

A special meeting of the San Anselmo Planning Commission was called to order on February 24, 1986 at 8:05 p.m. by Chairman Kroot in the Little Theatre at Sir Francis Drake High School. Staff present: John Kottage, Director of Public Works and Planning, Lisa Wight, Planning Technician, and Hadden Roth, Town Attorney were present.

ROLL CALL

Commissioners Present: Harle, Hayes, Heubach, McPeak, Sharp, Zaharoff, Chairman Kroot

PUBLIC HEARINGS

U-606 - Dancewonder, America, Carter C. C. Collins, 330 Sir Francis Drake Boulevard, A/P 6-251-04, Initial Environmental Review, Use permits for a place of amusement, entertainment and recreation in the upstairs area of the subject property, which is in the C-3 zone;

1. Dance and aerobic instruction - including ballet, tap, modern, jazz, ethnic, yoga, tai chi and weight reduction. To be used by a variety of Marin individuals and companies, i.e. Bod Squad, Dance Through Time.

2. Dancewonder, America offices - administration, management, operations and reception.

3. Private parties, seminars, lectures to be used by any Marin agency or individuals, such as Kiwanis, Marin Antique Society.

4. Residence for occasional overnight use of sleeping by Mr. Collins.

5. Juice Bar - drinks and food.

6. Exhibits of Marin photographers and artists.

V-2109 - Dancewonder, America, Carter C.C. Collins, 330 Sir Francis Drake Boulevard, A/P 6-251-04: Parking variance based on the above listed uses and existing theater and lobby;

Above proposed uses upstairs - 5,000 square feet of floor area - 50 on-site parking spaces required. The previous use, Arthur Murray Dance Studio, predated the Town's current parking and use permit requirements.

The applicant was present.

Chairman Kroot explained that a proposal for Club MINE! was not a part of this application and would be discussed in a workshop session following this public hearing.

Planning Director Kottage reported on the uses proposed for the upstairs area of the Tamalpais Theater. Staff had concerns about the proposals for aerobic and dance instruction as well as private parties, with particular concern about the number of parking spaces available, traffic and circulation and noise generation. Staff differed with the applicant about the number of parking spaces available and the number needed for these uses and was skeptical about the number of patrons the applicant projected would carpool or take public transportation to the site. An aerobic studio on Greenfield Avenue with 54 parking spaces available in the area has generated significant parking problems. There are 31 on-site parking spaces in the Tamalpais Theater lot, of which 20 spaces are leased to other businesses, leaving 11 spaces for the proposed uses and the existing theater.

Police Chief Del Santo agreed there is a parking problem in the Greenfield Avenue area, which is adjacent to the Tamalpais Theater, and furthermore noted that spaces in the Tamalpais Theater lot are used by other businesses.

Mr. Collins responded that staff had asked him to estimate the maximum number of people he expected each of the uses to attract and felt it was unfair to be judged on these maximum figures. It may take up to 2 to 3 years to reach the maximum level and the immediate parking demand may be as low as 6 to 8 cars. He said there are 139 spaces available within the radius of the theatre which would be available to his business as they would be to any other business at night.

Mr. Collins reported that he was using the existing facility that had been used for a dance studio for 30 years and adding some additional uses which he said would not create an impact beyond what is there now. The proposal was for a dance program to include daily dance classes, with some being held in the evening. This would be supplemented by aerobic classes and rentals to private organizations and individuals for private events. The exhibit aspect of the application would be to display local artists' work.

Marilyn Meadows, owner of the San Anselmo Country Store at 312 San Anselmo Avenue, asked Mr. Collins whether the aerobics and dance classes would be open to the public in general, how many classes would be held, whether they were for adults, if the building met fire code requirements and what would prevent patrons from parking on Sir Francis Drake Boulevard. Mr. Collins responded that the classes would be open to the public, he did not know how many classes would be held but each class would last approximately 1.5 hours, and he agreed he will want to fill his calendar for use of the space as much as possible. He said he is attempting to have a dance studio but will make the space available to aerobic classes since he has enough room; it is unlikely he will have both dance and aerobic classes simultaneously, unless one of them is held in the small 7 person studio. A 50/50 split between adult and youth participants is expected and he said he is in the process of bringing the building up to fire code standards.

