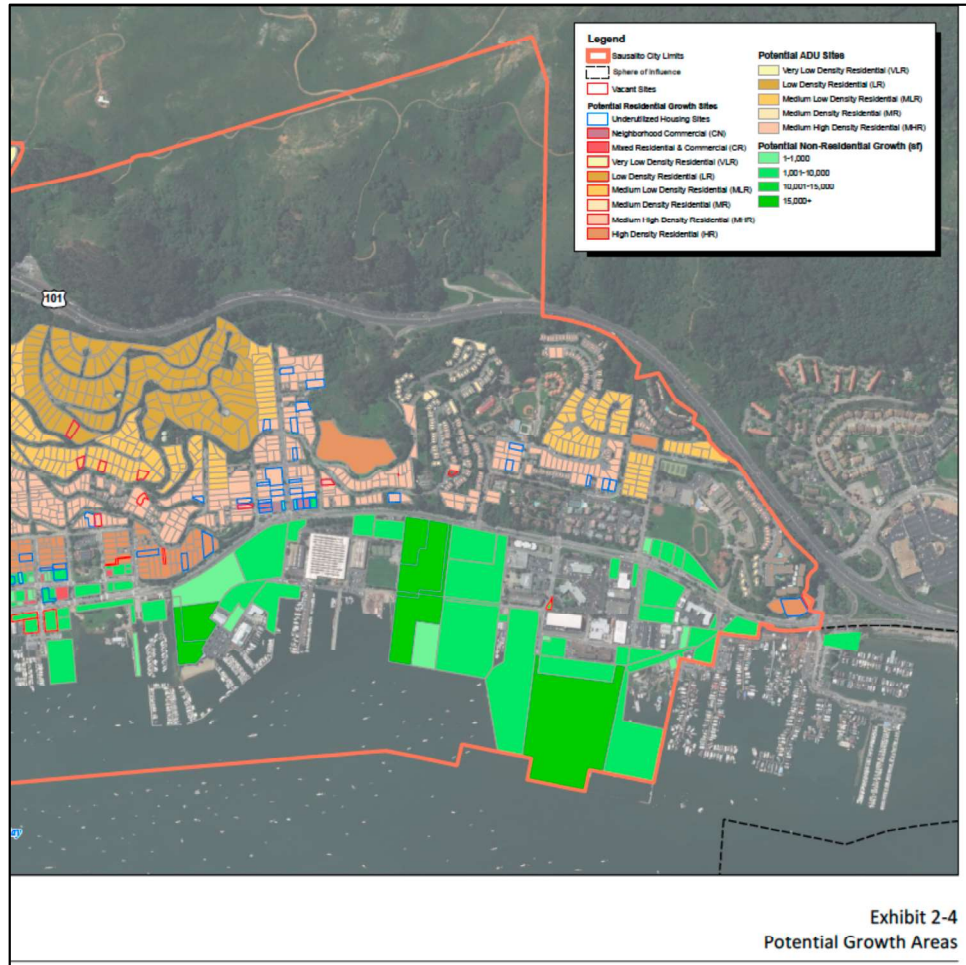
"Secondary hazards may include liquefaction, seismically induced landslides, and subsidence, especially in the water front area which is largely underlain by surficial deposits that would be particularly prone to liquefaction and subsidence as shown in Exhibit 3.6-3, while hillside areas would have a higher likelihood for landslides, as shown in Exhibit 3.6-4. "

COMMENT 9.

A new Exhibit 2-4 was inserted in the RGPEIR that shows areas of potential nonresidential growth in Marinship. The map shown below shows extensive development on the artificial fill in Marinship.

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The RGPEIR inserted a new statement about Non Residential Growth:

“RGPEIR P 2-9

“Additionally, the General Plan may result in other public improvements throughout the city, such as . . . undergrounding of utilities (Policy CD-5.2); . . . “

The idea of undergrounding utilities in the Marinship area seems problematic, if not completely infeasible, in an area ridden with toxic substances, that is subsiding, that will have elevated groundwater, and is subject to SLR. At the very least, undergrounding efforts will foreseeably cause additional environmental impacts that the RGPEIR does not acknowledge or address.

To indicate throughout the RGPEIR that there will be no significant impacts defies common sense and scientific evidence.

The RGPEIR analysis of “Impact GEO-1” also includes the assertions below it that new development projects in Marinship will be evaluated on a case by case basis, yet the entire Marinship artificial fill area needs to be approached as a singular issue, *not piecemeal*. This is because the interactions of groundwater, hazardous toxic plumes, SLR, subsidence, and stormwater/sewage drainage are interactive throughout the Marinship area – a change in one affects the others. A failure to mitigate one can cause other mitigations to fail. Fixing one component in one parcel cannot address the overall public health and safety consequences during a hazardous event or in future years with SLR.

“RGPEIR P 3.6-18

“Accordingly, future proposed projects would be subject to conducting an environmental analysis at the time a specific project is defined. In reviewing individual project applications, the city would determine which policies and programs apply, depending on the specific characteristics of the project type and/or project site during the development review process. . .

“Consistent with General Plan policies, individual development projects would be required to undergo project-specific environmental review, which may require additional site-specific or project-specific measures to reduce any potential for loss, injury, or death in the event of a seismic event.”

COMMENT 10.

“Impact GEO-2” added new discussions that the RGPEIR results in no significant impacts because it identifies land uses rather than specific development projects that would involve “unreasonable speculation” as indicated in the text below.

“RGPEIR 3.6-19

“The General Plan identifies future land uses, but does not describe specific development projects that will be undertaken during the 20-year planning horizon. Thus, estimating project specific impacts would involve unreasonable speculation. The General Plan includes a number of policies and programs specifically designed to protect individuals from injuries and minimize property damage resulting from land instability and geologic hazards by limiting development in certain areas and requiring increased review and mitigation where appropriate.”

However, the land use planning proposed by the RGPEIR speculates that the land can be developed with no significant impacts based upon discrete programs that do not address and link the interactions and associated impacts of the existing environmental problems and/or future environmental issues as a whole. These environmental issues cannot be independently fixed.

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As such, the RGPEIR is misleading with risky and potentially hazardous assertions that Marinship through all its purported policies and programs will provide Sausalito a safe future environment for people and an economic boost.

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COMMENT 11.

For “Impact Geo-3,” the RGPEIR has inserted additional descriptions of the previously referenced CBC policies about expansive and hazardous soils, yet it does not provide any new information or studies that alter my concerns that the removal of fill or soil in Marinship poses the potential danger of exposing and disturbing toxic soils and materials in the fill that will require mitigation, and that the assessment of impacts of mitigation have not been adequately addressed.

Adding new landfill at a higher elevation to reduce impacts of SLR, subsidence, and elevated ground water will surely require extensive remediation including fill that will be massive in volume and extensive throughout Marinship to ensure that properties can be accessed and utilized year round. This will increase the weight from new fill material on the existing bay muds, peats, and/or underlaying fill (if it is left in place), and would consequently cause immediate increase in land subsidence rates. This is a foreseeable significant impact that the RGPEIR fails to disclose or evaluate.

27

The impacts of large-scale removal of contaminated and/or inappropriate fill, and the mitigation of these substantial earth-moving and massive landscape altering activities needs to be assessed for all of Marinship as a whole, not piecemeal. The RGPEIR still fails to explain and identify the massive scope of what will be realistically required of the project and the foreseeable mitigation efforts that will be needed to make existing and proposed future development safe and feasible in Marinship.

COMMENT 12.

For “Impact Geo- 5, Impact Hyd-1, Impact Hyd-2, Impact Hyd-4, Impact Hyd-5, Impact Hyd-8, Impact Util-2, Impact Util-3, Impact Util -4, Impact Util-5,” and “Impact Util-6,” there are no substantive additions, other than further descriptions of policies and programs. These do not cause me to consider making changes to my original comments.

COMMENT 13.

General hydrology and Water quality comments in the RGPEIR have been inserted and include:

“RGPEIR P 3.9-1

“Future discretionary projects facilitated by the General Plan will be evaluated for project specific impacts to hydrology and water quality at the time they are proposed.”

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My comments, stated above, about the RDEIR's inappropriate piecemeal approach to impact assessment and mitigation from increased development also apply here.

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COMMENT 14.

THE RGPEIR inserted the following text for "Impact Hyd-3" but still maintains that impacts are less than significant and no mitigation is required:

"RGPEIR P3.9-20

"For instance General Plan Program EQ-4.2.6 requires that new development and substantial remodels demonstrate that post development stormwater discharge does not exceed the predevelopment rate, ensuring that the potential for erosion would not be exacerbated but would rather be reduced. Program HS-1.2.1 will result in a detailed map that will identify, in part, locations identified as erosion hot spots, while Program HS-1.2.6 Hillside Ordinance, will include restrictions and heightened review for development on steep slopes that could result in the potential for erosion during construction. Policy LU-6.46.5 and Policy W-3.3, will further protect against erosion by requiring the preservation of the existing shoreline of Richardson's Bay as open shoreline and natural habitat."

29

It is unclear to me how the assertion that impacts are less than significant and no mitigation is required can be made and that the post development discharge rate will not exceed the predevelopment rates given that climate is changing. Rainfall rates and quantities are likely to change and it may become impossible to maintain the previous rates. The RGPEIR needs to acknowledge and address this.

COMMENT 15.

The RGPEIR inserted the following text for "Impact Hyd-6:"

"RGPEIR P 3.9-23

"Policy HS-1.11 Infrastructure and related programs require the evaluation of infrastructure and capital planning to ensure that upgrades are implemented where needed to ensure resiliency as part of the City's Capital Improvement Program. Additionally, Policy S-3.8 specifically states that future construction will proceed for only those projects that demonstrate the availability of adequate potable water, sewer, septic leach fields and storm drainage."

30

The availability of adequate sewer, leach fields and storm drainage should be established for Marinship before expanded development is approved and it should be established what the impacts will be for improving these conditions for the existing development in the context of

continuing SLR, subsidence, rising ground water, increased extent and emergence of contaminant plumes, and failing storm water and sewer drainage systems.

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COMMENT 16.

The RGPEIR inserted the following text for “Impact Hyd-7:”

“RGPEIR P 3.9-25

“Additionally, the General Plan contains policies and programs to reduce the likelihood of new development within a tsunami inundation area.”

It seems important to note again that the Tsunami Inundation Zones depicted in Exhibit 3.9-3 show only existing conditions and does not reflect the future expansion of Tsunami inundation zone under rising sea level conditions, influences of increased water table height, and land subsidence.

31

Therefore, the RGPEIR statement above would imply that the Marinship area under current conditions is not developable because of the Tsunami Zone. With future development and SLR, it is highly questionable whether it can avoid potential tsunami inundation. To accomplish that, significant and extensive landscape alteration will certainly be required.

The impacts and analysis of impacts of dealing with Tsunami Zones and how they will change in the future planning horizon have not been improved upon or sufficiently analyzed in the RGPEIR.

COMMENT 17.

Among other inserted policy/program descriptions in the RGPEIR, under “Impact Hyd-9,” this sentence raises concerns:

“RGPEIR P 3.9-27

“The General Plan does not authorize any new development and the projected development in the City is allowed under the existing 1995 General Plan.”

The insertion of this statement does not in any way address the concerns I expressed in my previous comment letter, and ignores the scientific evidence before the Agency.

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COMMENT 18.

For “Impact Util-1,” the RGPEIR inserted the following text:

33

“RGPEIR P 3.15-20

“New drainage infrastructure (including green drainage infrastructure) and maintaining existing culverts (through mitigating erosion and silt buildup) is key to reducing the risk of soil instability. This is an existing condition that is part of the environmental baseline, and not a condition that would result from implementation of the General Plan. Even under existing conditions, as described under Impact HYD-5, the city’s stormwater system has sufficient capacity to accommodate additional stormwater runoff generated by buildout of the General Plan. The city also conducts regular maintenance and upgrades to the system to ensure that it continues to function effectively.”

The new text states that the existing storm drain system has sufficient capacity to accommodate additional runoff generated by the buildout plan, yet this is inconsistent with the numerous references cited in my previous review letter that indicate that the storm drain system is outdated and contributes to flooding under certain conditions, such as King Tides or large precipitation events that coincide with high tides and/or storm surges.

Storm drain capacity will absolutely become increasingly limited and certainly contribute to more frequent flooding as SLR and subsidence diminish its ability to have stormdrain outflows in Marinship drain runoff into Richardson Bay. In addition, the interactions and influence of groundwater is not sufficiently addressed or evaluated.

Also, the RGPEIR on the same page states:

“Should updates, improvements, replacements, or construction of new stormwater drainage infrastructure be funded or result from new development elsewhere in the service area, those subsequent infrastructure projects would be considered and analyzed for potential environmental impacts at that time, consistent with the requirements of CEQA. These storm drain improvements generally would not result in significant environmental impacts because they would be limited to maintenance, repair, and replacement of existing facilities and would not involve significant new disturbance or development. In addition, Program S-3.8.6 would require that new development not change drainage characteristics across property lines, further ensuring that storm drain work will not result in significant changes to the existing conditions.”

This appears to be an extremely unrealistic underestimate of the extent to which the storm drain system would require extensive overhaul and redesign due to the need to deal with SLR (either more fill will be required or shoreline levees that would require future pumping of ground water and runoff), hazardous soils, subsidence, ground water, and assessment of capacity to deal with altered rainfall /runoff from climate change, landscape alteration, and development.

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Cont.

COMMENT 19.

The RGPEIR inserted new text under Section 5.2 GROWTH INDUCING IMPACTS that states:

“RGPEIR P 5-1

“There are two types of growth-inducing impacts: direct and indirect. To assess potential for growth-inducing impacts, General Plan Elements that may encourage and facilitate activities that individually or cumulatively affect the environment must be evaluated (CEQA Guidelines Section 15126.2(d)). CEQA Guidelines, as interpreted by the city, state that a significant growth-inducing impact may result if the General Plan would:

- “• Induce substantial population growth in an area (for example, by proposing new homes and commercial or industrial businesses beyond the land use density/ intensity envisioned in the general plan);
- “• Substantially alter the planned location, distribution, density, or growth rate of the population of an area; or
- “• Include extensions of roads or other infrastructure not assumed in the general plan or adopted capital improvements project list, when such infrastructure exceeds the needs of the project and could accommodate future developments.”

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The three bullet points, above, touch on the fact that all the roads for accessing the proposed and existing development in Marinship will require other infrastructure improvements that have not been adequately identified in the RGPEIR.

To make Marinship safe from the impacts of SLR, subsidence, elevated groundwater, and failing storm drain/sewer pipe conditions, there will either have to be extensive and pervasive land-fill added for roads and building sites or extensive containment levees that will require pumping facilities to deal with identified environmental hazards (including toxic groundwater and runoff that has nowhere to drain), and replacement of fill for any excavations that disturb toxic soils. These measures will foreseeably cause additional significant impacts that the RGPEIR fails to disclose or analyze.

In sum, the RDEIR does not realistically deal with the scope and magnitude or irreversible landscape alterations and extensive new infrastructure and utility redesign that will be required to protect people and property from identified risks and hazards.

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With very bet regards,



Laurel Collins

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M.R. Wolfe & Associates, P.C. (WOLFE)

Response to WOLFE-1

The commenter introduces the organization they are affiliated with and who they represent as well as introductory statements.

The comment is noted, and no further response is required because the comment does not raise any significant environmental issues.

Response to WOLFE-2

The commenter explains they previously commented on the August 5, 2020, public review draft EIR and are now commenting on the Revised Draft EIR, including by reasserting previous comments. The commenter notes that they engaged a geomorphologist to comment on the Revised Draft EIR (Lauren Collins' resume is included in Attachment 2). The commenter states despite revisions to the document and the addition of new mitigation measures, the City's CEQA analysis is inadequate for the reasons set forth in the letter.

The comment is noted, and no further response is required because the comment does not raise any specific environmental issues. The commenter's and geomorphologist's substantive comments are addressed below. As explained in these responses, the city's Revised Draft EIR fully complies with CEQA and provides a legally adequate environmental analysis of the General Plan.

See Master Response 3 – Comments Submitted Prior to Publication of Revised Draft EIR.

Response to WOLFE-3a

The commenter provides introductory comments and summarizes the standards of adequacy of a Program EIR under CEQA.

These comments are noted. No further response is required because the comments do not raise any specific environmental issues. The commenter's substantive comments are addressed in the responses below.

Response to WOLFE-3b

The commenter claims that the Revised Draft EIR has a nearly complete lack of any analysis of potential impacts from buildout under the 2040 General Plan, and relies on compliance with applicable laws, ordinances, or regulations to conclude that impacts will be less than significant. The commenter also questions the Revised Draft EIR's acknowledgement that some future actions may be exempt from CEQA. The commenter states that the Revised Draft EIR should expressly state that it contains no analysis that could be relied upon for future project-level environmental review and commit to detailed review of individual projects as they come forward.

The commenter specifically points to the inundation of low-lying areas due to sea level rise and land subsidence. The commenter also states that the city should complete the

necessary studies identified as policies and programs in the General Plan now, or as soon as practicable.

Please refer to Master Response 1 – Program EIR, Master Response 2 – Sea Level Rise, Inundation, and Subsidence, and Responses to WOLFE-10 through WOLFE-13.

Importantly, the General Plan does not provide the city with any new authority under CEQA to require environmental review of actions that are otherwise exempt under existing California law. Actions that are statutorily exempt from CEQA review have been deemed by the legislature to have less than significant environmental impacts. Projects that are categorically exempt will be subject to the existing limitations on the use of those exemptions. As such, the Revised Draft EIR properly acknowledges that existing exemptions under CEQA may apply to future actions in the city.

As noted in Section 1, Introduction, page 1-3:

This Revised Draft EIR is intended to provide the information and environmental analysis necessary to assist public agency decision-makers in considering approval of the General Plan, *but not to the level of detail to consider approval of subsequent development projects that may occur after adoption of the General Plan.* [emphasis added].

Additional environmental review under CEQA may be required for subsequent projects [emphasis added] and would be generally based on the subsequent project's consistency with the General Plan and the analysis in this Revised Draft EIR, as required under CEQA. It may also be determined that some future projects or infrastructure improvements may be exempt from environmental review. When individual subsequent projects or activities are proposed under the General Plan, the lead agency that would approve and/or implement the individual project would examine the projects or activities to determine whether their effects were adequately analyzed in this Revised Draft EIR (CEQA Guidelines § 15168). If the projects or activities would have no effects beyond those disclosed in this Revised Draft EIR, no further CEQA compliance would be required.

The Revised Draft EIR provides an appropriate level detail for a Program EIR and notes throughout that future development projects may require site-specific review, pursuant to City review of a submitted application, and in accordance with policies and programs requiring the need for site-specific studies.

Response to WOLFE-4

The commenter explains information contained in the Project Description of the Revised Draft EIR and asks for several changes and additional information to be included.

As explained below, the information requested by the commenter is already included in the Revised Draft EIR. CEQA does not require the City to present the information in a

particular way. The City has used its own judgment about how best to present this information, including how best to design and format the maps, figures, and tables.

The commenter requests a map showing the undeveloped or greenfield parcels within the city that may be developed at buildout.

The undeveloped or greenfield parcels within the city that may be developed, including the respective land use designations, are shown in Section 2, Project Description, Exhibit 2-4, Potential Growth Areas. As shown on Exhibit 2-4, the vacant sites are delineated with a red outline and the underutilized housing sites are outlined in blue.

The commenter requests a map, to the extent not already depicted in General Plan Update Figure 7-11, 100-Year Flood Map with Geologic Inventory, showing areas of seismic risk, liquefaction, hazards, sea level rise, and tribal cultural resource locations.

The Revised Draft EIR contains exhibits that reflect the same information contained in Figure 7-11 of the General Plan (see Exhibits 3.4-1, 3.6-3, 3.9-2, and 3.9-3). As such, no additional exhibits are required for the Revised Draft EIR.

The commenter requests a map depicting an overlay of the 2040 Land Use Map onto the current General Plan land use map.

The General Plan does not change any land use designations. The General Plan Land Use Map (Exhibit 2-3) reflects the 1995 General Plan Land Use Map and any general plan Land Use amendments made since 1995. There are approximately 12 parcels (10 within the city limits) that required correction because the land use designation had been changed without a corresponding update to the General Plan Land Use Map. The Land Use Map provided as part of the General Plan Update has been updated to show Land Use designation changes previously approved by the City Council. The updated Land Use Map is not making any changes to existing designations.

The commenter requests a map showing locations of sensitive receptors (for purposes of future health risk assessments).

As detailed in Section 3.2, Air Quality, on page 3.2-17 of the Revised Draft EIR, for the purpose of this EIR, sensitive receptors include residential areas, retirement facilities, hospitals, and schools. As shown on Exhibit 2-3, residential uses are primarily located west of Bridgeway; arks and houseboats are located east of Bridgeway within the northern portion of the Planning Area. Schools are located north of Nevada Street, within the northern portion of the Planning Area (see Section 3.13, Public Services and Recreation, Exhibit 3.13-1). As described under Impact AIR-3 in the Revised Draft EIR, and as required by MM AQ-3, future projects that may result in additional toxic air contaminants that are located within 1,000 feet of a sensitive receptors(s) or would place sensitive receptors within 1,000 feet of uses generating toxic air contaminants, such as roadways with volumes of 10,000 average annual daily trips or greater, shall implement Bay Area Air Quality Management District (BAAQMD) Guidelines and State Office of

Environmental Health Hazard Assessment policies and procedures requiring Health Risk Assessments (HRAs) for residential development and other sensitive receptors.

Response to WOLFE-5

The commenter discusses the term “Industrial” used in the Project Description, states that some types of industrial uses have greater environmental impacts than others, and asks that the General Plan Update identify reasonably foreseeable types of industrial uses that would be expanded at buildout and the likely locations of each subcategory of industrial use.

The potential uses allowed under Industrial land uses are identified in Table 10.26-1 in the Sausalito Zoning Ordinance and include applied arts, commercial fishing facilities, industrial research and development, and marine industrial uses, among others. Most of the new Industrial uses are proposed in Marinship, with some new Industrial uses located in the southern part of the city and west of Bridgeway (see Section 2, Project Description, Exhibit 2-4). The city cannot predict the specific users at this time as the specific users are dependent on future development applications. Therefore, it is too speculative to identify future subcategories of industrial use and their exact geographic locations at this time. As the city receives development applications for subsequent industrial development under the General Plan, the applicants for these projects will provide site-specific information to allow for a CEQA analysis at the project-level. To the extent certain uses result in greater impacts, those impacts will be identified and evaluated at that time. The Revised Draft EIR provides an appropriate level of analysis for a Program EIR. See also Response to WOLFE-8.

Response to WOLFE-6

The commenter explains that the Revised Draft EIR’s finding that all impacts could be mitigated to less than significant depends on the assumption that projects will require discretionary approvals. The commenter states that some future projects may be exempt from CEQA. The commenter requests that the Revised Draft EIR provide the following additional information: which industrial uses would be permitted “by right”; which commercial uses would be permitted “by right”; and where such “by right” uses will be located relative to sensitive receptors.

The requested information is already provided in the Revised Draft EIR and the City’s Zoning Code.

The potential uses allowed under industrial land uses are identified in Table 10.26-1 in the Sausalito Zoning Ordinance and include applied arts, commercial fishing facilities, industrial research and development, and marine industrial uses, among others. As described in Table 10.26-1, a zoning permit is required for all of these uses. While some of the uses are permitted (such as boat storage, light manufacturing, and parks/playgrounds), other uses require either a minor use permit or conditional use permit.

The potential uses allowed under commercial land uses are identified in Table 10.24-1 in the Sausalito Zoning Ordinance and include marine industrial uses, marine commercial services, marine applied arts, piers and wharves, commercial fishing facilities, houseboats, and liveaboards, among others. As described in Table 10.24-1, a zoning permit is required for all of these uses. While some of the uses are permitted (such as marine industrial use, marine commercial services, and piers and wharves), other uses require either a minor use permit or conditional use permit.

The General Plan is a focused effort to refine objectives, policies, and programs, but it does not approve any new land uses or allow any new commercial or industrial development “by right” compared to existing uses. Therefore, the commenters request to identify where uses allowed “by right” would be located relative to sensitive receptors cannot be addressed, as the General Plan Update does not result in any such situations.

The General Plan does not grant any new entitlements or propose any changes to the existing City of Sausalito Land Use Map nor does it make any changes to the existing City of Sausalito Zoning Map. As described on pages 26 through 210 of the Revised Draft EIR, buildout of the General Plan is based on land use categories identified on the existing Land Use Map (see Exhibit 2-3) and existing allowable densities.

Under the existing General Plan, CEQA recognizes that certain exemptions may apply. Those exemptions will continue to be applicable under the proposed General Plan. With respect to statutory exemptions under CEQA, the California Legislature determined that each promoted an interest important enough to justify forgoing the benefits of environmental review. With respect to categorical exemptions under CEQA, the city retains its discretionary authority to determine whether an exemption applies and, if it does, to determine if any exceptions to the exemption are applicable. This will ensure that categorical exemptions are not applied to projects with significant environmental impacts. The General Plan does not grant the city any additional authority to require environmental review of otherwise exempt actions. However, future development would be required to be consistent with the General Plan, Municipal Code and Zoning Ordinance. Therefore, even CEQA exempt actions must still comply with applicable provisions of the Municipal Code, Zoning Ordinance and other rules, regulations, and environmental programs.

Even though a project may be exempt under CEQA, the city, through the development review process for discretionary projects, will continue to apply appropriate mitigation to projects through the application of local general plan policies, zoning codes, conditions of approval, thresholds, or any other planning requirements pursuant to the city’s police power.

For a discussion of potential development relative to sensitive receptors, see Response to WOLFE-4.

Response to WOLFE-7

The commenter states text from the Revised Draft EIR Air Quality section and summarizes MM AQ-3.

The Revised Draft EIR already discloses the available information at a reasonable level of detail for a Program EIR, based on what is known at this time.

Mitigation Measure AQ-3 was developed based on the existing regulatory requirements of the Bay Area Air Quality Management District, California Air Resources Board, and the State CEQA Guidelines, and therefore does not significantly differ from these regulatory requirements.

There are no existing or proposed future truck routes within the city (see Figure 5-2 in the General Plan).

For a discussion of the locations of existing sensitive receptors and the locations of potential future sensitive receptors within the Planning Area, see Response to WOLFE-4.

Response to WOLFE-8

The commenter states assumptions used by the Revised Draft EIR, California Emissions Estimator Model (CalEEMod) model classifications, and asks for clarification certain CalEEMod classifications were used rather than other types of land use.

