

Project Description:

***BioMarin Planned Development Expansion  
and Whistlestop Healthy Aging Center and  
Affordable Senior Housing***

999 3rd Street San Rafael

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BioMarin Planned Development Expansion

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## Summary

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BioMarin, a global biotechnology company focused on developing treatments for rare diseases, was founded in Marin County in 1997. In 2013 BioMarin moved its headquarters to the San Rafael Corporate Center (SRCC), a Downtown campus of over 400,000 square feet on approximately 15.54 acres. In 2015, BioMarin completed construction of its first new research laboratory building at 791 Lincoln Avenue. BioMarin subsequently received entitlements to build a new office building at 755 Lindaro Street and to expand its parking structure at 788 Lincoln Street, for which construction has not yet commenced.

Recently, BioMarin purchased the approximately three-acre 999 3rd Street property in Downtown San Rafael from PG&E. The project site, located adjacent to the SRCC, is currently a vacant brownfield site undergoing environmental remediation. BioMarin proposes to develop this property as an extension of its SRCC campus to meet the growing need for additional research and development (R&D) laboratories and offices and to support the needs of the broader San Rafael community. To this end, in connection with the project described here, BioMarin will donate a portion of the property to Whistlestop/Eden Housing<sup>1</sup> for development of affordable senior housing and a healthy aging center. The proposed mixed-use development project on 999 3rd Street in Downtown San Rafael consists of 207,000 square feet, including research and development laboratories, offices, and commercial uses, as well as amenities consisting of retail space and a landscaped plaza accessible to the public. In addition to the expansion of the SRCC, the project consists of an 18,000-square-foot healthy aging center and 67 units of affordable housing for seniors. As one of the largest and fastest growing employers in San Rafael and Marin County, with a significant share of its workforce residing locally, BioMarin envisions a project that can support San Rafael's goals of economic development, downtown vibrancy, affordable senior housing, and transit-oriented development. Additionally, the proposed project advances the City's goals and policies for Downtown set in the General Plan (as amended).

Founded in 1954, Whistlestop's mission is to ensure that every adult has the opportunity to age with independence, dignity, and grace. Whistlestop provides a comprehensive hub of human needs services for older adults and individuals with disabilities in Marin County. These services include special needs transportation, nutrition, preventive healthcare, job training, classes and activities, multicultural outreach and assistance, and a comprehensive information and referral help desk.

Eden Housing is a non-profit organization founded in 1968 by a group of community activists with the specific intent of creating and preserving affordable housing for low-income individuals and families. Since then, Eden Housing's mission has grown to include community revitalization through an array of affordable housing development and management activities, as well as providing

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<sup>1</sup> Pursuant to a memorandum of understanding (MOU) between BioMarin, Whistlestop, and Eden Housing, upon the grant of approval of all necessary public agencies' approvals and entitlements, Whistlestop and BioMarin will enter into a bargain sale exchange and donation agreement to exchange a Whistlestop property with a portion of BioMarin's 999 3rd Street property. As these properties have disparate fair market values (FMV), with the portion of 999 3rd Street valued at \$1,210,000 more than the Whistlestop property, BioMarin will contribute the difference of the FMV to Whistlestop as a charitable donation. In addition, BioMarin will not take control or possession of the Whistlestop property until three years after the exchange, as BioMarin has promised to lease back the Whistlestop property to Whistlestop for \$1 per year for three years.

supportive services to help residents thrive. Together, Whistlestop and Eden Housing seek to build a new Healthy Aging Center coupled with affordable housing for seniors.

In their project application, BioMarin, Whistlestop, and Eden Housing seek:

- Expansion of the existing Planned Development (PD) zoning designation that applies to the SRCC to encompass the 999 3rd Street property.
- General Plan Amendments to: 1) modify the maximum intensity of nonresidential development and assigned floor area ratios (FARs), reducing the FAR of the 999 3rd Street site from 1.5 to 0.9 and increasing the FAR of the SRCC to 0.9, with 0.9 as a blended ratio across the expanded PD; 2) allow for the use of blended FAR for Downtown PDs under single ownership or unified control, consistent with current General Plan Policy LU-9.b.2 which allows for a transfer of FAR among Downtown project sites; and 3) establish a height bonus for the 999 3rd Street site in exchange for BioMarin providing specified amenities and community benefits.
- Approval of a height exception is allowed through three distinct methods (each of which independently could allow the height requested):
  - Expansion of the existing SRCC PD to include 999 3rd Street, and therefore application of the PD's height bonus to 999 3rd Street in exchange for the provision of public benefits (as discussed in the preceding bullet);
  - Height exception for special use buildings pursuant to Section 14.24.020 of the Zoning Ordinance (discussed below); and
  - Height bonus provided in exchange for public benefits in the 2/3 MOU pursuant to Section 14.16.190 of the Zoning Ordinance (discussed below).
- In addition to allowance of the height exception by expansion of the PD to include 999 3rd Street, the height is also allowed by the General Plan and provided for in Section 14.24.020 of the Zoning Ordinance when a building has a special use or function, such as laboratories and R&D space, which have high floor-to-ceiling heights in order to accommodate the supporting infrastructure, or there are special circumstances related to the site or topography.
  - Notwithstanding the fact that the height exception is fully supported by Section 14.24.020 (E) (1) of the Zoning Ordinance,<sup>2</sup> Section 14.16.190 of the Zoning Ordinance, allows for a 12-foot height bonus for projects in the 2/3 MUE that provide public benefits, including affordable housing. This project does that through BioMarin's collaboration with Whistlestop and Eden Housing and its donation of land to Whistlestop to develop a healthy aging center and affordable senior housing warrant this height bonus.

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<sup>2</sup> Section 14.24.020(E) provides that: "In all nonresidential zoning districts, except the R/O district, building height may be increased beyond the height limit where: (1) additional building height is required for a special use or function, and the building is designed specifically for that use; or (2) there are special circumstances related to the site and topography which warrant the exception." The test offers an either/or proposition. Because BioMarin's laboratories and R&D spaces require higher floor-to-floor heights to accommodate specialized equipment and infrastructure, these special functions fit within the exceptions contemplated by San Rafael's Zoning Ordinance.

- Approval of parking ratios appropriate to the proposed uses, considering the overall needs of the SRCC and the effectiveness of BioMarin's Transportation Demand Management (TDM) Program, which would be expanded to apply to the entire BioMarin campus in San Rafael, including the 999 3rd Street site. BioMarin's application also includes a contingency plan that addresses future scenarios in case of a change in tenancy or ownership that results in a greater parking demand than assumed for this project.
- Approval of a mixed-use building for Whistlestop/Eden Housing with additional residential density and height, and reduced landscaping and parking via application of the State's Density Bonus Law and in accordance with Section 14.16.190 of the City's Zoning Ordinance.

Although the Expansion of the PD and General Plan Policy LU-12 alone are sufficient to give the City of San Rafael the flexibility to allow the necessary height increase, blended FAR, and adjusted parking ratios for the proposed project, BioMarin's proposal also provides the following significant public benefits:

- Donation of a portion of the property, valued at \$1.2 million, for the development of a healthy aging center and affordable senior housing;
- 3,500 square feet of retail space and 6,000 square feet of landscaped plaza open to the public during daytime hours at the corner of 3rd and Lindaro streets;
- Donation of funds for the development of a bike lane on Lindaro Street from 3rd Street to Anderson Drive; and
- Donation of funds to enhance pedestrian safety with improved sidewalks and crosswalk design at the corner of Lindaro and 2nd streets, as well as 3rd Street and Lootens Place.

## **I. Introduction**

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BioMarin, a global biotechnology company focused on finding solutions for rare diseases, was founded in Marin County in 1997. After growing for many years exclusively in Novato, the company began growing both in Marin County and globally. In 2013, BioMarin moved its headquarters to the SRCC. In 2015, BioMarin completed construction of its first new research laboratory building at 791 Lincoln Avenue. BioMarin subsequently received entitlements to build a new office building at 755 Lindaro Street and to expand its parking structure at 788 Lincoln Avenue, strengthening its campus environment. BioMarin purchased the 999 3rd Street property adjacent to the SRCC from PG&E to accommodate further growth. The 999 3rd Street site is currently vacant and undergoing environmental remediation.

In partnership with Whistlestop and Eden Housing, BioMarin also will create an opportunity to serve seniors in Downtown San Rafael by providing critical healthy aging services and affordable housing. Whistlestop is the largest provider of healthy aging services in Marin County, serving 14,000 older adults and individuals with disabilities on an annual basis.

This project allows for expansion of BioMarin’s facilities and development of a healthy aging center and housing in an efficient and flexible manner that supports and incorporates many state and local needs, including (1) the State’s critical need for affordable housing; (2) a new Whistlestop Healthy Aging Center to provide social, health and wellness, and information services for seniors; (3) San Rafael’s need to advance its Downtown vision and activate 3rd Street as a Downtown corridor complementing 4th Street; (4) San Rafael’s desire for increased revenue and growth by expanding the Downtown’s economic success and increasing opportunities for retail, office, and residential development; (5) a collective need to clean up brownfield sites and revitalize underutilized parcels; (6) San Rafael Downtown Station Area Plan’s goal to enable new transit-oriented development characterized by increased activity and a mix of uses; and (7) Marin County’s desire to attract high-paying jobs and an educated workforce by promoting and extending the North Bay Life Science Cluster Alliance’s mission. The overall project is intended to contribute to the economic development, sustainability, and vitality of Downtown San Rafael.

