

**July 20, 2018**

Adam Wolff  
Town of Corte Madera  
Director of Planning and Building Services  
300 Tamalpais  
Corte Madera, CA 94925

**RE: 111 Lucky Drive – conceptual design/pre-application**

Adam –

Pursuant to our June 6, 2018 meeting to discuss preliminary/conceptual development for 111 Lucky Drive, the owner/applicant is proposing an approximate 70-bedroom Memory-Care facility concept for review and comment at a Planning Commission study session. The preliminary site plan concept is attached (Attachment A).

The following project narrative addresses the issues raised regarding the subject property including the appropriate application of the Corte Madera Municipal Code with regards to net floor area calculation, parking calculations, and wetland buffers. As discussed, the intent is to present an appropriate development consistent with Town policies based on understanding of the site conditions. This may require a Zoning change, a Zoning text amendment, or a General Plan Amendment.

**Existing Conditions**

The subject property, 111 Lucky Drive, (APN: 024-041-17) is a 1.73 acre (75,430 sq. ft.) located in the northeast corner of Corte Madera, just north of the Big 5 Sporting Goods store, and east of Highway 101. Vehicle access is via Lucky Drive from Fifer Avenue and the Lucky Drive Highway 101 interchange. The property consists of approximately one acre of “disturbed” land and the balance containing a flood control lagoon and associated wetlands. The existing, 8,300+ sq. ft. office building was originally built as a restaurant but purchased and substantially remodeled in 1991 by the applicant (Barcelino) as its main corporate offices. The existing wood construction building is built on pilings and is elevated off the ground. The remaining dry land portion of the property is characterized by surface parking and on-site storage containers.

The flood control lagoon, named Black Kettle Lagoon, is a stormwater collection basin that fills during storm events from the surrounding catchment, which consists mostly of impervious surfaces associated with dense urban development and areas east of Highway 101. Stormwater is delivered to the lagoon basin via an inlet at the eastern edge of the property in addition to surface runoff from adjacent lands. This inlet is connected to the local storm drain system. The elevations within the lagoon range from 0’ NAVD88 (nearly equivalent to Mean Sea Level) to 3’ NAVD88, and the lagoon would likely be tidally influenced if not for the functioning of the pump station at Lucky Drive. Culverts and tidegates effectively restrict tidal influence within the lagoon, and water inflows are therefore predominately freshwater. A pump station on Lucky Drive alleviates surcharge in the lagoon during storm events by pumping water into Corte Madera Creek via a 30-inch pipe.

### **Existing Zoning**

The 111 Lucky Drive property has a General Plan designation of Mixed-Use Commercial and is currently zoned C-3 (highway commercial). Residential uses are not allowed in C-3 districts.

Max FAR: .34

Max Height: 35'

### **Proposed Concept Development**

Based on previous discussions, including concerns about development intensity, traffic, parking, and, biological constraints, the redevelopment of the site would include an approximately 71-bedroom, two-story, 35,984 sq ft memory-care facility (rest home). Redevelopment of the site would only occur on disturbed areas while reusing existing parking area configuration to provide the minimum number of spaces required for such a use. Building heights would be well below the 35' maximum for C-3 districts and would be substantially setback from residential properties across Lucky Drive to the northwest.

**Total site Area: 75,430 Sq.Ft.**

**34% of 75,430 Sq.Ft. = 25,647 Sq.Ft.**

**Total Number of Bedrooms: 59**

**Total Building Area: 35,984 Sq.Ft.**

**Total Building Area As %: 75,430 Sq.Ft. = 48%**

The property has a development opportunity per the .34 FAR designation for C-3 districts. Per CMMC Section 18.12.340: Floor Area Ratio – "Gross floor area shall not exceed thirty-four percent of the net site area, exclusive of the floor area devoted to required parking".