As described in the Revised Draft EIR, until the city receives a development application for subsequent development under the General Plan, the exact location and type of development on properties that are designated as Industrial and Commercial in the General Plan, are too speculative to be determined. The “industrial park” and “strip mall” land uses were selected based on a review of the land use subtype descriptions contained in the CalEEMod User’s Guide. Industrial park is defined as, “Industrial parks contain a number of industrial or related facilities. They are characterized by a mix of manufacturing, service and warehouse facilities with a wide variation in the proportion of each type of use from one location to another. Many industrial parks contain highly diversified facilities.” Strip mall is defined as, “Small strip shopping centers contain a variety of retail shops and specialize in quality apparel, hard goods and services such as real estate offices, dance studios, florists and small restaurants.”

As detailed in the CalEEMod User’s Guide, there are several industrial land uses that are unlikely to be developed in the city based on allowable uses identified in Table 10.26-1 in the Sausalito Zoning Ordinance, such as general heavy industry, refrigerated warehouse, unrefrigerated warehouse, and manufacturing. Of the remaining industrial land use choices, the industrial park land use was chosen because it is the most generic industrial land use and represents the largest variety of types of industrial uses.

As detailed in the CalEEMod User’s Guide, there are several retail and commercial land uses that are unlikely to be developed in the city, such as discount superstore, home improvement superstore, regional shopping center, and office park, since there are no available lots big enough to support these uses in the city. Of the remaining retail and

commercial land use choices, the strip mall land use was chosen because it is the most generic commercial/retail land use and represents the largest variety of types of businesses.

Furthermore, BAAQMD's plan-level guidelines do not require an emissions inventory of criteria air pollutants for plan-level analysis; therefore, the air pollution emissions calculated by CalEEMod for the Revised Draft EIR were provided solely for informational purposes.

Response to WOLFE-9

The commenter states information contained in the Revised Draft EIR related to biological resources and asks several questions about mitigation measures, location of special-status species in the planning area, and determination of less than significant impacts.

Although the general location of future development within areas containing sensitive biological resources can be anticipated (see Section 3.3, Biological Resources, Exhibits 3.3-1 through 3.3-3), until the city receives a development application for subsequent development under the General Plan, the exact location, type of development, and potential impacts to special-status plants or animals and/or their terrestrial or aquatic habitat areas cannot be determined. As the city receives development applications for subsequent development under the General Plan, those applications will be reviewed by the City of Sausalito for compliance with the policies and programs of the General Plan related to biological resources. Consistency with the City's Municipal Code, which implements the City's General Plan, would be required to ensure that projects comply with all policies related to special-status plants and animals and their terrestrial or aquatic habitat. Future development would also be reviewed for compliance with various federal and State laws and regulations that protect biological resources, including the Federal Endangered Species Act, California Endangered Species Act, Clean Water Act, and Migratory Bird Treaty Act. To further enhance and ensure protection of biological resources, the following mitigation measures are included in the Revised Draft EIR: MM BIO-1a (Special Studies), MM BIO-1b (Nesting Bird Protection), MM BIO-2a (Botanical Reports), MM BIO-2b (Eelgrass beds and red algae), and MM BIO-3 (Wildlife Movement). To the extent that the mitigation measures duplicate regulatory requirements, the city has made the decision to incorporate the mitigation measures in the Revised Draft EIR, so they are easier to impose, track, and enforce.

Compliance with established regulatory requirements and standards is a legitimate basis for determining that the project will not have a significant environmental impact. (*Tracy First v City of Tracy* (2009) 177 Cal.App.4th 912.) A requirement that a project comply with specific laws or regulations may also serve as adequate mitigation of environmental impacts, if compliance with such standards can be reasonably expected (State CEQA Guidelines § 15126.4(a)(1)(B)). "[A] condition requiring compliance with regulations is a common and reasonable mitigation measure and may be proper where it is reasonable to expect compliance." (*Oakland Heritage Alliance v City of Oakland* (2011) 195 Cal.App.4th

884, 906.) For example, in *Oakland Heritage Alliance*,¹⁹⁵ Cal.App.4th at p. 906, the court upheld the city's reliance on standards in the building code and city building ordinances to mitigate seismic impacts. Please also refer to Master Response Regarding Program EIR.

Response to WOLFE-10

The commenter presents text from the Revised Draft EIR related to geology and soils and asks for further descriptions and information related to geotechnical hazards, including the status of the preparation of hazard maps recommended by the Landslide Task force.

The General Plan includes policies and programs for the City to prepare certain plans, studies, reports, and maps in the future. These policies and programs will be implemented once the General Plan is adopted. Thus, the current status and timing of these plans, studies, reports, and mapping is not an issue for the Revised Draft EIR. Nonetheless, the status and timing is described below.

The Revised Draft EIR provides the most current data on geotechnical hazards (see Exhibits 3.6-1 through 3.6-4). The Landslide Task Force convened in 2019 and made recommendations. These recommendations were incorporated into the policies and programs of the General Plan and are referenced in the Revised Draft EIR. These policies and programs are forward looking action items and have not been initiated as of the present date.

The Revised Draft EIR provides the currently available information related to the public drainage systems that are in need of repair. The city's current drainage system is depicted in Section 3.15, Utilities and Service Systems, on Exhibits 3.15-1 through 3.15-3. As described on page 3.15-9 of the Revised Draft EIR, storm drain facilities are rehabilitated as part of street improvement projects as funding permits and necessity dictates. Locations where capacity issues or infrastructure failures occur are rehabilitated or replaced, as necessary. These improvements would likely occur concurrently with new development under the General Plan such that the drainage system remains adequate.

In order for the plans, studies, reports, or mapping to occur, they first need to be included in the city's Capital Improvement Projects (CIP) list. Once they have been included in the CIP, funding would be identified for their completion.

The geological hazards study and the study to evaluate stormwater volume to update the storm drain system were included in the 2019 CIP for the City of Sausalito. As of this date, funding has not yet been identified for these two studies.

For the remaining plans, studies, reports, and mapping mentioned by the commenter, no date for initiation/completion or funding has been identified as of this date.

Additionally, Table 9-12 in the General Plan identifies infrastructure projects and estimates the funding associated with implementation, the geographic area of the city that will be impacted, and the CIP Budget Category where the program is classified.

Funding sources and financing for programs identified in the General Plan are discussed on pages E-55 through E-62.

The open space areas upslope of city infrastructure or residential structures that have a potential for failure are identified on Exhibit 3.6-4 of the Revised Draft EIR. As discussed in Section 3.6, Geology, Soils, and Seismicity, on page 3.6-5 of the Revised Draft EIR, landslide hazards within city limits are primarily concentrated in one area in the northwest portion of the city near Sacramento Avenue.

Please refer to Response to PC Meeting-7 for additional discussion regarding infrastructure.

Response to WOLFE-11

The commenter provides questions about the city's GIS layer that maps the city's drainage and soils erosion risk areas and why it cannot be included in the Revised Draft EIR analysis of geology and soils.

The Revised Draft EIR provides the currently available information related to the city's drainage and erosion risk areas (see Section 3.6, Geology, Soils, and Seismicity, pages 3.6-21 and 3.6-22). Regarding the status of the citywide GIS layers, no date for initiation/completion or funding has been identified as of this date.

Response to WOLFE-12

The commenter provides text and information from the GHG section of the Revised Draft EIR and asks several questions related to the policies, programs, and plans related to GHG emissions.

The Climate Action Plan (CAP) was published in 2015 and described in Section 3.7, Greenhouse Gas Emissions, on pages 3.7-18 through 3.7-20 of the Revised Draft EIR. Program EQ-5.1.1, Update CAP, requires the city to continue to update Sausalito's CAP with new data as well as updated policies and programs. No date for initiation/completion or funding has been identified as of this date for the next CAP update.

Regarding Policy EQ-5.1.3, Emission Targets, emissions targets are currently under development by the city and will constantly change and evolve with any future legislation or regulation that is adopted by relevant local, regional, State, and federal governments. The intent of this policy was for it to be a rolling policy in which the city can strive to align itself with the most conservative target adopted by any relevant government agency.

Program EQ-5.2.7, Climate Change Education, calls for the city to promote local, county, State, and federal climate regulation standards among Sausalito residents and businesses, informing them of the short- and long-term effects of reducing emissions and improving air quality. The city will determine how best to implement this policy, but it could do so, for example, by including relevant information on the city's website, holding public meetings, and distributing written materials. The comment does not

address the adequacy of the Revised Draft EIR. The comment is noted, and no further response is required.

Program S-1.3.6, City Solar Energy, calls for the city to install solar energy systems at all suitable city facilities. The intent of this program is to maximize the use of solar energy systems on city facilities. The city will evaluate the suitability of solar installation on city facilities on a case-by-case basis. The comment does not address the adequacy of the Revised Draft EIR. The comment is noted, and no further response is required.

The commenter requests, “Please describe the membership criteria for the “climate-focused City committee to recommend creative and cutting-edge projects that will cost-effectively reduce greenhouse gases and other emissions in the City,” as required under Program S-2.11. This program does not exist in the current draft of the General Plan. No further response is required.

The commenter requests “Please describe the current status of the development of the City’s database for tracking community-wide and City operation [sic] greenhouse gas and other emissions, as well as solid waste, energy, environmental, and economic data, as required under Program S-2.3.15.” This comment refers to Program S-4.1.8. Program S-4.1.8, Maintain Database, calls for the city to continue to track community-wide and city operation greenhouse gas and other emissions, as well as solid waste, energy, environmental, and economic data. The program also calls for the city to periodically update and incorporate new methodologies as available and ensure compatibility with Marin County databases. This program will be implemented in the future once the General Plan is adopted. The comment does not address the adequacy of the Revised Draft EIR. The comment is noted, and no further response is required.

See also Response to WOLFE-13.

Response to WOLFE-13

The commenter provides text from several 2040 General Plan Elements related to subsidence, sea level rise, and asks for the Revised Draft EIR to include an analysis of these impacts to existing and future city infrastructure in the Marinship.

It should be noted that on page 14 of the letter, the commenter cites language that does not appear in the General Plan. The commenter states the Waterfront [and Marinship] Element includes: “The City will implement measures from the 2015 Climate Action Plan, which includes greenhouse gas emissions reduction strategies as well as strategies to adapt to climate change. Sea level rise adaptation will be incorporated into the Capital Improvement Plan and design standards by, focusing on the communities which will realize the impacts of sea level rise the soonest.” and “Marinship Waterfront. Sea level rise infrastructure improvements include both green (such as stormwater basins in MLK Park and daylighting of Willow Creek) and traditional infrastructure projects.” The language does not appear in the current draft of the General Plan.

As analyzed in the Revised Draft EIR, the General Plan, itself, through its policies and programs, would not exacerbate or directly increase sea level rise. The General Plan is a

planning document and does not approve new land uses or increase existing density. An analysis of the environment's impact on the project is not considered under CEQA.

Nonetheless, as commenter notes, the General Plan recognizes sea level rise as an important issue and includes numerous policies and programs to address its effects from a planning perspective. Accordingly, the General Plan proposes the development of a localized sea level rise study that identifies local improvements in low lying areas to minimize current effects of sea level rise. (Program H-1.8.2.) Although it is too speculative, at this planning stage, to list or identify the specific improvements that may be included in the study, as noted in Program S-3.2.1 the city may utilize a "menu" approach to adaptation measures that would include, but is not be limited to, managed retreat, nature-based adaptation measures, living shorelines, innovative building structures, and horizontal levees. The precise location of such measures is too speculative to identify in the General Plan and is appropriately addressed when developing the sea level rise vulnerability and risk assessment (policy S-3.1) and sea level rise adaptation plan (program S-3.2.1), both of which have considerations for land subsidence and would include recommendations for management of developed and undeveloped parcels at risk of sea level rise. The City will evaluate the environmental impacts of specific infrastructure projects or other adaption measures at the time they are identified and before they are approved or implemented. It would be impossible and speculative to evaluate such impacts in the Revised Draft EIR before the specific infrastructure projects or adaptation measures have been selected.

The General Plan's buildout assumptions are not "meaningless" as suggested by commenter, but rather reflect existing permitted development under the existing General Plan. As the General Plan does not include any changes to land use categories or any changes to the density or intensity of uses contained in the 1995 General Plan, growth associated with buildout will be limited to vacant and/or underutilized existing parcels throughout the city. Section 2, Project Description, Exhibit 2-4, depicts the location of vacant and underutilized residential and non-residential parcels where growth associated with buildout could occur, including the marine environment and near the waterfront.

The General Plan does not approve new development, but rather includes new policies and programs designed to address sea level rise and the potential impacts on already permitted development. The General Plan does not change any land use designations and buildout of the General Plan is based on the existing allowable densities for the existing land use categories (see also Response to WOLFE-4).

The city's CAP is addressed in Sections 3.5, Energy, and 3.7, Greenhouse Gas Emissions, of the Revised Draft EIR. As stated in the city's CAP, the City Council adopted Resolution 5365 to reduce community emissions 15 percent below 2005 levels by the year 2020. The Greenhouse Gas Inventory for 2016 found that activities in the city generated approximately 60,659 metric ton carbon dioxide equivalent (MT CO₂e), which equates to a reduction of 16 percent from 2005 levels, indicating that by the year 2016 the city had

already met the goal to reduce emissions 15 percent below the 2005 baseline by 2020, and had achieved compliance with the requirements of Resolution 5365. Moreover, all strategies and actions from the CAP are still in effect and will continue to reduce GHG emissions within the city. As described in Section 3.7, Greenhouse Gas Emissions, of the Revised Draft EIR, the General Plan and city CAP include GHG reduction actions similar to those recommended in the 2017 Climate Change Scoping Plan. The Revised Draft EIR also states that specific development projects would be required to comply with State standards for new construction as well as policies and programs of the General Plan that aim to reduce GHG emissions. The timeframe for the implementation of those measures is dependent on development applications being submitted and is too speculative to identify in the General Plan.

General Plan programs that would require city expenditure to fully implement are identified in the Economic Element. Each of the identified General Plan programs that require city expenditure are assigned to one of the six categories used in the city's CIP. The General Plan discusses the necessary funding issues and financing mechanisms on pages E-35 through E-62. (See, e.g., CP-2.1.8.)

Regarding the status of the sea level rise study, no date for initiation/completion or funding has been identified as of this date.

Please see Master Response – Sea Level Rise, Response to PC Meeting-3, Response to PC Meeting-6 and Response to PC Meeting-7.

Response to WOLFE-14

The commenter provides information related to housing and states that the Revised Draft EIR does not discuss the possibility of housing in the Marinship in the Revised Draft EIR.

As stated in the October 13, 2020, Staff Report to the Sausalito City Council, discussions in the spring of 2020 were held with Senator McGuire, Councilmember Cox, City Manager Politzer, and Community Development Director Whalen in anticipation of potential financial support from the State of California in the form of competitive housing grants available as early as 2021 to meet the longstanding needs of inadequately housed populations such as the anchor-out community, seniors and the workforce. During those discussions, Senator McGuire inquired where such housing could potentially be located, assuming zoning and logistical issues could be resolved. Eight sites were preliminarily identified as candidates that could potentially be explored to provide permanent supportive housing for the anchor-out community in addition to senior housing and/or workforce housing, with the understanding that much further study regarding the feasibility of each would be required.

The preliminary housing sites identified in the October 13, 2020, Staff Report are not being contemplated in this General Plan Update, including any preliminary housing sites identified in the Marinship. Should any future housing be proposed in the Marinship, a General Plan Amendment would be required.

Response to WOLFE-15

The commenter provides conclusionary statements summarizing their concerns about the Revised Draft EIR analysis.

The comment is a summary of the prior discussion and does not raise any additional environmental issues. Please refer to Response to WOLFE-3b through Response to WOLFE-14.

Response to WOLFE-16

The commenter presents attachment 1.

This comment is noted, and no further response is required because the comment is only a cover sheet and does not raise any significant environmental issues.

Response to WOLFE-17

The commenter presents introductory statements about the Revised Draft EIR.

The comment is noted, and no further response is required because the comment does not raise any significant environmental issues.

Response to WOLFE-18

The commenter states text from the Revised Draft EIR related to archaeological resources and concern regarding potential impacts to archaeological resources from inundation during high tides and low tides.

The Revised Draft EIR provides the currently available information related to the city's FEMA flood hazard zones (see Section 3.9, Hydrology and Water Quality, Exhibit 3.9-2) and the tsunami inundation areas/mean high tide line (see Exhibit 3.9-3). The Revised Draft EIR also provides the currently available information related to the archaeologically sensitive areas (see Section 3.4, Cultural and Tribal Cultural Resources, Exhibit 3.4-1).

As described on page 1-3 in Section 1, Introduction, this Revised Draft EIR will be used to evaluate subsequent projects and activities under the General Plan. This Revised Draft EIR is intended to provide the information and environmental analysis necessary to assist public agency decision-makers in considering approval of the General Plan, but not to the level of detail to consider approval of subsequent development projects that may occur after adoption of the General Plan.

As described in Section 3.4, Cultural and Tribal Cultural Resources, on pages 3.4-32 and 3.4-33 of the Revised Draft EIR, as the city receives development applications for subsequent development under the General Plan, those applications will be reviewed by the City of Sausalito for compliance with the policies and programs of the General Plan related to archaeological resources. In particular, new development would be required to conduct a records search with the Northwest Information Center (NWIC) to determine the archaeological sensitivity of the site. If required, an archaeological survey of the site would be conducted and/or accidental discovery procedures for archaeological resources would be required.

Response to WOLFE-19

The commenter states that the Revised Draft EIR does not contain mitigation and the analysis is insufficient.

Please refer to Master Response 1 – Program EIR. The General Plan is a planning document that addresses the environmental issues through policies and programs. As noted in Section 1, Introduction, on page 1-1, the General Plan is designed to protect the environment/environmental resources and to be self-mitigating. Contrary to commenter's assertion, the General Plan does not, itself, propose or approve any development nor does it permit any new land uses. Accordingly, the Revised Draft EIR addresses potential adverse impacts on the environment resulting from the General Plan's adoption of policies and programs. In addition, as noted in Response *PC MEETING-4*, CEQA does not address the environment's impact on the project. Further, potential impacts associated with specific development projects will be analyzed through the development review process when project applications are submitted to the city.

Response to WOLFE-20

The commenter provides a statement related to landslide mapping and presents Exhibit 3.6-4 from the Revised Draft EIR.

The commenter is correct in that Section 3.6, Geology, Soils, and Seismicity, Exhibit 3.6-4, has been updated to provide additional information. Section 1, Introduction, of the Revised Draft EIR contains a summary of changes made throughout the Revised Draft EIR as well as the new General Plan policies and programs. While four exhibits are specifically identified on page 1-11, the Revised Draft EIR acknowledges that minor edits have been made to other exhibits for clarify and consistency.

Regarding concerns related to post-fire erosion of streams and subsequent runoff, flooding and sediment supply to the Marinship, the Southern Marin Fire Protection District (SMFD), in cooperation with the city and other regional stakeholders, actively manages hazards to improve wildfire preparedness and to prevent or reduce the potential for secondary effects resulting from wildfire. Impact WILD-1 in Section 3.16 Wildfire, summarizes recent actions taken by the SMFD. The General Plan Update includes new policies and programs to reinforce and advance the city's preparedness for wildfire and to reduce the potential for secondary effects.

Response to WOLFE-21

The commenter provides comments related to Exhibit 3.16-1 and 3.16-2 related to wildfire hazard mapping and discusses concerns related to storm drainage capacity.

The commenter is correct in that Section 3.16, Wildfire, Exhibit 3.16-1 and 3.16-2, have been revised to provide additional information. Section 1, Introduction, of the Revised Draft EIR contains a summary of changes made throughout the Revised Draft EIR as well as the new General Plan policies and programs. While four exhibits are specifically

identified on page 1-11, the Revised Draft EIR acknowledges that minor edits have been made to other exhibits for clarify and consistency.

As described in Section 3.15, Utilities and Service Systems, most of the city's storm drain infrastructure is beyond its expected useful life. However, storm drain facilities are rehabilitated as part of street improvement projects as funding permits and necessity dictates. These improvements would likely occur concurrently with new development under the General Plan such that the drainage system remains adequate. Policy HS-1.11 Infrastructure and related programs require the evaluation of infrastructure and capital planning to ensure that upgrades are implemented where needed to ensure resiliency as part of the City's Capital Improvement Program. The city's storm drain system is depicted on Exhibit 3.15-3.

Impacts related to the potential to expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes are discussed in Section 3.16, Wildfire, on pages 3.16-25 and 3.16-26 of the Revised Draft EIR. As described therein, the majority of development under the General Plan would occur in already urbanized areas and are less susceptible to wildfire because they are surrounded by existing development. As shown in Section 3.6, Geology, Soils, and Seismicity, Exhibit 3.6-2, the majority of non-residential development is proposed east of Bridgeway, within the low-lying portions of the Planning Area that range in elevation from 5 to 10 feet above sea level. If a fire were to occur in the more flat and urbanized areas of the city, the risk of flooding or landslides afterward would be negligible because of the nearly flat topography and because little soil would be exposed due to the developed conditions.

The western portion of the Planning Area contains sloping hillsides that are susceptible to landslides and flooding after fire has removed protective vegetative cover. These secondary hazards associated with wildfires are described in the MCM LHMP. In a post-fire scenario, wildfires can secondarily cause contamination of reservoirs, as well as transmission line and road destruction. Slopes that have been stripped of vegetation are exposed to greater amounts of erosive runoff, which can weaken soils and cause slope failure. Major landslides can occur several years after a wildfire. Most wildfires burn hot and for long durations and can bake soils, especially those high in clay content, thus increasing ground imperviousness and runoff generated by storm events, thereby increasing the chance of flooding. However, land use designations in the city are not being modified under the General Plan. As a result, the degree of secondary wildland fire hazard would not substantially change with adoption of the General Plan, and current hazards would not be significantly increased.

As described in Section 3.6, Geology, Soils, and Seismicity, and Section 3.9, Hydrology and Water Quality, development under the General Plan would be subject to the rules and regulations of the Sausalito Municipal Code and the General Plan regarding development on unstable geologic soils and controlling stormwater runoff during and after construction. Specific policies related to the prevention of flooding, landslides, and

drainage changes include Program HS-1.2.6 Hillside Ordinance, which involves the identification of regulations controlling and stipulating a threshold for development restrictions on steep slopes including creation of a hillside ordinance in a public process and consider requiring heightened review and additional financial securities; Program HS-1.2.9 which considers creation of a community benefit organization to perform steep slope stabilization projects in coordination with City guidance; Program CD-2.2.2 Design Guidelines, which will provide illustrative design guidelines for construction on steep slopes, including considering design review when average gradient of property exceeds 40 percent.

Response to WOLFE-22

The commenter provides text related to Geology and Soils and questions which projects will be discretionary and require mitigation.

It is appropriate for the city to identify project specific mitigation during the development review process. Please refer to Master Response 1 – Program EIR. The General Plan is a planning document and does not attempt to establish a comprehensive list of discretionary or ministerial projects. Moreover, the General Plan does not create new or different discretionary or ministerial approvals. Whether an activity is discretionary or ministerial depends on the particular facts involved in the project or action before the city and is properly determined at the time a development application or permit application is submitted. Discretionary and ministerial projects are defined by the California Code of Regulations (State CEQA Guidelines §§ 15357 and 15369).

Cumulative impacts related to Geology, Soils, and Seismicity are addressed in Impact GEO-7 starting in Section 3.6, Geology, Soils, and Seismicity, at page 3.6-24 of the Revised Draft EIR.

Response to WOLFE-23

The commenter states two policies from the Revised Draft EIR related to safe building design and discussed possible environmental issues in the Marinship related to sea level rise, subsidence, elevated groundwater, and toxic groundwater hazards.

Please refer to Master Response 2 – Sea Level Rise, Inundation, and Subsidence.

The General Plan does not propose or approve any new land uses or land-based development in the Marinship, nor does the General Plan result in changes to land use densities. However, if the General Plan is approved, new development would be required to adhere to the General Plan's policies and programs addressing safe and orderly development. Alternatively, as demonstrated in the No Project Alternative, development build-out would be similar to that projected in the General Plan, but there would be no new policies or programs in place providing direction for issues of sustainability and climate resiliency, sea level rise, release of pollutants due to project site inundation, vibration impacts near historic properties, or wildland fire management.

As stated in Section 3.6, Geology, Soils, and Seismicity, Section 3.8, Hazards and Hazardous Materials, and Section 3.9, Hydrology and Water Quality, the Revised Draft EIR

acknowledges there are constraints associated with development throughout the city, including the Marinship. Exhibit 3.6-1 in the Revised Draft EIR identifies the active regional faults in the vicinity of the Planning Area and is based on data from the California Department of Conservation, California Geological Survey. As described in the Revised Draft EIR, the General Plan contains policies and programs to address concerns raised by the commenter. Accordingly, future proposed projects would be subject to conducting an environmental analysis at the time a specific project is defined to address such concerns. In reviewing individual project applications, the city would determine which policies and programs apply, depending on the specific characteristics of the project type and/or project site during the development review process. Specifically, Program HS-1.2.3 requires submittal of geologic and/or geotechnical feasibility reports for development of new buildings or significant additions to existing buildings requiring discretionary approval, and Program HS-1.2.4 requires geotechnical reports for grading and building permits.

Response to WOLFE-24

The commenter cites to new policies and programs from the General Plan related to subsidence and copies text from the Sustainability Element related to subsidence.

Please refer to Master Response 2 – Sea Level Rise, Inundation, and Subsidence.

The potential to encounter contaminated soils or groundwater throughout the city, including the Marinship, is discussed in Section 3.8, Hazards and Hazardous Materials, and Section 3.9, Hydrology and Water Quality. As described in the Revised Draft EIR, the General Plan contains policies and programs to address concerns raised by the commenter. Accordingly, future proposed projects would be subject to conducting an environmental analysis at the time a specific project is defined to address such concerns. In reviewing individual project applications, the city would determine which policies and programs apply, depending on the specific characteristics of the project type and/or project site during the development review process. Specifically, the General Plan contains policies and programs to address the inadvertent discovery of hazardous materials on project sites. Program HS-1.4.2 requires that subsurface contamination investigations at potentially contaminated sites be conducted prior to development approval. Program HS-1.4.6 requires, at minimum, a Phase 1 hazardous materials assessment for all future development or redevelopment projects on sites located within the Marinship area or on sites with a known history of industrial uses (such as gas stations).

Furthermore, as discussed in Impact HAZ-1, HAZ-2, HAZ-3 and the Regulatory Setting, any development on a contaminated site would be required to comply with mandatory regulations, which would ensure it does not create a significant hazard to the public or the environment. For instance, the California Environmental Protection Agency (Cal/EPA) is authorized by the United States Environmental Protection Agency (EPA) to enforce and implement certain federal hazardous materials laws and regulations. The California Department of Toxic Substances Control (DTSC), a department of the Cal/EPA, protects

California and Californians from exposure to hazardous waste, primarily under the authority of the Resource Conservation and Recovery Act (RCRA) and the California Health and Safety Code. The DTSC requirements include the need for written programs and response plans, such as Hazardous Materials Business Plans (HMBPs). The DTSC programs include dealing with aftermath clean-ups of improper hazardous waste management, evaluation of samples taken from sites, enforcement of regulations regarding use, storage, and disposal of hazardous materials, and encouragement of pollution prevention.

