

CALENDAR ITEM

MINUTE ITEM
This Calendar Item No. C17
was approved as Minute Item
No. 17 by the State Lands
Commission by a vote of 3
to 0 at its 4/6/94
meeting.

A 6
S 3

C17

DREDGING LEASE

04/06/94
W 24788
Howe
PRC 7758

APPLICANT:

Gallilee Harbor Community Association
300 Napa Street
Sausalito, California 94965

AREA, TYPE LAND AND LOCATION:

Granted mineral reservation lands at Richardson Bay, City of Sausalito, Marin County.

LAND USE:

Dredge 1,778 cubic yards of sediment for navigation and creation of marsh habitat.

PROPOSED LEASE TERMS:

Lease Period:

May 1, 1994 through April 30, 1996.

Royalty:

No royalty will be charged for aquatic disposal.

\$0.25 per cubic yard for any material used for private benefit or commercial sale purposes.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing fee have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

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2. An Environmental Impact Report (EIR) and Mitigation Monitoring Program were prepared and adopted for this project by the City of Sausalito (EIR for Declaration for Gallilee Harbor, SCH 89062723). The State Lands Commission staff has reviewed such document.
3. The proposed dredging is part of a larger dredging project (7,000 cubic yards) that does not involve State owned lands.

APPROVALS OBTAINED:

City of Sausalito.

FURTHER APPROVALS REQUIRED:

State Lands Commission, United States Army Corps of Engineers, SFBCDC, Regional Water Quality Control Boards.

EXHIBITS:

- A. Site Map
- B. CEQA Findings Resolution 1990-12
- C. Mitigation Monitoring Program

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN ENVIRONMENTAL IMPACT REPORT WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF SAUSALITO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE FINDINGS MADE IN CONFORMANCE WITH SECTION 15096(h) OF THE STATE CEQA GUIDELINES, AS CONTAINED IN EXHIBIT "B", ATTACHED HERETO.
3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
4. AUTHORIZE ISSUANCE OF A DREDGING LEASE TO THE GALILEE HARBOR COMMUNITY ASSOCIATION EFFECTIVE MAY 1, 1994 THROUGH APRIL 30, 1996. SAID LEASE SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 1,778 CUBIC YARDS OF MATERIAL FROM GRANTED MINERAL

CALENDAR ITEM NO. C17 (CONT'D)

RESERVATION LANDS AT THE GALILEE HARBOR, CITY OF SAUSALITO, MARIN COUNTY. DISPOSAL SITE, AS AUTHORIZED. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S ACQUISITION OF AND COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENTS, INCLUDING ACQUISITION OF A PERMIT FROM BCDC.

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Galilee Harbor Community Association
Dredging Permit Application

ATTACHMENT to Part 1, Section E1.b)
AREA OF PROPOSED DREDGING

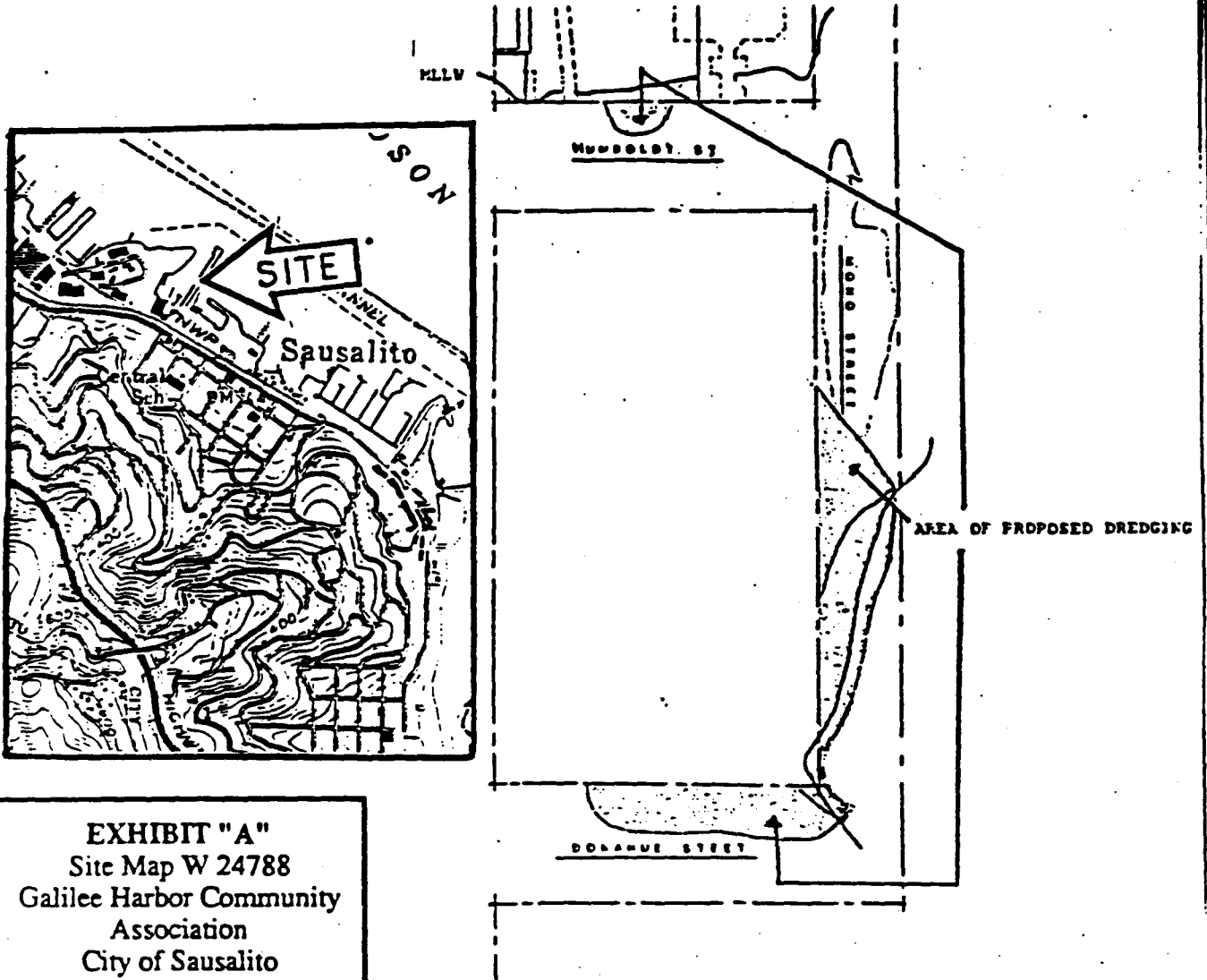


EXHIBIT "A"
Site Map W 24788
Galilee Harbor Community
Association
City of Sausalito
Marin County



NOTE:
THIS EXHIBIT IS NOT A SURVEY,
NOR DOES ANY LINE APPEARING
HEREON REPRESENT A BOUNDARY
LINE.

NOTE:
THIS EXHIBIT IS SOLELY FOR PURPOSE OF GENERALLY
DEFINING THE LEASE PREMISE, AND IS NOT INTENDED TO BE,
NOR SHALL IT BE CONSTRUED AS, A WAIVER OR LIMITATION
OF ANY STATE INTEREST IN THE SUBJECT OR ANY OTHER
PROPERTY.

EXHIBIT B

GALILEE HARBOR DEVELOPMENT RESOLUTION OF APPROVAL

RESOLUTION NO. 1990-12

RESOLUTION OF THE SAUSALITO PLANNING COMMISSION MAKING CEQA FINDINGS AND ADOPTING MITIGATION MEASURES AND GRANTING CONDITIONAL USE PERMIT NOS. 88-147-A, -B, -C, -D FOR PROPERTY KNOWN AS GALILEE HARBOR, BASE OF NAPA STREET, AND RECOMMENDING APPROVAL OF RELATED ENCROACHMENT PERMIT REQUESTS

Section 1. Recitals.

The Galilee Harbor Community Association (GHCA) has filed an application with the City of Sausalito to obtain necessary land use permits in order to construct a marine service harbor on the Richardson Bay shoreline in central Sausalito (the project area). Specifically, the applicants seek conditional use permits for the development of a marine service harbor, for certain related harbor uses, for off-site parking and for joint use parking. In addition, the GHCA seeks certain encroachment permits, and the modification of a certain deed restriction from the City. The proposed development is further described at pages 2-5 through 2-10 of the Draft Environmental Impact Report (DEIR) prepared for this project by Michael Clayton and Associates.

The land uses for the project area are governed chiefly by the Marinship Specific Plan (MSP), and by the Zoning Code of the City of Sausalito. Both the MSP and the underlying zoning provide for the establishment and maintenance of the proposed uses at this site subject to the issuance of appropriate use permits. Prior to the adoption of the MSP and the zoning ordinance as it applies to this project, the City undertook extensive review of the appropriateness of this type of use at this location, and satisfied the requirements of the California Environmental Quality Act prior to the adoption of the MSP and the zoning ordinance amendment.

Aspects of the proposed project require the issuance of conditional use permits by the Planning Commission, and the granting of encroachment permits and the modification of a deed restriction by the City Council. Approval of the use permits, the granting of the encroachment permits and modifying the deed restriction requires the preparation of appropriate environmental documentation prior to such approval.

The environmental documentation relied upon in making the following finding and decisions consists of the following documents: the draft EIR for the Galilee Harbor Development prepared by Michael Clayton and Associates, dated September, 1989; the Final EIR for the Galilee Harbor Development prepared by Michael Clayton and Associates, dated February, 1990.

