

LARKSPUR PLANNING COMMISSION
REGULAR MEETING MINUTES OF SEPTEMBER 11, 2018

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

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

Commissioners Absent: Chair Monte Deignan

Staff Present: Planning Director Neal Toft
Assistant Planner Nicholas Armour

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- A public workshop for the General Plan Update was initially scheduled to discuss the Open Space, Environmental Resources and Conservation, and Community Character Elements. Over the last month, Staff has worked with the consultant on updates to the initial Citizens Advisory Committee draft and did not recognize items of significance requiring broader community input. He noted most issues could be tackled in the Steering Committee meeting, and the Committee could provide direction for a larger meeting if necessary. There will be a study session next Tuesday night focusing on the Community Character Element.

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. Note: This matter is continued from the August 14, 2018 meeting of the Planning Commission.**

Assistant Planner Armour presented the staff report. He noted staff received several pieces of late mail.

Commissioner Kunstler noted the proposed dog walking route crosses into another jurisdiction and he asked if they have any sway over the Commission's decision since they would be impacted. Assistant Planner Armour stated he did not think so.

Chair Deignan asked if a dog-walking business needed any permits aside from a Business License. Assistant Planner Armour stated the Marin Humane Society might have a different type of permit for dog walking.

Chair Deignan opened the Public Hearing.

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

- He gave a PowerPoint presentation.
- The staff report was concise and well thought-out.
- The initial application included operational mitigations and planning. After listening to the neighbors they have increased these mitigations to reflect their concerns.
- The four concerns were: 1) Noise, 2) Smell, 3) Dog walking, and 4) Ventilation.
- He referred to noise mitigation and stated the dogs will be kept in the building in a designated area at all times.
- The eastern wall of the pet area will be framed to the roof rafters and covered with two layers of ½ inch sheet rock. He pointed to the area where a solid core door would be added.
- They analyzed the potential of 27 dogs barking simultaneously and determined that it would not exceed the City of Larkspur exterior noise limits either at night or during the day. They would be well below the maximum decibel levels permitted by the Noise Ordinance.
- They moved the containers for the dog waste from outside to inside the building. It will be kept inside a closet in hazardous waste containers.
- They heard the concerns about dog walking from residents to the east and one business owner. They discussed the proposed alternative route that should mitigate any concerns.
- They added the concept of a “whole house fan” which would draw fresh air from outside and change the air in the building every twenty-two minutes.

Commissioner Kunstler referred to the redesign of the sound insulation and asked if additional sound mitigation infrastructure could be added if the noise generated was more than anticipated. Mr. Berman stated “yes”. They believe they will be well within the limits with the proposed mitigations.

Commissioner Kunstler referred to the proposed ventilation system and asked if it included a filtration system. Mr. Berman stated “no”- the air would be exhausted over eighty feet from any residence.

Mr. Jon Carroll, general contractor, made the following comments:

- He is a licensed hazardous materials board certified specialist.
- He has two concerns- the noise and the bio-hazard capability of the dogs.
- He noticed another dog walking operation walking dogs down Rich Street. The dogs do their business and it is not picked up.
- He proposed that the owners install a product called Quiet Rock. It is more expensive than sheet rock but one sheet is equal to nine sheets of regular sheet rock in terms of sound proofing.
- They could install a Heppa filter in the ventilation system- they are widely used in biohazard containment.
- They have a good plan for the dog-walking.

Mr. Jason Duty, acoustical consultant, made the following comments:

- He discussed the science of acoustics.
- Quiet rock is a product that has two layers of sheet rock with an interstitial layer inside.
- Adding quiet rock to the interior wall is not going to change the acoustical performance going out of the building.
- What is actually more important to the sound proofing is the large gap between the interior wall to the dog area and the exterior wall to the rear parking lot. This has the effect of reducing escaping sound.

Ms. Mai Billaud, resident of the Larkspur RV Park, made the following comments:

- She is not concerned about the noise inside the facility. This seems to be covered.

- She is concerned about dogs coming in the morning and being picked up in the afternoon. Dogs will be barking.
- People will be parking in front of the facility and on Rich Street.
- The back wall of the facility is only 29 feet from the wall of the RV Park- a very short distance.
- She was concerned about noise when the back door is open. How often will this rear door be opened?

Ms. Elena Victor made the following comments:

- She spoke on behalf of the Grateful Dog.
- She has lived directly above the existing facility in San Francisco for about a year.
- She has never had any problem with them as neighbors in terms of odor or noise.
- People drop dogs off quickly so parking is not a problem. They do not all come at the same time.
- She supports the application.

Commissioner Kunstler asked how many dogs the San Francisco facility can accommodate. Ms. Victor stated she did not know.

Mr. Hrishikesh Desai made the following comments:

- He lived near the Grateful Dog for about a year.
- He had no problems with noise, smells, or parking.
- He uses their facility a lot.

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

- He represents the owners of 2094 and the window store at 2100 Redwood Highway.
- The owners are interested in being good neighbors as well as having a tenant who is a solid operator and who is not going to cause problems.
- The owners feel strongly that this is the right fit.

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

- He asked if this was a two-year Conditional Use Permit and if it could be rescinded should they violate the conditions of the Use Permit. Planning Director Toft stated State law does not allow a time limit for Use Permits. The City could conduct a hearing and put the business on notice if it was in violation of the Use Permit.
- They have done a good job responding to the concerns expressed at the last meeting.

Ms. Joanne Foy, San Francisco, made the following comments:

- Her dog goes to the facility in San Francisco.
- The place is great.
- She supported the application and encouraged the Commission to grant the Use Permit.