## **2. BioMarin Properties and Holdings**

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### **EXISTING AND APPROVED DEVELOPMENT**

BioMarin currently owns five buildings in the SRCC, including the new research laboratory building at 791 Lincoln Avenue. In 2015, the City approved a four-story office building at 755 Lindaro Street, as well as an accompanying six-story expansion of the existing 788 Lincoln Avenue parking structure. The existing buildings and entitled buildings that are within the current PD are shown in Figures 1 and 2, with development details summarized in Table 1.



**Table 1: Existing and Approved Development**

<i>Description</i>	<i>Building Square Feet</i>	<i>Building Height</i>
<b>Existing Buildings</b>		
750 Lindaro Street: (Building A)	87,842	76 feet
781 Lincoln Avenue: (Building B)	71,039	53 feet
770 Lindaro Street: (Building C)	83,360	65 feet
790 Lindaro Street: (Building D)	71,919	74 feet
791 Lincoln Avenue: (Building E)	86,540	74 feet
<b>Total Existing Buildings</b>	<b>400,700</b>	
<b>Entitled (Unbuilt) Buildings</b>		
755 Lindaro Street: (New Entitled Office)	72,396	54 feet
<b>Total Entitled (Unbuilt) Buildings</b>	<b>72,396</b>	
<b>Total (Built + Entitled)</b>	<b>473,096</b>	

The current Planned Development District (PD 1901 as amended by PD 1936) that governs the SRCC allows a maximum FAR of 0.75, as shown in Table 2. Existing and approved development at the SRCC result in an FAR of 0.7, leaving approximately 35,000 square feet as residual development capacity.

**Table 2: Existing PD Remaining to Develop**

<i>Description</i>	<i>Site Square Feet</i>	<i>FAR</i>	<i>Building Square Feet</i>
Total (Built + Entitled)	676,922	0.70	473,096
Max Allowed Under Existing PD	676,922	0.75	507,692
<b>Remaining to Develop</b>			<b>34,596</b>

**Figure 1: Existing PD Boundaries**



**Figure 2: SRCC Existing and Approved Buildings**



### **3. Proposed Development on 999 3rd Street**

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The proposed expansion of the existing PD is illustrated in Figure 3 and would include the 999 3rd Street site. The 999 3rd Street property (APN 011-265-01) is approximately three acres (133,099 square feet) and situated in Downtown San Rafael. Currently, the site, which formerly housed a manufactured gas plant, sits vacant and is undergoing environmental remediation.

In 2015, BioMarin Pharmaceutical, Inc., purchased 999 3rd Street from PG&E, while PG&E was performing remediation activities at a portion of the site and maintained exclusive access to and control of the site. This remediation is considered the first phase of the process and covered approximately two-thirds of the property. As of September 1, 2017, PG&E completed its soil excavation as defined in its Remedial Action Plan (RAP), backfilled the excavations with clean material, restored the site, and conducted soil vapor sampling. PG&E is currently awaiting approval and certification of its Remedial Action Completion Report by the Department of Toxic Substances Control (DTSC) (expected by December 2018). Once approved, PG&E will remain responsible for groundwater monitoring across the full expanded PD area.

The remaining one-third of the site, the area under former buildings previously located at the western portion of the site, has yet to be remediated. Per the property sales agreement, BioMarin is responsible for conducting the second phase of remediation by performing an investigation and cleanup of the remaining portion of the site not addressed by PG&E's remediation. BioMarin initiated the second phase of the remediation by demolishing the existing buildings and completing a site investigation. BioMarin is in the process of applying to conduct remediation of the remaining portion of the property under the DTSC's Voluntary Cleanup Program. Since PG&E remains responsible for the groundwater monitoring across the site, the second phase of the remediation will address site soils and soil vapor, likely in line with PG&E's soil removal action and clean fill replacement. BioMarin will complete this second phase prior to initiation of construction and development activities.

The property is well-situated within a central Downtown San Rafael location and, once revitalized and developed, could be a signature property for San Rafael. The site is located within one block of the 4th Street core and is well-served by public transit- less than a quarter-mile (or a five-minute walk) from the Bettini Transportation Center and the SMART train station. The San Rafael General Plan highlights this site as a major Downtown redevelopment opportunity that could take advantage of visibility from 2nd and 3rd streets, extend uses on the SRCC, and support the 4th Street core.

Due to the central location of the 999 3rd Street site, the property is ideal to house a healthy aging center and affordable senior housing. To this end, BioMarin has collaborated with Whistlestop and Eden Housing to construct affordable senior housing and a healthy aging center on a portion of the 999 3rd Street site. BioMarin's arrangements with Whistlestop, who will operate the Healthy Aging Center and, in association with Eden Housing, the owner and manager for the affordable senior housing, include a land donation valued at \$1.2 million. This arrangement is integral in order to make the healthy aging center and affordable senior housing component of the project economically feasible. For purposes of environmental review, the project includes both the BioMarin campus expansion and the healthy aging center and affordable housing.

## BIOMARIN CAMPUS EXPANSION

A total of 2.71 acres (118,099 square feet) of the site (see Figure 5) will become an extension of the BioMarin campus that is currently located at the SRCC. A total of approximately 207,000 square feet of space for R&D laboratories, office uses, and retail space is proposed to be developed on this site in two phases, along with the proposed housing and healthy aging center (see following section for more information). Of the 207,000 square feet, Phase I (Building A) of the BioMarin campus expansion proposes approximately 77,000 square feet of office and 33,000 square feet of amenities for employees and visitors to support the BioMarin campus. Ground floor amenities are expected to include lobbies, conference rooms, and a fitness center, in addition to retail and dining space. Within these 33,000 square feet of amenities, BioMarin proposes to include retail space (approximately 3,500 square feet) open to the public. In addition, BioMarin proposes to develop an adjacent landscaped plaza (approximately 6,000 square feet) which will also be open for use by the public and act as an outdoor public gathering space during daytime hours. Phase II (Building B) is proposed to house 97,000 square feet of laboratory space. As previously mentioned, parking will be accommodated on a campus-wide basis on adjacent BioMarin sites. The project site will be well landscaped with a rich palette of planting and generous landscaped street setbacks with local planting materials and large trees that will enhance the pedestrian environment along 2nd, 3rd, and Lindero streets.

**Table 3: BioMarin Campus Expansion Under Proposed PD**

Description	Building Square Footage (gsf)			
	Office	Labs	Amenities	Total
<b>Proposed Buildings</b>				
999 3rd Street (Building A)	77,000	-	33,000	<b>110,000</b>
999 3rd Street (Building B)	-	97,000	-	<b>97,000</b>
<b>Total Existing Buildings</b>	304,160	86,540	10,000	<b>400,700</b>
<b>Total Entitled (Unbuilt) Buildings</b>	72,396	-	-	<b>72,396</b>
<b>Total BioMarin Campus</b>	<b>453,556</b>	<b>183,540</b>	<b>43,000</b>	<b>680,096</b>
<b>Remaining to Develop</b>				<b>35,400</b>

## HEALTHY AGING CENTER AND AFFORDABLE SENIOR HOUSING

BioMarin is proposing to provide 0.34 acres (15,000 square feet) on the northwest corner of the property, as depicted in Figure 5, for the development of a healthy aging center and affordable senior housing. The proposed healthy aging center and housing is composed of a six-story building with a planned height of 70 feet. Uses within the building will include an approximately 18,000 -square-foot Healthy Aging Center on the first and second floors and residential units on the remaining floors. The Healthy Aging Center will include classrooms, a dance/exercise studio, and meeting rooms. The Healthy Aging Center would offer improved access to affordable health care, and avenues for information and referral services and social connection. The ground floor will also provide parking and required utility uses.