The Planning Commission certified the Final Environmental Impact Report for the Galilee Harbor Project on ~~March 14, 1990~~ **CALENDAR PAGE 116** and

fulfilled all requirements of the California Environmental Quality Act, the State CEQA Guidelines, and the Sausalito Local Guidelines for Implementation of the Environmental Quality Act of 1970; and

The Planning Commission has heard evidence, oral and documentary, on Conditional Use Permit Application Nos. 88-147-A, -B, -C, -D for the approval of Galilee Harbor;

In making the determinations set forth herein, the Commission relies upon information contained in the City's record of the proceedings for and consideration of this project. The record includes, without limitation, the following: the project application dated October, 1988 and all attached maps and other documents as amended during the course of these proceedings; the draft and final EIR including all comments received and the responses to them; staff reports and other official communications from City staff that have been provided to the Commission and are maintained in the City Planning staff file for this project; the correspondence received by the Commission maintained with the project file in the City Planning Department, the testimony received at the public hearings on this project, by the project applicant and the project development team, by members of the public, as well as from City staff, City consultants, and the members of the Commission as reflected in the minutes of Planning Commission meetings at which this project has been discussed.

NOW THEREFORE, based on information found in the record, it is resolved, ordered and declared as follows:

Section 2. Findings

In order to approve any development project, the decisionmaking body must make certain findings pursuant to the Sausalito Zoning Ordinance. In addition, whenever an agency approves a project which will have significant effects on the environment, that agency must make certain findings as required by the California Environmental Quality Act (CEQA).

Section 2.1 Findings for Approval of Conditional Use Permits

The subject conditional use permit applications include the following:

Conditional Use Permit No. 88-1147-A: Municipal Code Section 10.301.(a) and (b) - for development of a marine service harbor which is not categorically exempt from CEQA.

Conditional Use Permit No. 88-147-B: Municipal Code Section 10.603.2(b) and (f)(5), (6) and (7) - for boat launch ramps and haul-outs; marine applied arts uses as defined in the MSP; commercial fishing facilities, but excluding processing plants; and wholesale and retail fish sales.

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Conditional Use Permit No. 88-147-C: Municipal Code Section 10.210(b)(1) - for off-site parking.

Conditional Use Permit No. 88-147-D: Municipal Code Section 10.210(k) - for joint use of parking spaces by principally daytime and principally nighttime uses.

Based on information contained in the record, the Planning Commission does hereby find relative to the aforementioned conditional use permits, under the conditions of approval listed in Section 4 below, that:

- a. The proposed uses and facilities to be constructed are, as modified and conditioned herein, properly located in relation to the community as a whole and to the existing and planned land uses and transportation facilities in the vicinity.
- b. The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as may be required by Title 10 or in the opinion of the Planning Commission may be needed to assure that the proposed construction and use will be reasonably compatible with land uses normally permitted in the surrounding area.
- c. The site for the proposed use will, upon implementation of required conditions and mitigations, be served by streets and highways of adequate width and pavement type to carry the quantity and kind of traffic likely to be generated by a marine service harbor and the proposed ancillary uses.
- d. The proposed use will not adversely affect the abutting property or the permitted use thereof.
- e. Pursuant to Section 10.301.1(a) and (b) of the Sausalito Municipal Code, the Commission further finds that the conditions imposed on the project approval in Section 4 of this resolution assure the maintenance, restoration, enhancement and protection of the environment.

Section 2.2 CEQA Findings

Pursuant to CEQA Section 15090, the Planning Commission certifies that:

- a) The Final EIR has been completed in compliance with CEQA; and
- b) The Planning Commission reviewed and considered the information contained in the Final EIR prior to approving the Galilee Harbor Project.

CEQA Section 15091(a) requires that "No public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings

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for each of those significant effects, accompanied by a brief explanation of the rationale for each finding." For each significant effect identified in the EIR, the Commission must make one of the following findings: (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR; (2) The Commission lacks jurisdiction to make the change, but another agency does have the authority to make the change; (3) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

As originally proposed by GHCA, this project was found to have the significant environmental effects set forth in summary matrix fashion at pages S-19 through S-29 of the FEIR, and more fully explained in the body of the FEIR. As reflected in the minutes of the Commission's proceedings, the Commission has thoughtfully considered each of these impacts, and the proposed mitigation measures prior to acting on this project. The FEIR proposed measures which if imposed on the project, could reduce these impacts to levels of relative insignificance. In approving this project, the Commission has required that the project be substantially modified so as to implement those proposed mitigation measures necessary to reduce the impact of each impact to a level of relative insignificance. The conditions hereby imposed on the project and set forth below in section 4 of this resolution result in reducing each and every one of the significant adverse environmental impacts of the project to an insignificant level. As substantive support for these findings relative to the environmental impacts, the Commission relies upon and incorporates the project record, and the conditions of approval set forth in section 4, below. The following findings are made by the Sausalito Planning Commission pursuant to CEQA Section 15091.

For each environmental issue area, the following findings discuss how potentially significant impacts have been lessened to a level of insignificance through the project conditions. These findings also discuss project alternatives.

2.2.1. Biological Resources

There are numerous potentially significant impacts associated with implementation of the proposed development.

- Release of contaminants into nearshore waters from bay muds disturbed during dredging. This impact will be completely mitigated by requiring chemical and biological testing of dredge spoils prior to project construction. If toxic contaminants are present in large concentrations, the mud will be dredged, treated, and disposed pursuant to requirements of Senate Bill 475. These measures are required as conditions of approval of the project. Enforcement of these mitigation measures will be carried out by the Army Corps of Engineers.

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- **Runoff, erosion and sedimentation from construction and operation of the development could adversely impact biological resources in Richardson Bay. Mitigation measures for these impacts have been incorporated into the permit conditions to reduce impacts to insignificant levels. Mitigation includes: proper timing of construction to avoid sedimentation during the spawning season of Pacific herring; implementation of a soil erosion and sedimentation control plan during construction at the site; installation of pollutant traps to catch land-related contaminants; and implementation of runoff control measures recommended in the Marin County Surface Runoff Management Plan.**
- **Discharge of sewage and graywater into Richardson Bay, in the event of pump failure on houseboats and liveaboard boats, would significantly affect biological resources of the Bay. This potential effect will be avoided by requiring that all liveaboards and houseboats to have appropriate holding tanks and pumps connected to the pier sewer hook-ups.**

The Planning Commission finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant biological effects identified in the final EIR and are noted above. These changes are reflected in the project conditions set forth in section 4 below. If the mitigation measures listed in the final EIR and in the permit conditions are not implemented, the project will not be acceptable, and must be returned to the City for reconsideration.

2.2.2. Cultural Resources

Development at the Galilee Harbor site may increase public attention on the partial remains of the ship Galilee, which may result in loss of historical information from relic collection, vandalism, and further deterioration of the ship's remains. Measures to protect the Galilee will be developed by the U.S. Army Corps of Engineers in consultation with the State Historic Preservation Office and the Advisory Council on Historic Preservation.

The Planning Commission finds that changes or alterations required to avoid or substantially lessen the significant environmental effect on cultural resources are within the responsibility and jurisdiction of another public agency (Army Corps). Such changes can and should be adopted by the Army Corps.

2.2.3. Geology

Buildings and structures proposed for the site may be subject to geotechnical hazards, including differential settlement, slope instability, liquefaction, and flooding. Standard mitigation measures have been incorporated into the project approval conditions to substantially reduce potential impacts to insignificant levels. These measures include: requirement for a detailed geotechnical evaluation prior to final design review.

approval of the project; development of design criteria for foundation support, site grading, slope protection, and dredging; analyses of offshore soil borings; requirements for driven piles for piers and structures on Bay mud to reduce the risk of damage from seismic events; requirements for flexibility in utility line connections and provision of shut-off controls to account for potential settlement; requirements for engineering plans to incorporate criteria for withstanding the effects of differential settlement; and requirements for close supervision of construction by the appropriate registered engineers.

Erosion and sedimentation from construction activities on the site may also be potentially significant. Mitigation measures which have been incorporated into the project approval conditions include: preparation of a site grading plan that will provide adequate surface drainage; design of surface drainage of shoreline slopes to minimize erosion and channel/marsh infilling; preparation and implementation of an erosion and sediment control plan; revised grading drainage, and dredging plan approved by the California Department of Fish and Game; and provision of adequate channel setbacks to avoid undermining shoreline slopes and structures in the area of proposed dredging.

The Planning Commission finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant geologic effects identified in the final EIR and noted above. These changes are reflected in the project conditions set forth in section 4 below. If the mitigation measures listed in the final EIR and in the permit conditions are not implemented, the project will not be acceptable, and must be returned to the City for reconsideration.

2.2.4. Land Use

While there are no direct land use impacts associated with the proposed development, the proposed use must be required to be consistent with applicable land use policies and regulations. The only potentially significant unavoidable impact identified in the final EIR is the possible conflict with the public trust doctrine. The Planning Commission hereby determines that, with the permit conditions imposed on the proposed Marine Service Liveboard uses, the proposed project will be consistent with public trust doctrine. Therefore, the significant unavoidable land use impact identified in the EIR will be avoided through implementation of limitations on the type of uses that are permitted on the site.

A potentially significant, but avoidable, impact is the inconsistency with the San Francisco Bay Plan Public Access Policy 3. This impact will be avoided by requiring permanent guarantee of public access through the site by dedication of fee title or easements at no cost to the public.

The Planning Commission finds that changes or alterations have been required in, or incorporated into, the project which avoid the significant land use conflicts identified in the final EIR and

noted above. These changes are reflected in the project conditions set forth in section 4 below. If the mitigation measures listed in the final EIR and in the permit conditions are not implemented, the project will not be acceptable, and must be returned to the City for reconsideration.

