



AGENDA

**SAN RAFAEL PLANNING COMMISSION
REGULAR MEETING
TUESDAY, May 14, 2019, 7:00 P.M.
COUNCIL CHAMBERS, CITY HALL, 1400 FIFTH AVENUE
SAN RAFAEL, CALIFORNIA**

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
RECORDING OF MEMBERS PRESENT AND ABSENT
APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS
PUBLIC NOTIFICATION OF MEETING PROCEDURES**

URGENT COMMUNICATION

Anyone with an urgent communication on a topic not on the agenda may address the Commission at this time. Please notify the Community Development Director in advance.

CONSENT CALENDAR

1. Minutes, 3/12/19 (Corrected)
2. Minutes, 4/23/19

PUBLIC HEARING

3. **815 B Street (Formerly 809 B St. and 1212 and 1214 2nd St.)** – Request for: A Tentative Parcel Map, and Environmental and Design Review Permit and Use Permit Amendments to subdivide a previously approved 41-unit mixed-use building, from residential rental units to residential condominium units, and to update current conditions of approval; APNS: 011-256-12, -14, -15 & -32; Second/Third Mixed-Use West (2/3MUW) and Cross-Street Mixed-Use (CSMU) Zoning Districts; Monahan Parker, Inc., owner; Steve Monahan for Monahan Parker, applicant; File No.:TS19-001, ED19-025, UP19-011; Downtown Neighborhood. Project Planner: Steve Stafford
4. **999 3rd Street (BioMarin R&D building / Whistlestop Senior Center / Senior Housing)** –Study Session Review of two 70-foot tall, four-story Research and Development buildings on a 133,099 sq. ft. parcel, currently developed as a vacant lot, and a 67-unit, 70-foot tall, six-story senior center and affordable senior housing building on a 15,000 sq. ft. portion of the northwestern corner of the parcel; APN: 011-265-01; Second/Third Mixed Use (2/3 MUE) Zone; Shar Zamanpour, Applicant; BioMarin / CCCA, LLC, Owner; Downtown Activity Center neighborhood area. Project Planner: Sean Kennings

**DIRECTOR'S REPORT
COMMISSION COMMUNICATION
ADJOURNMENT**

- I. Next Meeting: May 28, 2019
- II. I, Anne Derrick, hereby certify that on Friday, May 10, 2019, I posted a notice of the May 14, 2019 Planning Commission meeting on the City of San Rafael Agenda Board.

- Sign interpreters and assistive listening devices may be requested by calling 415/485-3085 (voice) or 415/485-3198 (TDD) at least 72 hours in advance. Copies of documents are available in accessible formats upon request.
- Public transportation to City Hall is available through Golden Gate Transit, Line 20 or 23. Paratransit is available by calling Whistlestop Wheels at 415/454-0964.
- To allow individuals with environmental illness or multiple chemical sensitivity to attend the meeting/hearing, individuals are requested to refrain from wearing scented products.

Any records relating to an agenda item, received by a majority or more of the Agency Board less than 72 hours before the meeting, shall be available for inspection in the Community Development Department, Third Floor, 1400 Fifth Avenue, and placed with other agenda-related materials on the table in front of the Council Chamber prior to the meeting.

THE PLANNING COMMISSION WILL TAKE UP NO NEW BUSINESS AFTER 11:00 P.M. AT REGULARLY SCHEDULED MEETINGS. THIS SHALL BE INTERPRETED TO MEAN THAT NO AGENDA ITEM OR OTHER BUSINESS WILL BE DISCUSSED OR ACTED UPON AFTER THE AGENDA ITEM UNDER CONSIDERATION AT 11:00 P.M. THE COMMISSION MAY SUSPEND THIS RULE TO DISCUSS AND/OR ACT UPON ANY ADDITIONAL AGENDA ITEM(S) DEEMED APPROPRIATE BY A UNANIMOUS VOTE OF THE MEMBERS PRESENT. APPEAL RIGHTS: ANY PERSON MAY FILE AN APPEAL OF THE PLANNING COMMISSION'S ACTION ON AGENDA ITEMS WITHIN FIVE BUSINESS DAYS (NORMALLY 5:00 P.M. ON THE FOLLOWING TUESDAY) AND WITHIN 10 CALENDAR DAYS OF AN ACTION ON A SUBDIVISION. AN APPEAL LETTER SHALL BE FILED WITH THE CITY CLERK, ALONG WITH AN APPEAL FEE OF \$350 (FOR NON-APPLICANTS) OR A \$4,476 DEPOSIT (FOR APPLICANTS) MADE PAYABLE TO THE CITY OF SAN RAFAEL, AND SHALL SET FORTH THE BASIS FOR APPEAL. THERE IS A \$50.00 ADDITIONAL CHARGE FOR REQUEST FOR CONTINUATION OF AN APPEAL BY APPELLANT.

In the Council Chambers of the City of San Rafael, March 12, 2019 (CORRECTED)



**Regular Meeting
San Rafael Planning Commission Minutes**

For a complete video of this meeting, go to <http://www.cityofsanrafael.org/meetings>

CALL TO ORDER

Present: Barrett Schaefer
Aldo Mercado
Sarah Loughran
Berenice Davidson
Jeff Schoppert
Jack Robertson
Mark Lubamersky

Absent: None

Also Present: Raffi Boloyan, Planning Manger
Steve Stafford, Senior Planer

PLEDGE OF ALLEGIANCE
RECORDING OF MEMBERS PRESENT AND ABSENT
APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS
PUBLIC NOTIFICATION OF MEETING PROCEDURES
URGENT COMMUNICATION
CONSENT CALENDAR

1. Minutes, February 26, 2019

Mark Lubamersky moved and Jack Robertson seconded to approve Minutes as presented. The vote is as follows:

AYES: Barrett Schaefer, Aldo Mercado, Sarah Loughran, Berenice Davidson, Jeff Schoppert, Jack Robertson, Mark Lubamersky
NOES: None
ABSTAIN: None
ABSENT: None

PUBLIC HEARING

- 2. 999 3rd Street (BioMarin R&D building & Whistlestop Senior Center/Senior Housing) – Scoping hearing for the Notice of Preparation of an Environmental Impact Report (EIR) to assess the impacts of two, approximately 70-foot tall, four-story Research and Development buildings on a 133,099 SF parcel, currently a vacant lot, and a 70-foot tall, six-story senior center and affordable senior housing building with 67 senior units on a 15,000 SF portion of the northwestern corner of the parcel; APN: 011-265-01; Second/Third Mixed Use (2/3 MUE) Zone; Shar Zamanpour, Applicant; BioMarin / CCA, LLC, Owner; Downtown Activity Center neighborhood area. Case Number(s): ED18-087, ZO18-003, ZC18-002, UP18-034, SP18-006, S18-001, DA18-001. Project Planner: Sean Kennings**

Staff Report

Jeff Schoppert moved and Barrett Schaefer seconded to direct staff to prepare an Draft Environmental Report and take into consideration the written and verbal comments taken in during the scoping session. The vote is as follows:

AYES: Barrett Schaefer, Aldo Mercado, Sarah Loughran, Berenice Davidson, Jeff Schoppert, Jack Robertson, Mark Lubamersky
NOES: None
ABSTAIN: None
ABSENT: None

3. 1200 Irwin St. (“Dominican Townhomes”) – Appeal of Planning staff’s December 7, 2018 denial without prejudice of an Environmental and Design Review Permit (ED17-073) proposing to legalize and modify miscellaneous design changes incorporated into an existing approved, constructed and occupied 15-unit multifamily residential development; APN: 011-013-05; Multifamily Residential – Medium Density (MR2) District; 524 Mission Street, LLC, owner; Casey Clements for Thompson Development, Inc., applicant and appellant; File No.: AP18-004 and ED17-073. Project Planner: Steve Stafford

1200 irwin

Jack Robertson moved and Mark Lubamersky seconded to continue item to April 9, 2019 Planning Commission meeting. The Commission directed staff to work with applicant on the following consensus items:

- 1) Change Base material and build up thicker as approved.
- 2) Change to paving color as approved.
- 3) Change to trellis as was approved.
- 4) Add trash enclosure around trash bin to match design of building.
- 5) OK to leave changes made to window color and white color on to of building

The vote is as follows:

AYES: Aldo Mercado, Sarah Loughran, Jeff Schoppert, Jack Robertson, Mark Lubamersky
NOES: Berenice Davidson. Barrett Schaeffer
ABSTAIN: None
ABSENT: None

DIRECTOR’S REPORT

COMMISSION COMMUNICATION

ADJOURNMENT

ANNE DERRICK, Administrative Assistant III

APPROVED THIS ____ DAY OF _____, 2019

Sarah Loughran , Chair

In the Council Chambers of the City of San Rafael, April 23, 2019



**Regular Meeting
San Rafael Planning Commission Minutes**

For a complete video of this meeting, go to <http://www.cityofsanrafael.org/meetings>

CALL TO ORDER

Present: Jack Robertson
Jeff Schoppert
Aldo Mercado
Berenice Davidson
Mark Lubamersky

Absent: Barrett Schaefer
Sarah Loughran

Also Present: Alicia Giudice, Senior Planner
Steve Stafford, Senior Planner
Barry Miller, Contract Project Planner

PLEDGE OF ALLEGIANCE

RECORDING OF MEMBERS PRESENT AND ABSENT

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

PUBLIC NOTIFICATION OF MEETING PROCEDURES

URGENT COMMUNICATION

CONSENT CALENDAR

1. Minutes, 3/26/19

Mark Lubamersky moved and Jack Robertson seconded to approve Minutes as presented. The vote is as follows:

AYES: Jack Robertson, Jeff Schoppert, Aldo Mercado, Berenice Davidson, Mark Lubamersky
NOES: None
ABSTAIN: None
ABSENT: Barrett Schaefer, Sarah Loughran

2. **1200 Irwin St. (“Dominican Townhomes”) – Appeal of Planning staff’s December 7, 2018 denial without prejudice of an Environmental and Design Review Permit (ED17-073) proposing to legalize and modify miscellaneous design changes incorporated into an existing approved, constructed and occupied 15-unit multifamily residential development; APN: 011-013-05; Multifamily Residential – Medium Density (MR2) District; 524 Mission Street, LLC, owner; Casey Clements for Thompson Development, Inc., applicant and appellant; File No.: AP18-004 and ED17-073. Project Planner: Steve Stafford ***THIS IS A CONTINUATION OF THE PLANNING COMMISSION HEARING HELD ON MARCH 12, 2019*****

[Staff Report](#)

Mark Lubamersky moved and Aldo Mercado seconded to grant appeal of Planning Staff’s denial without prejudice of the Environmental and Design Review for modifications to project. The vote is as follows:

AYES: Jack Robertson, Jeff Schoppert, Aldo Mercado, Berenice Davidson, Mark Lubamersky
NOES: None
ABSTAIN: None
ABSENT: Barrett Schaefer, Sarah Loughran

PUBLIC HEARING

3. **1201 Fifth Ave - Request for Use Permit and Environmental and Design Review for a new 54-foot high, 140-room hotel building with parking and other associated guest amenities located on a 28,719 square foot lot; APN: 011-212-03; Fifth/Mission Residential/Office (5/M R/O) District; 1201 5th LLC, owners/applicant; File No(s): UP18-045/ED18-106. Project Planner: Alicia Giudice**

[Staff Report](#)

Aldo Mercado moved and Berenice Davidson seconded to approve project as presented. The vote is as follows:

AYES: Jack Robertson, Jeff Schoppert, Aldo Mercado, Berenice Davidson, Mark Lubamersky
NOES: None
ABSTAIN: None
ABSENT: Barrett Schaefer, Sarah Loughran

4. **General Plan 2040 and Downtown Precise Plan. The City of San Rafael (City) will prepare an Environmental Impact Report (EIR) for the San Rafael General Plan 2040 and Downtown Precise Plan (proposed project) and will hold a public meeting to receive comments on the scope of the EIR, as detailed below. Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15206, the proposed project is considered a project of statewide, regional, or areawide significance. The City, acting as the Lead Agency, determined that the proposed project could result in potentially significant environmental impacts and an EIR is required. The City will prepare a Programmatic-Level EIR to address the potential environmental impacts associated with the project at a programmatic level consistent with CEQA Guidelines Section 15168. The program-level EIR will evaluate the project for potential impacts on the environment and analyze the proposed policies to determine the potential environmental consequences of future change. An evaluation of project alternatives that could reduce significant impacts will also be included. Project Planner: Barry Miller**

[Staff Report](#)

The Planning Commission welcomed public comment. There was no vote on this. Just individual comments from the Planning Commission on topics for consideration in the General Plan.

5. Update on General Plan 2040

There was not vote on this, just individual comments from the Planning Commission.

DIRECTOR'S REPORT

COMMISSION COMMUNICATION

ADJOURNMENT

ANNE DERRICK, Administrative Assistant III

APPROVED THIS ____ DAY OF _____, 2019

Jeff Schoppert, Acting Chair



SAN RAFAEL
THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: May 14, 2019
Agenda Item: 3
Case Numbers: TS19-001/ED19-025/UP19-011
Project Planner: Steve Stafford/ 415-458-5048

REPORT TO PLANNING COMMISSION

SUBJECT: 815 B Street (Formerly 809 B St. and 1212 and 1214 2nd St.) – Request for: A Tentative Parcel Map, and Environmental and Design Review Permit and Use Permit Amendments to subdivide a previously approved 41-unit mixed-use building, from residential rental units to residential condominium units, and to update current conditions of approval; APNS: 011-256-12, -14, -15 & -32; Second/Third Mixed-Use West (2/3MUW) and Cross-Street Mixed-Use (CSMU) Zoning Districts; Monahan Parker, Inc., owner; Steve Monahan for Monahan Parker, applicant; File No.:TS19-001, ED19-025, UP19-011; Downtown Neighborhood.

EXECUTIVE SUMMARY

In 2016, the Planning Commission conditionally approved a new, four-story mixed-use building with 41 residential units above a 2,470 sq. ft. ground-floor commercial space and 47 garage parking spaces. In 2018, the Zoning Administrator conditionally approved a two-year time extension or until May 10, 2020. The City is currently conducting plan check review of the submitted building permits for the project and the applicant has concurrently submitted a Vesting Tentative Map application to amend the project approvals to allow individual ownership of the residential units (condominium units) rather than rental units (apartment units). This change in use requires modifications to the current conditions of approval and updated compliance with the applicable standards and requirements for tentative maps under the Subdivision Ordinance (Title 15 of the San Rafael Municipal Code or SRMC). The project continues to meet the applicable standards and requirements for Environmental and Design Review Permits and Use Permits under the Zoning Ordinance (Title 14 of the SRMC) as conditioned.

PROPERTY FACTS

Address/Location:	809 B St.; 1212 and 1214 2 nd St. (aka 815 B St)	Parcel Number(s):	011-256-12, -14, -15 & -32
Property Size:	23,614 sf (Combined)	Neighborhood:	Downtown

Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
Project Site:	Second/Third St. Mixed-Use (2/3 MU)	Second/Third St. Mixed-Use West (2/3 MUW) and Cross Street Mixed-Use (CSMU)	Interim Church, Commercial Parking Lot, 1 Residence and 1 Vacant Structure
North:	2/3 MU	2/3 MUW; CSMU	Residential above Commercial

South:	2/3 MU	2/3 MUW; CSMU	Residential above Commercial
East:	2/3 MU	2/3 MUW	Residential above Commercial
West:	2/3 MU	2/3 MUW	Lone Palm Ct. Apts.

BACKGROUND

Site Description/Setting:

The subject property consists of four adjacent parcels, totaling approximately 0.53 acres in size, located in Downtown San Rafael. The parcels are currently developed with a single-story, approximately 5,000 square foot commercial building, a commercial parking lot with 45 parking spaces and two, two-story Victorian-era residences, located at 1212 and 1214 2nd Street that date to 1887 or earlier. The residential structure at 1212 2nd Street is a known local cultural resource, listed on the San Rafael Historical/Architectural Survey (dated 1976; updated 1986) and is currently uninhabitable due to fire damage sustained in 2006. The residential structure at 1214 Fourth Street was later determined eligible for listing on the California Register of Historical Resources by survey evaluation (1214 2nd Street). The subject property has little vegetation and is relatively flat.

The site is located within the Downtown Parking Assessment District. The St. Vincent De Paul Society dining room is located immediately east of the site, on the opposite side of B Street. The 60-unit, Lone Palm Court apartments are located immediately west of the site, on C Street. A 12'-wide public right-of-way (ROW) easement, which provides vehicular and pedestrian access from C Street to the site and neighboring parcels, borders the northwestern property boundary. The eastern property boundary of the site fronts B Street, which provides a pedestrian link between the Downtown and the Gerstle Park residential neighborhood. The southern property boundary of the site fronts 2nd Street, which is a one-way (eastbound) "major" arterial roadway.

Project History:

On May 10, 2016, the Planning Commission conditionally approved a new, four-story mixed-use building with 41 residential units above a 2,470 sq. ft. ground-floor commercial space and 47 garage parking spaces.

On March 14, 2018, Planning staff conditionally approved minor modifications to the project design, including, increasing the setback significantly along the north elevation, reconfiguring the unit layout per floor with no change in unit count, increasing the outdoor terrace area on the fourth floor and relocating the community room from the second floor to the fourth floor.

On January 18, 2019, Planning staff conditionally approved additional minor modifications to the project design to increase the setback of the second and third floors so that they equal the exterior wall plane of the fourth floor along the south elevation.

On April 25, 2018, the Zoning Administrator conditionally approved a two-year time extension or until May 10, 2020.

PROJECT DESCRIPTION

Use:

The project proposes to amend the project approvals to add a Vesting Tentative Map and allow individual ownership of the residential units (condominium units) rather than rental units (apartment units), as previously approved. This change in use requires modifications to the current conditions of approval and updated compliance with the applicable standards and requirements for tentative maps under the Subdivision Ordinance (Title 15 of the San Rafael Municipal Code or SRMC). The project proposes no other changes to the approved project.

The project continues to propose a new 41-unit mixed-use building above a 47-space parking garage and a 2,470 sq. ft. ground-floor commercial space. The approved unit count would continue to be configured as follows:

16	1-bedroom units	599 - 828 sq. ft.
25	2-bedroom units	867 - 1,167 sq. ft.

Affordability:

Six (6) of the units are currently required to be affordable, with four (4) units affordable to very-low income households and two (2) affordable to low income households. The project will not change the number or location of below-market-rate (BMR) units; however, the project will be required to provide all six (6) of the BMR units at the low-income household levels which represents 20% affordability and provides for up to a 35% density bonus or 11 additional units above the maximum base density of 30 units for the project site.

Subdivision:

The project proposes to subdivide the previously approved 41-unit mixed-use building into 41 air space residential condominium units above a ground-level parking garage and a 2,470 sq. ft. commercial space. The project includes a 880 sq. ft. community room attached to a 1,135 sq. ft rooftop deck and ground-floor common areas, including a 47-parking space garage, lobby /lounge, and trash enclosure.

ANALYSIS

San Rafael General Plan 2020 Consistency:

The General Plan contains many competing policies that need to be weighed and considered. Consistency with a General Plan is determined by reviewing and weighing the goals and polices of *all* elements of the San Rafael General Plan 2020. The project was approved after the Planning Commission determined it was consistent with most of the applicable San Rafael General Plan 2020 policies. Since no changes to the approved project are proposed except for tentative map subdivision, the project continues to be consistent with most of the applicable San Rafael General Plan 2020 policies, including:

- Land Use Policies **LU-2** (*Development Timing*), **LU-8** (*Density of Residential Development*), **LU-9** (*Intensity of Nonresidential Development*), **LU-12** (*Building Heights*), **LU-18** (*Lot Consolidation*), and **LU-23** (*Land Use Map and Categories*);
- Housing Policies **H-2** (*Design That Fits into the Neighborhood Context*), **H-3** (*Public Information and Participation*), **H-14** (*Adequate Sites*), and **H-19a** (*Inclusionary Housing*),
- Neighborhood Policies **NH-15** (*Downtown Vision*), **NH-16** (*Economic Success*), **NH-17** (*Competing Concerns*), **NH-22** (*Housing Downtown*), **NH-25** (*Pedestrian Comfort and Safety*), **NH-28** (*Special Places*), **NH-29** (*Downtown Design*), **NH-30** (*Pedestrian Environments*), **NH-31** (*Ground Floor*)

- Designed for Pedestrians*), **NH-32** (*Historic Character*), **NH-40** (*Second/Third Mixed-Use District*) and **NH-41** (*Second/Third Mixed-Use District Design Considerations*);
- Community Design Policies **CD-3** (*Neighborhoods*), **CD-5** (*Views*), **CD-8** (*Gateways*), **CD-11** (*Multifamily Design Guidelines*), **CD-14** (*Recreational Areas*), **CD-15** (*Participation in Project Review*), **CD-18** (*Landscaping*), **CD-19** (*Lighting*) and **CD-20** (*Commercial Signage*);
 - Circulation Policies **C-5** (*Traffic Level of Service Standards*) and **C-7** (*Circulation Improvement Funding*);
 - Infrastructure Policy **I-2** (*Adequacy of City Infrastructure and Services*)
 - Sustainability Policies **SU-5** (*Reduce Use of Nonrenewable Resources*) and **SU-6** (*New and Existing Trees*);
 - Culture and Arts Policy **CA-15** (*Protection of Archaeological Resources*);
 - Park and Recreation Policy **PR-10** (*Onsite Recreation Facilities*);
 - Safety Policies **S-1** (*Location of Future Development*), **S-3** (*Use of Hazard Maps in Development Review*), **S-4** (*Geotechnical Review*), **S-6** (*Seismic Safety of New Buildings*), **S-17** (*Flood Protection of New Development*), **S-18** (*Storm Drainage Improvements*), **S-25** (*Regional Water Quality Control Board (RWQCB) Requirements*) and **S-32** (*Safety Review of Development Projects*);and
 - Air and Water Quality Policies **AW-1** (*State and Federal Standards*), **AW-7** (*Local, State and Federal Standards*) and **AW-8** (*Reduce Pollution from Urban Runoff*).

Zoning Ordinance Consistency:

Since no changes to the approved project are proposed except for tentative map subdivision, the project continues to be consistent with the applicable Zoning Ordinance requirements and standards. However, the conditions of approval will need to be updated to include full frontage improvements, final map recordation, affordable housing levels and parkland dedication in-lieu fees.

Subdivision Ordinance Consistency:

The proposed project is in conformance with the San Rafael Subdivision Ordinance (Title 15 of the SRMC). Tentative Map findings for approval, pursuant to SRMC Section 15.02.080, are detailed in the attached draft resolution (Exhibit 2). In addition, the application submittal meets all procedural requirements for Vesting Tentative Maps, pursuant to SRMC Section 15.04.020. The project also meets the common recreational facilities (indoor or outdoor, active or passive) requirements for condominium developments, pursuant to SRMC 15.12.060, by providing an 880 sq. ft. community room attached to a 1,135 sq. ft rooftop deck. The project proposes to subdivide the previously approved 41-unit mixed-use building into 41 air space residential condominium units above a 2,470 sq. ft. commercial space and ground-floor common areas, including a 47-parking space garage, lobby /lounge, and trash enclosure.

ENVIRONMENTAL DETERMINATION

The applications for Vesting Tentative Map (TS19-001), Use Permit Amendment (UP19-011) and Environmental and Design Review Permit Amendment (ED19-025);, which do not propose any changes, modifications or additions to the project, will continue to be in accordance the original findings in the certified FEIR (Planning Commission Resolution 16-07), in the Statement of Overriding Considerations and the approved MMRP (Planning Commission Resolution 16-08) for the project, and the conditionally approved Environmental and Design Review Permit ED12-060, Use Permit Amendment UP12-029 and Lot Line Adjustment LLA12-003 (Planning Commission Resolution No. 16-09) for the project.

NEIGHBORHOOD MEETING / CORRESPONDENCE

A Neighborhood Meeting was held early in the formal review of the original project.

Notice of all public hearings on the project, including this Planning Commission hearing, was conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Meeting was mailed to all property owners, residents, businesses and occupants within a 300-foot radius of the project site and the appropriate neighborhood groups (Federation of San Rafael Neighborhoods, Downtown Business Improvement District, Gerstle Park Neighborhood Association and San Rafael Heritage), a minimum of 15 calendar days prior to the date of this hearing. Additionally, notice was posted on the project site, along both 2nd and B Street frontages

Planning received no public comments as a result of noticing this Planning Commission hearing.

CONCLUSION

The project would amend the project approvals to add a Vesting Tentative Map and allow individual ownership of the residential units (condominium units) rather than rental units (apartment units), as previously approved. This change in use requires modifications to the current conditions of approval and updated compliance with the applicable standards and requirements for tentative maps under the Subdivision Ordinance (Title 15 of the San Rafael Municipal Code or SRMC). The project proposes no other changes to the approved project.

EXHIBITS

1. Vicinity/Location map
2. Draft resolution of approval
3. Applicant's request for subdivision
4. Subdivision map and approved plans

Reduced (11" x 17") subdivision map and approved color plan sets have been provided to the Planning Commissioners only.

RESOLUTION NO. 19-_____

RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION CONDITIONALLY APPROVING A VESTING TENTATIVE MAP (TS19-001), A USE PERMIT AMENDMENT (UP19-011) AND AN ENVIRONMENTAL AND DESIGN REVIEW PERMIT AMENDMENT (ED19-025) AND TO SUBDIVIDE A PREVIOUSLY APPROVED 41-UNIT MIXED-USE BUILDING FROM RESIDENTIAL RENTAL UNITS TO RESIDENTIAL CONDOMINIUM UNITS AND TO UPDATE CURRENT CONDITIONS OF APPROVAL, LOCATED AT 815 B STREET (FORMERLY 809 B ST., AND 1212 AND 1214 2ND ST.; APNS: 011-256-12, -14, -15 & -32)

WHEREAS, on May 10, 2016, the San Rafael Planning Commission (Planning Commission) conditionally approved the redevelopment of four (4) adjacent Downtown lots at 809 B St and 1212 and 1214 2nd St., through the following actions:

- Planning Commission Resolution No. 16-07 certifying the Final Environmental Impact Report (FEIR) for the project;
- Planning Commission Resolution No. 16-08 adopting CEQA (California Environmental Quality Act) Findings of Fact adopting a Statement of Overriding Considerations and approving a Mitigation Monitoring and Reporting Program (MMRP) for the project; and
- Planning Commission Resolution No. 16-09 conditionally approving Environmental and Design Review Permit ED12-060, Use Permit Amendment UP12-029 and Lot Line Adjustment LLA12-003 to demolish all existing structures on the lots, two of which have been determined to be 'cultural resources' under CEQA, and to construct a four-story, 41-unit, mixed-use building above ground-level commercial, garage parking and landscape improvements; and

WHEREAS, on March 14, 2018, Planning staff conditionally approved an Environmental and Design Review Permit Amendment (ED17-091) to allow minor modifications to the project design, including, increasing the setback significantly along the north elevation, reconfiguring the unit layout per floor with no change in unit count, increasing the outdoor terrace area on the fourth floor and relocating the community room from the second floor to the fourth floor; and

WHEREAS, on January 18, 2019, Planning staff conditionally approved an Environmental and Design Review Permit Amendment (ED18-077) to allow additional minor modifications to the project design to increase the setback of the second and third floors so that they equal the exterior wall plane of the fourth floor along the south elevation; and

WHEREAS, on April 25, 2018, the Zoning Administrator conditionally approved an Environmental and Design Review Permit Amendment (ED18-020), a Use Permit Amendment (UP18-010) and a Lot Line Adjustment Amendment (LLA18-002) granting a two-year time extension for the project entitlements, until May 10, 2020; and

WHEREAS, on February 1, 2019, the owner/applicant submitted an application requesting a Vesting Tentative Map (TS19-001), Use Permit Amendment (UP19-011) and an Environmental and Design Review Permit Amendment (ED19-025) and to subdivide the previously approved 41 residential units within the project, from rental units to condominium units, and to update current conditions of approval; and

WHEREAS, no other changes, modifications or additions are proposed to the project at this time; and

WHEREAS, on May 14, 2019, the San Rafael Planning Commission (Planning Commission) held a duly noticed a hearing to consider the for the Vesting Tentative Map (TS19-001), Use Permit Amendment (UP19-011) and Environmental and Design Review Permit Amendment (ED19-025) applications, accepted and considered all oral and written public testimony and the written report of Planning staff; and

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

NOW THEREFORE BE IT RESOLVED, the Planning Commission of the City of San Rafael does hereby make the following findings related to the applications for Vesting Tentative Map (TS19-001), Use Permit Amendment (UP19-011) and Environmental and Design Review Permit Amendment (ED19-025):

**Vesting Tentative Map (TS19-001)
Findings**

- A. The proposed Vesting Tentative Map, for the 815 B Street project subdivision, is consistent with the San Rafael General Plan 2020 and any applicable, adopted specific plan or neighborhood plan, as identified in the original findings for the project merits (Planning Commission Resolution 16-09, subsequent minor design changes (Environmental and Design Review Permit Nos. ED17-091 and ED18-020) and subsequent time extension (Use Permit UP18-010). The project proposes to subdivide a previously approved 41-unit mixed-use building, from residential rental units to residential condominium units, and does not propose any other changes to the approved project;
- B. The design or improvement of the subdivision is consistent with the San Rafael General Plan and any pertinent, adopted specific plan or neighborhood plan; in that, the subdivision will create a new, 41-unit mixed-use building on the project site consist with the maximum allowable density under the Second/Third Mixed Use West (2/3 MUW) and the Cross Street Mixed Use (CSMU) Districts zoning designation and the maximum allowable density bonus under the State Density Bonus law. The design of the subdivision also will be consistent with all applicable development standards of the 2/3 MUW and CSMU Districts;
- C. The property subject to subdivision is physically suitable for the type of the development proposed, in that; 1) Residential development, either rental units or condominium units, is allowed on the project site as part of mixed-use development, subject to Use Permit approval; 2) The project site is identified as a 'housing opportunity' site in the Housing Element of the San Rafael General Plan 2020, where density is anticipated in the mid – to – high range of allowable density; 3) The project will create a new, 41-unit mixed-use building on the project site, which is the maximum allowable density under the site zoning (2/3 MUW and CSMU Districts) designation and the maximum allowable density bonus under the State Density Bonus law; 4) The proposed subdivision will create airspace condominium units which are distinct from the common areas within the new building in maintenance and repair responsibility through not use; and 5) The project site is an in-fill development location and all service providers have concluded adequate capacity exists to meet service demands for the number of residential units approved, either as residential rental units or residential condominium units;

- D. The property subject to subdivision is physically suitable for the density of development, in that; 1) The project site is identified as a 'housing opportunity' site in the Housing Element of the San Rafael General Plan 2020, where density is anticipated in the mid – to – high range of allowable density; 2) The project will create a new, 41-unit mixed-use building on the project site, which is the maximum allowable density under the site zoning (2/3 MUW and CSMU Districts) designation and the maximum allowable density bonus under the State Density Bonus law; and 3) The proposed subdivision will create airspace condominium units which are distinct from the common areas within the new building in maintenance and repair responsibility through not use;
- E. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that: 1) The project site includes four (4) adjacent flat, graded and fully-developed in-fill lots in the Downtown with no creeks, waterways, hillsides, or identified critical habitats for protected species; 2) The project site is identified as a 'housing opportunity' site in the Housing Element of the San Rafael General Plan 2020, where density is anticipated in the mid – to – high range of allowable density; and 3) The project will continue to be in accordance the original findings in the certified FEIR (Planning Commission Resolution 16-07) for the project, including biological impacts;
- F. The design of the subdivision or the type of the proposed improvements is not likely to cause serious health problems, in that; 1) Residential development, either rental units or condominium units, is allowed on the project site as part of mixed-use development, subject to Use Permit approval; 2) The project has been reviewed by all appropriate city departments and non-city agencies who continue to support the its construction, subject to conditions of approval including meeting all applicable code requirements; and 3) The project will continue to be in accordance the original findings in the certified FEIR (Planning Commission Resolution 16-07) for the project; and
- G. The design of the subdivision or the type of proposed improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision, in that; no easements were identified as part of the Preliminary Title Report submitted for the project. The project site is privately owned with no known public access through the project site.

**Use Permit Amendment (UP19-011)
Findings**

- A. The proposed use, as conditioned, subdividing a previously approved 41-unit mixed-use building from residential rental units to residential condominium units, will continue to be in accord with the San Rafael General Plan 2020, the objectives of Title 14 of the San Rafael Municipal Code (*the Zoning Ordinance*) and the purposes of the 2/3 MUW)and CSMU Districts, in which the project site is located, as identified in the original findings for the project merits (Planning Commission Resolution 16-09, and subsequent time extension (Use Permit UP18-010);
- B. The proposed use, as conditioned, subdividing a previously approved 41-unit mixed-use building from residential rental units to residential condominium units, will continue to not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the

City, as identified in the original findings for the project merits (Planning Commission Resolution 16-09), and subsequent time extension (Use Permit UP18-010); and

- C. The proposed use, as conditioned, subdividing a previously approved 41-unit mixed-use building from residential rental units to residential condominium units, will continue to comply with each of the applicable provisions of the Zoning Ordinance, as identified in the original findings for the project merits (Planning Commission Resolution 16-09, and subsequent time extension (Use Permit UP18-010).

**Environmental and Design Review Permit Amendment (ED19-025)
Findings**

- A. The approved design of the 41-unit mixed-use apartment building, as conditioned, will continue to be in accordance with the San Rafael General Plan 2020, the objectives of Title 14 of the San Rafael Municipal Code (*the Zoning Ordinance*) and the purposes of Chapter 25 of the Zoning Ordinance (*Environmental and Design Review Permits*), as identified in the original findings for the project merits (Planning Commission Resolution 16-09), and subsequent minor design changes (Environmental and Design Review Permit Nos. ED17-091 and ED18-020). The project proposes to subdivide a previously approved 41-unit mixed-use building, from residential rental units to residential condominium units, and does not purpose any other changes to the approved project;
- B. The approved design of the 41-unit mixed-use apartment building, as conditioned, will continue to be consistent with all applicable site, architecture and landscaping design review criteria and guidelines for both the CSMU and 2/3MUW Districts in which the site is located, as identified in the original findings for the project merits (Planning Commission Resolution 16-09), and subsequent minor design changes (Environmental and Design Review Permit Nos. ED17-091 and ED18-020). The project proposes to subdivide a previously approved 41-unit mixed-use building, from residential rental units to residential condominium units, and does not purpose any other changes to the approved project;
- C. The approved design of the 41-unit mixed-use apartment building, as conditioned, will continue to minimize adverse environmental impacts, as concluded by the FEIR for the project and as identified in the original findings for the project merits (Planning Commission Resolution 16-09), and subsequent minor design changes (Environmental and Design Review Permit Nos. ED17-091 and ED18-020). The project proposes to subdivide a previously approved 41-unit mixed-use building, from residential rental units to residential condominium units, and does not purpose any other changes to the approved project; and
- D. The approved design of the 41-unit mixed-use apartment building, as conditioned, will continue to not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject site, as concluded by the FEIR for the project and as identified in the original findings for the project merits (Planning Commission Resolution 16-09), and subsequent minor design changes (Environmental and Design Review Permit Nos. ED17-091 and ED18-020). The project proposes to subdivide a previously approved 41-unit mixed-use building, from residential rental units to residential condominium units, and does not purpose any other changes to the approved project.

California Environmental Quality Act (CEQA) Findings

The applications for Vesting Tentative Map (TS19-001), Use Permit Amendment (UP19-011) and Environmental and Design Review Permit Amendment (ED19-025);, which do not propose any changes, modifications or additions to the project, will continue to be in accordance the original findings in the certified FEIR (Planning Commission Resolution 16-07), in the Statement of Overriding Considerations and the approved MMRP (Planning Commission Resolution 16-08) for the project, and the conditionally approved Environmental and Design Review Permit ED12-060, Use Permit Amendment UP12-029 and Lot Line Adjustment LLA12-003 (Planning Commission Resolution No. 16-09) for the project.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of San Rafael does hereby approve the Vesting Tentative Map (TS19-001), Use Permit Amendment (UP19-011) and Environmental and Design Review Permit Amendment (ED19-025), based on the findings of fact above and, subject to the following conditions of approval:

Vesting Tentative Map (TS19-001) Conditions of Approval

General and On-Going

Community Development Department, Planning Division

1. The Tentative Map (TS19-001) shall be valid for a period of two (2) years from the date of Planning Commission approval, or until **May 14, 2021**, and shall become null and void unless a Final Map has been recorded or a time extension is granted.
2. Prior to the issuance of a building or grading permit or prior to recordation of the final map, whichever occurs first, a Below Market Rate (BMR) agreement for six (6) affordable units shall be approved by the City Council and recorded on the property and shall be consistent with Condition 28 below (Environmental and Design Review Permit Amendment ED19-025).
3. Prior to issuance of building or grading permit or prior to the recordation of a Final Map, whichever occurs first, in lieu parkland dedication fees for 41 new cordiaminum units shall be paid to the City (41 units x \$1,967.98, parkland dedication fee as of May 14, 2019, = \$80,683.08) in accordance with the provisions of City Council Ordinance No. 1558. Parkland dedication in lieu fees are, at this time, based on 1989 dollars. Adjustments of this figure may be necessary at the time of fee payment if the fair market value for parkland and associated improvements is adjusted in accordance with Section 15.38.045 of the Ordinance.
4. Conditions, Covenants and Restrictions (CC&R's) shall be prepared and submitted with an application for a Final Map. The CC&R's shall include the following requirements and provisions:
 - a. The formation of a homeowner's association (HOA).
 - b. HOA responsibilities for ongoing maintenance of the shared or common facilities, including but not limited to the common driveway, common landscaping and irrigation, fencing, subdivision infrastructure improvements (storm water and sanitary sewer facilities) and exterior building and lighting improvements.
 - c. HOA financial responsibilities.

- d. Restrictions and regulations imposed on each lot owner. The CC&R's shall include provisions which restrict the use of the tandem parking spaces to the parking of motor vehicles from 2-bedroom units only.
 - e. Requirements and provisions for professional management services or the services of a Certified Public Accountant to oversee the HOA responsibilities and budget.
5. Prior to recordation of the Final Map, the CC&R's shall be reviewed and approved by the Community Development Department, Planning Division, and the City Attorney's Office.
 6. Approved CC&R's shall be recorded concurrently with the Final Map.

Department of Public Works

7. Frontage improvements shall include all sidewalk curbs and gutters.
8. A conduit shall be provided along the frontage with pull/junction boxes for future installation of City communication systems.
9. Roadway resurfacing shall be a minimum of ½ of the curb-to-curb width, for the length of the site. The two crosswalks serviced by the corner adjacent to the site shall be updated. The receiving curb ramps will also need to be made ADA (Americans With Disabilities Act) compliant if not currently compliant. The full extent of repaving shall be coordinated with the Department of Public Works as part of the encroachment permit.
10. Provide a catch basin for the site frontage, located near the intersection. This intersection currently does not have storm drainage facilities. The catch basin will need to connect to a manhole, which could also serve the northeast corner of the intersection. The storm drain will then need to connect into one of the City's existing storm drain facilities. However, the direction may be determined based on a more detailed analysis of the conditions. Installation shall be coordinated with the Department of Public Works, as it may be beneficial for the City to complete additional drainage improvements at the same time.
11. A Final Map shall be required. Provide a copy of the recent title report. The map shall be reviewed by the City Surveyor and City Engineer. Please see Title 15 of the Municipal Code for Final Map requirements. If the installation of subdivision improvements is not completed prior to recordation of a Final Map, a subdivision improvement agreement and security, such as a bond or deposit shall be required.

