

LARKSPUR PLANNING COMMISSION
REGULAR MEETING MINUTES OF AUGUST 14, 2018

The Larkspur Planning Commission was convened at 7:00 p.m. in the Council Chambers by Acting Chair Ziesing.

Commissioners Present: Acting Chair Todd Ziesing, Daniel Kunstler, Laura Tauber,
Laura Tauber, Ignatius Tsang

Commissioners Absent: Chair Monte Deignan

Staff Present: Planning Director Neal Toft
Senior Planner Kristin Teiche
Assistant Planner Nicholas Armour

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- Several months ago, the City embarked on an enforcement action against the dilapidated building at 38 Millard Road. This two-story building had been vacant for over 30 years. It took some time working with the property owner but the City finally got voluntary compliance and the building has been removed.
- Senior Planner Teiche will be running the next Commission meeting.
- Associate Planner Camaraota recently retired from the City- best wishes to Anna!

Commissioner Kunstler asked if the traffic light by Marin General Hospital (east side of the bridge) was in the purview of the City. Planning Director Toft stated he thought so. Commissioner Kunstler asked if any thought had been given to installing intelligent traffic lights in lieu of the timed lights. It would ease conditions for pedestrians and bicyclists. Planning Director Toft stated he would report back.

PUBLIC HEARING ITEMS

1. **UP/SIGN #18-25: 2094 Redwood Highway, Greenbrae (APN: 023-031-16); Bruce Berman on behalf of Grateful Dog Inc., applicant, Tsuchiya Family Revocable Trust, property owners; L-1 (Light Industrial) Zoning District. Applicants are requesting the following permits to support permit approvals to operate a dog grooming, daycare, and limited overnight boarding, and sales of canine pet products in a 4,546 square foot commercial building: 1) Conditional Use Permit per LMC 18.52.025(D) for commercial retail services in the L-1 (Light Industrial) Zoning District; and 2) Sign Permit to change the copy of an existing nonconforming sign that was previously approved under a variance application. CEQA Status: Categorically Exempt pursuant to Sections 15301, Class 1 of the California Environmental Quality Act (CEQA) Guidelines; minor alterations to an existing building and new copy of an existing sign for a new commercial tenant located within a light industrial zone district.**

Assistant Planner Armour presented the staff report. He noted some late mail on the dais.

Commissioner Kunstler asked how the trash would be emptied (regular pick-ups by Marin Sanitary District or driven to another location). Planning Director Toft stated the sanitary district would service this business like other commercial businesses. He did not know the details.

Commissioner Kunstler asked if dogs would be required to be on leash when walking from the car to the front door of the facility. Planning Director Toft stated that the county permitting did not go into that detail, but the business could certainly recommend the use of a leash.

Commissioner Kunstler noted that City permits are issued prior to the permits from the Marin Humane Society and this seems to be “the cart before the horse or the tail wagging the dog”. He asked if the City was content with this process. Planning Director Toft stated the Commission’s approval of a use permit outlines measures that need to be taken prior to occupancy and during on-going operations. Maintenance of a Marin County permit would be required with occupancy. Commissioner Kunstler asked staff if they were aware of any instance of a business being closed down by the Humane Society for non-compliance with its rules. Planning Director Toft stated “no”.

Commissioner Tsang asked if the Humane Society has requirements for outdoor space. Planning Director Toft stated it was not on their list.

Acting Chair Ziesing asked if the employee count for the prior vs. the proposed business was comparable. Planning Director Toft stated the carpet store had a higher employee count than the golf store or the toy store, as it provided installation services.

Acting Chair Ziesing opened the Public Hearing.

Mr. Bruce Berman, representing the operators of the Grateful Dog, made the following comments:

- The owners have another facility that they operate and are very experienced.
- They met with a representative of the Humane Society and incorporated many of her suggestions.
- He described the facility.
- Dogs were separated by temperament and size and are in corrals.
- They use behavioral modifications methods to keep the dogs from barking, acting out, etc.
- There is a temperament test and not all dogs are accepted.
- Care and health of the dogs is of paramount concern as well as the impacts to the neighborhood.
- They put in three levels of noise protection.
- Outdoor space is not a requirement of the Humane Society.
- One dog walker per two dogs (one leash in each hand) is the maximum
- Dogs must come in on leashes (car to front door, etc.).
- He referred to the concern about odors and are proposing a vinyl storage enclosure with hazardous waste containers inside. A commercial operation picks up the waste (once a week or twice a week, depending on the need).

