

# STAFF REPORT

## SAUSALITO ZONING ADMINISTRATOR

**Project** Temporary Maritime Day / 300 Napa Street  
Minor Use Permit/Temporary Use Permit MUP/TUP 13-172

**Meeting Date** July 22, 2013

**Staff** Steve Padovan, Contract Planner

### REQUEST

Approval of a Minor Use Permit to allow a temporary use permit for a Maritime Day event to be located within the Galilee Harbor property at 300 Napa Street, on August 3, 2013.

### PROJECT INFORMATION

**Applicant** Donna Bragg

**Property Owner** Galilee Harbor Community Association, Inc.

**Location/Size** 300 Napa Street; APN 064-082-01 and 064-082-05  
47,620 total square feet; see **Exhibit A** for vicinity map

**General Plan** Waterfront

**Zoning** Waterfront (W) 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 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 along the bay front within the W (Waterfront) Zoning District. The neighborhood consists of commercial, marine-related uses and park land.

**Subject Parcel:** The subject parcel is a level lot located at the east end of Napa Street. The site consists of a parking area, grassy park and the Galilee Harbor Marina and office.

#### PROJECT DESCRIPTION

The applicant is requesting a minor use permit to allow a temporary Maritime event to be located on the grassy park, and an adjacent gravel area at the Galilee Harbor (**Attachment 3, Exhibit B**). The Maritime Day event is in honor of Galilee Harbor's 33<sup>rd</sup> Anniversary, and designed to be a family event with a marine flea market, traditional boat building demonstrations, boat rides and a floating home tour.

The proposed Maritime Day event will be held on August 3, 2013, with the event set up taking place on August 2<sup>nd</sup> and event take down on August 4<sup>th</sup>. The event is designed to showcase approximately 31 booths for artists and local vendors to show and sell their work and goods. Booths 1 through 11 and 19 through 31 are located solely on the Galilee Harbor property, however booths 12 through 18 are proposed to be located in the Napa Street right of way. All booths and event activities proposed to take place in the public right-of-way require the approval of a Low Impact Special Event Permit, issued by the City's Parks and Recreation Department. Staff has included this permit as a Condition of Approval as seen in **Attachment 2** of **Exhibit B**.

Currently there are approximately 70 parking spaces within the Galilee Harbor parking lot that will be available during the time of the event, and there is additional public parking nearby at Dunphy Park.

## **PROJECT ANALYSIS**

### **GENERAL PLAN CONSISTENCY**

The project site is located within the Waterfront General Plan Land Use Designation. 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 Maritime Day event accommodates and utilizes the talents of local artists, encouraging business opportunities for the prevalent artist community in Galilee Harbor and the surrounding areas. The site has been designed to take advantage of the waterfront location by providing marine uses such as a park and marina, thereby creating an ideal location for temporary events such as the Maritime Day Event. The temporary event will also be located on an existing grass park and will not negatively impact the property or surrounding areas. Lastly, the event is temporary and will not create a permanent land use which conflicts with the purpose and intent of the General Plan. Therefore, the proposed use appears consistent with the intent of the General Plan's Land Use Element.

### **ZONING CONSISTENCY**

Temporary uses and events are permitted in the W Zoning District. Pursuant to Section 10.44.310, 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 supports the findings to approve the Minor Use/Temporary Use Permit based on the following:

- The temporary event will utilize the existing open space associated with the project site. The applicant will provide approximately 70 parking spaces for event participants, with additional public parking located nearby.
- The project site is designed to provide access to a publicly maintained road (Napa Street), and is required to comply with all conditions of approval, thereby complying with all provisions of the Zoning Ordinance.
- The temporary use is consistent with the intended purpose of the project site and the surrounding properties.

An issue discussed at the 2012 Zoning Administrator hearing on this event related to accessibility for disabled persons. The applicant addressed this issue by including the same ADA Accessibility Plan

that was approved by City Engineering Staff last year for use at this year's event. The Accessibility Plan has been routed to the Engineering staff for their review and any new comments or conditions will be added to the permit as necessary.

## **PUBLIC NOTICE AND CORRESPONDENCE**

- July 11, 2013 – Notices were mailed to all residents and property owners within 300 feet of the project site and posted at the property on July 12, 2013.
- 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 a Maritime Day event to be located at the Galilee Harbor at 300 Napa Street on August 3, 2013 (MUP/TUP 13-172).

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 Minor Use Permit and direct Staff to return with a Resolution of Denial.