2.2.5. Traffic and Parking

There are existing traffic safety hazards at the intersection of Napa Street and Bridgeway. The proposed project will result in a continuation of these existing hazards. However, potentially significant hazards will be reduced to insignificant levels by requiring the applicant to revise and standardize pavement markings for the separation between the northbound through lane and northbound left-turn lane of Bridgeway Boulevard.

Another potentially significant impact is the inadequacy of onsite parking to accommodate peak parking needs of the proposed development. The applicant has revised the site plan to reduce the building size and increase the number of parking spaces. This revised parking plan has been incorporated into the project approval conditions. In addition, trailer parking will be prohibited; the assembly room will not be allowed to be used for public purposes (thereby reducing parking needs); and a parking management plan will be prepared and implemented by the applicant. Therefore, parking impacts will be reduced to insignificant levels by project approval conditions.

The Planning Commission finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially reduce the significant traffic and parking effects identified in the final EIR and noted above. These changes are reflected in the project conditions set forth in section 4 below. If the mitigation measures listed in the final EIR and in the permit conditions are not implemented, the project will not be acceptable, and must be returned to the City for reconsideration.

2.2.6. Water Resources

The water quality of Richardson Bay is subject to several potential impacts from construction and operation of the proposed development.

- Contamination from non-point runoff contaminants and erosion. This potential impact will be mitigated through three project approval conditions: required implementation of a soil erosion and sediment control plan during construction; installation of pollutant traps to catch land-related contaminants; and implementation of urban runoff control measures recommended in the Marin County Surface Runoff Management Plan.
- Contamination from dispersion of contaminants into the water column during dredging. This

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substantially mitigated by requiring chemical and biological testing of dredge spoils prior to project construction. If toxic contaminants are present in large concentrations, the mud will be dredged, treated, and disposed pursuant to requirements of Senate Bill 475. These measures are required as conditions of approval of the project. Enforcement of these mitigation measures will be carried out by the Army Corps of Engineers.

- Dredging-related turbidity effects on Pacific herring during the spawning season. Required mitigation includes proper timing of construction to avoid sedimentation during the spawning season of Pacific herring.
- Discharge of sewage and graywater into Richardson Bay upon failure of pumps on houseboats and liveaboard boats. A project condition has been incorporated into the permit approval which requires all liveaboards and houseboats to have appropriate holding tanks and pumps connected to the pier sewer hook-ups.

The Planning Commission finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially reduce the water quality effects identified in the final EIR and noted above. These changes are reflected in the project conditions set forth in section 4 below. If the mitigation measures listed in the final EIR and in the permit conditions are not implemented, the project will not be acceptable, and must be returned to the City for reconsideration.

2.2.7. Project and Site Alternatives

Because the chief goal of CEQA is the mitigation or avoidance of environmental harm, CEQA requires that the EIR include a description of alternatives to the project. Where necessary or appropriate, the decisionmaking body can rely upon the fact that there may or may not be environmentally superior alternatives before making its decision on the project. The FEIR included, beginning at page 5-1 and continuing, the review of seven project alternatives. These include 1) higher density harbor development; 2) lower density harbor development; 3) park/open space; 4) exclusive marine service harbor with no residential use; 5) Arques shipyard site; 6) dispersion of GHCA boats to existing pleasure boat marinas; and 7) the no project alternative. The Commission is satisfied that this discussion of alternatives fully and adequately presents the Commission with a range of alternatives which, in the face of unmitigated significant effects, would provide the Commission with an alternative to approving this project as proposed. Furthermore, in the instant case the Commission is not presented with the issue of deciding if the project site is appropriate for the proposed use: that issue has previously been determined by the adoption of the MSP and the underlying zoning. Therefore, although the FEIR has included and the Commission has considered alternative sites, previous land use decisions have determined that this is an appropriate site for 123

this type of project.

In approving this project, the Commission has reviewed the project alternatives, and has determined that because the environmental impacts of this project can and will be reduced to a level of insignificance thereby avoiding damage to the environment, and because the project alternatives collectively fail to achieve the goals of this project, fail to significantly alter the environmental impacts of this project, or result in worsening the environmental impacts of this project they are not preferred over the fully mitigated project. Furthermore, because the project as approved will not result in any significant environmental effects, none of the alternatives provides the Commission with an environmentally superior alternative.

Specifically, the Commission finds that the higher density alternative provides no reduction in significant effects, and would allow a density not desired on the site. The Commission finds that the lower density alternative does not result in significantly fewer environmental effects than the fully mitigated approved project, and fails to achieve the objectives of this project in terms of desirable density of marine service uses at this site. The park/open space alternative is not preferable to a fully mitigated project because it fails to provide the marine service uses provided by this project. Furthermore, there is no current City plan to purchase this property for park/open space uses. The exclusive marine service harbor with no residential use is not preferred to the fully mitigated approved project because it fails to provide for the full range of uses allowed for and desired for this site by both the MSP and the zoning ordinance. Furthermore, the effects of a marine service harbor with no residential liveaboard use would be more environmentally damaging than the fully mitigated project. The Arques shipyard site is not preferred because it would not result in providing a marine service facility at the project location, and it is not environmentally superior to the fully mitigated project. The dispersion alternative would not be environmentally superior to the fully mitigated project, would not result in a marine service facility at this site, and would disallow the maintenance of the Galilee community, an important objective of the project applicant. The no-project alternative is rejected because it would fail to provide a location for marine service uses at this location, which is a paramount objective of the City's Marinship Specific Plan, and because in a practical sense it would displace the Galilee community as it currently exists.

Section 3. Authorization

Subject to the provisions of section 4, below, the Planning Commission hereby grants the issuance of the conditional use permits identified in Section 2.1.

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3.1 Project Authorization.

Subject to the conditions stated below in Section 4, the permittee is granted permission to do the following on Assessor's Parcel Nos. 64-081-01, 64-082-01, 64-083-02, and 64-084-05, located at the base of Napa Street, in the City of Sausalito, in a manner generally as depicted on revised project drawings, date stamped as received by the Sausalito Planning Department on May 7, 1990:

3.1.1 In the Bay, Bayward of the line of highest tidal action:

- A. Remove existing docks (floating fill) totaling 9,558 square feet
- B. Remove part of existing pier and buildings (pile-supported fill) totaling 4,903 square feet
- C. Dredge 2,537 cubic yards for the marina basin
- D. Construct and use a 41-berth marina with 34 berths intended generally to be occupied by maritime service boats, four (4) berths to be occupied by houseboats, and three (3) berths to be occupied by transient guest boats.
- E. Place 1,262 square feet of floating docks (floating fill) for access to berths
- F. Repair and maintain the existing marine service pier and boatways
- G. Install a new public pumpout facility at the end of the existing marine service pier
- H. Install and use 95 linear feet of 5-foot wide pedestrian paths
- I. Place a 340 linear foot floating wave damper
- J. Place a 3,907 square feet of access pier and deck (the public deck is 1,800 square feet), including two 96 square feet ferryboat pilot houses, (pile-supported fill) for public and project access and enjoyment
- K. Install landscaping along the shoreline
- L. Dedicate 16,000 square feet of water and dry land (A.P. 64-083-02) either as public open space or as a public access easement to the City of Sausalito or other appropriate entity.

3.1.2 Onshore, shoreward of the line of highest tidal action above 8.25 feet MLLW:

- A. Construct a 6,419 square foot two-story

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building for marine industrial, marine applied arts and other marina-related facilities

- B. Grade, slope for drainage, cover with gravel and use 10,380 square feet at the east side of parcel 1 for a working boatyard for the building, repair and maintenance of boats
- C. Pave and use an approximately 14,300 square foot portion of an area which contains 72 parking spaces and vehicle circulation, including eight (8) parking spaces for public shoreline access and an access driveway perpendicularly across the west side of parcel 3
- D. Install and use a 537 square foot walkway and private deck on the north side of the marine service building
- E. Upgrade an existing 1,500 sq. ft. deck at the foot of Napa Street.
- F. Install 480 square feet of boardwalk on the east side of Parcel 3
- G. Excavate a small peninsula at the east side of parcel 1 to create new intertidal habitat
- H. Pave and use 1,906 square feet for public access sidewalks
- I. Pave an approximately 5,400 square foot portion of Napa Street, including sidewalks on north and south side
- J. Install and use 180.4 linear feet of a twelve foot wide bicycle/pedestrian path
- K. Install landscaping around the marine service building, within the parking lot and between the new intertidal habitat area and the adjacent boatyard
- L. Place approximately 872 cubic yards of earth to raise portions of the site in preparation for construction

3.1.3 Above the 100-foot shoreline band:

- A. Place approximately 250 cubic yards of earth to raise portions of the site for construction
- B. Install and use 100 linear feet of a twelve foot wide bicycle/pedestrian path and dedicate an easement therefor to the City of Sausalito or other appropriate entity.
- C. Pave and use an approximately 1,800 square foot portion of an area which contains 72 parking spaces and vehicle circulation, including eight (8) parking spaces

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public shoreline access and an access driveway perpendicularly across the west side of parcel 3

- D. Pave an approximately 6,000 square foot portion of Napa Street, including sidewalks on north and south side

3.2 Recommendations to City Council

3.2.1. Encroachments

Encroachment permits are required for uses and facilities proposed to be located within the public street rights-of-way crossing and bordering the project site. On the terms and conditions hereinafter specified, the Planning Commission hereby recommends that the City Council grant permission for the following encroachments, as shown on Exhibit A, sheet # 8, dated May 7, 1990.

