



SAN RAFAEL CITY COUNCIL – MONDAY, NOVEMBER 19, 2018

**REGULAR MEETING
COUNCIL CHAMBERS, CITY HALL
1400 FIFTH AVENUE, SAN RAFAEL, CALIFORNIA**

AGENDA

OPEN SESSION – COUNCIL CHAMBERS, CITY HALL

1. None.

CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL

2. Closed Session: None.

OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM

The public is welcome to address the City Council at this time on matters not on the agenda that are within its jurisdiction. Please be advised that pursuant to Government Code Section 54954.2, the City Council is not permitted to discuss or take action on any matter not on the agenda unless it determines that an emergency exists, or that there is a need to take immediate action which arose following posting of the agenda. Comments may be no longer than two minutes and should be respectful to the community.

CITY MANAGER'S REPORT:

3. City Manager's Report:

SPECIAL PRESENTATIONS:

4. Special Presentations:
 - a. Presentation from Pacific Gas & Electric (PG&E) on Recent Gas Main Construction in San Rafael (PW)

CONSENT CALENDAR:

The opportunity for public comment on consent calendar items will occur prior to the City Council's vote on the Consent Calendar. The City Council may approve the entire consent calendar with one action. In the alternative, items on the Consent Calendar may be removed by any City Council or staff member, for separate discussion and vote.

5. Consent Calendar Items:

- a. **Approval of Minutes**
Approval of Minutes of City Council / Successor Agency Regular Meeting of November 5, 2018 (CC)
Recommended Action – Approve as submitted
- b. **Measure E Transactions and Use Tax Oversight Committee Reappointment**
Reappointment of Jacqueline Schmidt and Lawrence “Larry” Luckham to Fill Two Four-Year Terms on the Measure E Transactions and Use Tax Oversight Committee to the End of November 2022 (CC)
Recommended Action – Approve as submitted

c. **Amendments to the San Rafael Municipal Code**

Second Reading and Final Adoption of Ordinance No. 1964 - An Ordinance of the City of San Rafael Amending Title 11 (Public Works), Title 14 (Zoning Ordinance) and the Zoning Maps of the San Rafael Municipal Code to: A) Add a Permit Exemption for Certain Encroachments into the Public Right of Way; B) Make Minor Clarifications and Corrections of Text; C) Modify Land Uses and Land Use Definitions and Standards; and D) Modify the Zoning District Boundary Line for Three Properties Located at Rice Drive/Francisco Blvd (APN's 013-041-52, -55, -67) and 2 Properties Located at Lincoln Ave/Prospect Dr (APN'S 011-092-15 and -26) (ZO18-002/ZC18-001) (CD)

Recommended Action - Approve Final Adoption of Ordinance 1964

d. **G Street Improvements - Phase II Project Completion**

Accept Completion of the G Street Improvements - Phase II Project (City Project No. 11345) and Authorize the City Clerk to File the Notice of Completion (PW)

Recommended Action - Approve staff recommendation

PUBLIC HEARINGS:

6. Public Hearings:

a. **Paramedic Service Special Tax Procedures**

Consideration of an Ordinance of the City of San Rafael Amending Chapter 3.28 of the San Rafael Municipal Code Regarding the Paramedic Service Special Tax (CA)

Recommended Action - Pass Ordinance to Print

b. **"TEFRA" Public Hearing for Tax-Exempt Financing - 55 Fairfax Street**

Resolution Approving the Issuance of a Revenue Note by the California Municipal Finance Authority for the Purpose of Providing Financing for a Residential Rental Housing Facility Known as Casa Vista Apartments, and with Regard to Certain Other Matters Relating Thereto (CD)

Recommended Action - Adopt Resolution

COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:

(including AB 1234 Reports on Meetings and Conferences Attended at City Expense)

7. Councilmember Reports:

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: None.

ADJOURNMENT:

Any records relating to an agenda item, received by a majority or more of the Council less than 72 hours before the meeting, shall be available for inspection in the City Clerk's Office, Room 209, 1400 Fifth Avenue, and placed with other agenda-related materials on the table in front of the Council Chamber prior to the meeting. Sign Language interpreters and assistive listening devices may be requested by calling (415) 485-3198 (TDD) or (415) 485-3066 (voice) at least 72 hours in advance. Copies of documents are available in accessible formats upon request. Public transportation is available through Golden Gate Transit, Line 22 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.

In the Council Chambers of the City of San Rafael, Monday, November 5, 2018



Regular Meeting

San Rafael City Council

Minutes

[How to participate in your City Council meeting PDF](#)

Present: Mayor Phillips
Vice-Mayor Gamblin
Councilmember Bushey
Councilmember Colin
Councilmember McCullough

Absent: None

Also Present: City Manager Jim Schutz
City Attorney Robert Epstein
City Clerk Lindsay Lara

OPEN SESSION – COUNCIL CHAMBERS, CITY HALL – 5:30 PM

1. Mayor Phillips to announce Closed Session items.

CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL – 5:30 PM

2. Closed Session:

- a. Conference with Legal Counsel— Anticipated Litigation
Government Code Section 54956.9(d)(4)- Initiation of Litigation (Two Potential Cases)
- b. Conference with Legal Counsel—Existing Litigation
Government Code Section 54956.9(d)(1)
Name of cases:
Kassil, et al. v. City of San Rafael, Marin Superior Court No. 1701800
Rotary Manor v. City of San Rafael, Marin Superior Court No. 1702340
Valley Baptist Church v. City of San Rafael, Marin Superior Court No. 1703328

- [City Attorney Robert Epstein announced that no reportable action was taken in Closed Session](#)

OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM

- [Margaret Deedy addressed the City Council regarding 5G Wireless Telecommunications / Mayor Phillips](#)
- [Bob Berg addressed the City Council regarding 5G Wireless Telecommunications](#)
- [Kathleen Boggs addressed the City Council regarding 5G Wireless Telecommunications](#)
- [Allen Liggett addressed the City Council regarding 5G Wireless Telecommunications](#)
- [George Mills addressed the City Council regarding 5G Wireless Telecommunications](#)

- Gayle Mills addressed the City Council regarding 5G Wireless Telecommunications
- Valeri Hood addressed the City Council regarding 5G Wireless Telecommunication
- Roberta Anthes addressed the City Council regarding 5G Wireless Telecommunications
- Bret Goldman addressed the City Council regarding Marin Humane Society
- Alex Stadtner addressed the City Council regarding 5G Wireless Telecommunications and Dixie School District
- Jess Lerner addressed the City Council regarding 5G Wireless Telecommunications

CITY MANAGER'S REPORT:

3. City Manager's Report

- City Manager Jim Schutz
 - reported on 5G Wireless Telecommunications;
 - announced Election Day on Tuesday, November 6, 2018;
 - expressed thanks to Multi-Cultural Center of Marin for Día de Los Muertos;
 - expressed thanks for the Annual West End Village Celebration;
 - announced new pilot lighting program with crisscross street lights
- Mayor Phillips

CONSENT CALENDAR:

4. Consent Calendar Items:

Councilmember Bushey moved and Councilmember Colin seconded to approve the remainder of the Consent Calendar

- a. **Approval of Minutes**
Approval of Minutes of City Council / Successor Agency Regular Meeting of October 15, 2018 (CC)
[Minutes 10/15/2018](#)

Approved as submitted

- c. **City Quarterly Investment Report**
Acceptance of the City of San Rafael Quarterly Investment Report for the Quarter Ending September 30, 2018 (Fin)
[City Quarterly Investment Report](#)

Accepted report

- d. **Street Resurfacing 2016-17 Project Completion**
Accept Completion of the Street Resurfacing 2016-2017 Project (City Project No. 11306), and Authorize the City Clerk to File the Notice of Completion (PW)
[Street Resurfacing](#)

Approved staff recommendation

- e. **Third Street at Hetherton Street Improvements**
Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. for Engineering Design Services Associated with the Third Street at Hetherton Street Improvement Project, City Project No. 11320, in an Amount Not to Exceed \$64,903.81 (PW)
[Third Street at Hetherton Street Improvements](#)

RESOLUTION 14597 - RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ENGINEERING DESIGN SERVICES ASSOCIATED WITH THE THIRD STREET AT HETHERTON STREET IMPROVEMENTS PROJECT, CITY PROJECT NO. 11320, IN AN AMOUNT NOT TO EXCEED \$64,903.81

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

The following item was removed from the Consent Calendar for comment:

- b. **2019 Bail Schedule**
Resolution Approving the 2019 Bail Schedule for Violations of the San Rafael Municipal Code (CA)
[2019 Bail Schedule](#)
[Exhibit A: Bail Schedule 2019](#)

[Councilmember McCullough / Lisa Goldfien, Assistant City Attorney](#)

[Mayor Phillips](#)

[Mayor Phillips invited public comment](#)

[Kate Powers](#)

[Mayor Phillips closed the public comment period](#)

[Mayor Phillips / Lisa Goldfien](#)

[Councilmember McCullough](#)

[Councilmember McCullough moved and Councilmember Gamblin seconded to adopt the Resolution subject to the inclusion of the 2019 Bail Schedule](#)

RESOLUTION 14598 - A RESOLUTION APPROVING THE 2019 BAIL SCHEDULE FOR VIOLATIONS OF THE SAN RAFAEL MUNICIPAL CODE

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

PUBLIC HEARINGS:

5. Public Hearings:

- a. **Amendments to the San Rafael Municipal Code**
Consideration of An Ordinance of the City of San Rafael City Council Amending Title 11 (Public Works), Title 14 (Zoning Ordinance) and the Zoning Maps of the San Rafael Municipal Code to: a) Add a Permit Exemption for Certain Encroachments Into the Public Right of Way; b) Make Minor Clarifications and Corrections of Text; c) Modify Land Use Definitions and Standards; and d) Modify the Zoning District Boundary Line for Three Properties Located at Rice Drive/Francisco Blvd.

(APN's 013-041-52, -55, -67) and 2 Properties Located at Lincoln Ave./Prospect Dr. (APN's 011-092-15 and -26) (ZO18-002/ZC18-001) (CD)
[Amendments to San Rafael Municipal Code](#)
[Proposed modifications to Exhibits A and B](#)

Ali Giudice, Project Planner, presented the staff report

Councilmember McCullough / Ali Giudice

Councilmember McCullough / Ali Giudice

Councilmember McCullough / Ali Giudice

Councilmember McCullough / Ali Giudice

Councilmember McCullough / Ali Giudice

Councilmember McCullough / Ali Giudice

Councilmember Colin / Paul Jensen, Community Development Director

Paul Jensen

Councilmember Colin / Ali Giudice

Mayor Phillips declared the public hearing opened

Sue Wilson

Robin Bocce / Ali Giudice / Paul Jensen

There being no further comment from the audience, Mayor Phillips declared the public hearing closed

Ali Giudice

Mayor Phillips

Councilmember Colin / Paul Jensen

City Attorney Robert Epstein

Councilmember Colin / Robert Epstein

Councilmember McCullough / Paul Jensen

Councilmember McCullough / Paul Jensen

Councilmember McCullough moved and Councilmember Colin seconded to dispense with the reading of the ordinance in its entirety and refer to it by title only, and pass Charter Ordinance No. 1964 to print

ORDINANCE NO. 1964 - AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING TITLE 11 (PUBLIC WORKS), TITLE 14 (ZONING ORDINANCE) AND THE ZONING MAPS OF THE SAN RAFAEL MUNICIPAL CODE TO: A) ADD A PERMIT EXEMPTION FOR CERTAIN ENCROACHMENTS INTO THE PUBLIC RIGHT OF WAY; B) MAKE MINOR CLARIFICATIONS AND CORRECTIONS OF TEXT; C) MODIFY LAND USES AND LAND USE DEFINITIONS AND STANDARDS; AND D) MODIFY THE ZONING DISTRICT BOUNDARY LINE FOR THREE PROPERTIES LOCATED AT RICE DIVE/FRANCISCO BLVD (APN'S 013-041-52, -55, -67) AND 2 PROPERTIES LOCATED AT LINCOLN AVE/PROSPECT DR (APN'S 011-092-15 AND -26) (ZO18-002/ZC18-001)

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

OTHER AGENDA ITEMS:

6. Other Agenda Items:

- a. **San Rafael Transit Center Relocation
Resolution Approving and Authorizing the Mayor to Sign a Letter to the Golden Gate Bridge,
Highway & Transportation District Summarizing City Comments on the San Rafael Transit Center
Relocation Project Notice of Preparation (CD)**
[Transit Center Relocation Project](#)

[Paul Jensen, Community Development Director, presented the staff report](#)

[Councilmember Colin](#)

[Councilmember Bushey](#)

[Mayor Phillips invited public comment](#)

[Jeffrey Rhoads](#)

[Bill Carney, Sustainable San Rafael](#)

[Kate Powers](#)

[Leslie Simons, San Rafael Heritage](#)

[Hue Murphy](#)

[Justin Barnett](#)

[There being no further comment from the audience, Mayor Phillips closed the public comment period](#)

[Mayor Phillips](#)

[Councilmember Bushey](#)

Councilmember McCullough

Councilmember Colin moved and Councilmember Gamblin seconded to adopt the Resolution

RESOLUTION 14599 - A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SIGN A LETTER TO THE GOLDEN GATE BRIDGE, HIGHWAY & TRANSPORTATION DISTRICT SUMMARIZING CITY COMMENTS ON THE SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT (SRTC) NOTICE OF PREPARATION (NOP); P18-001

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

- b. **Year-End Financial Statements and Related Audit Reports**
Fiscal Year 2017-2018 Annual Financial Report; Gann Appropriations Limit Report; Memorandum on Internal Control; Child Development Program Report; and Single Audit Reports (Fin)
[Year-End Financial Statements and Related Audit Reports](#)
[Errata Year End Financial Audit Report FY 17-18](#)

Nadine Hade, Finance Director, presented the staff report

Kathryn Yu, Maze and Associates

Mayor Phillips / Karen Yu

Mayor Phillips invited public comment; however, there was none.

Mayor Phillips

Councilmember Bushey moved and Councilmember Colin seconded to accept the report

Accepted reports

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

- c. **Fire Chief Officers' Association Memorandum of Understanding**
Resolution Approving the Memorandum of Understanding Between the City and the San Rafael Fire Chief Officers' Association Pertaining to Compensation and Working Conditions (July 1, 2018 Through June 30, 2020) (HR)
[San Rafael Fire Chief Officers' Association MOU](#)

Sylvia Gonzalez, Human Resources Coordinator, presented the staff report

Mayor Phillips

Mayor Phillips invited public comment; however, there was none.

