

TODD C. HEDIN
<todd@toddhedin.com>

JEFFREY E. EHLENBACH
a professional corporation
<ehlenbach@earthlink.net>

HEDIN & EHLENBACH
AN ASSOCIATION OF ATTORNEYS
COURTHOUSE SQUARE
1000 FOURTH STREET, SUITE 600
SAN RAFAEL, CA 94901

TELEPHONE (415) 453-0534
FACSIMILE (415) 453-0441

PETER E. MITCHELL (Retired)
ROBERT D. PRAETZEL (Retired)

THOMAS C. NELSON (1892 – 1975)
THOMAS P. BOYD (1914 – 1984)
D.K. MACDONALD (1928 – 2016)

April 17, 2020

City of San Rafael
Department of Public Works
Attn: April Miller, PE, Senior Civil Engineer
1400 Fifth Avenue
San Rafael, CA 94901

Re: Francisco Blvd. West One-Way Conversion Project

Dear Ms. Miller:

My office represents JoAnn Emerzian, Trustee of The Homer and Lillian Rickards Trust. The Rickards Trust owns the property at 668 Irwin Street, San Rafael, at the corner of Francisco Boulevard West, which is occupied by Toscalito Tire and Automotive. Ms. Emerzian has received your Department's notification dated April 3, 2020 regarding pending construction of a proposed Francisco Blvd. West One-Way Conversion project.

The Rickards Trust opposes the plan of the project. Two-way through traffic on Francisco Boulevard West adds substantially to the businesses which will be affected by loss of westbound traffic on Francisco Boulevard. The directly affected businesses are Toscalito Tire and Automotive, Staples, Sprouts, the additional businesses which occupy the Sprouts shopping center, the Tech Center to the east of Irwin Street and the parcels west toward Second Street from Irwin and the Sprouts location. Obviously, property values of the affected commercial properties will be diminished in direct consequence of business impairment which would result from the one-way conversion plan.

San Rafael's premise given for the conversion plan is "safety reasons" due to cars traveling east on Second Street being stopped by automobile traffic on the SMART tracks. My client acknowledges that eastbound traffic on Second Street at the SMART tracks crossing is a mess at evening commute hours. SMART has created traffic problems all through downtown San Rafael. However, logically, (1) westbound traffic on Francisco Boulevard West is NOT the source of a SMART train traffic problem for Second Street and (2) diverting westbound Francisco Boulevard West traffic to Lincoln Avenue will not alleviate the commute hour problem for Second Street. The Francisco Boulevard West businesses and property owners should not be singled out to pay the price for problems caused by SMART.

City of San Rafael
Department of Public Works
Attn: April Miller, PE, Senior Civil Engineer
April 17, 2020
Page 2

At almost any time of the workday other than evening commute hours, traffic traveling westward on Francisco Boulevard West, controlled by the traffic lights at the intersection with Second Street, does not contribute to traffic stoppage on Second Street. There simply is not problematic eastbound traffic at daytime business hours on Second Street. Furthermore, a substantial portion of Francisco Boulevard's traffic doesn't add to eastbound traffic on Second Street. Instead a meaningful portion of Francisco Boulevard West's traffic crosses over Second Street to Tamalpais Avenue and either turns left onto Third Street to continue westward toward San Anselmo or continues north to Fourth Street. And at any time, whether commute hour or not, cars traveling westward on Francisco Boulevard which wish to take Highway 101 southward will not be stuck on the SMART tracks because there is a clear path from atop the tracks to the Highway 101 southbound on-ramp.

If San Rafael has conducted a traffic study which shows that westbound traffic on Francisco Boulevard West deposits cars stuck upon the SMART tracks or impacts the through traffic of Second Street during evening weekday commute hours, why not control that with signals or signage? For Francisco Boulevard West cars which wish to travel to east San Rafael or travel north on Highway 101 during commute hours, they could be directed by signage to travel north on Tamalpais to Fourth Street and to turn right on Fourth.

Most of the retail business traffic, which benefits all of the properties on Francisco Boulevard West, is non-commute hour weekday traffic or weekend shopping traffic. San Rafael's one-way conversion plan would unfairly impair business hour enterprise during prime business hours for all of those businesses and properties for only minimal, if any, "safety reason" gain at the SMART tracks crossing of Second Street during weekday commute hours. That seems an unfair burden to impose on affected business and property owners along Francisco Boulevard West.

Additionally, San Rafael's proposed re-routing of westbound traffic of Francisco Boulevard West to Lincoln Avenue would not alleviate the evening commute hour problem which Second Street currently has at the SMART tracks. That problem is caused by all the accumulated eastbound evening commute traffic on Second Street running into northbound traffic of Highway 101 exiting from the highway into San Rafael. Diverting what is now westbound traffic on Francisco Boulevard West to Lincoln Avenue will not decrease the number of "Francisco Blvd. vehicles" needing to cross over the SMART tracks – it will merely make their starting point one block farther to the west, adding them in one block earlier to the current problematic traffic flow.

City of San Rafael
Department of Public Works
Attn: April Miller, PE, Senior Civil Engineer
April 17, 2020
Page 3

In sum, while San Rafael's one-way conversion plan for Francisco Boulevard West is unlikely to have material resolution of the "safety reasons" promulgated for the plan, it is likely to impose significant, permanent economic loss to the businesses and property owners which front on Francisco Boulevard West. The one-way conversion plan is a short-period, likely ineffective, proposed band-aid solution to a larger commute hour traffic problem, yet nonetheless a plan which will permanently affect all the Francisco Boulevard West commercial properties by diminishing the weekday work hour and weekend two-way traffic flow on which they depend. No doubt other affected property owners and affected business owners agree with my client: The one-way traffic conversion plan should not be implemented. It should not be imposed upon these owners and their businesses for negligible traffic and safety impact.

Please let my client and me know what public input options San Rafael intends to provide for this planned project and whether affected property and business owners will be notified of their opportunity to submit comment.

Very truly yours,

HEDIN & EHLENBACH

By: Todd C. Hedin

TCH:js
cc: Hon. Gary O. Phillips, Mayor, San Rafael
Robert Epstein, City Attorney
JoAnn R. Emerzian
Affected Property Owners