## **EXHIBITS**

- A. Vicinity Map
- B. Draft Resolution
- C. Application Submittal

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

**APPROVAL OF A MINOR USE PERMIT FOR A  
TEMPORARY MARITIME DAY EVENT AT 300 NAPA STREET  
(MUP/TUP 13-172)**

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**WHEREAS**, on July 3, 2013 an application was filed by Donna Bragg, on behalf of the property owner, Galilee Harbor Community Association, Inc., requesting Zoning Administrator approval of a Minor Use Permit to allow a temporary event for a Maritime Day to be located within the Galilee Harbor property at 300 Napa Street, August 3, 2013 (APN 064-082-01); and

**WHEREAS**, the Zoning Administrator conducted a duly-noticed public hearing on July 22, 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 the applicant, date-stamped received on July 3, 2013; 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 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 temporary use of land having negligible or no permanent effects on the environment.
2. The Minor Use Permit to allow a temporary use permit for a Maritime Day to be located at the Galilee Harbor at 300 Napa Street on August 3, 2013 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 July 3, 2013 (Attachment 3).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jeremy Graves, AICP  
Zoning Administrator

**ATTACHMENTS**

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

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**ZONING ADMINISTRATOR RESOLUTION**

**July 22, 2013**

**MUP/TUP 13-172**

**300 NAPA STREET**

**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, 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 maritime event is consistent with the intent and purpose of the General Plan, and the Waterfront Zoning District based on the Maritime Day's non-permanent use.*

- 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 Maritime Day will utilize the existing parking area used for the Galilee Harbor, for event traffic. Prior to installation of the temporary vendor 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 vendor 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 (Napa Street), is required to comply with all conditions imposed by the Fire District, and will provide temporary sanitation facilities as required.*

- 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 Maritime Day is located in an area that is accessible to the public via public streets, and a private parking lot. The event is temporary and will not create a permanent land use which conflicts with the Waterfront zoned areas or the adjacent park. 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 Maritime Day vendor booths will be located on the Galilee Harbor property, with the majority of the vendors located on the existing grassy park area. Because the vendor booths are temporary in nature they will have minimal impact on existing nearby businesses, and will not impact existing view corridors.*

- 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 Galilee Harbor property, which is hosting the Maritime Day. The event will increase the pedestrian traffic in this area, which may increase business for nearby establishments, and will not 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

July 22, 2013

MUP/TUP 13-172

300 NAPA STREET

### ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions of approval apply to project plans prepared for the Galilee Harbor Maritime Day at 300 Napa Street and date-stamped received on July 3, 2013:

#### General Conditions

1. Seven (7) business days prior to the commencement of the Maritime Day on August 3, 2013, the applicant shall provide an ADA Accessibility Plan, for the review and approval by the City Engineer Staff. The Accessibility Plan shall:
  - Identify parking for disabled persons;
  - Identify an accessible route from identified parking area to the Exhibition Area;
  - Include disabled persons portable restroom facilities or identify a route to an accessible bathroom;
  - Identify persons responsible for responding to Disability Accommodation Requests;
  - Submit a Sign Program for disabled persons.
2. Prior to commencement of the Maritime Day event, the applicant shall receive a Low Impact Special Event Permit issued by the Sausalito Parks and Recreation Department for all vendor booths and event activities that are to take place in the Napa Street public right-of-way.
3. 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.
4. 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.
5. 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 the proposed event. In such cases, this approval shall be rendered null and void unless approved by the Community Development Department as a modification to this approval.
6. 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.
7. 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.
8. Prior to issuance of any Construction Permit, the project plans shall demonstrate compliance with the California Fire Code.

9. 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 any 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**  
**July 22, 2013**  
**MUP/TUP 13-172**  
**300 NAPA STREET**

