



**SAN RAFAEL CITY COUNCIL – TUESDAY, FEBRUARY 18, 2020**

**SPECIAL MEETING AT 5:30 P.M.  
CITY MANAGER’S CONFERENCE ROOM, CITY HALL  
1400 FIFTH AVENUE, SAN RAFAEL, CALIFORNIA**

**1. Pickleweed Advisory Committee Interviews**

Interview Applicants and Consider Appointments to Fill Two Unexpired Four-Year Terms, One Regular Voting Member and One Alternate Member, on the Pickleweed Advisory Committee to the End of December 2022 (CC)

*Recommended Action – Make appointments*

**REGULAR MEETING AT 7:00 P.M.  
COUNCIL CHAMBERS, CITY HALL  
1400 FIFTH AVENUE, SAN RAFAEL, CALIFORNIA**

**AGENDA**

**OPEN SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL – 6:00 P.M.**

1. Mayor Phillips announced Closed Session items.

**CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL – 6:00 P.M.**

2. Closed Session:
  - a. Conference with Labor Negotiators – Government Code Section 54957.6  
Lead Negotiator: Timothy L. Davis (Burke, Williams & Sorensen)  
Agency Designated Representatives: Jim Schutz, Cristine Alilovich, Nadine Hade, Shibani Nag  
Employee Organizations: SEIU - Childcare; San Rafael Police Mid-Management Association; Public Employee Union, Local 1; San Rafael Firefighters’ Association; San Rafael Police Association; SEIU Local 1021; Western Council of Engineers; San Rafael Fire Chief Officers’ Association

**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.

**SPECIAL PRESENTATIONS:**

3. Special Presentations:

- a. **CalFest First Place Celebration Awards**  
West End Celebration 2019 to Adam Violante  
San Rafael PorchFest 2019 to Gerstle Park Neighborhood Association

**CITY MANAGER’S REPORT:**

- 4. City Manager’s Report:

**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**  
Approve Minutes of City Council / Successor Agency Regular Meeting of Monday, February 3, 2020 (CC)  
*Recommended Action – Approve minutes as submitted*
- b. **Cannabis Industry Tax Oversight Committee Appointments**  
Approve Appointments of Cannabis Industry Tax Oversight Committee Applicants Abi Scheier Rivas, Erik Rivai and Stephen Roth to Three Four-Year Terms to the End of February 2024 and Jennifer Dye and Drew Bulfer to Two Two-Year Terms to the End of February 2022 (CC)  
*Recommended Action – Approve staff recommendation*
- c. **New 45-Unit Townhome Development - 350 Merrydale Road/3833 Redwood Hwy**  
Second Introduction and Final Adoption of Ordinance 1979: An Ordinance of the San Rafael City Council Approving a Planned Development Rezoning from Planned Development (PD) District (PD1594) to a Revised PD (ZC19-002), Including the Rescission of PD 1594, and Creation of a New PD District, at 350 Merrydale Road/3833 Redwood Hwy (CD)  
*Recommended Action –Final Adoption of Ordinance 1979*
- d. **Annual Audit of Federal Grant Expenditures**  
Single Audit Report for the Year ended June 30, 2019 (FIN)  
*Recommended Action – Accept report*
- e. **Traffic Mitigation Fees**  
Annual Traffic Mitigation Fee Report (PW)  
*Recommended Action – Accept report*

- f. **Essential Facilities Construction Project Fire Stations 52 and 57 Notice of Completion**  
 Accept Completion of the Essential Facilities Construction Project – Fire Station 52 and Fire Station 57 (City Project No. 11292 & 11293), and Authorize the City Clerk to File the Notice of Completion (PW)  
*Recommended Action – Accept completion and authorize the City Clerk to file the Notice of Completion*
  
- g. **Street Resurfacing 2018-2019 Notice of Completion**  
 Accept Completion of the Street Resurfacing 2018-2019 Project (City Project No. 11336), and Authorize the City Clerk to File the Notice of Completion (PW)  
*Recommended Action – Accept completion and authorize the City Clerk to file the Notice of Completion*
  
- h. **2018-2019 Street Restriping Notice of Completion**  
 Accept Completion of the 2018-2019 Restriping Project (City Project No. 11359), and Authorize the City Clerk to File the Notice of Completion (PW)  
*Recommended Action – Accept completion and authorize the City Clerk to file the Notice of Completion*
  
- i. **Third Street at Hetherton Street Improvements**  
 Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the Third Street at Hetherton Street Improvements Project with Ghilotti Bros. Inc. in the Amount of \$398,983, and Authorizing Contingency Funds in the Amount of \$61,017, for a Total Appropriated Amount of \$460,000 (PW)  
*Recommended Action – Adopt Resolution*

**PUBLIC HEARINGS**

6. Public Hearings:

- a. **General Plan 2040 / Downtown Precise Plan**  
 General Plan 2040 Land Use Map – Preliminary Review and Discussion of Proposed Map Changes (CD)  
*Recommended Action – Accept report and provide feedback to staff*

**Other Agenda Items**

7. Other Agenda Items:

- a. **Francisco Boulevard East Sidewalk Improvements**  
 Informational Report on the Francisco Boulevard East Sidewalk Improvements Project (PW)  
*Recommended Action – Accept report*

**COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:**

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

8. 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) 485-3066 (voice), emailing [Lindsay.lara@cityofsanrafael.org](mailto:Lindsay.lara@cityofsanrafael.org) or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request. Public Transportation to City Hall is available through Marin Transit Routes [22](#), [23](#), [23x](#), and [68](#) and Golden Gate Route [27](#). To plan your trip using transit, go to [marintransit.org/trip-planner](http://marintransit.org/trip-planner). Marin Access provides services for older adults and those with disabilities who are unable to use the fixed route bus services. Go online or call the [Travel Navigators](#) at (415) 454-0902 to learn more about these options. To allow individuals with environmental illness or multiple chemical sensitivity to attend the meeting/hearing, individuals are requested to refrain from wearing scented products.*



**SAN RAFAEL CITY COUNCIL STAFF REPORT**

Department: City Clerk

Prepared by: Lindsay Lara, City Clerk

City Manager Approval: 

**TOPIC: PICKLEWEED ADVISORY COMMITTEE INTERVIEWS**

**SUBJECT: INTERVIEW APPLICANTS AND CONSIDER APPOINTMENTS TO FILL TWO UNEXPIRED FOUR-YEAR TERMS, ONE REGULAR VOTING MEMBER AND ONE ALTERNATE MEMBER, ON THE PICKLEWEED ADVISORY COMMITTEE TO THE END OF DECEMBER 2022**

**RECOMMENDATION:**  
Interview the following applicants and consider appointments to fill two unexpired four-year terms, one regular voting member and one alternate member, on the Pickleweed Advisory Committee to the end of December 2022.

Name
Andrew Cullen
Jairo Ceballos
Janet T Sanchez
Keyly Gonzalez

**BACKGROUND:**  
At the meeting of [October 7, 2019](#), the City Council called for applications for the Pickleweed Advisory Committee to fill one unexpired four-year term and one unexpired four-year alternate member term to the end of December 2022.

The [Pickleweed Advisory Committee](#) provides valuable input in representing and advocating for the Canal area residents’ needs and wishes for programs and services; and is a primary public networking resource between the Canal residents, representatives from governmental and non-profit agencies, and others. The Pickleweed Advisory Committee works in conjunction with the City of San Rafael to review and evaluate “Use Agreements for Co-Sponsored Programming” at the Community Center.

**ANALYSIS:**  
The deadline for submitting applications was November 12, 2019, and the City Clerk’s Office received one application. The application period was extended to ‘Open Until Filled’ to recruit for additional applicants, and four applications had been received as of February 3, 2020. Staff recommends the City Council interview the four eligible applicants and make appointments to fill

---

**FOR CITY CLERK ONLY**

**File Number:**

**Council Meeting:**

**Disposition:**

**SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2**

two unexpired four-year terms, one regular voting members and one alternate member, to the end of December 2022.

[Meetings](#) are held on the first Wednesday of every other month, odd months, at 7:00 p.m. at the Albert J. Boro Community Center, Room 3, 50 Canal Street, San Rafael, CA 94901.

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

**COMMUNITY OUTREACH:**

The call for applications for the Pickleweed Advisory Committee was advertised through mass email notification, Canal Alliance, the City website, Nextdoor and Facebook social media platforms.

**RECOMMENDED ACTION:**

Interview applicants and consider appointments to fill two unexpired four-year terms, one regular voting member and one alternate member, on the Pickleweed Advisory Committee to the end of December 2022.

**ATTACHMENT:**

1. Four (4) applications
2. Pickleweed Advisory Committee Bylaws

**Profile**

Question applies to Pickleweed Advisory Committee

**Pickleweed Advisory Committee:** The deadline for filing applications is **open until filled.**

Andrew J Cullen  
First Name Middle Initial Last Name

**Which Boards would you like to apply for?**

Fire Commission: Submitted  
Special Library Parcel Tax Committee (Measure D): Submitted  
Pickleweed Advisory Committee: Submitted

[Redacted]  
Email Address

[Redacted]  
Street Address

[Redacted]  
Suite or Apt

San Rafael CA 94901  
City State Postal Code

**Are you a resident of San Rafael**

Yes  No

**Resident of the City of San Rafael for how many years?**

San Rafael

[Redacted]  
Primary Phone

[Redacted]  
Alternate Phone

Lawrence Berkeley National Laboratory EHS Professional  
Employer Job Title

**Business Address**

[Redacted]

**How did you learn about this vacancy? \***

NextDoor

**Interests & Experiences**

**Do you participate in any civic activities?**

Not currently.

List any civic organizations of which you are a member:

---

MCBC.

Education:

---

UC Berkeley B.S. Chemistry (2013)

Why are you interested in serving on a board or commission?

---

To serve the community I live in.

Describe possible areas in which you may have a conflict of interest with the City:

---

None.

[Andrew Cullen Resume\\_013020.docx](#)

Upload a Resume

---

### Demographics (Optional)

The demographic information you choose to provide is **VOLUNTARY** and **OPTIONAL** and refusal to provide it will not subject you to any adverse treatment. This information will be considered confidential, kept separate from your application and will not be used for evaluating applications or making appointments. The City of San Rafael will use this information solely to conduct research and compile statistical reports regarding the composition of its Board and Commission applicants.

Ethnicity:

---

To which gender do you most identify?

[REDACTED]

How old are you?

[REDACTED]



# ANDREW CULLEN

## CONTACT



Tel: [REDACTED]



[REDACTED]



Linkedin.com/andrew-cullen



[REDACTED]  
San Rafael, CA, 94901

## Certifications

**CHMM, 2018-Present**

Certified Hazardous Materials Manager

**CSP, 2019-Present**

Certified Safety Professional

## Training

- OSHA 40-Hour HAZWOPER
- DOT 40-Hour Basic Awareness
- DOT Advance Mixed/Radiation Shipper
- EPA RCRA/CWA/CAA
- CA Title 22/HSC
- IATA

## Skills and Abilities

- Project Management
- Program Development/Implementation
- Research Methods
- Waste Management Regulations
- Chemistry, Statistics and Public Health
- Written and Oral Communication
- Self-Motivated and Independent
- Collaborative with Diverse Groups
- Resourceful

## PUBLICATIONS

Peyton Shieh, M. Sloan Siegrist, **Andrew J. Cullen**, and Carolyn R. Bertozzi. "Imaging bacterial peptidoglycan with near-infrared fluorogenic azide probes" *Proceedings of the National Academy of Sciences U. S. A.* **2014**, *111*, 5456-6461.

## EDUCATION

**University of California, Berkeley**

School of Public Health

*Masters of Public Health, Environmental Health*

*Anticipated 2020*

**University of California, Berkeley**

College of Chemistry

*Bachelors of Science, Chemistry*

**2013**

## RELEVANT EXPERIENCE

**Environment/Health/Safety Professional**

**June 2018 - Present**

*Lawrence Berkeley National Laboratory*

- Provide guidance, direction and recommendations to research and operations personnel to improve safety and regulatory compliance of hazardous materials
- Develop relationships with multi-disciplinary teams to support planning and implementing improvements to EH&S programs
- Identify and strengthen technical program areas to ensure compliance with applicable regulations and to reduce risk to the institution
- Classify and certify waste with the application of generator process knowledge to meet on-site and off-site TSDF WACs and DOT regulations
- Interpret regulations applicable to environmental compliance

**Chemistry Lab Technician**

**August 2016 – June 2018**

*College of Marin*

- Oversaw and strengthened EH&S procedures in chemistry teaching labs
- Optimized chemical inventories, safety inspections and labeling programs
- Projected and purchased supplies and equipment by managing a budget
- Strategized meeting program needs of students, faculty and staff

**Junior Research Specialist I**

**July 2013 – July 2014**

*University of California, Berkeley*

- Influenced and implemented new EH&S policies by participating in the Chemical Safety Committee
- Optimized EH&S controls in a research space that contained chemical, biological (BSL2), and radioactive hazards
- Oriented and oversaw training of new lab members in EH&S
- Conducted organic synthesis and biological labeling research under limited supervision and collaborated with a team of scientists
- Communicated research findings through written reports and presentations

**Undergraduate Researcher**

**August 2012 – July 2013**

*University of California, Berkeley*

- Invented a synthetic pathway for Si-Rhodamines and cyclooctynes for use in copper-free click labeling of bacterial and mammalian cells
- Analyzed data and constructed manuscripts to communicate results
- Publicized research results through poster and PowerPoint presentations

**Profile**

Question applies to Pickleweed Advisory Committee

**Pickleweed Advisory Committee:** The deadline for filing applications is **open until filled.**

Jairo \_\_\_\_\_ Ceballos \_\_\_\_\_  
First Name Middle Initial Last Name

**Which Boards would you like to apply for?**

Special Library Parcel Tax Committee (Measure D): Submitted  
Pickleweed Advisory Committee: Submitted

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Suite or Apt

San Rafael \_\_\_\_\_  
City

CA \_\_\_\_\_  
State

94901 \_\_\_\_\_  
Postal Code

**Are you a resident of San Rafael**

Yes  No

**Resident of the City of San Rafael for how many years?**

3 1/2

\_\_\_\_\_  
Primary Phone

\_\_\_\_\_  
Alternate Phone

San Francisco YMCA-Marin \_\_\_\_\_  
Employer

Program Leader \_\_\_\_\_  
Job Title

**Business Address**

\_\_\_\_\_

**How did you learn about this vacancy? \***

City Council Agenda

**Interests & Experiences**

**Do you participate in any civic activities?**

I have previously been involved with CASA, special olympics, highway cleanup, medical services and other volunteer efforts during my undergraduate career. During my time in the bay area I have helped at the San Francisco-Marin food pantry and worked with my mentor Dr. Joel White at UCSF as a dental research assistant primarily on quality metrics in dentistry.

**List any civic organizations of which you are a member:**

CASA, ADEA

**Education:**

Porterville High School Graduate BA in Psychology/Pre-dental from University of California, Merced PBC from the University of California, San Francisco MPH in Community Health Education at San Francisco State University (1st year)

**Why are you interested in serving on a board or commission?**

I have always felt an urge to help aid in the good cause and therefore, as a now 3 year resident of San Rafael feel encouraged to build on my foundation as a community leader. Additionally, I feel that I bring a diverse background with different experiences that can help in efforts brought forward by boards/commissions/committees, but also learn from my involvement.

**Describe possible areas in which you may have a conflict of interest with the City:**

No identifiable areas.

[Jairo\\_Ceballos\\_2020\\_.docx](#)

Upload a Resume

---

**Demographics (Optional)**

The demographic information you choose to provide is **VOLUNTARY** and **OPTIONAL** and refusal to provide it will not subject you to any adverse treatment. This information will be considered confidential, kept separate from your application and will not be used for evaluating applications or making appointments. The City of San Rafael will use this information solely to conduct research and compile statistical reports regarding the composition of its Board and Commission applicants.

**Ethnicity:**

**To which gender do you most identify?**



How old are you?



# Jairo Ceballos

[REDACTED]

San Rafael, CA 94901

[REDACTED]

[REDACTED]

[REDACTED]

## EDUCATION:

<b>Porterville High School</b>	Porterville, CA
Honors Partnership Academy of Health Student	May 2011
<b>University of California, Merced</b>	Merced, CA
B.A. Psychology/Pre-Dental	May 2015
<b>University of California, San Francisco</b>	San Francisco, CA
Dental Post Baccalaureate Program	May 2017
<b>University of California, Berkeley-Extension</b>	San Francisco, CA
Continuing Upper-Division Courses	July 2019
<b>San Francisco State University</b>	San Francisco, CA
MPH in Community Health Education	Present

## Computer Skills and Language Proficiency

I have experience using various computer applications, software, and tools. I am familiar with Macintosh and Windows operating systems. My experience with Excel, Powerpoint, GoogleDocs, Word, Axium, Box, VPN protected sites have afforded me further skills. I have 85+ WPM count.

I am advanced in both my primary language Spanish and secondary language English.

## DENTAL EXPERIENCE:

<b>Dental Research Assistant</b>	San Francisco, CA
Clinical Assistant and Research	December 2017-Present

- Assist in the clinical setting with patient care and education in preventative and

restorative dentistry. Additionally, work on projects pertaining to quality improvement/ quality metrics and applied science in the field of dentistry; adherence to radiographic guidelines, decision to treat, 504nm Lares Fluorescence handpiece vs. intraoral camera, sealants in children; primarily underserved populations, and crown/implants preparation and delivery.

- Co-Author of abstract on “Implementation of Validated Caries Indices in an Electronic Health Record”

**Continuous Quality Improvement Project**

San Francisco, CA

Student Participant

September 2016-May 2017

- Collaborated with Dr. Joel White (faculty at UCSF) and 4 other students on reviewing dental care provider’s adherence to radiographic guidelines in the clinic at University of California, San Francisco. Quality improvement was studied by patient health record information and radiographs processed for treatment planning.

**Dr. Israel Trujillo D.D.S Periodontics Office**

Merced, CA

Student Intern

July 2014-When Time Permits

**Dr. Nathan Miller D.D.S Office**

Merced, CA

Student Intern

June 2014-January 2016

**Dr. Joshi Nina D.D.S Office**

Porterville, CA

Student interest in Health Professions

November 2009-May 2010

**EMPLOYMENT:**

**Marin YMCA: After School Program**

San Rafael, CA

Program Lead

January 2018-Present

- Implement high quality programs and activities (art, nature, sports, and education) for kindergarten through fifth grade students at Sun Valley Elementary School.
- Help in building a stronger connection with the community and YMCA Organization.

**California Vote Project**

Merced, CA

Voter Registration

April 2016-June 2016

- House to house registration for qualified nonregistered residents in the Central Valley.
- Empowering Democrats to understand their rights and the impact of voting.

**Field Work** Porterville, CA

Seasonal/Temporary field work (Orange, Blueberries, Grapes) Seasonal/School Breaks

**Borba Dairy** Porterville, CA

Calf Maintenance Assistant 2009-Present

**River Island/Mr. Mahoney landscaping** Porterville, CA

Landscaping/Special Projects Seasonal/December 2014-June 2015

**Great Valley Center** Modesto/Merced, CA

Computer Literacy Instructor January 14-June 1, 2015

- Instrumental in delivering computer skills to Non-English speaking parents to facilitate their Interactions with teachers, school work, and student grades.

**Merced County Office of Education** Merced, CA

School Connect Home Tutor (Migrant Students) February 2014-August 2014

**University of California, Merced Graduate Division** Merced, CA

Data Input Student Assistant October 2013-February 2014

**Galaxy 9 Theater, Galaxy Theatres** Porterville, CA

Floor Staff November 2009-Seasonal

**Porterville Convalescent Home/**

**Porterville Unified School District** Porterville, CA

Certified Nurse Assistant Curricula/Tdap Admin. Assistant/Tutor August 2010-August 2011

- Completed a total of 150 hours of training to obtain certification eligibility
- During Tdap vaccination administration worked approximately 20 hours/weekly
- Tutoring position for Porterville Unified School District worked approximately 10 hours/weekly

#### **EXTRA CURRICULAR ACTIVITIES:**

**The American Student Dental Association** San Rafael, CA

Student Member Present

- Active member benefits comprised of Dental Health news and activities
- Networking with current and aspiring dental professionals and community outreach

**Omega Delta Phi Fraternity, Inc.**

Merced, CA

Vice President /Service Chair

April 2012-December 2014

**Academy of Health Sciences (PAHS)**

Porterville, CA

Health Student Representative/Alumni/Special Speaker

August 2008–Present

- Special invitations to speak to students/board of directors/teachers in regards to college experiences of a first-generation student interested in the health professions. Visits varying from 2 hours to 8 hour days
- Conference guest for Porterville Unified School District students interested in Health Professions
- Board meeting consulting and academic plan of action for recruitment and retention
- Key note speaker for Partnership Academy of Health Sciences graduation

**Pre-Health at UC Merced**

Merced, CA

Student Participant

January 2012-May 2015

**Latino Associated Students de UC Merced (LAS)**

Merced, CA

Student Advocate

September 2011-December 2014

**Health Occupations Students of America (HOSA) Alumni**

Porterville, CA

Student/Alumni

September 2010-Present

**Licensure/Certifications**

Certified Nurse Assistant: Certificate number: 781471

Effective: July 2010-October 2013

Radiation Safety Certification

Effective: August 2018-Present

**COMMUNITY SERVICE/VOLUNTEER WORK:**

- Academy of Health Sciences (PAHS) Special Speaker May 2017, 2018
- San Francisco-Marin Food Bank volunteer 2017-Present
- Walk n Roll Cure SMA San Francisco August 2016-Present
- Special Olympics volunteer coach/event setup and management 2012-2015
- Special Olympics practice volunteer: basketball and track&field 2012-2015
- Boys and Girls Club of Merced, CA yearly Easter Egg Hunt and Haunted House set-up and administration: 2012-2014.
- Early Childhood Education Center volunteer: 2012-2014. Monthly
- Highway Cleanup designated location for Omega Delta Phi Fraternity Inc.
- Can food drive hosted by Omega Delta Phi Fraternity Inc. for Merced, CA



- Walk for Cancer, Porterville California. Annually
- SMA: Spinal Muscular Atrophy Walk: 2014, 2015 Merced, CA.
- Health Fair volunteer through Family Healthcare Network, Porterville, CA. Annually
- Porterville, CA. Homeless initiative and Holiday food & clothing distribution.
- FACES: Challenger Center. 2013, 2014.
- Kicking it for Cancer volunteer/participant at UC Merced.
- LAS: Annual Cinco de Mayo Celebration Volunteer. Annually
- LAS: Car Show Event volunteer. 2012.
- Dental Health visits to rural communities by University of Southern California. Terrabella, CA
- Volunteer: Caesar E. Chavez Blood drive at UC Merced. 2012

**COLLEGE SCHOLARSHIPS:**

- NATO: National Association of Theatre Owners of California/Nevada
- The Charles E. Saak Scholarship Fund
- Tulare County Dairy Women Scholarship
- Bobcat Scholarship
- Partnership Academy of Health Scholarship

---

## Profile

Janet \_\_\_\_\_ P \_\_\_\_\_ T Sanchez \_\_\_\_\_  
First Name Middle Initial Last Name

### Which Boards would you like to apply for?

Pickleweed Advisory Committee: Submitted

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Street Address

San Rafael  
Suite or Apt

San Rafael \_\_\_\_\_ CA \_\_\_\_\_ 94901 \_\_\_\_\_  
City State Postal Code

### Are you a resident of San Rafael

Yes  No

### Resident of the City of San Rafael for how many years?

29

Mobile: \_\_\_\_\_ Home: \_\_\_\_\_  
Primary Phone Alternate Phone

Rafael Racquet Club Inc \_\_\_\_\_ Assistant Manager \_\_\_\_\_  
Employer Job Title

### Business Address

95 Racquet Club Drive San Rafael, CA 94901

### How did you learn about this vacancy? \*

Friend / Colleague

---

## Interests & Experiences

### Do you participate in any civic activities?

I have not participated in any civic duties.

### List any civic organizations of which you are a member:

N/A

**Education:**

---

Currently attending College of Marin and will be transferring to Sonoma State to do a Business Administration Program in Fall 2020.

**Why are you interested in serving on a board or commission?**

---

I would like to serve to be more involved with my community. I have lived in the canal my whole life and think I can help give back to my community. Along with making it a better place for my family and friends that still live here. Finally, it would be a great experience to have under my belt to work with people to achieve goals and make my community better would be a reward.

**Describe possible areas in which you may have a conflict of interest with the City:**

---

I don't believe I have a conflict of interest with the city.

[resume\\_2019.docx](#)

Upload a Resume

---

**Demographics (Optional)**

The demographic information you choose to provide is **VOLUNTARY** and **OPTIONAL** and refusal to provide it will not subject you to any adverse treatment. This information will be considered confidential, kept separate from your application and will not be used for evaluating applications or making appointments. The City of San Rafael will use this information solely to conduct research and compile statistical reports regarding the composition of its Board and Commission applicants.

**Ethnicity:**

[Redacted]

**To which gender to your most identify?**

[Redacted]

**How old are you?**

[Redacted]

**JANET TANCHEZ**

San Rafael, CA 94901

**EMPLOYMENT HISTORY**

*Rafael Racquet Club Inc – San Rafael, CA 2012-present*

Assistant Manager

- Hire, train and supervise front desk staff and camp staff
- Supervise all staff and making sure all our members and there guests are following rules
- Member accounts/billing for our 500 family memberships and non-member users; using ClubAutomation
- Collecting money and depositing checks

*The Marin Youth Center – “The MYC”- 2006 - 2011*

Front Desk Supervisor, March, 2010 – September, 2011

- Hire, train and supervise interns staffing busy front desk.
- Train interns to represent the MYC - greet visitors, handle inquiries, give tours.
- Use computer skills (MS Office) to coordinate scheduling and assist MYC staff.
- Provide youth leadership, motivating and coaching. Focus on outreach to different cultures while teaching employment skills.

*Huckleberry Teen Health Program – San Rafael, CA, 2007*

Peer Health Counselor

- Facilitated intake for health clinic providing confidential services to teens.
- Hosted clinic waiting room, providing entertainment to put patients at ease.
- Performed demonstrations providing health and sex education to teens.

*ZBath – San Rafael, CA, August, 2006-June, 2010*

Product Shipper

- Packaged and labeled bath, body & personal products for shipment to national distributors. Part-time job at manufacturer’s warehouse while in high school.

*Youth Leaders in Progress (Ylip) – San Rafael, CA, 2004*

Peer Resource Counselor, Freshman Year, San Rafael High School

- Advised peers in a health education program with curriculum ranging from teen pregnancy and HIV prevention to eating disorders and alcohol and drug prevention education.