**Use Permit Amendment (UP19-011)
Conditions of Approval**

General and On-Going

Community Development Department, Planning Division

1. This Use Permit approves development of 41 residential condominium units above 2,470 sq. ft. of ground-floor commercial space and 47 garage parking spaces, which shall comply at all times with the adopted performance standards for residential uses in commercial districts (currently Section 14.17.100 of the San Rafael Municipal Code or SRMC).
2. This Use Permit is approved with a "Parking Modification", which does not require the project to provide an off-street loading/unloading space within the garage for the ground-floor commercial space.

3. This Use Permit shall supersede all previous Use Permit approvals on the site.
4. This Use Permit shall run with the land and shall remain valid regardless of any change- of ownership of the project site, subject to these conditions, provided that a grading permit or building permit is issued by the City and work commenced or a time extension request is submitted to the City's Community Development Department, Planning Division, **within two (2) years** of the original approval, or until **May 14, 2021**. Failure to obtain a grading permit or building permit or submit a time extension request by the specified date will result in the expiration of this Use Permit.

**Environmental and Design Review Permit Amendment (ED19-025)
Conditions of Approval**

General and On-Going

Community Development Department, Planning Division

1. The building techniques, colors, materials, elevations and appearance of the project, as presented to the Planning Commission at their May 14, 2019 hearing, stamped "approved" and on file with the Community Development Department, Planning Division, shall be the same as required for issuance of all building permits, subject to these conditions. Minor modifications or revisions to the project shall be subject to review and approval of the Community Development Department, Planning Division. Further modifications deemed not minor by the Community Development Director shall require review and approval by the original decision-making body, the Planning Commission, and may require review and recommendation by the City's Design Review Board.
2. The approved colors for the project are on file with the Community Development Department, Planning Division. Any future modification to the color palette shall be subject to review and approval by the Planning Division and those modifications not deemed minor shall be referred to the Design Review Board for review and recommendation prior to approval by the Planning Division.
3. This Environmental and Design Review Permit approves the demolition of two residential structure and one commercial structure and the construction of new, four-story mixed-use building with 41 residential condominium units above 2,470 sq. ft. of ground-floor commercial space and 47 garage parking spaces, 12 of which are tandem parking spaces.
4. The landscape plans shall include replacement of the existing Canary Island Date Palm, located within the 12'-wide sanitary sewer/right-of-way, located immediately north of the property. This replacement Canary Island Date Palm shall be a minimum 36-48"-diameter container size at planting.
5. All 'off-haul' of excavation and delivery/pick-up of construction equipment shall occur during off-peak weekday hours, between 9:00 a.m. and 4:00 p.m., Monday through Friday only.
6. All grading and construction activities shall be limited to 8 a.m. to 6 p.m., Monday through Friday. Low-noise construction, occurring entirely within the interior of the building, may be permissible beyond these approved days/hours of operation with prior approval by the Planning Division and only after the building is completely enclosed (walls, roof, doors and windows). If requested and approved, Saturday work shall be limited to 9 a.m. to 6 p.m. Any work on Sundays and federally-recognized holidays is strictly prohibited.

7. Final landscape and irrigation plans for the project shall comply with the provisions of Marin Municipal Water District's (MMWD) most recent water conservation ordinance and graywater recycling system requirements. Construction plans submitted for issuance of building/grading permit shall be pre-approved by MMWD and stamped as approved by MMWD or include a letter from MMWD approving the final landscape and irrigation plans. Modifications to the final landscape and irrigation plans, as required by MMWD, shall be subject to review and approval of the Community Development Department, Planning Division.
8. All new landscaping shall be irrigated with an automatic drip system and maintained in a healthy and thriving condition, free of weeds and debris, at all times. Any dying or dead landscaping shall be replaced in a timely fashion.
9. All public streets and sidewalks and on-site streets which are privately owned that are impacted by the grading and construction operation for the project shall be kept clean and free of debris at all times. The general contractor shall sweep the nearest street and sidewalk adjacent to the site on a daily basis unless conditions require greater frequency of sweeping.
10. All submitted building permit plan sets shall include a plan sheet incorporating these conditions of approval.
11. If archaeological or cultural resources are accidentally discovered during excavation/grading activities, all work will stop within 100 feet of the resource and the qualified archaeologist will be notified immediately. The qualified archaeologist will contact Federated Indians of Graton Rancheria (FIGR) and the Planning Division and coordinate the appropriate evaluation of the find and implement any additional treatment or protection, if required. No work shall occur in the vicinity until approved by the qualified archaeologist, FIGR and Planning staff. Prehistoric resources that may be identified include, but shall not be limited to, concentrations of stone tools and manufacturing debris made of obsidian, basalt and other stone materials, milling equipment such as bedrock mortars, portable mortars and pestles and locally darkened soils (midden) that may contain dietary remains such as shell and bone, as well as human remains. Historic resources that may be identified include, but are not limited to, small cemeteries or burial plots, structural foundations, cabin pads, cans with soldered seams or tops, or bottles or fragments or clear and colored glass (**MM CULT-2**)
12. If human remains are encountered (or suspected) during any project-related activity, all work will halt within 100 feet of the project and the County Coroner will be contacted to evaluate the situation. If the County Coroner determines that the human remains are of Native American origin, the County Coroner shall notify FIGR within 24-hours of such identification who will work with Planning staff to determine the proper treatment of the remains. No work shall occur in the vicinity without approval from Planning staff. (**MM CULT-3**)
13. The project shall implement the City of San Rafael Noise Ordinance construction noise requirements to minimize noise impacts during construction. Construction noise related to demolition and grading work done within 15 feet of the west property line could exceed the Ordinance requirements. Neighbors shall be informed before any construction activities and any input they have on construction scheduling shall be incorporated to the extent feasible,

and the work should be conducted as quickly as possible to minimize exposure time. (**MM NOISE-2**)

14. This Environmental and Design Review Permit shall run with the land and shall remain valid regardless of any change of ownership of the project site, subject to these conditions, provided that a building/grading permit is issued and construction commenced or a time extension request is submitted to the City's Community Development Department, Planning Division, **within two (2) years** of original approval, or **May 14, 2021**. Failure to obtain a building permit or grading permit and construction or grading activities commenced, or failure to obtain a time extension within the two-year period will result in the expiration of this Environmental and Design Review Permit
15. This Environmental and Design Review Permit shall run concurrently with the Use Permit (UP19-011) approval. If the Environmental and Design Review Permit expires, Use Permit approval shall also expire and become invalid.
16. The Planning Commission has expressed their preference that, in lieu of demolition of the two Victorian-era historic structures, the structures be saved and moved to another off-site location. Although this would not be a mitigation measure, it is still the preference of the Commission. The applicant shall actively pursue all possible opportunities to save and find an alternate location for the two structures. If an alternate site or location is not found at the time of issuance of a building permit, then demolition is acceptable.

Prior to Issuance of Grading/Building Permits

Community Development Department, Planning Division

17. A Construction Management Plan (CMP) shall be prepared and submitted to the Planning Division for review and approval. The CMP shall include a projected schedule of work, projected daily construction truck trips, proposed construction truck route, location of material staging areas, location of construction trailers, location of construction worker parking, dust control program, a statement that the project shall conform to the City's Noise Ordinance (Chapter 8.13 of the San Rafael Municipal Code) as modified by Condition #5 (ED18-020) above which limits the days and hours of all grading and construction activities, a statement that no construction truck traffic shall encroach into any of the surrounding residential neighborhood streets at any time, and a statement that the existing roadway conditions on B and 2nd and 3rd Streets shall be memorialized on digital recording format prior to the start of construction and that the project sponsor shall be required to repair any roadway damage created by the additional construction truck traffic. In the event that the CMP is conflicting with any conditions imposed by the grading permit for the project, the more restrictive language or conditions shall prevail.
18. A Lighting Plan/Photometric study shall be submitted for review and approval with the Building Permit plans and provide the following illumination levels: a) A minimum of one (1) foot candle at ground level overlap at all exterior doorways and throughout the vehicle parking area; b) A minimum of one-half (1/2) foot candle at ground level overlap on all outdoor pedestrian walkways and common areas; and c) A maximum one (1) foot candle at ground level overlap at all property lines.
19. The project shall be revised to incorporate building elements that relate the new building to its historic context through the use of projecting bays, usable building balconies, deep eave overhangs, a substantial element at the building corner at 2nd and B Street, and canopies at the ground floor that extend over the sidewalk. Submit for review and approval by Design

Review Board prior to issuance of a Building Permit and revocable licensing agreement, or an alternative method to allow private encroachments to project over the sidewalk or right-of-way (ROW). **(MM AES-1)**

20. The project shall mitigate potential air quality impacts associated with construction and grading activities by preparing and submitting a Dust Control Plan to the City of San Rafael Community Development Department for review and approval, prior to issuance of a grading permit. **(MM AIR-1)**
21. The project sponsor, or its successor, shall document the two historic buildings at the subject property. Documentation shall include a narrative, which may consist of the Historic Resource Report, and archivally-stable black and white photographs documenting the building exterior and interiors as they exist today, and the building's general setting. It is not necessary to photograph the property to HABS standards, as the integrity of the property does not warrant this level of documentation. This documentation will be produced and submitted to the California Room of the Marin County Free Library, and the Marin History Museum. Photographic negatives should be retained by the City of San Rafael. Costs associated with CULT-1A are expected to be no greater than \$5,000. **(MM CULT-1A)**
22. The project sponsor, or its successor, shall update the *San Rafael Historical/Architectural Survey; Final Inventory List of Structures and Areas* (September 1986) with a focus on the San Rafael Original Townsite area by performing a reconnaissance level survey of an approximately 16-block area. Cost to be approximately \$16,000. Create a historic context and evaluate the area in the immediate vicinity of 2nd and B Street (boundaries to be determined by the survey; a minimum of a four-block area) for a potential historic district. Costs to be approximately \$28,000. **(MM CULT-1B)**
23. The project sponsor, or its successor, shall develop an interpretive panel, to be installed at one of the corners at 2nd and B Street, preferably the southeast corner, that depicts historic photos of the area, including historic buildings and the train track, a map of the resources, and provides information about the historic buildings and streetscape in the area. Costs associated with CULT-1C are expected to be approximately \$20,000. **(MM CULT-1C)**
24. The project sponsor, or its successor, shall provide a duplicate of the photographs and information to be used in the on-street interpretation of the 2nd and B Street area to be mounted in a prominent location, such as the lobby, of the proposed building. Costs associated with CULT-1D are expected to be no greater than \$5,000. **(MM CULT-1D)**
25. The project sponsor, or its successor, shall work with the Marin History Museum or an equivalent historical society or organization, to develop programming that commemorates the history of the 2nd and B Street area, including the railroad station, to be presented as a lecture, exhibit, online video, or similar public presentation. Costs associated with CULT-1E are anticipated to be no greater than \$5,000, assuming some volunteer time on the part of the partnering organization. **(MM CULT-1E)**
26. The project shall reduce the potential exposure by the public to hazardous materials such as asbestos or lead during proposed demolition activities, by preparing a hazardous material remediation plan. Submit the plan to the City of San Rafael Community Development Department for review and approval prior to issuance of a demolition permit. **(MM HAZ-1)**

27. The project shall mitigate operational noise by incorporating sound-rated OITC24 windows along and near the 2nd Street façade and standard double-paned windows at all other facades into the construction drawings. Further, all habitable rooms with exterior noise exposures greater than 60 Ldn will require alternative ventilation per Title 24. A post-construction Acoustical Analysis, by a qualified Acoustic Engineer, shall confirm that the project complies with maximum interior noise exposure limits of 45 Ldn and shall be submitted to the Community Development Department. **(MM NOISE-1)**
28. The project shall comply with the City's affordable housing requirement with State Density Bonus (currently Section 14.16.030 of the SRMC) by providing a minimum of six (6) affordable housing units. If the project proposes to provide condominium units, all six (6) units shall be required at the low-income household level in order to comply with the density bonus approved with the project under the State Density Bonus law. If the project proposes to provide rental units, four (4) units shall be required at the very low-income household level and two (2) units at the low-income household level in order to comply with the density bonus approved with the project under the State Density Bonus law. The project sponsor is required to enter into a BMR (below market rate) agreement with Marin Housing Authority, deed-restricting the income level for occupancy of the affordable units and obtain City Council approval of the BMR agreement. The configuration of the BMR units shall reflect the generally configuration of the project by providing four (4) 2-bedroom BMR units and two (2) 1-bedroom BMR units. These BMR units shall be spread out evenly throughout the project. If the project proposes to provide condominium units, the location of these BMR units shall be shown on the final map and shall be subject to review and approval by the City as part of the its consideration of the BMR agreement. If the project proposes to provide rental units, the location of these BMR units may 'float' though they shall be 'bunched' together. These BMR units shall be comparable in size, finishes and unit mixture to the market rate units.

Department of Public Works

29. A grading permit is required for the project from the Public Works Department (111 Morphew St.). The grading permit submittal shall include a site-specific erosion and sediment control plan.
30. The project sponsor shall obtain an encroachment permit with a revocable licensing agreement for the portions of the building that overhang and encroach into the sidewalk/public right-of-way (ROW).
31. The encroachment/projections over the right of way shall be similar in depth to those existing on other properties on the B St frontage.
32. The proposed gate across the driveway entrance to the garage shall pushed out toward the street and the gate shall be set back no closer than 5 feet from the property line. The gate design shall include remote activation. The applicant shall also install any visual detection devices deemed appropriate by the Department of Public Works to provide pedestrian and vehicular safety at the entrance/exit, including, but not limited to, installing signs at the driveway exit alerting drivers to look for pedestrians on the sidewalk and installing a one-way sign on the east side of B Street, directly across from the driveway.
33. The driveway width of the entry to the garage shall be no smaller than 24 feet.

34. The project will require the relocation of an existing utility box to the 2nd Street ROW. The project sponsor shall explore alternatives to not impacting the vehicle traffic along 2nd St in any way
35. Provide precise details related to how the adjacent properties will be stabilized during the construction of the project walls and garage.
36. The project shall pay a traffic mitigation fee of \$131,626 for 31 additional peak hour (16 a.m. and 15 p.m.) traffic trips (31 x \$4,246). **(MM TRANS-1)**
37. Provide updated civil plans with details, such as drainage, easements and utilities, for review.
38. The updated drainage plan shall show all roof drains and drainage systems and how they connect with the City storm drainage system. Provide details on the dimensions of the bioretention areas.
39. Provide a drainage easement across the property to account for the adjacent property's drainage system, which appears to cross the project site, or provide improvements to the existing drainage with a storm water maintenance agreement with the adjacent property owner.
40. The project proposes over 5,000 sq. ft. of impervious surface and is a regulated project under MCSTOPPP requirements. Provide a storm water control plan, which includes a written narrative in addition to the erosion control plan shown in the plans. More specific information is available from MCSTOPPP, on the Marin County website. See tools and guidance, and post construction requirements at <http://marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-projects>
41. Provide updated landscape plans, with street tree details, for review. The two existing flowering pear trees, along the B Street frontage, shall remain. The existing flowering plum tree, located closest to the B Street intersection with 2nd Street, shall be removed due to conflict with existing ROW improvements and relocated closer to the other existing flowering plum trees along B Street.
42. Provide topography based on NAVD 1988 Datum. The site is currently located in Zone X, but within close proximity to Zone AH with a base flood elevation of 12'. Therefore, the Public Works Department strongly recommend that floodproofing be provided to above the nearby base flood elevation.
43. Accessible curb ramps shall be required at the four corners of the intersection of 2nd and B Street.
44. The applicant shall coordinate with the Public Works Department to install conduit along both sidewalk frontages to facilitate improvements to the City's traffic signal system.
45. The project is proposed as an apartment building. However, if subdivision is pursued to create condominium units, additional frontage and infrastructure improvements may be required, including but not limited to, installation of a storm drainage system to connect to existing facilities and full-width street repaving of non-moratorium streets.

Community Development Department, Building Division

46. School fees will be required for the project. Calculations are done by the San Rafael City Schools, and those fees are paid directly to them and proof of payment shall be submitted to the Building Division prior to issuance of the building permit.
47. The design and construction of all site alterations shall comply with the current editions of the California Building Code, Plumbing Code, Electrical Code, California Mechanical Code, California Fire Code, California Energy Code, Title 24 California Energy Efficiency Standards, California Green Building Standards Code and City of San Rafael Ordinances and Amendments.
48. A building permit is required for the proposed work. Applications shall be accompanied by four (4) complete sets of construction drawings to include:
- a) Architectural plans
 - b) Structural plans
 - c) Electrical plans
 - d) Plumbing plans
 - e) Mechanical plans
 - f) Fire sprinkle/standpipe system plans (Deferred submittal to the Fire Prevention Bureau)
 - g) Fire Alarm system plans (Deferred submittal to the Fire Prevention Bureau)
 - h) Fire Underground plan ((Deferred submittal to the Fire Prevention Bureau)
 - i) Site/civil plans (clearly identifying grade plan and height of the building)
 - j) Structural Calculations
 - k) Truss Calculations
 - l) Soils reports
 - m) Green Building documentation
 - n) Title-24 energy documentation
49. In mixed occupancies each portion of the building shall be individually classified, construction type and square footage of each building shall be specified on the plans in addition to justification calculations for the allowable area of each occupancy. Building areas are limited by CBC Table 503. On the plan justify the proposed building area.
50. The project will be required to meet the Tier 1 requirements of the current CalGreen Code.
51. Site/civil plans prepared by a California licensed surveyor or engineer clearly must show topography and identify grade plane and height of the building. The building height must comply with CBC Section 504 and Table 503. On the plan, justify the proposed building height.
52. The maximum area of unprotected and protected openings permitted in the exterior wall in any story of a building shall not exceed the percentages specified in CBC Table 705.8 "Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection." To calculate the maximum area of exterior wall openings you must provide the building setback distance from the property lines and then justify the percentage of proposed wall openings and include whether the opening is unprotected or protected:
- 15% exterior wall openings (in any story) in sprinklered buildings where the openings are 3' to less than 5' from the property line or buildings on the same property.
 - 25% exterior wall openings (in any story) in sprinklered buildings where the openings are 5' to less than 10' from the property line or buildings on the same property.

- 45% exterior wall openings (in any story) in sprinklered buildings where the openings are 10' to less than 15' from the property line or buildings on the same property
53. Each building shall have address identification placed in a position that is plainly legible and visible from the street or road fronting the property. Numbers painted on the curb do not satisfy this requirement. For new buildings, the address shall be internally-illuminated or externally-illuminated and remain illuminated at all hours of darkness. Number shall be a minimum 6 inches in height with ½ inch stroke for commercial applications. The address shall be contrasting in color to their background.
 54. The address for this proposed building, as determined by the Chief Building Official, is 815 B Street for the primary building. Each page of the plan's title block and all permit application documents must correctly show this address identification information. The Chief Building Official may assign a separate address for the commercial/retain space at a later date.
 55. Any demolition of existing structures shall require a permit. Demolition permit submittal shall include three (3) copies of the site plan, asbestos certification and PG&E disconnect notice. All required permits from the Bay Area Air Quality Management District shall be obtained and documentation provided prior to building permit issuance and any work commencing.
 56. School fees will be required for the project. School fees for residential construction are currently computed at \$3.72 per square foot of new living area, Commercial space is computed at \$0.71 per square foot of new building area. Calculations are done by the San Rafael City Schools, and those fees are paid directly to them prior to issuance of the building permit.
 57. A grading permit is required for any grading or site remediation, soils export, import and placement. Provide a detailed soils report prepared by a qualified engineer to address these procedures. In particular the report should address the import and placement and compaction of soils at future building pad locations and should be based on an assumed foundation design. This information should be provided to Building Division and Department of Public Works for review and comments prior to any such activities taking place.
 58. Property lines shown through proposed buildings must be eliminated by consolidation or buildings must be relocated, redesigned to fall within property line boundaries.
 59. In the parking garage, mechanical ventilation will be required capable of exhausting a minimum of .75 cubic feet per minute per square foot of gross floor area CMC Table 4-4.
 60. In the parking garage, in areas where motor vehicles are stored, floor surfaces shall be of noncombustible, nonabsorbent materials. Floors shall drain to an approved oil separator or trap discharging to sewers in accordance with the Plumbing Code and SWIPP.
 61. In the parking garage, in areas where motor vehicles are stored, floor surfaces shall be of noncombustible, nonabsorbent materials. Floors shall drain to an approved oil separator or trap discharging to sewers in accordance with the Plumbing Code and SWIPP.
 62. The parking garage ceiling height shall have a minimum vertical clearance of 8' 2" where required for accessible parking.

63. Each commercial space shall be provided with sanitary facilities per CPC Sec 412 and Table 4-1 (including provisions for persons with disabilities). Separate facilities may be required for each sex depending on use.
64. Minimum elevator car size (interior dimension) 60" wide by 30" deep with an entrance opening of at least 60" or a car size of 42" wide by 48" deep with an entrance opening of 36" or a car size of 60" wide by 36" deep with an entrance opening of at least 36".
65. All buildings with four (4) or more floors and one or more elevators shall provide not less than one medical emergency service elevator. The medical emergency service elevator shall accommodate the loading and transport of an ambulance gurney or stretcher. The elevator car size shall have a minimum clear distance between walls and door excluding return panels not less than 80" x 54" and a minimum distance from wall to return panel not less than 51" with a 42" side slide door.
66. The project shall be designed to provide access to the physically disabled in accordance with requirements of Title-24, California Code of Regulation.
67. The proposed residential units shall meet the sound attenuation requirements of CBC Chapter 12. In particular, the residential units facing both B and 2nd Streets will likely require special glazing and/or sound attenuation features to compensate for the adjacent traffic/street noise.
68. Multistory apartment with three (3) or more residential units or condominium buildings with four (4) or more residential units shall provide at least 10% of the dwelling units, but no less than one (1) dwelling unit, which comply with the access requirements per CBC 1102A.3.
69. Multifamily dwelling and apartment accessible parking spaces shall be provided at a minimum rate of 2 percent of the covered multifamily dwelling units. At least one space of each type of parking facility shall be made accessible even if the total number exceeds 2%.
70. When parking is provided for multifamily dwellings and is not assigned to a resident or a group of residents, at least 5% of the parking spaces shall be accessible and provide access to grade-level entrances of multifamily dwellings and facilities (e.g. swimming pools, club houses, recreation areas and laundry rooms) that serve the dwellings. Accessible parking spaces shall be located on the shortest accessible route to an accessible building, or dwelling unit entrance.
71. At least one (1) disabled parking space shall be van-accessible, 9' in width plus an 8'-wide off- load area or 17'-wide overall. Additionally, one in every eight required handicap spaces shall be van accessible.
72. The project, once completed, appears to create an exiting issue for the adjoining property to the north (821-823 B Street). Both the upper-floor residential unit and the ground-floor commercial/retail space may be affected as they will lose the path of travel from the rear courtyard to the public right-of-way (ROW) which may be a required exit. Although we recognize that this is not the responsibility of this applicant, the matter will have to be addressed prior to issuance of the building permit for this project.

San Rafael Sanitation District

73. The District has estimated the payment of sewer connection fees of \$378,849.99 for this proposed project, effective at the time of original approval. These fees are due before the

issuance of the Building Permit and will be revised to reflect the updated sewer fee connections effective from July 1, 2018 to June 30, 2019. These multi-dwelling fees are the same for either condominium dwelling units or apartment dwelling units. Credit for the existing fixtures has not been estimated. In order for the applicant to request credit for the existing fixtures on the buildings that will be demolished; applicant must submit a full inventory of the existing facilities accompanied by pictures to request any adjustment of these estimated fees. The calculated breakdown of the sewer connection fees was based on the following:

Description	No. of Fixtures	Drainage Fixture Unit	Total Fixtures Units
Lower Level Retail			
Water Closet	2	4.0	8.0
Lavatories	2	1.0	2.0
Floor Drains	3	2.0	6.0
Floor Sink (at Storage)	1	2.0	2.0
Total			18
SRSD Connection Fees=\$207.10x18=\$3,727.8			
CMSA Connection Fees=\$354.09x18=\$6,373.62			
Total Connection Fees (Retail Area)=\$10,101.42			

74. Reference Sheet C3 - Utility Plan

- a) Applicant is proposing to tap into an existing 4-ft sanitary sewer manhole on 2nd Street with an 8-inch sewer lateral. The District will require that applicant upsize this manhole to a 5-foot diameter sewer manhole and costs for this upgrade will have to be paid by owner of the project.
- b) Applicant is also proposing to reuse the existing sewer lateral on B Street from the original 809 B Street building that is going to be demolished. The District is requiring that this existing sewer lateral be upsized to a 6" PVC sewer line lateral and that a new 4-foot Manhole is installed at the connection to the existing sewer main on B Street.
- c) Applicant is also proposing to reuse the existing sewer lateral on B Street from the original 809 B Street building that is going to be demolished. The District is requiring that this existing sewer lateral be upsized to a 6" PVC sewer line lateral and that a new 4-foot Manhole is installed at the connection to the existing sewer main on B Street.
- d) Applicant must show the sewer lateral details in the plan and profile, and include pipe information (pipe type, pipe size, inverts and slope).

San Rafael Fire Department, Fire Prevention Bureau

75. The design and construction of all site alterations shall comply with the current editions of the California Fire Code and City of San Rafael Ordinances and Amendments.

76. Deferred Submittals for the following fire protection systems shall be submitted to the Fire Prevention Bureau for approval and permitting prior to installation of the systems.

- a) Fire Sprinkler plans (Deferred Submittal to the Fire Prevention Bureau)

- b) Fire Standpipe plans (Deferred Submittal to the Fire Prevention Bureau)
 - c) Fire Underground plans (Deferred Submittal to the Fire Prevention Bureau)
 - d) Fire Alarm plans (Deferred Submittal to the Fire Prevention Bureau)
 - e) Kitchen Hood Automatic Fire-Extinguishing System plans (Deferred Submittal to the Fire Prevention Bureau).
77. As the building is over 30 feet in height, an aerial fire apparatus access roadway is required parallel to one entire side of the building. The Aerial apparatus access roadway shall be located within a minimum 15 feet and a maximum of 30 feet from the building.
78. The minimum unobstructed width for an aerial fire apparatus access road is 26'.
79. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway, or between the roadway and the building.
80. Aerial fire apparatus access roads shall be designated "fire lanes"; with curbs painted red and contrasting white lettering stating "No Parking Fire Lane" and signs shall be posted in accordance CFC Section 503.3.
81. The new building shall be located within 250' of an approved fire apparatus access road. The minimum width of the fire apparatus road is 20'. The minimum inside turning radius for a fire apparatus access road is 25'. The fire apparatus access road serving this building is more than 150' in length which will require an approved turnaround. Contact the Fire Prevention Bureau for specific detail.
82. A fire apparatus access plan shall be prepared for this project. Fire apparatus plan shall show the location the following:
- a) Designated fire apparatus access roads.
 - b) Red curbs and no parking fire lane signs.
 - c) Onsite fire hydrants.
 - d) Fire Department Connection (FDC).
 - e) Double detector check valve.
 - f) Street address sign.
 - g) Recessed Knox Box
 - h) Fire Alarm annunciator panel.
 - i) NFPA 704 placards
 - j) Provide a note on the plans as follows: "The designated fire apparatus access roads and fire hydrant shall be installed and approved by the Fire Prevention Bureau prior construction of the building".
83. A Knox Box is required at the primary point of first response to the building. A recessed mounted Knox Box # 3275 Series is required for this project; the Knox Box shall be clearly visible upon approach to the main entrance from the fire lane. Note the Knox Box must be installed from 72" to 78" above finish grade; show the location on the plans.
84. On site fire hydrants will be required.
85. Contact the Marin Municipal Water District (MMWD) to make arrangements for MMWD to provide adequate water supply service for the required fire protection system.

During Construction

Marin Municipal Water District

86. District records indicate that the property's current annual water entitlement is insufficient to meet the water demand for the project and the purchase of additional water entitlement will be required. Additional water entitlement will be available upon request and fulfillment of the following requirements:
- a) Pay the appropriate fees and charges.
 - b) Comply with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor plumbing fixtures shall meet specific efficiency requirements. Landscape, irrigation, grading and fixture plans shall be submitted to the District for review and approval. Any questions regarding District Code Title 13 – Water Conservation should be directed to the District's Water Conservation Department at (415) 945-1497. You may also find information on the District's water conservation requirements online at www.marinwater.org.
 - c) Comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1558.
 - d) Use of recycled water is required, where available, for all approved uses, including irrigation and the flushing of toilets and urinals. Questions regarding the use of recycled water should be directed to Dewey Sorensen at (415) 945-1558.
 - e) Installation of gray water recycling systems is required when practicable.

Pacific Gas & Electric

87. Electric and gas service to the project site will be provided in accordance with the applicable extension rules, which are available on PG&E's website at <http://www.pge.com/myhome/customerservice/other/newconstruction> or contact (800) PGE-5000. It is highly recommended that PG&E be contacted as soon as possible so that there is adequate time to engineer all required improvements and to schedule any site work.
88. The cost of relocating any existing PG&E facilities or conversion of existing overhead facilities to underground shall be the sole responsibility of the applicant or property owner.
89. Prior to the start excavation or construction, the general contractor shall call Underground Service Alert (USA) at (800) 227-2600 to have the location of any existing underground facilities marked in the field.

Community Development Department, Planning Division

90. The project shall implement the City of San Rafael Noise Ordinance construction noise requirements to minimize noise impacts during construction. Construction noise related to demolition and grading work done within 15 feet of the west property line could exceed the Ordinance requirements. Neighbors shall be informed before any construction activities and any input they have on construction scheduling shall be incorporated to the extent feasible, and the work should be conducted as quickly as possible to minimize exposure time. **(MM NOISE-2)**.
91. The project shall minimize the potential noise impact on adjacent residences when the existing structures on the project site are demolished and when site preparation work is done, through implementation of the following measures: a) The contractors shall provide heavy machinery and pneumatic tools equipped with mufflers and other sound suppression technologies; b) The contractors shall shut down equipment expected to idle more than 5

minutes; and c) The name and telephone number of the Construction Project Manager responsible person to contact shall be posted at the site throughout construction activities. (MM NOISE-3).

Prior to Occupancy

Community Development Department, Planning Division

92. Final inspection of the project by the Community Development Department, Planning Division, is required. The applicant shall contact the Planning Division to request a final inspection upon completion of the project. The final inspection shall require a minimum of 48-hour advance notice.
93. All landscaping and irrigation shall be installed prior to occupancy. In the alternative, the applicant or property owner shall post a bond with the City in the amount of the estimated landscaping/irrigation installed cost. In the event that a bond is posted, all areas proposed for landscaping shall be covered with bark or a substitute material approved by the Planning Division prior to occupancy. Deferred landscaping through a bond shall not exceed 3 months past occupancy.
94. The landscape architect for the project shall submit a letter to the Planning Division, confirming the landscaping has been installed in compliance with the approved project plans and the irrigation is fully functioning.
95. All ground- and rooftop-mounted mechanical equipment shall be fully screened from public view.
96. All trash enclosures shall be screened by a combination of fencing with privacy slats and landscaping.

Department of Public Works

97. The project shall install signs at the driveway exit to alert drivers to look for pedestrians on the sidewalk.
98. The project shall install a 'One-Way' sign on the east side of B Street, directly across from the new driveway.

After Occupancy

Community Development Department, Planning Division

99. Following the issuance of a Certificate of Occupancy, all new exterior lighting shall be subject to a 90-day lighting level review period by the City to ensure that all lighting sources provide safety for the building occupants while not creating a glare or hazard on adjacent streets or be annoying to adjacent residents. During this lighting review period, the City may require adjustments in the direction or intensity of the lighting, if necessary. All exterior lighting shall include a master photoelectric cell with an automatic timer system, where the intensity of illumination shall be turned off during daylight.
100. The 12 tandem parking spaces approved with the project shall be reserved for, and used exclusively by, owners of the 2-bedroom units. The project shall assign these tandem parking spaces, through sales agreements, to owners of the 2-bedroom units only.

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 14th day of May 2019.

Moved by Commissioner XXXXX and seconded by Commissioner XXXXX

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

SAN RAFAEL PLANNING COMMISSION

ATTEST: _____
Paul A. Jensen, Secretary

BY: _____
Sarah Loughran, Chair

MONAHAN PARKER INC.

1101 FIFTH AVENUE #300
SAN RAFAEL, CA 94901

December 10, 2018

Steve Stafford
San Rafael City Hall- Community Development Department
1400 Fifth Avenue
San Rafael, CA 94901

RE: Tentative Map Application- 815 B Street

Hi Steve,

In accordance with Resolution 16-09/ED18-077; approvals for 41 housing units over parking and a small retail space, please note this letter, attached General Application and attached plan set as a formal submittal for the subdivision mapping of the 815 B Street Project.

The existing uses on the site are: (1) vacant single family home, (1) occupied single family home, (1) commercial building, (1) parking lot. Existing uses will be demolished, and the site will be graded prior to the construction of the project.

The proposed project contemplates to combine four existing parcels for the construction of a four story, 41-unit multi-family housing project. Following construction, the project reserves the right to subdivide into 41 residential units, 1 common area unit, and retail space.

In accordance with the forthcoming Grading, Drainage and Utility Plan, the future project will utilize public utilities of water, electricity, gas, and sanitary sewer. Utility improvements and connections will be complete approximately 4 months following issuance of building permit.

Site revegetation has been contemplated and approved in prior submittals.

A proposed drainage easement is contemplated at the North side of the property which addresses Condition #40 distributing neighbor's drainage to B Street infrastructure.

Please reach out with any questions. We look forward to proceeding to recordation of the Final Map.

Sincerely,



Geoff Forner

EXHIBIT 3

APPROVED PROJECT

TRACHTENBERG ARCHITECTS

2421 Fourth Street
Berkeley, California 94710
510.869.1414
www.trachtenbergarch.com

2nd & B
SAN RAFAEL

SEE PERMITS
CORRECTIONS
ON SH. A 2.2
AND A 2.6

815 B Street
San Rafael, CA 94901

08.12.2017 PROGRESS SET

01.04.2018 REVISIONS

05.04.2018 REVISIONS

APPROVED
SAN RAFAEL PLANNING DIVISION

By: STAFF
Date: 1/18/19
File No: ED18-017

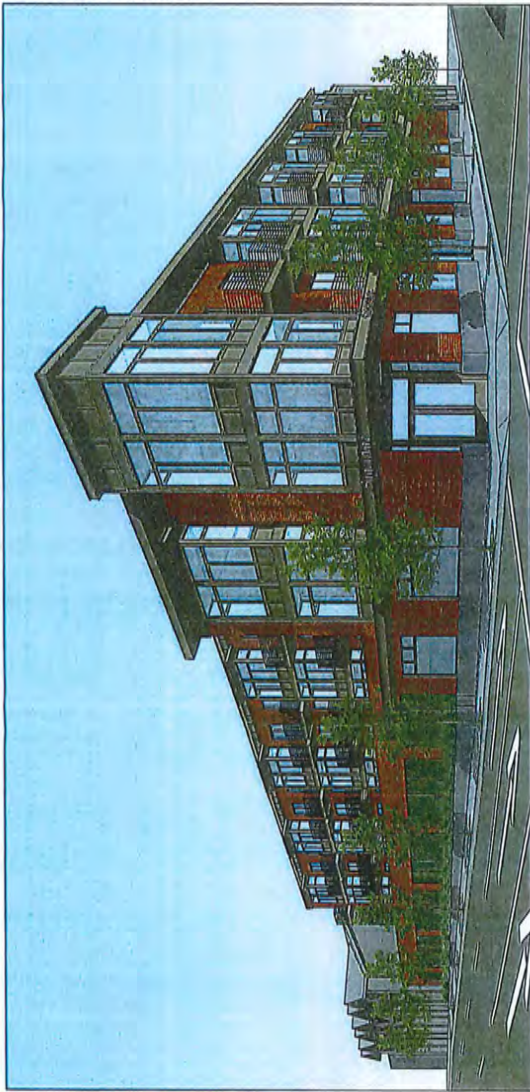
ALL DRAWINGS AND WRITTEN MATERIAL APPLICABLE TO THIS PROJECT ARE THE PROPERTY OF TRACHTENBERG ARCHITECTS. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1733
SHEET:

RECEIVED

APR 03 2019

PLANNING



3 2ND AND B PERSPECTIVE
1/16"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36



1 2ND STREET PERSPECTIVE



2 B STREET PERSPECTIVE

RECEIVED
APR 03 2019
PLANNING

201 Fourth Street
Berkeley, California 94710
510.461.1414
www.TrachtenbergArch.com

2nd & B
SAN RAFAEL

815 B Street
San Rafael, CA 94901

03.12.2017 PROGRESS SET
01.04.2018 REVISIONS
03.04.2018 REVISIONS
07.12.2018 REVISIONS

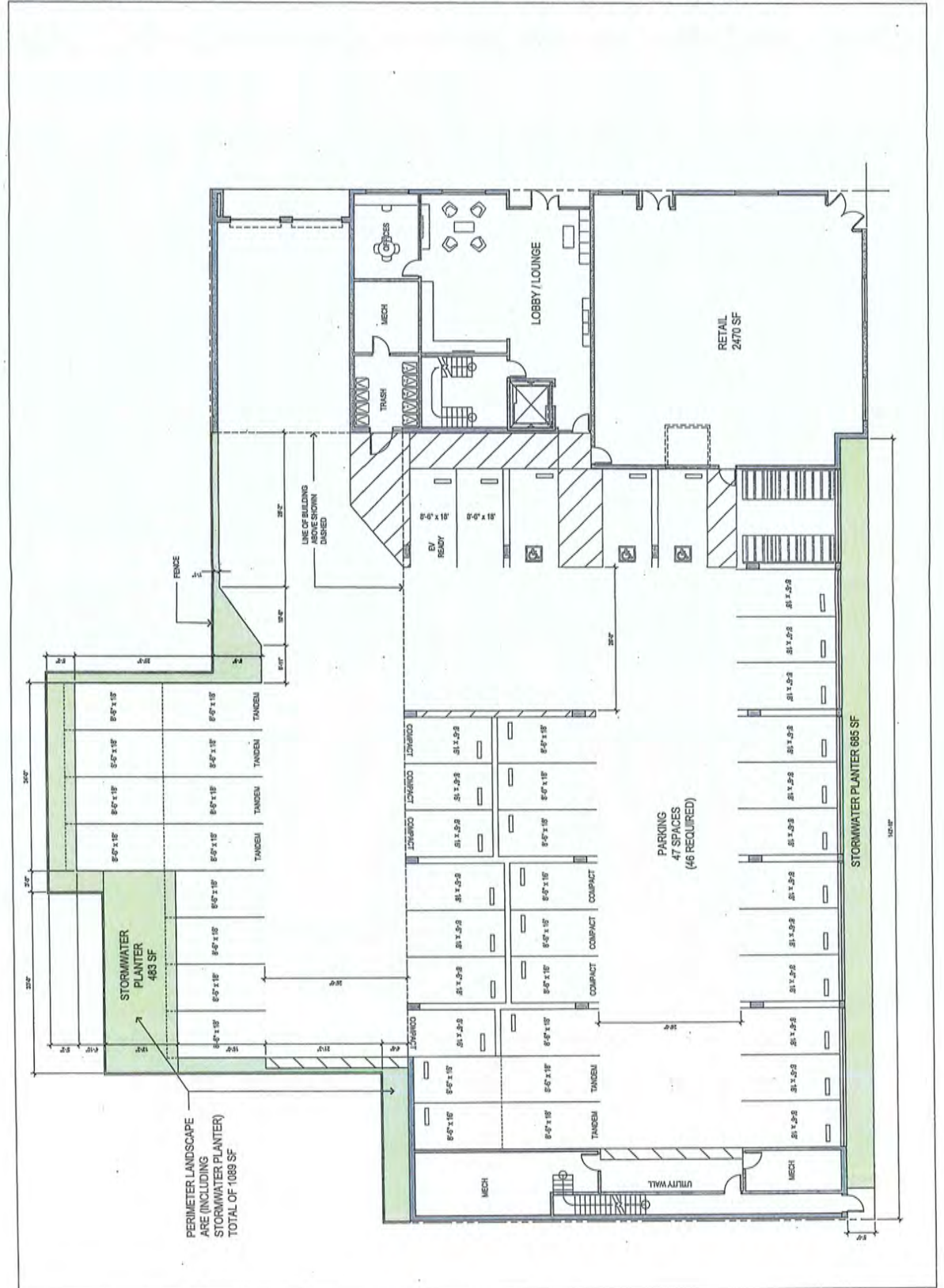
ALL DIMENSIONS AND MATERIAL APPEARANCES
REFER TO THE ORIGINAL AND UNREVISED
DRAWINGS UNLESS OTHERWISE NOTED.
EXCEPT AS NOTED, ALL DIMENSIONS ARE
COUNT OF FINISHED SURFACE UNLESS
NOTED OTHERWISE.