Councilmember Bushey moved and Councilmember Gamblin seconded to adopt the Resolution

RESOLUTION 14600 - RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND SAN RAFAEL FIRE CHIEF OFFICERS' ASSOCIATION PERTAINING TO COMPENSATION AND WORKING CONDITIONS (JULY 1, 2018 THROUGH JUNE 30, 2020)

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

- d. **Police Mid-Managers' Association Memorandum of Understanding Resolution Approving a Memorandum of Understanding Between the City and San Rafael Police Mid-Managers' Association Pertaining to Compensation and Working Conditions (July 1, 2018 Through June 30, 2020) (HR)**
[San Rafael Police Mid-Managers' Association MOU](#)

[Sylvia Gonzalez, Human Resources Coordinator, presented the staff report](#)

[Mayor Phillips invited public comment; however, there was none.](#)

[Councilmember Bushey moved and Councilmember Colin seconded to adopt the Resolution](#)

RESOLUTION 14601 - RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND SAN RAFAEL POLICE MID-MANAGERS' ASSOCIATION PERTAINING TO COMPENSATION AND WORKING CONDITIONS (JULY 1, 2018 THROUGH JUNE 30, 2020)

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

COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:

7. Councilmember Reports:

- [Councilmember Colin reported on the Board of Supervisor Workshop on homelessness and Marin Transit](#)
- [Mayor Phillips reported on homelessness, City Council subcommittees list, and West End Lights](#)

SAN RAFAEL SUCCESSOR AGENCY

1. Consent Calendar:

[Member Bushey moved and Member McCullough seconded to approve the Consent Calendar:](#)

- a. **Successor Agency Quarterly Investment Report**
Acceptance of the San Rafael Successor Agency Quarterly Investment Report for the Quarter Ending September 30, 2018 (Fin)
[Quarterly Investment Report](#)

Accepted report

AYES: Members: Bushey, Colin, Gamblin, McCullough & Chairman Phillips
NOES: Members: None
ABSENT: Members: None

ADJOURNMENT:

Mayor Phillips adjourned the meeting at 9:10 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2018

GARY O. PHILLIPS, Mayor



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Clerk

Prepared by: Lindsay Lara, City Clerk

City Manager Approval: _____

TOPIC: MEASURE E TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE REAPPOINTMENT

SUBJECT: REAPPOINTMENT OF JACQUELINE SCHMIDT AND LAWRENCE “LARRY” LUCKHAM TO FILL TWO FOUR-YEAR TERMS ON THE MEASURE E TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE TO THE END OF NOVEMBER 2022

RECOMMENDATION: Reappoint Jacqueline Schmidt and Lawrence “Larry” Luckham to the Measure E Transactions and Use Tax Oversight Committee for two four-year terms to begin on December 1, 2018, and end on November 30, 2022.

BACKGROUND: At the meeting of October 15, 2018, the City Council called for applications to fill two four-year terms on the Measure E Transactions and Use Tax Oversight Committee from December 1, 2018 to November 30, 2022, due to the expiration of the terms of the incumbents, Jacqueline Schmidt and Lawrence “Larry” Luckham.

The Measure ‘E’ TUT Oversight Committee ensures that all revenues received from the voter-approved local Transactions and Use Tax (Measure ‘E’) are spent only on permissible uses, as outlined in Ordinance No. 1913. The Committee does not have any budgetary decision authority, does not allocate financial resources, and does not make budget or service recommendations to the City Council. The Committee meets once each fiscal year.

Two applications were submitted to the City Clerk’s Office prior to the November 6, 2018 deadline: application from the incumbents, Jacqueline Schmidt and Lawrence “Larry” Luckham.

COMMUNITY OUTREACH:

The call for applications for Special Library Parcel Tax Committee was advertised in Snapshot (the City Manager’s e-newsletter), the City website, NextDoor and Facebook social media platforms.

RECOMMENDED ACTION: Reappoint Jacqueline Schmidt and Lawrence “Larry” Luckham to the Measure E Transactions and Use Tax Oversight Committee for four-year terms to begin on December 1, 2018 and end on November 30, 2022.

ATTACHMENT:

- 1. Applications (2)

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

CITY OF SAN RAFAEL

APPLICATION TO SERVE AS MEMBER OF

MEASURE 'E'

Transactions and Use Tax (TUT) Oversight Committee

NAME: Lawrence "Larry" Luckham

HOME ADDRESS: [REDACTED]

CITY / STATE / ZIP CODE: San Rafael, CA 94901

RESIDENT OF THE CITY OF SAN RAFAEL FOR 30 + Years YEARS

PRESENT OCCUPATION: sort of retired

NAME OF BUSINESS: The Luckham Company

BUSINESS ADDRESS: [REDACTED]

* HOME & BUSINESS PHONE #: [REDACTED]

* E-MAIL ADDRESS: [REDACTED]

EDUCATION: some college, computer science, no degree - State Fire Marshal training and certification in fire, arson and explosion investigation - POST training and certification in forensic photography & PC 832 - California Conference of Arson Investigators training and certification in fire, arson & explosion investigation

PARTICIPATION IN THE FOLLOWING CIVIC AND COMMUNITY ACTIVITIES / ORGANIZATIONS:
Member - City of San Rafael Fire Commission, past member of Measure "S" Oversight Committee, Critical Facilities Committee, Critical Facilities Strategy Committee, campaign committees for Measure "S", "E", & "P"

MY REASONS FOR WANTING TO SERVE ARE: (add additional sheets as necessary) I like to work. -)
I've been involved in efforts to improve San Rafael's public safety facilities as well as to improve our financial health for many years and I see the current committee as an opportunity to extend that effort.

DATE: October 11, 2018 SIGNATURE: [Handwritten Signature]

Filing Deadline: Date: Friday, August 29, 2014 Time: 5:00 PM
Mail or deliver to: City of San Rafael, Dept. of City Clerk
City Hall, 1400 Fifth Avenue, Room 209
P.O. Box 151560
San Rafael, CA 94915

* This information will be kept confidential to the extent permitted by law

CITY OF SAN RAFAEL APPLICATION TO SERVE AS MEMBER OF
Measure E Transactions and Use Tax (TUT) Oversight Committee

NAME: Jacqueline Schmidt

STREET ADDRESS: [REDACTED]

CITY/STATE/ZIP CODE: San Rafael, CA 94901

RESIDENT OF THE CITY OF SAN RAFAEL FOR 36 YEARS

PRESENT POSITION: retired (AIG-30 yrs)

NAME OF FIRM: NA

BUSINESS ADDRESS: NA

*HOME & BUSINESS PHONE: [REDACTED]

*E-MAIL ADDRESS: [REDACTED]

EDUCATION: BA from UC Davis + 1 year graduate school at UC Davis (Education)

PARTICIPATION IN THE FOLLOWING CIVIC ACTIVITIES: Montecito / Happy Valley

- San Rafael 2020 Plan - editing Committee
- Measure S Committee
- Measure E Committee
- Facilities Working Group re Essential Facilities Strategic Plan
- Downtown Parking/Wayfinding Study Working Group
- San Rafael 2040 Plan Steering Committee

MEMBER OF FOLLOWING CIVIC ORGANIZATIONS:

- Montecito Area Residents' Association (MARA)
- San Rafael High School Alumni Association
- Marin County Rose Society

MY REASONS FOR WANTING TO SERVE ARE:

I think it is important to have citizen oversight of the funding of the critical and long overdue rebuilding of San Rafael's emergency facilities

DESCRIBE POSSIBLE AREAS IN WHICH YOU MAY HAVE A CONFLICT OF INTEREST WITH THE CITY: none

DATE: Nov 4, 2018

SIGNATURE: Jacqueline Schmidt

Filing Deadline:
Date: Tuesday, November 6 2018
Time: 5:00 p.m.

Mail or deliver to: City of San Rafael, Dept. of City Clerk
City Hall, 1400 Fifth Avenue, Room 209
P.O. Box 151560, San Rafael, CA 94915

*Information kept confidential, to the extent permitted by law.

ORDINANCE NO. 1964

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING TITLE 11 (PUBLIC WORKS), TITLE 14 (ZONING ORDINANCE) AND THE ZONING MAPS OF THE SAN RAFAEL MUNICIPAL CODE TO: A) ADD A PERMIT EXEMPTION FOR CERTAIN ENCROACHMENTS INTO THE PUBLIC RIGHT OF WAY; B) MAKE MINOR CLARIFICATIONS AND CORRECTIONS OF TEXT; C) MODIFY LAND USES AND LAND USE DEFINITIONS AND STANDARDS; AND D) MODIFY THE ZONING DISTRICT BOUNDARY LINE FOR THREE PROPERTIES LOCATED AT RICE DRIVE/FRANCISCO BLVD (APN'S 013-041-52, -55, -67) AND 2 PROPERTIES LOCATED AT LINCOLN AVE/PROSPECT DR (APN'S 011-092-15 AND -26) (ZO18-002/ZC18-001)

WHEREAS, the City staff has initiated amendments to San Rafael Municipal Code (SRMC) Title 11- (Public Works), Title 14- Zoning (Zoning Ordinance) and Zoning Maps as a general 'clean-up' of the maps and provisions to correct minor errors, omissions and internal inconsistencies, to update the zoning for selected properties on the City-adopted Zoning Map, and to revise obsolete provisions to improve use and interpretation of the Municipal Code; and

WHEREAS, on August 21, 2018, the Design Review Board held a duly noticed public meeting on the design-related amendments, accepting all public testimony and the written report of the Community Development Department; and

WHEREAS, on August 21, 2018, the Design Review Board provided their recommendations to the Planning Commission, unanimously recommending adoption of the design-related criteria as modified, with the exception of proposed changes to the hillside ordinance step-back requirements, for which the Design Review Board recommended further refinement by staff; and

WHEREAS, on September 25, 2018, the Planning Commission held a duly-noticed public hearing on the proposed amendments to the San Rafael Municipal Code, Title 11 and Title 14, and the Zoning Maps accepting all public testimony, the recommendations of the Design Review Board, and the written report of the Community Development Department, and recommended to the City Council the approval of the amendments; and

WHEREAS, on November 5, 2018, the City Council held a duly-noticed public hearing to consider the proposed amendments to San Rafael Municipal Code (SRMC) Title 11- (Public Works), Title 14- Zoning (Zoning Ordinance) and Zoning Maps as outlined in Exhibits A-C, accepting all public testimony and the written report of the Community Development Department; and

WHEREAS, the City Council finds that the proposed amendments to the San Rafael Municipal Code, Title 11, Title 14, and Zoning Maps, do not make changes to City policies or regulations that would result in a direct or indirect physical, environmental impact; therefore it has been determined that this ordinance qualifies for exemption from environmental review pursuant to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183(a) because it entails a project that can be found consistent with the General Plan policies, and Section 15061(b)(3), which states that as a 'general rule' CEQA applies only to projects which have the potential to cause a significant, physical environmental; and

WHEREAS, the City Council makes the following findings, pursuant to SRMC Section 14.27.060 for adoption of the amendments to San Rafael Municipal Code (SRMC) Title 11- (Public Works), Title 14- Zoning (Zoning Ordinance) and Zoning Maps as outlined in Exhibits A-C:

1. The amendments to San Rafael Municipal Code Title 11 – Public Works, Title 14 – Zoning Ordinance and Zoning Map and are consistent with the policies and programs of the San Rafael General Plan 2020 in that:
 - a. The amendments will: i) clarify code requirements; ii) correct minor text errors and internal inconsistencies; iii) implement standards that have already been vetted through adopted plans or policies; iv) update and correct property zoning on the City-adopted Zoning Map; and v) revise provisions to improve use and interpretation. This action is consistent with General Plan Program LU-23a (Zoning Ordinance Amendments), and Policy NH-2a (Zoning Ordinance), which encourages periodic updates to the Zoning Ordinance in order to maintain a current and internally consistent code;
 - b. The amendments are consistent with General Plan Policy LU-9 (Intensity of Nonresidential Development) in that they codify a process for evaluating transfers of Floor Area Ratios amongst properties;
 - c. The amendments are consistent with General Plan Policies NH-2 (New Development in Residential Neighborhoods), CD-3 (Neighborhoods), CD-3b (Development Standards), and CD-6a (Hillside Design Guidelines) because the proposed amendments would clarify existing design-related policies and adopt standards intended to recognize, preserve and enhance the positive qualities that give neighborhoods their unique identities;
 - d. The amendments are consistent with General Plan Policies C-29c (Innovative Off-Street Parking) and C-30a (Downtown Parking District) because they include amendments to the parking provisions within the downtown zoning districts that include recommendations outlined in the City’s Downtown Parking and Wayfinding Study;
 - e. The amendments are consistent with General Plan Policies SU-8 (Local Food Production), SU-8b (Home and Community Gardens), SU-8c (Community Garden Standards) and PR-16 (Community Gardens) because they create a ministerial review process to encourage the creation of home and community gardens;
 - f. The amendments are consistent with General Plan Policy G-6a (Community Stakeholders) which encourages the City to “Actively seek community-wide representation and public involvement opportunities on City issues through vigorous outreach programs to engage residents who are not typically involved, such as young people and residents not fluent in English.”

2. The public health, safety and general welfare are served by adoption of the proposed Municipal Code amendments, in that they would: i) correct minor text errors and internal inconsistencies; ii) implement standards that have already been vetted through adopted/accepted plans or policies; iii) update and correct property zoning on the City-adopted Zoning Map; and iv) revise provisions to improve use and interpretation; and vi) ensure consistency with the General Plan.

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

DIVISION 1. Findings

The City Council of the City of San Rafael hereby determines and finds that all of the facts and statements contained in the recitals herein and the findings of Planning Commission Resolution 18-10,

adopted September 25, 2018, recommending to the City Council adoption of this Ordinance are true and correct.

DIVISION 2. Approval

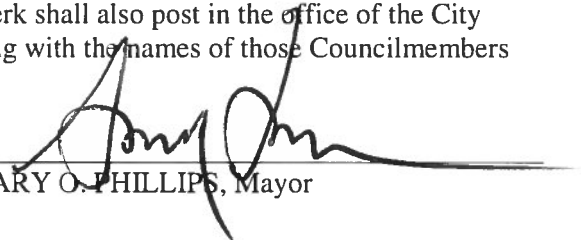
The City Council of the City of San Rafael hereby approves and adopts the amendments to SRMC Title 11- (Public Works), Title 14- Zoning (Zoning Ordinance) and Zoning Maps as presented in Exhibits A-C, attached hereto and incorporated herein by reference.

DIVISION 3. Publication

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

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

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk a certified copy of the full text of this Ordinance, along with the names of those Councilmembers voting for or against the Ordinance.


GARY O. PHILLIPS, Mayor

ATTEST:


LINDSAY LARA, City Clerk

The foregoing Ordinance No. 1964 was read and introduced at a regular meeting of the City Council of the City of San Rafael on Monday, November 5, 2018 and was ordered passed to print by the following vote, to wit:

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

And will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 3rd day of December 2018.


LINDSAY LARA, City Clerk

Exhibits:

- A. Amendments to San Rafael Municipal Code Title 11 Public Works
- B. Amendments to San Rafael Municipal Code Title 14 Zoning Ordinance
- C. Amendments to San Rafael Municipal Code Title 14 Zoning Map

EXHIBIT A

Amendments to San Rafael Municipal Code (SRMC) Title 11 –Public Works

The following sections of the San Rafael Municipal Code (SRMC) Title 11 – Public Works are hereby amended as follows:

Chapter 11.04 (Encroachments in the Public Right-of-Way)
Amend Section 11.04.030.020 (Exceptions to permit requirement) as noted below by underline/italics to show insertions:

11.04.030.020 – Exceptions to permit requirement.

Notwithstanding Section 11.04.030.010 above, no permit or license shall be required pursuant to this chapter for any of the following:

- A. The actions of any officer or employee of the city engaged in the discharge of official duties.
- B. The performance of work under contracts to the city, including work for City projects.
- C. Encroachments existing prior to the effective date of this chapter; provided, however, that nothing in this chapter shall preclude the director from requiring an appropriate encroachment permit for or removal of any such preexisting encroachment where the director determines the encroachment adversely affects the safety, capacity or integrity of the city's right-of-way.
- D. Maintenance or repair of existing pipes, facilities, conduits or other structures lawfully on or under a public right-of-way by a utility or special district, where such maintenance or repair work will not affect traffic in an arterial street.
- E. Performing the actual emergency street cut or excavation in the public right-of-way by a utility or special district to repair a broken or defective pipe, facility or conduit lawfully on or under any public street, as may be necessary for the preservation of life and property when an urgent necessity therefore arises and the offices of the city are closed, provided that reasonable vehicular and pedestrian barriers or other traffic controls shall be provided during the performance of any such repairs. The utility or special district performing the repair work shall notify the city's public works department by telephone at the time any such repair work is commenced and apply for an encroachment permit retroactively as specified in [Section 11.04.060](#) of the Municipal Code for each emergency location within seventy-two (72) hours of performing the work. The utility shall pay all encroachment permit fees for emergency work as described by the latest schedule of fees developed by the city and described herein.
- F. Tree work, including but not limited to planting, trimming, or removal of any new or existing tree within the public right-of-way where a permit has been issued for such work pursuant to [Chapter 11.12](#), and no traffic lane closure is anticipated.
- G. Sidewalk cafes and restaurants, which shall be governed by the provisions and requirements of this code for outdoor dining license agreements.
- H. Street closures for special events specifically approved by the city council.