The upper floors will provide a total of 67 residential units for seniors, comprised of studios and one-bedroom units, with one two-bedroom unit provided for the manager. Each residential unit will

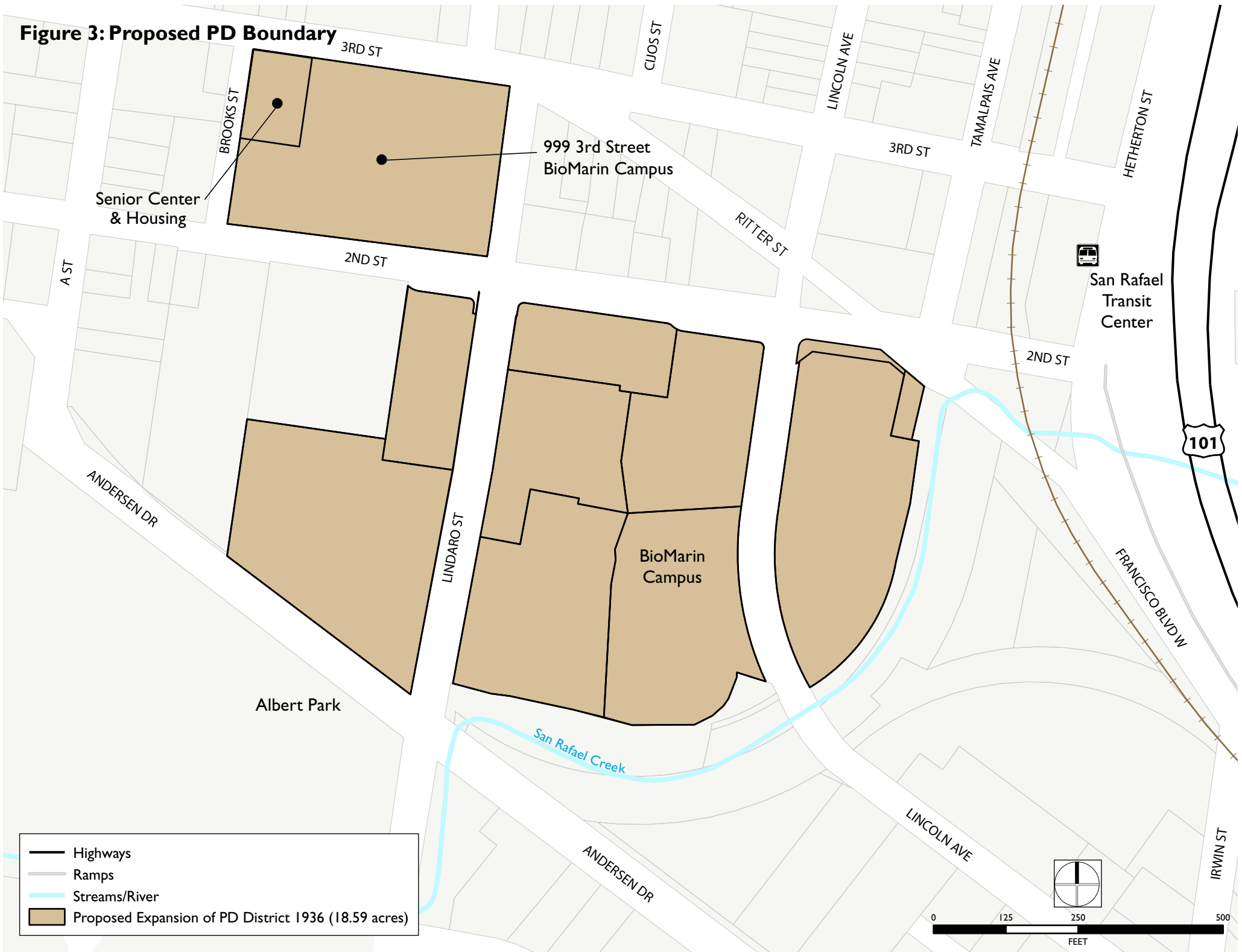
## BioMarin Planned Development Expansion

include kitchen, bathroom, living, dining, and sleeping spaces. The units will be leased at affordable rents to seniors aged 62 and over, earning less than 60 percent of the area median income. High-quality residential amenities provided will include a community room, computer center and library, and landscaped courtyards with community gardens for seniors to grow their own vegetables and herbs.

Access to transit will be available via (1) van service (Marin's Whistlestop Wheels Paratransit) with access at the ground-level parking; (2) buses at the Bettini Transportation Center (located less than a quarter mile away); and (3) regional rail at the SMART station. A total of 12 parking spaces will be provided at street level for use by the senior center employees and guests.

The proposed project will allow Whistlestop to continue offering a wide array of services to seniors (fitness classes, health clinics, screenings, etc.) and provide affordable homes to seniors in a central Downtown location.

**Figure 3: Proposed PD Boundary**



**Figure 4: 999 Third Street – Proposed Development Parcel**





**Figure 5: 999 Third Street with Healthy Aging Center and Housing**



## **CONSISTENCY WITH CITY GOALS**

This proposal is consistent with the adopted goals and policies in the General Plan as follows:

- Goal NH-16 calls for expanding Downtown’s economic success and increasing opportunities for retail, office, and residential development. The Whistlestop/Eden Housing and BioMarin proposal for 999 3rd Street collectively addresses this goal.
- The proposal also supports General Plan Goals H-9 and H-13, which encourage the production of housing for low-income seniors.
- Additionally, one of the five main goals of the Downtown Station Area Plan is to enable new transit-oriented development characterized by increased activity and a mix of uses, as well as a strong sense of place, which are provided by the proposed plan.
- This proposal, through BioMarin’s continuing enhancements to its TDM program, is also consistent with General Plan Goals C-8 (Eliminating and Shifting Peak Hour Trips), C-11 (Alternative Transportation Mode Users), and C-12 (Transportation Demand Management). BioMarin intends to work cooperatively with the City to minimize single occupancy vehicle use and reduce peak period traffic demand, thus decreasing the need for parking on its campus.

In addition, and more generally, this proposal embraces local, state, and federal initiatives to revitalize downtown parcels and redevelop brownfields.

Minor General Plan amendments are proposed in order to: 1) modify the maximum intensity of nonresidential development and assigned floor area ratios (FARs), reducing the FAR on the 999 3rd Street site from 1.5 to 0.9 and increase the FAR on the SRCC to 0.9, yielding a blended FAR of 0.9 across the entire PD; 2) allow for the use of a blended FAR for Downtown PDs under single ownership or unified control, consistent with current General Plan Policy LU-9.b.2, and ensures flexibility and distribution of FAR across the expanded PD; and 3) establish a height bonus for the 999 3rd Street site in exchange for specified amenities and community benefits.

## **4. Proposed Land Use and Development Standards**

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### **BIOMARIN CAMPUS EXPANSION**

#### **Land Use**

The 999 3rd Street property is located in the Second/Third Mixed Use East zoning district (2/3 MUE). This zoning district allows office and office-support retail and service uses, with housing encouraged for mixed-use projects. Laboratories are allowed with a conditional use permit from the Zoning Administrator. The proposed future development for this site is consistent with the existing zoning’s list of permitted and conditionally permitted uses.

BioMarin proposes a PD District amendment that would include the 999 3rd Street property and allow offices, R&D laboratories, and retail space as permitted uses along with affordable senior housing and a healthy aging center.

**Development Intensity; Floor Area Ratio (FAR) and Density**

The General Plan and current zoning allow for a maximum FAR of 1.5 on the 999 3rd Street property, which is equal to approximately 200,000 square feet of new development. Excluding the 15,000 square feet of the site that will be transferred to Whistlestop and Eden Housing, the lot area is reduced to approximately 118,099 square feet, for which an FAR of 1.5 allows for 177,000 building square feet. This is significantly less than the 207,000 square feet needed for the BioMarin campus expansion, which would require an FAR of 1.75. However, in the context of an expanded SRCC, the overall FAR for nonresidential space is only 0.89.

With this in mind, BioMarin proposes that, through a General Plan amendment, the maximum allowable FAR for the 999 3rd Street site be reduced from 1.5 to 0.9 and the FAR for the existing SRCC be increased from 0.75 to 0.9 to yield a blended FAR of 0.9 across the entire PD. As shown in Table 4, the proposed development across the expanded PD, excluding the site area for the affordable housing component, is 0.89. The blended FAR would be effectuated by a new policy added to the General Plan allowing for the use of a blended FAR in a PD under a single ownership or unified control. This policy would enable FARs designated for specific areas within the PD to be used to calculate an overall allowable floor area for a project, which can then be allocated among buildings on the site irrespective of FAR designations on individual parcels. Figure 6 illustrates how this modified FAR would be applied in the project area; it would amend Exhibit 6 in the Land Use Element of the General Plan and also the map in Section 14.16.150 of the Zoning Ordinance (Title 14 or the Municipal Code).

**Table 4: Proposed Development with Blended FAR**

<i>Description</i>	<i>Site Square Feet</i>	<i>FAR</i>	<i>Allowable Development (Building Square Feet)</i>
Existing SRCC Campus	676,922	0.75	507,690
Total 999 3rd Street	133,099	1.5	200,000
<b>Total</b>	<b>810,021</b>		<b>707,690</b>
999 3rd Street Senior Center & Housing	(15,000)		
Proposed Development	795,021	0.89	707,690

The following proposed policy would refine LU-9, Intensity of Nonresidential Development, by adding a new subsection at the end, as follows:

*d. Within a Downtown Planned Development, a blended floor area ratio may be used to establish the maximum allowable floor area for nonresidential development. The maximum floor area allowed for subareas of the PD, calculated using the ratios shown in Exhibit 6, can then be combined and allocated among buildings within the PD without regard to the specific FAR for an individual building site, provided that the total allowable floor area for the PD is not exceeded.*

The proposed General Plan amendments would allow for expansion of the SRCC with efficiently-designed office and laboratory space, while accommodating on-site affordable housing and a healthy aging center in close proximity of Downtown San Rafael and transit. Community benefits of the proposed project also include a public plaza, retail space, street landscaping, funds for a bike path, and safety improvements at adjacent pedestrian crossings.

