



Legislation Text

File #: 22-016, **Version:** 1

FROM:

Elise Semonian, Planning Director

SUBJECT:

75 Jones Street, APN 007-283-12, Appeal of Planning Commission decision to approve amendment to Specific Planned Development at 75 Jones for conversion of a preschool into single family residence and a second story addition. The amendment allows the lower walls of the structure to be demolished.

RECOMMENDATION

That the Town Council conduct a public hearing, consider testimony from all parties, and deny the appeal and approve the project subject the findings in the staff report and subject to the Conditions of Approval in Attachment 6, with one additional condition to require a revised landscape plan that will provide for year-round screening between 75 Jones and 101 Ross by trees or other plants, to be approved by the Planning Director after considering input by the Ross Valley Fire Department, the applicant and any neighbors.

The following alternative actions are available:

1. Grant the appeal and overturn the Planning Commission decision with direction to staff to prepare a resolution with appropriate findings for consideration at a future Town Council meeting; or
2. Request additional information from any of the parties and/or staff and continue this matter to a future date for consideration of the requested information.

BACKGROUND

See November 15, 2021, Planning Commission staff report attached (Attachment 3). All materials considered by the Planning Commission, which are made part of the public record, may be found with the November 15, 2021, meeting materials here (Item 5C):

https://sananselmo-ca.granicus.com/GeneratedAgendaViewer.php?view_id=1&clip_id=685

In February 2020, the Planning Commission approved an application for a Specific Development Plan to subdivide a former San Francisco Theological Seminary site, now owned by Erin Heath and Jim Rivera ("Applicants") into two parcels. One parcel included the single-family residence at 101 Ross Avenue and the other included the preschool structure at 75 Jones Street. The applicants received approval to remodel the preschool into a single-family residence with the entire roof removed, all exterior walls modified, and second story addition over the existing slab foundation.

During construction, the project demolition exceeded what was shown on the approved Planning Commission plans and all lower walls were demolished. Staff stopped work at the site and required the Applicants to

request a modification to the specific plan to allow for demolition of all the lower walls of the residence. Staff believed that a revision to the specific plan was necessary as, based on the comments by the Planning Commission, the approval was for a remodel and the Commission may not have approved the setbacks, floor area and parking if the structure was new. The Applicants paid double planning application fees to request the revision to the demolition plan after-the-fact.

The Planning Commission held a public hearing on the specific plan amendment on November 15, 2021. Attorney Elizabeth Brekhus represents Kalie Roberts and Michael Greer ("Appellants"), owners and residents of 101 Ross. Ms. Brekhus submitted comments and spoke during the hearing to voice her clients' objections to the project. They requested the Commission to eliminate the upper floor volume over the living room and eliminate the 20-foot-tall windows facing their site to reduce the mass and scale of the home and increase privacy. They argued that, as new construction with new neighbors that object to the design, de novo review is warranted. They believed the project should be required to comply with regulations for a new single-family residence, which would require reduction in the floor area and compliance with the setbacks.

Appellants believed the Planning Commission could not make required findings that: 1) the project does not unreasonably impair access to light and air of structures on neighboring properties, 2.) will not unreasonably affect privacy, and 3) is of a bulk mass and design that complements the existing character of the surrounding neighborhood.

At the conclusion of the hearing, the Planning Commission approved the additional demolition and design by a 4-0-3 vote (Commissioners Swaim, Heiman and Hilmi abstaining due to conflict of interests and not present at the meeting). The Commissioners stated that the project design had not changed with the modifications, so they were not material. They found the approved building location improved light and air for neighboring properties and the two-story living room windows did not unreasonably affect privacy as there is no floor at the second story. The project was approved based on the findings and conditions in the original approval and one new condition to require a landscape plan that would provide for year-round screening by trees or other plants, to be approved by the Planning Director after considering input by both the applicant and any neighbors.

Following the Planning Commission's November 15, 2021, decision to approve the amended project, the Appellants submitted an appeal to the Town Council to reconsider the decision.

DISCUSSION

As provided in the Municipal Code, "the Town Council shall determine the appeal or the review based upon the testimony and documents produced before it and any site visits. The Town Council may sustain, modify, reject, or overrule any recommendations or rulings of the Planning Commission and may make such findings and determinations as are consistent with State law, this Code and other applicable rules and regulations." (SAMC § [10-1.06\(h\)](#)

https://www.municode.com/library/ca/san_anselmo/codes/code_of_ordinances?nodeId=TIT10PLZO_CH1PLCO_10-1.06APREPLCODE>) Thus, the Town Council hearing is a de novo hearing in which the Council may consider the project in its entirety.

