

**TOWN OF SAN ANSELMO
PLANNING COMMISSION STAFF REPORT**

For the meeting of November 15, 2020

Agenda Item 5C

Owners:	Erin Heath and Jim Rivera
Design Professional:	Field Issue Design
Project Address:	75 Jones Street
Assessor's Parcel No.:	007-283-12 (formerly 007-283-11)
Zoning:	SPD – Specific Planned Development
General Plan:	Downtown Mixed Residential
FIRM Flood Zone:	X (outside special flood hazard area)

Request

Amendment to a Specific Planned Development at 75 Jones that allowed conversion of a preschool into single family residence and a second story addition. The amendment is requested to allow the lower walls of the structure to be demolished and to construct the approved structure.

Recommendation

That the Planning Commission provide direction to the applicants and staff and continue the item to the December 6, 2021, Planning Commission meeting.

I. PROJECT SUMMARY

Timing

Pursuant to the Permit Streamlining Act (California Government Code Section 65950 et. seq.) the Planning Commission must approve or disapprove within 60 days of the project being deemed complete and exempt from CEQA.

Public Notice

A notice was mailed to all residents and property owners within 300 feet of the project and posted. Staff has attached emails received to date, all in support of the project. Staff has spoke with the new owners of 101 Ross Avenue who claim that the second story addition project was not disclosed to them prior to purchase, and they are concerned with the bulk and mass of the structure and privacy impacts from the second story deck and large windows that face their site.

II. STAFF ANALYSIS

Existing and Proposed Conditions

	Development Standards R-2	Development Standards R-3	75 Jones - After Subdivision	
			Before	Approved/Proposed
Min. lot area for subdivision	7,500 sq. ft.	7,500 sq. ft.	5,900 sq. ft.	5,900 sq. ft.
Density units/acre	12	20	0	7
Rear setback	20'	20'	4' 1.5"	4' 1.5"
Front setback	20'	20'	50' 8"	46' 3"
Side setback (South)	8'	8'	8' 3"	8' 3"
Side setback (North)	8'	8'	12' 6"	12' 6"
Floor area ratio	n/a	n/a	1,594 sq. ft./27%	2,722 sq. ft./46.1%
Lot coverage	2,065 sq. ft./35%	2,950 sq. ft./50%	1,594 sq. ft./27%	1,676 sq. ft./28%
Parking	2 spaces, must comply with setbacks	2 spaces, must comply with setbacks	2+ spaces within setbacks, 3 spaces comply with setbacks	2 spaces in front/side setback

Previous Actions

1971	Use permit approved for Open End study group to hold classes at 101 Ross Avenue.
1973	Use Permit approved for Shasta School private boarding and day high school at 101 Ross Avenue.
1975	Use Permit approved to allow World College West private school use at 101 Ross Avenue.
1978	Request by Seminary to rezone site from R-1 Single Family Residential to R-3 High Density Residential to build three units at 110 Mariposa, two units at 100 Mariposa and with a multi-purpose room/childcare center (75 Jones) denied.
1978	Request by Seminary to rezone site from R-1 Single Family Residential to SPD Special Planning District to build three units at 110 Mariposa, two units at 100 Mariposa, and a multipurpose room/childcare center (75 Jones) approved by Ordinance 752 .
2012	Design Review for a 286 sq. ft. addition on the first story and a 90 sq. ft. deck on the second story at 101 Ross Avenue.
7/18/2016	Design review/use permit/subdivision approved to split lot into two and allow the two units at 100 Mariposa to be condominiums.
2/2/2020	Design review/use permit/subdivision to split lot into two and approve second story for 75 Jones Street.

Background

On February 3, 2020, the property owner received Planning Commission approval (Pederson, Brasler, Cronk and Engelhardt voting in favor, Krebs voting against, Swaim and Heiman absent) to subdivide a site into two lots and a conditional use permit and design review for a Specific Planned Development to convert an existing preschool into a single-family residence and to construct a second story

addition at 75 Jones Street, one of the new lots. The approved plan was for 2,358 square feet of living space (39.9% of the lot area) and 364 square feet of second story volume. Total adjusted floor area was 2,722 square feet, or 46.1% of the lot area. The project was approved for the extent of demolition shown on the plans. The approved plans included removal of the trees at the site, which were not considered “heritage trees” due to their size (See Sheet Note 1 Sheet A1.1 11/26/19 design review plans/2/3/20 approved plans). The meeting may be viewed here: http://sananselmo-ca.granicus.com/MediaPlayer.php?view_id=1&clip_id=399 (Item 6B). Minutes of the meeting are attached.