Additionally, the proposed nonresidential density for the 999 3rd Street site is consistent with City standards and the General Plan, as it is based on a calculation using the entire three-acre site.

**Building Heights**

The General Plan and current base zoning of the 999 3rd Street property allow for building heights of 54 feet with height bonuses at certain locations. These are identified in Exhibit 10 of the General Plan and further detailed in Section 14.16.190 of the Zoning Ordinance. BioMarin requests approval of a General Plan amendment to add the 999 3rd Street site to the list of locations in Exhibit 10 where a height bonus could be approved in return for provision of specified amenities and community benefits. The specific addition to Exhibit 10, Height Bonuses, requested through the General Plan amendment, is shown in Table 5 below (new text shown in italics).

**Table 5: Proposed Modifications to General Plan Exhibit 10: Height Bonuses Location**

<b>Location</b>	<b>Maximum Height Bonus</b>	<b>Amenity (may provide one or more of the following)</b>
Fourth Street Retail Core Zoning District	12 feet	Affordable housing Public courtyards, plazas and/or passageways (consistent with Downtown Design Guidelines) Public parking (not facing Fourth Street)
999 3rd Street	20 feet	<i>Affordable housing (minimum 60 units)</i> <i>Privately owned public plaza (5,000 sq. ft. or more in size)</i> <i>Community facility (e.g. senior center, 10,000 sq. ft. or more in size)</i> <i>Pedestrian crossing safety improvements at adjacent intersections</i> <i>Donation of funds for development of bike lanes</i>

In addition, General Plan Policy LU-12 states that “...*Height limits may be exceeded through granting of a zoning exception or variance.*” The specific requirements for a height variance stated in Section 14.24.020 are: “...*In all nonresidential zoning districts, except the R/O district, building height may be increased beyond the height limit where: (1) additional building height is required for a special use or function, and the building is designed specifically for that use; or (2) there are special circumstances related to the site and topography which warrant the exception.*”

R&D and laboratory space have greater requirements for floor to floor heights (17 to 19 feet) than those of a traditional office building (13 to 14 feet) due to programmatic and equipment-related requirements. The site is also located in flood zone, and the ground level slab of the buildings must be raised to meet FEMA requirements.

While the R&D buildings propose a height of 69 feet above the ground level slab, the proposed building heights are calculated from average grade, as defined in the City's Municipal Code. The proposed 20-foot height bonus would allow for the construction of efficient R&D and lab space on the 999 3rd Street site, while also allowing portions of the lot to be dedicated to affordable senior housing and public amenities. Rooftop mechanical equipment and associated screening are excluded from height calculations per Section 14.16.120 of the Zoning Ordinance.

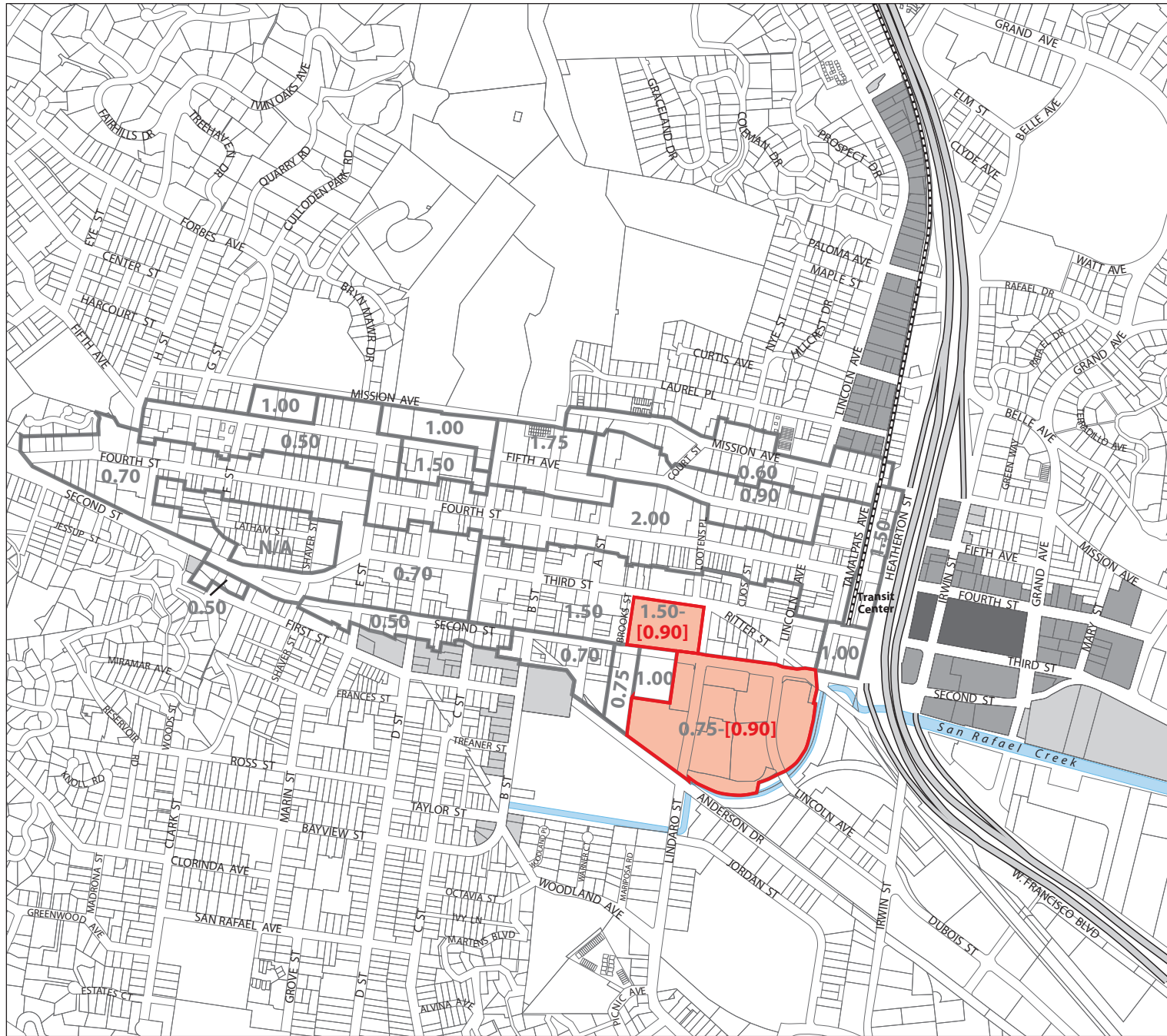
The City's General Plan recognizes that flexibility is warranted when special circumstances occur, and for that reason, BioMarin claims that the height bonus for the proposed project is in the public interest when the specified amenities and community benefits are provided. Moreover, this height bonus is necessary for the development of a biotech campus. The proposed maximum height of up to 74 feet will accommodate efficient four-story R&D laboratory buildings and the specialized infrastructure they require, as well as the elevation of the ground floor at the low point of the site, in order to meet the standards for flood protection and stormwater management.

Limits on the supply of office and R&D space, especially specialized lab space in the Bay Area, force many companies to travel far and wide in search of appropriate facilities. This project provides valuable lab space and efficient office space in Downtown San Rafael with easy highway and transit access. This opportunity for increased accessibility further supports the requested General Plan amendment that would allow the height bonus.

Although the General Plan Policy LU-12 alone is sufficient to give San Rafael the flexibility to allow the necessary height increase, the public benefits afforded by BioMarin's project should further qualify for development flexibility under various State and local standards. BioMarin's project will offer the following public benefits:

- Donation of a portion of the property, valued at \$1.2 million, for the development of a senior center and affordable senior housing;
- 3,500 square feet of retail space and 6,000 square feet of landscaped plaza open to the public during day time hours at the corner of 3rd and Lindaro streets;
- Donation of funds for the development of a bike lane on Lindaro Street from 3rd Street to Anderson Drive; and
- Donation of funds to enhance pedestrian safety with improved sidewalks and crosswalk design at the corner of Lindaro and 2nd streets, as well as 3rd Street and Lootens Place.

**Figure 6: Proposed Modification to General Plan Exhibit 6**



**Floor Area Ratios in Downtown and Environs**

**Floor Area Ratio (FAR)**

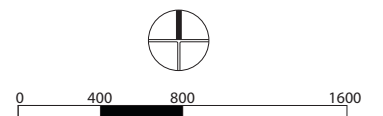
0.32

0.40

0.50

**X.XX** Downtown FAR

**Proposed Areas for FAR Amendment**



## Parking

This section addresses parking requirements of the BioMarin campus. Parking requirements for the healthy aging center and housing are discussed in the subsequent “Healthy Aging Center and Senior Housing” section.

Availability of parking for employees and visitors is vital to BioMarin’s operations. However, BioMarin aims to balance parking availability at the campus level with its continuing goal to promote the use of alternative transportation modes by employees. As stated in the San Rafael General Plan, “*Downtown requires a flexible, urban parking strategy.*”<sup>3</sup>

## Existing Standards

The existing PD District for BioMarin requires the provision of 3.3 parking space per 1,000 gross square feet (gsf) for the entire campus.<sup>4</sup> Since the existing PD District does not specify parking requirements for lab space, the same parking ratios have been used for the new research laboratory building and campus amenity spaces.

