

STAFF REPORT

SAUSALITO ZONING ADMINISTRATOR

Project Spaulding Marine Center Events / 600 Gate 5 Road
Minor Use Permit (MUP 17-109)

Meeting Date August 1, 2017

Staff Katie Faulkner, Associate Planner

REQUEST

Approval of a Minor Use Permit to allow 12 temporary events over a one year period at Spaulding Marine Center.

PROJECT INFORMATION

Applicant John Bachman/ Clark Beek, Program Director of Spaulding Marine Center

Owner Spaulding Center for Wooden Boats

Location/Parcel Size 600 Gate 5 Road; APN 063-030-04
35,719 square feet

General Plan Waterfront

Marinship Specific Plan Waterfront; Parcel 8C “Spaulding Boatworks”

Zoning Waterfront (W) Zoning District

Authority Temporary events require a Minor Use Permit pursuant to Section 10.44.310 of the Zoning Ordinance

CEQA The project consists of temporary events 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 Marinship Overlay District. The neighborhood consists of commercial and marine-related uses.

Subject Parcel: The subject parcel is a level lot located at the foot of Gate 5 Road. The site consists of a building that houses the Spaulding Marine Center and the Arques School of Traditional Boatbuilding, an outdoor deck area, and a dock. Spaulding Marine Center is identified as Parcel 8C “Spaulding Boatworks” in the Marinship Specific Plan (MSP).

PROJECT DESCRIPTION

The applicant is requesting a Minor Use Permit for 12 temporary events to be held over a one year period. The events will include a mix of fundraisers to support programs at Spaulding Marine Center,

educational events to teach boatbuilding and preservation, and events to promote awareness of programs and services of Spaulding Marine Center. Events will include live music and will typically occur after normal business hours (9:00 am – 5:00pm for most businesses as described by the applicant in **Exhibit A**) and on weekends. The events will be planned to avoid interfering with neighboring or competing community events. No more than 220 people will be in attendance at any event, including visitors and volunteers (see **Exhibit A** for applicant's written statement).

The applicant is proposing to use 3,040 square feet of the ground floor area, consisting of the Restoration Area and Circulation Area, of the existing building for the events. Events may also include the outdoor deck, depending on the weather and event. The remaining portions of the building will be cordoned off during events, including the Arques Zone, Tools Zone, Admin Zone, and second floor loft area (described in **Exhibit A**).

Parking will be provided through a combination of several dedicated off-street spaces and on-street parking. Although many surrounding properties have parking lots, Spaulding Marine Center is limited in its ability to provide off-street parking based on the configuration of the building and the site. The site has access to five dedicated spots, two of which are ADA spaces that provide accessible parking close to the building. Approximately 80 on-street parking spaces were noted on Gate 5 Road, Road 3, and Harbor Drive. The applicant has also permission for guests to park at Heath Ceramics during agreed upon times. The Heath Ceramics parking lot is 2 blocks away and has approximately 25 parking spaces (see **Exhibit C**).

PROJECT ANALYSIS

GENERAL PLAN CONSISTENCY

The project site is located within the Waterfront General Plan Land Use Designation. The General Plan describes this land use designation as being an area strictly regulated by permitted uses and development intensity designed to reflect desired marine 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 objectives and policies of the Land Use and Health and Safety Elements as most relevant to the proposed project:

Policy LU-4.2 Marinship Waterfront Uses. Promote those marine industrial oriented uses that require waterfront locations and ensure the preservation of the existing general industrial uses found in the Marinship waterfront area.

Policy HS-3.4 Single-Event Noise. Allow single-event occurrences at specific sites per Policy EQ-2.2 subject to special permit conditions which alleviate noise to the greatest extent possible.

The Spaulding Marine Center is a nonprofit organization dedicated to Bay Area's maritime history, and has a working boatyard and skilled craftspeople. The proposed events will raise money and awareness to support of the Center's programs, and help preserve the existing Marine Industrial oriented use. The proposed events will begin after the end of neighboring business hours, limiting the impact of noise from the events. Staff suggests the proposed use is consistent with the intent of the General Plan's Land Use and Health and Safety Elements.

MARINSHIP SPECIFIC PLAN CONSISTENCY

600 Gate Five Road is located in the Waterfront "W" zone of the Marinship Specific Plan, which states that "development in this zone should reinforce and support the Marinship's maritime trades and industries." 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 ORDINANCE CONSISTENCY

The Zoning Administrator must review the proposed project for its conformance with all applicable regulations of the Zoning Ordinance. Staff has outlined the following Zoning Ordinance requirements that apply to the project in the following discussion.

Temporary uses and events are permitted in the Waterfront “W” Zoning District. Pursuant to Sausalito Municipal Code (SMC) 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. The following standards apply to temporary events:

Temporary Event Standards

Time Limits. A temporary event shall be conducted for no more than nine consecutive days, except where a different time limit is established by the granting authority through permit conditions of approval.

12 temporary events will be held over a one year period, and will not be held for more than nine consecutive days.

Site Design and Development Standards. All temporary events are subject to the following standards, except where alternate standards are established by the granting authority through permit conditions of approval:

a. *Access.* Outdoor temporary events shall provide at least two unobstructed vehicle access points, each a minimum of 18 feet wide, from the event site to a publicly maintained road. Additional access shall be provided as required by the City Engineer or Police Department.

Gate 5 Road and the alley leading to Road 3 provide the two unobstructed vehicle access points from the event site.

b. *Fire Protection.* Facilities shall be provided as required by the Fire Department.

The Southern Marin Fire Protection District has provided conditions of approval.

c. *Water Supply and Sanitation.* Facilities shall be provided as required by the County Health Department.

The project site has two existing bathrooms.

Conformance with Development Standards

Parking Requirements. Section 10.40.110.A.6 of the Zoning Ordinance requires that “whenever the occupancy or use of any site is changed to a more intensive use and/or expanded in scope, additional off-street parking shall be provided as required by this Title for the new use or expanded occupancy.” Table 10.40-1 of the Zoning Ordinance states that the amount of required parking for temporary events shall be determined through the Minor Use Permit process.

The applicant has stated that the facility has five dedicated parking spots, two of which are ADA parking spaces, and that there are approximately 80 on-street parking spaces available within a reasonable walking distance of the facility. The applicant has permission for guests to park at the Heath Ceramics lot, which has approximately 25 parking spaces (see **Exhibit C**).

Noise Standards

All events are subject to noise standards under Chapter 12.16 of the Municipal Code.

MINOR USE PERMIT

The Zoning Administrator may approve a Minor Use Permit for the temporary event if the project is in conformance with the following findings (SMC Section 10.58.050).

A. The proposed use is allowed with issuance of a minor use permit, pursuant to Chapters 10.20 through 10.28 SMC (Zoning Districts Regulations), Chapter 10.44 SMC (Specific Use Requirements) or any other applicable section of this title.