Ed Cunningham, 21 Lincoln, asked the Commission if it intended to review and vote on the use permit and variance applications separately. Chairman Kroot responded affirmatively. Mr. Cunningham spoke against issuance of the use permit, saying that the proposal lacked specific information on the number of people who would be using the facility and the number of automobiles it would attract.

Brenda Tanner said that yoga, tai chi and weight reduction are important parts of dance, as is a juice bar, as proposed by Mr. Collins.

Nancy Nims, an aerobic dance instructor, spoke on behalf of Mr. Collins' credibility and performance. She said he operated a very professional and comprehensive dance instruction program in Vienna where he was very adequate and professional in organizing people. She suggested the Town look at what could be added to San Anselmo by this proposal rather than what might be taken away.

Eddie Yakovich, San Anselmo Tire and Brake, 20 Greenfield Avenue, said his business leases spaces in the Tamalpais Theater lot, Monday through Saturday. He questioned how many people the main dance studio will hold and how many patrons are necessary to sustain the proposed business.

The Fire Department's maximum occupancy standards are 242 people in the main dance area and 86 people in the office space area for a total of 328 people on the upper floor.

Eric Swenson, 31 Lincoln Avenue, said that the Lincoln Avenue neighborhood, which is particularly sensitive since it is surrounded by businesses, has been trying to get its will known to the town for years. He said the former dance studio and existing movie theater uses themselves were too much for the site, let alone the additional proposed uses.

Joyce Brown, an owner of Elan Fitness Center, 230 Greenfield Avenue, said she would not want to see the same parking problem near the Tamalpais Theater that exists on her business' end of Greenfield Avenue.

Mr. Collins said the use permit for the fitness center was issued based on 20 members and the current membership exceeds that level.

Dan Thomas, whose office is located at 224 Greenfield Avenue, said there are overflow parking problems from Elan and Living Foods on Greenfield Avenue because those uses were not looked at carefully by planning staff. Consequently, his business, which generates a small parking demand, is suffering. Parking requirements for assembly and entertainment uses are more restrictive in other jurisdictions than San Anselmo's requirement of one space per 100 square feet; San Rafael's requirement is 1 space per 30 square feet, for example.

John O'Connor, 72 Lincoln, said he did not receive a notice of this hearing, the noticing was inadequate and the proposal did not have adequate information. He suggested the Commission continue the application to another hearing or deny the application so that the applicant can put together a complete package. He preferred the latter, noting that many parents and merchants have difficulty in repeatedly attending night hearings.

Tony Barbera, co-owner of Carousel Antiques, 316 Sir Francis Drake Boulevard Bank Street resident, said the businesses on Bank Street and Sir Francis Drake Boulevard near the theater are suffering due to lack of parking spaces.

Shirley Fisher, 77 Lincoln said there was inadequate notice for this hearing.

Bill McGivern, 24 Lincoln Avenue, said there are 8 to 10 businesses already adjacent the Lincoln Avenue neighborhood and argued that the Town cannot allow another evening business in his neighborhood. The existing businesses use the on-street parking spaces in this neighborhood and generate trash which he picks up every morning.

Bill Bandy, owner of San Anselmo Shoe Repair, 730 San Anselmo Avenue, said the idea for a club for kids was sold on the grounds it would be drug-free and alcohol-free and therefore who could be against it. He doubted that Marin has as much of a drug problem as other counties, saying it has not been proven that there is a drug problem among Marin youths between 16 and 25 years of age. Even if this were to be proven, it is not proven that Mr. Collins' plan will help youths and yet he is asking San Anselmo to disrupt its parking and traffic.

Mike Freitas, San Rafael student, said there is not enough for kids to do in Marin County and questioned where parents would rather have their children go.