### **Net FAR description in CMMC Section 18.040.53**

The property has a development opportunity per the .34 FAR designation for C-3 districts. Per CMMC Section 18.12.340: Floor Area Ratio – "Gross floor area shall not exceed thirty-four percent of the net site area, exclusive of the floor area devoted to required parking". Based on the full parcel calculation of approximately 75,000 square feet, the FAR for the development could result in a 25,646 square foot building. Understanding the net site area of the property requires the appropriate definition for calculation on a commercial property. Per the 6/18 discussion with staff, the definition of Net FAR is as follows:

### **Net FAR description in CMMC Section 18.040.53**

*(a) Except as provided in subsection (b), "net area of land" means the total horizontal area included within the boundary lines of a site, exclusive of the following:*

- (1) Waterbodies, waterways, wetlands and required buffers;*
- (2) Slopes as limited by the Land Capacity Schedule (see Section 18.18.115);*
- (3) Rights-of-way and easements existing and/or required to serve the development;*
- (4) That portion of land below 6.2 NAVD;*
- (5) That portion of land required as a buffer next to a wetlands area. (See Figure 11.)*

*(b) For the purpose of determining allowable floor area ratio (FAR) in the R-1 medium-density residential district "net area of land" is defined in Section 18.08.220(g)(4). For the purpose of determining allowable*

*floor area ratio (FAR) in the R-1-A low-density residential district "net area of land" is defined in Section 18.08.320(g)(4). (Ord. 900 § 3, 2007; Ord. 785 § 3(b) (part), 1994)*

Alternatively, because the lagoon is not considered "dry land" and thus may not qualify for FAR credit, coupled with potential setbacks from the lagoon and street frontages, the overall development potential for the property would max out at 14,800 square feet or smaller under the current code. Furthermore, CMMC Section describing FAR (18.040.53) appears to be directed toward residential properties, as the subsections listed are most applicable to residential properties developed around the Town's Flood Control lagoons and other waterways, including the reference to Figure 11 which would indicate a 100' buffer from all "wetlands" on the property. If such a buffer was applied to the subject property, the resulting net FAR would be further reduced to less than 8,000 square feet.

As the subject property is the only commercially zoned and privately-owned property that contains a waterway/lagoon, the case could be made that the FAR definition was not intended for this parcel. One indicator points to the 6.2' NAVD '88 minimum land elevation that is consistent with homes in Madera Gardens whereas the subject property has a base elevation of approximately 4' NAVD '88. Accordingly, a 1994 site survey prepared for a previous development of the site (and updated in 2014) indicates spot elevations of existing grade throughout the site between 5' and 4' NAVD '88.

### **Zone Change**

Pursuant to the limitations of the existing C-3 zoning designation, the proposed project requires a zoning change or a zoning text amendment to allow for the greater intensity of FAR. The Town of Corte Madera recently approved development standards for an MX zoning district, including a maximum floor area ratio of .4 for projects that include residential development. Although Memory-Care facilities are not true residential projects in nature, the proposed project would be similar to a hospice or rest home. The nature of the project would be to provide bedrooms for patients needing 24-hr nursing/sympathy care and could be considered under this designation. Furthermore, in order to provide an economic model that works for Memory-Care providers, the minimum number of bedrooms necessitates a maximum FAR above the MX district maximum. As such, the proposed project is requesting a Zoning change, and/or a Zoning text amendment and General Plan amendment to allow for Memory-Care facilities in the MX zone or a land use within the MX zone that carries a higher FAR.

### **Preparation of a Traffic and Parking Study**

In 2016, Dalene Whitlock of W-Trans prepared a traffic and parking analysis for the subject property pursuant to the Institute of Traffic Engineers (ITE) Trip Generation Manual based on **Medical Office Uses** or 24,000 square feet of medical office complex. The results of that evaluation indicated that there would not be a LOS impact to adjacent intersections at Lucky Drive and Tamla Vista. As such, the W-Trans report indicated:

- that the medical office project would not require traffic and circulation mitigation measures to reduce potential impacts.

Subsequently, the owner/applicant has revised the project description to propose the development of a two-story 70-bedroom Memory-Care facility. Memory-Care has significantly reduced traffic trips pursuant to Institute of Traffic Engineers (ITE) Trip Generation Manual land use codes. As such, a

Memory-Care use would be significantly less intense than the identified uses in the W-Trans report, and no traffic impact is anticipated as a result of the project.

