

08/04/2020

To: Mayor Susan Cleveland Knowles, Vice Mayor Ray Withy, Council Members Joan Cox, Joe Burns, Tom Reilly, and Jill Hoffman.

**SUBJECT: The DUCK BOAT CAPER**

Dear Madame Mayor and Honorable Members of the Council:

First, I come to praise you, and then to chastise you, in stunned bewilderment, at the consequences of the clearly biased and harmful actions by the Council majority regarding the future of the Marinship.

I congratulate you for your wisdom in scrapping the avaricious BAC and the self-absorbed HBDC and forming the EDAC. You also showed objectivity and good common sense in appointing to that committee Gary Testa, President and CEO of Engineered Fluids.

**And herein lies the Segue to the subject of this letter.**

On, or about, Thursday, July 23, 2020, Daniel Morgan, owner, manager, and developer of Mariner's Landing served Mr. Testa with a 60-day eviction notice on his 170 Gate 5 Road research and development space. The reason given was that Morgan had a potential tenant that had offered more than double the rent being paid by Engineered Fluids.

Morgan has obliged that, as yet unnamed, tenant with a parking stall in his lot at 150 Gate 5 Road.

It should be noted that the Duck Boat is illegally parked in a designated Handicap Parking Stall.

The Sausalito Police are currently investigating this violation of the Americans with Disabilities Act.

But this is probably the least worrisome violation of existing regulations.



The policies and preferences enunciated in this Council's General Plan debates about the Marinship have obviously emboldened landowners like Morgan to proceed with evicting their tenants at will and with no fear of the City enforcing its existing Industrial Zone regulations. Various other industrial spaces in "Mariners Landing" have been converted to office space with impunity in the recent past. This has been made possible by a lack of will and direction on the part of the city.

First, and foremost, the mere presence of “**Ride the Ducks**” is a clear violation of the Marinship Specific Plan which has long been, and continues to be, the guiding and controlling force for the development of the Marinship:

**MARINSHIP SPECIFIC PLAN**

**I. DEVELOPMENT OBJECTIVES**

**A. GENERAL INTENT**

It is the Marinship Specific Plan development objective to retain, yet focus, the 1970 Sausalito General Plan objectives (PART V, Division 1, Section 2101):

1. **“To promote the waterfront area and promote diversified water-dependent uses.”** *(In the ‘W’ Zone)*
2. **“To promote the development of other lands in the Marinship with industrial uses and uses compatible with an industrial area.”** *(In the ‘I’ Zone)*

**B. MARINSHIP SPECIFIC PLAN GOALS**

To accomplish the General Intent the following shall serve as a list of goals to be considered when evaluating proposed development in the Marinship.

4. **It is the intent of the plan to preserve the Marinship as an area primarily oriented to the use and service of Sausalito residents, not tourists.**
5. **It is the intent of the plan to discourage the development of non-industrial commercial businesses that are determined by the City to displace industrial and marine businesses, or that would disproportionately contribute to the traffic generation.**
6. It is the intent of the plan to encourage development that produces low levels of traffic generation.
20. **It is the intent of the plan to improve the water quality of the Richardson Bay by restricting any potential pollution by Marinship developments.** Development proposals will be evaluated with regard to their pollution control techniques, such as controlling runoff and restricting uses to non-polluting uses as provided in the Richardson Bay Special Area Plan.

Whatever the proposed use of 170 Gate 5 Road turns out to be, “**Ride the Ducks**” is clearly a totally “tourist” serving business. And, it will most assuredly displace a very desirable industrial business.

Furthermore, the detail goals for the “I” Zone in the Marinship are:

**1. INDUSTRIAL (“I”) ZONE**

**GENERAL INTENT**

**It is the objective of this zoning category to provide for industrial, service and arts uses, with the necessary support elements considered important to the City of Sausalito. This objective includes the general exclusion of commercial uses such as office, which could instead be designated in other areas of the City.**

Uses in the Marinship area should be limited to the following, and similar general types of uses as approved by the City, consistent with the goals, objectives, and functional organization of the Marinship Specific Plan.