Terry Davis, 58 Lincoln, said the public hearing should have been more widely noticed.

Tora Brown, Tamalpais High School student, said there is no place for kids to go in Marin County and they would not abuse such a place. She said kids wanted a juice bar where no alcohol is served.

Robert Pelusi said it was unfair for this business to be denied a chance to operate, adding that the merchants speaking against the proposal would benefit from it not being there because it would mean more parking spaces available for their use.

Herman Kramer, 1 Allemand Lane, said there was inadequate notice for this meeting.

The owner of Drake's Antiques and Marin Furniture on Greenfield said there was inadequate notice for this meeting, Mr. Collins' proposal is out of the question for San Anselmo, there is inadequate parking for this use, and if Mr. Collins' business is successful, the other businesses in that area could be out of business.

David Naftalin, Kentfield resident, said that kids were not notified about this meeting which made him angry.

Sally McGivern, 24 Lincoln Avenue, a member of the Elan Fitness Center, said that Elan does not have as many members as it wants and if they are unable to attract enough members, how does Mr. Collins expect to have adequate membership.

Doug Bullis, Ross resident, said Mr. Collins had falsely represented that the Marin Community Playhouse supported his application when in fact they had declined to work with him in applying for grant monies. He questioned why Mr. Collins was asking the San Francisco Foundation for funding.

Pat Barbera, co-owner of Carousel Antiques, 316 Sir Francis Drake Boulevard, questioned whether there was a need for a youth oriented facility and where an appropriate site would be for such an activity. She said the Tamalpais Theater was a particularly poor location due to the traffic signals, steep stairs and kids' use of skateboards in that area.

Jess Galepa said that San Anselmo is a good location for a youth center, noting it is central to many areas.

Joyce Brown, one of the owners of Elan Fitness Center, questioned the aspect of Mr. Collins' proposals that aim at membership among persons 16 to 25 years of age, saying that her 22, 24 and 26 year old children would not go to a place patronized by teenagers. She said teenagers do not go to the Recreation Center dances because they are supervised and that there are places in Corte Madera for teenage activities.

Marianna Moussier, 19 Bank Street, said whenever the Tamalpais Theater plays a successful movie, cars are parked in the no-parking red zone. On an occasion when there was a party nearby, cars were parked in her driveway that could not be moved quickly because there were so many other illegally parked cars being towed.

A representative of Roy Farrington Jones, 224 Sir Francis Drake Boulevard, said the Tamalpais Theater is 255 feet from his property but he did not receive a notice of the public hearing.

David Naftalin, student, said that youth events in the San Rafael Community Center must be scheduled on year in advance.

Nancy Nimms explained that the proposal was essentially for a cultural center with the emphasis on dance.

Donna Mannie, owner of the San Anselmo Country Store, asked why a residence was being proposed for upstairs. Planning Director Kottage responded that Mr. Collins has a vision problem and therefore would have difficulty leaving the premises at night.

Brenda Tanner, San Anselmo student, noted that Elan Fitness Center is for women only whereas Mr. Collins' business would also allow men.

Judy Hebert, 69 Lincoln, spoke against the application, saying it was too vague.

Steve Sibley, 42-50 Greenfield Avenue, asked who would use the Tamalpais Theater parking lot, which is the greatest problem, and that the town has to do something about the parking lot.

Elaine Crawford, Hunter's Depot, 204 Sir Francis Drake Boulevard, said there is nothing more pertinent to discuss than parking in San Anselmo.

Jan O'Connor, 72 Lincoln Avenue, said there are 20 to 30 kids in the Lincoln Avenue neighborhood who play in the street and for whom additional cars attracted by this use would pose an extra danger. Furthermore, there is only one exit to Lincoln Avenue.

Tony Smith, Pt. Reyes area resident, said he has never had a problem finding a parking space in San Anselmo.

Mr. Collins said his work with the Planning Commission has been going on for one month and that he has progressive ideas for handling parking. He asked staff about the zoning and parking requirements for this property.