208 1733

SHEET:

ENLARGED
GROUND LEVEL
PLAN

A2.1



2nd & B
SAN RAFAEL

815 B Street
San Rafael, CA 94901

08.12.2017 PROGRESS SET
01.04.2018 REVISIONS
05.04.2018 REVISIONS
07.13.2018 REVISIONS

ALL DIMENSIONS AND VERTICAL INTERVALS APPLY UNLESS
OTHERWISE SPECIFIED. ALL DIMENSIONS ARE TO FACE
UNLESS OTHERWISE NOTED. DIMENSIONS TO FACE UNLESS
OTHERWISE NOTED. DIMENSIONS TO FACE UNLESS
OTHERWISE NOTED.

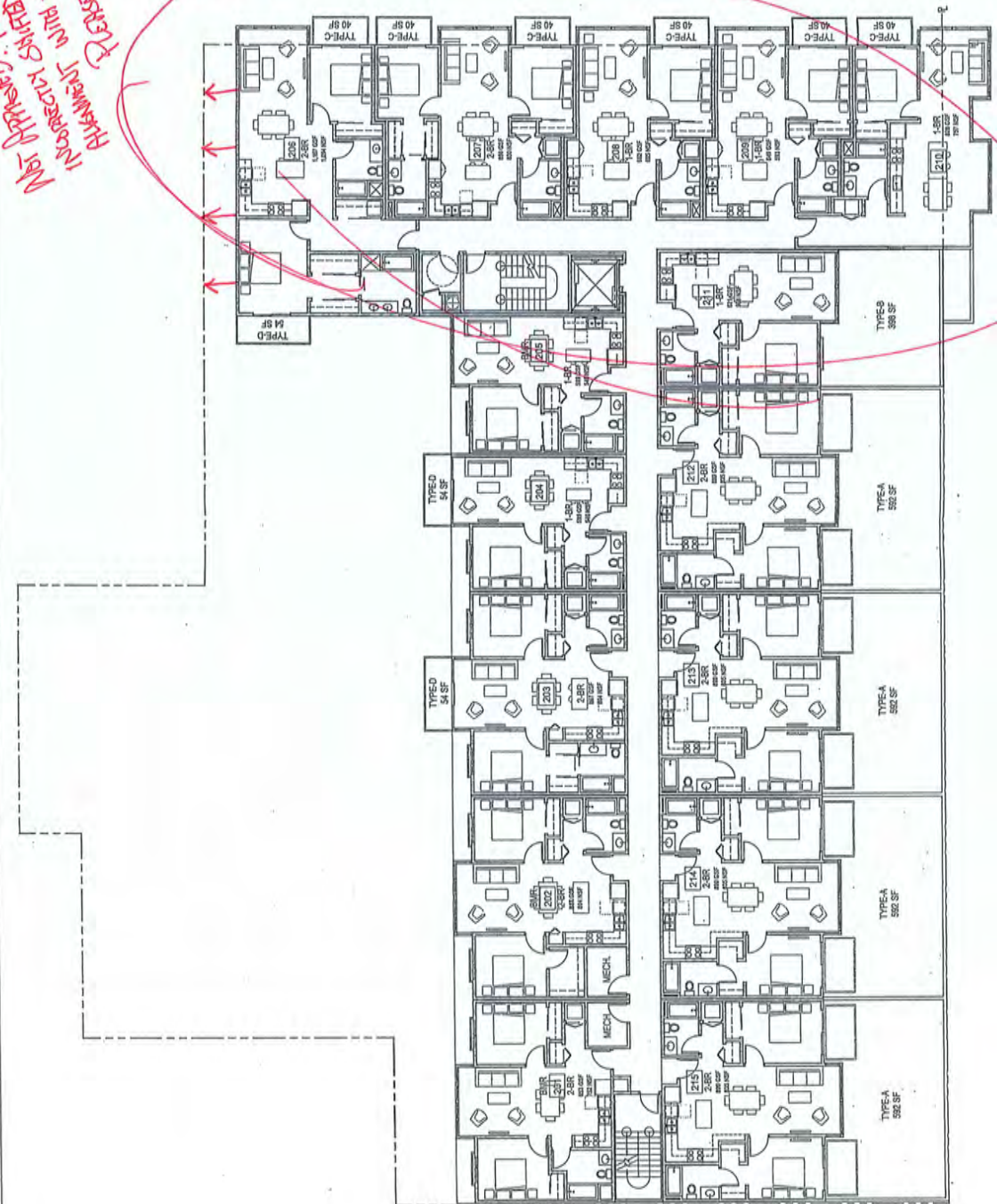
2008 1733

SHEET:

ENLARGED
LEVEL 2
PLAN

A2.2

*Mr. Affandi - floor plans
inspector - shifted into rest of
plates correct.
Plumbers will start floor plates
11/14/18*





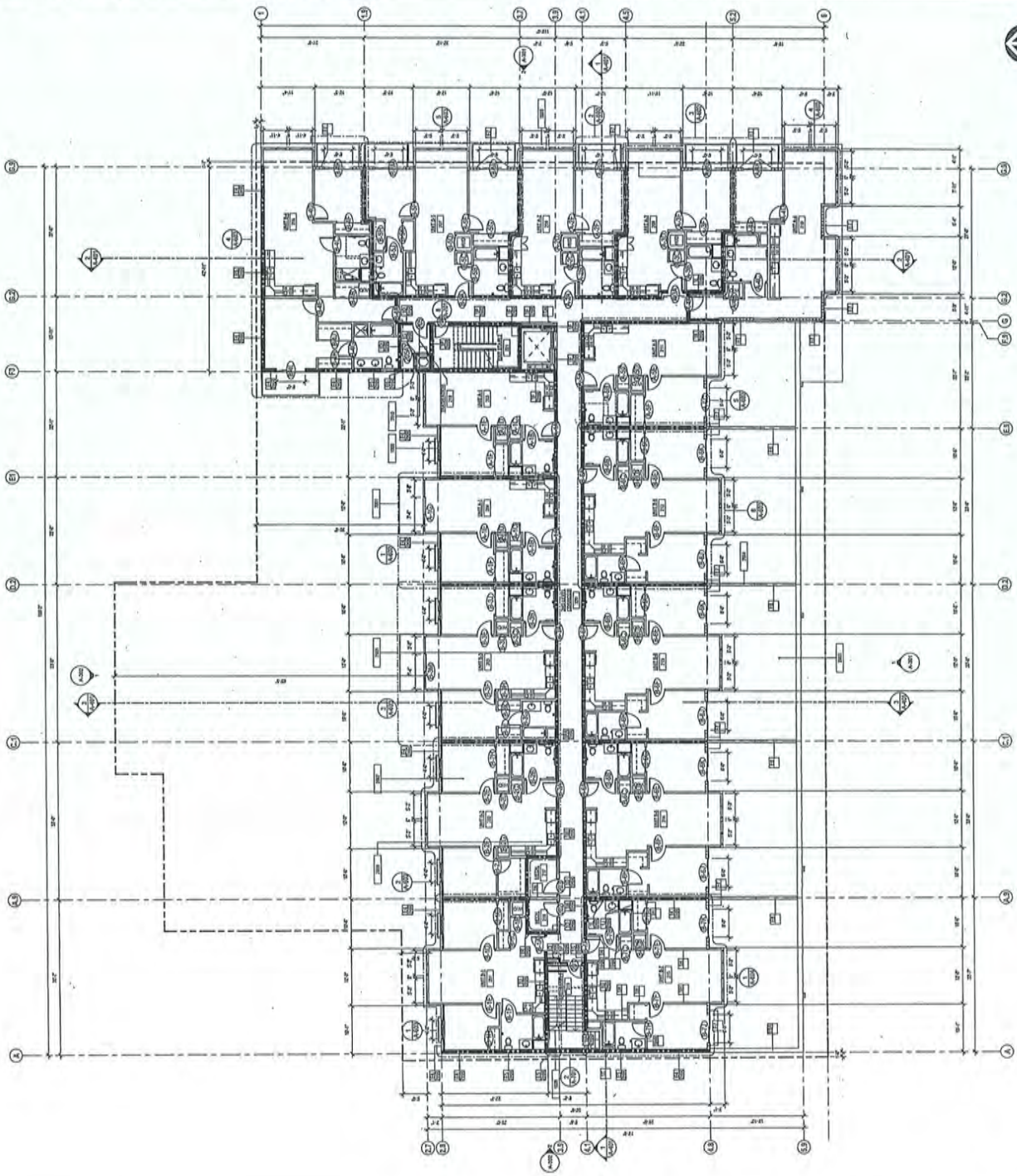
PROJECT NO.	2019-001
DATE	02/20/2019
SCALE	AS SHOWN

WALL LEGEND

1/2" CMU	1/2" CONCRETE MASONRY UNIT
1/2" CMU	1/2" CONCRETE MASONRY UNIT
1/2" CMU	1/2" CONCRETE MASONRY UNIT
1/2" CMU	1/2" CONCRETE MASONRY UNIT
1/2" CMU	1/2" CONCRETE MASONRY UNIT

GENERAL NOTES

- KEYNOTES**
- 2001 1/2" CMU WITH REINFORCING BARS AND PROTRUSING REBAR, BUCKLE AND BANDING
 - 2002 1/2" CMU WITH REINFORCING BARS AND BANDING
 - 2003 1/2" CMU WITH REINFORCING BARS AND BANDING
 - 2004 1/2" CMU WITH REINFORCING BARS AND BANDING
 - 2005 1/2" CMU WITH REINFORCING BARS AND BANDING
 - 2006 1/2" CMU WITH REINFORCING BARS AND BANDING
 - 2007 1/2" CMU WITH REINFORCING BARS AND BANDING
 - 2008 1/2" CMU WITH REINFORCING BARS AND BANDING
 - 2009 1/2" CMU WITH REINFORCING BARS AND BANDING
 - 2010 1/2" CMU WITH REINFORCING BARS AND BANDING



LEVEL 2 FLOOR PLAN
 1/8" = 1'-0"

2nd & B
SAN RAFAEL

815 B Street
San Rafael, CA 94901

- 06.12.2017 PROGRESS SET
- 07.04.2018 REVISIONS
- 08.04.2018 REVISIONS
- 07.13.2018 REVISIONS

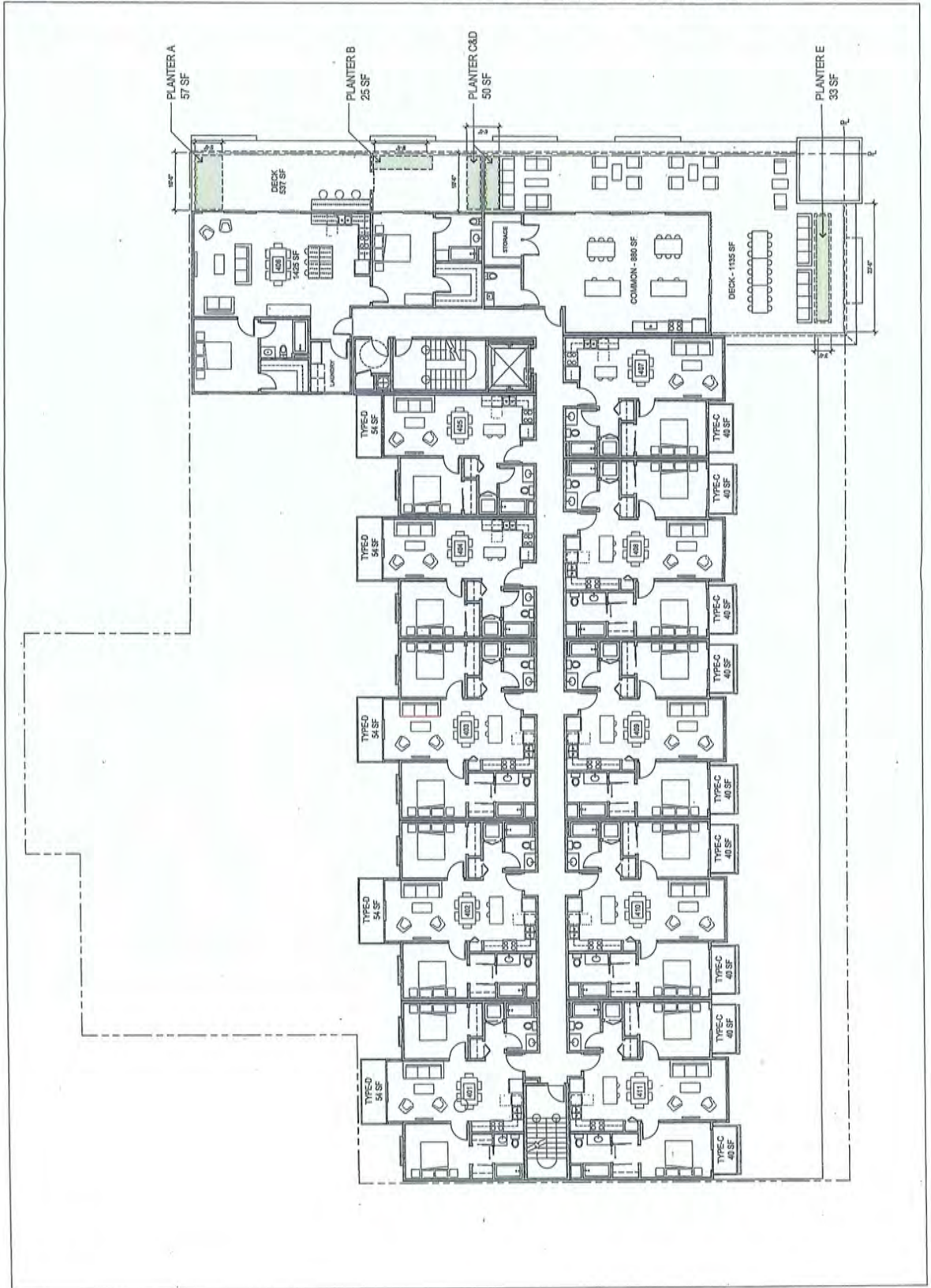
ALL DIMENSIONS AND VERTICAL ELEVATIONS ARE IN FEET AND INCHES. DIMENSIONS ARE SHOWN TO THE CENTER OF FINISH SURFACES UNLESS OTHERWISE NOTED. DIMENSIONS TO THE CENTER OF FINISH SURFACES UNLESS OTHERWISE NOTED.

208 1733

SHEET:

ENLARGED
LEVEL 4
PLAN

A2.4



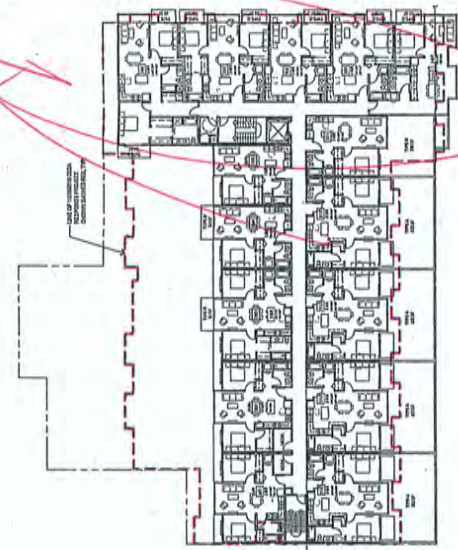
08.12.2017	PROGRESS SET
01.04.2018	REVISIONS
05.04.2018	REVISIONS
07.12.2018	REVISIONS

ALL DIMENSIONS AND MATERIAL APPLICANCES
UNLESS OTHERWISE NOTED SHALL BE IN
CONFORMANCE WITH THE 2018 CALIFORNIA
UNIFORM BUILDING CODE (CBC) AND THE
2018 CALIFORNIA MECHANICAL, ELECTRICAL
AND PLUMBING (MEP) CODES.
DATE: 12/28/18

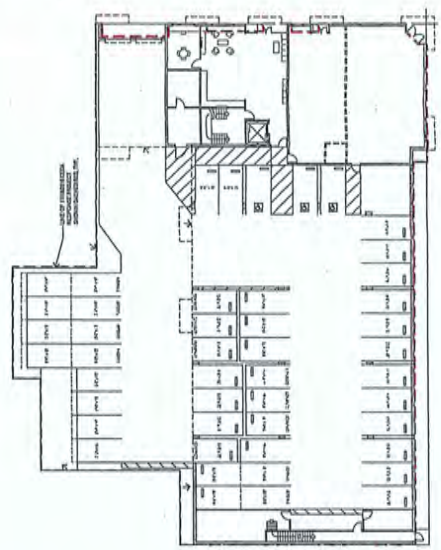
DRB
COMPARISON
PLANS

A2.6

See Comments on 2/28/19



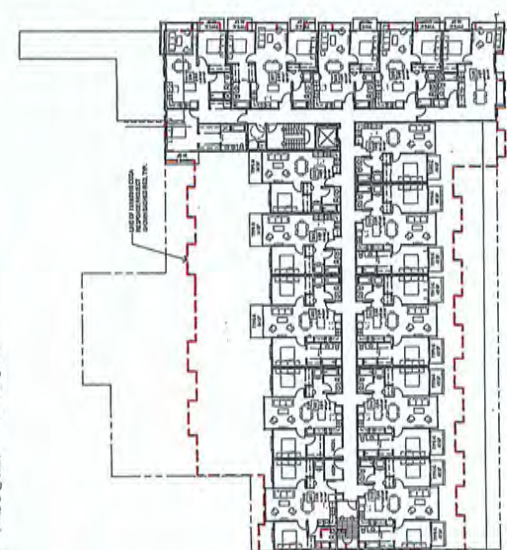
2 PLAN AT LEVEL 2
1"=40'-0" @ 11x17 1"=20'-0" @ 24x36



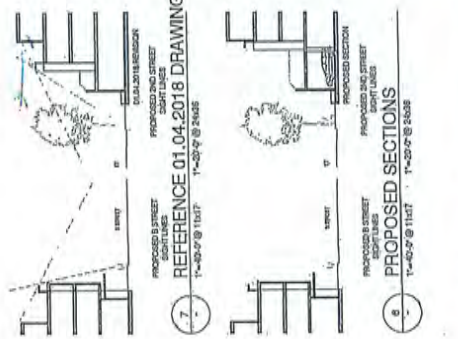
1 GROUND LEVEL PLAN
1"=40'-0" @ 11x17 1"=20'-0" @ 24x36



4 PLAN AT LEVEL 4
1"=40'-0" @ 11x17 1"=20'-0" @ 24x36



3 PLAN AT LEVEL 3
1"=40'-0" @ 11x17 1"=20'-0" @ 24x36



REFERENCE 01.04.2018 DRAWINGS

PROPOSED SECTIONS

REFERENCE 01.04.2018 REVISIONS PLANS				CURRENT PROPOSED PLANS			
LEVEL	TYPE	AREA	TOTAL	LEVEL	TYPE	AREA	TOTAL
LEVEL 1	OFFICE	1,200	1,200	LEVEL 1	OFFICE	1,200	1,200
LEVEL 2	OFFICE	1,200	1,200	LEVEL 2	OFFICE	1,200	1,200
LEVEL 3	OFFICE	1,200	1,200	LEVEL 3	OFFICE	1,200	1,200
LEVEL 4	OFFICE	1,200	1,200	LEVEL 4	OFFICE	1,200	1,200
TOTAL		4,800	4,800	TOTAL		4,800	4,800

LANDSCAPE AREAS			
TYPE	AREA	TOTAL	PERCENT
LANDSCAPE	100	100	2.1%
PLANTING	200	200	4.2%
WATER	50	50	1.0%
TOTAL	350	350	7.3%

5 PROJECT DATA
1"=40'-0" @ 11x17 1"=20'-0" @ 24x36

2nd & B
SAN RAFAEL



2 SOUTH ELEVATION - 2ND STREET
1/8"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36

ALL DRAWINGS SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

JOB: 1733

DATE:

PROPOSED
ELEVATIONS

A3.0



1 EAST ELEVATION - B STREET
1/8"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36

2421 Fourth Street
Berkeley, California 94710
www.trachtenbergarch.com

2nd & B
SAN RAFAEL



2 NORTH ELEVATION
1/8"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36

815 B Street
San Rafael, CA 94901

03.12.2017 PROGRESS SET
01.04.2018 REVISIONS
05.04.2018 REVISIONS

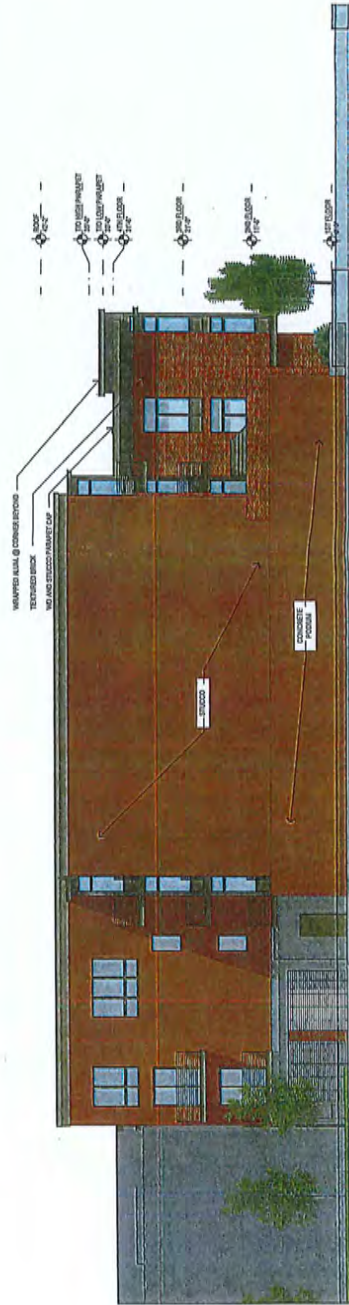
ALL CHANGES AND VERTICAL MATERIAL ADJUSTMENTS
SHOWN ON THIS SHEET ARE THE PROPERTY OF THE ARCHITECT AND MAY NOT BE
REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS
WITHOUT THE WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS

JOB: 1733

SHEET:

PROPOSED
ELEVATIONS

A3.1



1 WEST ELEVATION
1/8"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36



SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: May 14, 2019
Agenda Item: 4
Case Numbers: ED18-087, ZO18-003, ZC18-002, UP18-034, SP18-006, S18-001, DA19-001
Project Planner: Sean Kennings (415) 533-2111
Contract Planner

REPORT TO PLANNING COMMISSION

SUBJECT: 999 3rd Street (BioMarin R&D building / Whistlestop Senior Center / Senior Housing) –Study Session Review of two 70-foot tall, four-story Research and Development buildings on a 133,099 sq. ft. parcel, currently developed as a vacant lot, and a 67-unit, 70-foot tall, six-story senior center and affordable senior housing building on a 15,000 sq. ft. portion of the northwestern corner of the parcel; APN: 011-265-01; Second/Third Mixed Use (2/3 MUE) Zone; Shar Zamanpour, Applicant; BioMarin / CCCA, LLC, Owner; Downtown Activity Center neighborhood area.

EXECUTIVE SUMMARY

The subject project is being referred to the Planning Commission (Commission) for Study Session Review of three new buildings on a 3.05-acre (133,099 sq. ft.) parcel. Two buildings would be constructed by the property owner, BioMarin, for the purposes of laboratory/R&D and general office spaces. BioMarin's buildings would each be four stories but with large floor to ceiling heights to accommodate infrastructure and facilities for their laboratory/ research & development needs. The third building would be constructed by Whistlestop/Eden Housing, on a 15,000 sq. ft. portion of the property, for a six-story senior center /senior housing development. BioMarin has worked with Whistlestop to help facilitate an alternate location (to their prior proposal to build their project at their current site (930 Tamalpais), which was previously reviewed conceptually and faced concerns with the bulk and mass and potential loss of the train depot at that location.

BioMarin is proposing to incorporate their portion of the project site (118,099 sq. ft.) into the San Rafael Corporate Center (SRCC) PD District, which is located across 2nd Street. The Whistlestop portion of the project, the remaining 15,000 sq. ft., would be subdivided from the larger parcel and would retain the existing 2/3 MUE Zoning designation.

Staff requests that the Commission review the project for both components and provide comments and observations to be evaluated by the Design Review Board at a subsequent formal hearing. Formal motion and vote are not required for study session review. BioMarin and Whistlestop have submitted a joint application for all required project approvals, but will develop independently. The formal entitlements require review and approval by the Design Review Board and the Planning Commission and ultimate approval by the City Council in order to proceed. The formal application is currently undergoing Draft Environmental Impact Report (DEIR) pursuant to the California Environmental Quality Act (CEQA).

A brief summary of the policies and criteria that would apply to the project are provided in this report. Overall, staff is supportive of both components of the project, including the addition of needed senior housing in this part of Downtown. Redeveloping this site in the heart of downtown with a major employer in the county is desirable, to help activate downtown. Furthermore, the proposed relocation of the Whistlestop project to a portion of this site addresses the community wide concern with the prior concept of redeveloping the current Whistlestop site.

Staff supports the proposed heights of the project, primarily based on the scale of the neighboring BioMarin campus which has maximum heights of 73-ft (to top of roof). Staff requests the Commission review and provide comments on following specific aspects of the concept project, which will help guide the review of the project at the Design Review Board and subsequent Planning Commission review:

Zoning Map Designation

The proposed project includes the development of the entire 133, 099 sq. ft. of the subject property. However, as proposed, 118,099 sq. ft. would be incorporated into the existing San Rafael Corporate Center (SRCC) campus. As such, a Zoning Map amendment is requested to include the BioMarin portion of 999 3rd St to PD and incorporate it into the existing SRCC PD District. The remaining 15,000 sq. ft. area designated for development by Whistlestop/Eden Housing, will remain as a 2/3 MUE Zoning district and would be indicated as such on the Zoning Map.

- **Staff requests that the Commission provide input on the proposal to incorporate the BioMarin portion of 999 3rd St into the SRCC PD District.**

Floor Area Ratio (FAR)

The existing maximum FAR for the subject property is 1.5 for this area of downtown San Rafael. At 118,099 sq. ft., the BioMarin portion of the site has a maximum allowable FAR of 177,149sq. ft. The project proposes 207,000 sq. ft. for the two BioMarin buildings. The Whistlestop Senior Center proposes an additional 18,000 sq. ft. on the 15,000 sq. ft. area of the site. The applicant is proposing to combine the subject property into the SRCC and is requesting a General Plan Map amendment, to Exhibit 6, to create a new revised FAR for the total SRCC campus. This will be achieved by increasing the FAR on the current SRCC campus from 0.75 to 0.90 and reducing the FAR on the 999 3rd St portion of the site from 1.50 to 0.90 FAR. By combining the SRCC and 999 3rd Street with a 0.90 FAR, the project would cap the overall total development for the combined SRCC at 715,518 sq ft. With the new FAR of 0.9, the residual development will increase approximately 30,000 sq. ft. for the new SRCC PD then what is currently allowed under the existing General Plan.

- **Staff requests the Commission weigh in on proposed General Plan amendment (Exhibit 6 of Land Use Element - FAR Ratios in Downtown and Environs) specifically to create a new blended rate for both sites of 0.90 by**
 - **Increasing FAR limit from 0.75 (on SRCC portion of site) – current max: 507,692 sq ft.**
 - **Reducing FAR limit on 999 3rd St site from 1.50 – current max 177,149 sq, ft.**

Height

The BioMarin portion of the project proposes to exceed the current 54-ft height limit for this site by 20-ft., for a total of 74-ft. The applicant contends that the additional height is needed to facilitate the taller four-story laboratory floorplates required for lab uses. The extra height requires the applicant to propose a General Plan amendment, to Exhibit 10, to create a new specific height bonus allowance for the subject parcel. Although the subject property is proposed to be incorporated into the existing SRCC campus (and the Lindaro Office Plan area), the height bonus for that site would also require a General Plan Map amendment to allow the greater heights. The General Plan amendment to Exhibit 10 would create a new height bonus for this site, specific to the subject property, and a new height bonus to allow for the additional project height.

The Whistlestop / Eden Housing portion of the project would also exceed the height limit (54-ft) and the allowable 12-ft. bonus by proposing a total height of 70-ft. Given the affordability provided by the project, the applicant has requested a concession under the State Density Bonus Law to allow an additional 4-ft. height bonus above the 66-ft. currently allowed.

- **Staff requests the Commission weigh in on:**
 - **Proposed height as it relates to the Downtown setting.**
 - **Proposed amendment language to Exhibit 10 to allow create a new a 20-ft bonus for certain amenities.**
 - **Proposed concession to allow additional 4-ft bonus for affordable housing.**

Parking

Similar to the FAR discussion, BioMarin is requesting that the proposed project be incorporated as part of the SRCC campus. The SRCC has an existing parking requirement of 1,561 campus wide stalls for the 478,396 sq. ft. of entitled office/lab space. The 999 3rd street property is located within the Downtown Parking District and therefore would not require parking for the first 1.0 FAR of development. As a result, the 207,000 sq. ft. for the two new BioMarin buildings would require parking for 88,901 sq. ft. Consistent with the SRCC parking ratio requirement, the new buildings would require 293 total parking spaces. The proposed project includes 29 spaces at maximum buildout. The applicant has presented a “blended” parking ratio with a breakdown of how each specific use on the entire campus should be evaluated for the overall parking requirement. The City has requested a contingency plan, should the property be sold, expanded, and/or converted to multiple tenants.

- **Staff requests that the Commission provide general input parking requirements, ratios, and solutions.**
 - **Office use = 3.0 spaces/1,000 sq ft**
 - **R&D = 1.5 spaces/1,000 sq ft**
 - **Amenities = 1.0 spaces/1,000 sq ft**
 - **Total blended parking requirement for proposed SRCC = 1,446 spaces**

STUDY SESSION PURPOSE AND FORMAT

The study session is primarily intended to provide opportunity for early Commission feedback on the merits of the project and public input. Given the project includes some major policy questions, it was determined to first bring this matter to the Commission as a study session to review some of the major topical area and to allow for public comment on these topic areas, before the project is presented to the DRB for formal review and recommendation.

A study session will not result in a decision regarding the project merits or official action, but rather would allow the Commission to weigh in with preliminary feedback on the project scope, size. Given some of the major policy questions, the input by the Commission would assist the DRB in understanding size and intensity are appropriate and thus allow them to focus their review on the architectural details. Therefore, the purpose of the study session is to elicit comments and suggestions on the project, including the topics identified in this staff report, as well as other comments the Commission may have:

- 1) Floor Area Ratio
- 2) Building Height
- 3) Parking Standards
- 4) Other land use or design comments

Staff recommends the Planning Commission conduct the study session in the following fashion:

- Staff report presentation
- Applicant presentation
- Accept public comments
- Planning Commission discussion and feedback

Although the study session is not a public hearing, public comment will be encouraged prior to discussion by the Commission.

PROPERTY FACTS

Address/Location:	999 Third St	Parcel Number(s):	011-265-01
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Property Size:	133,099 (3.05 acres)	Neighborhood:	Downtown
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Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
Project Site:	Second/Third St. Mixed-Use (2/3 MU)	Second/Third St. Mixed-Use East (2/3 MUE)	Vacant/surface parking
North:	2/3 MU/ 4SRC	2/3 MUE	Parking structure / commercial
South:	2/3 MU/ P/QP	2/3 MUE / P/QP	Parking structure / PG&E corp yard. Multi-family residential
East:	2/3 MU	2/3 MUE	Commercial
West:	2/3 MU	2/3 MUE	Commercial / office

Site Description/Setting:

The project site is comprised of a 133,900 sq. ft. parcel located within the 100-year flood zone. The project site has four frontages: Third St. on the north and Second St. to the south, Lindaro St. on the east, and Brooks St. to the west. It is a relatively flat (<1% average cross-slope) and located within the Downtown Parking District. It is currently undeveloped, as three, multi-story office buildings (PG&E) were recently demolished. The remaining project area is currently a surface parking lot.

BACKGROUND

BioMarin, a global biotechnology company, was founded in Marin County in 1997. In 2013, BioMarin moved its headquarters to the SRCC, a campus of over 400,000 sq. ft. on approximately 15.5 acres. In 2015, BioMarin completed construction of its first new research laboratory building at 791 Lincoln Avenue. Currently, the SRCC has a height bonus of 24-ft that allows a maximum height of 78 feet. In 2015, BioMarin purchased the approximately three-acre 999 3rd St. property in downtown San Rafael from PG&E. This site, located adjacent to SRCC, was once used by the historical Manufactured Gas Plant (MGP) for support activities and is currently vacant and awaiting completion of environmental remediation. Soil and groundwater onsite conditions containing polynuclear aromatic hydrocarbons (PNAs) and volatile organic compounds (VOCs) have been remediated in accordance with the DTSC and continue to be monitored. The remediation process, when completed, will allow for residential development as proposed.

BioMarin is one of the largest and fastest growing employers in San Rafael and Marin County, and a significant share of its workforce resides locally. BioMarin is planning for future space needs by

addressing San Rafael's goals of economic development, downtown vibrancy, affordable senior housing, and transit-oriented development. Toward this end, BioMarin submitted a Pre-Application in August of 2016. Following subsequent City comments, BioMarin modified its project by reducing the requested total development square feet on 999 3rd Street as well as the height increase bonus. The conceptual design was reviewed by the Design Review Board at a regular hearing on February 6, 2018 and again by the Planning Commission at a regular hearing on February 27, 2018. In general, the DRB and the Planning Commission were generally supportive of the proposed project including the design aesthetics, the overall height, and intensity of use. Comments were provided to Whistlestop/Eden Housing requesting the project design meet the requirements for front setbacks and suggested the proposal could include more height (and more units) to compensate for meeting the front setback requirements. Comments regarding parking included understanding the applicant's survey and existing conditions assessment.

There are no written minutes from either conceptual review meeting. However, actual video proceedings are available. Video of the 2/6/2018 DRB meeting can be seen [here](#) and additional details are provided in the Design Review Board review section below.

Video of the 2/27/2018 Planning Commission meeting can be seen [here](#). In summary, the main comments provided by the Commission during their review of the Conceptual application were supportive of the project as a whole. The Commission was generally supportive of the proposed entitlement requests and commented that staff would provide the appropriate mechanisms to allow the proposals.

Following those two meetings, the applicants revised the project and submitted a formal application to the City in October 2018.

PROJECT DESCRIPTION

The applicant, BioMarin, intends to develop the parcel to increase laboratory and research and development space. The proposed buildings would satisfy the R&D and lab functionality for BioMarin in conjunction with the existing SRCC campus to the south of the project site. Preliminary details of the proposal are reflected in the attached design package (see Exhibit 5).

The initial applications that will be required would include:

- General Plan text and map amendment to 1) modify Exhibit 6 FAR Maps to a new blended rate of 0.90 for SRCC site and the BioMarin portion of the 999 3rd St site, and 2) Amend Exhibit 10 – Height Bonuses – to create a new 20-ft. height bonus for this site;
- Planned Development Rezoning to create one contiguous PD District such that 999 3rd Street would be included with the San Rafael Corporate Center campus (currently PD 1936), including specific parking standards for the entire campus, development standards and land use allowances;
- Development Agreement to vest the approvals for an extended period of time;
- Major Environmental and Design Review Permit, for the new R&D building, senior residential complex and other site and landscaping improvements;
- Use Permit to allow: 1) Residential uses in a commercial (2/3 MUE) zoning district; and 2) Create a Master Use Permit for the proposed revisions to the San Rafael Corporate Center Campus to address land uses, parking and other requirements : The reduction in on-site parking, from 293 required parking spaces to 29 proposed parking spaces on site with a campus wide “blended ratio.

The proposed project would be constructed by two different entities in different phases, but will be entitled as one contiguous development site and includes the following:

- Expansion of the existing Planned Development (PD) zoning designation that applies to the SRCC to encompass the 999 3rd St. property. Within the expanded PD, BioMarin is requesting a General Plan amendment to allow for a new FAR/development intensity to govern the entire SRCC as one project site.
- 15,000 sq. ft. of the 999 3rd Street property will be allocated to Whistlestop/Eden Housing project in the northwest corner of the subject property for development of a senior center and senior affordable housing in a six-story building which includes an Healthy Aging Campus on the first and second floors (approx. 18,000 sf) and 67 affordable residential units on the third through sixth floors.
- The remaining 118,100 sq. ft. of the site will be developed as an extension of the Bio Marin campus that is currently located at the SRCC. Bio Marin proposes to develop a total of approximately 207,000 sq. ft. of research and development (R&D) laboratories and office space (split about equally between the two uses) in two four-story buildings. The ground floor will also house amenities to support the BioMarin campus, which may include: lobbies, an auditorium, conference rooms, a small cafe, and dining space. A useable roof top deck (above the ground floor between the two buildings) is proposed for employee use as noted in the concept drawing package.
- As part of the amended SRCC PD, BioMarin is requesting a height bonus of 20-ft (above the 54-ft maximum) for the 999 3rd Street property to allow construction of research laboratory buildings. As laboratory buildings require additional floor to floor space to support the required infrastructure, BioMarin is seeking the minimum required additional height for this development. BioMarin is requesting the height bonus pursuant to the provision of senior housing, a privately owned public plaza (5,000 sq. ft. or more in size), a community facility (e.g. senior center, 10,000 sq. ft. or more in size), pedestrian crossing safety improvements at adjacent intersections, and the donation of funds for development of bike lanes in accordance with Section 14.16.190 of the Zoning Ordinance.
- The Whistlestop/Eden Housing portion of the project would include a requested 4-ft height increase as a concession consistent with the State Density Bonus Law.
- The Whistlestop/Eden Housing project is requesting two concessions under the State Density Bonus law pursuant to providing at least 30% affordable housing. The project requests the following three concessions:
 - Increased Density bonus to allow up to 67 units;
 - Increased height from allowed 66' to 70'.
- Whistlestop/Eden Housing is proposing no on-site parking for residents of the senior housing portion of the development. Pursuant to California Government Code Section 65915 (e)(1) and (2), the request to reduce on-site parking to one space is an additional development standard reduction.
- Overall site parking at ratios appropriate to the proposed uses. Parking ratios for specific uses, such as R&D laboratories, are not specified in the Zoning Ordinance. Proposed parking ratios will be based on industry standards and utilization surveys and evaluated through the PD rezoning and Use Permit.

New BioMarin R&D Buildings:

Use: BioMarin proposes two 70-foot tall four-story research and development buildings connected by a common ground floor “amenity” space with rooftop garden/open area. Each R&D building would include a combined office/laboratory spaces on the ground floor with three stories of laboratory spaces above.

