

Patricia A. Zuch

November 19, 2014

Erik Buehmann, Coastal Program Analyst
San Francisco Bay Conservation & Development Commission
455 Golden Gate Ave., Suite 10600
San Francisco, CA 94102

Via mail and e-mail (erikb@bcdc.ca.gov)

RE: Sausalito Ferry Terminal Improvements

Mr. Buehmann,

Please convey this letter and attachments to the members of the Commission in advance of any hearing on the above matter.

I am one of the three named circulators of a Citizens' Initiative Petition successfully circulated in Sausalito in the summer and fall of 1997, and adopted by the Sausalito City Council as Ordinance 1128 on December 18, 1997. I have attached a copy of the Ordinance, as well as a copy of the original Initiative Petition, with relevant sections highlighted. The Petition and the adopted Initiative Ordinance specifically call for majority voter approval before the City dispose of, change or develop certain city-owned property, including Sausalito's downtown parking lots 1, 2, 3 and 4. Some or all of these lots may be impacted by the landside development contemplated by, or even required for, the Ferry Terminal Improvements proposed by the Golden Gate Bridge District.

The history leading to this successful Citizens Initiative was clearly summarized in the Notice of Intent To Circulate Petition, which says, in part:

"In 1972 the voters of Sausalito, by a two to one margin, passed an Initiative putting into effect an Ordinance requiring input from the voters regarding proposals for changes at downtown publicly owned property. The present City Council Majority has not honored the 1972 Initiative. Several proposals have been presented or discussed by this City Council which impact certain properties

that are totally owned by the City, or in which the City has a vested interest... We, the voters of Sausalito, present the attached Initiative which will give us the right to vote on the disposal of, changes to, or development of those properties..."

I understand that the water portion of the Ferry Landing "improvements" under discussion is not addressed in this Initiative Ordinance. It is also alleged that they are not subject to the City of Sausalito's approval process. But it is my understanding that the landside changes necessary or desired by the Golden Gate Bridge District as well as other modifications to downtown parking lots to accommodate bicycle (rather than automobile) access and the likely increased Ferry loading issues, could either:

- a) change the uses of portions of the lots from parking to loading and/or multiuse pathway/trail use, or
- b) result in the reduction of land area provided downtown for parking by more than 5% vs. the 1990 level.

Each of these changes would adversely impact the accessibility of downtown to shoppers, residents and commuters, and would diminish the economic health of the downtown businesses and parking revenue to the City. Either of these changes would trigger a public referendum requirement and the approval of a majority of the electorate before they could be implemented.

As one of the Initiative Petition circulators, I will endeavor to ensure that this 1997 Citizens Initiative is honored by those who would "improve" downtown Sausalito.

I urge you to require presentation of the project as a whole, rather than in the piecemeal fashion in which it has been presented to date. Landside changes will come under the purview of BCDC review eventually – and may ultimately be contested by the electorate.

Sincerely,

Patricia A. Zuch

cc: Golden Gate Bridge District, Highway & Transportation District (districtsecretary@goldengate.org); Lilly Schinsing, Sausalito Planning Department (LSchinsing@ci.sausalito.ca.us); Chris A. Skelton, Esq. Ragghianti Freitas LLP (cskelton@rflawllp.com)

**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE
VOTERS OF THE CITY OF SAUSALITO**

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

TITLE: AN ORDINANCE OF THE CITY OF SAUSALITO REQUIRING VOTER APPROVAL BEFORE THE CITY MAY SELL, LEASE, OR OTHERWISE DISPOSE OF MUNICIPAL PARKING LOTS 1,2,3, AND 4, GABRIELSON PARK, PLAZA VINA DEL MAR OR THE MARTIN LUTHER KING PROPERTY OR CHANGE THE USE OF THESE PROPERTIES

SUMMARY: This Initiative Ordinance requires a majority vote of the Sausalito City electorate before the City Council can approve the use of (a) Municipal Parking Lots 1,2,3, or 4 for any purpose other than for public parking lot uses; (b) Gabrielson Park and Plaza Vina Del Mar for any purpose other than as public parks; and (c) the Martin Luther King property for any purpose other than for park and recreation purposes and temporary limited commercial use. It further requires voter approval before the City can change the existing physical condition of Gabrielson Park or Plaza Vina Del Mar (except for minor maintenance and upkeep) or sell, lease, or otherwise dispose of these properties or the Martin Luther King property.

