

**ORDINANCE NO. 1981**

**AN ORDINANCE OF THE CITY OF SAN RAFAEL ADOPTING AN AMENDED PLANNED DEVELOPMENT (PD) REZONING (ZC18-002) FOR THE SAN RAFAEL CORPORATE CENTER (SRCC) PLANNED DEVELOPMENT, INCLUDING THE RESCISSION OF THE PD 1936 DISTRICT, BY ADOPTION OF A NEW PD DISTRICT TO: 1) ALLOW EXPANSION OF THE CURRENT SRCC PD DISTRICT BY INCORPORATING THE 118,099 SQ. FT. OF THE 999 3<sup>RD</sup> STREET PROPERTY INTO THE BOUNDARIES; AND 2) UPDATE PD DISTRICT REGULATIONS TO INCORPORATE REVISED PARKING STANDARDS AND DEVELOPMENT REGULATIONS TO ALLOW THE DEVELOPMENT OF TWO 72-FOOT TALL, FOUR-STORY RESEARCH AND DEVELOPMENT BUILDINGS (APN 011-265-01 AND 013-021-34, 35, 50, 51, 52, 53, 54 & 55,)**

**WHEREAS**, in February 1998, the San Rafael City Council adopted a Planned Development District (PD-1721) approving a Master Plan for the development of a 406,000 square foot office park on a 15.54-acre site located south of Second Street in Downtown San Rafael (the "SRCC Property"). The PD-1721 District established zoning and standards for development of the subject property with the San Rafael Corporate Center office park (SRCC), consisting of five buildings (totaling 406,000 square feet), two parking structures, surface parking, campus landscaping and publicly accessible park area along Mahon Creek; and

**WHEREAS**, in August 2000, the City Council adopted an amendment to the Planned Development (PD-1721) District to approve changes in the zoning district development standards in order to accommodate multi-tenant use of the SRCC. The amended Planned Development District was rezoned to PD-1754; and

**WHEREAS**, in October 2011, the City Council adopted an amendment to the Planned Development (PD-1754) District to expand the allowed land uses for the SRCC to include medical use and research and development and allowed the adopted parking standard of 3.3 parking spaces per 1,000 in the Master Plan (instead of 4.4 parking spaces per 1,000 sq. ft. for medical office). The amended Planned Development District was rezoned to PD-1901; and

**WHEREAS**, in October 2015, the City Council adopted an amendment to the Planned Development (PD-1901) District approving a 72,396 square foot, 54-foot tall, four-story office building at 755 Lindaro Street on the western parcel surface parking lot (Parcel 1) and a six story expansion of the previously approved and built parking structure at 788 Lincoln Ave. (Parcel 8) of the SRCC. The build-out of the approved campus totals 478,396 sq. ft. allowed by the PD 1936. The amended Planned Development District, PD-1936, is the zoning currently governing the SRCC Property; and

**WHEREAS**, between 2000 and today, the SRCC Property has been developed in various phases. The last office building (5<sup>th</sup> of 6 entitled) and the second parking garage approved were constructed in 2015-2016 under the terms of the Planned Development (PD-1901) District. The build-out of the approved campus totals 400,700 sq. ft., which is 5,300 sq. ft. less than the 406,000 sq. ft. allowed by the PD 1901; and

**WHEREAS**, on October 10, 2018, BioMarin Pharmaceutical (BioMarin) submitted project applications to the City of San Rafael Community Development Department for a General Plan Amendment (GPA18-001), Planned Development (PD) Rezoning (ZC18-002), Zoning Ordinance Text Amendment (ZO18-003), Development Agreement (DA19-001), Master Use Permit (UP18-034), Environmental and Design Review Permit (ED18-087), Small

Subdivision (S18-001), and Sign Program Amendment (SP18-006) for the development of two 72-foot tall, four-story Research and Development buildings for BioMarin and a 67-unit, 70-foot tall, six-story senior center and affordable senior housing building for Whistlestop/EDEN Housing on a 133,099 sq. ft. parcel at 999 3<sup>rd</sup> Street (the “Project”); and

**WHEREAS**, the total development for BioMarin includes a request to incorporate 118,099 square feet of the 999 3<sup>rd</sup> Street property into the existing SRCC Property’s PD District. The total site area of the proposed campus would be 795,021 sq. ft.; and

**WHEREAS**, the application to incorporate the portion of 999 3<sup>rd</sup> Street into the SRCC campus and development of the two new buildings at 999 3<sup>rd</sup> Street, create a blended FAR amongst all SRCC properties, and use a shared parking arrangement requires an Amendment to the PD-1936 District; and

**WHEREAS**, on March 12, 2019, the Planning Commission held an appropriately noticed public scoping hearing on the Notice of Preparation (NOP) for the preparation of an Environmental Impact Report (EIR) to assess the impacts of the Project. The Planning Commission directed staff to prepare an EIR for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) to address the following issues, Aesthetics, Air Quality, Biological Resources, Cultural resources, Geology and Soils, Greenhouse Gas Emissions, Energy, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Public Services, Recreation, Transportation, Tribal Cultural Services, Utilities, and Project Alternatives; and

**WHEREAS**, the DEIR was completed and a Notice of Completion (NOC) was filed and the DEIR made available and circulated for a 45-day public comment period, beginning on August 9, 2019 and closing on September 23, 2019; and

**WHEREAS**, on September 24, 2019, the Planning Commission held a duly noticed public hearing to accept comments on the DEIR and directed staff to prepare a Final Environmental Impact Report (FEIR); and