Site Plan: The proposed project would provide a setback and green space along Lindaro to enhance pedestrian experience and strengthen the entry to the site. A visitor drop-off and parking area at the corner of 2nd and Lindaro is designed to provide a clear entry to the BioMarin buildings. An architectural cantilever feature for the north R&D building at the corner of Lindaro and Third Street would create a “Front Porch” of open space for employees and the public. This open area, adjacent to proposed retail space, is designed to connect the site to downtown and activate 3rd Street. The North BioMarin building would include upper floor setback to provide natural light and separation for residents of the senior housing. Both buildings would be setback from 2nd and 3rd Streets to enhance pedestrian experience and provide a landscaped street edge. A proposed rooftop deck between the two R&D buildings (above the first floor) would be used for employee gatherings and daytime activities including seating for eating periods. The R&D buildings would be oriented with the long east/west axis of the project site to maximize energy savings.

Architecture: The design of the building emphasizes corner and cantilever elements that frame the site. The design intent is to create a state-of-the-art research and development facility in the heart of San Rafael office district. Buildings would be clad with glass, with white metals mullions and screens, to maximize natural light and views outward from the site. Window overhangs on south facades would create shading over windows and glass areas. An architectural “shading skin” would be proposed on east and west facades to protect these areas from heat gain.

The proposed buildings are located within the 2/3 MUE District and has a mandated building height limit of 54-ft for the primary structure as measured by 1997 UBC standards. The preliminary design requires 17-ft floor to floor to accommodate the specific needs of laboratory infrastructure required for life science laboratories. Therefore, the proposed design is requesting a height extension to 70-ft. Additional architectural features including mechanical enclosures and towers are designed to extend above the 70-ft height limit. This additional height is not counted in the requested height bonus. Rooftop equipment would be screened according to City of San Rafael requirements.

Landscaping: The BioMarin landscape plan would introduce new landscaping site features, paving, ground covers, and trees for continuity throughout the project site. Although preliminary in nature, the plant palette would be required to consist of trees, shrubs, ground covers, grasses and perennials that conform to Marin Municipal Water District requirements, the California water efficient landscape ordinance (WELO) and Marin County Storm Water Pollution Prevention Plan (MCSTOPPP) practices. Bioretention areas appear to be proposed in pedestrian areas in the Lindaro street plaza. The tree palette would be a continuation of street and shade trees consistent with the SRCC campus development and include zelkova and ginkgo varieties.

Lighting: The lighting plan included in the application details specific light fixtures for wayfinding and security purposes. Light fixtures would be required to comply with San Rafael standards for nighttime glare. The photometric study regarding light exposure was included in the formal application plan set.

Parking: The R&D buildings are proposed to be constructed in two phases. After completion of Building “A”, BioMarin would provide approximately 70 parking spaces at the south side of the project site. After completion of Building “B” in Phase II, the project would include 29 spaces located in the southwest and southeast corners of the site. The Project is within the downtown business parking district which exempts parking requirements for the first 1.0 FAR. Per the San Rafael Municipal Code Section

14.18.040, parking requirements for laboratory uses are not specifically listed. Assuming general office use for the project site, the proposed project would require a 3.3/1000 (3.3 auto spaces to 1,000 square feet of occupied space) requirement for general office. The BioMarin portion of the project would entail 207,000 SF of total R&D/lab space, but with the 1.0 FAR reduction for the Downton Parking District, would be required to provide parking for 88,901 sq ft.

Lot Size	Project Size	1.0 FAR Exemption
Total Site: 133,099 sq. ft.	225,000 (18,000 sq. ft. for Whistlestop; 207,000 for BioMarin)	225,000 sq. ft. – 133,099 sq. ft. (1.0 FAR) = 91,901 sq. ft.
BioMarin Portion: 118,099 sq. ft. (minus 15K sq ft for Whistlestop)	207,000 sq. ft. (BioMarin)	207,000 sq. ft. – 118,099 (sq. ft. 1.0 FAR) = 88,901 sq. ft.
Whistlestop Portion: 15,000 sq. ft.	18,000 sq. ft. (Whistlestop/Eden)	18,000 sq. ft. – 15,000 sq. ft. (1.0 FAR) = 3,000 sq. ft.

As such, the proposed R&D buildings would require approximately 293 surface parking spaces. However, BioMarin is presenting a ratio based on evaluation of the existing and proposed uses that would “blend” the parking requirements for the entire site. For example, laboratory spaces tend to be used by on-site staff who also have office space. BioMarin is requesting that these spaces should not be double-counted pursuant to the San Rafael Municipal Code requirements. 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

Per the applicant’s project description, and based on the blended parking ratio request, the following table documents the proposed parking for the project site and the SRCC.

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)					1.0	1.5	1.0	
Required Parking								
Existing Buildings								
750 Lindero Street (Building A)	82,842	-	5,000	87,842	248	-	5	253
781 Lincoln Avenue (Building B)	71,039	-	-	71,039	213	-	-	213
770 Lindero Street (Building C)	78,360	-	5,000	83,360	235	-	5	240
790 Lindero Street (Building D)	71,919	-	-	71,919	216	-	-	216
791 Lincoln Avenue (Building E)	-	86,540	-	86,540	-	130	-	130
Future Development								
755 Lindero Street	72,396	-	-	72,396	217	-	-	217
999 3rd Street (Building A)	77,000	-	33,000	110,000	231	-	33	264
999 3rd Street (Building B)	-	97,000	-	97,000	-	146	-	146
Subtotal	453,556	183,540	43,000	680,096	1,360	276	43	1,679
999 3rd Street Parking Exemption	(43,697)	(55,507)	(18,894)	(118,099)	(131)	(83)	(19)	(233)
Total Required Parking	409,859	128,033	24,104	561,996	1,229	193	24	1,446
Parking Supply¹								
Existing Parking								1,346
755 Lindero Surface Lot ²								(68)
788 Lincoln Garage (Phase II)								256
788 Lincoln Surface Lot								26
999 3rd Street Surface Lot ⁴								29
Total Parking Supply								1,589
Parking Surplus								
								143
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 8.								
3. As a result of the construction of the office building at 755 Lindero, 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.								

The SRCC at full build-out, would be owned and operated by one tenant, BioMarin. The City has requested a contingency plan based upon sale (and potential different types of users or multi-tenant uses) of all parcels. As such, the applicant has proposed the following language that could be included as a condition of the overall project approvals (and part of the development agreement):

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).

As proposed, the sale or expansion of existing uses would be required to show adequate parking supply, consistent with the standards at the time of future proposal, and prior to entitlement approvals.

Whistlestop Senior Center / Eden Housing Senior Housing

Use: A six-story senior center and affordable senior housing is proposed on the northwest portion of the subject property. The proposed use includes 12 total parking spaces (ground floor within the footprint).

Whistlestop, in partnership with Eden Housing, is proposing a new facility that will include 67 units of onsite affordable senior housing to complement the onsite Healthy Aging Campus.

Site Plan: The proposed building footprint would utilize the entire 15,000 sq. ft. allotment for the Whistlestop project provided on the subject property. The approximately 18,000 sq. ft. area on the first and second floors for Whistlestop's adult service program includes meeting rooms, classrooms, and service offices within a contemporary facility. There are 11 parking spaces for the Whistlestop facility with a single parking space for the resident manager; the senior housing is proposed as a car-free community and no parking spaces are included. Internal vehicle and van circulation would access the parking/drop-off area via the south entrance off Brooks Street. Cars would circulate counterclockwise and exit the parking area onto Brooks Street via the north exit.

The proposed affordable housing is located on the third through sixth floors and provides low, very low and extremely low-income units for seniors, aged 62 and older and who earn less than 60% of the Area Median Income. The housing, which will be a mix of one bedroom and studio apartments, will also include high quality amenities such as a community room, residential courtyard for gatherings and gardening, a computer center and exercise room, central laundry facility and furnished lobbies for casual social interaction and an on-site resident manager.

Architecture: The building's design is a contemporary/traditional building form of base/middle/top. The building's two-story base will be a solid form and material, with commercial storefronts on the ground floor, with decorative grilles that allow the parking garage to be well lit and ventilated. There will be similar larger windows for classrooms offices on the main Whistlestop floor. There will be a more vertically proportioned and scaled middle for the four residential stories; with the corner mass highlighted by a change in material and accented by a trellis or framing element which adds a top and visual importance to the buildings corner.

The accented entrance and lobby created by an arcaded walk allows for a ramp to ease the walk to the raised floor elevation above the areas flood plain. The lobby has a glassy storefront entry which extends through each floor of the building providing a sunlit lobby as one walks up the stairs to the Whistlestop Center or walks out of the elevator to the residences above. The building will be designed to meet Green-Point Rated or LEED standards of sustainability, with reduced energy and water use.

Density Bonus Concessions: 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% 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 submitted 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 is also requesting the use of two concessions to build at the proposed density and, height.

Parking: The proposed project includes 11 ground level spaces for users of the senior center on the first and second floor. Per the parking requirement, the Whistlestop senior center would be required to provide 10 spaces (18,000 – 15,000 (1.0 FAR) = 3,000 sq. ft.). One space would be allocated for the on-site residential manager's unit. As noted above, pursuant to Gov't Code 69515 (e)(1) and (2), Whistlestop is requesting a waiver/reduction of an additional development standard specific for senior residential parking requirements. The proposed project is thus requesting a waiver under the State's

Density Bonus Law to reduce the required parking to one space for the on-site residential manager and no spaces for the residential units.

ANALYSIS

General Plan 2020 Consistency:

The General Plan land use designation for the project site is Second/Third Street Mixed Use (2/3MU). The 2/3MU designation allows office and office-support service uses, laboratories, and residential as part of mixed-use development.

Floor Area Ratio (FAR)

The [General Plan land use element](#) includes a policy and exhibit regulating floor area ratio (FAR) is Policy LU-9 (Intensity of Non-residential Development) and Exhibit 6, which depicts the appropriate FAR for downtown properties. The maximum FAR for the subject property is 1.50 for this area of downtown San Rafael. At 133,099 sq. ft size property. the project would carry a maximum development intensity of 199,649 sq. ft. As proposed, the project includes 207,000 sq. ft. for the two BioMarin buildings and an additional 18,000 sq. ft. for the Whistlestop Senior Center (the three floors of residential units are not counted as FAR). The Whistlestop development of 18,000 sq. ft. on 15,000 sq. ft. parcel results in a 1.20 FAR and would be consistent with the existing maximum FAR. However, as proposed, the remaining 118,099 sq. ft. for the BioMarin portion of the project is 25,351.50 sq. ft. over the maximum 1.50 allowed for the property.

BioMarin is requesting that the two R&D buildings, on the remaining 118,099 sq. ft. of the property, be rezoned to be included as part of the larger SRCC campus property. Currently, the SRCC campus has a land area of 676,923 sq. ft. with a maximum FAR of 0.75, or 507,692 sq. ft. The SRCC has existing entitlements for 473,096 sq. ft. of total development. Therefore, the applicant is proposing to add the 118,099 sq. ft. of 999 3rd St to the overall 676,923 sq. ft. of the SRCC for a total land area of 795,022 sq. ft. Therefore, the proposed project would require a Map amendment based on the following:

Current FAR limits

SRCC site	= 676,922 sq. ft. area at 0.75 FAR	= 507,692 sq. ft. FAR allowed
BioMarin portion of 999 3rd St	= 118,099 sq. ft. area at 1.5 FAR	= 177,149 sq. ft. FAR allowed
Total		= 684,841 sq. ft. FAR allowed

Proposed Blended FAR Rate

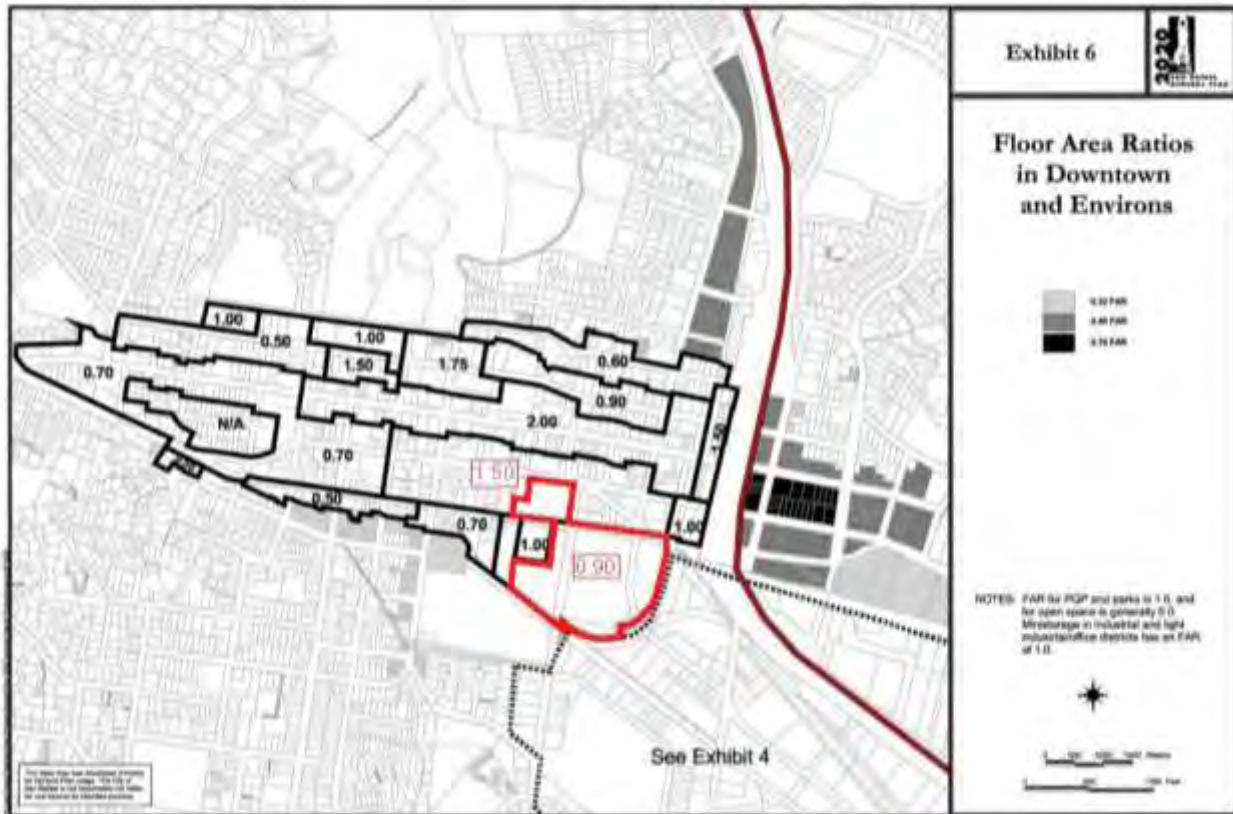
The applicant is proposing a blended rate to allow the requested 207,000 sq. ft. on 999 3rd St. while still retaining the development potential of the SRCC parcels (507,000 sq. ft.). Added together, the total development would be 714,000 sq. ft. (or a 0.89 FAR for all BioMarin owned parcels). Staff has suggested this FAR ratio be rounded up to 0.90 to be consistent with other FAR designations in the City. As such, the following breakdown would be allocated to all parcels:

SRCC site	= 676,922 sq. ft. area at 0.90 FAR	= 609,230 sq. ft. FAR proposed
BioMarin portion 999 3rd	= 118,099 sq. ft. area at 0.90 FAR	= 106,289 sq. ft. FAR proposed
	<u>795,021 sq.ft area at 0.90 FAR</u>	<u>= 715,519 sq. ft. FAR proposed</u>

Net difference = 715,519 sq. ft. (proposed) – 684,841 sq. ft. (allowed) = 30,678 sq. ft.

The applicant is thus requesting a total development of 715,519 sq. ft. for the new SRCC PD. which will create additional development potential of the current SRCC PD from to 30,678 sq. ft..

Accordingly, staff has identified the potential development control to create consistency for the project: a General Plan amendment to modify Exhibit 6 in the Land Use Element to create a new FAR for the total revised SRCC campus. Staff has determined that BioMarin has provided a development area for the Whistlestop / Eden Housing project, which could be considered a significant public and community benefit. The proposed modified Exhibit 6 is shown below:



Height

The current land use designation for the 999 3rd St property has a 54-ft height maximum but includes a height bonus contingent on a public benefit. Land Use Policy LU-12 and LU-13 define the height limitations for the Project site. LU-12 caps the height at 54-ft, whereas LU-13 allows a height bonus of 12-ft provided a public provision is included. Although the proposed BioMarin portion of the project could be interpreted as inconsistent with Land Use Policy LU-13 (Height Bonuses), as it technically does not include housing within the R&D buildings, the proposed project does in fact facilitate the development of affordable housing by providing a development area for the Whistlestop/Eden Housing portion of the project. Furthermore, the proposed height exceeds the allowed 12-ft height bonus.

The BioMarin portion of the project is requesting a 20-ft height increase as a requirement to facilitate the four-story laboratory floorplates of 17 ft. Per the existing height bonus table (Exhibit 10 in the land use element), the site would be allowed a maximum height bonus of 12-ft contingent on providing affordable housing, public parking, or skywalks over 2nd /3rd Streets.

In 1998, the SRCC campus plan was approved with a height bonus of 24-ft (54-ft to 78-ft) based on a 24 ft. height bonus allowed for the former PG&E Site in the Lindaro/Office land use designation. As proposed, the applicant is requesting a General Plan Amendment to Land Use Element Exhibit 10 to create a new height bonus provision for 999 3rd Street to allow for the greater height of the two R&D

buildings proposed by BioMarin. The new bonus provision would be the provision of land for Whistlestop/Eden Housing Healthy Aging Campus and other public benefits as shown in amended Exhibit 10 below:

Exhibit 10: Height Bonuses

Location	Maximum Height Bonus	Amenity (May provide one or more of the following)
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)
PG&E site in the Lindaro Office land use district	24 feet	Park (privately maintained park with public access, adjacent to Mahon Creek; an alternative is tennis courts tied to Albert Park.) Community facility (10,000 sq. ft. or more in size)
Second/Third Mixed Use East Zoning District	12 feet	Affordable housing Public parking Overhead crosswalks Mid-block passageways between Fourth Street and parking on Third Street
<u>999 Third St</u>	<u>20 feet</u>	<u>Affordable housing (minimum 60 units)</u> <u>Privately owned public plaza (5,000 sq. ft. or more in size)</u> <u>Community facility (e.g. senior center, 10,000 sq. ft. or more in size)</u> <u>Pedestrian crossing safety improvements at adjacent intersections</u> <u>Donation of funds for development of bike lanes</u>
Second/Third Mixed Use West District, north of Third Street and east of C Street	18 feet	Public parking
West End Village	6 feet	Affordable housing Public parking Public passageways (consistent with Downtown Design Guidelines)
Lincoln Avenue between Hammondale and Mission Avenue	12 feet	Affordable Housing See NH-120 (Lincoln Avenue)
Marin Square	12 feet	Affordable housing
North San Rafael Town Center	24 feet	Affordable housing
Citywide where allowed by zoning.	12 feet	Hotel (1)

(1) See policy LU-20 (Hotels, Motels and Inns)

The proposed Whistlestop/Eden portion includes a residential use, with the senior center as an office-support service, would be consistent with Land Use Policy LU-23 (Land Use Map and Categories). The proposed Whistlestop/Eden portion of the project would technically exceed the height bonus for affordable housing afforded for this site per Land Use Policy LU-13 (Height Bonuses) because the project height is four feet greater than allowed via the 12 ft. bonus. Therefore, Whistlestop/Eden is requesting a major concession to allow a 16 ft. height bonus (4 ft. above the height bonus identified in General Plan) to make the 100% affordable housing project economically viable.

Parking

Similar to the FAR and Height discussion, BioMarin is requesting that the proposed project is incorporated as part of the SRCC campus. BioMarin recently received approvals for a new building at 755 Lindaro Ave and a parking structure extension at 788 Lincoln, which brought the total requirement for the SRCC to 1,561 campus wide stalls. That project received a minor parking reduction of 25 stalls for a parking ratio of 3.25/1000 for the entire SRCC. However, the approval of the laboratory/office building at 755 Lindaro brought the total campus development to 473,096 sq ft.

As proposed, the 118,099 sq. ft. of the BioMarin portion of 999 3rd St. would be added to the overall 676,922 sq. ft. of the SRCC for a total land area of 795,021 sq. ft. The 999 3rd St. property is located within the Downtown Parking District and therefore would not require parking for 1.0 FAR of development. The 207,000 sq. ft. for the two new BioMarin buildings would require parking for 88,901 sq. ft. Consistent with the SRCC parking requirement, the new buildings would require 3.3 spaces per 1,000 gross sq. ft. of development, or 293 total parking spaces. The proposed project includes 29 spaces at maximum buildout. Per the applicant's project description, the blended parking ratio would appear to provide a parking surplus based on BioMarin's use categories. However, staff is requesting input from the Commission to assess parking requirements and potential solutions for contingency plans should the SRCC be sold to a new user with multiple tenants or no need for laboratory space.

Based on existing development and proposed project, there are 1,346 spaces on campus and 243 additional net new spaces that would be accommodated through a previously approved expansion of Lincoln Ave garage, for a total of 1,589 parking spaces provided on the new campus. If using the existing parking rate of 3.3/1,000 sq. ft. for the whole campus with the new buildings at 999 3rd St, there is a total of 715,519 sq. ft. of building area – 1.0 FAR parking exemption for the 999 3rd St site yields a floor area of 561,996 sq. ft. The 30,000 sq ft of FAR that is requested in the new 0.90 ratio was not factored into the allowance provided by the applicant, thus the total square footage of building area. ft. Based on the current parking requirement of 3.3/1,000, this results in a demand of 1,953 total spaces.

Using the new proposed parking rates, applied to the new building and existing buildings, the demand is 1,446 parking spaces. BioMarin is proposing a total of 1,589 parking spaces throughout the SRCC (with the majority existing in the two parking structures south of 2nd Street), resulting in a surplus of 143 spaces based on the applicant's calculations and parking analysis.

It is important to note that the City completed the [San Rafael Downtown Parking/Wayfinding Study](#) in July 2017. The summary of that report indicated that even during times of highest use on typical weekdays and typical Saturdays, the Downtown area, as a whole, has more than enough parking to accommodate the existing demand. Although both portions of the project provide less parking than what is typically required, the results of the Wayfinding Study would support a finding that there is excess parking supply in the project area.

As proposed, the new parking rates assume that many of the existing spaces for SRCC are double counted (i.e. a lab technician/scientist who has office space but also frequently uses the lab). Therefore, the following issues should be evaluated when considering this blended rate:

- Parking for a campus of this size, with a worldwide footprint and Transportation Demand Management Plan, does not result in all employees being present on campus at all times.
- Most of the parking for the SRCC is on the main campus, which would require users of 999 3rd Street to cross 2nd Street. Although the parking structure is relatively nearby to the proposed use, is the crossing of 2nd Street a safety issue for this proposed use?
- Are the proposed special parking requirements for this use problematic for different users. If the building were ever sold to a multi-tenant operator or different user, would additional parking be provided to address different use patterns? Is the contingency plan proposed by the applicant adequate to address this concern?

Staff also requests the Commission's guidance in evaluating the project for consistency with the following design-related General Plan Policies:

- **Housing Policy H-2 (Design That Fits into the Neighborhood Context)** seeks to design new housing, remodels and additions to be compatible to the surrounding neighborhood. New housing development should incorporate transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy. New housing development should respect existing landforms and minimize effects on adjacent properties.
- **Neighborhoods Policy NH-40 (Second Third Mixed Use District)** encourages the redevelopment of the project site with a mix of uses, including residential that would also extend the uses of the SRCC. New buildings design should:
 - **Auto-oriented uses.** Allow a vital, varied and compatible mix of offices, retail uses, and residential uses, where appropriate. Uses usually accessed by car should be concentrated along the west end of Second Street to take advantage of the high traffic volumes.
 - **Enhance pedestrian character.** Enhance the pedestrian character of the A and B cross streets by encouraging a variety of uses, including neighborhood serving and specialty retail uses, and residential uses.
 - **PG&E office building site.** This site offers a major redevelopment opportunity as an infill site that could accommodate a mix of land uses, including residential if feasible, that would take advantage of the site's high visibility from Second and Third Streets, extend the uses on the San Rafael Corporate Center, or provide patrons for the Fourth Street Retail Core.
 - **Transportation Corridor.** Make Second and Third Streets a very attractive, safe and efficient transportation corridor that allows smooth travel through Downtown, provides easy access to the Fourth Street Core via the cross streets and is safe to walk along and cross.
- **Neighborhoods Policy NH-41 (Second Third Mixed Use District Design Considerations)** encourages an inviting appearance to people travelling 2nd and 3rd streets. New buildings design should:
 - Inviting appearance with attractive, creative and varied architecture
 - Enhance Pedestrian character by encouraging a variety of uses
 - Varying heights up to four stories

Community Design Element policies

- **CD-1 (City Image)** seeks to reinforce the City's positive and distinctive image by recognizing the natural features of the City, protecting historic resources, and by strengthening the positive qualities of the City's focal points, gateways, corridors and neighborhoods.
- **CD-3 (Neighborhoods)** seeks to recognize, preserve and enhance the positive qualities that give neighborhoods their unique identities, while also allowing flexibility for innovative design. New development should respect the context and scale of existing neighborhoods.
- **CD-5 (Views)** seeks to respect and enhance to the greatest extent possible, views of the Bay and its islands, Bay wetlands, St. Raphael's church bell tower, Canalfront, marinas, Mt. Tamalpais, Marin Civic Center and hills and ridgelines from public streets, parks and publicly accessible pathways.
- **CD-11 (Multifamily Design Guidelines)** recognizes preserves and enhances the design elements that ensure multifamily housing is visually and functionally compatible with other buildings in the neighborhood. Develop design guidelines to ensure that new development fits within and improves the character defining elements of neighborhoods.
- **CD-14 (Recreational Areas)** requires multifamily development to provide private outdoor areas and on-site common spaces for low and medium densities. For high density and mixed-use development, private and/or common outdoor areas are encouraged. Common spaces may include recreation facilities, gathering spaces, and site amenities such as picnicking and play areas.
- **CD-18 (Landscaping)** recognizes landscaping as a significant component of all site design.

Staff finds the design would be consistent with Neighborhoods Policy NH-40 and 41 (Second / Third Mixed Use District Design Considerations) because of the unique architectural design and provides an interesting development in a transitional area of Downtown San Rafael. Staff finds the project would generally be in accordance with Community Design Policy CD-5 (Views), which seeks to respect and enhance to the greatest extent possible, views of St. Raphael's church bell tower, Mt. Tamalpais, and hills and ridgelines from public streets, parks and publicly accessible pathways. The project would include replacing existing 1- and 2-story buildings on the site with two 4-story, 70-ft tall buildings and one six-story, 70-ft tall building. Staff would require further understanding of project design such that there would be negligible impacts to public views of hills, ridgelines or St. Raphael's church bell tower. As part of the formal project submittal, photo simulations were included, in addition to those evaluated by the Draft EIR being prepared by the environmental consultants. The project proposes both a combination of private and common areas. The BioMarin landscaping plan provides a consistent theme for the entire block, including the Whistlestop portion of the project.

Zoning Ordinance Consistency:

Chapter 5 – Commercial and Office Districts

The BioMarin portion of the site is proposed to be Rezoned to a PD District and incorporated into the San Rafael Corporate Center PD District. Therefore, for the BioMarin portion of the site, the project would create it's own development standards and land use regulations.

The Whistlestop/EDEN portion of the site is proposed to remain in the current zoning district, Second/Third St. Mixed Use East (2/3 MUE) District, a Downtown zoning district. The proposed project will require consistency with the property development standards for the 2/3 MUE District, including maximum density (600 sq. ft. of lot area/unit), minimum setbacks (5-ft front), building height (54-ft + 12-ft height bonus for projects that provide certain public benefits) and minimum landscaping (10% including required front setback).

As conceptually designed, the Whistlestop portion of the project would exceed the maximum density, height standards and parking requirements for the 2/3 MUE District. Therefore, Whistlestop/Eden have requested concessions to those standards through the state density bonus law. Whistlestop / Eden Housing is requesting two concessions under the State Density Bonus law, including:

- Density above the 35% density bonus allowed per SRMC Section 14.16.030(H)(2). A 165% density bonus is requested, resulting in 67 total units (see discussion below).
- 4' height bonus above the 12 ft. identified in Exhibit 10 height bonuses (for a total of 16' bonus).

The project would be consistent with Section 14.05.022 of the Zoning Ordinance, which allows residential uses in the 2/3 MUE District as part of mixed-use projects. Overall, the site would be developed with many uses, including a senior center, general office and research and development uses. Furthermore, as discussed above, laboratory uses are specifically allowed for the 2/3 MU District, with a conditional use permit.

Chapter 7 – Planned Development District

The SRCC operated under a current PD District (PD 1936) which covers the current BioMarin campus bounded by 2nd St and Anderson Dr and Lincoln Ave and Lindaro St. The current PD allows for an office complex with a total maximum development of 507,000 sq. ft.

The applicant is requesting to incorporate the BioMarin portion of the 999 3rd St site into the SRCC PD District and establish a new PD district to cover both properties. The purpose of a PD Zoning is to

- a) Promote and encourage cluster development on large sites to avoid sensitive areas of property;*
- b) Encourage innovative design on large sites by allowing flexibility in property development standards;*
- c) Encourage the establishment of open areas in land development;*
- d) Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods;*
- e) Establish a procedure for the development of large lots of land in order to reduce or eliminate the rigidity, delays and conflicts that otherwise would result from application of zoning standards and procedures designed primarily for small lots;*
- f) Accommodate various types of large-scale, complex, mixed-use, phased developments; and*
- g) Enable affected governmental bodies to receive information and provide an integrated response to both the immediate and long-range impacts of such proposed developments.*

In this case, given the large site, separation by streets and the unique user, a PD zoning is appropriate to allow for flexibility that standard zoning would not offer. The applicant has submitted a draft PD, which would mirror the currently established PD standards, but update them to allow the additional development on 999 3rd St. The major components of the PD would be:

- Land Uses: allowable uses with in the SRCC including general office, laboratory, research and development and commercial/food services
- Development Standards: development intensity, height, setbacks, landscaping
- Parking: the number of parking space and parking ratio requirements for the entire SRCC
- Other: public uses or access as allowed

Chapter 16 – Site and Use Regulations for Affordable Housing

14.16.030 - Affordable Housing Requirement

Pursuant to Section 14.16.030 (Affordable Housing Requirements) of the Zoning Ordinance, projects proposing 21 or more housing units are required to provide 20% of the proposed units as ‘affordable’ housing units. The base density for this site is 25 units (15,000 sq. ft. lot/600 sq. ft. density standard). The project proposes to set aside 100% (all 25 units) as affordable. The City’s inclusionary housing ordinance requires that for rental projects, 50% of the inclusionary units (or 5 units in this case) be eligible to very low-income households (<50% of county median income) and the remaining 50% of the affordable units be eligible for low income households (50%-80% of county median income)

This project proposes that 100% of the project be affordable.

This affordability level would also allow the project to seek up to three (3) concessions (concessions requested by the project are: 1) 4-ft. height bonus, above the 12-ft identified; and 2) density bonus above the 35% to allow 33 additional units, above the 9 allowed by state density bonus law. The two proposed concessions (and parking reduction) requested by the applicant, are considered concessions (SRMC 14.16.030.H.3.b.v) and require that the applicant demonstrate through a financial pro forma that the concessions are needed to make the project financially feasible. As part of the formal submittal, a financial pro forma was submitted by the developer and has been peer reviewed by a 3rd party economist hired by the city to confirm its conclusions:

Density Bonus (Automatic)

By providing at least 20% of the units as affordable to very low-income households, the project is entitled to up to a 35% density bonus. The base density for the site is 25 units and a 35% bonus would yield 9 bonus units, for a total of 33 units. This is automatic by providing the minimum affordability prescribed by state law.

Density Bonus Concession

The project proposes a total density of 67 units, 42 units above the maximum allowable density on the site (25 units) and 33 units above the ‘automatic’ 35% state density bonus provided by complying the City’s affordable housing requirement. The State Density Bonus law allows a City to establish a procedure to consider a bonus above 35% if it chooses. A City is not required to grant a density bonus of more than 35%, but it may under State law (GC section 65915(n)), which states: *“If permitted by local ordinance, nothing in this section shall be construed to prohibit a city ... from granting a density bonus greater than what is described in this section.”*

The City in enacting its density bonus law, included a local provision ([SRMC 14.16.030.H.2](#)), to allow density bonuses in excess of 35% and states: *“the City in its sole discretion, to consider a density bonus exceeding the state minimum requirements where the applicant agrees to construct a greater number of affordable housing units than required pursuant to subsection 14.16.030.B.2 of this section and necessary to qualify for the density bonus under this section. If such additional density bonus is granted by the City and accepted by the applicant, the additional density bonus shall be considered an additional concession or incentive.”*

This section was intended to allow for density bonuses greater than 35% to be considered by the City for projects that provide more affordability in a project than the 20% required by the State density bonus, (i.e. a 100% affordable housing project requesting 100% bonus). In this particular case, the applicant has proposed a 100% affordable housing project and this is consistent with the intent of this local provision. The concession/waiver to grant a density bonus above the state minimum bonus is considered a major concession and the applicant must demonstrate that the

concession is necessary to make the project financially feasible, based on State density bonus law.

The applicant has asked for additional density (26 units above the state mandated density bonus) as one of their three eligible concessions/waivers, and through the provision of a financial pro forma, they must show that the concession or incentive is necessary to achieve the offered affordability and make the project financially feasible (Government Code, § 65915(k)(3)).

Height Bonus Concession

The project proposes a 16' height bonus, from a maximum allowable 54' to 70' building height, for meeting their affordable housing requirement. Both the General Plan and Section 14.16.190 allow a height bonus up to 12', in the 2/3 MUE District for complying with the City's affordable housing requirement. The additional height bonus, if approved, counts as a concession under the State Density Bonus law.

Chapter 17 – Performance Standards

Pursuant to Section 14.17.100 (Residential Uses in Commercial Districts) of the Zoning Ordinance, Use Permit approval is required to allow residential uses in commercial zoning districts, which is subject to performance standards.

Chapter 18 – Parking Standards

As discussed above, BioMarin is requesting that the proposed project could be incorporated as part of the SRCC campus and PD 1936. The applicant is proposing to add the 118,099 sq. ft. of 999 3rd St. to the overall 676,923 sq. ft. of the SRCC for a total land area of 795,022 sq. ft. Using the new proposed parking rates, applied to the new building and existing buildings, BioMarin has determined the demand to be 1,446 parking spaces. BioMarin is proposing a total of 1,589 parking spaces throughout the SRCC (with the majority existing in the two parking structures south of 2nd Street), resulting in a surplus of 143 spaces based on the proposed blended rate. Pursuant to SRMC Section 14.18.060(c) a parking study is required for a development subject to a design review permit pursuant to CEQA requirements, or to a use permit for a change in use, to assist in monitoring parking conditions downtown.

The Whistlestop portion of the project includes 12 total spaces, 11 spaces for the senior center, and one space for the on-site residential manager. Per SRMC Section 14.18.040, senior residential housing projects are required to provide 0.75 spaces per unit. However, pursuant to the State Government Code Section 65915 (e) (1), the project is requesting a development standard concession for the parking requirement to reduce the on-site requirement for the residential housing to just one site for the residential manager.

As noted above, [the Parking/Wayfinding Study completed in July 2017](#) indicates that there is excess parking supply in both the near-term and long-term conditions in the Downtown Area.

Chapter 22 – Use Permits

As discussed earlier in staff's report, the project will require Use Permit approval to allow: 1) Residential uses in a commercial (2/3 MUE) zoning district; and 2) Parking Modification to allow campus wide parking to supplement the site with an overall parking reduction based on use.

Chapter 25 – Environmental and Design Review Permit

This project would require Environmental and Design Review Permit approval by the Planning Commission (Commission), given that; it proposes to construct a new multifamily residential structure. However, the City Council will have final decision on the project, based the recommendations of both the Board and the Commission, due to the major concessions requested (additional 33-unit density bonus height bonus, 3% site landscaping, as well as the reduced parking requirement) under the State Density

Bonus law. The pertinent review criteria for Environmental and Design Review Permits, pursuant to Section 14.25.050 (Review Criteria; Environmental and Design Review Permits), are as follows:

- *Site Design.* Proposed structures and site development should relate to the existing development in the vicinity. The development should have good vehicular and pedestrian circulation and access. Safe and convenient parking areas should be designed to provide easy access to building entrances. The traffic capacity of adjoining streets must be considered. Major views of the San Pablo Bay, wetlands, bay frontage, the Canal, Mt. Tamalpais and the hills should be preserved and enhanced from public streets and public vantage points. In addition, respect views of St. Raphael's Church up "A" Street.
- *Architecture.* The project architecture should be harmoniously integrated in relation to the architecture in the vicinity in terms of colors and materials, scale and building design. The design should be sensitive to and compatible with historic and architecturally significant buildings in the vicinity. Design elements and approaches which are encouraged include: a) creation of interest in the building elevation; b) pedestrian-oriented design in appropriate locations; c) energy-efficient design; d) provision of a sense of entry; e) variation in building placement and height; and f) equal attention to design given to all facades in sensitive location.
- *Materials and colors.* Exterior finishes should be consistent with the context of the surrounding area. Color selection shall coordinate with the predominant colors and values of the surrounding landscape and architecture. High-quality building materials are required. Natural materials and colors in the earth tone and wood tone range are generally preferred. Concrete surfaces should be colored, textured, sculptured, and/or patterned to serve design as well as a structural function.
- *Walls, Fences and Screening.* Walls, fences and screening shall be used to screen parking and loading areas, refuse collection areas and mechanical equipment from view. Screening of mechanical equipment shall be designed as an integrated architectural component of the building and the landscape. Utility meters and transformers shall be incorporated into the overall project design.
- *Landscape Design.* Landscaping shall be designed as an integral enhancement of the site and existing tree shall be preserved as much as possible. Water-conserving landscape design shall be required. A landscaped berm around the perimeter of parking areas is encouraged. Smaller scale, seasonal color street trees should be proposed along pedestrian-oriented streets while high-canopy, traffic-tolerant trees should be proposed for primary vehicular circulation streets.

The review criteria for Environmental and Design Review Permits require that the proposed design (architecture, form, scale, materials and color, etc.) of all new development 'relate' to the predominant design or 'character-defining' design elements existing in the vicinity.

The scale and quality of the existing development, located south of the core Downtown (Fourth St.) and near U.S Highway 101 is changing, thanks primarily due to the ongoing development of the BioMarin campus. Low profile (1- and 2-story) development is being replaced with much taller (4 and 5-story) buildings. As stated earlier in this report, Staff supports the taller floorplates and 4 to 6-story scale of the proposed project. Structures within the adjacent BioMarin SRCC campus are integrated with a cohesive architectural design with expansive façade detailing. The project proposes a more contemporary design with modern façade treatments and use of building projections over/above the sidewalk right of way.