**...Non-polluting, low traffic-generating, low intensity industrial uses,  
...industrial or marine-oriented research and development laboratories; ...**

Nowhere is there any mention of tourist serving businesses, much less charter tour bus/boat services. Not for their storage, nor their management, nor as points of embarking or disembarking, nor for sales. This use is simply prohibited in the Marinship.

**“Ride the Ducks”** is an Internationally recognizable trademark and logo. It is therefore a Formula Retail Operation whether under corporate or individual ownership. It is therefore prohibited in Sausalito except in specific Zones and then only with a Conditional Use Permit.

#### **SAUSALITO ZONING ORDINANCE**

##### **0.44.240 Formula retail.**

- B. **Applicability.** “Formula retail” means a type of retail sales activity or retail sales establishment, including food service, which is required to maintain any of the following: standardized (“formula”) array of services and/or merchandise, **trademark, logo, service mark, symbol, sign**, decor, architecture, layout, uniform, **or similar standardized feature**. “Service stations” as defined in Chapter 10.88 SMC are exempt from these formula retail provisions.
- C. **Conditional Use Permit Required.** A conditional use permit shall be required for any formula retail establishment in the City.
  - 1. **A formula retail establishment may be allowed only in the central commercial, shopping center and neighborhood commercial districts and only with a conditional use permit;**

**NOTE: “Formula Retail” is specifically prohibited in the Marinship Overlay Zone (W-M).**

At the time of writing this letter, no Occupancy Permit has been applied for **“Ride the Ducks”**. No Business License has been applied for. We know nothing of this owner or its business plan. We do know of the heroic efforts made to aid in combating the Covid-19 pandemic by many of the existing Marinship businesses. Engineered Fluids helped produce many gallons of hand sanitizer that has been gifted to Sausalito residents, senior housing, and care facilities, Universal Sonar Mount has cut hundreds of A Grade face shields for doctors and nurses – can the citizens of Sausalito expect anything like that from **“Ride the Ducks”**?

As we contemplate and attempt to shape the future of Sausalito, our priorities should begin with our values and those things that make this such a unique and magical place to live, work and visit. However, the majority of our current City Council has been persistent in their desire to scrap the MSP, 1022, and encourage assumed “sustainable” development to supposedly make the Marinship a piggy bank for the city. They do, however, make poignant statements about recognizing and protecting the innovators, artists, and maritime workers, which have proved to be hollow and duplicitous deceptions.

Any authentic prescription for the Marinship’s future must start with our elected leaders and City Staff truly committed to protect and encourage the innovators, artists, and maritime workers, by enforcing the existing codes and restrictions in the near-term, that we may all work together to protect them in the long-term.

In his May 2, 2020 letter, included in the May 5, 2020 Agenda of the General Plan Working Group, Gary D. Testa, President & CEO Engineered Fluids put it clearly,

**“Again, the last thing we need is more office space in the Marinship, **what we need is the city council to support, preserve, and expand the Marinship’s unique light industrial space and uses by actually enforcing the existing codes and restrictions in the Marinship that allow our businesses to exist.**”**



OR



The dream and promise of the Marinship Innovation Zone,  
vs, the nightmare and humiliation of the Kosmont Funk Zone?

**THE CHOICE IS YOURS !**

Recommendations to City Council for directions to City Staff:

1. Deny any Occupancy Permit – it would violate the MSP and the Zoning Ordinance
2. Deny any Business License – it would violate the Zoning Ordinance
3. Prohibit the Duck Boats from the streets – they are a health and safety hazard
4. Prohibit the Duck Boats from Richardson Bay – they are a health and safety hazard

With my best wishes for a sensible, sane, and suitable solution,

Sincerely,

Bill Werner  
213 Richardson Street  
Sausalito, CA 94965-2422

Attachment: Duck Boats 101

Cc: Heidi Scoble, Lilly Whalen, Adam Politzer, Mary Wagner