Additionally, the Initiative Ordinance amends the Sausalito General Plan to be consistent with the above described provisions and to provide that Downtown public parking on public land may neither be increased in any amount nor decreased by greater than 5% and prohibits subsequent inconsistent changes in the General Plan except by a majority vote of the Sausalito electorate.

This Initiative Ordinance shall go into effect 30 days after its adoption and may be amended or repealed only by a majority vote of registered voters at an election.

The published Notice of Intention to Circulate provides as follows:

NOTICE OF INTENT TO CIRCULATE PETITION

NOTICE IS HEREBY GIVEN by the persons whose names appear hereon of their intention to circulate a petition within the City of Sausalito for the purpose of adopting an ordinance of the City of Sausalito requiring voter approval before the City may sell, lease or otherwise dispose of Plaza Vina Del Mar, Gabrielson Park, the Martin Luther King property or municipal parking lots 1, 2, 3, and 4, and also amending the Sausalito General Plan to implement such restrictions. A statement of the reasons for the proposed action, as contemplated in the petition, are as follows:

In 1972 the voters of Sausalito, by a two to one margin, passed an Initiative putting into effect an Ordinance requiring input from the voters regarding proposals for changes at downtown publicly owned property. The present Sausalito City Council majority has not honored the 1972 initiative.

Several proposals have been presented to or discussed by this City Council which impact certain properties that are totally owned by the City, or in which the City has a vested interest. This new 1997 Initiative is limited to those specific properties.

We, the voters of Sausalito, present the attached Initiative which will give us the right to vote on the disposal of, changes to, or development of those properties described in the accompanying Ordinance.

The purpose of this Initiative is to see that the voters of Sausalito, now and in the future, will have a voice in protecting the quality of life, and the economic well being of the business community, as it applies to these specific properties.

Signed by:

NAME	ADDRESS
Janet Dean	166 Cazneau Ave., Sausalito, CA 94965
Patricia A. Zuch	65 Monte Mar Dr., Sausalito, CA 94965
Bea Seidler	637 Sausalito Blvd., Sausalito, CA 94965

The text of the proposed measure is as follows:

AN ORDINANCE OF THE CITY OF SAUSALITO REQUIRING VOTER APPROVAL BEFORE THE CITY MAY SELL, LEASE, OR OTHERWISE DISPOSE OF PLAZA VINA DEL MAR, GABRIELSON PARK, THE MARTIN LUTHER KING PROPERTY OR MUNICIPAL PARKING LOTS 1, 2, 3 AND 4 AND ALSO REQUIRING VOTER APPROVAL FOR CONVERSION OF SAID AREAS TO OTHER USES

The City Council of the City of Sausalito does ordain as follows:

Section 1: The City of Sausalito shall retain ownership of municipal parking lots 1, 2, 3 and 4 and shall not sell, lease, or otherwise dispose of such parking lots without voter approval. Such parking lots shall not be used for purposes other than public parking lot uses without voter approval.

Section 2: The City of Sausalito shall retain ownership of Gabrielson Park and Plaza Vina Del Mar and shall not sell, lease, or otherwise dispose of such parks without voter approval. Such areas shall not be used for any purpose other than public parks without voter approval. Such areas shall not be changed from their presently existing condition with the exception of minor maintenance and upkeep necessary to maintain such areas in their presently existing condition without voter approval.

Section 3: The City shall retain ownership of the Martin Luther King property and shall not sell, lease, or otherwise dispose of such property without voter approval. No part of the Martin Luther King property shall be used for purposes other than park and recreation purposes without voter approval; provided, however, that the land area of said property currently devoted to commercial use may continue in such use on a temporary basis. Without voter approval, there shall be no increase in the land area of said site, or the floor area situated thereon, which is devoted to commercial use.

Section 4: As used in this Ordinance, the term "voter approval" shall mean approval by a majority of the City voters voting at a City election.