San Rafael Design Guidelines:

The San Rafael Design Guidelines (City Council Resolution No. 11667; adopted November 15, 2004) strive to improve the design of all residential and non-residential development. Overall, staff has reviewed the proposed project for compliance with the non-residential design guidelines, but a more thorough review will be prepared when after the project is reviewed by the Design Review Board and as part of the merits review for the final approvals. The following are the applicable Downtown Design Guidelines:

Second/Third and Environs

Second and Third Streets are to be attractive, landscaped major transportation corridors. While increased pedestrian safety and comfort is desired on Second and Third, greater pedestrian use of the cross streets is encouraged. The project site is located within the boundaries of the Second/Third and Environs area of the Downtown, where the following specific design guidelines apply:

- *To provide visual interest, long and monotonous walls should be avoided.*
- *Building walls should be articulated;*
- *To create a boulevard effect along Second and Third Streets, varied landscape setbacks are appropriate;*
- *Additional high-canopy, traffic-tolerant street trees are strongly encouraged;*
- *Where possible, residential buildings in this area should orient to the more pedestrian-friendly side street; and*
- *Driveway cuts and widths should be minimized to prevent vehicular conflicts.*

As stated earlier in this report, Staff supports the taller floorplates and 4 to 6-story scale of the proposed project. The proposed design presents a unique and visually interesting development at a highly visible location in the middle of downtown. Residential design is compatible with other multi-family residential structures and provide pedestrian access to 2nd Avenue through consistent design throughout the project. Structures within the adjacent BioMarin SRCC campus are integrated with a cohesive architectural design with expansive façade detailing. The project proposes a more contemporary design with modern façade treatments and use of building projections over/above the sidewalk right of way.

Downtown Station Area Plan.

The project site is located within the [Downtown Station Area Plan \(SAP\)](#) study area, but is not located within the plan area, a 12-block area bounded by Mission Ave, Irwin St, San Rafael Canal, and Lincoln Ave.

Good Design Principles for Downtown

On August 14, 2017, an Ad Hoc City Council Sub-Committee convened to discuss “Community Design,” with a primary focus on Downtown development. The Ad Hoc Sub-Committee included Mayor Phillips, Council Member Andrew McCullough, two members of the Design Review Board (Eric Spielman and Stewart Summers) and two members of the Planning Commission (Larry Paul and Jack Robertson). The initial purpose of the meeting was to determine if there are adequate tools and resources to facilitate and achieve good design in development in San Rafael. The Sub-Committee was provided with an inventory of our current resources (all referenced in this report), which are abundant and comprehensive. The inventory of documents and regulations include the following:

- ✓ Downtown San Rafael Vision – 1993
- ✓ General Plan 2020 Policies & Programs for Downtown – 2004
- ✓ San Rafael Design Guidelines (Interim) – 2004
- ✓ Zoning Regulations for Downtown – 2004

✓ Downtown San Rafael Station Area Plan – 2012

Mayor Phillips assigned Planning Commissioner Larry Paul the task of forming a working group to review these resources and to develop a more concise and consolidated list of key criteria. The goal was to develop an informational handout (“City of San Rafael Expectations for Good Design”) that can be provided to developers/applicants. Former Commissioner Paul formed a small Working Group of local design professionals and residents to review the above planning documents and regulations and consolidate them into more concise criteria.

This working group presented their findings and a “[Good Design Guidelines for Downtown](#)” slideshow to the Council at their February 5, 2018. There are next steps in that process, which will include making a design guidelines checklist which will ultimately be adopted. The project complies with many of these ‘good design’ criteria.

DESIGN REVIEW BOARD REVIEW

On February 6, 2018, the Board (*Commissioner Lubamersky as PC liaison*) reviewed the proposed conceptual project and provided the following general comments. The applicant provided a formal application based on comments from that meeting. The comments from that meeting were as follows:

BioMarin Portion of Site

- The contemporary architectural expression is well supported though the details on the shade siding will be critical due to the minimal building articulation
- The “porch” element is well supportive though the applicant should explore relocating it from the Third St frontage to the Second St. frontage and stepping back the upper floors above the “porch”
- General concern on the height of the buildings; overall building height calculations should include the rooftop mechanical equipment and building height should not exceed the current allowable 78’ height limit
- General concern that too much traffic movement was being funneled through Brooks St by both BioMarin and Whistlestop projects and requested applicant explore improving or modifying Brooks St. such as widening or one-way reconfiguration
- General concern on the adequacy of the parking; parking details shall be provided during formal application review
- Sustainability details of project should be provided during formal application review; the applicant is encouraged to include rooftop solar as part of the project
- Street edge landscaping is well supported; the Landscape Plan should include large scale trees to compliment the large-scale building designs

Whistlestop Portion of Site

- Site design should include landscaped setbacks similar to those proposed by the BioMarin portion of the site along both the 3rd and Brooks St frontages which may be offset by support for one (1) additional floor to the project
- Upper floors should ‘stepback’
- Greater building articulation is needed
- The applicant is encouraged to explore creating outdoor amenities space along the ground floor
- Applicant is encouraged to explore reorienting the third floor “courtyard” from an east-facing to a west-facing amenity
- Scale of rooftop trellis feature should be enlarged to match the scale of the building, perhaps as part of creating a rooftop amenity area for residents

- General concern that too much traffic movement was being funneled through Brooks St by both BioMarin and Whistlestop projects and requested applicant explore improving or modifying Brooks St. such as widening or one-way reconfiguration

At the Board meeting, PC Liaison Lubamersky provided the following additional comments:

- Pedestrian safety is important to project due to proximity to transit center and SMART station. Show location of adjacent crosswalks connecting the project to these sites and proposed improvements if needed.
- Would not want to see additional housing or floors at this site
- Parking needs to be accounted for on site.

ENVIRONMENTAL DETERMINATION

As a Study Session review, no environmental review is required. The project is currently undergoing environmental review, prepared by an outside consultant, which provides evaluation of the project pursuant to the California Environmental Quality Act (CEQA). A Notice of Preparation was issued on February 8, 2019 and the comment period closed on March 12, 2019. A scoping session was conducted on the last day of the comment period on March 12, 2019 before the Planning Commission.

A Draft EIR (DEIR) has been commenced and once completed, will return for a public hearing before the Commission. The main topics of study in the DEIR are listed below:

Traffic Impact Study. A traffic study shall be conducted to evaluate the number of new vehicle trips associated with the development of all three buildings. The traffic study shall be prepared by a qualified traffic engineer and shall identify mitigation measures necessary to reduce traffic impacts to comply with the General Plan and the City's traffic model. The traffic study will also evaluate the existing circulation network in the vicinity of the proposed project – and what potential mitigations or design improvements will help reduce safety impacts.

Visual Simulations. Due to the potential visibility of the site and building height deviations of existing structures surrounding the project, photo or visual simulations from various local and distant vantage points around San Rafael are required, showing how the project will be seen from off-site. The appropriate vantage points from which these photo or visual simulations shall be created will be determined after follow-up consultation with Planning staff.

Geotechnical Investigation Report. A Geotechnical Investigation Report on the site is required. A qualified geotechnical engineer shall prepare a site investigation pursuant to the checklist identified in Appendix F of the San Rafael General Plan 2020.

Hydrology / Storm Water Drainage Report. A hydrology / storm water drainage report is required and shall include both pre- and post-project calculations and assessment of the off-site storm water system capacity.

Noise Study. A noise study shall be conducted to evaluate both temporary noise impacts resulting from the construction and grading activities of the project and constant/intermittent noise impacts resulting from the location of the site to SMART, U.S. Highway 101, and Second and Third Streets, all of which experience large traffic volumes. The noise study shall be prepared by a qualified acoustic engineer and shall identify mitigation measures necessary to reduce noise impacts to comply with the City's adopted maximum noise levels.

Air Quality Analysis and Risk Hazard Assessment. An air quality study shall be conducted to evaluate potential air pollution impacts resulting from the location of the site to SMART, U.S. Highway 101, and Second and Third Streets, all of which experience large traffic volumes. The air quality study shall be prepared by a qualified engineer and shall identify mitigation measures necessary to reduce air quality impacts, if necessary.

Greenhouse Gas Emissions Assessment. A greenhouse gas assessment shall be conducted due to the project proposing to exceed the maximum allowable density assumed in the General Plan.

Hazards/Hazardous Materials. A Phase I environmental site assessment or hazardous materials and soils assessment shall be conducted to confirm the absence of toxic or hazardous materials on site. The Phase I/hazardous materials report shall be prepared by a qualified soils engineer.

NEIGHBORHOOD MEETING / CORRESPONDENCE

Notice of Study Session Review for the project was conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Meeting was mailed to all property owners, residents, businesses and occupants within a 500-foot radius of the project site and the appropriate neighborhood groups (the Downtown Business Improvement District, Gerstle Park Neighborhood Assn. and the Federation of San Rafael Neighborhoods), a minimum of 15 calendar days prior to the date of this hearing. Additionally, notice was posted on the project site, along both the Third Street and Second Street frontages.

Staff has received several letters in support of the project at the publishing of this staff report. The San Rafael Chamber of Commerce, The North Bay Leadership Council, Downtown Streets Team, the Canal Alliance, Marin County Office of Education, the B Team Steering Committee, the Marin Economic Forum, and the California Film Institute all submitted letters and commented on the myriad public benefits as a result of the proposed project. All public comments received during this study session review are attached as Exhibit 6.

CONCLUSION

Study Session Review is an opportunity to provide preliminary comments on the proposed building and site design of a project. While the Commission doesn't typically provide study session review of an application prior to review of the merits, staff has encouraged the applicant to bring the project before the Commission for their review so that they may provide on comments which may also have land use policy and/or environmental implications.

In general, staff finds the design and proposed General Plan and Zoning amendments to be feasible. Staff supports the proposed scale of the project, primarily based on the scale of the neighboring BioMarin campus which is also within the max. allowable height limits in the General Plan and the Zoning Ordinance (54-78-ft in height and with a height bonus). The project would put needed senior housing in the core of Downtown, near services, employers and transit. Incorporating the Whistlestop/Eden senior center and housing development on this site would address prior community concerns that were raised when this project was proposed on the current Whistlestop site at 930 Tamalpais Ave. In general, adding housing to downtown has been a major city policy since the mid 1990's.

However, the project does include some major policy changes that need some preliminary feedback from the Commission before the project is reviewed by the DRB.

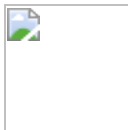
- The proposed BioMarin buildings are 20-ft taller than allowed for the 2/3 MUE District. A height bonus would allow for a maximum height of 74-ft. In order to grant the additional height bonus, a General Plan amendment would be required for a new public provision linked to the additional height.
- The proposed BioMarin development is approximately 25,000 sq. ft. over the maximum FAR for the subject property. As proposed, BioMarin is requesting that the project be incorporated into the SRCC – which has an FAR surplus of approximately 29,000 sq. ft. In order to approve the requested FAR for the property, a General Plan amendment (and most likely a Zoning amendment) is required to allow for the larger development as an individual project, or as a component of the larger SRCC.
- The proposed project includes 29 total parking spaces at full build out. Similar to the FAR issue, the project does not meet the parking requirements pursuant to the City parking standards. As proposed, BioMarin is suggesting that laboratory space has a significantly reduced requirement. The applicant has provided the basis for a parking survey and industry evaluation as part of the formal application, in addition to a deed restriction that could be recorded on the property to alert potential future owners of the site of the parking situation. Consistent with prior studies of parking in the Downtown area, the applicant's contend that the parking provided as part of the project is sufficient for the proposed development. Although, the project is proposed to be incorporated into the SRCC, BioMarin's "blended" parking ratio could be problematic for potential multi-tenant uses.

Staff requests the Commission provide comments on the points specified in the *Executive Summary* section of this report. In addition, staff requests the Commission provide any other comments or concerns on the conceptual project. Following the Commission's preliminary review of the project, the applicant will consider all comments to determine if modifications are required.

EXHIBITS

1. Vicinity/Location Map
2. Project Description: BioMarin Planned Development Expansion and Whistlestop Healthy Aging Center and Affordable Senior Housing, December 6, 2018
3. General Plan Consistency Table
4. Review Criteria for Environmental and Design Review Permits
5. Reduced Project Plans
6. Public Comments

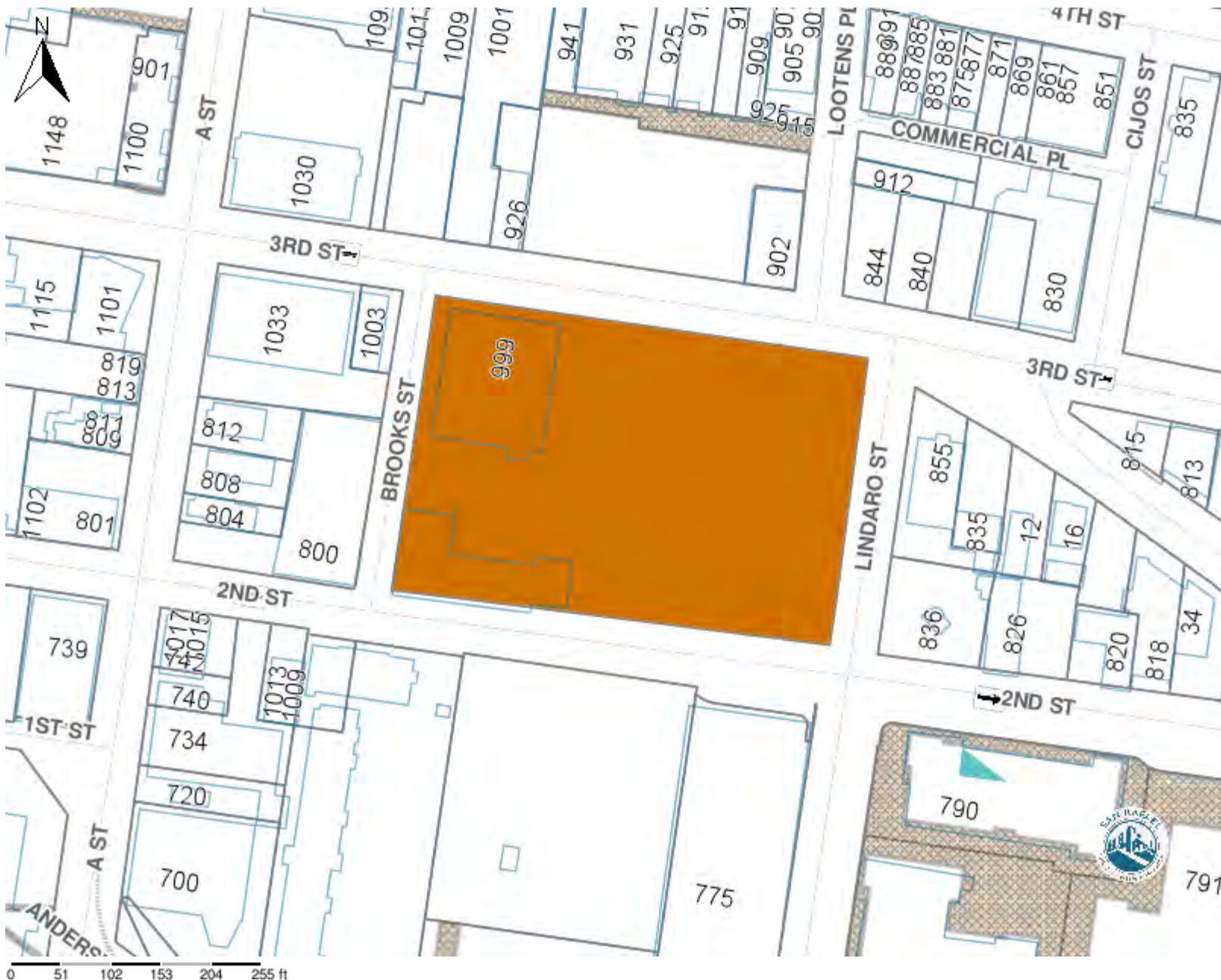
(11"x 17" partial, color plans provided to the Planning Commissioners only).



City of San Rafael

While we strive to produce maps with good accuracy and with current accompanying data, the accuracy of the information herein cannot be guaranteed. This map was prepared using programetric computer aided drafting techniques, and it does not represent legal boundary survey data.

Legend	
Bay Waters	
Bay Waters	
Parcels	
Parcels	
Other Easements	
EASEMENTS	
MMWD Easements	
EASEMENTS	
Boat Docks	
Boat Docks	
Buildings	
Buildings	
ROW	
ROW	
OneWayArrows	
One Way Arrows	
Medians	
Medians	
Street Centerline	
Street Centerline	
Street Names	
Street Names	
Label	
SITUS	
San Rafael Sphere of Influence	
San Rafael Sphere of Influence	
San Rafael City Limit	
City Limit Line	



Project Description:

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

999 3rd Street San Rafael

December 6, 2018

Prepared by

DYETT & BHATIA
Urban and Regional Planners

BioMarin Planned Development Expansion

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BioMarin Planned Development Expansion

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Summary

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 Housing¹ for development of affordable senior housing and a healthy aging center.

The proposed BioMarin mixed-use development project on 999 3rd Street in Downtown San Rafael consists of 207,000 square feet, including R&D 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 BioMarin expansion of the SRCC, the Whistlestop/Eden Housing portion of 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

¹ 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.

BioMarin Planned Development Expansion

an array of affordable housing development and management activities, as well as providing 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 BioMarin portion of 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 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 alone is 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

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

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

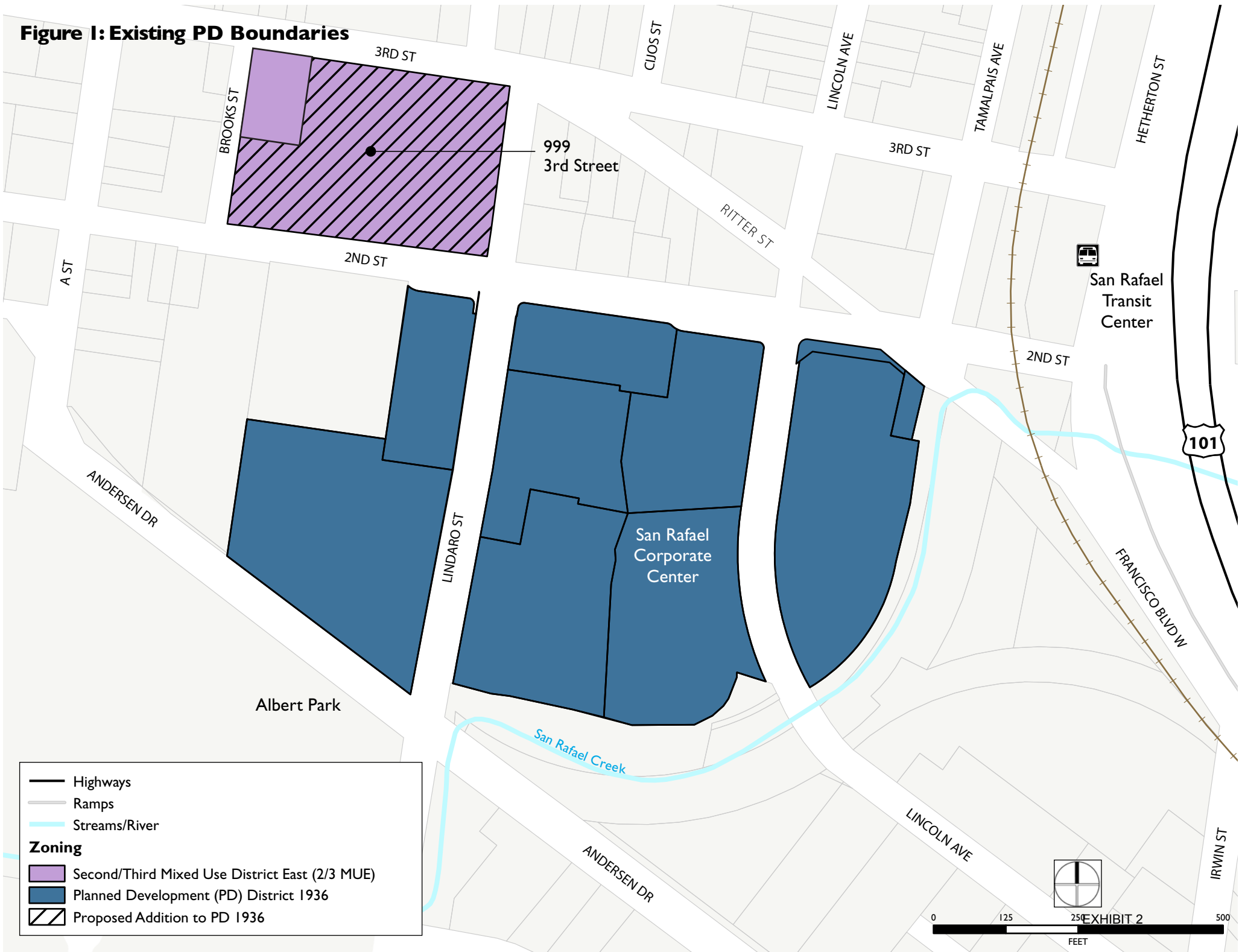
<i>Description</i>	<i>Building Square Feet</i>	<i>Building Height</i>
Existing Buildings		
750 Lindaro Street: (Building A)	87,842	76 feet
781 Lincoln Avenue: (Building B)	71,039	53 feet
770 Lindaro Street: (Building C)	83,360	65 feet
790 Lindaro Street: (Building D)	71,919	74 feet
791 Lincoln Avenue: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

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
Remaining to Develop			34,596

Figure I: Existing PD Boundaries



Highways

- Highways
- Ramps
- Streams/River

Zoning

- Second/Third Mixed Use District East (2/3 MUE)
- Planned Development (PD) District 1936
- Proposed Addition to PD 1936

0 125 250 500

EXHIBIT 2

FEET

Figure 2: SRCC Existing and Approved Buildings



3. Proposed Development on 999 3rd Street

The proposed expansion of the existing PD is illustrated in Figure 3 and would include the BioMarin portion of 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. The PD expansion would not include the Whistlestop/Eden housing portion of the 999 3rd Street site, which would remain under the existing Second/Third Mixed Use East (2/3 MUE) zoning district.

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 entire site.

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 999 3rd Street site (see Figure 5) will become an extension of the BioMarin campus that is currently located at the SRCC. The remaining portion of the site (15,000 square feet), slated for the Whistlestop/Eden Housing development, will not be included in the PD expansion and will remain under the 2/3 MUE zoning district (see following section for more information). The BioMarin campus expansion includes 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. 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 and is anticipated to begin construction in approximately 2022 pending company's needs. 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 and is anticipated to begin construction in approximately 2026 pending company's needs. 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 Lindaro streets.

Table 3: BioMarin Campus Expansion Under Proposed PD

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

Figure 3: Proposed PD Boundary



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. Construction of the Healthy aging center and senior housing is expected to start in 2020. The project start date is subject to affordable housing financing environment following city approvals.

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 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 4: 999 3rd Street – Proposed Development Parcel



Figure 5: 999 3rd 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

BIOMARIN CAMPUS EXPANSION

Land Use

The 999 3rd Street property is located in the 2/3 MUE zoning district. 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 BioMarin portion of 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. The Whistlestop/Eden Housing portion of 999 3rd Street is proposed to remain in the 2/3 MUE zoning district.

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 which would not be included in the PD expansion, 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
Total	810,021		707,690
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 (FAR) 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

Location	Maximum Height Bonus	Amenity (may provide one or more of the following)
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)
<i>999 3rd Street</i>	<i>20 feet</i>	<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>

Additionally height is required above what is allowed in the base zoning because 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.

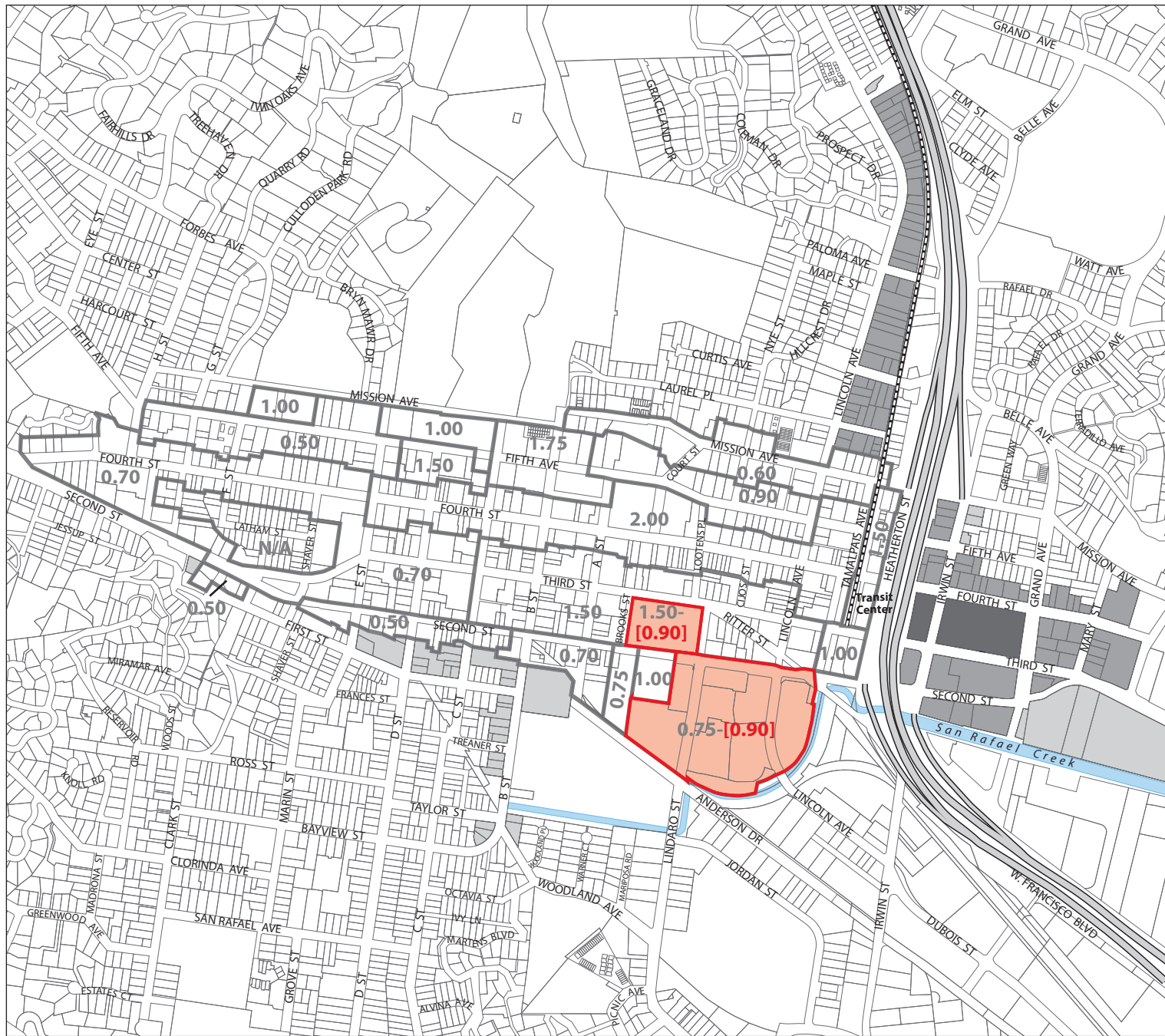
The City's General Plan recognizes that flexibility is warranted when special circumstances occur, and for that reason, BioMarin claims that the height bonus for the proposed project is in the public interest when the specified amenities and community benefits are provided. Moreover, this height bonus 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.

The proposed General Plan amendment is appropriate given the needed specialized R&D and lab uses provided by BioMarin. 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



0 400 800 1600

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.*”²

Existing Standards

The existing PD for BioMarin requires the provision of 3.3 parking space per 1,000 gross square feet (gsf) for the entire campus.³ Since the existing PD 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 the SRCC campus to what is required under the terms of PD-1936.⁴ The existing development of 400,700 square feet requires 1,322 parking spaces based on currently-applied parking ratios.⁵ Existing surface lots and parking structures provide 1,346 spaces,⁶ 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.

² City of San Rafael General Plan 2020, page 161.

³ Similarly, the San Rafael Zoning Code (Section 14.18.040) requires office parking at 3.3 spaces per 1,000 square feet.

⁴ 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

⁵ 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.

⁶ According to the latest parking study conducted by Fehr & Peers in May 2018.

Table 6: Parking Analysis for Existing Development^{1,2}

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

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^{1,2}

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

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. 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

BioMarin Planned Development Expansion

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

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	
Required Parking								
Existing Buildings								
750 Lindaro Street (Building A)	82,842	-	5,000	87,842	248	-	5	253
781 Lincoln Avenue (Building B)	71,039	-	-	71,039	213	-	-	213
770 Lindaro Street (Building C)	78,360	-	5,000	83,360	235	-	5	240
790 Lindaro Street (Building D)	71,919	-	-	71,919	216	-	-	216
791 Lincoln Avenue (Building E)	-	86,540	-	86,540	-	130	-	130
Future Development								
755 Lindaro Street	72,396	-	-	72,396	217	-	-	217
999 3rd Street (Building A)	77,000	-	33,000	110,000	231	-	33	264
999 3rd Street (Building B)	-	97,000	-	97,000	-	146	-	146
Subtotal	453,556	183,540	43,000	680,096	1,360	276	43	1,679
999 3rd Street Parking Exemption ¹	(43,697)	(55,507)	(18,896)	(118,099)	(131)	(83)	(19)	(233)
Total Required Parking	409,859	128,033	24,104	561,996	1,229	193	24	1,446
Parking Supply²								
Existing Parking								1,346
755 Lindaro Surface Lot ³								(68)
788 Lincoln Garage (Phase II)								256
788 Lincoln Surface Lot								26
999 3rd Street Surface Lot ⁴								29
Total Parking Supply								1,589
Parking Surplus								143

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) ¹	Reduced Parking Spaces
Phase I – Building A				
Office	77,000	37%	43,697	131
Lab	-	-	-	-
Amenities	33,000	16%	18,896	19
Subtotal	110,000	53%	62,593	150
Phase II – Building B				
Office	-	-	-	-
Lab	97,000	47%	55,507	83
Amenities	-	-	-	-
Subtotal	97,000	47%	55,507	83
Total	207,000	100%	118,099	233

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 ¹
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.⁷ 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

⁷ 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-feet 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. It is currently under the 2/3MUE Zoning District and is proposed to remain in that district.

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-foot portion of the lot 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 (detailed below).

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 three percent of the 15,000 square feet of the lot dedicated to residential and senior 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

Area (Building Square Feet)	Required Parking (at 4.0 space per 1,000 gsf)
17,839	71
(15,000) ¹	(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>
<i>Density and number of units</i>	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.
<i>Height</i>	54 feet. Additional 12-foot bonus allowed for affordable housing.	70 feet through use of Concession
<i>Parking</i>	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.
<i>Yard setback</i>	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.
<i>Landscaping</i>	10%	0% through use of Development Standard Reduction.
<i>Lot width</i>	60 feet minimum	50 feet. No use of Density Bonus Law necessary.

5. Conclusion

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
San Rafael			
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
Emeryville			
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
South San Francisco			
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)
Novato			
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)
Petaluma			
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
Santa Rosa			
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)
Belmont			
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
Mountain View			
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

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LAND USE ELEMENT	
<p>LU-9. Intensity of Nonresidential Development. Commercial and industrial areas have been assigned floor area ratios (FAR's) to identify appropriate intensities (see Exhibits 4, 5 and 6). Maximum allowable FAR's are not guaranteed, particularly in environmentally sensitive areas. Intensity of commercial and industrial development on any site shall respond to the following factors: site resources and constraints, traffic and access, potentially hazardous conditions, adequacy of infrastructure, and City design policies.</p>	<p><i>Consistent</i> According to Exhibit 6 of the General Plan, the maximum FAR for this site in the Downtown San Rafael 2/3 MUE District is 1.50. The project is proposing to combine 118,099 sq ft of the parcel with the adjacent SRCC and propose a General Plan Amendment to create a blended ratio of 0.90 for all parcels. The Whistlestop / Eden Housing portion of the project would be consistent with the existing 1.50 FAR allowance.</p>
<p>LU-10. Planned Development Zoning. Require Planned Development zoning for development on a lot larger than five acres in size, except for the construction of a single-family residence.</p>	<p><i>Consistent, with the requested Zoning Amendment</i> The property is presently zoned 2/3 MUE, however, as proposed, the BioMarin portion of the project would be incorporated into the SRCC Planned Development District (PD-1936 SRCC). In order to approve this project, the proposal includes a request for a change to the existing PD zoning. With the requested amendment to the PD District, the project would be consistent with Policy LU-10. The Whistlestop / Eden Housing portion of the project would be consistent with the existing 2/3 MUE Zoning district.</p>
<p>LU-12. Building Heights. Citywide height limits in San Rafael are described in Exhibits 7 and 8. For Downtown San Rafael height limits see Exhibit 7:</p>	<p><i>Consistent</i> According to Exhibit 7 (Building Heights Limits in Downtown San Rafael) of the General Plan, the maximum height limit for this property is 54 feet. The project also proposes a Height Bonus amendment to General Plan Exhibit 10 which would allow a height increase up to 20-feet above the base height limits. The General Plan defines height of a building for non-hillside homes as determined by the methods in the latest edition of the Uniform Building Code. This definition measures height of a building as the vertical distance above a reference datum measured from lowest adjacent grade to the highest point of a flat roof. Using this definition, the proposed buildings would total 72 feet in height as measured by the Uniform Building Code, and would therefore be consistent with the height limits proposed for this site. Furthermore, mechanical</p>

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	equipment and the elevator towers are not included in height calculations based on the City's Zoning Ordinance.
<p>LU-14. Land Use Compatibility. Design new development in mixed residential and commercial areas to minimize potential nuisance effects and to enhance their surroundings.</p>	<p><i>Consistent with Conditions</i> The project site is located in a general commercial/office area of the Downtown San Rafael area. The proposed research and development and residential buildings are consistent with the existing development found in the vicinity. The design of the structures are within the size and massing of other commercial buildings found throughout the area.</p> <p>Project impacts such as noise, traffic, lighting and hours of operation will be evaluated as part of the review of the Use Permit and will require a determination that there are no significant effects on the environment.</p>
<p>LU-23. Land Use Map and Categories. Land use categories are generalized groupings of land uses and titles that define a predominant land use type (See Exhibit 11). All proposed projects must meet density and FAR standards (See Exhibits 4, 5 and 6) for that type of use, and other applicable development standards. Some listed uses are conditional uses in the zoning ordinance and may be allowed only in limited areas or under limited circumstances. Maintain a Land Use Map that illustrates the distribution and location of land uses as envisioned by General Plan policies. (See Exhibit 11).</p>	<p><i>Consistent</i> This site is designated with the "2/3 MUE" District land use category. Office, research and development, and residential units are allowable land uses. The proposed uses would be consistent with the existing development in the area and are allowed by this land use designation.</p>
<p>HOUSING ELEMENT</p>	
<p>H-6. Funding for Affordable Housing. Seek proactive and creative ways to lower housing costs for lower income households and people living with special needs. Continue to use local, state and federal assistance to achieve housing goals and to</p>	<p><i>Consistent</i> As required by the City of San Rafael development fees; the project is required to pay an in-lieu fess into the City's affordable housing fund.</p>

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<p>increase ongoing local resources to provide for affordable housing.</p>	
<p>Program H-6a In-Lieu Fees for Affordable Housing. Dedicate in-lieu fees for affordable housing, including rehabilitation, acquisition and design support for second units and infill housing.</p>	<p><i>Consistent</i> As stated under response to Policy H-6, the project may be required to pay an in lieu (based on a formula of development size per affordable unit cost) into the City’s affordable housing fund. The Whistlestop/Eden Housing portion of the project proposes 67 units of 100% affordable housing.</p>
<p align="center">NEIGHBORHOODS ELEMENT</p>	
<p>NH-7. Neighborhood Identity and Landmarks. Enhance neighborhood identity and sense of community by retaining and creating gateways, landmarks, and landscape improvements that help to define neighborhood entries and focal points.</p>	<p><i>Consistent</i> The proposed project includes building design that presents an entry and focal point for the project along the 2nd and 3rd Street corridors. Landscape plans are consistent with established landscaping for downtown development.</p>
<p>NH-8. Parking. Maintain well-landscaped parking lots and front setbacks in commercial and institutional properties that are located in or adjacent to residential neighborhoods. Promote ways to encourage parking opportunities that are consistent with the design guidelines.</p>	<p><i>Consistent</i> The proposed project includes landscape plans for surface parking areas and maintains existing and required setbacks for adjacent properties.</p>
<p>NH-136. Design Excellence. Assure quality of design by supporting policies that encourage harmonious and aesthetically pleasing design for new and existing development. Upgrade and coordinate landscaping, signage, and building design in the Town Center area, as well as improving building and landscaping maintenance.</p>	<p><i>Consistent</i> The proposed project includes building design consistent with development in the plan area.</p>

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<p>NH-22. Housing Downtown. Create a popular and attractive residential environment that contributes to the activity and sense of community Downtown. This includes:</p> <ul style="list-style-type: none"> a. Preserving and upgrading existing units, b. Providing incentives to encourage new private sector construction of housing, particularly affordable housing, live/work units, and single room occupancy (SRO) units, c. Designing units that take advantage of Downtown's views, proximity to shopping and services, and transit, and d. Implementing zoning standards that reflect Downtown's urban character. 	<p><i>Consistent</i> The proposed project includes building 67-units of 100% affordable housing in a design consistent with existing development in the plan area and close to existing services, amenities, and transit.</p>
<p>NH-29. Downtown Design. New and remodeled buildings must contribute to Downtown's hometown feel. Design elements that enhance Downtown's identity and complement the existing attractive environment are encouraged, and may be required for locations with high visibility or for compatibility with historic structures. Design considerations include:</p> <ul style="list-style-type: none"> • Varied and distinctive building designs, • Sensitive treatment of historic resources, • Generous landscaping to accent buildings, • Appropriate materials and construction, and • Site design and streetscape continuity 	<p><i>Consistent</i> The proposed project includes building design that presents an entry and focal point for the project along the 2nd and 3rd Street corridors. The project includes design consideration that include varied and distinctive building designs, generous landscaping to accent buildings, appropriate materials and construction, and site design and streetscape continuity.</p>
<p>NH-30. Pedestrian Environments. Enhance Downtown's streets by establishing pedestrian environments appropriate to each District. These environments could include the following:</p> <ul style="list-style-type: none"> • Well-designed window displays and views into retail stores, 	<p><i>Consistent</i> The proposed project includes appropriate building setbacks, landscaping and pedestrian access, including well-designed retail spaces, signs that are easy for pedestrians to see and read, sun-filled outdoor courtyards, plazas and seating areas adjacent to main thoroughfares, and attractive street furniture and lighting.</p>

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<ul style="list-style-type: none"> • Outdoor businesses and street vendors, • Signs that are easy for pedestrians to see and read, • Sun-filled outdoor courtyards, plazas and seating areas, • Attractive street furniture and lighting, 	
<p>NH-31. Ground Floor Designed for Pedestrians. Ensure that all buildings, regardless of height, are comfortable for people at the street level. This includes:</p> <ul style="list-style-type: none"> • Relating wall and window heights to the height of people, • Use of architectural elements to create visual interest, • Adding landscaping and insets and alcoves for pedestrian interest, and, • Stepping upper stories back as building height increases. 	<p><i>Consistent</i></p> <p>The proposed project includes appropriate building setbacks, landscaping and pedestrian access. Both portions of the project include well-defined entrances for pedestrians and ground floor services including a retail/café area at the corner of 3rd and Lindaro.</p>
COMMUNITY DESIGN ELEMENT	
<p>CD-5. Views. Respect and enhance to the greatest extent possible, views of the Bay and its islands, Bay wetlands, St. Raphael’s church bell tower, Canalfront, marinas, Mt. Tamalpais, Marin Civic Center and hills and ridgelines from public streets, parks and publicly accessible pathways.</p>	<p><i>Consistent</i></p> <p>This proposed project would not have a significant impact on views of the hills and ridgelines or Mt. Tamalpais from public vantage points around the site. The project is proposing a height increase that is consistent with the height within the context of the surrounding development. An Environmental Impact Report (EIR) is being prepared to ensure there are no impacts to scenic resources and views. Furthermore, the Design Review Board will review the proposed project for consistent with this Community Design policies of the General Plan.</p>
<p>CD-10 (Non-Residential Design Guidelines). Recognize, preserve and enhance the design elements that contribute to the economic vitality of commercial areas. Develop design guidelines to ensure that new nonresidential and mixed-use development fits within and improves the immediate neighborhood and the community as a whole.</p>	<p><i>Consistent with conditions</i></p> <p>As part of the General Plan 2020, the City adopted residential design guidelines for non-residential projects. The Design Review Board will review the proposed project for consistency with both the City’s non-residential and residential guidelines and provide comments or recommendations for design components as needed.</p>