The 999 3rd Street property is located within the Downtown Parking District; as a result, the first 1.0 FAR is exempt from parking requirements. The first 1.0 FAR of nonresidential development equates to roughly 118,099 square feet of exempted space (for the BioMarin portion of the parcel only). This exemption is calculated in more detail in Table 10.

## Parking Analysis for Existing Development

Table 6 compares the parking currently provided on campus to what is required under the terms of PD-1936.<sup>5</sup> The existing development of 400,700 square feet requires 1,322 parking spaces based on currently-applied parking ratios.<sup>6</sup> Existing surface lots and parking structures provide 1,346 spaces,<sup>7</sup> indicating an excess of 24 parking spaces based on current PD parking ratios. This computes favorably with existing parking occupancy and the number of vacant parking spaces at peak times. Table 7 provides the parking analysis for both built and entitled but unbuilt buildings in the SRCC.

<sup>3</sup> City of San Rafael General Plan 2020, page 161.

<sup>4</sup> Similarly, the San Rafael Zoning Code (Section 14.18.040) requires office parking at 3.3 spaces per 1,000 square feet.

<sup>5</sup> City of San Rafael Ordinance No. 1936 amends the Zoning Map of the City of San Rafael to reclassify certain real property, commonly known as the San Rafael Corporate Center, located at 750-790 Lindero Street and 781-791 Lincoln Avenue in the City of San Rafael, Marin County, California (APN’s: 013-012-38 & 39 and 013-021-50,51,52,53,54 & 55), accessible at:

[http://cityofsanrafael.granicus.com/DocumentViewer.php?file=cityofsanrafael\\_eb17c887095991a35b97e3b65edd9a20.pdf](http://cityofsanrafael.granicus.com/DocumentViewer.php?file=cityofsanrafael_eb17c887095991a35b97e3b65edd9a20.pdf)

<sup>6</sup> City of San Rafael Ordinance No. 1936 specifies a ratio of 3.3 parking spaces per 1,000 square feet of gross building area throughout the PD.

<sup>7</sup> According to the latest parking study conducted by Fehr & Peers in May 2018.

**Table 6: Parking Analysis for Existing Development<sup>1,2</sup>**

Item	Building Square Footage (gsf)				Parking			
	Office <sup>3</sup>	Lab	Amenities	Total	Office	Lab	Amenities	Total
Parking Requirements (per 1,000 gsf)					3.3	3.3	3.3	
<b>Required Parking</b>								
750 Lindaro Street: (Building A)	82,842	-	5,000	<b>87,842</b>	273	-	17	<b>290</b>
781 Lincoln Avenue: (Building B)	71,039	-	-	<b>71,039</b>	234	-	-	<b>234</b>
770 Lindaro Street: (Building C)	78,360	-	5,000	<b>83,360</b>	258	-	17	<b>275</b>
790 Lindaro Street (Building D)	71,919	-	-	<b>71,919</b>	237	-	-	<b>237</b>
791 Lincoln Avenue: (Building E)	-	86,540	-	<b>86,540</b>	-	286	-	<b>286</b>
<b>Total Required Parking:</b>	<b>304,160</b>	<b>86,540</b>	<b>10,000</b>	<b>400,700</b>	<b>1,002</b>	<b>286</b>	<b>34</b>	<b>1,322</b>
<b>Existing Parking Supply</b>								
775 Lindaro Garage								403
788 Lincoln Garage (Phase I)								658
755 Lindaro Surface Lot								253
770 Lindaro Surface Lot								24
781 Lincoln Surface Lot								8
<b>Total Existing Parking Supply:</b>								<b>1,346</b>
<b>Parking Surplus</b>								<b>24</b>

## Notes:

1. Based on current zoning requirements.
2. Existing parking counts are based on the May 2018 report conducted by Fehr & Peers and excludes any temporarily closed parking facilities.
3. Office space includes some amenities (e.g. large conference area, lobby, fitness center, dining, etc.), but they are treated as office use under current PD parking requirements.



**Table 7: Parking Analysis for Existing and Entitled, Unbuilt Development<sup>1,2</sup>**

Item	Building Square Footage (gsf)				Parking			
	Office <sup>3</sup>	Lab	Amenities	Total	Office	Lab	Amenities	Total
Parking Requirements (per 1,000 gsf)					3.3	3.3	3.3	
<b>Required Parking</b>								
<b>Built</b>								
750 Lindaro Street: (Building A)	82,842	-	5,000	<b>87,842</b>	273	-	17	<b>290</b>
781 Lincoln Avenue: (Building B)	71,039	-	-	<b>71,039</b>	234	-	-	<b>234</b>
770 Lindaro Street: (Building C)	78,360	-	5,000	<b>83,360</b>	258	-	17	<b>275</b>
790 Lindaro Street (Building D)	71,919	-	-	<b>71,919</b>	237	-	-	<b>237</b>
791 Lincoln Avenue: (Building E)	-	86,540	-	<b>86,540</b>	-	286	-	<b>286</b>
<b>Entitled Not Built</b>								
755 Lindaro Street	72,396	-	-	<b>72,396</b>	239	-	-	<b>239</b>
<b>Total Required Parking:</b>	<b>376,556</b>	<b>86,540</b>	<b>10,000</b>	<b>473,096</b>	<b>1,241</b>	<b>286</b>	<b>34</b>	<b>1,561</b>
<b>Existing Parking Supply</b>								
775 Lindaro Garage								403
788 Lincoln Garage (Phase I)								658
755 Lindaro Surface Lot								185
770 Lindaro Surface Lot								24
781 Lincoln Surface Lot								8
<b>Changes to Existing Parking</b>								
788 Lincoln Garage (Phase II)								256
788 Lincoln Surface Lot								26
<b>Total Parking Supply</b>								<b>1,560</b>
<b>Parking Deficit</b>								<b>(1)</b>

Notes:

1. Based on current zoning requirements.
2. Existing parking counts are based on the May 2018 report conducted by Fehr & Peers and excludes any temporarily closed parking facilities.
3. Office space includes some amenities (e.g. large conference area, lobby, fitness center, dining, etc.), but they are treated as office use under current PD parking requirements.

### ***Proposed Standards***

BioMarin proposes setting parking ratios that are specific to each building type and function for the expanded PD. These proposed functionally-based ratios support the realistic use of parking at biotech campuses, the continued success of BioMarin's TDM program, and the General Plan's goal of expanding alternatives to single occupancy vehicles for local and regional mobility. The parking program is also informed by annual parking utilization studies conducted by Fehr & Peers since 2016. These studies have consistently shown that on average approximately 50 percent of parking spaces at BioMarin's facilities are vacant on a daily basis, with a 40 percent vacancy rate during peak hours. These ratios are based on both benchmarks (discussed below) and how BioMarin uses these spaces.

BioMarin's laboratory buildings provide highly needed R&D lab spaces with maximum efficiency by locating most scientist offices in adjacent office buildings. As a result, if a flat parking ratio is applied to offices and labs, it fails to take into consideration that most labs are utilized by the same employees situated in adjacent office buildings, resulting in an over-estimation of parking needs. Minimum parking is provided in the lab buildings. Additionally, campus amenity spaces such as exercise space/gym, dining areas, and large conference rooms are also used by the same employees assigned to offices and labs, thus requiring minimal additional parking. To ensure no double counting of parking needs while offering an overall conservative amount of parking, BioMarin proposes the following parking ratios for each building type:

- Office: 3.0 spaces per 1,000 gsf
- R&D Labs: 1.5 space per 1,000 gsf
- Amenities: 1.0 space per 1,000 gsf

BioMarin recognizes that the success of these ratios hinges on an effective TDM program. BioMarin's current TDM program is successful and continues to expand. In addition, the construction of the SMART train station just a short walk from the campus provides a new opportunity to decrease the number of employees who commute by single occupancy vehicle.

BioMarin also recognizes that the distribution of parking spaces across the campus is just as critical as the overall number provided. Consolidating larger parking structures on the perimeter of the campus will not only keep the visible bulk away from major views but also result in fewer car trips along 2nd and 3rd streets, while creating an environment more easily navigated by employees and visitors.

The following proposed parking scenario illustrates how BioMarin will meet its parking needs.

### ***Proposed Parking Scenario***

As shown in Tables 8 and 9, the proposed parking scenario anticipates that the future development at 999 3rd Street will be approximately 47 percent research laboratories (97,000 gsf), 37 percent office (77,000 gsf), and 16 percent campus amenities (33,000 gsf). The 999 3rd Street property is located within the Downtown Parking District; as a result, the first 1.0 FAR is exempt from parking requirements. The first 1.0 FAR of nonresidential development equates to roughly 118,099 square

feet of exempted space (for the BioMarin portion of the parcel only). Calculations for the FAR parking exemption are shown in Table 10.

Under the proposed parking ratios, BioMarin is required to provide a total of 1,446 parking spaces in the expanded PD. The proposed project consists of two BioMarin buildings. Phase I of the project includes Building A and surface parking. Parking for Phase I of the BioMarin campus expansion is shown on Table 8.