*Latinas – San Rafael, CA, 2003*

Internship while in 8<sup>th</sup> grade

- Awarded a stipend to participate in health education program for teen girls.
- Gained experience in teaching health education, abstinence, and outreach.

**EDUCATION**

**San Rafael High School**, 2009. AP Spanish, Advanced Algebra. Honor Roll.

**College of Marin – Degree Transfer Program** - Currently taking 7 units: Calculus and Business Law. Plan to transfer for a degree in Business Administration at Sonoma State University Fall 2020. Goal: To work and manage a business.

English/Spanish Translation Skills.

References:

Ariel Gutierrez (Current Manager)---(415)497-2370  
Rachel Watts (Past Supervisor/Friend)---(917)624-4002



**SAN RAFAEL**  
THE CITY WITH A MISSION

**City of San Rafael  
Pickleweed Advisory Committee**

**Boards and Commissions Application**

**Applicant Information**

Full Name: Keyly Gonzalez

\*Address: [Redacted] 3  
Street Address Apartment/Unit #

San Rafael CA 94901  
City State ZIP Code

\*Phone: [Redacted] \*Email \_\_\_\_\_

Resident of San Rafael for 12 years.

Employer: \_\_\_\_\_

Occupation: Ama de stay at home mom

Business Address: \_\_\_\_\_  
Street Address Apartment/Unit #

\_\_\_\_\_  
City State ZIP Code

**Education**

Middle school in Guatemala

**Supplemental Questions**

Participation in the following civic activities:

- participated in Apreniendo Juntos
- Canal arts
- daughter goes to Bahia Vista and Pickleweed Daycare
- Comes to Pickleweed Library

Member of the following civic organizations:

NONE

My reasons for wanting to serve are:

The reason is to help out the community by seeing what they need.

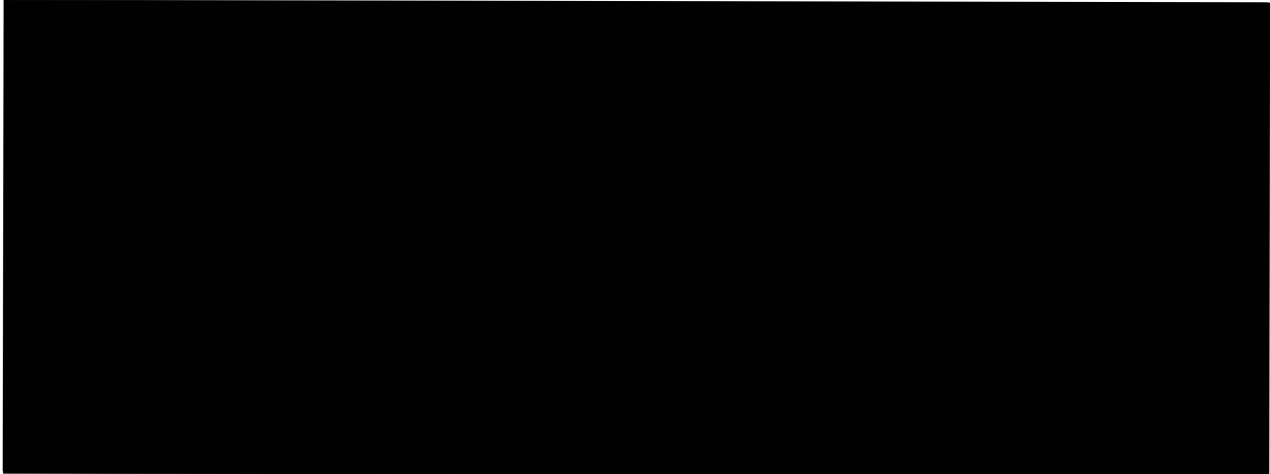
Describe possible areas in which you may have a conflict of interest with the City:

NONE-

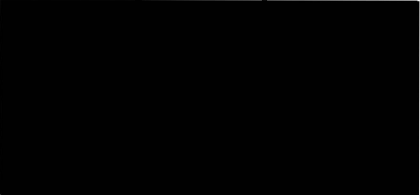
#### Demographics (Optional)

The demographic information you choose to provide is **VOLUNTARY** and **OPTIONAL** and refusal to provide it will not subject you to any adverse treatment. This information will be considered confidential, kept separate from your application and will not be used for evaluating applications or making appointments. The City of San Rafael will use this information solely to conduct research and compile statistical reports regarding the composition of its Board and Commission applicants.

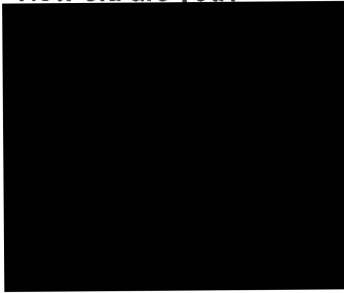
Ethnicity:



To which gender to your most identify?



How old are you?



Signature

Signature:

*[Handwritten Signature]*

Date:

12-11-19

**Mall or deliver to:**

City of San Rafael, Dept. of City Clerk  
City Hall, 1400 Fifth Avenue, Room 209  
San Rafael, CA 94903

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

# PICKLEWEED ADVISORY COMMITTEE BYLAWS

## ARTICLE I. NAME AND PURPOSE

**Section 1.1. Name.** The name of this body shall be the City of San Rafael Pickleweed Advisory Committee, hereinafter referred to as the "Pickleweed Advisory Committee," or the "Committee."

**Section 1.2. Purpose.** The Pickleweed Advisory Committee provides valuable input in representing and advocating for the Canal area resident's needs and wishes for programs and services; and is a primary public networking resource between the Canal residents, representatives from governmental and non-profit agencies, and others. The Pickleweed Advisory Committee works in conjunction with the City of San Rafael.

**Section 1.3. Committee Responsibility.** The Pickleweed Advisory Committee's responsibilities shall be in accord with these Bylaws, as amended from time-to-time by the City Council. The Pickleweed Advisory Committee's authority is advisory only. The Pickleweed Advisory Committee has no power to act on behalf of the City of San Rafael or any other entity.

The duties of the Pickleweed Advisory Committee shall include the following:

1. The Advisory Committee shall be responsible for advising the Park and Recreation Commission, City Council and City Staff on all matters pertaining to the facilities, programs and services of the Albert J. Boro Community Center and Pickleweed Park
2. As needed, make recommendations on policies and procedures governing the use of the Albert J. Boro Community Center and Pickleweed Park in accordance with the mission of the City of San Rafael;
3. Assist the City with reviewing and evaluating "Use Agreements for Co-Sponsored Programming" at the Albert J. Boro Community Center and Pickleweed Community Park;
4. Promote the use and support of the Albert J. Boro Community Center and Pickleweed Park within Canal area neighborhood, including working in cooperation with citizen and business organizations, foundations, school districts and other governmental agencies.
5. The Committee shall have no authority to direct, nor shall it direct, City staff, officials or volunteers;

**Section 1.4. Brown Act.** All meetings of the Pickleweed Advisory Committee shall be open and public, and all persons shall be permitted to attend any meeting of the Pickleweed Advisory Committee, except as otherwise provided in Government Code Section 54952.



## ARTICLE II. MEMBERSHIP

**Section 2.1. Number of Members.** The Pickleweed Advisory Committee shall consist of a total of eight (8) members as follows: five (5) voting members, one (1) alternate member, one (1) non-voting representative from the Park and Recreation Commission and one (1) non-voting City staff member who will act as the Committee Chairperson. The City staff member will typically be the Albert J. Boro site supervisor, but in all instances shall be appointed by the City Manager.

**Section 2.2. Eligibility.** The Committee shall be composed of five (5) regular voting members which may include a youth member, plus one (1) alternate member. Each shall have the same duties and responsibilities and shall consist of the following:

1. Members of the Committee shall be at least 18 years of age, except for the youth member which shall be a minimum age of a first-year high school student
2. At least four (4) members of the Committee shall reside within the Canal neighborhood
3. One (1) member of the Committee must be a City of San Rafael resident but may reside outside of the Canal neighborhood.

**Section 2.4. Appointment of Committee Members.** With exception of the representative of the Park and Recreation Commission and City staff, all other regular voting members and alternate member shall be appointed by the City Council. Appointments shall be published on the website for the City of San Rafael in accordance with Government Code Section 54973, as amended from time to time. The representative from the Park and Recreation Commission will be selected by the Park and Recreation Commission on an annual basis.

**Section 2.5. Terms of Appointment.** With exception of the representative from the Park and Recreation Commission, each Committee member shall serve a minimum term of four (4) years but not more than two consecutive terms. However, if there is a vacancy on the Committee, the City Council has the authority to extend a current Committee member's term at their discretion. Members may also reapply to Committee following an absence of at least one term. An effort will be made to ensure that the terms are staggered, and not all of the appointments expire in the same year. A Committee member whose term is expiring should notify the Chairperson at least thirty (30) days before the end of his/her term whether he/she wishes to continue his/her membership.

The representative from the Park and Recreation Commission shall serve a term of one (1) year, but not more than two consecutive terms. However, if there is a vacancy, the Park and Recreation Commission has the authority to extend the current representative's term at their discretion.

**Section 2.6. Resignation.** All resignations from the Pickleweed Advisory Committee shall be submitted in writing to the Chairperson. The resigning Committee member should provide as much notice as possible.

**Section 2.7. Absence and Removal.** Attendance at any regularly scheduled meeting is a necessary part of being an effective Committee member. If a member is unable to attend a regularly scheduled meeting, the member should notify the Chairperson at least twenty-four (24) hours in advance of a regularly scheduled meeting to have an excused absence. An unexcused absence from two (2) consecutive Pickleweed Advisory Committee meetings without notification to the Chairperson, or six absences (whether excused or unexcused) in any term, shall result in immediate removal from membership on the Committee. Previously dismissed Committee members may be eligible for reappointment to the Committee in accordance with Section 2.4.

**Section 2.8. Vacancies.** Vacancies, no matter how arising, shall be published on the website for the City of San Rafael in accordance with Government Code Section 54973, as amended from time to time.

**Section 2.9. Compensation.** Committee members serve without compensation.

**Section 2.10. Duties of the Chairperson.** The Chairperson shall preside over all Pickleweed Advisory Committee meetings and shall be responsible for preparing agendas and meeting minutes. If the Chairperson is unable to attend a regularly scheduled meeting, the regularly scheduled meeting shall be cancelled and resumed at the next regularly scheduled meeting.

### **ARTICLE III. MEETINGS**

**Section 3.1. Time and date of Regular Meeting.** Notification of meeting place, date, and time shall be rendered to the public through posting on the City of San Rafael website. A minimum of five (5) meetings shall be scheduled annually, on a consistent day of the month; the schedule for the upcoming year will be set by November of the previous year; staff will contact the Committee one week prior to scheduled meetings to determine if a quorum will be present; lack of quorum will result in the cancellation of the scheduled meeting.

**Section 3.2. Agenda.** Items may be placed on the agenda by the Chairperson or at the request of a member if approved by the Chairperson. The Chairperson will be responsible for preparing an agenda item cover sheet and for the initial presentation at the meeting. Items to be included on the agenda should be submitted to the Chairperson no later than two weeks before the scheduled Committee meeting; lack of agenda items will result in the cancellation of the scheduled meeting. Agenda packets for regular meetings will be provided to the Committee members at least three (3) business days before the scheduled meeting.

**Section 3.3. Special Meetings.** Special meetings may be called by the Chairperson.

**Section 3.4. Quorum.** Three (3) voting members of the Committee shall constitute a quorum for the transaction of business at any regular or special meeting of the Pickleweed Advisory Committee.

**Section 3.5. Voting.** A majority vote of those present and constituting a quorum shall

be required to agree to any business of the Committee, including making any input that will be presented to the City Council, City Manager or Library and Recreation Director provided that any Committee member who abstains due to a legal conflict of interest shall not be counted in determining the existence of a quorum or a majority vote. Alternate becomes a voting member at a meeting where one regular voting member is absent.

**Section 3.6. Public Participation.** All meetings of the Pickleweed Advisory Committee shall be open to the public. Meetings will be accessible to all, with accommodations for accessibility issues made upon request. Any person who disrupts the meeting may be asked to leave and be removed.

#### **ARTICLE IV. ADOPTION AND AMENDMENT**

**Section 4.1. Effective Date.** The Bylaws shall become effective immediately upon a majority vote of approval by the City Council.

**Section 4.2. Amendments.** These Bylaws may be amended by majority vote of the City Council at any regular meeting of the City Council. All proposed amendments to the Bylaws shall be made available to the membership at least ten (10) days prior to the meeting at which the City Council will vote on the proposed changes. The effective date of the amendment shall become effective immediately upon a majority vote of approval by the City Council.

In the Council Chambers of the City of San Rafael, Monday, February 3, 2020



**Regular Meeting**

**San Rafael City Council**

**Minutes**

Present: Mayor Phillips  
Councilmember Colin  
Councilmember Gamblin  
Councilmember McCullough

Absent: Councilmember Bushey

Also Present: City Manager Jim Schutz  
Assistant City Attorney Lisa Goldfien  
City Clerk Lindsay Lara

[How To Participate In Your City Council Meeting](#)

Mayor Phillips called the meeting to order at 7:02 p.m.

**OPEN SESSION -THIRD FLOOR CONFERENCE ROOM, CITY HALL**

1. None.

**CLOSED SESSION - THIRD FLOOR CONFERENCE ROOM, CITY HALL**

2. Closed Session: - None.

**OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM**

Salamah Locks, Marin Commission on Aging, announced a meeting to be held Thursday, February 6, at Margaret Todd Senior Center at 10 a.m. to discuss falling strategies, preventing falls, reduced injuries and safe landing.

**CITY MANAGER’S REPORT:**

3. City Manager’s Report:

City Manager Jim Schutz provided updates on:

- housing policies
- essential facilities projects and a call for artists on the Public Safety Center
- Census 2020 jobs workshop to be held on Saturday, February 8, at Pickleweed Library from 1 - 4:00 p.m.

Assistant City Manager Cristine Alilovich updated the City Council on Wildfire Community Workshops

**SPECIAL PRESENTATIONS**

4. Special Presentations:

- a. **San Rafael Age-Friendly Task Force Update**  
Sparkie Spaeth and Diana Lopez gave a presentation about San Rafael Age Friendly Task Force

San Rafael Age Friendly responded to questions from the City Council, and Councilmembers provided comments

Mayor Phillips invited public comment; however, there was none

- b. **Presentation by Cedars, a Local Non-Profit Supporting Individuals with Intellectual and Developmental Disabilities, on Opportunities to Collaborate with the City of San Rafael**

Chuck Greene, Executive Director, provided comments and invited the City Council to watch a video

Councilmembers provided comments

Mayor Phillips invited public comment; however, there was none

**CONSENT CALENDAR:**

**5. Consent Calendar Items:**

The Mayor invited public comment on the Consent Calendar; however there were none

Councilmember Colin moved and Councilmember Gamblin seconded to approve Consent Calendar Items:

- a. **Approval of Minutes**  
**Approve Minutes of City Council / Successor Agency Regular Meeting of Tuesday, January 21, 2020 (CC)**

[Approval of Minutes](#)

Approved minutes as submitted

- b. **Board of Library Trustees Vacancy**  
**Call for Applications to Fill One Unexpired Four-Year Term to the end of April 2023 on the Board of Library Trustees Due to the Resignation of Catherine Sumser (CC)**

[Board of Library Trustees Vacancy](#)

Approved staff recommendation

- c. **Caltrans Maintenance Agreement**  
**Resolution Approving and Authorizing the City Manager to Execute a Project Specific Maintenance Agreement with the State of California Department of Transportation (Caltrans) for Maintenance of Portions of Francisco Boulevard East Within State Right-Of-Way (PW)**

[Caltrans Maintenance Agreement](#)

Resolution 14761 - Resolution Approving and Authorizing the City Manager to Execute a Project Specific Maintenance Agreement with the State of California Department of Transportation (Caltrans) for Maintenance of Portions of Francisco Boulevard East Within State Right-Of-Way

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

**OTHER AGENDA ITEMS:**

**6. Other Agenda Items:**

**a. Census 2020  
Informational Update on Marin County Efforts in Preparation of the 2020 United State Census (CM)**  
[Census 2020](#)

Assistant City Manager Cristine Alilovich provided opening comments and introduced Community Development Analyst Ethan Guy, and Stephanie McNally, Canal Alliance, who gave a presentation

The Complete Count Committee responded to questions from the Councilmembers.

Mayor Phillips invited public comment

**Speakers:** Salamah Locks, Gregory Andrew, John Reynolds

Councilmember Gamblin moved and Councilmember McCullough seconded to accept the report

Accepted report

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

**PUBLIC HEARINGS**

**7. Public Hearings:**

**a. New 45-Unit Townhome Development - 350 Merrydale Road/3833 Redwood Hwy  
Actions to Allow the Demolition of Existing Buildings and the Construction of Nine, New Three-Story Buildings with 45 Townhome Units Including Nine Below Market Rate Units Property Located at 350 Merrydale Road and 3833 Redwood Hwy. (APNs: 179-041-27 and 179-041-28), Including Approval of:**

**i. Resolution Adopting an Initial Study/Mitigated Negative Declaration and Approving the Mitigation Monitoring and Reporting Program (IS18-001) (CD)**

- ii. **Consideration of an Ordinance Approving a Planned Development Rezoning from Planned Development (PD) District (PD1594) to a Revised PD (ZC19-002), Including the Rescission of PD 1594, and Creation of a New PD District, at 350 Merrydale Road/3833 Redwood Hwy (CD)**
- iii. **Resolution Conditionally Approving an Environmental and Design Review Permit (ED18-100), Tentative Subdivision Map (TS18-006), Master Use Permit (UP18-039), and Subdivision Exception (EX19-012) (CD)**  
[New 45-Unit Townhome Development - 350 Merrydale Road 3833 Redwood Hwy Correspondence](#)

Planning Division Manager Raffi Boloyan presented the staff report

David Jacobson, Partner in the Ridgewood Property Clayton Properties

Michael Hooper, Campus Properties

Mayor Phillips opened the public hearing

**Speakers:** Craig Murray, Civic Center Arms Association President, Kate Powers, Gregory Andrew, San Rafael Meadows, Bill Carney, Citizens Advisory Committee on Economic Development and Affordable Housing Chair, John Reynolds

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

Staff responded to questions from the public and the City Council

Councilmembers provided comments

Councilmember McCullough moved and Councilmember Colin seconded to adopt the Resolution

Resolution 14762 - Resolution Adopting an Initial Study/Mitigated Negative Declaration and Approving the Mitigation Monitoring and Reporting Program (IS18-001)

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

Councilmember McCullough moved and Councilmember Colin seconded to pass Charter Ordinance No. 1979 to print

Passed Ordinance 1979 to print

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

Councilmember McCullough moved and Councilmember Colin seconded to adopt the Resolution

Resolution 14763 - Resolution Conditionally Approving an Environmental and Design Review Permit (ED18-100), Tentative Subdivision Map (TS18-006), Master Use Permit (UP18-039), and Subdivision Exception (EX19-012)

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

## **OTHER AGENDA ITEMS**

### **8. Other Agenda Items:**

#### **a. Interim Financial Update and Budget Amendments to Reflect Operational Activity; Mid-Year Personnel Changes**

##### **i. First Fiscal Year 2019-2020 Interim Financial Update**

##### **ii. Resolution Adopting Amendments to the 2019-2020 Budget**

##### **iii. Mid-Year Personnel Changes (Fin)**

[Interim Financial Update and Budget Amendments to Reflect Operational Activity; Mid-Year Personnel Changes](#)

Assistant City Manager Cristine Alilovich commented on the item and introduced Finance Director Nadine Hade who gave a presentation

The City Council provided comments

Mayor Phillips invited public comment; however, there was none

The City Council provided comments

Councilmember Colin moved and Councilmember McCullough seconded to adopt the Resolution

Resolution 14764 – Resolution Adopting Amendments to the 2019-2020 Budget

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

## **COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:**

### **9. Councilmember Reports:**

Mayor Phillips reported on a Wildfire presentation at the Rotary held on February 3, 2020



**SAN RAFAEL SUCCESSOR AGENCY**

1. Consent Calendar: - None.

**ADJOURNMENT:**

Mayor Phillips adjourned the meeting at 9:15 p.m.

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

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020

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

DRAFT



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: City Clerk

Prepared by: Lindsay Lara, City Clerk

City Manager Approval:

A handwritten signature in black ink, appearing to be 'AS', written over a horizontal line.

**TOPIC: CANNABIS INDUSTRY TAX OVERSIGHT COMMITTEE APPOINTMENTS**

**SUBJECT: APPROVE APPOINTMENTS OF CANNABIS INDUSTRY TAX OVERSIGHT COMMITTEE APPLICANTS ABI SCHEIER RIVAS, ERIK RIVAI AND STEPHEN ROTH TO THREE FOUR-YEAR TERMS TO THE END OF FEBRUARY 2022 AND JENNIFER DYE AND DREW BULFER TO TWO TWO-YEAR TERMS TO THE END OF FEBRUARY 2024**

**RECOMMENDED ACTION:**

Approve appointments to the Cannabis Industry Tax Oversight Committee.

**BACKGROUND:**

On March 5, 2018, the San Rafael City Council voted unanimously to [place Measure G, a Commercial Cannabis Business Tax, on the June 5, 2018 ballot](#). The voters of San Rafael passed Measure G, with over two-thirds of the vote and adopted Ordinance No.1961, adding Chapter 3.40 to the San Rafael Municipal Code entitled "Cannabis Industry Tax". Measure G imposes an ongoing tax of up to 8 percent on gross receipts of cannabis businesses operating in the City.

This measure is a special tax, and the proceeds of the tax may be used only in San Rafael, for the purposes set forth in the measure, namely, to enhance city police and fire services; maintain city streets; enhance city community centers; and administer a cannabis business regulation and oversight program. On October 21, 2019, the City Council approved the formation of the Cannabis Industry Tax Oversight Committee and opened the application period for community members to apply. Nine (9) applications were received in the City Clerk's office; however, one applicant was found to be ineligible because they lived outside of city limits.

**ANALYSIS:**

On February 5, 2020, the Cannabis Subcommittee and the Cannabis Industry Tax Oversight Committee Staff Liaisons conducted interviews of the applicants and recommended the appointments below be approved by the City Council. Applicant John Stanko withdrew his application and Susan Clark did not attend the interviews.

---

**FOR CITY CLERK ONLY**

**File No.:**

**Council Meeting:**

**Disposition:**

**SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2**

<b>Four-Year Terms</b>	<b>Two-Year Terms</b>
Abi Scheier Rivas	Drew Bulfer
Erik Rivai	Jennifer Dye
Stephen Roth	

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

**RECOMMENDATION:**

Approve appointments to the Cannabis Industry Tax Oversight Committee.

**ATTACHMENT:**

1. Appointed Member Applications
2. Cannabis Industry Tax Oversight Committee Bylaws
3. Applications for Non-Appointed Applicants

**Profile**

Question applies to Cannabis Industry Tax Oversight Committee

**Cannabis Industry Tax Oversight Committee:** The deadline for filing applications is **Tuesday, November 12, 2019 at 5:00 p.m.** in the City Clerk's Office.

Abi \_\_\_\_\_ Scheier Rivas \_\_\_\_\_  
First Name Middle Initial Last Name

**Which Boards would you like to apply for?**

Cannabis Industry Tax Oversight Committee: Submitted

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Suite or Apt

San Rafael \_\_\_\_\_  
City

CA \_\_\_\_\_ 94901 \_\_\_\_\_  
State Postal Code

**Are you a resident of San Rafael**

Yes  No

**Resident of the City of San Rafael for how many years?**

5

\_\_\_\_\_  
Primary Phone

\_\_\_\_\_  
Alternate Phone

Henry's Original, Heritage Holdings \_\_\_\_\_  
Employer

Territory Sales Manager \_\_\_\_\_  
Job Title

**Business Address**

\_\_\_\_\_

**How did you learn about this vacancy? \***

NextDoor

**Interests & Experiences**

**Do you participate in any civic activities?**

I am a active voter within the community and attend local town hall meetings, volunteer at town events. And I would love serve on this commission as another activity.

**List any civic organizations of which you are a member:**

---

I am on the board and volunteer with School Fuel - The Novato local foundation for education.

**Education:**

---

Sonoma State University

**Why are you interested in serving on a board or commission?**

---

I am interested in serving on this commission because I want San Rafael to have proper local control over policy making. I have been working in the cannabis industry for 9 years and have built my life in San Rafael. I worked with the BCC while they were creating the cannabis regulation in 2017-2018 and have a high level knowledge for the laws and rules. I would like to be apart of the policy making for our city as we allow more delivery services, brands production facilities, and potentially brick and mortar dispensaries in our town. I know and will be able to provide insight and understanding/ knowledge around how the cannabis industry is run currently and how the operators think.

**Describe possible areas in which you may have a conflict of interest with the City:**

---

N/A

---

Upload a Resume

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred length of initial appointment \***

- 2 years
- 4 years

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred meeting time \***

- Morning
- Afternoon
- Evening

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred meeting day \***

- Monday
- Tuesday
- Wednesday
- Thursday
- Friday

---

**Demographics (Optional)**

The demographic information you choose to provide is **VOLUNTARY** and **OPTIONAL** and refusal to provide it will not subject you to any adverse treatment. This information will be considered confidential, kept separate from your application and will not be used for evaluating applications or making appointments. The City of San Rafael will use this information solely to conduct research and compile statistical reports regarding the composition of its Board and Commission applicants.

**Ethnicity:**

---

None Selected

**To which gender to your most identify?**

---

None Selected

**How old are you?**

---

None Selected

**Profile**

Question applies to Cannabis Industry Tax Oversight Committee

**Cannabis Industry Tax Oversight Committee:** The deadline for filing applications is **Tuesday, November 12, 2019 at 5:00 p.m.** in the City Clerk's Office.

Drew Bulfer  
First Name Middle Initial Last Name

**Which Boards would you like to apply for?**

Cannabis Industry Tax Oversight Committee: Submitted

[Redacted]  
Email Address

[Redacted]  
Street Address

[Redacted]  
Suite or Apt

San Rafael  
City

CA  
State

94901  
Postal Code

**Are you a resident of San Rafael**

Yes  No

**Resident of the City of San Rafael for how many years?**

6

[Redacted]  
Primary Phone

[Redacted]  
Alternate Phone

V Products, LLC  
Employer

CEO  
Job Title

**Business Address**

[Redacted]

**How did you learn about this vacancy? \***

NextDoor

**Interests & Experiences**

**Do you participate in any civic activities?**

Yes, several. I attend Chamber of Commerce meetings and am on some sub-committees.