The potential to encounter contaminated groundwater during construction activities is discussed in Section 3.9, Hydrology and Water Quality, on pages 3.9-16 and 3.9-17 of the Revised Draft EIR. As detailed therein, construction activities associated with future development, including excavation and trenching, may encounter shallow groundwater. If shallow groundwater is encountered, dewatering of the excavation or trenching site may be required. If improperly managed, these dewatering activities could result in discharge of contaminated groundwater. In accordance with the General Waste Discharge Requirements for Extracted Groundwater from Structural Dewatering Requiring Treatment in the San Francisco Bay Region (Order No. R2-2012-0060; General NPDES Permit No. CAG912004), any contaminated groundwater would be treated prior to discharge or disposed of at an appropriate disposal facility or wastewater treatment plant. Also, discharges of dewatered groundwater to a storm drain must be conducted in a manner that complies with the Regional Water Quality Control Board (RWQCB) San Francisco Bay Region Order No. R2-2009-0074, MRP.

Response to WOLFE-25

The commenter states their concern related to Impact GEO-1 and seismic hazards. The commenter also expresses concern regarding the undergrounding of utilities in the Marinship because of the potential to encounter toxic substances.

Section 2, Project Description, Exhibit 2-4, Potential Growth Areas, was included in the Revised Draft EIR to illustrate potential growth areas, but as noted throughout the Revised Draft EIR, the General Plan is a focused effort to refine objectives, policies, and programs. It does not approve any new land uses or allow any new commercial or industrial development. Moreover, the General Plan does not grant any new entitlements or propose any changes to the existing City of Sausalito Land Use Map nor does it make any changes to the existing City of Sausalito Zoning Map. Accordingly, Exhibit 2-4 does not illustrate new growth areas and as shown in Table 4-1 and Table 4-2, residential and non-residential buildout potential would be similar to the already approved development. Accordingly, in analyzing potential impacts on the environment that could result from the policies and programs in the General Plan, the Revised Draft EIR explains that impacts associated with Geology, Soils and Seismicity are less than significant. Additionally, if the General Plan is adopted, the Revised Draft EIR explains that future development projects will be required to adhere to the policies and programs that reduce potential environmental effects.

See also Master Response 2 – Sea Level Rise, Inundation, and Subsidence, and Responses to WOFLE-22 through WOLFE-24.

The undergrounding of utilities is primarily proposed to occur in the hillside areas of the city to reduce wildland fire risks; not within the Marinship. Impacts are expected to be less than significant as the undergrounding of utilities would occur within existing rights of way. The undergrounding of utilities would occur as part of a broader CIP program which would undergo its own environmental review. Before undergrounding occurs anywhere in the city, the city will undertake site-specific environmental review to identify and address any potential contamination. Any specific properties proposing undergrounding would be assessed for feasibility/appropriateness and subsequent CEQA review.

Response to WOLFE-26

The commenter states text from the Revised Draft EIR related to land use and geologic hazards and states that the Revised Draft EIR is misleading and does not provide adequate policies and programs to address the author's assertions in the Marinship.

As discussed in Master Response 1 – Program EIR, the Revised Draft EIR is not required to analyze the environment's potential impacts on the General Plan. Rather the appropriate focus of the Revised Draft EIR's analysis is on the potential adverse environmental effects associated with the adoption of the General Plan. With respect to Impact GEO-2, the Revised Draft EIR does not identify any General Plan policies or programs that would have an adverse impact on the environment. It is important to note that the General Plan does not propose any new development and development is already permitted in the Marinship under the existing General Plan as illustrated in the No Project Alternative. If the General Plan is adopted, the Revised Draft EIR explains that development consistent with the General Plan would not result in a significant impact related to development on unstable geologic units or soil, or result in on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse because it would be required to adhere to the new policies and programs identified in the General Plan that reduce potential environmental effects.

Potential toxicity for the Sausalito Planning Area is discussed in Section 3.8, Hazards and Hazardous Materials. Hazards include man-made and natural conditions that may pose a threat to human health, life, property, or the environment. Hazardous materials and waste present health and environmental hazards. These hazards can result during manufacture, transportation, use, or disposal of such materials if not handled properly. Hazards to humans can also result from air traffic accidents. Section 3.8 of the Revised Draft EIR analyzes impacts associated with exposure to hazards and hazardous materials within the Planning Area, resulting from buildout of the General Plan. Specifically, the analysis addresses impacts related to hazardous materials use and transportation, accidental release of hazardous materials, new development or re-development on contaminated sites, air traffic hazards, and interference with emergency response and

evacuation plans. It should be noted that future discretionary projects facilitated by the General Plan will be evaluated for project-specific impacts to hazards and hazardous materials the time they are proposed. Thus, although the adoption of the General Plan does not approve any new land uses or make changes to existing density, it does require future development to comply with additional policies and programs that reduce potential environmental impacts. Accordingly, with adoption of the General Plan, during the development review process, the city would apply appropriate mitigation to projects through the application of policies, zoning codes, conditions of approval, thresholds, or any other planning requirements pursuant to the city's police power. If needed, subsequent development would be subject to remediation, excavation, removal, cap in place, etc., as appropriate.

Response to WOLFE-27

The commenter states concerns related to removal of fill and soils in the Marinship and the potential of encountering toxic soils.

Please refer to Master Response 1 – Program EIR, Master Response 2 – Sea Level Rise, Inundation, and Subsidence, and Response to WOLFE-24.

It is speculative to assume that new landfill would be imported across a large area, such as the Marinship to address sea level rise, rather than other infrastructure or other means of adaptation. It is also speculative to evaluate the environmental effects of using fill in the Marinship to address sea level rise. Sea level rise is being addressed on a larger scale in the General Plan. Program HS-1.8.1 requires the city to conduct sea level rise assessment (Policy S-3.1) and proactively pursue adaptation and mitigation strategies in coordination with the County (Policy S-3.2), including review of sea level rise, flooding, and tsunamis on parcels that have an elevation of 25 feet or less above MLLW level datum through the environmental review process. The Revised Draft EIR provides the currently available information related to the city's FEMA flood hazard zones (see Exhibit 3.9-2, Flood Hazards) and the tsunami inundation areas/mean high tide line (see Exhibit 3.9-3, Tsunami Inundation Areas).

Response to WOLFE-28

The commenter includes text from the Revised Draft EIR related to hydrology and water quality and asserts that the Revised Draft EIR is using a piecemeal approach to impact assessments and mitigation.

Please refer to Master Response 1 – Program EIR, Master Response 2 – Sea Level Rise, Inundation, and Subsidence, and Responses to WOLFE-22 through WOLFE-26.

Response to WOLFE-29

The commenter includes text from the Revised Draft EIR related to Impact HYD-3 and asks for clarification as to why impacts are less than significant, and no mitigation is required.

It is too speculative to predict future rainfall rates and quantities as a result of climate change.

As stated in Section 3.9, Hydrology and Water Quality, on page 3.9-26 of the Revised Draft EIR, the City of Sausalito is within a regional watershed administered by the RWQCB. The RWQCB has established regulatory standards and objectives for water quality in San Francisco Bay in its Water Quality Control Plan for the San Francisco Bay Basin, commonly referred to as the Basin Plan. The construction and operation of development facilitated by the General Plan would be required to comply with Clean Water Act, the General Plan policies and programs, the Sausalito Municipal Code, and the mandatory NPDES permit requirements.

As described on pages 3.9-6 and 3.9-7, the National Pollutant Discharge Elimination System (NPDES) permit program under Section 402 of the Clean Water Act controls water pollution by regulating soil erosion and stormwater discharges into the waters of the United States. NPDES permitting authority is administered by the California State Water Resources Control Board (State Water Board) and its nine RWQCBs. The RWQCB has issued a Municipal Regional Permit (MRP), which regulates Municipal Separate Storm Sewer Systems (MS4s). Phase II “small” MS4 regulations require stormwater management plans to be developed by municipalities with fewer than 100,000 residents and construction activities that disturb one or more acres of land. The City of Sausalito is subject to the conditions of regulations described in the current 2013 Phase II Permit. Provision C.3 of the MRP for New Development and Redevelopment allows the permittees to use their planning authorities to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address both soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff flows from new development and redevelopment projects. The goal is to be accomplished primarily through the implementation of Low Impact Development (LID) techniques.

Response to WOLFE-30

The commenter includes text from Impact HYD-6 and states that expanded utilities need to be included in the Marinship.

As discussed in Response to CDFW-5, the General Plan does not include any changes to land use categories or any changes to the density or intensity of uses contained in the 1995 General Plan. Growth associated with buildout will be limited to vacant and/or underutilized existing parcels throughout the city. Section 2, Project Description, Exhibit 2-4, depicts the location of vacant and underutilized residential and non-residential parcels where growth associated with buildout could occur.

As discussed in Section 3.15, Utilities and Service Systems, future discretionary projects facilitated by the General Plan will be evaluated for project-specific impacts to utilities and service systems at the time they are proposed. Project-specific evaluations will be performed to ensure the availability and adequacy of sewer and storm drainage facilities citywide, including the Marinship, the impacts of which would be addressed at the time the projects are proposed.

Response to WOLFE-31

The commenter included text from Impact HYD-7 and opined that the Tsunami Inundation Zones depicted on Exhibit 3.9-3 does not reflect the future expansion of the tsunami inundation zone under sea level rise, groundwater levels, and land subsidence.

Please refer to Master Response 2 – Sea Level Rise, Inundation, and Subsidence. As further described in Response to WOLFE-27, the General Plan Update contains policies and programs addressing sea level rise. Sea level rise is being addressed in the programs and policies in the General Plan. Notably, Program HS-1.8.1 requires the city to conduct sea level rise assessment (Policy S-3.1) and proactively pursue adaptation and mitigation strategies in coordination with the County (Policy S-3.2), including review of sea level rise, flooding, and tsunamis on parcels that have an elevation of 25 feet or less above MLLW level datum through the environmental review process.

The Revised Draft EIR provides the currently available information related to the city's FEMA flood hazard zones (see Exhibit 3.9-2, Flood Hazards) and the tsunami inundation areas/mean high tide line (see Exhibit 3.9-3, Tsunami Inundation Areas). It is too speculative to predict the future tsunami inundation zone, considering sea level rise, groundwater levels, and land subsidence in this planning level document.

Response to WOLFE-32

The comment includes text from Impact HYD-9 and states that the commenter does not agree with the addition of additional text stating that development resulting from buildout of the General Plan is largely the same as what was already evaluated and disclosed as part of the 1995 General Plan EIR and the 2015 Housing Element.

The Revised Draft EIR does include additional language to clarify that the General Plan does not authorize any new development and the projected development in the City is allowed under the existing 1995 General Plan.

The commenter states that the inclusion of this policy does not address the concerns expressed in the previous comment letter and ignores the scientific evidence before the Agency. The city cannot meaningfully respond because the commenter does not specifically identify those concerns or how the city has ignored scientific evidence. As a general matter, Responses to WOLFE-18 through WOLFE-31 address all of the commenter's concerns in this letter and the previous letter, and as explained throughout the city has relied on and incorporated the best available scientific evidence in the Revised Draft EIR.

Response to WOLFE-33

The comment provides text from Impact UTIL-1 of the Revised Draft EIR and does not agree with the impact statement contained in the Revised Draft EIR that storm drain capacity would be sufficient for future development because the storm drain system is outdated and in need of repair.

As described in Section 3.15, Utilities and Service Systems, most of the city's storm drain infrastructure is beyond its expected useful life. However, storm drain facilities are

rehabilitated as part of street improvement projects as funding permits and necessity dictates. These improvements would likely occur concurrently with new development under the General Plan such that the drainage system remains adequate. Policy HS-1.11 Infrastructure and related programs require the evaluation of infrastructure and capital planning to ensure that upgrades are implemented where needed to ensure resiliency as part of the City's Capital Improvement Program. The city's storm drain system is depicted on Exhibit 3.15-3, Storm Drain System. As described on page 3.15-9 of the Revised Draft EIR, storm drain facilities are rehabilitated as part of street improvement projects as funding permits and necessity dictates. Locations where capacity issues or infrastructure failures occur are rehabilitated or replaced, as necessary. These improvements would likely occur concurrently with new development under the General Plan such that the drainage system remains adequate.

Furthermore, any deficiency is an existing condition; buildout will not exacerbate existing deficiencies as subsequent development would need to demonstrate "no net increase" in offsite flow in compliance with the Clean Water Act and RWQCB NPDES permit (see Response to WOLFE-29).

Regarding the last paragraph on page 15 of the commenter's letter, the extent of sea level rise is not known at this point, nor are the methods the city will use to address sea level rise. The city could use pumping systems, levees, or other methods to address sea level rise. The City of Sausalito bases their planning on FEMA maps. The city acknowledges that there are areas of flooding and the city is making improvements to address these flooding issues. For upgrades to the storm drains in the hillside areas, the city will look for evidence of subsidence. For upgrades to storm drains in the Marinship, the city would seal the drainage pipes so they would not intermingle. Regarding the interaction of and influence of groundwater on the storm drain system, the city's CIP for storm drain upgrades takes this into account.

Please refer to Master Response 2 – Sea Level Rise, Inundation, and Subsidence and Responses to WOLFE-10 through WOLFE-13

Response to WOLFE-34

The commenter states text from the Revised Draft EIR section 5.2 related to growth inducing impacts and states that the Marinship will require significant infrastructure to ensure public safety and that the Revised Draft EIR should analyze these impacts.

This comment is noted. The bullet points cited by commenter are addressed in Sections 3.12 and 5.2 of the Revised Draft EIR. Please see Responses to WOLFE-30 and WOLFE-33.

Response to WOLFE-35

The commenter states a variety of methods that would be used to make the Marinship safe from the impacts of sea level rise, subsidence, and elevated groundwater levels.

It is speculative to assume that the methods identified by the commenter, such as "extensive and pervasive landfill added for roads and building sites" or "extensive

containment levees that will require pumping facilities” would be employed to address sea level rise.

Sea level rise is being addressed on a larger scale in the General Plan. Program HS-1.8.1 requires the city to conduct sea level rise assessment (Policy S-3.1) and proactively pursue adaptation and mitigation strategies in coordination with the County (Policy S-3.2), including review of sea level rise, flooding, and tsunamis on parcels that have an elevation of 25 feet or less above MLLW level datum through the environmental review process.

Please refer to Master Response 1 – Program EIR, Master Response 2 – Sea Level Rise, Inundation, and Subsidence, and Response to WOLFE-24.

Community Venture Partners, Inc.
A Catalyst for Sustainable Solutions

December 10, 2020

Sausalito City Council
C/o Ms. Lily Whalen
City of Sausalito
324 Pine Street
Sausalito, CA 94965

Re: Comments on the Sausalito Final General Plan Update and Recirculated DEIR

Dear Ms. Whalen,

Community Venture Partners, Inc. (“CVP”) is a 501(c)(3) nonprofit organization that supports community-based projects, programs and initiatives that demonstrate the highest principles of economic, social and environmental sustainability. CVP accomplishes its objectives by offering technical and financial assistance, and educational programs to community organizations, nonprofit organizations, educational institutions, and local municipalities. CVP achieves its goals by facilitating community based projects, programs and initiatives. CVP is committed to the need for a transparent public process that incorporates under-served community voices into planning and government decision-making. CVP is headquartered in Mill Valley, but its officers, board members, donors, collaborators and advisors live throughout Marin, including in Sausalito, all of whom use and enjoy the waterfront in Sausalito, regularly, including the Marinship (e.g., visit, swim, boat, dine, shop, obtain services, etc.). Our previous comment letters of 08-05-20 and 09-21-20, respectively, are also attached, resubmitted, and incorporated herein by reference, because the comments, questions, and concerns expressed in those letters remain relevant and unaddressed by the *Final General Plan Update* (the “GP Update” and the *Revised and Recirculated DEIR* (the “RDEIR”). CVP is submitting these comments in response to requests from groups of Sausalito residents and business owners who have expressed their concern about the accuracy and equity of the proposed GP Update, and the adequacy of the environmental assessments found in the RDEIR.

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The comments in this letter are based on our review of the GP Update and the “RDEIR, published on October 20, 2020, and are primarily in response to how the programs, policies, and proposals in these documents impact the Marinship. We submit these, based on our understanding that the City intends to publish the Final EIR on December 28th, and move forward over the next several months through a process that will culminate in the approval of the new General Plan, the certification of the Final EIR, and the creation and adoption of a revised Zoning Ordinance to conform to the GP Update.

General Comments

Taken together, the GP Update and the RDEIR are certainly voluminous. If quality was judged by pounds per capita, the City of Sausalito and its consultants would get an “A.” However, despite their massive bulk, both documents remain seriously flawed and wanting in required

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details, data, and adequate impacts assessments. All of the GP Update's programs and policies are based on the assumption that future studies, assessments, and mitigation plans will result in solvable outcomes and that the required mitigations at the "project" level will be both practically and financially feasible.

We submit that this assumption is highly questionable when it comes to the Marinship.

Throughout, the GP Update acknowledges a long list of significant environmental hazards in the Marinship, the vast majority of which are unique to the Marinship and area-wide, not confined to any one parcel of land (e.g., significant subsidence, toxins in soils, failing storm drains, sewers and major infrastructure, liquefaction, and constant flooding).¹

The GP Update also presents an equally long list of "programs and policies," many of which will require future study, assessment and evaluation/preparation of mitigation plans for environmental hazards--presumably at the "project" level.

Consequently, the RDEIR contends that because the GP Update includes its list of programs and policies, it can conclude that there are *no significant environmental impacts* in the Marinship that require mitigation. Likewise, the GP Update itself turns around and defers to the RDEIR for all considerations having to do with environmental impacts assessment and mitigation.

This self-referential and endless loop conveniently avoids a litany of realities and questions that the GP Update and the RDEIR both avoid addressing. To put it simply, if this general plan was a financial plan, we would call it a Ponzi scheme.

For most of the city of Sausalito, where known environmental hazards to future development are more predictable (e.g., higher elevations, stable land, intact infrastructure, lack of flooding or toxins in solid, adequate drainage, etc.), it might be arguable that the GP Update and RDEIR's circular reasoning are adequate for this "program" phase of assessment. However, with regard to the unique, combined, existential environmental and practical challenges found in the Marinship, and the potential for significant, unmitigated environmental impacts that are neither practically nor financially feasible, it defies credulity. Please note, the previous comment letter by Laurel Collins of Watershed Sciences, dated August 5, 2020 and a new comment letter by Watershed Sciences, December 1, 2020, are attached, resubmitted, and incorporated into this comment letter, by reference because the comments, questions, and concerns expressed in those letters remain relevant and unaddressed by the prior DEIR, the Final GP Update, and the RDEIR.

The GP Update and RDEIR are filled with boilerplate, cut and paste content that does not in any way reasonably address or adequately assess the actual, known conditions in the Marinship or the City's financial capabilities to carry out the required studies and mitigations that would obviously be needed to address the long list of hazards enumerated in the GP Update.

¹ I.E., Although sea level rise is a citywide issue, the existential threat of the impacts of SLR will be far greater in the Marinship and the required mitigations will be far more complex than in most of the rest of the city, most of which is at much higher elevations.

Oddly, the Marinship Vision also fails to address these questions, which is even acknowledged by this statement on Page W-9 of the *Waterfront and Marinship Element*.

“Environmental remediation should be a strong factor in the General Plan Update’s environmental policies and implementation programs, but it is not specifically part of the Marinship vision.”

3

That is a very unusual disclaimer. It’s actually an admission of all the concerns expressed in this comment letter. But it is only one of many such disclaimers contained in the GP Update Appendices.

Normally, one might attribute these gaping holes in adequacy and logic to errors of judgment or even simple competence. Except, that in this case, the City has had more than enough time and hired more than enough consultants to know better. So, one can safely assume they are well aware of the implications of the GP Update’s and RDEIR’s serious omissions.

Recommendations

The City must revise the GP Update and RDEIR to layout out a clear sequence of studies and assessments of potentially significant environmental impacts and propose feasible mitigation plans for area-wide environmental hazards in the Marinship, as they relate to the approval, certification, and adoption schedule for the GP Update, Final EIR, and revised Zoning Ordinance, noted above, to ensure that cumulative and area-wide impacts will not be inappropriately pushed off to future project level of CEQA review of site-specific development proposals.

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The sections of this comment letter address the following topics:

- Critical Questions That Remain Unanswered;
- The City’s continued obfuscation of its “HOUSING MAP” for high-density, multi-family housing in the Marinship; and
- The fallacies of the *General Plan Update Financing and Implementation Strategy Memorandum*, by M-Group.

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CRITICAL QUESTIONS THAT REMAIN UNANSWERED

The following questions and concerns remain essentially unaddressed by the GP Update or the RDEIR, with respect to the Marinship. And in spite of the GP Update’s lofty, 20-year goals, existing evidence indicates that time is running out to save the Marinship from the existential threats posed by sea level rise, ongoing subsidence, and failing underground infrastructure.

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QUESTION (1): When does the City intend to actually undertake the planning studies and environmental assessments required by the GP’s programs and policies for the Marinship, and when does the City intend to develop and implement the area-wide mitigation plans that will

inevitably be needed to address all of the *known, area-wide, significant environmental hazards* (SLR, subsidence, toxin, rising water table, flooding, failing infrastructure, etc.), which are all critical the health, safety, and well-being of the City's residents?

QUESTION (2): How will the timing and completion of the work noted in (1) above, relate to the overall schedule of approval, certification, and adoption of the GP Update, Final EIR, and Zoning Ordinance—before, during, or after? If during, how and when and in what sequence? If not before any of these steps, how can that possibly work?

In other words, how can the completion of the critical studies and assessments of the known area-wide environmental hazards in the Marinship, and the inevitable mitigations that will be required as a result of them (based on evidence that is now known), be coordinated with the timeline of approving, certifying, and adopting the new General Plan Update, the Final EIR, and the new Zoning Ordinance, when *the veracity and legitimacy* of the GP Update programs and policies, the EIR assessments and conclusions, the mitigation requirements, and zoning designations in the revised Zoning Ordinance *are fully dependent upon* on the results of those studies and assessments and the feasibility of the required mitigation plans?

This challenging question is supported by the various comment letters submitted by Community Venture Partners, MR Wolfe & Associates, and Watershed Sciences (all of which are incorporated into this comment letter by reference).

There is no question that the City is fully aware of the environmental hazards and associated existential risks in the Marinship. For example, on page W-4, under *Figure 3-1: Sea Level Rise*, it states,

“Sausalito will work towards California’s state goal, as stated in the California Global Warming Solutions Act of 2006 (AB32), of reaching 80 percent below 1990 greenhouse gas emissions levels by 2050. *The city must do this while collaborating* with local and regional agencies to maintain the quality of life as well as architectural and natural characteristics of the city in a time of changing climate. City policies are informed by the Marin Bay Waterfront Adaption and Vulnerability Evaluation (BayWAVE), which also notes that sea level rise may combine “with typical hazards that already exist (e.g. liquefaction and ground shaking near fault lines, erodible soils, and heavy rainfall) to contribute to a city’s vulnerability.” [Emphasis added]

“As Richardson’s Bay encroaches on the city, *the risk of subsidence exacerbates* Sausalito’s vulnerability. Areas of the city built on fill in Richardson’s Bay are particularly vulnerable to the sudden or gradual sinking of land. Improved and localized subsidence data (program HS-1.9.1) and detailed liquefaction data (program HS-1.2.1) would mitigate this risk of leaching. This action of rising seas and shifting land increases the risk that industrial materials—particularly in the Marinship Waterfront—may leach into the water and negatively affect water quality. [Emphasis added]

“This hazard is linked to *the possibility that industrial work may be precluded from the Marinship Waterfront if land in the neighborhood floods*. Sea level rise and climate

change, therefore, are global phenomena with particularly acute effects in Sausalito. The General Plan has disaster preparedness policies (programs under objective HS-2, policy S-3.6, and policy S-3.7) that mitigate these risks to the social fabric, the environment, and economic sustainability in the city.” [Emphasis added]

And on page W-10,

“The General Plan Update should identify both unique infrastructure challenges and mechanisms to finance their solutions in all areas of Sausalito due to *the interconnectedness of infrastructure issues* throughout the city.” [Emphasis added]

And on page LU-59,

“h. Zoning should be considered with the necessary infrastructure improvements and impacts of sea level rise subsidence, and liquefaction in mind.”

All this clearly implies that the City must do all appropriate studies, analysis, and assessments to determine impacts and mitigations, first, before the GP Update can be adopted and the Final EIR is certified, and the Zoning Ordinance revision process begins.

In addition, although the GP Update acknowledges the need for coordination with outside agencies (See page E-39; *CP-1.1.4 Marinship Infrastructure Needs*²), it never incorporates those needs into the GP Update approval process. Rather, it leaves it as an intangible item, without acknowledging that unless this is done prior to other approvals and certifications that coordination and cooperation will be impossible.

QUESTION (3): Who will be responsible for doing the required studies and assessments noted in the GP Update’s programs and policies?

On page CP-18, it suggests,

“CP-1.1.4 Marinship Infrastructure Needs.

“Consider coordinating with the county and other stakeholders to commission an Engineering Analysis to examine the infrastructure costs and scenarios across the Marinship area to better inform the cost/benefit choices available to the city, property owners, and businesses in the Marinship. This analysis would establish goals and identify funding sources for a study to address public access improvements (including pedestrian, bicycle, and vehicular circulation); roadway, sidewalk, and drainage improvements; and sea level rise adaptation needs, challenges and solutions. The analysis would also take into consideration the unique needs of industrial businesses in the Marinship, including heavy equipment and deliveries.”

² “CP-1.1.4 Marinship Infrastructure Needs. Consider coordinating with the county and other stakeholders to commission an Engineering Analysis to examine the infrastructure costs and scenarios across the Marinship area to better inform the cost/benefit choices available to the city, property owners, and businesses in the Marinship.”

So, again, when does this “consideration” and “coordination” happen and in what relationship to the City’s process of approving the Final GP Update, certifying the Final EIR, and drafting and adopting a new, revised Zoning Ordinance?

For example, on pages W-20 to W-21, it states,

“W-5.2.2 Sea Level Rise and the Marinship. Consider the city’s— and particularly the Marinship’s—historic assets when developing scenarios for the city’s sea level rise strategy.”

The GP Update and RDEIR infer that this will be done at the “project” level. But if so, how will the global, state and county wide, and area-wide environmental threats and hazards adequately assessed?

