

To: Mayor, Ross Town Council and Council-elect
From: Elise Semonian, Senior Planner
Re: St. Anselm, 97 Shady Lane, Design Review, Use Permit and Variance, File 1654
Date: June 30, 2010

I. Project Summary

Owner: Archdiocese of San Francisco
Location: 97 Shady Lane, St. Anselm Catholic Church
A.P. Number: 73-051-22
Zoning: R-1 and R-1:B-10 (Single Family Residential)
General Plan: Limited Quasi-Public/Private Service
Flood Zone: Zone A (1-percent annual chance floodplain)

II. Project Description:

Design review of request to install two 20-foot tall pole-mounted light fixtures and several 36" tall bollard lights to illuminate the parking lot and pedestrian paths at the church site. The applicants propose to have the lights automatically shut off at 10 p.m. unless there is a later event.

The project is associated with the July 2009 Council approval of applications for a demolition permit, design review and use permit to significantly remodel the existing rectory building for the church. The approved project includes demolition and reconstruction of the roof and exterior materials on each elevation. Although the applicants seek to retain elements of the structure, they also received approval to fully demolish the structure in the event it is necessary because of exiting, unknown, conditions. The project would create an expanded meeting room, kitchen, offices, priest's quarters and accessible restrooms. A variance was approved to maintain the existing encroachment in the side yard setback (15 feet required, 4 feet proposed). A new landscape plan is proposed that includes removal of the wooden barriers on Shady Lane, new parking lot landscaping, and elevating approximately 2,500 square feet of courtyard between the church and rectory buildings. A variance was approved to construct a seat wall and gathering space in front of the church, within the required side setback from Shady Lane (15 feet required, 0 feet proposed) and partially within the right-of-way. An encroachment permit was approved for new landscaping within the Fernhill Avenue and Shady Lane rights-of-way.

Lot area	30,600 sq. ft.	
Existing Floor Area	45.7%	
Proposed Floor Area	46.2%	(20% permitted)
Existing Lot Coverage	43.5%	
Proposed Lot Coverage	50.3%	(20% permitted)

The existing structure is nonconforming in setbacks.

III. Discussion

The applicants are requesting review of new parking lot and path lighting for the St. Anselm Church site. The project architect has worked on a lighting plan that meets the church security and safety needs while maintaining the residential character of the site and surroundings. All of the proposed lights would direct light downward and would not have a visible light source. The two pole lights have lamps within the top part of the fixture casting light downward (the fixtures would have no visible bulb or glass). The applicant has provided a foot-candle diagram.

The lighting was considered at an Advisory Design Review Group (Kemp, Winey, Slivon, Fritts) in February 2010. The Group had a number of concerns with that proposal. The ADR Group (Kemp, Slivon and Fritts) considered the current proposal on June 22, 2010, and were in support of the project as proposed.

Notices were mailed for the ADR Group meeting. A San Anselmo Bolinas Avenue resident reviewed the plans with staff. Staff sent the lighting plans to a Shady Lane neighbor that expressed interest in the project. No neighbors expressed any concerns about the lighting to the ADR Group.

The applicable Town regulations and design review criteria provide:

18.40.190 Lighting. Exterior lighting of landscaping by any means shall not be permitted if it creates glare or annoyance for adjacent property owners. Lighting expressly designed to light exterior walls or fences that is visible from adjacent properties or public right-of-ways is prohibited. Lighting generated by outdoor use of television, video or other electronic devices shall not be permitted if it creates glare or annoyance for adjacent property owners.

18.41.100(f) Exterior Lighting. Exterior lighting should not create glare, hazard or annoyance to adjacent property owners or passersby. Lighting should be shielded and directed downward, with the location of lights coordinated with the approved landscape plan. Lamps should be low wattage and should be incandescent.

The lamp would be a ceramic metal halide lamp with a “neutral” color temperature of 3000 K. The proposed lights are low wattage but are not incandescent. Incandescent lighting, the common type of lighting used in homes, is not considered energy efficient.

The project lighting designer indicates, “The ceramic arc tube technology provides for higher color rendering and less color shift between lamps than standard quartz metal halide technology. The referenced illuminance calculation shows predicted maintained illuminance; representing the lighting system at the end of its maintained life (lumen output has decreased because of aged lamps and dirty luminaires). So, the lighting system will provide a greater amount of illuminance right after installation and the light levels will decline as the system ages. It would be possible to retrofit the luminaires after installation to provide a lower wattage lamp. This would require that the ballast be replaced as well.”

The project electrical engineer indicates that all the exterior lighting will be on a programmable lighting control system. There would be two zones so that one could be turned off when the

church facility is not in use and certain lights could be left on, for example, to illuminate paths of travel for the residents or for security.

