

STAFF REPORT

SAUSALITO ZONING ADMINISTRATOR

Project Private Temporary Outdoor Events / 20 Liberty Ship Way
Minor Use Permit MUP 13-102

Meeting Date May 30, 2013

Staff Rafael Miranda, Contract Planner

REQUEST

Approval of a Minor Use Permit to allow private temporary outdoor events including amplified music for Butler, Shine, Stern and Partners employees at 20 Liberty Ship Way.

PROJECT INFORMATION

Applicant Butler Shine Stern and Partners

Property Owner Anthony and Roxanne Marterie / Bayview Properties

Location/Size 20 Liberty Ship Way; APN 063-090-06
~3.85 acres; see **Exhibit C** for vicinity map

General Plan Industrial

Specific Plan Marinship Specific Plan (Industrial)

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

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 outdoor concert series 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 with access from Liberty Ship Way. The site has been developed with one building.

PROJECT DESCRIPTION

The applicant is requesting a minor use permit to allow private outdoor events once per month for Butler, Shine, Stern and Partners employees from June through October 2013, and from June through October 2014. The outdoor events will occur in a private, gated parking lot (**Exhibit B**). The 15 displaced parking spaces will be relocated to 28 Liberty Ship Way. The relocation has been approved by the property manager of 28 Liberty Ship Way (**Exhibit D**). The maximum number of people attending the events at any one time is 75 people. During the outdoor events there will be live amplified

music played between 4:15-6:15pm, with sound check occurring between 3 and 3:30pm. The stage will be located on the north side of the 20 Liberty Ship building and the band will be facing towards the water, which will reduce noise impacts to residents on the south side of Bridgeway. The applicant has stated that all amplified music would comply with the City's noise regulations (**Exhibit D**). At the event there will also be food provided for Butler, Shine, Stern and Partners employees, and seven tables will be erected in the parking lot across from the performance area. Event attendees will have access to existing parking, utilities (water and electrical), sanitation (trash), and restroom facilities at the 20 Liberty Ship Way 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-3-1: Existing Businesses.*** *Encourage existing businesses which produce high tax revenue per employee and produce minimum environmental impact to remain in Sausalito.*

Butler, Shine, Stern and Partners is a large advertising agency in Sausalito. The temporary events will be located in an existing asphalt parking lot and will not negatively obstruct designated view corridors. Additionally, the events are temporary in nature 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 to address the project proposal, and therefore the Zoning Ordinance provisions apply.

ZONING CONSISTENCY

Temporary uses and events are permitted in the Industrial–Marinship Overlay 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, unless a different expiration date is stipulated at the time of approval.

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

- ✓ The temporary events will be able to utilize the existing parking associated with the project site. The project site has sufficient parking to accommodate parking requirements to support both the existing uses on the site as well as the parking requirements associated with the proposed temporary event.
- ✓ The temporary events will have access to utility connections, sanitation services, and restroom facilities which are currently located on the project site.
- ✓ The temporary events will not negatively impede established view corridors identified in General Plan and Marinship Specific Plan.

PUBLIC NOTICE AND CORRESPONDENCE

- May 16, 2013 – 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 once per month private temporary events at 20 Liberty Ship Way for June through October 2013 and for June through October 2014 (MUP 13-102).

Alternatively, the Zoning Administrator may:

- Approve 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. Draft Resolution
- B. Project Plans, date-stamped April 30, 2013
- C. Vicinity Map
- D. Project Description prepared by the applicant, date-stamped April 30, 2013

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**SAUSALITO ZONING ADMINISTRATOR
RESOLUTION NO. 2013-XX**

**APPROVAL OF A MINOR USE PERMIT FOR
TEMPORARY OUTDOOR EVENTS AT 20 LIBERTY SHIP WAY
(MUP 13-102)**

WHEREAS, on April 30, 2013 an application was filed by Amy Clawson, with Butler, Shine, Stern and Partners, on behalf of the property owner Anthony and Roxanne Marterrie/Bayview Properties requesting Zoning Administrator approval of a Minor Use Permit to allow private temporary events at 20 Liberty Ship Way. (APN 063-090-06); and

WHEREAS, the Zoning Administrator conducted a duly-noticed public hearing on May 30, 2013 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 Butler, Shine, Stern and Partners date-stamped received on April 30, 2013; and

WHEREAS, the Zoning Administrator has received and 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 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 temporary outdoor events including amplified music for two consecutive years (2013 and 2014) 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 April 30, 2013 (Attachment 3).