Section 5: In order to implement the requirements set forth in Sections 1, 2, 3 and 4 of this Ordinance, the Sausalito General Plan, adopted on September 19, 1995 by Sausalito City Council Resolution No. 4313, is hereby amended as follows:

(a) Program LU-4.7.5, reading as follows, is added to the General Plan: "Program LU-4.7.5. **Municipal Parking Lots. The City shall retain ownership of municipal parking lots 1, 2, 3 and 4 and shall not sell, lease, or otherwise dispose of such parking lots without voter approval. Such parking lots shall not be used for purposes other than public parking lot uses without voter approval.**"

(b) Program LU-5.1.2, reading as follows, is added to the General Plan: "Program LU-5.1.2. **Municipal Parks. The City shall retain ownership of Gabrielson Park and Plaza Vina Del Mar and shall not sell, lease, or otherwise dispose of such parks without voter approval. Such areas shall not be used for any purpose other than public parks without voter approval. Such areas shall not be changed from their presently existing condition with the exception of minor maintenance and upkeep necessary to maintain such areas in their presently existing condition without voter approval.**"

(c) Program LU-5.3.1 of the General Plan is amended to read as follows: "Program LU-5.3.1. **MLK Solvency. Examine new financing and develop possibilities to insure solvency and a reasonable debt retirement schedule on the MLK property; provided, however, that the City shall retain ownership of the Martin Luther King property and shall not sell, lease, or otherwise dispose of such property without voter approval. No part of the Martin Luther King property shall be used for purposes other than park and recreation purposes without voter approval; provided, however, that the land area of said property currently devoted to commercial purposes may continue in such use on a temporary basis. Without voter approval there shall be no increase in the land area of said site, or the floor area situated thereon, which is devoted to commercial use.**"

(d) The last sentence of the last paragraph, found on page 2-25 of the General Plan, is amended to read as follows: "The old Martin Luther King School site may have commercial uses as a temporary condition (without any increase in land area or floor area devoted to commercial use) until the City is able to finance its permanent use as a public recreation facility."

(e) The following sentence is added at the end of the third full paragraph appearing on page 2-42 of the General Plan: "The Master Plan for the Downtown waterfront area shall be subject to the limitations contained in Program LU-4.7.5, Program LU-5.1.2 and Program LU-5.3.1."

(f) The first full paragraph on page 2-43 of the General Plan is amended to read as follows: "The Plan envisions the MLK property as a park and recreational area for residents. It recognizes that in order for maximum usage as a public park to be accomplished, some reassessment of the current financing mechanism and, subject to the limitations contained in Program LU-5.3.1, possible changes to the commercial uses now permitted on the site may be needed."

(g) Policy CP-2.2 of the General Plan is amended to read as follows: "Policy CP-2.2. **Commercial Parking. Limit the land area for parking on City owned lots in the Downtown area to the 1990 level; provided, however, that the land area now occupied by Municipal Parking Lots 1, 2, 3 and 4 shall not be used for purposes other than public parking lot uses without voter approval.**"

(h) The first sentence of the first full paragraph on page 5-16 of the General Plan is amended to read as follows: "Based on the policies of the General Plan, the amount of public land area provided in the Downtown for public parking would not be increased in any amount or decreased by greater than five percent from the existing level."

Section 6: Any provisions of the Sausalito General Plan, adopted by the City Council on September 19, 1995 by Resolution No. 4313, which are inconsistent with the provisions of this Ordinance are hereby rescinded and stricken from the General Plan. Unless approved by the voters of the City of Sausalito, the amendment made to the Sausalito General Plan by Section 5 of this Ordinance shall not hereafter be further amended or repealed, nor shall any subsequent general plan be adopted by the City of Sausalito which does not include the provisions set forth in Section 5 of this Ordinance.

Section 7: If the title, or any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this Ordinance and the City Council declares that it would have adopted this Ordinance and its title and each section, subsection, sentence, clause and phrase hereof irrespective of the fact that the title or any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 8: This Ordinance shall go into effect 30 days after the date of its adoption and within 15 days after its adoption shall be published in a newspaper of general circulation, published and circulated in the City of Sausalito.

The foregoing Ordinance was duly and regularly introduced at a meeting of the Sausalito City Council held in said City on the ____ day of _____, 199__, and thereafter adopted at a meeting of the City Council held in said City of the ____ day of _____, 199__, by the following vote, to wit:

AYES:
NOES:
ABSENT:

Mayor

ATTEST-

City Clerk

We the people of the City of Sausalito hereby request that the City Council of the City of Sausalito immediately do either of the following:

- (a) Introduce the foregoing Ordinance, without alteration, and thereafter adopt the same.
- (b) Submit the same to a vote of the people of the City of Sausalito at a special election called for that purpose, or otherwise at the earliest election date possible.

