

**ORDINANCE NO. 1963**

**AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL APPROVING A  
A CITY-INITIATED REZONING OF AN EXISTING PLANNED DEVELOPMENT  
(PD-1590) DISTRICT FOR 1600 LOS GAMOS DRIVE TO REMOVE  
REFERENCES TO THE 1650 LOS GAMOS DRIVE PROPERTY FROM THE PD  
DISTRICT TEXT, FOLLOWING REZONING OF THAT PROPERTY INTO A  
SEPARATE PD DISTRICT BY SEPARATE ACTION.  
(1600 LOS GAMOS DR - MARIN COMMONS - APN's: 165-220-10 &11)**

**WHEREAS**, in 1972, the City of San Rafael adopted an Administrative Professional / Planned Unit Development Administrative Professional District (AP and PUD-AP District) establishing Lucas Green I for the 1600 Los Gamos Drive property. The 38.4-acre Lucas Green Master Plan was adopted to permit development of general office, administrative office, a computer center and associated parking and related uses for the specific parcels within the Plan Area.

**WHEREAS**, in 1979, the overlaying zoning district was amended (to PD-1350 District) to allow the construction of Lucas Green II at 1650 Los Gamos Drive with the condition requiring a Transportation Service Management (TSM) Plan. The PD District change was approved to allow two office buildings: a 340,000 sq. ft. computer center, and a 150,000 sq. ft. computer and office building with 1,296 parking spaces. In 1990, PD-1350 was further amended (to PD-1590) to include the TSM as a requirement; and

**WHEREAS**, On February 21, 2017, Kaiser Foundation Health Plan (Kaiser or Kaiser Permanente) submitted project applications to the City of San Rafael Community Development Department for a Use Permit (UP17-005), an Environmental and Design Review Permit (ED17-001), a Zone Change (ZC17-001) to amend the existing Planned Development (PD)-1590 District for the Marin Commons, and a Sign Program Amendment (SP17-002) for the conversion of an existing approximately 148,000-square-foot office building to medical office uses and the construction of an up to 511-space parking structure (Project) on the western parcel of a 11.2-acre property at 1650 Los Gamos Drive; and

**WHEREAS**, the application for PD rezoning by Kaiser Permanente proposes to sever the 1650 Los Gamos Drive property from the larger PD-1590 Zoning District that covers both 1600 and 1650 Los Gamos Drive to create a separate PD zoning that would allow medical office use at 1650 Los Gamos Drive; and

**WHEREAS**, the removal of the 1650 Los Gamos Drive property from PD-1590 without a PD rezoning would result in continued references to the 1650 Los Gamos Drive property in the PD1590 language; and

**WHEREAS**, the current property owner of 1600 Los Gamos (County of Marin) has neither applied for, nor requested, any changes to PD 1590; and

**WHEREAS**, to reduce future confusion in having outdated references to the 1650 Los Gamos Drive property contained in PD-1590, the City has initiated this district rezoning to update PD-1590 and remove any reference to the adjacent 1650 Los Gamos Dr property from that PD; and

**WHEREAS**, draft amendments to the PD-1590 District Marin Commons (Development Plan) have been prepared and are presented in attached Exhibit B with strikethrough/underline format. The draft amendments propose:

- a. General edits and updates to the current PD-1590 District to omit obsolete uses and references to the 1650 Los Gamos Drive property and improve reference to specific lots and parcels within the PD District to ensure proper tracking of regulations and provisions; and
- b. No changes are proposed to PD-1590, aside from removal of obsolete references mentioned above, would be created through the bifurcation of 1650 Los Gamos Drive into a new PD District; and

**WHEREAS**, on August 28, 2018, the Planning Commission held a duly-noticed public hearing on the Project, including the PD Rezoning (ZC17-001), Use Permit Amendment (UP17-005), Environmental and Design Review Permit (ED17-011), and Sign Program Amendment (SP17-001), accepting all oral and written public testimony and the written report of the Community Development Department Planning staff and closed said hearing on that date; and