See November 15, 2021, Planning Commission staff report (Attachment 3). Staff recommends upholding the Planning Commission decision based on the reasoning expressed by the Planning Commission at their

November 15, 2021 meeting (see draft Minutes, attachment 2 and [video <https://sananselmo-ca.granicus.com/GeneratedAgendaViewer.php?view_id=1&clip_id=685>](https://sananselmo-ca.granicus.com/GeneratedAgendaViewer.php?view_id=1&clip_id=685)) and the Findings and Conditions below, and subject to the Conditions of Approval in Attachment 6, with one additional condition to require a revised landscape plan that will provide for year-round screening between 75 Jones and 101 Ross by trees or other plants, to be approved by the Planning Director after considering input by the Ross Valley Fire Department, the applicant and any neighbors.

ANALYSIS

Since the site is in a Special Planning District the Town Council has much discretion to consider the request to amend the project to demolish the walls of the preschool and construct a residence and landscaping in conformance with approved plans. The Town Council may use the adjacent zoning development standards for guidance but is not bound by those limits. The proposed project would meet most standards for the multifamily district. The proposed structure will be compatible with the mix of architectural styles in the neighborhood.

Design Review Findings

1. *Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area;*

The former building was used as a preschool and required renovation to make it compatible with the surroundings. The scale and structure proposed is in keeping with the adjacent buildings, which are primarily two story, flat elevation dwellings. The current structure on the site is a 12-sided commercial structure from 1979 that is being used as a preschool. The proposed project will convert this structure into a 2-story 2,358 sq ft residence. The renovation will make the existing structure and property more compatible with the surrounding properties which are primarily high-density residential buildings. The scale and massing of the proposed structure will complement the 2-story flat facades of the adjacent structures but will break it up with smaller proportions for a slightly more residential feel. The proposed structure will also be lower in height than those surrounding it. See renderings showing context and elevations showing the adjacent typology (Attachment 7).

2. *Provides for protection against noise, odors, and other factors which may make the environment less desirable;*

The renovation of a preschool to a new single-family home will result in a reduction of noise as there will be far fewer occupants as well as less traffic since there will no longer be student drop-offs and pick-ups or multiple children and staff in outdoor areas. A new, solid fence and landscaping have been installed at the property line which helps to reduce noise transmission to the surrounding neighbors. All doors and windows will be double pane with a higher insulative value which will also help reduce sound transmission in and out.

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;*

The appearance and function of the proposed project should increase the value of the surrounding areas as it will replace a 1979 era structure and parking lot that is used for a preschool/commercial use with a single-family residential use in a primarily residential neighborhood. The project adds one housing unit, reduces noise and traffic, and provide a contemporary structure that fits in with the context while meeting current energy performance and building codes.

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;*

The change in use from a preschool to a single-family home decreases traffic. The preschool had vehicle trips to and from the site for staff and for multiple preschool students to be dropped off and picked up. Residential vehicle trips will be significantly lower than the prior use. The structure is set back from the street so will not be a distraction for passing motorists.

5. *Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area; and*

The renovation will improve the overall structure and all mechanical equipment will be upgraded, which will improve function and efficiency. The structure will have sprinklers and other fire-safe construction.

6. *Is consistent with the Town General Plan.*

The project is consistent with the Town General Plan which recommends addition of new housing units, including new market rate housing units. The project design will complement the surrounding area by being within the scale of the adjacent single family and multi family structures. The structure is set back from the street at a greater distance than is typically required for residential structures. The building mass is broken up with smaller proportions that make it compatible with residential development. The two-story wall of glass in the proposed living room does not impair privacy of adjacent development as the upper-level floor is 17-18 feet from the face of the window so occupants cannot look out the window as they would with a window adjacent to a floor. 30-foot-tall landscape hedge material exists at the site and additional trees are proposed to provide screening of the residence and privacy between the sites. The project decreases traffic in a residential neighborhood.

7. *Will not unreasonably impair access to light and air of structures on neighboring properties;*

The immediate neighbors to the west are currently shaded by five large redwood trees and the proposed structure will remain shorter in overall height which will greatly minimize any additional shading (see shade studies on A0.1). The western neighbors have no windows that face the project. The project is sited towards the rear of the site which sets it apart from 101 Ross, which is close to Jones Street, allowing light to enter windows on each residence. A structure built closer to 101 Ross could cast shadows on 101 Ross Avenue.

