


STAFF REPORT

SAUSALITO ZONING ADMINISTRATOR

Project Temporary Art Show Event / 305/307 Harbor Drive
Minor Use Permit/Temporary Use Permit MUP/TUP 12-081

Meeting Date May 09, 2012

Staff Alison Thornberry, Assistant Planner 

REQUEST

Approval of a Minor Use Permit to allow a temporary use permit for an Art Show to be located within the Seahorse Restaurant parking area at 305/307 Harbor Drive, on May 19th and 20th and September 1st, 2nd, and 3rd, 2012.

PROJECT INFORMATION

Applicant William Kirsch

Property Owner Harbor, LLC

Location/Size 305/307 Harbor Drive; APN 063-140-26
47,351 square feet; see **Exhibit A** for vicinity map

General Plan Industrial

Specific Plan Marinship Specific Plan – Industrial Zone

Zoning Industrial Zoning District with a Marinship Overlay (I-M)

Authority Temporary Uses and Events are permitted via a Minor Use Permit pursuant to Section 10.44.310 of the Zoning Ordinance

CEQA The project consists of a temporary event and is categorically exempt pursuant to Section 15304(e) (Minor Alterations to Land) of the CEQA Guidelines.

PROJECT DESCRIPTION

SITE LOCATION

Neighborhood: The project site is located within the Marinship neighborhood. The neighborhood consists of commercial, industrial and marine-related uses.

Subject Parcel: The subject parcel is a level lot located near the corner of Gate 5 Road and Harbor Drive. The site has been developed with a commercial building, veterinary clinic, the Seahorse Restaurant, an office building and a parking lot. Existing uses of the site include vacant tenant spaces and commercial uses.

PROJECT DESCRIPTION

The applicant is requesting a minor use permit to allow a temporary Art Show to be located within the parking area on-site (**Attachment 3, Exhibit B**). The proposed art show will be held on two separate weekends, May 19th and 20th and September 1st, 2nd and 3rd, 2012. The parking lot will be set up to

accommodate 32 artist booths. Each individual booth will be eight feet by eight feet in size and will consist of painted panels with no roof or cover. The applicant is proposing the art show be a free event for visitors and artists.

The Seahorse Restaurant is proposing to provide drinks, food, music and restrooms for art show patrons. The sale of food and beverages and the use of the restrooms will be confined completely inside the existing restaurant.

Currently there are 18 parking spaces within the restaurant parking lot that will be displaced during the art show. The applicant is proposing a shuttle service to pick up patrons, from a location to be determined, and bring them to the show, since there will be a limited parking on site.

PROJECT ANALYSIS

GENERAL PLAN CONSISTENCY

The project site is located within the Industrial General Plan Land Use Designation. The General Plan describes this land use designation as being an area that is subject to the Marinship Specific Plan which strictly regulates the permitted uses and development intensity to reflect the designed marine and general industrial uses.

To approve the proposed project, the Zoning Administrator must determine that the project is consistent with all applicable General Plan policies. Staff has identified the following policy of the Economic Element as most relevant to the proposed project:

- ✓ ***Policy E-3.3: Other Businesses. Encourage diverse business opportunities.***

The proposed Art Show accommodates a temporary event to utilize the talents of local artists, encouraging business opportunities for the prevalent artist community in the Marinship area. Although the site is located in an area where marine and industrial uses are encouraged based on the Marinship Specific Plan, the project site was developed prior to the Marinship Specific Plan as a commercial office, veterinary clinic and restaurant with extra parking creating a location for temporary events such as the Art Show. The temporary event will be located in an existing asphalt parking lot and will not negatively obstruct designated view corridors. Lastly, the event is temporary and will not create a permanent land use which conflicts with the purpose and intent of the General Plan. As such, staff suggests the proposed use is consistent with the intent of the General Plan's Land Use Element.

MARINSHIP SPECIFIC PLAN CONSISTENCY

The Marinship Specific Plan does not include temporary uses and event criteria addressing the project proposal.

ZONING CONSISTENCY

Temporary uses and events are permitted in the I-M Zoning District. Pursuant to Section 10.44.310, Temporary Uses and Events, of the Zoning Ordinance, any use, except mobile homes, may be authorized on a temporary basis for up to a maximum of one year in any Zoning District.