**List any civic organizations of which you are a member:**

---

Chamber of Commerce - San Rafael Sun Valley Dad's Club - Charitable fathers group for Sun Valley school, raising money, etc.

**Education:**

---

BA/Economics - Lehigh University

**Why are you interested in serving on a board or commission?**

---

I've been in the cannabis industry for five years. I have ownership in multiple cannabis businesses in CA and NV as well as licensing agreements in CA, NV, and NM. I have successfully sold a cannabis business and am currently employed within the industry. With that said, I'm in process of selling my remaining interests, giving me unique insight.

**Describe possible areas in which you may have a conflict of interest with the City:**

---

None.

---

[Upload a Resume](#)

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred length of initial appointment \***

---

2 years

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred meeting time \***

---

Morning

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred meeting day \***

---

Monday

---

**Demographics (Optional)**

The demographic information you choose to provide is **VOLUNTARY** and **OPTIONAL** and refusal to provide it will not subject you to any adverse treatment. This information will be considered confidential, kept separate from your application and will not be used for evaluating applications or making appointments. The City of San Rafael will use this information solely to conduct research and compile statistical reports regarding the composition of its Board and Commission applicants.

**Ethnicity:**

---

None Selected



**To which gender to your most identify?**

---

None Selected

**How old are you?**

---

None Selected

**Profile**

Question applies to Cannabis Industry Tax Oversight Committee

**Cannabis Industry Tax Oversight Committee:** The deadline for filing applications is **November 12, 2019.**

Erik \_\_\_\_\_ Revai \_\_\_\_\_  
First Name Middle Initial Last Name

**Which Boards would you like to apply for?**

Cannabis Industry Tax Oversight Committee: Submitted

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Suite or Apt

San Rafael \_\_\_\_\_  
City

CA \_\_\_\_\_  
State

94903 \_\_\_\_\_  
Postal Code

**Are you a resident of San Rafael**

Yes  No

**Resident of the City of San Rafael for how many years?**

17 years

\_\_\_\_\_  
Primary Phone

\_\_\_\_\_  
Alternate Phone

\_\_\_\_\_  
Employer

\_\_\_\_\_  
Job Title

**Business Address**

\_\_\_\_\_

**How did you learn about this vacancy? \***

- City Manager's Newsletter
- Friend / Colleague
- Other

**Interests & Experiences**

**Do you participate in any civic activities?**

I coach my sons' soccer and lacrosse teams.

**List any civic organizations of which you are a member:**

---

N/A

**Education:**

---

Law degree

**Why are you interested in serving on a board or commission?**

---

The legalization of cannabis presents both opportunities and challenges. With two teenage boys in the community, I want to help ensure there is prudent treatment of this new venture. I want to help make sure the tax money is being spent consistent with Measure G for the benefit of our community. During my time as general counsel for the Federal Reserve Bank, I spent considerable time thinking about and discussing the impact of cannabis on society. I am well positioned to understand the challenges legalization without sufficient infrastructure brings to a community. I would like to bring that knowledge to help my community.

**Describe possible areas in which you may have a conflict of interest with the City:**

---

None

---

[Upload a Resume](#)

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred length of initial appointment \***

---

4 years

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred meeting time \***

---

Evening

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred meeting day \***

---

Tuesday

---

**Demographics (Optional)**

The demographic information you choose to provide is **VOLUNTARY** and **OPTIONAL** and refusal to provide it will not subject you to any adverse treatment. This information will be considered confidential, kept separate from your application and will not be used for evaluating applications or making appointments. The City of San Rafael will use this information solely to conduct research and compile statistical reports regarding the composition of its Board and Commission applicants.

**Ethnicity:**

---

To which gender to your most identify?

---



How old are you?

---



**Profile**

Question applies to Cannabis Industry Tax Oversight Committee

**Cannabis Industry Tax Oversight Committee:** The deadline for filing applications is **Open Until Filled.**

Jennifer \_\_\_\_\_ Dye \_\_\_\_\_  
First Name Middle Initial Last Name

**Which Boards would you like to apply for?**

Cannabis Industry Tax Oversight Committee: Submitted

\_\_\_\_\_

Email Address

\_\_\_\_\_

Street Address

\_\_\_\_\_

Suite or Apt

San Rafael \_\_\_\_\_

City

CA \_\_\_\_\_

State

94903 \_\_\_\_\_

Postal Code

**Are you a resident of San Rafael**

Yes  No

**Resident of the City of San Rafael for how many years?**

16

\_\_\_\_\_

Primary Phone

\_\_\_\_\_

Alternate Phone

Hillside JJB/ The Peak Beyond \_\_\_\_\_

Employer

Director of Operations, Co-Founder \_\_\_\_\_

Job Title

**Business Address**

\_\_\_\_\_

**How did you learn about this vacancy? \***

NextDoor

**Interests & Experiences**

**Do you participate in any civic activities?**

Not yet!

**List any civic organizations of which you are a member:**

---

N/a

**Education:**

---

BS Advertising & Public Relations

**Why are you interested in serving on a board or commission?**

---

I would like to be more involved in local civic activities and I after a break from chairing a non profit board, I feel ready to share some time for a good cause.

**Describe possible areas in which you may have a conflict of interest with the City:**

---

I am not aware of any.

[JDye Resume Dec 2019.pdf](#)

Upload a Resume

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred length of initial appointment \***

---

2 years

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred meeting time \***

- 
- Morning  
 Afternoon  
 Evening

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred meeting day \***

- 
- Tuesday  
 Wednesday  
 Thursday

---

**Demographics (Optional)**

The demographic information you choose to provide is **VOLUNTARY** and **OPTIONAL** and refusal to provide it will not subject you to any adverse treatment. This information will be considered confidential, kept separate from your application and will not be used for evaluating applications or making appointments. The City of San Rafael will use this information solely to conduct research and compile statistical reports regarding the composition of its Board and Commission applicants.

**Ethnicity:**

---

None Selected

**To which gender do you most identify?**

---

None Selected

**How old are you?**

---

None Selected

**Business Leader** applying over 20 years of experience from multiple industries to finance, operations, and management. I am passionate about making an impact along-side organizations dedicated to change.

*Core Qualifications:*

- |                            |                                     |                                |
|----------------------------|-------------------------------------|--------------------------------|
| ✓ All Accounting Functions | ✓ Strategic Planning/Implementation | ✓ Process Analysis/Improvement |
| ✓ Financial Reporting      | ✓ Operational Troubleshooting       | ✓ Customer Success             |
| ✓ Organization             | ✓ Strong Revenue Development        | ✓ Collaboration                |
| ✓ Excellent Communicator   | ✓ Profitability & Budget Reduction  | ✓ Motivating Change Leader     |

## EXPERIENCE

### **The Peak Beyond • San Francisco, CA • 2016 - Present**

#### **CHIEF OF OPERATIONS, CO-FOUNDER**

A decision-support mechanism that activates on everything from optimizing day-to-day business operations to carrying out high-priority initiatives to tackling strategic questions. I am responsible for improving the scalability of the company. I work closely with the leadership team to identify, develop, test and optimize business processes and new ideas / products and drive our team and initiatives with autonomy and visibility.

- Implemented process for goal setting and tracking in alignment with long range vision.
- Converted contract structure to upfront COGS payment and 36-month term to stabilize and extend cashflow.
- Monitor and improve company processes and facilitate regular group and individual coaching with founders.
- Converting end-to-end view of company's full value chain into action items and initiatives.
- Continually revising and refining finance function as needed to match changes in consumer behavior, technology, regulation, and other external factors.

### **Jen Dye Consulting • USA • 2004 – Present**

For over 20 years, I have been guiding individuals, teams, and organizations toward efficient and productive growth by creating and overseeing procedures and coaching its people. I work with stakeholders to build traction out of their vision and mission. I help establish near and long-term goals with priorities that result in overall efficiency, a decrease of expenses, and higher profit margins.

*Relevant Client History:*

- Orbital Systems, USA | Financial & Operations Director | Jan 2016 – Jun 2019
- Live a Moment.com | Start Up Consultant | Jan 2015 – Jan 2017
- Bay Area Center for Teacher Training | Administrator & Change Agent | Aug 2012 – Aug 2015
- Marin Community Music School | Business Consultant | Feb 2015 – Dec 2017

## RELEVANT COMMUNITY SERVICE

### **Marin Waldorf School • President of the Board • 2013 - 2017**

Board Development, bylaw revision, governance change agent, financial oversight, and director transition.

## EDUCATION

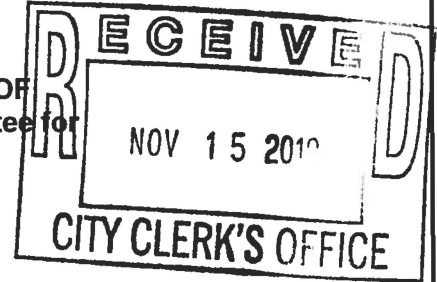
**Bachelor of Science, Advertising & Public Relations**  
GRAND VALLEY STATE UNIVERSITY | GRAND RAPIDS, MI





**CITY OF SAN RAFAEL**

**APPLICATION TO SERVE AS MEMBER OF  
The Measure G Citizen's Oversight Committee for  
Commercial Cannabis Business Tax**



NAME: Stephen Roth

HOME ADDRESS: [REDACTED]

HOME AND BUSINESS TELEPHONE: (H) [REDACTED] (B) [REDACTED]

E-MAIL ADDRESS: [REDACTED]

RESIDENT OF THE CITY OF SAN RAFAEL FOR 17 YEARS

PRESENT OCCUPATION/EMPLOYER: President of Carmel Software Corporation

EDUCATION: BSE in Engineering and Business from University of Pennsylvania ; MBA from University of Cincinnati

ACTIVITIES IN OTHER COMMUNITY/CIVIC ORGANIZATIONS: Board member of Swimarin (youth swimming program in Marin County) ; Formerly on the board of Glenwood School Foundation for Glenwood Elementary school in San Rafael; Currently hold various volunteer leadership roles in professional and technical organization called ASHRAE;

REASONS FOR WANTING TO SERVE: This volunteer position interests me for the following reasons:

1. I am becoming more and more interested in how local city government works. I feel that this will be a good way to get introduced to the workings of the local San Rafael government by helping to oversee tax collection for cannabis businesses.
2. As a software developer for the architectural, engineering, and construction industry, I have developed software that helps architects and engineers design proper cannabis grow facilities (buildings) so that the indoor environments are clean and healthy for both humans and plants. As a result of developing this type of software, I have become a subject matter expert in how to successfully design buildings to grow cannabis plants. Also, I have developed contacts in the construction and engineering industry that deal with building these types of grow facilities. I believe that this expertise will help me be a productive and thoughtful member of this committee. (See additional page)

(REASONS FOR WANTING TO SERVE, CONTINUED...)

Because federal, state, and local laws vary widely regarding cannabis production and possession, it is important to understand the types of businesses that are supposed to be paying this tax, how the money will be collected (since banks are wary of having cannabis business accounts), and then exactly how this money will be used as is intended by SR Ordinance 1961. It's an interesting challenge since few other types of industries are in this position. I look forward to potentially serving on this committee to help make this process as transparent and fair as possible.

IF APPOINTED:

PREFERRED LENGTH OF INITIAL APPOINTMENT:   x   2 YEARS        4 YEARS

PREFERRED MEETING TIME: MORNING AFTERNOON   EVENING   (CIRCLE PREFERENCE)

PREFERRED MEETING DAY:   MONDAY     TUESDAY   WEDNESDAY   THURSDAY    
FRIDAY (PLEASE CIRCLE ALL DAYS YOU ARE AVAILABLE)

FILING INSTRUCTIONS:

PLEASE SIGN BELOW AND RETURN TO THE DEPARTMENT OF THE CITY CLERK, 1400 FIFTH AVENUE, ROOM 209, SAN RAFAEL, CA 94901

FILING DEADLINE IS: NOVEMBER 15, 2019

APPLICANTS ARE WELCOME TO USE ADDITIONAL PAPER WHEN PROVIDING ANSWERS. PLEASE ATTACH TO OFFICIAL APPLICATION FORM.

IF YOU HAVE ANY QUESTIONS ABOUT THIS COMMITTEE OR NEED THIS FORM IN AN ALTERNATE FORMAT, PLEASE CONTACT SYLVIA GONZALEZ AT (415) 485-3073.

SIGNATURE:   Stephen Roth   DATE:   11-13-19

# CANNABIS INDUSTRY TAX OVERSIGHT COMMITTEE BYLAWS

## ARTICLE I. NAME AND PURPOSE

**Section 1.1. Name.** The name of this body shall be the City of San Rafael Cannabis Industry Tax Oversight Committee, hereinafter referred to as the "Cannabis Industry Tax Oversight Committee," or the "Committee."

**Section 1.2. Purpose.** The Cannabis Industry Tax Oversight Committee's purpose is to ensure that all revenues received from the voter approved Cannabis Industry Tax (Measure G) are spent on uses outlined in San Rafael Ordinance 1961.

**Section 1.3. Committee Responsibility.** The Cannabis Industry Tax Oversight Committee's authority is oversight only.

The responsibilities and duties of the Cannabis Industry Tax Oversight Committee shall be limited as follows:

1. The Committee's sole function shall be to review expenditures of the revenues from the Commercial Cannabis Business Tax adopted by Measure G on June 5, 2018 to ensure the monies have been expended in accordance with the authorized purposes of Measure G;
2. The Committee shall take steps to understand the allowable expenditures of the Commercial Cannabis Business Tax monies in accordance with the authorized purposes of Measure G;
3. The Committee shall take steps to understand municipal revenue collection and distribution from local, state and federal sources;
4. The Committee shall prepare and submit to the City Council and the community an annual public report on the expenditures of the Commercial Cannabis Business Tax revenues for the previous fiscal year (anticipated each December).

The Cannabis Industry Tax Oversight Committee shall **not**:

1. Have any budgetary decision authority, shall not allocate financial resources, and shall not make budget or service recommendations to the City Council.
2. Have authority to direct, nor shall it direct, City staff or officials.

**Section 1.4. Termination of Committee.** The Committee shall automatically disband six (6) months after the enabling ordinance is repealed, ruled invalid or terminates under the provisions of the ordinance.

**Section 1.5. Brown Act.** All meetings of the Cannabis Industry Tax Oversight Committee shall be open and public, and all persons shall be permitted to attend any meeting of the Cannabis Industry Tax Oversight Committee, except as otherwise provided in the Ralph M. Brown Act. (Government Code Sections 54950 et seq.) Meetings will be accessible to all, with accommodations for accessibility issues made upon request. Any person who disrupts the meeting may be asked to leave and be removed.

## **ARTICLE II. MEMBERSHIP**

**Section 2.1. Number of Members.** The Cannabis Industry Tax Oversight Committee shall consist of five (5) voting members and the City Council has the authority to appoint alternate members.

**Section 2.2. Eligibility.** Members of the Committee shall be at least 18 years of age and reside within the City limits. The Committee may not include any employee or official of the City, or any vendor, contractor or consultant doing business with the City.

**Section 2.3. Appointment of Committee Members.** Voting Committee members and alternate member shall be appointed by the City Council. Appointments shall be published on the website for the City of San Rafael and as otherwise determined by the City Clerk.

**Section 2.4. Terms of Appointment.** Each Committee member shall serve a minimum term of four (4) years but not more than two terms. An effort will be made to ensure that the terms are staggered, and not all of the appointments expire in the same year.

**Section 2.5. Chair and Vice-Chair.** The City Council shall appoint the initial Chair and Vice-Chair. Thereafter, the Committee shall annually elect a Chair and a Vice-Chair, who shall act as Chair only when the chair is absent.

**Section 2.6. Resignation.** All resignations from the Committee shall be submitted in writing to the Staff Liaison. The resigning Committee member should provide as much notice as possible.

**Section 2.7. Absence and Removal.** The City Council may remove any Committee member for any reason, including but not limited to, failure to attend two consecutive regular Committee meetings. Upon a member's removal, his or her seat shall be automatically deemed vacant.

**Section 2.8. Vacancies.** Vacancies, no matter how arising, shall be published on the website for the City of San Rafael and as otherwise determined by the City Clerk.

**Section 2.9. Compensation.** Committee members serve without compensation.

**Section 2.10. Duties of the Staff Liaison.**

The Staff Liaison shall provide the Committee with necessary technical and administrative assistance, including:

1. Preparation, provision and posting of public notices as required by the Brown Act and in the same manner as noticing City Council meetings.
2. Provision of a meeting room, including any available City audio/visual equipment.
3. Provision of meeting materials, such as agendas, minutes and supporting reports.
4. Retention of Committee records.
5. Properly staff all Committee meetings.
6. Educate committee members on municipal finance.

**ARTICLE III. MEETINGS**

**Section 3.1. Time and date of Regular Meeting.** Notification of meeting place, date, and time shall be rendered to the public through posting on the City of San Rafael website. Meetings shall be held no more than twice annually.

**Section 3.2. Special Meetings.** Special meetings may be called by the Staff Liaison.

**Section 3.4. Quorum.** A majority of the Committee members shall constitute a quorum for the transaction of any business.

**Profile**

Question applies to Cannabis Industry Tax Oversight Committee

**Cannabis Industry Tax Oversight Committee:** The deadline for filing applications is **Open Until Filled.**

Howard \_\_\_\_\_ A. \_\_\_\_\_ Cummins \_\_\_\_\_  
First Name Middle Initial Last Name

**Which Boards would you like to apply for?**

Cannabis Industry Tax Oversight Committee: Submitted

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Suite or Apt

San Rafael \_\_\_\_\_  
City

CA \_\_\_\_\_  
State

94901 \_\_\_\_\_  
Postal Code

**Are you a resident of San Rafael**

Yes  No

**Resident of the City of San Rafael for how many years?**

San Rafael

\_\_\_\_\_  
Primary Phone

\_\_\_\_\_  
Alternate Phone

Le Colonial \_\_\_\_\_  
Employer

General Manager \_\_\_\_\_  
Job Title

**Business Address**

\_\_\_\_\_

**How did you learn about this vacancy? \***

NextDoor

**Interests & Experiences**

**Do you participate in any civic activities?**

Yes

**List any civic organizations of which you are a member:**

---

Election Day Volunteer

**Education:**

---

University of Florida BA Dominican University Certificate of Sustainable Enterprises

**Why are you interested in serving on a board or commission?**

---

I am winding down my six day work schedule and will have the time to commit to an organization or committee. I've wanted to be involved in some capacity with the city government in which I have lived for several years. I feel that as this committee and its work is somewhat new and evolved, I have a broad range of experience that will be helpful to advance it's purpose

**Describe possible areas in which you may have a conflict of interest with the City:**

---

None that I can think of at this time

[Howard Resume Operations 2019.docx](#)

Upload a Resume

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred length of initial appointment \***

---

2 years

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred meeting time \***

---

Evening

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred meeting day \***

---

Monday

---

**Demographics (Optional)**

The demographic information you choose to provide is **VOLUNTARY** and **OPTIONAL** and refusal to provide it will not subject you to any adverse treatment. This information will be considered confidential, kept separate from your application and will not be used for evaluating applications or making appointments. The City of San Rafael will use this information solely to conduct research and compile statistical reports regarding the composition of its Board and Commission applicants.

**Ethnicity:**

---



To which gender do you most identify?

---



How old are you?

---



## **Howard A. Cummins**

San Rafael, California, 94901

### **EXECUTIVE SUMMARY**

Through extensive background as an operational restaurant manager and club operator creating and directing start-ups, new concepts and repositioning operations for over 45 properties. I have gained expertise in all aspects of the hospitality industry: Concept development, best practices, development and implementation of operational policies, responsibility for all aspects of the concept, including implementation of operational policies and best practices. I have been responsible for budget and marketing creation, staff selection and training, standards setting and implementation, and menu design and development. I have a successful record of financial and operational accomplishments that spans 30 years distinguished by positive interpersonal leadership and team building skills across all levels of hospitality organizations.

Since 2006 I have been using the expertise and skill gained in practice as a consultant for a wide variety of restaurants, realizing as I assisted clients in openings, restructuring or growing their businesses, that sensible applications of sustainable policies would be advantageous to them in a variety of ways.

During my many years in this business, I have focused increasingly on pre-openings, launches and relaunches. I believe strongly that it is imperative to open the business with the proper training, education and establishment of the company's culture. Any business, hospitality businesses especially will have a high likelihood of failure if the staff doesn't collectively embrace the values and beliefs of a guest first philosophy.

In addition to my consultancy, in 2013, I began teaching classes in culinary management at the university level which has both refined my knowledge in the field and honed my ability to motivate and train. The curriculum includes human resources, accounting, legal and ethics, quality operations and leadership, marketing, entrepreneurship, facility design, foodservice technology, wine education and more.

### **EDUCATION**

***B.A.*** Business and Political Science; University of Florida, Gainesville, Florida

Executive Certificate in Sustainable Enterprise; Green MBA - Dominican University, San Rafael, California 2008 - 2009

## **PROFESSIONAL HISTORY:**

### **Le Colonial, San Francisco General Manager 2017 - Present**

Engineered the restoration, rehabilitation and management overhaul of an iconic fine dining restaurant and lounge in the heart of San Francisco. Reduced costs while increasing sales and market awareness.

### **International Culinary School of the Art Institute of California - San Francisco 2013 - Present Instructor**

Instructor for the Culinary Management Program. Some of the subjects taught were Food Facility Design and Management, Law and Ethics for Culinarians, Hospitality Accounting, Hospitality Marketing, Global Management and Operations, Innovation and Entrepreneurship, Catering Event and Management, Quality Service Management and Training, Exploring Wines and Culinary Art, Human Resources in the Hospitality Profession.

### **Los Cabs Mexican Grill - Bangkok, Thailand 2009 -2011 Operational Consultant and Managing Partner**

Developed concept, identified location and involved in all aspects of pre-opening of 225 seat Mexican restaurant and bar, featuring Baha style cuisine and specialty cocktails.

### **Guest First Group Principal 2006 - 2009**

Consulted on various properties: *Soluna, Fuji Chemical International, Holly's, Neptune's, Simco Restaurants, Moana Hotel and Restaurants*, while obtaining my MBA degree in sustainable enterprise.

### **Home Restaurant Properties, Inc. General Manager / Director of Marketing 2004 - 2006**

Hired to open and develop restaurant to immediate \$ 3.5 in sales during the first year of operation. Directed pre-opening countdown, menu design, staff training and all operational standards.

### **Lapis, Director of Operations 2003 - 2004**

Managed fine dining restaurant and bar and made it profitable. Assisted in the ownership in selling the business and transitioning it to the new restaurant, Butterfly

**Twenty-Four, A California Chophouse**  
**Director of Operations**  
**1999 - 2002**

Developed operational design of restaurant and bar, created all training programs, food, wine and cocktail menus, hired and trained a staff of 100 plus. Opened in conjunction with the San Francisco Giant's opening day at new Pac Bell Park. Heavy emphasis on marketing which included:

- ❑ Development and implemented promotional, sponsorships and community relations events.
- ❑ Directed the development of advertising campaign that successfully launched the two restaurants in the San Francisco market.
- ❑ Planned and directed all print and electronic advertising media.
- ❑ Directed creative development and production of all advertising.
- ❑ Hired and directed outside advertising agency and other necessary outside resources.

**Biscuit and Blues**  
**Acting Director of Operations**  
**1997 - 1999**

Oversaw all operations for troubled business. Revamped food and beverage menus, streamlined operations, hired and trained new staff. Designed addition to increase both sales and operational efficiencies and acted as the general contractor for the build out.

**Le Colonial, San Francisco**  
**Consultant/Director of Operations**  
**1995 - 1997**

Assumed GM responsibilities of one month old fine dining restaurant after a few weeks as a consultant. In an environment of a complicated ownership structure, stabilized business and brought sales up to over \$6 million annually. Reversed negative cash flow and losses.

**Kimpton Restaurant Properties**  
**General Manager / Director of Operations**  
**1991 - 1996**

Responsible for overall management of sales, personnel and marketing programs for property group whose annual sales volume exceeded \$6 million annually. Supervised 125 direct reports while developing management teams of 10-15 persons per location. Directed restaurant operations' interface with hotel group to insure service and guest relations' mandates were extended into overall operational plans.

- ❑ Steadily increased annual sales 20% ( + ) each year by utilizing efficient management procedures
- ❑ Reduced food cost by 6% within the first 6 months. In addition, reduced food cost by an additional 3% by implementing an a la carte program
- ❑ Developed weekly inventory system, identifying high food cost items and recreating price structures
- ❑ Coordinated all plans by Harry Denton's with store management, instituting new product offerings and local promotions
- ❑ As GM, trained all new employees through a self designed 10 day training program
- ❑ As GM, recognized for cultivating long term stable staff with team player philosophies, while increasing sales 167% over 4 years by increasing customer base and average check

**Hodges Food Service****Vice President****1986 - 1991**

Designed, opened and operated multiple restaurant concepts for this company in California and Colorado.

- ❑ Opened three restaurants from the ground up, designed and developed all operations/training/recipe manuals for all stores as well as conducting staff training seminars
- ❑ Directly supervised operations of four restaurants, holding weekly P & L meetings for managers to resolve problems and give updates, while discussing new opportunities

**McFadden Ventures****Area Manager, West Coast Restaurants****1982 - 1986**

Served 3 years as Director of Operations for a publicly traded hospitality company, responsible for developing and opening properties whose individual sales volume was in excess of \$6 million dollars a year. Responsible for hiring, development and training of management teams of 10 - 15 people and hourly staffs of over 125 in six locations. Training programs emphasized excellent customer service while creating a friendly and fun working environment

**Profile**

Question applies to Cannabis Industry Tax Oversight Committee

**Cannabis Industry Tax Oversight Committee:** The deadline for filing applications is **Tuesday, November 12, 2019 at 5:00 p.m.** in the City Clerk's Office.

John Stanko  
First Name Middle Initial Last Name

**Which Boards would you like to apply for?**

Cannabis Industry Tax Oversight Committee: Submitted

[Redacted]  
Email Address

[Redacted]  
Street Address

[Redacted]  
Suite or Apt

San Rafael  
City

CA 94901  
State Postal Code

**Are you a resident of San Rafael**

Yes  No

**Resident of the City of San Rafael for how many years?**

13

[Redacted]  
Primary Phone

[Redacted]  
Alternate Phone

Law Office of John Stanko, Inc. Attorney  
Employer Job Title

**Business Address**

[Redacted]

**How did you learn about this vacancy? \***

Other

**Interests & Experiences**

**Do you participate in any civic activities?**

Yes.

