

Agenda Item 4.c
ORDINANCE NO. 2023

AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL APPROVING A PLANNED DEVELOPMENT REZONING FROM PLANNED DEVELOPMENT DISTRICT (PD 1775) TO PLANNED DEVELOPMENT DISTRICT (PD) AND DEVELOPMENT PLAN INCLUDING 14 NET NEW INDEPENDENT LIVING UNITS FOR THE 2.9-ACRE SENIOR RETIREMENT COMMUNITY SITE LOCATED AT 308 AND 326 MISSION AVENUE

(ALDERSLY RETIREMENT COMMUNITY)
(APNS: APN 014-054-31 AND 014-054-32)

WHEREAS, on November 12, 2020, the applicant submitted applications for a Zone Change (ZC 20-001) to amend Planned Development District (PD 1775) to PD X; Master Use Permit (UP20-022); and Environmental and Design Review (ED 20-051) for the phased construction of new buildings, and demolition and alterations/additions to existing buildings, and including 14 net new Independent Living units for the 2.9-acre senior retirement community site located at 308 And 326 Mission Avenue; and

WHEREAS, the proposed PD District land use and development standards for the property are presented in Exhibit B, and the new PD proposes to:

- a) Allow the Aldersly Retirement Community to evolve to meet the needs of current and future residents;
- b) Provide flexibility to meet future needs of its residents with facilities providing best design and practices in services and environments, including a combination of improvements to campus connectivity, renovations to current facilities, expansion of some buildings, and new construction;
- c) Establish the permitted land uses for the new PD district; and
- d) Establish development standards appropriate for the new District and Development Plan.

WHEREAS, on December 7, 2021, the project was considered by the Design Review Board (DRB), and after considering the revisions made to the design of the Mission Avenue Independent Living building and the bioretention areas and landscape screening, the Board recommended approval of the project; and

WHEREAS, as required by the California Environmental Quality Act (CEQA) Guidelines (Cal. Code of Regulations, Title 14, Section 15000 et seq.) an analysis and determination regarding a project's potential environmental impacts is required, and it was determined that the project has the potential to result in potentially significant environmental effects, and the preparation of an Environmental Impact Report ("EIR") was recommended; and

WHEREAS, a Draft EIR was prepared and made available for a 45-day public review period beginning on August 16, 2022 and ending on September 30, 2022; and

WHEREAS, the San Rafael Planning Commission held a public comment hearing on the Draft EIR on September 13, 2022; and

WHEREAS, the San Rafael Planning Commission has recommended certification of the Final EIR by adoption of a separate resolution; and

WHEREAS, consistent with the requirements of the CEQA Guidelines, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure implementation of, and compliance with, all measures required to mitigate any environmental impact; and all of the identified mitigation measures have also been included as conditions of the project approval; and

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WHEREAS, notice of the Planning Commission public hearing was provided through the following means: 1) the subject site was posted; 2) publishing a legal ad in the Marin Independent Journal, a local newspaper of general circulation in the area, on October 29, 2022; and 3) notices were mailed to surrounding property owners within 300 feet, pertinent agencies (including responsible and trustee agencies), organizations and special interest groups in conformance with the CEQA Guidelines; and

WHEREAS, on November 15, 2022, following a public hearing and deliberation on the project, the Planning Commission voted 4-0-3-0 and adopted Planning Commission Resolutions 22-16, 22-17 and 22-18 recommending that the City Council 1) Certify the Final EIR and adopt a Mitigation Monitoring and Reporting Program for the project; 2) adopt an Ordinance approving a zoning amendment from Planned Development District (PD1775) to a revised Planned Development District (PD) ZC 20-001; and 3) conditionally approve the Master Use Permit (UP20-022) and Environmental and Design Review Permit 20-051; and

WHEREAS, on December 5, 2022, the City Council held a duly noticed public hearing on the proposed project, accepting and considering all oral and written public testimony and the written report of the Department of Community Development; and

WHEREAS, on December 5, 2022, by adoption of separate resolution, the City Council certified the Final EIR and adopted an MMRP for the project; and

WHEREAS, the custodian of documents which constitute the record of proceedings upon which this decision is based is the Community Development Department; and

WHEREAS, as required by San Rafael Municipal Code Sections 14.07.090 and 14.27.060, the City Council makes the following findings in support of an ordinance to rezone the property from Planned Development District PD 1775 to a new Planned Development District (PD), as shown on the map contained in **Exhibit A** and further described in **Exhibit C**, and to establish new PD Development Standards as outlined in **Exhibit B**:

