

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC18-006

A RESOLUTION APPROVING THE OAKS SENIOR LIVING COMMUNITY

**ADDENDUM TO THE 2005 OAKVIEW MASTER PLAN, USE PERMIT, VESTING TENTATIVE
MAP FINAL ENVIRONMENTAL IMPACT REPORT
ASSESSOR'S PARCEL: 167-270-05**

SECTION I: FINDINGS

1. **WHEREAS**, the applicant for the project is Robert Eves/Venture Senior Living, and the property is owned by the Daphne Krestine Trust. The property is a vacant lot located in unincorporated San Rafael between Lucas Valley Road and Marinwood Avenue. The applicant proposes to construct a new residential care facility and five affordable housing units on the property, as discussed in additional detail below.

The residential care facility would have a total of 126 apartments; of these 75 would be assisted living apartments and 51 apartments would be either assisted living or independent living apartments, as determined by the facility owner before construction begins. The five affordable housing units would be provided in addition to the 126 apartments. Two buildings are proposed on the site, including a main building and an attached memory care building. The main building would have a floor area of 75,937 square feet as well as an additional 22,952 square foot subterranean garage. The memory care building would have a floor area of 25,853 square feet. Four of the five affordable housing units would be 740 square feet each and the fifth would be 760 square feet, for a total of 3,727 square feet, and would be located on the ground floor of the memory care building. The total floor area proposed on the property would be 101,794 square feet, not counting the subterranean garage, resulting in a 24.5 percent floor area ratio.

The main building would be three stories tall and approximately 38 feet, six inches in height, as measured from natural grade (31 feet, eight inches above finished grade). An interior courtyard would be located in the central portion of the main building; terraces are proposed on the second story of the front elevation; and a small roof deck is proposed on the uppermost level of the structure. The main building would be connected to the memory care building via a breezeway. The proposed setbacks, from the exterior walls to the property lines, are as follows: 120 feet from the eastern (front) property line; 104 feet from the northern (side) property line; 98 feet from the western (rear) property line; and more than 300 feet from the southern (side) property line.

The memory care building would be two story tall and approximately 31.5 feet in height, as measured from natural grade (30 feet above finished grade). Apartments are proposed to be dispersed around the perimeter of the building, which is designed to feature an interior courtyard. The proposed setbacks, from the exterior walls to the property lines, are as follows: 48 feet from the eastern (front) property line; more than 300 feet from the northern (side) property line; 146 feet from the western (rear) property line; and 125 feet from the southern (side) property line. The five affordable units would be located on the ground floor of the memory care building.

The buildings are proposed to be constructed out of natural materials in subdued earth tone colors, including natural wood siding, beige stucco, and stone veneer columns. The retaining walls are proposed to consist of a combination of stacked block walls (around the perimeter of the new bioswale, proposed on the front portion of the project site) and tan colored concrete walls (around the rear perimeter of the new buildings, as well as along the newly proposed access driveway). The proposed paving materials include a concrete driveway, beige colored integral concrete pathways and patio areas, and porcelain pavers at entryways and patio areas.

In addition to the construction of the new buildings, the project proposal includes the construction of a new entrance driveway, vehicular bridge across Miller Creek, new surface parking areas, storm drainage system, retaining walls, a landscaped berm, and the installation of utilities and landscaping. The proposed storm drainage system would include a series of catch basins, rain wash drainage pipes, and bio-retention basins. The proposed retaining walls, which would be located along the new driveway and behind the new buildings, would range in height from four to 13 feet along the newly proposed access driveway and one to six feet around the perimeter of the proposed buildings. The berm would be developed for an undetermined length east of the driveway in front of the northern portion of the main building. It would reach a height of approximately 24 feet above natural grade and eight feet above the surface of the driveway. Altogether, the proposed development would include 20,300 cubic yards of cut and 20,300 cubic yards of fill, with no off-haul proposed.

The applicant proposes to dedicate a pedestrian and bicycle easement to the County of Marin, with a minimum width of 12 feet, across the property from the entrance on Marinwood Avenue to the southerly property line and to construct a sidewalk and pedestrian and bicycle pathway integrated into the project driveway from the residential care facility, across Miller Creek, to the existing end of Marinwood Avenue.