**WHEREAS**, the Final EIR was prepared and released for public review on January 10, 2020; and

**WHEREAS**, on January 28, 2020, the Planning Commission held a duly noticed public hearing on the Project, including this Planned Development Rezoning (ZC18-002), along with a General Plan Amendment (GPA18-001), Zoning Ordinance Text Amendment (ZO18-003), Development Agreement (DA19-001), Master Use Permit (UP18-034), Environmental and Design Review Permit (ED18-087), Small Subdivision (S18-001) and Sign Program Amendment (SP18-18-006), accepting all oral and written public testimony and the written report of the Community Development Department Planning staff; and

**WHEREAS**, on January 28, 2020, the Planning Commission considered the responses to comments contained in the FEIR and recommended to the City Council, by Resolution No. 20-01, certification of the Final EIR in that it complies with all requirements of CEQA; and

**WHEREAS**, on January 28, 2020, the Planning Commission adopted Resolution No. 20-05, recommending to the City Council approval of the proposed Planned Development Rezoning; and

**WHEREAS**, on February 28, 2020, a Notice of Availability for the FEIR/Response to Comments was mailed to interested persons and property owners and occupants within 500 feet of the property and to all responsible, trustee and other public agencies that commented on the DEIR, informing them of the City Council hearing for final action. A Notice of Availability was also published in the Marin Independent Journal on Saturday, February 29, 2020 and the site was posted with public hearing signs; and

**WHEREAS**, on March 23, 2020, the City Council held a duly noticed public hearing to review the application to amend the PD-1936 Zoning District and considered all oral and written public testimony and the written report of the Community Development Department; and

**WHEREAS**, on March 23, 2020, by adoption of separate two resolutions, the City Council certified the FEIR for the Project, adopted CEQA findings of fact, adopted a statement of overriding consideration and approved the Mitigation Monitoring and Reporting Program (MMRP); and

**WHEREAS**, as required by San Rafael Municipal Code (SRMC) Sections 14.07.090 and 14.27.060, in support of amending the Zoning Ordinance to rescind the existing Planned Development (PD) District (PD-1936) and Second/Third Mixed Use East (2/3 MUE) District, as shown on the map contained in Exhibit "B" and further described in Exhibit "C," and to establish a new PD District as outlined in Exhibit "A" (San Rafael Corporate Center Master Plan), which exhibits are attached and incorporated herein by reference, the City Council makes the following findings:

1. As proposed and conditioned, approval of this PD Amendment to expand the allowable uses to include an additional 207,000 square feet of laboratory and general office uses in two 72-foot tall, four-story buildings, on 118,099 square feet of 999 3<sup>rd</sup> Street, would be consistent with the applicable goals and policies of the San Rafael General Plan 2020 and in conformance with the provisions of the PD-1936 District, as amended. Specifically:
  - a. As proposed, the laboratory and office land uses are consistent with General Plan Land Use Element Policies LU-23 (*Land Use Map and Categories*), LU-10 (i), LU-9 (*Intensity of Nonresidential Development*), LU-12 (*Building Heights*), LU-14 (*Land Use Compatibility*) in that these uses would be: allowable under the adopted Lindero Office land use designation; compatible with the current land uses allowed under the PD-1936 District adopted for this site; and compatible with existing land uses found in the surrounding area. In addition, by separate action, the City Council has approved a height bonus and an accompanying General Plan amendment.
  - b. Although the proposed Project will conflict with Circulation Element Policies C-5 (*Traffic Level of Service Standards*), the City Council has adopted by separate Resolution a waiver to the LOS standards for this Project consistent with C-5e, based on a finding that the benefits of the Project outweigh the impacts.
  - c. The Project would be consistent with C-7 (*Circulation Improvements Funding*) and C-12 (*Transportation Demand Management*) in that the office use component would be subject to the adopted citywide traffic mitigation fees which would be used to fund long-term transportation improvements; and the Project would not change the current City requirement and obligation of the office park owner to implement transportation demand measures such as encouraging tenants, through incentives, to carpool and use public transit.