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<p>CD-15. Participation in Project Review. Provide for public involvement in the review of new development, renovations, and public projects with the following: a) design guidelines and other information relevant to the project as described in the Community Design Element that would be used by residents, designers, project developers, City staff, and City decision makers; b) distribution of the procedures of the development process that include the following: submittal information, timelines for public review, and public notice requirements; c) standardized thresholds that state when design review of projects is required (e.g. residential conversions, second-story additions); and d) effective public participation in the review process.</p>	<p><i>Consistent</i> When the application for this project was received, copies of plans were referred to all surrounding neighborhood groups. Notices of public hearings were mailed to all property owners, neighborhood groups and interested parties within 300 of the project site informing them of the proposed project and all public meetings prior to all public meetings conducted for this project. In addition, the site was posted with notice of all public meetings on this proposed project. The applicant has been active in reaching out to community and neighborhood groups.</p>
<p>CD-16. Property Maintenance. Provide incentives and enforcement to achieve desirable property maintenance.</p>	<p><i>Consistent with conditions</i> As part of this Environmental and Design Review Permit, conditions of approval will be included requiring a landscape and property maintenance agreements.</p>
<p>CD-18. Landscaping. Recognize the unique contribution provided by landscaping, and make it a significant component of all site design.</p>	<p><i>Consistent with conditions</i> A landscape plan was presented as part of this project for new landscaping. The landscape plan was reviewed by the Design Review Board and found to be acceptable.</p>
<p>CD-19. Lighting. Allow adequate site lighting for safety purposes while controlling excessive light spillover and glare.</p>	<p><i>Consistent</i> A lighting plan was submitted with the application which indicates no excessive light spillover or glare. A final lighting plan will be required prior to issuance of a building permit and once the lighting is installed, there will be a 30-day lighting review to confirm the light levels and require adjustments if necessary.</p>
<p>CD-21. Parking Lot Landscaping. Provide parking lot landscaping to control heat build-up from pavement, reduce air pollution, provide shade cover for vehicles and soften the appearance of the parking</p>	<p><i>Consistent</i> A landscape plan was presented as part of this project for new landscaping which included screen/shade trees for surface parking. No shade or solar structure are proposed to cover all vehicle parking spaces.</p>

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<p>lot. Emphasize the use of trees, and limit the height of shrub plantings so as to avoid creating security problems.</p> <p>CD-21a. Parking Lot Landscaping Requirements. Update parking lot landscape requirements to increase the screening of parking lots from the street and nearby properties. Requirements would address appropriate size and location of landscaping, necessary screening consistent with security considerations, tree protection measures, and appropriate percent of shade coverage required of parking lot trees. Include maintenance requirements in all approvals.</p> <p>CD-21b. Parking Lot Landscape Enforcement. Require that newly installed parking lot landscaping be maintained and replaced as needed. Assure that landscaping is thriving prior to expiration of the required 2-year maintenance bond.</p>	
<p>ECONOMIC VITALITY</p>	
<p>Policy EV-1. Economic Health and Quality of Life Understand and appreciate the contributions essential to our quality of life made by a healthy economy, especially to public safety, our schools, recreation, and government services.</p>	<p><i>Consistent</i> The proposed project would help retain an existing business in the City thus contributing to the City's economic vitality. The project would result in the occupancy of a large, vacant existing infill site, which would enhance the physical environment of the Downtown and surrounding area.</p>
<p>Policy EV-2. Seek, Retain, and Promote Businesses that Enhance San Rafael. Recruit and retain businesses that contribute to our economic vitality, thus helping to provide needed local goods, services and employment, and enhance the City's physical environment.</p>	<p><i>Consistent</i> The proposed project would help retain an existing business in the City thus contributing to the City's economic vitality. The project would result in the development of two marquee facilities for current major San Rafael businesses/employers.</p>

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<p>Policy EV-4. Local Economic and Community Impacts. In addition to review of environmental, traffic and community design impacts, take the following into account when major projects, policies and land use decisions are under review:</p> <ul style="list-style-type: none"> • Fiscal impacts on the City's ability to provide and maintain infrastructure and services. • Impacts on the community such as the provision of jobs which match the local workforce, commute reduction proposals, and affordable housing. • Additional or unique economic, fiscal and job-related impacts. • Fiscal and community impacts of not approving a project, plan or policy. 	<p><i>Consistent</i> Required infrastructure and services are already available for the property. The project site is located off 2nd and 3rd Street. The proposed project would add to the local job pool that in turn, would result in commute reduction for local employees who would be employed by BioMarin/Whistlestop. The development include affordable housing.</p>
<p>EV-11. Promotion of Workplace Alternatives. Promote the establishment of workplace alternatives, including home-based businesses, telecommuting and satellite work centers.</p> <p>EV-11a. Home Occupations. Work with neighborhood organizations and business owners to reexamine and update home occupation zoning regulations to reflect changing trends. Continue to enforce compliance of unlicensed home businesses.</p> <p>EV-11b. Telecommute Policy. Consider establishing a telecommute policy for City employees.</p> <p>EV-11c. Workplace Alternatives. Encourage employers to offer workplace alternatives and promote the formation of satellite business centers.</p>	<p><i>Consistent</i> The project applicant has included a Transportation Demand Management Plan as part of the project and includes concepts like carpooling and shuttle services.</p>

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<p>Program EV-13a. Zoning Regulations. Review zoning and development regulations for each business area and make sure that they are consistent, with the objective of strengthening the unique economic role of each area.</p>	<p><i>Consistent</i> The project proposes amending PD-1936 to accommodate the BioMarin portion of the project which will contribute to the important economic role in the City.</p>
<p>CIRCULATION ELEMENT</p>	
<p>C-5. Traffic Level of Service Standards.</p> <p>A. Intersection LOS. In order to ensure an effective roadway network, maintain adequate traffic levels of service (LOS) consistent with standards for signalized intersections in the A.M. and P.M. peak hours as shown below, except as provided for under (B) Arterial LOS.</p>	<p><i>Consistent</i> The traffic analysis for this new project identifies that the combined project would generate 472 peak trips (236 in the A.M. peak period and 236 trips in the PM peak period). Additional trips would not reduce LOS at the study intersections, but would reduce overall speeds of arterial operations for the 2nd/3rd Streets from D Street to Hetherton sections. An EIR is being prepared for the project which will identify all circulation network impacts and propose mitigation as needed.</p>
<p>Policy C-7. Circulation Improvements Funding. Take a strong advocacy role in securing funding for planned circulation improvements. Continue to seek comprehensive funding that includes Federal, State, County and Redevelopment funding, Local Traffic Mitigation Fees and Assessment Districts. The local development projects' share of responsibility to fund improvements is based on: (1) the generation of additional traffic that creates the need for the improvement; (2) the improvement's role in the overall traffic network; (3) the probability of securing funding from alternative sources; and (4) the timing of the improvement.</p>	<p><i>Consistent with mitigation measures/conditions</i> The City of San Rafael has adopted Traffic Mitigation fees for new projects. The Traffic Mitigation fees are used to make necessary improvements to the traffic network. As proposed, the project would be required to pay traffic mitigation fees, which would support circulation improvements funding under Policy C-6 and C-7.</p>
<p>C-8. Eliminating and Shifting Peak Hour Trips.</p>	<p><i>Consistent</i></p>

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<p>Support efforts to limit traffic congestion through eliminating low occupancy auto trips or shifting peak hour trips to off-peak hours. Possible means include telecommuting, walking and bicycling, flexible work schedules, car and vanpooling and other Transportation Demand Management approaches.</p>	<p>The project applicant has included a Transportation Demand Management Plan as part of the application submittal and includes concepts like carpooling, bicycle parking, shuttle services, and transit subsidies.</p>
<p>C-12. Transportation Demand Management. Work cooperatively with governmental agencies, non-profits, businesses, institutions and residential neighborhoods to create new and effective Transportation Demand Management (TDM) programs to minimize single occupancy automobile use and peak period traffic demand.</p> <p>C-12a. Regional Support for TDM. Support regional efforts to work with employers to provide TDM programs.</p> <p>C-12b. City Support for TDM. Serve as a resource to employers wishing to implement TDM by providing information through printed materials, workshops and other means. Encourage smaller employers to “pool” resources to create effective TDM programs.</p> <p>C-12c. City TDM Program. Identify cost-effective City of San Rafael TDM programs for City employees. Consider approaches taken by the County in its Employee Commute Alternative Program.</p>	<p><i>Consistent</i></p> <p>The project applicant has included a Transportation Demand Management Plan as part of the application submittal and includes concepts like carpooling, bicycle parking, shuttle services, and transit subsidies.</p>
<p>INFRASTRUCTURE ELEMENT</p>	
<p>I-10. Sewer Facilities. Existing and future development needs should be coordinated with responsible districts and agencies to assure that facility expansion and/or improvement meets Federal</p>	<p><i>Consistent</i></p> <p>The site is already served by the San Rafael Sanitation District and they have reviewed the project and determined that there is adequate capacity to serve the addition of this facility.</p>

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and State standards and occurs in a timely fashion.	
GOVERNANCE	
G-1. Jobs and Diversity. Encourage the creation and retention of a wide variety of job opportunities at a mix of economic levels.	<i>Consistent</i> The proposed project would add laboratory and office spaces for a leading San Rafael business/employer. In addition, the project would support the continued operations of another leading business/employer, Whistlestop, by developing a high quality Healthy Aging Campus.
SAFETY ELEMENT	
S-1. Location of Future Development. Permit development only in those areas where potential danger to the health, safety and welfare of the residents of the community can be adequately mitigated.	<i>Consistent</i> Geoseismic dangers will be evaluated through the review and approvals process for project site and have consistently found that the project would not pose potential danger to the health, safety and welfare of the community.
S-3. Use of Hazard Maps in Development Review. Review Slope Stability, Seismic Hazard, and Flood Hazard Maps at the time a development is proposed. Undertake appropriate studies to assure identification and implementation of mitigation measures for identified hazards.	<i>Consistent</i> The Geology and Stability Map and Flood Hazard Area Maps of the General Plan, Exhibits 27 and 29, were reviewed and it was determined that based on these maps, the site is located in the 100-year flood hazard area and located in an areas that is characterized as artificial fill. The project has been designed to address these baseline considerations.
S-4. Geotechnical Review. Continue to require geotechnical investigations for development proposals as set forth in the City's Geotechnical Review Matrix (Appendix F). Such studies should determine the actual extent of geotechnical hazards, optimum design for structures, the advisability of special structural requirements, and the feasibility and desirability of a proposed facility in a specified location.	<i>Consistent with conditions</i> A Geotechnical Investigation Report was prepared by Miller Pacific Engineering and reviewed by the City as a component of the environmental review prepared for the project. The report meets the requirements set forth in the Geotechnical Review Matrix and is appropriate for the preliminary design stages of the project. The report will be peer reviewed from a geotechnical engineering standpoint as part of the EIR and any mitigation measures will be incorporated as conditions of approval.
S-5. Minimize Potential Effects of Geological	<i>Consistent with conditions</i>

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<p>Hazards. Development proposed within areas of potential geological hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. Development in areas subject to soils and geologic hazards shall incorporate adequate mitigation measures. The City will only approve new development in areas of identified hazard if such hazard can be appropriately mitigated.</p>	<p>The above-mentioned Geotechnical Investigation Reports and peer reviews will assess the project feasibility from a geotechnical standpoint and recommended mitigation measures to ensure the potential hazards are reduced to levels of insignificance would be incorporated as conditions of approval.</p>
<p>S-6. Seismic Safety of New Buildings. Design and construct all new buildings to resist stresses produced by earthquakes. The minimum level of seismic design shall be in accordance with the most recently adopted building code as required by State law.</p>	<p><i>Consistent</i> The project site including a major portion of Marin County is located within Seismic Source Type “A” (capable of large magnitude earthquakes and high rate of seismic activity). A Geotechnical report must be prepared and submitted with building permit plans would guide the design and construction of the new building to resist stresses produced by earthquakes. With the implementation of this measure, the project is consistent with this policy for Seismic Safety of New Buildings. Mitigation measures will be incorporated as conditions of approval.</p>
<p>S-12. Use of Environmental Databases in Development Review. Review the San Rafael Fire Department’s database of contaminated sites at the time a development is proposed. Undertake appropriate studies to assure identification and implementation of mitigation measures for sites on or near identified hazards.</p>	<p><i>Consistent</i> A Phase I environmental report was prepared for the existing office building as part of the environmental review. The site is currently undergoing remediation to remove hazardous material. This action and accompanying studies will be incorporated into the final environmental document prepared for the project.</p>
<p>S-13. Potential Hazardous Soils Conditions. Where development is proposed on sites with known previous contamination, sites filled prior to 1974 or sites that were historically auto service, industrial or other land uses that may have involved hazardous materials, evaluate such sites for the presence of toxic or hazardous materials. The requirements for site-specific investigation are contained in the Geotechnical Review Matrix.</p>	<p><i>Consistent</i> See Response to S-12 above.</p>

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<p>S-14. Hazardous Materials Storage, Use and Disposal. Enforce regulations regarding proper storage, use and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal.</p>	<p><i>Consistent</i> No hazardous materials are proposed to be used, stored or disposed of at this site as part of the new mixed-use building. This proposed project would not impact that permit and no further permitting or evaluation is necessary.</p>
<p>S-18 Storm Drainage Improvements. Require new development to improve local storm drainage facilities to accommodate site runoff anticipated from a “100-year” storm.</p> <p>S-18a. Storm Drainage Improvements. Require that new development proposals which are likely to affect the limited capacity of downstream storm drainage facilities provide a hydrological analysis of the storm drain basin of the proposed development and evaluate the capacity of existing downstream storm drainage facilities and fund improvements to accommodate increased drainage from the project site resulting from a 100-year storm, where practical.</p>	<p><i>Consistent with conditions</i> An Initial Study has been prepared to evaluate the hydrology and water quality impacts of the proposed project on the environment and determined that through implementation of recommended mitigation measures impacts could be reduced to less than significant levels.</p> <p>The proposed project would also implement stormwater control measures such as Low Impact Development (LID) and Best Management Practices (BMP’s) to address long-term operational water quality impacts associated with the project.</p>
<p>S-22. Erosion. Require appropriate control measures in areas susceptible to erosion, in conjunction with proposed development. Erosion control measures and management practices should conform to the most recent editions of the Regional Water Quality Control Board’s <i>Erosion and Sediment Control Field Manual</i> and the Association of Bay Area Governments’ <i>Manual of Standards for Erosion and Sediment Control</i> or equivalent.</p> <p>S-22a. Erosion Control Programs. Review and approve erosion control programs for projects involving grading one acre or more</p>	<p><i>Consistent with conditions</i> An EIR is being prepared to evaluate the hydrology and water quality impacts of the proposed project on the environment and determined that through implementation of recommended mitigation measures impacts could be reduced to less than significant levels.</p> <p>This project has been reviewed by the City’s Public Works Department which implements the erosion and sediment control standards and regulations. A standard condition of approval would require the applicant to submit a soil management plan (SMP) addressing soil and groundwater management for review and approval by the City of San Rafael Public Works Department prior to the issuance of building permits.</p>

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<p>or 5,000 square feet of built surface as required by Standard Urban Stormwater Management Plans (SUSUMP). Evaluate smaller projects on a case-by-case basis.</p> <p>S-22b. Grading During the Wet Season. Discourage grading during the wet season and require that development projects implement adequate erosion and/or sediment control and runoff discharge measures.</p>	
<p>S-25. Regional Water Quality Control Board (RWQCB) Requirements. Continue to work through the Marin County Stormwater Pollution Prevention Program to implement appropriate Watershed Management plans as dictated in the RWQCB general National Pollutant Discharge Elimination System permit for Marin County and the local stormwater plan.</p>	<p><i>Consistent with condition</i></p> <p>This project has been reviewed by the City's Public Works Department which implements the Stormwater Pollution Prevention standards and regulations. As designed, the proposed project includes adequate measures to reduce stormwater run-off consistent with the standards established by the RWQCB. The project would direct all run-off to the landscape areas and on-site filtration devices, before being discharged into the City's stormdrain system. A standard condition of approval would require the applicant to submit a Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the City of San Rafael Public Works Department prior to the issuance of building permits.</p>
<p>S-26. Fire and Police Services. Maintain adequate cost-effective fire protection, paramedic and police services. Minimize increases in service needs from new development through continued fire prevention and community policing programs.</p>	<p><i>Consistent with conditions</i></p> <p>The City of San Rafael Police and Fire Departments have both reviewed the proposed project and certain conditions of approval to ensure that the new development would comply with their regulations and standards. The Fire Department has found that the project would comply with all Fire Codes and their recommended conditions of approval have been incorporated. The Crime Prevention officer of the Police Department has also reviewed the proposed project and found that the use and structure would be consistent with their crime prevention standards.</p>
<p>NOISE ELEMENT</p>	
<p>N-1. Noise Impacts on New Development. Protect people in new development from excessive noise by applying noise standards in land use decisions. Apply the Land Use Compatibility Standards (see Exhibit 31) to the siting of new uses in existing noise</p>	<p><i>Consistent with condition</i></p> <p>Exhibit 31 of the General Plan 2020 illustrates the land use compatibility standards for locating new development in existing environments. The land use category for the proposed use would be medical office. New uses in this category are conditionally permitted in environments that exhibit between 65 a d 85 L_{dn} (dB). An evaluation in the EIR of the existing noise environment</p>

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<p>environments. These standards identify the acceptability of a project based on noise exposure. If a project exceeds the standards in Exhibit 31, an acoustical analysis shall be required to identify noise impacts and potential noise mitigations. Mitigation should include the research and use of state-of-the-art abating materials and technology.</p>	<p>around the site would require consistency with adopted Noise Ordinance and Policies.</p>
<p>N-3. Planning and Design of New Development. Encourage new development to be planned and designed to minimize noise impacts from outside noise sources.</p>	<p><i>Consistent</i> See N-1 above</p>
<p>N-4. Noise from New Nonresidential Development. Design nonresidential development to minimize noise impacts on neighboring uses.</p> <p>a. Performance Standards for Uses Affecting Residential Districts. New nonresidential development shall not increase noise levels in a residential district by more than L_{dn} 3 dB, or create noise impacts that would increase noise levels to more than L_{dn} 60 dB at the property line of the noise receiving use, whichever is the more restrictive standard.</p> <p>b. Performance Standards for Uses Affecting Nonresidential and Mixed Use Districts. New nonresidential projects shall not increase noise levels in a nonresidential or mixed-use district by more than L_{dn} 5 dB, or create noise impacts that would increase noise levels to more than L_{dn} 65 dB (Office, Retail) or L_{dn} 70 dB (Industrial), at the property line of the noise receiving use, whichever is the more restrictive standard.</p> <p>c. Waiver. These standards may be waived if, as determined by an acoustical study, there are mitigating circumstances (such as higher existing noise levels), and no uses would be adversely</p>	<p><i>Consistent</i> An EIR is being prepared to evaluate the noise impacts of the proposed project on sensitive receptors and require that there are no significant effects to the environment. Best Management construction techniques approval to limit potential sources of auditory impacts will be implemented as a condition of approval.</p>

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<p>affected.</p> <p>N-4a. Require Acoustical Study. Identify through an acoustical study noise mitigation measures to be designed and built into new nonresidential and mixed-use development, and encourage absorptive types of mitigation measures between noise sources and residential districts.</p>	
<p>N-5. Traffic Noise from New Development. Minimize noise impacts of increased off-site traffic caused by new development. Where the exterior L_{dn} is 65 dB or greater at a residential building or outdoor use area and a plan, program, or project increases traffic noise levels by more than L_{dn} 3 dB, reasonable noise mitigation measures shall be included in the plan, program or project.</p>	<p><i>Consistent</i></p> <p>An EIR is being prepared to evaluate the noise impacts of the proposed project on sensitive receptors and requires that there are no significant effects to the environment. Best Management construction techniques approval to limit potential sources of auditory impacts during construction will be implemented as a condition of approval. The EIR will evaluate long-term impacts due to operational activities.</p>
<p>CONSERVATION ELEMENT</p>	
<p>CON-1. Protection of Environmental Resources. Protect or enhance environmental resources, such as ridgelines, wetlands, diked baylands, creeks and drainageways, shorelines and habitat for threatened and endangered species.</p>	<p><i>Consistent</i></p> <p>The proposed project would be developed on a previously developed site on which there are no known environmental resources.</p>
<p>CON-16. Landscape with Native Plant Species. Encourage landscaping with native and compatible non-native plant species, especially drought-resistant species.</p> <p>CON-16a. Distribution of Information. Distribute Marin Municipal Water District and other organizations' educational materials about native plant landscaping.</p>	<p><i>Consistent</i></p> <p>The project includes a landscape plan that is consistent with drought-tolerant planting and native species.</p>
<p>CON-17. Resource-efficient Organizations and Businesses. Encourage businesses, commercial</p>	<p><i>Consistent</i></p> <p>The project includes a landscape plan that is consistent with drought-tolerant planting and native</p>

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<p>property owners, apartment building owners and non-profit organizations to be resource, energy and water efficient.</p> <p>CON-17a. Regional Energy Office. Consider participation in the County's Regional Energy Office.</p> <p>CON 17b. Green Business Program. Encourage San Rafael businesses to participate in the County's Green Business program.</p>	<p>species.</p>
<p>CON-18. Resource-Efficient Building Design. Promote and encourage residences to be resource, energy and water efficient by creating incentives and removing obstacles to promote their use.</p> <p>CON-18a. Energy-efficient Homes. Encourage the construction of homes and buildings that exceed Title 24 standards. Consider adoption of an ordinance requiring greater energy efficiency in construction of larger homes.</p> <p>CON-18b. Zoning and Building Code Review. Identify barriers to resource efficiency in the Zoning and Building Codes and evaluate the suitability of removing those obstacles.</p> <p>CON-18c. Use of Alternative Building Materials. Evaluate the benefits and impacts of amending the City's building codes and zoning ordinances to allow the use of acceptable resource-efficient alternative building materials and methods.</p> <p>CON-18d. Incentives for Solar and Clean Energy. Seek ways to provide incentives for solar and clean energy systems.</p> <p>CON-18e. LEED Program. Encourage developers to use "Leadership in Energy and Environmental</p>	<p><i>Consistent</i></p> <p>The project is designed to be energy efficient and adhere to LEED standards for commercial development.</p>

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Design” Standards.	
<p>CON-20. Water Conservation. Encourage water-conserving practices in businesses, homes and institutions and increase the use of recycled water.</p> <p>CON-20a. Water Conserving Landscaping. Make available to property managers, designers and homeowners information about water-conserving landscaping and water-recycling methods and resources.</p> <p>CON-20b. Water Recycling. Support the extension of recycled water distribution infrastructure. Require the use of recycled water where available.</p>	<p><i>Consistent</i> The project includes a landscape plan that is consistent with drought-tolerant planting and native species.</p>
<p>CON-23. Energy-efficient Transportation Programs. Encourage the creation of programs such as Transportation Systems Management (TSM), public transit, carpools/ vanpools, ride-match, bicycling, and other alternatives to the energy-inefficient use of vehicles.</p> <p>CON-23a. City Carpool. Encourage incentive for the creation of car or vanpools for city employees.</p>	<p><i>Consistent</i> The applicant has included a TDM as part of the application submittal.</p>
AIR AND WATER QUALITY ELEMENT	
<p>AW-1. State and Federal Standards. Continue to comply and strive to exceed state and federal standards for air quality for the benefit of the Bay Area.</p>	<p><i>Consistent with condition</i> Due to the nature of the proposed development, the project would not generate any excessive air quality impacts and would be consistent with the Bay Area Air Quality District requirements Traffic associated with the facility was evaluated and found to be within the thresholds established for air quality impacts. Furthermore, the proposed development is within the additional development assumed under the General Plan 2020 and therefore cumulative impacts have been analyzed and found to be acceptable.</p>
<p>AW-2. Land Use Compatibility. To ensure excellent air quality, promote land use compatibility for new development by using buffering techniques such as</p>	<p><i>Consistent</i> This proposed development is situated in the Downtown San Rafael District area and abuts many other similar use buildings. The proposed land use from this project is compatible with</p>

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<p>landscaping, setbacks and screening in areas where different land uses abut one another.</p>	<p>surrounding land uses.</p>
<p>AW-4. Particulate Matter Pollution Reduction. Promote the reduction of particulate matter pollution from roads, parking lots, construction sites, agricultural lands and other activities.</p> <p>AW-4a. Pollution Reduction. Through development review, ensure that any proposed new sources of particulate matter use latest control technology (such as enclosures, paving unpaved areas, parking lot sweeping and landscaping) and provide adequate buffer setbacks to protect existing or future sensitive receptors.</p> <p>AW-4b. Fireplaces and Wood burning Stoves. Cooperate with the local air quality district to monitor air pollution and enforce mitigations in areas affected by emissions from fireplaces and wood burning stoves. Encourage efficient use of home wood burning heating devices. Adopt and implement the BAAQMD Model Wood smoke Ordinance for new residential development.</p>	<p><i>Consistent with condition</i> The project would be required to implement Air Quality control measures per EIR analysis for construction activities. The proposed drainage plan is designed to be consistent with local air-quality pollution standards by implementing dust and pollution control measures during construction.</p>
<p>AW-7. Local, State and Federal Standards. Continue to comply with local, state and federal standards for water quality.</p>	<p><i>Consistent with condition</i> The project would be required to comply with the City's Stormwater Pollution Prevention standards which are derived from the Regional Water Quality Board. The proposed drainage plan is designed to be consistent with the stormwater pollution standards by treating stormwater runoff on-site in landscape areas or through an on-site filtration area before it enters into the storm drain system.</p>
<p>AW-8. Reduce Pollution from Urban Runoff. Address non-point source pollution and protect receiving waters from pollutants discharged to the storm drain system by requiring Best Management Practices quality.</p>	<p><i>Consistent</i> See AW-7 above. Furthermore, as a standard building permit condition of approval, the proposed project would implement a storm water pollution and prevention plan (SWPPP) and Best Management Practices to minimize impacts on water quality and non-point source pollution discharge into the storm water system.</p>

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<ul style="list-style-type: none">• Support alternatives to impervious surfaces in new development, redevelopment or public improvement projects to reduce urban runoff into storm drain system, creeks and the Bay.• Require that site designs work with the natural topography and drainages to the extent practicable to reduce the amount of grading necessary and limit disturbance to natural water bodies and natural drainage systems. <p>Where feasible, use vegetation to absorb and filter fertilizers, pesticides and other pollutants.</p>	
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EXHIBIT 4

SAN RAFAEL DESIGN GUIDELINES

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PARKING LOTS	
<ul style="list-style-type: none"> A logical sequence of entry and arrival as part of the site’s design should be provided. Where possible, design entrances from the street to direct views toward the building entry. Parking areas should be screened from the street with hedges, walls, fences or berms, subject to security considerations. Auto and pedestrian entrances into development should be easy to find. Use of special entry treatment, special plantings and signage should be located at the entries. Pedestrian areas should be made visually attractive with special planting and flowering trees. Shade trees should be provided in parking lots per the Zoning Ordinance. 	<p><i>Consistent</i></p> <p>The parking structure project site design provides a clear sense of entry from Lindero and directs views toward the proposed building. The landscape plan includes screen trees and plantings around the base of the structure to soften the edge appearance. Pedestrian areas are visually attractive and include special planting and flowering trees. Shade trees are provided in parking lots per the Zoning Ordinance.</p>
LANDSCAPING	
<ul style="list-style-type: none"> Landscaped areas should be planned as integral parts of the development and to create a strongly landscaped character of the site. Commercial signage or displays should not be hidden with landscaping. Trees should be planted in a variety of locations. Add street trees where practical. 	<p><i>Consistent</i></p> <p>The project is in compliance with the above Landscaping guidelines. The planting plan proposes native trees to provide screening. Street trees in front of the proposed structures are proposed wherever appropriate for emergency and fire service access.</p>
LIGHTING	
<ul style="list-style-type: none"> Limit the intensity of lighting to provide for adequate site security and for pedestrian and vehicular safety. Shield light sources to prevent glare and illumination beyond boundaries of the property. Lighting fixtures should compliment the project architecture. 	<p><i>Consistent</i></p> <p>The lighting plan submitted indicates that the project does not create glare or illumination beyond the property boundary. The final building permit is conditioned to be consistent with this guideline. Security and nighttime wayfinding lighting are required to be night-sky compliant and</p>

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	consistent with San Rafael guidelines for nighttime glare.
PEDESTRIAN CIRCULATION	
<ul style="list-style-type: none"> • Consider pedestrian orientation when designing building entries, windows, signage and doors. • Include a well-defined pedestrian walkway between the street and building entry. • Clearly define pedestrian movement through parking lots by using pavement treatment and landscaped walkways. • Where appropriate, include outdoor gathering places and seating for the public. • Adequate facilities for bicycle parking should be provided. 	<p><i>Consistent</i></p> <p>The main pedestrian access is located on the east side of the proposed project site and opposite/adjacent to main access to the existing parking structure on the main SRCC campus. Existing pedestrian sidewalks and walkways would continue to provide access to the proposed building site and throughout the site to transit stops adjacent to the San Rafael Transit Center. New structures are designed to provide bicycle parking.</p>
BUILDING FORM	
Consider the development's visual and spatial relationship to adjacent buildings and other structures in the area.	<p><i>Consistent</i></p> <p>The proposed structure is consistent in building form with structures within the project area.</p>
ENTRYWAYS	
Building entrances should be defined with architectural elements such as roof form changes, awnings, or other architectural elements.	<p><i>Consistent</i></p> <p>The proposed structure materials generally consist of glass, concrete and other high-quality elements. Entrance to the site would be clearly identified through BioMarin wayfinding signage consistent with branding criteria.</p>
AWNINGS	
Where appropriate, provide awnings to enhance the design of the building, provide weather protection, and create a sense of human scale.	<p><i>Consistent</i></p> <p>No awning or shade structures are proposed for the parking areas. The proposed "front porch" reduces the building's mass for a more inviting human scale feel for the public plaza.</p>

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MATERIALS AND COLORS	
<ul style="list-style-type: none">• Use articulation, texturing and detailing on all concrete exposed to exterior view.• Exterior materials should minimize reflectivity.• Use color to provide appropriate accents on a building.	<p><i>Consistent</i></p> <p>The proposed project is consistent with this guideline. The proposed plans depict appropriate articulation, texturing and detailing and appropriate exterior materials. The structures proposed include articulation, texturing and other detailed elements and other screen elements.</p>

B:OMARIN



999 THIRD STREET
SAN RAFAEL, CA 94901

ENTITLEMENT SUBMITTAL

OCTOBER 5, 2018

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LANDSCAPE ARCHITECT

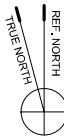
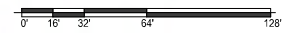
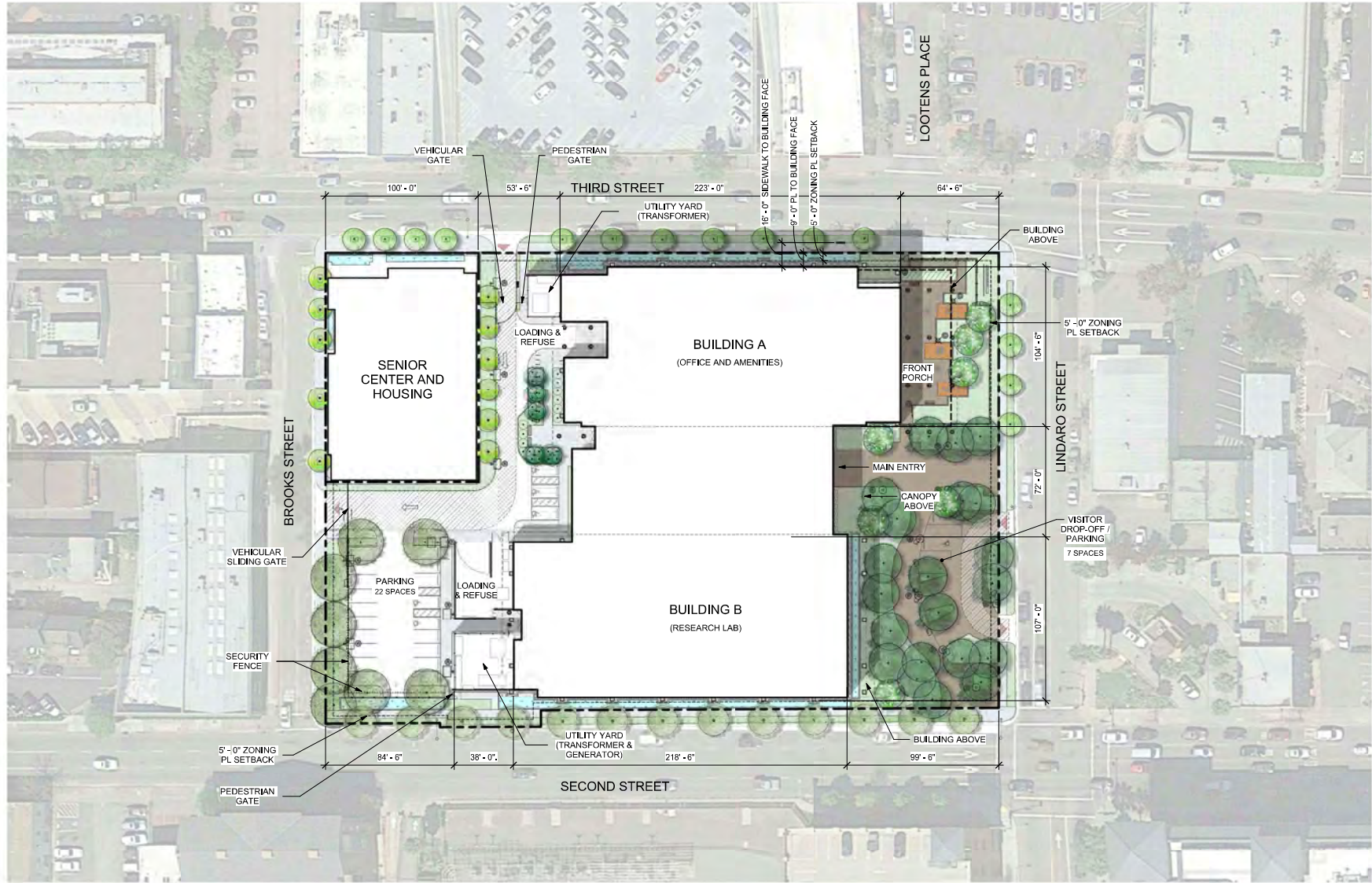
MPA DESIGN
414 MASON ST, SUITE 700
SAN FRANCISCO, CA 94102
PHONE: (415) 434-4664
CONTACT: DAVID NELSON PRINCIPAL
EMAIL: DAVID@MPADESIGN.COM

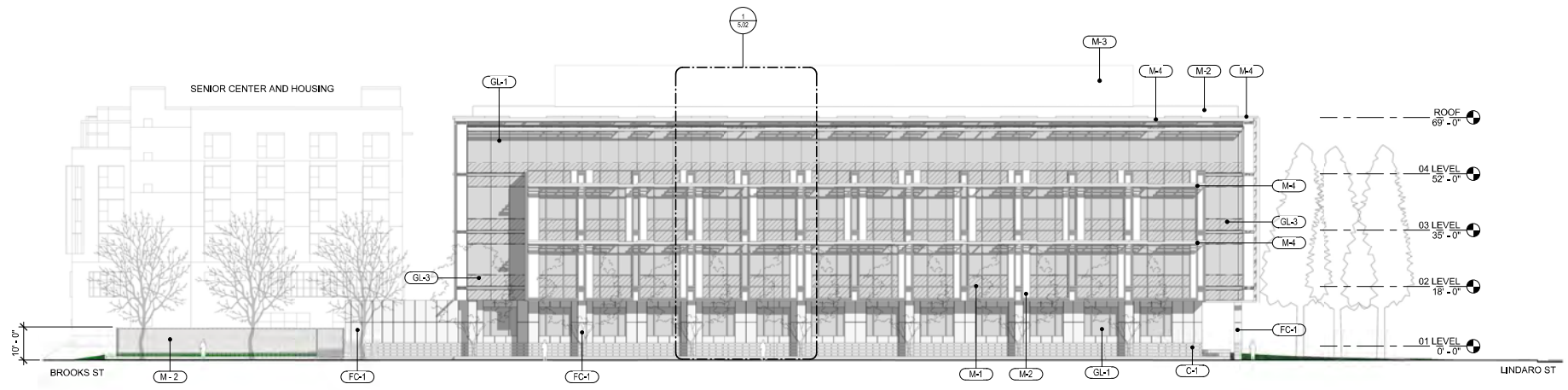
CIVIL ENGINEER

LUK AND ASSOCIATES
738 ALFRED NOBEL DRIVE
HERCULES, CA 94547
TEL: (510) 724-3388
CONTACT: JACKIE LUK, PE, PLS
EMAIL: JACKIE@LUKASSOCIATES.COM