- Mono Street Encroachment:

Encroachment authorization shall be limited to the excavation of portions of Mono Street, as shown on sheets 7 and 7A of the previously referenced revised project plans, dated May 7, 1990, for the purpose of converting dry land to intertidal habitat to satisfy California Department of Fish and Game requirements for mitigation of loss of intertidal habitat from dredging operations. Said encroachment permit shall be subject to execution of a satisfactory lease which includes annual lease payments to the City. The City shall be party to any agreement regarding approval and implementation of an intertidal habitat mitigation plan between the applicant and California Department of Fish and Game which involves excavation of any portion of the Mono Street right-of-way.

- Humboldt Street Encroachment:

Encroachment authorization shall be limited to the construction of a harbor access pier, public viewing platform, and handicap access ramp, and permission for the existing marine service pier, boatways, and related temporary boat moorings along the pier for servicing, as shown on sheet # 8 of the revised project plans, dated May 7, 1990. Additionally, authorization shall include excavation of the small peninsula extending into the Humboldt Street right-of-way for the purpose of converting dry land to intertidal habitat to satisfy California Department of Fish and Game requirements for mitigation of loss of intertidal habitat from dredging operations. Said encroachment permit shall be subject to execution of a satisfactory lease which includes annual lease payments to the City. The City shall be party to any agreement regarding approval and implementation of an intertidal habitat mitigation plan between the applicant and California Department of Fish and Game which involves excavation of any portion of the Humboldt Street right-of-way.

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• **Napa Street:**

Encroachment authorization shall be limited to the upgrading of an existing 1500 sq. ft. public access deck, installation of sidewalks and street trees on both sides of Napa Street, construction of a new gangway from the deck to a new small-boat launching float and to use of water for navigational purposes for access to boat berths in Galilee Harbor. Said encroachment permit shall be subject to execution of a satisfactory lease with annual lease payments to the City. The applicant is hereby put on notice that the small boat launch may be required by the City to be relocated onto the applicant's property at some future time, in the event that the City pursues development of other uses in the Napa Street right-of-way.

• **Donahue Street:**

Encroachment authorization is limited to use of open water for navigational purposes for access to boat berths in Galilee Harbor. No facilities shall be authorized or constructed other than placement of a wave damper on the southern side of the intersection of Napa and Donahue Streets, and excavation at the terminus of Donahue Street at Mono Street for the purpose of converting dry land to intertidal habitat to satisfy California Department of Fish and Game requirements for mitigation of loss of intertidal habitat from dredging operations. Said encroachment permit shall be subject to execution of a satisfactory lease with annual lease payments to the City. The City shall be party to any agreement regarding approval and implementation of an intertidal habitat mitigation plan between the applicant and California Department of Fish and Game which involves excavation of any portion of the Donahue Street right-of-way.

The Planning Commission further recommends that the foregoing encroachments shall expressly not allow for the mooring of any vessel on city-owned rights-of-way.

The Planning Commission finds that the above encroachments conform to the City encroachment review guidelines as stated below.

- The encroachments will not interfere with the usability or enjoyment of adjoining parcels and will not adversely affect existing rights-of-way.
- The encroachments will be compatible with the surrounding area and are consistent with the General Plan, Zoning Ordinance, and Marinship Specific Plan.
- The encroachments are needed in order for the proposed project to be developed.
- The encroachments will not create or constitute a public safety hazard.

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3.2.2. Deed Restrictions

The Planning Commission recommends to the City Council that the deed restrictions on Parcel 3 be modified to stipulate the following:

- No new structures shall be permitted on Parcel 3 other than ground level parking and landscaping.
- Access to Galilee Harbor's parking area on Parcel 3 shall be allowed along the northern boundary of Dunphy Park.
- The City of Sausalito shall be guaranteed a vehicular access easement across Parcel 3. Said easement shall be 25 feet wide and shall be located along the westerly boundary of Parcel 3.

Section 4. Conditions

Although the approval of this project requires the granting of several separate permits, in reviewing and acting on this project the Commission has considered the project as a whole, and not as action on several distinct elements. For this reason, each and every impact described above, and each and every condition imposed to reduce those impacts to acceptable levels of relative insignificance, below, apply to and are imposed upon the entire project, and are not capable of being severed from the project. In the event that any element of the project is not constructed or implemented, all of the conditions of approval continue to apply to the project as if the entire project as approved and conditioned was or is implemented.

General

1. The CUP is granted only for facilities and uses defined in Section 3 and shown in revised plans submitted by the applicant on May 7, 1990 (Exhibit A) and further defined in these conditions.
2. Any modification of these permit conditions or any substantial change to the project design shall require amendment of the CUP for the development.
3. Unless otherwise provided in this CUP authorization, the terms and conditions of this authorization shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.
4. In the event that any condition contained herein is determined to be invalid, then all remaining conditions shall remain in force.
5. All discretionary permits, including BCDC approval, and public land leases shall be obtained by the applicant

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prior to issuance of any construction permits by the City.

6. Prior to approval of any occupancy permits for landside uses by the City and prior to approval of permanent occupancy permits for boats and berths, the public access improvements described in Section 3 above shall be completed.
7. An application to the Sausalito Design Review Board shall be filed within six months of final City Council approval of these CUPs.
8. Property ownership must be held by Galilee Harbor prior to granting of construction permits. Proof of said ownership shall be demonstrated to the satisfaction of the City of Sausalito by submittal of a preliminary title policy or deed for the entire property.
9. All facilities shall be maintained in safe working order and in good appearance by Galilee Harbor, including landscaping, walkways, bicycle paths and other public amenities.
10. The applicant shall secure approval of all necessary building permits and shall commence construction within two years of the City Council final approval of these project CUPs. If project construction has not commenced within said time period, the CUP shall lapse and no longer be in force or effect. The CUP may be extended at the discretion of the City if the applicant applies for a CUP time extension prior to the CUP expiration date.
11. The construction time period shall be limited to 18 months. At the end of 18 months the development shall be completed to the extent that occupancy permits may be granted. Should construction not be completed within this time period, penalties shall be imposed on the property owner in the form of monetary fines for each month the project construction continues past the 18 month period. The amount of any fine shall be determined by the City Council. Fines shall not be imposed for any delays that are due to acts of God or forces of nature that are beyond the control of the applicant.
12. Buildings on Parcel 4 (A.P. No. 64-083-02) shall be demolished as soon as possible and at least prior to issuance of occupancy permits for the development.
13. Accessory uses such as the laundry facilities, bathrooms, showers, and offices shall be reserved for the exclusive use of onsite residents, building tenants, and onsite workers. Use of the assembly room shall be confined or restricted to the residents of the harbor.

14. The property owner shall submit an annual report to the City on the marine service harbor status which shall include: an inventory and statement of the maritime service and liveaboard occupancy status of all berths and boats; identification of all building tenants and occupancies; and an inventory of any outdoor uses. The first report shall be submitted concurrently with the initial occupancy and subsequent reports on the annual anniversary of that date.

Permitted Uses

15. Permitted uses on the site shall be limited to uses identified in the Marinship Specific Plan, Table B - Use Designations, for the Terra Landing Site and further defined by the Planning Commission. Said uses include the following:
- a) Marine Industrial
 - b) Fine Arts
 - c) Marine Applied Arts
 - d) Marine Commercial Service
 - e) Fish sales
 - f) Marine service liveaboard boats as further defined in Condition 24 and subject to separate Conditional Use Permit approvals
 - g) Maritime Service Berths as further defined in Condition 21
 - h) A maximum of four houseboats - subject to separate Conditional Use Permit approvals
 - i) Harbor Center for onsite occupants
 - j) Boat storage and repair yard
 - k) Public access

Boat Requirements - General

16. Boats shall meet the standards of the Coast Guard Courtesy Marine Examination guidelines and the California Boating Law. The Richardson Bay Harbor Master, or subsequent City of Sausalito Harbormaster, shall use these guidelines to approve boats for berthing at Galilee Harbor. If a Harbor Master is not in place, boats shall be required to receive certification from the Coast Guard.
17. All permitted boats other than houseboats shall be navigable and seaworthy and shall either be registered with the California Department of Motor Vehicles or be federally documented.
18. All boats proposed for initial berthing at the project site during the period of construction of the new marine service harbor shall be required to be ~~ON EXHIBIT~~ **ON EXHIBIT** with 131

all applicable conditions expressed herein and to have obtained City approval of temporary occupancy permits before any construction permits are granted by the City for construction of harbor facilities. Permanent or final occupancy permits for maritime service boats and berths shall not be granted until construction of all project facilities, including landside facilities and public amenities, has been substantially completed.

19. Only one boat per berth shall be permitted.
20. No vessels or boats shall be permitted to be anchored or otherwise located on a long-term basis on public street rights-of-way, with the exception of temporary tie-ups for servicing at the boatways and marine service pier.

Marine Service Boats

21. With the exception of conditionally permitted houseboat occupancy of four berths and three transient berths, occupancy of the remaining maritime service boat berths shall be limited to boats defined in the Marinship Specific Plan as "Maritime Service Berths and Boats". This category includes "marine service boats", "marine craftsman boats", "water-based art use boats", "historic boats", and "institutional boats", as defined in the Marinship Specific Plan.
22. Maritime Service Boats shall be working boats and not pleasure or recreational boats.
23. An occupancy permit shall be required for each maritime service berth. However, a collective occupancy application for all maritime service berths may be filed initially to expedite the review and approval process. Any change in berth occupancy will require a new occupancy permit approval, prior to the change in occupancy.