1. The Development Plan is consistent in principle with the San Rafael General Plan 2040 and other applicable City plans or policies in that the project includes appropriate development standards, and is subject to an Environmental and Design Review Permit implementing the intent of Chapter 14.25 (Environmental and Design Review Permit) of the San Rafael Zoning Ordinance (Title 14 of the San Rafael Municipal Code), Subdivision Ordinance (Title 15 of San Rafael Municipal Code), and the applicable General Plan land use policies, as described in the General Plan Consistency Analysis included as Exhibit 5 of the November 15, 2022 Planning Commission staff report.
2. The applicant proposes to add 14 net new Independent Living units, which will help serve to accommodate the projected need for 3,220 additional housing units in the City by the year 2031. The proposed new buildings create a reasonable transition between the existing residential properties in the neighborhood and the multi-family and commercial properties to the south. Further, the development plan has been reviewed and recommended for approval by the Design Review Board.
3. The local utility agencies have reviewed the plans and confirmed that the proposed development can be served by public facilities such as sewer, water, refuse services and other infrastructure resources that currently serve the existing development adjacent to the site.
4. The applicant has developed property development standards for the new PD zoning, that are consistent with the proposed property development standards of the underlying base

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district. The proposed new development has been designed to comply with the applicable PD development standards, and the proposed project is not requesting any deviations (Variances) from land use regulations.

5. The auto, bicycle and pedestrian traffic systems presented on the Development Plan are adequately designed for circulation needs and public safety in that: a) the Development Plan proposes sidewalks throughout the development for pedestrian access; b) emergency vehicle ingress and egress from the development would be provided from adjacent public streets (Mission and Belle Avenue); and c) the access and site layout have been reviewed by the appropriate City departments and have been found to be adequate by the City of San Rafael Fire and Police Departments.
6. The public health, safety and welfare are served by the adoption of the proposed PD District, in that the project as proposed and conditioned: a) would implement housing and environmental goals and policies adopted for this site in the San Rafael General Plan 2040; b) would conform to City standards for safety; c) as proposed, and conditioned, it would be consistent with the recommended mitigation measures presented in the Final EIR and the MMRP prepared for this project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES HEREBY ORDAIN AS FOLLOWS:

DIVISION 1.

The Zoning Map of the City of San Rafael, California, adopted by reference by Section 14.01.020 of the San Rafael Municipal Code is amended by reclassifying the following real property from Planned Development District PD 1775 to a new Planned Development District (PD) -- Ordinance No. 2023. Said property so reclassified is located at 308 and 326 Mission Avenue, San Rafael, and further identified as County Assessor's Parcel No's: APN 014-054-31 and 014-054-32, as shown on the map attached as Exhibit "A" and described in Exhibit "C", which are incorporated by reference.

DIVISION 2.

Any development of this property shall be subject to the conditions outlined in Exhibit "B", *PD Zoning and Planned Development Standards for Aldersly*, which is attached hereto and made a part hereof, and consistent with all submitted materials that constitute the Development Plan, as required by Section 14.07.060 of the San Rafael Municipal Code.

DIVISION 3.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

DIVISION 4.

A summary of this ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

This ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary

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of this ordinance shall be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this ordinance along with the names of those Councilmembers voting for or against the ordinance.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 5th day of December 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the 19th day of December 2022 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

KATE COLIN, Mayor

ATTEST:

LINDSAY LARA, City Clerk

- Exhibit A: Zone Change Map
- Exhibit B: Planned Development District Standards
- Exhibit C: Legal Property Description

EXHIBIT B

PD Zoning and Master Plan and Development Standards for Aldersly

The Planned Development (PD) zoning and Master Plan for the Aldersly campus will allow the Aldersly Retirement Community to evolve to meet the needs of current and future residents for the next 20 years.

Site Description & Setting

The Aldersly is a lifespan residential community, providing independent and assistive live, and rehabilitative care and skilled nursing. The campus occupies 2.9 acres on the north side of Mission Avenue and extending to Belle Avenue to the north. The property slopes uphill from Mission Avenue frontage (13-16 ft. elevation) to Belle Avenue (40-60 ft. elevation). The campus is developed with residential, administrative, and healthcare buildings connected by an extensive network of landscaped pedestrian paths and gardens. The campus is located within the Montecito/ Happy Valley Neighborhood, one of San Rafael's oldest neighborhoods, close to Downtown San Rafael. The area surrounding the Aldersly campus contains a mix of residential, retail, and community services. The site has a General Plan Land Use designation as High Density Residential and is zoned PD - Planned Development. The PD zoning prior to this Master Plan was Ordinance No. 1775.