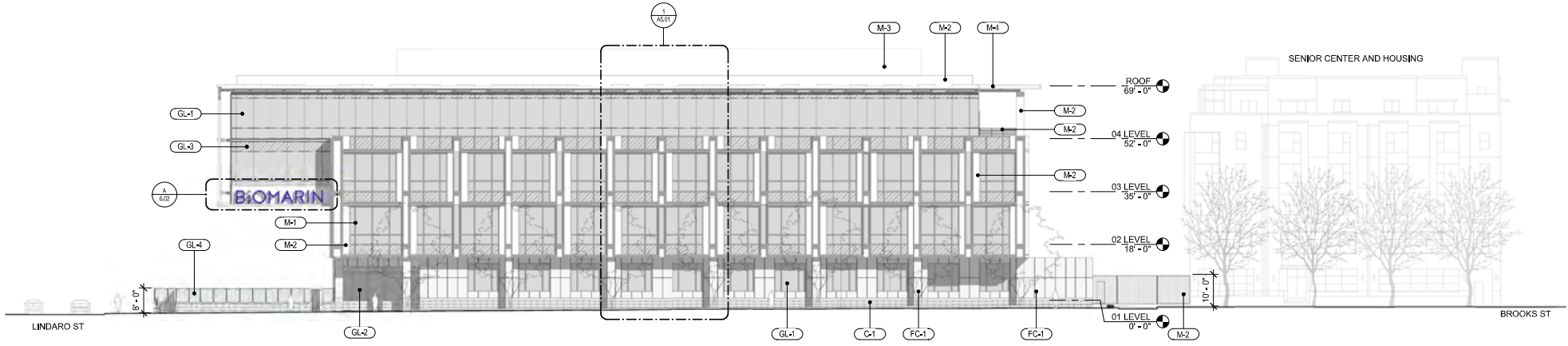


BIOMARIN R & D DEVELOPMENT



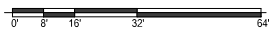


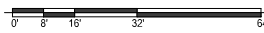
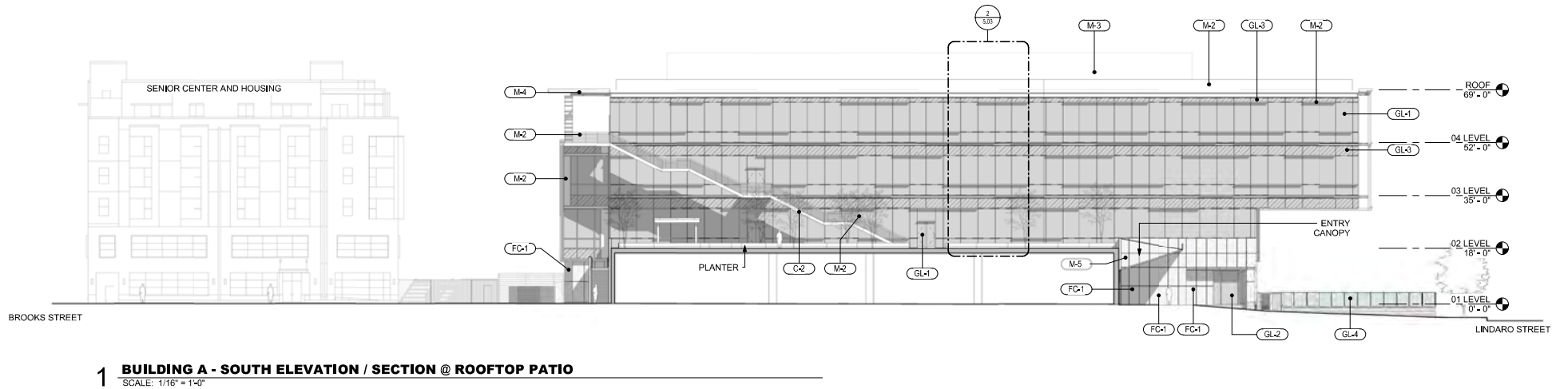
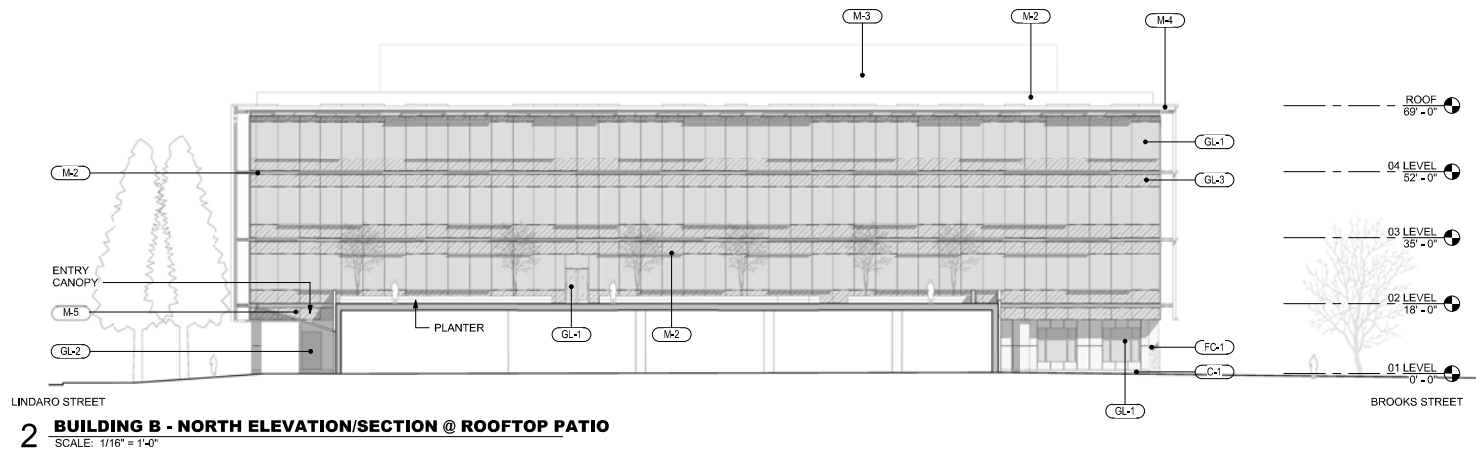
2 BUILDING B - SOUTH ELEVATION (SECOND STREET)
SCALE: 1/16" = 1'-0"



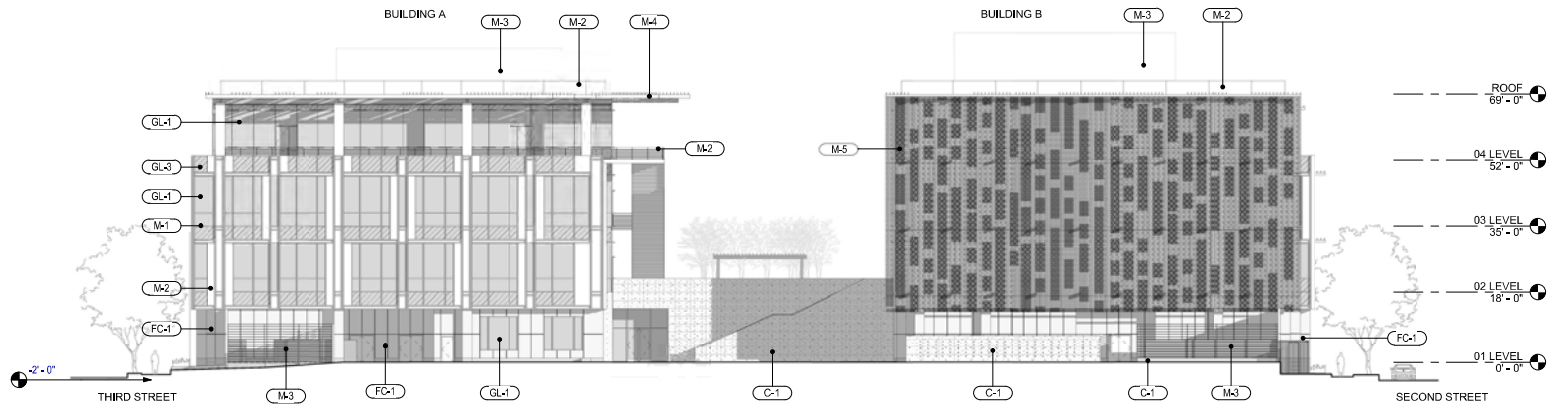
1 BUILDING A - NORTH ELEVATION - (THIRD STREET)
SCALE: 1/16" = 1'-0"

GL-1	VISION GLASS	VIRACON 1" VE24-2M INSULATING HS/HS (TINTED AND FILMED)
GL-2	VISION GLASS	VIRACON 1" INSULATING HS/HS (CLEAR GLASS)
GL-3	VISION GLASS	VIRACON 1" VRE30-54 INSULATING HS/HS, SHADOW BOX
GL-4	VISION GLASS	VIRACON 1" VRE30-54 INSULATING HS/HS, SHADOW BOX
M-1	GLASS GUARTRAIL	PPG DURANAR SUNSTORM - SATIN NICKLE
M-2	PAINTED METAL	PPG DURANAR SUNSTORM - SATIN NICKLE
M-3	MECHANICAL PENTHOUSE LOUVERED WALL	PPG DURANAR SUNSTORM - SATIN NICKLE
M-4	EXTENDED STEEL/ALUMINUM TRELLIS	PPG DURANAR SUNSTORM - SATIN NICKLE
M-5	METAL SUPPORT	PPG DURANAR SUNSTORM - SATIN NICKLE
M-6	PERFORATED PANEL - SHADE SCREEN	PPG DURANAR SUNSTORM - SATIN NICKLE
C-1	POURED IN PLACE CONCRETE	SACKED FINISH
C-2	CONCRETE PAVER	SACKED FINISH
PL-1	EXTERIOR PLASTER	SMOOTH FINISH W/ 1" ALUMINUM REGLET AT JOINTS
FC-1	FIBER CEMENT EXTERNAL WALL PANEL	VENTILATED RAINSCREEN, MAX SIZE: 10'-0" X 4'-0"
WD-1	WOOD CEILING	EXTERIOR GRADE DERAKO SYSTEM, WESTERN RED CEDAR





GL-1	VISION GLASS	VIRACON 1" VE24-2M INSULATING HS/HS (TINTED AND FILMED)
GL-2	VISION GLASS	VIRACON 1" INSULATING HS/HS (CLEAR GLASS)
GL-3	VISION GLASS	VIRACON 1" VRE30-54 INSULATING HS/HS, SHADOW BOX
GL-4	GLASS GUARDRAIL	
M-1	EXTRUDED ALUMINUM MULLION	PPG DURANAR SUNSTORM - SATIN NICKLE
M-2	PAINTED METAL	PAINTED TO MATCH M-1
M-3	MECHANICAL PENTHOUSE LOUVERED WALL	PAINTED TO MATCH M-1
M-4	EXTENDED STEEL/ALUMINUM TRELLIS	PAINTED TO MATCH M-1
M-6	METAL SUPPORT	PAINTED TO MATCH M-1
M-5	PERFORATED PANEL - SHADE SCREEN	PAINTED TO MATCH M-1
C-1	POURED IN PLACE CONCRETE	SACKED FINISH
C-2	CONCRETE PAVER	
PL-1	EXTERIOR PLASTER	SMOOTH FINISH W/ 1" ALUMINUM REGLET AT JOINTS
FC-1	FIBER CEMENT EXTERNAL WALL PANEL	VENTILATED RAINSCREEN, MAX SIZE: 10'-0" X 4'-0"
WD-1	WOOD CEILING	EXTERIOR GRADE DERAKO SYSTEM, WESTERN RED CEDAR



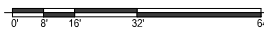
2 WEST ELEVATION - (BROOKS STREET)

SCALE: 1/16" = 1'-0"

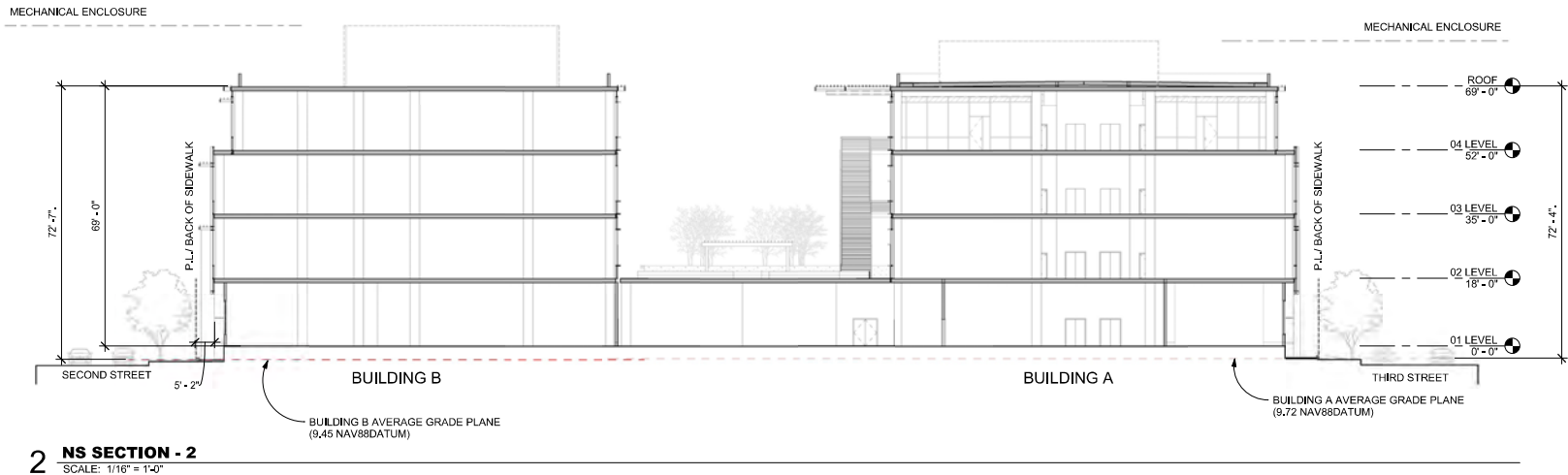
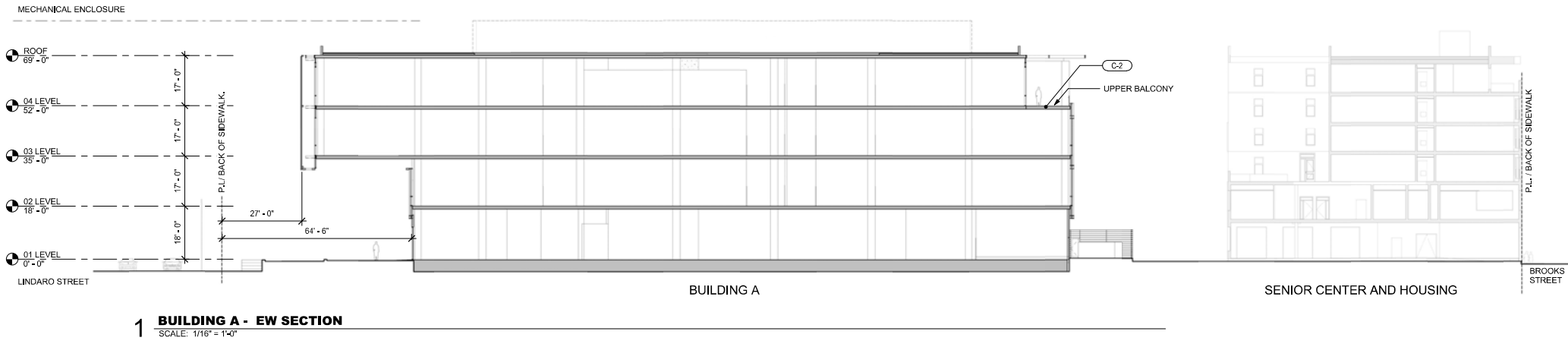


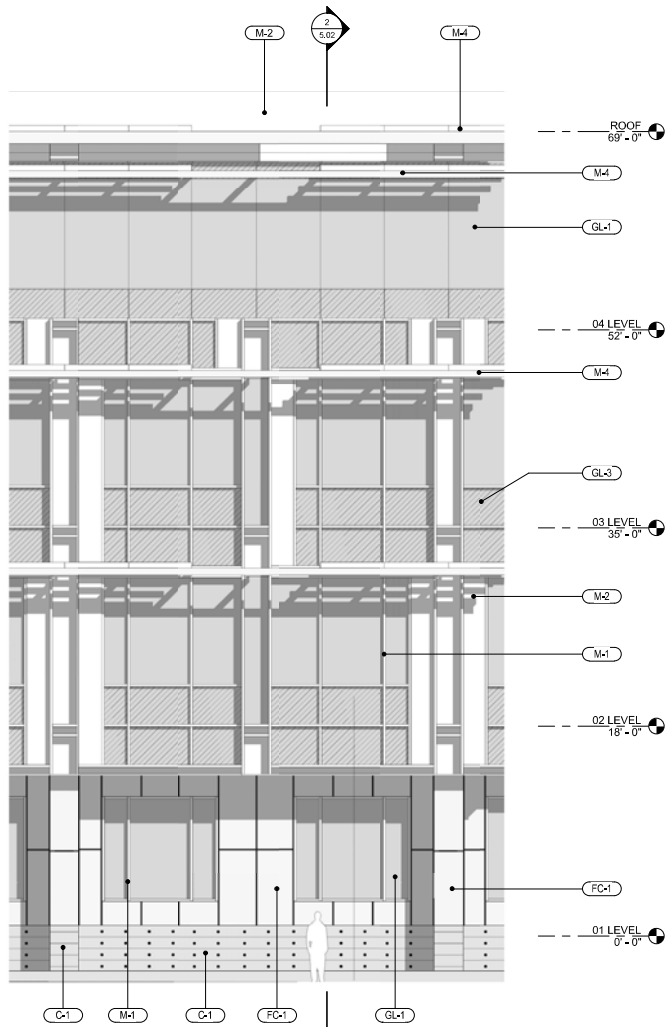
1 EAST ELEVATION - (LINDARO STREET)

SCALE: 1/16" = 1'-0"

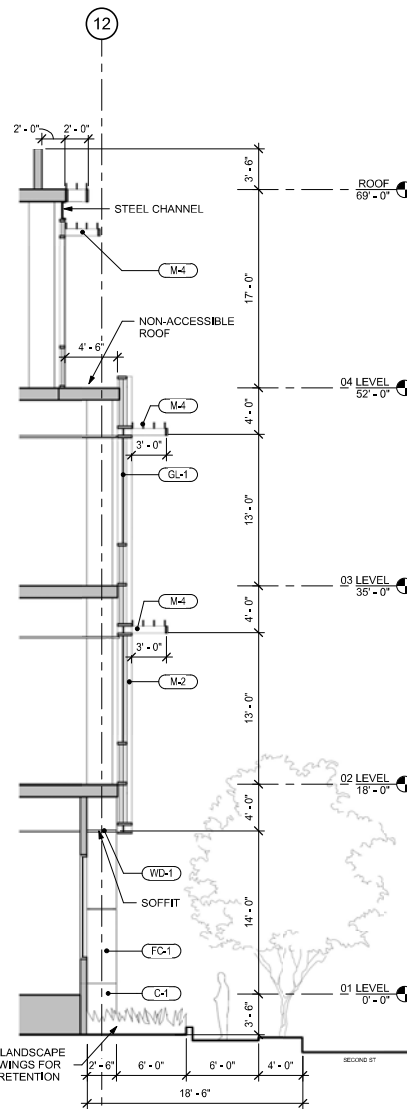


GL-1	VISION GLASS	VIRACON 1" VE24-2M INSULATING HS/HS (TINTED AND FILMED)
GL-2	VISION GLASS	VIRACON 1" INSULATING HS/HS (CLEAR GLASS)
GL-3	VISION GLASS	VIRACON 1" VRE30-54 INSULATING HS/HS, SHADOW BOX
GL-4	GLASS GUARDRAIL	
M-1	EXTRUDED ALUMINUM MULLION	PPG DURANAR SUNSTORM - SATIN NICKLE
M-2	PAINTED METAL	PAINTED TO MATCH M-1
M-3	MECHANICAL PENTHOUSE LOUVERED WALL	PAINTED TO MATCH M-1
M-4	EXTENDED STEEL/ALUMINUM TRELLIS	PAINTED TO MATCH M-1
M-6	METAL SUPPORT	PAINTED TO MATCH M-1
M-5	PERFORATED PANEL - SHADE SCREEN	PAINTED TO MATCH M-1
C-1	POURED IN PLACE CONCRETE	SACKED FINISH
C-2	CONCRETE PAVER	
PL-1	EXTERIOR PLASTER	SMOOTH FINISH W/ 1" ALUMINUM REGLET AT JOINTS
FC-1	FIBER CEMENT EXTERNAL WALL PANEL	VENTILATED RAINSCREEN, MAX SIZE: 10'-0" X 4'-0"
WD-1	WOOD CEILING	EXTERIOR GRADE DERAKO SYSTEM, WESTERN RED CEDAR



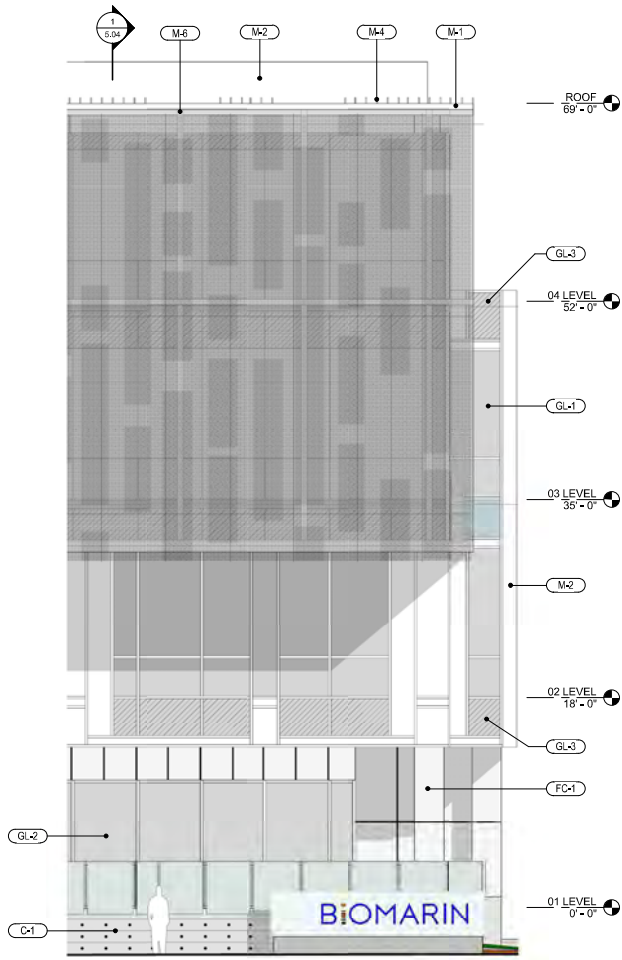


1 FACADE SYSTEM - B.
SCALE: 3/16" = 1'-0"

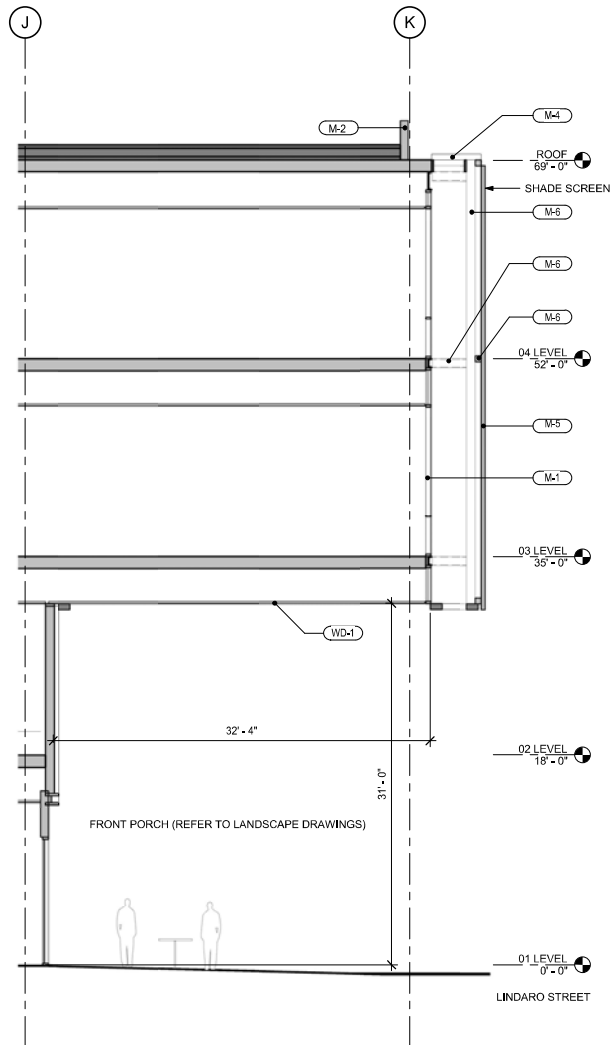


2 SECTION @ SECOND ST
SCALE: 3/16" = 1'-0"



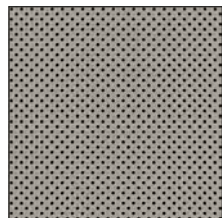


2 EAST ELEVATION.
SCALE: 3/16" = 1'-0"

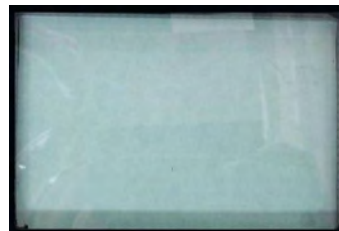


1 SECTION @ LINDARO
SCALE: 3/16" = 1'-0"

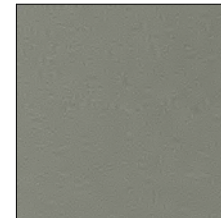




M-5



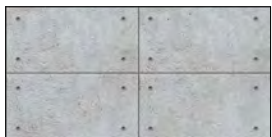
GL-1 / GL-3



M-1 / M-2 / M-4



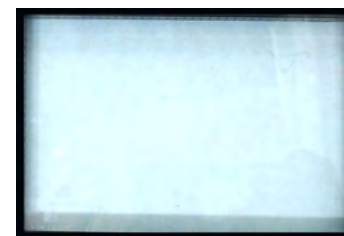
WD-1



C-1

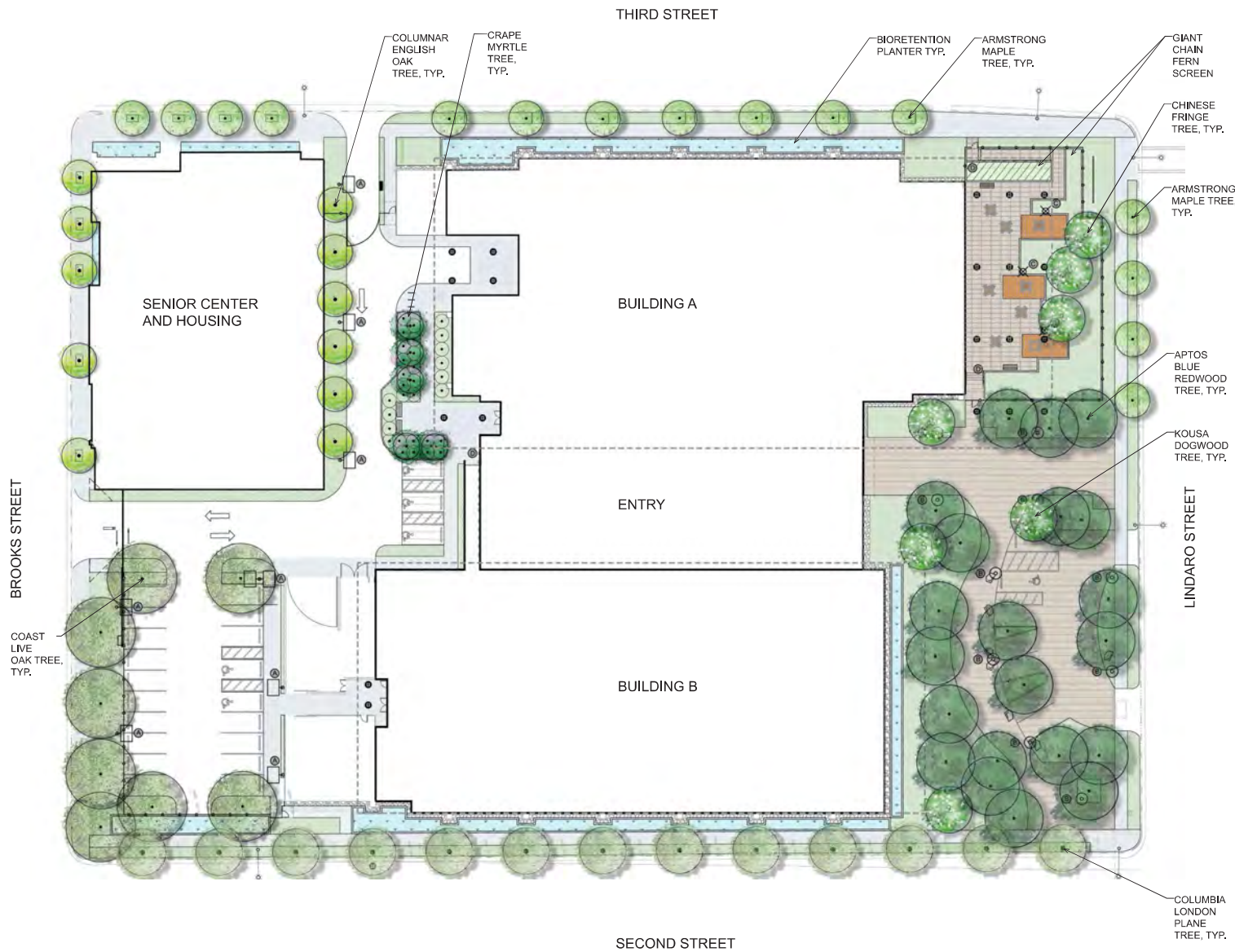


FC-1



GL-2

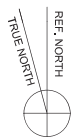
GL-1	VISION GLASS	VIRACON 1" VE24-2M INSULATING HS/HS (TINTED AND FILMED)
GL-2	VISION GLASS	VIRACON 1" INSULATING HS/HS (CLEAR GLASS)
GL-3	VISION GLASS	VIRACON 1" VRE30-54 INSULATING HS/HS, SHADOW BOX
GL-4	GLASS GUARDRAIL	VIRACON 1" VRE30-54 INSULATING HS/HS, SHADOW BOX
M-1	EXTRUDED ALUMINUM MULLION	PPG DURANAR SUNSTORM - SATIN NICKLE
M-2	PAINTED METAL	PAINTED TO MATCH M-1
M-3	MECHANICAL PENTHOUSE LOUVERED WALL	PAINTED TO MATCH M-1
M-4	EXTENDED STEEL/ALUMINUM TRELLIS	PAINTED TO MATCH M-1
M-6	METAL SUPPORT (SHADE SCREEN)	PAINTED TO MATCH M-1
M-5	PERFORATED PANEL - SHADE SCREEN	PAINTED TO MATCH M-1
C-1	POURED IN PLACE CONCRETE	SACKED FINISH
C-2	CONCRETE PAVER	
PL-1	EXTERIOR PLASTER	SMOOTH FINISH W/ 1" ALUMINUM REGLET AT JOINTS
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WD-1	WOOD CEILING	EXTERIOR GRADE DERAKO SYSTEM, WESTERN RED CEDAR

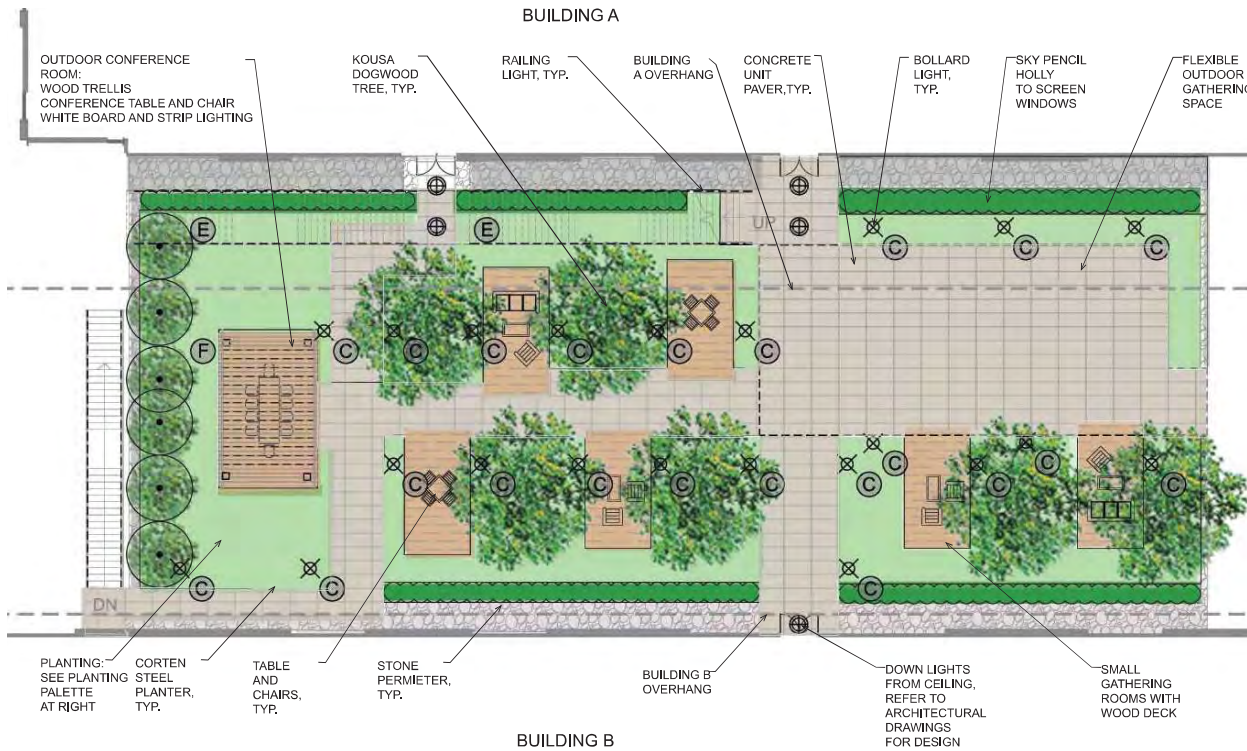


PRELIMINARY PLANTING PALETTE



- PLANTING NOTES**
1. LANDSCAPE ZONES, NOT INCLUDING REDWOOD FOREST, SHALL RECEIVE BETWEEN 12-18" OF IMPORTED TOPSOIL.
 2. REDWOOD FOREST SHALL RECEIVE 24" OF IMPORTED LOAMY SANDY SOIL.
 3. BIORETENTION PLANTING TO RECEIVE 18" OF IMPORT BIORETENTION SOIL MIX.
 4. TOTAL LANDSCAPE AREA IN SQUARE FEET FOR PHASE 2 GROUND FLOOR IS APPROXIMATELY 22,991 SF WITHIN THE PROPERTY LINE.





LANDSCAPE MATERIALS AND SITE FURNISHINGS IMAGERY

PAVING AND SITE FURNISHINGS



SITE FURNISHINGS



CONFERENCE TABLE AND CHAIRS

LIGHTING



C LIGHT BOLLARD 36" TALL, 20" O.C.

E RAILING LIGHT

F STRIP LIGHTING

PRELIMINARY PLANTING PALETTE

TREES



KOUSA DOGWOOD TREE

SHRUBS, GROUNDCOVERS, VINES



CALIFORNIA POLYPODY



ASPARAGUS FERN



PACIFIC BLEEDING HEART

SHRUBS, GROUNDCOVERS, VINES



CHINESE FRINGE FLOWER



WESTERN SWORD FERN



GIANT CHAIN FERN



CHERRY LAUREL HEDGE BEHIND TRELLIS

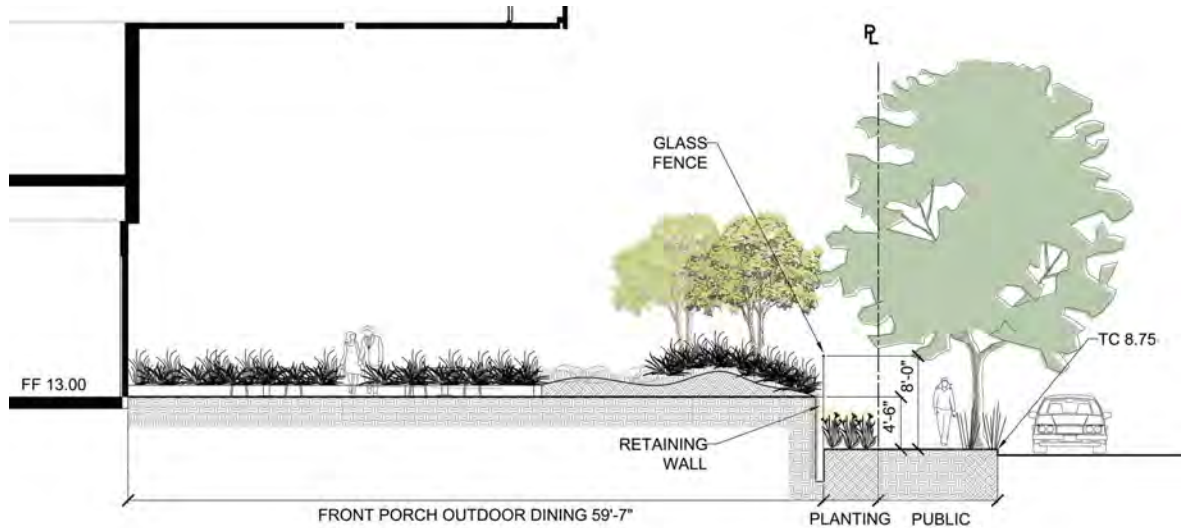


SKY PENCIL HOLLY TO SCREEN SECOND FLOOR WINDOWS

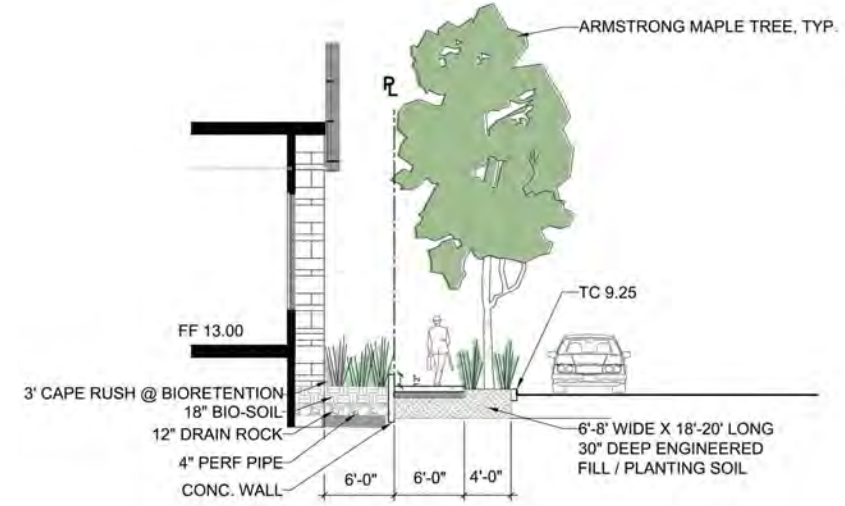
PLANTING NOTES FOR SECOND LEVEL

1. LANDSCAPE PLANTERS SHALL RECEIVE LIGHT WEIGHT SOIL BETWEEN 18-24".
2. TOTAL LANDSCAPE AREA IN SQUARE FEET FOR PHASE 2 SECOND FLOOR IS APPROXIMATELY 5,183 SF.