SMC Section 10.24.030 permits temporary uses and events in the Waterfront zone, subject to SMC 10.44.310. Pursuant to SMC Section 10.44.310, 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 proposed events will raise money and awareness to support of the Center's programs, and help preserve the existing marine oriented 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 events as conditioned will not be detrimental to the public health, safety, or general welfare of the City because the events will be contained to the Spaulding Marine Center property.

D. The proposed use complies with each 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.

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.

Parking to accommodate the temporary events will be provided by a combination of existing on-site parking, off-site parking, and parking at Heath Ceramics. The applicant will provide a parking map to guest prior to arrival. In addition, 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 within an existing building and deck area. According to the Southern Marin Fire Protection District, the maximum occupancy with tables and chairs is 174 persons, and the maximum occupancy with standing room only is 317 persons. This does not include the outdoor deck area which would only allow an additional 49 persons due to the one exit from that location. Parking to accommodate the temporary events will be provided by a combination of existing on-site parking, off-site parking, and parking at Heath Ceramics.

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. 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 generally consistent with the intended purpose of the project site and the surrounding properties. The use will be subject to the City's noise regulations to ensure that nearby properties are not negatively affected. Events will be planned as to not interfere with neighboring or competing community events. Music will be kept to a minimum and be performed during favorable hours to the surrounding businesses. Parking information will be provided to guests prior to events, and will include parking maps and notices to avoid parking in the lots of neighboring businesses.

Staff is currently working with the applicant to address concerns raised by neighbors about potential parking impacts.

I. Findings required by Chapter 10.44 SMC (Specific Use Requirements) for the approval of specific uses are made. [Ord. 1167 § 2, 2003.]

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

PUBLIC NOTICE AND CORRESPONDENCE

- July 19, 2017 - Notices were mailed to all residents and property owners within 300 feet of the project site and interested parties. A notice was also posted on the project site.
- July 25, 2017 – Robert Darr, representing Arques Maritime Preservation Foundation, emailed a letter that raised concerns about the project's impacts on the Foundation. (See Exhibit D)
- July 25, 2017 – Riley Hard, representing Clipper Yacht Harbor, emailed a letter opposing Spaulding's application for a Minor Use Permit. (See Exhibit E)

RECOMMENDATION

Staff recommends the Zoning Administrator continue the hearing for additional information and/or project revisions.

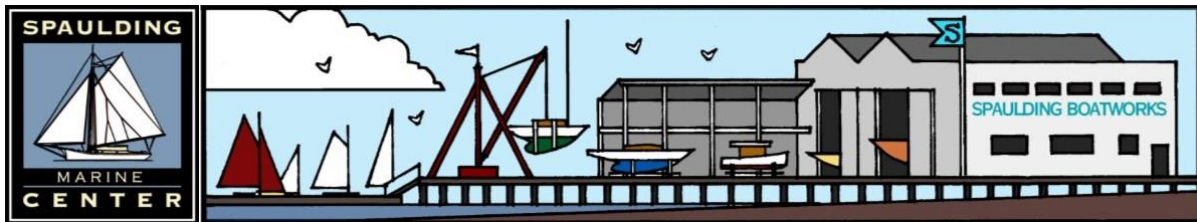
Alternatively, the Zoning Administrator may:

- Approve the Minor Use Permit with modifications;
- Deny the Minor Use Permit and direct Staff to return with a Resolution of Denial.

EXHIBITS

- A. Project Application dated March 17, 2017 and Responses dated April 27, May 12, and May 16, 2017
- B. Vicinity Map
- C. Heath Ceramics Parking Approval
- D. Comment Letter from Robert Darr date stamped July 25, 2017
- E. Comment Letter from Riley Hurd dated stamped July 25, 2017

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"Preservation, Restoration, Education, and Community"

Mr. Milan Nevajda
Planner
City of Sausalito
420 Litho Street
Sausalito CA 94965

March 3-17

Dear Mr. Nevajda,

Spaulding Marine Center is applying for a multiple use permit to host events over the course of one year from the date approved.

Attached:

1. Application for a multiple use permit complete with solutions to findings for multiple temporary events.
2. City of Sausalito Indemnification Agreement
3. Low Impact Special Event Application
4. Diagram of floorplan
5. Aerial parking location map complete with ADA parking solutions
6. Fire extinguisher location map

Feel free to call or email me if you need any more information. My direct number is 415-332-3179 and email is john@spauldingcenter.org

Regards,

John Bachman
Program Director
Spaulding Marine Center

EXHIBIT A

We request a Minor Use Permit to host multiple recurring temporary events at Spaulding Marine Center for a period of one year commencing from the date of approval of the Minor Use Permit. We expect a turnout of at most 200 visitors plus 20 volunteers totaling 220 people in attendance at any event.

Our facility has five dedicated parking spots, two of which are ADA compliant, as well as 30 on-street parking spots within 200 yards of our facility. We also have been granted permission for 25 guests to park at Heath Ceramics (which is only two blocks away) during agreed upon times.

We are a 501(c)(3) non-profit organization in the center of the Marinship that aims to serve the community as a center for learning and to preserve the craft of traditional boat building. We are a living museum as well and have a library of books that is kept open and free to the public.

Throughout the year, we intend to host up to 30 events. The purpose of these events is to serve as a fundraiser for our youth educational and adult boat building programs.

We will be serving snacks and beverages, both soft and alcoholic, and are applying for our Temporary Use Liquor Licenses for any event which alcohol will be served. We will sell tickets in advance and at the door for a flat fee, which will include live music and specified amounts of food and drinks. Drinks will also be sold separately and beer will be donated in most cases.

I have attached a floor plan below. We have two bathrooms - one inside the building and one on the dock. Both are fully functional and kept clean. We have a large sliding barn door as our main entrance/exit (which is left open) and an additional exit door through the back of our main building area. The events will take place solely on the first floor and access to our loft will be blocked.

We will have tables and chairs throughout the facility and a small musicians stage which may be outside or in the main building depending on the weather and event. There will be a bar set up as well as a soft drinks table. Our food will be catered and the caterer may require setting up a hot plate station. There will be adequate fire extinguishers which are laid out in an attached document.

Neighbors shouldn't have an issue with noise as their business hours will end before our event. Our neighbors at Fish are far enough away and have an open-air feel so sound shouldn't be an issue for their guests either. Parking solutions have been provided and notices will be sent to our guests as to keep them away from neighboring lots and bothering neighboring businesses.

As far as crowd control, our events will be small enough so that our volunteer staff will be able to secure and control the area of our venue without the need of outside security.

In the case of an emergency, the designated event coordinator will have every participating staff member's contact number and that of the local police and fire department on hand in case of emergency. They will also be walked through emergency exit, restroom, safety closet, parking and fire extinguisher locations. The designated event coordinator will have my contact information (Program Director) and there will be a command post with all the above-mentioned location and contact information in addition to all other relevant resources.

There will be a clean-up plan in place for each event describing how, when and by whom clean-up will take place.

All events will be planned as to not interfere with neighboring or competing community events. We will stay tuned to the city calendar as to not plan interfering events.