**WHEREAS** on August 28, 2018, the Planning Commission adopted Resolution No. 18-08 (5-0, 1 absent, 1 recused), recommending to the City Council adoption of the Planned Development (PD) Zone Change to modify PD 1590 for the 1600 Los Gamos Dr site to remove references to 1650 Los Gamos Dr.; and

**WHEREAS**, on August 31, 2018, a Public Notice for the City Council hearing, which includes the Notice of Availability of the FEIR/Response to Comments, was mailed to interested persons and property owners and occupants within 500 feet of the property and to all responsible, trustee and other public agencies that commented on the DEIR, informing them of the City Council hearing for final action. A notice of availability was also published in the Marin Independent Journal on Saturday, September 1, 2018; and

**WHEREAS**, on September 17, 2018, the City Council held a duly-noticed public hearing to review the proposed amendment to the PD-1590 zone and all applications for the Kaiser Permanente 1650 Los Gamos Drive Medical Office Building Project and considered all oral and written public testimony and the written report of the Community Development Department; and

**WHEREAS**, on September 17, 2018, by separate resolutions, the City Council certified the FEIR, adopted CEQA findings of fact, adopted a statement of overriding consideration and approved the Mitigation Monitoring and Reporting Program (MMRP); and

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

**WHEREAS**, the City Council makes the following findings, as required under San Rafael Municipal Code Title 14 (Zoning Ordinance) Sections 14.27.060 and 14.07.090 in adopting the proposed minor amendments to PD-1590 District for 1600 Los Gamos Dr and presented in attached Exhibit B:

1. The proposed amendments to the PD-1590 District would be consistent with the San Rafael *General Plan 2020* in that:
  - a. As proposed, the continuation of existing land uses are consistent with Land Use Element Policies LU-23 (Land Use Map and Categories), LU-10 (Planned Development), LU-9 (Intensity of Nonresidential Development), LU-14 (Land Use Compatibility) in that these uses would be compatible with the current land uses allowed under the PD-1590 District adopted for this site; and compatible with existing land uses found in the surrounding area.
  - b. As proposed, the continuation of existing land uses would be consistent and not in conflict with Circulation Element Policies C-5 (Traffic Level of Service Standards) C-6 (Proposed Improvements), C-7 (Circulation Improvements Funding) and C-12 (Transportation Demand Management) in that: the increase in traffic estimated for these uses would not impact or change level of service conditions at local intersections nor would they warrant new transportation improvements.
  - c. As proposed, the continuation of existing land uses would be consistent with Neighborhood Element Policies NH-7 (Neighborhood Identity and Landmarks), NH-8 (Parking), NH-136 (Design Excellence), NH-138 (Industrial Uses and Design Improvement) in that they would: facilitate additional employment and future economic success in the North San Rafael area and allow compatible land uses.
  - d. As proposed, the continuation of existing land uses would be consistent with the Community Design Element Policy CD-21 (parking lot landscaping) in that: the uses proposed will have an existing landscaping plan that will provide shade cover and adequate screening of vehicles within parking lot areas.
  - e. As proposed, the continuation of existing land uses would be consistent with the Economic Vitality Element Policy EV-1 (Economic Health and Quality of Life) and EV-2 (Policy EV-2. Seek, Retain, and Promote Businesses that Enhance San Rafael) in that: the uses proposed will ensure a local employer will continue to provide jobs and access to health services in a centrally located office building close to freeway access.
  - f. As proposed, the continuation of existing land uses would be consistent with newly adopted Sustainability Element Policies SU-1 (Land Use) and SU-2 (Promote Alternative Transportation), and the adopted Climate Change Action Plan in that: the uses are proposed within an existing and approved development office park that is close to public transit (both bus stop on Highway 101 and SMART rail station at Civic Center).
2. As proposed, the changes to the existing PD 1590 District are appropriate for the area, location and overall planning for the Project, and the design and development standards will promote the maintenance of an environment of sustainable desirability and stability and will not impact the amount of open space surrounding the property in that:

