

The regular meeting of the San Anselmo Planning Commission was called to order on December 1, 1980, at 8:00 p.m. by Chairman Harle in the Town Hall Council Chamber, 525 San Anselmo Avenue. T. J. Robbins present.

1. ROLL CALL

Commissioners Present: Harle, Hayes, McPeak, Ollinger, Signorelli  
Commissioners Absent: Peterson, Ragan

2. APPROVAL OF MINUTES - November 17, 1980

Item 4C, add vote on second motion, "Motion carried: AYES: Harle, Peterson, Ragan, Signorelli; NOES: Ollinger."

M/S Ollinger, Signorelli, to approve the minutes of November 17, 1980 as amended.

Motion carried; Commissioners Hayes and McPeak abstained.

3. OLD BUSINESS

A. V-893 - San Francisco Theological Seminary, A/P 7-292-03, variance to add to a nonconforming use by constructing seven guest units with a lounge in an R-1 zone on Kensington Court (the Seminary is a legal, nonconforming use - established prior to use permit requirement for private school. Section 10-3.2306 of the SAMC requires variance for enlarging), and environmental review.

Dr. Arnold Come, Don Duerr, and Roger Hooper were present.

Dr. Come said he had Seminary students pass out invitations to addresses on the streets surrounding the Seminary to the neighborhood meeting held on November 16, 1980, to discuss their five year plan. He said 25 neighbors attended the meeting.

Referring to the objectives outlined in the Five Year Plan (1980 to 1985), Dr. Come said Items 1, 5 and 8 describe the possible impact on the neighborhood and Town as a whole. Item 1, to increase enrollment in the Master of Divinity program from the 1980-81 level, may not happen as Seminary enrollment across the country is declining. He feels there is adequate student housing for the next couple of years and more housing could be provided by subsidizing the students to live in houses in Town. Item 5 lists those programs sponsored by the Seminary throughout the state, and not just in San Anselmo. They currently estimate 1,500 persons coming through the campus this year for conferences and seminars, which are usually held between Friday night and Sunday at noon. Occasionally they will hold five day seminars for ten to 12 ministers.

Dr. Come listed present and future conferences to be held on campus:

<u>Date - 1980</u>	<u>No. Persons</u>	<u>Date - 1981</u>	<u>No. Persons</u>
09/23 - 09/24	25 to 30	01/23 - 01/24	Estimate 200
09/24	25	02/12 - 02/14	15
10/11	10	02/16 - 02/18	20
09/15	30 to 40	03/07	10
10/31	20	03/12 - 03/14	10 to 20
10/20 - 10/30	10	03/16 - 03/20	5
10/28 - 10/31	5	03/23 - 03/27	20
10/3 - 10/5	10 to 15	04/21 - 04/22	15
10/20 - 10/21	15 to 30	04/23 - 04/24	50 to 75
11/21 - 11/22	40	05/05 - 05/06	10
		05/10 - 05/16	10

Dr. Come said Items 2 and 3 will be programmed entirely by extension and held off campus; Item 4 will be done in Berkeley; Items 6 and 9 are a description of curriculum developments; and Item 7 is done at their extension center in Los Angeles.

Mr. Robbins said the Negative Declaration issued by staff is based on the staff's checklist which indicates the proposed project will have no significant effects on the environment.

Commissioner McPeak said this project will generate an insignificant amount of traffic, but is concerned about parking in general. Mr. Robbins said any parking for this project is to be curbside on Kensington Court. Commissioner Hayes questioned whether the Seminary has already committed that parking area for other projects; Dr. Come said it has been described as available parking for meetings. Commissioner Ollinger said he had thought the Five-Year Plan would answer the questions of how many parking spaces are available and when and how they are utilized. Commissioners Hayes and Signorelli agreed.

Dr. Come said most students living on the campus have off-street parking and listed the on-street areas for parking around the Seminary grounds. Referring to a list submitted with a previous application by the Seminary stating there are 267 off-street parking spaces, Dr. Come said approximately 44 of those are used by students.

There were approximately 20 persons in the audience for this application.

Frankie Longfellow said the street sweeper had to go down the middle of her street at 2:00 p.m. today because there were so many cars parked on either side.