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS OF THE CITY OF SAUSALITO

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

TITLE: AN ORDINANCE OF THE CITY OF SAUSALITO REQUIRING VOTER APPROVAL BEFORE THE CITY MAY SELL, LEASE, OR OTHERWISE DISPOSE OF MUNICIPAL PARKING LOTS 1,2,3, AND 4, GABRIELSON PARK, PLAZA VINA DEL MAR OR THE MARTIN LUTHER KING PROPERTY OR CHANGE THE USE OF THESE PROPERTIES

SUMMARY: This Initiative Ordinance requires a majority vote of the Sausalito City electorate before the City Council can approve the use of (a) Municipal Parking Lots 1,2,3, or 4 for any purpose other than for public parking lot uses; (b) Gabrielson Park and Plaza Vina Del Mar for any purpose other than as public parks; and (c) the Martin Luther King property for any purpose other than for park and recreation purposes and temporary limited commercial use. It further requires voter approval before the City can change the existing physical condition of Gabrielson Park or Plaza Vina Del Mar (except for minor maintenance and upkeep) or sell, lease, or otherwise dispose of these properties or the Martin Luther King property.

Additionally, the Initiative Ordinance amends the Sausalito General Plan to be consistent with the above described provisions and to provide that Downtown public parking on public land may neither be increased in any amount nor decreased by greater than 5% and prohibits subsequent inconsistent changes in the General Plan except by a majority vote of the Sausalito electorate.

This Initiative Ordinance shall go into effect 30 days after its adoption and may be amended or repealed only by a majority vote of registered voters at an election.

NOTICE TO THE PUBLIC: THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

IMPORTANT: All information must be completed and signed in ink in your own handwriting.

FOR OFFICIAL USE ONLY

Table with 7 rows for signature gathering. Each row contains fields for (1) Print Name, Signature, As Registered to Vote, Residence Address ONLY, City, and Zip.

**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE
VOTERS OF THE CITY OF SAUSALITO**

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FOR OFFICIAL
USE ONLY

	(8) Print Name: _____ Signature, As Registered to Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	(9) Print Name: _____ Signature, As Registered to Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	(10) Print Name: _____ Signature, As Registered to Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	(11) Print Name: _____ Signature, As Registered to Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	(12) Print Name: _____ Signature, As Registered to Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	

DECLARATION OF CIRCULATOR

I, _____, am registered to vote in the City of Sausalito. My residence address is _____
(print name) (street address, city, state, zip)
I personally circulated this section of the petition and witnessed each of the appended signatures being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between the dates of _____ and _____. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on: _____, 19____, at _____
(month, day, year) (month, day, year) (year) (place of signing)

(complete signature of circulator, including middle name or initial)

ORDINANCE NO. 1128

AN INITIATIVE ORDINANCE ADOPTED BY THE CITY COUNCIL
OF THE CITY OF SAUSALITO REGULATING
THE SALE, LEASE, OR DISPOSITION OF PLAZA VINA DEL MAR,
GABRIELSON PARK, THE MARTIN LUTHER KING SITE
OR PARKING LOTS 1, 2, 3 AND 4

The City Council of the City of Sausalito does ordain as follows:

Section 1: The City of Sausalito shall retain ownership of municipal parking lots 1, 2, 3 and 4 and shall not sell, lease, or otherwise dispose of such parking lots without voter approval. Such parking lots shall not be used for purposes other than public parking lot uses without voter approval.

Section 2: The City of Sausalito shall retain ownership of Gabrielson Park and Plaza Vina Del Mar and shall not sell, lease, or otherwise dispose of such parks without voter approval. Such areas shall not be used for any purpose other as than public parks without voter approval. Such areas shall not be changed from their presently existing condition with the exception of minor maintenance and upkeep necessary to maintain such areas in their presently existing condition without voter approval.

Section 3: The City shall retain ownership of the Martin Luther King property and shall not sell, lease, or otherwise dispose of such property without voter approval. No part of the Martin Luther King property shall be used for purposes other than park and recreation purposes without voter approval; provided, however, that the land area of said property currently devoted to commercial use may continue in such use on a temporary basis. Without voter approval, there shall be no increase in the land area of said site, or the floor area situated thereon, which is devoted to commercial use.

Section 4: As used in this Ordinance, the term "voter approval" shall mean approval by a majority of the City voters voting at a City election.