The landscape plan for the project includes new shrubs and trees along the new entrance driveway, as well as restorative planting using Marin County native plants, around the perimeter of the project site. A total of 50 trees would be removed to accommodate construction of the project, principally in the bridge area, 39 of which are considered protected trees under County code. The landscape plan includes a comprehensive tree replacement plan, entailing a two to one replacement ratio for those trees being removed. In addition, the proposed landscape plan includes restoration planting of a seasonal wetland that will be impacted as a result of construction of the newly proposed access bridge. The restoration planting would be located adjacent to the stream that would be impacted by the bridge.

The conceptual lighting plan for the project includes new pole lights, along the entrance driveway, bollard lights along the perimeter pathways surrounding the new buildings, and wall mounted downlights on the buildings.

Master Plan Amendment approval is required because the project does not conform to the approved Oakview Master Plan. Specifically, there are three modifications to the Master Plan proposed by the applicant, as listed below:

- A. Increasing the floor area of the residential care facility above the allowable 94,400 square feet by 7,394 square feet to a total of 101,794 square feet.

- B. Reducing the total number of approved “units” from 150 to 126 and providing more flexibility to choose between independent and assisted living.
- C. Adding five new affordable housing units to the development.

Design Review approval is required because the project is in a Planned Zoning District.

Tree Removal Permit is required because the project would entail the removal of 39 mature, healthy, native trees that are protected under County code.

- 2. **WHEREAS**, the Oaks Project application represents a project subject to the California Environmental Quality Act (CEQA Public Resources Code Sections 21000-211178.1); and
- 3. **WHEREAS**, because of the changes to the Oakview project proposal since the 2005 Master Plan, Use Permit and Vesting Tentative Map FEIR certification and approval, environmental analysis is required pursuant to State CEQA Guidelines Section 15162 to determine if environmental impacts and mitigation measures of the current Oaks Senior Living project proposal were adequately addressed in the 2005 Master Plan FEIR. The County selected an environmental consultant and the project sponsor submitted the funds necessary to initiate subsequent environmental review on the project; and
- 4. **WHEREAS**, the County independently selected and contracted with an EIR consultant in January 2018 to prepare an environmental checklist to document the evaluation of the site and the proposed activities to determine whether the environmental effects of the project were covered in the 2005 FEIR, pursuant to State CEQA Guidelines Section 15162, and to determine what subsequent level of CEQA document was necessary, in accordance with CEQA Guidelines Section 15162. Upon completion and review of the findings of the checklist, the County determined that the proposed project was consistent with the criteria for preparation of an Addendum to the EIR, pursuant to State CEQA Guidelines Section 15164. The evaluation and findings in the environmental checklist provide the substantial evidence on which the County relied in determining that a Subsequent EIR was not required. Following the County’s determination, the EIR consultant prepared the Draft Addendum to the 2005 Master Plan, Use Permit, Vesting Tentative Map Final EIR, which incorporated the Environmental Checklist and supporting evaluation; and
- 5. **WHEREAS**, the previous 2005 Oakview Master Plan addressed both the project site with the proposed Senior Living Community and another project site that was to serve as a separate residential community. The 2005 Mitigation Monitoring and Reporting Program was reflective of the more comprehensive project, including the residential component of the Master Plan, and had corresponding mitigation measures that did not apply to the currently proposed Senior Living Community project that was covered as part of the project addendum. Thus, the Mitigation Monitoring and Reporting Program has been slightly updated to address the current Senior Living Community component of the project, and to better address the verification timing at each stage of the project in conformance with the current building and regulatory process as outlined below:
 - A. Mitigation Measures that were to be verified by Marin County Department of Public Works (DPW) at the Building Permit Stage under the 2005 Oakview MMRP included: 5.1-3, 5.1-4, 5.1-9, 5.1-10, 5.2-7, 5.2-10 and 5.2-11. The above-listed mitigations measures have been modified to be verified “Before Building, Grading or other Construction Permits.”

