Development Subcommittee Meeting Notes

April 13, 2009

In attendance: Judy deReus, Bruce Huff, Barry Peterson, Bob Boyce, Bill Werner, Tim Rempel, Chris Gallagher, Michael Rex

Next meeting: Monday April 27 6:00-7:00 pm at Barry's studio

Actions to be taken: Prepare ownership parcel maps that are graphically understandable, get the Planning Director's opinion on the Traffic Initiative, decide if there are other inventories to be completed, identify who is responsible for meeting which regulations and the associated costs and liability (landowners versus tenants) and decide who is going to write what sections.

Judy selected to chair subcommittee

Regulatory Restrictions & Requirements

- Regional, state and federal regulations are somewhat at odds with the Marinship Specific Plan
 (MSP) objectives to preserve and promote maritime industry, commercial fishing and artists
 because the costs to meet these regulations are causing businesses to fail or to have to relocate
 (examples: Easom's boatyard and woodshops)
- Related to this issue is the landowner's vulnerability to liability if such regulations aren't met
- The subcommittee needs to define which regulations apply to property owners (e.g., clean-up of toxics in the land), which are just part of the cost of being a property owner and which are associated with specific kinds of tenant uses (e.g., clean-up of activity-generated environmental hazards)
- Burdensome regulations include those related to environmental clean-up, bringing utilities up to code, air quality, water quality, noise and disabled access (one contradiction raised was that docks must be made accessible but due to a lack of codes about requiring bumpers, they aren't necessarily safe for the disabled)
- Some members of the subcommittee believe that property owners can't afford to meet these
 regulations because of the low levels of rent they receive and because MSP restricts more
 intensive development (e.g., housing, commercial office, tourist businesses, larger restaurants),
 while others disagreed (Bruce volunteered to provide a write-up on this topic and the following
 bullet)
- Compounding the financial burden of regulations is the fact that maritime industry has been and continues to be on the decline
- Some members of the subcommittee believe that low rents relate to the restricted types of uses and/or the degraded quality of space, while others feel that the restrictions have been in place a long time, the property owners knew they were there and the degraded quality of space is a result mostly of neglect on the part of the owners who claim they are suffering from over regulation

- Tenants have no incentive to remain or to make improvements when leases are only month to month
- The Traffic Initiative, if applied by the City, limits development; although no one seems to understand it or how it really relates to Marinship development, to change it requires the vote of Sausalito residents, perceived as a difficult challenge
- The MSP is out of date and overdue for an overhaul, and should be revised to be less of a restrictive and more of an incentive document for guiding future development

Enforcement Challenges

- Lack of City enforcement of MSP restricted uses and sizes of restaurants is due to lack of staff to verify Occupancy Permits and lack of incentive since the City gets greater revenue from such uses
- Enforcement is complicated by illegal uses outside of Marinship Area and concerns about job loss
- Enforcement is generally limited to complaints and because most people are unclear about what uses and activities are not allowed in Marinship, complaints are low relative to residential areas

Property Ownership

- Multiple private ownership results in piecemeal development and makes it difficult to reach or implement a common vision
- Multiple private ownership also makes it difficult to improve public infrastructure systems
 throughout the area, which are in poor condition, broken or lacking (Special Improvement
 Districts, Redevelopment Areas and Community Benefit Districts were briefly discussed as
 potential solutions)
- Subcommittee to prepare ownership maps identifying individual parcels, public property and sizes with associated ownership information (Bruce and Judy to lead effort)

Public Access

- Public access benefits some uses (e.g., restaurants, artists) but imposes constraints on others (e.g., maritime industry)
- Development is supposed to accommodate some public access, but not all property owners or tenants want to provide for it

As part of the baseline inventory, it was suggested that all uses be identified, including the growing number of mini storage units, what properties need to be improved and what rents are being paid by type of use. No decisions were made regarding these suggestions. A subsequent suggestion was made to identify who is responsible for meeting which regulations.