Commissioner Tauber asked where the grooming would occur. Mr. Berman stated at the northeast corner, adjacent to the bathroom. Grooming is a limited program- it is for a day-care and retail business.

Commissioner Tauber had questions about the business model. Mr. Berman stated there were a lot of repeat customers who do full days, half days, two days, five days, etc. The crates are open at night. Overnights will be on the west side of the building, furthest away from the residential community to the east.

Commissioner Tsang stated the partition between the dog area and the retail area was only seven feet high. Mr. Berman stated noise would not be an issue on the east side and they wanted to bring in natural light. Commissioner Tsang asked if overnight boarding could be as long as two weeks. Mr. Berman stated “yes”. Commissioner Tsang asked about the grooming. Mr. Ernie Cervantes, operational manager for Grateful Dog, stated it was just bathing. Commissioner Tsang asked if the exit on the east side was a sliding or roll-up door. Mr. Berman stated it was a sliding door. Commissioner Tsang stated he did not see a second way out without going through an intervening

room. Mr. Berman stated they could add an egress window on the south side. Commissioner Tsang had question about the existing ADA bath. Commissioner Tsang stated odor was a concern in a close area. Mr. Berman stated the building has an HVAC system and dog waste was cleaned up immediately.

Commissioner Kunstler asked about the intended walking trajectory from the building. Mr. Berman stated this was an industrial area with few sidewalks. There is an open space area at the corner of Rich Street and Industrial Drive and dogs are allowed on leash. Commissioner Kunstler had questions about the waste collection. Mr. Berman stated dog waste would be cleaned up immediately. Waste is picked up in a bag, and then placed into the plastic-lined hazardous waste bin.

Ms. Maya Blount, resident of the Larkspur RV Park, made the following comments:

- She was told by a Humane Society representative that the dogs would not be walked.
- She is concerned about noise pollution- there is only 31' from the back wall of the building to the RV Park fence.
- Opening and closing the waste cans would cause an odor.
- She asked how often trucks would make deliveries, where the trucks would park, and for how long.
- Her main concern is noise- the second concern is air pollution.

Mr. Thomas Kellig, resident of the Larkspur RV Park, made the following comments:

- He asked if they would be making provisions in the ceiling configuration for soundproofing.
- They need to add some insulation.

Mr. John Carol, resident of the Larkspur RV Park, made the following comments:

- Dog excrement and urine are biohazards.
- There should be a ventilation system.
- The vent system has to protrude 36" above the ceiling. He recommends 4 ½ feet.
- Waste should be dumped into a hazardous waste material container and then put out on pickup day.

Mr. George Bertram, owner of the Larkspur RV Park, made the following comments:

- The owners have agreed not to walk the dogs down Rich Street- it is an uneven, unimproved road.
- They have agreed to go down Redwood Highway and make a left on Industrial Boulevard to the open space. This should be made a Condition of Approval.
- The building seems to be acoustically sound.
- He would like his tenants to have a peaceful and happy existence.

Mr. Nathan Ballard, representing Keegan and Copan Real Estate, made the following comments:

- The character of the neighborhood is changing.
- He wants his tenant to be successful and a good neighbor.
- Several other businesses were interested in this site, but did not work out. This included Santa Rosa Sea Food Company with a full seafood market and fish smoking operation; Starbucks wanted to do a drive-thru coffee shop; Harley Davidson rental shop; and most recently a tire store. All were light-industrial uses, but with the changing character of the neighborhood, the landlord felt that The Grateful Dog would be a great fit for the property.

Mr. David Klum, resident of the Larkspur RV Park, made the following comments:

- The proposal is a bad fit for the neighborhood because of the "walking part".
- There are a lot of trucks in the area.
- There are no sidewalks on Industrial or Rich Street.