All this considered, it is just common sense that assessments and mitigation plans for area-wide environmental hazards, such as SLR, subsidence, and failing infrastructure in the Marinship, should be done before an EIR can be considered adequate or the zoning on any parcels can be considered. Yet the GP Update and RDEIR are mute on this.

Consider, for example, *FIGURE 7-11 100-YEAR FLOOD MAP WITH GEOLOGICAL INVENTORY*. While it is commendable that the GP Update includes maps such as this one (though it fails to include subsidence zones), a feasible plan to mitigate these significant, area-wide, environmental impacts does not exist. As it is, this map, alone, indicates that major portions of the Marinship are potentially under an “existential threat” and therefore may be undevelopable, unless major mitigation measures are undertaken, prior to the final approvals, certifications, and ordinance adoptions.

As another example of how the GP Update fails to adequately consider relationship of known environmental hazards and the sequence of events that would be required to properly assess impacts and create mitigation plans, consider the GP Update’s discussions about sea level rise.

On page S-5, it states,

“Climate change will result in sea level rise, with 26 acres in Sausalito exposed to advancing waters over the next 15 years. The northern approach to the city could be flooded, and the Marinship is at particular risk due to the combination of sea level rise and ground subsidence as the 80-year-old fill continues to settle.

“These estimates come from the Bay Waterfront Adaptation Vulnerability Evaluation (BayWAVE), a Marin County tool for projecting sea level rise and flood risk. BayWAVE projects that Marin County could experience 10 inches of sea level rise by 2030, 20 inches by 2050, and 60 inches by 2100. Sea level rise will exacerbate the impacts of other coastal hazards, such as storms, flooding, and erosion.

“BayWAVE’s estimates show that as much as 149 acres, or 11 percent of the city’s land area, could be inundated by the end of the century. This would include most of the

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industrial land in Sausalito, which could lead to serious financial problems—particularly as many of those industrial sites may require expensive cleanup in order to prevent contaminants from entering Richardson’s Bay.”

This supports our claim that area-wide assessments and mitigation plans are required, immediately. But, astonishingly, the GP Update then it goes on to say,

“Mitigation entails reducing the magnitude of climate change and its impacts. The General Plan includes policies and programs intended to mitigate the impacts of climate change through strategies that include but are not limited to reducing emissions, increasing energy efficiency, encouraging the transition from fossil fuels to renewable energy sources, and increasing carbon sequestration.”

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Do anyone really believe that the use of bicycles, electric vehicles, recycling wood, upgrading toilets, or using renewable energy in the City of Sausalito will result in sufficient reductions in greenhouse gas emissions that will mitigate global climate change to any measurable degree, enough to qualify as a “mitigation” of SLR for imminent real estate development in the Marinship? And to infer that these and the other mitigation policies found in the *SUSTAINABILITY – CLIMATE CHANGE MITIGATION AND RESILIENCY ELEMENT* are sufficient to support the RDEIR claim that sea level rise in the Marinship is not a significant environmental impact is simply unconscionable.

QUESTION (4): Who will be responsible to pay for the costs of all of the work and coordination noted in Question 3, above, the City or individual property owners/developers?

If individual property owners/developers are to be responsible for studies and mitigation, at the project review level (as stated in *APPENDIX F - Economic Development - Redevelopment Feasibility of Regulatory Alternative in the Marinship*), how is this practical or remotely, financially feasible when every study ever done by the City -- going back to the 1985: *Marinship Specific Plan Geological Background Report* and up to and including the recent *February 27, 2020 KOSMONT Sausalito Land Economics Study* analysis -- has concluded that none of the known, significant environmental hazards in the Marinship are specific to any one particular parcel, but are area-wide, involving multiple parcels in each case, and that the costs of mitigation and in the case of toxins, remediation, are so great that no individual property owner/develop can possibly be held responsible for or would be able to afford to pay the costs of the studies and mitigations that will inevitably be required?

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Yet, on page A-6 in *Appendix A* of the GP Update it makes statements that directly contradict the recommendations made by all the experts they have hired in the past 30 years, including Kosmont, all of which say no single developer can carry the costs of the required mitigations.

Under “Cost Burden” is states,

“The burden incidence of development impact fees is upon the project developers and builders who pay the fees. Fees are a cost of development and are “internalized” into project costs in the same manner as all other development- and construction-related costs.

There is no direct effect of fees on development pricing, because the markets set pricing independent of costs. However, when costs are too high for the market to bear, development may be deterred until such time as prices justify costs. All costs will influence land value, so it is often the case that landowners bear a portion of the cost of fees through lower land values (prices paid by developers or builders). So long as total development costs fall within a reasonable level, potential negative effects on development feasibility effects are manageable.” [Emphasis added]

This is certainly an extremely generous description of the impacts of shifting major environmental assessment and mitigation costs onto the backs of individual property owners and developers: one that I would guarantee is not shared by those same property owners and developers.

Similarly, on page E-3, under *Policy E-6.3 Marinship Engineering Study and Financing Approaches*³, the GP Update acknowledges the need for “engineering” studies and “financing” methods, but, again, it fails to acknowledge that this can only be done prior the finalizing the GP Update, certifying of the Final EIR, and drafting of a revised Zoning Ordinance for it to have any tangible value.

QUESTION (5): If studies and assessments of area-wide, significant environmental hazards *are not done prior to City’s approval, certification, and adoption processes*, noted above, what happens if those studies and assessments result in the conclusion that certain Marinship parcels are undevelopable, because the financial costs or physical practicalities of the required mitigation or toxin remediation are simply infeasible? And, please keep in mind that mitigation or remediation measures may, themselves, produce other significant environmental impacts that need to be assessed and possibly mitigated. These realities suggest that the Final General Plan Update and the Final EIR cannot be approved or certified until the required studies and assessments are made and mitigation plans are determined to be physically and financially feasible, in advance.

QUESTION (6): Finally, how does any of this relate to the ongoing review and approval of submissions of actual projects on specific parcels, by private owners/developers, throughout the time of the aforementioned approval, certification, adoption schedule and sequence? In other words, what if a proposal is submitted and approved, and then after a permit has been issued, or even before, an area-wide study results in data and evidence that shows the developer’s parcel cannot be developed as proposed because of area-wide environmental hazards or needed mitigations?

The General Plan and the RDEIR are both mute on all of these reasonable questions.

³ “Policy E-6.3 Marinship Engineering Study and Financing Approaches. Consider an Engineering Study of Infrastructure Needs in the Marinship Area as recommended in the Land Economics Study. Explore financial approaches including the formation of assessment district(s) within the Marinship to address these issues and needs.”

THE CITY'S INCONSISTENT STATEMENTS REGARDING HIGH-DENSITY, MULTI-FAMILY HOUSING IN THE MARINSHIP

On October 13, 2020, the City Council held back-to-back public hearings, the first addressing an update to the General Plan's Housing Element ("Housing Element 2023"), and the second the revisions to the General Plan update now under consideration. The Staff Report prepared for the Housing Element 2023 attached and referenced maps showing eight potential sites "to provide permanent supportive housing for the anchor-out community in addition to senior housing and/or workforce housing." A copy of the Staff Report and map attachments ("Attachment 7_Map of Potential Housing Sites") accompany this letter. The maps disclose that several of the eight potential housing sites, including those labeled Site #2, Site #6, and Site # 7, are in the Marinship. Site # 6 is labeled as waterfront private property, and appears to be designated "Water-Based Housing Only." However, the map does not emphatically say that no land-based housing is allowed on Site #6. Site # 7 is labeled as an existing "RV Parking Area" at 2340 Marinship Way. Site #2 is designated for housing.

The October 13 Staff Report identifying of specific land parcels evidences the City's clear intention to rezone Marinship parcels for high-density, multi-family housing. Remarkably, however, neither the GP Update nor RDEIR acknowledge that the City is considering designating sites in the Marinship for future housing projects. The RDEIR does not mention the possibility, and as a result fails to disclose or evaluate any potentially significant direct or long-term secondary, indirect impacts that could result from introducing housing into the existing industrial/arts/maritime district.

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However, this is not just a failure to inform and engage the public, but the proposals shown on the Housing Map in the Staff Report also contradict many of the new policies and programs proposed in the GP Update, and threaten the very heart and soul of the Marinship's maritime community.

It is not idle conjecture to state that residential uses drive out industrial uses. It is, in fact, axiomatic. This planning phenomena has been observed in this country for more than 100 years. More recently, one only has to look at how multi-family housing development has transformed and driven out industrial/warehouse/manufacturing businesses in "SOMA" (South of Market Street) in San Francisco and in "SOHO" in New York City, over the past decades.

More importantly, the parcels identified as "Site 6" and "Site 7" are arguably the linchpin of the entire Marinship maritime industrial zoned businesses and home to the majority of waterfront and land-based boat building, technology, and repair businesses, including the few remaining waterfront piers, shipways,⁴ haul-out facilities, and equipment and vehicles storage. Site #2, though not a waterfront site, would still have considerable negative impacts on industrial uses, for the reasons noted herein. And, at the same time, Site #2 is the perfect location for a new, larger floorplate, maritime/industrial center—the kind of space that is now severely lacking the Marinship, which is driving away existing companies that wish to expand there. If the City is serious about all the GP Update programs and policies supporting the Marinship's industrial, maritime, artisan community, there is no better place to demonstrate that than on Site #2.

⁴ Again, note CD-6.2.12 *Marin Shipways*, and the possible listing of these on the California Historic Register.

The following programs and policies contained in the GP Update that would argue against land-based housing being allowed for residential use on these parcels.

On page LU-5, it states,

“Policy LU-3.2 Marine Industrial Uses. Promote and encourage *new marine industrial uses*. [Emphasis added]

“Objective LU-4 Preserve Sausalito’s Waterfront Policy LU-4.1 Marinship Waterfront Uses. Promote marine industrial oriented uses that require waterfront locations and *strongly encourage the success of the existing general industrial uses* found in the Marinship waterfront area. [Emphasis added]

“Policy LU-4.3 Existing Recreational Marinas and New Marine Service Boatyards. *Provide opportunities to build new marine service boatyards, encourage upgrading and allow expansion of existing marine service boatyards and maritime construction and repair facilities,* and allow for minor expansion of existing recreational marinas in the Marinship.” [Emphasis added]

Sites 6 and 7 are precisely where this “new” and “upgraded” and “expanded” uses will need to be located?

On page LU-7, it states

“Objective LU-8 Protect and Enhance the Historic Marinship Policy LU-8.1 Marinship Development. *Limit deterioration of the Marinship historic assets, incompatible uses that are not ancillary, and collocation of incompatible uses in order to preserve the marine, industrial, and arts uses of the Marinship* and the historical significance of the Marinship, ensure the health and safety of the waterfront and boating community, for future members of the Sausalito community.” [Emphasis added]

Again, Site 6 is the location of the last shipways and haul out areas on the waterfront. That’s said, consider that on page LU-66, it states,

“LU-8.1.2 Marine Rails (“Shipways”). Encourage the repair and maintenance of the Marinship Shipways to allow for continued use and ensure compliance with environmental regulations and other regulatory requirements. Such encouragement could include (but is not limited to) the consideration of:

“a. Designating the Shipways as a national, state, or local landmark if possible.

“b. Creation of a zoning overlay designation to protect shipyards and resources, including buildings that already have been designated as historically significant.”

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Also, on page LU-58, it states,

“Objective LU-4 Preserve Sausalito’s Waterfront Policy LU-4.1 Marinship Waterfront Uses. Promote marine industrial oriented uses that require waterfront locations and *strongly encourage the success of the existing general industrial use* found in the Marinship waterfront area.” [Emphasis added]

And with regard to the importance of maintaining important waterfront uses in the Marinship (e.g., on Site 6), on page LU-14, it states,

“The primary waterfront area is located in the Marinship. *In the waterfront area of the Marinship, development will be limited to water-dependent uses and those that support marine industry.*” [Emphasis added]

There is nothing about housing that is “water dependent” in any way.

On page LU-58, it states,

“Policy LU-4.3 Existing Recreational Marinas and New Marine Service Boatyards. Provide opportunities to build new marine service boatyards, encourage upgrading and allow expansion of existing marine service boatyards and maritime construction and repair facilities, and allow for minor expansion of existing recreational marinas in the Marinship.”

So, how does the City intend to do this, when their own Housing Map designates a prime maritime business area, on Site 6 and Site 7, for housing? And as the City is well-aware, the existence of the Housing Map already has property owners intentionally allowing their properties to fall into disrepair, and raising rents to drive out maritime an industrial uses, in anticipation of the kind of redevelopment shown in the City’s Housing Map.

On page LU-66, under *Objective LU-8 Protect and Enhance the Historic Marinship*, it states,

“Policy LU-8.1 Marinship Development. Limit deterioration of the Marinship historic assets, *incompatible uses that are not ancillary, and collocation of incompatible uses in order to preserve the marine, industrial, and arts uses of the Marinship* and the historical significance of the Marinship...”

Similarly, on page W-6, it states

“...in the Marinship maritime businesses restore wooden boats and service critical vessels such as the San Francisco Fire Boat.”

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And on page W-8, it states,

“Noisy and industrial uses are common in the Marinship waterfront, and *new development should not crowd out* these traditional uses in the neighborhood.” [Emphasis added]

And on page LU-7, under *Objective LU-8 Protect and Enhance the Historic Marinship*, it states,

“Policy LU-8.1 Marinship Development. Limit deterioration of the Marinship historic assets, *incompatible uses that are not ancillary, and collocation of incompatible uses in order to preserve the marine, industrial, and arts uses of the Marinship* and the historical significance of the Marinship, *ensure the health and safety of the waterfront* and boating community, for future members of the Sausalito community.” [Emphasis added]

Therefore, it is reasonable to argue that the City’s Housing Map is categorically incompatible, for sites in the Marinship, or the project description of the GP Update is incomplete.

Similarly, the *Marinship Vision*, starting on page W-8 reinforces these planning goals, when it notes,

“The Marinship is an economically sustainable working waterfront maritime and industrial neighborhood that is planned and developed with innovative solutions to sea level rise combined with regional and global sea level rise reduction and management programs.”

And

“The neighborhood is supported by updated infrastructure, has unique local neighborhood-serving services and amenities, and is home to a thriving community of artists and innovators.”

And finally, on page LU-9, it states,

“The city adopts land use controls to shape and moderate development so that the city retains its historic character, ensures appropriate infrastructure capacity, *reduces public safety hazards, and retains resident-serving uses, its artist community, and essential marine related industrial uses*. Environmental risks associated with sea level rise and flooding, subsidence, environmental contamination, urban wildfires, and geologic activity *are acute dangers that require careful land use management*.” [Emphasis added]

These declarative statements pretend that the City’s Housing Map does not even exist and its exclusion avoids the fact that there are horizontal inconsistencies in the City’s planning programs and policies.

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THE FALACIES OF THE *GENERAL PLAN UPDATE FINANCING AND IMPLEMENTATION STRATEGY* MEMORANDUM BY M-GROUP:

The overall approach taken by the RDEIR and the M-Group's *General Plan Update Financing and Implementation Strategy: Appendix E*, dated August 8, 2020, is to treat the inevitable, area-wide mitigation of significant environmental hazards in the Marinship and the remedial work required to minimally meet the goals of the GP Update, as if the Marinship was a generic, stable, neighborhood in a typical city with run of the mill environmental challenges, devoid of existential threats, rather than the extremely problematic area it actually is. As such, neither the generic, boilerplate "Findings" nor the financing methods proposed are adequate or appropriate for the Marinship. The approach taken is suitable for cookie-cutter situations where developers and planners are able to focus their discussions on a single plot of land and an unchallenging building environment.

The Marinship isn't even remotely like that.

For example, "Key Finding" number 2 on page 1 of the August 2020 memo is titled, "New development in the City will generate real estate value that serves as a basis for funding infrastructure improvements." This basic approach to the city's financial growth is a shopworn idea from the 1980s and 90s that is no longer relevant to how our economy operates and is being deconstructed in the 21st century. This is the method that cities like Vallejo and so many others pursued, right into bankruptcy court.

In fact, in the Marinship, the exact opposite is the case. The City must make significant investments in infrastructure in order for private capital to show any interest in real estate development.

Reading the M-Group's Memorandum, it's hard to believe that they ever even left their offices and walked around the Marinship when they compose their memo. Their suggested methods of raising revenues through taxes, fees, special assessments, special district financing, etc. (see their Memorandum *Appendix A – Summary of Potential Funding Mechanisms*) will not be sufficient or generally available to address the unique impacts mitigations or remediation that will be required in the Marinship. And Marin voters, in particular, have shown a distinct objection, lately, to public agencies that keep coming back every two years for more and more tax revenues, special assessment, and public debt offerings, and so forth. The M-Group is apparently oblivious to this trend. However, based on the analysis or private experts, such as Watershed Sciences and other studies done to date, it is entirely possible that the costs of mitigations and remediation in the Marinship could run from the hundreds of millions to more than a billion dollars.

However, the M-Group never bothers to ask, what happens if the public just votes "no?"

This said, it is interesting to note comments found in the M-Group "Technical Memorandum," dated August 23, 2019, titled, *Economic Development/Redevelopment Feasibility of Regulatory Alternatives in the Marinship EPS#161159*, which is inserted as Appendix F, in the GP Update. On the first page is states,

“The conclusions are based on readily available information and project assumptions applied to a set of hypothetical and relatively generic development prototypes. This *analysis is intentionally non-specific* about any single property; instead, the actual performance and outcome of a particular property or project *will depend on a variety of factors that cannot be known for certain in advance*, including project design and entitlement considerations, actual development costs, financing terms, and macro-economic trends.” [Emphasis added]

And again on page 8, it states,

“It is important to note that the building prototypes and related financial assumptions presented herein are relatively generic. Actual building design and resulting financial outcomes will be affected by variety of factors that have not been considered in detail at this point and remain subject to a high degree of uncertainty.

These disclaimers basically confirm all of the critical comments in this letter. And with respect to the Marinship, it is the consultant’s admission that none of what they are proposing is actually designed to address the real challenges the Marinship faces, despite its voluminous presentation, there is nothing in their more recent August 8, 2020 memo that makes any of the comments any more applicable.

Thank you in advance for your consideration.

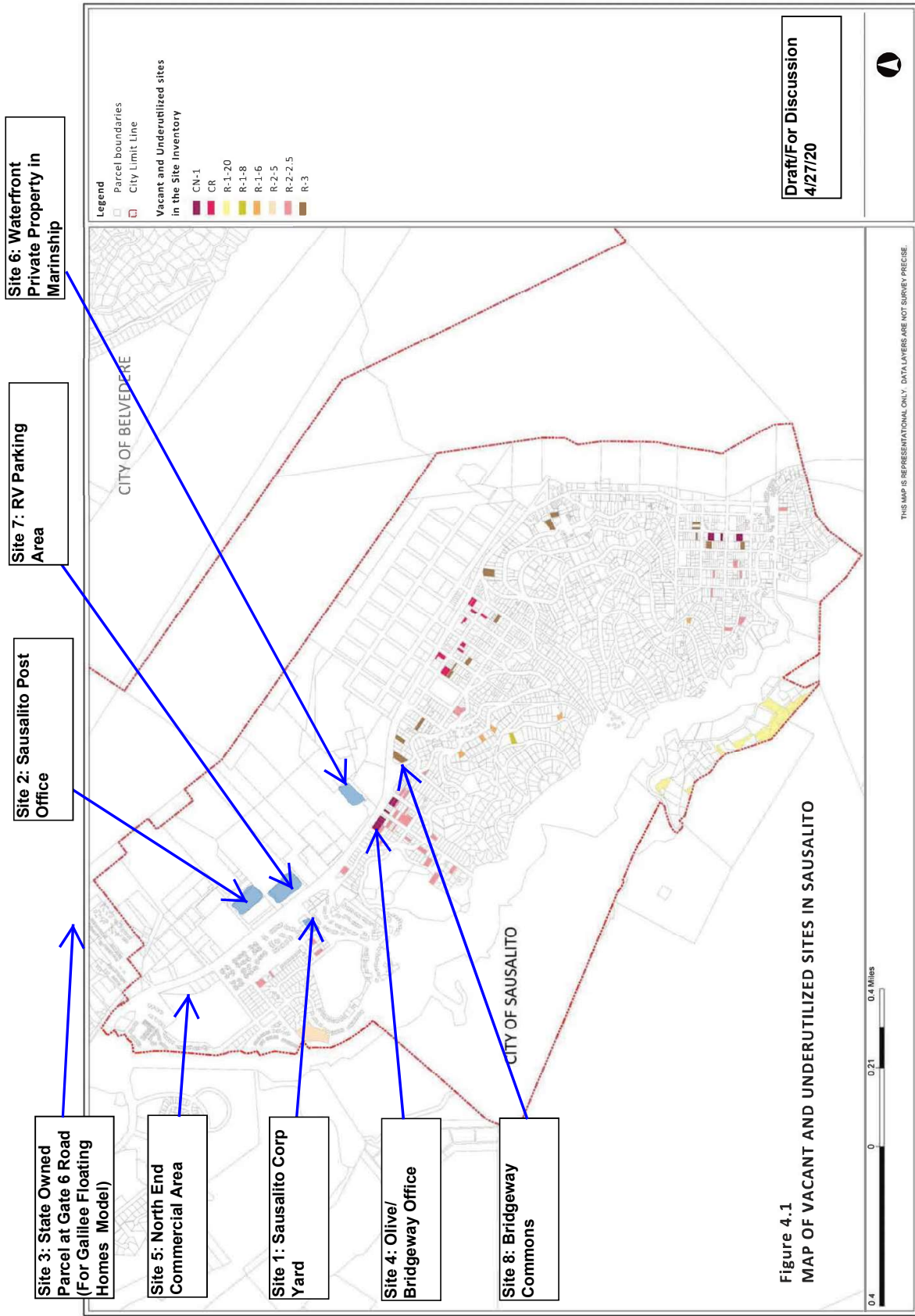
Sincerely,

Bob Silvestri



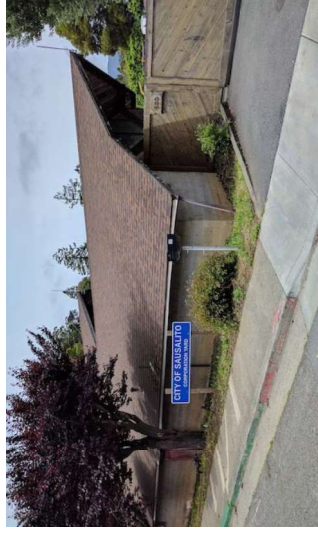
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Site 1: Sausalito Corporation Yard

Address: 530 Nevada Street
Owner: City of Sausalito
Zoning: PI (Public Institutional)
Parcel Size: 25,500 square feet
Existing Uses: The existing buildings occupy just over one quarter of the site. There is no FAR limit in the PI zone. This site consists of two parcels.



Site 2: Sausalito Post Office

Address: 150 Harbor Drive
Owner: United States Postal Service
Zoning: PI (Public Institutional), Marinsip Overlay
Parcel Size: 90,000 square feet
Existing Uses: The single story building is 13,260 square feet. There are two large parking areas, and a large warehouse area.

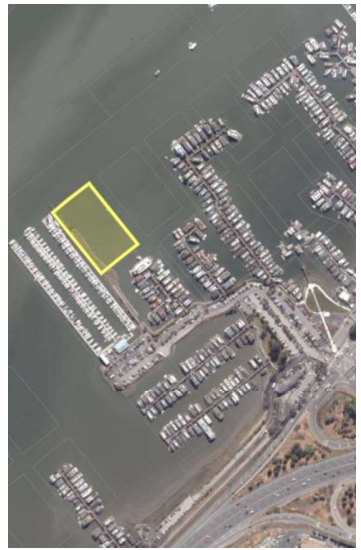


Galilee Floating Homes Model: Galilee Harbor is a Sausalito-based floating home community of 38 berths. It is a member-run cooperative community composed of artists, marine workers and their families, residents of Galilee Harbor are actively employed in marine and artistic occupations, including boat-building, boat repair, sail-making, marine canvas work, creative writing, theater, painting, photography and other visual arts. Many residents are low or very low income.



Site 3: State Owned Parcel at Gate 6 Road (For Galilee Floating Homes Model)

Address: APN 052-313-01
Owner: State of California
Zoning: BFC-RCR(Outside of City Limits, in the County)
Parcel Size: 95,832 square feet
Existing Uses: Water



Site 4: Olive/Bridgeway Offices

Address: 2015 Bridgeway
Owner: BHIG
Zoning: CN-1 (Commercial Residential)
Parcel Size: 12,000 square feet
Existing Uses: The existing 10,450 square foot three story (bottom-level parking) building used to be apartments but now is being used as office space. Recently on the market.



Site 5: North-End Commercial/Residential

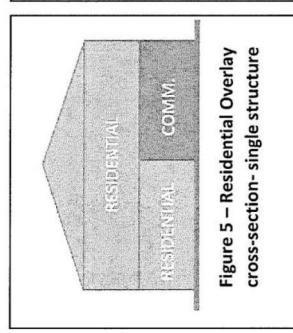
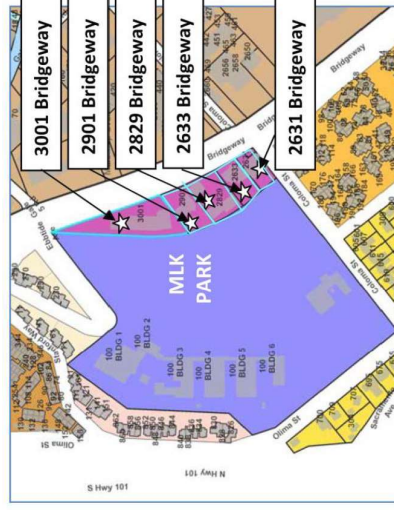
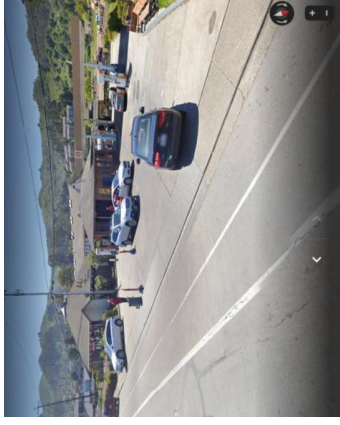
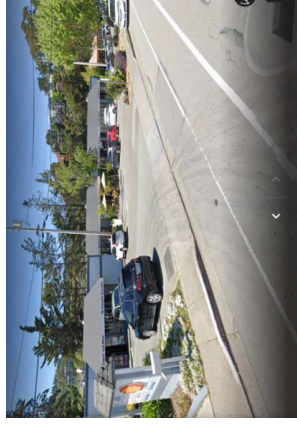
Addresses: 2901, 2829, 2633, 2631 and 3001 Bridgeway

Owner: Various Private Property Owners

Zoning: CN-2 (Commercial Residential)

Parcel Size: Varies

Existing Uses: Variety of commercial uses in single-level buildings (restaurants, gas station, convenience store, etc). No housing currently allowed in this district.