Liveaboard Uses

24. The Marinship Specific Plan is hereby interpreted, per Table # B, as requiring the granting of a conditional use permit in order to authorize liveaboard use of particular marine service berths and boats. A collective CUP application for initial authorization of some or all berths and boats may be filed to expedite the review and approval process. After the granting of such CUP, the initial occupancy and thereafter any change in occupancy of said berths and/or boats shall require the approval of an Occupancy Permit therefor by the Sausalito Planning Department. Occupancy of any marine service boat shall be limited to one single-family dwelling per boat.

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25. The intention is that the Planning Commission and staff use the following criteria for considering Conditional Use Permits for liveaboard use of vessels and subsequent occupancy permits therefor:
- a) Liveaboard use of any boat berth, other than the four designated houseboat berths, shall be limited to "Marine Service Boats", as defined in the Marinship Specific Plan.
 - b) The applicant must demonstrate that residential use of the boat is necessary to provide the marine service. This requirement shall be satisfied by demonstrating that use of the boat is required on short notice and that there is a need to be on the boat during nighttime hours.
 - c) A business license shall be required as evidence of the marine service work performed by the applicant.
 - d) The applicant's boat must be an integral part of the applicant's livelihood in and performance of marine service work.
 - e) The marine service activity claimed by the applicant must be a major part of the applicant's livelihood.

Houseboats

- 26. A maximum of four houseboat berths shall be permitted.
- 27. Houseboat occupancy shall be subject to the occupancy requirements of the Marinship Specific Plan.
- 28. Houseboats shall be used only as single family residences.
- 29. Each proposed houseboat must receive approval of a separate or collective CUP. Pursuant to City Ordinance requirements, houseboat CUP applications must be submitted on or before June 2, 1990 to the City Planning Department.

Transient Berths

- 30. Occupancy of transient berths by any one vessel shall be limited to 14 days within any calendar year.
- 31. The intended use of transient berths is for boat repairs and provisioning.
- 32. Transient berths shall not be occupied by liveaboard uses.

Public Access and Open Space Dedications

33. The property owner shall dedicate either an open space easement or a public access easement to the City of Sausalito which includes all of Parcel 4 (A.P. No. 64-083-02). Said parcel shall remain open with the exception of placement of a floating wave damper along the northern boundary of the parcel, as shown in Exhibit A, dated April 25, 1990. The draft instrument of easement shall be submitted to the City for approval by the Public Works Director and City Attorney prior to recordation. Said easement shall be approved and recorded prior to the issuance of construction permits for the site.
34. All public access features indicated on Exhibit A, dated May 4, 1990, shall be permanently maintained by the property owner.

Harbor Design

35. All improvements shall be subject to final design approval by the Design Review Board.
36. All liveaboard and houseboat berths shall be provided with direct shoreside sewer connections. Said connections shall be installed prior to issuance of final or permanent occupancy permits for the berths.
37. The public boat launch shall be installed and maintained by Galilee Harbor at the end of Napa Street as shown in Exhibit A. It is recommended that the location be as far north as reasonable to the applicant, to be reviewed and settled by the Design Review Board. Galilee Harbor understands that it may be required to re-locate the launch to another onsite location in the future.
38. The existing deck at the base of Napa Street shall be upgraded by Galilee Harbor and shall be compatible with use of the small boat launch. The Planning Commission requests the Design Review Board to pay particular attention to the design of this facility.
39. Galilee Harbor shall pave the Napa Street to its intersection with Bridgeway. A proper drainage system shall be installed to ensure that runoff from the paved area will not enter the bay unfiltered or untreated.
40. A performance bond or equivalent instrument, for an amount not less than the total landscape installation cost, as approved by the Director of Public Works shall be posted prior to the issuance of an occupancy permit to insure maintenance of landscaped areas consistent with the provisions of the Zoning Ordinance, Section 10.935.11 (g).

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- 41. Lighting shall be sufficient to provide for public safety, but shall not produce glare or be otherwise obtrusive.
- 42. Public access shall be provided to all outdoor portions of the harbor, with the exception of the boat yard.

Dredging

- 43. Dredging shall be in conformance with Exhibit A, Sheet 7 plans submitted on May 7, 1990. Any changes to the dredging plan shall require review and approval by the City of Sausalito.
- 44. Dredging permits shall be required prior to the issuance of construction permits.
- 45. Prior to construction permit approval, the applicant shall provide proof to the City of an approved disposal site for all dredged or trenched onshore and offshore soils.

Parking

- 46. The parking design shall be as shown in the revised plan, dated May 7, 1990 (Exhibit A).
- 47. Parking requirements for the development shall be as follows:

liveboards (marine service):	1.5/berth
non-liveboard boats:	1.0/berth
houseboats:	2.0/berth
transient berths:	1.0/berth
public shoreline access	8 spaces
Boatyard parking:	1.0/2000 sq.ft.
Marine service building parking:	1.0/500 sq. ft.
Fish and Bait Sales	2 spaces

Total number of required spaces
without joint use 85 spaces

- 48. Joint use parking shall be permitted to the maximum extent that 70 percent of the spaces required by principally daytime uses shall be used to offset the total parking requirements. This results in a reduction of 13 spaces, for a total number of parking spaces to be provided of 72.
- 49. The City Engineer shall review the final parking plan and determine the adequacy of the parking design.
- 50. A detailed parking management plan shall be submitted to the City by the applicant and said plan shall be approved

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prior to granting of construction permits. Said plan shall include measures to ensure that the parking area will not be used for the storage of inoperable or abandoned vehicles. Other parking plan requirements include provisions for resident parking sticker program, signage for public spaces, and maintenance of parking area. An annual status report shall be provided to the City.

51. No boats, trailers, RVs, or vehicle storage shall be allowed in parking areas.
52. Public parking spaces provided on Parcel 3 shall be appropriately marked and maintained for public use. No onsite residents, tenants, or employees shall use these public parking spaces at any time.
53. Any future change in use for any portion of the site will necessitate Planning Department review for changes in onsite parking requirements.

Environmental Mitigation Conditions

54. All measures identified in the Final EIR, Impact Summary Tables are hereby incorporated into this resolution by reference. These measures and requirements for their implementation are further defined in the Mitigation Monitoring Plan which is attached as Exhibit B.

Other Construction Conditions

55. Construction shall be phased in the following manner:

Phase One: Phase one will involve the relocation of all boats on the north dock. This first group of boats will temporarily be berthed in tandem spaces on the south dock and on the 40 foot strip (Parcel 4). With the north dock vacated, the floating walkways will be removed. Dredging equipment will then be moved into the north side of the harbor and will be used to pull the pilings, completed most of the planned dredging, build the structure for the fixed pier, and drive new pilings for the new floating walkways of the north fork of the harbor. Upon completion of these tasks, replacement of the north dock will proceed. Construction will begin on the shoreside access and utilities. Water, sewer, electricity and telephone lines will be installed to the berths of the north fork and connected to the shore.

Phase Two: Phase two will begin by moving all of the approved boats off of the old south dock to the completed north fork. Upon vacation of the south dock, the walkways and pilings will be removed and the minor portion of the dredging completed. This will be followed by pile driving and construction of the new south fork

dock. The two docks will then be connected together and utility lines will be installed on the south dock.

Phase Three: Phase three will involve construction and completion of the shoreside buildings and structures. Existing buildings on Parcel 4 to be removed will be demolished upon completion of new restroom, shower, and laundry facilities for liveaboard and building tenants.

56. No boats shall be allowed to be tied up on public property, including public streets, during construction.
57. The construction staging area shall be approved by the building inspector prior to issuance of any construction permit.

Enforcement of Conditions

58. Any violation of these conditions shall be treated as a zoning violation.
59. Failure to comply with any condition expressed herein shall constitute grounds for the modification or revocation of these CUPs.

Section 5. Mitigation Monitoring Plan

The Mitigation Monitoring Plan, attached as Exhibit B, is hereby incorporated by reference in this resolution. The Planning Commission finds that the Mitigation Monitoring Plan satisfies the requirements of Section 21081.6 of the Public Resources Code.

PASSED AND ADOPTED at a meeting of the Planning Commission of the City of Sausalito on the 8th day of May, 1990, by the following vote:

AYES: Commissioners: Dorsey, Krause, Politzer, Seashore, Ruby
NOES: Commissioners: None
ABSENT: Commissioners: None

CHAIRMAN, SAUSALITO PLANNING COMMISSION

EXHIBIT "C"

GALILEE HARBOR PROJECT MITIGATION MONITORING PROGRAM

City of Sausalito, California
May 8, 1990

ISSUE AND BACKGROUND

The State Legislature has become increasingly concerned that mitigation measures adopted by public agencies pursuant to the California Environmental Quality Act (CEQA) are not fully implemented. AB 3180, now codified as 21081.6 of the Public Resources Code, was drafted to correct this problem. The intent of the legislation is to assure that lead agencies which approve projects with mitigation measures pursuant to CEQA will take appropriate steps to effect full implementation of those measures. Section 21081.6 of the Public Resources Code requires all public agencies to establish monitoring and reporting procedures for mitigation measures included in EIRs or Negative Declarations which are necessary to mitigate potential environmental impacts to a level of insignificance.

DISCUSSION

Section 21081.6 of the Public Resources Code provides little direction as to the details of a mitigation measure monitoring and reporting program (hereinafter referred to as a mitigation monitoring program). General information developed by legislative staff indicates that a mitigation monitoring program should include a minimum of the following elements: policy statement, description of roles and responsibilities, timing for implementation and monitoring of mitigation measures, specific monitoring and reporting activities, fees, and enforcement procedures and sanctions. The major portion of the mitigation monitoring program for the Galilee Harbor project is presented in a matrix on page 5 and includes the following elements for each mitigation measure: Issue Area/Impact, Category of Mitigation Measure, Schedule for Implementation of Mitigation Measure, Party Responsible for Monitoring and Enforcing Mitigation Measure, Procedures for Monitoring Mitigation Measure, and Schedule for Monitoring and Reporting on Mitigation Measure.