Charles Bartoe, 101 Ross Avenue, said there is parking on Kensington Road and Ross Avenue that is not Seminary related.

Carolyn Kahlke, 80 Ross Avenue, said it seems legitimate for the Seminary to build a place for their guests, but the R-1 area around the Seminary is quickly becoming an R-3 area. Allen Bronstein, 80 Ross Avenue, suggested the Seminary be zoned Planned Development (PD).

Helene Robertson, 38 Austin Avenue, said she is concerned about the aesthetics of building on the knoll. Joe Encida, 38 Austin Avenue, said the Seminary used to enhance their real estate values, but that will not continue.

Bill Taggart said the Seminary is a very important part of San Anselmo and he objects to some attitudes expressed here that tend to constitute an uprising to the Five-Year Plan.

Cory Susser, Manager of the Marin Community Playhouse, said she parks on Waverly Road and has been watching the parking situation. She said there is almost no use of the parking area on Kensington Road between Bolinas and Austin Avenues except in the evenings for the theatre and in front of the Administration building until 3:00 p.m. On Austin Avenue in front of the Lloyd Center it is not jammed by cars and they are not ususally parked on both sides of the street. She said there is parking generated by St. John's Church. She suggested the possibility of timed parking zones, i.e., one-hour parking.

Bishop Bervin, 45 Austin Avenue, expressed concerned about the parking situation.

John Colteaux, 55 Kensington Road, said in order for a variance to be granted the Seminary must make a showing that there is a hardship and that it will not be detrimental to the neighborhood. The fact that Dr. Come said the existing housing is not appropriate for the VIP's is not a finding. He suggested the Seminary be rezoned PD so there can be a plan for everyone to see.

John Irvine, 26 Kensington Court, said he is concerned about the parking used by non-Seminary folk.

Ann White, 109 Bolinas Avenue, said she has lived across the Seminary for years and has never had parking problems.

Tilda Thompson, 18 Austin Avenue, said she does not object to this individual project, but we must look at the overall problems.

Pete Woodward, 217 Ross Avenue, said he is concerned about the creeping in of apartments and that rentals are used by transients.

Jim Phillips, 118 Bolinas Avenue, said it is impossible for a major institution to freeze at any one time and go on that way forever.

Don Duerr, Business Administrator for the Seminary, agreed with Mr. Phillips and added that it is difficult to determine what parking spaces overlap and are used at different times. The question is whether the parking is adequate; based on his study, the parking is adequate:

<u>Dates</u>	<u>No. Cars at 10:00 a.m./3:00 p.m.</u>		<u>Area</u>
	9 to 17	15 to 22	Kensington Road
10/20/80	3 to 4 (10 max.)	4 to 7 (11 max.)	Austin Avenue, Seminary side - front of Lloyd and Baird Halls
to			
11/20/80	1 to 3	2 to 5	Austin Avenue, across from Seminary

Ray McDevitt, Attorney for the Seminary, said the applicant does not have to make a showing that the proposed use is the best, wisest or most popular even though it would be desirable if those were true and it was not necessary for the applicant to come forward with a Five-Year Plan (Authority: Section 10-3.2102, SAMC). The applicant has acted in good faith and effort in submitting the Five-Year Plan to the Commission. He said the Plan suggests there is not going to be a lot of building; this project is small, incremental, and pragmatic in growth and is not part of a capital expansion program. Mr. McDevitt said all environmental effects have been addressed per the CEQA requirements and regarding parking there is no need to address this issue as the little parking resulting from this project will be on Kensington Court. No showing has been made that parking will be displaced by this project; therefore, there will be no detriment to the neighborhood. The hardship is evident as the Seminary is unique from the R-1 units surrounding it and it is a major institution. Regarding whether the project is necessary for substantial property rights, it will provide moderately priced housing for visitors. The question is not whether people like or do not like the Five-Year Plan. The Seminary is unique for that area and this project is necessary.

Dr. Come, in response to some neighbor's statements, said Scott Hall cannot be used as a residence as it was built as a library and classrooms. He also pointed out that the proposed project will not be constructed on the knoll.

Robert Lee, 18 Kensington Court, said he lives directly across from the proposed project which he supports.

Mary Glass, 25 Foss Avenue, said there have been traffic and parking problems resulting from Wade Thomas School, but not from the Seminary.