The project was proposed as a remodel. “The applicants seek to maintain as much of the existing structure as possible for the ground floor.” (Staff report, Page 2) The demolition plan on page A2.0 provided, “Demo all interior walls (exterior walls to remain, slab on grade foundation to remain)” and indicated only new openings would be created in existing walls and not total wall demolition. The Planning Commission approved the project subject to the Standard Conditions of Planning Approval which state, “demolition ... that does not conform to the Planning Commission/Planning Director approval is not valid and shall be subject to stop work orders and may require removal.”

The floor area proposed was over the maximum allowable floor area for a single-family residence in an R-1 District. The applicant submitted facts to support the findings that would be required for a 325 square foot floor area exception for an R-1 site, including that the design employed mass reducing techniques such that the additional square footage over the maximum Adjusted Floor Area permitted for an R-1 site would be reasonably mitigated and would not result in overbuilding of the lot. “The proposed design remains within the footprint of the existing building and replaces a large conical roof with a 2nd story that will be lower in height than the peak of the current roof. The new structure will employ 2-story flat facades to mimic the adjacent structures but unlike most of the neighboring structures, the project will break up the facades a bit so the complementary massing will be more residential in feel. The livable space is within the allowable square footage, but the project seeks an FAR exception to allow for the vaulted areas that will end up counting twice under the current San Anselmo method of calculating FAR.” (Page 7 of 2/3/20 Attachment 8, material submitted by applicant). The floor area exception findings were not required for approval of a Specific Development Plan, as the Town can set the development regulations, including floor area, for an SPD-zoned site.

At the February 3, 2020, hearing, several Planning Commissioners expressed concern that the 75 Jones lot was smaller than the minimum lot size required for subdivision. The lot was proposed to be smaller since the applicant was seeking to provide a lot area for 101 Magnolia Avenue that would keep it within the floor area ratio allowed for an R-1 site. Commissioner Krebs was concerned that the rear setback for 75 Jones did not comply with adjacent R-1 and R-3 standards (4 feet proposed where 20 feet required), parking was not in conformance with R-1 or R-3 standards (parking was proposed in the setbacks, which would be allowed for an addition in an R-1 or R-3 site) and the floor area was over what would be permitted for an R-1 site. The applicant noted that 75 Jones was only over the floor area permitted for new construction for an R-1 lot due to the 364 square feet of double ceiling height area.

On August 21, 2020, the Town received an application for a building permit for a “remodel existing wood framed, single story, commercial structure with slab on grade foundation. Remove existing vaulted roof and add 2nd story above existing first floor” (Sheet A0.0 8/21/20 permit submittal). The

architectural plans, including proposed demolition, were identical to the plans approved by the Planning Commission.

On January 4, 2021, the project architect asked Associate Planner Sarah Price if it was necessary to retain the existing structure since they had been speaking with contractors that indicated it would be “so much easier if they cold demo and rebuild the slab.” (January 4, 2021, emails between Luke Clark Tyler and Sarah Price, Attachment 2). She informed him that the structure could not be demolished without returning to the Planning Commission for a demolition permit.

On May 14, 2021, the Building Department issued the building permit. Building permit plans may be viewed here: <https://www.townofsananselmo.org/DocumentCenter/Index/717>.

The Town has a record of only two inspections for the project:

July 7, 2021, the project passed a foundation inspection by Dewayne Starnes, “Need engineers letter of conformance and for change to strong walls at rear of structure which had less than approved dimension to property line.”

July 26, 2021, the project partially passed a footing inspection by Dewayne Starnes, “There has been a modification to the footing at Gridline A. I have instructed them to provide me with a conformance letter from the engineer and a stamped and signed revised detail for this footing. I have indicated they can proceed at their own risk until I receive said documentation. I have attached copies of photographs and correction notice to the file.”

On August 20, 2021, planning department staff contacted the building department to stop work on the project since the demolition appeared to exceed what was shown on the approved plans as only three small areas of wall were left. On August 23, 2021, the project architect indicated “the structural plan for the building permit application showed new footings and shear walls were required” and “We had issues with rot in a few locations and existing sheathing that was too thin and oriented incorrectly for a few of the required structural shear walls.”

On September 2, 2021, Sean Condry, Director of Public Works and Building, and Erica Freeman, Building Official, inspected the site and reviewed the drawings. Condry indicated, “while he did go beyond the drawings, he has a good case that it was unavoidable given the amount of structural work. Walls that needed strong walls had to be removed, a wall with two large windows had no framing left when the windows were removed and so on.” They allowed the applicants to “finish the shear, hold downs etc. for seismic/safety reasons.”