A proposal for an expansion of the existing 788 Lincoln Avenue parking structure by BioMarin was recently approved. This expansion was intended to serve the parking requirements for an accompanying proposal for an office building at 755 Lindaro Street. Full development of the BioMarin campus also includes Building B on 999 3rd Street. Proposed parking for the full development of the BioMarin campus is shown in Table 9. Upon its completion, the expansion (Phase II) of the 788 Lincoln Avenue Parking Structure will yield a total parking supply of 1,589 spaces, an excess of 143 parking spaces.

**Table 8: Proposed Parking for Expanded PD, Phase I**

Item	Building Square Footage (gsf)				Parking			
	Office	Lab	Amenities	Total	Office	Lab	Amenities	Total
Parking Proposed (per 1,000 gsf)					3.0	1.5	1.0	
<b>Required Parking</b>								
<b>Existing Buildings</b>								
750 Lindaro Street (Building A)	82,842	-	5,000	<b>87,842</b>	248	-	5	<b>253</b>
781 Lincoln Avenue (Building B)	71,039	-	-	<b>71,039</b>	213	-	-	<b>213</b>
770 Lindaro Street (Building C)	78,360	-	5,000	<b>83,360</b>	235	-	5	<b>240</b>
790 Lindaro Street (Building D)	71,919	-	-	<b>71,919</b>	216	-	-	<b>216</b>
791 Lincoln Avenue (Building E)	-	86,540	-	<b>86,540</b>	-	130	-	<b>130</b>
<b>Proposed Buildings</b>								
999 3rd Street (Building A)	77,000	-	33,000	<b>110,000</b>	231	-	33	<b>264</b>
<b>Subtotal</b>	<b>453,556</b>	<b>86,540</b>	<b>43,000</b>	<b>510,700</b>	<b>1,143</b>	<b>130</b>	<b>43</b>	<b>1,316</b>
999 3rd Street Parking Exemption <sup>1</sup>	(43,697)	-	(18,896)	(62,593)	(131)	-	(19)	<b>(150)</b>
<b>Total Required Parking</b>	<b>453,556</b>	<b>86,540</b>	<b>21,901</b>	<b>561,997</b>	<b>1,012</b>	<b>130</b>	<b>24</b>	<b>1,166</b>
<b>Parking Supply</b>								
Existing Parking <sup>2</sup>								1,346
999 3rd Street Surface Lot								75
<b>Total Parking Supply</b>								<b>1,421</b>
<b>Parking Surplus</b>								<b>255</b>

Notes:

1. Downtown Parking District exempts first 1.0 FAR from parking requirements. See Table 10 for details on calculation.
2. For calculations of existing parking supply, see Table 6.

**Table 9: Proposed Parking for Expanded PD, Full Build-out of BioMarin Campus**

Item	Building Square Footage (gsf)				Parking			
	Office	Lab	Amenities	Total	Office	Lab	Amenities	Total
Parking Proposed (per 1,000 gsf)					3.0	1.5	1.0	
<b>Required Parking</b>								
<b>Existing Buildings</b>								
750 Lindaro Street (Building A)	82,842	-	5,000	<b>87,842</b>	248	-	5	<b>253</b>
781 Lincoln Avenue (Building B)	71,039	-	-	<b>71,039</b>	213	-	-	<b>213</b>
770 Lindaro Street (Building C)	78,360	-	5,000	<b>83,360</b>	235	-	5	<b>240</b>
790 Lindaro Street (Building D)	71,919	-	-	<b>71,919</b>	216	-	-	<b>216</b>
791 Lincoln Avenue (Building E)	-	86,540	-	<b>86,540</b>	-	130	-	<b>130</b>
<b>Future Development</b>								
755 Lindaro Street	72,396	-	-	<b>72,396</b>	217	-	-	<b>217</b>
999 3rd Street (Building A)	77,000	-	33,000	<b>110,000</b>	231	-	33	<b>264</b>
999 3rd Street (Building B)	-	97,000	-	<b>97,000</b>	-	146	-	<b>146</b>
<b>Subtotal</b>	<b>453,556</b>	<b>183,540</b>	<b>43,000</b>	<b>680,096</b>	<b>1,360</b>	<b>276</b>	<b>43</b>	<b>1,679</b>
999 3rd Street Parking Exemption <sup>1</sup>	(43,697)	(55,507)	(18,896)	(118,099)	(131)	(83)	(19)	<b>(233)</b>
<b>Total Required Parking</b>	<b>409,859</b>	<b>128,033</b>	<b>24,104</b>	<b>561,996</b>	<b>1,229</b>	<b>193</b>	<b>24</b>	<b>1,446</b>
<b>Parking Supply<sup>2</sup></b>								
Existing Parking								1,346
755 Lindaro Surface Lot <sup>3</sup>								(68)
788 Lincoln Garage (Phase II)								256
788 Lincoln Surface Lot								26
999 3rd Street Surface Lot <sup>4</sup>								29
<b>Total Parking Supply</b>								<b>1,589</b>
<b>Parking Surplus</b>								<b>143</b>

Notes:

1. Downtown Parking District exempts first 1.0 FAR from parking requirements. See Table 10 for details on calculation.
2. For calculations of existing parking supply, see Table 6.
3. As a result of the construction of the office building at 755 Lindaro, existing parking is reduced by 68 spaces, leaving 185 surface lot parking spaces.
4. After construction of Building B on 999 3rd Street, surface parking is reduced from 75 spaces to 29 spaces.

**Table 10: Parking Exemption Calculations – 999 3rd Street**

Use Type	Building Square Footage (gsf)	Percent of Total 999 3rd Street Development	Exempt Square Footage (gsf) <sup>1</sup>	Reduced Parking Spaces
<b>Phase I – Building A</b>				
Office	77,000	37%	43,697	131
Lab	-	-	-	-
Amenities	33,000	16%	18,896	19
<b>Subtotal</b>	<b>110,000</b>	<b>53%</b>	<b>62,593</b>	<b>150</b>
<b>Phase II – Building B</b>				
Office	-	-	-	-
Lab	97,000	47%	55,507	83
Amenities	-	-	-	-
<b>Subtotal</b>	<b>97,000</b>	<b>47%</b>	<b>55,507</b>	<b>83</b>
<b>Total</b>	<b>207,000</b>	<b>100%</b>	<b>118,099</b>	<b>233</b>

Notes:

- I. Downtown Parking District exempts first 1.0 FAR from parking requirements. For 999 3rd Street, 1.0 of total site area is equal to 118,099 square feet. Parking requirements for first 1.0 FAR determined by applying the parking ratios for each use based on share of total development.

**Benchmarks**

As detailed in Table 11 below, BioMarin’s proposed parking ratios mandate more parking than what is indicated as necessary according to the 4th Edition of *Parking Generation*, the Institute of Transportation Engineers’ (ITE) nationwide survey that assesses parking demand.

**Table 11: Institute of Transportation Engineers Average Parking Generation Rates**

ITE Land Use	Average Parking Generation Rate <sup>1</sup>
Suburban Office	2.84
Industrial Park	1.27
General Light Industrial	0.75
Manufacturing	1.02

Notes:

- I. Parking spaces per 1,000 square feet

Source: *Institute of Transportation Engineers, Parking Generation, 4th Edition*

Best practices for zoning related to parking is exemplified by the City of Emeryville, which serves as an appropriate benchmark for San Rafael as it is a San Francisco Bay Area city with a robust biotechnology sector. There, the minimum number of parking spaces required is 33 percent less than the estimated parking demand indicated by ITE, while the maximum number of parking spaces required is 10 percent

above the ITE parking demand.<sup>8</sup> As shown in Table 12, the parking ratios proposed by BioMarin are comparable to Emeryville's. In fact, the parking ratio for office uses proposed by BioMarin is more generous and greater than the parking maximum for office uses in Emeryville. Appendix A provides a comparison of parking requirements for several peer cities, including cities that host a significant presence of biotech companies, such as South San Francisco.

**Table 12: Emeryville Parking Regulations (Spaces per 1,000 gsf)**

<i>Use Type</i>	<i>Estimated Parking Demand</i>	<i>Parking Minimum</i>	<i>Parking Maximum</i>
Office	2.40	1.85	2.64
Light Manufacturing	0.75	0.58	0.83
Pharmaceutical Manufacturing	1.00	0.77	1.10
Research and development	1.50	1.16	1.65

As the use of alternative modes of transportation increases, BioMarin expects the demand for parking to decrease. This expectation is supported by the City's recent adoption of the San Rafael Bicycle and Pedestrian Master Plan Update 2018 as well as countywide and regional strategies to reduce automobile commuting and support bike and transit use. Furthermore, privately-owned alternatives to single occupancy vehicles, such as Uber, Lyft, and Chariot, provide a fast-growing and attractive alternative to visitors and employees who prefer not to drive. Parking demand at the BioMarin campus is further curtailed through the company's robust TDM program and close proximity to the SMART train.