- d. As proposed, the laboratory and office land uses would be consistent with General Plan Neighborhood Element Policies NH-15 (*Downtown Vision*), NH-16 (*Economic Success*), NH-38 (*Lindero Office District*) and NH-8 (*Parking*) in that they would: facilitate additional employment and future economic success in the Downtown area; promote build-out of the San Rafael Corporate Center project by allowing a land use that is appropriate and marketable; allow compatible land uses that would fill current and long-term projected vacancies in general and administrative office space; and promote a reasonable reduction in required parking supported by the Project's proximity to Downtown, the Bettini Transit Center and the SMART rail stations.
  - e. As proposed, the laboratory and office land uses would be consistent with the General Plan Community Design Element Policy CD-21 (*Parking lot landscaping*) in that: the uses proposed will have an approved landscaping plan that will provide shade cover and adequate screening of vehicles within parking lot areas.
  - f. As proposed, the laboratory and office land uses would be consistent with the General Plan Sustainability Element Policies SU-1 (*Land Use*) and SU-2 (*Promote Alternative Transportation*), and the adopted Climate Change Action Plan in that: the uses are proposed within an existing and approved development office park that is close to public transit and Downtown; the project proposes a reduction in the amount of required parking for the medical use component, thus reducing thermal gain and shared parking; and the additional mix in land uses would facilitate the implementation of transportation demand measures such as encouraging tenants, through incentives, to carpool and use public transit.
  - g. The approval of additional laboratory and office land uses would be consistent with Our Vision of Downtown San Rafael in that it would further promote new businesses and employment in the Downtown area.
  - h. The approval of laboratory and office land uses would be consistent with the PD-District, as amended by this PD rezoning.
2. The proposed additional laboratory and office uses would not be detrimental to the health, safety or general welfare of the residents or community in that:
    - a. These uses would be compatible with the currently approved and operating administrative, laboratory, and general office uses. These uses would be compatible with surrounding and immediate land uses and development.
    - b. These uses would be consistent and not in conflict with the deed restriction recorded for the San Rafael Corporate Center, which permits commercial and office land uses but prohibits use and development with residential and day care land uses. No residential uses would be included on the 118,099 sq. ft. land area addition to the San Rafael Corporate Center.
    - c. The addition of these land uses would realize the development of a vacant downtown parcel that is contemplated for laboratory and general office uses. The Corporate Center is adequately served by local facilities and utilities and the proposed land uses would be an extension of the ongoing operations.
  3. The proposed addition of laboratory and general office land uses will result in a reduction in parking ratio requirements currently adopted in the San Rafael Corporate Center Master Plan (3.3 spaces/1,000 square feet). The initial approval of the San Rafael Corporate Center found that this development has been designed to adequately address the automobile, bicycle and pedestrian traffic systems. Consistent with SRMC Section

14.18.040B, the Project has been studied for parking needs for laboratory, office, and amenities uses at this location finding that the use of the proposed parking standard for the office park is reasonable, appropriate and adequate in that:

- a. The proposed parking standard of 3.0 parking spaces per 1,000 square feet of gross square feet (GSF) for office, 1.5 parking spaces per 1,000 square feet of GSF for laboratory/research and development, and 1.0 spaces per 1,000 GSF of amenities is equitable and logical based on the parking study demand and usage on the existing BioMarin campus and studies and usage for other biotech campuses around the Bay Area as documented in the parking demand study for the proposed project.
  - b. The approvals and agreements established for the San Rafael Corporate Center will require a parking contingency plan should the office park be used for multi-tenants or converted from laboratory land uses. The project owner will be required to demonstrate available parking upon sale of the property or conversion from BioMarin (a single tenant) to multi-tenant uses.
  - c. The San Rafael Corporate Center is in immediate proximity to the Bettini Transit Center (major transit hub for Marin County) and the Downtown San Rafael SMART rail station. The immediate access to mass transit reduces parking demand, which appropriately supports lower parking standards.
4. The proposed uses are found to be appropriate in area, location and overall planning for the purpose intended, and the design and development standards create a non-residential environment of sustained desirability and stability given that the Project is located on a centralized, downtown, vacant, infill-parcel contemplated for development in the General Plan along a major arterial road. The proposed uses are consistent with the surrounding development and the existing BioMarin campus at the San Rafael Corporate Center. The proposed Project uses high quality design materials and has been reviewed by the Design Review Board for recommendation of approval. The proposed Project will allow for growth of a major employer in the downtown area.
  5. The applicant demonstrates that public facilities are provided to serve the anticipated population as documented in the Final EIR for the proposed Project and based on review by City departments for Code consistency regarding sewer, water, and other utilities. The proposed project is located in the downtown area of San Rafael where existing infrastructure is already in place to serve the Project site.
  6. The development is improved by deviations from typical zoning ordinance property development and parking standards given that it functions as a campus for a large biotechnology company and promotes high quality design, including clustering, landscaping, and parking sharing across the campus, and allows for flexibility of height and FAR standards.
  7. The auto, bicycle, and pedestrian traffic system is adequately designed for circulation needs and public safety and emergency vehicle access is provided to serve the proposed development based on review by City departments including Police and Fire. The proposed access points have been reviewed by City departments for Code consistency. Improvements to the bike and pedestrian networks in the surrounding area are included as part of the Project. Although the Project deviates from Level of Service standards as documented by the Final EIR for the proposal, the project has been approved by separate actions, including a Exception to LOS standards and a

statement of overriding considerations for circulation impacts which remain significant and unavoidable impacts.

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

**DIVISION 1. Amendment of Map.**

The Zoning Map of the City of San Rafael, California, adopted by reference by Section 14.01.020 of the San Rafael Municipal Code is amended by reclassifying the following real property from PD-1936 (Planned Development District 1936) and Second/Third Mixed Use East (2/3MUE) District to PD (Planned Development Ordinance No. \_\_\_\_\_ District. Said property so reclassified is located at 999 3<sup>rd</sup> Street (portion of), 750, 770, 775 and 790 Lindaro Street and 781, 788 and 791 Lincoln Avenue, designated as County Assessor's Parcel No's (APN): 011-265-01 (portion of) and 013-021-34, -35, -50, -51, -52, -53, -54 & -55, as shown on the map attached as Exhibit "B" and described in Exhibit "C", which are attached and incorporated by reference.

**DIVISION 2. Conditions.**

Any development of this property shall be subject to the conditions outlined Exhibit "A", the *San Rafael Corporate Center Master Plan*, which is attached hereto and made a part hereof.

**DIVISION 3. Severability.**

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

**DIVISION 4. Publication; Effective Date.**

This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published, and circulated in the City of San Rafael, and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.