In order to limit glare an annoyance for adjacent property owners, staff recommends conditions of approval that: 1.) require the lights to be on a timer set to regularly turn off at 9:00 p.m.; and 2.) permit the Town to require the applicant to modify the wattage of the lighting and replacement of the ballasts if the lighting it is found to create glare or annoyance for adjacent property owners, considering that the lighting system will provide a greater amount of illumination right after installation and the light levels will decline as the system ages.

IV. Recommendation, Findings, & Conditions

Staff recommends approval of the proposed lighting based on the July 9, 2009, findings and the following conditions:

July 9, 2009, Findings:

For the reasons set forth in the staff reports and based on correspondence and material in the project file, site visits, and public testimony, the Town Council finds:

1. The project is Categorically Exempt from CEQA pursuant to Section 15301(e) as a minor alteration of existing facilities involving negligible expansion of use.
2. The demolition will not remove from the neighborhood or town, nor adversely affect, a building of historical, architectural, cultural or aesthetic value. The demolition will not adversely affect nor diminish the character or qualities of the site, the neighborhood or the community.
3. The proposed redevelopment of the site protects the attributes, integrity, historical character and design scale of the neighborhood and preserves the “small town” qualities and feeling of the town.
4. The project will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
5. That there are special circumstances or conditions applicable to the land, building or use referred to in the application to warrant the variances requested. The site is a church use in a residential zoning district and has existed at the site for 100 years. The building is sufficiently set back from adjacent improvements. The project does not substantially increase existing floor area at the site or lot coverage. The grade changes on the site are needed to provide accessible facilities, a special circumstances necessitating approval of the lot coverage variance.
6. The use for which the use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or general welfare of persons residing or working in the neighborhood of the use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood. The proposed use has existed in the residential zoning district for 100 years and has not been found to be detrimental to the public welfare or injurious to property or improvements in the neighborhood. There is limited expansion of the floor area and the project is not anticipated to generate an increase in the traffic or parking demand. The design is attractive and compatible with area structures. An engineer has concluded that the

improvements will not have a significant impact on adjacent property during flood events. As conditioned, the project provides sufficient parking.

7. The project is consistent with the purpose of the Design Review Chapter as outlined in RMC Section 18.41.010.
8. The project is in substantial compliance with the design criteria of Section 18.41.100.
9. As conditioned, the project is consistent with the Ross general plan and zoning ordinance.

Conditions

1. The lighting proposed on the June 28, 2010 Site Plan –Lighting and Elevations and Light Fixture Information dated May 25, 2010, is approved. The lights shall be on a timer programmed to shut off the lighting at 9:00 p.m., unless there is a later event. Lower fixtures may remain on after 9:00 p.m. to illuminate paths and provide security for the residents of the site. The Town reserves the right to require the lights to be shut off earlier or to require the wattage to be reduced and the replacement of the ballasts if the lighting it is found to create glare or annoyance for adjacent property owners, considering that the lighting system will provide a greater amount of illumination right after installation and the light levels will decline as the system ages.
2. All planting beds shall have the ability to absorb runoff so drainage is maximized.
3. An arborist report shall be submitted with tree protection measures to be followed during construction, including precautions to be taken during removal of the asphalt around the trees to be preserved.
4. The curb cut arrangement must be worked out at the corner of Shady Lane and Bolinas, so the crosswalk does not end up on the driveway.
5. The first option for colors is accepted, but if at any time the applicant wants to make a change, it must be brought back to the Council for that purpose.
6. The use permitted under this use permit shall be established and conducted in conformity with the description in the materials presented by the applicant and the existing church use. This use permit approval is based upon and limited to maintaining the intensity and hours of the existing church uses as described by the applicant and compliance with the conditions of approval. Any deviations from the project description or conditions must be reviewed and approved by the Town Planner for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
7. The applicant shall maintain the number of parking spaces proposed. In addition, the off-site parking at the corner of Sir Francis Drake Boulevard and Bolinas Avenue AP 073-052-25 shall be maintained for the church use.
8. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
9. The meeting room shall be used in association with the existing church uses and not for outside groups not associated with the church use. An amendment to the use permit is required to amend this condition.
10. The applicant is responsible for ensuring that the project will comply with all applicable disabled access regulations.

11. All encroachments into the public right of way require prior approval of a revocable encroachment permit from the Director of Public Works.
12. This project shall comply with the following requirements of the Department of Public Safety: 1.) Sprinklers are required; 2.) A street number must be posted; 3.) A Knox lock box is required; 4.) a 24 hour monitored alarm system is required.
13. NO CHANGES FROM THE APPROVED PLANS AND USE SHALL BE PERMITTED WITHOUT PRIOR TOWN APPROVAL.
14. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee.
15. All exterior lighting shall be shielded and downcast and shall not extend off site.
16. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
17. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.