**Campus Parking Strategies**

Section 14.05.010 of the San Rafael Zoning Ordinance specifies that in the 2/3 MUE District, parking areas should be screened, yet easy to find, in order to create an inviting appearance to 2nd and 3rd streets. To minimize the impact on traffic along 2nd and 3rd streets and to support the City's vision noted above, BioMarin proposes campus parking by using parking structures and parking lots on the periphery of the campus and away from the busy traffic corridors of 2nd and 3rd streets. This campus approach to parking will not only allow for better pedestrian connectivity for the employees, by not dispersing parking throughout the campus, but also will reduce impacts on traffic of these major roads and make finding parking easy for employees and visitors.

BioMarin will also continue to strengthen and expand its TDM program, which includes: flexible work hours, working from home or from satellite offices (telecommuting), supporting employees for carpool and vanpool through an internal website with easy access to external resources, and options to support employees' use of public transportation. Additionally, BioMarin's campus provides large secure bike storage areas and shower facilities to support and encourage bicycle commuting. Campus and nearby Downtown amenities such as food and services minimize the need for daytime driving and, therefore, individual cars on campus.

In combination with an effective campus parking strategy, programs that encourage employees to use alternative modes of transportation can reduce the overall demand for new parking spaces. The SMART

<sup>8</sup> See Emeryville Planning Regulations, Municipal Code Title 9, §9-4.404.

train provides a significant opportunity to further encourage use of alternative modes of transportation, particularly for those workers commuting from Sonoma County.

### **Contingency Plan**

While lowered parking rates for the proposed project make sense, City staff has requested that BioMarin agree to a contingency plan in the event that the development is no longer occupied by BioMarin but another single user or multiple tenants with higher parking demands. To that end, Bio Marin proposes the following as a condition of approval of the PD expansion for the 999 3rd Street site, to be incorporated into the amended PD permit and the Master Use Permit for the project:

*BioMarin will incorporate the following provisions into an enforceable deed for the project site: Changes in tenancy or use, expansion of use(s), or expansion of floor area that create a parking demand that is more than five (5) percent greater than the number of required parking spaces approved under PD permit (# to be added) shall provide additional automobile parking, bicycle parking, and loading space as required by the San Rafael Municipal Code and/or demonstrate to the satisfaction of the City that an enhanced Transportation Demand Management Program will meet the increased parking demand. Existing parking shall be maintained but may be replaced in a reconstructed parking facility. A change in occupancy is not considered a change in use if the parking demand of the new occupant is essentially the same as that for the occupant approved with PD permit amendment (# to be inserted).*

## **HEALTHY AGING CENTER AND AFFORDABLE SENIOR HOUSING**

### **Land Use**

The residential component of the proposed 999 3rd Street development includes a lobby, space for an integrated health services facility occupying 2,850 square feet, which is part of the Whistlestop Healthy Aging Center, utility and maintenance space, and parking on the ground floor. The second floor hosts the majority of the Healthy Aging Center in 14,400-square-foot of space. The four upper floors include a total of 67 residential units, including 66 units of affordable housing for seniors plus one unit for the live-in property manager. The Healthy Aging Center and senior housing, developed by Whistlestop and Eden Housing, will be located on approximately 15,000 square feet in the northwest corner of the 999 3rd Street site.

### **Development Intensity; Floor Area Ratio (FAR) and Density**

The Whistlestop/Eden Housing portion of the proposed project includes a total of 17,840 square feet of nonresidential space for the Healthy Aging Center. Using a lot area of 15,000 square feet, which will be donated to Whistlestop/Eden Housing from BioMarin, the nonresidential component of the Whistlestop/Eden Housing project has an FAR of 1.15, which is below the 1.5 maximum allowed in the General Plan.

Due to the extreme housing shortage in the Bay Area, especially for the elderly, Whistlestop/Eden Housing proposes to construct as many units as possible on the 999 3rd Street site. Marin County has the oldest population in the Bay Area, and by 2030, one-third of Marin County residents will be age 60 or older. The Whistlestop/Eden Housing residential component of the proposed project is eligible for a density bonus, concessions, and development standards reductions under State law and corresponding provisions of the San Rafael Municipal Code, since it proposes 100 percent affordable senior housing units.



The current zoning for the residential component of the proposed project is 600 lot area square feet per dwelling unit, which would allow for 25 units on the 15,000 square feet of lot area and 221 units for the 999 3rd Street site as a whole. Whistlestop/Eden Housing is requesting approval of 67 housing units, equivalent to approximately 224 lot area square feet per dwelling unit for the 15,000-square foot-portion of the 999 3rd Street development site. Pursuant to Govt. Code Section 65915(f), a “base” 35 percent density bonus may be applied to the allowed maximum residential density, resulting in “base” total of 34 units. To reach the 67 units proposed for this building, a Concession under the State’s Density Bonus Law is also requested.

Since 100 percent of the units will be for low-income seniors, the project qualifies for three concessions (Govt. Code § 65915(d)(2); SRMC, Table 14.16.030-1). Consistent with the San Rafael Municipal Code, Whistlestop and Eden Housing will furnish a project pro forma that demonstrates that the concessions will result in identifiable and actual cost reductions for the project, including construction and operating costs (SRMC, § 14.16.030(H)(3)(b)(v)). Whistlestop/Eden Housing seek the use of two concessions to build at the proposed density and height (height is detailed below under the “Building Height” section).

### **Building Height**

The current zoning allows for a maximum building height of 54 feet on the 999 3rd Street parcel. The healthy aging center and affordable housing qualify for a 12-foot height bonus for affordable housing under the City’s Zoning Ordinance, due to the provision of affordable senior housing. The proposed Whistlestop/Eden Housing building is 70 feet in height, which exceeds the 66 feet allowed by-right, including the 12-foot bonus. An additional Concession under the State’s Density Bonus Law is requested to allow for the additional four feet in building height. This Concession provides a reasonable accommodation that will result in identifiable cost reductions.

### **Setbacks**

The current zoning for the 999 3rd Street site requires a five-foot front setback and has no requirements for setbacks on the side or rear yards. The proposed residential building meets this requirement.

### **Landscaping**

The current zoning for the 999 3rd Street site requires that at least 10 percent of the site be landscaped. Whistlestop/Eden Housing propose landscaping along the building on 3rd Street in the five-foot front yard setback, which is equivalent to about 3 percent of the 15,000 square feet of the lot dedicated to residential uses. A Development Standard Reduction under State Density Bonus Law is requested in order to reduce this requirement, as shown in Table 13. The City’s current standards would not allow the project to be constructed with the same development program, including affordable housing and the healthy aging center, and this reduction is a reasonable accommodation allowed for by the State Density Bonus law. This request is appropriate based on the Downtown urban context of the site and is consistent with the character of neighboring properties and uses.

### **Parking**

For the nonresidential uses of the proposed project, four spaces per 1,000 square feet of building area would be required based on the requirements in the San Rafael Municipal Code Section 12.18.040. However, the project site is within the Downtown Parking District which discounts the first 1.0 of FAR (equivalent to 15,000 square feet for the Whistlestop/Eden Housing portion of the lot). Therefore, the

nonresidential parking required is reduced to 11 parking spaces. Twelve off-site parking spaces will be provided on the ground floor of the building.

**Table 13: Required Parking for Nonresidential Portion of Whistlestop/Eden Housing Project**

<i>Area (Building Square Feet)</i>	<i>Required Parking (at 4.0 space per 1,000 gsf)</i>
17,839	71
(15,000) <sup>1</sup>	(60)
2,839	11

Notes:

- I. First 1.0, which is equals 15,000 gsf, is exempt from parking requirements.

For the residential uses, 0.75 parking spaces per dwelling unit for seniors is required. The current zoning does not require visitor parking to be provided on site. Whistlestop/Eden Housing propose zero spaces per residential unit, with the exception of one space to be reserved for the on-site resident property manager. This reduction is a similar reasonable accommodation provided for under State law.

The proposed reduction in parking standards is reasonable for the type of development proposed, especially in light of Whistlestop/Eden Housing’s additional provisions for future residents. Residents will agree in their leases not to own cars, thereby creating a car-free community. This restriction on renting to seniors without cars is appropriate for several reasons. First, low-income seniors are more likely than any other age group to not own a car. Many individuals over the age of 62 choose not to drive for health reasons, and Census data consistently shows that lower income households own fewer cars than their higher income counterparts. Therefore, the pool of potential residents that will be occupying the affordable senior housing on the 999 3rd Street property – those earning 60 percent of the Area Median Income and who are over 62 – will be less likely to own a car. Second, for others that may still desire to own a car, the Downtown location and provided on-site services will facilitate a car-free lifestyle. Third, several forms of public transportation are available within walking distance to the 999 3rd Street site and accessible to residents. The SMART train station in Downtown San Rafael will offer seniors the ability to travel easily throughout Marin and Sonoma counties. For local trips, the Bettini Transportation Center offers over 16 bus routes operated by three carriers including Marin Transit, Golden Gate Transit, and Sonoma County Transit. In addition, Marin’s Whistlestop Wheels service could be available onsite for residents.

Once the Healthy Aging Center and affordable senior housing are in operation, a parking management plan will be developed to ensure that the 12 parking spaces provided are monitored and used efficiently. Expected users of the parking spaces include healthy aging center clients (during business hours on Monday through Friday), residents’ visitors (mostly on evenings and weekends), and the property manager.