GARY O. PHILLIPS, Mayor

ATTEST:



LINDSAY LARA, City Clerk

The foregoing Ordinance No. 1981 was introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 23<sup>rd</sup> day of March 2020 and ordered passed to print by the following vote, to wit:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the City Council to be held on the 6<sup>th</sup> day of April 2020.



LINDSAY LARA, City Clerk

Exhibit A: Development Standards

Exhibit B: PD Map

Exhibit C: Property Description (Meets & Bounds)

## Exhibit A

### San Rafael Corporate Center Master Plan

(Formerly Ordinance 1721, 1754, 1901, and 1936 Fair, Isaac Office Park Master Plan)  
(ZC18-002)

#### INTENT

The San Rafael Corporate Center (formerly Fair, Isaac Office Park and currently known as BioMarin San Rafael Campus) Master Plan is based on the plans (Development Plan) approved for the Environmental and Design Review Permit (ED97-24, ED14-097 and ED18-087), Master Use Permit (UP14-052 and UP18-034) and Tentative Maps (TS97-1 and S18-001), approved by the City Council on February 17, 1998, August 7, 2000, December 5, 2011, October 19, 2015, and March 16, 2020.

#### LAND USES

This office park permits a maximum of 715,500 sq. ft. of building area within 8 buildings approved for the following uses: administrative office, general office, research/development uses, and accessory uses and parking.

1. Administrative and General Office Use. Administrative and general office uses as defined by San Rafael Municipal Code Title 19 (Zoning).
2. Research and Development Use. Research and development use is defined as a use engaged in scientific, medical or technological research with limited product testing and production. This use excludes full production of industrial type manufacturing and generally operates similar to and characteristic of low-intensity, general office use. Medical laboratories established for research (as opposed to labs providing testing services for patients/visitors) would be defined as a research and development use.
3. Uses determined to be incidental or accessory to the above-listed land uses shall be permitted, as determined to be appropriate by the Community Development Director.

In addition to the above buildings, the office park permits accessory parking structures to support the proposed development. Requirements and conditions for all uses in the office park shall be consistent with Master Use Permit UP14-052 and UP19-034. Residential and day care land uses are prohibited by recorded deed restriction.

#### DEVELOPMENT STANDARDS

The following standards shall apply to all development of the San Rafael Corporate Center (formerly Fair, Isaac Office Park and currently known as BioMarin San Rafael Campus):

1. Maximum floor area ratio:	0.90 blended maximum floor area ratio, per Development Plan approved under the office park Master Use Permit (UP18-034) and Environmental and Design Review Permit (ED18-087).
2. Building Height:	<u>Proposed buildings</u> - Maximum 54 feet, plus an 20-foot building height bonus for the two new buildings at 999 3 <sup>rd</sup> St, based on



	<p>provision of public benefit as addressed below..</p> <p><u>Existing Buildings</u> - Maximum 54 feet plus a 24 foot height bonus previously granted by City for existing buildings within the campus (750 Lindaro St, 770 Lindaro St, 790 Lindaro St and 791 Lincoln Ave on the Central Parcel). Master Use Permit (UP14-052) (applicable to the Original SRC Property in the Lindaro Office land use district) and Environmental and Design Review Permit (ED14-097), as shown in General Plan Exhibit 10. The building height bonuses requires public benefit provisions as addressed below.</p>
<p>3. Landscaping:</p>	<p>Landscaping shall be consistent with the Development Plan approved under the office park Environmental and Design Review Permits (ED14-097 and ED18-087).</p>
<p>4. On-site Parking:</p>	<ul style="list-style-type: none"> <li>• 3.0 parking spaces per 1,000 gross square feet of office area,</li> <li>• 1.5 spaces per 1,000 gross square feet of research/development area, and</li> <li>• 1.0 spaces per 1,000 gross square feet of amenity area.</li> </ul> <p>Compliance with and monitoring of on-site parking shall be enforced through the conditions of the approval required by the office park Master Use Permit (UP14-097 and UP18-034).</p> <p><u>Parking Contingency:</u> BioMarin will incorporate the following provisions into an enforceable deed restriction for the entire project site, Western parcels, Central parcels, Eastern Parcel and northern Parcel (except the portion transferred to Whistlestop/Eden Housing):</p> <ol style="list-style-type: none"> <li>a. Changes in tenancy or use (type of use of change to multiple tenants, rather than single tenant), 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 the current Planned Development (PD) District shall provide additional automobile parking, bicycle parking, and loading space as required by this Planned Development (PD) District and/or demonstrate to the satisfaction of the City that an enhanced Transportation Demand Management Program will meet the increased parking demand.</li> <li>b. Existing parking shall be maintained, but may be replaced in a reconstructed parking facility.</li> <li>c. 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 Planned Development (PD) District).</li> </ol>