- a. The changes would continue the allowable land uses within the PD District and would not result in additional allowances or changes to the existing, adopted building intensity limits since there is no increase in allowable floor area ratio or building area proposed.
  - b. The general office PD District is presently developed with a full roadway system and utility infrastructure to accommodate the proposed Project.
  - c. The PD District is presently planned and developed to preserve all undeveloped open spaces west and north of the existing development which will not be impacted or changed as a result of the amendments.
  - d. As proposed, the PD revisions will not impact public facility services that are currently provided to the area for individual parcel development, nor will amendments impact the established or planned auto, bicycle or pedestrian traffic system.
3. The City-initiated text update to PD-1590 would not alter any existing land uses on the 1600 Los Gamos Drive property or change any land use allowances in the existing PD; therefore, there would be no impact to infrastructure and the existing site would continue to be served by public facilities such as sewer, water, refuse services and other infrastructure resources that currently serve the existing development and are available to serve the proposed PD amendment.
  4. The City-initiated text update to PD-1590 would not alter any of the current development or land use standards prescribed for PD-1590.
  5. The auto, bicycle and pedestrian traffic systems presented on the Development Plan is adequately designed for circulation needs and public safety in that the minor text edits would not alter any pedestrian, bicycle or vehicular access to the 1600 Los Gamos Drive site.
  6. As proposed, the public health, safety and general welfare would be served by the adoption of the revisions to the PD-1590 District in that:
    - a. The action would not result in the addition of land use or development intensity, nor would it change the development and spatial regulations (e.g., setbacks, building heights, lot coverage) or the design standards (building and landscape standards and guidelines) that influence building size, building location or spacing, amount or location of open space. The amendment is solely a text change to remove references to the 1650 Log Gamos Drive property from the PD-1590 text, given that 1650 Los Gamos Drive was rezoned to a new distinct PD zoning district through a separate action.
    - b. This action would be consistent with the provisions of the Zoning Ordinance.

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

**DIVISION 1.**

Ordinance No. 1590 (PD-1590 District) is hereby amended to incorporate the following changes, as set forth in attached Exhibit B, incorporated herein by reference: a) General edits and updates to the current PD-1590 District to omit obsolete uses and references to the 1650 Los Gamos Drive property and improve reference to specific lots and parcels within the PD District to ensure proper tracking of regulations and provisions; and b) No changes are proposed to PD-1590, aside from removal of obsolete references mentioned above, would be created through the bifurcation of 1650 Los Gamos Drive into a new PD District.

**DIVISION 2.**

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 (PD-1590) District to a new Planned Development District. Said property so reclassified is 1600 Los Gamos Dr and is located on both sides of Los Gamos Dr, Street, as shown on County Assessor's Parcel No.'s 165-220-10 & 11, and as illustrated on the map as Exhibit "A" attached hereto and incorporated herein by reference.

**DIVISION 3.**

If any subsection, sentence clause or phrase of this ordinance amendment is, for any reason, held to be invalid, such decision shall not affect the validity or the remaining portions of this added ordinance section.

**DIVISION 4.**

This Ordinance shall be published once, in full or in summary form, at least five days before its final passage, in a newspaper of general circulation published and circulated in the City of San Rafael, California, and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the ordinance shall simultaneously be posted in full in the City Clerk's office, and the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, 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 amendment along with the names of those Councilmembers voting for or against the amendment.

  
\_\_\_\_\_  
GARY O. PHILLIPS, Mayor

ATTEST:

  
\_\_\_\_\_  
LINDSAY LARA, City Clerk

The foregoing Ordinance No. 1963 was read and introduced at a regular meeting of the City Council of the City of San Rafael on the 17th day of September 2018, and was ordered passed to print by the following vote, to wit:

AYES: COUNCILMEMBERS: Bushey, Colin, Gamblin, McCullough & Mayor Phillips

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

and will come up for adoption as an Ordinance of the City of San Rafael at a regular meeting of the City Council to be held on the 1st day of October 2018.