We plan on handing out flyers in town to promote some of these events to the bicycle tourists which would otherwise ride into Mill Valley. The flyers will be handed out at a small booth or kiosk as well as at the Chamber of Commerce Kiosk in the Sausalito Ferry Plaza.

A. -As described above, these events are temporary in nature in that they are being used as a fundraiser to support our daily function as an educational center and living museum for the community's use.

B. -As described above, these will be maritime related events in line with the Industrial and Marine Arts outline as for the Spaulding Marine Center and the community goals. We also promise our site will continue to try, as always, to keep up with and improve upon the visual attractiveness and functionality of the facility.

C. -The proposed use will be contained to our location and will in no way interfere with or harm the public health, safety, or general welfare of the city. We are fully insured and will be acquiring additional insurance coverage for these types of temporary events as needed.

D. -Details are provided above that show we are and will be in full compliance with the Zoning Ordinance as the function will be held on our premises under the mentioned details above.

E. -We as described above are properly located in the community as we are in the heart of the Marinship at 600 Gate 5 Road in Sausalito. We are located within a few hundred yards of more than 60 parking spots available to guests and will be providing a parking map prior to arrival. There are also bus stops within a quarter mile of our facility which are serviced prior to, during and after the hours of our event.

F. -Our total occupancy limit, per Fred Hilliard of the Southern Marin Fire Department, our available floor plan dimensions and number of exits is roughly 400 total occupants. We fall well within these occupational limits with our anticipated guest numbers. Also, as

mentioned above, we are well prepared to offer proper and comfortable parking arrangements to our guests.

G. -All our facilities are adequate in every way to serve the proposed use. We have working fire extinguishers marked by map which is included here. We have working and battery-backed emergency exit signs at all exits and doors. Roads are properly paved and our facility is well accessible by any of our proposed nearby parking solutions. We have a large and capable loading ramp and room for loading/unloading as well as guest entry/exit space.

H. -As stated above we will have put careful consideration into the planning of these fundraisers as to not disturb neighboring businesses. Music will be kept to a minimum and be performed during favorable hours to the surrounding businesses. Parking solutions will be arranged so that we have provided at least 1 space per 3.5 individuals in attendance. This along with parking lot signs and parking maps will be provided as to not disturb our neighbor's parking situations.

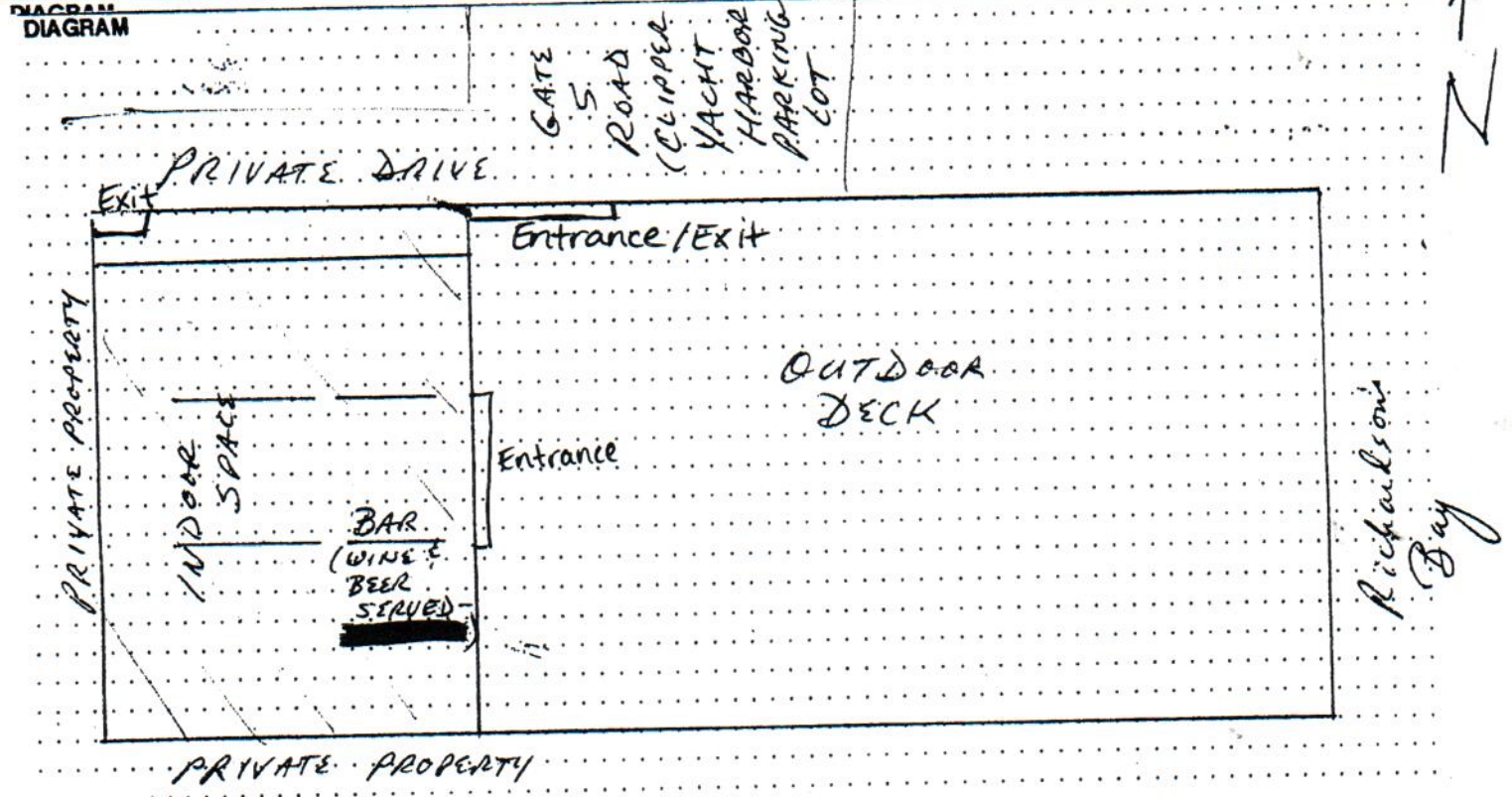
I. -Not applicable - no specific use requirement findings.

SUPPLEMENTAL DIAGRAM

Instructions to Applicant:

Draw a sketch of the area on which the licensed premises is or will be located. Show adjacent structures and nearest cross streets. If this is an event for a daily license, catering authorization or miscellaneous use, show the area where sales and consumption of alcoholic beverages will occur. Post a copy of this diagram with Daily License, Catering Authorization or Event Authorization where the event is held. Sales and consumption of alcoholic beverages must be confined to the area designated in the diagram and supervised to prevent violations of the Alcoholic Beverage Control Act.

1. APPLICANT NAME (Last, first, middle) SPALDING WOODEN BOAT CENTER	2. LICENSE TYPE special daily beer/wine
3. PREMISES ADDRESS (Street number and name, city, zip code) FOOT OF GATE FIVE RD SAUSALITO CA 94965	4. NEAREST CROSS STREET HARBOR DR.