Mr. Bruce Berman made the following comments:

- These facilities typically go in light industrial areas that do not have sidewalks.
- Dog walking is not the primary program.
- There is a limited amount of dog walking that occurs mid-day. Not every dog is walked.
- There is a T-bar dropped ceiling- it is not a big, cavernous open space.
- They have an HVAC system that circulates the air.
- The deliveries are minimal and would occur primarily in the front and occasionally in the back.

Mr. Thomas Kellig, resident of the Larkspur RV Park, made the following comment:

- He asked if the veterinary clinic (two doors down) had boarding. Planning Director Toft stated "yes".

Acting Chair Ziesing closed the Public Hearing.

Commissioner Tauber provided the following comments:

- She is of two minds.
- Twenty seven dogs is a lot of dogs in one space.
- She was concerned about the pet waste.
- She can approve the Sign Permit.

Commissioner Kunstler provided the following comments:

- He is also of two minds.
- He is looking favorably towards the application.
- The Commission does not take lightly the concerns of the neighbors.
- The Humane Society is rather strict in formulating and enforcing regulations.
- He thinks the waste odors can be managed.
- Twenty seven dogs could be noisy but the mitigation measures should be adequate.
- The area near the RV Park should be avoided when walking the dogs- the business owners should commit to this.
- He could approve the Sign Permit although the pre-existing, 34' pole was excessive.

Commissioner Tsang provided the following comments:

- He is concerned about the noise.
- The drawings indicate the divisions between the pet areas will be 4' tall.
- He wanted the pet areas insulated to lower the noise levels.
- The ceiling probably does not have much acoustical value.
- He did not know how to deal with the noise.
- Recirculation of the air will simply continue the smell- the exhaust system is more important.
- He liked the suggestion of relocating the trash/dog waste from the outside to the inside.
- He does not have a problem with the sign.

Acting Chair Ziesing provided the following comments:

- His concerns were noise and fit- could they be a good neighbor in such close proximity to the residential area.
- He could approve the Sign Permit application.
- He agreed with the comments made by Commissioner Kunstler with respect to the odor issue.
- He suggested moving the storage facility inside the building.
- He is wrestling with the noise issue- twenty seven dogs is a lot of dogs.
- He appreciated the fact that the tenants have changed the internal configuration to address noise concerns.
- He was not sure the noise could be heard from the outside of the building.
- If the noise levels exceed the City Ordinance then it should be taken care of immediately.

- He respects the noise report done by Salter Inc.
- Walking down Rich Street is unnecessary and there are other places to walk the dogs such as Redwood Highway to the bike path.
- He could support the application with his suggested walking patterns.

Planning Director Toft briefly discussed the Transportation Authority of Marin's North/South Greenway Connection Project which would have a multi-use path on the other side of Redwood Highway (adjacent to the freeway). The project does not currently include upgrades to the frontage roads or pedestrians walkways. The Commissioners agreed with the additional condition for shoulder striping.

Commissioner Tauber provided the following comments:

- She is sympathetic to the business owners and understands that this is an industrial site.
- There are enough things that give her pause in terms of the noise, the dog walking, and the use of the site.
- There might be a better use of the site that would not be problematic to the neighbors.
- She could not approve the application.

Commissioner Tsang provided the following comments:

- He could approve the use at this location.
- He is not comfortable with the lack of noise mitigations.
- He could not approve the application.

Planning Director Toft noted a 2-2 vote would effectively be a denial. The applicant could appeal the decision to the City Council. Staff could return at the next meeting with the Findings for Denial. The Commission could also continue the application.

Acting Chair Ziesing reopened the Public Hearing.

Mr. Bruce Berman made the following comments:

- He referred to the concern about noise and stated they could consider change the STC rating of the dropped ceiling.
- They could review the acoustical issues.
- He would prefer a continuance vs. a denial.

Acting Chair Ziesing closed the Public Hearing.

M/s, Kunstler/Tsang, motioned and the Commission voted 4-0 (Chair Deignan absent) to continue UP/SIGN #18-25, 2094 Redwood Highway to the September 11th meeting.