- I. Awnings, signs, eaves or other minor architectural features of buildings extending no more than four feet (4') into the public right-of-way; provided that nothing herein shall authorize the placement of signs directly on any street or the right-of-way.
- J. In the downtown zoning districts where buildings are permitted to be constructed to the property line (see title 14, zoning), ~~no permit~~ **no license agreement** is required for bay windows, balconies and projecting awnings provided that these architectural features: 1) **are approved through design review; 2) extend no more than four feet (4') into the public right-of-way; 23) are designed to provide adequate vertical clearance from the street grade; and 34) do not obstruct or impair above-ground utilities, street lights or street signals. A permit may be required for construction activities.**

EXHIBIT B

Amendments to San Rafael Municipal Code (SRMC) Title 14 -Zoning

The following sections of the San Rafael Municipal Code (SRMC) Title 14 – Zoning are hereby amended as follows:

1. **Chapter 14.03 - Definitions** Amend the list of definitions in Section 14.03.030 by amending and inserting new definitions, as shown below by ~~strikethroughs~~ for deletions and *underline/italics* for insertions, in alphabetical order, as follows:

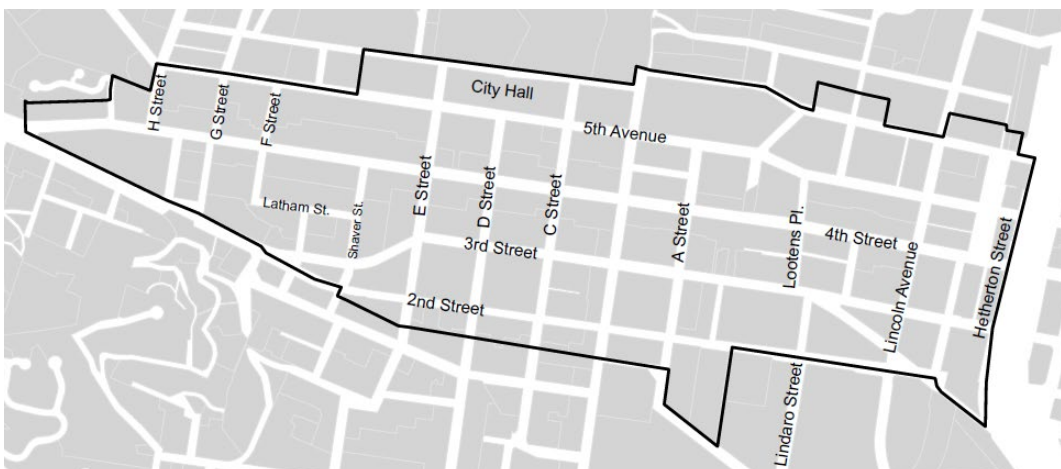
“Cannabis Distribution” Distributor: Purchases, sells, arranges for testing, conducts quality assurance review of packaging and labeling, stores/warehouses and transports cannabis goods between medicinal licensees.

“Carport” means a roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than ~~three (3)~~ two (2) sides.

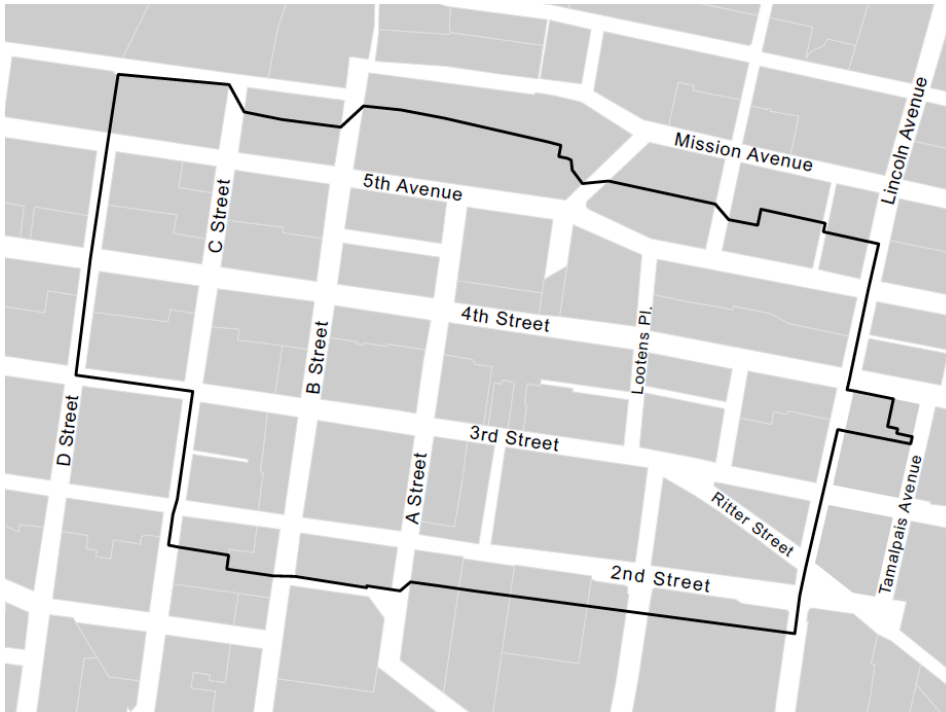
“Clinic” means a place where patients are studied or treated by physicians specializing in various ailments and practicing as a group; the dispensary or outpatient department of a hospital or medical school, where patients are treated free or for a small fee; a place where a group of physicians are available for extended hours, on a drop-in basis with no regular patients.

“Community garden.” Community garden means any piece of land gardened by a group of people, utilizing either individual or shared plots on private or public land. The land may produce fruit, vegetables, and/or ornamentals. Community gardens may be found in neighborhoods, schools, connected to institutions such as hospitals, and on residential housing grounds subject to defined standards, as specified in Section 14.16.286 of this title. A community garden shall be operated by a public entity or non-profit organization.

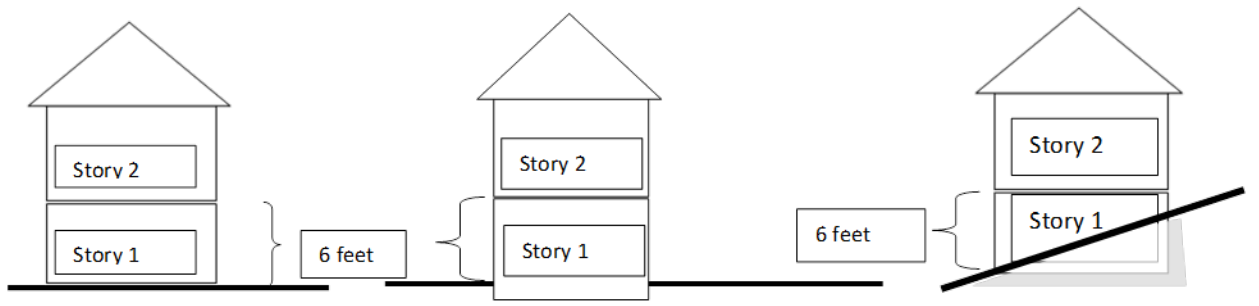
“Downtown Zoning Districts” means those lots located in the downtown commercial zoning district and within the area generally between Hetherton Street & Mission (easterly boundary) and Fourth Street & Second Street (westerly boundary) and encompassing that area between Mission Avenue and Second Street as shown on the following map:



"Downtown parking assessment district" means the ~~downtown parking assessment district, title Parking District No. 1,~~ the area which encompasses an area the boundary generally between Lincoln and D, and Second and Fifth, as shown on the following map:



"Story" means any floor having its finished floor surface entirely above grade and at least 6 feet in height; or any floor that is partially below grade and where the finished surface of the floor above it is at least 6 feet above the lowest grade:



"Structure" means anything constructed or erected that requires a foundation or a structural support on the ground, including a building or public utility, but not including: a fence or a wall used as a fence if the height does not exceed ~~seven (7) feet~~ six feet (6'); retaining walls four (4) feet or less in height; in-ground swimming pools; and improvements built at-grade such as parking lots and access drives or walks.

2. **Chapter 14.04 – Land Use Regulations (R, DR, MR, HR, and PD)**

Amend Table 14.04.020 by inserting new land use classifications, land use allowance and additional use regulations, as noted by underline/italics, in the location specified below, as indicated below:

Table 14.04.020

Type of Land Use	R	DR	MR	HR	PD	Additional Use Regulations
Public, & Quasi-Public & Community Uses						
Clubs and lodges, including youth groups			P	P	P	
<u>Community Gardens</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Subject to Performance Standards Outlined in Chapter 14.17</u>
Open space	P	P	P	P	P	

3. **Chapter 14.05 – Land Use Regulations (GC, NC, O, C/O, R/O, and FBWC)**

Amend Table 14.05.020 by inserting new land use classifications, land use allowance and additional use regulations, as noted by underline/italics, in the location specified below, as indicated below:

Table 14.05.020

Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
Public, & Quasi-Public & Community Uses							
Clubs and lodges, including youth groups	C		C	C			
<u>Community Gardens</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Subject to Performance Standards Outlined in Chapter 14.17</u>
Public facilities							
Administrative offices	C		P	P*	P		*Rear ground level or 2nd floor or above.

Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
Residential Uses		*		*	*		*See Chapter 14.17 standards
Single-family residential		<u>C</u>			C		
Duplex Residential					C		
Multifamily residential	<u>A(3)</u>	<u>CA(3)</u>	P	<u>A(3)</u>	P	<u>A(3)</u>	Only in a mixed use development. See <u>Chapter 14.17 standards.</u>

1. Shall not be located within three hundred (300) feet away of a residential zoning district (R, DR or HR), as measured from the property lines of each parcel. If within three hundred (300) feet, then use is prohibited.
2. Shall not be located within six hundred (600) feet from schools (public and private), as measured from the property lines of each parcel.
3. See Section 14.17.100 (Residential uses in commercial districts).

4. Chapter 14.05 – Land Use Regulations (GC, NC, O, C/O, R/O, and FBWC)

Amend Table 14.05.020 by inserting new land use classifications, land use allowance and additional use regulations, as noted by underline/italics, in the location specified below, as indicated below:

Table 14.05.020

Type of Land Use	GC	NC	O	C/O	R/O	FBW C*	Additional Use Regulations
Printing shops	P		P	P	CZ		
Cannabis Related Uses							
Cannabis Testing/lab			P	P			*Subject to additional regulations and permitting (See SRMC Chapter 10.96)

Cannabis Delivery			P	P			*Subject to additional regulations and permitting (See SRMC Chapter 10.96)
Cannabis Infused Products				P (32)			
<u>Cannabis Distribution</u>							
Card rooms							See Chapter 10.36

5. Chapter 14.05

Amend Section 14.05.030 – Property development standards (GC, NC, O, C/O, R/O, FBWC) Footnotes as shown below by ~~strikethroughs~~ for deletions and underline/italics for insertions:

Footnotes

- (A) There is no minimum lot area requirement for a boarding house.
- (B) Where the frontage of a block is partially in an R district, the front yard shall be the same as required for that R district, and when the side and/or rear of the lot(s) abuts an R district, the respective side and/or rear yard shall be ten feet (10'). Parking or maneuvering shall be permitted within the required side and rear yards provided that a minimum six-foot wide landscape buffer area, excluding curbs, is provided adjacent to the side and rear property lines.
- (C) Exceptions may be granted for a height above thirty-six feet (36'), subject to the provisions of Chapter 14.24, Exceptions.
- (D) Hotels have a four (4) story 54-foot height limit. A one-story 12-foot height bonus may be approved as part of a design review permit by the planning commission if it finds that the hotel will provide a significant community benefit, and the design is consistent with this title.
- (E) Repealed 3/18/96.
- (F) Buildings existing or approved as of January 1, 1987 which are more than three (3) stories in height shall not be considered nonconforming, and are listed in Section 14.16.040, Buildings over three (3) stories.
- (G) See general plan downtown height map for lot-specific height limits.
- (H) A height bonus may be permitted in residential development as provided for in Section 14.16.190, Height bonus.
- (I) Where the frontage of the lot(s) is adjacent to or across from an R district, fifty percent (50%) of the front yard shall be landscaped. Where the side yard abuts an R district, a minimum three feet (3') of buffer landscaping must be provided. Where the rear of the lot abuts an R district, ten feet (10') of buffer landscaping must be provided.

- (J) In the GC district, a minimum fifteen feet (15') of the front setback must be landscaped. Landscaped portions of the public right-of-way may be included, subject to approval by the hearing body.
- (K) For parking lot landscaping, see Section 14.18.160, Parking lot screening and landscaping.
- (L) A landscaped amenity area for employees and the public is encouraged in office and commercial projects.
- (M) Provision of usable outdoor area is encouraged in residential development as part of a mixed-use project.
- (N) Outside of downtown, only one (1) unit is permitted, and no additional units are permitted, on lots less than five thousand (5,000) square feet, per Section 14.16.300 (Small lots).
- (O) A density bonus may be granted, as provided for in Section 14.16.090.
- (P) The maximum lot coverage restriction established for the Office (O) district shall not apply to solar panels installed over existing paved parking spaces; consistent with Section 14.16.307.

6. Chapter 14.06 – Land Use Regulations (I, LI/O, CCI/O, and LMU)
Amend Table 14.06.020 by inserting new land use classifications, land use allowance and additional use regulations, as noted by underline/italics, in the location specified below, as indicated below:

Table 14.06.020

Type of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
Public & Quasi-Public & Community Uses					
Clubs and lodges, including youth groups		C	C	C	
<u>Community Gardens</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Subject to Performance Standards Outlined in Chapter 14.17</u>
Public facilities					
Administrative offices	C*	P	P	P	*Rear ground level or 2nd floor or above.

7. Chapter 14.06.020 – Land Use Regulations (I, LI/O, CCI/O, LMU)

Amend the Table 14.06.020 by inserting new land use classifications, permitting authority, as noted by *underline/italics*, in the location specified below, as indicated below:

Table 14.06.020

Types of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
Printing Shops	P	P	P	P	
Cannabis Related Uses					
Cannabis Testing/lab	P (1)	P (1)	P (1)		*Subject to additional regulations and permitting (See SRMC Chapter 10.96)
Cannabis Delivery	P (1)	P (1)	P (1)		*Subject to additional regulations and permitting (See SRMC Chapter 10.96)
Cannabis Infused Products	P (1)	P (1)	P (1)		*Subject to additional regulations and permitting (See SRMC Chapter 10.96)
<u><i>Cannabis Distribution</i></u>	<u><i>P (1)</i></u>	<u><i>P (1)</i></u>	<u><i>P (1)</i></u>		
Card Rooms	C				See Chapter 10.36

8. Chapter 14.09.020 – Land Use Regulations (P/QP)

Amend Table 14.09.020 by inserting new land use classifications, land use allowance and additional use regulations, as noted by underline/italics, in the location specified below, as indicated below:

Table 14.09.020

Type of Land Use	P/QP	Additional Use Regulations
Public, & Quasi-Public & Community Uses		
<u>Community Gardens</u>	<u>P</u>	<u>Subject to Performance Standards Outlined in Chapter 14.17</u>
Public facilities		
Administrative offices (city and county, special district, public utility, etc.)	P	

9. **Chapter 14.10.020 – Land Use Regulations (P/QP)**

Amend Table 14.10.020 by inserting new land use classifications, land use allowance and additional use regulations, as noted by underline/italics, in the location specified below, as indicated below:

Table 14.10.020

Type of Land Use	P/OS	Additional Use Regulations
Open Space/Public		
Animal husbandry	C	
<u>Community Gardens</u>	<u>CZ</u>	<u>Subject to Performance Standards Outlined in Chapter 14.17</u>
Horse keeping	C	

10. **Chapter 14.12 (Hillside Development Overlay District (-H))**

Amend Section 14.12.030 (Property development standards (-H)) subsection A as noted below by ~~strikethroughs~~ for deletions and underline/italics for insertions:

A. Building Stepback. A building stepback is established to limit the height of structures to avoid excessive building bulk. The required stepback shall be follows:

1. On the any downhill slope a 20-foot height limit measured from existing grade shall be observed. This height limit shall be construed to mean that wall planes shall be broken into single wall heights of no more than 20 feet beyond which a stepback of at least 5 feet is required, unless otherwise determined through the Environmental and Design Review permit process. Regardless, the maximum overall building height shall not exceed the height allowed by the zoning district ~~and~~

2. On non-downhill slope, walls facing front and side property lines shall have a 20-foot height limit measured from existing grade shall be observed within all areas within fifteen feet (15') of the maximum building envelope limit. To allow for design flexibility on non-downhill slopes, an encroachment into the street front, street side and interior side stepback is permitted along twenty-five percent (25%) of the building length.