M/S Hayes, Signorelli, to accept the Negative Declaration for V-893 as prepared by staff.

Motion passed unanimously.

Commissioner Hayes said it is important for the applicant to delineate what the major traffic generators are; provide a sense of the circulation - the number and location of the spaces and how loaded they are during the day; what is the commitment of spaces to particular uses through 1985. At this point he said it is hard to find a hardship that makes this project necessary.

Commissioners McPeak, Ollinger and Harle suggested that perhaps PD zoning is not appropriate either as the institution is in constant change and specific plan zoning is fixed which would require the applicant to make frequent amendments.

Commissioner Harle suggested a parking plan is necessary. Commissioner McPeak asked for a site plan - part of which to be a parking plan with numbered parking spaces.

M/S McPeak, Hayes, to continue V-893 for the San Francisco Theological Seminary subject to further discussion; that the applicant be requested to come in with a site plan that will give a tabulation of the buildings, given floor areas/and or bedrooms for the residences and derive for that information in the same table give the parking requirements. This is to represent current uses. Also, provide a parking plan where all parking places are numbered where parking is being used for multi-demand such as day time use for students and night time use for the theatre. Also, what is the current type of commuter traffic that is directly attributable to the Seminary properties - canvas the people and find out how many are commuting.

Further, that there be a preliminary hearing to get the applicant's progress on this and see if additional effort is needed before another Commission meeting with community involvement is held; this continuation is not to exceed 90 days.

Motion passed unanimously.

- B. V-904 - Kirk E. Heiser, 36 Sunview Avenue, A/P 6-164-19, a six foot rear yard variance and a 9'6" rear yard variance to construct an addition below an existing deck within 14 feet of the 35 foot rear property line and 10'6" of the 84.31 foot rear property line; two foot to four foot rear yard variances to construct a window extension within 18 feet to 16 feet of the 35 foot rear property line; a two foot side yard variance to construct an addition below an existing deck within six feet of the north side property line; and 7'6" and two foot rear yard variances to construct an open deck within 6'6" and 12 feet of the 84.31 foot rear property line.

Kirk Heiser, applicant, and Jeff Portnoy, neighbor, present.

Mr. Heiser submitted to the Commission and Mr. Portnoy a letter by John H. Hom of Shapiro, Okino, Hom and Associates - Engineers, recommending that shear walls be added on all sides beneath the existing building to stabilize it, as a bracing system will not be adequate to resist code lateral forces because of the approximate 40 degree downhill slope. This recommendation was based on his review which indicated that the residence is in an unsafe condition for moderate earthquakes and strong winds.

Mr. Portnoy felt that a one paragraph letter is not adequate and he is not ready to accept the recommendation as there are many houses on the street that are on steeper slopes and have bracing, rather than shear walls.

Mr. Heiser said he would submit the engineer's calculations and a soils report if the Commission feels it is necessary to make a decision. He added that the existing deck is pulling away from the house and lists to one side, which must also be secured.

Mr. Robbins pointed out that a variance will be required to enclose under the existing building and existing deck. He said the engineer's letter should have addressed what is the limiting point to go back with the shear walls.

Commissioner Harle said he feels most people would not object to the shear walls as they will be better aesthetically than cross-bracing. Mr. Portnoy said it is not the design of the additions, but the second story coming down and out over his backyard that he opposes.

Commissioner Ollinger said at the last meeting he suggested to Mr. Heiser that the wall be modified so that the surface is somehow buried. He said he can accept the engineer's recommendation, and although the securing might be done with extensive cross-bracing, it would look like hell.

Commissioner Signorelli said the neighbor will not see the construction above the first floor and plantings could be in front of the first story as a mitigation. He agreed with Commissioner Harle that the Planning Commission has to consider what the average person would accept.

M/S Hayes, Signorelli, to approve V-904 for Kirk E. Heiser, 36 Sunview Avenue, A/P 6-164-19, a six foot rearyard variance and a 9'6" rearyard variance to construct an addition below an existing deck within 14 feet of the 35 foot rear property line and 10'6" of the 84.31 foot rear property line; two foot to four foot rearyard variances to construct a window extension within 18 feet to 16 feet of the 35 foot rear property line; a two foot sideyard variance to construct an addition below an existing deck within six feet of the north side property line; and 7'6" and two foot rearyard variances to construct an open deck within 6'6" and 12 feet of the 84.31 foot rear property line, on the grounds that it is necessary for the enjoyment of substantial property rights; it is necessitated by the unusual shape and size of the lot and that it is a narrow and steep lot; and that it is not a detriment to the neighborhood.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

Mr. Heiser thanked the Planning Commission for their time on this case.