- 2. DR/UP/HT #18-11: 1401 Larkspur Landing Circle; Bldg. E (APN 018-191-01); Jared Taylor on behalf of Shake Shack Restaurant, applicants; Marin County Mart LLC; property owners; PD (Planned Development) Zoning District. The applicants are requesting the following permits to allow operation of a new 165 seat restaurant at 1401 Larkspur Landing Circle (Building E) in the Marin Country Mart (previously Maxwell the Cleaners): 1) Design Review for exterior remodeling of the building façade, including demolition of the existing drive through canopy, and miscellaneous building features, and installation of new windows, new entryway and access improvements, new exterior dining patio and deck, and landscaping; 2) Conditional Use Permit to allow outdoor dining of approximately 98 seats; and 3) Heritage Tree Permit to allow the removal of 5 heritage sized trees along Larkspur Landing Circle and the central driveway adjacent to 1401 Larkspur Landing Circle (Building E), including three River red gum trees and two Red flowering gum trees. CEQA Status: Categorically Exempt pursuant to Sections 15303**

Class 3 of the California Environmental Quality Act (CEQA) Guidelines; Conversion of a small structure where only minor modifications are made to the exterior of the structure.

Senior Planner Teiche presented the staff report.

Commissioner Tauber asked staff to comment on the finding that there was not a need for a parking study. Senior Planner Teiche stated the center was approved with an overall trip count for the entire site. The center has historically had a range of uses including more restaurants than what is currently located in the center. Staff did not find that the overall trip generation rate would be higher than what has happened in the past.

Commissioner Kunstler asked if the Conditional Use Permit was specific to the outdoor portion and has nothing to do with the operation of a restaurant. Senior Planner Teiche stated "yes- it is a Use Permit for a restaurant with outdoor dining". Planning Director Toft stated the Commission can consider the restaurant operation in relation to the outdoor dining.

Commissioner Kunstler referred to the second ramp that spills into the parking area and was not ADA compliant and asked if this makes that area more hazardous. Senior Planner Teiche stated this was reviewed by the Building Inspector. Planning Director Toft clarified the ramp does not have a path of travel so it is not ADA compliant. A sign could be installed.

Commissioner Kunstler had a question about the trees. Senior Planner Teiche stated the Gum tree has been identified as a nuisance tree in the Municipal Code.

Commissioner Tsang stated he also has a problem with fact that the average daily trip count will not be considered. Parking at the center is a huge challenge and he was asked why they were ignoring what is being experienced.

Acting Chair Ziesing opened the Public Hearing.

Mr. Jared Taylor, representing Golden Property Development, made the following comments:

- They reviewed and accept the Conditions of Approval.
- The location of the service side of the restaurant made the most sense- they did not want it facing out towards the parking lot. Planting will be used as a form of screening.
- They were agreeable to a Condition of Approval with respect to the maintenance of the plants.
- There is no pedestrian sidewalk along the entrance into the center.
- The non-ADA ramp does not serve an ADA path of travel or ADA parking stalls. They would be willing to install signage ("Not an ADA path of travel").
- There is an ADA ramp on the other side of the building.
- Several of the trees slated for removal are in the sewer easement. They will be replaced by Redwoods.
- They are adding parking stalls to the shopping center.
- It was important to distinguish an overall parking problem vs. one that is specific to this building.

Mr. Jim Rosenfield, owner of the Marin Country Mart, made the following comments:

- He hears complaints about traffic and parking- this is a commuter issue that has been recently improved upon.
- Management monitors parking constantly and they provide valet parking.
- They have a lease on the ferry terminal parking for Saturday and Sunday, there busiest days.
- The SMART train will be an alternative mode of transportation.
- The outdoor dining area will create connectivity to the central courtyard.

Commissioner Tauber referred to the outdoor seating and asked if there were a lot of tables for two. She asked about the configuration for seating. Mr. Taylor stated there were a lot of two-tops

because they can be put together to make four tops, etc. to accommodate larger parties. They are movable tables.

Commissioner Kunstler had questions about operational features and noted other Shake Shack locations have a lot of take-out business and disposable service items. He wanted to be confident that waste would not be accumulated in the neighborhood. Mr. Taylor stated take-out restaurants/businesses have increased dramatically. They promote recycling but cannot guarantee a customer will recycle. Commissioner Kunstler stated he did not want the facility to contribute to a waste issue and wanted to make sure there were measures in place to mitigate waste. Mr. Rosenfield stated both the tenant and the shopping center have recycling programs.