Staff suggests the findings to approve the minor use permit are able to be achieved on the basis of the following:

- ✓ The temporary event will utilize the existing open parking area associated with the project site. The applicant will provide shuttle service to off-set the use of the on-site parking facilities, and

- there is an abundance of parking located in the near vicinity.
- ✓ The temporary event will have access to utility connections, sanitation services, and restroom facilities which are located within the restaurant at the project site.
 - ✓ The temporary event tent will not negatively impede established view corridors identified in General Plan and Marinship Specific Plan.
 - ✓ The temporary event will not include any construction for artist booths that exceed a 15-foot maximum height limitation for consistency with the maximum height limitations for accessory structures pursuant to Section 10.44.020 of the Zoning Ordinance.

An issue for consideration by the Zoning Administrator relates to accessibility for disabled persons to the event. The Seahorse Restaurant is providing ADA Accessible restrooms and an Accessible entrance to the site, however, there are additional ADA Accessibility requirements that need to be fulfilled. Staff has created a condition stating that the applicant shall have an ADA Accessibility Plan approved by the City Engineer prior to the commencement of the first Art Show on May 19, 2012. The plan shall include:

- Identify parking for disabled persons;
- Identify an accessible route from the identified parking to the Exhibition Area;
- Include a route to the accessible restroom within the restaurant;
- Identify persons responsible for responding to Disability Accommodation Requests;
- Identify a Sign Program for the disabled.

PUBLIC NOTICE AND CORRESPONDENCE

- April 27, 2012 – Notices were mailed to all residents and property owners within 300 feet of the project site.
- No written correspondence was received at the time of writing the staff report.

RECOMMENDATION

Staff recommends the Zoning Administrator approve the attached draft resolution (**Exhibit A**) which approves a Minor Use Permit to allow a temporary use permit for an Art Show to be located within the Seahorse Restaurant parking area at 305/307 Harbor Drive, on May 19th and 20th and September 1st, 2nd, and 3rd, 2012 (MUP/TUP 12-081).

Alternatively, the Zoning Administrator may:

- Approve the modification to the Minor Use Permit with modifications;
- Continue the hearing for additional information and/or project revisions; or
- Deny the modification to the Minor Use Permit and direct Staff to return with a Resolution of Denial.