**List any civic organizations of which you are a member:**

---

In the past I was a member and two term co/president of the Coleman Elementary Schools Father's Group. I coached/managed San Rafael Little League teams for both of my children for seven years and was board secretary for two years. I currently coach my son's 8th grade CYO basketball team and have coached YMC and/or CYO for the last 9 years. I am a member of the Elks Lodge 1108 in San Rafael and and avid supporter of SRHS Bulldog Athletics.

**Education:**

---

1992, BA, Cal State Fullerton, communications 1996, JD, New College of California School of Law, San Francisco, CA.

**Why are you interested in serving on a board or commission?**

---

I love San Rafael and with my lovely wife, have raised my two children here for the past 13 years. I want to see our community thrive and to ensure that our infrastructure is properly supported by the new and thriving cannabis industry. As the Marin County seat, San Rafael is the face of our County and must continue to be shining example of Marin for all to see. The tax revenue from measure G, if properly administered, can certainly help our city to grow and thrive. Our police and fire departments are under constant stress as are our roads and sidewalks as they age and more traffic rolls through our streets. I want to serve on this oversight committee to ensure that the funds collected from our local cannabis businesses are being properly spent to enhance our community facilities, fix our failing roadways and to enhance our fire and police services so that all of the residents of San Rafael are protected from wildfires and crime.

**Describe possible areas in which you may have a conflict of interest with the City:**

---

I don't believe I have any conflict of interest with the City but as a criminal defense attorney specializing in DUI and traffic ticket defense I do represent numerous clients accused of crimes initiated by traffic stops by the SRPD.

---

Upload a Resume

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred length of initial appointment \***

---

4 years

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred meeting time \***

---

Evening

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred meeting day \***

---

Tuesday

---

**Demographics (Optional)**

The demographic information you choose to provide is **VOLUNTARY** and **OPTIONAL** and refusal to provide it will not subject you to any adverse treatment. This information will be considered confidential, kept separate from your application and will not be used for evaluating applications or making appointments. The City of San Rafael will use this information solely to conduct research and compile statistical reports regarding the composition of its Board and Commission applicants.

**Ethnicity:**

---

**To which gender to your most identify?**

---



**How old are you?**

---







**List any civic organizations of which you are a member:**

---

None

**Education:**

---

Masters of Communication Innovations from Ithaca College

**Why are you interested in serving on a board or commission?**

---

I'd like to give back and I also am a supporter of the medicinal uses of cannabis. I also would like to add transparency to how we're using the tax revenue being brought in since marijuana was legalized in California.

**Describe possible areas in which you may have a conflict of interest with the City:**

---

I do not believe I have any conflicts.

[Susan B Clark Resume 2019p.doc](#)

Upload a Resume

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred length of initial appointment \***

---

2 years

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred meeting time \***

---

Evening

Question applies to Cannabis Industry Tax Oversight Committee

**Preferred meeting day \***

---

Wednesday

---

**Demographics (Optional)**

The demographic information you choose to provide is **VOLUNTARY** and **OPTIONAL** and refusal to provide it will not subject you to any adverse treatment. This information will be considered confidential, kept separate from your application and will not be used for evaluating applications or making appointments. The City of San Rafael will use this information solely to conduct research and compile statistical reports regarding the composition of its Board and Commission applicants.

**Ethnicity:**

---

To which gender to your most identify?

---



How old are you?

---



# SUSAN B. CLARK

Marin County

[linkedin.com/in/sbclark](https://www.linkedin.com/in/sbclark)

[vimeo.com/susanbclark](https://vimeo.com/susanbclark)

## CAREER SUMMARY

I'm a hands-on, passionate **Marketing Manager** who creates content that moves and motivates people, while changing hearts and minds.

## SKILL SET

- Builds successful high-growth digital marketing programs in search and email marketing, visual design and copywriting.
- Leads content marketing creative and syndication strategy that reaches targeted audiences in unique and differentiated ways.
- Drives content creation by using social intelligence and analytics to inform future topics and optimize engagement.
- Manages editorial team and content flow for onsite copy, blogs, emails, social media, syndicated publications, videos, etc.
- Hands-on content creator who ensures all content is on-brand and complies with SEO best practices.
- Understands drivers of engagement and how to tap into influencers and user generated content.
- Writes and manages all outward communications and PR, while also soliciting media interest and coverage.

## PROFESSIONAL EXPERIENCE

**Zazzle - Director of Content & Community** Redwood City, CA | 2014 - Present

Create content in the form of videos, tutorials, blog and social media posts to help build our community and monetization efforts.

**eBay Advertising / Triad Retail Media - Director of Strategy & Content** San Jose, CA | 2011 - 2014

Developed various types of content -- e.g. video, articles, tools, etc. -- that engaged users while building brands.

**Cluck Productions - Co-Founder/Content Producer** Larkspur, CA | 2007 - 2011

Created strategies to help non-profit organizations drive their online business goals.

**The Tonight Show with Jay Leno - Head of Digital Content** Burbank, CA | 2001 - 2007

Grew the site to the #1 destination on NBC.com with original content while driving revenue through cross-platform sponsorship opportunities.

**Jay Leno's Garage - Co-Producer** Burbank, CA | 2006 - 2007

Launched this Emmy-winning site which was the precursor to the CNBC show.

**Access Hollywood.com - Co-Managing Editor** Burbank, CA | 2001 - 2002

Pitched and conceived story ideas, wrote and edited news and feature content for the website.

**Spiderdance - Senior Producer** Venice Beach, CA | 2000 - 2001

Won 2 Bandie Awards for Best 2-Screen iTV implementation of NBC's "Weakest Link" and GSN's "Inquizition."

**Sony Online - Senior Producer / Game Designer** Culver City, CA | 1999 - 2000

Created the multiplayer web game around the popular "Dating Game" TV franchise, as well as an ancillary content portal and avatar generator.

**CheckOut.com - Managing Editor, Music** Beverly Hills, CA | 1999 (10 months)

Oversaw the editorial (music reviews and interviews) and a team of 12 writers for this e-commerce startup.

**GTE MainStreet Interactive Television - Senior Content Producer** Santa Monica, CA | 1995 - 1999

Produced the most robust iTV programming at that time, running the gamut from kids' programming to game shows.

## TECHNICAL SKILLS

Software: Adobe Creative Suite (PhotoShop, Illustrator, Premiere, After Effects, Audition), Camtasia, AVID, Final Cut, Visio, Autodesk Fusion 360

Web Development: HTML, CSS, PHP, JavaScript; Data Analytics, SEO/SEM, CMS

## EDUCATION

ITHACA COLLEGE | Ithaca, NY >>>> **Masters of Science in Communications Innovation**

FLORIDA-ATLANTIC UNIVERSITY | Boca Raton, FL >>>> **Bachelor of Arts in Humanities, Minor in Journalism**

## PROFESSIONAL AFFILIATIONS

Member, **PRODUCERS GUILD OF AMERICA**, Member, **WRITERS GUILD OF AMERICA, EAST**, Member, **ACADEMY OF TELEVISION ARTS & SCIENCES**, Former Board Member and Treasurer for **GLAAD**

*\*A more detailed resume is available on request*

**ORDINANCE NO. 1979**

**AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL APPROVING A PLANNED DEVELOPMENT REZONING FROM PLANNED DEVELOPMENT (PD) DISTRICT (PD1594) TO A REVISED PD (ZC19-002), INCLUDING THE RESCISSION OF PD 1594, AND CREATION OF A NEW PD DISTRICT, TO ALLOW THE DEMOLITION OF EXISTING ONE-STORY BUILDINGS AND CONSTRUCTION OF NINE (9) THREE-STORY RESIDENTIAL BUILDINGS WITH A TOTAL OF 45 “FOR SALE” MULTI-FAMILY RESIDENTIAL UNITS (INCLUDING 9 BELOW-MARKET-RATE (BMR) UNITS), 94 PARKING SPACES, WITH NEW LANDSCAPING AND CREEKSIDE ENHANCEMENTS ON AN EXISTING 2.28 ACRE PARCEL LOCATED AT 350 MERRYDALE RD/3833 REDWOOD HWY (MERRYDALE TOWNHOMES)  
(APN’S: 179-041-27 AND 179-041-28)**

**WHEREAS**, on September 17, 1990, the San Rafael City Council adopted Ordinance No. 1594, which established a Planned Development (PD) allowing the land use regulations for use of the property as a day care for training up to 120 developmentally disabled adults, consistent with conditions of approval in the Use Permit (UP90-22) approved by the Planning Commission on August 14, 1990; and

**WHEREAS**, the current Planned Development (PD1594) District zoning for this site does not allow residential development and does not contain appropriate land use limitations and development standards, as required by Section 14.07.060 of Title 14 of the San Rafael Municipal Code (Zoning Ordinance); and

**WHEREAS**, on November 8, 2019, Michael Hooper of Campus Properties, on behalf of the property owner, Ridgewood Properties, submitted an application for PD Rezoning (ZC19-002) requesting to establish the required development standards for the proposed redevelopment of the site to allow the construction of 45 residential “for sale” condominium units, including parking, landscaping and creekside enhancements; and

**WHEREAS**, on November 8, 2019, Michael Hooper of Campus Properties, on behalf of the property owner, Ridgewood Properties, also submitted accompanying applications for Environmental and Design Review Permit (ED18-100), Tentative Subdivision Map (TS18-006), Subdivision Exception (EX19-012), Use Permit (UP18-039) and Environmental Review/Initial Study (IS18-001) and these accompanying applications are being processed concurrent with the Rezoning application, as required by the Zoning Ordinance; and

**WHEREAS**, the application for the PD rezoning proposes to rescind the current PD 1594 and establish a new PD District for the property that would allow for multi-family residential use; and

**WHEREAS**, the proposed PD District land use and development regulations for the property are presented in Exhibit B attached hereto and incorporated by reference. The PD proposes to:

- a. Rescind the current PD 1594;
- b. Create a new PD Zoning District for the 350 Merrydale Rd/3833 Redwood Highway property;
- c. Establish permitted land uses in the new PD, that would mirror the current allowances in the High Density Residential (HR1) Zoning District;
- d. Establish development standards, including parking requirements, consistent with the HR1 Zoning District; and

**WHEREAS**, consistent with the requirement of the City of San Rafael Environmental Assessment Procedures Manual and the California Environmental Quality Act (CEQA) Guidelines, an Initial Study was prepared finding that the proposed new 45-unit townhome development would not result in significant environmental effects, in that revisions to the project have been made and mitigation measures are required to mitigate any potential adverse impacts to less-than-significant levels. Mitigation Measures were identified to reduce the level of significance to less than significant in the following topical areas (Aesthetics, Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Noise, Transportation, and Tribal Resources); and

**WHEREAS**, consistent with the provisions of CEQA, a Mitigation Monitoring and Reporting Program has been prepared to implement the project mitigation measures and to accompany the Mitigated Negative Declaration; and

**WHEREAS**, on July 17, 2018, the Design Review Board (“DRB” or “Board”) reviewed the project as a conceptual review item. The Board was largely supportive of the proposed building design but recommended changes, including greater sensitivity to the neighbors resulting from the roof decks, increasing the front setback along Merrydale Rd. to comply with the required 15-foot front setback, improving recreational activities for children on the site, addition of a Community Room, and provide information for the required trash enclosure; and

**WHEREAS**, on July 25, 2019, the applicant hosted a neighborhood meeting to have a more informal presentation and discussion with surrounding neighbors; and

**WHEREAS**, the applicant revised the project in response to the Board’s comments, as well as to public comments during the DRB and neighborhood meetings, including 1) providing a broader range of unit types and sizes, 2) providing a community room and outdoor patio complete with furnishings, 3) increasing the creek setback to a minimum of 25 ft.; 4) providing crane pads for creek maintenance; 5) increasing the front setback on the Merrydale frontage from 8 feet 1 inch to 15 feet, 2 inches from the Merrydale property line; 6) eliminating the proposed roof decks; 7) eliminating the proposed Accessory Dwelling Units (ADU’s); 8) eliminating the California Pepper tree species; 9) providing more details on the creek promenade area (which will also have amenities for youth to play); and 10) adding bio-retention information to the landscape plan. The side yard setback along the south property line was *reduced* from 10 feet to a setback of 7-9 feet (approximately) and some street parking was eliminated in order to re-design and eliminate the proposed building encroachment into the required 25’ creek setback; and

**WHEREAS**, on August 6, 2019, the DRB conducted a duly noticed public meeting and reviewed the formal application and plans submitted for the project. The Board found that the changes had adequately addressed their prior comments during conceptual review and in conclusion, the Board voted to recommend approval of the project design, with some minor changes. The motion was made by Member Saude and second by Member Rege. Motion to recommend approval of the project design passed 3-0-2 with Members Paul, Rege and Saude voting “aye” and Members Kent and Summers absent. The recommended modifications included:

- Community /Recreation Room and adjacent Paseo promenade needs to provide a more integrated indoor/outdoor common amenity for the residents.
- Visual impacts of AC units need to be mitigated better along public areas (Paseo and creek trail) and Merrydale frontage. The applicant is encouraged to explore greater landscape screening and/or relocating and grouping the AC units to the interior ends of the buildings.
- The project needs to incorporate greater sustainability into the design, including, but not limited to, pre-wiring all garages for EV charging stations and pre-wiring all roofs for PV rooftop solar systems.

**WHEREAS**, the applicant has incorporated all recommended changes in the revised plans;

**WHEREAS**, the project, including the Notice of Availability of the Initial Study/Mitigated Negative Declaration, along with the planning applications were publicly noticed 30 days in advance of the scheduled December 3, 2019 Planning Commission hearing, through the following means: 1) publishing a legal ad in the Marin Independent Journal on November 9, 2019; 2) subject site was posted with a public notice regarding the Mitigated Negative Declaration and the project applications; and 3) notices were published in a local newspaper of general circulation in the area and mailed to surrounding property owners within 400 feet, pertinent agencies (including responsible and trustee agencies), organizations and special interest groups pursuant to CEQA Guidelines Section 15072; and

**WHEREAS**, on December 10, 2019, the Planning Commission held a duly noticed public hearing on the proposed project accepting and reviewing public comment. On a 6-0-1 vote (Commissioner Samudzi absent) the Planning Commission adopted Resolutions Nos. 19-11 and 19-12 to recommend to the City Council: a) adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project, and b) adoption of the PD District Rezoning, and c) conditional approval of the Environmental and Design Review Permit (ED18-100), Master Use Permit (UP19-039), Tentative Subdivision Map (TS18-006) and Subdivision Exception (EX19-012); and

**WHEREAS**, on February 3, 2020, by adoption of a separate resolution, the City Council adopted a Mitigated Negative Declaration and approved a Mitigation Monitoring and Reporting Program for the project; and

**WHEREAS**, on February 3, 2020, the City Council held a duly noticed public hearing on the proposed project, accepting and considering all oral and written public testimony and the written report of the Department of Community Development; and

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

**WHEREAS**, as required by San Rafael Municipal Code Sections 14.07.090 and 14.27.060, the City Council makes the following findings in support of an ordinance to rescind the existing Planned Development (PD) District (PD 1594), as shown on the map contained in Exhibit "A" and further described in Exhibit "C," and to establish a new PD District as outlined in Exhibit "B" (350 Merrydale Residential Townhomes):

1. The Development Plan is consistent in principle with the San Rafael General Plan 2020 and other applicable City plans or policies in that the 350 Merrydale Rd. Residential Townhomes - *Planned Development District* document includes appropriate development standards, and is subject to an Environmental and Design Review Permit and a Master Use Permit, implementing the intent of Chapters 22 (Use Permit) and 25 (Environmental and Design Review Permit) of the San Rafael Zoning Ordinance (Title 14 of the San Rafael Municipal Code), Subdivision Ordinance (Title 15 of San Rafael Municipal Code), and the applicable General Plan land use policies, including:
  - a. The proposed project as designed and conditioned would be consistent with Land Use Element Policies LU-2 (*Development Timing*), LU-8 (*Density of Residential Development*), LU-10 (*Planned Development Zoning*), LU-12 (*Building Heights*), LU-23 (*Land Use Compatibility*), LU-23 (*Land Use Map and Categories*) given that the project: 1) would be approved at a time when there is adequate infrastructure to serve the proposed development; 2) 3) would not exceed the maximum density allowed in the GC Land Use category (34-72 units); 4) would not

exceed the maximum building height of 36 feet allowed for this area of San Rafael; and 5) has been designed to minimize potential visual impacts on the surrounding residential properties by limiting bulk, mass and height;

- b. The proposed project as designed and conditioned would be consistent with Housing Element Policies H-2 (*Designs that Fit Into Neighborhoods*), H-3 (*Public Information and Participation*), H-14 (*Adequate Sites*), H-15 (*Infill Near Transit*), and H-19 (*Inclusionary Housing*), in that: 1) residential development is allowed on the site per the General Commercial General Plan Land Use designation; 2) the project design has been subject to review by the public and has been recommended for approval by the Design Review Board; 3) the project would add 45 units of housing within walking distance of mass transit, including the Civic Center SMART Train station, ½ mile from the project site of the SMART Train; and 4) the project would include nine (9) below-market-rate (BMR) units, five (5) affordable at the low-income level and four (4) at moderate-income level.
- c. The project is partially consistent with the applicable Neighborhoods Element Policy NH-2 (*New Development in Residential Neighborhoods*), NH-3 (*Housing Mix*), NH-17 (*Competing Concerns*), NH-151 (*New Development*), NH-86 (*Design Considerations for Development in the Vicinity of the Civic Center*), NH-128 (*Sidewalk Improvements*), NH-129 (*Neighborhood Parking*), NH-142 (*Redwood Highway Improvements*), and NH-148 (*Residential Uses at the end of Merrydale Rd.*) in that: 1) the proposed new 45-unit development has been designed to be a transitional use between existing commercial development and residential development on Merrydale Rd. The building design minimizes impacts to surrounding residential properties by providing code compliant front and side setbacks and preserving some existing trees at the perimeter of the project site and proposing 55 new trees on site; 2) 94 parking spaces are provided on the site in compliance with the required parking requirement for 45 units, and 4 new on-street parking spaces would be created along the east side of Merrydale Rd.; and 3) Redwood Highway would be extending and provide secondary access through the project site, allowing pedestrian access to the proposed new “creek promenade” on the north side of the site as well as vehicular access to Merrydale Rd.
- d. The project as proposed and as conditioned would be consistent with Community Design Element Policies CD-2 (*Neighborhood Identity*), CD-3 (*Neighborhoods*), CD-5 (*Views*), , CD-11 (*Multifamily Design Guidelines*), CD-14 (*Recreational Facilities*), CD-15 (*Participation in Project Review*), CD-18 (*Landscaping*), CD-19 (*Lighting*) in that the project design: 1) preserves, to the greatest extent possible, views the Civic Center from the adjacent one-story residential neighborhood. The building height is 33.5’ (less than the 36’ height limit allowed); 2) is generally in keeping with the mass and scale of adjacent commercial and residential development on the east side of Merrydale Rd. and would introduce a higher quality architectural design than currently present on the site; 3) provides landscaping to screen and enhance the project and site; 4) provides new “creek promenade” with landscaping and recreational amenities along Las Gallinas Creek to the north of the development; 5) creates adequate lighting without spillover onto adjacent properties or natural areas; and 6) has been reviewed by the Design Review Board and found to be consistent the applicable design policies of the General Plan and the City’s Residential Design Guidelines.
- e. The project as proposed and as conditioned would be consistent with Circulation Policies C-5 (*Traffic level of Service Standards*), C-7 (*Circulation Improvements Funding*), C-8 (*Eliminating and Shifting Peak Hour Trips*), C-9 (*Access for*



*Emergency Services*), C-26 (*Bicycle Plan Implementation*) and C-31 (*Residential Area Parking*) in that the project: 1) would not exceed the acceptable level of service standards (LOS), LOS E, for both intersections or arterials; 2) would be required to pay its fair share towards traffic impacts to fund circulation impacts in order to maintain acceptable LOS standards for the General Plan; 3) would maintain adequate access for emergency services as determined by the City's Public Safety Departments; and 4) would create a new Class III Bike Lane along Meerydale Rd. and install a new sidewalk along the east side of Merrydale, thereby facilitating better pedestrian access along Merrydale Rd. as well as pedestrian access to the new creek promenade area,

- f. The project as proposed and as conditioned would be consistent with Infrastructure Element Policies I-2 (*Adequacy of City Infrastructure and Services*), and I-10 (*Sewer Facilities*) in that: 1) the appropriate utility agencies have reviewed the project and determined that the property is currently being served. However, 1) Marin Municipal Water District (MMWD) has determined that the property's current annual water entitlement may be insufficient for the new uses and the purchase of additional water entitlement may be required, as well as compliance with all indoor and outdoor requirements of District Code Title 13 for water conservation; and 2) the Las Gallinas Valley Sanitation District (LGVSD) would continue to provide service to the project site, although the 45 proposed residential townhome units would result in an increase in intensity of development over existing uses. The LGVSD has reviewed the project, provided comments and will require that the development project submit an Application for Allocation of Capacity and pay additional capacity fees prior to submittal of a building permit. The project design incorporates sanitary sewer infrastructure that connects all residences to the current LGVSD sanitary system, including two possible infrastructure improvements: a) a gravity system and flow diversion with an updated LGVSD pump station, or b) a lift-station (with control cabinet) located in the southeastern corner of the project site for pumping sanitary sewer to the main LGVSD pump station (which would also be updated). Either design solution would satisfy LGVSD requirements for sanitary sewer service.
- g. The project as proposed and as conditioned would be consistent with the Sustainability Element Policies SU-5 (*Reduce Use of Non-Renewable Resources*), SU-6 (*Resource Efficiency in Site Development*), SU-7 (*New and Existing Trees*), SU-10 (*Zero Waste*) in that given that: 1) the revised project plans include a provision that all townhome units and stacked flats (to the extent practicable) will be provided with pre-wiring for photovoltaic rooftop solar systems; 2) all garage units will be provided with 220-volt power points suitable for EV charging; 3) the project will comply with the most recently adopted CBC (California Building Code) CalGreen and Title-24 Energy regulations; 4) conditions subject the project to the Marin Municipal Water District's most recently adopted water conservation and gray water regulations; 5) 55 new trees will be planted on site and 13 existing trees will be preserved on site; and 6) The project is proposing a covered and screened trash enclosure, the design and location of which has been reviewed and approved by Marin Sanitary Service (MSS).
- h. The project as proposed and as conditioned would be consistent with the Culture and Arts Element Policy CA-15 (*Protection of Archaeological Resources*) in that: 1) The existing buildings were constructed in 1967 or 1968 as a school facility but does not meet criteria as defined in CEQA Guidelines Section 15064.5. The existing structures and site have been modified over the years and do not appear to have any historical significance; and 2) the site for original construction

of existing buildings would have disrupted any archaeological deposits if they were present. Indications of the disturbance would likely still be apparent when examining remnant soils. Based on the results of the cultural resources investigation conducted for the proposed project, no prehistoric or historic-period archaeological resources were identified within the project area. However, mitigation measures have been included in the IS/MND MMRP (CULT-1 and CULT-2) to protect any resources found during construction activities.

- i. The project as proposed and as conditioned would be consistent with Park and Recreation Element Policy PR-10 (*On-site Recreation Facilities*) in that the project will provide a 500 sq. ft. "community room" for the residents which will include a kitchen area and bathroom. The community room will also have sliding glass doors that open onto an approximately 500 sq. ft. patio area, with planters seating, and a BBQ area.
- j. The project as proposed and as conditioned would be consistent with Safety Element Policies: S-1 (*Location of Future Development*), S-3 (*Use of Hazard Maps in Development Review*), S-4 (*Geotechnical Review*), S-6 (*Seismic Safety of New Buildings*), S-18 (*Storm Drainage Improvements*), S-25 (*Regional Water Quality Control Board (RWQCB) Requirements*), and S-32 (*Safety Review of Development Projects*) in that: 1) the project has been reviewed using the hazard maps and Geotechnical Review Matrix; 2) the geotechnical review and peer review concluded that the development on this site, with conditions, is feasible and appropriate from a geotechnical engineering standpoint; 3) the project would not include any hazardous materials or uses in its operations; 4) the development would be built to conform to current building and seismic safety codes; 5) the structure would be built in accordance with the Federal Emergency Management Agency (FEMA) regulations for this type of structure and use in a 500-year flood zone; 6) an erosion control plan would be required during construction of the project; 7) the drainage plan would direct all new run-off from the site into vegetative bio-retention areas before being released into the storm drain system; and 8) the project has been reviewed by the Police and Fire Department and found to be in conformance with their fire and crime prevention standards and would not pose a risk to public safety or impact their levels of service.
- k. The project as proposed and as conditioned would be consistent with Noise Element Policies N-1 (*Noise Impacts on New Development*), N-2 (*Exterior Noise Levels for Residential Use*), N-3 (*Planning and Design of New Development*), N-4 (*Noise from New Nonresidential Development*), and N-5 (*Traffic Noise from New Development*) in that the project: 1) Based on information in the Acoustical Report by Illingworth and Rodkin, the IS/MND analysis indicated that Building 2 through Building 7 would also exceed the 45 dBA Ldn threshold with windows partially open. With standard construction and forced-air ventilation, allowing occupants the option of keeping windows closed to control noise, Buildings 1, 2, 8, and 9 would achieve the 40 dBA Ldn and 45 dBA Ldn thresholds. The east facades of buildings 3, 4, 5, and 6, facing US-101, would be exposed to 70 dBA Ldn. The east facade of Buildings 2 and 7 would be partially shielded by the buildings to the east and would be exposed to 67 dBA Ldn. The west facade of Buildings 1 and 9 would be exposed to traffic noise from Merrydale Rd. up to 58 dBA Ldn. These levels are in the "Clearly Unacceptable" range in Exhibit 31 of the General Plan 2020. Therefore, the Acoustical Report recommended additional mitigation measures required prior to issuance of the building permit to required force-air ventilation and the appropriate STC window ratings to maintain interior noise levels at acceptable levels (see Environmental and Design Review Permit COA #25; 2) conditions and

mitigations have been incorporated to reduce any temporary impacts due to construction (Initial Study Mitigation Measure NOISE-1); and 3) the Acoustical Report determined that the primary noise sources at the site would continue to be vehicular traffic on US- 101 and Merrydale Rd. US-101 is elevated by about 10 feet above the site. Based on traffic volumes provided in the Traffic Impact Assessment Report prepared for the proposed project, traffic noise levels are calculated to increase by 1 dBA along Merrydale Rd. under future conditions (2040) due to increases in traffic volumes on Merrydale Rd.. An increase in 1 dBA would be barely detectable to typical human hearing and is not considered a significant increase.