- Parking requirement significantly reduced CMMC **18.20.030**, a 70-unit memory-care development (or rest home) would only require 23 parking spaces (1 space per 3 beds).
- Concept plan can accommodate between 23 and 28 parking spaces.

### **Biological constraints**

As a portion of the property contains the Black Kettle Lagoon and associated vegetation, WRA, Inc. conducted a baseline biological site analysis in 2015 to determine the extent of sensitive habitat(s) on the subject property. Approximately .68 acres of the entire property is characterized as the “lagoon” parcel. However, as determined during the site visits in 2015, approximately .32 acres of the total lagoon area was determined to be defined as wetlands. In May 2018, WRA also provided an analysis of the existing conditions and prepared a buffer evaluation for potential development setbacks. WRA concluded that the existing developed condition creates an established “buffer” area to areas designated as wetland on the subject property. As such, WRA has concluded that the existing dryland buffer between the developed portion of the site and the wet portion of the site represents an adequate setback for future development.

- On-site lagoon does not have critical habitat per 2014/2015 WRA biological site assessment
- WRA prepared wetland buffer assessment in May 2015 (see Attachment C)
- Proposed project would not intrude into existing wetland areas – would occur within existing “developed” areas
- Existing developed area constitutes appropriate setback to “acclimated” wetlands areas.

### **Proposed Zoning Amendment**

#### **AMENDMENT TO THE CORTE MADERA MUNICIPAL CODE**

The following sections of the Corte Madera Municipal Code are amended as follows: 18.04.501, 18.12.020, 18.12.030, 18.26.050. Text proposed for removal is indicated with a strikethrough (~~example~~). Text proposed to be added is shown as underlined (example).

#### **18-04-501 – Memory-Care Facilities**

"Memory Care Facilities," means an establishment, building, or structure where bedrooms are provided for the temporary care of persons of declining health requiring long-term skilled nursing that specifically caters to patients with Alzheimer's disease, dementia and other types of memory problems. A memory care facility shall include a minimum of 35% of the parcel to be preserved as permanent open space. The open space can be active or passive but shall not include parking lot landscaping. A memory care facility may also be referred to as a “rest home”.

Facilities with 7 or more residents will require a Conditional Use Permit. Consistent with State law, facilities with 6 or fewer residents are allowed by right in all residential zones, and are subject to the same standards as other residential uses within the same zone.

**18.12.030 - Required standards in commercial districts.**

The following conditions shall be required for all permitted uses and conditional uses:

(14) Memory-Care facilities shall be located, developed, and operated in compliance with the following standards:

- a. No Structure shall be taller than 35'
- b. A minimum 35% of the developed parcel shall be preserved for permanent open space.

**18.12.350 - Required number of parking spaces.**

Subject to the provisions of Section 18.20.020, off-street parking spaces shall be provided at least in accord with the following schedule:

Highway Commercial -C-3

Memory-Care Facilities: One space for each 3 patient beds

Mixed-Use – MX-1

Memory-Care Facilities: One space for each 3 patient beds

**18.13.145 - Floor area ratio (FAR) and residential density.**

(d) The gross floor area for sites that include hospice/Memory Care uses shall not exceed .4 FAR, provided that a minimum .04 FAR includes non-residential uses permitted or conditionally permitted in the MX-1 district and that such uses are located on properties that comply with the standards in Section 18.26.050

**18.26.050 - Required findings.**

The planning commission may grant an application for a conditional use permit for a Memory-Care Facility if it makes all of the following additional findings:

- (1) The proposed use will not generate more traffic or require more parking than other uses serving the day-by-day living needs of the immediate neighborhood;
- (2) The proposed use would be consistent with the standards for reduced parking. The Conditional Use Permit would require review when a change in ownership occurs;
- (3) The proposed Memory-Care facility includes a minimum of 35% open space to be preserved as permanent open space;
- (4) With the proposed use, the mix of businesses in any highway commercial district, as classified in the general plan, will continue to service the day-by-day living needs of the immediate neighborhood;
- (5) The Memory-Care Facility design is compatible with surrounding uses, including residential massing. The physical layout and security of memory care facility shall be designed to suit Memory-Care patients, so that wandering behavior is minimized and the environment is pleasant and easy to navigate.