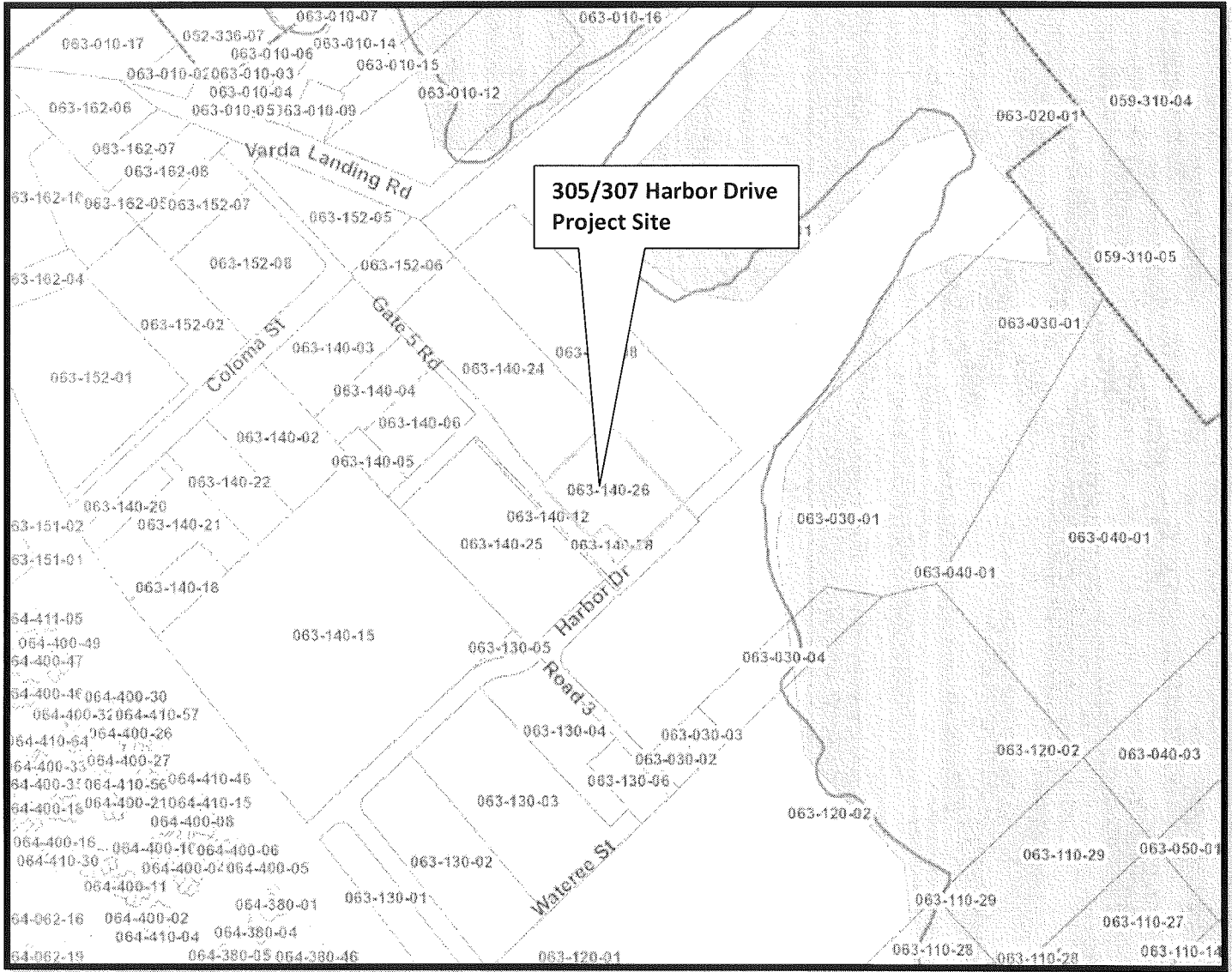
EXHIBITS

- A. Vicinity Map
- B. Draft Resolution

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Vicinity Map



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Exhibit A

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**SAUSALITO ZONING ADMINISTRATOR
RESOLUTION NO. 2012-XX**

**APPROVAL OF A MINOR USE PERMIT FOR A
TEMPORARY ART SHOW AT 305/307 HARBOR DRIVE
(MUP/TUP 12-081)**

WHEREAS, on March 30, 2012 an application was filed by William Kirsch, on behalf of the property owner Harbor, LLC., requesting Zoning Administrator approval of a Minor Use Permit to allow a temporary use for an Art Show to be located within the Seahorse Restaurant parking area at 305/307 Harbor Drive, on May 19th and 20th and September 1st, 2nd, and 3rd, 2012 (APN 063-140-26); and

WHEREAS, the Zoning Administrator conducted a duly-noticed public hearing on May 9, 2012 at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Zoning Administrator has reviewed and considered the project plans prepared by the applicant, William Kirsch, date-stamped received on March 30, 2012; and

WHEREAS, the Zoning Administrator has considered all oral and written testimony on the subject application; and

WHEREAS, the Zoning Administrator has reviewed and considered the information contained in the staff report for the proposed project; and

WHEREAS, the Zoning Administrator finds that, as conditioned herein, the proposed project is consistent with the General Plan and Marinship Specific Plan, and complies with the Zoning Ordinance requirements as described in the staff report; and

WHEREAS, approval of the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15304(e), Minor Alterations to Land.

NOW, THEREFORE, THE ZONING ADMINISTRATOR HEREBY RESOLVES AS FOLLOWS:

1. The project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15304(e), Minor Alterations to Land.
2. The Minor Use Permit to allow a temporary use permit for an Art Show to be located within the Seahorse Restaurant parking area at 305/307 Harbor Drive on May 19th and 20th and September 1st, 2nd, and 3rd, 2012 is approved based upon the attached findings (Attachment 1), subject to the attached conditions of approval (Attachment 2), and as shown in the project plans date-stamped March 30, 2012 (Attachment 3).

Date

Jeremy Graves, AICP
Zoning Administrator

ATTACHMENTS

- 1- Findings
- 2- Conditions of Approval
- 3- Project Plans, date-stamped received March 30, 2012

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Exhibit B
[8 pages]

ZONING ADMINISTRATOR RESOLUTION

May 9, 2019

MUP/TUP 12-081

305/307 Harbor Drive

ATTACHMENT 1: FINDINGS

1. MINOR USE PERMIT FINDINGS

Pursuant to the Zoning Ordinance Section 10.58 (Minor Use Permits), the permit is approved based on the following findings:

- A) The proposed use is allowed with issuance of a Minor Use Permit, pursuant to Chapters 10.20 through 10.28 (Zoning District Regulations), Chapter 10.44 (Specific Use Requirements) or any other applicable section of this Title 10.