5. Building Coverage	Building coverage shall be consistent with the Development Plan approved under the office park Environmental and Design Review Permit (ED14-097 and ED18-087).
6. Public Benefits:	<p>The existing SRCC development received height bonus for four (4) of the buildings noted above in exchange for certain public benefits, including provision of a privately maintained park with public access adjacent to Mahon Creek and conference/meeting room available to the public. (UP14-052)</p> <p>In addition for the new development of the three buildings (755 Lindaro, and two buildings at 999 3<sup>rd</sup> St), subdivision and transfer of 15,000 sq ft of land to Whistlestop at the 999 3<sup>rd</sup> St site, a 6,000 sq ft “front porch” plaza open to the public and 3,000 sq ft retail space are to be provided in the 999 3<sup>rd</sup> St building as required by the Development agreement set forth in the office park Use Permit (UP18-034).</p> <p>Other public benefits required for the Development Agreement, 18 ft height bonus for the two buildings at 999 3<sup>rd</sup> St, Statement of Overriding Considerations to CEQA Impacts are required as described in DA19-001</p>
7. Development Phasing	The three unbuilt buildings and expansion of the Lincoln Ave garage are to be phased within the 10-year term of the Development Agreement (DA). See DA19-001 and UP18-034.
8. Park Facility	The office park development shall provide a privately maintained park with public access adjacent to Mahon Creek as set forth in the office park Use Permit (UP14-052 and UP18-034)
9. Minor Additions/ Accessory Structures	Minor accessory structures or minor additions to the building that are determined to be accessory to the primary use and minimal in impact as determined by the Community Development Director, may be considered through review and approval of a Environmental and Design Review Permit, without an amendment to the PD District.

**DESIGN STANDARDS**

All buildings, structures, site improvements, landscaping, parking and exterior lighting shall be consistent with the Development Plan and conditions of approval for the office park Environmental and Design Review Permit.

- ED14-097 and ED17-057 shall govern the new building design at 755 Lindaro St and the expansion to the Lincoln Ave parking garage; and
- ED18-087 shall govern the design of the two new buildings at 999 3<sup>rd</sup> St.

**TERM**

This PD District and project approvals include a Development Agreement, as authorized by the California Government Code Section 65864 et seq., therefore this PD shall be approved for the term as defined by the Development Agreement, as long as there is compliance with all requirements and obligations of the Development Agreement.

## Exhibit B PD Boundary Map



## Exhibit C

### Legal Description

#### **"Western Parcel" (APN 013-012-38 AND 39) Reference PARCEL TWO**

A portion of that certain parcel of land described in the deed from F. M. Neely and Sara Neely, his wife, to PG&E recorded December 12, 1922 in Volume 11 of Official Records at page 209, Marin County Records and being more particularly described as follows:

Beginning at the intersection of the southerly boundary line of the city street known as Second Street, with the westerly boundary line of the city street known as Lindaro Street and running thence along said westerly boundary:

- (1) south 06°45'00" west 299.22 feet; thence
- (2) south 08°53 '00" west 405.54 feet  
to a point in the northerly boundary line of the Northwestern Pacific Railroad Right  
of Way; thence along said northerly boundary line
- (3) north 54°38'00" west 396.88 feet; thence leaving said northerly  
boundary line
- (4) north 06°38'05" east 238.95 feet; thence
- (5) south 83°33'00" east 241.53 feet to a point herein for  
convenience called Point "A"; thence
- (6) north 06°38'05" east 273.54 feet to a point in the southerly  
boundary line of said Second Street, thence running along said southerly  
boundary line.
- (7) south 83°33'00" east 123.00 feet, more or less, to the point  
of beginning.

The bearings used are based on the Record of Survey filed for record May 10, 1985 in Book 20 of Surveys at page 47, Marin County Records.

Reserving therefrom the following easements over and across those certain portions  
of the Parcel Two:

1. The "Exclusive Gas Meter Easement";
2. The "Nonexclusive Gas Meter Easement";
3. The "West Parcel Slurry Wall Easement";
4. The "Area SA Extraction Trench Easement";
5. The "Area SB Extraction Trench Easement"; and
6. The "West Parcel Electric Facilities Easement"; which are more particularly  
described as follows:

#### Exclusive Gas Meter Easement

Beginning at a point in the easterly boundary line of the parcel of land hereinbefore described and designated PARCEL TWO, being also the westerly boundary line of said Lindaro Street, from which the southeast corner of said PARCEL TWO bears south 08°53'00" west 329.67 feet; thence leaving said easterly boundary line:

- (1) north 81°07'00" west 30.00 feet; thence
- (2) north 08°53'00" east 30.00 feet; thence
- (3) south 81°07'00" east 30.00 feet to a point in said easterly boundary;  
thence along said easterly boundary line
- (4) south 08°53'00" west 30.00 feet to the point of beginning.

Nonexclusive Gas Meter Easement

Beginning at the southwest corner of the parcel of land hereinbefore described and designated Exclusive Gas Meter Easement and running thence

- (1) north 81°07'00" west 20.00 feet; thence
- (2) north 08°53 '00" east 50.00 feet; thence
- (3) south 81 °07'00" east 50.00 feet; more or less,  
to a point in the easterly boundary line of said PARCEL TWO, being also the westerly boundary line of said Lindaro Street; thence along said easterly boundary line.

(4) south 08°53 '00" west 20.00 feet  
to the northeast corner of said Exclusive Gas Meter Easement; thence along the northerly boundary line of said Exclusive Gas Meter Easement

- (5) north 81°07'00" west 30.00 feet  
to the northwest corner of said Exclusive Gas Meter Easement; thence along the westerly boundary line of said Exclusive Gas Meter Easement
- (6) south 08°53 '00" west 30.00 feet to the point of beginning.

West Parcel Slurry Wall Easement

A strip of land of the uniform width of 20 feet extending from the general northerly boundary line of said PARCEL TWO, southerly to the southwesterly boundary line of said PARCEL TWO and lying 10 feet on each side of the line described as follows:

Beginning at a point in the general northerly boundary line of said PARCEL TWO, from which said Point "A" bears south 83°33'00" east 216.93 feet; thence leaving said general northerly boundary line

- (1) south 06°29'15" west 206.97 feet; thence
- (2) on a tangent curve to the left with a radius of 100.00 feet and tangent at the northerly terminus thereof to the preceding course, an arc distance of 5-8.23 feet, more or less, to a point in the southwesterly boundary line of said PARCEL TWO.