**Figure 5 – Residential Overlay
cross-section- single structure**

Galilee Floating Homes Model: Galilee Harbor is a Sausalito-based floating home community of 38 berths. It is a member-run cooperative community composed of artists, marine workers and their families, residents of Galilee Harbor are actively employed in marine and artistic occupations, including boat-building, boat repair, sail-making, marine canvas work, creative writing, theater, painting, photography and other visual arts. Many residents are low or very low income.



Site 6: Waterfront Private Property in Marinship (For Galilee Model)

Address: 2350 Marinship Way

Owner: Sausalito Shipyard and Marina

Zoning: Industrial and Waterfront

Parcel Size: TBD

Existing Uses: Variety of storage, arts, marine-related uses, marina, open water



Site 7: RV Parking Area on Marinship Way

Address: 2340 Marinship Overlay
Owner: Francine Clayton
Zoning: I (Industrial), Marinship Overlay
Parcel Size: 125,888 square feet
Existing Uses: This is a strip of RV parking area across from the buildings at 2340 Marinship Way. The existing buildings total 28,684 square feet.



Site 8 "Bridgeway Commons" Site

Address: 1755 Bridgeway
Owner: Sy Jardin's Lookout LLC
Zoning: R-3 (High Density Residential)
Parcel Size: 25,264 square feet
Existing Uses: Three dilapidated structures are on the site. There is a current proposal for 16 condominium units on the site (has not received entitlement review at this point)



Community Venture Partners (CVP)

Response to CVP-1

The commenter provides introductory comments and explains their organization goals.

The comment is noted, and no further response is required because the comment does not raise any significant environmental issues. Please refer to Master Response 3 – Comments Submitted Prior to Publication of Revised Draft EIR regarding the incorporation of comment letters on the previous draft of the EIR.

Response to CVP-2

The commenter questions the applicability of the General Plan Update programs and policies and that they are based on future studies, in particular in the Marinship. The commenter questions the Revised Draft EIR analysis and says it is not adequate to fully determine how impacts will be mitigated.

This comment is noted. Please refer to Master Response 1 – Program EIR. See also Response to WOLFE-9.

The commenter states that two letters submitted by Lauren Collins of Watershed Sciences be incorporated by reference. The letters are included in Attachment 3.

This comment is noted. The December 1, 2020 letter submitted by Lauren Collins was also incorporated by reference in the M.R. Wolfe & Associates letter and addressed therein (see Responses to WOLFE-1 through WOLFE-35). The August 5, 2020 letter submitted by Lauren Collins was reviewed, and the only additional substantive comments related to the adequacy of the Revised Draft EIR are addressed below. (See also Master Response 3 – Comments Submitted Prior to Publication of Revised Draft EIR.)

The commenter states that the issue of current or future dredging is not discussed in the prior Draft EIR. This comment is noted. Dredging is not included as part of the General Plan, and therefore not an environmental impact of the General Plan. Current dredging is occurring related to ongoing activities of the U.S. Army Corps of Engineers. If future dredging projects are proposed by the city, the potential environmental impacts of those activities, such as disturbance of contaminated soils and potential impacts to biological resources and water quality, will be evaluated at the time they are proposed and before they are implemented.

The commenter states that potential impacts concerning saltwater intrusion, as influenced by sea level rise and subsidence, are not evaluated in the prior Draft EIR. The commenter states that the potential impacts of increased salinity on underground infrastructure, such as potential corrosion of storm drain pipes and sewer systems, is not discussed. The commenter also states that differential settlement rates could put underground drain and sewage structures at risk of breakage and leaks, potentially leading to the discharge of untreated sewage to Richardson's Bay, impacting the waters of the San Francisco Bay. As

detailed in Master Response 2 – Sea Level Rise, Inundation, and Subsidence, CEQA does not require an analysis of the environment’s impacts on a project, such as potential impacts of salinity, sea level rise, or differential settlement rates, on existing underground infrastructure. Furthermore, the exact scope and details of sea-level rise, the cumulative effects of sea level rise and the secondary effects of sea level rise on the city are uncertain, speculative, and difficult to predict based on the available scientific information, including the potential effects of saltwater intrusion and differential settlement rates on underground infrastructure. Please also refer to Master Response 2 – Sea Level Rise, Inundation, and Subsidence, WOLFE-13, WOLFE-21, WOLFE-33, and PC MEETING-7.

The commenter requests that the BayWAVE maps be included in the prior Draft EIR to show changing conditions that will affect stream flooding by 2040. The commenter also states that the FEMA map of the Marinship shows projected stream flood levels to be lower than the sea level rise models, such as the Our Coast, Our Future maps. The Revised Draft EIR provides the best available information related to flooding and presents the current FEMA Flood Hazard Zone map (Exhibit 3.9-2), which is updated at least every 5 years to show areas with a 1 percent and 0.2 percent annual chance of flood hazards. The General Plan also includes Policy S-3.1, which requires a sea level rise vulnerability and risk assessment and consideration of the adoption of mapping, to be developed in coordination with regional partners, such as the County of Marin (see also Master Response 2 – Sea Level Rise, Inundation, and Subsidence). The city is not obligated to present the information in any particular format, including mapping by BayWAVE or Our Coast, Our Future. Nonetheless, the Marin Shoreline Sea Level Rise Vulnerability Assessment, included as Attachment 4, contains figures related to sea level rise.

The commenter states that a fault delineated on the MarinMap website was not identified in the prior Draft EIR. This comment is noted. The Revised Draft EIR includes the best available information and identifies the active regional faults in the vicinity of the Planning Area based on data from the California Department of Conservation, California Geological Survey. The Planning Area is in a seismically active region with the potential for fault traces. As described in the Revised Draft EIR, future proposed projects would be subject to conducting an environmental analysis at the time a specific project is defined to address such concerns. In reviewing individual project applications, the city would determine which policies and programs apply, depending on the specific characteristics of the project type and/or project site during the development review process. Specifically, Program HS-1.2.3 requires submittal of geologic and/or geotechnical feasibility reports for development of new buildings or significant additions to existing buildings requiring discretionary approval, and Program HS-1.2.4 requires geotechnical reports for grading and building permits. In addition, Program HS-1.2.1 requires the city to develop and maintain a citywide GIS map identifying geologic conditions and hazards including landslides, drainage, erosion hotspots, subsidence, liquefaction, parcel slope, and other relevant geologic data to assist in identifying areas of concern.

The commenter states that the prior Draft EIR does not address the potential effects of flooding on emergency evacuation routes (Bridgeway, roadways within the Marinship) as a result of sea level rise, King tides, creek and storm drain related flooding, elevated groundwater, tsunami, subsidence, and an elevated groundwater table. This comment is noted. The secondary effects of sea level rise, including the potential to affect emergency evacuation routes, are discussed in Master Response 2 – Sea Level Rise, Inundation, and Subsidence. As described in Impact HAZ-5 of the Revised Draft EIR, development facilitated by the General Plan would not physically interfere with emergency routes. The General Plan includes Policy HS-2.4 Access for Emergency Vehicles, which underscores the importance of maintaining adequate access by requiring the city to provide and maintain adequate access for emergency vehicles, which would in turn ensure that emergency access routes are maintained. Furthermore, buildout of the General Plan would need to demonstrate “no net increase” in offsite flow in compliance with the Clean Water Act and RWQCB NPDES permit, and as such would not exacerbate flooding conditions (see Response to WOLFE-29). Lastly, the potential effects of flooding on emergency evacuation routes are a future planning issue that is being addressed by the policies and programs identified in the General Plan and described in the Revised Draft EIR and Master Response 2 – Sea Level Rise, Inundation, and Subsidence.

The commenter identifies a number of actions that would be necessary to protect emergency evacuation routes, such as Bridgeway, Shoreline Highway, and roadways in the Marinship from inundation due to sea level rise, flooding, tsunamis, and subsidence. The commenter lists the actions (increased fill, extensive levee, rerouting of emergency evacuation routes) and states that these actions are not discussed in the prior Draft EIR. This comment is noted. As detailed in Master Response 2 – Sea Level Rise, Inundation, and Subsidence, the exact scope and details of sea-level rise, the cumulative effects of sea level rise and the secondary effects of sea level rise on the city are uncertain, speculative, and difficult to predict based on the available scientific information, including the potential effects of sea level rise on emergency evacuation routes. As described in Responses to WOLFE-33 and WOLFE-35, the methods the city will use to address sea level rise are not known at this time. The city could use pumping systems, levees, or other methods to address sea level rise. It is speculative to assume that the methods identified by the commenter, such as “increased fill” or “extensive levee” would be employed to address sea level rise. Sea level rise is being addressed on a larger scale in the General Plan. Program HS-1.8.1 requires the city to conduct sea level rise assessment (Policy S-3.1) and proactively pursue adaptation and mitigation strategies in coordination with the County (Policy S-3.2), including review of sea level rise, flooding, and tsunamis on parcels that have an elevation of 25 feet or less above MLLW level datum through the environmental review process.

The commenter states that the potential impacts of Program EQ-4.3.4, Daylighting Creeks, which calls for the city to initiate or support daylighting projects to increase riparian habitat and reduce runoff, are not discussed in the prior Draft EIR. This comment is noted. Program

EQ-4.3.4 is not a mitigation measure to address an environmental impact. However, the program is expected to provide an environmental benefit. The city acknowledges that the daylighting of creeks could have site specific impacts. As such, the daylighting of any creek would be evaluated at the time it is proposed, subject to regulatory requirements, and in coordination with regulatory agencies. See also Master Response 1 – Program EIR.

The commenter states that since the General Plan encourages the actions of both re-engineering fill and placing more fill on re-engineered fill to mitigate sea level rise, the prior Draft EIR does not discuss the associated impacts of these actions, such as subsidence or the potential to encounter toxic fill. This comment is noted. As described in Master Response 2 – Sea Level Rise, Inundation, and Subsidence, the General Plan does not authorize any new development and the projected development contemplated in the Revised Draft EIR is currently allowed under the existing 1995 General Plan. As such, should any areas of historical fill re-engineered to increase site elevation be implemented to address sea level rise, these actions would be subject, on a project-by-project basis, to independent CEQA review as well as required adherence to mandatory regulations, policies and programs in the General Plan, the Sausalito Municipal Code, the Zoning Ordinance and other applicable city requirements that reduce impacts. Further, Chapter 8.48 (Floodplain Management) of the Municipal Code describes methods for reducing losses due to inundation and floods such as restricting uses, requiring flood damage protection at the time of initial construction; controlling actions, such as filling, grading, and dredging, which may increase flood damage, or actions, such as alteration of stream channels and construction of barriers, which can divert flood water and therefore increase flood hazards in other areas. Regarding the potential to encounter toxic soils, see Master Response 1 – Program EIR and Response to WOLFE-27. Regarding the text the commenter cites on page EQ-6 of the General Plan regarding the increase in elevation of construction sites, as stated on page HS-19 of the General Plan, this statement relates to future CEQA review processes, and that sites may be required to place up to 20 feet of fill to increase elevation.

The commenter states that the prior Draft EIR does not describe how the Marinship area will be protected from sea level rise and does not address potential projects that could encounter contaminated fill in the Marinship. This comment is noted. In compliance with State planning law and regulatory guidance, the General Plan incorporates policies and programs addressing sea level rise throughout the Planning Area, including the Marinship. These policies and programs establish the framework and objectives for the city's sea level rise planning and commitment to planning for sea level rise issues (see Master Response 2 – Sea Level Rise, Inundation, and Subsidence). There are policies in the General Plan requiring the city to evaluate potential accommodation projects, which will be evaluated as they are identified and before they are implemented. Regarding the potential to encounter contaminated fill in the Marinship, see Response to WOLFE-24.

The commenter states that the potential flooding of the hiking/biking trails along the Bay Trail system needs to be addressed in the prior Draft EIR, including the potential relocation

of the trails should they become inundated from sea level rise. This comment is noted. As detailed in Master Response 2 – Sea Level Rise, Inundation, and Subsidence, CEQA does not require an analysis of the environment's impacts on a project, such as potential impacts of sea level rise on existing hiking and biking trails. Furthermore, the exact scope and details of sea-level rise, the cumulative effects of sea level rise and the secondary effects of sea level rise on the city are uncertain, speculative, and difficult to predict based on the available scientific information, including the potential effects of sea level rise on hiking and biking trails along the Bay Trail system.

The commenter states that the construction of higher levees, placement of higher landfill, and/or sea walls as remedies to sea level rise can cause tidal prism displacement that can have impacts elsewhere in the Bay Area, including the marsh restoration projects being planned in Marin Open Space Bothin Marsh. This comment is noted. Tidal prism displacement is a regional issue that requires a regionally coordinated solution. It is too speculative to evaluate the effects of tidal prism displacement at this time. As part of the city's planning for sea level rise, should any of the adaptation and mitigation strategies identified in the future sea level rise assessment be implemented and/or infrastructure improvements be used, these actions would be subject, on a project-by-project basis, to independent CEQA review as well as required adherence to mandatory regulations, policies and programs in the General Plan, the Sausalito Municipal Code, the Zoning Ordinance and other applicable city requirements that reduce environmental impacts.

The commenter states that future conditions should be the basis for the prior Draft EIR and not existing 2020 conditions. This comment is noted. See Response to PC MEETING-7.

The commenter asks for clarification on the basis for choosing a 25-foot elevation threshold for parcels effected by sea level rise, flooding and tsunamis in Program HS-1.8.1. This comment is noted. This program was carried over from the 1995 General Plan (currently Program HS-1.7.2) and the 20-foot elevation was changed to 25 feet to better manage and protect buildings and people from the threat of flooding.

The commenter identifies Program HS-1.9.4 Wind Waves and states that the prior Draft EIR does not use sea level rise information to show the future effects of predicted wave energy as sea level rises. This comment is noted. The program cited by the commenter has no potential for environmental effects. If the city implements projects to address wind waves and tsunamis, those projects will be evaluated at the time they are proposed. See also Master Response 1 – Program EIR and Master Response 2 – Sea Level Rise, Inundation, and Subsidence.

Response to CVP-3

The commenter states text from the Marinship Vision and does not think the Revised Draft EIR properly addresses the environmental concerns associated with development in the Marinship.

The text cited by commenter is neither an admission nor a disclaimer, but rather part of the City Council's recommended vision to guide the future of the Marinship. Please refer to Response to PC MEETING-4 for a discussion of the Revised Draft EIR's analysis of environmental remediation.

Response to CVP-4

The commenter provides recommendations for the General Plan Update and Revised Draft EIR to address their concerns, including the preparation of more studies and assessments as well as further mitigation for hazards in the Marinship.

Please refer to Master Response 1 – Program EIR. See also Response to WOLFE-9, regarding the appropriate use of regulations and programs as mitigation.

Response to CVP-5

The commenter provides bullet points summarize their following comments.

Please refer to Response to CVP-6 through Response to CVP-11 for detailed responses to these general bullet summary points.

Response to CVP-6

The commenter asks when the city anticipates undertaking the planning studies and environmental assessments identified in the General Plan related to the Marinship, sea level rise, subsidence, and failing infrastructure. The commenter states that the appropriate studies, analysis, and assessment must be done before the Final EIR is certified.

The General Plan includes an implementation plan that provides an overview of responsible entities, timing expectations, and funding sources associated with the implementation of the General Plan, including infrastructure improvements and specific General Plan policies and programs. In order for the plans, studies, reports, or mapping identified in the Revised Draft EIR to occur, they first need to be included in the city's CIP list. Once they have been included in the CIP, funding would be identified for their completion. Table 9-12 in the General Plan identifies infrastructure projects and estimates the timing priority for implementation and the CIP Budget Category where the program is classified. (See General Plan, pages E-32 through E-62.) In this discussion, the General Plan explains that the Department of Public Works is responsible for implementation of CP-1.1.4 and generally describes the anticipated timing. (General Plan, page E-40, Table 9-12.) Certification of the Revised Draft EIR and approval of the General Plan are initial steps in the planning process. With adoption of the General Plan, during the development review process, the city would apply appropriate mitigation to projects through the application of policies, zoning codes, conditions of approval, thresholds, or any other planning requirements pursuant to the city's police power.

Please refer to Master Response 2 – Sea Level Rise, Inundation, and Subsidence regarding the timing and responsibility for implementing the city’s sea level rise strategy. See also Responses to WOLFE-10, WOLFE-19, and WOLFE-33.

Response to CVP-7

The commenter is concerned that the Revised Draft EIR does not include mitigation plans for environmental hazards and does not agree with the determination that all impacts will be analyzed at the “project” level.

As a planning level document, the adaptation to sea level rise is a key objective of the General Plan. The General Plan specifies that Sausalito will continually revise its sea level rise map and maintain data as part of the city’s strategic planning processes to ensure that planners and emergency responders can efficiently respond to existing conditions and projections and consider sea level rise in making development decisions. The General Plan also discusses how the city will implement new mitigation and adaptation measures, such as innovative building structures that minimize tidal impacts and hybrid edge wetlands. However, it is not feasible for a General Plan or its accompanying environmental documentation to identify project specific impacts for future development projects.

Please refer to Master Response 2 – Sea Level Rise, Inundation, and Subsidence, Response to PC MEETING-4 and Responses to WOLFE-10 through WOLFE-13.

Response to CVP-8

The commenter asks who will be responsible to pay for the costs of the work described in their previous questions and if it will be the City of property owners.

Please refer to Response to WOLFE-10 for a discussion of funding mechanisms.

Response to CVP-9

The commenter states that the Revised Draft EIR cannot be certified until the studies they request are completed and how future projects will be impacted by yet unknown impacts associated with environmental hazards.

It is appropriate for the city to identify project specific mitigation during the development review process. Please refer to Master Response 1 – Program EIR. The General Plan is a planning document that will guide development in the city. It does not approve or disapprove any specific development; however, future development applications will be required to comply with applicable provisions of the General Plan, including any required studies or assessments.

Response to CVP-10

The commenter states that the City is providing inconsistent statements regarding high-density housing in the Marinship.

It should be noted that on page 12 of the letter, the commenter states that the Waterfront and Marinship Element includes “Noisy and industrial uses are common in the Marinship

waterfront, and new development should not crowd out these traditional uses in the neighborhood.” This language was modified at the direction of Council on November 17th, 2020, after the publication of the Final Draft General Plan. It now reads: “New development should not crowd out traditional uses in the neighborhood.”

The General Plan does not seek to “rezone Marinship parcels for high-density, multi-family housing,” nor propose any changes to the existing City of Sausalito Land Use Map nor any changes to the existing City of Sausalito Zoning Map (see also page 1-1). As described on pages 2-6 through 2-10, buildout of the General Plan is based on land use categories on the existing Land Use Map (see Exhibit 2-3). As shown on Tables 2-2 and 2-3, based on existing allowable densities for the existing land use categories, buildout of the General Plan could yield up to 304 new residential units, 587,961 new square feet of commercial uses, and 146,124 new square feet of industrial uses within the Sausalito Planning Area. As the General Plan does not include any changes to land use categories or any changes to the density or intensity of uses contained in the 1995 General Plan, growth associated with buildout will be limited to vacant and/or underutilized existing parcels throughout the city, including parcels identified in the Marinship. Exhibit 2-4 depicts the location of vacant and underutilized residential and non-residential parcels where growth associated with buildout could occur, including the marine environment and near the waterfront. However, the General Plan does not propose to introduce new land uses to the Marinship.

Further, it is important to note that any changes to the Zoning Ordinance proposed in the future will require a public process including public notice and opportunities for public input at public hearings before the Planning Commission and City Council.

Accordingly, the assumptions in Comment CVP-10 are based on an inaccurate assumption regarding rezoning.

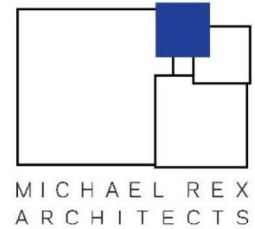
See also Response to WOLFE-14.

Response to CVP-11

The commenter does not agree with the approach outlined in the General Plan Update Financing and Implementation Strategy prepared by M-Group on August 8, 2020 related to the mitigation of hazards in the Marinship. The commenter includes conclusionary statements.

This comment raises issues concerning the General Plan’s Financing and Implementation Strategy and does not identify significant environmental issues that require a response under CEQA.

The purpose of the General Plan Update is to guide future development. The General Plan Update acknowledges concerns in the Marinship; however, it is noted that the environmental remediation is not specifically part of the Marinship vision. See pages W-9 through W-10 of the Final Draft General Plan.



November 12, 2020

Sausalito City Council
City of Sausalito
420 Litho Street
Sausalito, CA 94965

RE: GENERAL PLAN UPDATE – SUGGESTED LANGUAGE TO CONSIDER, WHICH FURTHERS THE COMMUNITY’S GOAL TO IMPROVE INFRASTRUCTURE IN THE MARINSHIP THAT SUPPORTS AND PRESERVES MARINE USES IN THE “W” ZONING DISTRICT

Dear Members of the City Council,

On behalf of Ken and KC Pedersen, long-time owners of Clipper Yacht Harbor, I write to ask that you consider during your next hearing on the General Plan Update, scheduled for November 17, adding the following wording to the draft Plan:

“Consider allowing Applied Art uses that are not water dependent, on upper floor levels in buildings in the “W” Zoning District, when the applicant can demonstrate Marine Applied Art uses are not available within the market place to occupy such spaces.”

We suggest the best location to insert such language is in the Waterfront and Marinship Element, under Objective W-5, Policy W-5.1, which is to “Preserve and enhance the maritime history and character of the Marinship, including giving preference to marine uses and maritime industries where feasible,” as an added Program, W-5.1.5.

Adding Applied Arts to Marine Arts, which are currently allowed in the “W” Zone, will enhance the viability of improving and maintaining facilities that serve marine-oriented uses on the ground floor level. Such enhancement will benefit all landowners in the “W” Zone, not just Clipper. This is another and effective strategy to increase the City’s resilience to sea level rise and flooding, while protecting maritime assets.

We ask for your support in inserting this beneficial wording into Sausalito’s Final General Plan Update next Tuesday night. Doing so, is a significant way to add to the Plan’s worthy goals, meaningful and actionable substance.

Sincerely,

Michael Rex, Architect

Copy: Ken and KC Pedersen
Riley Hurd

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Michael Rex Architects (REX)

Response to REX-1

The commenter suggests that the General Plan add a program to Objective W-5, Policy W-5.1 to allow Applied art uses that are not water dependent in the "W" zoning district when Marine Applied Art uses are not available.

The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

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From: Carlo Berg <Carlo@bergholdings.com>
Sent: Friday, December 11, 2020 4:36 PM
To: Lilly Whalen <LWhalen@sausalito.gov>; deircomments@sausalito.gov
Subject: Sausalito EIR

CAUTION: External Sender

Hi Lilly,

Hope all is well with you. Seems like comment is open on the EIR until 5pm so I figured I'd just make a quick comment expanding on one I worked with the attorney's on in their recent letter.

I'm looking forward to wrapping this process up as much as the next guy, but I would be re-miss if I didn't communicate my anxiety about the GPU and EIR in it's existing form, even with the alternatives. I think everyone agrees on the quantitative need for housing of all kinds throughout the city and throughout the Bay Area. If one loves Sausalito they typically hope more people can stay here and keep loving it or come and live here to learn to love it as well. As many have publicly stated, the current plan and EIR doesn't seem to have enough housing to meet the demographic needs of the community over the timespans they're intended to address the need.

I know this is a community that considers the practical as well as legal matters in our process. Principally: Bringing any project forth to serve the people of Sausalito will be a many years long endeavor. This is the nature of the process, and it should be thus. However, this timeline is especially burdensome for seniors and those qualified for affordable housing who, by definition, need housing as soon as possible. Whether one considers UC Davis's study and demographic senior profile in Sausalito or almost any other type of demographic documentation the data we've all seen is pretty salient.

It is my highest hope that the City of Sausalito will look at the possibility of adding needed types of housing during this process as considering or being forced by the State to do it later will further delay and complicate the process and have the very real effect of not honoring the intent of the many Sausalito Land Use policies and programs, and more importantly the people themselves. I'm very cognizant of the challenges in an approach such as this but I also know that we as a community recognize that making it practically possible to retain the cultural memory of the City while being a warm and welcoming place to all is one of the highest goods we can realize and working towards that end now will be something in the coming decades we can all be proud of. Thanks goodness 2020 is nearing it's end, if we don't talk before then. I wish everyone happy holidays and a merry new year.

Respectfully + Candidly,

Carlo Carlito Berg | *Managing Director*
Berg Holdings | 2330 Marinship Way Suite 125 – Sausalito CA
Mobile: 415.613.3033 | carlo@bergholdings.com

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Berg Holdings (BERG)

Response to BERG-1

The commenter states that the City of Sausalito should consider adding more types of housing to the General Plan, such as affordable housing and senior housing.

The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

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From: Sandra Bushmaker [<mailto:sandrabushmaker@yahoo.com>]
Sent: Tuesday, November 17, 2020 1:22 PM
To: City Council <citycouncil@sausalito.gov>; Heidi Scoble <hscoble@sausalito.gov>
Subject: General Plan Discussion Items 6 B and 6 C.

CAUTION: External Sender

Dear Council:

With regard to the review of the new General Plan I wish to bring the following objections:

1. I oppose zoning overlays in the Marinship. 1
2. I oppose changing "nonconforming" to "conforming" uses with regard to office space in the Marinship for those offices built after the date enumerated in the Marinship Specific Plan. 2
3. I oppose the use of applied arts in the Water Zone. This change has the serious consequence of eliminating legitimate water zoned uses. I oppose additional office uses in the Marinship as a whole. Office vacancy in the Marinship is already a problem, why add to it? 3
4. I oppose housing in the Marinship, except floating residential facilities. I have previously stated my opposition to housing as a public health issue and potential disaster. This city has no credible evidence that the toxics there have been attenuated. In fact, I do not believe we have a clear concept of the extent of the toxicity for the entire area. 4
5. I do support an engineering study for the Marinship and mapping of the toxicity located in this area. 5

I refer to all of my past correspondence to the City Council, GPAC, GP Working Group and the Planning Commissions regarding the 2020 GP Update and by such reference incorporate them here as though full set forth in this email. 6

Respectfully,
Sandra

Sandra Bushmaker, 317 Sausalito Blvd., Sausalito, CA 94965; 520 250 3719

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Individuals

Sandra Bushmaker (BUSHMAKER)

Response to BUSHMAKER-1

The commenter expresses opposition to zoning overlays in the Marinship.