Pursuant to Section 10.44.310, Temporary Uses and Events, of the Zoning Ordinance, any use, except mobile homes, may be authorized on a temporary basis in any Zoning District. Furthermore, Section 10.44.310.A.3 allows a single extension of the time limit not to exceed the length of time originally allowed.

- B) The proposed use is consistent with the General Plan, the purposes of the Zoning Ordinance, and the purposes of the applicable zoning district.

The temporary Art Show is consistent with the intent and purpose of the General Plan, Zoning District, and the Marinship Specific Plan Industrial Zone based on the Art Show's non-permanent use. The temporary Art Show is also located outside of any established view corridor identified by the Marinship Specific Plan.

- C) The proposed use, together with the applicable conditions, will not be detrimental to the public health, safety, or general welfare of the City.

The proposed Temporary Art Show will utilize the existing parking area used for the Seahorse Restaurant. Prior to installation of the temporary artist booths, the applicant is required to adhere to all approved Conditions of Approval, and demonstrate compliance with all provisions of the Building Code as well as the Fire Code which will ensure the temporary event and artist booths will not be detrimental to the public health, safety, or general welfare of the City.

- D) The proposed use complies with all of the applicable provisions of the Zoning Ordinance.

As stated in Finding A, any use, except mobile homes, may be authorized on a temporary basis in any Zoning District provided such use complies with development standards related to access, fire protection, and water supply and sanitation. The project site is designed to provide access to a publicly maintained road (Harbor Drive), is required to comply with a condition of approval, and lastly, the project site provides on-site water and sanitation facilities by the Seahorse Restaurant which is hosting the event.

- E) The proposed use or facility is properly located relative to the community as a whole and to land uses and transportation and service facilities in the vicinity.

The Temporary Art Show is located in an area that is accessible to the public via public and private streets. The event is temporary and will not create a permanent land use which conflicts with the Marinship area. Lastly, the project site is also located within walking distance to public transportation facilities.

- F) The size and shape of the subject property is adequate to provide features needed to ensure reasonable compatibility with land uses normally permitted in the surrounding area. Features may include but not be limited to yards, open spaces, walls and fences, parking, loading, landscaping, and such features as may be required by this Title or the Commission.

The temporary Art Show with artist booths will be located in an existing parking lot. The artist booths will comply with the maximum 15 foot height limitation for accessory structure, will have minimal impact on existing nearby businesses, and will not impact existing view corridors identified by the Marinship Specific Plan.

- G) Public utilities and facilities are or will be adequate to serve the proposed use, including streets and highways paved (and of adequate width) for the quantity and type of traffic it will generate.

All public utilities and facilities are adequate for the proposed temporary event. There are no proposed changes to the existing public utilities or facilities.

- H) The proposed use will not materially adversely affect nearby properties or their permitted uses.

The temporary use is consistent with the intended purpose of the project site and the surrounding properties. The event will be held within the existing parking area for the Seahorse Restaurant, which is hosting the Art Show. The restaurant will provide food, beverages, restrooms and music within the restaurant for the enjoyment of the Art Show patrons. The Art Show will increase the business to the existing Seahorse Restaurant and will in no way adversely affect the nearby businesses.

- I) Findings required by Chapter 10.44 (Specific Use Requirements) for the approval of specific uses are made.

Not applicable, as there are no specific use requirement findings.