During the proposed hours of operation for the senior center - 8:30 AM to 5:00 PM Monday through Friday – 11 of the 12 spaces will be marked for the healthy aging center’s use only. One of the 12 spaces will be designated for the property manager 24 hours a day, seven days a week. When the healthy aging center is closed on weekdays, as well as all day on the weekends, a “shared parking” strategy will be utilized that allows the spaces to be used by residents’ visitors.

## Site Development Standards

Separate and apart from any requests for concessions or incentives, State law allows that applicants may request reductions in site development standards that would otherwise physically preclude the construction of the development. State law states that such waivers are independent from any concessions or incentives (Govt. Code § 65915(e)(2)).

Whistlestop/Eden Housing seek the use of two Development Standard Reductions, as mentioned above, for parking and landscaping development standards, which can be found in Table 14.

**Table 14: Applicability of Density Bonus Law**

	<i>Current zoning</i>	<i>Proposed</i>
<b>Density and number of units</b>	600 lot area square feet per dwelling unit. Equivalent to 25 units if the lot area is determined to be 15,000 s.f. or 221 units if the lot area is determined to be 133,099 s.f.	67 units through use of Density Bonus and Concession.
<b>Height</b>	54 feet. Additional 12-foot bonus allowed for affordable housing.	70 feet through use of Concession
<b>Parking</b>	Senior center: Parking for the initial 1.0 FAR is exempt. 4 spaces/1,000 sq ft. Equivalent to 11 spaces. Residential: 0.75 spaces per dwelling unit for senior housing	12 spaces through use of Development Standard Reduction. 11 for Whistlestop use and 1 for an on-site resident property manager. 0 spaces for residents.
<b>Yard setback</b>	5 feet front yard; 0 feet side yards and back yard	5 feet front yard, 0 feet for other setbacks. No use of Density Bonus Law necessary.
<b>Landscaping</b>	10%	0% through use of Development Standard Reduction.
<b>Lot width</b>	60 feet minimum	50 feet. No use of Density Bonus Law necessary.

## 5. Conclusion

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As discussed above, the proposed project offers an exciting opportunity for public and private entities to collaborate on a development that will have significant and long-reaching benefits. The project has been thoughtfully planned with attention to the needs and desires of the City of San Rafael, the greater Marin County community, and the state of California. By providing the following benefits, the project is advantageous to all entities involved, including the public, BioMarin, and Whistlestop/Eden Housing:

- Remediation and revitalization of a brownfield;
- Development of a signature building in the heart of Downtown San Rafael that is reflective of the history of San Rafael and its future growth;
- Provision of much needed affordable senior housing and a healthy aging center proximately situated to public transportation and downtown businesses;

- Enhanced pedestrian experience and safety through the use of site setbacks and landscaping along the perimeter of the project, as well as improved sidewalks and crosswalk design;
- Promotion of San Rafael's goals of encouraging alternative modes of transportation with the donation of funds to develop of a bike lane on Lindaro Street from 3rd Street to Anderson Drive;
- Activation of 3rd Street as a vibrant downtown corridor, in parallel to and complementing 4th Street;
- Support for the continued growth and retention of BioMarin in San Rafael, which in turn provides significant economic benefits to the City as well as local businesses;
- Support for the City of San Rafael's desire to attract and retain a growing and sophisticated work force with high paying jobs; and
- Creation of transit-oriented development in line with the Downtown Station Area Plan's goals as well as the City of San Rafael's General Plan goals.

In order for this project to be realized, amendments are required to the General Plan and existing PD for the SRCC. The proposed amendments are all fully authorized under the City of San Rafael's Zoning Code and are minor in comparison to the public benefits afforded by this project, as demonstrated in the sections above.

BioMarin and Whistlestop/Eden Housing are committed to helping San Rafael realize its goals to enhance the quality of life for its people, businesses and community, while providing for improved mobility and a vibrant economic and cultural center in Downtown San Rafael.

## Appendix A: Parking Requirements in Peer Cities

**Table A-1: Parking Requirements in Peer Cities**

City	Parking Ratio (based on Zoning Code)		
	Office	Light Industrial	Research & Development
<b>San Rafael</b>			
2004 General Plan and Zoning Code	4.0 spaces per 1,000 gsf; 3.3 spaces per 1,000 gsf Downtown.  In the Downtown Parking Assessment District, parking for up to 1.0 FAR of the total gsf of the building is exempted (Administrative, business and professional offices uses)	2.0 spaces per 1,000 gsf (Industrial uses).  In the Downtown Parking Assessment District, parking for up to 1.0 FAR of the total gsf of the building is exempted.	unspecified
<b>Emeryville</b>			
2009 General Plan and Zoning Code	Min: 1.6 Max: 2.6  Minimum number of spaces is 33% less than estimated demand of 2.4 spaces per 1,000 gsf; Maximum number of spaces is 10% more than estimated demand (Office uses)  First 1,500 gsf in non-residential uses excluded from parking requirement, modified parking requirement allowed for shared parking based on peak hourly demand for each use; Alternative parking plan allowed if required # of spaces is physically impossible to provide	Min: 0.7 Max: 1.1  Minimum number of spaces is 33% less than estimated demand of 1 space per 1,000 gsf; Maximum number of spaces is 10% more than estimated demand (for Pharmaceutical manufacturing uses)  First 1,500 gsf in non-residential uses excluded from parking requirement, modified parking requirement allowed for shared parking based on peak hourly demand for each use; Alternative parking plan allowed if required # of spaces is physically impossible to provide	Min: 1.0 Max: 1.6  Minimum number of spaces is 33% less than estimated demand of 1.5 spaces per 1,000 gsf; Maximum number of spaces is 10% more than estimated demand (Research and development uses)  First 1,500 gsf in non-residential uses excluded from parking requirement, modified parking requirement allowed for shared parking based on peak hourly demand for each use; Alternative parking plan allowed if required # of spaces is physically impossible to provide

**Table A-1: Parking Requirements in Peer Cities**

City	Parking Ratio (based on Zoning Code)		
	Office	Light Industrial	Research & Development
<b>South San Francisco</b>			
1999 General Plan and Zoning Code	3.3 spaces per 1,000 gsf up to 100,000 gsf; 2.9 per 1,000 gsf over 100,000 gsf (Business and professional office uses)	0.7 spaces per 1,000 gsf of use area plus 3.3 per 1,000 gsf of office area plus 1 truck parking space for each delivery vehicle on-site during the peak time (General industry uses)	2.9 spaces per 1,000 gsf (Research and development uses)
2007 Genentech Master Plan and Zoning Code	2.8 spaces per 1,000 gsf (Genentech Master Plan District)	0.9 spaces per 1,000 sq. ft. (Genentech Master Plan District)	1.4 spaces per 1,000 gsf (Genentech Master Plan District)
<b>Novato</b>			
1996 General Plan and Zoning Code	3.6 spaces per 1,000 gsf (Office, administrative, corporate uses)  Downtown (D) overlay - 4.0 spaces for 1,000 gsf ground floor uses; 3.3 space for every 300 gsf for uses on upper floors	1.0 space per 1,000 gsf, which may include incidental office space comprising less than 5% of the total gross floor area. The parking requirements for additional office space shall be calculated separately. (General manufacturing industrial, and processing uses)	3.3 spaces per 1,000 gsf, plus 1 space per company vehicle. (Research and development uses)
<b>Petaluma</b>			
2012 General Plan and 2008 Zoning Code	3.3 spaces per 1,000 gsf (Office uses)  Zoning Administrator can grant CUP and reduce parking requirement by up to 25% for 20+ space shared parking within 300 ft of uses	1.0 space per 1.5 employees on the maximum shift or 2.0 spaces per 1,000 gsf of gross floor area or 35 spaces per acre, whichever is greater (Manufacturing uses)  Zoning Administrator can grant CUP and reduce parking requirement by up to 25% for 20+ space shared parking within 300 ft of uses	unspecified

**Table A-1: Parking Requirements in Peer Cities**

City	Parking Ratio (based on Zoning Code)		
	Office	Light Industrial	Research & Development
<b>Santa Rosa</b>			
Zoning Code	4 spaces per 1,000 gsf (for all business, financial, and professional service uses, except ATM and medical)	1.4 spaces per 1,000 gsf (for industrial and manufacturing uses greater than 50,000 gsf)  2.9 spaces per 1,000 gsf (for industrial and manufacturing uses less than 50,000 gsf)	3.3 spaces per 1,000 gsf, plus 1 space per company vehicle (for laboratory uses and research and development uses)
<b>Belmont</b>			
2017 Belmont General Plan	4 spaces per 1,000 square feet of net floor area and 3.3 spaces space per 1,000 square feet of net floor area within the Specific Plan Area when office and retail uses are mixed.	unspecified	unspecified
<b>Mountain View</b>			
2012 General Plan and Zoning Code	3.3 parking spaces per 1,000 gsf	4 spaces per 1,000 gsfa, plus 1 space for each vehicle operated in connection with each on-site use	3.3 parking spaces per 1,000 gsf
2014 North Bayshore Precise Plan	2.7 parking spaces per 1,000 gsf	unspecified	2.7 parking spaces per 1,000 gsf