- I. The project as proposed and as conditioned would be consistent with Conservation Element Policies CON-6 (*Creek and Drainageway Setbacks*), CON-7 (*Public Access to Creeks*), CON-8 (*Enhancement of Creeks and Drainageways*), CON-9 (*Native and/or Sensitive Habitats*), CON-14 (*Special Status Species*), and CON-16 (*Landscape with Native Plant Species*) in that the proposed project: 1) would maintain setbacks from the creek and provide creek enhancements with added landscaping and pedestrian access point; 2) would not impact a wildlife corridor since the site is currently developed and biological assessments have found no such corridors; 3) would not impact any sensitive or threatened/endangered species or habitats; 4) has been conditioned to ensure that disturbance to any potential nesting birds be avoided during construction; and 5) would provide new trees and shrubs throughout the site, as well as bio-retention areas to facilitate proper site drainage.
  - m. The project as proposed and as conditioned would be consistent with Air and Water Quality Element Policies: AW-1 (*State and Federal Standards*), AW-2 (*Land Use Compatibility*), AW-4 (*Particulate Matter Pollution Reduction*), AW-7 (*Local, State and Federal Standards*), and AW-8 (*Reduce Pollution from Urban Runoff*) since the project: 1) would comply with local, state and federal air quality standards; 2) mitigation measures have been incorporated to address temporary air quality impacts during construction; 3) drainage systems have been designed to utilize vegetated swales before discharging drainage into storm drain systems or the creek; and 4) methods consistent with the Storm Water Pollution Prevention Standards of the Regional Water Quality Board have been incorporated into the design and conditions have been included to require compliance with these standards.
2. The applicant proposes to add 45 units of new residential development (market rate and below market rate (BMR) units) which will help serve to accommodate the projected need for 1,007 additional housing units in the City by the year 2023. The 3-story development will serve as a transition between the existing 2-story residential properties, commercial development, and the single-family lots in the interior Rafael Meadows neighborhood. The existing creek has been protected by providing a 25-foot setback and will be enhanced with new vegetation along the south bank and designed with a shared maintenance and pedestrian promenade. Further, the development plan has been reviewed and recommended for approval by the Design Review Board.
3. The applicant has demonstrated that the proposed development can be served by public facilities such as sewer, water, refuse services and other infrastructure resources that currently serve the existing development and are available to serve the proposed redeveloped site.

4. The applicant has accepted the City's direction to use the HR1 property development standards for the new PD zoning, as this zoning district most closely approximates the adjacent property development standards. The proposed new development has been designed to be in compliance with the applicable HR1 property development standards, and the proposed project is not requesting any deviations (Variances) from the HR1 setbacks. However, the City standard per San Rafael Municipal Code Section 15.06.050(c) is that local streets provide a minimum right-of-way of 60 feet and a minimum pavement width of 40 feet. Due to site constraints (creek and utility easements) the applicant is requesting an exception to allow a private street with an easement of 30 feet and a minimum pavement width of 20 feet and providing at least one sidewalk. This requires approval of an Exception request, pursuant to San Rafael Municipal Code Section 15.01.120(c). The City Engineer has reviewed the project and is in support of the Exception request.
5. The auto, bicycle and pedestrian traffic systems presented on the Development Plan are adequately designed for circulation needs and public safety in that: a) the Development Plan proposes sidewalks throughout the development for pedestrian access, including access to the proposed new creek promenade area; b) the project triggers the creation of a new Class III Bike Lane along Merrydale Rd.; c) the emergency vehicle ingress and egress from the development would be provided through the existing roadway, as well as from an extension of Redwood Highway (allowing traffic to pass through the development and access Merrydale Rd.) and has been found to be adequate by the City of San Rafael Fire and Police Departments; d) the access and site layout has been reviewed by the appropriate City Departments and it has been determined that an Exception to street width standards is appropriate and acceptable; and e) code compliant parking (94 spaces) will be provided on site, with an additional 4 new on-street spaces added to the east side of Merrydale Rd.
6. The public health, safety and welfare are served by the adoption of the proposed PD District, in that the project as proposed and conditioned: a) would implement housing and environmental goals and policies adopted for this site in the San Rafael General Plan 2020; b) would conform to City standards for safety; c) would be consistent with the recommended mitigation measures presented in the Initial Study/Mitigated Negative Declaration prepared for this project; and d) would address project impacts to privacy, traffic, and parking through the inclusion of conditions of approval on the Master Use Permit and Environmental and Design Review Permit.

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

**DIVISION 1.**

The Zoning Map of the City of San Rafael, California, adopted by reference by Section 14.01.020 of the San Rafael Municipal Code is amended by reclassifying the following real property from PD-1594 (Planned Development District 1594) to PD (Planned Development – Ordinance No. 1979) District. Said property so reclassified is located at 350 Merrydale Rd/3833 Redwood Highway, San Rafael, as shown on County Assessor's Parcel No's: 179-041-27 and 179-041-28), as shown on the map attached as Exhibit "A" and described in Exhibit "C", which are incorporated by reference.

**DIVISION 2.**

Any development of this property shall be subject to the conditions outlined Exhibit "B", the *Merrydale Townhomes – Planned Development District*, which is attached hereto and made a part hereof.

**DIVISION 3.**

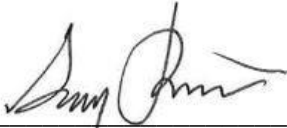
If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence,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

**DIVISION 4.**

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, County of Marin, 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. 1979 was introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 3rd day of February 2020 and ordered passed to print by the following vote, to wit:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Bushey

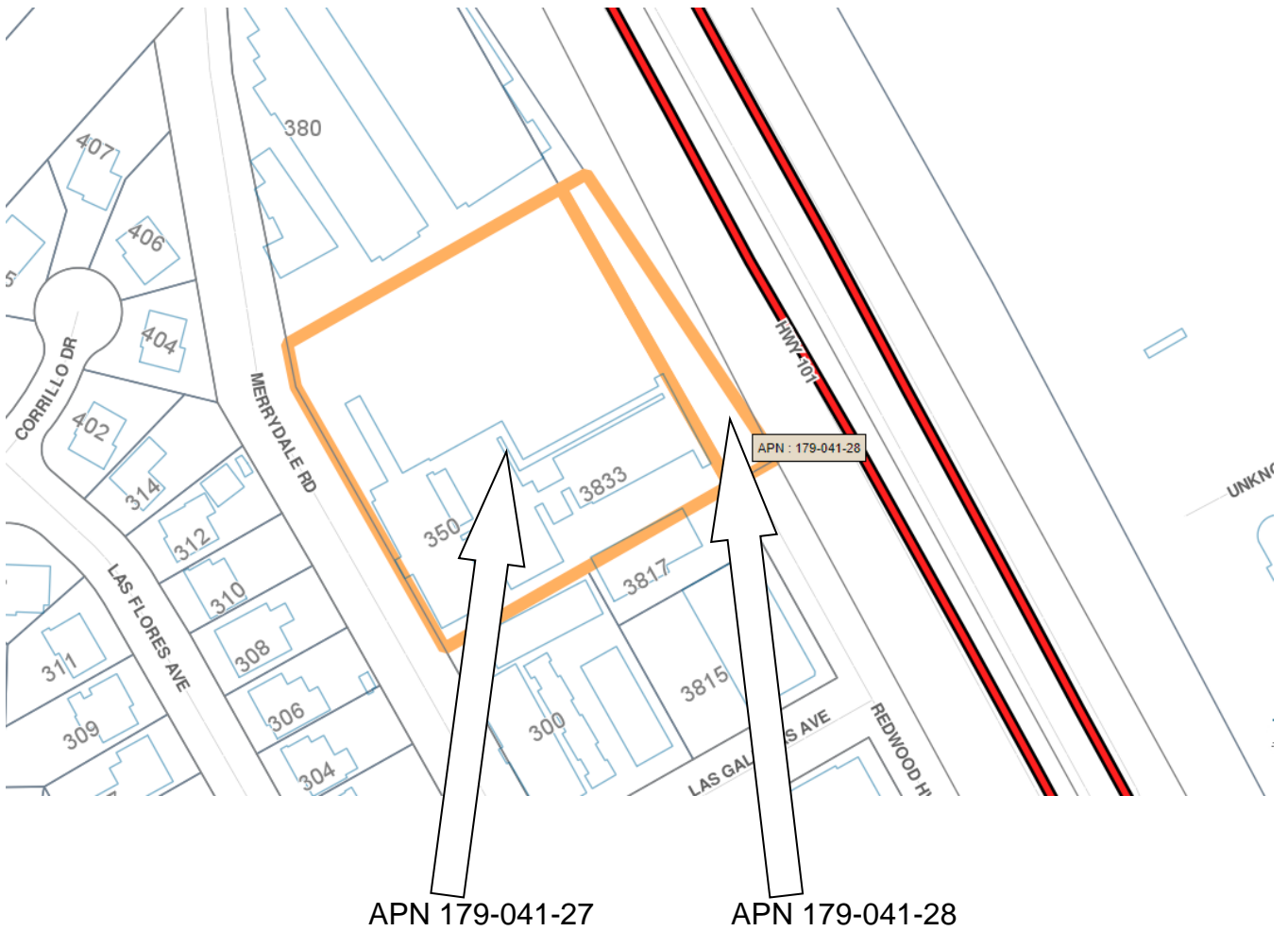
and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 18th day of February 2020.

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

- Exhibit A: Rezoning Map
- Exhibit B: Planned Development District Standards
- Exhibit C: Legal Property Description

**Exhibit A**

***REZONING MAP***



PD Rezoning to Rescind PD 1594 to create a new PD for these two properties known as 3833 Redwood Highway/350 Merrydale Rd

## Exhibit B

### *MERRYDALE TOWNHOMES – PLANNED DEVELOPMENT DISTRICT*

#### 1. PURPOSE OF PLANNED DEVELOPMENT DISTRICT

The purpose of the Planned Development District for the 45-unit residential development is to regulate the development of a 2.28-acre site known as the Merrydale Townhomes located at 350 Merrydale Road/3883 Redwood Highway.

#### 2. LAND USE REGULATIONS

- a) This PD permits a 45-unit residential condominium development on the 2.28-acre site, a 500 square foot Community Room for tenant use and a “Creek Promenade” area for use as a recreational amenity, as per approved plan Sheet SP-2.
- b) All other land uses shall follow the land use regulations set forth in the High Density Residential (HR1) District land use classification as contained in Zoning Ordinance (SRMC 14.04.020).
- c) Private Usable Open Space: Balconies provided for the units shall remain open and not be enclosed or otherwise screened with mesh or other materials.
- d) Common Usable Open Space on site to include:
  - Community Room: A flexible space to be used by residents with a clear interior dimension of 14’ 6” x 20’ 6” space, a kitchen area (with sink, stove and refrigerator) and bathroom and storage area. A ping pong table and stacking tables shall be provided for the space. The Community Room would have access to an exterior 500 sf patio area with planters, seating and a BBQ as shown in approved Plan Sheet L4. This community room shall remain available as a recreational space to all residents and shall not be converted into a living unit or a leasing office or storage space.
  - Creek Promenade: A creek promenade area shall be established along the north side of the project site, adjacent to the Las Gallinas Creek. The creek promenade shall be design with landscaping, removable fencing/benches/light bollards as per approved Plan Sheet L1 through L3. Passive play area activities shall be installed for children as per approved Plan Sheet L3. The promenade shall be used as a recreational amenity and is also designed to provide access to equipment for creek maintenance activities.
- e) Site Lighting fixtures (number and type) shall be installed as per approved Plan Sheet L11.

#### 3. DEVELOPMENT STANDARDS

The Planned Development shall be developed in conformance with the development plans, associated drawings and reports submitted with the Planned Development as listed in the Exhibit section and the development standards set forth below.

##### a) **Maximum Lot Coverage**

The maximum lot coverage for the site shall be 60% as shown on the development plan.

##### b) **Floor Area Ratio: N/A**

- c) **Residential Density:** Maximum of 45 residential units. Accessory dwelling units (ADU’s) or Junior Dwelling Unit (JDU’s) are allowed on the site and do not count against the maximum residential density. Future ADU’s on site shall be subject to the same regulations stipulated in the Zoning Ordinance or as modified by State law.



## Exhibit B

### *MERRYDALE TOWNHOMES – PLANNED DEVELOPMENT DISTRICT*

d) **Minimum Yards:**

- Front: 15'
- Side: 5'
- Rear: 5'

e) **Maximum Building Height**

- Building height limits for this site is 36' per Exhibit 7 in San Rafael General Plan 2020.
- Exclusions to the maximum height limits shall be as prescribed by Section 14.16.120 of the Zoning Ordinance, as amended.

f) **Parking**

- Residential parking shall be provided as proposed: 94 on-site parking spaces (87 garage spaces, including 20 tandem spaces) and 7 uncovered on-site, on-street spaces (including 1 ADA space). The ADA space and on-street spaces on site shall be located as shown on approved Plan Sheet SP-2.
- Parking for ADU or JADU's shall follow the prescribed parking requirement in the Zoning Ordinance.

4. **EXHIBITS**

- a) Architectural Plans prepared by WHA Architects - Sheets SP1 through SP-7, and Architectural Plan Sheets A-1 through A-13.
- b) Civil Engineering Plans prepared by Oberkamper & Associates consisting of Sheet C-1 through C-5.
- c) Landscape Plan prepared by Ripley Design Landscape Architects, consisting of Sheets L1 through L12.
- d) Photometric Study prepared by Associated Lighting Representatives consisting of Sheet 1.

5. **AMENDMENTS**

- a) Amendments to uses that exceed the standards prescribed by this PD or propose uses that are not consistent with the land use regulations of the PD shall require an amendment to the PD District.
- b) Amendments to the design, color or materials of the structures or minor site modifications to site improvements or addition of minor accessory structures, shall be administered through an Environmental and Design Review Permit.

**Exhibit C**

***Legal Property Description***

The land referred to is situated in the County of Marin, City of San Rafael, State of California, and is described as follows:

Parcel B, as shown upon that certain Parcel Map entitled "Parcel Map Division of the Lands of Jacobson & Clayton Lots 1 to 13 and 22 to 31 Map of Subdivision "A" Gold Links Tract (2 Maps 7) City of San Rafael, California October 1982", filed for record November 9, 1983 in Book 21 of Parcel Maps, at Page 6, Marin County Records.

APN: 179-041-27  
179-041-28

# 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:

**02/07/2020**

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

Dated this 7th day of February, 2020.



Signature

## PROOF OF PUBLICATION

Legal No. **0006456330**

#### SUMMARY OF ORDINANCE NO. 1979

**AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL APPROVING A PLANNED DEVELOPMENT REZONING FROM PLANNED DEVELOPMENT (PD) DISTRICT (PD1594) TO A REVISED PD (ZC19-002), INCLUDING THE RESCISSION OF PD 1594, AND CREATION OF A NEW PD DISTRICT, TO ALLOW THE DEMOLITION OF EXISTING ONE-STORY BUILDINGS AND CONSTRUCTION OF NINE (9) THREE-STORY RESIDENTIAL BUILDINGS WITH A TOTAL OF 45 "FOR SALE" MULTI-FAMILY RESIDENTIAL UNITS (INCLUDING 9 BELOW-MARKET-RATE (BMR) UNITS), 94 PARKING SPACES, WITH NEW LANDSCAPING AND CREEKSIDE ENHANCEMENTS ON AN EXISTING 2.28 ACRE PARCEL LOCATED AT 350 MERRYDALE RD/3833 REDWOOD HWY (MERRYDALE TOWNHOMES) (APN'S: 179-041-27 AND 179-041-28)**

This Summary concerns a proposed Ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 1979, which will amend the City of San Rafael Zoning Map, adopted by reference by Section 14.01.020 of the San Rafael Municipal Code as detailed in the complete text and accompanying maps of Ordinance No. 1979. Ordinance No. 1979 is scheduled for adoption by the San Rafael City Council at its regular meeting of February 18, 2020. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

#### SUMMARY OF AMENDMENT TO MUNICIPAL CODE

This Ordinance amends the Zoning Map of the City of San Rafael to reclassify certain real property located at 350 Merrydale Rd/3833 Redwood Highway (APN's 179-041-27 and 179-041-28) in the City of San Rafael, Marin County, California, from Planned Development (PD-1594) District to Planned Development (PD-1979) District. PD-1979 establishes development standards and land use regulations that would allow the demolition of existing one-story buildings and construction of nine (9) three-story residential buildings with a total of 45 "for sale" multi-family residential units, including 9 below-market-rate (BMR) units, 94 parking spaces, with new landscaping and creekside enhancements on the existing 2.28-acre parcel.

For a complete copy of the text of the Ordinance amending the Municipal Code, please contact the City Clerk at (415) 485-3066 or the Community Development Department, Planning Division at (415) 485-3085. Copies of the Ordinance containing this Municipal Code amendment are also available for public review as of Wednesday February 12, 2020, at the San Rafael City Clerk's office, 1400 Fifth Avenue, 2nd Floor, Room 209, during regular business hours, 8:30 a.m. to 5:00 p.m.

LINDSAY LARA, City Clerk  
San Rafael City Clerk

Dated: \_\_\_\_\_

No.145 Feb. 7, 2020



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Finance

Prepared by: Nadine Atieh Hade,  
Finance Director

City Manager Approval: \_\_\_\_\_

**TOPIC: ANNUAL AUDIT OF FEDERAL GRANT EXPENDITURES**

**SUBJECT: SINGLE AUDIT REPORT FOR THE YEAR ENDED JUNE 30, 2019**

**RECOMMENDATION: ACCEPT REPORT**

**BACKGROUND:** Federal regulations provide that any local agency receiving or expending \$750,000 or more in combined federal grant funds, either directly or indirectly in a fiscal year, is subject to a separate audit on those programs. This threshold was reached in fiscal year 2018-2019; therefore, a separate (Single Audit) report was required. The firm of Maze and Associates Accountancy Corporation, who also performed the City's financial audit, conducted the Single Audit for fiscal year 2018-2019.

**ANALYSIS:** The City incurred a total of \$4,147,318 in federal expenditures during fiscal year 2018-2019 that fell under the parameters of the audit. The auditor identified one major program to be audited, Disaster Grants – Public Assistance (Presidentially Declared Disasters). Funds from this program supported emergency slide repairs at 70 Irwin, 80 Upper Toyon, 21 San Pablo, and 70 D Street as well as public safety support following the Mendocino Complex Fires.

As required under the Single Audit Act, a number of separate reports are contained within this document. Most of these reports comment on either compliance with Federal assistance regulations or recommendations regarding the City's accounting practices. The auditor issued the reports with an unmodified opinion and no reported deficiencies in internal control.

**FISCAL IMPACT:** There is no fiscal impact resulting from the acceptance of this report.

**RECOMMENDED ACTION:** Accept Report.

**ATTACHMENT:** Single Audit Report for the Year Ended June 30, 2019

---

**FOR CITY CLERK ONLY**

**File No.:**

**Council Meeting:**

**Disposition:**

**CITY OF SAN RAFAEL**  
**SINGLE AUDIT REPORT**  
**FOR THE YEAR ENDED JUNE 30, 2019**

This Page Left Intentionally Blank

**CITY OF SAN RAFAEL**  
**SINGLE AUDIT REPORT**  
**For The Year Ended June 30, 2019**

**TABLE OF CONTENTS**

	<u>Page</u>
Schedule of Findings and Questioned Costs.....	1
Section I - Summary of Auditor’s Results .....	1
Section II – Financial Statement Findings.....	2
Section III – Federal Award Findings and Questioned Costs.....	2
Schedule of Expenditures of Federal Awards.....	3
Notes to Schedule of Expenditures of Federal Awards .....	5
Independent Auditor’s Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with <i>Government Auditing Standards</i> .....	7
Independent Auditor's Report on Compliance for Each Major Federal Program; Report on Internal Control Over Compliance; and Report on the Schedule of Expenditures of Federal Awards Required by the Uniform Guidance .....	9

This Page Left Intentionally Blank



CITY OF SAN RAFAEL

SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
For The Year Ended June 30, 2019

SECTION I—SUMMARY OF AUDITOR’S RESULTS

Financial Statements

Type of report the auditor issued on whether the financial statements audited were prepared in accordance with GAAP Unmodified

Internal control over financial reporting:

- Material weakness(es) identified?            Yes       X       No
- Significant deficiency(ies) identified?            Yes       X       None Reported

Noncompliance material to financial statements noted?            Yes       X       No

Federal Awards

Internal control over major federal programs:

- Material weakness(es) identified?            Yes       X       No
- Significant deficiency(ies) identified?            Yes       X       None Reported

Type of auditor’s report issued on compliance for major federal programs: Unmodified

Any audit findings disclosed that are required to be reported in accordance with 2 CFR 200.516(a)?            Yes       X       No

Identification of major programs:

<u>CFDA#(s)</u>	<u>Name of Federal Program or Cluster</u>
<u>97.036</u>	<u>Disaster Grants – Public Assistance (Presidentially Declared Disasters)</u>

Dollar threshold used to distinguish between type A and type B programs: \$750,000

Auditee qualified as low-risk auditee?       X       Yes            No

## **SECTION II – FINANCIAL STATEMENT FINDINGS**

Our audit did not disclose any significant deficiencies, or material weaknesses or instances of noncompliance material to the basic financial statements. We have also issued a separate Memorandum on Internal Control dated November 8, 2019 which is an integral part of our audits and should be read in conjunction with this report.

## **SECTION III – FEDERAL AWARD FINDINGS AND QUESTIONED COSTS**

Our audit did not disclose any findings or questioned costs required to be reported in accordance with Uniform Guidance.

CITY OF SAN RAFAEL

SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS  
For the Fiscal Year Ended June 30, 2019

Federal Grantor/ Pass-Through Grantor/Program or Cluster Title	Federal CFDA Number	Pass-Through Identifying Number	Federal Expenditures
U.S. Department of Housing and Urban Development, Direct Community Development Block Grants/ Entitlement Grants	14.218		\$ 195,315
Pass-Through County of Marin, California Community Development Block Grants/ Entitlement Grants Childcare	14.218	40CDBG19CD4527	36,447
Total U.S. Department of Housing and Urban Development			<u>231,762</u>
U.S. Department of Health and Human Services Pass-Through the California Health and Human Services Agency Medical Assistance Program Department of Health Care Services - Ground Emergency Medical Transportation	93.778	SFY 2013-14	140,706
Pass-Through County of Marin, California Special Programs for the Aging Title III, Part B - Grants for Supportive Services and Senior Centers	93.044	10-204	12,050
Total U.S. Department of Health and Human Services			<u>152,756</u>
U.S. Department of Transportation, Pass-Through Programs Pass-Through State of California Department of Transportation Highway Planning and Construction Southern Heights Bridge Replacement	20.205	BRLO-5043(038)	329,130
Third St at Hetherton Intersection Improvement	20.205	HSIPL-5043(040)	61,532
Grand Avenue Pathway Connector Project	20.205	CML-5043(039)	1,261,704
Francisco Blvd. East Sidewalk Improvements	20.205	ATPL-5043(042)	200,127
Third Street Safety Improvement Study	20.205	HSIPL-5043 (043)	11,074
Subtotal for Highway Planning and Construction			<u>1,863,567</u>
Pass-Through California Office of Traffic Safety State and Community Highway Safety Selective Traffic Enforcement Program FY2018	20.600	PT18131	38,607
Selective Traffic Enforcement Program FY2019	20.600	PT19132	64,003
Subtotal for State and Community Highway Safety			<u>102,610</u>
Total U.S. Department of Transportation			<u>1,966,177</u>
U.S. Department of Justice, Direct Program Bulletproof Vest Partnership Program PD Vest Grant 2019	16.607		10,145
Total U.S. Department of Justice			<u>10,145</u>
U.S. Department of Homeland Security, Pass-Through Programs Pass-Through State of California Governor's Office of Emergency Services Disaster Grants - Public Assistance (Presidentially Declared Disasters)	97.036	FEMA-4301-DR-CA	1,642,554
Disaster Grants - Public Assistance (Presidentially Declared Disasters)	97.036	FEMA 4382 CDAA 2018	9,140
Program Subtotal			1,651,694
Assistance to Firefighters Grant Program	97.044	EMW-2017-FO-04380	134,784
Total U.S. Department of Homeland Security			<u>1,786,478</u>
Total Federal Expenditures			<u>\$ 4,147,318</u>

See Accompanying Notes to Schedule of Expenditures of Federal Awards

This Page Left Intentionally Blank

**CITY OF SAN RAFAEL**

**NOTES TO THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS  
For The Year Ended June 30, 2019**

**NOTE 1 - REPORTING ENTITY**

The Schedule of Expenditure of Federal Awards (the Schedule) includes expenditures of federal awards for the City of San Rafael, California, and its component units as disclosed in the notes to the Basic Financial Statements, except for federal awards of the San Rafael Sanitation District (District). Federal awards expended by this entity, if any, are excluded from the Schedule and are subject to a separate Single Audit performed by other auditors.

**NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

Basis of accounting refers to *when* revenues and expenditures or expenses are recognized in the accounts and reported in the financial statements, regardless of the measurement focus applied. All governmental funds and agency funds are accounted for using the modified accrual basis of accounting. All proprietary funds are accounted for using the accrual basis of accounting. Expenditures of Federal Awards reported on the Schedule are recognized when incurred.

**NOTE 3 - INDIRECT COST ELECTION**

The City has elected not to use the 10% de minimis indirect cost rate allowed under the Uniform Guidance.

This Page Left Intentionally Blank

**INDEPENDENT AUDITOR'S REPORT ON  
INTERNAL CONTROL OVER FINANCIAL REPORTING  
AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN  
AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE  
WITH GOVERNMENT AUDITING STANDARDS**

To the Honorable Members of the City Council  
City of San Rafael, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component unit each major fund, and the aggregate remaining fund information of the City as of and for the year ended June 30, 2019, and the related notes to the financial statements, which collectively comprise the City's basic financial statements, and have issued our report thereon dated November 8, 2019. Our report includes a reference to other auditors who audited the financial statements of San Rafael Sanitation District, as described in our report on the City's financial statements. This report does not include the results of the other auditors' testing of internal control over financial reporting or compliance and other matters that are reported on separately by those auditors. Our report included an emphasis of a matter paragraph disclosing the implementation of a new accounting principle.