- B. Mitigation Measures that were to be verified by DPW at the Precise Development Plan stage under the 2005 Oakview MMRP included: 5.1-1, 5.3-4(b)(c), 5.3-6, 7.0-1(a)(c) and 7.0-2. The above-listed mitigations measures have been modified to be verified “Before Building, Grading or other Construction Permits.”
 - C. Mitigation Measures that only apply to the residential component of the Oakview Master Plan include: 5.1-5, 5.1-13, 5.2-3, 5.2-4, 5.3-2(a), 5.4-1, 5.4-2, 7.0-1(b). These Mitigation Measures along with parts of 5.2-2, 5.3-3, 5.7-1, 5.7-3, and 5.8-2 that also pertain specifically to the residential component of the Oakview Master Plan have been stricken from the updated Mitigation Monitoring and Reporting program table.
 - D. Mitigation Measures that were verified by either Department of Public Works or Community Development Agency staff that have been satisfied at the Precise Development Plan stage by the application materials include: 5.31(a)(b), 5.3-2(b)(c)(d), 5.3-3, 5.3-4(a), 5.3-6, and 5.8-2.
 - E. A Mitigation Measure that was to be verified by CDA at the Building Permit phase, but which was verified via the current application and project materials was 5.3-2(d).
 - F. The language in Mitigation Measure 7.0-1(c) was also corrected in conformance with the addendum to clarify that, “The applicant **shall** pay its estimated proportional share of 15.6 percent, estimated to be \$77,876.”
- 6. **WHEREAS**, on September 24, 2018 the Marin County Planning Commission conducted a public meeting to consider recommendation to the Board of Supervisors to certify the Oaks FEIR Addendum. The FEIR Addendum together with staff’s report recommending certification were provided to the Commission.
 - 7. **WHEREAS**, on September 24, 2018 the Marin County Planning Commission recommended changes to the project application to better address some of the previous Master Plan findings and components, including adding the berm to the project application to screen the project from the surrounding roadways and routes.
 - 8. **WHEREAS**, on October 30, 2018, Marin County Environmental Planning staff reviewed the changes to the project description and project plans and prepared an errata finding that the changes to the project proposal did not increase the level of impact that was previously identified for the project in the March 2018 EIR Addendum.
 - 9. **WHEREAS**, the Marin County Planning Commission has reviewed and considered the information in the FEIR Addendum and the administrative record, including the specific findings contained in Exhibit A of this Resolution, for adequacy, completeness and compliance with CEQA, State CEQA Guidelines, and County Environmental Review Procedures.

SECTION II: ACTION ON ADDENDUM TO THE FINAL EIR

NOW THEREFORE, BE IT RESOLVED that that the Marin County Planning Commission makes the following findings:

- 1) The Final EIR consisted of three volumes: the June 2002 Final EIR Response to Comments, the December 2002 Response to Comments Amendment, the November 2004 FEIR Amendment, and the Oaks March 2018 FEIR Addendum; and
- 2) All comments submitted following the release of the FEIR Addendum, the public hearing on the adequacy of the FEIR Addendum conducted by the Planning Commission were responded to adequately; and
- 3) The Planning Commission was presented with all of the information in the administrative record, testimony, and FEIR Addendum documents for the project and the Commission has reviewed and considered this information and the FEIR Addendum; and
- 4) The FEIR Addendum has been completed in compliance with the intent and requirements of CEQA and the State CEQA Guidelines, and the County EIR process, and reflects the independent judgment of the County of Marin. The Planning Commission has considered and will continue to consider the information contained in the FEIR Addendum prior to making a recommendation to the Board of Supervisors regarding the project.

SECTION III: RECOMMENDATION TO BOARD OF SUPERVISORS

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Marin County Planning Commission recommends that the Marin County Board of Supervisors certify the Addendum to the FEIR for the Oakview Master Plan, Use Permit, and Vesting Tentative Map project as adequate and complete in compliance with CEQA, the State CEQA Guidelines and the County Environmental Review Procedures, and as adequate and complete for consideration in making a decision on the merits of the project.

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin held on this 26th day of November, 2018 by the following vote:

AYES: MARGOT BIEHLE, MARGARET CURRAN, CHRISTINA DESSER, DON DICKENSON, JOHN ELLER, DAVID PAOLI, PETER THERAN

NOES: NONE



MARGOT BIEHLE, CHAIR
MARIN COUNTY PLANNINGCOMMISSION

Attest:

Michele Damazyn
Planning Commission Recording Secretary Pro Tem