Mr. Len Rifkind, attorney for the applicant, made the following comments:

- He discussed the constitutional issue regarding dog walking.
- There is a constitutional right to travel and the City does not have the right to tell people where they can walk dogs (assuming it is a safe place on a public road).
- The applicants, in an attempt to be good neighbors, have defined a route.
- According to Captain Machado of the Humane Society, dog waste is not a bio-hazard- it is considered regular waste that goes to the landfill.

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

- He stated there were a lot of businesses in the area that depend on vehicles.
- Walking dogs in the area could be a disaster.

Mr. Berman made the following comments:

- The proposed route is the safest and the one they would prefer.
- The business has one dog walker for two dogs.
- They have 15 parking spaces in front of the building- one is an ADA space.
- The building could be under-parked for a typical retail business, but is ideal for the proposal.
- There are three layers of doors in the back of the building. They always keep doors closed to prevent dogs from running outside. Noise should not be a problem.

Commissioner Tauber asked if the dog walking would be a 15-minute route that would occur in the middle of the day. Mr. Berman stated “yes”, but there are multiple dog walkers and not all dogs are walked.

Chair Deignan closed the Public Hearing.

Commissioner Tsang provided the following comments:

- He is very impressed with the responses to the comments that were previously made.
- The signage is not a problem.
- The proposed mitigations are appropriate.
- Moving the trash storage into the building contains the smell.
- Ventilation is an important issue and they dealt with it well.
- He is pleased with the proposed walking path- it is safe
- He could support the application.

Commissioner Kunstler provided the following comments:

- He agreed with the comments made by Commissioner Tsang.
- They have done a remarkable job addressing the issues.
- He has been attentive to the objections from the local residents.
- The mitigations adequately address the objections.
- Dog walking is incidental to the business.
- He would prefer that they install a Heppa filter system.
- He referred to the condition related to walking the dogs along a predetermined path- he was leery about the Commission overstepping its mandate and trying to regulate behavior.

Commissioner Ziesing provided the following comments:

- The concerns expressed at the last meeting were valid and made sense.
- The applicant has tried to address and mitigate these concerns.
- He appreciated the revision to the dog walking route. He would prefer to remain silent on this issue.
- He thought it may be better that they take multiple different routes and not impact one area.
- He appreciated the adjustment made in moving the disposal area. He did not anticipate an odor problem given the amount of packaging involved.
- He appreciated the spirit of the sound proofing and the ventilation - smells should dissipate and additional sound proofing was a good idea.
- He referred to the concern about parking and stated this business will have fewer employees than the previous one and felt there would be fewer or equal trips. There would be no additional impact beyond what existed before.
- The use may reduce trips in the community.
- This is an area zoned light industrial.
- He could support the Sign Permit and the Conditional Use Permit.

Commissioner Tauber provided the following comments:

- She appreciated the thought put into the revised proposal and the attempt to address the concerns.
- She is still bothered by the application. It feels like they are trying to fit “a square peg in a round hole”.
- This is not the right use for this location given the proximity to residents, walking dogs in a heavily trafficked area, etc.
- She could support the Sign Permit.
- She could not support the Conditional Use Permit.

Chair Deignan provided the following comments:

- He was not at the last meeting but listened to the tape.
- Moving the dog waste enclosure was an “elegant” solution. Dealing with the odor would be a matter of self-policing.
- The acoustic engineer was of the opinion that there will be an effective sound barrier.
- The signage is low key and modest.
- They should not be dictating what an applicant can do once off-site. That would be overstepping their bounds. They should remain silent on the dog walking issue.

M/s, Kunstler/Tsang, motioned and the Commission voted 4-0-1 (Tauber voted no) to approve UP/SIGN #18-25, 2094 Redwood Highway, based on the findings and conditions in the staff report, and the City should remain silent on the issue regarding dog walking routes/paths.

Chair Deignan stated there was a 10-day appeal.

BUSINESS ITEMS

1. Adoption of findings of denial for application DR/FHE #18-04 requesting construction of an approximately 1,500 sq. ft. two story addition at the northwesterly rear corner of an existing single story, single family residence, and to legalize an existing shrub row fence and driveway entry arbor that exceeds the 42 inch height limit for fences in front yard at 422 Alexander Avenue (APN 021-233-06). Note: The Planning Commission acted to deny the application on August 28, 2018

Planning Director Toft presented a staff report.

Commissioner Kunstler asked if this has been appealed. Planning Director Toft stated “no, but the 10 day appeal period starts after this decision”.

M/s, Tauber/Kunstler, motioned and the Commission voted 5-0 to adopt the findings of denial for application DR/FHE #18-04, 422 Alexander Avenue.

2. Commissioners Reports

Commissioner Ziesing asked if there were plans to expand the bridge on Magnolia Avenue (outside Peri’s Restaurant)- it is very narrow. Planning Director Toft stated he was not aware of any plans in the Capital Improvement Budget. Commissioner Ziesing stated they could remove the sidewalk and force pedestrians onto the wooden walkway- this would add more driving space.

Commissioner Ziesing stated that adjacent space next to Pico’s that belongs to PG&E could be used as a place to hang out and eat pizza. Planning Director Toft stated it was a major switching station for AT&T.

Commissioner Kunstler stated the retaining wall next to the entrance of the parking behind City Hall was in need of repair. Planning Director Toft stated that project was in the Capital Improvement Budget.

3. Approval of minutes of Planning Commission meeting on August 28, 2018

M/s, Tauber/Tsang, motioned and the Commission voted 5-0 to approve the minutes from the August 28, 2018 meeting as submitted.

The meeting was adjourned at 8:34 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 September 25, 2018.



Neal Toft, Planning Director