


STAFF REPORT

SAUSALITO ZONING ADMINISTRATOR

Project Temporary Outdoor Events / 20 Liberty Ship Way
Minor Use Permit MUP 11-183

Meeting Date June 20, 2011

Staff Lilly Schinsing, Associate Planner 

REQUEST

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

PROJECT INFORMATION

Applicant Butler Shine Stern and Partners

Property Owner Anthony Marterie/Bayview Properties

Location/Size 20 Liberty Ship Way; APN 063-090-06
~4.25 acres; see **Exhibit B** for vicinity map

General Plan Industrial

Specific Plan Marinship Specific Plan

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 30, 2011 through June 29, 2012. The outdoor events will occur in a private, gated parking lot (**Exhibit C**). 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 event is 75 people. During the outdoor events there will be live amplified music played between 4-6:30pm, with sound

check occurring around 3pm. The stage will be located on the north side of the 20 Liberty Ship building, 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 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 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 similar to address the project proposal, and therefore the Zoning Ordinance provision 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.

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.

An issue for consideration by the Zoning Administrator relates to a provision of the Zoning Ordinance which allows for an extension of time for temporary uses. Specifically, Section 10.44.310.A.3 of the Zoning Ordinance allows the granting authority to grant a single extension of the time limit not to exceed the length of time originally permitted. The applicant has requested an extension of the time limit. Staff is recommending the Zoning Administrator approve a condition of approval which would allow the Community Development Director to administratively issue an extension of temporary event tent for up to a maximum of an additional year on the basis that the City does not receive any substantive written complaints regarding the temporary events. If the City receives any substantive written complaints, then the applicant is required to submit an application for an extension of the Minor Use Permit pursuant to Section 10.50.140, Extension of Approved Permits, of the Zoning Ordinance.

PUBLIC NOTICE AND CORRESPONDENCE

- June 10, 2011 – 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 private temporary events at 20 Liberty Ship Way (MUP 11-183).

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. Draft Resolution
- B. Vicinity Map
- C. Project Plans, date-stamped June 10, 2011
- D. Project Description prepared by the applicant, date-stamped June 15, 2011

**SAUSALITO ZONING ADMINISTRATOR
RESOLUTION NO. 2011-xx**

**APPROVAL OF A MINOR USE PERMIT FOR
TEMPORARY OUTDOOR EVENTS AT 20 LIBERTY SHIP WAY
(MUP 11-183)**

WHEREAS, on June 10, 2011 an application was filed by Amy Clawson, with Butler, Shine, Stern and Partners, on behalf of the property owner 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 June 20 2011 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, entitled "20 Liberty Ship Way Temporary Outdoor Events" and date-stamped received on June 10, 2011; 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 one year and an option to allow the Community Development Director to administratively issue an extension of temporary events for up to a maximum of an additional year on the basis that the City does not receive any substantive written complaints regarding the temporary events 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 titled "20 Liberty Ship Way Temporary Outdoor Events" date-stamped June 10, 2011 (Attachment 3).

Date

Jeremy Graves, AICP
Zoning Administrator

ATTACHMENTS

- 1- Findings
- 2- Conditions of Approval
- 3- Project Plans, entitled "20 Liberty Ship Way Temporary Outdoor Events" date-stamped received June 10, 2011

ZONING ADMINISTRATOR RESOLUTION
JUNE 20, 2011
MUP 11-183
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. 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 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 temporary events 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 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 on site is provided on-site. 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, 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. On-site parking will adequately serve the property and use. 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. On-site parking will adequately serve the property and use. 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
JUNE 20, 2011
MUP 11-183
20 LIBERTY SHIP WAY

ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions of approval apply to project plans prepared by Butler, Shine, Stern and Partners, entitled "20 Liberty Ship Way Temporary Outdoor Events" and date-stamped received on June 10, 2011:

General Conditions

1. This approval shall be effective for events from June 30, 2011 through June 29, 2012.
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. The Permit may be administratively extended by the Community Development Director for up to a maximum of an additional year, through June 29, 2013, if the Community Development Department has not received any substantive written complaints regarding any aspect of the use. If the Community Development Department receives any written substantive complaint, then the applicant shall submit an application for an "Extension of Approved Permit" pursuant to Section 10.50.040 of the Zoning Ordinance.
3. A maximum of 75 persons, limited to employees and guest of Butler, Shine, Stern and Partners, are permitted to be in attendance at the temporary outdoor events.
4. The uses related to the temporary outdoor events shall adhere to the City's noise regulations (Municipal Code, Chapter 12.16, Noise Control).
5. 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.
6. 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.
7. 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.
8. 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.

9. 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).