Staff has verified that the structure is constructed over the original building slab foundation and the location of the structure has not changed. It appears the fences at the site are not located on the property lines.

The applicants submitted this application to allow demolition of the structure to the slab foundation and request permission to build the approved design.

III. DISCUSSION AND REQUIRED FINDINGS FOR APPROVAL

The parcel is zoned SPD Specific Planned Development ([San Anselmo Municipal Code, Title 10, Chapter 3, Article 9](#)) with a “presumptive use” of R-2 (See 1979 minutes, Attachment 14 and [Ordinance 752](#)). The stated purposes and intent of the SPD district:

The Town contains numerous lots which, because of size, hillside location, unusual topography, natural resources, or aesthetic appeal, cannot appropriately be developed through adherence to rigid zoning designations and restrictions. The special characteristics of these lots necessitate a flexible approach to the development of these lots which will provide for logical and orderly development, and at the same time, promote the health, safety, and general welfare of the Town.

Planned development contemplates flexibility and variety in the location of buildings and the diversity of lot sizes and building designs. The Planned Development District is intended to accommodate various types of development such as neighborhood and district shopping centers, single family residential developments, professional, multiple housing developments, commercial centers, and any other use, or combination of uses which can be made a part of a planned development. ([SAMC Sec. 10-3.901](#))

The presumptive use designation R-2 is a guideline in considering and evaluating the specific planned development, but the town is not bound by the presumptive use designation ([SAMC Sec. 10-3.906](#)). The project lot is adjoined by parcels zoned SPD and R-3 High Density Residential.¹ All development in the SPD zoning district requires the approval of a Use Permit and Design Review from the Planning Commission ([SAMC Sec. 10-3.908](#)). Since the site is in an SPD district, the Planning Commission has much discretion to consider the request.

As an addition, the proposed project met most standards for the R-3 zoning district except the 20-foot rear setback. As a new residence, the project does not meet the R-3 standard for rear setback (20 feet required) or parking (two spaces that meet 20-foot front and 8-foot side setbacks required). Staff believes that if the applicant requested permission to construct a new residence, staff and the Planning Commission would have recommended compliance with the R-2 or R-3 standards unless there was some reason to deviate from the standards.

It is possible to provide parking that complies with the 20-foot front and 8-foot side setbacks. If the structure was required to be brought 16 feet further forward, the residence would need to be entirely redesigned to comply with the required 8-foot side setbacks. The new owners of 101 Ross indicate they would prefer a structure further forward on the site.

¹ The Town’s adopted zoning map shows one adjacent site zoned R-1. However, this site APN 007-283-07 was rezoned from R-1 to SPD in 1978 for a 3 unit multifamily development ([Ordinance 752](#)), the same time the project site was zoned SPD. There is no evidence the site was ever rezoned back to R-1, which would have required notice to the property owner. Therefore, the 75 Jones site is not adjacent to any sites zoned R-1.

Since the proposed development is a single-family residence and not multifamily development, it may be appropriate to apply the single-family standards to the site. This could require the floor area to be limited to 40% of lot area.

The Planning Commission could also find that they would have approved the project on this SPD zoned site even if full demolition was proposed.

Staff recommends that the Planning Commission discuss the application and make a recommendation to the applicant and staff and continue the item to the next Planning Commission meeting.

Required Findings for Design Review

1. *Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area;*
2. *Provides for protection against noise, odors, and other factors which may make the environment less desirable;*
3. *Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area;*
4. *Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel;*
5. *Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area; and*
6. *Is consistent with the Town General Plan.*
7. *Will not unreasonably impair access to light and air of structures on neighboring properties;*
8. *Will not unreasonably affect the privacy of neighboring properties including not unreasonably affecting such privacy by the placement of windows, skylights and decks;*
9. *Will be of a bulk, mass and design that complements the existing character of the surrounding neighborhood; and*
10. *Will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.*

Required Use Permit Findings

San Anselmo Municipal Code 10-3.1305 requires the following finding to be made

1. *The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the Town.*

Prepared By:
Elise Semonian
Planning Director

Attachments:

1. Correspondence from Applicant
2. 1/4/21 Email from architect to Price

3. Correspondence received
4. Proposed demolition plan
5. Proposed structural plan
6. 2/3/2020 Minutes of Planning Commission Hearing
7. 2/3/2020 Staff Report
8. 2/3/2020 Application and Supplemental Questionnaires
9. 2/3/2020 Approved Plans
10. 2/3/2020 Approved subdivision plan
11. 2/3/2020 Correspondence received
12. 2/3/2020 Standard Conditions of Approval
13. 2/3/2020 Information on architect Roger Hooper
14. 1979 Rezoning minutes