The comment does not address the adequacy of the Revised Draft EIR. The comment on the Final Draft General Plan is noted and will be forwarded to the decision-makers for their consideration; no response is required.

Response to BUSHMAKER-2

The commenter expresses opposition to changing “non-conforming” to “conforming” uses regarding office space in the Marinship.

This comment is noted. See Response to CC MEETING-1.

Response to BUSHMAKER-3

The commenter expresses opposition to the use of applied arts in the Water Zone and additional office uses in the Marinship.

The comment does not address the adequacy of the Revised Draft EIR. The comment on the Final Draft General Plan is noted and will be forwarded to the decision-makers for their consideration; no response is required.

Response to BUSHMAKER-4

The commenter expresses opposition of housing in the Marinship and concern related to toxicity in the Marinship.

The current Land Use Plan would allow for 31 housing units in the Waterfront. These units are limited to liveaboards. No other new housing is allowed in the Marinship. The General Plan does not change any land use designations. The General Plan Land Use Map (Exhibit 2-3) reflects the 1995 General Plan Land Use Map and any general plan Land Use amendments made since 1995. There are approximately 12 parcels (10 within the city limits) that required correction because the land use designation had been changed without a corresponding update to the General Plan Land Use Map. The Land Use Map provided as part of the General Plan Update has been updated to show Land Use designation changes previously approved by the City Council. The updated Land Use Map is not making any changes to existing designations.

As described Section 2, Project Description, on pages 2-6 through 2-10, buildout of the General Plan is based on land use categories on the existing Land Use Map (see Exhibit 2-3). As shown on Tables 2-2 and 2-3, based on existing allowable densities for the existing land use categories, buildout of the General Plan could yield up to 304 new residential units, 587,961 new square feet of commercial uses, and 146,124 new square feet of industrial uses within the Sausalito Planning Area. As the General Plan does not include any changes to land

use categories or any changes to the density or intensity of uses contained in the 1995 General Plan, growth associated with buildout will be limited to vacant and/or underutilized existing parcels throughout the city. Exhibit 2-4 depicts the location of vacant and underutilized residential and non-residential parcels where growth associated with buildout could occur.

Potential toxicity for the Sausalito Planning Area is discussed in Section 3.8, Hazards and Hazardous Materials. Hazards include man-made and natural conditions that may pose a threat to human health, life, property, or the environment. Hazardous materials and waste present health and environmental hazards. These hazards can result during manufacture, transportation, use, or disposal of such materials if not handled properly. Hazards to humans can also result from air traffic accidents. Section 3.8 of the Revised Draft EIR analyzes impacts associated with exposure to hazards and hazardous materials within the Planning Area, resulting from buildout of the General Plan. Specifically, the analysis addresses impacts related to hazardous materials use and transportation, accidental release of hazardous materials, new development or re-development on contaminated sites, air traffic hazards, and interference with emergency response and evacuation plans. It should be noted that future discretionary projects facilitated by the General Plan will be evaluated for project-specific impacts to hazards and hazardous materials the time they are proposed.

Response to BUSHMAKER-5

The commenter expresses support of an engineering study for the Marinship and mapping of the toxicity located in this area.

The Revised Draft EIR provides an appropriate level of detail about hazards and hazardous materials for a plan-level EIR. The information requested by the commenter is not available at this time. It is not feasible or required for the city to include detailed engineering studies or toxicity mapping for the Marinship. Future discretionary projects facilitated by the General Plan will be evaluated for project-specific impacts related to engineering, hazards, and hazardous materials at the time they are proposed.

In addition, the General Plan contains policies and programs to identify and map geologic hazards throughout the city, including the Marinship. Policy E-6.3, Marinship Engineering Study and Financing Approaches, calls for the city to consider an Engineering Study of Infrastructure Needs in the Marinship Area as recommended in the Land Economics Study. Program HS-1.4.6, Phase 1 Reports, requires, at minimum, a Phase 1 hazardous materials assessment for all future development or redevelopment projects on sites located within the Marinship area or on sites with a known history of industrial uses (such as gas stations). Program HS-1.1.4, Geologic Hazard Maps, requires the city to update the current Geological Hazard Mapping of the City and develop a [Geographic Information System] GIS system to ease review of the mapping. Program HS-1.2.1, Detailed Geologic Map and Report, calls for the city to develop and maintain citywide GIS map that serves as a detailed geologic map to provide a more detailed database for planning and include geologic conditions and hazards

including landslides, drainage, erosion hotspots, subsidence, liquefaction, parcel slope, and other relevant geologic data. Program S-3.2.2, Subsidence and Liquefaction, requires the city to complete a geologic and/or hydrographic study that describes how Sausalito's unique ground subsidence and liquefaction issues will interact with sea level rise.

Nonetheless, the comment is noted and will be forwarded to the decision-makers for their consideration.

Response to BUSHMAKER-6

The commenter refers to past correspondence to the City Council, GPAC, GP Working Group and the Planning Commission regarding the General Plan Update and asks that the correspondence be incorporated by reference.

This comment is noted. The commenter's previous letters comment upon the content of the General Plan and the city's process for public review and hearing on the General Plan. They do not make any additional comments relevant to potential environmental impacts addressed in the Revised Draft EIR, and therefore no further response to these letters is required. See also Master Response 3 – Comments Submitted Prior to Publication of Revised Draft EIR.

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From: John DiRe [mailto:john_dire@hotmail.com]
Sent: Wednesday, November 4, 2020 4:56 PM
To: Lilly Whalen <LWhalen@sausalito.gov>; Planning Commission <pc@sausalito.gov>
Subject: Public Comment Late Mail for tonight's Planning Commission Meeting.

CAUTION: External Sender

Lily

Please include my comment on the EIR in tonight's planning commission meeting.

Item 4b

A simple assessment of the existing inventory of land uses seems to be missing from the baseline EIR. Several current land use violations that have not been enforced have been documented and submitted to city staff from myself as well as from anonymous sources. Of course, these are just the latest zoning/land use violations that have been documented in the Marinship. There have been estimates that nearly 45% of the parcels in the Marinship have non-compliance uses that violate the zoning code. A pattern of violations over the last several decades have been tolerated in this area as enforcement has been lacking and is currently indicated to be "complaint-based". If the EIR draft does not have an accurate assessment of the baseline land uses because of a systemic lack of enforcement, how can the environmental impact of those current and future non-compliant uses be evaluated.

Thank you
John DiRe

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John DiRe (DIRE.1)

Response to DIRE.1-1

The commenter states that an assessment of the existing inventory of land uses is missing from the baseline EIR. The commenter states that there are current land use violations that have not been enforced which could reflect in an inaccurate assessment of the baseline land uses.

This comment is noted. The Revised Draft EIR provides the best available information about existing land uses within the city. As discussed in Section 2, Project Description, on page 2-6 of the Revised Draft EIR, existing land use conditions represent on-the-ground uses in 2017 as reported in the Marin County Assessor's data. Existing Accessory Dwelling Unit (ADU) counts are based on the city's 2018 Annual Housing Element Progress Report. This Revised Draft EIR uses the existing land use conditions data as a baseline from which to determine environmental impacts of the General Plan and its alternatives.

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November 17, 2020

To: Sausalito City Council

From: John DiRe

Cc: Heidi Scoble

Rebuttal to the argument for allowing applied arts in the Water Zone of the Marinship

1. There are other ways to maintain maritime uses in the Marinship while adapting to sea level rise than building a new 2 story building with new office space. Prefab metal buildings can be erected at a fraction of the cost of a permanent building that would be vulnerable to sea level rise in future years. Furthermore building can be constructed to be designed to float as we adapt to the inevitability of sea level rise. This technology is well developed in the Netherlands. The lower cost of investment in these types of buildings preclude the necessity to add office space to an area with a glut of office space.
2. The narrative that maritime uses can not be found to fill those maritime spaces in the Water zone is spurious. There has been no effort by either the city or the property owners to create a marketing program to the marine industry to offer their properties for those uses. Some uses that are already allowed:

Marine graphics and illustrators

Marine photographers

Marine publishers

Nautical arts and photography

Naval architecture, designers

Naval Engineering

New categories of Marine Arts that do not require any zoning change:

Sea level rise environmental adaptation research

Geo-statistics research

Coastal resiliency studies

Gray/Green Coastal Design

Coastal hazard mitigation planning

Marine electrical engines

Marine solar

Ocean engineering

Marine Battery Technology

Marine logistics

Naval Architects

SBR DOD marine contractors

SBR DOE marine contractors

Global marine economics

Marine Applied Arts are not the only maritime allowable use. Also allowed are:

Boat charters

Food and beverage boat provisioning

Chandlery

1

2

Engine sales service and repair
 Marine electronics sales
 Marine equipment sales, manufacturing, service and repair
 Marine services
 Sports fishing facilities
 Wholesale fish sales
 Marine carpentry, cabinet making and woodworking
 Marine welding and fabrication
 Marine mechanical systems
 Marine equipment manufacturing and repair
 Marine research laboratories
 Marine title company
 Marine insurance broker
 Boat towing,
 Boat dry docks and storage,
 Pump out systems,
 Houseboat construction,
 Sail, canvas construction and repair,
 Sailing and marine related skills schools

2
Cont.

3. A new underwater robotics/power technology company moved into the Marinship last week.
4. Mostly tenant occupancy can be controlled by lease rate. Marinship properties are systemically priced as office space. Often as Class A office space. This despite being in the Industrial and Water zones and a violation of the Marinship Specific Plan and the Zoning Ordinance. Commercial office investment, like any other investment, comes with risks. Occasionally economic circumstances requires a lower return on that investment (lower lease rates)
5. Please keep in mind that any applied art use in the Marinship must be accompanied with an equal amount of fine arts uses. Despite massive violation of this provision, it is the only way that our artists hang onto their spaces.
6. As one property owner in the Water zone is granted a variance like this, other property owners will challenge the city for equal treatment. Applied art results in a higher economic return to the property owner and under this justification legal battles will ensue.
7. An argument has been made that we will have significant office vacancy in the Marinship. Yet this property owner is advocating for more office use in the Water zone! Anyone looking for office space in the Marinship does not need to be in the Water zone. They will be able find space in the Industrial Zone. The long term office vacancy rate in Marin and Sausalito has historically been 15-20%.
8. The Marinship Vision and the September 2019 Workshop showed the community was in agreement: no new office space in the Marinship.

3

John DiRe (DIRE.2)

Response to DIRE.2-1

The commenter identifies other ways to maintain maritime uses in the Marinship while adapting to sea level rise.

The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

Please see Master Response 2 – Sea Level Rise, Inundation, and Subsidence.

John DiRe (DIRE.2)

Response to DIRE.2-2

The commenter identifies a list of allowed uses in the Water zone, new categories of Marine Arts that do not require any zoning change, and a list of allowable maritime uses in the Marinship.

The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

John DiRe (DIRE.2)

Response to DIRE.2-3

The commenter states that Marinship properties are systematically priced as office space and that any applied art use in the Marinship must be accompanied with an equal amount of fine arts uses. The commenter points to the Marinship Vision and the September 2019 Workshop, stating that that community was in agreement for no new office space in the Marinship.

The comment does not address the adequacy of the Revised Draft EIR. The comment on the Final Draft General Plan is noted and will be forwarded to the decision-makers for their consideration; no response is required.

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From: bill werner [<mailto:waw94965@gmail.com>]
Sent: Tuesday, November 17, 2020 3:43 PM
To: City Council <citycouncil@sausalito.gov>; Heidi Scoble <hscoble@sausalito.gov>
Subject: General Plan Discussion Items 6 B and 6 C.

CAUTION: External Sender

I am in agreement and fully support the email sent by Sandra Bushmaker on Tuesday, November 17, 2020, 01:22:02 PM PST with the above Subject Line.

1

There has been much talk about the future "Existential Threats" to the Marinship (sea level rise, subsidence, toxic waste, etc.) but none about the most immediate existential threats to the future existence of the Marinship. Those threats have been enumerated and defined by Carlo Berg, Bruce Huff, Ken Peterson, and their advocate and cheerleader, Mayor Susan Cleveland-Knowles in various revisions to the General Plan Update which, when taken together, will eliminate the artists, maritime workers, and light industrial innovators from the future of the Marinship.

2

Shame on us for letting this happen.

Bill Werner

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Bill Werner (WERNER)

Response to WERNER-1

The commenter states agreement with Sandra Bushmaker's email dated November 17, 2020.

This comment is noted. See Responses to BUSHMAKER-1 through BUSHMAKER-6.

Response to WERNER-2

The commenter refers to various public speakers and the Mayor and unstated revisions made to the General Plan Update, which "will eliminate the artists, maritime workers, and light industrial innovators from the future of the Marinship."

The comment does not address the adequacy of the Revised Draft EIR. The comment on the Final Draft General Plan is noted and will be forwarded to the decision-makers for their consideration; no response is required.

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From: Janelle E. Kellman <jekellman@gmail.com>
Sent: Wednesday, November 11, 2020 2:41 PM
To: Lilly Whalen <LWhalen@sausalito.gov>; Tom Ford <tford@m-group.us>
Subject: Info on Pacific Herring from CA Audubon

Lilly/Tom,

In followup to our last PC meeting where we discussed herring and the DEIR, I'm sending along information regarding Audubon's work with F&G to enhance the herring fishery:

The Pacific Herring Fishery Management Plan is the first completed under the Fish and Game Commission's 2012 Forage Species Policy, which aims to protect forage fish like herring.

<https://ca.audubon.org/news/california-protects-small-fish-key-coastal-wildlife>

It would be amazing if Sausalito could help play a role.

Thanks, Janelle

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Janelle Kellman (KELLMAN)

Response to KELLMAN-1

The commenter references an article from California Audubon which discusses a Fishery Management Plan for Pacific herring and states that it would be amazing if Sausalito could help play a role.

The comment does not address the adequacy of the Revised Draft EIR. Herring are identified as occurring in the Planning Area in the Revised Draft EIR (see Table 3.3-2, Special-status Animals Present or Potentially Present in Sausalito Planning Area).

The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

12-9-2020

Sausalito General Plan update comments (Lito Brindle)

Zipcode Villages and ZVH

“He’s takin’ the car,” said Jem.

Our father had a few peculiarities: one was....that he liked to walk. As far back as I could remember, there was always a Chevrolet in excellent condition in the carhouse.....but in Maycomb he walked to and from his office four times a day, covering about two miles.”

Any nominally literate American high school graduate ought to immediately recognize the voice above as that of Scout Finch, beloved protagonist of To Kill A Mockingbird, named by America’s librarians as the most beloved American novel of the 20th century.

Set in the 1930s, but published in the 1960s, one has to wonder: How much of that book’s appeal had to do with latchkey, postwar, freeway generations’ longing for a life lived at a human scale, in a century that began with most of us living on farms and ended with most of us living in cities?

If you were reared in a beclustered coastal megalopolis, as I was, you can’t but look around and conclude that no good, lasting art or literature can come out of such circumstances of urbanized confusion as we have wrought, and such as we inhabit here today. The butcher, the baker, and the candlestick maker all grew up in the Mission but today commute from Windsor, Antioch, and Tracy, respectively. The only good, lasting art or literature that can possibly come out of such circumstances of urbanized confusion is that which expresses some position on the spectrum of alienation, from bemusement to angst to rage – from Melville to Salinger to Tupac – of inhabiting them.

Thanks for bearing with me. That’s the beginning of an editorial I’ve been turning over in my mind, but I’m a low- to middle-income working person in urban California and I’m right at the end of my wits, such as they are, and who has the Time, Strength, Cash, or Patience?

I did want to register a few comments for this plan update and EIR though, and the deadline is in two days so finished or not, here goes. I’m coming late to the party so I haven’t had a chance to read much of either document, but I think I have a valid perspective. Probably my best and only qualification is that I grew up in Sausalito and, at the moment, I’m living here again. Sausalito and The Bay are my home, if I may be said to have one anywhere in the world, so I very much tend to think in local and regional terms. My mom’s mother was born in Santa Clara when it was largely agricultural. My other grandparents came to The Bay as teens or young adults. My mom grew up in Rodeo in the East Bay and my father in Sausalito, and this is a Sausalito document so I’ll zero in on that geography.

My dad’s parents moved to Sausalito in 1940. A single-income, blue collar household, they were easily able to afford to buy a home here the year that my father was born. My parents, two public high school teachers, were easily able to afford to buy the same house from them in the late 1960s. I have one of the last good union jobs working for the local municipal water district, the outfit that keeps the high quality drinking water coming out of the pipes 24-7 (and as such am even considered an “essential worker,” and so have not suffered any work interruptions during this terrible, hopefully once-in-a-

lifetime, pandemic, thankfully) and I believe at the moment, in spite of this economically crippling pandemic, incredibly the median home price in the *region* is over a million dollars. I just saw there was a lottery drawing yesterday for a one-bedroom, Below Market Rate condo in San Rafael administered through Marin Housing, but they want \$260,000 for that along with \$480 monthly HOA dues, which still doesn't seem exactly reasonable, and anyway you have to win a lottery drawing to even be eligible and as I look I may be just over the income limits. So I ask you to consider, as planners and leaders: What are my housing options here? What do you recommend?

So I guess you could say I am petitioning my Government for a redress of grievances. I think it's time to articulate, and insist upon, a not-unreasonable, self-evident truth, too, which is: If you *serve* a particular geography – particularly in the capacity of an “essential worker” – you deserve – you *earn the right* – to inhabit it. Otherwise you are subject to the lethal jeopardy of our beclustered roads and freeways, and/or the vector of transit. And you read it here that transit will *never* be a satisfactory answer because transit combines endless random combinations of strangers with conflicting notions of courtesy and hygiene, and, as we've seen, some sick person can just stab you to death at any time.

It has struck me before, trying to get in and out of Mill Valley, for example, in the afternoon or evening, that it is as though our towns and cities (I pointedly did not say “communities,” because true community, as I understand it, has been rendered all but impossible under these conditions) are undergoing daily dialysis, as the essential workers who are their *lifeblood*, who provide the critical ecological services that keep them functioning, keep them *alive*, are compelled to enter and exit every day. This is what accounts for the sallow, pallid, flaccid condition of our civic life in general.

The thrust of all of policy and urban planning for the last 100 years at least would seem to have been: Subsidize and facilitate movement. Incredibly, civic leaders are still trying to do that, fasttracking dense housing “near transit,” etc. But the obvious overarching fallacy, so ubiquitous that we can't seem to perceive it anymore, is that jobs and housing should – or even *could* – be separated geographically. If you permit – and even *facilitate* – such separation, you will be compelled to subsidize the movement of those who don't live where they work.....*FOREVER*. And what you get is exactly what we've got, a situation where our number one public health menace (and quality of life issue) is traffic, and our number one climate change contributor is “transportation.”

Subsidizing and facilitating movement for over a century – doing the same thing and expecting different results, all the while ignoring the basic, undergraduate lower division lesson out of urban planning and environmental science and geography, etc., of “the tragedy of the commons” – has brought us to this pass. I would suggest that the solution going forward, the goal and thrust of urban planning and policy, should be to *obviate* movement. Or, to put it another way: Subsidize *stasis*. Help people live where they work, the way that now you help them commute from Manteca and Tracy and Windsor and Antioch, etc., which wouldn't even be possible without this trillion dollar infrastructure that we subsidize 100%.

One way to do that would be to organize ourselves into Zipcode Villages, in which as many people as possible live in the same zipcodes in which they work. Why should we apportion our parcels intelligently but not our persons? So I'm proposing a category of housing called Zipcode Village Housing (ZVH), affordable rental housing that is available by lottery *exclusively* to low- to middle-income workers whose place of employment lies within the same zipcode as the housing, perhaps heavily weighted towards “essential workers” (I wouldn't qualify for ZVH in the 94965, for example, because my place of

employment is actually the MMWD watershed offices in Fairfax – a “good commute,” an oxymoron if ever there was one! In fact after a few years of prosecuting that oxymoronic “good commute” I have personally observed, on several occasions, traffic accidents in the northbound San Rafael exit lane for the Canal, as vehicles come over the hill at speed and encounter traffic stopped dead as the county’s workers try to sort themselves into one of the few remaining affordable rental neighborhoods, the public health menace of traffic made manifest). If you make such affordable housing as you are able to develop available to “whomsoever and they mama,” workers who then have to commute outside of your zipcode, you are slightly ameliorating one of our most pressing quality of life challenges – the lack of affordable housing – and greatly compounding the other most glaring one, that of local and regional traffic. A region full of Zipcode Villages, each one interlarded with the workers essential and otherwise who serve those zipcodes, would be a resilient rather than an ephemeral one, and just what we’re going to want when the Big One, or some other disaster, strikes. ZVH recipients could be required to be disaster workers, as public workers are now (myself included).

As you build “affordable housing,” in other words, ensure that as much of it as possible goes to people whose place of employment lies within the same zipcode. Such interstitial housing as exists or is being built, ADUs and granny units, might be taxed at a lesser rate – or not at all? – if it is rented out as ZVH. Just the other day I heard some civic leader expressing excitement that the “Novato narrows” of Highway 101 is soon to be expanded. How many millions of dollars for the roads industrial complex, and all the attendant pollution and stress and death, is that going to cost us? Haven’t you learned anything in the last 100 years? Let’s subsidize stasis instead.

Meanwhile, let’s get the data. It should be very easy to generate a commute map for EVERY commercial address in the region, so let’s do so. Tax software, or payroll software, could probably do so with the click of a mouse. We pride ourselves on being data and science driven....why don’t we have that data?

The example that I keep coming back to is the Salesforce tower. I know that organization takes great pride in that building’s “LEED platinum” certification, or whatever it is. But I would argue that any building whose workers are compelled to arrive and leave every day, propelled around the region by fossil fuels, for *as long as the building* stands, can never be “green,” or “sustainable.” Instead of an arcane system of fees and taxes to facilitate the building of affordable housing (somewhere else? Anywhere? How’s that working out?) such buildings should instead be required to include some percentage of their total square footage as ZVH. In other words, if you’re going to build a commercial building, and that building is going to have a roof, you must, you SHALL, put some ZVH under that roof. That’s how you unsprawl, and disentangle the terminal beclustering of the megalopolis. We wouldn’t permit such buildings to terminate their sewer pipes at the sidewalk, and dump their sewage into the streets, yet we allow them to do just that with their lethal traffic. You will NEVER have Vision Zero without ZVH!

Another building that ought to have included ZVH is the Chase Center, the Warriors’ new home. The private corporate VIP suites there each come with their own butler. Any building in the Bay ought to have a number of ZVH units greater than or equal to the number of butler appointment suites for the entertainment of the rich and powerful. That would be a building that embodies San Francisco values – or when you say “San Francisco values” nowadays, are you only referring to real estate values anymore, no different from anyplace else? Instead local workers have to come and go on subsidized roads, and subsidized transit, likely to subsidized housing.

Obviously we don't have commercial buildings at that scale in Marin, nor would they be appropriate here, but there's no reason we can't require ZVH at a more modest scale in new commercial construction (the RIGHT place to fit more workers in, in a way that is not jarring, is in commercial districts). That Amy's they just built up the road where Denny's used to be has a "living roof." Too bad, with a story or two of ZVH upstairs, it might *actually* have been green, sustainable, etc. Allowing that 101 commercial corridor to grow taller to include ZVH would act as a soundwall to contain that obnoxious freeway, too. I believe the Bayside/MLK school district just passed a bond for lots of construction.....perfect place to include ZVH in the 94965.

Which zipcode – in which beclustered megalopolis – will be the first Zipcode Village?

Why not Sausalito?

That's all I got the energy for at the moment, but I'd also like to petition my Government to protect us from speculative investment, if it can. I've watched my community (read my attached "94965in'" rap, and you'll see I'm using the word correctly) steadily go to the highest bidder all my life, and that now includes, as I understand it, foreign investors and speculating corporations who are buying up homes and apartments, sometimes sight unseen from what I hear. What civic or economic good comes out of that? Can you protect us from that, please?

Also it's high time we started the 94965 community housing/land trust. As I understand it there's one in Bolinas, one in Pt. Reyes Station/West Marin, one in Oakland, etc. Let's get together and BE the highest bidder, and set aside these modest 94965 homes once again for the modest people for whom most of them were obviously built. But we need, and deserve, civic support, to keep this community intact. If anyone is already working on that please get at me....

litobrinkle@hotmail.com

415 806-1725

Thanks!

-Lito Brindle

1
Cont.

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Lito Brindle (BRINDLE)

Response to BRINDLE-1

The commenter states that the City of Sausalito should develop a housing plan that reduces housing costs and allows employees to live in the zip code they work in.

The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

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129 Prospect Avenue
Sausalito, California 94965

December 8, 2020

Sausalito City Council
C/o Ms. Lily Whalen
City of Sausalito
324 Pine Street
Sausalito, CA 94965

Re: Comments on the Sausalito Final General Plan Update

Dear Sausalito City Council:

The below list was my primary “hoped-for” results from the General Planning effort:

1. A recognition of Sausalito’s geographic and geological challenges and constraints, and the limits of its infrastructure capacity.
2. A similar recognition of the City’s lack of diversity in both economic engines and resident demographics.
3. A change in the City’s endless discussion but “do nothing” attitude about the imminent impacts of climate change, sea level rise and subsidence on the City’s waterfront, particularly in the Marinship.
4. The opening of greater opportunities for meaningful resident involvement in addressing the significant financial, economic, and environmental issues facing the City; and
5. A meaningful effort to improve the City’s effectiveness and financial position in order to address primarily infrastructure and housing shortfalls.

Here’s what I found:

“Hoped for” Result One: A recognition of Sausalito’s geographic and geological constraints and the limits of its infrastructure capacity.

1. LIMITED INFRASTRUCTURE CAPACITY (page I-16)

Current road and water facilities have very limited capacity for expansion. Careful management of the amount and timing of development will be increasingly important. Aged infrastructure, much of which is affected by potential sea level rise and ground subsidence, may be subject to additional threats and constraints that must be considered by the General Plan.

Comment: “Careful management of the amount and timing of development” will not increase the capacity of either roads or water treatment plants and the General Plan has no provisions to fund any increase in capacity nor upgrade existing roads or facilities. This should dictate a moratorium on development until the issues are resolved.

2. The General Plan provides at page CP-5 that:

*The purpose of the Circulation and Parking Element is to provide policies that implement a **safe and efficient** transportation system for the movement of people and goods, which is fully coordinated with the other elements of the General Plan. [Emphasis added]*

However, the City's approach to the critical traffic issue appears to be "If conditions don't meet standards, lower the standards".

- a) Its current policy, as repeated in the General Plan, is to only intervene if an intersection exceeds Level of Service E.
- b) Level of Service E is defined as "unstable flow at or near capacity levels with poor levels of comfort and convenience". The roads are frequently clogged now and there is no more capacity.
- c) There is a guarded reference to the consideration of a new circulation plan, but no details are provided.