Note: please refer to the San Rafael Hillside Design Guidelines for examples

11. Chapter 14.16 (Site and Use Regulations)

Amend Sections 14.16.020 (Accessory Structures) subsection E.1 and E.5, 14.16.120 (Exclusions to the maximum height measurement), replace Section 14.16.140 (Fences and Walls) in its entirety and add Section 14.16.335 (Transfer of floor area ratio (FAR) between or among properties) in its entirety as noted below by ~~strikethroughs~~ for deletions and underline/italics for insertions:

E. Residential Accessory Structures. The following standards shall apply to accessory structures in residential districts:

1. Front and street side yard setbacks.
 - a. Fountains, trellises, statues and similar decorative yard improvements up to four feet (4') in height, fences, small retaining walls and minor decorative entryway treatments as permitted pursuant to Section 14.16.140.A.1, decks less than twelve inches (12") above grade, and access driveways and walkways may be located within the required front yard setback and/or street side yard setback; provided that such accessory structure shall not conflict with the sight distance triangle of an intersections or driveway required pursuant to Section 14.16.295.
 - b. No other structures or improvements shall be placed within a required front yard or street side yard.
 - c. No swimming pool, hot tub, air conditioning unit or mechanical equipment shall encroach into any front yard or street side yard setback.
 - d. Accessory structures shall meet the setback requirements for reverse corner lots, contained in Section 14.04.030(D).
 - e. Detached accessory structures may only be placed between the front-facing wall of the primary structure and the front setback with Administrative Design Review, except as allowed by Section 14.16.020.E.1.a. This requirement does not apply to garage or carport structures which must comply with the setbacks established by the applicable Zoning District.
2. Interior Side and Rear Yard Setbacks.
 - a. Zero-foot (0') Setback. The following accessory structures may be located within the required ~~rear and interior side~~ interior side and rear yard setbacks, and up to the property line, subject to conformance with any applicable building code limitations and provision of an unobstructed walkway clearance of at least three feet (3') between above-grade accessory structures and adjacent buildings or the property line in order to provide access around the primary building:
 - i. Accessory structures, unconditioned (e.g., not intended for human occupancy) with a maximum floor area of one hundred twenty (120) square feet and up to eight feet (8') in height measured from grade to roof peak;
 - ii. Fountains, trellises, statues and decorative yard improvements no taller than six feet (6') in height;
 - iii. Retaining walls up to four feet (4') in height above grade (e.g., exposed wall height above finished grade, as determined by the community development director);
 - iv. At-grade walkways and decks less than twelve inches (12") above grade.
 - b. Three-foot (3') Minimum Setback. The following accessory structures may be located within three (3) feet of the rear and interior side yard property line:
 - i. Accessory structures greater than one hundred twenty (120) square feet in floor area and up to fifteen feet (15') in height measured from grade to roof peak;
 - ii. Fireplaces, barbecues, self-contained portable spas, spa/pool equipment (additional setbacks and limitations on the placement of spa/pool pump and filtration systems shall be as specified in Section 14.16.320);
 - iii. Uncovered decks twelve inches (12") or more above grade.
 - c. Pools/in-ground spas. A setback of at least three feet (3') or a distance equal to one-half (½) the depth of the pool, whichever is greater, shall be provided from the property line.

d. Easements and Property Lines. No structure or portion thereof, including overhangs and foundations, shall obstruct an easement or cross a property line.

e. Accessory Structure with Sanitary Facilities. A residential accessory structure that exceeds one hundred twenty (120) square feet in size and includes sanitary facilities shall require (prior to issuance of a building permit) recordation of a deed restriction with the County of Marin to reflect that the detached accessory structure cannot be utilized as a second dwelling unit, unless it complies with the requirements of Section 14.16.285.

f. Mechanical equipment shall subject to additional screening and setback requirements, as specified in Section 14.16.320.

3. Alley Setback. An accessory structure shall be located a minimum of five feet (5') from an alley.

4. Coverage. In addition to counting toward the total lot coverage limit that applies to all structures on a parcel, residential accessory structures shall not exceed a maximum of thirty percent (30%) of the required side or rear yard areas. Required front yard areas shall maintain at least forty-percent (40%) pervious landscape area.

5. Height. The height of an accessory structure shall not exceed a height of 15 feet except as permitted through Design Review.

12. Chapter 14.16.045 – Cannabis Uses

Amend Section 14.16.045, by inserting new text, as noted by underline/italics, as indicated below:

14.16.045 - Cannabis Uses

Specific medical cannabis uses are allowed by the Zoning Ordinance, as specified in the land use tables and as defined by the definition chapter, including and limited to cannabis testing/lab (both medicinal and recreational adult use), cannabis infused products (medicinal only), ~~and cannabis delivery (medicinal only)~~ and cannabis distribution (medicinal only). All other medicinal or recreational medical cannabis uses, such as dispensaries, cultivation, and processing are prohibited.

The land use regulations contained pertaining to cannabis in this Title do not apply to personal cultivation or use of cannabis. Personal cultivation and use of cannabis shall be subject to State law and any limitation imposed by state law.

13. Chapter 14.16 (Site and Use Regulations)

Amend Section 14.16.120 (Exclusions to the maximum height requirement) as noted below by ~~strikethroughs~~ for deletions and underline/italics for insertions:

Flagpoles not exceeding a height of 24 feet, aboveground utility distribution facilities including communications towers and public water tanks, windmills, monuments, mechanical appurtenances, satellite dishes in multifamily and nonresidential districts and architectural features such as screening for mechanical equipment, chimneys, steeples and cupolas are not included in height calculations. However, structures and architectural features which extend above the established building height limit may require an environmental and design review permit, pursuant to Chapter 14.25, Environmental and design review permits.

14. Chapter 14.16 (Site and Use Regulations)

Amend Section 14.16.140 (Fences and Walls) in its entirety as noted below by underline/italics:

14.16.140 - Fences and walls.

This section establishes regulations for the height, location and materials of fences, retaining walls and privacy walls. The regulations are intended to prevent fences or walls which are a detriment to the appearance and character of the community and to protect the public health, safety and welfare by assuring adequate sight distance is provided and maintained at street intersections and driveways.

A. Residential Districts. The following height limitations shall apply to the height of fences and walls **in Residential Districts**:

1. Permitted

a. Front and Street Side Yard Areas - The following may be located within the required front and street side yard:

i. Fences and retaining walls not exceeding four feet (4') in height, may be located within the front or street side yard setback, provided that the fence or wall shall not conflict with the sight distance requirements of Section 14.16.295;

ii. Minor decorative entryway treatments no taller than eight and one-half feet (8.5') in height, such as a trellis arch or a lattice arch, are permitted within the front or street side yard, provided that there is no vehicular view obstruction (i.e., adequate sight distance shall be provided and maintained, pursuant to the provisions of Section 14.16.295).

b. Rear Yard and Interior Side Yard - The following may be located within the required rear yard and interior side yard.

i. Fences not exceeding ~~six feet (6')~~ **seven (7) feet** in height may be located within the required rear yard or interior side yard;

ii. Retaining walls not exceeding a height of four feet (4') in height may be located within the required rear yard and interior side yard.

2. With Required Planning Permits. The following may be permitted in Residential Districts with prior approval of Design Review (Pursuant to Section 14.25.040.C.) and/or Exception (Pursuant to Chapter 14.24) as noted

a. Retaining walls over four feet (4') in height on hillside parcels (i.e., property that contains a slope of twenty-five percent (25%) or greater or designated -H Overlay) may be permitted with Environmental and Design Review subject to Design Review Board recommendation, if the community development director finds it necessary to minimize grading and/or tree removal impacts. Retaining walls located outside of required setbacks shall otherwise be reviewed subject to the regulations that apply to an accessory structure, in Section 14.16.020.

b. **Fences exceeding seven (7) feet in height up to nine (9) feet in height** may be located in the required interior side or rear yard **where topography or difference in grade between adjoining sites warrants such increase**, subject to Administrative Design Review and Exception.

c. **Fences in the front yard or street side yard may be increased by a maximum of two feet (2') to prevent access to natural or physical hazardous conditions either on the lot or on an adjacent lot, subject to Administrative Design Review and Exception.**

d. **Exception. An exception to the residential fence and walls height standards may be allowed as noted above, subject to the provisions of Chapter 14.24-Exceptions; Exceptions for**

height should include a landscape setback buffer between the fence or wall and the public right of way, in order to mitigate the impact of a taller fence or wall along the streetscape. A minimum setback buffer of six inches (6") should be provided for each one-foot (1') of increased height.

e. Note: A building permit may be required for fences over ~~six~~ **seven (7) feet (6')** in height and retaining walls over four feet (4') or walls that support the adjacent hillside or property improvements, as determined by the building code.

B. Non-Residential Districts **Fences**. An administrative environmental and design review permit shall be required for all non-residential fences **over seven feet (7') in height** to ensure the fence conforms to the design and development standards of the underlying **district, and is compatible with the immediate surrounding properties in the neighborhood. Where a property is located in a non-residential zoning district and is developed with, abutting, or surrounded by, a residential use, fence heights shall be the same as required for residential districts unless an alternate fence height can be justified through the administrative design review process.**

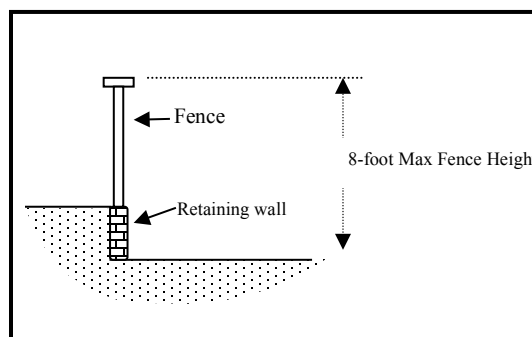
C. All Districts. The following standards shall apply to all districts

1. Measurement of Height. The height of a fence and/or **vegetation** or retaining wall and associated structural and/or decorative elements shall be the combined height measured vertically from finished ground level, as determined by the building or planning official, to the top of the structure at any given point (see illustration "Maximum Allowed Fence Height Measurement). Except as follows:

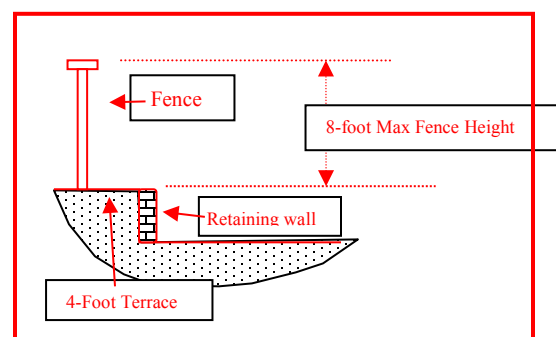
a. Minor decorative entryway treatments are permitted in the setback as noted above (Section 14.16.140 A.1.ii).

b. Terraced fences and/or retaining walls that provide a landscaped horizontal separation of at least four feet (4') may be measured separately at the base of each terrace.

Maximum Allowed Fence Height Measurement



Non-Terraced



Terraced

2. Recreation Fences

a. Fences for swimming pools are subject to the requirements of the building code.

b. Fences for tennis courts shall not exceed maximum height limits established for accessory structures and shall in no case exceed a height of twelve feet (12').

3. Sight Distance. Fencing, vegetation and retaining walls located near a driveway or street intersection shall not conflict with the vision triangle requirements established to assure adequate sight distance is maintained for vehicles and pedestrians, pursuant to the provisions of Section 14.16.295.

4. Prohibited Materials. In all districts, concertina wire, razor wire, broken glass on top of a fence, and electrified fences are prohibited. Barbed wire shall not be permitted where abutting residential uses. In residential districts, wire mesh, chain link and similar fences are prohibited within any yard which fronts a public street, right-of-way or waterway, except as may be required as an environmental mitigation measure.

5. Temporary Fences. Temporary security fences may be erected around construction sites during the time a valid building permit is in effect for construction on the premises. Temporary security fences need not comply with the above regulations and must be immediately removed upon completion of the construction authorized by the building permit

D. Replacement of Fences and Walls. An existing, nonconforming fence or wall in any district is subject to the following regulations:

1. Ordinary maintenance and repairs may be made to a nonconforming fence as required to keep the fence or wall in sound condition.

2. Alterations and additions may be made to a nonconforming fence or wall, provided that such addition or alteration is consistent with these fence and wall provisions.

3. No nonconforming fence or landscape retaining wall shall be moved or replaced unless it conforms to these fence and wall provisions, except for certain residential fences as provided below.

4. An existing nonconforming residential fence or wall that is located in a front yard or street side yard may be replaced in the same location provided that:

a. The fence was previously permitted or authorized by the city, or existed on or before January 1, 1992. The property owner shall provide sufficient documentation including photographs, written testimony, etc. to verify the pre-existing condition.

b. The replacement fence or wall may be rebuilt to its previously existing and documented height, subject to request and issuance of a zoning verification review letter by the planning division. However, in no case shall any replacement fence exceed a height of six (6) feet within the required front or street side yard setback and shall be no taller than three (3) feet within a required vision triangle (section 14.16.140.B);

c. The replacement fence or wall is consistent with the prevailing character of both sides of the street for the length of the block; and

d. All necessary permits shall be secured from the city (e.g., approval of a license agreement or encroachment permit if fence is located within the public right-of-way).; and

15. Chapter 14.16 (Site and Use Regulations)

Amend Section 14.16.245 (Ministerial “by-right” process for multi-family housing projects) as noted below by strikethroughs to show deletions and underline/italics to show insertions:

~~14.16.245 – Reserved~~ Ministerial “by-right” process for multi-family housing projects

A residential housing development project that contains two or more residential units located on one or more contiguous parcels may qualify for the state-mandated ministerial, “by-right” approval process. Pursuant to California Government Code Section 65913.4, the “by-right,” ministerial process is applicable to qualifying residential development projects that are located near major transit. The availability of the “by-right” approval process is determined by the city’s

annual housing progress report to the state department of housing and community development. Qualifying residential projects must: a) comply with a list of objective planning standards; b) meet specific levels of affordable housing; and c) be subject to a commitment to specific hiring (skilled and trained workforce) and prevailing wage requirements. The applicability of and requirements for the "by-right" process shall be adopted by resolution of the city council.

16. Chapter 14.16 (Site and Use Regulations)

Amend Section 14.16.305 (Small Wind Energy Systems) subsection C.1. and C.2. as noted below by ~~strikethroughs~~ to show deletions and underline/italics to show insertions:

C. Development Standards.

1. Height. Tower height of freestanding small wind energy system shall not exceed the maximum height limit above grade established for principal structures in the applicable zoning district, except as may be allowed through design review and consistent with the provisions of Section 14.16.120. The tower height shall not include the wind turbine itself, except as noted in section 14.16.305, C.2. below to determine appropriate setbacks. ~~The total extended height shall include the distance above grade to a blade tip of a wind turbine at its highest point of travel.~~

2. Setbacks. Small wind energy systems shall be located a minimum distance from all property lines equal to one-half (½) of the total extended height of the unit above grade or the roof mounting point. The total extended height shall include the distance above grade to a blade tip of a wind turbine at its highest point of travel. Small wind energy systems may not be located in a front or side yard setback area.