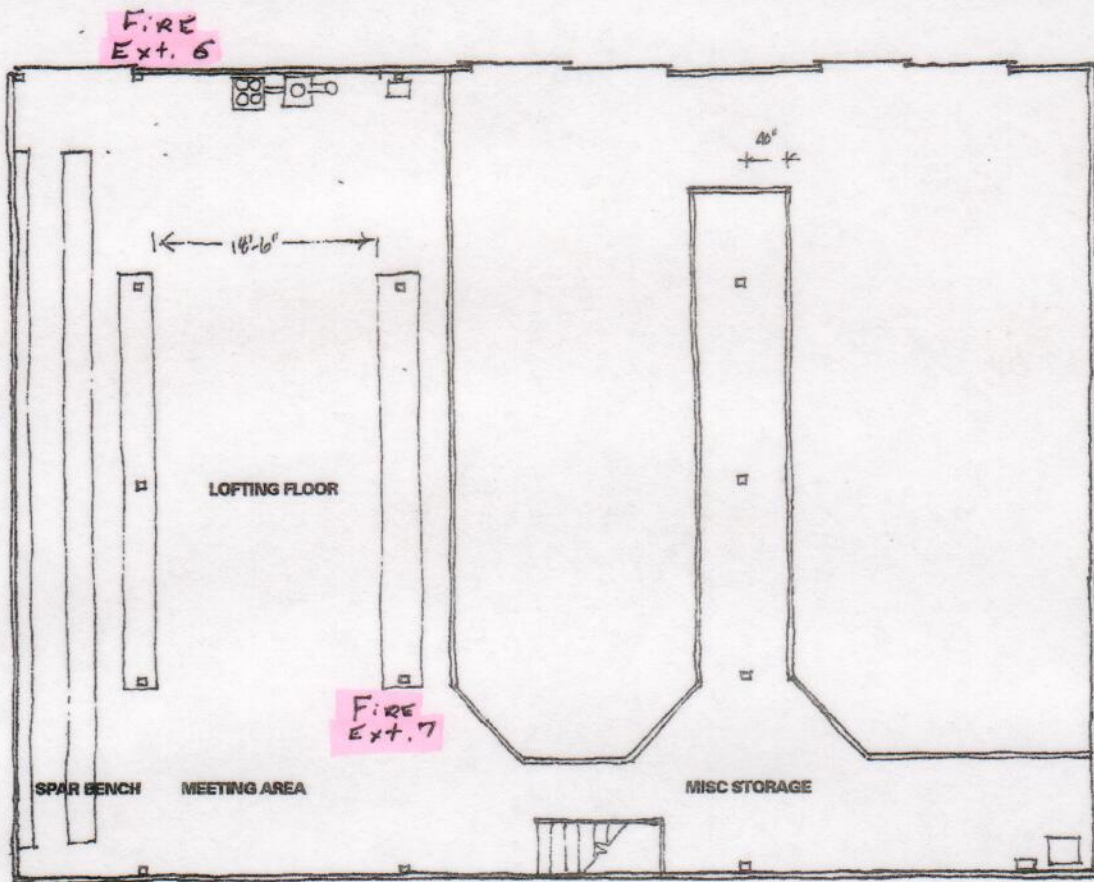
WINE & BEER MAY BE CONSUMED
ANYWHERE INSIDE OR ON
THE OUTSIDE DECK

I have read the above instructions and I declare under penalty of perjury that the above diagram is true and correct.

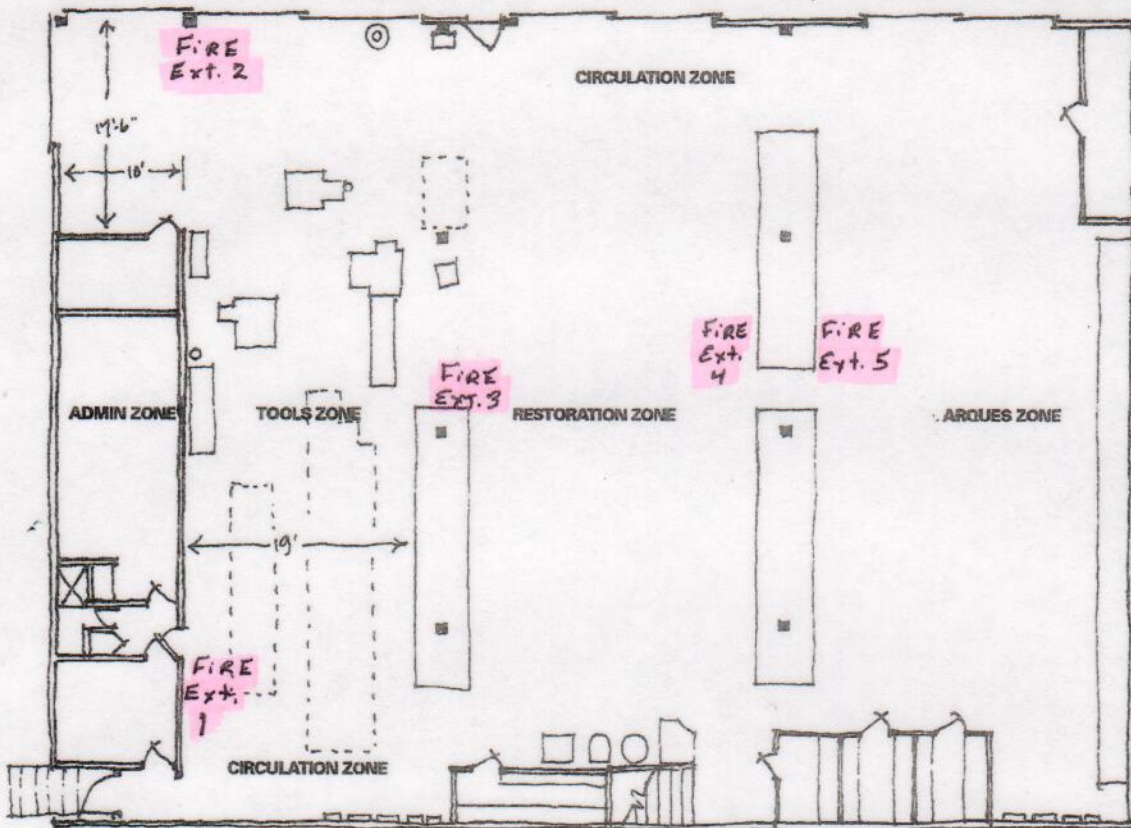
APPLICANT SIGNATURE 	DATE SIGNED 10/18/16
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CERTIFIED CORRECT (Signature)	PRINTED NAME	INSPECTION DATE
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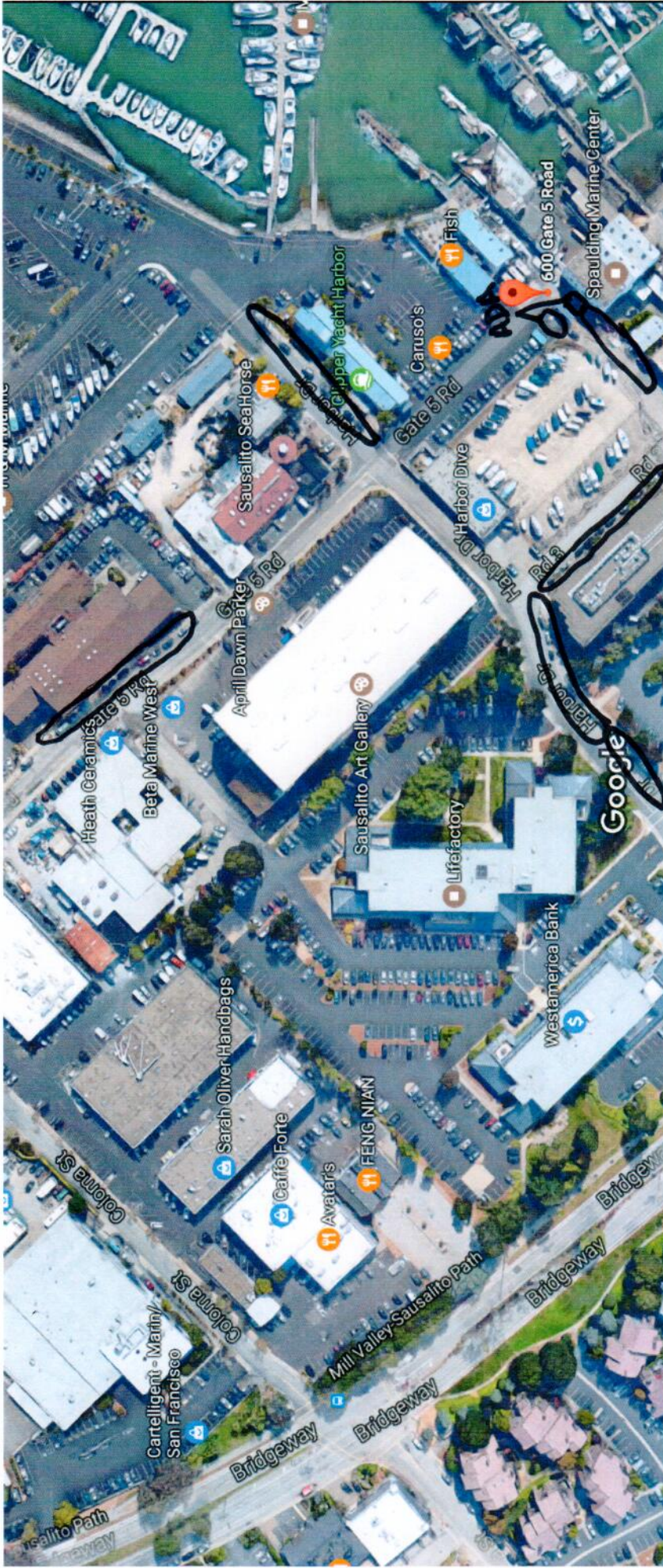
FIRE EXTINGUISHER LOCATIONS