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**ZONING ADMINISTRATOR RESOLUTION
JUNE 20, 2011
MUP 11-183
20 LIBERTY SHIP WAY**

ATTACHMENT 3: PROJECT PLANS

Vicinity Map

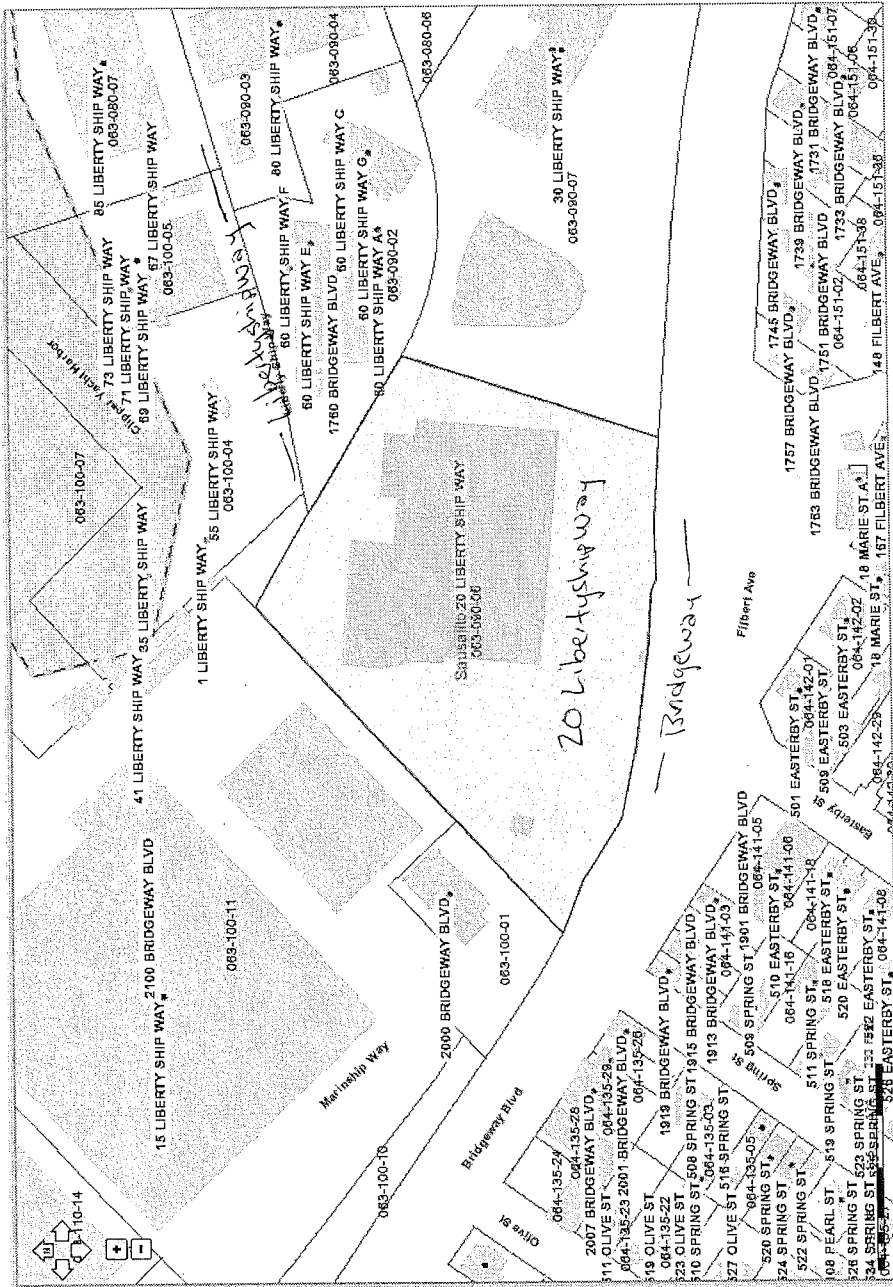
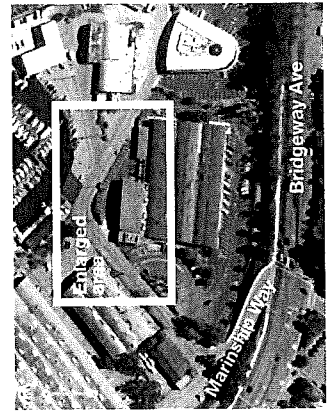
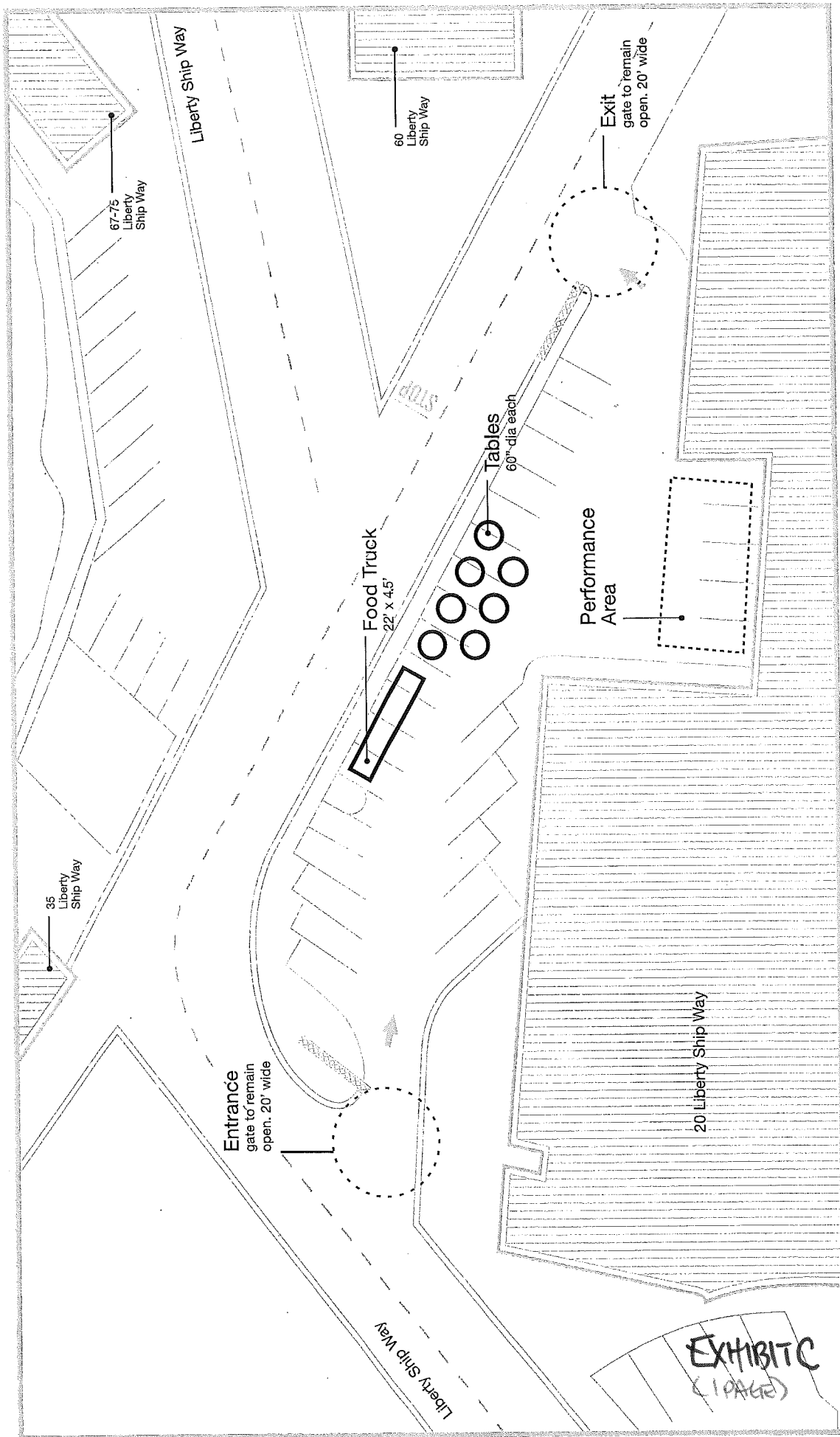