17. Chapter 14.16 (Site and Use Regulations)

Add Section 14.16.335 (Transfer of Floor Area Ratio Amongst Properties) in its entirety as noted below by underline/italics, to show insertions:

14.16.335 - Transfer of floor area ratio (FAR) between or among properties

A. Transfer of floor area ratio (FAR) between or among properties shall not be permitted except under special circumstances as specified below.

B. Use Permit Required. Transfer of FAR among properties shall be reviewed by the City Council, with recommendation by the Planning Commission, through the use permit process.

C. Application. Applications for use permits for transfer of FAR among properties shall include but not be limited to the following information:

1. Affidavits of consent from owners of all donor and receiving properties;
2. A calculation of the floor area ratio and/or density to be transferred;
3. A description of the proposed dedication, easement or covenant;
4. Any other information deemed necessary by the Community Development

Director.

D. Findings. In order to approve a transfer of floor area ratio (FAR) among properties, the following findings shall be made:

1. The development of the beneficiary parcel is consistent with the General Plan, except that FARs or maximum densities may be exceeded, and
2. The proposed development will comply with all applicable zoning and design parameters and criteria as well as traffic requirements; and one or both of the following:

- i. A unique or special circumstances are found to exist (e.g. preservation of wetlands or historic buildings) that would cause significant environmental impacts if the transfer is not allowed, and/or
- ii. A significant public benefit, such as securing a new public facility site (e.g. park, school, library, fire station, police station), will be provided

18. Chapter 14.17 (Performance Standards)

Add new Section 14.17.030 (Community Gardens) in its entirety as noted below by underline/italics to show insertions:

14.17.030 - Community Gardens

A. Purpose. The purpose of the community gardens regulations is to implement specific policies of the neighborhood design, community design, sustainability, and parks and recreation elements of the San Rafael general plan, which:

1. Support social interaction and create a greater sense of community, encourage gathering places and events in appropriate locations, such as community gardens;
2. Promote efforts to provide places where neighbors can meet each other;
3. In multifamily development, require private outdoor areas and on-site common outdoor spaces. Common spaces may include recreation facilities, gathering spaces, and site amenities;

B. Applicability. Performance standards for community gardens shall apply in the residential, commercial, industrial, public and quasi-public uses, and parks/open space zoning districts with the exception of the downtown zoning districts.

C. Ministerial review required. Except where a use permit is required by the Land Use Tables, a ministerial review is required to determine that the community garden is in compliance with the provisions of this section. If it is determined that the community garden is in full compliance with the provisions of this section, the community garden shall be approved.

D. Standards.

1. Operating Rules. The applicant shall submit a list of Operating Rules for the proposed Community Garden. Hours of operation shall be limited from sunrise to sunset.
2. Americans with Disabilities Act (ADA). The project shall be designed to provide access to the general public and be ADA-compliant in accordance with the requirements of Title-24, California Code of Regulations.
3. Parking. On-site parking is required and shall including an area for one van accessible parking space located on site (9'x18') with an 8' wide accessible aisle meeting ADA standards and a space to accommodate vehicular delivery and removal of materials.
4. Trash and Recycling. Trash and recycling shall be adequately provided on site and the project sponsor is responsible for implementing a trash recycling program, which shall also include the installation of recycling receptacles for garden users on the project site.
5. Green Waste. Green waste facilities shall be provided on site.
6. Material Storage. Identify on the site plan storage for all garden tools, supplies and compost in a secure manner and screened from view from off-site. Compost and other odorous materials shall be stored in a location and manner that does not affect adjacent property owners.
7. Landscaping. Provide a landscape and irrigation plan for review and approval of the Planning Division and the Department of Public Works which provides trees within the landscape setback along the property frontage with the following detail.
 - a. The project landscape architect/designer shall select a tree species that is appropriate to the site and soil conditions. Trees shall be planted at a 24-inch box size and spaced at 20-foot intervals.

b. All landscaping shall be maintained in good health through the life of the project. Any dying or dead landscaping shall be replaced in a timely fashion and all landscaping shall be maintained in a healthy and thriving condition, free of weeds and debris.

c. The landscape and irrigation plan must be designed to comply with Marin Municipal Water District (MMWD) Water Conservation Ordinance No. 421.

8. Fences. Fences are allowed subject to the regulations in Chapter 14.16 of the City of San Rafael Municipal Code, Zoning.

9. Lighting. Exterior lighting shall be limited to security lighting as required and approved by the City Police Department.

10. Signage. A sign plan shall be submitted and shall demonstrate location of the following required signage:

a. Two signs shall be posted on the subject property.

b. One sign shall be posted in the common area of the garden noting the name and contact information for the garden management; and

c. One monument-type address sign, not exceed 20 square feet in area and six feet in height, shall be posted at the garden entrance. The property address numbers shall be posted prominently on the monument sign.

11. MCSTOPP/Drainage and Clean Site Water. The site must be designed and maintained so that runoff of surface water will not drain onto adjacent property. The project engineer shall incorporate features that would provide for clean site waters in accordance with RWQCB and Marin County Stormwater Pollution Prevention Program (MCSTOPPP) standards before they enter the City storm water drainage system. Features can include the installation of grassy swales to connect and filter surface water runoff.

12. The project shall comply with the MMWD backflow prevention requirements. If, upon the District's review of the final plans backflow protection is warranted, compliance shall include installation, testing and maintenance. Questions regarding backflow requirements should be directed to the MMWD Backflow Prevention Program Coordinator at (415) 945-1559.

13. Pest Management. The operation of the community garden shall comply with the City's Integrated Pest Management (IPM) program. Signs shall be posted and maintained within the garden area notifying garden users of the rules and consequences for using pesticides and herbicides that are not allowed on the IPM.

19. Chapter 14.18

Amend Section 14.17.100 (Residential uses in commercial districts) as noted below by ~~strikethroughs~~ to show deletions and underline/italics to show insertions:

A. Purpose. The purpose of this section is to ensure that residential uses in commercial districts are not adversely impacted by adjacent uses. Residential uses are encouraged in commercial zoning districts, including the downtown area and in mixed-use development to meet local housing needs and because of the environment they create. However, potential traffic noise and safety impacts related to commercial uses may impact nearby residential uses. The proximity of residential and commercial uses require that special regulations be imposed in the interest of businesses and the residents of the housing units.

20. Chapter 14.18 (Parking)

Amend Sections 14.18.010 (Specific Purpose), as noted below by ~~strikethroughs~~ to show deletions and underline/italics to show insertions:

14.18.010 - Specific purposes.

In addition to the general purposes listed in Section 14.01.030, the specific purposes of parking regulations are to:

- A. Promote the safety and convenience of all land use and circulation systems within the city by providing standards and policies for the creation and maintenance of vehicular off-street parking and loading;
- B. Promote more efficient street systems by reducing to a minimum the congestion which may be created by uncontrolled parking;
- C. Promote the continued health and vitality of all land uses by providing reasonable satisfaction for normal parking demands;
- D. Promote compatibility among adjacent land uses and enhance the appearance of the city through appropriate design and aesthetic standards related to parking;
- E. Ensure that off-street parking and loading facilities are provided for new land uses and for major alterations and enlargements of existing uses in proportion to the need for such facilities created by each use;
- F. Establish parking standards for commercial and industrial uses consistent with need and with the feasibility of providing parking on specific commercial and industrial sites;
- G. Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public safety and, where appropriate, insulate surrounding land uses from adverse impacts;
- H. Establish parking standards which recognize the more urban character of parking downtown;

I. Implement recommendations envisioned by the Downtown Parking and Wayfinding Study for the downtown zoning districts (see section 14.03.030) by:

- 1. Promoting the use of alternate modes of transportation such as walking and bicycling
- 2. Recognizing that parking standards are unique for downtown zoning districts
- 3. Establishing innovative methods of addressing parking supply and demand by:
 - a. Providing opportunities for shared parking amongst businesses within the downtown zoning districts;
 - b. Encouraging owners of private parking facilities to make parking available for public use in the downtown zoning districts;
 - c. Increasing the parking supply by allowing tandem parking and mechanical/automated parking systems within the downtown zoning districts.

21. Chapter 14.18 (Parking)

Amend Section 14.18.040 (Parking Requirements), as noted below by ~~strikethroughs~~ to show deletions and underline/italics to show insertions:

14.18.040 - Parking requirements.

A. Off-street parking shall be provided in accord with the following chart. Where the specific use in question is not listed, the community development director shall determine if another similar use exists which may be used to select an appropriate parking standard. In order to make this determination, the community development director may require the submission of survey data from the applicant or collected by the community development department, planning division at the applicant's expense. Parking surveys conducted for this purpose shall be subject to the review and recommendation by the department of public works.

B. Parking Modification. The parking requirement for any specific use listed may be modified so as to provide adequate parking which is fair, equitable, logical and consistent with the intent of this chapter. Such modification may also include reduction in parking ratios for businesses in the downtown zoning districts that allow the use of private parking facilities to be

used for public parking during evening or weekend hours. Parking modifications shall require an application for a use permit and shall be subject to review by the community development director and public works director, and approval by the zoning administrator.

C. For properties located within the ~~downtown parking assessment district~~ downtown parking district, also see Section 14.18.060, ~~downtown parking assessment district~~ Downtown Parking District, for additional information on parking requirements. For properties located in the downtown, west end and environs area, see Section 14.18.061 (Downtown's West End and environs), for additional information on parking requirements.

D. In addition to the off-street parking requirements listed below, off-street loading and unloading shall be provided for certain uses in accord with Section 14.18.050, Off-street loading and unloading.

E. For properties in the downtown area, residential parking is not required to be covered.

F. Off-street parking is not required for FAR increases up to ten percent (10%) of the building or seven hundred fifty (750) square feet, whichever is larger, as granted under Section 14.16.150(G)(2)(b) 14.16.150(G)(1)(b).

G. The parking requirement for non-residential uses within the downtown zoning districts shall be allowed a 20% reduction of the standards required under Table 14.18.040.

H. Operation. Parking in the downtown zoning district approved under this chapter may be operated to serve the uses for which the parking was approved, or may be shared with other uses in the downtown zoning district, and/or be made available to the public, subject to a use permit for parking modifications.

22. Chapter 14.18 (Parking)

Amend Chart 14.18.040 as noted below by ~~strikethrough~~ to show deletions and underline/italics to show insertions

Chart ~~Table~~14.18.040

Use Classification	Off- Street Parking Required
Residential	Note: No parking is required for up to 3 units in the <u>downtown parking assessment</u> district, provided the units are an infill addition to an existing nonresidential structure, and that the units are 2 bedroom or less and no larger than 900 square feet in size.
Single-family residential	2 covered spaces per unit.
Single-family residential, hillside	On streets less than 26 feet wide, a minimum of two additional on-site parking spaces shall be provided (not on the driveway apron) per unit. These spaces should be conveniently placed relative to the dwelling unit which they serve. This requirement may be waived or reduced by the hearing body when the size or shape of the lot or the need for excessive

	grading or tree removal make the requirement infeasible.
Studio (duplex unit), 500 sq. ft. or less in size	1 covered space per unit
Studio (duplex unit), more than 500 sq. ft. in size	1.5 spaces per unit (including 1 covered space).
	Downtown: 1 space per unit
Studios (multifamily unit)	1 covered space per unit.
One-bedroom units	1.5 spaces per unit (including 1 covered space). Downtown: 1 space per unit.

Chart-Table 14.18.040

		<u>Downtown Zoning</u> Parking Assessment District	Downtown (Outside Parking District)	San Rafael (Outside Downtown)
<u>Studio (duplex unit),</u>	<u>500 sq. ft. or less in size</u>	<u>1 space per unit</u>		<u>1 space per unit</u>
<u>Studio (duplex unit),</u>	<u>more than 500 sq. ft. in size</u>	<u>1 space per unit</u>		<u>1.5 spaces per unit (including 1 covered space).</u>
<u>1 bedroom unit</u>		<u>1 space per unit.</u>		<u>1.5 spaces per unit (including 1 covered space).</u>
Two-bedroom units	Less than 900 sq. ft.	1 space	1.5 spaces	2 spaces (1 covered)
	900 or more sq. ft.	1.5 spaces	1.5 spaces	2 spaces (1 covered)

23. Chapter 14.18.040 (Parking)

Amend the Chart 14.18.040 by inserting new land use classification for parking requirements, noted by ~~strikethroughs~~ to show deletions and underline/italics in the location specified below, as indicated below:

Chart 14.18.040

Use Classification	Off-Street Parking Required
Wholesale and distribution	1 space per 500 sq. ft. gross building sq. ft.
Cannabis testing/lab, cannabis infused products, and <u>cannabis delivery <i>and cannabis distribution</i></u>	1 space per 500 gross building sq. ft.
Marinas	3 spaces for every 4 boat slips. Plus parking for support uses in the marina, such as restaurants or retail uses.

24. Chapter 14.18 (Parking)

Amend Section 14.18.060(A) (Downtown Parking Assessment District), as noted below by ~~strikethroughs~~ to show deletions and underline/italics to show insertions:

14.18.060 - Downtown Parking ~~parking assessment~~ District ~~district~~.

The Downtown Parking District boundaries shall be as defined under Section 14.03.030. Parking for nonresidential uses in the Downtown Parking District ~~parking assessment district~~ shall be provided consistent with the following:

- A. The off-street parking requirement is waived for up to 1.0 FAR of the total square footage of the buildings located within ~~is provided by the~~ downtown parking assessment district.
- B. Off-street parking for building square footage above 1.0 FAR and for all residential uses shall be provided consistent with the parking requirements in Section 14.18.040.
- 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~~
- D. ~~For projects subject to parking studies, mitigation may be required including provision of on-site parking if it is determined the district has inadequate available parking.~~

25. Chapter 14.18 (Parking)

Amend Section 14.18.080 (Parking requirements for reciprocal uses with shared parking facilities) as noted below by ~~strikethroughs~~ to show deletions and underline/italics to show insertions:

14.18.080 - Parking requirements for reciprocal uses with shared parking facilities.

When two (2) or more uses share a common parking area and when a significant and complementing variation in period of daily demands occurs (i.e., exclusive day and night uses), the zoning administrator may grant reductions in the total parking required through a use permit; provided, that in no instance shall the total parking required be less than would be required for any one (1) of the independent uses. The zoning administrator shall base a decision to approve

or deny a parking reduction on a shared parking demand study prepared by a qualified transportation engineer or other qualified parking professional.

26. Chapter 14.18 (Parking)

Amend Section 14.18.090 (Bicycle parking) as noted below by ~~strikethroughs~~ to show deletions and underline/italics to show insertions

A. Applicability. Bicycle parking shall be required for all new nonresidential buildings and in major renovations of nonresidential buildings having thirty (30) or more parking spaces, and for all public/quasi-public uses.

B. Number of Short-Term Spaces Required.

1. Commercial, office, ~~and~~ industrial, and multi-family residential uses: five percent (5%) of the requirement for automobile parking spaces, with a minimum of one (1) two-bike capacity rack.

2. Public/quasi-public uses: as determined by parking study, or as specified by use permit.

3. Exempt uses: animal sales and service; motor vehicle sales and services; building materials and supplies (large-item); catering establishments; funeral and interment services; temporary uses; recycling facilities; other uses as determined by the planning director.

C. Number of Long-Term Spaces Required.

1. For nonresidential buildings with over ten (10) tenant-occupants: Five percent (5%) of the requirement for automobile parking spaces, with a minimum of one (1) space.

D. Reduction of vehicle parking. Properties that provide bicycle parking in excess of the bicycle parking spaces identified in Section 14.18.090.B. and/or C. may qualify for a reduction to the overall vehicle parking requirements subject to the approval of a use permit for parking modification.