***Internal Control Over Financial Reporting***

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

### *Compliance and Other Matters*

As part of obtaining reasonable assurance about whether the City's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests and those of other auditors disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

### *Purpose of this Report*

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

*Maze & Associates*

Pleasant Hill, California  
November 8, 2019



**INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE FOR EACH MAJOR  
FEDERAL PROGRAM; REPORT ON INTERNAL CONTROL OVER COMPLIANCE;  
AND REPORT ON THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS  
REQUIRED BY THE UNIFORM GUIDANCE**

To the Honorable Members of the City Council  
City of San Rafael, California

***Report on Compliance for Each Major Federal Program***

We have audited the City of San Rafael's (City) compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on each of the City's major federal programs for the year ended June 30, 2019. The City's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

***Management's Responsibility***

Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

***Auditor's Responsibility***

Our responsibility is to express an opinion on compliance for each of the City's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the City's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the City's compliance.

***Opinion on Each Major Federal Program***

In our opinion, the City complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2019.

## *Report on Internal Control Over Compliance*

Management of the City is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the City's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the City's internal control over compliance.

*A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that have not been identified. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

*Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance*

We have audited the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component unit, each major fund, and the aggregate remaining fund information of the City as of and for the year ended June 30, 2019, and the related notes to the financial statements, which collectively comprise the City's basic financial statements. We issued our report thereon dated November 8, 2019, which contained an unmodified opinion on those financial statements. Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Uniform Guidance and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the financial statements as a whole.

*Maze & Associates*

Pleasant Hill, California  
January 21, 2020

This Page Left Intentionally Blank



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Public Works

Prepared by: Bill Guerin,  
Director of Public Works

City Manager Approval: \_\_\_\_\_

**TOPIC: TRAFFIC MITIGATION FEES**

**SUBJECT: ANNUAL TRAFFIC MITIGATION FEE REPORT**

**RECOMMENDATION:** Accept the annual Traffic Mitigation Fee Report.

**BACKGROUND:** Traffic mitigation fees are a type of development impact or public facility fee. They are charged by a local governmental agency to an applicant in connection with the approval of a development project. They are not a tax or special assessment. Rather, their purpose is to offset the cost of public facilities made necessary by the development project. In the case of Traffic Mitigation Fees, the fees are collected to provide funds for increasing street capacity to accommodate additional traffic generated by new development. Assembly Bill 1600 (California Government Codes §66000 – 66025) established requirements for how cities collect, maintain and spend impact fees. The focus of this report is on the impact fee portion of the law.

The City's traffic mitigation fees were enacted in 1988 in connection with General Plan 2000 and that document's projections for growth and future traffic patterns in the City. The Circulation Element of General Plan 2020 calls for continued implementation and periodic updating of Traffic Mitigation Fees in order to fund the long list of traffic improvements mentioned in the General Plan as well as other circulation needs that may arise as the City is developed. (General Plan 2020, Programs C-6, C-7)

Impact fees must demonstrate a reasonable connection between the fee charged and the cost of the improvements for which they are collected, must be deposited in a separate account, segregated from the City's general fund, and used only for the identified improvements. AB 1600 requires cities to spend or commit the fees within five years of collection, or return them to the developer unless a finding can be made that a reasonable relationship continues to exist between the current need for the fee and the purpose for which it was originally collected (Gov. Code §66001(d)).

---

**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

Of the City's various development fees, the Traffic Mitigation Fee is the only such fee subject to AB 1600 reporting. Pursuant to Government Code Section §66006, cities must publish annual reports on these fees, which are to be available to the public.

**ANALYSIS:** The Traffic Mitigation Fee report consists of the following required seven elements pursuant to the Government Code Section:

1. *Fee description:* The Traffic Mitigation Fee is charged to new development projects. It is intended to pay for those circulation system improvements identified in General Plan 2020 needed to accommodate the proposed development or, as stated in section C-6 of General Plan 2020, for "other recommended roadway improvements, including additional improvements that may become necessary in the long-term and are desirable to enhance San Rafael's circulation system, but are not necessary to maintain Level of Service (LOS) standards. Specific improvements will be implemented as conditions require, and will be refined during the design phase. Recognize that other feasible design solutions may become available and be more effective in achieving the same goals as the improvements listed in Exhibit". The Plan lists 32 long-term roadway improvement projects, 24 of which are identified to be partially funded with Traffic Mitigation fees and as noted above, also allows other additional improvements, not in the General plan 2020 (such as improvements in the City's approved list of Capital Improvement Projects), to be made.
2. *Amount of the fee:* Each new A.M. and P.M. peak hour trip generated by a development is charged \$4,246. Fees are calculated based on land use types and their estimated trips generated.

3. *The following is a table summarizing the beginning and ending year fund balance, as well as specific revenues and expenditures for Traffic Mitigation Fund #246 for FY 2018-19.*

<b>Fund 246 (Traffic Mitigation Fund) balance July 1, 2018</b>	<b>\$4,688,850</b>
<b>Revenue (18/19)</b>	
• Interest income	\$81,723
• Traffic Mitigation Fees	\$2,356,530
<b>Total Revenue</b>	<b>\$2,438,253</b>
<b>Expenditures (18/19)</b>	
• <i>Capital Projects</i>	
Third & Hetherton Study #11303	\$16,695
Second & Third Street Signalization Study #11335	\$117,253
Transfer to Andersen Drive #11276	\$3,380,892
Operations: Concrete for Los Ranchitos Road	\$43,250
<b>Total Expenditures</b>	<b>\$3,558,090</b>
<b>Net Change Fund Activity (\$2,438,253-\$3,558,090)</b>	<b>(\$1,119,837)</b>
<b>Fund Balance June 30, 2019</b>	<b>\$3,569,013</b>

4. *List of improvements on which fees were expended, amount of expenditure and total percentage of cost covered by fee:* A list of all major planned circulation improvements identified in the General Plan is provided in Attachment 1 of this report. Following are the projects for which Traffic Mitigation Fees were used during the 2018-2019 fiscal year:
- a. Third & Hetherton Intersection Study (#11303) – the City [contracted with Kimley-Horn](#) to study conceptual plans and define a project scope that will balance safety and capacity at this intersection. The total study cost was \$94,035, all of which came from the Traffic Mitigation Fund. Final recommendations from the Third and Hetherton Intersection study were brought to [City Council on December 17, 2018](#). Design and part of construction of the improvements is being funded through a \$583,000 Highway Safety Improvement Program (HSIP) grant from Caltrans.
  - b. Second & Third Street Signalization (#11335) – In preparation for the extension of SMART to Larkspur, which includes rail line crossing Second and Third Streets, the City needed to make signalization improvements. Design was started in FY 2017-18, and construction was awarded by City Council on [December 3, 2018](#). There is limited remaining signal work to improve safety.
  - c. Andersen Drive (#11276) – The project involves the reconfiguring of Andersen Drive, including the installation of signal systems and related improvements to allow an at grade rail crossing of Andersen Drive with SMART’s extension to

Larkspur. The MOU with SMART to construct the Andersen crossing improvements was approved by [City Council on March 20, 2017](#) which authorized a total amount of \$5,070,000 which included construction, Contingency plus SMART’s staff time. The initial design for this crossing was supported by redevelopment funds and the construction being supported by from the Traffic Mitigation Fund. While the majority of the construction is completed, additional property transfers and incidental work remain at this time.

5. *Approximate date by which construction will commence when City has determined that sufficient funds have been collected:* See No. 4 above. Projects identified in General Plan 2020 are major infrastructure improvements which often require substantial state and federal funding in addition to Traffic Mitigation resources. Scheduling of those projects therefore depends upon the availability of these supplemental funds.
6. *Any interfund loan or transfer, including the public improvement where it will be spent:* There was a transfer of funds out from the Traffic Mitigation Fund in the amount of \$3,380,892 to support the Andersen Drive project #11276.
7. *Refunds made due to sufficient funds being collected:* No refunds were made.

An analysis of the accumulated fund balance follows. A first in, first out (FIFO) accounting method assumes the first revenue collected is the first spent. Staff analyzed the annual balances for the past 5 fiscal years and determined that no funds have been held for more than 5 years, as shown in the following table:

**Traffic Mitigation Fund #246**

**Revenues only:**

0-1 Year	1-2 Years	2-3 Years	3-4 Years	4-5 Years	5+ Years
Unspent & received in FY 18-19	Unspent & received in FY 17-18	Unspent & received in FY 16-17	Unspent & received in FY 15-16	Unspent & received in FY 14-15	Unspent & received 1/1/89 to 6/30/12
\$2,438,253	\$896,147	\$382,554	\$386,840	\$660,888	(\$1,195,669)

As evidenced by the projects described above, current traffic improvement projects underscore the connection between the current need for the fees and the purpose for which they were originally collected. The City anticipates the following projects will continue to incur Traffic Mitigation Funds expenses:

- Andersen Drive (#11276)
- Second & Third Street Signalization (#11335)
- Francisco Blvd West Multi Use Path (partial funding resulting from [transfer of funds from Grand Avenue Bridge project](#))



While these are the projects currently under construction, it is worth noting that the total cost of the 24 Circulation Element improvements in the General Plan 2020 is estimated at \$57.95 million, of which \$38.6 million (67%) would come from traffic mitigation fees.

**FISCAL IMPACT:** There is no fiscal impact associated with accepting the report.

**OPTIONS:**

- Accept the report as recommended.
- Do not accept the report.

**RECOMMENDED ACTION:** Accept the Traffic Mitigation Fee Report.

**ATTACHMENTS:**

1. Exhibit 21 from General Plan 2020: *Major Planned Circulation Improvements*

**Exhibit 21**

**Major Planned Circulation Improvements <sup>a</sup>**

	Proposed Roadway Improvements	Projected Cost	Mitigation Fee	Funding Source		Projected Project Timing (b)
				Redevelopment	State & Federal	
<b>1</b>	<b>Smith Ranch Road/Lucas Valley Road</b> Widen roadway to provide two westbound and two eastbound lanes between Redwood Highway and Los Gamos. Widen northbound 101 off ramp and southbound 101 off ramp for additional right and left turn lanes.	\$4,000,000	\$4,000,000			Depends On Development Timing
<b>2</b>	<b>Lucas Valley/Los Gamos</b> Widen Lucas Valley Road to provide two through lanes for eastbound and westbound, and provide two westbound left turn lanes. Widen southbound Los Gamos to provide 2 lanes for 300 feet and merge back to one lane. Signalize intersection and coordinate with adjacent intersections.	\$2,000,000	\$2,000,000			Depends On Development Timing
<b>3</b>	<b>Las Gallinas Avenue (Merrydale to Del Presidio)</b> Remove parking and widen street to provide four lanes (one southbound, two northbound and one two-way left turn).	\$300,000	\$300,000			Depends On Development Timing
<b>4</b>	<b>Freitas/Las Gallinas</b> Upgrade the traffic signal system and operation. Improve intersection geometry, cover portions of drainage ditch	\$650,000	\$650,000			5-7 years
<b>5</b>	<b>Freitas/Del Presidio</b> Explore feasibility of double northbound right turn and southbound 101 on ramp widening	\$900,000	\$900,000			Depends On Development Timing
<b>6</b>	<b>Freitas/ Northbound 101 Ramps- Redwood-Civic Center widening and signalization.</b> Right of Way Required.	\$7,500,000	\$7,500,000			Depends On Development Timing

	Proposed Roadway Improvements	Projected Cost	Mitigation Fee	Funding Source		Projected Project Timing (b)
				Redevelopment	State & Federal	
<b>7</b>	<b>Grand Avenue (south of Grand Avenue bridge to Fourth Street)</b>					
	Widen north/south, add one lane as required, and upgrade traffic signal system. Requires right of way and major bridge widening.	\$6,500,000	\$3,250,000	\$3,250,000		Depends On Development Timing
	Signalize Grand/ Fifth, and restrict parking to provide turn lanes.	\$200,000	\$200,000			5-7 years
	Signalize Grand/ Mission, and restrict parking to provide turn lanes.	\$200,000	\$200,000			5-7 years
<b>8</b>	<b>Francisco Blvd. East (Bellam to Grand Avenue Bridge)</b>					
	Four lanes required. One southbound, one two-way left turn and two northbound lanes. Major right of way required.	\$10,000,000	\$5,000,000	\$5,000,000		Depends On Development Timing
	Signalize Francisco Blvd. East/Harbor.	\$200,000	\$200,000			5-7 years
<b>9</b>	<b>Lincoln Avenue (Second Street to southbound 101 ramps - Hammondale or as required)</b>					
	Extend the existing PM peak northbound Tow-Away zone for AM peak as well (four lanes may be required). This parking restriction is likely to be extended north toward the southbound 101 ramps.	\$400,000	\$400,000			3-5 years
	Signalize Lincoln/ Grand, and restrict parking to provide turn lanes.	\$200,000	\$200,000			3-5 years
<b>10</b>	<b>Mission/Lincoln</b>	\$4,000,000	\$4,000,000			Depends On Development Timing
	Provide additional lanes for northbound, and westbound; upgrade traffic signal system, requires right of way.					
<b>11</b>	<b>Fourth Street (Miracle Mile)</b>	\$450,000	\$450,000			5-7years
	Re-align Ross Valley and Santa Margarita and re-design intersection operation. LOS may deteriorate but community access will be provided.					
	<b>Additional Signalization</b>					
<b>12</b>	Signalize Fifth & H Street, and restrict parking to provide turn lanes.	\$100,000	\$100,000			3 years

	Proposed Roadway Improvements	Projected Cost	Mitigation Fee	Funding Source		Projected Project Timing (b)
				Redevelopment	State & Federal	
13	Signalize First/C Street, and restrict parking to provide turn lanes.	\$150,000	\$150,000			3 years
14	Signalize First/ D Street, and restrict parking to provide turn lanes.	\$150,000	\$150,000			3 years
15	Signalize Fourth/Union Street, and restrict parking to provide turn lanes.	\$200,000	\$200,000			Depends On Development Timing
16	Signalize or Roundabout Mission/Court Street.	\$200,000	\$100,000	\$100,000		Depends On Development Timing
17	Signalize Merrydale/Southbound 101 Ramps, and provide turn lanes.	\$250,000	\$250,000			5-7years
18	Signalize Lincoln/DuBois/Irwin and re-align intersection. Right of way required.	\$2,500,000		\$2,500,000		Depends On Development Timing
19	<b>Third/Union Street</b> Widen Union Street to provide 4 lanes between Third and Fourth. Fire Station 4 modification required. Reconfigure Third/Union eastbound left turn pocket. Provide westbound right turn pocket. Upgrade the traffic signal system and operation.	\$900,000	\$900,000			2 years
20	<b>Kerner Blvd or Francisco Blvd. East. To Andersen Drive Undercrossing</b> Provide a minimum 3-lane connector near Shoreline Parkway. Signalize at both ends.	\$8,000,000	\$4,000,000	\$4,000,000		Depends On Development Timing
21	<b>Andersen /East Sir Francis Drake-eastbound 580 Ramps</b> Major widening and signalization.	\$2,000,000	\$500,000	\$500,000	\$1,000,000	5-7 years
22	<b>Upgrade traffic signal system.</b>	\$3,000,000	\$1,500,000		\$1,500,000	7 years
23	<b>Install traffic monitoring sensors and camera system.</b>	\$1,000,000	\$500,000		\$500,000	7 years
24	<b>Install Fiber Optic network throughout the traffic system.</b>	\$2,000,000	\$1,000,000		\$1,000,000	7 years
	<b>Sub Total</b>	<b>\$57,950,000</b>	<b>\$38,600,000</b>	<b>\$15,350,000</b>	<b>\$4,000,000</b>	

Proposed Roadway Improvements	Projected Cost	Mitigation Fee	Funding Source		Projected Project Timing (b)
			Redevelopment	State & Federal	
Other Projects	Projected Cost	City Funds	Redevelopment	State & Federal	
25 Implement Bicycle and Pedestrian Master Plan	\$5,300,000	\$2,650,000		\$2,650,000	7-20 years
26 Pedestrian bridge at Third/Hetherton – GGT Transportation Center	\$2,000,000	\$500,000	\$500,000	\$1,000,000	Depends On SMART, 10-20 years
27 Pedestrian bridge to connect Canal to Andersen Drive/Downtown.	\$4,500,000	\$1,125,000	\$1,125,000	\$2,250,000	10-20 years
28 Pedestrian bridge to connect Canal to Montecito Shopping Center.	\$4,000,000	\$1,000,000	\$1,000,000	\$2,000,000	10-20 years
29 Freitas / Northbound 101 Ramps - Redwood-Civic Center or a new flyover from Civic Center Dr. to Freitas.	\$12,000,000	\$6,000,000		\$6,000,000	Depends On Development Timing
30 Second Street (from E Street to east side of A Street). The projected volume requires right turn lanes or through/right lanes be added in the long term. Right of way required.	\$6,000,000	\$1,500,000	\$3,000,000	\$1,500,000	10-20 years
31 Pedestrian bridge over Canal between the Canal and Montecito/Happy Valley neighborhoods.	\$4,000,000	\$1,000,000	\$2,000,000	\$1,000,000	10-20 years
32 North San Rafael Promenade	\$2,000,000	\$1,000,000		\$1,000,000	10-20 years
<b>Sub Total Other Projects</b>	<b>\$39,800,000</b>	<b>\$14,775,000</b>	<b>\$7,625,000</b>	<b>\$17,400,000</b>	
<b>Grand Total Project Cost</b>	<b>\$97,750,000</b>				

(a) Priorities for circulation improvements are set in the Capital Improvements Program. This list may be amended as part of the five-year General Plan update.

(b) The timing for the improvements depends on the size, type and phasing of additional development. Policies LU-2 (Development Timing) requires findings when project-related traffic will not cause the LOS to be exceeded.

Source: San Rafael Public Works Department



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Public Works**

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

**City Manager Approval:**

**TOPIC: ESSENTIAL FACILITIES CONSTRUCTION PROJECT FIRE STATIONS 52 AND 57 NOTICE OF COMPLETION**

**SUBJECT: ACCEPT COMPLETION OF THE ESSENTIAL FACILITIES CONSTRUCTION PROJECT – FIRE STATION 52 AND FIRE STATION 57 (CITY PROJECT NO. 11292 & 11293), AND AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION**

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

**BACKGROUND:** In 2014, the City developed an [Essential Facilities Strategic Plan for the City of San Rafael](#) to create a thorough and operationally forward-thinking Essential Facilities Strategic Plan for the City. The Plan presented guidance for the implementation of replacement and/or seismic upgrade of the City’s essential services buildings, herein referred to as “essential facilities,” to ensure that the essential facilities within the City are capable of serving the citizens in the event of a major earthquake and other potential disasters.

The Strategic Plan, among other recommendations, recommended that the existing Fire Stations 52 and 57 be replaced as they were beyond their useful life.

The construction project to demolish and replace Fire Station 52 and 57 was awarded to Alten Construction, Inc. after the City Council adopted a resolution authorizing the City Manager to [award the construction contract on April 17, 2017](#).

On June 7, 2017, the City issued Notice to Proceed to Alten Construction, Inc. and Alten achieved final completion of the entire work on December 9, 2019.

**ANALYSIS:**

Pursuant to Civic Code Section 3093, the City is required to record a Notice of Completion upon City acceptance of the construction. 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.

---

**FOR CITY CLERK ONLY**

**File No.:**

**Council Meeting:**

**Disposition:**

**SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2**

**FISCAL IMPACT:** There is no fiscal impact associated with this action. This project is supported by Measure E revenues in the City's General Fund. The City used a combination of accumulated funds and bond proceeds to support this contract.

**ACTION REQUIRED:** Staff recommends that the City Council accept completion of the project and authorize the City Clerk to file the Notice of Completion.

**ATTACHMENTS:**

1. Notice of Completion

Recording Requested By:  
The City of San Rafael  
When Recorded Mail To:

Lindsay Lara, City Clerk  
1400 Fifth Ave.  
San Rafael, CA 94901

EXEMPT FROM RECORDING FEES PER  
GOVERNMENT CODE §§ 6103, 27383

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

**NOTICE OF COMPLETION**  
Civil Code §§ 8182, 8184, 9204, and 9208

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the agent of the owner of the Project described below.
2. Owner's full name is City of San Rafael ("City")
3. City's address is 1400 Fifth Ave., San Rafael, CA 94901
4. The nature of City's interest in the Project is:  
 Fee Ownership  Lessee  Other: FS 52 is City owned, FS 57 is a ground lease. Building is City owned.
5. Construction work on the Project performed on City's behalf is generally described as follows: City of San Rafael Essential Facilities Construction Project - Fire Station 52 (Project No. 11292) & Fire Station 57 (Project No. 11293).
6. The name of the original Contractor for the Project is: Alten Construction, Inc.
7. The Project was accepted as complete on: December 6, 2019.
8. The Project is located at: Fire Station 52 – 210 Third Street, San Rafael, CA 94901 & Fire Station 57 – 3530 Civic Center Drive, San Rafael, CA 94903.

Verification: In signing this document, I, the undersigned, declare under penalty of perjury under the laws of the State of California that I have read this notice, and I know and understand the contents of this notice, and that the facts stated in this notice are true and correct.

\_\_\_\_\_  
Date and Place

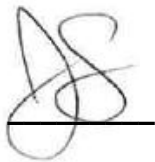
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Bill Guerin, Director of Public Works

*EXEMPT FROM NOTARY ACKNOWLEDGMENT REQUIREMENTS PER  
GOVERNMENT CODE § 27287 AND CIVIL CODE § 9208*





<b>SAN RAFAEL CITY COUNCIL AGENDA REPORT</b>	
<b>Department: Public Works</b>	
<b>Prepared by: Bill Guerin, Director of Public Works</b>	<b>City Manager Approval:</b> 

**TOPIC: STREET RESURFACING 2018-2019 NOTICE OF COMPLETION**

**SUBJECT: ACCEPT COMPLETION OF THE STREET RESURFACING 2018-2019 PROJECT (CITY PROJECT NO. 11336), AND AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION**

**RECOMMENDATION:** Accept completion of the Street Resurfacing 2018-2019 Project and authorize the City Clerk to file the Notice of Completion.

**BACKGROUND:** Resurfacing of City streets is a vital program that improves a portion of the City's roadways each year. This year's resurfacing project included the resurfacing of 20 streets and the installation of two curb ramps, which are required when resurfacing roadways.

The project was advertised in accordance with San Rafael's Municipal Code on June 9, 2019, and sealed bids were publicly opened and read aloud June 27, 2019 at 10:00 AM. On [July 15, 2019](#), the City Council adopted a resolution authorizing the City Manager to enter into an agreement with the low bidder, Ghilotti Bros. Inc. in the amount of \$2,763,088 and approving a construction contingency of \$236,912 for a total appropriation in an amount of \$3,000,000. Construction commenced on September 20, 2019, and all work was completed on December 9, 2019.

**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:** No fiscal impact is associated with this report. The project was funded by Gas Tax (#206) fund.

**RECOMMENDED ACTION:** Accept completion of the Street Resurfacing 2018-2019 Project and authorize the City Clerk to file the Notice of Completion.

- ATTACHMENTS:**
1. Notice of Completion

---

**FOR CITY CLERK ONLY**

**File No.:**

**Council Meeting:**

**Disposition:**

Recording Requested By:  
The City of San Rafael

When Recorded Mail To:  
Lindsay Lara, City Clerk  
1400 Fifth Avenue  
San Rafael, CA 94901

EXEMPT FROM RECORDING FEES PER  
GOVERNMENT CODE §§ 6103, 27383

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

**NOTICE OF COMPLETION**  
Civil Code §§ 8182, 8184, 9204, and 9208

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the agent of the owner of the Project described below.
2. Owner's full name is City of San Rafael ("City")
3. City's address is 1400 5<sup>th</sup> Ave, San Rafael, CA 94901
4. The nature of City's interest in the Project is:  
 Fee Ownership     Lessee     Other: Public Right of Way Easement
5. Construction work on the Project performed on City's behalf is generally described as follows: Resurfacing Various City Roadways, replacement of removed striping and traffic signal loops, and the installation of ADA curb ramps.
6. The name of the original Contractor for the Project is: Ghilotti Bros. Inc.
7. The Project was accepted as complete on: February 18, 2020.
8. The Project is located at: Various Locations in the City of San Rafael.

Verification: In signing this document, I, the undersigned, declare under penalty of perjury under the laws of the State of California that I have read this notice, and I know and understand the contents of this notice, and that the facts stated in this notice are true and correct.

\_\_\_\_\_  
Date and Place

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Bill Guerin, Director of Public Works

*EXEMPT FROM NOTARY ACKNOWLEDGMENT REQUIREMENTS PER  
GOVERNMENT CODE § 27287 AND CIVIL CODE § 9208*



<b>SAN RAFAEL CITY COUNCIL AGENDA REPORT</b>	
<b>Department: Public Works</b>	
<b>Prepared by: Bill Guerin, Director of Public Works</b>	
<b>City Manager Approval:</b>	

**TOPIC: 2018-2019 RESTRIPING NOTICE OF COMPLETION**

**SUBJECT: ACCEPT COMPLETION OF THE 2018-2019 RESTRIPING PROJECT (CITY PROJECT NO. 11359), AND AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION**

**RECOMMENDATION:** Accept completion of the 2018-2019 Restriping Project and authorize the City Clerk to file the Notice of Completion.

**BACKGROUND:** In 2018, Caltrans updated their design standards for roadway striping, most notably increasing the width of many types of stripes from 4” to 6” to increase visibility and better define travel lanes for all motorists. The 2018-19 Restriping Project upgraded traffic striping along 15 miles of City streets to conform to the new Caltrans standards.

The project was advertised in accordance with San Rafael’s Municipal Code Chapter 11.50 on February 26, 2019, and sealed bids were publicly opened and read aloud April 26, 2019 at 10:00 AM. On [May 6, 2019](#), the City Council adopted a resolution authorizing the City Manager to enter into an agreement with the lowest bidder, Bayside Stripe & Seal, Inc., in the amount of \$701,270 and approving a construction contingency of \$48,730 totaling \$750,000 in appropriated funds. Construction commenced on July 11, 2019, and all work was completed on January 14, 2020.

**ANALYSIS:** Pursuant to Civil Code Section 3093, the City is required to record a Notice of Completion upon City’s 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:** No fiscal impact is associated with this report. The project was funded by Gas Tax (#206) fund.

**RECOMMENDED ACTION:** Accept completion of the 2018-2019 Restriping Project and authorize the City Clerk to file the Notice of Completion.

- ATTACHMENTS:**
1. Notice of Completion

---

**FOR CITY CLERK ONLY**

**File No.:**

**Council Meeting:**

**Disposition:**

Recording Requested By:  
The City of San Rafael

When Recorded Mail To:  
Lindsay Lara, City Clerk  
1400 Fifth Avenue  
San Rafael, CA 94901

EXEMPT FROM RECORDING FEES PER  
GOVERNMENT CODE §§ 6103, 27383

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

**NOTICE OF COMPLETION**  
Civil Code §§ 8182, 8184, 9204, and 9208

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the agent of the owner of the Project described below.
2. Owner's full name is City of San Rafael ("City")
3. City's address is 1400 5<sup>th</sup> Ave, San Rafael, CA, 94901
4. The nature of City's interest in the Project is:  
 Fee Ownership     Lessee     Other: Public Right of Way Easement
5. Construction work on the Project performed on City's behalf is generally described as follows: Refreshing Striping on various City streets.
6. The name of the original Contractor for the Project is: Bayside Stripe and Seal.
7. The Project was accepted as complete on: February 18, 2020.
8. The Project is located at: Various streets in the City of San Rafael.