LOFT EXISTING CONDITIONS



MAIN FLOOR EXISTING CONDITIONS



Imagery ©2017 Google, Map data ©2017 Google 100 ft



In response to your comments on submitted application for a Minor Use Permit:

1. We have a total of 89 on-street parking spaces available within reasonable walking distance of our facility. The spaces shown include those on Gate 5 Road and Harbor Drive including 2 designated ADA compliant spaces in front of and alongside our building.
2. Most businesses that use these on-street spaces operate between the hours of 9am-5pm Monday through Friday. The restrictions on these spaces (if any) are no parking between the hours of 2am – 6am in certain spaces (shown on bird’s eye maps). These hours of use / non-use will not affect our parking needs as events will be after business hours or on weekends. Almost every business in the area that operates on weekends has their own designated parking. We are happy to provide signage and emails that allows our guests to know where they can and cannot park to avoid imposing on neighboring businesses’ parking. The number of spaces (89 total) have been included on bird’s eye maps and have each been identified with circles.
3. Given that most of our guests live locally we see lots of them show up on foot or by bicycle. This known, and given that the “special event information sheet” specifies the need for the ratio of total attendance to parking spaces not to exceed 3.5 people per parking space without providing shuttle services to off-site parking, we have provided a series of aerial maps detailing sufficient parking solutions. 89 spaces x 3.5 individuals ensure parking solutions for 311.5 guests. This well exceeds our max of 220 guests especially considering the majority will arrive on foot or bicycle.
4. The types of events that are going to be held are going to be a mix of fundraisers (aimed to raise money for providing free events and boatbuilding program scholarships), educational events that teach skills in boatbuilding and preservation, and events meant to grow community awareness of our programs and services.
5. The outdoor area is anticipated to be used for most events and is capable of potentially hosting our max guest count of 220.