∅ E. Design.

1. Short-Term Parking: Bike racks shall be provided with each bicycle parking space. The rack shall consist of a stationary object to which the user can lock the bike.

2. Long-Term Parking: Acceptable parking facilities include:

- a. Covered, lockable enclosures with permanently anchored racks for bicycles,
- b. Lockable bicycle room with permanently anchored racks, or
- c. Lockable, permanently anchored bicycle lockers.

3. Parking facilities shall support bicycles in a stable position.

4. The facilities shall provide at least an 18-inch clearance from the centerline of adjacent bicycles on the left and right, and at least ten inches (10") to walls or other obstructions.

5. An aisle or other space shall be provided to bicycles to enter and leave the facility. This aisle shall have a width of at least five feet (5') to the front or rear of a standard six-foot bicycle parked in a facility.

6. Bicycle parking should be situated at least as conveniently to building entrances as the most convenient car parking area, but a minimum distance of one hundred (100) feet of a visitors' entrance. Bicycle and auto parking areas shall be separated by a physical barrier or sufficient distance to protect parked bicycles from damage by cars.

7. Bicycle parking facilities should be located in highly visible, well-lit areas to minimize theft and vandalism.
8. Overhead coverage or rain shelters for bicycle parking facilities are encouraged.
9. The planning director (or the planning director's designated appointee) shall have the authority to review the design of all bicycle parking facilities required by this title with respect to safety, security and convenience.

27. Chapter 14.18 (Parking)

Amend Section 14.18.120 (Tandem parking prohibited) as noted below by ~~strikethroughs~~ to show deletions and underline/italics to show insertions:

14.18.120 - Tandem parking prohibition.

Tandem parking is prohibited, unless approved under this section:

- A. Under Section 14.18.150, Alternate parking locations for uses with insufficient parking;
- B. With an environmental and design review permit under the Hillside Residential Design Guidelines Manual;
- C. For an ~~second~~ accessory dwelling unit, as provided for in Section 14.16.285(~~C~~)(8) of this title; or
- D. As a concession granted for residential projects which include sufficient affordable housing units, as provided for in Section 14.16.030(H)(3)(a)(i) of this title.
- E. Within the downtown zoning district (as defined by section 14.03-030) when the tandem parking spaces are assigned to a single residential unit or where the tandem spaces are assigned to a single tenant subject to Exception Permit as outlined under Section 14.24.020.G.3.
- F. As part of a mechanical or automated parking system.

28. Chapter 14.18 (Parking)

Amend Section 14.18.220 (On-site and Remote Parking) as noted below by ~~strikethroughs~~ to show deletions and underline/italics to show insertions:

14.18.220 - On-site and remote parking.

- A. All off-street parking and loading areas required herein shall be located on the same lot and readily accessible to the specified use, provided that if the strict application of this requirement creates undue hardship and in the opinion of the planning director creates conditions contrary to desirable development practices but all other areas of intent for this chapter are complied with, remote parking areas which satisfy all or part of specific parking requirements may be approved.
- B. Remote parking areas shall be located within ~~five hundred feet (500')~~ thirteen hundred (1,300) feet of the specified use and shall possess direct and convenient pedestrian access. Remote areas may serve more than one use, provided that the gross number of spaces available shall not be less than the combined requirements for all uses served.
- C. Requests for remote, off-site parking shall require an application for a use permit and shall be subject to a review and recommendations by the community development director and traffic engineer, and approval by the zoning administrator. Upon zoning administrator approval of any remote, off-site parking area, and prior to occupancy of the proposed use, which parking satisfies the parking requirements, the owner of the lot (proposed for remote parking site) shall

execute and record a declaration of restriction, legally binding or similar instrument satisfactory to the community development director, to restrict the use of the lot to public and private parking of vehicles so long as the use conducted by applicant, or the applicant's successors in interest, on the original site shall require the furnishing of parking facilities under the terms of the use permit.

29. Chapter 14.19 (Signs)

Amend Section 14.19.030 (Exempt Signs), Section 14.19.055 (Illumination Standard) Subsection D, Section 14.19.080 (Prohibited Signs) Subsection C, as noted below by ~~strikeouts~~ to show deletions and underline/italics to show insertions:

14.19.030 - Exempt signs.

The city has a compelling public health, safety and welfare interest in the clear, accurate and effective identification of governmental and private buildings, public streets and public facilities and amenities, the safe and efficient control of traffic and parking within the city, and the expeditious notification to the public of information affecting essential public services. Therefore, the following signs are exempt from the provisions and regulations of this chapter:

A. Building and Street Address Signs. Each sign shall not exceed five (5) square feet in size and one per building for each street frontage.

B. Official Flags. Official flags of any nation, state or local government. Official flags may be placed on a pole not exceeding ~~twenty-four feet (24')~~ the height limit established by the applicable zoning district. Flags over the height limit are subject to Environmental and Design Review pursuant to Section 14.16.120 and Section 14.25.040. The height of the flag shall be no more than one-fourth ($\frac{1}{4}$) the height of the pole. ~~Weather flags, nautical flags and pennants when displayed on boats, in marinas, or on any land area within fifty feet (50') of water frontage, where primarily intended to be viewed from the water and void of any commercial messages.~~

C. Weather flags, nautical flags and pennants when displayed on boats, in marinas, or on any land area within fifty feet (50') of water frontage, where primarily intended to be viewed from the water and void of any commercial messages.

~~D.~~ D. On-Site Directional or Informational Signs. Directional or informational signs placed on-site, which are intended to provide public safety or convenience, not exceeding five (5) square feet in area per sign. Examples of such signs include, but are not limited to, parking lot directional signs, posting of business hours and location of restrooms, telephones, "parking in rear," "drive-through service window," and "no-smoking." Premises addressing signs that are larger than five (5) square feet in size shall be exempt if the larger addressing sign is required by the Fire Code.

~~E.~~ E. Signs Essential for Public Purposes. Signs installed by the city, a state or federal governmental agency, and public utility or service, which are essential for public purposes. Public purpose signs include, but are not limited to official signs for traffic control (e.g., street signs), fire and police signs, signs for other regulatory purposes, such as for public information and safety, public notices, emblems and other forms of official identification.

~~F.~~ F. Interior Signs. Signs located within the interior of a building, lobby, mall or court, when such sign is intended for interior viewing. This provision does not apply to interior signs placed within ten feet (10') of a window, where such sign is visible from a public street.

~~G.~~ G. Nonstructural Modifications and Maintenance of Conforming Signs. Modifications and maintenance of a conforming sign that are nonstructural. Modifications do not include a change in sign face or copy, which requires the approval of a sign permit under Section 14.19.041 of this chapter.

~~H.~~ H. Signs Regulated by State or Federal Laws. Signs that are regulated by state or federal laws, or other applicable local laws, provided that such signs are sized and located to be consistent with the state, federal, or local applicable laws. Examples of such signs include the posting of gasoline and fueling station price signs.

I. Community Gardens Signs. Informational signage required for community gardens as outlined in section 14.17.030, provided that such signs do not exceed the maximum allowable size contained in said section.

J. Community Service Signs. Signs installed on City owned property by the City of San Rafael for the purpose of providing multi-lingual information of: upcoming events, classes, meetings and/or update on neighborhood/community issues. These signs may be electronic face and contain moving messages for the purpose of allowing dissemination of information in multiple languages and shall be subject to the following standards:

1. Number of Signs: One (1) electronic message signs shall be permitted per site.
2. Size of Signs: Signs shall be a maximum size of 48 Square feet.
3. Height of Signs: Free-standing electronic message signs shall not exceed a height of 6-feet.
4. Sight Distance: Free-standing electronic message signs shall provide an adequate line of sight distance pursuant to Section 14.16.295.
5. Hours of Use: Electronic message signs shall be equipped with a timer to assure the signs are not used between the hours of 10pm and 7am.
6. Length of time for display of each message: Electronic message signs may display changing messages provided that each message is displayed for no less than four seconds.
7. Brightness Sensors: Electronic message signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions (e.g., photocell technology), or that can be adjusted to comply with the 0.3-foot candle requirement.
8. The signs shall not include neon lights.
9. The signs shall be subject to a 90-day post installation review.

30. Chapter 14.19 (Signs)

Amend Section 14.19.055 (Illumination Standard) Subsection D as noted below by underline/italics to show insertions:

D. Illumination that is Prohibited. Except as permitted by Section 14.19.030.I.,the following types of illumination are prohibited:

1. Blinking, flashing or fluttering lights or illumination that has a changing light intensity, brightness or color;
2. Animation or moving messages;
3. Searchlights.

31. Chapter 14.19 (Signs)

Amend Section 14.19.080 (Prohibited Signs) Subsection C as noted by underline/italics, as indicated below:

- C. Animated and Moving Signs. Animated and moving signs include:
1. Electronic message display, blinking, flashing, change in light intensity, or moving signs, except time and temperature signs and Community Service Signs as permitted by Section 14.19.030.I.,
 2. Windblown devices such as balloons, inflatable objects, pennants, ribbons, streamers,
 3. Signs producing smoke, sound and other substances;

32. Chapter 14.24 (Exceptions)

Amend Section 14.24.020 (Authority), Subsection G, as noted below by strikeouts to show deletions and by underline/italics, to show insertions:

G. Parking.

1. Minimum driveway width for a residential use may be reduced, subject to review by the traffic engineer and the fire department. Driveway exceptions shall only be allowed where such decrease will not unreasonably affect abutting sites or create a hazardous traffic condition, and where there are special circumstances related to existing site conditions.

2. Minimum aisle width may be reduced, subject to review by the traffic engineer. Aisle width exceptions shall only be allowed where such decrease will not create a hazardous traffic condition, and where such reduction is necessary to provide for additional parking where existing parking does not meet current standards.

3. In downtown residential or non-residential projects, tandem parking may be allowed, subject to review by the traffic engineer and the fire department, where necessary to accommodate the required parking spaces, provided that the tandem spaces are assigned to the same unit or tenant and that the spaces are located convenient to the unit.

4. In any single-family residential district, a recreational vehicle may be parked parallel to the residence in the front yard where there is a curved or circular driveway or where there are special and unique circumstances on the site because of topography or lot shape. Recreational vehicle parking exceptions shall only be allowed where such parking is set back fifteen feet (15') from the front property line and where it will not have an adverse visual impact on adjoining lots or lots across the street.

33. Chapter 14.25 (Environmental and Design Review Permits)

Amend Section 14.25.040 (Improvements subject to review), Subsection B, C and D, Section 14.25.060 (Public notice and hearing) as noted below by ~~strikethroughs~~ to show deletions and underline/italics to show insertions:

14.25.040 Improvements subject to review

B. Minor Physical Improvements.

1. New construction and modifications, including, but not limited to:

a. Any new residence or residential additions over five hundred (500) square feet in size, or any modification that increases the height of the roofline, when located on residential lots with average slopes of twenty-five percent (25%) or greater or located in the hillside resource residential and hillside residential general plan land use designations,

b. Any addition or modification that results in lifting the existing ground level floor of a residence to construct a new ground level floor (lift and fill) located on single-family or duplex residential lots (See Section 14.25.050.F.6. for design criteria),

c. Accessory structures, or additions or modifications to any residential structure located within one hundred (100) vertical feet of a ridgeline when such improvement increases the height of a roofline, or increases building scale and mass and is determined to be visible from off-site,

d. Additions to multifamily residential structures containing three (3) or more dwelling units, where the addition constitutes forty percent (40%) or less than the total square footage of the building,

e. New two-story single-family and duplex residential structures proposing an upper story level over five hundred (500) square feet in size (See Section 14.25.050.F.6. for design criteria),

f. Upper-story additions to single-family and duplex residential structures over five hundred (500) square feet in size (See Section 14.25.050.F.6. for design criteria),

- g. Accessory structures on developed non-residential properties over one hundred twenty (120) square feet in size;
- h. Accessory structures on developed multi-family residential properties over two hundred forty (240) square feet in size,
- i. New construction or reconstruction of boat docking facilities,
- j. Additions and Alterations to existing nonresidential structures and/or additions to existing nonresidential structures where the addition is forty percent (40%) or less of the existing square footage and no greater than one thousand two hundred fifty (1,250) square feet. Based on the scope and potential impact of the change(s), the level of review may be decreased by the community development director.
- k. Structures over the height limit, including flagpoles, aboveground utility distribution facilities, including communications towers and public water tanks, windmills, monuments, steeples, cupolas, and screens for mechanical equipment (chimneys are exempt);
- l. Wireless communications facilities, as prescribed under Chapter 14.16.360.B.

C. Administrative Design Permits.

- 1. Decks, or additions to existing decks, higher than thirty inches (30") above grade, located on residential lots with average slopes of twenty-five percent (25%) or greater or located in the hillside resource residential and hillside residential general plan land use designations, except no review is required for decks:
 - a. Less than a total of one hundred (100) square feet,
 - b. Not visible from the public street or adjacent properties, or
 - c. Replacing an existing elevated deck with a deck of same size and configuration;
- 2. New single-family residences located on a flag lot,
- 3. New one-story duplexes, or ground floor additions over five hundred (500) square feet in size or that include addition of a bedroom,
- 4. Conversion of a single-family residence to a duplex,
- 5. Design changes to projects that previously obtained design review approval. This includes modifications to upper story additions, modifications to windows or architectural, site design or landscaping changes. Based on the scope and potential impact of the change(s), the level of review may be increased by the community development director.
- 6. Outdoor eating areas (as prescribed by Section 14.17.110)
- 7. Minor exterior alterations to a structure or development, which are subject to environmental and design review, that, in the opinion of the community development director, have minimal impacts on the visual character or function of the building or development,
- 8. Satellite dishes over the height limit in a multifamily or nonresidential district,
- 9. Residential fences over six feet (6') seven (7) feet in height (~~residential and nonresidential~~), and as set forth under the criteria in Section 14.16.140
- 10. Nonresidential fencing over seven feet (7') in height as set forth under Section 14.16.160 proposed to be located in a front yard or between the principal building and public street frontage(s),
- 11. Detached accessory structures located on hillside residential lots with slopes of twenty-five percent (25%) or greater or located in areas with a general plan land use designation of hillside residential or hillside resource residential,
- 12. Retaining walls over ~~three~~ four (4) feet (~~3'~~) in height (measured from the top of the footing or finished grade, as determined by the community development director, to the top of the wall) and/or minor landscaping or grading modifications on properties located on a hillside lot as

identified in Section 14.12.020 (-H hillside overlay district) of this title, or located within one hundred (100) vertical feet of a ridgeline,

~~13. Minor landscaping or grading modifications to a hillside lot or ridgeline lot, including retaining walls three feet (3') or less in height that would potentially impact the hillside character of the site, to assure compliance with the H overlay district property development standards~~

~~14-13.~~ Minor landscaping revisions to existing or approved multifamily or nonresidential development that are determined to alter the character of the site,

~~15-14.~~ Minor modifications to existing parking lots (reconfiguration or expansion),

~~16-15.~~ Exterior repainting and refinishing on a development which significantly deviates from the color scheme and/or palette previously approved through an environmental and design review permit, or on structures in the hillside area as identified in Section 14.12.020 of this title when the colors or materials are not from the approved earthtone-woodtone list,

~~17-16.~~ Outdoor storage areas,

~~18-17.~~ Design changes to dwelling units that were existing or approved as of January 1991 and that are being replaced pursuant to Section 14.16.060 (conservation of dwelling units), or dwelling units that are being replaced pursuant to Section 14.16.270.B.5 (nonconforming structures) of this title,

~~19-18.~~ Modifications to properties in the Eichler-Alliance (-EA) combining district which increase the height of roof structures by more than six inches (6") or change the roof pitch, including the creation of sloping roofs, covered atriums that exceed the existing roof height, clerestories or exposed exterior ducting, but excluding the review of solar collectors which are flush-mounted or not visible from the street frontage,

~~20-19.~~ Rooftop equipment and screens visible from off-site,

~~21-20.~~ Minor additions or modifications to a wireless communications facility, as prescribed under Section 14.16.360.B,

~~22-21.~~ Residential Accessory Structures to be located between the front-facing wall of the primary structure and the front setback except as permitted by Section 14.16.020.E.