Verification: In signing this document, I, the undersigned, declare under penalty of perjury under the laws of the State of California that I have read this notice, and I know and understand the contents of this notice, and that the facts stated in this notice are true and correct.

\_\_\_\_\_  
Date and Place

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Bill Guerin, Director of Public Works

*EXEMPT FROM NOTARY ACKNOWLEDGMENT REQUIREMENTS PER  
GOVERNMENT CODE § 27287 AND CIVIL CODE § 9208*



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Public Works**

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

**City Manager Approval:**

File No.: 18.01.83

**TOPIC: THIRD STREET AT HETHERTON STREET IMPROVEMENTS**

**SUBJECT: A RESOLUTION AWARDING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT FOR THE THIRD STREET AT HETHERTON STREET IMPROVEMENTS PROJECT WITH GHILOTTI BROS. INC. IN THE AMOUNT OF \$398,983, AND AUTHORIZING CONTINGENCY FUNDS IN THE AMOUNT OF \$61,017, FOR A TOTAL APPROPRIATED AMOUNT OF \$460,000.**

**RECOMMENDATION:** Adopt a resolution awarding and authorizing the City Manager to execute a construction agreement for the Third Street at Hetherton Street Improvements project to Ghilotti Bros. Inc. in the amount of \$398,983 and authorizing contingency funds in the amount of \$61,017, for a total appropriated amount of \$460,000.

**BACKGROUND:** The intersection at Third Street and Hetherton Street is one of the most heavily congested locations in San Rafael. It is also highly traversed by pedestrians traveling between the downtown area, Caltrans Park-and-Ride lots, nearby schools, the SMART train station, and the San Rafael Transit Center. The frequent usage generates high traffic volumes and ensuing congestion. In January 2017, the City Council awarded Kimley-Horn and Associates a contract to study the intersection for safety improvements. The City also obtained a federal grant in the amount of \$583,900 to support design and construction expenses associated with the proposed improvements.

In November 2018, the City Council awarded an engineering design contract to Kimley-Horn and Associates to prepare the construction drawings and obtain environmental clearance. On December 17, 2018, the final scope of work was deliberated by City Council, which included the removal of the south-leg crosswalk and installation of a new crosswalk on the east-leg of the intersection, refurbishment of signing and striping, and traffic signal improvements. Following extensive coordination with Caltrans to obtain an encroachment permit and receive environmental clearance, the project has been cleared for construction. On December 11, 2019, the project was advertised in accordance with San Rafael's Municipal Code.

**FOR CITY CLERK ONLY**

**File No.:** \_\_\_\_\_

**Council Meeting:** \_\_\_\_\_

**Disposition: Resolution No.** \_\_\_\_\_

**SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2**

Initially, the project was slated to be completed by Fall 2020. However, with the proposed contract award, the project will be delivered slightly ahead of schedule with an anticipated completion date of July 2020.

**ANALYSIS:** On January 29, 2020 at 10:00 AM the following bids were received and read aloud:

<b><u>NAME OF BIDDER</u></b>	<b><u>AMOUNT</u></b>	<b><u>NOTES</u></b>
Ghilotti Bros. Inc	\$398,983	
St. Francis Electric, LLC	\$429,000	Nonresponsive, Incomplete proposal
CF Contracting	\$435,700	
W. Bradley Electric	\$488,636	

The construction bids have been reviewed by Public Works staff and the low bid from Ghilotti Bros., Inc. in the amount of \$398,983 was found to be both responsive and responsible. City staff recommends awarding the construction contract to Ghilotti Bros. Inc. for the amount bid, and also recommend the City Council authorize a construction contingency of approximately fifteen percent in an amount of \$61,017, for a total authorized amount of \$460,000.

**PUBLIC OUTREACH:** Over the past two years, Public Works staff held several meetings and outreach events during the study and design phases of the project to solicit feedback from community members. Meetings held include:

- November 8, 2017 – San Rafael Bicycle and Pedestrian Advisory Committee (BPAC)
- November 15, 2017 – Federation of San Rafael Neighborhoods
- January 17, 2018 – Point San Pedro Road Coalition
- July 2, 2018 – City Council accepted initial Study recommendations
- November 5, 2018 – City Council awarded a design contract
- November/December 2018 – City staff met individually with BPAC committee members, Sustainable San Rafael, and Marin Transit officials to explain the reasoning for the decision to relocate the crosswalk
- December 17, 2018 – City Council accepted revised Study recommendations
- July 15, 2019 – City Council amended a design contract

The project design advertised to contractors is in accordance with the revised staff recommendations presented to the City Council on [December 17, 2018](#), in which the Council approved removal of the south-leg crosswalk and installation of a new crosswalk on the east-leg of the intersection. One new wheelchair ramp will be installed on the northeast corner. Initially, City staff proposed sidewalk bulb-outs on the northwest corner (i.e., Citibank corner) and on the southwest corner at the Transit Center. These bulb-outs were removed from the project design at Caltrans' request and/or concerns that Golden Gate Transit buses could not safely turn without hitting the proposed curbs.

Public Works will contact affected neighbors, businesses, and other groups to ensure that the public is aware of the upcoming construction project via social media channels, the City website, and changeable message signs located at the intersection of Third Street and Irwin Street.

**FISCAL IMPACT:** Staff proposes to fund construction of this project utilizing \$460,000 in federal Highway Safety Improvement Program grant funds. Field inspection and project management will be performed in-house by City staff.

**OPTIONS:**

1. Adopt the resolution as presented.
2. Do not award the contract and direct staff to rebid the project. If this option is chosen, rebidding will delay construction by approximately two months.
3. Do not award the contract and direct staff to stop work on the project. If the City does not advance the project into construction, we will be required to pay back the State of California \$60,000 for federal funds utilized to date for design and environmental clearance.

**ATTACHMENT:**

1. Resolution
2. Agreement

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AWARDING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT FOR THE THIRD STREET AT HETHERTON STREET IMPROVEMENTS PROJECT TO GHILOTTI BROS. INC. IN THE AMOUNT OF \$398,983, AND AUTHORIZING CONTINGENCY FUNDS IN THE AMOUNT OF \$61,017 FOR A TOTAL APPROPRIATED AMOUNT OF \$460,000**

**WHEREAS**, having advertised and solicited construction bids in accordance with the City's Municipal Code, the City Clerk did publicly open, examine, and declare all sealed bids on the 29<sup>th</sup> day of January 2020 for the following project entitled:

**“Third Street at Hetherton Street Improvements Project”**

**City Project No. 11320**

in accordance with the plans and specifications therefore on file in the office of the Department of Public Works; and

**WHEREAS**, the bid of \$398,983 from Ghilotti Bros. Inc. at the unit prices stated in its bid, was and is the lowest and best bid for said work and said bidder is the lowest responsible bidder; and

**WHEREAS**, staff has recommended that the project budget include a contingency amount of \$61,017.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESOLVES** as follows:

1. The bid of Ghilotti Bros. Inc. is hereby accepted at the unit prices stated in its bid, and the contract for said work and improvements is hereby awarded to Ghilotti Bros. Inc., at the stated unit prices.
2. The City Manager is authorized and directed to execute the contract for the project with Ghilotti Bros. Inc. at the bid amount, subject to final approval as to form by the City Attorney, and to return the bidder's bond upon the execution of the contract.



3. The City Council approves and appropriates \$460,000 in federal Highway Safety Improvement Program (HSIP) grant funds to cover expenses for this project.
4. The City Manager is hereby authorized to take any and all such actions and make changes as may be necessary to accomplish the purpose of this resolution.

I, **LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on Tuesday, the 18th day of February 2020 by the following vote, to wit:

**AYES:**           **COUNCILMEMBERS:**  
**NOES:**           **COUNCILMEMBERS:**  
**ABSENT:**       **COUNCILMEMBERS:**

---

**LINDSAY LARA, City Clerk**

## Contract

This public works contract ("Contract") is entered into by and between the City of San Rafael ("City") and Ghilotti Bros. Inc. ("Contractor"), for work on the Third Street at Hetherton Street Improvements Project ("Project").

The parties agree as follows:

1. **Award of Contract.** In response to the Notice Inviting Bids, Contractor has submitted a Bid Proposal to perform the Work to construct the Project. On \_\_\_\_\_, 20\_\_\_\_, City authorized award of this Contract to Contractor for the amount set forth in Section 4, below.
2. **Contract Documents.** The Contract Documents incorporated into this Contract include and are comprised of all of the documents listed below. The definitions provided in Article 1 of the General Conditions apply to all of the Contract Documents, including this Contract.
  - 2.1 Notice Inviting Bids;
  - 2.2 Instructions to Bidders;
  - 2.3 Addenda, if any;
  - 2.4 Bid Proposal and attachments thereto;
  - 2.5 Contract;
  - 2.6 Payment, Performance, and Warranty Bonds;
  - 2.7 General Conditions;
  - 2.8 Special Conditions;
  - 2.9 Project Plans and Specifications;
  - 2.10 Change Orders, if any;
  - 2.11 Notice of Award;
  - 2.12 Notice to Proceed;
  - 2.13 Uniform Standards All Cities and County of Marin (available online at: <https://www.marincounty.org/-/media/files/departments/pw/engineering/2018-ucs-complete-set.pdf?la=en>); and
  - 2.14 The following:
    - Appendix A – Federal Bidding Requirements
    - Appendix B – Federal Contract Requirements
3. **Contractor's Obligations.** Contractor will perform all of the Work required for the Project, as specified in the Contract Documents. Contractor must provide, furnish, and supply all things necessary and incidental for the timely performance and completion of the Work, including all necessary labor, materials, supplies, tools, equipment, transportation, onsite facilities, and utilities, unless otherwise specified in the Contract Documents. Contractor must use its best efforts to diligently prosecute and complete the Work in a professional and expeditious manner and to meet or exceed the performance standards required by the Contract Documents, and in full compliance with Laws.
4. **Payment.** As full and complete compensation for Contractor's timely performance and completion of the Work in strict accordance with the terms and conditions of the Contract Documents, City will pay Contractor \$398,983 ("Contract Price") for all of Contractor's direct and indirect costs to perform the Work, including all labor, materials, supplies, equipment, taxes, insurance, bonds and all overhead costs, in accordance with the payment provisions in the General Conditions.
5. **Time for Completion.** Contractor will fully complete the Work for the Project within 60 calendar days from the commencement date given in the Notice to Proceed ("Contract Time"). By signing below, Contractor expressly waives any claim for delayed early completion.

6. **Liquidated Damages.** If Contractor fails to complete the Work within the Contract Time, City will assess liquidated damages in the amount of \$1,500 per day for each day of unexcused delay in completion, and such liquidated damages may be deducted from City's payments due or to become due to Contractor under this Contract.
7. **Labor Code Compliance.**
  - 7.1 **General.** This Contract is subject to all applicable requirements of Chapter 1 of Part 7 of Division 2 of the Labor Code, including requirements pertaining to wages, working hours and workers' compensation insurance, as further specified in Article 9 of the General Conditions.
  - 7.2 **Prevailing Wages.** This Project is subject to the prevailing wage requirements applicable to the locality in which the Work is to be performed for each craft, classification or type of worker needed to perform the Work, including employer payments for health and welfare, pension, vacation, apprenticeship and similar purposes. Copies of these prevailing rates are available online at <http://www.dir.ca.gov/DLSR>.
  - 7.3 **DIR Registration.** City may not enter into the Contract with a bidder without proof that the bidder and its Subcontractors are registered with the California Department of Industrial Relations to perform public work pursuant to Labor Code § 1725.5, subject to limited legal exceptions.
8. **Workers' Compensation Certification.** Pursuant to Labor Code § 1861, by signing this Contract, Contractor certifies as follows: "I am aware of the provisions of Labor Code § 3700 which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the Work on this Contract."
9. **Conflicts of Interest.** Contractor, its employees, Subcontractors and agents, may not have, maintain or acquire a conflict of interest in relation to this Contract in violation of any City ordinance or requirement, or in violation of any California law, including Government Code § 1090 et seq., or the Political Reform Act, as set forth in Government Code § 81000 et seq. and its accompanying regulations. Any violation of this Section constitutes a material breach of the Contract.
10. **Independent Contractor.** Contractor is an independent contractor under this Contract and will have control of the Work and the means and methods by which it is performed. Contractor and its Subcontractors are not employees of City and are not entitled to participate in any health, retirement, or any other employee benefits from City.

11. **Notice.** Any notice, billing, or payment required by or pursuant to the Contract Documents must be made in writing, signed, dated and sent to the other party by personal delivery, U.S. Mail, a reliable overnight delivery service, or by email as a PDF file. Notice is deemed effective upon delivery, except that service by U.S. Mail is deemed effective on the second working day after deposit for delivery. Notice for each party must be given as follows:

**City:**

City Clerk's Office  
1400 Fifth Avenue, Room 209  
San Rafael, CA 94901  
Attn: City Clerk

Copy to: Director of Public Works  
Email: [Bill.Guerin@cityofsanrafael.org](mailto:Bill.Guerin@cityofsanrafael.org)

**Contractor:**

Name: Ghilotti Bros. Inc.  
Address: 525 Jacoby Street  
City/State/Zip: San Rafael, CA 94901  
Phone: 415-265-7011  
Attn: Dennis Huetter  
Email: [dennish@ghilottibros.com](mailto:dennish@ghilottibros.com)  
Copy to: Susan Harward

12. **General Provisions.**

- 12.1 **Assignment and Successors.** Contractor may not assign its rights or obligations under this Contract, in part or in whole, without City's written consent. This Contract is binding on Contractor's and City's lawful heirs, successors and permitted assigns.
- 12.2 **Third Party Beneficiaries.** There are no intended third party beneficiaries to this Contract.
- 12.3 **Governing Law and Venue.** This Contract will be governed by California law and venue will be in the Marin County Superior Court, and no other place. Contractor waives any right it may have pursuant to Code of Civil Procedure § 394, to file a motion to transfer any action arising from or relating to this Contract to a venue outside of Marin County, California.
- 12.4 **Amendment.** No amendment or modification of this Contract will be binding unless it is in a writing duly authorized and signed by the parties to this Contract.
- 12.5 **Integration.** This Contract and the Contract Documents incorporated herein, including authorized amendments or Change Orders thereto, constitute the final, complete, and exclusive terms of the agreement between City and Contractor.
- 12.6 **Severability.** If any provision of the Contract Documents is determined to be illegal, invalid, or unenforceable, in whole or in part, the remaining provisions of the Contract Documents will remain in full force and effect.
- 12.7 **Iran Contracting Act.** If the Contract Price exceeds \$1,000,000, Contractor certifies, by signing below, that it is not identified on a list created under the Iran Contracting Act, Public

Contract Code § 2200 et seq. (the “Act”), as a person engaging in investment activities in Iran, as defined in the Act, or is otherwise expressly exempt under the Act.

- 12.8 Authorization.** Each individual signing below warrants that he or she is authorized to do so by the party that he or she represents, and that this Contract is legally binding on that party. If Contractor is a corporation, signatures from two officers of the corporation are required pursuant to California Corporation Code § 313. If Contractor is a partnership, a signature from a general partner with authority to bind the partnership is required.

*[Signatures are on the following page.]*

The parties agree to this Contract as witnessed by the signatures below:

**CITY:**

Approved as to form:

s/ \_\_\_\_\_

s/ \_\_\_\_\_

\_\_\_\_\_  
Jim Schutz, City Manager

\_\_\_\_\_  
Robert F. Epstein, City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest:

s/ \_\_\_\_\_

\_\_\_\_\_  
Lindsay Lara, City Clerk

Date: \_\_\_\_\_

**CONTRACTOR:**

\_\_\_\_\_ Business Name

s/ \_\_\_\_\_

Seal:

\_\_\_\_\_  
Name, Title

Date: \_\_\_\_\_

Second Signature (See Section 12.8):

s/ \_\_\_\_\_

\_\_\_\_\_  
Name, Title

Date: \_\_\_\_\_

\_\_\_\_\_  
Contractor's California License Number(s) and Expiration Date(s)

END OF CONTRACT



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Community Development

*Paul A. Jensen*

Prepared by: Paul A. Jensen  
Community Development Director  
Barry Miller, Consulting Project Mgr.

City Manager Approval:

*[Signature]*

**TOPIC: GENERAL PLAN 2040 / DOWNTOWN PRECISE PLAN**

**SUBJECT: GENERAL PLAN 2040 LAND USE MAP – PRELIMINARY REVIEW AND DISCUSSION OF PROPOSED MAP CHANGES**

**RECOMMENDATION:**

Accept Report and Provide Feedback and Direction to Staff on the Land Use Map and Proposed Map Changes

**BACKGROUND:**

**Progress on General Plan 2040**

To date, the Community Development Department staff has provided the City Council with three Progress Reports on the San Rafael General Plan 2040 Update, which includes the Downtown Precise Plan. The Progress Reports provide an opportunity to brief the City Council on the status of the project and solicit input on key policy and procedural issues.

The General Plan 2040 work is supported by a 24-member General Plan 2040 Steering Committee comprised of community stakeholders. The Steering Committee serves as a sounding board for staff on draft policies and programs; it has met 22 times and will wrap-up its work in May 2020. The draft General Plan 2020/Downtown Precise Plan and supportive Draft Environmental Impact Report are anticipated to be published/released in mid-May 2020. During the upcoming months, staff will keep the City Council apprised of the Plan status and major issues through periodic Progress Reports.

**General Plan Land Use Map**

The General Plan Land Use Map (also referred to as the “General Plan Map”) is one of the key elements of the General Plan. All California cities are required to include a Land Use Map in their plans, illustrating the proposed distribution, location, and extent of housing, business, industry, open space, recreation,

---

**FOR CITY CLERK ONLY**

File No.: \_\_\_\_\_

Council Meeting: \_\_\_\_\_

Disposition: \_\_\_\_\_

education, and public buildings in the Plan's horizon year. Local jurisdictions are given considerable flexibility in how this information is displayed.

Consistent with the Progress Report process, this City Council report is informational and focuses on the General Plan Land Use Map and the proposed changes to this map. An [informational report](#) on the Land Use Map was presented to the Planning Commission at its February 11, 2020 meeting. Please refer to the Planning Commission report for a detailed discussion of the Land Use Map and the proposed map changes. The discussion below provides a briefer summary of the information in the Planning Commission report.

State law requires that the Land Use Element of the General Plan define the "standards of population density and building intensity recommended for the various districts and other territory covered by the Plan" (Gov Code Sec 65302(a)). This means that multiple residential categories are shown on the map, each differentiated by the number of housing units allowed per acre (density). Commercial and industrial categories usually include a metric (such as floor area ratio) that can be used to determine the allowable size of buildings.

## **ANALYSIS:**

### **Proposed Changes to the Land Use Map**

The General Plan 2040 draft Land Use Map has been completed (Attachment 1). A summary of the proposed changes to this map for General Plan 2040 is as follows:

1. Reduction in Land Use Map categories. The number of land use categories is proposed to be reduced from 28 to 19 to simplify the map and to consolidate/eliminate categories that are very similar in their definition and purpose. The list of updated land use categories is presented in Attachment 2.
2. For all Residential land use categories, the density factor is being shifted from "gross" to "net" density. Density is reflected by allowed "units per acre." The "gross" units per acre standard takes into account and includes land area used for streets, easements, common open spaces and undeveloped land, while "net" units per acre excludes these areas and covers only those areas where buildings can be constructed. The use of gross units per acre is common in undeveloped communities that have a large potential for growth, new roadways and infrastructure. The shift to "net" units per acre is logical because: a) it is commonly used in communities like San Rafael that do not have large, undeveloped tracts of land (e.g., green fields) that are available for development; and b) "net" density is the metric that is used for San Rafael's zoning districts.
3. Consolidation of the Downtown land use categories. With the concurrent preparation and adoption of a Downtown Precise Plan, the Land Use Map need only identify a single land use category for Downtown ("Downtown Mixed-Use" category). The single land use category would replace the six (6) existing land use categories on the Land Use Map.
4. Consolidation of the Office and Parks and Open Space land use categories. The current General Plan 2020 Land Use Map has three "office" land use categories, which differ by use allowance nuances. Similarly, the current map distinguishes "parks" and "open space" into two categories. These categories have the same land use characteristics. The consolidation of multiple categories into one for each of these land uses would simplify the Land Use Map and its applications.



5. Merging the Lindero Mixed-Use and Light Industrial/Office land use categories. As is the case with the various “office” land use designations, there are few differences between the Lindero Mixed-Use and Light Industrial/office land use categories. Merging the two categories would simply the Land Use Map and its application.
6. Addition of a Sea Level Rise Adaptation Overlay. The overlay appears as a line on the Land Use Map and represents the 2050 sea level rise prediction with inclusion of the 100-year flood line. The depicted prediction follows the Marin County BayWAVE Vulnerability Assessment. A list of sea level rise policies and programs has been drafted and included in the General Plan 2040 Safety Element. The map overlay is referenced in these policies and programs. The map overlay has four purposes: a) public awareness and disclosure; b) a framework for establishing regulation (e.g., building elevation requirements); c) planning for adaptation; and d) funding and financing.
7. Staff-initiated Map Changes. Staff-initiated changes in the Land Use Map are presented on pages 5-8 and in Attachment 3 of the [Planning Commission report](#). Most of the staff-initiated map changes are housekeeping, such as: a) correcting errors and adjustments to reflect actual built land uses and densities; b) adjustments to parcel patterns; and c) formalizing previous land use category approvals to specific properties (e.g., Loch Lomond Marina). There are a handful of sites that are proposed to be re-designated to a different land use category to implement the recommendations of the 2013 Civic Center Station Area Plan (e.g., Public Storage and Northgate Security Storage sites) or to reflect a change in the property status (e.g., dedication of residential lots at the terminus of Greenwood Avenue for public open space).
8. Map Amendments requested by Property Owners. In response to a “Call for Applications” issued by the City in April 2019, the City received four requests from property owners to change the land use category for specific sites/areas. These requests for changes in the Land Use Map are presented on pages 8-10 and in Attachment 4 of the [Planning Commission report](#). The map amendment requests are for the following properties:
  - a. 3301 Kerner Boulevard
  - b. Caltrans-owned properties and land areas under US 101
  - c. 86 Culloden Park Road
  - d. 435 DuBois Street (Jackson’s Hardware)

The Planning Commission report summarizes the staff’s response to and recommendations for these requested map amendments.

### **Planning Commission Review**

As noted above, on February 11, the Planning Commission reviewed the Land Use Map and proposed changes. The Commission generally concurred with Staff’s recommendations regarding the land use category definitions, as well as the staff-initiated Map changes. With respect to the owner-initiated applications, the Commission agreed with Staff’s recommendations on the Caltrans, Culloden Park, and 3301 Kerner Boulevard requests. The Commission was split on the request from 435 DuBois (Jackson’s Hardware), with some Commissioners favoring a change to “Community Commercial Mixed Use” and some agreeing with the staff recommendation to retain the “Industrial” designation. Several members of the public spoke, encouraging the Commission to be mindful of access, design, and density issues for the proposed changes on two parcels west of the Civic Station SMART station.

The Planning Commission meeting can be viewed [here](#).

**COMMUNITY OUTREACH:**

A public notice of this meeting was mailed to stakeholders, agencies and special interest groups 15-days prior to this meeting (Attachment 3). Those noticed included, among others, all neighborhood associations in the city, the San Rafael Chamber of Commerce, and members of the General Plan 2040 Steering Committee. Notice of this report was also provided on the General Plan 2040 [meetings and events webpage](#).

**FISCAL IMPACT:**

This report is informational and has no fiscal impact.

**OPTIONS:**

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

1. Accept report and provide feedback and direction on the land use map and proposed map changes, as recommended by staff;
2. Reject the report and staff to return with more information; or
3. Take no action.