The PD provides the Aldersly Board a plan with the flexibility to meet future needs of its residents with facilities providing best design and practices in services and environments. This plan includes a combination of improvements to campus connectivity, renovations to current facilities, expansion of some buildings, and new construction. The overall goal of the Master Plan is to keep Aldersly a boutique residential community for older people looking for a home with *hygge* – Danish for the experience of coziness and comfortable conviviality that engenders feelings of contentment and well-being.

To this end, the PD proposes the following standards to enable sustainability of the residential community and improvements to the unique design of Aldersly.

A. Land Uses

Consistent with the High Density Residential land use district, the following use are allowed in the Aldersly Planned District (similar to the high density zoning categories):

- Independent living units for older adults (60 and older)
- Assisted living units for older adults (housing for people needed assistance with activities of daily living)
- Memory care units for older adults with dementia
- Skilled nursing facility with clinic and rehabilitative services
- Ancillary support to serve residents' needs (e.g., laundry, beauty, dining, retail, recreation facility, community meeting rooms, food service, healthcare, hospice, storage buildings)
- Administrative services (offices, maintenance, landscaping)
- Any substantive change in use of existing buildings on the site shall require an amendment to the Master Use Permit.

B. Minimum Lot Area

The minimum lot area is 6,000 square feet (same as the HR1.8 zoning district).

C. Minimum Lot Area per Dwelling Unit

The Aldersly campus is approved to include:

- 69 independent living units for older adults
- 35 assisted living/memory care units for older adults
- 20 skilled nursing beds

D. Minimum Lot Width

Because of the existing configuration of campus and its compact, high-density character, no minimum lot width is established.

E. Setbacks/Minimum Yards

- Maintain a fifteen-foot (15') front yard building setback along Mission Avenue, (same as the HR1.8 zoning district).
- Maintain a five-foot (5') side yard building setback.
- Maintain a five-foot (5') rear yard building setback along Belle Avenue, (same as the HR1.8 zoning district).
- Existing Conditions. Buildings existing at the time this Master Plan is adopted and not meeting the setback standards established above shall be considered conforming buildings.

F. Distance Between Residential Structures

Provide and maintain building separations that conform to codes governing the Aldersly campus at the time of construction permitting.

G. Maximum Height of Structures

The maximum height of structures is 36 feet (36') except where allowed per the City Zoning definitions, exceptions, or height bonus regulations.

Existing Conditions: Buildings existing at the time this plan is adopted and not meeting the height standards established above shall be considered conforming buildings.

H. Maximum Lot Coverage

Total building footprints on the campus shall not exceed 60% of the campus land area (same as the HR1.8 zoning district).

I. Minimum Usable Outdoor Area per Dwelling Unit

Each resident has access to a private usable outdoor area of variable size (for independent living units) and/or to communal outdoor areas (for assisted living/memory care and skilled nursing residents). Because of the extensive outdoor areas provided for all residents, no minimum is established for usable outdoor area per dwelling unit.

J. Landscaping/Yard Areas

- i. Landscaping and yard areas requirements are not established due to the single ownership of the campus, the communal nature of exterior areas, and the desire to maintain planning flexibility.
- ii. Open Space: The campus pattern of tightly landscaped pathways, terraces, open courtyards and decks, and garden areas will be replicated to the extent feasible as approved through design review.

K. Parking

Aldersly was built before the prevalence of automobiles, and the campus' topography severely limits parking opportunities on campus. The Master Plan reflects the goals of the campus design to maximize landscaping onsite. For these reasons, the PD standards provide substantial flexibility.

i. Parking Capacity.

Parking will be provided consistent with the Parking Study and recommendations. There are currently 48 spaces on site. Up to eight (8) additional spaces will be provided. At buildout, there will be a maximum of 56 on-site parking spaces.

Additional parking, such as a valet parking program for special events, will be implemented as needed, consistent with the Use Permit.

ii. Parking Space Dimensions

Parking space dimensions shall comply with City standards.

iii. Allowable Compact Spaces

The allowable percentage of compact spaces shall comply with City standards.

L. Parking Lot Screening

i. Parking Visible from Public Right of Way

Parking visible from a public right of way shall be screened in accordance with the requirements contained in San Rafael's Zoning Ordinance.

ii. Parking Adjacent to Neighboring Lots

Maintain a three-foot (3') side yard setback of landscaped buffer between parking and circulation areas and adjacent lots. To maximize parking and accessibility and where a 3' setback is not practical, a 0' setback applies and a minimum five foot (5') solid barrier shall be provided for screening along the lot line.

iii. Canopy Trees at Parking

One tree for every four spaces will be provided within parking areas or at an alternate location as close to the parking area as feasible. Flexibility in the location of the trees is required in order to maximize the parking available. Innovative strategies for locating trees within parking areas without diminishing parking capacity will be implemented.

iv. Planting Areas between Spaces

No planting areas will be provided between parking spaces due to the need to maximize on-site parking. Alternate strategies for landscaping the parking areas will be implemented as feasible.

