

May 25, 2017

File Number: 56RZ-257264

VIA ELECTRONIC MAIL AND FEDEX OVERNIGHT

President and Board of Directors
Golden Gate Bridge, Highway & Transportation District
Administration Building
Golden Gate Bridge Toll Plaza
San Francisco, CA 4129-0601
DistrictSecretary@goldengate.org

Re: Building and Operating Committee's Recommendation to Approve the Addendum to the Initial Study/Mitigated Negative Declaration for the Sausalito Ferry Terminal Vessel Boarding Rehabilitation Project and Authorize Implementation of Modified Project

Item 8(B)(1) on May 26, 2017 Board Agenda

To the President and Board of Directors:

As we explained in our comment letter yesterday, the District's proposal to approve the Addendum and authorize the Modified Project violates CEQA in multiple respects. The letter points out that, among many other violations, the Addendum fails to properly disclose or analyze the potential environmental impacts of the newly-identified 8,000-square-foot construction area within the City of Sausalito's Municipal Parking Lot No. 1.

In response to our letter, the Building and Operating Committee voted earlier today to recommend that the Board simply "delete" the construction area from the Modified Project, and then proceed with its approval. General Manager Denis Mulligan advised the Committee that "deleting" the construction area would eliminate any need to analyze its environmental impacts, thereby curing any CEQA violations identified in our letter. He acknowledged that the construction area is a necessary component of the Modified Project, but explained that following the proposed deletion, all obligations relating to the construction area would pass to the contractor. Mr. Mulligan's deletion proposal, adopted by the Committee as its recommendation to the Board, does not cure the CEQA deficiencies in the Addendum, but instead further violates CEQA's mandate that stubborn problems not be "swept under the rug." (See *Banning Ranch Conservancy v. City of Newport Beach* (2017) __ Cal.4th __.)

First, the District cannot simply delete the construction area from the Modified Project and the Addendum. The 2012 IS/MND acknowledged that the Project would require one or more separate construction and staging areas, totaling 5,000 to 8,000 square feet, in areas that had not yet been identified. (IS/MND, p. 1-9). Subsequently, as District staff testified at today's meeting, the District revised and further developed the details of the required construction area in connection with designing the Modified Project. These details included its required size (now

8,000 square feet) and its location (now within a specific area in the parking lot). The District then included that information in the Addendum. (Addendum, pp. 1-2, 2-6; Figure 4.) Because the construction area is a necessary project component, as both the IS/MND and the Addendum expressly recognize, the District cannot “delete” it at this stage of the process. Doing so would result in an inaccurate, incomplete, and misleading project description in violation of CEQA. If the District wants to further change the proposed location of the construction area, it must likewise disclose and describe that in an appropriate CEQA document.

Second, the District must analyze the potential environmental impacts of the construction area in a subsequent MND or EIR. As we pointed out yesterday, the Addendum is legally defective because it fails to provide any analysis whatsoever of the potential impacts of the construction area, particularly those relating to transportation and traffic. Further supporting this conclusion is an expert report attached as Exhibit A, prepared by Parisi Transportation Consulting, a Sausalito-based traffic engineering firm. The Parisi report details the missing analysis in the Addendum, describes the minimum analysis that would be needed to comply with CEQA, and explains why any construction area has the potential to cause significant transportation and traffic impacts. The District cannot evade its CEQA obligations by purporting to “delete” the construction area from the Modified Project. As noted above, the District has already conceded that the construction area is a necessary project component. Deleting the references to it does not eliminate its potential environmental impacts nor relieve the District of its obligation to study and disclose them. Regardless of where the construction area is proposed to be located, the District must complete the environmental analysis identified in the Parisi report. Moreover, as explained in yesterday’s letter and in the Parisi report, an addendum is not an appropriate CEQA document for the Modified Project. The District must instead prepare a subsequent MND or EIR because the newly-proposed and revised construction area, along with other substantial changes to the project and surrounding circumstances, will result in significant environmental impacts.

Finally, we also note that the Committee failed to respond to any of the other CEQA violations identified in our letter yesterday, including the District’s failure to consult with Sausalito as a responsible agency; the District’s failure to give adequate notice and opportunity to comment on the Addendum and Modified Project; the Addendum’s failure to adequately identify and analyze environmental impacts of other project changes beyond the new construction area; the District’s failure to prepare a subsequent MND or EIR rather an Addendum; and the Addendum’s failure to disclose Sausalito’s status as a responsible agency, the approvals required from Sausalito under the Lease and the Public Trust Doctrine, and the pending litigation between the District and Sausalito.

For all of these reasons, we respectfully request that the Board deny approval of the Addendum and deny authorization to implement the Modified Project.