- C. V-914 - John and Janet O'Connor, 72 Lincoln Avenue, A/P 6-241-18, a third story variance to construct a living addition - CONTINUED 12/15/80.
- D. V-917 - Kathryn Gunther - Fibers, 556 San Anselmo Avenue, A/P 6-102-15, parking variance (adding to a nonconforming use, parking, by constructing a new deck) - EXPIRED VARIANCE.

Kathryn Gunther, applicant, and David Hellman, Attorney, present.

Mr. Hellman said his client entered into a three-year lease with the owner, Jeanne Negin, and part of her lease was to agree to construct a deck. Ms. Negin told her plans had been approved by the Town; however, Ms. Gunther found out later there was a technical deficiency with the plans. In the meantime, the variance has expired. Mr. Hellman said his client has an adverse economic interest in this variance application.

Mr. Robbins said the original variance approval was for a deck that would be used for dining purposes for a restaurant that never opened. The Commission, he said, must make a finding that this deck is necessary for a building that is now vacant.

Mr. Robbins said he had informed Ms. Negin of the meeting by telephone.

M/S Ollinger, Hayes, to deny V-917 for Kathryn Gunther, 556 San Anselmo Avenue, A/P 6-102-15, parking variance (adding to a nonconforming use, parking, by constructing a new deck).

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- E. SS-240 - Richard Evans, M.D., 212 Spring Grove Avenue, A/P 6-221-10 and 6-221-11, lot line adjustment.

Richard Evans, applicant, present.

Dr. Evans said he does not intend to build now, but may sell the second lot at some future time.

M/S Signorelli, Ollinger, to approve SS-240 for Richard Evans, M.D., 212 Spring Grove Avenue, A/P 6-221-10 and 6-221-11, lot line adjustment.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

## 4. NEW BUSINESS

- A. V-920 - Dennis M. Pufpaf, 71 Elm Avenue, A/P 7-052-39, a six foot sideyard variance to construct an open deck within zero feet of the side property line - CONTINUED 12/15/80.
- B. S-9<sup>2</sup> - Mario Armuzzi and Uli Seiler, 26 Belle Avenue, A/P 7-301-12, subdivision for five condominiums and a common area.

Mario Armuzzi, Uli Seiler, applicants, and Richard Heglund, architect, present.

M/S Ollinger, Signorelli, to recommend approval of the tentative map for S-9<sup>2</sup> for Mario Armuzzi and Uli Seiler, 26 Belle Avenue, A/P 7-301-12, subdivision for five condominiums and a common area.

Motion passed unanimously.

It was announced that the Town Council will hear this item at their December 9, 1980 meeting.

- C. V-921 - Edwin Griffith, Jr., 100 Crescent Road, A/P 7-121-26, a six foot sideyard variance to construct an addition within six feet of the side property line; a six foot sideyard variance for a roof overhang within four feet of the side property line; and a seven foot sideyard variance to enclose an existing porch within five feet of the side property line (12 foot setback required on Crescent Lane frontage).

Edwin Griffith, applicant, and his designer were present.

The designer said the first project was to change the stairway as it is presently very impractical and then decided to realign the bedrooms and living room to fill in the nooks.

M/S McPeak, Hayes, to approve V-921 for Edwin Griffith, Jr., 100 Crescent Road, A/P 7-121-26, a six foot sideyard variance to construct an addition within six feet of the side property line; a six foot sideyard variance for a roof overhang within four feet of the side property line; and a seven foot sideyard variance to enclose an existing porch within five feet of the side property line, on the basis that it will not be detrimental to the neighborhood; is necessary for the substantial enjoyment of property rights; and is necessitated by the position of the house on the property.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

## 5. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 1:25 a.m. to the next regular meeting on December 14, 1980.

*Lisa Burghin*

LISA BURGLIN  
PLANNING ASSISTANT