Roles and Responsibilities

Several categories of individuals can be involved to varying degrees in preparation, administration, and implementation of the mitigation monitoring program, including the City Council, City Planning Commission, City staff, project applicant, and consultants. It should be noted that for the Galilee Harbor Project, most of the mitigation measures will be implemented by the applicant.

City Council. The City Council has ultimate responsibility and accountability for the scope, content, approval, and enforcement of the mitigation monitoring program. Given the administrative and technical nature of the mitigation monitoring program, the role of the Council is focused on approval and appeal of the program. The Council will serve as the ultimate appeal authority for both approval and enforcement of the mitigation monitoring program.

Planning Commission. The range of roles and responsibilities of the Planning Commission will be the same as those of the City Council, but in an advisory capacity.

City staff. City staff will bear the largest continuing responsibility for administration of the mitigation monitoring program. There is a wide range of roles and responsibilities for the staff.

The Planning Director will be responsible for assuring full compliance with the mitigation monitoring program. The Planning Director will delegate duties and responsibilities to City staff, the project applicant, and consultants as necessary and appropriate. The Planning Director will assure that monitoring reports are timely filed and identified program violations are corrected. The Planning Director will also establish the necessary procedures to assure timely, thorough, and efficient administration of the monitoring and reporting functions of the mitigation monitoring program within the Planning and Building Department.

Other City staff will, whenever possible, assist the Planning Director in the efficient administration of the mitigation monitoring program. Building inspection staff will assist the Planning Director in assuring compliance with mitigation monitoring and reporting related to project design and construction including, but not limited to, plan checking, engineering plan review, site preparation, and construction activities. Planning staff will be responsible for responding to and reporting on complaints about and violations of the mitigation monitoring program. The Public Works Department staff will be responsible for monitoring and reporting on implementation of soil and erosion control mitigation measures and other mitigation measures subject to its review.

The Planning Director will delegate specific responsibilities for monitoring or reporting to the project applicant or qualified consultants. Such delegation will be consistent with the requirements of objectivity and technical competence. Private consultants or staff from other responsible or trustee agencies will be retained to augment City staff where special expertise or time demands arise.

Project Applicant. Simple reporting will be undertaken by the project applicant. Where simple evidence of compliance with mitigation measures is required, the applicant will be the most appropriate party for monitoring and reporting. One option for monitoring is reliance on self-monitoring by the project applicant followed up by one or more spot checks by City staff. Such a system is likely to reduce the direct costs of the mitigation monitoring program.

Consultants. Consultants represent a reliable, trained resource to carry out some of the monitoring and reporting functions of the mitigation monitoring program. Consultants with specialized skills may be the only people qualified to monitor highly sensitive or technical mitigation measures. Consultants also represent a general resource pool which can be tapped when workloads of existing City staff temporarily increase. In general, consultants will probably play a central role in implementation of the mitigation monitoring program.

Reporting Requirements

Reporting requirements for implementation and monitoring of mitigation measures are indicated in the matrix on page 5. The reports shall be designed to simply and clearly identify whether required mitigation measures are being or have been adequately implemented. At a minimum, each report shall identify the mitigation measure or measures to be monitored for implementation, whether compliance with the mitigation measure or measures has occurred, the procedures and standards used in assessment of compliance, times and dates of monitoring, name(s) of monitor(s), and whether further action is required. The reports shall be filed with the Planning Director. The reports shall be typed and prepared using the following approved format:

**GALEEE HARBOR PROJECT
MITIGATION MONITORING PROGRAM
REPORTING DOCUMENT**

To: City of Sausalito
From: _____
Date: _____

ENVIRONMENTAL RESOURCE

Impact Description

Mitigation Measure Number and Name

Description: description of mitigation measure

Schedule: schedule for implementation of mitigation measure
schedule for monitoring implementation of mitigation measure

Reporting Period: period during which implementation of mitigation measure was monitored

Monitor(s): names of persons from City staff, project applicant, consultants, or agencies responsible for monitoring mitigation measure

Monitoring Procedures: procedures used for monitoring implementation of mitigation measure
standards used for assessing adequate implementation of or compliance with mitigation measure
dates of site inspections
names of persons conducting site inspections

Assessment: assessment of adequate implementation of or compliance with mitigation measure

Verification: verification of adequate implementation of or compliance with mitigation measure
date of verification
name of verifying official
space for signature of verifying official

In addition to specific reporting requirements for monitoring of individual mitigation measures, the overall progress, completion, or violation of the mitigation monitoring program shall be reported quarterly by the project applicant to the Planning Director. Reports which identify successful progress on implementation of the mitigation monitoring program or successful completion of the mitigation monitoring program shall be reviewed and filed. All reports shall be filed in both the Galilee Harbor project file as well as a central mitigation monitoring program file. These reports shall be available for public inspection at all times.

If a report identifies one or more violations of the mitigation monitoring program, the Planning Director will take one of the following actions within three working days of the receipt of such report:

- 1) directly notify the applicant by telephone of the violation and attempt to obtain voluntary compliance;
- 2) notify the applicant of the violation in writing and request voluntary compliance;
- 3) request that the Building Inspector conduct a field inspection;
- 4) refer the violation to the Zoning Enforcement Officer; or
- 5) refer the violation to the City Attorney.

Fees

The cost for preparation, administration, and implementation of the mitigation monitoring program will be submitted to the Planning Director and deposited in a trust account prior to the acceptance of any project construction plans for review by City staff.

Violations

Any violation of the provisions of the mitigation monitoring program shall be an infraction and enforced under the provisions of the City of Sausalito Municipal Code Section 10.000 et seq.

Enforcement Procedures and Sanctions

Success of the mitigation monitoring program depends on effective enforcement. The City will use standard enforcement procedures and measures provided by the general police powers and Zoning Ordinance regulations. These procedures and measures include, but are not limited to: stop-work orders, denials or revocation of project approvals, withholding construction permits or occupancy permits, civil and criminal fines, nuisance suits, and criminal prosecution.

Where a mitigation measure is required for inclusion in building or site plans, a building or any other permit will not be issued by the Building Inspector until compliance is verified by approval of a zoning permit.

Where a mitigation measure is to be implemented during site preparation or building or structure construction, non-implementation or other violation of the mitigation monitoring program will result in either notification of the violation by the Planning Director or a stop-work order issued by the Building Inspector until compliance is achieved.

Compliance with mitigation measures required to be implemented prior to final occupancy of buildings, houseboats, or live-aboards will be confirmed by the Planning Director prior to issuance of occupancy permits by the Building Inspector.

Violation of the approved mitigation monitoring program subsequent to building completion and occupancy and houseboat or live-aboard occupancy will result in one or more of the following actions:

- 1) written notification and demand for correction of the violation by the Planning Director;
- 2) infraction citation issued by the Zoning Enforcement Division;
- 3) prosecution by the City Attorney as a misdemeanor;
- 4) forfeiture of any bond trust account, or establishment of other financial assurance
- 5) action to recover funds assured under a letter of credit; or
- 6) a lien against the real property subject to the violation, in the amount necessary to correct the violation.

**GALILEE HARBOR PROJECT
MITIGATION MONITORING PROGRAM**

Issue Area/Impact	Mitigation Measure	Schedule for Implementation of Mitigation Measure ³	Party Responsible for Monitoring and Enforcing Mitigation Measure	Procedures for Monitoring Mitigation Measure	Schedule for Monitoring and Reporting On Mitigation Measure
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1. BIOLOGY AND WATER

Conversion of 15,934 square feet of intertidal habitat to shallow subtidal habitat as a result of dredging.

1.1 Implement the revised grading, drainage, and dredging plan approved by the CDFG². (The revised plan includes removal of 13,734 square feet of upland habitat (located between 5' and 8.25' MLLW) in the northeast corner of Parcel Two and portions of Mono Street along the south side of Schoonmaker Point; and along the east side of Parcel One on a portion of Mono Street). (D)

After obtaining a dredging permit from the ACOE and after granting of construction permits by the City.

CDFG

To be developed by the CDFG.

To be developed by the CDFG.

Bay mud may contain contaminants that could be released into the water during dredging.

1.2 Conduct chemical and biological testing of dredge spoils in accordance with Public Notice 87-1 and ACOE requirements for a dredging permit. (PC)

Prior to obtaining a dredging permit from the ACOE and prior to granting of construction permits by the City.

ACOE

Part of the process for obtaining a dredging permit from the ACOE.

One-time review by the ACOE. Single report indicating receipt of dredging permit from ACOE to the City prior to granting of construction permits by the City.