Commissioner Tsang asked about parking for the take-out aspect of the business. Mr. Rosenfield stated they would be willing to create short-term parking spaces for pick-up, but he was concerned with a precedent for other uses in the center. Valet parking could also be used for take-out. Commissioner Tsang stated pick-up will be an issue and should be addressed.

Commissioner Tsang stated the tables are right up to the edge of the parking lot and he asked if there would be a buffer. Mr. Rosenfield stated "yes, there would be a landscaping buffer and a fence".

Commissioner Tsang suggested they increase the slope of the service area ramp and get rid of the dog-leg. Mr. Rosenfield stated it would not be ideal for deliveries to occur at the customer entrance. Deliveries should go to a delivery entrance. They could install a sign noting "Not an ADA entrance". Mr. Taylor stated they could have the civil engineer look at this suggestion.

Acting Chair Ziesing closed the Public Hearing.

Commissioner Kunstler provided the following comments:

- He is generally supportive of the application.
- His positive inclination has a lot to do with the success of the Marin Country Mart in meeting the concerns of the community over the last ten years.
- He agreed with Commissioner Tsang's suggestion about the other ramp.
- He did not have a problem with the design or the Heritage Tree Removal Permit.
- The proposal would eliminate a "dead zone" in the center.
- He could approve the application.

Commissioner Tsang provided the following comments:

- He could approve the Heritage Tree Removal Permit.
- He referred to the Conditional Use Permit for outdoor dining and stated he was concerned about the take-out aspect and people being dropped off and how that would jam up that area. He wondered how it would impact the experience for outdoor diners.
- Valet parking would not be used for pick-up.
- He agreed with the staff recommendation about screening in the service area.
- He wanted them to eliminate the dog-leg in the ramp for safety reasons
- He wanted signage for that non-ADA compliant ramp.

Commissioner Tauber provided the following comments:

- She can make the findings for Design Review.
- This proposal would be an upgrade from the prior tenant.
- She liked the idea of outdoor dining.
- She could make the findings for the Heritage Tree Removal Permit.
- She is concerned about the parking at the center.
- The valet is helpful.

Acting Chair Ziesing provided the following comments:

- He likes the project and the idea of taking that space and making it a social eating area.
- The railing will look really nice.
- He likes the attention that has been paid to the landscaping.
- He shares the concerns about the rear area- it is very visible. The barrier could be three to four feet.
- He is not that concerned about the ramp but likes Commissioner Tsang's idea about chopping off that dog-leg, reorienting it so it is a straight shot, and making it as a service ramp.
- He could make the findings for the Conditional Use Permit, Design Review, and the Heritage Tree Removal Permit.
- Take-out is growing- anything they can do to support the flow and circulation for the take-out would be great.
- They might want to consider doing a traffic/parking study. The current traffic flow is old-fashioned.

Senior Planner Teiche asked the Commission if they wanted to add condition to address concerns regarding screening trash facilities and revising the ramp. The Commission reasoned that they were confident that the applicants would address the concerns and they did not think additional conditions were required.

M/s, Tauber/Kunstler, motioned and the Commission voted 3-1-1 (Tsang voted no, Chair Deignan absent) to approve DR/UP/HT #18-11, 1401 Larkspur Landing Circle, Building E, subject to the findings and conditions in the staff report.

Acting Chair Ziesing stated there was a 10-day appeal.

BUSINESS ITEMS

1. Commissioners Reports

There were no reports.

2. Approval of minutes of Planning Commission meeting on July 24, 2018

M/s, Tauber/Tsang, motioned and the Commission voted 2-0-3 (Chair Deignan absent, Acting Chair Ziesing and Commissioner Kunstler abstained) to approve the minutes from the July 24, 2018 meeting as corrected.

The meeting was adjourned at 9:34 p.m.

Respectfully submitted,
Toni DeFrancis,
Recording Secretary

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Larkspur Planning Commission on August 28, 2018.



Neal Toft, Planning Director