There is a discussion of how geography affects and restrains the road system, but the General Plan does not address any program for the critical issue of emergency evacuation. Again, the apparent position is to ignore the problem and let the residents fend for themselves.

"Hoped for" Result Two: A recognition of the City's lack of diversity in both economic engines and resident demographics.

1. Economic Diversity:

The Marinship's industrial operations offer the best prospect for meaningful economic diversity and the General Plan recognizes this at several points:

U-4.1.1: Utilize a public process to revise the Zoning Ordinance to **incorporate land use policies and development regulations contained in** the 1989 Marinship Specific Plan. [Emphasis added]

LU-8.1.2 Marine Rails ("Shipways"). Encourage the repair and maintenance of the Marinship Shipways to allow for continued **use and ensure compliance with environmental regulations and other regulatory requirements. Such encouragement could include (but is not limited to) the consideration of:** [Emphasis added]

- Designating the Shipways as a national, state, or local landmark if possible.

2
Cont.

3

- Creation of a zoning overlay designation to protect shipyards and resources, including buildings that already have been designated as historically significant.

LU-8.1.3 Critical Maritime Services and Business. *Create a list of Critical Services and Businesses that are required to maintain the well-being and safety of Sausalito's waterfront community. As part of Maritime-Industrial Study (program E-8.1.1), develop programs to prioritize these businesses as critical to the health and safety of floating homes and commercial and recreational vessels.*

BUT then other provisions within the General Plan appear to reverse the above direction. One example of this reversal appears under *Overall Community Goals* regarding the Marinship:

*Recognizing [the Marinship's] role and importance to the Bay Area and the city's cultural, historic, and economic diversity, and quality of life, encourage industrial, arts, and water-dependent or water-related activities in the Marinship. Support these activities through the inclusion of compatible businesses and uses **along with other uses that can adapt to changing economic conditions** [Emphasis added].*

Comment: This goal starts out well, but the last clause would emasculate the objectives of the Marinship Specific Plan. The term "[O]ther uses" could well include on land housing and provide a back door for approval. Similar "backdoor" provisions appear in:

1. The Waterfront and Marinship Element;
2. The Economic Element; and
3. The Land Use and Growth Management Element.

So, what is the real objective of the General Plan for the Marinship? What particularly leaves me suspicious is the absence from this "Final Draft" of the map, which I believe was entitled "Attachment A", which contained housing sites in the Marinship. Why was this attachment deleted? Could water-based housing offshore be expanded to on-shore? This General Plan has to contain policies to prevent housing in the Marinship as such a use is incompatible with industrial activity. If the City needs proof, just look at the impact of new housing on the industrial and service area in the SOMA area of San Francisco. You would kill your golden goose.

2. Resident Demographics:

The language regarding Social Equity, Diversity and Social Justice is both noble and toothless. Actions have spoken louder than words and the City's filing of an amicus brief in support of the local charter school spoke volumes to those seeking social equity, diversity and social justice.

3
Cont.

“Hoped for” Result Three: A change in the City’s endless discussion but “do nothing” attitude about the imminent impacts of climate change, sea level rise and subsidence on the City’s waterfront, particularly in the Marinship.

1. Climate change, sea rise and subsidence are very real issues for the Sausalito waterfront and to date the City has made no concrete steps to address any of these issues.
2. The City continues to pay lip service to these threats, as evinced by:

CP-1.1.4 Marinship Infrastructure Needs. Consider coordinating with the county and other stakeholders to commission an Engineering Analysis to examine the infrastructure costs and scenarios across the Marinship area to better inform the cost/benefit choices available to the city, property owners, and businesses in the Marinship.

Comment: I can almost hear Nero playing the violin in the background. The environmental circumstances have progressed well beyond “[c]onsider coordinating...” and “...cost/benefit choices...”. Gate Five Road floods increasingly often. Courses of action need to be agreed and pursued now. People in the Marinship face the challenges daily and have solutions. Talk to them. Unlikely there are City funds available so you will have to seek grants...quickly. [Emphasis added]

“Hoped for” Result Four: The opening of greater opportunities for meaningful resident involvement in addressing the significant financial, economic, and environmental issues facing the City

1. There are a great number of talented and experienced professionals residing in Sausalito. The skill sets range from law, accounting, and strategic planning to environmental, retail, industrial and maritime proficiencies. Many of these individuals volunteered their time directly and indirectly to the General Plan Advisory Committee (GPAC).
2. The City touts the resident involvement in the General Planning process beginning on page I-12, including the number of meetings conducted by the General Plan Advisory Committee.

Comment: It is ironic and somewhat duplicitous for the City to cite the work of the GPAC because, from what all I ascertain, few, if any, of the Committee’s recommendations were adopted by the city council. There are many references throughout the Plan of the need to confer with the Sausalito business owners, most of whom are non-resident, but the residents take a far backseat. This arrogance towards residents has been and apparently will continue to be a major flaw in Sausalito

4

5

Flavin to City Council
December 8, 2020

government. This arrogance also allows the council to continue to believe the recitation of platitudes, primarily generated by consultants, will truly serve as a “General Plan”.

5
Cont.

“Hoped for” Result Five: A meaningful effort to improve the City’s effectiveness and financial position in order to improve the City’s credibility and to address primarily infrastructure and housing shortfalls.

1. The City makes a large number of promises throughout the General Plan but it fails to acknowledge its own performance history:
 - a. Projects are consistently delivered late and significantly over budget;
 - b. “Creative” financing vehicles have served the City’s balance sheet but not the interests of the residents;
 - c. Work hours for City employees have been reduced due to COVID impacts but the City Council still approves a questionable \$2 million building acquisition
 - d. As noted above, the City ignored resident input into the General Plan and poked Social Justice in the eye with a burnt stick.

6

As a result, there is little resident support for this General Plan.

2. The City has or is a long way down the road to exhausting its finance options.
 - a. Before considering the impact of COVID, the City had already raised the sales tax rate and monetized the revenue from City property to fund park improvements and acquisitions, leaving little if anything for infrastructure repairs or improvements.
 - b. The City is apparently unaware that affordable housing developers generally look to the municipal entity to provide a significant portion of the equity required to fund a project. Certainly, such developers can look to third-party investors for this equity but the result is a loss of both value and control to the City. I suspect the City has no capital to invest.

One final note: The General Plan provides for over 300 new housing units in Sausalito over its duration. My understanding is the proposed Sausalito allocation from the next Housing Element is over 700 units.

While recognizing the timing differences, this is still a significant disparity. With the new state legislation regarding enforcement, state officials could easily blow right past the General Plan and zone as they please.

7

Flavin to City Council
December 8, 2020

I urge the City to take a page from Palo Alto and resist the State now.

Palo Alto: Council says plan to build more than 10,000 homes by 2030 is 'impossible'

Source: [Click here to read the Mercury News Article](#)

Sincerely,

A handwritten signature in black ink, appearing to read "John Flavin", written in a cursive style.

John Flavin

From: John Flavin [<mailto:jrf415@gmail.com>]
Sent: Tuesday, December 8, 2020 11:32 AM
To: Lilly Whalen <LWhalen@sausalito.gov>
Cc: Heidi Scoble <hscoble@sausalito.gov>
Subject: Re: Comments on General Plan

CAUTION: External Sender

I believe my link to the PALO ALTO article did not survive the conversion from Word to PDF so I am including it below.

Sorry for any confusion.

John Flavin

<https://www.mercurynews.com/2020/11/17/palo-alto-council-says-plan-to-build-more-than-10000-homes-by-2030-is-impossible/>

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John Flavin (FLAVIN)

Response to FLAVIN-1

The commenter states the issues that they wanted addressed in the general plan, including limited infrastructure capacity, climate change, housing, diversity, and resident involvement.

The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration.

Please see Responses to WOLFE-10, and WOLFE-21 through WOLFE-33.

Response to FLAVIN-2

The commenter states that there must be plans for infrastructure capacity to increase before development can occur, and that existing infrastructure would be affected by potential sea level rise and ground subsidence. The commenter also states that traffic standards are too low and that the General Plan does not adequately address emergency evacuation.

The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

For a discussion of the environmental effects related to transportation and utilities, see Section 3.14, Transportation, and Section 3.15, Utilities and Service Systems, in the Revised Draft EIR. For a discussion of why the General Plan will not have impacts related to emergency evacuation, please refer to Impact WILD-2, in Section 3.16, Wildfire, page 3.16-19.

For a discussion of the potential effects of sea level rise and ground subsidence on existing infrastructure, see Master Response 2 – Sea Level Rise, Inundation, and Subsidence.

Response to FLAVIN-3

The commenter states that inconsistencies in the General Plan in the allowable uses for the Marinship could result land uses that would decrease the City's economic diversity.

The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

Response to FLAVIN-4

The commenter states that courses of action to climate change should be agreed upon and pursued immediately.

The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration.

See also Master Response 2 – Sea Level Rise, Inundation, and Subsidence and Section 3.7, Greenhouse Gas Emissions of the Revised Draft EIR.

Response to FLAVIN-5

The commenter states that the city does not adequately include perspectives of residents in their planning and decision-making processes.

The comment does not address the adequacy of the Revised Draft EIR. The city met and exceeded CEQA's requirements for public notice, public review and comment, and public participation, including by holding multiple public scoping and comment meetings and circulating the Draft EIR twice for public review. The comment is noted and will be forwarded to the decision-makers for their consideration; no further response is required.

Response to FLAVIN-6

The commenter states that city budgets have not prioritized infrastructure improvements and affordable housing.

The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

See also Response to WOLFE-10 and WOLFE-13.

Response to FLAVIN-7

The commenter states that the City could be subject to state intervention because the General Plan provides for 300 new housing units while the proposed Sausalito allocation in the next housing cycle is more than 700 units.

The City's RHNA requirement for the next housing cycle is in draft form, has not been finalized, and may be changed. In addition, the draft RHNA requirement was released after the notice of preparation for the General Plan EIR. Therefore, the draft RHNA requirement for the next housing cycle is not analyzed the Revised Draft EIR. The City will evaluate the environmental impacts of the final RHNA requirement in its next Housing Element update and associated CEQA review. The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

Response to FLAVIN-8

The commenter states that the city should resist the State's housing requirements and references an article about the City of Palo Alto.

The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

Comments for the City Council Meeting of November 17, 2020

November 11, 2020
Peter Van Meter

At this point, only the most critical issues are being addressed

Comments refer to the 10/20/20 General Plan Draft

SUMMARY (Details and justification below)

- **LU-2.10.3 Street Level Uses** (p. LU-49) Remove the requirement that “personal service” be a conditional use in the Caledonia Street area. These resident serving businesses, generally requiring your personal presence, are some of the few that can survive and should not be burdened with this added time and cost.
- **LU-2.15 Existing Marinship Office Uses** (p. LU-51) Office buildings built prior to April 5, 1988 have always been **legal conforming uses** until GPWG action changing them to legal non-conforming on May 19. Correct this major financial impact error (affecting reconstruction after disaster and obtaining financing), to conform with the MSP, 1995 Plan, and all GPU deliberations to date.
- **LU-4.1.1 Zoning Ordinance (Marinship)** (p. LU-58) Remove or modify sub item g. pertaining to the obsolete and discredited MSP concept of parcel-by-parcel land use designations. This item was a late arrival to the update process after GPAC rejection, then (perhaps accidentally) retained after majority GPWG concern and against City Attorney advice (5/19/20).
- **W-1.1 Sausalito Waterfront** (p. W-14) Insert a new Program W-1.1.1 Waterfront Gathering Spaces, in accordance with City council direction on October 13, 2020. This would be the same language as LU-4.6.8.
- **Parks and Recreation** (Environmental Quality Background, p. EQ 12, 13) The open space at the ferry terminal was omitted from the Inventory of Existing Parks and Open Space Areas and needs to be added, along with Figure 6-4.

DETAILS, JUSTIFICATION and PROPOSED TEXT

LU-2.10.3 Street Level Uses (p. LU-49)

In today’s changing retail environment, it is essential that barriers to starting and continuing a business be minimized. This is particularly desirable for businesses that are resident serving by their very nature. The text would now read:

LU-2.10.3 Street Level Uses. Amend the Zoning Ordinance to require that commercial parcels locate local/resident serving retail and personal service at the street level.

LU-2.15 Existing Marinship Office Uses (p. LU-51)

All Marinship office buildings built prior to April 5, 1988 have always been **legal conforming uses** until a late mail memo (5/18/20) from the M-Group changed them to legal non-conforming uses. The GPWG adopted this change without comment at its May 19, 2020 meeting. The M-Group corrected their error for the November 4 Planning Commission, but the members rejected the fix *without addressing the financial impacts*, mistakenly believing that it would affect the Vision for the Marinship (there will be none.) **This is a very significant error, having major financial impact. Change LU-2.15 back to “legal conforming uses” as they have been since the 1980s:**

Marinship Specific Plan (p. 7): “New commercial office is no longer a permitted use; existing office buildings and uses remain as **permitted uses**;” (emphasis added)

1995 General Plan: “Policy LU-2.16 Existing Marinship Office Uses. Recognize all office buildings as office uses in the Marinship, established prior to the adoption date of the Marinship Specific Plan, as **legal conforming uses**.”

General Plan Update (April 9, 2020 version and all preceding versions, without comment): “Policy LU-2.15 Existing Marinship Office Uses. Recognize all office buildings built prior to 1988 as office uses in the Marinship as **legal conforming uses**.” (Changed to “legal non-conforming uses” without comment by GPWG on May 19, 2020.)

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Cont.

LU-4.1.1 Zoning Ordinance (Marinship) (p. LU-58)

The very problematical concept of parcel by parcel zoning in the Marinship Specific Plan was discussed and rejected by the GPAC. Nevertheless, this program first appeared without explanation (as best I can determine) in the April 9, 2020 Track Changes version as:

LU-3.4.5 Parcel Specific Guidance. The Marinship Specific Plan contains detailed descriptions and tailored land use requirements on a parcel by parcel basis. This guidance should be carefully evaluated and updated into a reader-friendly format that presents the information clearly. To avoid confusion in the future this should be done without reference to business or property owner names. Consideration should be given to consolidating land use requirements by sub-zones instead of parcel-by-parcel.

At its May 19, 2020 meeting, the GPWG moved this policy to LU-4.1.1 as sub item g. and removed “by sub-zones instead of parcel-by-parcel”. In their discussion, there was little support for parcel-by-parcel zoning (with one exception), but openness to considering uses in some areas in the Marinship differently.

Mary Wagner, City Attorney commented that the statement is intended to “move away from that very specific parcel by parcel description of use and from [MSP Use Designations, Table B]”. As such, “it is trying to step back from that very specific parcel by parcel analysis which could be subject to legal intricacies.”

The MSP Table B could be a historical resource to be used during revising the zoning ordinance, showing a past inventory of uses, but should definitely not be included in the current General Plan.

The easiest fix to avoid the parcel zoning mess would be to delete g. in its entirety. Alternatively, use just the key concept of consolidation:

g. Consideration should be given to consolidating land use requirements within defined sub areas.

W-1.1 Sausalito Waterfront (p. W-14)

When considering whether to add a new Program to this Policy at its October 13, 2020 meeting, Mayor Cleveland-Knowles said, “Carry over our comments from the last item”, referring to their discussion of LU-4.6.8. Consensus was received. This Program would therefore read:

W-1.1.1 Waterfront Gathering Spaces. In line with programs LU-4.6.3 (Existing Ferry Terminal) and LU-4.6.6 (Municipal Parking Lots), consider developing waterfront gathering spaces that can increase resident and community-serving focus on the downtown (supporting local businesses) as well as emphasize pedestrian and bicycle uses in the downtown waterfront.

Parks and Recreation (Environmental Quality element Background) (p. EQ 12, 13)

The open space at the ferry terminal was omitted, and needs to be added to the Inventory of Existing Parks and Open Space Areas. Suggested text, in conformity with other descriptions could be:

19. Ferry Terminal. This ___ac. open space at the Ferry Terminal has benches, ticket vending machines, a drinking fountain and the visitor information kiosk.

This designation should also be added to Figure 6-4: Recreation.

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Cont.

From: Peter Van Meter <>
Sent: Thursday, December 3, 2020 11:24 AM
To: Tom Ford <>; Geoff Bradley <>
Cc: Lilly Whalen <LWhalen@sausalito.gov>
Subject: General Plan Format

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you know the content is safe. Be aware that the sending address can be faked or manipulated.

Team –

I and others that I have spoken with have found the current draft format difficult in comparison to earlier versions. Specifically, easily grasping the structural hierarchy. The hierarchy of Objectives, Policies and Programs are clear in the April 6 and prior drafts – through use of indents, italics on bold text.

In the October 20 draft, the hierarchy is more difficult to discern, as most indentation is gone and the bold PROGRAMS overwhelms to less prominent in-line Policy statements.

For the sake of user friendliness, I strongly recommend returning to the April 6 and format.

Thanks you.

Peter Van Meter
Office: (415) 332-2974
Cell: (415) 699-2739
mycre@pacbell.net

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Cont.

Peter Van Meter (VAN METER.1)

Response to VAN METER.1-1

The commenter states several concerns with various zoning and land use policies in the General Plan Draft dated October 20, 2020. The commenter states that the current draft format is difficult to understand.

The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

See also Responses to PC-MEETING.

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From: Shelby Van Meter <>
Sent: Tuesday, November 3, 2020 8:39 AM
To: Lilly Whalen <>
Cc: Kristina Feller <>; Richard Graef <>; Janelle E. Kellman <>; Vicki Nichols <>; Morgan Pierce <>; Tom Ford <>; Geoff Bradley <>; Meg Fawcett <>; William Hynes <>; Carolyn Revelle <>
Subject: Final Changes - Public Landscapes - General Plan Public Hearing November 4

Dear Members of the Planning Commission,

Sausalito Beautiful is excited about seeing public landscapes covered in General Plan 2040. This focus helps ensure that Sausalito's residents, businesses and visitors enjoy the benefits of healthy, beautiful parks, medians, trees and green spaces over the next two decades and beyond. Thank you for your extraordinary dedication to helping make the Plan a vibrant vision.

We are requesting the following changes in writing rather than bringing them up during public comment:

- Introduction: Par. 2, last sentence (CD-5): "The public realm, including lighting, **LANDSCAPES**, medians, and sidewalks are vital to the ambiance of the city, allowing it to evolve over time into an urban village of the 21st century." (Suggest adding "landscapes" here because the term public realm is new to most in Sausalito and because landscapes are even more important now that four new parks have been added to the already barely-manageable roster.)
- Program CD 5.1.3 - Street Landscaping (CD-22): "Maintain and enhance landscaping and hardscaping on major arteries, **AS WELL AS** at main city entrance and exit points." (This fixes awkward wording.)
- Objective CD-7 (CD-27): "Create, Enhance and Protect Sausalito's ~~NATURALLY BEAUTIFUL~~ landscape infrastructure." (This because landscape infrastructure isn't naturally beautiful.)

- Policy CD.7.3 (CD-28) Public Realm Maintenance and Expansion: “Encourage creation and enhancement of beautiful, well-cared-for public realm, **INCLUDING LANDSCAPING**. (This because this section is about landscaping and because it specifically elevates stature.)

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Cont.

Thank you for your help in wrapping up Sausalito Beautiful’s General Plan advocacy.

Shelby Van Meter
Project Leader
General Plan Update
Sausalito Beautiful

Shelby Van Meter (VAN METER.2)

Response to VAN METER.2-1

The commenter suggests that the Introduction and Public Realm Maintenance and Expansion include language about landscapes. The commenter suggests wording changes in two of the General Plan objectives.

The comment does not address the adequacy of the Revised Draft EIR. The comment is noted and will be forwarded to the decision-makers for their consideration; no response is required.

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City of Sausalito General Plan Recirculated Revised Draft Environmental Impact Report
Planning Commission Teleconference Public Hearing on November 4, 2020
Public Comments on Environmental Document

Planning Commission Vice-Chair Kristina Feller

In the General Plan we made decisions to have more regular updates to portions of the General Plan, particularly around sea level rise and sustainability, that they should be reviewed and updated more often than every 20 years. Can we recommend considering something similar for portions of the EIR, particularly what we're talking about here?

1

Does the Revised Draft EIR include changes that were made to the General Plan we are discussing tonight, the one that was just published on October 20, 2020?

2

Total buildout is the same in this draft EIR as it was in previous draft EIR. I'm curious how you came to that conclusion if you factor in sea level rise and a managed retreat away from areas within Sausalito that are currently occupied with buildings that do have issues with water percolating through the ground, subsidence, and sea level rise. Theoretically we have less land to build on, but you have the same amount of built-up area.

3

I'm not understanding why sea level rise isn't recognized in this Draft EIR as something a little bit more significant than you've identified it to be. I'm also curious, we learned a lot in Sausalito from the Dunphy Park project and contaminated soils, and the severity we face with development so close to the waterfront, and some places not even really that close to it, over a block away. It seems to me that would indicate environmental issues that should be more significant than what I see in the document. I don't pretend to be an expert, an environmentalist myself, but having done a lot of development over the last 30 years, these are the things we look for. So, why are these not more elevated?

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This body could not, in general, understand how sea level rise is less than significant. And the contamination we know that we have here in Sausalito. Back to Dunphy Park: have you had an opportunity to review and assess the results we've had from this project and the issues we've had with contamination there. Is that included in your analysis in the Draft EIR?

Planning Commission Chair Janelle Kellman

How does EIR approach the historic herring run? It's in flux, why should it be set in stone in this document whether or not to include herring?

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I have no idea how we reach a conclusion of less than significant impact with mitigation for something like sea level rise. That's amazing, because I don't think anybody's figured that one out. I think what Vice-Chair Feller is pointing out, we have some substantial environmental impacts, and a less-than-significant with mitigation doesn't seem appropriate on things like contamination and sea level rise.

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I think it's important to have a verbal answer that says 'this is how we factually are mitigating to a less than significant impact.' To commissioner Graef's question around alternatives, how can you develop an

adequate alternatives analysis if you're not looking at the actual impacts. There has to be a factual answer to this that isn't hidden in the weeds of legal precedents because the alternatives analysis under CEQA requires substantial evidence and requires that you have data and science to back up your alternatives and your findings, so we're just asking for where those are.

My understanding is that CEQA is an evidence-based statute, so the EIR has to include readily-available evidence that supports an analysis of potentially significant unmitigated impacts. And unfortunately, I don't think we have that level of evidence that I would want to see around some of these key issues. Because we concluded that so many impacts are less-than-significant with mitigation, it really caused me to go back and look for the studies, the data, the assessments, the facts. And I just couldn't find it to make the link, and that's where my analysis went.

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Cont.

I also had some concerns that we draw some conclusions about future development capacity that's based on conditions as they are today without extrapolating existing data forward over the next 20 years, and that's primarily around infrastructure. As Vice-Chair Feller mentioned, we failed to examine key issues, particularly around sea level rise and contamination, with modeled scenarios that are specific to Sausalito. We've established on the record that BayWAVE's analysis does not include king tides, 100-year storms, and subsidence. So I want to know what data we're using to reach these less-than-significant impacts.

I have concerns around, as I've mentioned, the infrastructure and our baseline conditions. We've been asking for an inventory of infrastructure for a long time. If we don't have the baseline, and we don't know our current inventory, how can forecast an impact? That's something that could be in the circulation element, it could be in sustainability, it could end up in a variety of various policies and programs. I'm wondering, what the City's current cost is maintaining current infrastructure without sea level rise, with sea level rise, what's the current baseline that the Draft EIR is evaluating? How does the EIR analysis cover the foreseeable impacts without a baseline?

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I'm thinking about the economic element as well, so I had some concerns there. We talked about contaminated soils within the city and how development and climate change will impact this, concerns with how we address that. Do the effects of sea level rise on circulation, parking, housing...sea water is already invading properties on the west side of Bridgeway between Richardson and Princess at high tide. So, it's happening now, how is that captured, how are we extrapolating future impacts?

8

And then my big comment here is actually around the land use element as it regards housing. We were repeatedly told throughout the General Plan process that the topic of housing will be dealt with through the housing element and the zoning ordinance. We were told that zoning seeks to implement the general plan. However, on October 13th, 2020, at the city council meeting, the city's housing attorney said that the general plan rules housing not zoning. She said, "Bills designed in the legislature are all designed to make it more difficult to reject sites that are zoned for housing or that are shown in the general plan for housing." And then I quote from the Goldfarb-Lipman powerpoint, "the general plan is supreme when it comes to housing. Maximum uses and densities as allowed in the general plan establish uses and density. If uses and density in the general plan are inconsistent with zoning, it is the general plan that controls and not the zoning ordinance." We thought it was the zoning ordinance for three years, and now we heard it's not. That's a pretty big shift. So because of that, I'm not sure that the draft EIR adequately addresses the state housing mandates as detailed previously but also including AB 2345

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that can increase maximum bonuses to 50%, the Housing Accountability Act, that you can only use objective standards; SB 35 ministerial review without CEQA; and then the various density bonus laws that allow density increases unless parking, or we waive zoning standards if needed. How are we dealing with that from a circulation and traffic standpoint? So, given what I've heard at the October 13th meeting around housing, I don't understand how the current buildout scenario adequately describes both the additional RHNA numbers that we're being given and these housing mandates that sort of impose density bonuses and other types of waivers on us. How if at all are we accommodating RHNA increases, which are substantial? Is that potentially going to increase our buildout?

9
Cont.

Planning Commissioner Richard Graef

There is no habitat for sea otters around here, there is no kelp forest. Nor have I heard of anyone seeing them. But I have seen river otters.

10

How were the alternatives in the EIR determined?

11

I've gone through the summary and the beginning and some of these charts and things, one of the areas that stood out to me was the hazardous materials subjects so I've got a lot more on that one, but I have no other comments.

12

Planning Commissioner Vicki Nichols

I suggest that when we have projects that come up, it will trigger review of these lists.

13

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Planning Commission Meeting on November 4, 2020, Oral Comments

Planning Commission Vice-Chair Kristina Feller (PC MEETING)

Response to PC MEETING-1

The commenter asks if the environmental analysis can be reviewed and updated more often than every 20 years.

This comment is noted. An environmental analysis would occur for any update to the General Plan. As environmental analysis is required only on a project-by-project basis, no timeline can be set for additional environmental analysis without a new project including a future general plan amendment or update.

Response to PC MEETING-2

The commenter asks if the Revised Draft EIR includes changes that were made the General Plan that was published October 20, 2020.

This comment is noted. The Revised Draft EIR, circulated for public review on October 27, 2020, was prepared in close coordination with M-Group and city staff and reflects the General Plan that was published October 20, 2020.

Response to PC MEETING-3

The commenter asks why the General Plan build out is the same as the previous Draft EIR given the sea level rise expected to occur and reduce developable area within the city.