Staff responded that town code requires use permits for amusement, recreation and entertainment uses in the C-3 zone, the zoning designation for this property, and further requires one parking space for each 100 square feet of floor area for dance halls, commercial places of amusement, assembly halls without fixed seats and exhibition halls.

Mr. Collins said he was being made to do things that other persons are not required to do. He said he thought he was doing exactly what the Arthur Murray studio did, namely dance classes and parties. However, Arthur Murray served alcohol, he said, and he would not serve it. Concerning parking, Mr. Collins said that if there are classes for 10 to 14 year olds, the students will not be driving - they will be dropped off. He said the estimate of 60 students is a maximum figure including a teacher and assistant.

Peter Gilbert, husband of one of the owners of the San Anselmo Country Store, said the description of "private parties" in the proposal was so vague he questioned whether Mr. Collins intended to operate his Club MINE! proposal under the guise of private parties.

Mr. Collins responded that he was an outsider, that he has a right to have a business, and that he would not go against his word that he would not operate Club MINE! without a use permit.

Mariana Moussier, 19 Bank Street, said the Arthur Murray Dance Studio was not successful; at the most she saw 12 couples attending a class.

Christine Heubach, 61 Lincoln Avenue, asked when Arthur Murray Dance Studio was established and why the proposal for Club MINE! was separated from the use permit proposal being reviewed tonight.

Mr. Collins said the persons who oppose Club MINE! are older than the persons who will be using Club MINE! and the persons who oppose Club MINE! are consistent with the kinds of persons who, because they own property and businesses, think they can judge what young people will do and what their rights are; he was opposed to that. He said he had thought he could get a fair hearing on his proposal. He had offered space to the Antiques Association and subsequently heard there was a rumor that he intended to bus black kids in from Richmond. No other applicant would have to go through what he has had to go through, he said.

Tony Barbera, co-owner of Carousel Antiques, said he belonged to the Antiques Association and no act took place. The concerns of the neighborhood had nothing to do with race, he said. Other audience members called for an apology from Mr. Collins.

The owner of Elan Fitness Center said she spoke with three persons that day whose applications were denied by the Planning Commission due to inadequate parking. Furthermore, she said the community was concerned about youths and that Mr. Collins' statement about property ownership shows he may not be qualified to be working with kids.

Ed Cunningham, 21 Lincoln, objected to discussion of any issues other than the first item on the agenda. ◊

At 10:00 p.m., there was a break in the Commission hearing. The meeting resumed at 10:15 p.m., at which time the discussion was brought up to the Commissioners.

Commissioner Hayes noted that this is the first meeting the Commission has had with the applicant.

In response to Commissioner Hayes' inquiry about the proposed uses, Mr. Collins said that aerobics will not be the main diet of the business and he will have various kinds of dance such as ballet, tap, modern or ethnic. There are two studios, one of which will hold 300 dancers and the other 8 people, or less if used for jazz. However, he said 60 is the maximum number of dancers manageable in class, and therefore 68 is the maximum number of students expected. His parking estimates were based on inclusion of an incentive program for persons taking public transportation - since the theater is close to transit - and carpooling, noting that there will be youths using his programs and therefore it is extremely unlikely that all 68 people will drive.

Planning Director Kottage voiced staff's disagreement with Mr. Collins' assumptions about the use of public transportation. He said the use of public transportation is not frequent in an affluent community such as Marin and noted that people who live in the hills must still get to the flat areas in order to use public transportation.

Mr. Collins said the purpose of the office was to run the Dancewonder business and that the residence would not be his principal residence. He did not have an estimate of the number of people who would attend the private parties but he estimated that he may rent the space for private parties about 4 times a month.

Commissioner Hayes recommended a traffic expert give an opinion on the proposed uses and the parking plan.

In response to a question from Commissioner Hayes, Planning Director Kottage said staff considered this proposal a greater intensity of use and therefore could have a greater impact than the previous use, Arthur Murray Dance Studio.