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**GALILEE HARBOR PROJECT
MITIGATION MONITORING PROGRAM**

Issue Area/Impact	Mitigation Measure ¹	Schedule for Implementation of Mitigation Measure ³	Party Responsible for Monitoring and Enforcing Mitigation Measure	Procedures for Monitoring Mitigation Measure	Schedule for Monitoring and Reporting On Mitigation Measure
<p>Erosion and sedimentation from grading, construction of facilities and structures, landscaping, dredging, and the presence of houseboats and live-aboard boats could smother fish spawning grounds, juvenile organisms, and benthic organisms; adversely affect fish spawning behavior; and trap small floating organisms. Contaminants associated with surface runoff, erosion, sedimentation, and boat repair and maintenance could be released into the water and contaminate aquatic life, especially fish and shellfish.</p>	<p>1.3 Provide a report with proof of a site approved by the ACOE for disposal of dredge spoils. (PC)</p>	<p>Prior to granting of construction permits by the City.</p>	<p>City - Public Works Department, City Engineer</p>	<p>Conduct a review of the report with proof of a site approved by the ACOE for disposal of dredge spoils.</p>	<p>One-time review of the report with proof of a site approved by the ACOE for disposal of dredge spoils prior to granting of construction permits by the City.</p>
	<p>1.4 Conduct project construction only from May through October to avoid sedimentation in Richardson Bay during the spawning season of Pacific herring (November through April). (C)</p>	<p>During project construction.</p>	<p>City- Planning and Building Department, Building Inspector</p>	<p>Conduct site visits to observe whether construction activities are occurring at the project site.</p>	<p>Weekly site visits from November through April during years of construction.</p>

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**GALILEE HARBOR PROJECT
MITIGATION MONITORING PROGRAM**

Issue Area/Impact	Mitigation Measure ¹	Schedule for Implementation of Mitigation Measure ³	Party Responsible for Monitoring and Enforcing Mitigation Measure	Procedures for Monitoring Mitigation Measure	Schedule for Monitoring and Reporting On Mitigation Measure
<p>Erosion and sedimentation from grading, construction of facilities and structures, landscaping, dredging, and the presence of houseboats and live-aboard boats could smother fish spawning grounds, juvenile organisms, and benthic organisms; adversely affect fish spawning behavior; and trap small floating organisms. Contaminants associated with surface runoff, erosion, sedimentation, and boat repair and maintenance could be released into the water and contaminate aquatic life, especially fish and shellfish.</p>	<p>1.5 Prepare an erosion and sediment control plan for the project site in accordance with the standards and specifications described in ABAG's <u>Manual of Standards for Erosion and Sediment Control</u>. (The plan should include construction in one season to reduce the area exposed to rainstorms, limitation of all grading to a single dry season, a drainage system designed to handle runoff from the entire project site, and measures to reduce erosion and confine sedimentation). (PC)</p>	<p>Prior to granting of construction permits by the City.</p>	<p>City - Public Works Department, City Engineer.</p>	<p>Conduct a review of the erosion and sediment control plan to determine whether it contains a comprehensive plan with erosion and sediment control measures that are in accordance with ABAG's <u>Manual of Standards for Erosion and Sediment Control</u>. Approve the erosion and sediment control plan.</p>	<p>One-time review and approval of the erosion and sediment control plan prior to granting of construction permits by the City.</p>
	<p>1.6 Implement the erosion and sediment control plan prepared in accordance with the standards and specifications described in ABAG's <u>Manual of Standards for Erosion and Sediment Control</u>. (C,O)</p>	<p>During project construction and operation.</p>	<p>Applicant/Consultant</p>	<p>Conduct site visits to determine whether the erosion and sediment control plan is being implemented at the project site.</p>	<p>Bimonthly site visits during project construction and operation. Biannual reporting to the City during project construction and operation regarding implementation of the erosion and sediment control plan.</p>

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**GALILEE HARBOR PROJECT
MITIGATION MONITORING PROGRAM**

Issue Area/Impact	Mitigation Measure ¹	Schedule for Implementation of Mitigation Measure ³	Party Responsible for Monitoring and Enforcing Mitigation Measure	Procedures for Monitoring Mitigation Measure	Schedule for Monitoring and Reporting On Mitigation Measure
<p>Erosion and sedimentation from grading, construction of facilities and structures, landscaping, dredging, and the presence of houseboats and live-aboard boats could smother fish spawning grounds, juvenile organisms, and benthic organisms; adversely affect fish spawning behavior; and trap small floating organisms. Contaminants associated with surface runoff, erosion, sedimentation, and boat repair and maintenance could be released into the water and contaminate aquatic life, especially fish and shellfish.</p>	<p>1.7 Install pollutant traps to catch contaminants from upland areas, including provision of traps on 40 foot strip on Parcel 3. (D)</p>	<p>During project construction.</p>	<p>City - Planning and Building Department, Building Inspector.</p>	<p>Conduct a site inspection to determine whether pollutant traps have been installed at the project site.</p>	<p>One-time site inspection after the applicant indicates that pollutant traps have been installed.</p>
	<p>1.8 Revise the erosion and sediment control plan to incorporate direction of overland runoff to landscaped areas before it enters Richardson Bay. (D)</p>	<p>Prior to granting of construction permits by the City.</p>	<p>City - Public Works Department, City Engineer</p>	<p>Conduct a review of the erosion and sediment control plan to determine whether it incorporates direction of overland runoff to landscaped areas. Approve the erosion and sediment control plan.</p>	<p>One-time review and approval of the erosion and sediment control plan prior to granting of construction permits by the City.</p>

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**GALILEE HARBOR PROJECT
MITIGATION MONITORING PROGRAM**

Issue Area/Impact	Mitigation Measure ¹	Schedule for Implementation of Mitigation Measure ³	Party Responsible for Monitoring and Enforcing Mitigation Measure	Procedures for Monitoring Mitigation Measure	Schedule for Monitoring and Reporting On Mitigation Measure
Erosion and sedimentation from grading, construction of facilities and structures, landscaping, dredging, and the presence of houseboats and live-aboard boats could smother fish spawning grounds, juvenile organisms, and benthic organisms; adversely affect fish spawning behavior; and trap small floating organisms. Contaminants associated with surface runoff, erosion, sedimentation, and boat repair and maintenance could be released into the water and contaminate aquatic life, especially fish and shellfish.	1.9 Conduct regular cleaning of catchbasins and sweeping of parking lots to reduce the total pollutant load to Richardson Bay. (O)	Bimonthly during project operation.	Applicant and City - Planning and Building Department, Building Inspector	City Building Inspector to conduct site inspections to observe conditions of catchbasins and parking lots.	Annual reporting by applicant during project operation that includes dates when catchbasins and parking lots were cleaned. Quarterly site inspections by City Building Inspector during project operation.
	1.10 Implement the urban runoff control measures identified in Marin County's <u>Surface Runoff Management Plan</u> . (C,O)	During project operation.	Applicant/ Consultant	Conduct site visits to determine whether the urban runoff control measures identified in Marin County's <u>Surface Runoff Management Plan</u> are being implemented at the project site.	Bimonthly site visits during project operation. Biannual report to the City during project operation regarding implementation of urban runoff control measures.

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Discharge of sewage and graywater into Richardson Bay from failure of pumps on houseboats and live-aboards.	1.11 Appropriate holding tanks and pumps connected to pier sewer hook-ups must be installed on all houseboats and live-aboard boats. (O)	Installation immediately following granting of occupancy permits by the City; condition for approval of Conditional Use Permits for houseboats and live-aboard boats.	City-Planning and Building Department, Building Inspector	Conduct inspection of houseboats and live-aboard boats to determine whether they have appropriate holding tanks and pumps connected to pier sewer hook-ups.	One-time inspection of houseboats and live-aboard boats prior to granting of occupancy permits and Conditional Use Permits by the City.
Reduction in aquatic vegetation from shading of water and modification of water temperature; creation of a barrier to growth of aquatic vegetation and movement of anadromous fish; reduction in open water habitat for wildlife; disruption of benthic communities; increase in siltation and modification of tidal circulation from reduction in wave energy; and reduction in oxygen exchange from placement of floating and pile-supported Bay fill (houseboats, live-aboard boats, floating docks, fixed access piers, ramps and gangways, launching float, boatways, and floating wave damper).	1.12 If the Bay fill is authorized, implement all mitigation measures associated with granting of BCDC permits. (PC, C, D, O)	Depends on specific mitigation measures developed by the BCDC.	BCDC	To be developed by the BCDC.	To be developed by the BCDC.

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Use of non-native plant species in landscaping would reduce the wildlife habitat that could potentially exist as the project site.

1.13 Revise the landscaping plan to incorporate only local native plant species appropriate for planting in upland areas adjacent to Richardson Bay, and only local native plant species appropriate for planting along the shoreline of Richardson Bay. (PC)

Prior to granting of construction permits by the City. Installation of landscaping prior to granting of occupancy permits by the City.

City - Public Works Department, City Engineer.

Conduct a review of the revised landscaping plan to assure that it incorporates only local native plant species appropriate for planting in upland areas adjacent to and along the shoreline of Richardson Bay. Approve the revised landscaping plan. Conduct a site inspection to determine whether only local native plant species have been used in landscaping at the project site.

One-time review and approval of the revised landscaping plan prior to granting of construction permits by the City. One-time site inspection after applicant indicates that landscaping has been installed.

Potential disruption of the proposed Mono Street Marsh due to physical disturbance and runoff and sedimentation associated with project construction.

1.14 Prepare guidelines for project construction that will occur adjacent to Mono Street Marsh. (The guidelines should include setback from the Marsh, fencing of the setback area, and prevention of sedimentation in the Marsh). (PC)

Prior to obtaining construction permits from the City.

City / Consultant

Conduct a review of the guidelines for construction adjacent to Mono Street Marsh. Approve the construction guidelines.

One-time review and approval of the guidelines for construction adjacent to Mono Street Marsh.