M. Off-Street Loading and Unloading

A new off-street truck loading and unloading area will be provided for the campus along Belle Avenue, as shown on sheet A3.5 in the approved plans.

N. Phasing Plan

There are three phases to the Master Plan to implement Aldersly's vision:

PHASE 1 Build new Independent Living Building, Relocate the Campus Reception/Entry to street level, Expand Community Space, and Improve Central Courtyard.

Phase 1A Add new independent living building.

1. Remove independent 12-studio units in three small buildings (Liselund, Marselisborg and Graasten)
2. Construct new independent living 35-unit building. Includes the relocation of Aldersly's main entrance and administrative offices to street level on Mission Avenue for better accessibility for residents and visitors. (An elevator and an interior connection to Fredensborg will enable sheltered ADA access to upper levels on the hillside site.)
3. Provide nine parking spaces in the new building, five guest parking spaces at the new main entrance, and up to eight (8) surface parking spaces along the driveway to Rosenberg. Implement a parking management program (i.e., shared car services, event valet parking and stacked parking).
4. Expand community space with a café, rooftop lounge, arts & crafts/activity room, and a conference room/pre-function room.

Phase 1B: New entry courtyard and outdoor amenity.

1. Improve central courtyard. Improve outdoor spaces with new gathering spaces and landscaping, including historic elements.

PHASE 2 Add new service connector/facility.

Phase 2: Construct new service building.

1. Remove 8-unit independent living Minor Building.
2. Construct a new service building, with service elevator connections to Rosenberg and Kronborg to improve service access for delivery, refuse and maintenance back-of-house spaces for increased efficiency.
3. Provide new trash room within service building with access to Belle Avenue.
4. Expand Memory Care garden on Minor building site.

PHASE 3 West Campus Independent Living

Phase 3A: Add new independent living buildings.

1. Remove 14 units independent living units in two buildings (Amalienborg and Sorgenfri).
2. Construct 15 independent living units in new building.

Phase 3B: Renovate 4 independent living units (Frederiksborg). Remove and replace four other independent living units (Frederickborg). Add four new parking parking spaces.

Design review will be conducted as Phases 2 and 3 are implemented. The level of design review shall be consistent with zoning requirements.

The 2022 PD District is intended to continue Aldersly's role as a community asset by renovating the campus to be a valued residential community for older adults who want to live in central San Rafael close to shops and other amenities, downtown activities and transit. The Master Plan reflects the need of Aldersly to remain relevant to baby boomer older adults who are looking for a senior residential community as they age into their 80s and older. In addition to the phases above, Aldersly will make interior renovations as needed to Fredensborg (dining and resident amenities), Kronborg (skilled nursing facility), Rosenborg (Assisted Living and Memory Care), and Christriansborg (independent living) to maintain a high level of service. Appropriate building permits will be secured at the time of interior improvements.

Aldersly Property (326 and 308 Mission Ave.)

The land referred to is situated in the County of Marin, City of San Rafael, State of California, and is described as follows:

PARCEL ONE:

BEGINNING at a point on the Northerly line of Mission Street, distant thereon 362.5 feet Easterly from the Easterly line of Grand Avenue as said Street and Avenue are shown on the Map of "Coleman's Addition to San Rafael," filed December 24, 1888 in Book 1 of Maps at Page 39, Marin County Records; said point also being the Southwest corner of that certain parcel of land described in the Deed from Henry Schlosser, et ux, to J. D. Spreckles, Jr., recorded September 5, 1907 in Book 110 of Deeds at Page 348, Marin County Records; thence leaving said line of Mission Avenue and running along the Westerly line of said Deed to Spreckles, North 25° 15' East 125.5 feet and North 30° 30' East 210.7 feet to the Southerly line of Belle Avenue; running thence Southeasterly and Easterly, along said Southerly line of Belle Avenue, to the Westerly corner of the Lot conveyed to Carlo Pedroli by deed recorded January 22, 1934 in Book 226 of Official Records at Page 146, Marin County Records; thence leaving said line of Belle Avenue and running South 64° 13' East 53.95 feet to the Northwest corner of the Lot conveyed to John M. Lucas and Murial C. Lucas, his wife by Deed recorded May 12, 1943 in Book 443 of Official Records at Page 458, Marin County Records; thence along the Westerly line of said Lot 50 conveyed to Lucas and along the Westerly line of the Lots conveyed to Ruth M. Valiquette by Deed recorded June 14, 1943 in Book 449 of Official Records at Page 4, Marin County Records; to Jennie Eggan and Karl Eggan, her husband, by Deed recorded January 24, 1945 in Book 481 of Official Records at Page 51, Marin County Records, to Evelyn Loper by Deed recorded April 29, 1943 in Book 443 of Official Records at Page 373, Marin County Records, South 24° 17' West 200 feet to the Northerly line of the Lot conveyed to Walter M. Magraw and Lorraine S. Magraw, his wife, by Deed recorded August 4, 1943 in Book 449 of Official Records at Page 155, Marin County Records; thence Westerly along said Northerly line 10 feet, more or less, to the Northwest corner of the lot so conveyed to Magraw; thence Southerly along the Westerly line of said Lot, 84 feet, more or less, to the Northerly line of Mission Street; thence Westerly along said Northerly line, 430.25 feet, more or less, to the point of beginning.