Section 5: In order to implement the requirements set forth in Sections 1, 2, 3 and 4 of this Ordinance, the Sausalito General Plan, adopted on September 19, 1995 by Sausalito City Council Resolution No. 4313, is hereby amended as follows:

- (a) Program LU-4.7.5, reading as follows, is added to the General Plan: "Program LU-4.7.5. Municipal Parking Lots. The City shall retain ownership of municipal parking lots 1, 2, 3 and 4 and shall not sell, lease, or otherwise dispose of such parking lots without voter approval. Such parking lots shall not be used for purposes other than public parking lot uses without voter approval."

- (b) Program LU-5.1.2, reading as follows, is added to the General Plan: "Program LU-5.1.2. Municipal Parks. The City shall retain ownership of Gabrielson Park and Plaza Vina Del Mar and shall not sell, lease, or otherwise dispose of such parks without voter approval. Such areas shall not be used for any purpose other as than public parks without voter approval. Such areas shall not be changed from their presently existing condition with the exception of minor maintenance and upkeep necessary to maintain such areas in their presently existing condition without voter approval."
- (c) Program LU-5.3.1 of the General Plan is amended to read as follows: "Program LU-5.3.1. MLK Solvency. Examine new financing and develop possibilities to insure solvency and a reasonable debt retirement schedule on the MLK property; provided, however, that the City shall retain ownership of the Martin Luther King property and shall not sell, lease, or otherwise dispose of such property without voter approval. No part of the Martin Luther King property shall be used for purposes other than park and recreation purposes without voter approval; provided, however, that the land area of said property currently devoted to commercial purposes may continue in such use on a temporary basis. Without voter approval there shall be no increase in the land area of said site, or the floor area situated thereon, which is devoted to commercial use."
- (d) The last sentence of the last paragraph, found on page 2-25 of the General Plan, is amended to read as follows: "The old Martin Luther King School site may have commercial uses as a temporary condition (without any increase in land area or floor area devoted to commercial use) until the City is able to finance its permanent use as a public recreation facility."
- (e) The following sentence is added at the end of the third full paragraph appearing on page 2-42 of the General Plan: "The Master Plan for the Downtown waterfront area shall be subject to the limitations contained in Program LU-4.7.5, Program LU-5.1.2 and Program LU-5.3.1."
- (f) The first full paragraph on page 2-43 of the General Plan is amended to read as follows: "The Plan envisions the MLK property as a park and recreational area for residents. It recognizes that in order for maximum usage as a public park to be accomplished, some reassessment of the current financing mechanism and, subject to the limitations contained in Program LU-5.3.1, possible changes to the commercial uses now permitted on the site may be needed."
- (g) Policy CP-2.2 of the General Plan is amended to read as follows: "Policy CP-2.2. Commercial Parking. Limit the land area for parking on City owned lots in the Downtown area to the 1990 level; provided, however, that the land area now occupied by Municipal Parking Lots 1, 2, 3 and 4 shall not be used for purposes other than public parking lot uses without voter approval."
- (h) The first sentence of the first full paragraph on page 5-16 of the General Plan is amended to read as follows: "Based on the policies of the General Plan, the amount of public land area provided in the Downtown for public parking would not be increased in any amount or decreased by greater than five percent from the existing level."

Section 6: Any provisions of the Sausalito General Plan, adopted by the City Council on September 19, 1995 by Resolution No. 4313, which are inconsistent with the provisions of this Ordinance are hereby rescinded and stricken from the General Plan. Unless approved by the voters of the City of Sausalito, the amendment made to the Sausalito General Plan by Section 5 of this Ordinance shall not hereafter be further amended or repealed, nor shall any subsequent general plan be adopted by the City of Sausalito which does not include the provisions set forth in Section 5 of this Ordinance.

Section 7: If the title, or any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this Ordinance and the City Council declares that it would have adopted this Ordinance and its title and each section, subsection, sentence, clause and phrase hereof irrespective of the fact that the title or any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 8: This Ordinance shall go into effect 30 days after the date of its adoption and within 15 days after its adoption shall be published in a newspaper of general circulation, published and circulated in the City of Sausalito.

The foregoing Ordinance was duly and regularly introduced at a meeting of the Sausalito City Council held in said City on the 16th day of December, 1997, and thereafter adopted at a meeting of the City Council held in said City of the 18th day of December, 1997, by the following vote, to wit:

AYES:	COUNCILMEMBERS:	Belser, Miskel, Ziegler, Mayor Albritton
NOES:	COUNCILMEMBERS:	Stratigos
ABSENT:	COUNCILMEMBERS:	None

MAYOR OF THE CITY OF SAUSALITO

ATTEST:

DEPUTY CITY CLERK