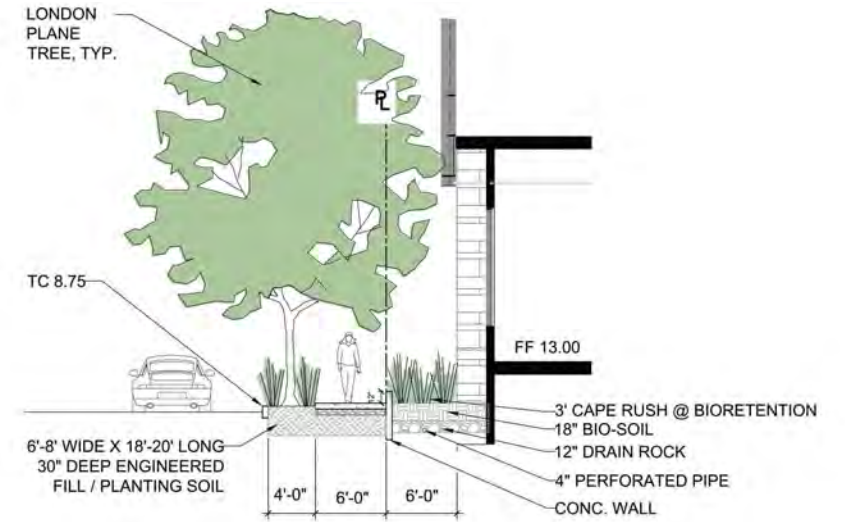
SECTION AT LINDARO AND 3RD STREET - FRONT PORCH
SCALE: NTS



SECTION AT LINDARO AND THIRD STREET
SCALE: NTS



SECTION AT LINDARO STREET PLAZA
SCALE: NTS



SECTION AT LINDARO AND SECOND STREET
SCALE: NTS



PROPOSED



EXISTING



PROPOSED



EXISTING



A0.2

Whistlestop | BIRD'S EYE VIEW AT THIRD AND BROOKS STREETS

SAN RAFAEL, CA | 10/05/18 | EDEN HOUSING





A0.3

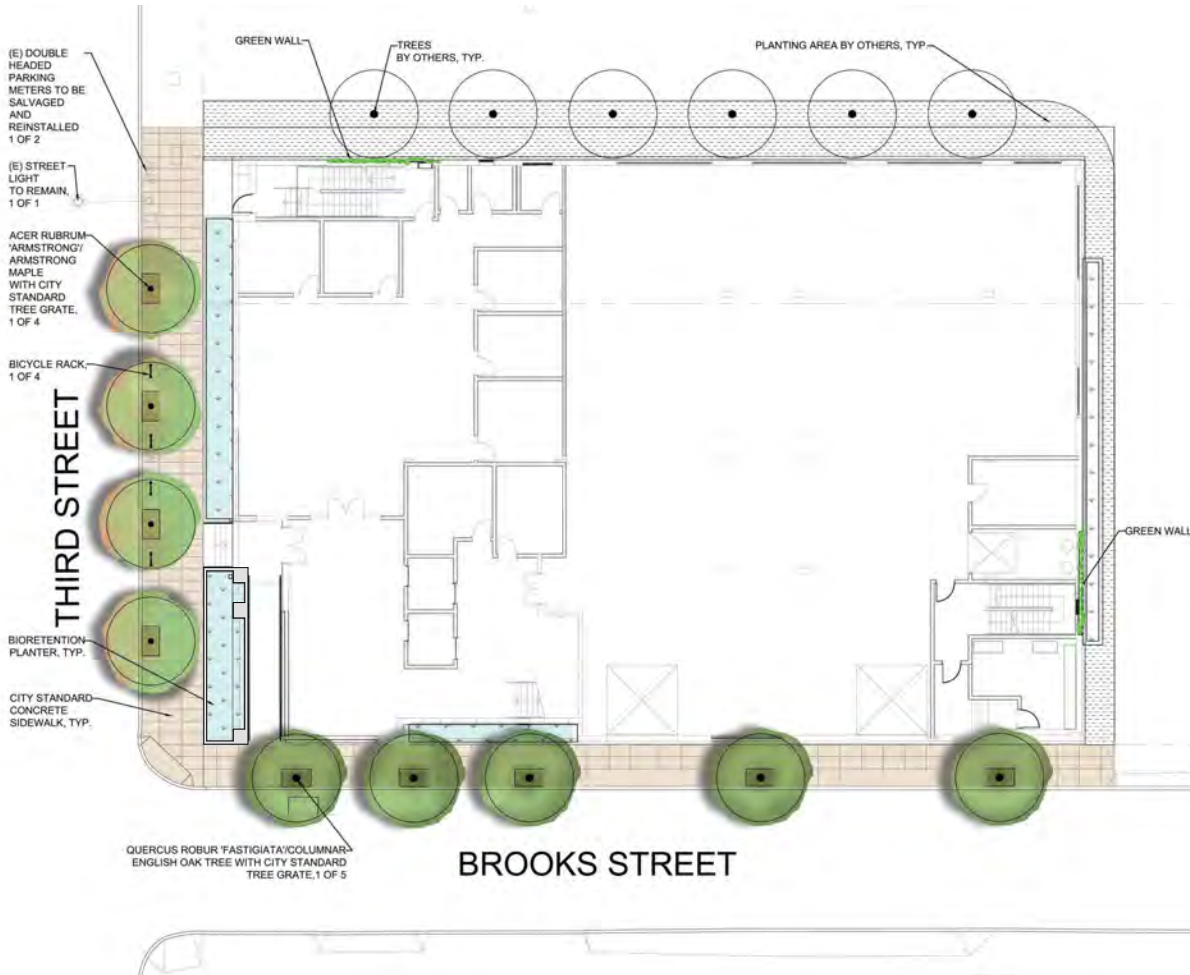
Whistlestop | **VIEW OF COURTYARD**

SAN RAFAEL, CA | 10/05/18 | EDEN HOUSING





A0.6



LANDSCAPE MATERIALS AND SITE FURNISHINGS IMAGERY



CITY STANDARD TREE GRATE 3 X5' URBAN ACCESSORIES



BICYCLE RACKS



CONCRETE SIDEWALK WITH TREE GRATE

PRELIMINARY PLANT PALETTE

TREES



ACER RUBRUM 'ARMSTRONG' MAPLE



QUERCUS ROBUR 'FASTIGIATA' COLUMNAR ENGLISH OAK

VINES FOR GREEN WALL



DISTICTIS BUCCIANATORIA BLOOD RED TRUMPET VINE



WISTERIA SPP. WISTERIA

BIORETENTION PLANTS



CONDRIPETALUM TECTORUM SMALL CAPE RUSH



IRIS DOUGLASIANA DOUGLAS IRIS



LEYMUS CONDENSATUS 'CANYON PRINCE' CANYON PRINCE WILD RYE

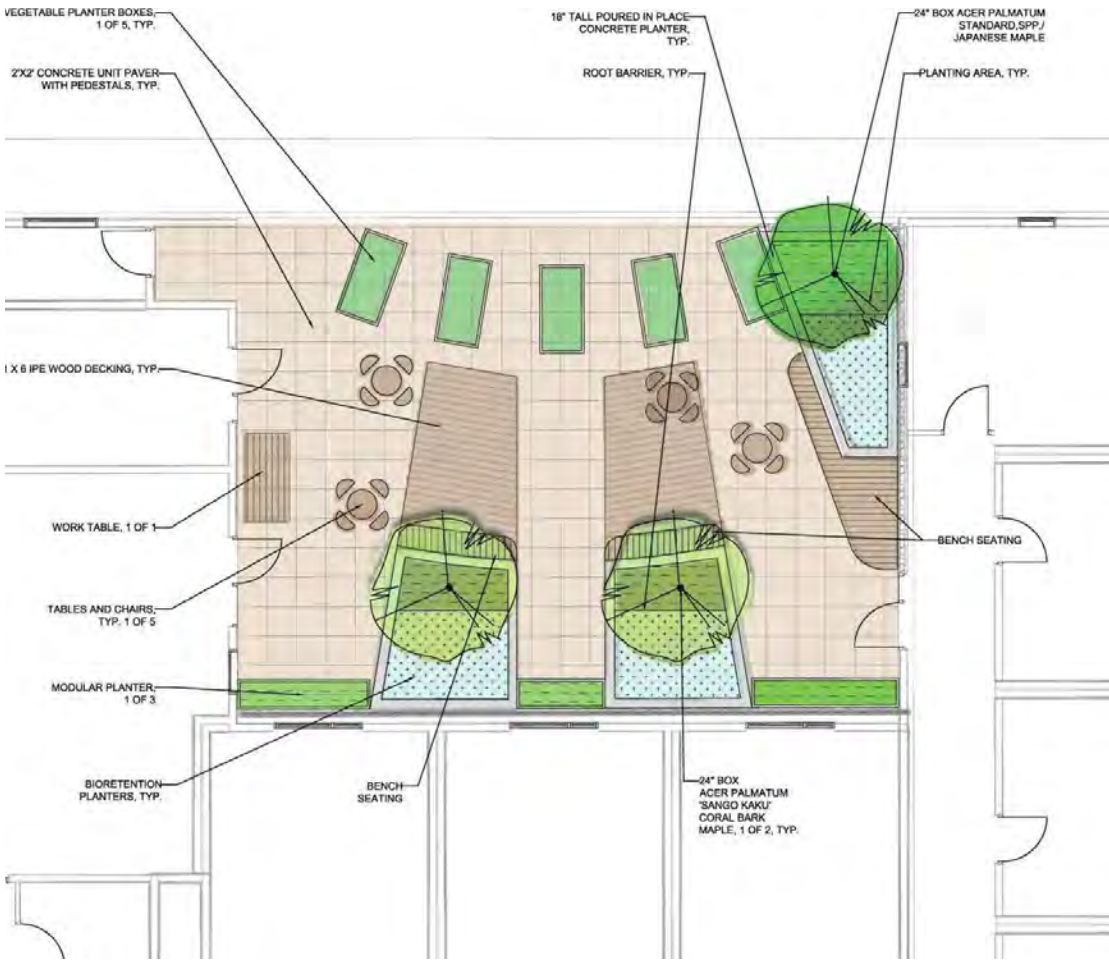


Whistlestop | GROUND FLOOR LANDSCAPE PLAN

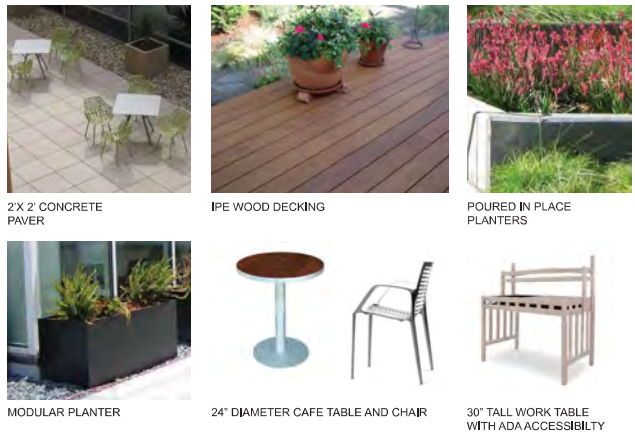
SAN RAFAEL, CA | 10/05/18 | EDEN HOUSING

LI.0





LANDSCAPE MATERIALS AND SITE FURNISHINGS IMAGERY



PRELIMINARY PLANT PALETTE



VEGETABLE PLANTER BOXES



BIORETENTION PLANTS



Whistlestop | THIRD FLOOR PODIUM LANDSCAPE PLAN

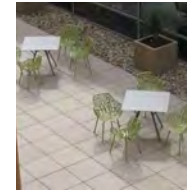
SAN RAFAEL, CA | 10/05/18 | EDEN HOUSING



L2.0



LANDSCAPE MATERIALS AND SITE FURNISHINGS IMAGERY



2'X 2' CONCRETE PAVER



MODULAR PLANTER

PRELIMINARY PLANT PALETTE

SHRUBS



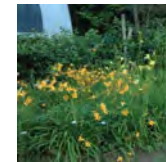
ANIGOZANTHOS, SPP.
KANGAROO PAWS



ASPIDISTRA ELATIOR
CAST IRON PLANT



DIETES VEGATA
FORTNIGHT LILY



HEMEROCALLIS SPP.
DAY LILY



POLYPODIUM CALIFORNICUM
CALIFORNIA POLYPODY



Whistlestop | SIXTH FLOOR ROOF DECKS LANDSCAPE PLAN

SAN RAFAEL, CA | 10/05/18 | EDEN HOUSING

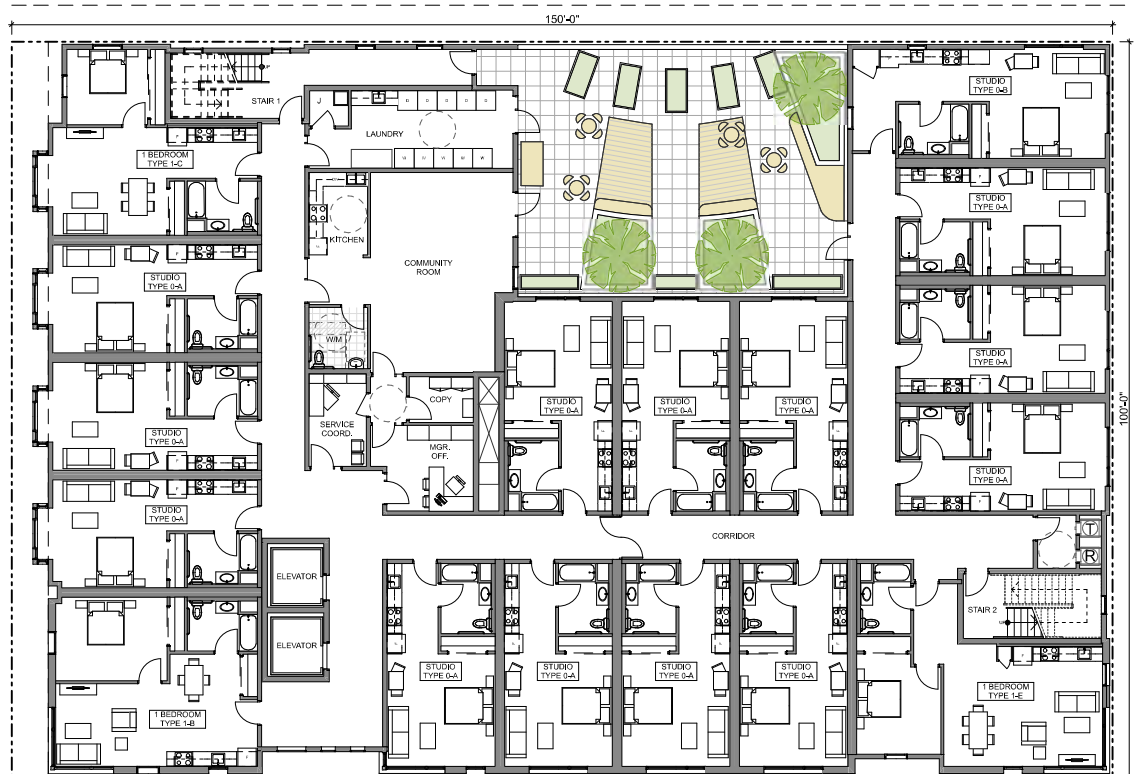
L3.0





Whistlestop | AERIAL GROUND FLOOR PLAN

SAN RAFAEL, CA | 10/05/18 | EDEN HOUSING



Whistlestop | THIRD FLOOR PLAN

SAN RAFAEL, CA | 10/05/18 | EDEN HOUSING

A3.0

MATERIALS & SYSTEMS	
1 CONCRETE BASE, PAINTED	11 METAL SHINGLES, COPPER COLOR
2 ALUMINUM STOREFRONT	12 BOARD & BATTEN, 'RANDOM' PATTERN
3 ALUMINUM OR VINYL WINDOWS	13 METAL GRILLE, PAINTED
4 STUCCO	14 ENTRY CANOPY
5 METAL OR CEMENT BOARD PANEL	15 METAL ROOF OR METAL FRAME
6 METAL RAILING, PAINTED	16 METAL FRAMED WINDOWS W/ VERTICAL FINS
7 FIBER CEMENT SIDING	17 GREEN WALL
8 METAL COPING	18 12" X 6" SIGNAGE (6 S.F.), LOGO (6 S.F.)
9 CONCRETE PLANTER	19 PARKING ENTRY & EXIT SIGNAGE (8"x12" LETTERING)
10 METAL SUNSHADE	

COLORS	
A	KELLY MOORE: 216 – MALIBU BEIGE
B	KELLY MOORE: KM5791 – NORTHPOINTE
C	KELLY MOORE: KM5793 – JASMINE HOLLOW
D	KELLY MOORE: KM5800 – SAUSALITO RIDGE
E	DARK BRONZE

GENERAL NOTES

- FEMA BASE FLOOD ELEVATION: 11'-0"
FINISHED FLOOR ELEVATION: 12'-0" (EXCEPT GARAGE ENTRY & EXIT AREA)
PER CITY OF SAN RAFAEL, A MINIMUM OF 1 FOOT ABOVE FEMA BASE FLOOD ELEVATION IS REQUIRED FOR ALL CRITICAL FACILITY SPACES.
- ROOFTOP MECHANICAL EQUIPMENT CONCEALED AND NOT VISIBLE FROM STREET LEVEL.



A8.0



Whistlestop | THIRD STREET ELEVATION (NORTH)

SAN RAFAEL, CA | 10/05/18 | EDEN HOUSING



MATERIALS & SYSTEMS

- | | |
|-------------------------------|--|
| 1 CONCRETE BASE, PAINTED | 11 METAL SHINGLES, COPPER COLOR |
| 2 ALUMINUM STOREFRONT | 12 BOARD & BATTEN, "RANDOM" PATTERN |
| 3 ALUMINUM OR VINYL WINDOWS | 13 METAL GRILLE, PAINTED |
| 4 STUCCO | 14 ENTRY CANOPY |
| 5 METAL OR CEMENT BOARD PANEL | 15 METAL ROOF OR METAL FRAME |
| 6 METAL RAILING, PAINTED | 16 METAL FRAMED WINDOWS W/ VERTICAL I |
| 7 FIBER CEMENT SIDING | 17 GREEN WALL |
| 8 METAL COPING | 18 12" X 6" SIGNAGE (6 S.F.), LOGO (6 S.F.) |
| 9 CONCRETE PLANTER | 19 PARKING ENTRY & EXIT SIGNAGE (8"-12" LETTERING) |
| 10 METAL SUNSHADE | |

COLORS

- | |
|---|
| A KELLY MOORE: 216 – MALIBU BEIGE |
| B KELLY MOORE: KM5791 – NORTHPOINTE |
| C KELLY MOORE: KM5793 – JASMINE HOLLOW |
| D KELLY MOORE: KM5800 – SAUSALITO RIDGE |
| E DARK BRONZE |

GENERAL NOTES

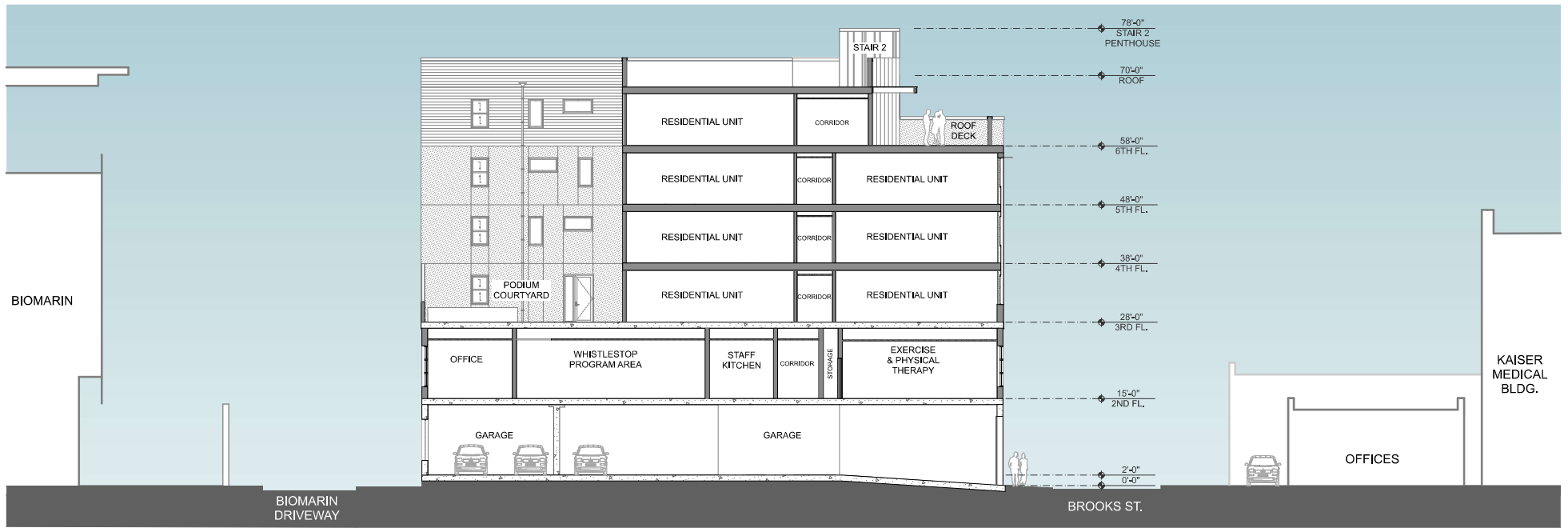
- FEMA BASE FLOOD ELEVATION: 11'-0" FINISHED FLOOR ELEVATION: 12'-0" (EXCEPT GARAGE ENTRY & EXIT AREA) PER CITY OF SAN RAFAEL, A MINIMUM OF 1 FOOT ABOVE FEMA BASE FLOOD ELEVATION IS REQUIRED FOR ALL CRITICAL FACILITY SPACES.
- ROOFTOP MECHANICAL EQUIPMENT CONCEALED AND NOT VISIBLE FROM STREET LEVEL.



Whistlestop | BROOKS STREET ELEVATION (WEST)

SAN RAFAEL, CA | 10/05/18 | EDEN HOUSING

A8.1



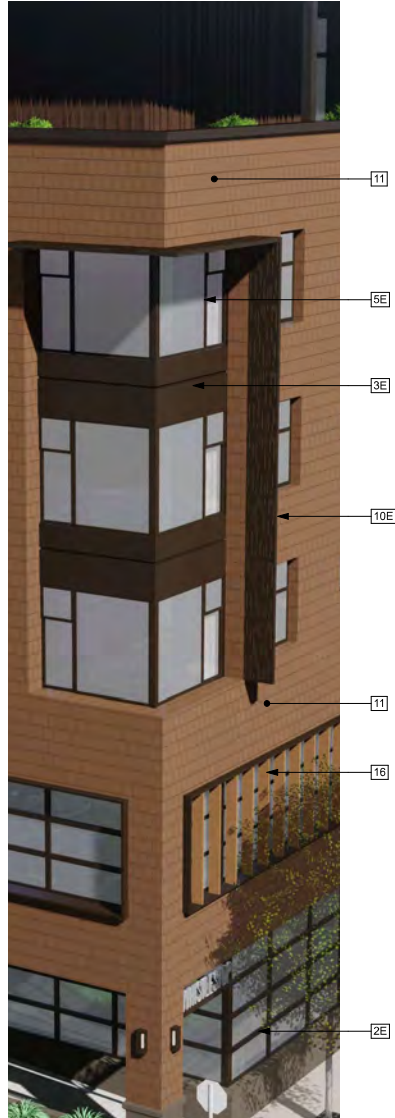
A9.0

Whistlestop | CROSS BUILDING SECTION
 SAN RAFAEL, CA | 10/05/18 | EDEN HOUSING





BAYS ALONG THIRD STREET



BUILDING CORNER AT THIRD AND BROOKS



WINDOW TREATMENT ALONG BROOKS

MATERIALS & SYSTEMS

- 1 CONCRETE BASE, PAINTED
- 2 ALUMINUM STOREFRONT
- 3 ALUMINUM OR VINYL WINDOWS
- 4 STUCCO
- 5 METAL OR CEMENT BOARD PANEL
- 6 METAL RAILING, PAINTED
- 7 FIBER CEMENT SIDING
- 8 METAL COPING
- 9 CONCRETE PLANTER
- 10 METAL SUNSHADE
- 11 METAL SHINGLES, COPPER COLOR
- 12 BOARD & BATTEN, 'RANDOM' PATTERN
- 13 METAL GRILLE, PAINTED
- 14 ENTRY CANOPY
- 15 METAL ROOF OR METAL FRAME
- 16 METAL FRAMED WINDOWS W/ VERTICAL FINS
- 17 GREEN WALL
- 18 12" X 6' SIGNAGE (6 S.F.), LOGO (6 S.F.)
- 19 PARKING ENTRY & EXIT SIGNAGE (8"-12" LETTERING)

COLORS

A	KELLY MOORE: 216 – MALIBU BEIGE
B	KELLY MOORE: KM5791 – NORTHPOINTE
C	KELLY MOORE: KM5793 – JASMINE HOLLOW
D	KELLY MOORE: KM5800 – SAUSALITO RIDGE
E	DARK BRONZE



BEFORE



AFTER

A13.0

Whistlestop | VIEW ALONG THIRD STREET LOOKING EAST

SAN RAFAEL, CA | 10/05/18 | EDEN HOUSING





BEFORE



AFTER

A13.1

Whistlestop | VIEW ALONG BROOKS STREET LOOKING NORTH

SAN RAFAEL, CA | 10/05/18 | EDEN HOUSING





BEFORE



AFTER

A13.2

Whistlestop | VIEW ALONG THIRD STREET LOOKING WEST

SAN RAFAEL, CA | 10/05/18 | EDEN HOUSING





May 6, 2019

San Rafael Planning Commission Members
c/o Raffi Boloyan, Planning Manager
1400 Fifth Avenue
San Rafael, CA 94901

Dear Members of the San Rafael Planning Commission,

On behalf of Canal Alliance, I am pleased to express support for the BioMarin/Whistlestop development in downtown San Rafael.

BioMarin is a valuable member of the San Rafael community, contributing greatly to both the diversification of industries in the area and to the local tax base and economy.

As a leading employer in San Rafael and Marin County, BioMarin also demonstrates its commitment to the local community through its volunteer involvement and financial investment in local nonprofits, including a partnership and sponsorship with Canal Alliance.

BioMarin's proposal for the mixed-use project development on Third Street in San Rafael provides an inspiring example of the role that cross-sector collaboration must play in addressing the most pressing issues facing our community. The shortage of affordable housing in our community is a complex challenge that will require coordinated and intentional partnerships – such as this one between BioMarin and Whistlestop – to solve. BioMarin is to be admired for partnering with Whistlestop to develop this project, which will improve seniors' access to critical services within the community and provide dozens of units of affordable housing for seniors in an accessible area of San Rafael.

Sincerely,

A handwritten signature in blue ink, appearing to read "Omar Carrera", is written over a large, light blue "X" mark.

Omar Carrera
Chief Executive Officer

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91 Larkspur Street
San Rafael, CA 94901
415.454.2640

canalalliance.org



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CYNTHIA MURRAY
President & CEO

KATE MURRAY
CAO

April 30, 2019

Re: BioMarin 999 3rd Street Development Project

Dear San Rafael Planning Commission,

NBLC is an employer-led public policy advocacy organization committed to providing leadership in ways to make the North Bay sustainable, prosperous and innovative. As business and civic leaders, our goal is to ensure economic health by building more housing, promoting better education, and improving our infrastructure to make our region a better place to live and work. Collectively, our members have over 25,000 employees. North Bay Leadership Council supports BioMarin's 999 3rd Street Development Project.

In October of 2018, BioMarin collaborated with local nonprofits Whistlestop and Eden Housing and submitted an innovative mixed-use development proposal application to develop the currently vacant brownfield property located at 999 3rd Street. This proposal embraces local, state, and federal initiatives to revitalize downtown areas and to redevelop brownfields.

BioMarin's portion of the proposed project consists of 207,000 sf of research laboratories, supporting offices, conference rooms, and amenities consisting of retail space and a landscaped plaza accessible to the public. The Whistlestop/Eden Housing portion of the project consists of an 18,000-square-foot Healthy Aging Campus with 67 units of affordable housing for older adults.

As one of the largest and fastest growing employers in San Rafael and Marin County, with a significant share of its workforce residing locally, this development will further help 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.

This project provides a number of public benefits to the city including:

- Provision of much needed affordable housing development for older adults and a Healthy Aging Campus
- Remediation and revitalization of a brownfield proximately situated to public transportation and downtown businesses
- BioMarin's donation of a portion of the property, valued at \$1.2 million, for the development of the healthy aging campus and affordable housing for older adults
- Provision of 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
- Promotion of San Rafael's goals of encouraging alternative modes of transportation with BioMarin's donation of funds to develop of a bike lane on Lindaro Street from 3rd Street to Anderson Drive
- BioMarin's donation of funds to enhance pedestrian safety with improved sidewalks and crosswalk design at the following intersections: Lindaro and 2nd Street, Lindaro and 3rd Street streets and 3rd Street and Lootens Place
- Support for the City of San Rafael's desire to attract and retain a growing and sophisticated work force with high paying jobs
- 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
- 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

BioMarin has a long history of giving back to the community. BioMarin supports programs and activities that foster excellence in-patient care and provide valuable scientific, medical, and educational information to the medical and scientific communities as well as patient advocacy organizations.

775 Baywood Dr., Suite 101 • Petaluma, CA 94954
707.283.0028 • Fax: 707.763.3028 • www.northbayleadership.org

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BioMarin is a proud partner with over 30 organizations throughout the county including the Downtown Streets Team, The Canal Alliance, San Rafael High's Science and Engineering Program, California Film Institute, Schools Rule, Side By Side, The North Marin Community Services, Whistlestop, North Bay Children's Center, 10,000 Degrees, St. Vincent de Paul Society of Marin, The Marin Humane Society, The San Rafael Pacifics, Biotech Partners' Biotech Academy at San Marin High School & Bioscience Career Institute at College of Marin.

North Bay Leadership Council supports BioMarin's efforts because they have been proven community leaders and contributors. Because of this we support the BioMarin 999 3rd Street Development Project.

Sincerely,

Cynthia Murray
President & CEO

San Rafael Chamber

May 7, 2019

City of San Rafael
Planning Commission
1400 5th Avenue
San Rafael, CA 94901

Re: BioMarin R&D Building/Whistlestop Senior Center/Eden Housing

Dear Planning Commissioners:


On behalf of the San Rafael Chamber of Commerce, which represents nearly 625 Marin County employers with over 26,000 employees, I write to express our support for the conceptual design of the project located at 999 Third Street in Downtown. The collaboration of the project between BioMarin and Whistlestop has been well thought out and provides the Downtown with significant benefits that could help reshape the future of our city.

In anticipation of SMART, way back in September of 2014, Whistlestop approached the Chamber and notified us that they had no other viable option other than utilizing their own land on Tamalpais Avenue to construct an active aging senior center with senior housing units above. The Chamber leadership endorsed this project at that time and has continued to follow their struggle to build much-needed housing in San Rafael. We are delighted that BioMarin, Whistlestop and Eden Housing have continued to collaborate on a forward-thinking way of utilizing the site at 999 Third Street to design both projects.

Since relocating to San Rafael in 2012, BioMarin has played an integral role in stimulating our Downtown area with an infusion of new clientele for many of our local businesses. Every weekday, you can find BioMarin employees shopping at our stores, eating in our cafés and restaurants, and bringing positive energy and pedestrian traffic to 4th St. and beyond. The company has contributed thousands of charitable dollars back into our community and established themselves as a vital contributor to well-paying jobs. In addition, BioMarin is cleaning a brownfield site while providing an incredible public amenity of a partial donation of their property to Whistlestop for some severely needed senior housing along

We continue to support this project and are anxious to see it built. The Chamber may have additional comments after hearing the Planning commissioner's remarks as well, but overall we support the preliminary designs of the buildings and urge the city and its staff to expedite the process in moving this project forward in an effort to create a vibrant Downtown, create new jobs and provide much needed senior housing.

Sincerely,



Joanne Webster
President and CEO

cc via email: Chamber Board of Directors



MARIN COUNTY
OFFICE OF EDUCATION

1111 LAS GALLINAS AVENUE/P.O. BOX 4925
SAN RAFAEL, CA 94913-4925
marincoe@marinschools.org

MARY JANE BURKE
MARIN COUNTY
SUPERINTENDENT OF SCHOOLS

(415) 472-4110
FAX (415) 491-6625

April 30, 2019

San Rafael Planning Commission
1400 Fifth Avenue, Room 203
San Rafael, CA 94901

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To the San Rafael Planning Commission,

I am very pleased to write this letter on behalf of BioMarin in recognition of their strong support for Marin County schools. Recognizing their responsibility to the local communities where they have such an important and visible presence, BioMarin offers financial support to schools to enhance learning opportunities for our students.

Through their corporate financial support as a Gold Sponsor of SchoolRule-Marin, BioMarin helps every student in every public school in our community. SchoolsRule-Marin is made up of all of Marin's school district foundations working as one to raise funds that are distributed on a per-student basis in the areas of literacy, technology, the arts and health. As a leading sponsor, BioMarin is helping to insure that all students, in all of Marin's public schools, have the best possible educational opportunities.

BioMarin understands the important role that industry plays in inspiring and helping to prepare our students to be the successful, knowledgeable and a skilled workforce we need now and into the future. BioMarin has provided funding and in-kind resources for science programs in Marin's high schools. The San Marin High School STEM Biotech Academy makes annual workplace visits to BioMarin labs and has had student interns placed at the company. Another example is BioMarin's support for the addition of a Grow Room at San Rafael High School, a program where students research how cities can feed themselves through food producing architecture.

In addition to support for local programs, BioMarin also supports programs throughout the Bay Area through their partnership with Biotech Partners. Biotech Partners educates underserved youth with personal, academic and professional development experiences that increase participation in higher education and access to fulfilling science careers.

Also, very noteworthy and so symbolic of BioMarin's sense of corporate responsibility is the *Rare Scholars* program, an annual scholarship for students living with a rare disease that aims to empower patients with continued education by recognizing students who have demonstrated leadership and participation in school and community activities.

As a leading Marin industry, BioMarin has made considerable investments in our community as they plan for their future. Our schools are so fortunate to have benefitted from that investment and we look forward to our continued partnership with BioMarin.

Sincerely,



MARY JANE BURKE
Marin County Superintendent of Schools

May 6, 2019

San Rafael Planning Commission
1400 Fifth Ave,
San Rafael, CA 94901

Subject: BioMarin/ 999rd 3rd Street Development

Dear Planning Commissioners,

The California Film Institute (CFI) would like highlight the partnership we have shared with BioMarin over the last few years. Their local program support and commitment to the region has been a benefit to the county in so many ways. Not only do they support our programs through their charitable donations, they are also a frequent partner of the Christopher B. Smith Film Center where they hold a number of employee meetings and events. As the largest non-governmental employer in Marin, their economic benefits to the city is second only to the amazing work they do for their patients.

We are also supportive of their collaboration with Whistlestop and Eden Housing for the future expansion on 999 3rd Street to bring more employment and much needed senior housing to San Rafael. **The revitalization of this former brownfield situated next to public transportation will create much-needed synergy in the heart of downtown.** It is essential for the California Film Institute to have anchor companies like BioMarin within the city to improve the city infrastructure and grow a solid economic base.

We look forward to our continued partnership with BioMarin and are fortunate to have them in our community.

Sincerely,



Beau Blanchard
The California Film Institute



CALIFORNIA
FILM INSTITUTE

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Mark Fishkin

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Restoring Hope Through the Dignity of Work

4/11/19

Att: San Rafael Planning Commission

It is with great pleasure that I write this letter to highlight the generosity and social impact we've experienced by partnering with BioMarin. In 2016, Downtown Streets Team, the City of San Rafael and the San Rafael BID launched the Put Your Change To Work reduction in panhandling program. This program was intended to reduce panhandling in San Rafael's downtown corridor with the ideology that when panhandling is rewarded through intermittent or positive reinforcement, it perpetuates panhandling; furthering tensions between the homeless community and the business community. The business community feels as if panhandling drives away business and the homeless community feels unwelcome, and ostracized.

Downtown Streets Team implemented a program with bright purple/pink refurbished parking meters to give those who want to give an easy method to give, accepting credit cards and pocket change, so contributors can feel confident that their money is going towards covering the basic needs of the people that need it most. Those that find the need to panhandle, can join Downtown Streets Team, a nonprofit that gives those experiencing homelessness the opportunity to volunteer in exchange for stipends that cover their basic needs, allowing them to shop at Safeway and other stores. The stipends themselves have less spending flexibility than SSI/SSDI but more flexibility than CalFresh. Program participants also get work experience and the opportunity to move into employment through one of our pipelines. With the amount of money that BioMarin gave us, we've been able to serve up to six of our Team Members over the course of two years.

BioMarin was one of the first supporters of this program and they sponsored a meter for two years, during that time, according to anonymous/optional survey results from local businesses, more than half of the downtown businesses noted that they saw a positive impact in San Rafael street behavior and wanted to see the program expanded. This impact couldn't have been had without the support of BioMarin and other sponsors.

Logan McDonnell
Sr. Director of Development
Downtown Streets Team
Logan@streetsteam.org
408.334.4757



April 16, 2019

San Rafael Planning Commission
1400 Fifth Ave,
San Rafael, CA 94901

Dear Planning Commissioners,

This letter is to applaud BioMarin for their generous contribution to our new playground in Albert Park. We were very happy to see them step in as a community partner, and at one of the highest financial levels that we received.

We are also supportive of their partnership with Whistlestop and Eden Housing for a future expansion on 999 3rd Street to bring more employment and much needed low-income affordable housing to downtown. It is our goal to support top-tier companies like BioMarin within the city to improve our downtown.

We look forward to working with BioMarin in the future and are glad to have them in our community.

Sincerely,

The B Team Steering Committee



May 3, 2019

San Rafael Planning Commission
1400 Fifth Ave,
San Rafael, CA 94901

RE: BioMarin-Whistlestop/ 999rd 3rd Street Development

To Whom it May Concern,

The Marin Economic Forum (MEF) is a public-private non-profit organization that focuses on Marin County's economic vitality. Our organization includes Board members that represent public and private sector, including some of Marin's leading companies and employers. One of our members is BioMarin Pharmaceuticals, who has been represented by the Vice President of Government Affairs Kathryn Lowell. Mrs. Lowell has contributed her time and expertise to support our organization.

BioMarin has a 20-year legacy here in Marin and is the largest non-government employer in the county. In a study conducted by MEF, we found that BioMarin's operations contribute over \$721 million annually to the Bay Area's economy and contribute more than \$19 million total in state and local taxes, including \$10 million in sales and property tax. Beyond the fiscal contributions to our local economy, BioMarin also represents an important example of the innovative types of companies that are born and grow in Marin County. In a recent national survey of employees by Forbe's magazine, BioMarin ranked fourth on the "America's Best Midsize Employers" in the 2019 list and first among its peers in the "Drugs & Biotechnology" industry.

We support any action that would retain or expand BioMarin's operations in the county.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Blakeley".

Mike Blakeley, CEO
Marin Economic Forum

1050 Northgate Drive, Ste. 54, San Rafael, CA 94903 · (415) 483-9332
www.marineconomicforum.org



May 9, 2019

City of San Rafael Planning Commission
1400 Fifth Avenue, Room 203
San Rafael, CA 94901
c/o Raffi Boloyan, Planning Manager

Re: 999 Third Street Development Project

Honorable Chair and Commissioners:

On behalf of Sunny Hills Services, dba Side by Side, I'm writing to express our strong support for this project, for the following reasons:

- The Project will significantly improve the quality of life for San Rafael and Marin County residents, specifically by providing much needed affordable housing for seniors, which will also alleviate the dire shortage of workforce and affordable housing in the county.
- Whistlestop's Healthy Aging Center will be a valuable resource for seniors in San Rafael and Marin County, especially those with limited incomes.
- The Project will greatly enhance the 3rd Street downtown corridor, improving a vacant brownfield site, creating a landscaped plaza accessible to the public during daytime hours, and improving bike access and pedestrian safety in the area.
- BioMarin's donation of property valued at \$1.2 million towards the Project, and donation of funds towards the bicycle and pedestrian enhancements, sets a positive example of private support to leverage scarce funding for projects that serve community needs.
- Both Whistlestop and BioMarin are exemplary members of the San Rafael and Marin County business and nonprofit communities, whose combined expertise and experience anticipate the successful completion and operation of the Project.

Side by Side's TAY Space program serves transition age youth (TAY) who struggle with severe mental health issues compounded by poverty, homeless and trauma histories. The TAY Space program also runs a drop-in center for youth at its location near the project on B Street, and we appreciate the economic and quality of life benefits that the Project will bring to the neighborhood and the community.

BioMarin has been a steadfast partner of Side by Side and many other community benefit organizations in Marin County for many years, providing much needed philanthropic support allowing us to provide essential services to members of our community.

We strongly encourage the Planning Commission to approve this application.

Sincerely,
Mary Denton

Mary Denton
CEO

300 Sunny Hills Drive, Bldg. 5
San Anselmo, CA 94960
Phone: 415-457-3200 | Fax: 415-456-4679
sidebysideyouth.org

Formerly Sunny Hills Services