8. *Will not unreasonably affect the privacy of neighboring properties including not unreasonably affecting such privacy by the placement of windows, skylights and decks;*

The window, door and deck placement and size have been designed to maximize privacy for the proposed property and those surrounding it. The residence and proposed windows and decks are set back at the rear of the site, so they are not situated adjacent to 101 Ross Avenue. New, water smart, efficient landscaping will be added to aid with privacy and include fencing for each individual yard and perimeter screening plantings. The structure is set back from the street at a greater distance than is typically required for residential structures. The two-story wall of glass in the proposed living room does not impair privacy of adjacent development as the upper-level floor is 17-18 feet from the face of the window so occupants cannot look out the window as they would with a window adjacent to a floor. 30-foot-tall landscape hedge material exists at the site and additional trees are proposed to provide screening of the residence and privacy between the sites, including upper-level decks.

9. *Will be of a bulk, mass and design that complements the existing character of the surrounding neighborhood; and*

The proposed renovation will create a property that better complements the existing character of the surrounding area and structures than the existing preschool structure. The project maintains the existing building footprint. The structure will be shorter in height but similar in style and scale to the existing buildings. Setbacks and parking will be in keeping with the properties in the immediate vicinity, which are unique for the town. The structure is set back from the street at a greater distance than is typically required for residential structures. The building mass is broken up with smaller proportions that make it compatible with residential development. 30-foot-tall landscape hedge material exists at the site and additional trees are proposed to provide screening of the residence and privacy between the sites.

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.*

The renovation will entail an upgrade to the current building and improve the immediate surroundings. All San Anselmo construction codes and regulations will be followed to ensure the health and safety of neighbors living nearby. The renovation will involve updating the mechanical systems, appliances and fixtures so they are code-compliant and high-efficiency. Materials selected will be in keeping with the look and style of the surrounding properties, but incorporate modern, innovative and eco-friendly materials.

Use Permit Findings

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

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.

The conversion of a preschool structure to a single-family residence will not be injurious to the neighborhood or Town. The proposed use is in keeping with the zoning in the area. The proposed addition is setback from the street, has an attractive design that is compatible with the existing structure, and will not negatively impact the neighborhood or Town. The proposed use is less intense than the preschool use and will reduce impacts on the neighborhood. The proposed 20-foot-tall windows do not allow views from the second story as the second story floor is set back approximately 17 feet from the window. Significant vegetation has been installed and is proposed to screen between the site and the adjacent single family residential development.

FISCAL IMPACT

None.

GENERAL PLAN CONSISTENCY

See Design Review finding 6 above.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The project is consistent with the Climate Action Plan by allowing construction of one new residence within walking

distance of schools and services and by preserving an existing foundation and construction that has been partially completed at the site. Preservation of the foundation eliminates the need for significant off haul of demolition materials and import of concrete, and associated emissions. The project includes new vegetation and trees to replace trees removed for construction. The site will be energy efficient and built to modern energy codes, unlike the former structure.

Categorically exempt from environmental review under CEQA Guidelines Section 15303 - new construction or conversion of small structures, because it involves converting an existing commercial building to one single family residence. No exception set forth in Section 15300.2 of the CEQA Guidelines applies to the project including, but not limited to, Subsection (a), which relates to location of the project related to impacts on environmental resources (no undisturbed land area or heritage trees to be disturbed); (b), which relates to cumulative impacts (residential scale project with no significant construction in the area); Subsection (c), which relates to unusual circumstances (typical residential scale project); or Subsection (f), which relates to historical resources.

The existing building at 75 Jones Street and the adjacent multifamily residences were designed by local architect Roger Hooper in 1978. Information on Mr. Hooper is attached to the February 2020 staff report as Attachment 4. The structure would not qualify for listing on a state or historic register. To be eligible for listing on the California Register of Historic Resources a resource must be historically significant at the local, state, or national level, under one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
2. It is associated with the lives of persons important to local, California, or national history.
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

The only criteria that could apply to this structure is the 3rd criteria. Roger Hooper's architectural work has not been fully surveyed and assessed and he was not as notable as other Bay Area architects of the time.

ATTACHMENTS

1. Appeal
2. Minutes of 11/15/21 Planning Commission hearing
3. Planning Commission 11/15/21 Staff Report
4. Planning Commission 2/3/21 Staff Report
5. Correspondence to Town Council
6. Standard Conditions of Planning Approval
7. Project Plans and revised demolition plan