**ATTACHMENT 3: PROJECT PLANS**

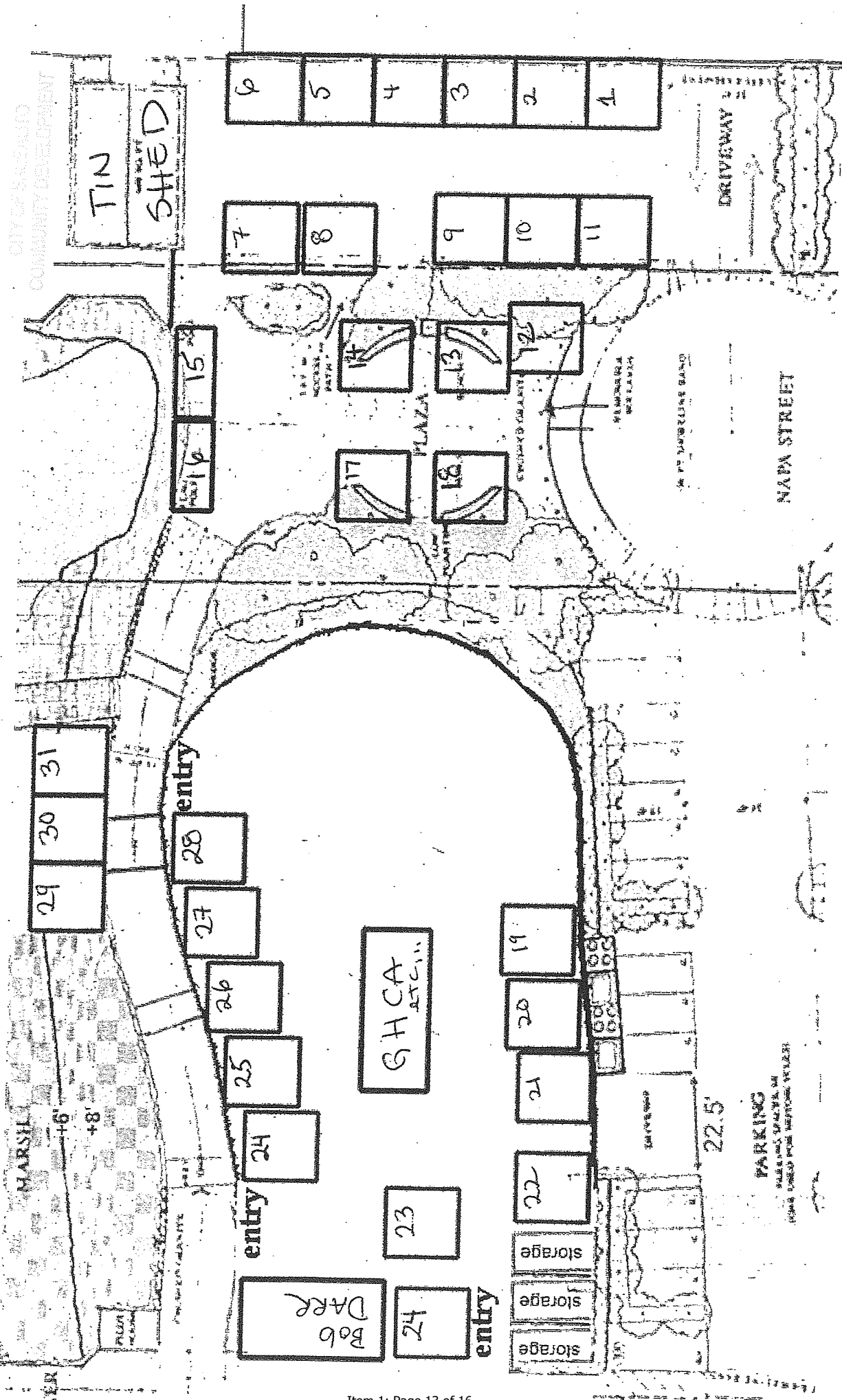
GALISE HARBOR

Richardson Bay in

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CITY OF SAN FRANCISCO  
COMMUNITY DEVELOPMENT



Site Map of Maritime Day  
Booth Map

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# GALILEE HARBOR



PRESENTS

# MARITIME DAY

August 3rd  
8am to 7pm

*live music - art - food & drinks  
-boat rides- flea market-  
floating home tours- dinghy racing  
boat building demonstrations- and much more !*

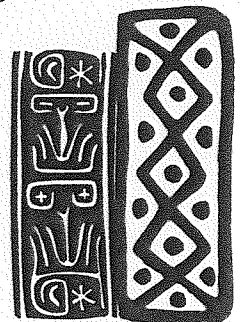
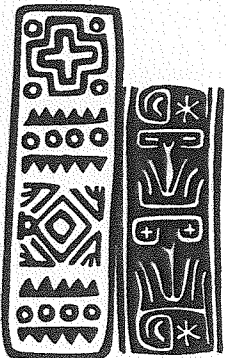
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JUL 03 2013

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

300 Napa Street, Sausalito (at Bridgeway)

**FREE  
ADMISSION!**



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