Date

Jeremy Graves, AICP
Zoning Administrator

ATTACHMENTS

- 1- Findings
- 2- Conditions of Approval
- 3- Project Plans date-stamped received April 30, 2013

**ZONING ADMINISTRATOR RESOLUTION
MAY 30, 2013
MUP 13-102
20 LIBERTY SHIP WAY**

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.

- 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 events are consistent with the intent and purpose of the General Plan, Zoning District, and the Industrial-Marinship Overlay Zoning District based on the temporary nature of the use. The temporary events will also be 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 events will not be detrimental to the public health, safety, or general welfare of the City because they will be temporary in nature and will not conflict with neighboring businesses or residences.

- 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, water supply and sanitation. The project site is designed to provide access to a road (Liberty Ship Way) and is able to provide on-site water and sanitation facilities.

- 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 events will be located in a private area. Adequate parking to accommodate the cumulative uses is provided next door at 28 Liberty Ship Way. 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 events will be located in an existing parking lot. The 15 displaced parking spaces will be relocated to 28 Liberty Ship Way. The events will not impact existing on-site parking requirements for any longer than the duration of the events, 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.

The events will be held on private property. Temporary parking will be adequately accommodated on the adjacent property for the intended temporary events. There are no proposed changes to any existing public utilities or facilities.

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

The proposed use is consistent with the intended purpose of the project site and the surrounding properties. Temporary parking will be adequately accommodated on the adjacent property for the intended temporary events. The use will be subject to the City's noise regulations to ensure that nearby properties are not negatively affected.

- 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 30, 2013
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20 LIBERTY SHIP WAY

ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions of approval apply to project plans prepared by Butler, Shine, Stern and Partners, date-stamped received on April 30, 2013:

General Conditions

1. This approval shall be effective for once per month events from June through October 2013, and from June through October 2014.
2. This approval will expire in one (1) year from the date of adoption of this resolution if the property owner has not exercised the entitlements hereby granted.
3. A maximum of 75 persons, limited to employees and guests of Butler, Shine, Stern and Partners, are permitted to be in attendance at the temporary outdoor events.
4. The events may occur on the day that they are held between the hours of 4:00pm and 7:00pm.
5. The uses related to the temporary outdoor events shall adhere to the City's noise regulations (Municipal Code, Chapter 12.16, Noise Control).
6. 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.
7. No exterior security lighting may be installed on the subject site unless otherwise reviewed and approved by the Community Development Department and found by staff to be consistent with Chapter 10.45 of the Zoning Ordinance.
8. 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.
9. 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.
10. 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.