Chuck Brown, Mr. Collins' partner, said he taught at Arthur Murray Dance Studio two to three days a week for the last four years and that it was a successful business, contrary to the testimony from Ms. Moussier.

Commissioner Heubach said he lives within 300 feet of the Tamalpais Theater and will abstain on this application.

Commissioner Harle stated that any significant increase in magnitude of use is not advisable in that area. Adding that even now Bank Street through Greenfield via Lincoln Avenue is overused by commuters, he would oppose any significant increase in traffic and parking in that neighborhood.

Referring to the environmental checklist prepared by staff, Commissioner McPeak asked how many classes per day would be held. Mr. Collins responded that he did not now know. He said he had plans to buy the building and when that happens, the leases for parking spaces in the Tamalpais Theater lot will terminate, although he added that he did not want to terminate the lease. Commissioner McPeak said he could not make the finding that the proposed use is not detrimental to the neighborhood.

Commissioner Zaharoff said there was inadequate parking for the proposed use, noting that even if the leases on 20 of the spaces were terminated, the applicant would still be short 19 spaces for the proposed use and the cars that use those leased spaces will have to go elsewhere. There already is a very significant problem with parking in this area. Furthermore, the Commission must look forward three years and beyond at the possible impacts from this use.

Commissioner Sharp said he could not support the proposal with the information available, saying that at the very least he would need to see a focused environmental impact report on traffic and circulation and more information about enforcement problems. He noted that the applicant did not know what the turnout will be for the proposed uses, but the Commission cannot afford to take the risk that it might work out in such a way that there will be additional parking and traffic impacts. He said he would be hardpressed to get the information needed to convince him that the Commission ought to take the risk of complicating a traffic problem that is already bad in this town, noting they have to make the finding that the use will not create a detrimental impact on people living and working in the neighborhood.

Chairman Kroot commented that the proposal was a good idea but a bad location. The parking impact will be rough on neighbors and merchants and he did not see how this proposal would not be detrimental to the neighborhood.

In response to a question from the Commission, Town Attorney Roth advised that a project can be disapproved without an environmental assessment if the Commission felt that no matter what information was submitted they would deny the application. If there is any environmental information that the applicant should provide or if he can modify the application in such a way that would sway the Commission's decision, he should be given that opportunity. If the Commission feels it needs more information to make a decision, then the Commission should ask for an environmental impact report.

Mr. Collins said he had proposed a parking by permit system for the Lincoln Avenue neighborhood to ensure parking spaces for residents. He said the parties with maximum use of the building would be at night, at which time he said there is alot of parking available.

Planning Director Kottage said the Commission could require a traffic engineer to review the application with respect to parking, traffic and circulation, with the cost to be encumbered by the applicant. However, the applicant will have to supply specific information on the number of patrons, hours of operation, number of events and other facts that the applicant has not yet produced.

Commissioner Hayes commented that the Commission could spend alot of the applicant's money and alot of everyone's time and end up with the same result of denying the application.

Mr. Collins said that he could not project his business as far ahead as the Commission requested and said he should be allowed to curb his maximum figures.

M/S, McPeak-Harle, for disapproval of U-606, - Dancewonder, America, Carter C.C. Collins, 330 Sir Francis Drake Boulevard, A/P 6-251-04, use permits for a place of amusement, entertainment and recreation in the upstairs area of the subject property, based on the inadequate parking and the adverse impact on traffic and circulation.

AYES: Harle, Hayes, McPeak, Sharp, Zaharoff, Kroot

NOES: (None)

ABSTAIN: Heubach

Commissioner Hayes commented that that there were alot of kids there that night who must be disappointed. He explained that this was not an issue over kids, that the Commission is sympathetic to them, but that this type of use needs another site.

Chairman Kroot announced that by reason of the prior action of the Commission, the variance application and workshop were moot.

M/S, Sharp-Hayes, to adjourn at 11:05 to the regular meeting of March 3, 1986. Motion passed unanimously.