ZONING ADMINISTRATOR RESOLUTION

May 9, 2012

MUP/TUP 12-081

305/307 Harbor Drive

ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions of approval apply to project plans prepared for the Art Show at 305/307 Harbor Drive and date-stamped received on March 30, 2012:

General Conditions

- 1a. Five business days prior to the commencement of the first Art Show event on May 19, 2012, the applicant shall provide an ADA Accessibility Plan, for the review and approval by the City Engineer. The Accessibility Plan shall:
 - Identify parking for disabled persons;
 - Identify an accessible route from identified parking area to the Exhibition Area;
 - Include disabled persons porta-potty or identify a route to accessible bathroom in the Seahorse Restaurant;
 - Identify persons responsible for responding to Disability Accommodation Requests;
 - Submit a Sign Program for disabled persons.
- 1b. Following the May event, the City Engineer will review the performance of the approved Accessibility Plan. Any amendments to the Accessibility Plan required by the City Engineer must be submitted for review and approval no less than 15 days prior to the September 1, 2012 event date.
2. Construction materials, equipment, vehicles, and debris boxes shall be placed to minimize obstruction of roads and gutters, shall be maintained in a clean and safe condition, and shall not be maintained in a manner that becomes a nuisance to the neighborhood.
3. No exterior security lighting may be installed on the subject site unless otherwise reviewed and approved by the Community Development Department and found to be consistent with Chapter 10.45 of the Zoning Ordinance.
4. No alternative or unrelated construction, site improvements, tree removal and/or alteration, exterior alterations and/or renovations shall be performed on the project site prior to commencement of construction of the proposed project. In such cases, this approval shall be rendered null and void unless approved by the Community Development Department as a modification to this approval.
5. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided by law, this approval shall be suspended pending dismissal or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.
6. The applicant shall indemnify the City for any and all costs, including without limitation attorneys' fees, in defending this project or any portion of this project and shall reimburse the City for any costs incurred by the City's defense of the approval of the project.

7. Prior to issuance of a Construction Permit, the project plans shall demonstrate compliance with the California Fire Code.
8. The uses related to the temporary event shall adhere to the City's noise regulations (Municipal Code, Chapter 12.16, Noise Control).

Advisory Notes

Advisory notes are provided to inform the applicant of Sausalito Municipal Code requirements, and requirements imposed by other agencies. These requirements include, but are not limited to, the items listed below.

1. This approval will expire in one (1) year from the effective date of this resolution if the property owner has not exercised the entitlements hereby granted, or an extension has not been filed prior to the expiration date.
2. An approval granted by the Zoning Administrator does not constitute a building permit or authorization for construction. Appropriate construction permit(s) issued by the Building Division must be obtained prior to construction.
3. All applicable City fees as established by City Council resolutions and ordinances shall be paid. Third party review fees (cost plus 10%) shall be paid.
4. Pursuant to Municipal Code Chapter 3.36, Construction Traffic Road Fees shall be paid prior to issuance of a building permit.
5. Pursuant to Municipal Code Chapter 8.54, applicants shall submit a Recycling Management Plan to the Community Development Department prior to the issuance of any construction permits, unless the requirement is waived pursuant to Section 8.54.050.
6. Pursuant to Municipal Code Chapter 11.17, dumping of residues from washing of painting tools, concrete trucks and pumps, rock, sand, dirt, agricultural waste, or any other materials discharged into the City storm drain system that is not composed entirely of storm water is prohibited. Liability for any such discharge shall be the responsibility of person(s) causing or responsible for the discharge. Violations constitute a misdemeanor in accordance with Section 11.17.060.B.
7. Pursuant to Municipal Code Section 12.16.140, the operation of construction, demolition, excavation, alteration, or repair devices and equipment within all residential zones and areas within a 500 foot radius of residential zones shall only take place during the following hours:
Weekdays – Between 8:00 a.m. and 6:00 p.m.
Saturdays – Between 9:00 a.m. and 5:00 p.m.
Sundays – Prohibited
City holidays (not including Sundays) – Between 9:00 a.m. and 7:00 p.m.
8. Permits required by other agencies having jurisdiction within the construction area must be obtained in accordance with the respective agency's regulations.
 - a. Marin Municipal Water District (415-945-1400), including landscaping and irrigation regulations;
 - b. Marin County Environmental Health Services (415-499-6907), including spas and septic systems, as well as facilities for preparation or sale of food;

- c. Southern Marin Fire Protection District – (415-388-8182); and
- d. Bay Conservation and Development Commission – (415-352-3600).