~~23-22.~~ Non-residential accessory structure one hundred twenty (120) square feet or less in size.

~~24-23.~~ Ancillary detached accessory structures on a developed multi-family residential property two hundred forty (240) square feet or less in size.

~~25-24.~~ Development subject to review for an administrative design permit pursuant to any other provision of this title.

D. ~~Exceptions~~ Exempt from Design Review.

1. Single-family dwellings when sited on individual lots with frontage on a public street and not otherwise subject to design review as listed above;

2. Ordinary maintenance and repairs;

3. New decks or additions to decks, except where review is required for decks located in hillside areas as prescribed in Section 14.25.040.C, above;

4. Installation of solar panels on existing structures or grounds, as provided under state law and in compliance with all applicable development standards;

5. The community development director may declare improvements which have been determined to be minor or incidental within the intent and objectives of this chapter to be exempt from review.

34. Chapter 14.25.060 (Environmental and Design Review Permits)

Amend Section 14.25.040 (Improvements subject to review), Subsection B, C and D, Section 14.25.060 (Public notice and hearing) as noted below by strikethroughs to show deletions and underline/italics to show insertions:

14.25.060 (Public notice and hearing)

- C. Administrative Environmental and Design Review Permit. Public notice and hearing are not required for issuance of an administrative environmental and design review permit, except for development subject to Sections 14.14.030 and 14.25.040(C)(19) of this ~~chapter~~, modifications to properties in the EA overlay district, which shall comply with the notice provisions in Chapter 14.29 of this title.

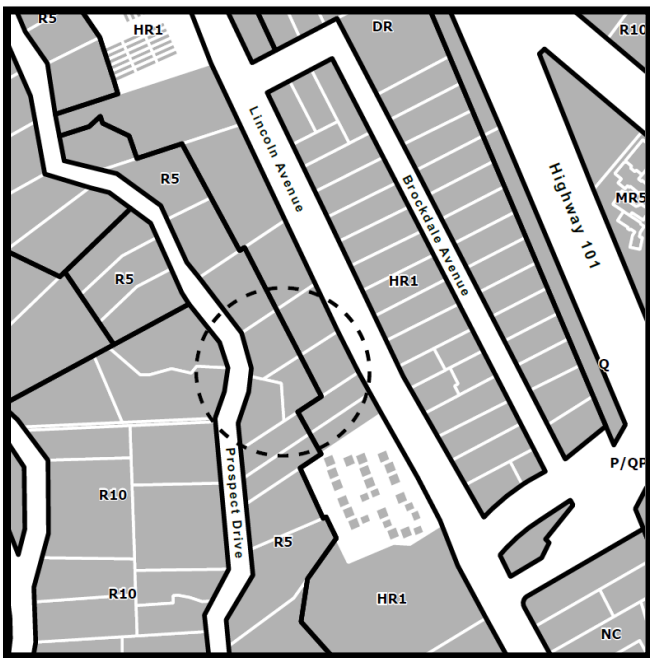
ATTACHMENT C

Amendments to San Rafael Municipal Code (SRMC) Title 14 -Zoning Map Amendments

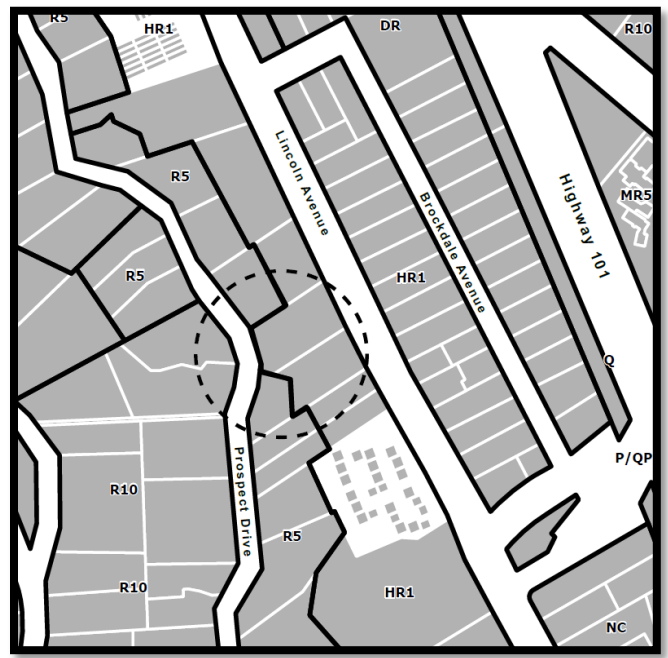
There are two (2) Zoning Map Amendments that are part of the recommended Zoning Amendments as follows:

1526 -1533 Lincoln Avenue

This property has a General Plan Land Use designation of High Density Residential. The Zoning for the property is split with the easterly half falling within the HR1 (High Density Residential) Zoning District, which is consistent with the GP Land Use designation of High Density Residential and the westerly half of the property falling within the R5 (Single-Family Residential) Zoning District, which is not consistent with the GP Land Use designation of High Density Residential.



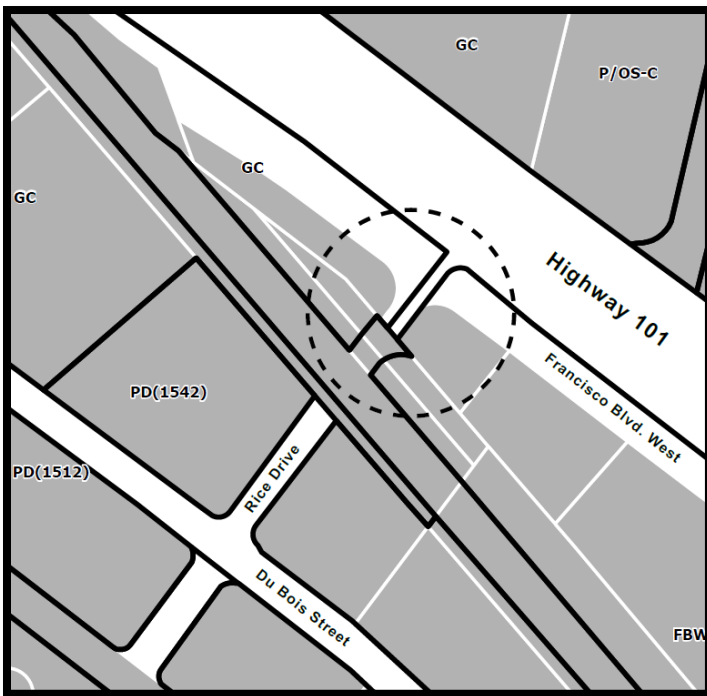
BEFORE



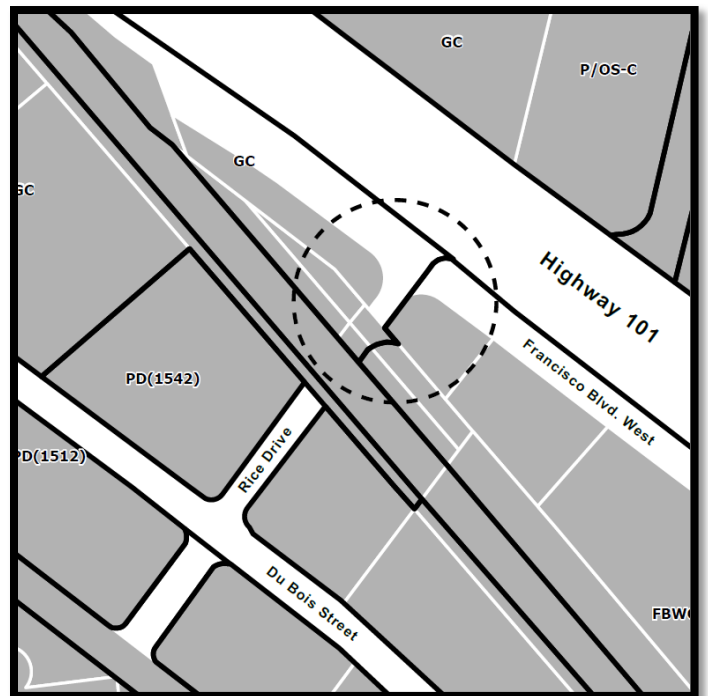
AFTER

Rice Drive Right-of-Way

The segment of Rice Drive, between Francisco Boulevard West and Sonoma Marin Rail Transit District was recently involved in a land transfer that involved Cal Trans, SMART and the City of San Rafael. There is an expected additional land swap that will grant property to a private property owner in exchange for equal amount of land (located in the GC zoning district) to facilitate the SMART Rail extension through this part of San Rafael. Pursuant to San Rafael Municipal Code Section 14.02.020- *“Public streets, utility and other right-of-ways are the boundaries of the zoning districts.”* Where right-of-way abandonments occur, the zoning district boundary defaults to the centerline of the right-of-way. In order to facilitate the additional land transfer to a private property owner, SMART is requesting the adjacent GC (General Commercial) Zoning District boundary be extended over the entire abandoned right-of-way as shown below:



BEFORE



AFTER



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

**Prepared by: Bill Guerin,
Director of Public Works**

City Manager Approval:

TOPIC: G STREET IMPROVEMENTS – PHASE II PROJECT
File No.: 16.01.287

SUBJECT: ACCEPT COMPLETION OF THE G STREET IMPROVEMENTS – PHASE II PROJECT (CITY PROJECT NO. 11345) AND AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

RECOMMENDATION: Accept the project and authorize the City Clerk to file the Notice of Completion.

BACKGROUND: G Street is located in one of the City’s oldest, and most historic, neighborhoods dating as far back as the late 1800’s. Though the area has remained developed and undergone occasional infrastructure upgrade such as road resurfacing, the storm drain system for the roadway has largely remained untouched for over 90 years. This project included installation of a new storm drain system along G Street followed by road resurfacing from Mission Avenue to Fourth Street. In compliance with the Americans with Disabilities Act (ADA), curb ramps were also installed where the sidewalk was removed and replaced as part of the storm drain improvements at the intersection of Fifth Avenue and G Street. The project was advertised in Spring 2018 with two bids received. The City Council subsequently awarded the construction contract to Ghilotti Bros., Inc. in the amount of \$365,444 ([see August 6, 2018 staff report](#)). Construction commenced on August 20, 2018 was completed in mid-October 2018.

ANALYSIS: Pursuant to Civil Code Section 3093, the City is required to record a Notice of Completion upon City acceptance of the improvements. This acceptance initiates a time period during which project subcontractors may file Stop Notices seeking payment from the City from the funds owed to the Contractor for the project work.

FISCAL IMPACT: There is no fiscal impact associated with this item.

FOR CITY CLERK ONLY

File No.: _____

Council Meeting: _____

Disposition: _____

The total City expenses of \$382,845 came in under the originally authorized expenditures of \$410,000, budgeted in the Gas Tax Fund (Fund No. 206). The project was designed and inspected in-house by Public Works staff.

RECOMMENDED ACTION: Accept completion of the project and authorize the City Clerk to file the Notice of Completion.

ATTACHMENT:

1. Notice of Completion

When recorded mail to:

City of San Rafael
Lindsay Lara, City Clerk
1400 Fifth Avenue
P. O. Box 151560
San Rafael, CA 94915-1560

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CITY OF SAN RAFAEL
NOTICE OF COMPLETION OF IMPROVEMENT**

TO ALL PERSONS WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN for and on behalf of the City of San Rafael, County of Marin, State of California, that there has been a cessation of labor upon the work or improvement and that said work or improvement was completed upon the **16th** day of **October, 2018** and accepted the **19th** day of **November, 2018**; that the name, address and nature of the title of the party giving this notice is as follows: The City of San Rafael, 1400 Fifth Avenue, San Rafael, California, 94901, a municipal corporation, in the County of Marin, State of California, within the boundaries of which said work or improvement was made upon land owned by said City and/or over which said City has an easement; that said work or improvement is described as follows:

**G STREET IMPROVEMENTS - PHASE II PROJECT
CITY PROJECT #11345**

and reference is hereby made for a further description thereof to the plans and specifications approved for said work or improvements now on file in the office of the Department of Public Works, and said plans and specifications are hereby incorporated herein by reference thereto; and that the name of the Contractor who contracted to perform said work and make such improvement is

Ghilotti Bros., Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at San Rafael, California, on _____, 20____.

CITY OF SAN RAFAEL
A Municipal Corporation

By _____
BILL GUERIN
Director of Public Works

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF MARIN

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 20___, by Bill Guerin, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

WITNESS my hand and official seal.

Signature _____

LINDSAY LARA
San Rafael City Clerk

File: 16.01.287

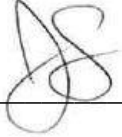


Agenda Item No: 6.a
Meeting Date: November 19, 2018

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Finance/City Attorney

Prepared by: Nadine Hade, Finance Director
Lisa Goldfien, Assistant City Attorney

City Manager Approval: 

TOPIC: PARAMEDIC SERVICE SPECIAL TAX PROCEDURES

SUBJECT: ORDINANCE AMENDING CHAPTER 3.28 OF THE SAN RAFAEL MUNICIPAL CODE REGARDING THE PARAMEDIC SERVICE SPECIAL TAX

RECOMMENDATION:
Hold a public hearing on the ordinance and pass the ordinance to print.

BACKGROUND:
The City's Paramedic Service Special Tax, codified in San Rafael Municipal Code Chapter 3.28, is a special tax that provides funds for the City's paramedic services. The tax, originally approved by the City's voters in 1979, was initially imposed only on residential units, but in 1988 the voters approved an extension of the tax to nonresidential structures. At present the Paramedic Service Special Tax is assessed on City properties at the rate of \$95 per residential unit and \$0.132 per square foot of nonresidential structures.

ANALYSIS:
The Paramedic Service Special Tax is imposed on residential units and on nonresidential structures, not on vacant property. The tax is imposed at a flat rate per residential unit, on the assumption that each residential unit will require approximately the same amount of paramedic services. On nonresidential structures, the tax is imposed at a set amount per square foot, on the assumption that larger nonresidential structures place a higher demand on the paramedic services than do smaller structures.

Given this manner of assessing the Paramedic Service Special tax, it has been the City's practice, in administering the tax, to consider individual requests for reduction or elimination of the assessed amount of the paramedic tax on a property where, because a structure is unoccupied or substantially under-occupied, the property is unlikely to require the assumed amount of paramedic services. Staff has

FOR CITY CLERK ONLY

File No.: _____

Council Meeting: _____

Disposition: _____

determined that it would be helpful to formalize this administrative policy by including it in the provisions of Chapter 3.28.

Adoption of the proposed ordinance will effect this amendment by adding new Section 3.28.080 to the Municipal Code. This ordinance is declaratory of existing law. The amendment provides that on or before June 15, a taxpayer may submit a request to eliminate or reduce the paramedic tax on his or her residential unit or nonresidential structure on the ground, and to the extent they can demonstrate, that during substantially the entire coming fiscal year the structure will be unoccupied, or will be demolished, or is a nonresidential structure that will be fit for occupancy by significantly fewer persons than the California Fire Code authorizes for the structure as a whole due to damage, construction, or other obstructions to use such that the tax should be reduced to reflect a lower potential demand for paramedic services. After a hearing, if satisfied that one of the stated grounds for relief has been satisfied, the City Manager will grant the request in full or in part.

The City Council is required to hold a public hearing to consider the ordinance. Thereafter, if the City Council votes to pass the ordinance to print, it will return on the next Council agenda for final adoption.

FISCAL IMPACT:

There is no fiscal impact anticipated from adoption of the proposed ordinance, since the ordinance merely memorializes an existing administrative practice.