PARCEL TWO:

THOSE CERTAIN EASEMENTS, 2 feet in width for utility purposes, as reserved in the following Deeds from Frank Healion and Catherine Healion, his wife (A) To John M. Lucas recorded May 12, 1943 in Book 443 of Official Records at Page 458, Marin County Records. (B) To Jennie Eggan, et con, recorded January 24, 1945 in Book 481 Official Records at Page 51, Marin County Records. (C) To Ruth M. Valiquette, recorded June 24, 1943 in Book 449 of Official Records at Page 4, Marin County Records. (D) To Evelyn Loper, recorded April 29, 1943 in Book 443 of Official Records at Page 373, Marin County Records.

PARCEL THREE:

COMMENCING at a point on the Northerly line of Mission Street, North $68^{\circ} 05'$ West, 55.0 feet from the point formed by the intersection of the Northerly line of Mission Street with the Westerly line of Union Street, as the same is shown on the Map of Coleman's Addition to San Rafael, filed in the Office of the County Recorder in Book One of Maps on Page 39, Marin County Records; thence leaving Mission Street and running Northerly parallel to the Westerly line of Union Street, a distance of 84.0 feet, more or less, to the Southwesterly line of the property described in Deed of Trust from Frank Healion and Catherine Healion, his wife, to Bank of San Rafael, a corporation, recorded December 9th, 1942 in Liber 440 of Official Records at Page 115; thence along said line and its continuation North $64^{\circ} 13'$ West 55 feet; thence Southwesterly in a direct line to a point in the Northerly line of Mission Street, distant thereon Westerly, 55 feet from the point of beginning; thence Easterly along said Northerly line of Mission Street, 55 feet to the point of beginning. BEING A PORTION of Block 25 of the abovementioned Subdivision.

APN: 014-054-31 and 014-054-32

SUMMARY OF ORDINANCE NO. 2023

AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL APPROVING A PLANNED DEVELOPMENT REZONING FROM PLANNED DEVELOPMENT DISTRICT (PD 1775) TO PLANNED DEVELOPMENT DISTRICT (PD) AND DEVELOPMENT PLAN INCLUDING 14 NET NEW INDEPENDENT LIVING UNITS FOR THE 2.9-ACRE SENIOR RETIREMENT COMMUNITY SITE LOCATED AT 308 AND 326 MISSION AVENUE

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2023, which will amend the Zoning Ordinance, Title 14 of the San Rafael Municipal Code, as detailed in the complete text of Ordinance No. 2023.

Ordinance No. 2023 is scheduled for adoption by the San Rafael City Council at its regular meeting of December 19, 2022. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

SUMMARY OF AMENDMENT TO MUNICIPAL CODE

This Ordinance amends the Zoning Map of the City of San Rafael to reclassify certain real property located at 308 and 327 Mission Avenue (APNS: 014-054-31 and 014-054-32) in the City of San Rafael, Marin County, California, from Planned Development 1775 (PD-1775) District to Planned Development 2023 (PD-2023) District. PD-2023 establishes revised development standards and land use regulations that would allow for the phased development of new buildings and other improvements, and demolition of existing buildings on the Aldersly Retirement Community property, that will result in the net addition of 14 new independent living units.

Copies of the Ordinance are also available for public review by contacting the City Clerk's office by email to city.clerk@cityofsanrafael.org. You may also contact Leslie Mendez, Planning Manager, at 415-485-3095 or leslie.mendez@cityofsanrafael.org for information.

/s/ Lindsay Lara
LINDSAY LARA
San Rafael City Clerk
Dated: 12/9/2022