Advisory Notes

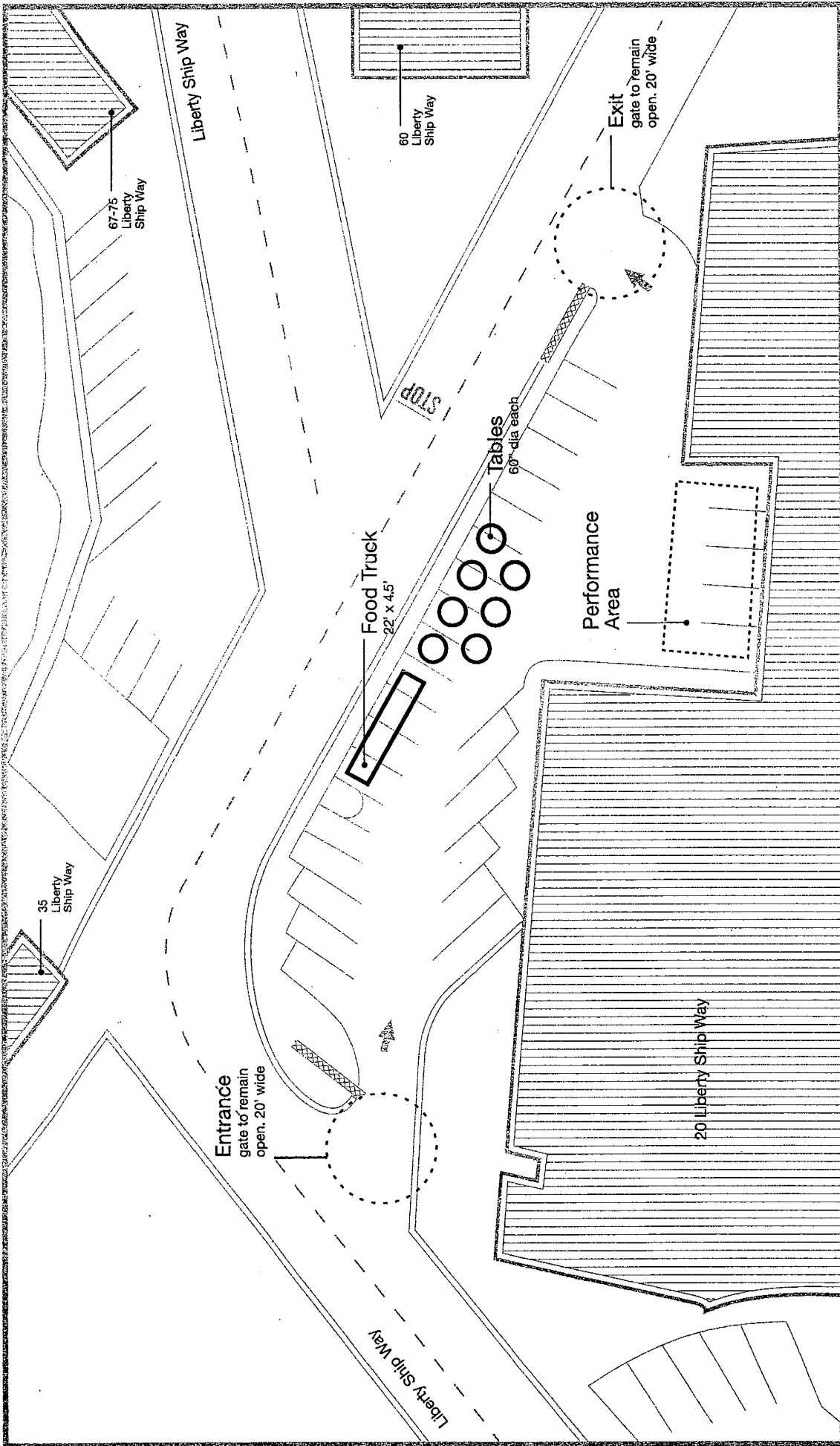
Advisory notes are provided to inform the applicant of Sausalito Municipal Code requirements, and requirements imposed by other agencies. These requirements include, but are not limited to, the items listed below.

1. 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.
2. 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.
3. 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.
4. 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. Southern Marin Fire Protection District -- (415-388-8182)
 - c. San Francisco Bay Conservation and Development Commission -- (415-352-3600)

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**ZONING ADMINISTRATOR RESOLUTION
MAY 30, 2013
MUP 13-102
20 LIBERTY SHIP WAY**

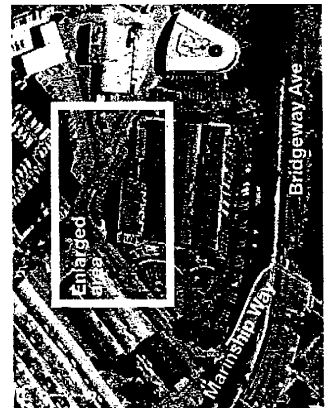
ATTACHMENT 3: PROJECT PLANS



RECEIVED

APR 30 2013

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT



Vicinity Map – 20 Liberty Ship Way – MUP 13-102



RECEIVED

APR 30 2013

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT



April 16, 2013

Butler, Shine, Stern & Partners
Parking Lot Parties 2013/2014 Outline/Description

1. BSSP likes to host employee events once a month between July and October in our Private Parking lot. These can be three months in a row or once a year. We relocate 15 cars parked in our private lot at 20 Liberty Ship to 28 Liberty Ship Way. This has been approved in advance by the Property Manager, Bruce Huff.
2. The dates range from once a month between June and October.
3. It's a private party, not public.
4. We provide food. No cash is exchanged, nothing is sold. The party runs from 4PM-6:30PM. Sound check for the music usually occurs around 3/3:30PM. Live music is performed from 4:15-6:15PM with one break between sets.
5. We have the band face the bay. We do this so the music isn't directed towards the hill/residents as well as not have the sound bounce off our building. We do not exceed the decibel level outlined in the ordinance, section 12.16.040. We are selective of the type of music played as well, we don't want it too loud.
6. We are not located in a busy intersection or main passage. The road (20 Liberty Ship Way) our agency faces leads to two dead ends that have focused destinations. Office at 30 Liberty Ship Way and Le Garage.
7. We typically have no more than 75 (at a maximum) people in our parking lot during this event. People come in and out of the office for the duration of the event.

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