Area SA Extraction Trench Easement

Beginning at said Point "A" and running thence along the general westerly boundary line of said PARCEL TWO

- (1) north 06°38'05" east 273.54 feet

to a point in the northerly boundary line of said PARCEL TWO, being also the southerly boundary line of said Second Street, thence along said northerly boundary line  
(2) south 83°33'00" east 19.63 feet; thence leaving said northerly boundary line  
(3) south 05°41 '35" west 457.82 feet; thence  
(4) north 84°18'25" west 27.16 feet; more or less,  
to a point in the southerly prolongation of the general westerly boundary line of said PARCEL TWO; thence  
(7) north 06°38'05" east 184.60 feet, more or less, to the point of beginning. Area

5B Extraction Trench Easement

A strip of land of the uniform width of 16 feet extending westerly from the easterly boundary of said PARCEL TWO, and lying 8 feet on each side of the line described as follows:

Beginning at a point in the easterly boundary line of said PARCEL TWO, being also the westerly boundary line of said Lindaro Street, from which the southeast comer of PARCEL TWO bears south 08°53 '00" west 157.56 feet; thence leaving said easterly boundary line  
(1) north 80°40'14" west 135.97 feet to a point within the boundary lines of PARCEL TWO.

West Parcel Electric Facilities Easement and the Substation Access Easement

That portion of said PARCEL TWO lying westerly and southwesterly of a line described as follows:

Beginning at said Point "A" and running thence along the southerly prolongation of the general westerly boundary line of said PARCEL TWO  
(1) south 06°38'05" west 269.32 feet; thence  
(2) south 54°38'00" east 125.95 feet, more or less,  
to a point in the easterly boundary line of said PARCEL TWO.

**"CENTRAL PARCEL"  
(APN 013-021-51, 52, 53, 54 AND 55)**

**Reference: PARCEL ONE**

The 8.280 acre parcel of land as shown upon the Record of Survey filed for record May 10, 1985 in Book 20 of Surveys at page 47, Marin County Records. Reserving therefrom the following easements over and across those certain portions of the Parcel One:

- A. The "Central Parcel Slurry Wall Easement";
- B. The "Central Parcel Extraction Trench Easement"; and
- C. The "Central Parcel Electric Facilities

Easement"; which are more particularly described as follows:

**Central Parcel Slurry Wall Easement**

A strip of land of the uniform width of 20 feet extending from the westerly boundary line of the parcel of land hereinbefore described and designated PARCEL ONE easterly and northerly to the northerly boundary line of said PARCEL ONE and lying 10 feet on each side of the line described as follows:

Beginning at a point in the westerly boundary line of said PARCEL ONE, from which a rebar and cap stamped "LS 4545", herein for convenience called Point "B", accepted as marking the northeasterly terminus of a course in the westerly boundary line of the 8.280 acre parcel of land as shown upon said Record of Survey filed for record May 10, 1985, which course as shown upon said map has a bearing of S8°53' wand a length of 421.24 feet, bears north 08°53 '00" east 364.35 feet; thence leaving said westerly boundary line•

- (1) south 76°44'52" east 70.89 feet; thence
- (2) south 84°17'14" east 32.74 feet; thence
- (3) south 79°31'32" east 111.67 feet; thence
- (4) south 76°52'26" east 104.19 feet; thence
- (5) north 87°55'06" east 104.33 feet; thence
- (6) north 62°01'36" east 31.14 feet; thence
- (7) north 46°27'46" east 23.10 feet; thence
- (8) north 33°08'08" east 12.71 feet; thence
- (9) north 19°37'58" east 36.67 feet; thence
- (10) north 00°14'58" east 46.69 feet; thence
- (11) north 10°10'31" west 41.35 feet; thence
- (12) north 06°57'47" west 97.03 feet; thence
- (13) north 04°56'07" west 42.24 feet; thence
- (14) north 03°58'51" east 124.15 feet; thence
- (15) north 09°00'19" east 35.36 feet; thence
- (16) north 08°34'17" east 106.14 feet; thence
- (17) north 07°26'47" east 107.63 feet, more or less,



to a point in the northerly boundary line of said PARCEL ONE.

Central Parcel Extraction Trench Easement

A strip of land of the uniform width of 16 feet extending easterly from the westerly boundary line of said PARCEL ONE, and lying 8 feet on each side of the line described as follows:

Beginning at a point in the westerly boundary line of said PARCEL ONE, from which Point "B" bears north 08°53 '00" east 249.70 feet; thence leaving said westerly boundary line.

(1)-south 80°42'05" east 14.39 feet; thence

(2) south 79°43'14" east 64.83 feet

to a point within the boundary lines of PARCEL ONE.

Central Parcel Electric Facilities Easement

That portion of said PARCEL ONE, lying easterly and southerly of the general easterly boundary line of the strip of land hereinbefore described and designated Central Parcel Slurry Wall Easement.