OPTIONS:

The City Council has the following options to consider on this matter:

1. Pass the ordinance to print as presented.
2. Direct staff to return with modifications to the ordinance or more information.
3. Take no action.

RECOMMENDED ACTION:

Hold a public hearing and pass the ordinance to print.

ATTACHMENTS:

1. Ordinance Amending Chapter 3.28 of the San Rafael Municipal Code Regarding the Paramedic Service Special Tax

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING CHAPTER 3.28
OF THE SAN RAFAEL MUNICIPAL CODE REGARDING THE PARAMEDIC
SERVICE SPECIAL TAX**

THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

DIVISION 1. FINDINGS.

WHEREAS, in 1979 the voters of the City of San Rafael enacted Chapter 3.28 of the San Rafael Municipal Code establishing a Paramedic Service Special Tax on residential units in San Rafael, to generate funds for the provision of paramedic services; and

WHEREAS, in 1988, the voters of the City of San Rafael extended the Paramedic Service Special Tax to also apply to nonresidential structures in the City; and

WHEREAS, the City's practice in administering the Paramedic Service Special Tax has been to consider individual taxpayer requests for reduction or elimination of the assessed amount of the paramedic tax on a property where, because a structure is unoccupied or substantially under-occupied, the property is unlikely to require the assumed amount of paramedic services; and

WHEREAS, the City Council wishes to formalize this existing administrative practice by including it in the Municipal Code;

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

DIVISION 2. CODE AMENDMENT.

Section 3.28.080 of the San Rafael Municipal Code is hereby adopted to read as follows:

3.28.80 Adjustment of tax.

(a) Any taxpayer may, by June 15, file a written request the city manager to reduce or eliminate the Paramedic Service Special Tax for the forthcoming fiscal year. The city manager shall grant the request in full or part, to the extent that the taxpayer establishes to his or her reasonable satisfaction any of the following:

- a. A nonresidential structure or residential unit will be unoccupied during substantially the entirety of the forthcoming fiscal year;
- b. A nonresidential structure or residential unit is slated for demolition;
- c. A nonresidential structure is fit for occupancy by significantly fewer persons than the California Fire Code authorizes for the structure as a whole due to damage, construction, or other obstructions to use such that

the tax should be reduced to reflect a lower potential demand for paramedic services; or

d. The law otherwise requires the application to be granted in whole or part.

(b) The city manager or designee shall determine the application in writing after an oral or paper hearing based upon such evidence as the taxpayer may submit or is otherwise available. This decision will be final as to the City but is subject to judicial review pursuant to Code of Civil Procedure section 1094.5. The city manager or designee shall inform the county tax collector of any approval in time for preparation of the tax roll for the coming fiscal year.

DIVISION 3. CEQA FINDINGS.

This Ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no potential to result in physical change in the environment, directly or indirectly. If this Ordinance is found to be a project under CEQA, it is exempt under CEQA Guideline 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

DIVISION 4. CONSTRUCTION.

(a) Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances. The City Council of the City of San Rafael hereby declares it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

(b) Declaratory of Existing Law. The City Council declares that the amendment to the San Rafael Municipal Code effected by this Ordinance codifies the existing practice of the City and is therefore declaratory of existing law.

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. _____ was read and introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 19th day of November 2018 and ordered passed to print by the following vote, to wit:

AYES: Councilmembers

NOES: Councilmembers

ABSENT: Councilmembers

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the _____ day of _____, 2018.

LINDSAY LARA, City Clerk



Agenda Item No: 6.b
Meeting Date: November 19, 2018

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Community Development
Paul A. Jensen
Prepared by: Paul A. Jensen
Community Development Director

City Manager Approval: *[Signature]*

TOPIC: "TEFRA" PUBLIC HEARING FOR TAX-EXEMPT FINANCING - 55 FAIRFAX STREET

SUBJECT: PUBLIC HEARING AND CONSIDERATION OF RESOLUTION APPROVING ISSUANCE OF A REVENUE NOTE BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY FOR THE PURPOSE OF PROVIDING FINANCING FOR A RESIDENTIAL RENTAL HOUSING FACILITY KNOWN AS CASA VISTA APARTMENTS AT 55 FAIRFAX STREET, PURSUANT TO THE TAX AND EQUITY FISCAL RESPONSIBILITY ACT ("TEFRA"); FILE NO. P18-017

RECOMMENDATION:

Hold a public hearing and adopt a resolution approving the issuance of a Note for financing of a loan for the Casa Vista Apartments.

BACKGROUND:

The Casa Vista Apartments is a 40-unit multi-family residential rental development that is located at 55 Fairfax Street. Constructed in 1964, the 40 units are contained in two, two-story buildings. The 1.4-acre property is also developed with surface parking, along with a central courtyard containing a swimming pool and recreation room. The Casa Vista Apartments is owned by Alto Station, Inc. (BRIDGE Housing Corporation), a California non-profit benefit corporation. BRIDGE Housing Corporation owns and manages affordable housing projects throughout California. One hundred (100) percent of the units in the Casa Vista Apartments are affordable to households qualifying in the low-income category (50 to 80 percent of the median income in Marin County). These units are guaranteed as affordable through 2057.

BRIDGE Housing Corporation has applied to the California Municipal Finance Authority (CMFA) to be its issuer for tax-exempt financing for this property. The CMFA was created in 2004 to promote economic, cultural and community development through the financing of economic development and charitable activities in California. The CMFA was formed to assist local jurisdictions with the issuance of taxable and tax-exempt bonds aimed at improving the standard of living in California.

The Casa Vista Apartments project application to CMFA is expected to be financed in an amount not-to-exceed \$4,000,000 in the form of a tax-exempt revenue note (Note) authorized under the Tax and Equity

FOR CITY CLERK ONLY

File No.: _____
Council Meeting: _____
Disposition: _____

Fiscal Responsibility Act (“TEFRA”). The proceeds of the Note will be used for/on the subject property by BRIDGE Housing Corporation to: a) refinance outstanding debt; b) finance certain, needed capital improvements to the subject property; and c) provide working capital and/or to fund reserves.

In order for the Note to qualify as tax-exempt, the Internal Revenue Code requires that an “applicable elected representative” of a governmental unit, the boundaries of which include the site at which the housing project is located, must hold a public hearing on the issuance of the Note and then approve the issuance of the Note. In this case, the City is the applicable governmental unit and the City Council is the elected representative that must hold the public hearing and approve issuance of the Note by the CMFA. A draft resolution approving the issuance has been prepared and is attached for City Council consideration.

ANALYSIS:

The public hearing and approval of the resolution by the City Council will assist in the financing sought by BRIDGE Housing Corporation, as it will fulfill the requirements of the Federal tax code, but otherwise these actions have no direct impact on the City of San Rafael or the subject property in that:

1. The Note will not constitute a debt or liability of the City, and the loan evidenced by the Note will be payable from funds provided from loan payments by BRIDGE Housing Corporation.
2. As noted above, the Internal Revenue Code mandates that the public hearing be conducted before the Note is issued for all or a portion of the Note to qualify as tax-exempt, therefore the City conducts the public hearing merely as an accommodation to the property owner. The City will not be the issuer of the Note, nor will it be responsible for financing evidenced by the Note.
3. The issuance of the Note will have no impact on, nor would it change the current affordability status of the 40 residential units. Rather, the issuance of the Note will foster a pay-down of the outstanding debt and would be used to finance needed capital improvements to the subject property.
4. The action on this request qualifies for an Exemption from the provisions of the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b). This CEQA provision states that as a “general rule,” CEQA applies only to projects and actions which have the potential to cause a significant, physical environmental effect on the environment.

COMMUNITY OUTREACH:

Consistent with TEFRA and the provisions of the San Rafael Municipal Code, a notice of this public hearing was published in the Marin Independent Journal 15 days prior to the hearing. A copy of the notice is attached (Attachment 2).

FISCAL IMPACT:

The City’s review and action on this request has no fiscal impact on the City of San Rafael. As discussed above, the issuance of the Note for financing will not constitute a debt or liability of the City.

OPTIONS:

The City Council has the following options to consider on this matter:

1. Adopt the attached resolution as recommended by staff.
2. Continue the matter and direct staff to return with more information.
3. Do not adopt the resolution.

RECOMMENDED ACTION:

Adopt a resolution approving the issuance of a Note to provide financing for the Casa Vista Apartments.

ATTACHMENTS:

1. Resolution
2. Public Hearing Notice

RESOLUTION NO. _____

**A RESOLUTION OF THE SAN RAFAEL CITY COUNCIL APPROVING
THE ISSUANCE OF A REVENUE NOTE BY THE CALIFORNIA
MUNICIPAL FINANCE AUTHORITY FOR THE PURPOSE OF
PROVIDING FINANCING FOR A RESIDENTIAL RENTAL HOUSING
FACILITY KNOWN AS CASA VISTA APARTMENTS, AND WITH
REGARD TO CERTAIN OTHER MATTERS RELATING THERETO**

WHEREAS, pursuant Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the "Act"), certain public agencies (the "Members") have entered into a Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the "Agreement") in order to form the California Municipal Finance Authority (the "Authority"), for the purpose of promoting economic, cultural and community development, and in order to exercise any powers common to the Members, including the issuance of bonds, notes or other evidences of indebtedness; and

WHEREAS, the City of San Rafael (the "City") is a member of the Authority; and

WHEREAS, the Authority is authorized to issue and sell revenue notes and bonds for the purpose, among others, of financing or refinancing multifamily residential rental housing facilities for low- and very low-income persons and households; and

WHEREAS, BRIDGE Housing Corporation, a California nonprofit public benefit corporation, has requested that the Authority borrow funds evidenced by a note (the "Note") in an amount not to exceed \$4,000,000, and to use proceeds of the borrowing to make a loan to Alto Station, Inc., a California nonprofit public benefit corporation ("Alto"), to refinance outstanding debt of Alto, to finance certain capital improvements, to provide working capital and/or to fund reserves all with respect to a 40-unit multifamily residential rental facility owned by Alto currently known as Casa Vista Apartments, located at 55 Fairfax Street in the City (the "Housing Facility"); and

WHEREAS, in order for the interest on the loan evidenced by the Note to be tax-exempt, section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that an "applicable elected representative" of a governmental unit, the boundaries of which include the site at which the Housing Facility is located, hold a public hearing on the issuance of the Note and approve the issuance of the Note following such hearing; and

WHEREAS, the Authority has determined that the City Council of the City is an "applicable elected representative" for purposes of holding such hearing; and

WHEREAS, the Authority has requested that the City Council of the City approve the issuance of the Note by the Authority, following the conduct of the public hearing, in order to satisfy the public approval requirement of section 147(f) of the Code and the requirements of section 4 of the Agreement; and

WHEREAS, notice of such public hearing has been duly given as required by the Code, and the City Council has heretofore held such public hearing at which all interested persons were given an opportunity to be heard on all matters relative to the location, financing and nature of the Housing Facility and the Authority's issuance of the Note therefor; and

WHEREAS, it is in the public interest and for the public benefit that the City Council approve the issuance of the Note by the Authority for the aforesaid purposes;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Rafael, as follows:

Section 1. The City Council hereby approves the issuance of the Note by the Authority. It is the purpose and intent of the City Council that this Resolution constitute approval of the issuance of the Note (a) by the “applicable elected representative” in accordance with section 147(f) of the Code, and (b) by the City Council in accordance with section 4 of the Agreement.

Section 2. The issuance of the Note shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Note or the loan to the Authority that it evidences.

Section 3. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing for the Housing Facility; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the improvement or operation of the Housing Facility; (iii) make any contribution or advance any funds whatsoever to the Authority; or (iv) take any further action with respect to the Authority or its membership therein.

Section 4. The Mayor, the City Manager, the Finance Director, the City Clerk and all other proper officers and officials of the City are hereby authorized and directed to execute such other documents and certificates, and to perform such other acts, as may be necessary or convenient to effect the purposes of this Resolution and the issuance of the Note hereby approved.

Section 5. This Resolution shall take effect immediately upon its adoption.

I, LINDSAY LARA, City Clerk of the City of San Rafael, hereby certify that the foregoing Resolution No. was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on Monday, the 19th day of November 2018, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

03042.135:J15368
10/12/18

Marin Independent Journal

4000 Civic Center Drive, Suite 301
San Rafael, CA 94903
415-382-7335
legals@marinij.com

2070419

CITY OF SAN RAFAEL
CITY OF SAN RAFAEL
CITY CLERK, ROOM 209
1400 FIFTH AVENUE, SAN RAFAEL, CA 94901
SAN RAFAEL, CA 94915-1560

PROOF OF PUBLICATION (2015.5 C.C.P.)

STATE OF CALIFORNIA County of Marin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer of the MARIN INDEPENDENT JOURNAL, a newspaper of general circulation, printed and published daily in the County of Marin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Marin, State of California, under date of FEBRUARY 7, 1955, CASE NUMBER 25566; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

11/02/2018

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated this 2nd day of November, 2018.



Signature

PROOF OF PUBLICATION

Legal No. **0006245090**

CITY OF SAN RAFAEL NOTICE OF PUBLIC HEARING

DATE/TIME:
Monday, November 19, 2018 at 7:00 p.m.

LOCATION: City Council Chambers,
1400 Fifth Avenue, San Rafael, CA

PURPOSE: The San Rafael City Council will hold a public hearing in connection with the proposed issuance by the California Municipal Finance Authority (the "Authority") of its revenue note (the "Note") evidencing a borrowing in an amount not to exceed \$4,000,000. Proceeds of the borrowing evidenced by the Note will be loaned to Alto Station, Inc., a California nonprofit public benefit corporation ("Alto") to be used by Alto to refinance outstanding debt of Alto, to finance certain capital improvements, to provide working capital and/or to fund reserves, all with respect to the 40 unit multifamily residential rental facility owned by Alto currently known as Casa Vista Apartments, located at 55 Fairfax Street #27, APN 008-030-04 in the City (the "Housing Facility").

The Housing Facility is currently managed by BRIDGE Property Management Company. All or a portion of the rental units in the Housing Facility are being, and will continue to be, rented to persons and families of low and very low income.

The Note will not constitute a debt or liability of the City, the State of California (the "State") or any political subdivision thereof, other than the Authority, and the loan evidenced by the Note will be payable from funds provided from loan repayments by Alto. Neither the faith and credit nor taxing power of the City, the State or any political subdivision thereof, including the Authority, will be pledged to the payment of the principal or prepayment premium, if any, or interest on the Note. The issuance of the Note will not directly, indirectly or contingently obligate the City, the State or any political subdivision thereof to levy or to pledge any form of taxation or to make any appropriation for its payment. The Authority has no taxing power.

The City Council is conducting the public hearing as an accommodation to Alto. The City will not be the issuer of the Note and takes no responsibility for the financing evidenced by the Note.

Those wishing to comment on the proposed financing and the location and nature of the Housing Facility may either appear in person at the public hearing or submit written comments, which must be received by the City prior to the hearing.

The action on this request qualifies for an exemption from the provisions of the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b), which states that as a "general rule," CEQA applies only to projects and actions which have the potential to cause a significant, physical environmental effect on the environment.

IF YOU CANNOT ATTEND: Written comments should be sent to Lindsay Lara, City Clerk, City of San Rafael, P.O. Box 151560, San Rafael, CA 94915-1560, City of San Rafael, 1400 Fifth Avenue, Room 209, San Rafael, CA 94901.

FOR MORE INFORMATION: More information regarding the Housing Facility may be obtained from Katherine Fleming, Vice President of Portfolio for BRIDGE Housing Corporation, telephone (415) 321-4009.

SAN RAFAEL CITY COUNCIL

LINDSAY LARA
CITY CLERK, CITY OF SAN RAFAEL

American Sign Language interpreters and assistive listening devices may be requested by calling (415) 485-3198 (TDD) or (415) 485-3085 (Voice) at least 72 hours in advance. Copies of documents are available in accessible formats upon request. Public transportation 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.