The commenter is correct that potential buildout remains the same. The proposed General Plan does not make any changes to existing land use designations or to the amount of developable area within the city. The General Plan does not change any land use designations. The General Plan Land Use Map (Exhibit 2-3) reflects the 1995 General Plan Land Use Map and any general plan Land Use amendments made since 1995. There are approximately 12 parcels (10 within the city limits) that required correction because the land use designation had been changed without a corresponding update to the General Plan Land Use Map. The Land Use Map provided as part of the General Plan Update has been updated to show Land Use designation changes previously approved by the City Council. The updated Land Use Map is not making any changes to existing designations.

The commenter assumes the city will adopt a managed retreat strategy, thereby reducing the city's developable area. However, managed retreat is only one of several potential adaptation measures that the city may choose to incorporate into its sea level rise adaptation plan pursuant to Program S-3.2.1, provided below. Because the city will not necessarily pursue managed retreat as its only course of action and adaptation, it is appropriate for the city to plan for the full potential buildout. Likewise, the Revised Draft EIR appropriately analyzes the full potential buildout to ensure a conservative environmental analysis.

Program S-3.2.1 Sea Level Rise Adaptation Plan. Prepare and adopt an adaptation plan for addressing sea level rise and land subsidence that minimizes the potential for displacement

of residents, jobs, and other community assets, and prioritizes nature-based adaptation measures. The adaptation plan should include:

- a) The Sea Level Rise Map, which will be created in collaboration with BayWAVE or other regional authorities on sea level rise, as a base for adaptation planning. The map will be updated periodically to reflect the most current and reliable data.
- b) A “menu” approach to adaptation measures that would include but is not be limited to managed retreat, nature-based adaptation measures, living shorelines, innovative building structures, and horizontal levees.
- c) Coordination on a science-based adaptation approach with local, regional, county, state, and federal agencies with bay and shoreline oversight; owners of critical infrastructure; and other key stakeholders.
- d) An outreach plan to inform stakeholders and property owners who own property in vulnerable areas about sea level rise risks and adaptation strategies.
- e) An inventory of potential sites suitable for larger-scale adaptation projects, using the Marin Ocean Coast Sea Level Rise Adaptation Report as a base for confirming and formalizing such areas.
- f) Promotion and support for innovative business uses that advance sea level rise adaptation.
- g) Evaluation of opportunities for retreat where practical and feasible, prioritizing undeveloped sites, areas in permanent open space, or areas that are environmentally constrained. Allow for transfer of ownership rights. Consider retreat as a last resort.
- h) Encouragement of innovative green (nature-based) shoreline protection measures where most practical and feasible, such as wave attenuation projects, natural reef development areas, and ecologically friendly measures to combat sea level rise.
- i) Identification of appropriate timing and phasing of adaptation planning and implementation.
- j) Identification of financing tools and opportunities to advance climate adaptation strategies.
- k) Coordination with the Marin County Multi-Jurisdictional Local Hazard Mitigation Plan on sea level rise mitigation and adaptation.
- l) Incorporating the consideration of a Marinship Infrastructure Needs analysis as described in program CP-1.1.4.
- m) An economic analysis of mitigation costs versus private and public economic loss.

Response to PC MEETING-4

The commenter asks why the Revised Draft EIR identified sea level rise as less than significant. The commenter also states that the potential for contaminated soils along the waterfront, such as those discovered during the Dunphy Park project, should be included in the Revised Draft EIR.

See Master Response 2 – Sea Level Rise, Inundation, and Subsidence, which explains why sea level rise is not an environmental impact of the General Plan, and why CEQA generally does not require an evaluation of existing environmental conditions on the project.

That said, the General Plan recognizes that sea level rise is a critically important policy issue for the city. For this reason, the General Plan Update has a number of sea level rise policies and programs. Policy S-3.1 specifically calls for a sea level rise vulnerability and risk assessment to be conducted. This policy also includes consideration of the adoption of a Sea Level Rise Map to increase public awareness, assess impacts of potential sea level rise, establish a sea level rise overlay zone, plan focus areas for adaptation, and develop a funding strategy.

As to soil contamination, Section 3.9, Hydrology and Water Quality, of the Revised Draft EIR does disclose and evaluate this potential impact and explains how it could be exacerbated by project site inundation from flooding, seiche, tsunami, or sea level rise (see Impact HYD-7 on pages 3.9-23 through 3.9-26. As stated on page 3.9-25, pursuant to Program HS-2.2.10, Release of Pollutants Due to Project Site Inundation, the city will develop an action plan to identify how the city will address the potential release of pollutants within the city's flood hazard and tsunami zones, should they become inundated. Program HS-1.8.1 requires the city to conduct sea level rise assessment (Policy S-3.1) and proactively pursue adaptation and mitigation strategies in coordination with the County (Policy S-3.2), including review of sea level rise, flooding, and tsunamis on parcels that have an elevation of 25 feet or less above MLLW level datum through the environmental review process. Program HS-1.8.3 requires submittal of shoreline development site plans to identify areas of the parcel subject to flooding and wave action, and Policy HS-1.4.6 requires submittal of a Phase 1 Report for all future development or redevelopment projects on sites located within the Marinship area or on sites with a known history of industrial uses (including gas stations). Moreover, State and Federal regulations are already in place to address hazardous materials and soil remediation. The General Plan also has specific policies and programs that address this issue. These policies and programs can be found on pages 3.8-13 through 3.8-16 of the Revised Draft EIR. As such, no additional mitigation is required.

As to Dunphy Park specifically, the Revised Draft EIR acknowledges that Dunphy Park was an old burn dump site (pages 3.8-3 and 3.8-22). The city has developed a soil testing and remediation plan for Dunphy Park. The city has collected samples from the dirt stockpile adjacent to Dunphy Park and the samples are currently being analyzed at the lab. The results of the soil analysis will identify the next steps for soil sampling and the potential removal of

the soil in the stockpile.² In addition, there are plans to conduct soil tests along the shoreline area of Dunphy Park. Staff will be using the results to develop a separate bid for the removal of soils as necessary from the shoreline area, which will be small in comparison to the main stockpile. Any soil removed will be replaced by a similarly granular shoreline material. Shoreline fencing will be installed in the coming weeks to isolate the work area. Thus, Dunphy Park is an example of a site near the water with previously contaminated soil where remediation of the contaminated soil was required under existing state and federal requirements. As the coastline begins to encroach further inland, other contaminated sites may be affected. As with Dunphy Park, future discretionary projects under the General Plan will be evaluated for project-specific impacts and mitigations related to hazardous materials at the time they are proposed.

Planning Commission Chair Janelle Kellman (PC MEETING)

Response to PC MEETING-5

The commenter inquired about the EIR approach to the historic herring run.

The existing setting of the Biological Section notes that over 100 marine fish species pass through the San Francisco Bay (Section 3.3, Biological Resources, page 3.3-2 of the Revised Draft EIR). Pacific Herring is noted in the Special-Status Animal Table 3.3-2 (page 3.3-6 of the Revised Draft EIR) even though it is not listed by the USFWS or CDFW as endangered, threatened, candidate for listing, or on a watch list. No identifiable significant impacts would occur related to the pacific herring.

Response to PC MEETING-6a

The commenter questions the lack of a significant impact from sea level rise and related contamination within the revised Draft EIR.

Please see Master Response 2 – Sea Level Rise, Inundation, and Subsidence and Response PC MEETING-4.

Response to PC MEETING-6b

The commenter describes CEQA's requirements for mitigation measures, alternatives, and substantial evidence, and states that the Revised Draft EIR must comply with these requirements.

The commenter is correct that CEQA is intended to provide information and evidence to address issues. To clarify, there are two separate issues that are similar but are addressed differently; (1) general environmental issues, and (2) potential direct impacts on the environmental resulting from a project.

The General Plan Update addresses general environmental issues through policies and programs that require designed to proactively assess potential impacts of future

² City of Sausalito News: Update on the Dunphy Park Soil Stockpile. 2020. Website: <https://www.sausalito.gov/Home/Components/News/News/5224/457>. Accessed December 21, 2020.

development applications, as they are submitted. Please see Master Response 1 – Program EIR.

Response to PC MEETING-6c

The commenter expresses concerns regarding future development capacity and infrastructure due to sea level rise. The commenter also asks what data the city is using to analyze sea level rise.

The General Plan Update and Revised Draft EIR analyze sea level rise based on the following evidence and modeling.

The General Plan Update provides background and context regarding sea level rise in Waterfront and Marinship Element and the Sustainability – Climate Change Mitigation and Resiliency Element. In addition, the General Plan Update provides the following maps regarding sea level rise:

- Figure 1-5: Sea Level Rise and Land Use
- Figure 3: Sea Level Rise
- Figure 7-10: 100 Year Flood Map with Sea Level Rise

The General Plan Update also relies on the Marin County's BayWAVE. BayWAVE references the Marin Shoreline Sea Level Rise Vulnerability Assessment (June 2016). This assessment was a joint effort by Marin County and local Cities and Towns along the bay, including the City of Sausalito. As this document was a joint effort, and based on local conditions, the information provided is considered the best information that can be provided at this time.

The Marin Shoreline Sea Level Rise Vulnerability Assessment (included as Attachment 4) notes their methodology for their models starting on page 6. This methodology includes analysis of king tides, 100-year storm surges, and subsidence. This document notes on page 15 that there is a high degree of uncertainty in terms sea level rise due to differing assumptions on carbon emissions. The Revised Draft EIR assesses Sea Level Rise in the Flooding and Tsunami analysis, noting that the policies and programs in the General Plan Update, such as Policy S-3.1, which requires a sea level rise vulnerability and risk assessment and consideration of the adoption of mapping to guide future actions would reduce potential impacts to a level considered less than significant.

Response to PC MEETING-7

The commenter asks for an inventory of existing infrastructure, baseline conditions, and the costs of maintaining infrastructure with and without sea level rise. The commenter questions whether the Revised Draft EIR provides an accurate infrastructure baseline, and whether the EIR can analyze foreseeable impacts without a baseline.

The Revised Draft EIR includes legally adequate description of the existing baseline consistent with CEQA's requirements. The baseline is typically established as the existing conditions at the time of the publication of the Notice of Preparation, which was October

2019 for the General Plan. As described in the General Plan and Revised Draft EIR, existing infrastructure near the shoreline includes roads, electricity, gas, sewer, stormwater, water, cable, etc. Both the General Plan and Draft EIR include mapping to document the current infrastructure networks for roadways, water lines, storm drains, and sanitary sewers (see Section 3.15, Utilities and Service Systems, Exhibits 3.15-1 through 3.15-3 in the Revised Draft EIR). The Revised Draft EIR also presents the current FEMA Flood Hazard Zone map (Exhibit 3.9-2), which is updated at least every 5 years to show areas with a 1 percent and 0.2 percent annual chance of flood hazards. For sea level rise the mean high tide line (or Mean High Water) of 5.30 feet above NAVD88³ can be used as the baseline. As noted in the Marin Shoreline Sea Level Rise Vulnerability Assessment, the BCDC retains development permit authority over tidelands (i.e., lands below mean high tide).

The projected costs of maintaining the city's existing infrastructure with and without sea level rise will be studied as part of the sea level rise vulnerability and risk assessment required as part of Policy S-3.1, and the City will incorporate funding for identified maintenance and improvements as part of future Capital Improvement Programs.

Finally, as noted in Master Response 2 – Sea Level Rise, Inundation, and Subsidence and Response PC MEETING-4, CEQA does not require an analysis of the environment's impact on the project. Therefore, the Revised Draft EIR does not include an environmental analysis of the effects of sea level rise on the City's existing infrastructure. Sea level rise is an important policy issue, which is addressed in the General Plan.

The following policies and programs highlight the City's General Plan strategy to address sea level rise.

Policy LU-4.7 Sea Level Rise. Consider land use and development in the context of a changing shoreline due to sea level rise, related subsidence and erosion.

Program LU-4.7.1 Development. Continue to update Waterfront uses and development standards to align with the best available climate and sea level rise science.

Policy W-4.2 Bay Waters. Preserve and enhance the wetlands, open waters, and ecosystem of Richardson's Bay and San Francisco Bay and utilize these landscapes for sea level rise mitigation.

Policy W-4.5 Sea Level Rise. Research and adapt to sea level rise in Sausalito's waterfront.

Policy S-3.1 Sea Level Rise Assessment. Conduct a sea level rise vulnerability and risk assessment, including considering adopting a Sea Level Rise Map to increase public

³ Datums - NOAA Tides and Currents. 2004. Website: <https://tidesandcurrents.noaa.gov/datums.html?datum=NAVD88&units=0&epoch=0&id=9414819&name=SAUSALITO%2C+COE+DOCK%2C+S.F.+BAY&state=CA>. Accessed January 6, 2021.

awareness, assess impacts of potential sea level rise, establish a sea level rise overlay zone, plan focus areas for adaptation, and develop a funding strategy.

Policy W-4.6 Waterfront Protection. Develop a multifaceted strategy to protect Sausalito's waterfront from environmental damage and adapt to sea level rise.

Policy W-3.2 Vessel Pollution. Evaluate water-dependent developments with regard to pollution control and sea level rise.

Policy W-5.2 Protect Historic Resources from Sea Level Rise. Provide recommended actions for resilience to sea level rise for each historic resource, including those in the Marinship.

Program W-5.2.2 Sea Level Rise and the Marinship. Consider the city's—and particularly the Marinship's — historic assets when developing scenarios for the city's sea level rise strategy.

Policy CP-5.2 Bicyclist Safety. Provide a safe environment for bicycling along city streets and bicycle trails.

Program CP-5.2.1 Bicycle Trail Maintenance. Include bicycle trail maintenance in the infrastructure budget to maintain trails, especially for lighting and in response to the projected impacts of sea level rise and ground subsidence.

Policy EQ-4.2 Stormwater Management. Manage flooding, mitigate hazardous runoff from stormwater, and mitigate landslides.

Program EQ-4.2.9 Sea Level Rise. Align stormwater management programs with sea level rise adaptation policy S-3.2 in the Sustainability, –Climate Change Mitigation and Resiliency Element.

Policy HS-1.12 Sea Level Rise Impacts. Require new development or substantial remodeling in relevant areas to incorporate climate resilience strategies into designs and follow BCDC guidance suggesting reduction of new development or substantial remodels in coastal zones

Policy S-3.3 Minimum Construction Elevation. Consider recommending to owners of new development and substantial remodels that their projects meet a minimum finished floor elevation to accommodate potential sea level rise and its effects.

Policy S-4.4 Coordinate Citywide Policies. Ensure that other high-level city documents and plans are coordinated to address climate change impacts and develop adaptation strategies

Response to PC MEETING-8

The commenter states a concern about the economic consequences from contaminated soils, sea level rise, and how climate change and future development will impact this in terms of circulation, parking and housing.

Under CEQA, economic effects of a project shall not be treated as significant effects on the environment. (CEQA Section 15131. (a) and (b)). CEQA is concerned only with physical changes to the environment caused by the project. As noted in Master Response 2 – Sea

Level Rise, Inundation, and Subsidence and Response *PC MEETING-4*, the environment's effect on the project is not analyzed under CEQA. Accordingly, the financial and other impacts of sea level rise on the city are not analyzed in the Revised Draft EIR. However, the City Council reviews a Capital Improvement Plan and associated budget each year and the public can review and comment on these documents.

The concern about sea level rise in terms of circulation, parking and housing are addressed in the General Plan through the following policies and programs identified in the Revised Draft EIR.

Policy HS-1.11 Infrastructure. Design and maintain infrastructure that is resilient in the context of sea level rise, subsidence, liquefaction, and other hazards.

Policy S-3.1 Sea Level Rise Assessment. Conduct a sea level rise vulnerability and risk assessment, including considering adopting a Sea Level Rise Map to increase public awareness, assess impacts of potential sea level rise, establish a sea level rise overlay zone, plan focus areas for adaptation, and develop a funding strategy.

Program S-3.2.1 Sea Level Rise Adaptation Plan. Prepare and adopt an adaptation plan for addressing sea level rise and land subsidence that minimizes the potential for displacement of residents, jobs, and other community assets, and prioritizes nature-based adaptation measures.

Program S-3.2.11 Capital Projects. Prepare a guidance document for addressing increased sea level rise impacts in the City's Capital Improvement Projects (CIP) plans. The document should be informed by the capital improvement guidance provided by Marin County and include key areas of improvements that can systematically address incremental flooding areas, an infrastructure inventory, and a prioritized action plan. Require that sea level rise be addressed in the City's capital planning and incorporate adaptation measures for public improvements.

These policies and programs are set up to address sea level rise on an on-going basis.

Response to PC MEETING-9

The commenter references a presentation given to the City Council on October 13, 2020 regarding housing, new housing laws and the changing role of the General Plan and Zoning Ordinance.

The comment does not address the adequacy of the Revised Draft EIR.

The 6th RHNA cycle (2023–2031) Housing Element Update has not yet been initiated; the final RHNA numbers are planned for release in 2021. The Housing Element Update and any associated land use changes will be evaluated in a separate CEQA document, which will be forwarded to the City Council for consideration no later than January 2023.

Planning Commissioner Richard Graef (PC MEETING)

Response to PC MEETING-10

The commenter states that there is no habitat for sea otters, there is no kelp forest, nor has the commenter heard of anyone seeing sea otters. The commenter mentions seeing river otters.

As stated in Section 3.3, Biological Resources, on page 3.3-1 of the Revised Draft EIR, biological resources associated with the Sausalito Planning Area were identified through a review of available background information, which included the following:

- California Wildlife Habitat Relationships System;
- California Department of Fish and Wildlife's (CDFW) Natural Diversity Data Base (CNDDDB) for reported occurrences of special-status vegetation communities, plants, and animals;
- California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California; and
- International Union for Conservation of Nature and Natural Resources Red List of Threatened Species.

As stated on page 3.3-3 of the Revised Draft EIR, the Sausalito Planning Area was evaluated by querying the CNDDDB, the USFWS, and the CNPS for previously recorded occurrences of special-status species. The CDFW maintains records for the distribution and known occurrences of sensitive species and habitats in the CNDDDB, which is organized into map areas based on 7.5-minute topographic maps produced by the U.S. Geological Survey (USGS). The CNDDDB is based on actual recorded occurrences but does not constitute an exhaustive inventory of every resource. The absence of an occurrence in a particular location does not necessarily mean that special-status species are absent from that area, but that no data has been entered into the CNDDDB inventory. Detailed field surveys are generally required to provide a conclusive determination on the presence or absence of sensitive resources from a particular location where there is evidence of potential occurrence.

Based on a review of Appendix C, which lists the wildlife species natively occurring in the Sausalito Planning Area obtained from the CNDDDB, the CNDDDB lists southern sea otter (*Enhydra lutris nereis*) but not river otters. Nonetheless, as previously stated, the CNDDDB does not constitute an exhaustive inventory of every resource and detailed field surveys are generally required to provide a conclusive determination on the presence or absence of sensitive wildlife species.

The presence of sea otters along the Sausalito shoreline has been documented in the past (CNDDDB, and local conservation organizations, e.g., Friends of Corte Madera Creek). Sausalito provides (at least foraging/dispersal) habitat for North American river otter along the coastline, so occasional observations of this species are also expected. It should be noted that the North American river otter is not considered a special-status species.

Response to PC MEETING-11

The commenter asks how the alternatives in the EIR were determined.

This comment is noted. The alternatives were developed in coordination with the Lead Agency (City staff) and M-Group. CEQA requires an EIR to evaluate a No Project Alternative and a reasonable range of alternatives that could lessen the severity of any potentially significant impacts identified in the EIR.

Response to PC MEETING-12

The commenter states that the hazardous materials subject stood out to them and the commenter may have additional comments to provide once review is complete.

The comment does not address the adequacy of the Revised Draft EIR. The comment is noted; no response is required.

Planning Commissioner Vicki Nichols (PC MEETING)*Response to PC MEETING-13*

The commenter suggests that when we have projects that come up, it will trigger review of these lists.

This commenter is referring to the list of special status animals (Revised Draft EIR table 3.3-2: Special Status Animals Present or Potentially Present in the Sausalito Planning Area) and wants the list to be updated occasionally so that it captures any new special status animals that may be in the state database.

As a practice, when CEQA analysis is prepared for a project with potential biological impacts, the special status list is updated in the biological assessment. As such, the Planning Commission will have an updated list and impact analysis for each new CEQA analysis.

City of Sausalito General Plan Recirculated Revised Draft Environmental Impact Report
City Council Teleconference Public Hearing on November 17, 2020
Public Comments on Environmental Document

Michael Rex

Hi. Yes, I'm still hung up on this office use, I went to the Marinship Specific Plan since I spoke last. I want to bring to your attention on page 9, it says: "existing and approved office buildings and uses may remain as permitted uses." Ok? We're not just talking about buildings; we're talking about uses that were legal office use regardless of what the building was originally built for. This is a fundamental change, and I don't understand Planning Director Lilly Whalen's comment when she says that we've been applying zoning with the understanding that if the building wasn't built as an office building, but it was approved legally to be an office building, it's now a non-conforming use. I've never heard of such a thing. And I assure you, I don't think the Planning Commission was fully aware of the seriousness of making existing legal uses non-conforming. OK? And it's a fundamental change in the Marinship plan, and frankly, I bring it up under this EIR because it was never studied or considered what these impacts will be when you make more than one building - we're not just talking about SWA, we're talking about Schoonmaker...I could give you a half-dozen buildings. It's a major change. There are no impact studies on this, and if you want to recirculate the EIR to have that study, fine. I think you've made a fundamental shift that's problematic and inconsistent with the intent of this General Plan, to not make holistic change without studying the environmental impact. Thank you.

1

Councilmember Joan Cox

I want to acknowledge staff, our consultants, and our legal team who really did invest an extraordinary amount of effort to update the DEIR to ensure that it thoroughly addresses the impacts, whether they be mitigation measures or adaptation of the General Plan. So, there was a lot of work that went into this document prior to its recirculation. So, I just wanted to acknowledge all of the players who assisted in that plan.

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City Council Teleconference Meeting on November 17th Oral Comments

Michael Rex (CC MEETING)

Response to CC MEETING-1

The commenter states opposition to the Planning Commission recommendation to change the classification of pre-1988 office uses in the Marinship from “legal conforming uses” to “legal non-conforming” uses.

This comment is noted. Chapter 10.62.040 of the Sausalito Municipal Code outlines how legal nonconforming uses are regulated by the City. The General Plan Update does not change this regulation, it merely seeks to correct minor land use allowances.

Office uses that were established prior to April 5, 1988, are under the existing 1995 General Plan, legal conforming uses. In addition, the Marinship Specific Plan Goal 3. states: “No new commercial office development will be allowed in the Marinship. Office use, determined to be accessory to a permitted use, will be allowed. Existing or approved office buildings and uses may remain as permitted uses.”

Under this policy, all office buildings and office uses at that time became a permitted use, even though new office buildings and new office uses were not allowed.

As the General Plan Update does not change this Goal 3 in the Marinship Specific Plan and does not change the Municipal Code regarding legal nonconforming uses, no impacts related to legal non-conforming offices would occur.

Councilmember Joan Cox (CC MEETING)

Response to CC MEETING-2

The commenter acknowledges the staff, consultants, and legal team that assisted in preparing the General Plan and Revised Draft EIR.

This comment is noted; no response is required.

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SECTION 3.0 ERRATA

The following are revisions to the Draft EIR. These revisions are minor modifications and clarifications to the document and do not change the significance of any of the environmental issue conclusions within the Draft EIR. Revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions are stricken (~~stricken~~).

3.1 CHANGES IN RESPONSE TO SPECIFIC COMMENTS

Section 3.1: Aesthetics

Page 3.1-1

Information in this section is based, in part, on information provided by the following reference materials:

- Sausalito General Plan;
- California Department of Transportation (Caltrans) State Scenic Highways Program;
- Sausalito Municipal Code; and
- Marin Countywide Plan.

Section 3.3: Biological Resources

Pages 3.3-18 and 3.3-19

MM BIO-1a Special Studies. Applicants of discretionary projects that could result in a potential impact to special status species, or their habitat, shall be required to prepare a special study. The special study shall be conducted by a qualified biologist and shall minimally include a data review and habitat assessment, prior to project approval, to identify whether any special-status plant or animal species' habitat or sensitive natural communities occur on-site. The data reviewed shall include the biological resources setting of the Revised Draft EIR and the best available current data for the area, including an updated review of the California Natural Diversity Database (CNDDDB) and relevant citizen scientist data such as a Naturalist. Habitat assessments shall be completed at an appropriate time of year for identifying potential habitat and no more than one year prior to project activity commencement. The purpose of the special study

is to identify appropriate measures to avoid or minimize harm to sensitive biological resources and to incorporate the recommended measures as conditions of approval for the project. Based on the results of the special study, the qualified biologist shall identify the locations of any potential biological resources on-site and shall provide site-specific measures to completely avoid those areas. If habitat avoidance is infeasible, the qualified biologist shall identify protocol-level surveys that shall occur prior to project commencement and shall provide additional protective measures including no-work buffer zones, preparing post-project restoration plans, off-site mitigation, or other similar measures as determined on a project-specific basis. If compensatory mitigation appears necessary, a subsequent environmental review and CEQA document may be required. Detailed studies are not necessary in locations where past and existing development have eliminated natural or anthropogenic habitat and the potential for the presence of sensitive biological resources.

MM BIO-1b Nesting Bird Protection. All discretionary projects shall retain the services of a qualified biologist(s) to conduct a pre-construction nesting bird survey during the nesting season (February 1 through August 31) no more than 7 days prior to any and all development that may remove trees or vegetation that may provide suitable nesting habitat for migratory birds or other bird species protected under the Fish and Game Code. If nests are found, the qualified biologist(s) shall identify and the project sponsor shall implement appropriate avoidance measures, such as fenced buffer areas or staged tree removal periods.

Section 3.4: Cultural and Tribal Cultural Resources

Page 3.4-32, Paragraphs 2 and 4

Development accommodated under the General Plan would result in additional residential development throughout the city, and non-residential development along the waterfront areas as shown in Exhibit 2-4, and public improvements. The potential growth areas in relation to archaeological resources are shown on Exhibit 3.4-23.

Development under the General Plan could affect known or previously unidentified archaeological resources, as shown in Exhibit 3.4-23. Potential for additional archaeological sites to be present within the City of Sausalito exists, but varies by location. Prehistoric habitation sites, such as those known to be present within the city, tend to be situated along creeks and other areas with a reliable water supply, whereas task-specific sites or resource procurement sites can be situated in almost any environment conducive

to human activity. Buried prehistoric archaeological sites tend to be found on Holocene-age landforms, particularly alluvial fans, floodplains, and areas along rivers and streams. As such, within the Sausalito Planning Area, the waterfront has the greatest potential for buried prehistoric archaeological resources to be present.

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