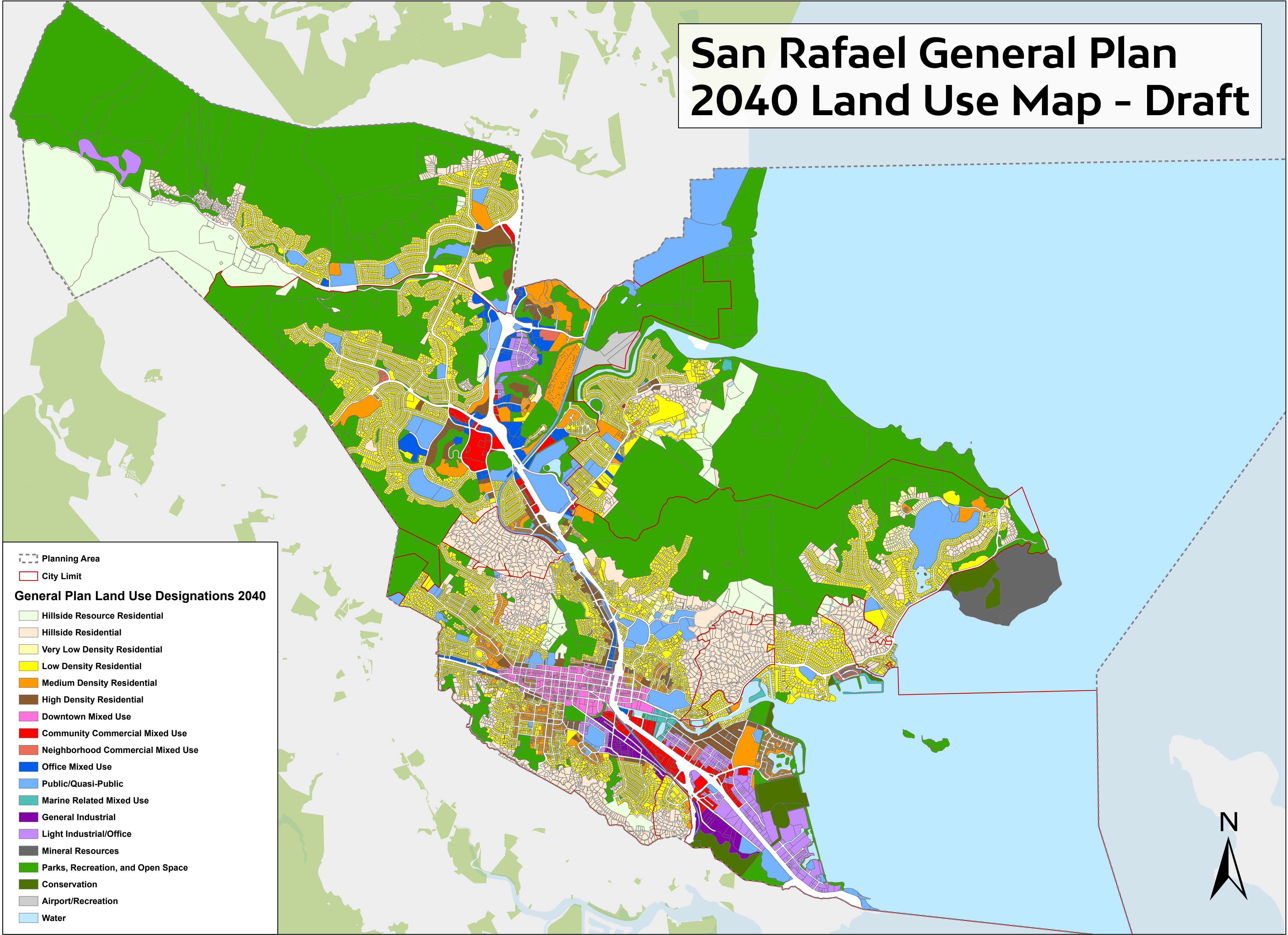
**RECOMMENDED ACTION:**

Accept Report

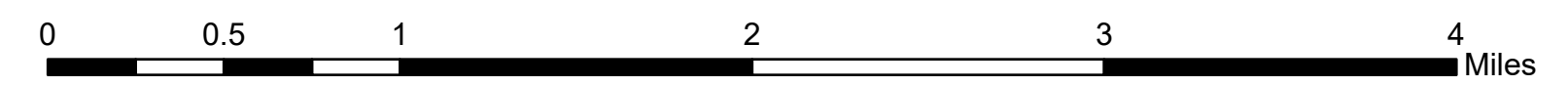
**ATTACHMENTS:**

1. Draft General Plan 2040 Map (PDF file designed for large format printing)
2. Land Use Categories
3. Post-Card Notice of Meeting

# San Rafael General Plan 2040 Land Use Map - Draft



- Planning Area
  - City Limit
- General Plan Land Use Designations 2040**
- Hillside Resource Residential
  - Hillside Residential
  - Very Low Density Residential
  - Low Density Residential
  - Medium Density Residential
  - High Density Residential
  - Downtown Mixed Use
  - Community Commercial Mixed Use
  - Neighborhood Commercial Mixed Use
  - Office Mixed Use
  - Public/Quasi-Public
  - Marine Related Mixed Use
  - General Industrial
  - Light Industrial/Office
  - Mineral Resources
  - Parks, Recreation, and Open Space
  - Conservation
  - Airport/Recreation
  - Water



## ATTACHMENT 2: DRAFT GENERAL PLAN 2040 LAND USE CATEGORIES

### RESIDENTIAL CATEGORIES

There are six residential designations used on the General Plan Map. Five of these correspond to traditional residential neighborhoods while the sixth is applied to constrained, mostly undeveloped lands with very limited development potential. In all residential areas, the following general conditions apply:

1. Some of the categories on the General Plan Map have multiple corresponding zoning districts. The designation of an area with a particular category does not mean that the most intense zoning district consistent with that category is automatically permitted.
2. The maximum density stated in each case is subject to State density bonus laws. These laws allow a 35 percent increase in the number of permitted units for projects meeting specific criteria with respect to the inclusion of affordable housing units.
3. Pursuant to state law, accessory dwelling units may not be counted as a dwelling unit when calculating the number of units permitted on a property under the General Plan.
4. Other compatible uses, such as schools, child care centers, parks, and religious facilities, may also locate in areas with this designation, subject to a Floor Area Ratio limit of 1.0.

#### **Hillside Resource Residential (Maximum 0.5 units per net acre)**

This designation is intended for privately owned land, typically with geologic or seismic constraints that limit development potential. Such areas are often located on steep hillsides that are visually significant and have been identified as having very limited potential through prior development proposals. Hillside Resource Residential Areas include single family homes on very large acreage tracts, as well as undeveloped properties.

#### **Hillside Residential (0.5 to 2.2 units per net acre)**

Hillside Residential areas are residential neighborhoods characterized by moderate to steep slopes, with lots that generally exceed 20,000 square feet. These areas may have geologic and seismic constraints, local visual significance, and access constraints that limit their suitability for development at greater densities. Many of these areas are in unincorporated Marin County, within the San Rafael sphere of influence. Examples include the Country Club and Los Ranchitos neighborhoods.

#### **Very Low Density Residential (0.5 to 2.2 units per net acre)**

These areas are similar in density to Hillside Residential areas, but are on flat or gently sloping terrain. Lots are generally larger than 20,000 square feet and are developed with single family detached homes. Subdivision potential is limited. Land with this designation is concentrated in the Dominican area and Peacock Gap.

#### **Low Density Residential (2.2 to 8.7 units/net acre)**

This designation permits detached single family homes and is characterized by lots of 5,000 to 20,000 square feet. This is the predominant residential development type in San Rafael and includes most of the city's single family neighborhoods. Multiple zoning districts apply within Low Density Residential areas, distinguishing areas with different minimum lot sizes.

### **Medium Density Residential (8.7-21.8 units/net acre)**

This designation applies to patio home and small lot subdivisions, townhomes, mobile home parks, duplexes, triplexes, fourplexes, attached units in planned developments, and areas characterized by a mix of single family homes and small multi-unit buildings. A variety of lot sizes may be present, but overall net densities may not exceed one unit per 2,000 square feet of lot area (21.8 units/acre). Many areas with this designation possess the qualities of single family neighborhoods, including landscaped yards, off-street parking, and low building heights.

### **High Density Residential (21.8-43.6 units/net acre)**

This is the highest density category that applies in residential areas. Densities above this range may be permitted in the Downtown Mixed Use area only, or where otherwise allowed as a result of density bonuses. The designation applies to multi-family residential areas and includes a mix of housing types, including apartments, flats, condominiums, and townhomes. Overall net densities may not exceed one unit per 1,000 square feet of lot area (43.6 units per acre). On larger parcels with this designation, amenities such as swimming pools, community rooms, and common open space are often included.

## **MIXED USE CATEGORIES**

There are five mixed use categories on the map. Each category allows a mix of residential and non-residential uses, although the primary intent is to support employment and revenue generating activities. Residential uses in these areas may be subject to specific requirements or findings related to compatibility with adjacent commercial uses and the City's desire to sustain retail, service, office, and similar economically-productive uses. Multiple zoning districts may be used in each category to differentiate the intensity or mix of activities allowed. The most intense zoning district deemed consistent with a given category is not automatically permitted. As in residential areas, projects incorporating affordable housing are subject to a State density bonus allowance of up to 35 percent. Other compatible uses, such as schools, child care centers, parks, and religious facilities, may locate in each designation, subject to specific requirements codified through zoning.

### **Downtown Mixed Use (Maximum FAR 2.0)**

This category corresponds to properties in Downtown San Rafael. It includes the highest development densities and intensities in the city, and contains a mix of housing, office, retail, service, and public land uses. Development in this area is guided by the Downtown San Rafael Precise Plan, which includes further detail on building form, development intensity, and allowable uses. The maximum FAR of 2.0 applies only where shown in the Downtown Precise Plan; lower FAR and density limits apply on most parcels within the Precise Plan boundaries. There is no residential density limit in the Downtown Mixed Use area; however, height and FAR limits define the maximum building envelope on each site with this designation. Moreover, the total number of net new residential units added within the Downtown Precise Plan boundary between 2020 and 2040 shall not exceed 2,200.

### **Community Commercial Mixed Use (21.8-43.6 units/net acre; maximum non-residential FAR 0.30)**

This category corresponds to general retail and service uses, restaurants, automobile sales and service uses, hotels/ motels, and other commercial activities. Offices are also permitted, subject to General Plan policies regarding priority uses in specific areas. Housing is also permitted, ideally as ancillary to commercial uses and other activities generating sales tax, jobs, and local service opportunities. Mixed use projects that combine housing and commercial uses are encouraged. Residential development is subject to a maximum net density of 43.6 units per acre, as well as General Plan policies that may

further guide the use of key opportunity sites or corridors. The FAR limit of 0.3 applies to non-residential square footage only, and excludes square footage associated with housing in mixed use projects. Lower FAR limits may apply on some parcels, as indicated on Figures # and # (Floor Area Ratio maps). Areas with this designation include the Northgate Town Center, Merrydale Road area, and portions of Francisco Boulevard East and West.

**Neighborhood Commercial Mixed Use (8.7 to 24.2 units/net acre; maximum non-residential FAR 0.32)**

This category corresponds to neighborhood-serving retail and service uses such as pharmacies, supermarkets, and dry cleaners. Residential and ancillary office uses are allowed, subject to policies in the General Plan and zoning standards establishing the conditions for these uses. A maximum net density of 24.2 units per acre applies to projects that include residential uses. The FAR limit of 0.32 applies to non-residential square footage only, and excludes square footage associated with housing in mixed use projects. Lower FAR limits may apply on some parcels, as indicated on Figures # and # (Floor Area Ratio maps). Areas with this designation include small neighborhood shopping centers, and pockets of local retailers, the Regency Theater, and the B Street corridor south of Downtown.

**Office Mixed Use (21.8-43.6 units/net acre; maximum non-residential FAR 0.40)**

This category corresponds to areas where office is the prevailing land use. Typical activities include general offices, medical and professional offices, and administrative or headquarters offices. Different zoning districts have been developed to reflect the specific combinations of uses that are desired in each area. These include office-residential areas and office-retail areas, as well as a general office district. Residential uses are allowed in all of these areas, subject to specific zoning standards and permitting requirements as well as policies in the General Plan. A maximum net density of 43.6 units per acre applies to projects that include residential uses. The non-residential portion of such properties is subject to an FAR limit of 0.4. Lower FAR limits may apply on some parcels, as indicated on Figures # and # (Floor Area Ratio maps).

**Marine Related Mixed Use (8.7 to 21.8 units/net acre; maximum non-residential FAR 0.32)**

This category includes water dependent businesses such as boat building; boat repair, sales and service uses; and boat charter services. Other uses that draw people to the waterfront are allowed, including shopping centers, restaurants, hotels/ motels; retail and parks. Residential use and non-marine related office is allowed on the second floor and above. Where residential uses are included, they are subject to a maximum density of 21.8 units per net acre. The non-residential square footage on any given site is subject to a FAR limit of 0.32. Lower FAR limits may apply on some parcels, as indicated on Figures # and # (Floor Area Ratio maps).

**INDUSTRIAL CATEGORIES**

There are two industrial categories on the General Plan Map. Residential uses are generally not permitted in these areas, so a density standard is not included.

**General Industrial (Maximum FAR 0.33)**

This is the broader of the two industrial categories, with a variety of production, distribution, and repair uses allowed. These areas play an essential role in the Marin County economy, create local jobs, and provide a high volume of tax revenue for San Rafael. General Industrial areas include activities such as manufacturing, storage and warehouse facilities, motor vehicle service and repair, contractor uses and yards, wholesalers, sand and gravel plants, solid waste management and recycling facilities, and trucking

yards or terminals. Uses that are incidental or ancillary to these activities also may occur, including offices related to the primary use and employee-oriented retail uses. Given the potentially impactful nature of these uses, buffering and screening may be required to enhance public rights of way and ensure land use compatibility. A maximum FAR of 0.33 applies, although lower limits may apply on some parcels as indicated on Figures # and # (Floor Area Ratio maps).

#### **Light Industrial/Office (Maximum FAR 0.38)**

Like the General Industrial areas, the Light Industrial/ Office (LI/O) areas are characterized by a variety of production, distribution, and repair activities. However, the range of industrial uses is more limited than in General Industrial areas, reflecting the design of these areas as business parks or their proximity to more sensitive uses such as housing. Typical uses include repair and servicing, “maker” activities (woodworking and carpentry shops, creative businesses, etc.), research and development, e-commerce activities, light manufacturing, and tech-related activities. On sites larger than 10 acres with this designation, and in buildings of 50,000 square feet or greater, region-serving specialty retail uses (including “big box” type uses) may be appropriate. Other specialty retail uses may be allowed to occupy minor portions of the LI/O districts provided that intensity and traffic standards are met and the integrity of the district is not threatened. LI/O districts are subject to a maximum FAR of 0.38, although lower limits may apply on some parcels as indicated on Figures # and # (Floor Area Ratio maps). Multiple zoning districts apply within LI/O areas. At least one of these districts, mapped in the Lindaro Street/ Jordan Road area, includes allowances for live-work development.

### **PUBLIC, OPEN SPACE, AND MISCELLANEOUS CATEGORIES**

#### **Public/ Quasi Public (Maximum FAR 1.0)**

This designation denotes public schools, libraries, post offices, churches, public hospitals, and institutional facilities such as Dominican University and Marin Academy. It also is applied to major utility properties and public facilities. The maximum FAR is 1.0, although this level of intensity is not appropriate in all instances. Additionally, exemptions from development standards may be granted if findings are made that a higher FAR is necessary for public health or safety purposes. While housing is not envisioned on land with this designation, it may be acceptable in circumstances prescribed by the General Plan or zoning regulations. In such instances, net densities should be compatible with prevailing allowable densities in the vicinity and existing improved open space should be retained for public use.

#### **Mineral Resources (Maximum FAR 0.02)**

This designation applies to quarry and brick yard uses which utilize mineral resources of regional significance. It applies only to the San Rafael Rock Quarry and McNear Brick and Block properties on the San Pedro Peninsula. Future activities on these lands are subject to further policy guidance as provided by the General Plan.

#### **Parks, Recreation, and Open Space**

This designation denotes land which is used for parks, recreation, and open space (PROS), including City parks, County and State Parks, common open space within private development, cemeteries, and areas acquired for resource conservation, hazard reduction, and passive recreation such as hiking. Permitted uses include athletic fields, sports facilities, civic buildings with a primarily recreational or social function, and leisure-oriented uses such as picnic areas, boat slips, and tot lots. Land with this designation is further classified in the PROS Element of the General Plan as “improved” or “natural.”

## **Conservation**

This designation denotes land which is to remain undeveloped due to high environmental sensitivity, exceptional visual resource value, or hazards such as wildfire, slope instability, and flooding, including inundation related to sea level rise. Areas with this designation include a combination of privately owned properties and areas owned by utilities and conservation groups. On private properties, this designation is generally applied to the portion of the site that has been determined to be undevelopable due to the factors listed above. The primary objective in Conservation areas is to manage and restore natural resources, and to minimize environmental hazards and associated threats to life and property. Where appropriate, compatible activities such as agriculture and recreation may be considered.

## **Airport/Recreation**

This designation applies to the San Rafael Airport. Land uses are governed by a covenant agreed to by the City, Marin County, and the property owner. The agreement recognizes the unique and valuable recreational and environmental characteristics of the airport site and identifies a limited range of uses including airport and ancillary airport services, light industry, utilities, and private and public recreation.

## **Water**

This designation applies to the navigable waters of San Francisco and San Pablo Bays, the San Rafael Canal, and associated marinas along the San Rafael shoreline. The designation provides an opportunity for a limited number of water dependent uses which require water access as a central element of their function and which contribute to the maritime character of the area.

## **Undesignated Areas**

“Undesignated” areas include street rights-of-way and State property associated with US Highway 101 and Interstate 580. In the event that such land is leased or otherwise used for purposes other than transportation, the activities should be consistent with the General Plan designations on adjoining private properties.



## ATTACHMENT 3



**SAN RAFAEL**  
THE CITY WITH A MISSION

### NOTICE OF PUBLIC HEARING – CITY COUNCIL

You are invited to attend the City Council hearing on the following proposed project:

**PROJECT: General Plan 2040 Land Use Map** – Review of the Preliminary General Plan 2040 Land Use Map, including proposed amendments in response to new land use categories, staff-initiated changes, and property owner requests. File No(s). GPA16-001 & P16-13.

*Discussion of the proposed Map is the first in a series of actions to be considered by the City Council later in 2020 related to adoption of an updated General Plan and Downtown Precise Plan. It has been determined that an Environmental Impact Report (EIR) will be required for this project. A Draft EIR will be published in several months, concurrently with the release of the General Plan and Downtown Precise Plan documents.*

**MEETING DATE/TIME/LOCATION:** Tuesday, February 18, 2020, 7:00 p.m. City Council Chambers, 1400 Fifth Ave at D St, San Rafael, CA.

**FOR MORE INFORMATION:** Contact Barry Miller, Contract Planner at (415) 485-3423 or [barry.miller@cityofsanrafael.org](mailto:barry.miller@cityofsanrafael.org). You can also come to the Planning Division office, located in City Hall, 1400 Fifth Avenue, San Rafael, CA 94901 to look at the file for the proposed project. The office is open from 8:30 a.m. to 4:30 p.m. on Monday, Tuesday and Thursday, and 8:30 a.m. to 1:30 p.m. on Wednesday. The public counter is closed on Friday. You can also view the staff report after 5:00 p.m. on the Friday before the meeting at <http://www.cityofsanrafael.org/meetings>

**WHAT WILL HAPPEN:** The report to the City Council is informational so there will be no formal action taken. However, you can comment on the preliminary land use map and the proposed changes. The City Council will be asked to provide feedback and comments on the map and map changes.

**IF YOU WANT TO COMMENT:** You can send written correspondence by email to the address above, or by mail/hand delivery to the Community Development Department, Planning Division, City of San Rafael, 1400 5<sup>th</sup> Avenue, San Rafael, CA 94901.

At the above time and place, all letters received will be noted and all interested parties will be heard. If you challenge in court the matter described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered at, or prior to, the above referenced public hearing (Government Code Section 65009 (b) (2)).

*Language interpreters and assistive listening devices may be requested by calling (415) 485-3066 (voice), emailing [Lindsay.lara@cityofsanrafael.org](mailto:Lindsay.lara@cityofsanrafael.org) or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. 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.*

# 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:

**02/08/2020**

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

Dated this 10th day of February, 2020.



Signature

## PROOF OF PUBLICATION

Legal No. **0006456879**

### CITY OF SAN RAFAEL

#### NOTICE OF PUBLIC HEARING

You are invited to attend the City Council hearing on the following project:

**DATE/TIME/PLACE:**  
**Tuesday, February 18, 2020 at 7:00 P.M.**  
**City Hall Council Chambers,**  
**1400 Fifth Avenue, San Rafael, CA 94901**

**PROJECT: General Plan 2040 Land Use Map –** Review of the preliminary General Plan 2040 Land Use Map, including proposed amendments in response to new land use categories, staff-initiated changes, and property owner requests. File No(s). GPA16-001 & P16-13.

Discussion of the proposed Map is the first in a series of actions to be considered by the City Council later in 2020 related to adoption of an updated General Plan and Downtown Precise Plan. It has been determined that an Environmental Impact Report (EIR) will be required for this project. A Draft EIR will be published in several months, concurrently with the release of the General Plan and Downtown Precise Plan documents.

**WHAT WILL HAPPEN:** The report to the City Council is informational so there will be no formal action taken. However, you can comment on the preliminary land use map and the proposed changes. The City Council will be asked to provide feedback and comments on the map and map changes.

**IF YOU CANNOT ATTEND:** You can send written correspondence by email to the address above, or by mail/hand delivery to the City Clerk, City of San Rafael, 1400 5th Avenue, San Rafael, CA 94901.

**FOR MORE INFORMATION:** Contact Barry Miller, Contract Project Manager at **(415) 485-3423** or **barry.miller@cityofsanrafael.org**. You can also come to the Planning Division office, located in City Hall, 1400 Fifth Avenue, to look at the file for the proposed project. The office is open from 8:30 a.m. to 4:30 p.m. on Monday, Tuesday and Thursday, and 8:30 a.m. to 1:30 p.m. on Wednesday. The public counter is closed on Fridays. You can also view the staff report after 5:00 p.m. on the Thursday before the meeting at <http://www.cityofsanrafael.org/meetings>

#### SAN RAFAEL CITY COUNCIL

/s/ Lindsay Lara  
Lindsay Lara  
CITY CLERK

NO. 148 February 8, 2020



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Public Works**

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

**City Manager Approval:**

File No.: 16.01.241.01

**TOPIC: FRANCISCO BOULEVARD EAST SIDEWALK IMPROVEMENTS**

**SUBJECT: INFORMATIONAL REPORT ON THE FRANCISCO BOULEVARD EAST SIDEWALK IMPROVEMENTS PROJECT**

---

**RECOMMENDATION:** Staff recommends that the City Council accept the informational report.

**BACKGROUND:** Grand Avenue and Francisco Boulevard East form the primary corridor for residents living in the Canal Neighborhood, the most densely populated area in Marin County, to access the San Rafael Transit Center, SMART train station, Montecito Plaza, and San Rafael High School. Local street connections between the Canal Neighborhood and the rest of the City are severely limited by the constraints of the San Rafael Canal waterway, the existing Grand Avenue Bridge, Highway 101, and Interstate 580.

The Francisco Boulevard East Sidewalk Improvements project (“Sidewalk Project”) is the final phase of a multi-project, long-term vision that will fill a significant bicycle/pedestrian safety gap within a major north-south corridor and will successfully link to other recently constructed bicycle/pedestrian improvements, most notably the pedestrian bridge crossing the San Rafael Canal installed in 2019. Upon completion of the Sidewalk Project, a seamless bicycle/pedestrian facility from Downtown to the Canal Neighborhood will be realized and greatly improve safety and connectivity in East San Rafael thus fulfilling a long-standing, high-priority project for the San Rafael City Council.

Over the course of several years, City staff pursued construction funding for the Sidewalk Project through various grant opportunities. In 2016, the City applied for a federal grant through the Active Transportation Program (ATP) administered by Caltrans. The application was favorably received, and subsequently the City was awarded \$4,025,000 in construction funds. To augment the ATP grant funding, City staff worked closely with the Transportation Authority of Marin (TAM) and identified an additional \$2,100,000 of federal funds thus bringing the construction budget to \$6,125,000. While a local match from the City was initially required to be spent during the construction phase to fulfill commitments the City made as part of its grant applications, we recently received approval that City funds previously spent during the design and right of way phases of the project fulfill this local match requirement. As such, the City will deliver the construction of the Sidewalk Project without committing additional local funds.

---

**FOR CITY CLERK ONLY**

**File No.:**

**Council Meeting:**

**Disposition:**

In February 2020, staff will advertise this project to solicit contractor bids and return this spring before the City Council to recommend an award of a construction contract as well as to award a contract for full-time field inspection.

**ANALYSIS:** The Sidewalk Project limits span almost  $\frac{3}{4}$  of a mile along a busy roadway and heavily utilized, but narrow, sidewalk. Staff have spent considerable time conceptualizing how a contractor might approach building the project in a safe and expeditious way that minimizes disruption to businesses and residents. While the City does not dictate the means and methods by which a contractor executes a construction project, staff have placed parameters in our specifications that the contractor must adhere to, including breaking up construction into segments. These parameters, which will impact construction costs and timeline, include the following:

- Night Work (Grand Avenue to Harbor Street) – there is no parallel alternative route in this part of Francisco Blvd East so in order to have enough working space for large, heavy equipment, while providing a temporary space in the roadway for pedestrian usage, staff proposes the contractor build the sidewalk improvements at night between the hours of 9 PM and 6 AM. The contractor would allow two-way traffic utilizing flag persons on one lane on the roadway. Performing this type of traffic control during daytime hours would exacerbate congestion in this already busy area.
- Day Work (Harbor Street to Vivian Way) – there is a parallel alternative route in this part of East Francisco Blvd East so in order to reduce both construction costs and minimize the noise associated with night work, staff proposes the contractor build the sidewalk improvements in this section during daytime hours between 7 AM and 5 PM. To accomplish this, a vehicular detour plan has been identified as shown in Attachment 1. All southbound traffic (traffic from downtown heading to the Canal neighborhood), will pass through the project limits unimpeded. However, northbound traffic will be detoured onto Medway Road, Front Street, and Harbor Street before re-joining Francisco Boulevard East. Pedestrians will not be detoured and will be granted a dedicated space to use within the construction limits. Some on-street parking removal is anticipated to allow large vehicle turning movements. Staff anticipates the temporary removal of up to 35 spaces along the detour route.

In addition to bisecting the Sidewalk Project into night and day work, staff will direct the contractor to subdivide the work zone into smaller sections. Full removal of the existing sidewalk for the length of the project corridor will not be permitted all at one time. Staff will require to the contractor work within two City blocks as much as possible to remove the existing sidewalk and replace it before moving on to the next block. It may be that more than one block is in active construction while different contracting crews leap-frog each other performing their various tasks, including landscaping, electrical, and drainage work.

**PUBLIC OUTREACH:** In [August 2018](#), the City Council awarded a professional services agreement to BKF Engineers to assist in bringing the Sidewalk Project to fruition. In January 2019, City staff worked with our consultant to generate public mailers to inform residents and business owners of this project. Approximately 350 mailers were distributed directing interested parties to review the [City's website](#) for updated information on the project.

In August 2019, staff presented this project before the Bicycle and Pedestrian Advisory Committee (BPAC) to inform them of the project timeline and give a status update on the development of the design.

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 3**

With construction approaching this summer, staff will again renew its public outreach to property owners and businesses along Francisco Boulevard East by going door-to-door as we did in summer of 2019. This personal face-to-face contact has been appreciated by impacted property owners and allows them to ask questions pertaining to their specific situation. Furthermore, a new series of mailers, both in English and Spanish, will be produced and mailed to many properties near the project limits as well as key stakeholders, including Canal Alliance, the Multicultural Center of Marin, and San Rafael High School.

Lastly, staff recently met with a working group to review the project and inform them of potential impacts. Internally, group members included staff from fire, police, parking services, San Rafael Sanitation District, and Digital Service and Open Government while external clients included representatives from Marin Transit and Golden Gate Transit. Additionally, on January 22, 2020, a test-run with a Golden Gate Transit bus was driven along the proposed one-way route on Front Street to confirm the detour route will work for bus operators.

**FISCAL IMPACT:** This is an informational report which has no direct fiscal impact on the City. When a construction contract is ready for award this spring, staff will return with this item before the City Council for action.

### **OPTIONS:**

1. Accept the informational report as presented.
2. Do not accept the informational report.
3. Direct staff to return with more information.

### **ATTACHMENT:**

1. Map of the Project Limits



- DAY-TIME WORK
- NIGHT-TIME WORK
- DETOUR (NORTHBOUND VIA FRONT STREET)