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Issue Area/Impact	Mitigation Measure ¹	Schedule for Implementation of Mitigation Measure ²	Party Responsible for Monitoring and Enforcing Mitigation Measure	Procedures for Monitoring Mitigation Measure	Schedule for Monitoring and Reporting On Mitigation Measure
Potential disruption of the proposed Mono Street Marsh due to physical disturbance and runoff and sedimentation associated with project construction.	1.15 Implement the guidelines for project construction adjacent to Mono Street Marsh. (C)	During construction adjacent to Mono Street Marsh.	Applicant/ Consultant	Conduct site inspections to determine whether the guidelines for construction adjacent to Mono Street Marsh are being implemented.	Conduct weekly site inspections during construction adjacent to Mono Street Marsh. Biweekly reporting to the City regarding implementation of guidelines for construction adjacent to Mono Street Marsh.
2. CULTURAL Increase in the potential for loss of historical information from relic collection, vandalism, and further deterioration of the brigantine <u>Galilee</u> associated with an increase in focus of public attention on the ship.	2.1 Implement all measures developed by the ACOE in consultation with the State Historic Preservation Office and the Advisory Council on Historic Preservation for preservation of the <u>Galilee</u> . (PC,C)	Depends on mitigation measures developed by the ACOE.	ACOE	To be developed by the ACOE.	To be developed by the ACOE.
3. GEOLOGY Potential geotechnical hazards to buildings and structures, including settlement, slope instability, liquefaction, and flooding.	3.1 Prepare a detailed geotechnical evaluation of the project, including analysis of offshore soil borings; and specific design criteria for foundation support, site grading, slope protection, and dredging. (PC)	Prior to final project design review by the City Design Review Board and prior to granting of construction permits by the City.	Applicant/ Consultant	Conduct a review of the detailed geotechnical evaluation. Approve the detailed geotechnical evaluation.	One-time review and approval of the detailed geotechnical evaluation prior to granting of construction permits by the City.

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Potential geotechnical hazards to buildings and structures, including settlement, slope instability, liquefaction, and flooding.	3.2 Install driven piles for piers and structures on Bay mud to reduce the risk of damage from seismic events. (D)	During construction of offshore piers and structures.	Applicant/ Consultant	Conduct a site inspection to determine whether driven piles for piers and structures have been installed.	One-time site inspection during construction of offshore piers and structures after the applicant indicates that driven piles have been installed.
	3.3 Incorporate criteria for withstanding the effects of differential settlement in the project engineering plans. (D)	Prior to granting of construction permits by the City.	City/ Consultant	Conduct a review of the engineering plans to determine whether criteria for withstanding the effects of differential settlement have been incorporated into the plans. Approve the engineering plans.	One-time review and approval of the engineering plans prior to granting of construction permits by the City.
	3.4 Install flexible utility line connections to allow for potential settlement. Install shut-off controls on utility lines. (D)	During installation of utility lines.	City - Public Works Department, City Engineer	Conduct a site inspection to determine whether flexible connections and shut-off controls have been installed on utility lines.	One-time site inspection after the applicant indicates that utility lines have been installed.
erosion and sedimentation associated with new development on the project etc.	3.5 Revise the grading, drainage, and dredging plan to allow for adequate surface drainage to avoid ponding in fill areas, paved parking areas, and landscaped areas. (PC)	Prior to granting of construction permits by the City.	City - Public Works Department, City Engineer	Conduct a review of the revised grading, drainage, and dredging plan to determine whether the plan allows for adequate surface drainage. Approve the revised grading, drainage, and dredging plan.	One-time review and approval of the revised grading, drainage, and dredging plan prior to granting of construction permits by the City.

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Erosion and sedimentation associated with new development on the project site.	3.6 Revise the grading, drainage, and dredging plan to incorporate design for surface drainage of shoreline slopes to reduce erosion and channel/marsh infilling grading. (PC)	Prior to granting of construction permits by the City.	City - Public Works Department, City Engineer	Conduct a review of the revised grading, drainage, and dredging plan to determine whether the plan includes design for surface drainage of shoreline slopes approve the revised grading, drainage, and dredging plan. Approve the revised grading, drainage, and dredging plan.	One-time review and approval of the revised grading, drainage, and dredging plan prior to granting of construction permits by the City.
	3.7 Prepare an erosion and sediment control plan for the project site. (PC)	See Mitigation Measure 1.5	See Mitigation Measure 1.5	See Mitigation Measure 1.5	See Mitigation Measure 1.5
	3.8 Implement the revised grading, drainage, and dredging plan approved by the CDFG. (C)	See Mitigation Measure 1.1	See Mitigation Measure 1.1	See Mitigation Measure 1.1	See Mitigation Measure 1.1
	3.9 Revise the grading, drainage, and dredging plan to incorporate adequate channel setbacks with sufficient depth to avoid undermining shoreline slopes and structures in the area of proposed dredging. (PC)	Prior to granting of construction permits by the City.	Applicant/ Consultant	Conduct a review of the revised grading, drainage, and dredging plan to determine whether the plan includes design for surface drainage of shoreline slopes approve the revised grading, drainage, and dredging plan. Approve the revised grading, drainage, and dredging plan.	One-time review and approval of the revised grading, drainage, and dredging plan prior to granting of construction permits by the City.

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4. LAND USE					
Potential inconsistency with San Francisco Bay Plan Public Access Policy 3. (Whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed.)	4.1 Permanently guarantee public access by dedicating fee title or easements at no cost to the public. (PC)	Condition for approval of project Conditional Use Permits. For title or easements awarded prior to granting of construction permits by the City.	City Attorney, Public Works Department	Conduct a review of the project design to assure that public access is permanently guaranteed.	One-time review of the project design prior to granting of construction permits by the City.
5. TRAFFIC AND PARKING					
Continuation of existing traffic safety hazards at the Napa Street/Bridgeway Boulevard intersection.	5.1 Submit funds to the City for revision and standardization of pavement markings for the separation of the northbound through lane and northbound left-turn lane of Bridgeway Boulevard. (Note: The City will revise and standardize the pavement markings).	Funds submitted prior to granting of construction permits by the City. Pavement markings completed by the City prior to its granting of occupancy permits.	Applicant and City - Public Works Department, City Engineer	Site inspection by the City to determine whether the pavement markings on Bridgeway Boulevard have been revised and standardized.	One-time site inspection by the City prior to granting of occupancy permits by the City.
Insufficient parking to accommodate peak use periods.	5.2 Prohibit parking of trailers in parking areas. (O)	Ongoing during project operation.	Applicant	Conduct site visits to determine whether trailers are parked in parking areas.	Monthly site visits during project operation. Annual reporting (as part of annual parking management plan report) to the City regarding parking of trailers in parking areas.

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Insufficient parking to accommodate peak periods.	3.3 Prepare a parking management plan. (PC)	Prior to granting of construction permits by the City.	City - Planning and Building Department	Conduct a review of the parking management plan. Approve the parking management plan.	One-time review and approval of the parking management plan prior to granting of construction permits by the City.
	5.4 Implement the parking management plan. (O)	Ongoing during project operation.	Applicant	Conduct site visits and parking surveys to determine whether the parking plan is being implemented.	Biannual parking surveys during project operation. Annual reporting to the City (as part of annual parking management plan report) regarding implementation of the parking management plan.
6. NOISE					
Short-term noise from construction vehicles and equipment.	6.1 With the exception of dredging shoreline excavation, which can be a 24 hour operation and is permitted up to a maximum of 7 days, noise-generating construction activities, including truck traffic to and from the project site, shall be limited to daytime weekday hours (8 A.M. to 5 P.M., Monday through Friday).	Ongoing during project construction.	Applicant	Conduct site visits before 8 A.M. and after 5 P.M. to determine whether construction activities occur outside of daytime weekday hours.	Biweekly site visits during the construction period. Bimonthly reporting to the City regarding hours of construction activities.

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Issue Area/Impact	Mitigation Measure¹	Schedule for Implementation of Mitigation Measure³	Party Responsible for Monitoring and Enforcing Mitigation Measure	Procedures for Monitoring Mitigation Measure	Schedule for Monitoring and Reporting On Mitigation Measure
Long-term noise from marine service business operations.	6.2 Limit noise-generating during evening and weekend hours to sound pressure levels defined in the Sausalito Municipal Code, Section 10.700-3, marine service business operations except in an emergency.	Ongoing during project operation.	Applicant	If complaint is received, conduct sound pressure level measurement during the evening and/or weekend hours to determine if the sound exceeds the code limits.	Quarterly site visits during the project operation period. Bimonthly reporting to the City regarding hours of marine service business operations.
7. PUBLIC SAFETY					
Increase in public safety hazards due to the use of hazardous materials in marine service business operations at the project site.	7.1 Prepare a hazardous materials business plan if it is determined by the Marin County Division of Environmental Health Services that a significant amount of hazardous materials are used on the project site. (PC)	Prior to granting of construction permits by the City.	DEH	To be developed by the DEH.	To be developed by the DEH.
	7.2 Implement the hazardous materials business plan. (O)	Ongoing during project operation.	DEH	To be developed by the DEH.	To be developed by the DEH.

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B. SOCIOECONOMICS					
Increase in the need for police protection.	Incorporate general security and lighting measures recommended by the City Police Department into the project design. (D)	Prior to granting of construction permits by the City.	City - Police Department, Planning and Building Department	Conduct a review of the project design to determine whether general security and lighting measures recommended by the City Police Department have been incorporated into the project design. Conduct a site visit after construction is completed to determine whether these measures have been implemented at the project site.	One-time review of the project design prior to granting of construction permits by the City. One-time site visit after construction is completed.

- ¹
- PC: Intended for implementation prior to project construction
 - C: Intended for implementation during project construction
 - D: Intended for incorporation into project design and installation during project construction
 - O: Intended for implementation during project operation

CDFG: California Department of Fish and Game

ACOE: U.S. Army Corps of Engineers

DEH: Marin County Department of Environmental Health

Note: The applicant/property owner is responsible for implementing the mitigation measure unless noted (otherwise)

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