SheppardMullin

President and Members of the Board
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Very truly yours,

A handwritten signature in blue ink, appearing to read "Arthur J. Friedman". The signature is fluid and cursive, with a large initial "A" and "F".

Arthur J. Friedman
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:483032950.2

cc: Mary A. Wagner, Esq. Sausalito City Attorney

EXHIBIT A

May 24, 2017

Mary Wagner, City Attorney
City of Sausalito
420 Litho Street
Sausalito, CA 94965

Subject: Addendum to Initial Study/Mitigated Negative Declaration for the Sausalito Ferry Terminal Vessel Boarding Rehabilitation Project

Dear Ms. Wagner:

The City of Sausalito retained my firm, Parisi Transportation Consulting, to briefly review the potential transportation and traffic impacts identified in the adopted 2012 Initial Study/Mitigated Negative Declaration and the May 2017 Addendum for the Sausalito Ferry Terminal Vessel Boarding Rehabilitation Project. The following summarizes the findings of our initial review.

The Addendum Fails to Analyze the Transportation and Traffic Impacts of the Newly-Identified Construction Staging Area

- According to the May 2017 Addendum, “(b)ased on this review of the Modified Project, any potential impacts to transportation or traffic attributable to the modifications would not create new significant impacts, impacts substantially greater in severity, or the need for additional mitigation measures beyond those identified in the Adopted IS/MND” (see 2017 Addendum p. 3-5).
- However, the 2012 IS/MND did not identify a specific location for the construction staging area (see 2012 IS/MND p. 1-9). Without identifying the specific location for the construction staging area, the 2012 IS/MND could not analyze the potential transportation and traffic impacts of the construction staging area (see 2012 IS/MND pp. 2-55 to 2-57).
- In addition, the May 2017 Addendum did not separately analyze the potential transportation and traffic impacts associated with the newly-identified construction staging area (see May 2017 Addendum p. 2-5).

The Newly-Identified Construction Staging Area Has the Potential to Cause Significant Transportation and Traffic Impacts

- **External traffic circulation and parking impacts:** According to the May 2017 Addendum, “(a)s currently proposed, the staging and laydown area would be in a middle parking row totaling up to 8,000 square feet (see Figure 4)” (see May 2017 Addendum p. 2-6).

An environmental analysis should address potential external circulation and parking impacts, including the following:

- How many parking spaces would be lost, and what transportation and traffic consequences would result?
 - Where would motorists travel to find parking, and what circulation and congestion impacts would this have on downtown streets and intersections?
 - Would the added traffic circulation pose potential conflicts with other motorized vehicles, transit vehicles, or with pedestrians or bicyclists?
 - Would the loss of parking spaces create a parking deficit and, if so, what would be the consequences of such a deficit?
 - How would construction-related trucks and other vehicles access the construction staging area, and what would their impacts be on other vehicles, pedestrians, bicyclists and transit vehicles?
- **Internal traffic, pedestrian and bicycle impacts:** Construction vehicle travel to and from the staging area, including from and to the terminal construction area, would cross and travel within aiseways used by vehicles, pedestrians and bicyclists. According to the May 2017 Addendum, “(t)hese constraints are exacerbated by the large number of bicyclists using the southbound ferry ... (i)n addition, lack of sufficient queueing space at the existing ferry terminal has caused waiting southbound passengers to overflow onto the City of Sausalito’s (City’s) landside ferry plaza and adjacent parking lot” (see May 2017 Addendum p. 1-2).

An environmental analysis should address the potential internal traffic, pedestrian and bicycle impacts, including the following:

- How would construction vehicles from the street access the staging area? Would this result in temporary closures of the entrance to or exit from the parking lot?
- How would vehicular circulation in the parking lot be impacted by the closure of the currently heavily-used aisleway used for construction staging?

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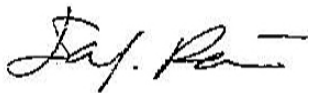
- How would drop-off and pick-up by vehicles be impacted by the closure of the aisleway?
- How would construction vehicles route between the staging area and terminal construction area?
- What type of equipment and machinery would be transferred between the staging area and the terminal construction area, and would this require closure of and impact the one-way perimeter aisleway?
- Would construction activities between the staging area and the terminal construction area create circulation and/or safety impacts to pedestrians and bicyclists?
- What wayfinding measures would be implemented to avoid any circulation and safety impacts within the parking lot?

In Closing

Parisi Transportation Consulting is based in Sausalito and provides traffic engineering and transportation planning services. I have over 30 years of experience and am a registered Civil Engineer and Traffic Engineer in the State of California.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David Parisi".

David Parisi, PE, TE
Principal