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ZONING ADMINISTRATOR RESOLUTION

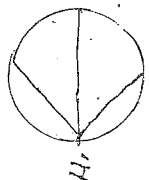
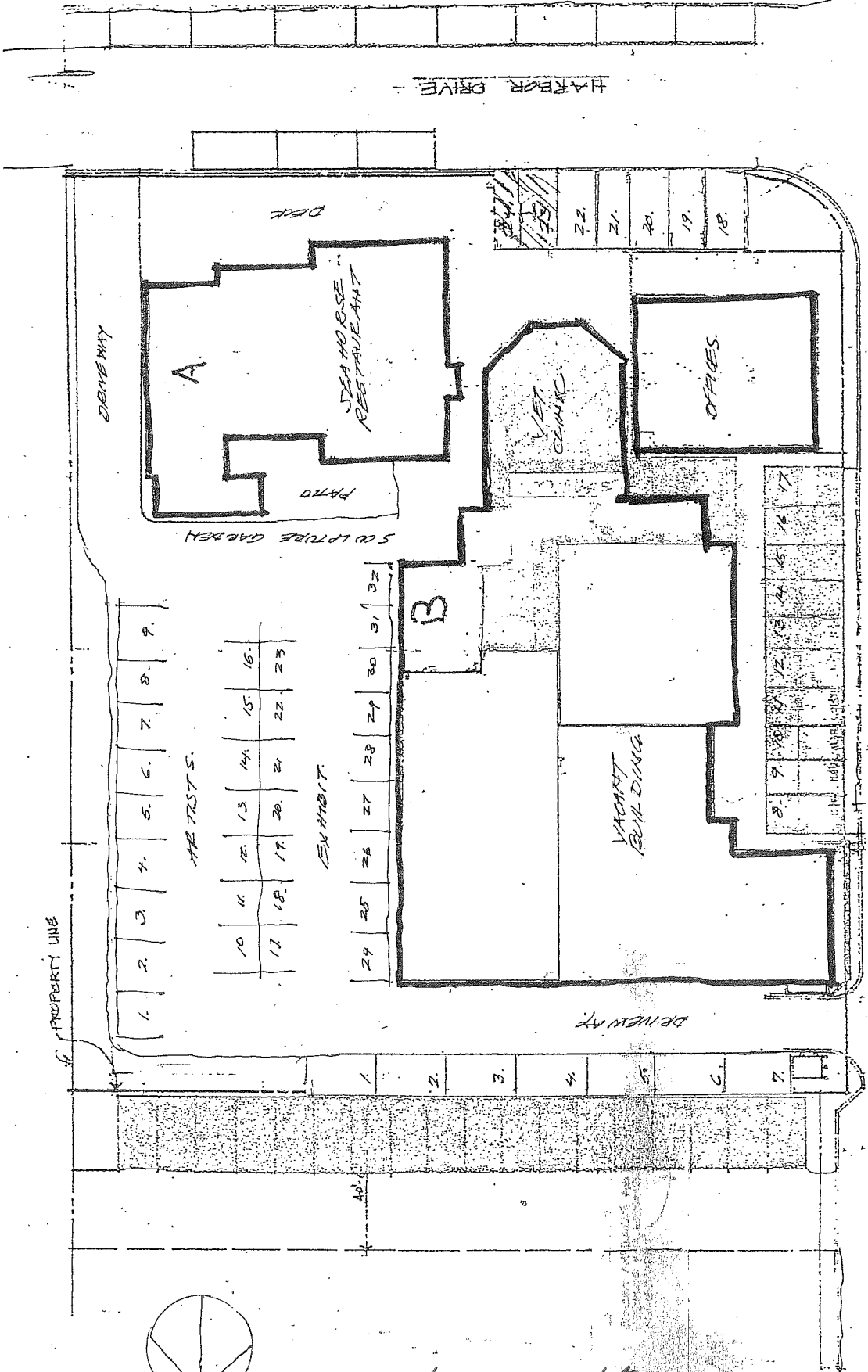
May 9, 2012

MUP/TUP 12-081

305/307 Harbor Drive

ATTACHMENT 3: PROJECT PLANS

SITE PLAN
 SEAHORSE RESTAURANT
 MARCH 20, 2012



RECEIVED
 MAR 30 2012
 CITY OF SAUSALITO
 COMMUNITY DEVELOPMENT DEPARTMENT

GATE ROAD

DRIVEWAY

HARBOR DRIVE

PROPERTY LINE

DRIVEWAY

SCULPTURE GARDEN

RESTS.

EXHIBIT

10	11	12	13	14	15	16
17	18	19	20	21	22	23

24	25	26	27	28	29	30	31	32
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18	19	20	21	22
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