**"EASTERN  
PARCEL" (APN  
013-021-50)**

All that certain real property situated in the City of San Rafael, County of Marin, State of California, described as follows:

**PARCEL ONE:**

BEGINNING at a point in the Southerly line of Second Street distant 496.5 feet Easterly from the point of intersection of the said Southerly line of Second Street with the Easterly line of Lindaro Street; thence running Easterly along said line of Second Street

140.1 feet to the Southerly line of the San Rafael and San Quentin Turnpike or Toll Road, now known as Francisco Boulevard; thence Southerly and Easterly along said line of said Turnpike 90 feet; thence leaving said Turnpike and running South  $14^{\circ}59'$  West 153.5 feet; thence North  $38^{\circ}41'$  West 278.3 feet to the point of beginning.

EXCEPTING THEREFROM all that portion there of lying within the lines of Lincoln Avenue.

AND FURTHER EXCEPTING any portion of the above described property which may have been tidelands in the bed of any tidal slough below the elevation of ordinary high tide.

**PARCEL TWO:**

BEGINNING at the point of intersection of the Southerly line of Second Street, with the Easterly line of Petaluma Avenue (now known as Lincoln Avenue); thence Easterly along the Southerly line of Second Street 6/10 of a foot to the most Westerly corner of that certain lot or parcel of land which was conveyed by John W. Mackay and James L. Flood to the City of San Rafael, by Deed dated June 5, 1893 and recorded in Book 26 of Deeds at Page 238, Marin County Records; thence along the Southwesterly line of said lot, South  $38^{\circ}04'$ <sup>1</sup> East 278.3 feet to the most Southerly corner of said lot; thence along the Easterly line of said lot, North  $14^{\circ}59'$ <sup>1</sup> East 153.6 feet to the Southerly line of the Toll Road; thence Easterly along the Southerly line of the Toll Road 6.6 feet to the Westerly bank of the said tidal canal South  $11^{\circ}04'$ <sup>1</sup> West 289 feet; thence continuing along said Westerly bank on the arc of a circle having a radius of 441.7 feet, 462.3 feet to the said Easterly line of Petaluma Avenue; thence Northerly along the said Easterly line of Petaluma Avenue 702.8 feet to the point of beginning.

EXCEPTING THEREFROM all that portion thereof as contained in the Deed from the City of San Rafael, a municipal corporation, to Pacific Gas and Electric Company, a California corporation, recorded October 18, 1961 in Book 1507 of Official Records at Page 381, and re-recorded November 29, 1961 in Book 1519 of Official Records at Page 608, Marin County Records.

ALSO EXCEPTING THEREFROM all that portion thereof described as follows: A STRIP OF LAND, 10 feet in width, lying Southeasterly of and contiguous to the Southeasterly boundary of that certain parcel of land described in the Deed from the City of San Rafael, a municipal corporation, to Pacific Gas and Electric Company, a California corporation, recorded

October 18, 1961 in Book 1507 of Official Records at Page 381, and re-recorded November 29, 1961 in Book 1519 of Official Records at Page 508, Marin County Records.

ALSO EXCEPTING THEREFROM all that portion thereof lying within the lines of Lincoln Avenue.

AND FURTHER EXCEPTING any portion of the above described property which may have been tidelands in the bed of any tidal slough below the elevation of ordinary high tide.

### PARCEL THREE

AN EASEMENT for sanitary sewer purposes described as follows:

A STRIP of land of the uniform width of 20 feet, the centerline of which is described as follows:

COMMENCEMENT at a point on the Easterly line of Lindaro Street at the Intersection of two courses bearing South 7° 15' West and South 8° 15' West, as said courses are shown upon that map entitled, "Map of a Portion of Lindaro Street, City of San Rafael, Marin County, California", filed for record March 2, 1937 in Volume 2 of Official Surveys, at Page 83, Marin County Records; thence North 8° 53' East 32.92 feet to the true point of beginning; thence Southeasterly perpendicular to the aforementioned Easterly line, 315.00 feet; thence along a tangent curve to the left, through a central angle of 510 00' 00" having a radius of 215.00 feet, an arc distance of 191.37 feet; thence North 47° 53' East 70 feet, more or less, to the termination of the easement and also the Westerly line of Lincoln Avenue, described as an arc 194.78 feet long in a Deed from the City of San Rafael to the Pacific Gas and Electric Company, recorded October 18, 1961 in Book 1507 of Official Records at Page 381, Marin County Records.

### PARCEL FOUR

That certain real property situate in the City of San Rafael, County of Marin, State of California, more particularly described as follows:

COMMENCING at the intersection of the southerly line of Second Street with the easterly line of Lincoln Avenue, said point being located South 50°10'00" East 0.32 feet from a lead plug and tag RE5561 set in a concrete sidewalk, and as shown on the Record of Survey Map filed May 10, 1985 in Book 20 of Surveys at Page 47,- Marin County Records;

thence along said southerly line of Second Street South 83°33'00" East 140.70 feet to the southwesterly line of Francisco Boulevard;

thence leaving the southerly line of Second Street and along said southwesterly line of Francisco Boulevard, South 51°37'29" East 98.68 feet to the westerly line of Parcel4, conveyed to the San Rafael Redevelopment Agency by deed recorded October 30, 1997, in Document No. 97-062019;

thence along said westerly line South 11°32'07" West 95.76 feet to the True Point of Beginning;

thence continuing along said westerly line South  $11^{\circ}32'07''$  West 189.48 feet; thence on a curve to the right tangent to the preceding course having a radius of 441.70 feet through a central angle of  $36^{\circ}01'12''$ , an arc length of 277.68 feet to the easterly line of aforementioned Lincoln Avenue;

thence along said easterly line of Lincoln Avenue on a curve to the left whose radius point bears North  $60^{\circ}08'08''$  East 473 feet, through a central angle of  $01^{\circ}17'20''$ , an arc length of 10.64 feet;

thence leaving said easterly line of Lincoln Avenue on a curve to the left whose radius point bears North  $31^{\circ}36'30''$  West, a distance of 315.00 feet, through a central angle of  $50^{\circ}24'27''$ , an arc length of 277.73 feet;

thence North  $12^{\circ}06'01''$  East 102.01 feet;

thence North  $06^{\circ}19'27''$  East 109.66 feet;

thence leaving the westerly line of said tidal slough North  $80^{\circ}50'15''$  West 13.96 feet to the Point of Beginning.