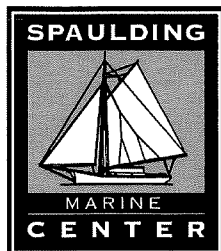
Thank you,

John Bachman

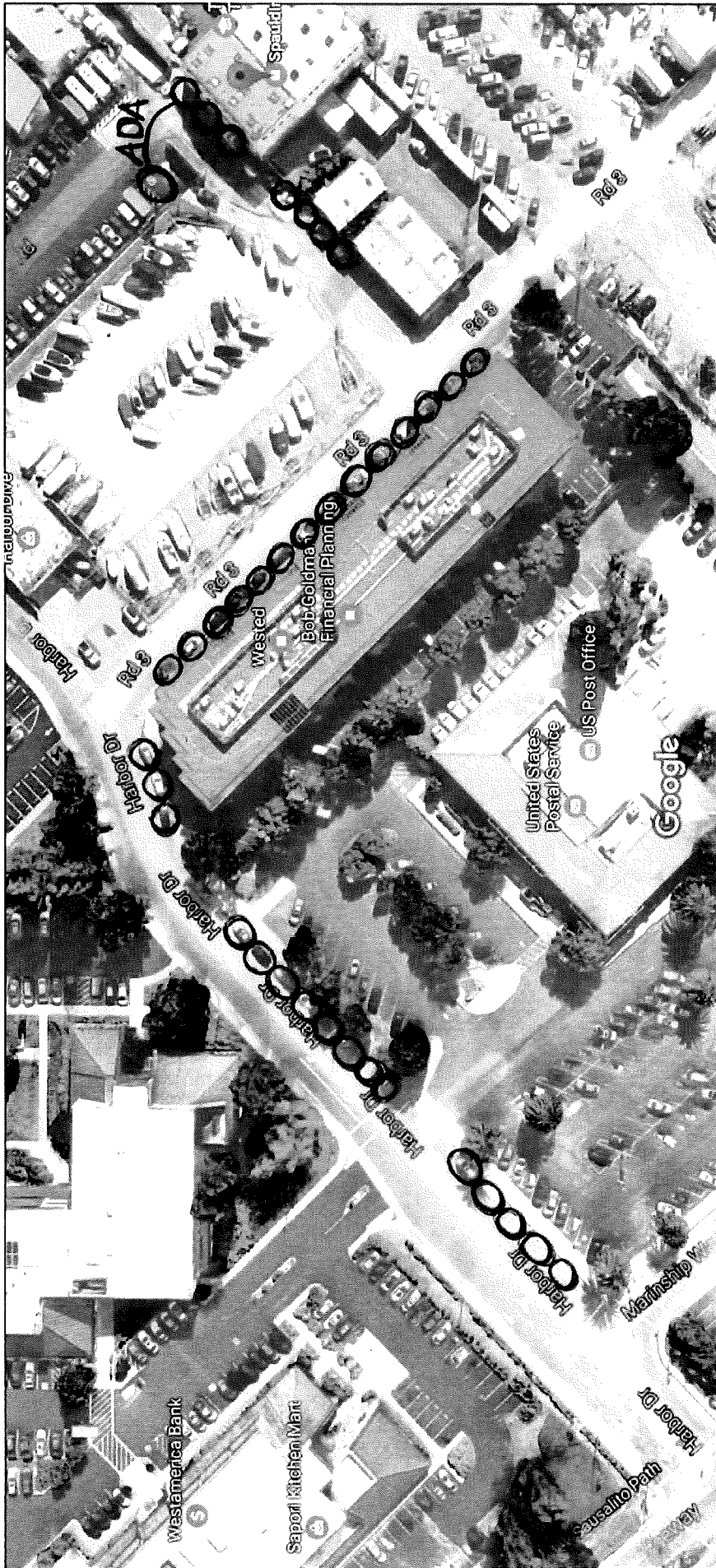


Program Director

Spaulding Marine Center



Google Maps Spaulding Marine Center



Imagery ©2017 Google, Map data ©2017 Google 50 ft

- 16 17 Spaces - Harbor Dr (No parking 2am - 6am)
- 14 Spaces - Rd 3 (No parking 2am - 6am)
- 10 Spaces (2ADA) - Along/In front of Spaulding

25

Google Maps Spaulding Marine Center



Imagery ©2017 Google, Map data ©2017 Google 100 ft

12 spaces

11 spaces

Google Maps Spaulding Marine Center



Google Maps Spaulding Marine Center

12 spaces
 No parking 2am - 6am until 6pm
 8 - 20 min parking



Imagery ©2017 Google, Map data ©2017 Google 20 ft

Justin Shiu

From: Clark Beek <clark@spauldingcenter.org>
Sent: Tuesday, May 16, 2017 4:40 PM
To: Justin Shiu
Subject: Re: Application Status for Spaulding Marine Center Temporary Events

Hi Justin,

In the diagram you attached, the upper drawing is the loft area, which would not be used for events. The lower drawing is the lower floor, where events would be held in the area noted "Restoration Area" and in the two areas noted "Circulation Area." The Arques Zone is always cordoned off; the Tools Zone and Admin Zone would be closed during events. The square footage of the Restoration Area and the two Circulation Areas is 3040 square feet. Hope that helps!

Cheers,
Clark Beek
General Manager
Spaulding Marine Center



On Tue, May 16, 2017 at 2:13 PM, Justin Shiu <jshiu@ci.sausalito.ca.us> wrote:

Hi Clark,

Could you provide me with some additional points of clarification?

The project description indicated that events will only take place on the first floor. Do you have a measurement of the square footage on the first floor available for events? The attached is the floor plan provided to me. Can you also confirm any first floor areas that would not be available?

Thanks,

Justin

From: Clark Beek [mailto:clark@spauldingcenter.org]
Sent: Friday, May 12, 2017 11:01 AM
To: Justin Shiu <jshiu@ci.sausalito.ca.us>
Subject: Re: Application Status for Spaulding Marine Center Temporary Events

Hi Justin,

Sorry for any confusion. Yes, 12 events is right, and I can't imagine we'd ever have any more than that in a year.

Cheers,

Clark Beek

General Manager

Spaulding Marine Center

On Fri, May 12, 2017 at 10:53 AM, Justin Shiu <jshiu@ci.sausalito.ca.us> wrote:

Hi Clark,

I wanted to clarify the number of events that are being requested for the Minor Use Permit for temporary events at Spaulding Marine Center.

The City Council staff report from October 25, 2016, when the MUP application fee waiver was reviewed, indicated that the Minor Use Permit would be for 12 events.

The project description John submitted on March 17, 2017 stated that the intention was to host up to 30 events.

Can I assume that the Minor Use Permit would be for 12 events based on the City Council report?

Thank you,

Justin

From: Clark Beek [mailto:clark@spauldingcenter.org]

Sent: Wednesday, May 10, 2017 10:43 AM

To: Justin Shiu <jshiu@ci.sausalito.ca.us>

Subject: RE: Application Status for Spaulding Marine Center Temporary Events

Hi Justin,

John is no longer with Spaulding, but I've read all the correspondence and I think I'm up to speed. I'm the new General Manager here, and I'll pick up where he left off. Wednesday, May 24th at 1:30PM is great for us.

Cheers,

Clark Beek

General Manager

Spaulding Marine Center

Hi John,

Thanks for the response. I would like to schedule you for a Zoning Administrator meeting date so that the Community Development Director will be able to make a decision on the application. Does Wednesday, May 24th at 1:30pm sound like a good date/time for you? We will mail out notices for that date later this week if it works for you.

Thanks,

Justin

From: John Bachman [mailto:john@spauldingcenter.org]

Sent: Tuesday, April 25, 2017 1:52 PM

To: Justin Shiu <jshiu@ci.sausalito.ca.us>

Subject: Re: Application Status for Spaulding Marine Center Temporary Events

Hello Justin,

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Cheers,

Clark Beek

General Manager

Spaulding Marine Center

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Katherine Faulkner

From: Clark Beek <clark@spauldingcenter.org>
Sent: Friday, July 28, 2017 1:28 PM
To: Katherine Faulkner
Subject: Fwd: Parking Permission

Hi Katie,

Here's what I've got from Heath. Will go try to get him to sign a paper letter.

Cheers,
Clark Beek
General Manager
Spaulding Marine Center



----- Forwarded message -----

From: Clark Beek <clark@spauldingcenter.org>
Date: Fri, Jul 28, 2017 at 11:19 AM
Subject: Re: Parking Permission
To: Tom Rolf <tom@heathceramics.com>

Thanks, Tom! I think this email should be enough to go on. If they want something with a signature I'll come bug you.

Cheers,
Clark Beek
General Manager
Spaulding Marine Center



On Fri, Jul 28, 2017 at 11:09 AM, Tom Rolf <tom@heathceramics.com> wrote:

Hi Clark,

The wording looks fine....the owners are out on an extended vacation and so getting there permission is not a possibility however since you have given us an out in your last sentence- "This permission may be revoked at any time without notice"

I will stick my neck out a bit and say it is ok with us ...if the situation changes I will let you know...