EXHIBIT B
(1 PAGE)



RECEIVED

JUN 10 2011

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

20 Liberty Ship Way Temporary Outdoor Events



JUN 15 2011

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

Butler, Shine, Stern & Partners
Summer Parties 2011 Outline/Description

1. BSSP values our employees and to reward them as well as celebrate our passion for the community we work in, one a month over the summer we have our party in our private, gated parking lot. We will relocate the 15 cars that currently park in that lot to 28 Liberty Ship Way that has been approved in advance by the Property Manager.
2. The dates of our events are between June 30, 2011 and June 30, 2012. We may have occasional events that happen once a month outside of the summer months (May to September).
3. It's a private Party not public.
4. We provide food. Nothing is sold. No cash exchange happens. The party is from 4-6:30PM. Sound check for the music happens around 3/3:30. Music is 4:15 to 6/6:15 with breaks. Two 45 minute sets.
5. The Band faces the bay in order to avoid facing the hill/residents and not have sound bounces off of any structures. The sound is managed by an engineer. The band is chosen to ensure we aren't rocking it to hard and blowing things out of the park. Again, we don't hit or exceed the decibel level outlined in the ordinance. Section 12.16.040. We tend to be between 40-45 decibels, which is low in comparison to all zones.
6. We are not in a busy intersection or a main passage. The road (Liberty Ship Way) our agency faces leads to two dead ends that have focused destinations. (One has a stop sign in front of our exit gate). Offices at 30 Liberty Ship and Le Garage.





7. We expect a total of 75 people to be in and out of the lot but not all at the same time. Our employees will come out at different time during this time frame to eat and listen to some music, then return back inside our agency at 20 Liberty Ship Way.
8. Butler, Shine, Stern & Partners requests a one year administrative extension upon expiration in June 2012.