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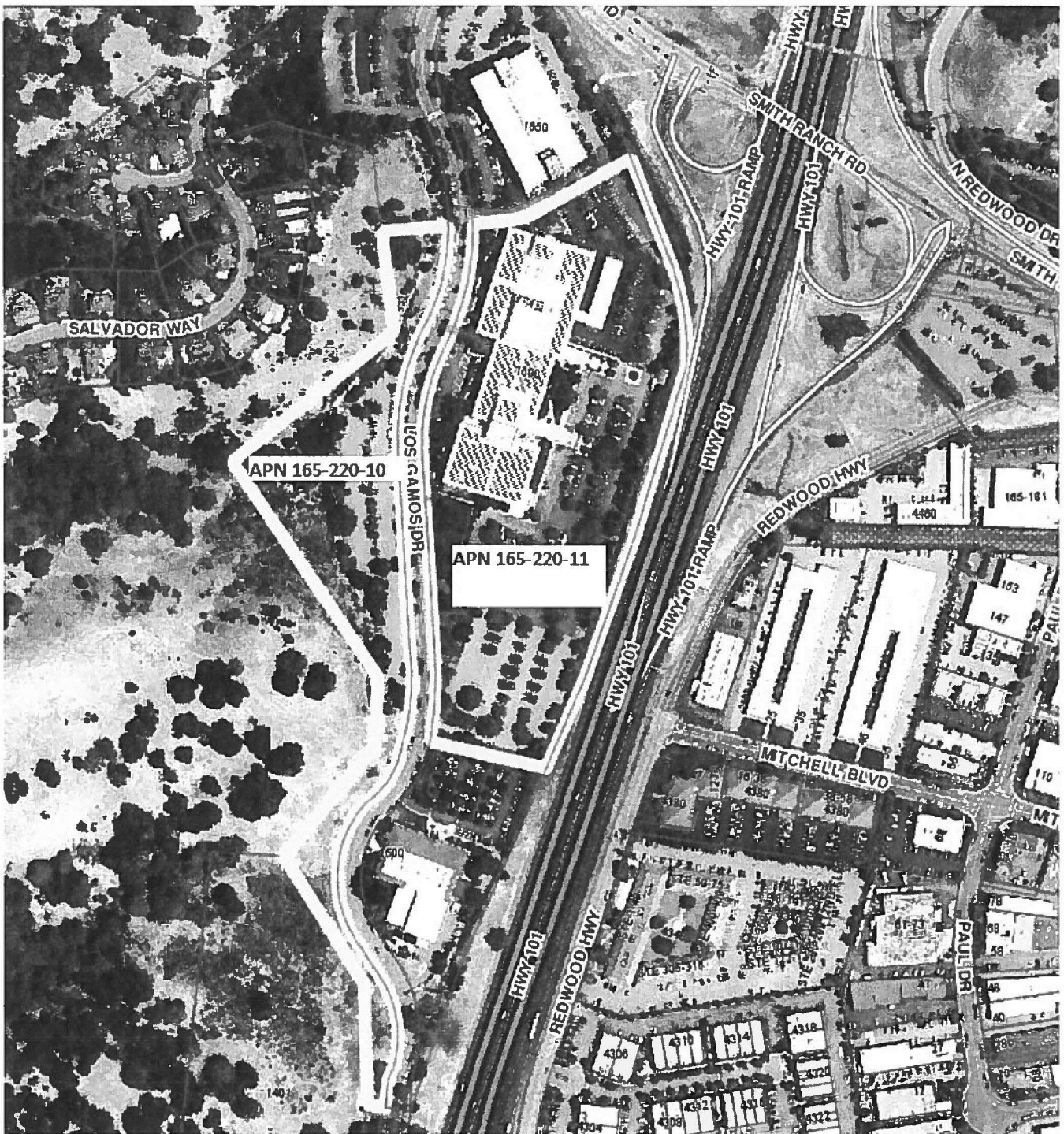
LINDSAY LARA, City Clerk

EXHIBITS

- A: PD Rezoning Map
- B: Development Standards for 1600 Los Gamos Drive



"EXHIBIT A"



PD Rezoning to remove references to 1650 Los Gamos Dr (APN's 165-220-12 & 13) from current PD-1590 District given that those two properties were severed and established as a new, separate PD zoning District

**"EXHIBIT B"**

**1600 LOS GAMOS DR**  
**FORMER MARIN COMMONS**

(a) ~~Two~~ One office buildings ~~are~~ is approved as shown on the plans; ~~One is a 340,000 square foot computer center; the other is a 150,000 square foot computer and office building.~~

(b) ~~1,296~~ 841 parking spaces are approved as shown on the plans.