Tom

On Fri, Jul 28, 2017 at 9:56 AM, Clark Beek <clark@spauldingcenter.org> wrote:

Hi Tom,

Thanks very much for getting right back to me. I'm sure you know we're a non-profit, and do some good things for both the local community and the sailing community, and permission for some overflow parking could really grease the wheels for our Minor Use Permit.

I think you're open later on Thursdays, so the permission can take that into account. Thanks so much for running it up the flagpole!

Possible wording:

We, Heath Ceramics, grant permission to the guests of the Spaulding Marine Center, to park in our parking lot after hours, when Spaulding Marine Center is holding fundraisers, community gatherings, and like events. We grant this permission only after 7PM on Thursdays, and after 6PM on other days of the week. We accept no liability for Spaulding Marine Center's guests or their cars. This permission may be revoked at any time without notice.

Cheers,
Clark Beek
General Manager
Spaulding Marine Center



--
Tom Rolf
Facilities Manager

HEATH CERAMICS
T [415-332-3732](tel:415-332-3732) Ext 27 // F 415 332 3204
400 gate five road, sausalito ca 94965
www.heathceramics.com

RECEIVED

JUL 25 2017

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT DEPT

Katie Faulkner
Associate Planner
City of Sausalito, Community Development Dept.
(415) 289-4135

Hi Katie,

Thank you for keeping me informed. Clark Beek, General Manager at Spaulding Center, sent me an email on July 7 (copy below), explaining that the Spaulding was resuming the process of applying for the Minor Use Permit with no changes from before. Based on his statement, my present response is based on the Spaulding Center's proposal received by the City of Sausalito on March 17, 2017.

As I explained in my email of May 16, 2017 (copy below), the Spaulding Center's plans for so many events, and of such size, would necessarily impact the Arques School in several ways. It is difficult to understand why the Spaulding Center did not discuss plans for these events with us prior to making their proposal to the City of Sausalito. In my email to Justin Shiu dated May 16 (below), I described my surprise at first learning about the Spaulding Center plans for these events from a City of Sausalito notice posted on the Spaulding Center building.

In an exchange of emails between Arques Foundation Directors and Bill Edinger, President of the Spaulding Center, Edinger stated (on June 5, 2017) that, "Regardless how Bob sees this it is full our right to carry on our operations without consulting him providing we don't interfere with his classes." The problem with this statement is that, in the last two years, Spaulding Center staff have not asked us about our varying class schedules and activities. Moreover, in the past it was not usually the event itself that caused problems for the Arques School. Most of the disruption that we experienced with those events occurred during the activities of setting them up and taking them down, and the clean-up.

One problem was parking, which has always been difficult at the Spaulding Center. When the Spaulding Center hosted large events, vehicles for delivery and catering, sound systems, etc., usually parked in the common driveway entrance to the Center. The Arques School is located at the far end of this access so we were, of course, blocked. These were not just vehicles dropping something off. Some of them remained there for hours.

A number of those events were not related to the maritime history and culture being preserved by both of our organizations, but were commercial fundraisers in which the Spaulding Center rented their space to whoever would pay for its use, or to commercial film shoots. These were the most problematic events because their organizers usually had no idea about the existing protocols concerning noise, parking, privacy, etc.. It seems obvious from Spaulding Center's current proposal that they are planning for more such events to raise money.

EXHIBIT D

I mentioned to Justin Shiu in my email of May 16 (below), that I would send a copy of Spaulding Center's March 17th permit application to our attorney. (Michael Glass who works with Gary Ragghianti's firm in San Rafael).

On July 5, 2017, our attorney sent to the Spaulding Center's Trustees, a Demand for Spaulding Wooden Boat Center's Compliance with Lease Agreement. This Demand concerns a number of violations by the Spaulding Center, of provisions in the long-term lease agreement made with the Arques Foundation in 2007. The Spaulding Center's application to the City of Sausalito for the Minor Use Permit is of great concern to us, particularly because something of this scale was planned with no discussion with our organization, nor prior notice.

The Arques Foundation has, in fact, been left in something of a quandary in dealing with the Spaulding Center ever since its Trustees dismissed their own Board of Directors in August of 2014. The Trustees have never re-established a Board of Directors nor have they since hired an Executive Director versed in non-profit protocol. Spaulding Center remains legally a 501(c)3, but is operating more on a conventional business model, based on what we observe of the commercial activities of the Spaulding Boatworks and by examining the Spaulding Center's tax returns.

We at the Arques Foundation regard the unprecedented scale of proposed fundraising events as another example of their current 'business model' approach which we do not find compatible with the original vision for the Spaulding Center and its partnership with the Arques School. It is our hope that these matters can be resolved through discussion. Failing that, our grievances will likely be dealt with through litigation.

The Arques Maritime Preservation Foundation does not object to fundraising events taking place at the Spaulding Center as long as they are appropriate to the scale of the facilities, and that they do not have an undue impact on the activities and atmosphere of the Arques School's nonprofit educational work. We regard the number and scale of the events proposed by The Spaulding Center as excessive, and likely to have an unacceptable impact unless scaled down.

We at the Arques Foundation appreciate the City of Sausalito's efforts to include us in this process and for your patience in trying to grasp the complexity of the issues facing us at the Spaulding Center. I am prepared to answer any questions you may have about this matter.

Sincerely,

Bob Darr, Executive Director for the Arques Maritime Preservation Foundation

FOR REFERENCE:

Subject: Sausalito Minor Use Permit
To: roi_olaf@yahoo.com
Date: Friday, July 7, 2017, 9:22 AM

Hi Bob,

I wanted to let you know that Spaulding is resuming the process of getting a Minor Use Permit from the city. The application is unchanged from before.

Tuesday, May 16, 2017 3:36 PM

Mr. Justin Shiu

City of Sausalito Community Development Department

Hi Justin,

Thank you for sending this application to me.

The Arques Maritime Preservation Foundation, of which I am the Executive Director, holds a long-term lease for the exclusive use of 1/3 of the ground floor space and non-exclusive use of the dock and other public-use spaces at the Spaulding Center who are making this proposal to the City of Sausalito. The Arques School has offered classes in traditional wooden boat building at this location for the last nine years. Our most important class each week is the Saturday Class, always full and with a waiting list, over these many years.

With the above in mind, you can imagine my surprise to have, last Saturday, first discovered the existence of the Spaulding Center's proposal from a City of Sausalito notice stapled to the wall at the Spaulding Center. I attach a copy of the lease between the Spaulding Center and the Arques Maritime Preservation Foundation for the record. The lease requires that the Spaulding Center consult with our organization making plans of the scale they are proposing. You will note that their application describes the minimal impact it would have on local businesses, without even mentioning the business most affected, which is the Arques School.

Even if the Spaulding Center were to be doing most of its fundraising events in the evening, there could still be a conflict with our own organization's scheduled classes. Since the proposal mentions weekend events, I can assure you that their proposal would cause major problems for our Saturday Classes. The number and size of their proposed events are unprecedented and would have a very negative impact on our activities. Unless the plan is modified to exclude Saturdays and those evenings that we teach classes, our foundation will strongly oppose the plan. I am sending a copy of the proposal to our attorney for review and I plan to submit more information over the next few days.