Said Parcel contains an area of 0.24 acres, more or less.

**"NORTHERN  
PARCEL"  
(Portion of APN  
011-265-01)**

PARCEL 1 (2402-06-0520)

The parcel of land conveyed by Allan Lee and others to the San Rafael Gas and Electric Light Company, predecessor in interest of Pacific Gas and Electric Company, by deed dated March 22, 1888 and recorded in Book 7 of Deeds at page 532, Marin County Records, and therein described as follows:

“BEGINNING at the Northwesterly corner of lot number One (1) in block number forty one (41) as the same is marked shown and numbered on the Plat of the Town Site of the Town of San Rafael made by Hiram Austin and filed in the office of the County Recorder of said County of Marin on the 14<sup>th</sup> day of October 1873 running thence easterly along said southerly line of Third Street as shown on said plat two hundred (200) feet, thence at right angles southerly One hundred and fifty (150) feet, thence at right angles Westerly parallel with the southerly line of Third Street two hundred (200) feet to the easterly line of a Street marked on said plat, thence Northerly along the Easterly line of said last mentioned street one hundred and fifty (150) feet to the point of beginning.”

PARCEL 2 (2402-06-0526)

The parcel of land conveyed by Will Brooks to the San Rafael Gas and Electric Light Company, predecessor in interest of Pacific Gas and Electric Company, by deed dated November 10, 1893 and recorded in Book 28 of Deeds at page 88, Marin County Records, and therein described as follows:

“COMMENCING at a point on the South side of Third Street distant one hundred and ninety five 4/12 feet Easterly from A Street thence running South at right angles to Third Street three hundred and eight feet to Second Street one hundred and ninety five 4/12 feet east from A Street thence running Easterly along Second Street one hundred and Sixty eight feet thence North by West to a point distant three hundred and ten 4/12 feet from A Street Easterly and one hundred and eighty one feet South from Third Street thence North in a line parallel to A Street one hundred and eighty one feet to Third Street thence West along Third Street one hundred and fifteen feet to the place of beginning.”

EXCEPTING THEREFROM that portion thereof described in the deed from Pacific Gas and Electric Company to the City of San Rafael recorded April 10, 1912 in Book 142 of Deeds at page 439, Marin County Records.

PARCEL 3 (2402-06-0525)

The parcel of land conveyed by Edward B. Mahon to the San Rafael Gas and Electric light Company, predecessor in interest of Pacific Gas and Electric Company, by deed dated December 6, 1899 and recorded in Book 58 of Deeds at page 210, Marin County Records, and therein described as follows:

“BEGINNING at the South West corner of the lot occupied by the San Rafael Gas & Electric Light Company’s gas works said point being on the East line of Court Street and distant 150 feet South

from the South line of Third Street thence from said beginning point, running S. 6 3/4° W. along the East line of Court Street (150) One hundred and fifty feet, thence Easterly, parallel with Third Street (300) Three hundred feet, to the West line of a Street called Lindaro Street, thence North along the West line of Lindaro Street (150) One hundred & fifty feet to the North boundary line of Lot 2 in Block 41, as per Map of Town site of the Town of San Rafael filed Oct. 14th 1873 in the County Recorder's Office of said Marin County, running thence Westerly along said boundary line (300) three hundred feet to the point of beginning."

PARCEL 4 (2402-06-0523)

The parcel of land conveyed by the City of San Rafael to Pacific Gas and Electric Company by deed dated November 22, 1910 and recorded in Book 132 of Deeds at page 279, Marin County Records, and therein described as follows:

"Commencing at a point formed by the intersection of the southerly line of Third Street with the westerly line of Court Street, and running thence easterly and along said line of Third Street sixty-six (66) feet, more or less, to the easterly line of Court Street, thence at a right angle southerly and along said easterly line of Court Street three hundred and ten (310) feet, more or less, to the northerly line of Second Street, thence at a right angle westerly and along said last mentioned line sixty-six (66) feet, more or less, to the westerly line of Court Street, and thence northerly and along said last mentioned line three hundred and ten (310) feet, more or less, to the southerly line of Third Street and the point of commencement."

PARCEL 5 (2402-06-0524)

The parcel of land conveyed by Peter Williams and Emma Williams to Pacific Gas and Electric Company by deed dated June 17, 1911 and recorded in Book 136 of Deeds at page 174, Marin County Records, and therein described as follows:

"Commencing at the intersection of the south line of Third Street with the west line of Lindaro Street and running thence westerly along the south line of Third Street one hundred feet, thence southerly parallel with Lindaro Street one hundred and fifty feet; thence at right angles easterly one hundred feet to the west line of Lindaro Street, thence northerly along the said west line of Lindaro Street one hundred and fifty feet to the place of commencement."