(c) Secure Design Review approval for any modifications to the approved building. Any further addition for new office construction shall require an amendment to the Master Plan.

(d) Minor modifications, such as the installation of a par-course and landscaping can be approved as Design Review items.

(e) In addition to the ~~two~~ one private office buildings, public buildings for the safety of the community may be approved by Design Review.

(f) A TSM manager shall be appointed for ~~each~~ of the buildings, who may be the respective building managers. The TSM manager shall at all times perform the following duties:

- 1) Develop and disseminate information aids and other marketing resources;
- 2) Provide orientation and assistance to new employees regarding the selection of transportation options within the shortest reasonable time after they begin working;
- 3) Communicate with Golden Gate Transit and Marin County Transit and other transit agencies to become aware of existing transportation services and with Rides for Bay Area Commuters or similar organizations for ridesharing services and program support;
- 4) Provide available transit guides and schedules to all interested employees, describing both transit routes serving the area and route schedules, and provide notification to interested employees of changes in such routes or schedules;
- 5) Provide a written statement periodically to each tenant explaining the benefits of staggered work hours or "flex-time" systems for transportation management in the Highway 101 corridor.

(g) A transit information center or display shall at all times be maintained in ~~one or both~~ of the buildings in an area accessible to all employees, and the location of such center or display shall be advertised by signs or posters in highly travelled pedestrian corridors in ~~each~~ of the buildings. The center or display shall provide current information regarding public transit, bus pools, vanpools, carpools, and shuttle services serving the property.

(h) A carpool and vanpool matching program shall at all times be conducted in accordance with the following standards:

- 1) Applications for carpool and vanpool matching purposes shall be distributed to employees at least annually.



- 2) A master file of carpool and vanpool drivers, riders, and potential riders shall be maintained and made available to persons interested in forming carpools or vanpools with other employees at least annually to assure that information in the master file is current.
- 3) Vanpool applicants who are not able to join a vanpool shall be referred to existing carpools.
- 4) A designated vanpool and carpool parking area shall be maintained for ~~each~~ of the buildings. Each such area shall be of sufficient size to accommodate all vanpools and carpools serving the building.
- 5) Some or all of the requirements for vanpool and carpool services may be performed by an independent agency designated by the TSM Manager.

(i) The TSM Manager for ~~each~~ of the buildings shall provide a written report to the City each year certifying the TSM activities undertaken at ~~each~~ the building for the preceding twelve months.

**CLERK'S CERTIFICATE**

I, LINDSAY LARA, City Clerk of the City of San Rafael, and Ex-Officio Clerk of the Council of said City, do hereby certify that the foregoing

**ORDINANCE NO. 1963**

**AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL APPROVING A CITY-INITIATED REZONING OF AN EXISTING PLANNED DEVELOPMENT (PD-1590) DISTRICT FOR 1600 LOS GAMOS DRIVE TO REMOVE REFERENCES TO THE 1650 LOS GAMOS DRIVE PROPERTY FROM THE PD DISTRICT TEXT, FOLLOWING REZONING OF THAT PROPERTY INTO A SEPARATE PD DISTRICT BY SEPARATE ACTION. (1600 LOS GAMOS DR - MARIN COMMONS- APN's: 165-220-10 &11)**

is a true and correct copy of an Ordinance of said City, and was introduced at a REGULAR meeting of the City Council of the City of San Rafael, held on the 17<sup>th</sup> day of September 2018; a SUMMARY of Ordinance No. 1963 was published as required by City Charter in the MARIN INDEPENDENT JOURNAL, a newspaper published in the City of San Rafael, and passed and adopted as an Ordinance of said City at a REGULAR meeting of the City Council of said City, held on the 1<sup>st</sup> day of October 2018, by the following vote, to wit:

AYES: COUNCILMEMBERS: Bushey, Colin, Gamblin, McCullough & Mayor Phillips  
NOES: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: None

WITNESS my hand and the official  
Seal of the City of San Rafael this  
3<sup>rd</sup> day of October 2018

  
LINDSAY LARA  
City Clerk