Thank you, Bob Darr

On Tue, 5/16/17, Justin Shiu <jshiu@ci.sausalito.ca.us> wrote:
Subject: Spaulding Marine Center Application Materials
To: "Roi_olaf@yahoo.com" <Roi_olaf@yahoo.com>
Date: Tuesday, May 16, 2017, 9:52 AM

Hi Robert,

Thank you for coming in earlier and I apologize for the inconvenience. The submitted items for the Spaulding Marine Center application at 600 Gate 5 Road are attached. Please let me know if you have any comments. I can include any comments received by the end of the day Wednesday in a packet of materials that will be posted on the City's website this Friday. We will continue receiving comments up until the meeting on Wednesday May 24, and anyone is also welcome to attend the meeting to voice comments.

Sincerely,

Justin Shiu

Contract Planner

Community Development

Department

RECEIVED

JUL 25 2017

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT DEPARTMENT



Ragghianti|Freitas LLP

Attorneys at Law

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www.rflawllp.com

Riley F. Hurd III
rhurd@rflawllp.com

July 25, 2017

Via Email Only

Katie Faulkner, Project Planner
City of Sausalito
420 Litho Street
Sausalito, CA 94965

Re: Spaulding Marine Center Application for Minor Use Permit (MUP 17-109)

Dear Ms. Faulkner:

Our office represents Clipper Yacht Harbor ("Clipper"), the owner of the property located at 310 Harbor Drive, Sausalito, CA. Clipper is a directly adjacent neighbor to the Spaulding Marine Center ("Spaulding") located at 600 Gate 5 Road, Sausalito, CA. We are writing in opposition to Spaulding's application for a Minor Use Permit ("MUP") to host 12 events per year with potentially 220 people in attendance at each event.

Clipper owns the parking lot directly adjacent to Spaulding, off Gate 5 road. This parking lot is used by Clipper's customers, as well as the patrons of the restaurant Fish, Clipper's tenant. As Spaulding's application makes clear, the site has no parking for event guests. Furthermore, Spaulding's assumptions that guests will take public transportation, bike or walk to evening events in the Marinship area is unrealistic. Consequently, the Zoning Administrator should deny Spaulding's application because the lack of adequate on-site parking will cause event guests to park in Clipper's parking lot thereby materially adversely affecting Clipper and its various customers, which renders the MUP unapprovable.

EXHIBIT E



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I. General Plan Consistency

The project site is located within the Waterfront-Marinship General Plan Land Use Designation. In order to approve the proposed Project, the Zoning Administrator must determine that the Project is consistent with all applicable General Plan policies, and in this matter, also the Marinship Specific Plan.

The Marinship Specific Plan, Section IV(B), contains parking standards for specific uses of property. According to the Specific Plan, Spaulding is considered an Arts use. As the Sausalito Municipal Code does not address such a use, the Specific Plan provides the applicable parking standard of 1 on-site space per 500 sq ft of gross floor area. While we do not know the exact amount of Spaulding's gross floor area, we know that it has a gross floor area greater than 3,040 sq ft, thereby requiring at a minimum 6 on-site parking spaces. Spaulding admits that it only has 5 dedicated parking spaces, which are not located on the same site as the use for which parking is required. (Sausalito Municipal Code §10.40.100). Spaulding fails to satisfy the parking requirements per the Specific Plan.

Of note, the Specific Plan explains that the parking standard for the Arts is "characterized by [] low traffic generation, irregular hours, and relatively low parking requirements." However, not only does Spaulding have insufficient parking per the Specific Plan, but it has insufficient parking to meet the needs of its customer during the day. Spaulding customers regularly park in the Clipper parking lot despite the Spaulding management knowing that such use is prohibited. Either Spaulding does not want to prevent its customers from parking there, or it cannot. By hosting events for potentially 200 guests, Spaulding will simply exacerbate the situation.

II. Zoning Ordinance Consistency

The proposed use is not consistent with the Zoning Ordinance and therefore the Minor Use Permit ("MUP") should be denied. Spaulding can only provide 5 dedicated parking spaces for event guests. Spaulding unrealistically relies on off-site street parking as far away as up to 600 ft to provide the remaining 60 necessary spaces.



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III. Minor Use Permit

As stated at § 10.58(D), one of the purposes of the Minor Use Permit application process is “[t]o evaluate the adequacy of services and facilities for the proposed use.” The Zoning Administrator may approve a MUP for a temporary event only if the project is in conformance with the findings required by Sausalito Municipal Code § 10.58.050.

Due to the current lack of parking at Spaulding’s Property, approval of Spaulding’s MUP should be denied because the Zoning Administrator cannot make the following findings. (§ 10.58.050).

D. The proposed use complies with each of the applicable provisions of the Zoning Ordinance.

RESPONSE: As explained above, the site does not comply with the Marinship Specific Plan’s parking requirements. Spaulding’s current parking situation of 5 dedicated spaces cannot even satisfy its customers’ need for parking during its regular operations when there are far fewer guests than 200.

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.

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 Zoning Administrator.

RESPONSES: The Spaulding facility is located in the Water-Marinship district. This district is not surrounded by, nor located near, residential areas. Spaulding’s assertion that guests will bike and walk to events in this area at night are unfounded. The guests will drive to the events. The Spaulding facility does not have adequate parking for such events. Spaulding argues that it is located within a few hundred yards of more than 60 parking spots available to guests and will be providing a parking map prior to arrival. But as evidenced by the photos Spaulding provided, some of these street parking spots are up to 600 feet away.



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Furthermore, Spaulding asserts that there are bus stops within a quarter mile. It is not realistic to believe that event guests will subject themselves to the public transportation schedule and then walk a quarter mile afterwards.

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

RESPONSE: This finding simply cannot be made because Spaulding's lack of on-site parking will result in attendees using Clipper's parking lot that fronts Gate 5 Road. Spaulding's application is generally deficient due to its failure to address how it will prevent event guests from parking in Clipper's parking lot which is located directly adjacent to Spaulding's property. Already during the day when the number of visitors is far below 200, Spaulding customers park in the Clipper parking lot. Furthermore, the Clipper lot is used at night up to potentially 9pm, seven days a week, by patrons of the nearby restaurant Fish. It is disingenuous not to acknowledge that event guests will be illegally parking in the Clipper lot and competing for spots with customers of Fish.

In its application, Spaulding states that it must provide at least 1 space per 3.5 individuals in attendance, potentially 68 spots. The extent of Spaulding's "parking solution" thus far appears to be hoping that the neighborhood streets are empty on the night of its events. Because there's already a problem, Spaulding needs provide concrete, fully enforceable steps to prevent materially adversely affecting its neighbors, if it wants to have any events, at any size.

Conclusion

For the foregoing reasons, we request that the City deny Spaulding's Minor Use Permit application.

Very Truly Yours,

A handwritten signature in cursive script that reads "Riley F. Hurd III".

Riley F. Hurd III

CC: Client